



# *Government Gazette*

OF THE STATE OF  
NEW SOUTH WALES

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## LEGISLATION

### Assents to Acts

#### ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 30 November 2004

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

Act No. 87 2004 – An Act to repeal the Nursing Homes Act 1988 and a regulation made under that Act and to make miscellaneous amendments to various Acts and instruments that relate to health and associated matters; and for other purposes. [**Health Legislation Further Amendment Bill**]

Act No. 88 2004 – An Act to amend the Threatened Species Conservation Act 1995 and other threatened species legislation to make provision for critically endangered species and ecological communities and to make further provision for conservation of threatened species, threatened species recovery and threat abatement processes and integration with natural resource management and land use planning; and for other purposes. [**Threatened Species Legislation Amendment Bill**]

Act No. 89 2004 – An Act to amend the Stock Medicines Act 1989 to make further provision for the regulation of stock medicines in relation to food producing species, to remove obsolete provisions and to make other amendments in connection with national competition policy reform; and for other purposes. [**Stock Medicines Amendment Bill**]

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

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# Proclamations

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New South Wales

## Proclamation

under the

**Administrative Decisions Tribunal Amendment Act 2004 No 81**

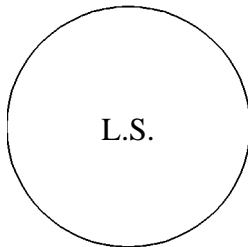
JAMES JACOB SPIGELMAN,

By Deputation from Her Excellency the Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (1) of the *Administrative Decisions Tribunal Amendment Act 2004*, do, by this my Proclamation, appoint 1 January 2005 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 15th day of December 2004.

By Her Excellency's Command,



BOB DEBUS, M.P.,  
Attorney General

GOD SAVE THE QUEEN!



New South Wales

## Proclamation

under the

### Crimes Amendment (Child Pornography) Act 2004

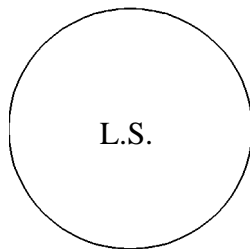
JAMES JACOB SPIGELMAN,

By Deputation from Her Excellency the Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (1) of the *Crimes Amendment (Child Pornography) Act 2004*, do, by this my Proclamation, appoint 1 January 2005 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 15th day of December 2004.

By Her Excellency's Command,



BOB DEBUS, M.P.,  
Attorney General

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### Explanatory note

The object of this Proclamation is to commence the amendments made by the *Crimes Amendment (Child Pornography) Act 2004* that did not commence on assent.



New South Wales

## Proclamation

under the

Gaming Machines Amendment Act 2004

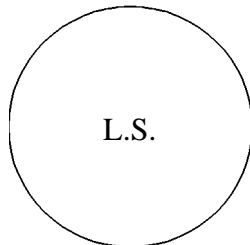
JAMES JACOB SPIGELMAN,

By Deputation from Her Excellency the Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Gaming Machines Amendment Act 2004*, do, by this my Proclamation, appoint 22 December 2004 as the day on which that Act commences.

Signed and sealed at Sydney, this 15th day of December 2004.

By Her Excellency's Command,



GRANT McBRIDE, M.P.,  
Minister for Gaming and Racing

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New South Wales

## Proclamation

under the

Health Legislation Further Amendment Act 2004 No 87

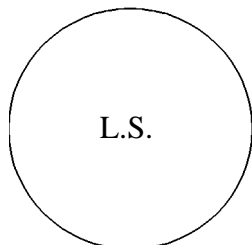
JAMES JACOB SPIGELMAN,

By Deputation from Her Excellency the Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Health Legislation Further Amendment Act 2004*, do, by this my Proclamation appoint 1 January 2005 as the day on which that Act commences.

Signed and sealed at Sydney, this 15th day of December 2004.

By Her Excellency's Command,



MORRIS IEMMA, M.P.,  
Minister for Health

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New South Wales

## Proclamation

under the

Health Services Amendment Act 2004

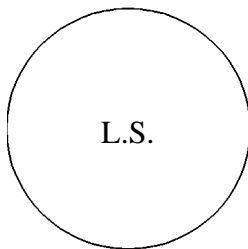
JAMES JACOB SPIGELMAN,

By Deputation from Her Excellency the Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Health Services Amendment Act 2004*, do, by this my Proclamation, appoint 1 January 2005 as the day on which that Act (except for Schedule 1 [2] to the extent to which that item inserts Division 2 of Part 2 of Chapter 3 into the *Health Services Act 1997*) commences.

Signed and sealed at Sydney, this 15th day of December 2004.

By Her Excellency's Command,



MORRIS IEMMA, M.P.,  
Minister for Health

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### Explanatory note

The object of this Proclamation is to commence all of the provisions of the *Health Services Amendment Act 2004* other than those that provide for the constitution and functions of area health advisory councils.



New South Wales

## Proclamation

under the

Juvenile Offenders Legislation Amendment Act 2004

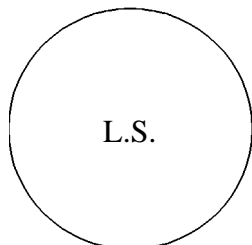
JAMES JACOB SPIGELMAN,

By Deputation from Her Excellency the Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Juvenile Offenders Legislation Amendment Act 2004*, do, by this my Proclamation, appoint 20 December 2004 as the day on which that Act commences.

Signed and sealed at Sydney, this 15th day of December 2004.

By Her Excellency's Command,



DIANE BEAMER, M.P.,  
Minister for Juvenile Justice

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New South Wales

## Proclamation

under the

### Law Enforcement (Powers and Responsibilities) Amendment (In-car Video Systems) Act 2004

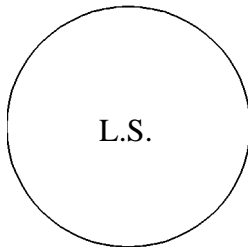
JAMES JACOB SPIGELMAN,

By Deputation from Her Excellency the Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (1) of the *Law Enforcement (Powers and Responsibilities) Amendment (In-car Video Systems) Act 2004*, do, by this my Proclamation, appoint 23 December 2004 as the day on which that Act commences.

Signed and sealed at Sydney, this 15th day of December 2004.

By Her Excellency's Command,



BOB DEBUS, M.P.,  
Attorney General

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New South Wales

## Proclamation

under the

Protected Estates Amendment (Missing Persons) Act 2004  
No 86

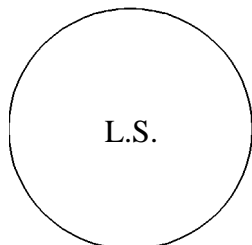
JAMES JACOB SPIGELMAN,

By Deputation from Her Excellency the Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Protected Estates Amendment (Missing Persons) Act 2004*, do, by this my Proclamation, appoint 17 December 2004 as the day on which that Act commences.

Signed and sealed at Sydney, this 15th day of December 2004.

By Her Excellency's Command,



BOB DEBUS, M.P.,  
Attorney General

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New South Wales

## Proclamation

under the

Retail Leases Amendment Act 2004 No 84

JAMES JACOB SPIGELMAN,

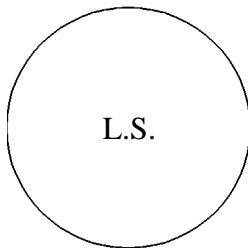
By Deputation from Her Excellency the Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Retail Leases Amendment Act 2004*, do, by this my Proclamation:

- (a) appoint 1 January 2005 as the day on which that Act (except for Schedule 1 [1]–[5], [7]–[9] and [11]) commences, and
- (b) appoint 1 July 2005 as the day on which Schedule 1 [1]–[5], [7]–[9] and [11] to that Act commence.

Signed and sealed at Sydney, this 15th day of December 2004.

By Her Excellency's Command,



DAVID ANDREW CAMPBELL, M.P.,  
Minister for Small Business

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# Regulations

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New South Wales

## Casino Control Amendment (Miscellaneous) Regulation 2004

under the

Casino Control Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Casino Control Act 1992*.

GRANT McBRIDE, M.P.,  
Minister for Gaming and Racing

### Explanatory note

The object of this Regulation is to amend the *Casino Control Regulation 2001* as follows:

- (a) to provide that a contract for the supply of goods or services to the casino is not a controlled contract for the purposes of Division 2 of Part 3 of the *Casino Control Act 1992* if the total amount payable under the contract is less than \$550,000 (the threshold amount at present is \$330,000),
- (b) to provide that the Liquor Administration Board, as well as the Casino Control Authority, may approve training courses in relation to the responsible service of alcohol on licensed premises in the casino or the casino environs and approve the training providers who provide those courses,
- (c) to provide that a person who, before 1 January 2004, completed a training course in the responsible service of alcohol that was approved by either the Liquor Administration Board or the Casino Control Authority under administrative arrangements in force at the time is taken to be the holder of a recognised certificate for the purposes of Part 4A of the *Casino Control Regulation 2001*,
- (d) to require low alcohol beer and non-alcoholic beverages to be made available on licensed premises in the casino or casino environs.

This Regulation is made under the *Casino Control Act 1992*, including sections 36 (definition of *controlled contract*), 89 and 170 (the general regulation-making power) and sections 20 and 125C of the *Liquor Act 1982* (as modified and applying to licensed premises in the casino or casino environs under the *Casino Control Regulation 2001*).

Clause 1 Casino Control Amendment (Miscellaneous) Regulation 2004

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## **Casino Control Amendment (Miscellaneous) Regulation 2004**

under the

Casino Control Act 1992

### **1 Name of Regulation**

This Regulation is the *Casino Control Amendment (Miscellaneous) Regulation 2004*.

### **2 Amendment of Casino Control Regulation 2001**

The *Casino Control Regulation 2001* is amended as set out in Schedule 1.

Casino Control Amendment (Miscellaneous) Regulation 2004

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

**[1] Clause 10 Certain contracts not controlled contracts**

Omit "\$330,000" from clause 10 (2) (b). Insert instead "\$550,000".

**[2] Clause 34B Definitions**

Omit the definitions of *approved training course* and *approved training provider*.

Insert instead:

*approved training course* means a course of training with respect to the responsible service of alcohol that is approved by:

- (a) the Authority under Division 3, or
- (b) the Liquor Administration Board under Division 3 of Part 7A of the *Liquor Regulation 1996*,  
in relation to an approved training provider.

*approved training provider* means a training provider that is approved by:

- (a) the Authority under Division 3, or
- (b) the Liquor Administration Board under Division 3 of Part 7A of the *Liquor Regulation 1996*,

to provide training courses with respect to the responsible service of alcohol.

**[3] Clause 34B, definition of "recognised RSA certificate"**

Insert "or the Liquor Administration Board" after "Authority".

**[4] Clause 34L**

Omit the clause. Insert instead:

**34L Training in accordance with former administrative approvals**

Any person who, before 1 January 2004, had successfully completed a training course with respect to the responsible service of alcohol that, as at the date the person completed the course, was approved by the Authority or by the Liquor Administration Board under administrative arrangements then in force, is taken to be the holder of a recognised RSA certificate for the purposes of this Part.

## Casino Control Amendment (Miscellaneous) Regulation 2004

## Schedule 1 Amendments

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**[5] Clause 35A Drinking water to be available free of charge on licensed premises**

Insert “and in clause 35B” after “this clause” in clause 35A (2).

**[6] Clause 35B**

Insert after clause 35A:

**35B Low alcohol beer and non-alcoholic beverages to be available on licensed premises**

A licence is subject to the condition that, at all times while liquor is sold or supplied on the licensed premises, low alcohol beer and non-alcoholic beverages must be available for sale or supply at or near the point of service at which, or by the same means of service by which, liquor is sold or supplied on the premises.



New South Wales

## Casino Control Further Amendment (Security Personnel) Regulation 2004

under the

Casino Control Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Casino Control Act 1992*.

GRANT McBRIDE, M.P.,  
Minister for Gaming and Racing

### Explanatory note

The object of this Regulation is to postpone, from 1 January 2005 to 1 March 2005, the date from which persons who are employed or engaged as crowd controllers or bouncers on or about licensed premises at a casino must have completed an approved course of training with respect to the responsible service of alcohol.

This Regulation is made under the *Casino Control Act 1992*, including section 170 (the general power to make regulations) and section 125C of the *Liquor Act 1982* (as modified and applying to a casino under the *Casino Control Regulation 2001*).

Clause 1 Casino Control Further Amendment (Security Personnel) Regulation 2004

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## **Casino Control Further Amendment (Security Personnel) Regulation 2004**

under the

Casino Control Act 1992

### **1 Name of Regulation**

This Regulation is the *Casino Control Further Amendment (Security Personnel) Regulation 2004*.

### **2 Amendment of Casino Control Regulation 2001**

The *Casino Control Regulation 2001* is amended by omitting “1 January 2005” wherever occurring in clause 34DA and by inserting instead “1 March 2005”.





New South Wales

# Children's Services Amendment (ADT Review) Regulation 2004

under the

Children and Young Persons (Care and Protection) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children and Young Persons (Care and Protection) Act 1998*.

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

## Explanatory note

The object of this Regulation is to amend the *Children's Services Regulation 2004* to provide that the Administrative Decisions Tribunal may review a decision of a licensee of a family day care children's service to remove or suspend a family day care carer's name from the register for the service.

This Regulation is made under the *Children and Young Persons (Care and Protection) Act 1998*, including section 264 (the general regulation-making power) and especially section 264 (1A) (j).

Clause 1 Children's Services Amendment (ADT Review) Regulation 2004

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## **Children's Services Amendment (ADT Review) Regulation 2004**

under the

Children and Young Persons (Care and Protection) Act 1998

### **1 Name of Regulation**

This Regulation is the *Children's Services Amendment (ADT Review) Regulation 2004*.

### **2 Amendment of Children's Services Regulation 2004**

The *Children's Services Regulation 2004* is amended as set out in Schedule 1.

Children's Services Amendment (ADT Review) Regulation 2004

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

[1] **Clause 123, heading**

Insert “—**general**” after “**Tribunal**” in the heading to clause 123.

[2] **Clause 123A**

Insert after clause 123:

**123A Review by Administrative Decisions Tribunal of certain family day care service licensee's decisions**

Application may be made to the Administrative Decisions Tribunal for a review of any of the following decisions:

Decisions of a licensee of a family day care children's service to remove or suspend a family day care carer's name from the register for the service.



New South Wales

# Electricity Safety (Equipment Efficiency) Amendment (Performance Standards) Regulation 2004

under the

Electricity Safety Act 1945

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Electricity Safety Act 1945*.

FRANK ERNEST SARTOR, M.P.,  
Minister for Energy and Utilities

## Explanatory note

The object of this Regulation is to amend the *Electricity Safety (Equipment Efficiency) Regulation 1999*:

- (a) to change the energy labelling requirements applicable to single phase airconditioners and heat pumps, and
- (b) to change the minimum energy performance standards applicable to refrigerating appliances, three phase airconditioners and heat pumps and rotating electrical machines, and
- (c) to provide that certain registrations for electrical articles that extend beyond the date of commencement of the changes to the standards cease to have effect, and
- (d) to introduce minimum energy performance standards for single phase air conditioners and heat pumps, linear fluorescent lamps and refrigerated display cases, and
- (e) to provide for recognition of any approval, registration and any other authorisation granted for electrical articles under equivalent laws of other States and Territories, and
- (f) to require certain test results to accompany applications for registration if required by the relevant standard, and
- (g) to enable cancellation of the registration of an electrical article specified in Schedule 3 to the Regulation if the article does not comply with the energy efficiency or performance criteria of the relevant standard when examined or tested by the Energy Corporation of New South Wales.

Electricity Safety (Equipment Efficiency) Amendment (Performance Standards) Regulation  
2004

Explanatory note

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This Regulation adopts various Standards referred to in the Regulation.

This Regulation is made under the *Electricity Safety Act 1945*, including section 37 (the general regulation-making power).

Electricity Safety (Equipment Efficiency) Amendment (Performance Standards) Regulation 2004

Clause 1

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## **Electricity Safety (Equipment Efficiency) Amendment (Performance Standards) Regulation 2004**

under the

Electricity Safety Act 1945

### **1 Name of Regulation**

This Regulation is the *Electricity Safety (Equipment Efficiency) Amendment (Performance Standards) Regulation 2004*.

### **2 Amendment of Electricity Safety (Equipment Efficiency) Regulation 1999**

The *Electricity Safety (Equipment Efficiency) Regulation 1999* is amended as set out in Schedule 1.

Electricity Safety (Equipment Efficiency) Amendment (Performance Standards) Regulation 2004

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 2)

**[1] Clause 5 Minimum standards**

Omit “with the” from clause 5 (2). Insert instead “with any applicable”.

**[2] Clause 7 Applications for registration**

Omit clause 7 (3) (b). Insert instead:

- (b) be accompanied by:
  - (i) the results of testing and calculations carried out under clause 5 (2) if the relevant standard requires those tests and calculations to accompany the application, and
  - (ii) the relevant fee set out in Schedule 1.

**[3] Clause 7 (6)**

Omit “(c)”. Insert instead “or (3)”.

**[4] Clause 12 Cancellation of registration**

Omit “(being an article listed in Schedule 3)” from clause 12 (1) (a) (ii).

**[5] Clause 14 Sale of certain electrical articles**

Omit clause 14 (2). Insert instead:

- (2) This clause applies in respect of the sale of new articles, whether by wholesale or retail, but does not apply to the sale of the following articles:
  - (a) second-hand articles,
  - (b) articles that, at the time of sale, are approved, registered or otherwise authorised by a corresponding authority.

**[6] Clause 15 Certain electrical articles to be appropriately labelled when sold**

Insert after clause 15 (1B):

- (1C) A person must not sell a refrigerated display cabinet that is labelled with the text “high efficiency” unless the refrigerated display cabinet satisfies the requirements of the relevant standard.

Maximum penalty: 20 penalty units.

Electricity Safety (Equipment Efficiency) Amendment (Performance Standards) Regulation 2004

Amendments

Schedule 1

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**[7] Clause 15 (2)**

Omit “air conditioner”. Insert instead “airconditioner or heat pump”.

**[8] Clauses 24 (2) and 25 (3)**

Omit the subclauses.

**[9] Clause 26**

Insert after clause 25:

**26 Transitional provisions relating to registration**

- (1) Despite clause 11, registration granted:
  - (a) before the commencement of this clause for a period that expires after the commencement of this clause, and
  - (b) in respect of an electrical article that is a single phase airconditioner or single phase heat pump,  
expires on that commencement.
- (2) Despite clause 11, registration granted:
  - (a) before the commencement of this clause for a period that expires after 1 April 2006, and
  - (b) in respect of an electrical article that is a three phase rotating electrical machine,  
expires on 1 April 2006.
- (3) However, an electrical article the registration for which expires by the operation of subclause (1) or (2) and that was manufactured in or imported into Australia before that expiry is taken to be registered (including for the purposes of clause 12) until the end of the period that it would, but for subclause (1) or (2), have been registered.



Electricity Safety (Equipment Efficiency) Amendment (Performance Standards) Regulation 2004

Schedule 1 Amendments

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[10] Schedules 2 and 3

Omit the Schedules. Insert instead:

**Schedule 2 Standards for electrical articles that require registration and labelling with an energy efficiency label**

(Clause 5 (1))

**1 Airconditioners and heat pumps (single phase)**

The following are the relevant standards for single phase airconditioners and single phase heat pumps:

- (a) AS/NZS 3823.1.1:1998, *Performance of electrical appliances—Airconditioners and heat pumps, Part 1.1: Non-ducted airconditioners and heat pumps—Testing and rating for performance,*
- (b) AS/NZS 3823.1.2:2001, *Performance of electrical appliances—Airconditioners and heat pumps, Part 1.2: Test Methods—Ducted airconditioners and air-to-air heat pumps—Testing and rating for performance,*
- (c) AS/NZS 3823.2:2003, *Performance of electrical appliances—Airconditioners and heat pumps, Part 2: Energy labelling and minimum energy performance standard (MEPS) requirements.*

**2 Clothes washing machines**

The following are the relevant standards for clothes washing machines:

- (a) AS/NZS 2040.1:1998, *Performance of household electrical appliances—Clothes washing machines, Part 1: Energy consumption and performance,*
- (b) AS/NZS 2040.2:2000, *Performance of household electrical appliances—Clothes washing machines, Part 2: Energy labelling requirements.*

**3 Dishwashers**

The following are the relevant standards for dishwashers:

- (a) AS/NZS 2007.1:2003, *Performance of household electrical appliances—Dishwashers, Part 1: Energy consumption and performance,*

Electricity Safety (Equipment Efficiency) Amendment (Performance Standards) Regulation 2004

Amendments

Schedule 1

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- (b) AS/NZS 2007.2:2003, *Performance of household electrical appliances—Dishwashers, Part 2: Energy labelling requirements.*

**4 Refrigerating appliances**

- (1) Before 1 January 2005, the following are the relevant standards for refrigerating appliances:
  - (a) AS/NZS 4474.1:1997, *Performance of household electrical appliances—Refrigerating appliances, Part 1: Energy consumption and performance,*
  - (b) AS/NZS 4474.2:2000, *Performance of household electrical appliances—Refrigerating appliances, Part 2: Energy labelling and minimum energy performance standard requirements.*
- (2) On and from 1 January 2005, the following are the relevant standards for refrigerating appliances:
  - (a) AS/NZS 4474.1:1997, *Performance of household electrical appliances—Refrigerating appliances, Part 1: Energy consumption and performance,*
  - (b) AS/NZS 4474.2:2001, *Performance of household electrical appliances—Refrigerating appliances, Part 2: Energy labelling and minimum energy performance standard requirements.*

**5 Rotary clothes dryers**

The following are the relevant standards for rotary clothes dryers:

- (a) AS/NZS 2442.1:1996, *Performance of household electrical appliances—Rotary clothes dryers, Part 1: Energy consumption and performance,*
- (b) AS/NZS 2442.2:2000, *Performance of household electrical appliances—Rotary clothes dryers, Part 2: Energy labelling requirements.*

## Electricity Safety (Equipment Efficiency) Amendment (Performance Standards) Regulation 2004

Schedule 1 Amendments

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**Schedule 3 Standards for electrical articles that require registration but not labelling with an energy efficiency label**

(Clause 5 (2))

**1 Airconditioners and heat pumps (three phase)**

The following are the relevant standards for three phase airconditioners and three phase heat pumps:

- (a) AS/NZS 3823.1.1:1998, *Performance of electrical appliances—Airconditioners and heat pumps, Part 1.1: Non-ducted airconditioners and heat pumps—Testing and rating for performance*,
- (b) AS/NZS 3823.1.2:2001, *Performance of electrical appliances—Airconditioners and heat pumps, Part 1.2: Test Methods—Ducted airconditioners and air-to-air heat pumps—Testing and rating for performance*,
- (c) AS/NZS 3823.2:2003, *Performance of electrical appliances—Airconditioners and heat pumps, Part 2: Energy labelling and minimum energy performance standard (MEPS) requirements*.

**2 Fluorescent lamp ballasts**

The following are the relevant standards for fluorescent lamp ballasts for use with International Lamp Coding System (ILCOS) lamp type FD (type T) lamps:

- (a) AS/NZS 4783.1:2001, *Performance of electrical lighting equipment—Ballasts for fluorescent lamps, Part 1: Method of measurement to determine energy consumption and performance of ballast-lamp circuits*,
- (b) AS/NZS 4783.2:2002, *Performance of electrical lighting equipment—Ballasts for fluorescent lamps, Part 2: Energy labelling and minimum energy performance standards requirements*.

**3 Linear fluorescent lamps**

The following are the relevant standards for linear fluorescent lamps:

- (a) AS/NZS 4782.1:2004, *Double-capped fluorescent lamps—Performance specifications, Part 1: General (IEC 60081: 2000, MOD)*,

Electricity Safety (Equipment Efficiency) Amendment (Performance Standards) Regulation 2004

Amendments

Schedule 1

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- (b) AS/NZS 4782.2.2004, *Double-capped fluorescent lamps—Performance specifications, Part 2: Minimum Energy Performance Standard (MEPS)*.

**4 Refrigerated display cabinets**

The following are the relevant standards for refrigerated display cabinets:

- (a) AS/NZS 1731.1—2003, *Refrigerated display cabinets, Part 1: Terms and definitions*,
- (b) AS/NZS 1731.2—2003, *Refrigerated display cabinets, Part 2: General mechanical and physical requirements*,
- (c) AS/NZS 1731.3—2003, *Refrigerated display cabinets, Part 3: Linear dimensions, areas and volumes*,
- (d) AS/NZS 1731.4—2003, *Refrigerated display cabinets, Part 4: General test conditions*,
- (e) AS/NZS 1731.5—2003, *Refrigerated display cabinets, Part 5: Temperature test*,
- (f) AS/NZS 1731.6—2003, *Refrigerated display cabinets, Part 6: Classification according to temperatures*,
- (g) AS/NZS 1731.9—2003, *Refrigerated display cabinets, Part 9: Electrical energy consumption test*,
- (h) AS/NZS 1731.12—2003, *Refrigerated display cabinets, Part 12: Measurement of the heat extraction rate of the cabinets when the condensing unit is remote from the cabinet*,
- (i) AS/NZS 1731.13—2003, *Refrigerated display cabinets, Part 13: Test report*,
- (j) AS/NZS 1731.14—2003, *Refrigerated display cabinets, Part 14: Minimum energy performance standard (MEPS) requirements*.

**5 Rotating electrical machines (three phase)**

- (1) Before 1 April 2006, the relevant standard for three phase rotating electrical machines is AS/NZS 1359.5:2000, *Rotating electrical machines—General requirements, Part 5: Three-phase cage induction motors—High efficiency and minimum energy performance standards requirements*.
- (2) On and from 1 April 2006, the relevant standard for three phase rotating electrical machines is AS/NZS 1359.5:2004, *Rotating electrical machines—General requirements, Part 5: Three-phase*

Electricity Safety (Equipment Efficiency) Amendment (Performance Standards) Regulation 2004

Schedule 1 Amendments

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*cage induction motors—High efficiency and minimum energy performance standards requirements.*

**6 Storage water heaters—unvented without an attached feed tank**

The relevant standard for storage water heaters that are unvented and do not have an attached feed tank is AS 1056.1—1991, *Storage water heaters, Part 1: General requirements* (clause 2.4 “Thermal insulation”).



New South Wales

# Freedom of Information Amendment (NSW businesslink) Regulation 2004

under the

Freedom of Information Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Freedom of Information Act 1989*.

BOB CARR, M.P.,  
Premier

## Explanatory note

The objects of this Regulation are:

- (a) to declare NSW businesslink Pty Limited (which is a company that has been established to provide shared corporate services to certain Departments) to be a public authority for the purposes of the *Freedom of Information Act 1989*, and
- (b) to provide that NSW businesslink Pty Limited is, for the purposes of the FOI Act, not to be treated as a separate agency but is taken to be included in the Department known as NSWbusinesslink and which comprises the staff who work for the company.

This Regulation is made under the *Freedom of Information Act 1989*, including section 7 (1) (b) and (3) and paragraph (c) of the definition of *responsible Minister* in section 6 (1).

Clause 1            Freedom of Information Amendment (NSW businesslink) Regulation 2004

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## **Freedom of Information Amendment (NSW businesslink) Regulation 2004**

under the

Freedom of Information Act 1989

### **1 Name of Regulation**

This Regulation is the *Freedom of Information Amendment (NSW businesslink) Regulation 2004*.

### **2 Amendment of Freedom of Information Regulation 2000**

The *Freedom of Information Regulation 2000* is amended as set out in Schedule 1.

Freedom of Information Amendment (NSW businesslink) Regulation 2004

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

### [1] Schedule 2 Responsible Ministers

Insert at the end of Part 1:

NSW businesslink Pty Limited    Minister for Community Services, Minister for Ageing and Minister for Disability Services

### [2] Schedule 3 Public authorities

Insert in Part 1:

NSW businesslink Pty Limited

### [3] Schedule 3, Part 3

Insert in alphabetical order of bodies:

NSW businesslink Pty Limited    NSWbusinesslink





New South Wales

# Health Services Amendment (Corporate Governance) Regulation 2004

under the

Health Services Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Health Services Act 1997*.

MORRIS IEMMA, M.P.,  
Minister for Health

## Explanatory note

The object of this Regulation is to make amendments to the *Health Services Regulation 2003* consequent on the enactment of the *Health Services Amendment Act 2004*. The amendments omit a number of obsolete provisions, update a number of other provisions and insert a saving provision with respect to obsolete references to chief executive officers (now known as chief executives).

This Regulation is made under the *Health Services Act 1997*, including section 140 (the general power to make regulations) and clause 1 of Schedule 7 (the power to make regulations of a savings or transitional nature).

Clause 1 Health Services Amendment (Corporate Governance) Regulation 2004

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## **Health Services Amendment (Corporate Governance) Regulation 2004**

under the

Health Services Act 1997

### **1 Name of Regulation**

This Regulation is the *Health Services Amendment (Corporate Governance) Regulation 2004*.

### **2 Commencement**

This Regulation commences on 1 January 2005.

### **3 Amendment of Health Services Regulation 2003**

The *Health Services Regulation 2003* is amended as set out in Schedule 1.

Health Services Amendment (Corporate Governance) Regulation 2004

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

[1] **Clauses 3, 12, 15, 20, 32, 38 and 38A (8)**

Omit “chief executive officer” and “the officer” wherever occurring.

Insert instead “chief executive” and “the chief executive”, respectively.

[2] **Clause 9**

Omit the clause. Insert instead:

**9 Application of Part**

This Part applies to a board governed health corporation.

[3] **Clauses 11, 12, 18, 20 and 32**

Omit “public health organisation” and “the organisation” wherever occurring.

Insert instead “board governed health corporation” and “the corporation”, respectively.

[4] **Clause 15 Notification of chief executive**

Omit “that officer”. Insert instead “that chief executive”.

[5] **Clause 38A Provisions with respect to administrators**

Omit clause 38A (5), (6) and (7).

[6] **Clause 38A (10)**

Omit “an administrator of an area health service appointed under section 29 of the Act or” from the definition of *administrator*.

[7] **Clause 39 Savings**

Insert at the end of the clause:

- (2) In any Act or instrument, whether enacted or made before or after the commencement of this subclause, a reference to the chief executive officer, or the office of chief executive officer, of an area health service, statutory health corporation or affiliated health organisation is taken to include a reference to the chief executive, or the office of chief executive, of that service, corporation or organisation, as the case requires.



New South Wales

# Liquor Further Amendment (Security Personnel) Regulation 2004

under the

Liquor Act 1982

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Liquor Act 1982*.

GRANT McBRIDE, M.P.,  
Minister for Gaming and Racing

## Explanatory note

The object of this Regulation is to postpone, from 1 January 2005 to 1 March 2005, the date from which persons who are employed or engaged as crowd controllers or bouncers on or about licensed premises must have completed an approved course of training with respect to the responsible service of alcohol.

This Regulation is made under the *Liquor Act 1982*, including section 156 (the general power to make regulations) and section 125C.

Clause 1           Liquor Further Amendment (Security Personnel) Regulation 2004

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## **Liquor Further Amendment (Security Personnel) Regulation 2004**

under the

Liquor Act 1982

### **1 Name of Regulation**

This Regulation is the *Liquor Further Amendment (Security Personnel) Regulation 2004*.

### **2 Amendment of Liquor Regulation 1996**

The *Liquor Regulation 1996* is amended by omitting “1 January 2005” wherever occurring in clause 79DA and by inserting instead “1 March 2005”.



New South Wales

# Local Government (Approvals) Amendment (Plumbing and Drainage Code of Practice) Regulation 2004

under the

Local Government Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

ANTHONY BERNARD KELLY, M.L.C.,  
Minister for Local Government

## Explanatory note

The object of this Regulation is to amend the *Local Government (Approvals) Regulation 1999* to update the definition of **Plumbing and Drainage Code of Practice** in clause 3 of that Regulation so that it refers to that document as in force from time to time and to omit a redundant provision.

This Regulation is made under the *Local Government Act 1993*, including sections 68 and 748 (the general regulation-making power).

Clause 1                    Local Government (Approvals) Amendment (Plumbing and Drainage Code of Practice) Regulation 2004

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## **Local Government (Approvals) Amendment (Plumbing and Drainage Code of Practice) Regulation 2004**

under the

Local Government Act 1993

### **1 Name of Regulation**

This Regulation is the *Local Government (Approvals) Amendment (Plumbing and Drainage Code of Practice) Regulation 2004*.

### **2 Amendment of Local Government (Approvals) Regulation 1999**

The *Local Government (Approvals) Regulation 1999* is amended as set out in Schedule 1.

Local Government (Approvals) Amendment (Plumbing and Drainage Code of Practice) Regulation 2004

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

### [1] Clause 3 Definitions

Omit the definition of *Plumbing and Drainage Code of Practice* from clause 3 (1).

Insert instead:

*Plumbing and Drainage Code of Practice* means the *New South Wales Code of Practice Plumbing and Drainage* produced by the Committee on Uniformity of Plumbing and Drainage Regulations in New South Wales as in force from time to time.

### [2] Clause 45 Prescribed activity under section 68 of the Act

Omit the clause and the note to the clause.





New South Wales

# Local Government (General) Amendment (Community Land) Regulation 2004

under the

Local Government Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

ANTHONY BERNARD KELLY, M.L.C.,  
Minister for Local Government

## Explanatory note

Currently the *Local Government (General) Regulation 1999* allows a council to grant a short-term casual lease in respect of community land to allow the use of existing roads or fire trails on the community land for the purpose of transporting materials and other equipment that is to be used for building work on land adjoining the community land and the removal of any consequential waste materials.

The object of this Regulation is to extend the power of a council to grant a short-term casual lease to include any community land (as opposed to community land with existing roads and fire trails) provided that the building work on the land adjoining the community land is for the purpose of providing goods, services, facilities, or activities, that are appropriate in relation to the physical, cultural, social or intellectual welfare or development of the local community and the wider public.

This Regulation is made under the *Local Government Act 1993*, including section 46 and section 748 (the general regulation-making power).

Clause 1            Local Government (General) Amendment (Community Land) Regulation  
2004

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## **Local Government (General) Amendment (Community Land) Regulation 2004**

under the

Local Government Act 1993

### **1 Name of Regulation**

This Regulation is the *Local Government (General) Amendment (Community Land) Regulation 2004*.

### **2 Amendment of Local Government (General) Regulation 1999**

The *Local Government (General) Regulation 1999* is amended as set out in Schedule 1.

Local Government (General) Amendment (Community Land) Regulation  
2004

Amendment

Schedule 1

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## Schedule 1    Amendment

(Clause 2)

### **Clause 24 Leases, licences and other estates in respect of community land**

Insert after clause 24 (3):

- (3A) For the purposes of section 46 (1) (b) (iii) of the Act, the use of any community land that does not have an existing road or fire trail:
  - (a) to transport building materials and equipment required in relation to building work that is to be, or is being, carried out on land adjoining the community land, or
  - (b) to remove waste that is consequential on such work, is prescribed as a short-term, casual purpose if such work is for a purpose referred to in section 46 (4) (a) (ii) of the Act.



New South Wales

# Local Government (General) Amendment (Exemptions) Regulation 2004

under the

Local Government Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

ANTHONY BERNARD KELLY, M.L.C.,  
Minister for Local Government

## Explanatory note

The object of this Regulation is to amend the *Local Government (General) Regulation 1999*:

- (a) to update a note that is no longer accurate, and
- (b) to ensure that certain payments for untaken long service leave or sick leave to a senior staff member of a council on termination of his or her employment do not need to be approved by the Minister under section 354A of the *Local Government Act 1993* so long as those payments do not exceed an amount to which non-senior staff members may be entitled under an Act or award.

This Regulation is made under the *Local Government Act 1993*, including sections 354A and 748 (the general regulation-making power).

Clause 1            Local Government (General) Amendment (Exemptions) Regulation 2004

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## **Local Government (General) Amendment (Exemptions) Regulation 2004**

under the

Local Government Act 1993

### **1 Name of Regulation**

This Regulation is the *Local Government (General) Amendment (Exemptions) Regulation 2004*.

### **2 Amendment of Local Government (General) Regulation 1999**

The *Local Government (General) Regulation 1999* is amended as set out in Schedule 1.

Local Government (General) Amendment (Exemptions) Regulation 2004

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

[1] **Clause 38 Frequency of comprehensive and supplementary reports**

Omit “(in September)” from the note to clause 38 (1).

[2] **Clause 38 (1), note**

Omit “September” where secondly occurring.

[3] **Clause 43C Exemption from Ministerial approval for certain termination payments to senior staff**

Insert after clause 43C (1) (b):

- (c) a payment for untaken long service leave or untaken sick leave that does not exceed an amount to which a member of staff of a council, other than a senior staff member, would be entitled under any Act or award (within the meaning of section 27 of the *Industrial Relations Act 1996*).



New South Wales

# Local Government (Rates and Charges) Amendment Regulation 2004

under the

Local Government Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

ANTHONY BERNARD KELLY, M.L.C.,  
Minister for Local Government

## Explanatory note

The object of this Regulation is to amend the *Local Government (Rates and Charges) Regulation 1999*:

- (a) to omit a redundant provision relating to the Sydney Olympic and Paralympic Games, and
- (b) to remove a prescribed form for an application under section 525 of the *Local Government Act 1993* for a change in the category of land categorisation for rating purposes, which will (because of the definition of **approved form** in the Act) enable the Director-General of the Department of Local Government to approve the form for any such application, or if no such form is approved by the Director-General, will enable each council to approve such a form, and
- (c) to require a council to furnish to the Director-General information relating to rates and charges levied by the council if requested to do so by the Director-General.

This Regulation is made under the *Local Government Act 1993*, including section 748 (the general regulation-making power) and Schedule 6.

Clause 1            Local Government (Rates and Charges) Amendment Regulation 2004

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## **Local Government (Rates and Charges) Amendment Regulation 2004**

under the

Local Government Act 1993

### **1 Name of Regulation**

This Regulation is the *Local Government (Rates and Charges) Amendment Regulation 2004*.

### **2 Amendment of Local Government (Rates and Charges) Regulation 1999**

The *Local Government (Rates and Charges) Regulation 1999* is amended as set out in Schedule 1.



Local Government (Rates and Charges) Amendment Regulation 2004

Amendments

Schedule 1

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## **Schedule 1    Amendments**

(Clause 2)

**[1]    Clauses 7 and 9**

Omit the clauses.

**[2]    Clause 17 Information relating to rates and charges**

Insert “or the Director-General” after “Minister” wherever occurring.

**[3]    Schedule 1 Form**

Omit the Schedule.



New South Wales

# Local Government (Tendering) Amendment (Threshold Amount) Regulation 2004

under the

Local Government Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

ANTHONY BERNARD KELLY, M.L.C.,  
Minister for Local Government

## Explanatory note

Section 55 of the *Local Government Act 1993* requires local government councils to invite tenders before entering into certain contracts. However, section 55 (3) provides that this tendering requirement does not apply to a contract involving an estimated expenditure or receipt of an amount of less than \$100,000 or such other amount as may be prescribed by the regulations.

The object of this Regulation is to provide that the requirement to invite tenders before entering into the contracts referred to in section 55 does not apply to contracts involving an estimated expenditure or receipt of an amount of less than \$150,000 (rather than the \$100,000 amount referred to in that section).

This Regulation is made under the *Local Government Act 1993*, including sections 55 (3) and 748 (the general regulation-making power).

Clause 1            Local Government (Tendering) Amendment (Threshold Amount) Regulation  
2004

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## **Local Government (Tendering) Amendment (Threshold Amount) Regulation 2004**

under the

Local Government Act 1993

### **1 Name of Regulation**

This Regulation is the *Local Government (Tendering) Amendment (Threshold Amount) Regulation 2004*.

### **2 Amendment of Local Government (Tendering) Regulation 1999**

The *Local Government (Tendering) Regulation 1999* is amended by inserting the following in appropriate order in clause 3:

- (1A) For the purposes of the final bullet point paragraph of section 55 (3) of the Act, section 55 does not apply to a contract involving an estimated expenditure or receipt of an amount of less than \$150,000.



New South Wales

# Local Government (Water Services) Amendment (Plumbing and Drainage Code of Practice) Regulation 2004

under the

Local Government Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

ANTHONY BERNARD KELLY, M.L.C.,  
Minister for Local Government

## Explanatory note

The object of this Regulation is to update the definition of *Plumbing and Drainage Code of Practice* in clause 3 of the *Local Government (Water Services) Regulation 1999* so that it refers to that document as in force from time to time.

This Regulation is made under the *Local Government Act 1993*, including section 748 (the general regulation-making power).

Clause 1                    Local Government (Water Services) Amendment (Plumbing and Drainage  
Code of Practice) Regulation 2004

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## **Local Government (Water Services) Amendment (Plumbing and Drainage Code of Practice) Regulation 2004**

under the

Local Government Act 1993

### **1 Name of Regulation**

This Regulation is the *Local Government (Water Services) Amendment (Plumbing and Drainage Code of Practice) Regulation 2004*.

### **2 Amendment of Local Government (Water Services) Regulation 1999**

The *Local Government (Water Services) Regulation 1999* is amended by omitting the definition of ***Plumbing and Drainage Code of Practice*** from clause 3 (1) and inserting instead:

***Plumbing and Drainage Code of Practice*** means the *New South Wales Code of Practice Plumbing and Drainage* produced by the Committee on Uniformity of Plumbing and Drainage Regulations in New South Wales as in force from time to time.



New South Wales

# Occupational Health and Safety Amendment (Transitional) Regulation 2004

under the

Occupational Health and Safety Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Occupational Health and Safety Act 2000*.

JOHN DELLA BOSCA, M.L.C.,  
Minister for Commerce

## Explanatory note

The object of this Regulation is to amend the *Occupational Health and Safety Regulation 2001* to confirm that WorkCover may suspend or cancel the accreditation of a person who is accredited to provide OHS induction training, under clause 217A (3), in respect of matters that occurred before, on or after the commencement of that provision.

This Regulation is made under the *Occupational Health and Safety Act 2000*, including sections 33 (the general regulation-making power) and 35.

Clause 1 Occupational Health and Safety Amendment (Transitional) Regulation 2004

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## **Occupational Health and Safety Amendment (Transitional) Regulation 2004**

under the

Occupational Health and Safety Act 2000

### **1 Name of Regulation**

This Regulation is the *Occupational Health and Safety Amendment (Transitional) Regulation 2004*.

### **2 Amendment of Occupational Health and Safety Regulation 2001**

The *Occupational Health and Safety Regulation 2001* is amended as set out in Schedule 1.

Occupational Health and Safety Amendment (Transitional) Regulation 2004

Amendment

Schedule 1

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## **Schedule 1    Amendment**

(Clause 2)

### **Clause 217A Accreditation of individuals to conduct OHS induction training**

Insert after clause 217A (7):

- (8) WorkCover may take action under subclause (3) in respect of any matter or circumstance (including conduct or a conviction, contravention, suspension or cancellation) that occurred before, on or after the commencement of that subclause.





New South Wales

# Protected Estates Amendment (Missing Persons) Regulation 2004

under the

Protected Estates Act 1983

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protected Estates Act 1983*.

BOB DEBUS, M.P.,  
Attorney General

## Explanatory note

The *Protected Estates Amendment (Missing Persons) Act 2004* extends the functions of the Protective Commissioner under the *Protected Estates Act 1983* to the management of the property and affairs of certain protected missing persons.

The object of this Regulation is to amend the *Protected Estates Regulation 2003* to prescribe the fees that may be charged upon and payable out of the estate of a protected missing person under section 8 of the *Protected Estates Act 1983*. That section allows fees to be charged in respect of the exercise of the functions of the Protective Commissioner.

This Regulation is made under the *Protected Estates Act 1983*, including sections 8 and 81 (the general regulation-making power).

Clause 1 Protected Estates Amendment (Missing Persons) Regulation 2004

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## **Protected Estates Amendment (Missing Persons) Regulation 2004**

under the

Protected Estates Act 1983

### **1 Name of Regulation**

This Regulation is the *Protected Estates Amendment (Missing Persons) Regulation 2004*.

### **2 Commencement**

This Regulation commences on 17 December 2004.

### **3 Amendment of Protected Estates Regulation 2003**

The *Protected Estates Regulation 2003* is amended as set out in Schedule 1.

Protected Estates Amendment (Missing Persons) Regulation 2004

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

**[1] Clause 4 Fees payable to the Protective Commissioner: section 8**

Insert “or protected missing person’s estate” after “protected person’s estate” in clause 4 (1) (a).

**[2] Clause 4 (1) (b), (c) and (e)**

Insert “or protected missing person” after “protected person” wherever occurring.

**[3] Clause 4 (5), definition of “value”**

Omit the definition. Insert instead:

*value* means:

- (a) in relation to a protected person’s estate, the gross amount of the value of the assets (whether real or personal) of the estate without deduction of debts or liabilities secured or unsecured, but does not include the value of the protected person’s principal place of residence, or
- (b) in relation to a protected missing person’s estate, the gross amount of the value of the assets (whether real or personal) of the estate without deduction of debts or liabilities secured or unsecured, but does not include the value of the protected missing person’s last known principal place of residence.



New South Wales

# Protection of the Environment Operations (Control of Burning) Amendment Regulation 2004

under the

Protection of the Environment Operations Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

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

## Explanatory note

The *Protection of the Environment Operations (Control of Burning) Regulation 2000* imposes controls on burning in certain local government areas. It is an offence for a person to burn anything in the open or in an incinerator, except in accordance with an approval, in a local government area listed in Part 1 of Schedule 1 to that Regulation. The object of this Regulation is to include the local government area of Broken Hill in Part 1 of Schedule 1 to that Regulation.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including section 323 (the general regulation-making power) and clause 6 of Schedule 2.

Clause 1            Protection of the Environment Operations (Control of Burning) Amendment  
Regulation 2004

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## **Protection of the Environment Operations (Control of Burning) Amendment Regulation 2004**

under the

Protection of the Environment Operations Act 1997

### **1 Name of Regulation**

This Regulation is the *Protection of the Environment Operations (Control of Burning) Amendment Regulation 2004*.

### **2 Amendment of Protection of the Environment Operations (Control of Burning) Regulation 2000**

The *Protection of the Environment Operations (Control of Burning) Regulation 2000* is amended by inserting in Part 1 of Schedule 1 in alphabetical order:

Broken Hill



New South Wales

## Public Health (General) Amendment (Nursing Homes) Regulation 2004

under the

Public Health Act 1991

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Health Act 1991*.

MORRIS IEMMA, M.P.,  
Minister for Health

### Explanatory note

The object of this Regulation is to prescribe the minimum necessary qualifications for a registered nurse to be appointed as a director of nursing at a nursing home.

This Regulation is made under the *Public Health Act 1991*, including sections 52 (2) and 82 (the general regulation-making power).

Clause 1            Public Health (General) Amendment (Nursing Homes) Regulation 2004

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## **Public Health (General) Amendment (Nursing Homes) Regulation 2004**

under the

Public Health Act 1991

### **1 Name of Regulation**

This Regulation is the *Public Health (General) Amendment (Nursing Homes) Regulation 2004*.

### **2 Commencement**

This Regulation commences on 1 January 2005.

### **3 Amendment of Public Health (General) Regulation 2002**

The *Public Health (General) Regulation 2002* is amended as set out in Schedule 1.

Public Health (General) Amendment (Nursing Homes) Regulation 2004

Schedule 1 Amendment

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## Schedule 1 Amendment

(Clause 3)

### Clause 20B

Insert after clause 20A:

#### **20B Minimum qualifications for director of nursing at nursing home**

For the purposes of section 52 (2) of the Act, the prescribed minimum necessary qualifications for a registered nurse to be appointed as a director of nursing at a nursing home are:

- (a) 5 years post-basic or post-graduate nursing experience, and
- (b) 2 years full-time administrative experience in a position of, or more senior than that of, nursing unit manager in a hospital or nursing home.





New South Wales

## Registered Clubs Further Amendment (Security Personnel) Regulation 2004

under the

Registered Clubs Act 1976

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Registered Clubs Act 1976*.

GRANT McBRIDE, M.P.,  
Minister for Gaming and Racing

### Explanatory note

The object of this Regulation is to postpone, from 1 January 2005 to 1 March 2005, the date from which persons who are employed or engaged as crowd controllers or bouncers on or about registered clubs must have completed an approved course of training with respect to the responsible service of alcohol.

This Regulation is made under the *Registered Clubs Act 1976*, including section 73 (the general power to make regulations) and section 44B.

Clause 1 Registered Clubs Further Amendment (Security Personnel) Regulation  
2004

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## **Registered Clubs Further Amendment (Security Personnel) Regulation 2004**

under the

Registered Clubs Act 1976

### **1 Name of Regulation**

This Regulation is the *Registered Clubs Further Amendment (Security Personnel) Regulation 2004*.

### **2 Amendment of Registered Clubs Regulation 1996**

The *Registered Clubs Regulation 1996* is amended by omitting “1 January 2005” wherever occurring in clause 47CA and by inserting instead “1 March 2005”.



New South Wales

# Road Transport (Driver Licensing) Amendment (Christmas–New Year 2004–2005 Demerit Points) Regulation 2004

under the

Road Transport (Driver Licensing) Act 1998

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

CARL SCULLY, M.P.,  
Minister for Roads

## Explanatory note

The object of this Regulation is to amend the *Road Transport (Driver Licensing) Regulation 1999* to ensure that certain offences committed during the Christmas–New Year 2004–2005 period (being 24 December 2004 to 3 January 2005 (inclusive)) attract extra demerit points. This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 15 and 19 (the general regulation-making power).

Clause 1            Road Transport (Driver Licensing) Amendment (Christmas–New Year  
2004–2005 Demerit Points) Regulation 2004

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## **Road Transport (Driver Licensing) Amendment (Christmas–New Year 2004–2005 Demerit Points) Regulation 2004**

under the

Road Transport (Driver Licensing) Act 1998

### **1 Name of Regulation**

This Regulation is the *Road Transport (Driver Licensing) Amendment (Christmas–New Year 2004–2005 Demerit Points) Regulation 2004*.

### **2 Amendment of Road Transport (Driver Licensing) Regulation 1999**

The *Road Transport (Driver Licensing) Regulation 1999* is amended by inserting the following at the end of paragraph (b) of the definition of *over a long weekend* in clause 36 (5):

24 December 2004 until 3 January 2005 (inclusive)



New South Wales

# Road Transport (General) (Penalty Notice Offences) Amendment (Trader's Plates) Regulation 2004

under the

Road Transport (General) Act 1999

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

CARL SCULLY, M.P.,  
Minister for Roads

## Explanatory note

The object of this Regulation is to update certain references to offences under the *Road Transport (Vehicle Registration) Regulation 1998* as a consequence of the amendments made to that regulation by the *Road Transport (Vehicle Registration) Amendment (Trader's Plates) Regulation 2004*.

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

Clause 1            Road Transport (General) (Penalty Notice Offences) Amendment (Trader's Plates) Regulation 2004

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## **Road Transport (General) (Penalty Notice Offences) Amendment (Trader's Plates) Regulation 2004**

under the

Road Transport (General) Act 1999

### **1 Name of Regulation**

This Regulation is the *Road Transport (General) (Penalty Notice Offences) Amendment (Trader's Plates) Regulation 2004*.

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

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

Road Transport (General) (Penalty Notice Offences) Amendment (Trader's Plates) Regulation 2004

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

**[1] Schedule 2 Penalty notice offences**

Omit “Clause 47 (3); Clause 51 (1) (b); Clause 51 (1) (c); Clause 51 (1) (d); Clause 51 (1) (e); Clause 51 (1) (f); Clause 51 (2); Clause 51 (3);” from the first entry in Column 1 of the matter relating to the *Road Transport (Vehicle Registration) Regulation 1998*.

Insert instead “Clause 50 (3);”.

**[2] Schedule 2**

Omit “Clause 54 (1);” from the first entry in Column 1 of the matter relating to the *Road Transport (Vehicle Registration) Regulation 1998*.

Insert instead “Clause 54;”.

**[3] Schedule 2**

Omit the matter relating to Clause 51 (1) (a) from the matter relating to the *Road Transport (Vehicle Registration) Regulation 1998*.



New South Wales

# Road Transport (Vehicle Registration) Amendment (Trader's Plates) Regulation 2004

under the

Road Transport (Vehicle Registration) Act 1997

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

CARL SCULLY, M.P.,  
Minister for Roads

## Explanatory note

The object of this Regulation is to amend the *Road Transport (Vehicle Registration) Regulation 1998* with respect to trader's plates:

- (a) to increase the range of traders to whom trader's plates may be issued to include those persons who provide a service in relation to unregistered registrable vehicles that is incidental to the manufacture or repair of, or dealings in, those vehicles, being a service that the Roads and Traffic Authority is satisfied requires the use of trader's plates, and
- (b) to permit a prospective purchaser of an unregistered registrable vehicle to test drive the vehicle using trader's plates if the person has the written authorisation of the trader to whom the plates have been issued, and
- (c) to make certain requirements in relation to the issuing of an authorisation to a person to test drive an unregistered registrable vehicle, and
- (d) to remove requirements in relation to identification labels for trader's plates, and
- (e) to remove the power of the Roads and Traffic Authority to transfer trader's plates between traders.

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



Clause 1            Road Transport (Vehicle Registration) Amendment (Trader's Plates)  
                         Regulation 2004

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## **Road Transport (Vehicle Registration) Amendment (Trader's Plates) Regulation 2004**

under the

Road Transport (Vehicle Registration) Act 1997

### **1 Name of Regulation**

This Regulation is the *Road Transport (Vehicle Registration) Amendment (Trader's Plates) Regulation 2004*.

### **2 Amendment of Road Transport (Vehicle Registration) Regulation 1998**

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

Road Transport (Vehicle Registration) Amendment (Trader's Plates)  
Regulation 2004

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

### [1] Clause 45 Issue of trader's plates

Omit clause 45 (1). Insert instead:

- (1) On the payment of the applicable scheduled fee, the Authority may issue one or more trader's plates to any person that the Authority is satisfied:
  - (a) is a manufacturer, or repairer of, or dealer in, unregistered registrable vehicles, or
  - (b) provides some other service in relation to unregistered registrable vehicles that is incidental to the manufacture or repair of, or dealings in, those vehicles, being a service that the Authority is satisfied requires the use of trader's plates.
- (1A) Despite subclause (1), the Authority is not to issue a trader's plate to a person unless the Authority is satisfied that the person carries on business from premises that the Authority considers to be suitable for the issue of trader's plates.

### [2] Clause 45 (2) (c)

Insert at the end of clause 45 (2) (b) (ii):

- , and
- (c) remains the property of the Authority.

### [3] Clauses 46 and 47

Omit the clauses.

### [4] Clause 48

Omit the clause. Insert instead:

#### **48 Use of vehicles with trader's plates on road or road related area**

For the purposes of section 18 (2) (b) of the Act, a registrable vehicle to which a trader's plate is attached may be used on a road or road related area only if the use of the vehicle is an authorised use under clause 50.

### [5] Clause 49 Affixing of identification labels

Omit the clause.

Road Transport (Vehicle Registration) Amendment (Trader's Plates)  
Regulation 2004

Schedule 1 Amendments

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**[6] Clause 50 Purposes for which trader's plates may be used**

Omit clause 50 (1). Insert instead:

- (1) Subject to subclause (2), the use of a registrable vehicle to which a trader's plate is affixed on a road or road related area is an authorised use if the vehicle (or in the case of a trailer, the vehicle by which it is drawn):
  - (a) is conveying the trader to whom the plate has been issued or the trader's authorised employee or agent, and is being driven:
    - (i) for a purpose connected with its manufacture or repair or connected with a dealing in the vehicle, or
    - (ii) for a purpose connected with a service of the kind referred to in clause 45 (1) (b) that is being provided in relation to the vehicle, or
    - (iii) to the nearest convenient motor registry for registration by the most direct or convenient route, or
    - (iv) for delivery at the address of a person who has acquired it from such a trader, or
  - (b) is being test driven by a prospective purchaser who is in possession of a written authorisation to drive the vehicle issued by the trader to whom the plate has been issued or by the trader's authorised employee or agent.

**[7] Clause 50 (3) and (4)**

Insert after clause 50 (2):

- (3) A person must not authorise an individual to test drive, on a road or road related area, an unregistered registrable vehicle to which a trader's plate is attached unless:
  - (a) the person is the trader to whom the trader's plate has been issued or is the trader's authorised employee or agent, and
  - (b) the person reasonably believes the individual to be a genuine prospective purchaser, and
  - (c) the person has made a record of the individual's name and address, and
  - (d) the person has provided the individual with a written authorisation to drive the vehicle.Maximum penalty (subclause (3)): 20 penalty units.

Road Transport (Vehicle Registration) Amendment (Trader's Plates)  
Regulation 2004

Amendments

Schedule 1

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(4) In this clause:

*trader's authorised employee or agent* means an employee or agent of the trader duly authorised in writing.

**[8] Clause 51 Unauthorised uses of identification labels**

Omit the clause.

**[9] Clause 54**

Omit the clause. Insert instead:

**54 Disposal or cessation of business**

If a trader to whom a trader's plate has been issued sells, disposes of or ceases to carry on the business to which the trader's plate relates, the trader must immediately give written notification to the Authority of the sale, disposition or cessation of the business and deliver the trader's plate to the Authority.

Maximum penalty: 20 penalty units.

**[10] Clause 55 Return of trader's plate**

Omit "or transferred" wherever occurring from clause 55 (1) and (2).

**[11] Schedule 2 Fees**

Omit item (c) from Part 4.

**[12] Schedule 6 Savings and transitional provisions**

Insert after clause 9:

**10 Transferred trader's plates**

A trader's plate that was transferred to a person by the Authority under clause 54 (2) before the repeal of that subclause by the *Road Transport (Vehicle Registration) Amendment (Trader's Plates) Regulation 2004* is taken to have been issued to that person under clause 45 and expires at the end of the period for which it was issued under the transfer.

**[13] Dictionary**

Omit the definitions of *identification label* and *trader*.

Insert in alphabetical order:

*trader* means a person who is entitled to hold a trader's plate.



New South Wales

# Sydney Water Amendment (Plumbing and Drainage Work) Regulation 2004

under the

Sydney Water Act 1994

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Sydney Water Act 1994*.

FRANK ERNEST SARTOR, M.P.,  
Minister for Energy and Utilities

## Explanatory note

Clause 6 (1) of the *Sydney Water Regulation 2000* provides that a person must not do plumbing or drainage work otherwise than in accordance with the Plumbing and Drainage Code of Practice. Clause 7 (1) of that Regulation provides that a person must not do plumbing or drainage work unless authorised by a permit to do the work. The object of this Regulation is to amend the *Sydney Water Regulation 2000* to exclude home owners and occupiers (or persons authorised by a home owner or occupier) from the requirements of clauses 6 (1) and 7 (1) of that Regulation if the work involves repairing a tap or showerhead in a dwelling or the installation of water restricting or flow regulating devices to tap end fittings (including showerheads).

This Regulation is made under the *Sydney Water Act 1994*, including sections 99 and 106 (the general regulation-making power).

Clause 1            Sydney Water Amendment (Plumbing and Drainage Work) Regulation 2004

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## **Sydney Water Amendment (Plumbing and Drainage Work) Regulation 2004**

under the

Sydney Water Act 1994

### **1 Name of Regulation**

*This Regulation is the Sydney Water Amendment (Plumbing and Drainage Work) Regulation 2004.*

### **2 Amendment of Sydney Water Regulation 2000**

*The Sydney Water Regulation 2000 is amended as set out in Schedule 1.*

Sydney Water Amendment (Plumbing and Drainage Work) Regulation 2004

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

### [1] Clause 5 Definitions

Insert in alphabetical order:

*dwelling* means a room or suite of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate residence.

### [2] Clause 6 Plumbing and drainage work to comply with Code of Practice and to use only approved fittings

Insert after clause 6 (1):

- (1A) A person is not guilty of an offence under subclause (1) if:
- (a) the work involves:
    - (i) repairing a tap or showerhead in a dwelling, or
    - (ii) the installation of water restricting or flow regulating devices to tap end fittings (including showerheads) in a dwelling, and
  - (b) the person carrying out the work:
    - (i) is an owner or occupier of the dwelling, or
    - (ii) has been authorised to carry out the work by a person who is an owner or occupier of the dwelling and does not receive payment or other consideration for carrying out that work.
- (1B) Subclause (1A) does not apply to work involving the repair of any thermostatic mixing valve, tempering valve or backflow prevention device.

### [3] Clause 7 Permit required for plumbing or drainage work

Insert after clause 7 (1):

- (1A) A person is not guilty of an offence under subclause (1) if:
- (a) the work involves:
    - (i) repairing a tap or showerhead in a dwelling, or
    - (ii) the installation of water restricting or flow regulating devices to tap end fittings (including showerheads) in a dwelling, and
  - (b) the person carrying out the work:
    - (i) is an owner or occupier of the dwelling, or

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## Sydney Water Amendment (Plumbing and Drainage Work) Regulation 2004

Schedule 1 Amendments

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(ii) has been authorised to carry out the work by a person who is an owner or occupier of the dwelling and does not receive payment or other consideration for carrying out that work.

(1B) Subclause (1A) does not apply to work involving the repair of any thermostatic mixing valve, tempering valve or backflow prevention device.

**[4] Clause 16 Person to give certificate of compliance after work completed**

Insert “or a person referred to in clause 7 (1A)” after “Corporation” in clause 16 (4).





New South Wales

# Transport Administration (General) Amendment (State Taxes) Regulation 2004

under the

Transport Administration Act 1988

Her Excellency the Governor, with the advice of the Executive Council, and on the recommendation of the Minister with the approval of the Treasurer, has made the following Regulation under the *Transport Administration Act 1988*.

MICHAEL COSTA, M.L.C.,  
Minister for Transport Services

## Explanatory note

The object of this Regulation is to amend the *Transport Administration (General) Regulation 2000* to:

- (a) exempt land owned by, or leased to, RailCorp, and used for railway purposes, from State taxes (other than land subject to a lease or licence by RailCorp), and
- (b) exempt RailCorp from State taxes payable in respect of any matter or thing done by RailCorp in the exercise of its functions (other than a matter or thing relating to land or a dealing with land), and
- (c) exempt premises owned by, or leased to, RailCorp from the parking space levy under the *Parking Space Levy Act 1992* (other than premises subject to a lease or licence by RailCorp),

for a period of 12 months, commencing on the expiration of the exemption from State taxes contained in section 17E (1) of the *Transport Administration Act 1988*.

This Regulation is made under the *Transport Administration Act 1988*, including sections 17E (2) and 119 (the general regulation-making power).

Clause 1           Transport Administration (General) Amendment (State Taxes) Regulation  
2004

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## **Transport Administration (General) Amendment (State Taxes) Regulation 2004**

under the

Transport Administration Act 1988

### **1 Name of Regulation**

This Regulation is the *Transport Administration (General) Amendment (State Taxes) Regulation 2004*.

### **2 Amendment of Transport Administration (General) Regulation 2000**

The *Transport Administration (General) Regulation 2000* is amended as set out in Schedule 1.

Transport Administration (General) Amendment (State Taxes) Regulation  
2004

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 2)

### Clause 24B

Insert after clause 24A:

#### 24B Exemption of RailCorp from certain State taxes

- (1) State tax is not chargeable in respect of the following:
  - (a) land owned by, or leased to, RailCorp and used primarily for railway purposes (other than land subject to a lease or licence by RailCorp to another person),
  - (b) any other matter or thing done by RailCorp in the exercise of its functions (other than a matter or thing relating to land or a dealing with land).
- (2) RailCorp is not liable for payment of the parking space levy under the *Parking Space Levy Act 1992* in respect of any premises owned by, or leased to, RailCorp (other than premises subject to a lease or licence by RailCorp to another person).
- (3) This clause has effect for the period of 12 months commencing at the end of the exemption from State taxes contained in section 17E (1) of the Act.
- (4) In this clause:

*railway purposes* includes the following:

  - (a) the operation and maintenance of the NSW rail network,
  - (b) stations and platforms,
  - (c) office buildings used in association with railway purposes,
  - (d) rolling stock maintenance facilities,
  - (e) freight centres and depots,
  - (f) related facilities,
  - (g) purposes ancillary to other purposes set out in this definition.

*State tax* means duty under the *Duties Act 1997* or any other tax, duty, rate, fee or other charge imposed by or under any Act or law of the State, other than pay-roll tax.

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# Rules

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New South Wales

## Supreme Court Rules (Amendment No 399) 2004

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 15 November 2004.

Steven Jupp  
Secretary of the Rule Committee

### Explanatory note

The object of these Rules is to amend Part 75 of, and Schedule F to, the *Supreme Court Rules 1970* to require an indictment to specify the Law Part Code (if any) for each offence charged. The Law Part Code for an offence is the code allocated for the offence in the Lawcodes Database maintained by the Judicial Commission of New South Wales.

Rule 1 Supreme Court Rules (Amendment No 399) 2004

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## **Supreme Court Rules (Amendment No 399) 2004**

under the

Supreme Court Act 1970

### **1 Name of Rules**

These Rules are the *Supreme Court Rules (Amendment No 399) 2004*.

### **2 Amendment of Supreme Court Rules 1970**

The *Supreme Court Rules 1970* are amended as set out in Schedule 1.

Supreme Court Rules (Amendment No 399) 2004

Amendments

Schedule 1

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## Schedule 1 Amendments

(Rule 2)

**[1] Part 75, rule 3D**

Insert “or with subrule (2A)” after “subrule (1)” in rule 3D (2).

**[2] Part 75, rule 3D (2A)**

Insert after rule 3D (2):

- (2A) An indictment must specify the Law Part Code (if any) for each offence alleged to have been committed in the indictment.

**[3] Part 75, rule 3D (4)**

Insert after rule 3D (3):

- (4) In this rule:

*Law Part Code* for an offence means the Law Part Code allocated to the offence in the Lawcodes Database maintained by the Judicial Commission of New South Wales.

**[4] Schedule F**

Omit “7 May 19 ” from Form 74AE. Insert instead “7 May 20 ”.

**[5] Schedule F, Form 74AE**

Omit “(state the offence)”.

Insert instead “(state the offence and its Law Part Code, if any)”.

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# Orders

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New South Wales

## Children (Detention Centres) Amendment Order 2004

under the

Children (Detention Centres) Act 1987

I, Diane Beamer, Minister for Juvenile Justice, in pursuance of section 5 of the *Children (Detention Centres) Act 1987*, make the following Order.

Dated, this 14th day of December 2004.

DIANE BEAMER, M.P.,  
Minister for Juvenile Justice

### Explanatory note

The object of this Order is to amend the *Children (Detention Centres) Order 2001* to omit the matter relating to Kariong Juvenile Justice Centre.

This Order is made under section 5 of the *Children (Detention Centres) Act 1987*.

Clause 1 Children (Detention Centres) Amendment Order 2004

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## **Children (Detention Centres) Amendment Order 2004**

under the

Children (Detention Centres) Act 1987

### **1 Name of Order**

This Order is the *Children (Detention Centres) Amendment Order 2004*.

### **2 Commencement**

This Order commences on 20 December 2004.

### **3 Amendment of Children (Detention Centres) Order 2001**

The *Children (Detention Centres) Order 2001* (originally published in Gazette No 67 of 12 April 2001 at pages 1881–1883) is amended by omitting the matter relating to Kariong Juvenile Justice Centre from Schedule 1.





New South Wales

# First State Superannuation (CHCS Employees) Order 2004

under the

First State Superannuation Act 1992

JAMES JACOB SPIGELMAN, Lieutenant-Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 7 of the *First State Superannuation Act 1992*, make the following Order.

Dated, this 15th day of December 2004.

By Her Excellency's Command,

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

## Explanatory note

The object of this Order is to amend the *First State Superannuation Act 1992* to provide for certain former employees of the Mid Western Area Health Service who became employees of Catholic Health Care Services Limited to continue to be members of the First State Superannuation Scheme if:

- (a) they are employed at Macquarie Care Centre, and
- (b) they transferred their employment on 1 October 2004.

This Order is made under section 7 of the *First State Superannuation Act 1992*.

Clause 1 First State Superannuation (CHCS Employees) Order 2004

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## **First State Superannuation (CHCS Employees) Order 2004**

under the

First State Superannuation Act 1992

### **1 Name of Order**

This Order is the *First State Superannuation (CHCS Employees) Order 2004*.

### **2 Commencement**

This Order is taken to have commenced on 1 October 2004.

### **3 Amendment of First State Superannuation Act 1992 No 100**

The *First State Superannuation Act 1992* is amended by omitting from Schedule 1 the matter relating to Catholic Health Care Services Limited and by inserting instead the following matter:

Catholic Health Care Services Limited (limited to those persons:

- (a) who were employed at the Bodington Hospital, Wentworth Falls, immediately before 1 September 2001, or
- (b) who were employed at Lourdes Hospital and Community Health Service immediately before 9 August 2004 and who, on or after that date, transferred their employment to Holy Spirit Dubbo, or
- (c) who were employees of Mid Western Area Health Service immediately before 1 October 2004 and transferred their employment to Macquarie Care Centre, Bathurst, on that date)



New South Wales

# State Authorities Non-Contributory Superannuation (CHCS Employees) Order 2004

under the

State Authorities Non-Contributory Superannuation Act 1987

JAMES JACOB SPIGELMAN, Lieutenant-Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 27 of the *State Authorities Non-Contributory Superannuation Act 1987*, make the following Order.

Dated, this 15th day of December 2004.

By Her Excellency's Command,

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

## Explanatory note

The object of this Order is to amend the *State Authorities Non-Contributory Superannuation Act 1987* to provide for certain former employees of the Mid Western Area Health Service who became employees of Catholic Health Care Services Limited to continue to be employees for the purposes of the superannuation scheme established under that Act if:

- (a) they are employed at the Macquarie Care Centre, and
- (b) they transferred their employment on 1 October 2004.

This Order is made under section 27 of the *State Authorities Non-Contributory Superannuation Act 1987*.

Clause 1 State Authorities Non-Contributory Superannuation (CHCS Employees)  
Order 2004

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## **State Authorities Non-Contributory Superannuation (CHCS Employees) Order 2004**

under the

State Authorities Non-Contributory Superannuation Act 1987

### **1 Name of Order**

This Order is the *State Authorities Non-Contributory Superannuation (CHCS Employees) Order 2004*.

### **2 Commencement**

This Order is taken to have commenced on 1 October 2004.

### **3 Amendment of State Authorities Non-Contributory Superannuation Act 1987 No 212**

The *State Authorities Non-Contributory Superannuation Act 1987* is amended by omitting from Part 1 of Schedule 1 the matter relating to Catholic Health Care Services Limited and by inserting instead the following matter:

Catholic Health Care Services Limited (limited to those persons:

- (a) who were employed at the Bodington Hospital, Wentworth Falls, immediately before 1 September 2001, or
- (b) who were employees of Mid Western Area Health Service immediately before 1 October 2004 and transferred their employment to Macquarie Care Centre, Bathurst, on that date)



New South Wales

## State Authorities Superannuation (CHCS Employees) Order 2004

under the

State Authorities Superannuation Act 1987

JAMES JACOB SPIGELMAN, Lieutenant-Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 46 of the *State Authorities Superannuation Act 1987*, make the following Order.

Dated, this 15th day of December 2004.

By Her Excellency's Command,

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

### Explanatory note

The object of this Order is to amend the *State Authorities Superannuation Act 1987* to provide for certain former employees of the Mid Western Area Health Service who became employees of Catholic Health Care Services Limited to continue to be contributors to the State Authorities Superannuation Scheme if:

- (a) they are employed at Macquarie Care Centre, and
- (b) they transferred their employment on 1 October 2004.

This Order is made under section 46 of the *State Authorities Superannuation Act 1987*.

Clause 1 State Authorities Superannuation (CHCS Employees) Order 2004

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## **State Authorities Superannuation (CHCS Employees) Order 2004**

under the

State Authorities Superannuation Act 1987

### **1 Name of Order**

This Order is the *State Authorities Superannuation (CHCS Employees) Order 2004*.

### **2 Commencement**

This Order is taken to have commenced on 1 October 2004.

### **3 Amendment of State Authorities Superannuation Act 1987 No 211**

The *State Authorities Superannuation Act 1987* is amended by omitting from Part 1 of Schedule 1 the matter relating to Catholic Health Care Services Limited and by inserting instead the following matter:

Catholic Health Care Services Limited (limited to those persons:

- (a) who were employed at the Bodington Hospital, Wentworth Falls, immediately before 1 September 2001, or
- (b) who were employees of Mid Western Area Health Service immediately before 1 October 2004 and transferred their employment to Macquarie Care Centre, Bathurst, on that date)



New South Wales

## Superannuation (CHCS Employees) Order 2004

under the

Superannuation Act 1916

JAMES JACOB SPIGELMAN, Lieutenant-Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 92 of the *Superannuation Act 1916*, make the following Order.

Dated, this 15th day of December 2004.

By Her Excellency's Command,

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

### Explanatory note

The object of this Order is to amend the *Superannuation Act 1916* to provide for certain former employees of the Mid Western Area Health Service who became employees of Catholic Health Care Services Limited to continue to be contributors to the State Superannuation Scheme if:

- (a) they are employed at Macquarie Care Centre, and
- (b) they transferred their employment on 1 October 2004.

This Order is made under section 92 of the *Superannuation Act 1916*.

Clause 1 Superannuation (CHCS Employees) Order 2004

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## **Superannuation (CHCS Employees) Order 2004**

under the

Superannuation Act 1916

### **1 Name of Order**

This Order is the *Superannuation (CHCS Employees) Order 2004*.

### **2 Commencement**

This Order is taken to have commenced on 1 October 2004.

### **3 Amendment of Superannuation Act 1916 No 28**

The *Superannuation Act 1916* is amended by inserting the following matter at the end of Part 1 of Schedule 3:

Catholic Health Care Services Limited (limited to those persons who were employees of Mid Western Area Health Service immediately before 1 October 2004 and transferred their employment to Macquarie Care Centre, Bathurst, on that date)



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## By-laws

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New South Wales

# Sydney Opera House Trust Amendment By-law 2004

under the

Sydney Opera House Trust Act 1961

Her Excellency the Governor, with the advice of the Executive Council, has approved the following By-law made by the Sydney Opera House Trust under the *Sydney Opera House Trust Act 1961*.

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

### Explanatory note

The object of this By-law is to amend the *Sydney Opera House Trust By-law 1998* to better protect the Opera House by:

- (a) providing that it is a condition of a person's entry to the Opera House that the person must comply with certain requests relating to searching of persons and vehicles, and
- (b) creating an offence of damaging or interfering with Opera House equipment, fixtures and fittings, and
- (c) expanding the power of an authorised officer to direct a person to leave the Opera House, increasing from 10 to 50 penalty units the penalty for failure to comply with a direction, authorising the use of reasonable force to remove a person who fails to comply with a direction and providing for the banning of such a person, and
- (d) enabling an authorised officer to require a person to state his or her name and address in certain circumstances and to permit the officer to take a photograph of a person in similar circumstances, and
- (e) enabling authorised officers to cause certain vehicles to be removed, and
- (f) including police officers as persons who can exercise functions of the Trust and authorised officers under the By-law.

The By-law also omits a redundant offence of littering and changes references to the General Manager of the Opera House to Chief Executive Officer of the Opera House.

This By-law is made under the *Sydney Opera House Trust Act 1961*, including section 28 (the general by-law making power).

Clause 1          Sydney Opera House Trust Amendment By-law 2004

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## **Sydney Opera House Trust Amendment By-law 2004**

under the

Sydney Opera House Trust Act 1961

### **1 Name of By-law**

This By-law is the *Sydney Opera House Trust Amendment By-law 2004*.

### **2 Commencement**

This By-law commences on 17 December 2004.

### **3 Amendment of Sydney Opera House Trust By-law 1998**

The *Sydney Opera House Trust By-law 1998* is amended as set out in Schedule 1.

Sydney Opera House Trust Amendment By-law 2004

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 3 Definitions

Insert in alphabetical order:

*authorised officer* means each of the following persons:

- (a) a police officer,
- (b) the Chief Executive Officer,
- (c) any person who is the holder for the time being of a position on the staff of the Trust that is designated by the Chief Executive Officer or the Trust as an authorised officer position (either generally or in relation to a particular provision or provisions of this By-law),
- (d) any person (including a member of staff of the Trust) authorised for the time being by the Chief Executive Officer or the Trust to exercise the functions of an authorised officer (either generally or in relation to a particular provision or provisions of this By-law).

### [2] Clause 3, definition of "General Manager"

Omit the definition. Insert instead:

*Chief Executive Officer* means the member of staff of the Trust for the time being holding or acting in the position of Chief Executive Officer of the Opera House.

### [3] Clause 4A

Insert in Part 2 before clause 5:

#### 4A Request to undergo search as condition of entry

- (1) For the purpose of promoting safety and security at the Opera House, a person's entry to any part of the Opera House (whether or not on payment of an admission fee) is subject to the condition that the person must comply with any of the following requests made of the person:
  - (a) a request by an authorised officer that the person undergo a search conducted by electronic means (such as by passing an electronic detection device over or in close proximity to the person or by the person passing through a detection device),

## Sydney Opera House Trust Amendment By-law 2004

## Schedule 1 Amendments

- 
- (b) a request by an authorised officer that the person allow a search of articles in the person's possession and identify articles in the person's possession,
  - (c) a request by an authorised officer that the person remove his or her overcoat, coat or jacket or similar article of clothing and any gloves, shoes and hat (or other headwear), and allow an examination of those items,
  - (d) if the person enters in a vehicle—a request by an authorised officer that the person open the vehicle, or part of it, for inspection and allow the vehicle or part to be searched,
  - (e) a request by an authorised officer or by a member of staff of the Trust that the person leave any article in the person's possession in the temporary custody of the Trust while the person is at the Opera House (such as by checking the article into a cloakroom provided by the Trust for the purpose).
- (2) A request referred to in subclause (1) is not limited to being made at the time of entry or at a point of entry to the Opera House or part of the Opera House, and can be made at any time that a person is at the Opera House.

**[4] Clause 13**

Omit the clause. Insert instead:

**13 Interference with equipment**

A person must not damage, tamper with, or otherwise interfere with the operation of, any equipment, fixture or fitting at the Opera House.

Maximum penalty: 50 penalty units.

**[5] Clause 16 Directions to leave**

Omit "The Trust" from clause 16 (1), (2) and (5) wherever occurring.

Insert instead "An authorised officer".

**[6] Clause 16 (3)**

Omit the subclause. Insert instead:

- (3) An authorised officer may direct a person to leave the Opera House or any Opera House premises if the authorised officer believes on reasonable grounds that:

## Sydney Opera House Trust Amendment By-law 2004

## Amendments

## Schedule 1

- 
- (a) the person is contravening or has contravened any provision of this By-law or is committing or has committed any other offence at the Opera House, or
  - (b) the person is failing or has failed to comply with a request referred to in clause 4A, compliance with which is a condition of the person's entry to the Opera House or part of the Opera House, or
  - (c) the person is causing annoyance or inconvenience or behaving in an offensive manner or in a manner likely to endanger the person or another person, or
  - (d) the person is about to contravene any provision of this By-law or commit any other offence at the Opera House.

**[7] Clause 16 (4)**

Omit "10 penalty units". Insert instead "50 penalty units".

**[8] Clause 16 (6)**

Insert after clause 16 (5):

- (6) Reasonable force may be used to effect the person's removal.

**[9] Clauses 16A–16C**

Insert after clause 16:

**16A Banning from Opera House premises**

- (1) An authorised officer who has directed a person to leave the Opera House or any Opera House premises under clause 16 may ban the person from the Opera House premises.
- (2) A ban under this clause takes effect when written notice of the ban is served on the person and remains in force for the period specified in the notice, or if no such period is specified, for a period of 3 months.
- (3) The maximum period that may be specified in a notice under subclause (2) is 3 months unless there is a ban already in force in relation to the person, in which case the maximum period that may be specified is 12 months.
- (4) An authorised officer may remove a ban in relation to a person at any time by written notice served on the person.
- (5) A person must not enter the Opera House premises while a ban is in force in relation to the person.  
Maximum Penalty: 50 penalty units.

## Sydney Opera House Trust Amendment By-law 2004

## Schedule 1 Amendments

**16B Requirement to state name and address**

- (1) An authorised officer who suspects on reasonable grounds that a person is contravening or has contravened any provision of this By-law or is committing or has committed any other offence on the Opera House premises may require the person to state his or her full name and residential address.
- (2) A person must not:
  - (a) fail without reasonable excuse to comply with a requirement under this section, or
  - (b) in purported compliance with such a requirement, furnish information that the person knows to be false or misleading in a material particular.Maximum penalty: 50 penalty units.
- (3) A person is not guilty of an offence against this clause unless it is established that the authorised officer warned the person that the failure to comply with the requirement is an offence.

**16C Taking photographs of certain persons**

An authorised officer who suspects on reasonable grounds that a person is contravening or has contravened any provision of this By-law or is committing or has committed any other offence on the Opera House premises may take a photograph or make another form of image of the person.

**[10] Clause 18 Driving and parking**

Omit "The Trust" from clause 18 (4). Insert instead "An authorised officer".

**[11] Clause 18 (5A) and (5B)**

Insert after clause 18 (5):

- (5A) An authorised officer may cause an unlawfully parked vehicle to be removed from the Opera House premises if:
  - (a) the person in control of the vehicle has failed to comply with a direction to remove the vehicle, or
  - (b) the vehicle is unattended and the authorised officer, after making reasonable inquiries, has been unable to identify a person as being in control of the vehicle.
- (5B) For the purpose of promoting safety and security at the Opera House, an authorised officer may cause any vehicle to be removed from the Opera House premises at any time.

Sydney Opera House Trust Amendment By-law 2004

Amendments

Schedule 1

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**[12] Clause 19**

Omit the clause. Insert instead:

**19 Exercise of Trust's functions**

A function that is conferred on the Trust by this By-law may be exercised by an authorised officer.

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## Other Legislation

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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 omit reference to the following population as an endangered population under that Act and, accordingly, Schedule 1 to that Act is amended by omitting from Part 2 under the heading “Rhamnaceae” (under the heading “Plants”):

*Cryptandra longistaminea* F. Muell.      *Cryptandra longistaminea* in the vicinity of Ellandgrove Road, South Grafton

Dated, this 3rd day of December 2004.

Associate Professor Paul Adam  
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.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au),
- (b) by contacting the Scientific Committee Support Unit, by post C/- Department of Environment and Conservation, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the National Parks Centre, 102 George St, The Rocks, Sydney.





## Notice of Final Determination

under the

Threatened Species Conservation Act 1995

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

*Eucalyptus castrensis* K.D. Hill

Dated, this 3rd day of December 2004.

Associate Professor Paul Adam  
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.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au),
- (b) by contacting the Scientific Committee Support Unit, by post C/- Department of Environment and Conservation, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the National Parks Centre, 102 George St, The Rocks, Sydney.



New South Wales

## Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following ecological community as an endangered ecological community under that Act and, accordingly, Schedule 1 to that Act is amended by inserting in Part 3 in alphabetical order:

Freshwater Wetlands on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions (as described in the final determination of the Scientific Committee to list the ecological community)

Dated, this 3rd day of December 2004.

Associate Professor Paul Adam  
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.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au),
- (b) by contacting the Scientific Committee Support Unit, by post C/- Department of Environment and Conservation, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the National Parks Centre, 102 George St, The Rocks, Sydney.

## NSW SCIENTIFIC COMMITTEE

## Final Determination

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to list Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions, as an ENDANGERED ECOLOGICAL COMMUNITY in Part 3 of Schedule 1 of the Act. Listing of endangered ecological communities is provided for by Part 2 of the Act.

The Scientific Committee has found that:

1. Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is the name given to the ecological community associated with periodic or semi-permanent inundation by freshwater, although there may be minor saline influence in some wetlands. They typically occur on silts, muds or humic loams in depressions, flats, drainage lines, backswamps, lagoons and lakes associated with coastal floodplains. Floodplains are level landform patterns on which there may be active erosion and aggradation by channelled and overbank stream flow with an average recurrence interval of 100 years or less (adapted from Speight 1990). Freshwater Wetlands on Coastal Floodplains generally occur below 20 m elevation in the NSW North Coast, Sydney Basin and South East Corner bioregions. The structure of the community may vary from sedgeland and reedlands to herbfields, and woody species of plants are generally scarce. Typically these wetlands form mosaics with other floodplain communities, and often they include or are associated with ephemeral or semi-permanent standing water (e.g. Goodrick 1970).

The composition of Freshwater Wetlands on Coastal Floodplains is primarily determined by the frequency, duration and depth of waterlogging and may be influenced by the level of nutrients and salinity in the water and substrate. The community is characterised by the following assemblage of species:

<i>Alisma plantago-aquatica</i>	<i>Azolla filiculoides</i> var. <i>rubra</i>
<i>Azolla pinnata</i>	<i>Baumea articulata</i>
<i>Baumea rubiginosa</i>	<i>Bolboschoenus caldwellii</i>
<i>Bolboschoenus fluviatilis</i>	<i>Brasenia schreiberi</i>
<i>Carex appressa</i>	<i>Centipeda minima</i>
<i>Ceratophyllum demersum</i>	<i>Cyperus lucidus</i>
<i>Eclipta platyglossa</i>	<i>Eclipta prostrata</i>
<i>Eleocharis acuta</i>	<i>Eleocharis equisetina</i>
<i>Eleocharis minuta</i>	<i>Eleocharis sphacelata</i>
<i>Fimbristylis dichotoma</i>	<i>Gratiola pedunculata</i>
<i>Hemarthria uncinata</i>	<i>Hydrilla verticillata</i>
<i>Hydrocharis dubia</i>	<i>Juncus polyanthemus</i>
<i>Juncus usitatus</i>	<i>Leersia hexandra</i>
<i>Lemna</i> spp.	<i>Lepironia articulata</i>
<i>Ludwigia peploides</i> subsp. <i>montevidensis</i>	<i>Marsilea mutica</i>
<i>Maundia triglochoides</i>	<i>Myriophyllum crispatum</i>
<i>Myriophyllum latifolium</i>	<i>Myriophyllum propinquum</i>
<i>Myriophyllum variifolium</i>	<i>Najas marina</i>
<i>Najas tenuifolia</i>	<i>Nymphaea gigantea</i>
<i>Nymphoides geminata</i>	<i>Nymphoides indica</i>
<i>Ottelia ovalifolia</i>	<i>Panicum obseptum</i>
<i>Panicum vaginatum</i>	<i>Paspalum distichum</i>
<i>Persicaria attenuata</i>	<i>Persicaria decipiens</i>
<i>Persicaria hydropiper</i>	<i>Persicaria lapathifolia</i>
<i>Persicaria strigosa</i>	<i>Philydrum lanuginosum</i>
<i>Phragmites australis</i>	<i>Potamogeton crispus</i>
<i>Potamogeton ochreatus</i>	<i>Potamogeton perfoliatus</i>
<i>Potamogeton tricarinatus</i>	<i>Pseudoraphis spinescens</i>
<i>Ranunculus inundatus</i>	<i>Schoenoplectus litoralis</i>
<i>Schoenoplectus mucronatus</i>	<i>Schoenoplectus validus</i>
<i>Spirodella</i> spp.	<i>Triglochin procera sensu lato</i>
<i>Typha orientalis</i>	<i>Utricularia australis</i>
<i>Vallisneria</i> spp.	<i>Wolffia</i> spp.

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

3. Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is known from parts of the Local Government Areas of Tweed, Byron, Lismore, Ballina, Richmond Valley, Clarence Valley, Coffs Harbour, Bellingen, Nambucca, Kempsey, Hastings, Greater Taree, Great Lakes, Port Stephens, Maitland, Newcastle, Cessnock, Lake Macquarie, Wyong, Gosford, Hawkesbury, Baulkham Hills, Blacktown, Penrith, Fairfield, Liverpool, Wollondilly, Camden, Campbelltown, Wollongong, Shellharbour, Kiama, Shoalhaven, Eurobodalla and Bega Valley but may occur elsewhere in these bioregions. Bioregions are defined in Thackway and Creswell (1995). Examples include Swan Bay, Gundurimba wetland, Bungawalbin Swamp, Dyraaba Creek and Tuckean Swamp on the Richmond floodplain; Southgate wetlands and Trenayr Swamp on the Clarence floodplain; Seven Oaks Swamp, Swan Pool, Kinchela Creek and Upper Belmore Swamp on the Macleay floodplain; Great Swamp on the Manning floodplain; Wentworth Swamp, Hexham Swamp, Wallis Creek and Ellalong Lagoon on the Hunter floodplain; Bushells, Pitt Town, Long Neck and Broadwater Lagoons on the Hawkesbury floodplain; Coomonderry Swamp on the Shoalhaven floodplain; Pedro and Old Man Bed Swamps on the Moruya floodplain; and Jellat Jellat Swamp on the Bega floodplain (Goodrick 1970).
4. Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is dominated by herbaceous plants and have very few woody species. The structure and composition of the community varies both spatially and temporally depending on the water regime (Yen and Myerscough 1989, Boulton and Brock 1999). Wetlands or parts of wetlands that lack standing water most of the time are usually dominated by dense grassland or sedgeland vegetation, often forming a turf less than 0.5 metre tall and dominated by amphibious plants including *Paspalum distichum* (water couch), *Leersia hexandra* (swamp rice-grass), *Pseudoraphis spinescens* (mud grass) and *Carex appressa* (tussock sedge). Wetlands or parts of wetlands subject to regular inundation and drying may include large emergent sedges over 1 metre tall, such as *Baumea articulata*, *Eleocharis equisetina* and *Lepironia articulata*, as well as emergent or floating herbs such as *Hydrocharis dubia* (frogbit), *Philydrum lanuginosum* (frogsmouth), *Ludwigia peploides* subsp. *montevidensis* (water primrose), *Marsilea mutica* (nardoo) and *Myriophyllum* spp. (milfoils). As standing water becomes deeper or more permanent, amphibious and emergent plants become less abundant, while floating and submerged aquatic herbs become more abundant. These latter species include *Azolla filiculoides* var. *rubra*, *Ceratophyllum demersum* (hornwort), *Hydrilla verticillata* (water thyme), *Lemna* spp. (duckweeds), *Nymphaea gigantea* (giant waterlily), *Nymphoides indica* (water snowflake), *Ottelia ovalifolia* (swamp lily) and *Potamogeton* spp. (pondweeds). The threatened aquatic plants, *Aldrovanda vesiculosa* and *Najas marina*, also occur within this community. The composition and structure of the vegetation is also influenced by grazing history, changes to hydrology and soil salinity, catchment runoff and disturbance, and may have a substantial component of exotic grasses and forbs. Artificial wetlands created on previously dry land specifically for purposes such as sewerage treatment, stormwater management and farm production, are not regarded as part of this community, although they may provide habitat for threatened species.
5. Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions has a distinctive fauna that includes frogs, fish, freshwater tortoises, waterbirds and a diversity of micro- and macro-invertebrates. The frog families represented are Myobatrachidae (southern frogs) and Hylidae (tree frogs), including the threatened Green and Golden Bell Frog (*Litoria aurea*). Waterbirds include Black Swan (*Cygnus atratus*), Pacific Black Duck (*Anas superciliosa*), Australian Grey Teal (*Anas gracilis*), Pacific Heron (*Ardea pacifica*), White-faced Heron (*Ardea novaehollandiae*), Great Egret (*Ardea alba*), Intermediate Egret (*Ardea intermedia*), Little Egret (*Ardea garzetta*), Straw-necked Ibis (*Threskiornis spinicollis*), Sacred Ibis (*Threskiornis aethiopica*), Black-necked Stork (*Ephippiorhynchus asiaticus*), Royal Spoonbill (*Platalea regia*), Yellow-billed Spoonbill (*Platalea flavipes*), Japanese Snipe (*Gallinago hardwickii*), Black-winged Stilt (*Himantopus himantopus*), Dusky Moorhen (*Gallinula tenebrosa*), Comb-crested jacana (*Jacana gallinacea*) and Purple swamphen (*Porphyrio porphyrio*).
6. Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions forms part of a complex of forested wetland and treeless wetland communities found throughout the coastal floodplains of NSW. A recent analysis of available quadrat data from these habitats identified several types of forested wetlands that are distinct from this treeless wetland community (Keith and Scott 2005). The combination of features that distinguish Freshwater Wetlands on Coastal Floodplains from other endangered ecological communities on the coastal floodplains include its scarcity or complete absence of woody plant species and the presence of amphibious, emergent, floating or submerged aquatic forbs, grasses or sedges. It generally occupies low-lying parts of floodplains, alluvial flats, depressions, drainage lines, backswamps, lagoons and lakes; habitats where flooding is periodic and standing fresh water persists for at least part of the year in most years. The community also occurs in backbarrier landforms where floodplains adjoin coastal sandplains (e.g. Pressey and Griffith 1992). However, it is distinct from Sydney Freshwater Wetlands, which may include a component of woody plant species and are associated with sandplains in the Sydney Basin bioregion.
7. Freshwater Wetlands on Coastal Floodplains may adjoin or intergrade with several other endangered ecological communities, which collectively cover all remaining native vegetation on the coastal floodplains of New South Wales. These include Lowland Rainforest on Floodplain in the NSW North Coast bioregion, Subtropical Floodplain Forest of the NSW North Coast bioregion, River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (including the formerly listed Sydney Coastal River-flat Forest in the Sydney Basin bioregion), Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (including the formerly listed Sydney Coastal Estuary Swamp Forest Complex in the Sydney Basin bioregion) and Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions. For example, Freshwater Wetlands on Coastal Floodplains are sometimes fringed by trees, such as *Casuarina glauca* (swamp oak) and *Melaleuca quinquenervia* (paperbark), indicating transitional

zones to forested communities of the floodplains. The boundaries between these communities are dynamic and may shift in response to changes in hydrological regimes, fire regimes or land management practices (e.g. Johnston *et al.* 2003, Stevenson 2003). In addition, Freshwater Wetlands on Coastal Floodplains may adjoin or intergrade with Coastal Saltmarsh of the NSW North Coast, Sydney Basin and South East Corner bioregions and Sydney Freshwater Wetlands of the Sydney Basin bioregion. The Determinations for these communities collectively encompass the full range of intermediate assemblages.

8. A number of vegetation surveys and mapping studies have been conducted across the range of Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. This community includes 'Fresh meadows', 'Seasonal fresh swamps', 'Semi-permanent fresh swamps', and 'Open fresh waters' in the general coastal wetlands classification of Goodrick (1970). In the Tweed valley lowlands, this community includes '*Eleocharis equisetina* tall closed sedgeland' (E2) and '*Triglochin procera* tall forbland to tall open forbland' (E3) of Pressey and Griffith (1992) and parts of the 'Floodplain Wetland Complex' (FL) that are dominated by herbaceous plants (Pressey and Griffith 1992). In the lower Hunter valley, 'Freshwater Wetland Complex' (map unit 46) of NPWS (2000) falls within this community. In the Sydney region, this community includes 'Freshwater wetlands on the floodplains' of Benson and Howell (1990); 'Freshwater reed swamps' (map unit 28a) of Benson (1992) and Ryan *et al.* (1996) in the Penrith-St Albans district; '*Lepironia* freshwater swamp' (map unit 75 and part of map unit 79) of NPWS (2002a) in the Warragamba area; and 'Freshwater wetlands' (map unit 36) of Tozer (2003) on the Cumberland Plain. On the Illawarra plain, this community includes 'Floodplain Wetland' (map unit 54) of NPWS (2002b). In the Comprehensive Regional Assessment of southern New South Wales (Thomas *et al.* 2000), this community includes 'Coastal alluvial valley floor wetlands' (map unit 189). This community also includes those parts of 'Coastal freshwater lagoon' (map unit 313) of Tindall *et al.* (2004), on the south coast of NSW, and parts of 'Floodplain Wetlands' (map unit 60) of Keith and Bedward (1999), in the Eden region, that are dominated by herbaceous aquatic plants. Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is included within the 'Coastal Freshwater Lagoons' vegetation class of Keith (2002, 2004). There may be additional or unmapped occurrences of Freshwater Wetlands on Coastal Floodplains within and beyond these surveyed areas.
9. The extent of the Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions prior to European settlement has not been mapped across its entire range. Estimates of wetland area also vary, depending on the scale of mapping (coarse scale maps may exclude many small wetlands), wetland definition and the occurrence of recent flooding. Mapping carried out by Kingsford *et al.* (2004), for example, focused on areas of open water and thus excluded many wetlands attributable to this community. One estimate based on a compilation of regional vegetation maps suggests that Coastal Freshwater Lagoons, which include Freshwater Wetlands on Coastal Floodplains, currently cover 90-160 km<sup>2</sup>, representing less than 60-90% of the original extent of this broadly defined vegetation class (Keith 2004). However, the remaining area of Freshwater Wetlands on Coastal Floodplains is likely to represent much less than 60-90% of its original range, because this combined estimate for the Coastal Freshwater Wetlands class (Keith 2004) is likely to include a considerable area of freshwater wetlands on coastal sandplains, which are excluded from this Determination. Goodrick (1970) estimated that approximately 21 700 ha of 'Fresh meadows', 'Seasonal fresh swamps', 'Semi-permanent fresh swamps', and 'Open fresh waters' remained on NSW coastal floodplains in 1969, representing less than 39% of their original area. Continued clearing and drainage works in the 35 years since Goodrick's (1970) survey are likely to have resulted in a substantial diminution of Freshwater Wetlands on Coastal Floodplains. More detailed surveys have identified the following areas attributable to Freshwater Wetlands on Coastal Floodplains: less than 150 ha on the Tweed lowlands in 1985 (Pressey and Griffith 1992); about 10 600 ha on the lower Clarence floodplain in 1982 (Pressey 1989a); about 11 200 ha on the lower Macleay floodplain in 1983 (Pressey 1989b); about 3500 ha in the lower Hunter – central Hunter region in 1990s (NPWS 2000); less than 2700 ha on the NSW south coast from Sydney to Moruya in the mid 1990s (Tindall *et al.* 2004), including about 660 ha on the Cumberland Plain in 1998 (Tozer 2003) and about 100 ha on the Illawarra Plain in 2001 (NPWS 2002); and less than 1000 ha in the Eden region in 1990 (Keith and Bedward 1999). The wetlands included in these estimates exist in various states of modification.
10. Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions has been extensively cleared and modified. Large areas that formerly supported this community are occupied by exotic pastures grazed by cattle, market gardens, other cropping enterprises (e.g. sorghum, corn, poplars, etc.) and, on the far north coast, canefields. On the Tweed lowlands, Pressey and Griffith (1992) estimated that less than 3% of the original Floodplain Wetlands remained in 1985. Similar estimates are likely to apply to Freshwater Wetlands on Coastal Floodplains in other parts of the NSW North Coast bioregion (Pressey 1989a, 1989b). In the lower Hunter – central coast region, about two-thirds was estimated to have remained during the 1990s (NPWS 2000), while approximately 40% remained on the Cumberland Plain in 1998 (Tozer 2003). In the Sydney – South Coast region, about 70% was estimated to remain in the mid 1990s (Tindall *et al.* 2004), in the Eden region about 30% was estimated to remain during the 1990s (Keith and Bedward 1999).
11. Land clearing continues to threaten Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. A small minority of the remaining area occurs on public land (e.g. Pressey 1989a, b; Pressey and Griffith 1992), with most occurring on productive agricultural land or in close proximity to rural centres. The remaining stands are severely fragmented by past clearing and are further threatened by continuing fragmentation and degradation, flood mitigation and drainage works, filling associated with urban and industrial development, pollution and eutrophication from urban and agricultural runoff, weed invasion, overgrazing, trampling by livestock, soil disturbance by pigs, activation of 'acid sulfate soils' and rubbish dumping (e.g. Goodrick 1970;

- Pressey 1989a, b; Pressey and Griffith 1992; Boulton and Brock 1999, Johnston et al. 2003). The native fauna of Freshwater Wetlands on Coastal Floodplains is threatened by predation, particularly by mosquito fish and cane toads. Anthropogenic climate change may also threaten Freshwater Wetlands on Coastal Floodplains if sea levels rise and future flooding regimes change as predicted (IPCC 2001; Hughes 2003). Clearing of native vegetation; Alteration to the natural flow regimes of rivers, streams, floodplains and wetlands; Invasion of native plant communities by exotic perennial grasses; Predation, habitat destruction, competition and disease transmission by feral pigs; and Anthropogenic climate change are listed as Key Threatening Processes under the Threatened Species Conservation Act (1995).
12. Large areas of habitat formerly occupied by Freshwater Wetlands on Coastal Floodplains have been directly drained by construction of artificial channels (e.g. Pressey 1989a, Boulton and Brock 1999). By the early 1900s, drainage unions or trusts were formed on the major floodplains to enable adjacent landholders to arrange for co-ordinated drainage systems, which were designed and constructed by the former NSW Department of Public Works. Additional areas that have not been directly drained may have been altered hydrologically by changed patterns of flooding and drainage following flood mitigation works, particularly the construction of drains, levees and floodgates (Pressey and Griffith 1992). On the north coast of NSW, expansion of *Melaleuca quinquenervia* and *Casuarina glauca* into open floodplain swamps has been attributed to artificial drainage and shortening of the hydroperiod (Johnston et al. 2003, Stevenson 2003). These changes appear to be closely associated with enhanced acidity, altered ionic ratios, increased dissolved organic carbon and sulfide oxidation in the soil profile (Johnston et al. 2003). Conversely, alteration of tidal flows may have led to decreased soil salinity and localised expansion of Freshwater Wetland into areas that previously supported Coastal Saltmarsh or mangroves (Stevenson 2003). Re-instatement of tidal flows and other natural hydrological processes may therefore lead to contraction of Freshwater Wetlands. In addition, sedimentation and eutrophication of wetlands is associated with development of their catchments for intensive agriculture or urban or industrial infrastructure. Harmful runoff from developed catchments may include herbicides, pesticides, fertilisers, sewerage, industrial waste and polluted stormwater. The widespread degradation of Freshwater Wetlands on Coastal Floodplains has led to regional declines in their dependent fauna including Magpie Geese (*Anseranas semipalmata*), Cotton Pygmy Geese (*Nettapus coromandelianus*), Hardhead (*Aythya australis*), Black-necked Stork (*Ephippiorhynchus asiaticus*), and Wandering Whistling Duck (*Dendrocygna arcuata*).
  13. Very few examples of Freshwater Wetlands on Coastal Floodplains remain unaffected by weeds. The causes of weed invasion include physical disturbance to the vegetation structure of the community; the dumping of landfill, rubbish and garden refuse; eutrophication and polluted runoff from urban and agricultural areas; construction of roads and other utilities; soil disturbance by feral pigs and grazing by domestic livestock. In addition, mechanical and chemical methods of controlling aquatic weeds may threaten native components of the flora. The principal weed species affecting Freshwater Wetlands on Coastal Floodplains include *Alternanthera philoxeroides* (alligatorweed), *Baccharis halimifolia* (groundsel bush), *Echinochloa crus-galli* (barnyard grass), *Eichhornia crassipes* (water hyacinth), *Hygrophila costata* (glush weed), *Ludwigia longifolia*, *L. peruviana*, *Nymphaea capensis* (Cape waterlily), *Panicum repens* (torpedo grass), *Pennisetum clandestinum* (kikuyu) and *Salvinia molesta*, (Sainty and Jacobs 1981).
  14. Small areas of Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions are contained within existing conservation reserves, including Ukerebagh, Tuckean, Tabbimoble Swamp, Hexham Swamp, Pambalong and Pitt Town Nature Reserves and Bungawalbin, Scheyville and Seven Mile Beach National Parks, although these are unevenly distributed throughout the range and unlikely to represent the full diversity of the community. In addition, wetlands within protected areas are exposed to hydrological changes that were, and continue to be initiated outside their boundaries. Some Freshwater Wetlands on Coastal Floodplains are protected by State Environmental Planning Policy 14, although this has not always precluded impacts on wetlands from the development of major infrastructure.
  15. Given the dynamic hydrological relationship between Freshwater Wetlands on Coastal Floodplains, Coastal Saltmarsh and other endangered ecological communities on coastal floodplains, future management of water and tidal flows may result in the expansion of some communities at the expense of others. Proposals for the restoration of natural hydrological regimes and for the rehabilitation of acid sulfate soils may also result in changes to the distribution and composition of floodplain communities. Co-ordinated planning and management approaches across whole catchments will be required to address and resolve priorities between different management objectives.
  16. In view of the above the Scientific Committee is of the opinion that Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

Associate Professor Paul Adam  
Chairperson  
Scientific Committee

**References**

- Benson DH (1992) The natural vegetation of the Penrith 1:100 000 map sheet. *Cunninghamia* **2**, 541-596.
- Benson DH, Howell, J (1990) 'Taken for granted: the bushland of Sydney and its suburbs.' (Kangaroo Press, Sydney.)
- Boulton AJ, Brock MA (1999). 'Australian freshwater wetlands: processes and management.' (Gleneagles Publishing, Glen Osmond.)
- Goodrick GN (1970) A survey of wetlands of coastal New South Wales. Technical Memorandum No. 5. CSIRO, Canberra.
- Hughes L (2003) Climate change and Australia: trends, projections and impacts. *Austral Ecology* **28**, 423-443.
- IPCC (2001) Climate change 2001: Impacts, adaptation and vulnerability. Report from Working Group II. Intergovernmental Panel on Climate Change, Geneva.
- Johnston SG, Slavich PG, Hirst P (2003) Alteration of groundwater and sediment geochemistry in a sulfidic backswamp due to *Melaleuca quinquenervia* encroachment. *Australian Journal of Soil Research* **41**, 1343-1367.
- Keith DA (2002) 'A compilation map of native vegetation for New South Wales. NSW Biodiversity Strategy.' (NSW National Parks and Wildlife Service, Sydney.)
- Keith DA (2004) 'Ocean shores to desert dunes: the native vegetation of New South Wales and the ACT.' (NSW Department of Environment and Conservation, Sydney.)
- Keith DA, Bedward M (1999) Vegetation of the South East Forests region, Eden, New South Wales. *Cunninghamia* **6**, 1-218.
- Keith DA, Scott, J (2005) Native vegetation of coastal floodplains – a broad framework for definition of communities in NSW. *Pacific Conservation Biology* **11**, in press.
- Kingsford RT, Brandis K, Thomas RF, Crigton P, Knowles E, Gale E (2004) Classifying landform at broad spatial scales: the distribution and conservation of wetlands in New South Wales, Australia. *Marine and Freshwater Research* **55**, 17-31.
- NPWS (1999) Forest ecosystem classification and mapping for the upper and lower north east Comprehensive Regional Assessment. NSW National Parks and Wildlife Service, Coffs Harbour.
- NPWS (2000) Vegetation Survey, Classification and Mapping: Lower Hunter and Central Coast Region. Version 1.2. NSW National Parks and Wildlife Service, Sydney.
- NPWS (2002a). Native vegetation of the Warragamba Special Area. NSW National Parks and Wildlife Service, Sydney.
- NPWS (2002b) Native vegetation of the Wollongong escarpment and coastal plain. NSW National Parks and Wildlife Service, Sydney.
- Pressey RL (1989a) Wetlands of the lower Clarence floodplain, northern coastal New South Wales. *Proceedings of the Linnean Society of NSW* **111**, 143-155.
- Pressey RL (1989b) Wetlands of the lower Macleay floodplain, northern coastal New South Wales. *Proceedings of the Linnean Society of NSW* **111**, 157-168.
- Pressey RL, Griffith SJ (1992) Vegetation of the coastal lowlands of Tweed shire, northern New South Wales, species and conservation. *Proceedings of the Linnean Society of NSW* **113**, 203-243.
- Ryan K, Fisher M, Schaeper L (1996) The natural vegetation of the St Albans 1:100 000 map sheet. *Cunninghamia* **4**, 433-482.
- Sainty GR, Jacobs SWL (1981) 'Waterplants of New South Wales.' (Water Resources Commission of NSW, Sydney.)
- Speight JG (1990) Landform. In: 'Australian soil and land survey. Field handbook' Second edition (Eds. RC McDonald, RF Isbell, JG Speight, J, Walker, MS Hopkins), pp9-57. Inkata Press, Melbourne.
- Stevenson, M (2003) Remote sensing and historical investigation of environmental change and *Melaleuca* encroachment in Tuckean Swamp, north-eastern NSW. Unpublished report. School of Environmental Science and Management, Southern Cross University, Lismore.
- Thackway R, Creswell ID (1995) (eds) 'An interim biogeographic regionalisation of Australia: a framework for establishing the national system of reserves.' (Australian Nature Conservation Agency: Canberra).
- Tindall D, Pennay C, Tozer MG, Turner K, Keith DA (2004) Native vegetation map report series. No. 4. Araluen, Batemans Bay, Braidwood, Burratorang, Goulburn, Jervis Bay, Katoomba, Kiama, Moss Vale, Penrith, Port Hacking, Sydney, Taralga, Ulladulla, Wollongong. NSW Department of Environment and Conservation and NSW Department of Infrastructure, Planning and Natural Resources, Sydney.
- Thomas V, Gellie N, Harrison T (2000) Forest ecosystem classification and mapping for the southern Comprehensive Regional Assessment. NSW National Parks and Wildlife Service, Queanbeyan.
- Tozer MG (2003) The native vegetation of the Cumberland Plain, western Sydney: systematic classification and field identification of communities. *Cunninghamia* **8**, 1-75.
- Yen S, Myerscough PJ (1989) Co-existence of three species of amphibious plants in relation to spatial and temporal variation: field evidence. *Australian Journal of Ecology* **14**, 291-304.



New South Wales

## Notice of Final Determination

under the

### Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following species as an endangered species under that Act and, as a consequence, to omit reference to it as a species presumed extinct and, accordingly, Schedule 1 to that Act is amended:

- (a) by inserting in Part 1 in alphabetical order under the heading “Rubiaceae” (under the heading “Plants”):

*Galium australe* DC.

- (b) by omitting from Part 4 from under the heading “Rubiaceae” (under the heading “Plants”):

*Galium australe* DC.

Dated, this 3rd day of December 2004.

Associate Professor Paul Adam  
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.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au),  
(b) by contacting the Scientific Committee Support Unit, by post C/- Department of Environment and Conservation, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,  
(c) in person at the National Parks Centre, 102 George St, The Rocks, Sydney.





New South Wales

## Notice of Final Determination

under the

Threatened Species Conservation Act 1995

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

*Goodenia* sp. ‘Nocoleche’ (JLP 210)

Dated, this 3rd day of December 2004.

Associate Professor Paul Adam  
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.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au),
- (b) by contacting the Scientific Committee Support Unit, by post C/- Department of Environment and Conservation, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the National Parks Centre, 102 George St, The Rocks, Sydney.



New South Wales

## Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following ecological community as an endangered ecological community under that Act and, accordingly, Schedule 1 to that Act is amended by inserting in Part 3 in alphabetical order:

Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions (as described in the final determination of the Scientific Committee to list the ecological community)

Dated, this 14th day of December 2004.

Associate Professor Paul Adam  
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.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au),
- (b) by contacting the Scientific Committee Support Unit, by post C/- Department of Environment and Conservation, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the National Parks Centre, 102 George St, The Rocks, Sydney.

## NSW SCIENTIFIC COMMITTEE

## Final Determination

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to list the Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions as an ENDANGERED ECOLOGICAL COMMUNITY in Part 3 of Schedule 1 of the Act. Listing of endangered ecological communities is provided for by Part 2 of the Act.

The Scientific Committee has found that:

1. Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions is the name given to the plant community associated with accumulated peaty or organic-mineral sediments on poorly drained flats in the headwaters of streams. It occurs on undulating tablelands and plateaus, above 400-500 m elevation, generally in catchments with basic volcanic or fine-grained sedimentary substrates or, occasionally, granite. Montane Peatlands and Swamps is characterised by the assemblage of species listed in paragraph 2 and comprises a dense, open or sparse layer of shrubs with soft-leaved sedges, grasses and forbs. It is the only type of wetland that may contain more than trace amounts of *Sphagnum* spp., the hummock peat-forming mosses. Small trees may be present as scattered emergents or absent from the community.
2. Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions is characterised by following assemblage of species:

<i>Acaena novae-zelandiae</i>	<i>Arthropodium milleflorum</i>
<i>Asperula gunnii</i>	<i>Baeckea gunniana</i>
<i>Baeckea utilis</i>	<i>Baloskion australe</i>
<i>Baloskion stenocoleum</i>	<i>Baumea rubiginosa</i>
<i>Blechnum nudum</i>	<i>Blechnum penna-marina</i>
<i>Brachyscome graminea</i>	<i>Callistemon pityoides</i>
<i>Carex appressa</i>	<i>Carex fascicularis</i>
<i>Carex gaudichaudiana</i>	<i>Comesperma retusum</i>
<i>Deyeuxia gunniana</i>	<i>Deyeuxia quadriseta</i>
<i>Drosera binata</i>	<i>Drosera peltata</i>
<i>Eleocharis acuta</i>	<i>Eleocharis sphacelata</i>
<i>Empodisma minus</i>	<i>Epacris breviflora</i>
<i>Epacris microphylla</i>	<i>Epacris paludosa</i>
<i>Epilobium billardierianum</i>	<i>Epilobium gunnianum</i>
<i>Eucalyptus ovata</i>	<i>Eucalyptus pauciflora</i>
<i>Eucalyptus stellulata</i>	<i>Gahnia sieberiana</i>
<i>Geranium neglectum</i>	<i>Gleichenia dicarpa</i>
<i>Gonocarpus micranthus</i>	<i>Gratiola latifolia</i>
<i>Gratiola peruviana</i>	<i>Hakea microcarpa</i>
<i>Hydrocotyle peduncularis</i>	<i>Hypericum gramineum</i>
<i>Hypericum japonicum</i>	<i>Hypoxis hygrometrica</i>
<i>Isotoma fluviatilis</i>	<i>Juncus falcatus</i>
<i>Juncus planifolius</i>	<i>Juncus sarophorus</i>
<i>Lagenifera stipitata</i>	<i>Leptospermum juniperinum</i>
<i>Leptospermum lanigerum</i>	<i>Leptospermum myrtifolium</i>
<i>Leptospermum obovatum</i>	<i>Leptospermum polygalifolium</i> subsp. <i>polygalifolium</i>
<i>Lepyrodia anarthria</i>	<i>Lythrum salicaria</i>
<i>Mitrasacme serpyllifolia</i>	<i>Myriophyllum pedunculatum</i>
<i>Myriophyllum propinquum</i>	<i>Neopaxia australasica</i>
<i>Oreomyrrhis ciliata</i>	<i>Phragmites australis</i>
<i>Poa costiniana</i>	<i>Poa labillardieri</i>
<i>Poa sieberiana</i> var. <i>sieberiana</i>	<i>Prasophyllum canaliculatum</i>
<i>Pratia pedunculata</i>	<i>Prunella vulgaris</i>
<i>Pteridium esculentum</i>	<i>Ranunculus lappaceus</i>
<i>Ranunculus pimpinellifolius</i>	<i>Scaevola hookeri</i>
<i>Schoenus apogon</i>	<i>Scirpus polystachyus</i>
<i>Sphagnum cristatum</i>	<i>Sphagnum novo-zelandicum</i>
<i>Spiranthes sinensis</i> subsp. <i>australis</i>	<i>Stellaria pungens</i>
<i>Stylidium graminifolium</i>	<i>Utricularia dichotoma</i>
<i>Viola betonicifolia</i>	<i>Viola caleyana</i>
<i>Viola hederacea</i>	<i>Wahlenbergia ceracea</i>
<i>Xerochrysum palustre</i>	

3. The total species list of the community is larger than that given above, with many species present only in one or two sites, or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought conditions and by its disturbance (including grazing, land clearing and fire) history. The number

and relative abundance of species will change with time since fire, and may also change in response to changes in fire frequency or water regime. At any one time, above-ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is mainly of vascular plant species, however the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are poorly documented.

4. Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions typically has an open to very sparse layer of shrubs, 1-5 m tall, including species of *Baeckea*, *Callistemon* and *Leptospermum*. Species of *Epacris* and *Hakea microcarpa* are also common shrubs. In some peatlands and swamps, particularly those with a history of disturbance to vegetation, soils or hydrology, the shrub layer comprises dense thickets of *Leptospermum* species. In other peatlands and swamps with a history of grazing by domestic livestock, the shrub layer may be very sparse or absent. Montane Peatlands typically have a dense groundcover of sedges, grasses and forbs, except where a dense cover of tall shrubs casts deep shade. Soft-leaved species of *Carex* and *Poa* typically make up most of the groundcover biomass, while other common sedges include *Baloskion* spp., *Baumea rubiginosa*, *Empodisma minus*, *Juncus* spp. and *Schoenus apogon*. Forbs growing amongst the sedges include *Drosera* spp., *Geranium neglectum*, *Gratiola* spp., *Mitrasacme serpyllifolia*, *Ranunculus* spp. and *Viola* spp. Hummocks of *Sphagnum* moss may occur amongst other components of the ground layer. The continuity of the ground layer may be interrupted by erosion, trampling, partial clearing or earthworks. There may be considerable variation in soils and species composition between and within individual peatlands and swamps. Regionally, a number of species are confined to the northern or southern parts of the community's distribution. Locally, toward the margins of any particular peatland or swamp, the average watertable depth typically declines, the mineral content of surface soils increases and hydrophilic plant species are replaced by species that are less tolerant of waterlogged conditions.
5. Montane Peatlands and Swamps may be distinguished from Upland Wetlands of the Drainage Divide of the New England Tableland bioregion, also listed on Schedule 1 of the Threatened Species Conservation Act 1995, by several biological and physical characteristics. The latter community has fewer woody plants, a greater component of aquatic herbs, is based on substrates with less peat and higher mineral content, and has shallow temporary to near-permanent standing water, cf. a varying depth of seeping water within Montane Peatlands and Swamps.
6. Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions provides habitat for a number of endangered plant species including *Carex klaphakei*, *Diuris pedunculata*, *Eucalyptus approximans*, *Euphrasia scabra*, *Gentiana baueriana*, *G. bredboensis*, *G. wingecarriensis*, *Grevillea acanthifolia* subsp. *paludosa*, *Lysimachia vulgaris* var. *davurica* and *Prasophyllum uroglossum*; and vulnerable plant species including *Baloskion longipes*, *Boronia deanei*, *Callitris oblonga*, *Diuris venosa*, *Eucalyptus aquatica*, *Leptospermum thompsonii*, *Prasophyllum fuscum*, *Pultenaea parrisiae* subsp. *parrisiae*, *Ranunculus anemoneus*, *Tasmannia purpurascens* and *T. glaucifolia*. Some of these species are associated with ecotones of adjoining forests or watercourses. Montane peatlands and swamps provide habitat for a range of threatened fauna, particularly amphibians and, notably the Northern and Southern corroboree frogs (*Pseudophryne pengilleyi* and *P. corroboree*) and the Giant Dragonfly (*Petalura gigantea*).
7. Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions is currently known from parts of the Local Government Areas of Armidale Dumaresq, Bega Valley, Bellingen, Blue Mountains, Bombala, Cooma-Monaro, Eastern Capital City, Eurobodalla, Gloucester, Greater Argyle, Guyra, Hawkesbury, Lithgow, Oberon, Severn, Shoalhaven, Snowy River, Tenterfield, Tumbarumba, Tumut, Upper Lachlan and Wingecarribee but may occur elsewhere in these bioregions. Bioregions are defined in Thackway and Creswell (1995).
8. A number of vegetation surveys and mapping studies have been conducted across the range of Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions. In Whinam and Chilcott's (2002) classification of peatland vegetation, this community includes 'Tea-tree *Sphagnum* Peatlands' (Group 3), 'Shrubby herbaceous *Sphagnum* peatlands' (Group 4), 'Shrubby-sedgey *Sphagnum* peatlands' (Group 5), 'Heathy *Sphagnum* Peatlands' (Group 6), 'Barrington drainage line *Sphagnum* Swamps' (Group 7), 'Degraded *Sphagnum* Moss Beds' (Group 8) and 'Alpine *Sphagnum* peatlands' (Group 9). In the New England bioregion, this community includes 'Heath Swamps on Leucogranite and Granite' (map unit 20) of Benson and Ashby (2000), 'Plateau Wet Herbfeld' (map unit 1) and 'Wet Heath' (map unit 5) of Clarke *et al.* (2000), and the *Sphagnum* bogs described by Millington (1954). In the Barrington Tops area, this community includes the swamps described by Mort (1983), 'Sedgeland' (Community 12) of Zoete (2000) and 'Subalpine bogs' of Fraser and Vickery (1939). On the central tablelands, this community includes 'Coxs River swamps' (map unit 20b) and 'Boyd plateau bogs' (map unit 26b) of Keith and Benson (1988) and Benson and Keith (1990); 'Highlands peat swamp' (map unit 25a) and 'Bindook highlands grassland' (map unit 18) of NPWS (2003); and the swamps and bogs described by Black (1976) and Kodela *et al.* (1996). On the southern tablelands, this community includes peatlands described by Hope and Southern (1981), including Wingecarribee swamp (Kodela *et al.* 2001); 'Montane Wet Heath/Bog' (map unit 123), 'Western Montane Wet Heath/Herb Grass Woodland' (map unit 124), 'Montane Wet Heath/Herb Grassland' (map unit 125), and 'Montane Wet Sedgeland' (map unit 126) of Thomas *et al.* (2000); and 'Tableland Bog' (map unit 53) and 'Shrubby Swamp Meadow' (map unit 5557) of Tindall *et al.* (2004); 'Subalpine Bog' (map unit 59) of Keith and Bedward (1999); and '*Carex gaudichaudiana* Alliance', '*Epacris paludosa* - *Sphagnum cymbifolium* Alliance' and '*Carex gaudichaudiana* - *Sphagnum cymbifolium* Alliance' of Costin (1954). In the Kosciusko-Monaro district, this community also includes the *Sphagnum* peatlands of Clarke

- and Martin (1999), the '*Carex gaudichaudiana*' and '*Epacris paludosa*' alliances of Costin (1954), 'Bog and Fen' (map unit 9) of Wimbush and Costin (1973) and the '*Poa* association', '*Poa-Restio* ecotone', '*Restio* associates', '*Hypolaena* associates', '*Richea* associates', '*Epacris* associates', '*Callistemon* consociation' and '*Baeckea* consociation' of McLuckie and Petrie (1927). Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions is included within the 'Montane Bogs and Fens' and 'Alpine Bogs and Fens' vegetation classes of Keith (2002, 2004). There may be additional or unmapped occurrences of Montane Peatlands and Swamps within and beyond these surveyed areas.
9. Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions are threatened by land clearing; grazing, trampling and soil disturbance caused by feral pigs, goats, deer, horses and domestic livestock; damage to vegetation and soils by off-road vehicles; peat mining; frequent or high-intensity fires; pollution and eutrophication from urban areas, cropping and improved pastures in the catchment; weed invasion; changes to water tables and surface flows caused by drainage works or altered flows in the catchment; erosion and sedimentation; and climate change.
  10. Losses of Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions due to land clearing are difficult to estimate. However, estimates vary from about 20% in the Guyra district (Benson and Ashby 2000) to more than 75% in the far southeast of NSW (Keith and Bedward 1999). Clearing of catchments for pastures or plantations, and earthworks associated with road or track construction may also adversely affect peatlands by causing erosion, sedimentation or changes in hydrology (Whinam and Chilcott 2002). Clearing of native vegetation is listed as a Key Threatening Process under the Threatened Species Conservation Act (1995).
  11. Overgrazing may cause changes in species composition by reducing the abundance of the most palatable plants, as well as woody species with poor regenerative capacity (Whinam and Chilcott (2002). Trampling by hooved animals, such as pigs, goats, deer, horses or cattle, causes channelling of water flow, which may lead to erosion or drying in different parts of a peatland (Whinam and Chilcott 2002). Digging and rooting by feral pigs and horses may also cause severe damage to vegetation and soils, even in conservation reserves, such as Kosciuszko and Kanangra-Boyd National Parks, where control measures are carried out (Whinam and Chilcott 2002). Predation, habitat destruction, competition and disease transmission by feral pigs, Competition and habitat degradation by feral goats, and Herbivory and environmental degradation caused by feral deer are listed as a Key Threatening Processes under the Threatened Species Conservation Act (1995).
  12. Peat mining, although localised, may have catastrophic impacts on the hydrology and ecological function of Montane Peatlands and Swamps. For example, peat was extracted from Wingecarribee Swamp, the largest peatland on mainland Australia, for 25 years until it underwent a massive structural collapse in 1998 (Arachchi and Lambkin 1999). The collapse left only 20% of the swamp intact, with the remainder affected by drying, fissuring and oxidation of the peat, loss of *Sphagnum* and herbaceous flora and the expansion of *Leptospermum juniperinum* and exotic woody species such as *Rubus fruticosus* agg. and *Salix* spp. (Kodala *et al.* 2001). Underground mining of coal may also affect the hydrology of Montane Peatlands and Swamps where subsidence causes fissuring and subsequent drying or erosion (Young 1982), or where mine water is disposed into swamps and alters surface flows or causes erosion or sedimentation. Changes to hydrology may also result from the construction of drainage channels for agricultural land use or earthworks associated with infrastructure, such as roads, pipelines or other constructions. Alteration to the natural flow regimes of rivers, streams, floodplains and wetlands is listed as a Key Threatening Process under the Threatened Species Conservation Act (1995).
  13. Some areas of Montane Peatlands and Swamps are exposed to high frequency fire, which alters species composition by favouring fire-tolerant sedges at the expense of woody plants that are slow to regenerate after fire (Keith 1996) and by creating exposed conditions unsuitable for the recovery of *Sphagnum* (Whinam *et al.* 1989, 2001). Survival of rhizomatous species, such as *Balioskion australe* and *Empodisma minus*, and tussock sedges, such as *Carex gaudichaudiana*, is important for the maintenance of substrate integrity after fire. Elimination of woody species by frequent burning is likely to be accelerated by grazing. Under dry conditions, fires may consume peat, resulting in the complete death of surface vegetation and seed banks, and exposure of the remaining substrate to further erosion. Changes that follow peat fires may therefore be long-lasting (Keith 1996). High frequency fire is listed as a Key Threatening Process under the Threatened Species Conservation Act (1995).
  14. Pollution and eutrophication of peatlands is caused by run off or drift of fertilisers, pesticides, waste water, storm water and other pollutants from adjacent pastures and developed industrial or urban areas. This results in the replacement of native peatland vegetation by exotic weeds at a rate determined by the chemical composition and input rate of the pollutants. Common weed species include *Rubus fruticosus* agg. (blackberries), *Salix* spp. (willows), *Pinus radiata*, *Dactylis glomerata* (cocksfoot), *Cirsium vulgare* (spear thistle), *Conyza bonariensis* (fleabane), *Hypochaeris radicata* (cats ear), *Lotus uliginosus*, *Ranunculus repens* (creeping buttercup), *Taraxacum officinale* (dandelion), *Anthoxanthum odoratum* (sweet vernal grass), *Holcus lanatus* (Yorkshire fog), *Paspalum dilatatum*, *Juncus articulatus*. Invasion of native plant communities by exotic perennial grasses is listed as a Key Threatening Process under the Threatened Species Conservation Act (1995).
  15. Climate change may threaten the persistence of Montane Peatlands and Swamps through the alteration of hydrological budgets (Hughes 2003). Reduced precipitation and increased evaporation rates are likely to cause drying and contraction of peatlands (Whinam *et al.* 2003). There may also be indirect impacts if climate change results in higher fire frequencies and greater incidence of peat fires. Anthropogenic climate change is listed as a Key Threatening Process under the Threatened Species Conservation Act (1995).

16. Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions is currently known from conservation reserves including Werrikimbee, Barrington, Kanangra-Boyd, Monga, Wadbilliga, South East Forests and Kosciusko National Parks. However, these examples are generally small, unrepresentative of the range of variation in the community, affected by past disturbances and continue to be threatened by some of the processes described above (Whinam and Chilcott 2002, Whinam *et al.* 2003). Analogous communities occur in Victoria, where the community is listed as threatened under the Flora and Fauna Guarantee Act, and in the Australian Capital Territory.
17. In view of the above, the Scientific Committee is of the opinion that Montane Peatlands and Swamps of the of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions is facing a high risk of becoming extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

Associate Professor Paul Adam,  
Chairperson,  
Scientific Committee

## References

- Arachchi B, Lambkin KJ (1999) Wingecarribee Reservoir Swamp failure. *ANCOLD Bulletin* **113**, 37-45.
- Benson DH, Keith DA (1990) The natural vegetation of the Wallerawang 1:100 000 map sheet. *Cunninghamia* **2**, 305-35.
- Benson JS, Ashby EM (2000) The natural vegetation of the Guyra 1:100 000 map sheet, New England Bioregion of New South Wales. *Cunninghamia* **6**, 747-872.
- Black D (1976) An exploratory survey of the vegetation of the Boyd Plateau. MSc thesis, University of Sydney.
- Clarke PJ, Martin RH (1999) *Sphagnum* peatlands of Kosciuszko National Park in relation to altitude, time and disturbance. *Australian Journal of Botany* **47**, 519-36.
- Clarke PJ, Copeland LM, Noble NE, Bale CL, Williams JB (2000) 'The vegetation and plant species of New England National Park.' University of New England, Armidale.
- Costin AB (1954) 'A study of the ecosystem of the Monaro region of New South Wales with special reference to soil erosion.' (AH Pettifer, Government Printer: Sydney).
- Fraser L, Vickery JW (1939) The ecology of the upper William River and Barrington Tops district. I. Introduction. *Proceedings of the Linnean Society of New South Wales* **64**, 1-33.
- Hope G, Southern W (1981) 'Organic deposits of the Southern Tablelands region, New South Wales.' NSW National Parks and Wildlife Service, Sydney.
- Hughes L (2003) Climate change and Australia: trends, projections and impacts. *Austral Ecology* **28**, 423-443.
- Keith DA (1996) Fire-driven mechanisms of extinction in vascular plants: a review of empirical and theoretical evidence in Australian vegetation. *Proceedings of the Linnean Society of New South Wales* **116**, 37-78.
- Keith DA (2002) 'A compilation map of native vegetation for New South Wales NSW Biodiversity Strategy.' NSW National Parks and Wildlife Service, Sydney.
- Keith DA (2004) 'Ocean shores to desert dunes: the native vegetation of New South Wales and the ACT.' (NSW Department of Environment and Conservation: Sydney.)
- Keith DA, Bedward M (1999) Vegetation of the South East Forest region, Eden, New South Wales. *Cunninghamia* **6**, 1-218.
- Keith DA, Benson DH (1988) The natural vegetation of the Katoomba 1:100 000 map sheet. *Cunninghamia* **2**, 107-43.
- Kodala PG, James TA, Hind PD (1996) Vegetation and flora of the swamps on the Boyd Plateau, Central Tablelands, New South Wales. *Cunninghamia* **4**, 525-30.
- Kodala PG, Sainty GR, Bravo FJ, James TA (2001) 'Wingecarribee Swamp flora survey and related management issues.' Sydney Catchment Authority, New South Wales.
- McLuckie J, Petrie AHK (1927) The vegetation of the Kosciusko Plateau. *Proceedings of the Linnean Society of New South Wales* **52**, 94-113.
- Millington RJ (1954) *Sphagnum* bogs of the New England Plateau, New South Wales. *Journal of Ecology* **42**, 328-344.
- Mort SJ (1983) The Barrington Tops swamps - flora, ecology and conservation. BSc(Hons) thesis, University of New South Wales.
- NPWS (2003) 'The Native Vegetation of the Warragamba Special Area.' NSW National Parks and Wildlife Service Technical Report, Sydney.
- Thackway R, Creswell ID (1995) (Eds) 'An interim biogeographic regionalisation of Australia: a framework for establishing the national system of reserves.' (Australian Nature Conservation Agency: Canberra)
- Thomas V, Gellie N, Harrison T (2000) 'Forest ecosystem classification and mapping for the southern Comprehensive Regional Assessment.' NSW National Parks and Wildlife Service, Queanbeyan.
- Tindall D, Pennay C, Tozer MG, Turner K, Keith DA (2004) 'Native vegetation map report series. No. 4. Araluen, Batemans Bay, Braidwood, Burragorang, Goulburn, Jervis Bay, Katoomba, Kiama, Moss Vale, Penrith, Port Hacking, Sydney,

- Taralga, Ulladulla, Wollongong.' NSW Department of Environment and Conservation and NSW Department of Infrastructure, Planning and Natural Resources, Sydney.
- Whinam J, Chilcott N (2002) Floristic description and environmental relationships of *Sphagnum* communities in NSW and the ACT and their conservation management. *Cunninghamia* **7**, 463-500.
- Whinam J, Eberhard S, Kirkpatrick J, Moscal T (1989) 'Ecology and conservation of *Sphagnum* peatlands in Tasmania.' Tasmanian Conservation Trust Inc., Hobart.
- Whinam J, Barmuta LA, Chilcott N (2001) Floristic descriptions and environmental relationships of Tasmanian *Sphagnum* communities and their conservation management. *Australian Journal of Botany* **4**, 673-685.
- Whinam J, Hope GS, Clarkson BR, Buxton RP, Alspach PA, Adam P (2003) *Sphagnum* in peatlands of Australasia: their distribution, utilisation and management. *Wetland Ecology and Management* **11**, 37-49.
- Wimbush DJ, Costin AB (1973) 'Vegetation mapping in relation to ecological interpretation and management in the Kosciusko alpine area.' CSIRO, Plant Industry Technical paper No. 32, Melbourne.
- Young ARM (1982) Upland swamps (dells) on the Woronora plateau, N.S.W. PhD thesis, University of Wollongong.
- Zoete T (2000) Vegetation Survey of the Barrington Tops and Mount Royal National Parks for use in Fire Management. *Cunninghamia* **6**, 511-78.



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 ecological community referred to in paragraph (a) as an endangered ecological community under that Act and, as a consequence, to omit reference to the ecological community referred to in paragraph (b) as an endangered ecological community and, accordingly, Schedule 1 to that Act is amended:

- (a) by inserting in Part 3 in alphabetical order:

River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions (as described in the final determination of the Scientific Committee to list the ecological community)

- (b) by omitting the following matter from Part 3:

Sydney Coastal River-flat Forest (as described in the final determination of the Scientific Committee to list the ecological community)

Dated, this 13th day of December 2004.

Associate Professor Paul Adam  
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.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au),



Notice of Final Determination

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- (b) by contacting the Scientific Committee Support Unit, by post C/- Department of Environment and Conservation, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the National Parks Centre, 102 George St, The Rocks, Sydney.

## NSW SCIENTIFIC COMMITTEE

## Final Determination

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to list River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions, as an ENDANGERED ECOLOGICAL COMMUNITY in Part 3 of Schedule 1 of the Act, and as a consequence to omit reference to Sydney Coastal River-Flat Forest from Part 3 of Schedule 1 of the Act. Listing of endangered ecological communities is provided for by Part 2 of the Act.

The Scientific Committee has found that:

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

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

<i>Acacia floribunda</i>	<i>Acacia parramattensis</i>
<i>Acmena smithii</i>	<i>Adiantum aethiopicum</i>
<i>Angophora floribunda</i>	<i>Angophora subvelutina</i>
<i>Austrostipa ramosissima</i>	<i>Backhousia myrtifolia</i>
<i>Breynia oblongifolia</i>	<i>Bursaria spinosa</i>
<i>Casuarina cunninghamiana</i> subsp. <i>cunninghamiana</i>	<i>Casuarina glauca</i>
<i>Cayratia clematidea</i>	<i>Centella asiatica</i>
<i>Cheilanthes sieberi</i> subsp. <i>sieberi</i>	<i>Clematis aristata</i>
<i>Clematis glycinoides</i>	<i>Commelina cyanea</i>
<i>Cymbopogon refractus</i>	<i>Desmodium varians</i>
<i>Dichelachne micrantha</i>	<i>Dichondra repens</i>
<i>Digitaria parviflora</i>	<i>Doodia aspera</i>
<i>Echinopogon caespitosus</i> var. <i>caespitosus</i>	<i>Echinopogon ovatus</i>
<i>Einadia hastata</i>	<i>Einadia trigonos</i>
<i>Entolasia marginata</i>	<i>Entolasia stricta</i>
<i>Eragrostis leptostachya</i>	<i>Eucalyptus amplifolia</i>
<i>Eucalyptus baueriana</i>	<i>Eucalyptus benthamii</i>
<i>Eucalyptus botryoides</i>	<i>Eucalyptus elata</i>
<i>Eucalyptus grandis</i>	<i>Eucalyptus longifolia</i>
<i>Eucalyptus moluccana</i>	<i>Eucalyptus ovata</i>
<i>Eucalyptus saligna</i>	<i>Eucalyptus tereticornis</i>
<i>Eucalyptus viminalis</i>	<i>Euchiton sphaericus</i>
<i>Eustrephus latifolius</i>	<i>Galium propinquum</i>
<i>Geitonoplesium cymosum</i>	<i>Geranium solanderi</i>
<i>Glycine clandestina</i>	<i>Glycine microphylla</i>
<i>Glycine tabacina</i>	<i>Hardenbergia violacea</i>
<i>Hydrocotyle peduncularis</i>	<i>Hymenanchera dentata</i>
<i>Hypolepis muelleri</i>	<i>Imperata cylindrica</i> var. <i>major</i>
<i>Livistona australis</i>	<i>Lomandra filiformis</i>
<i>Lomandra longifolia</i>	<i>Lomandra multiflora</i> subsp. <i>multiflora</i>
<i>Melaleuca decora</i>	<i>Melaleuca linariifolia</i>
<i>Melaleuca styphelioides</i>	<i>Melia azedarach</i>
<i>Microlaena stipoides</i> var. <i>stipoides</i>	<i>Opercularia diphylla</i>
<i>Oplismenus aemulus</i>	<i>Oxalis perennans</i>
<i>Ozothamnus diosmifolius</i>	<i>Pandorea pandorana</i>
<i>Paspalidium distans</i>	<i>Persicaria decipiens</i>
<i>Phyllanthus gunnii</i>	<i>Plectranthus parviflorus</i>
<i>Poranthera microphylla</i>	<i>Pratia purpurascens</i>
<i>Pteridium esculentum</i>	<i>Rubus parvifolius</i>
<i>Sigesbeckia orientalis</i> subsp. <i>orientalis</i>	<i>Solanum prinophyllum</i>
<i>Stephania japonica</i> var. <i>discolor</i>	<i>Themeda australis</i>
<i>Trema aspera</i>	<i>Tristaniopsis laurina</i>
<i>Vernonia cinerea</i>	<i>Veronica plebeia</i>
<i>Viola hederacea</i>	<i>Wahlenbergia gracilis</i>

2. The total species list of the community is considerably larger than that given above, with many species present at only one or two sites or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought conditions and by its disturbance (including fire, grazing, flooding and land clearing) history. The number and relative abundance of species will change with time since fire, flooding or significant rainfall, and may also change in response to changes in grazing regimes. At any one time, above-ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is of vascular plant species, the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are poorly documented.
3. River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is known from parts of the Local Government Areas of Port Stephens, Maitland, Singleton, Cessnock, Lake Macquarie, Wyong, Gosford, Hawkesbury, Baulkham Hills, Blacktown, Parramatta, Penrith, Blue Mountains, Fairfield, Holroyd, Liverpool, Bankstown, Wollondilly, Camden, Campbelltown, Sutherland, Wollongong, Shellharbour, Kiama, Shoalhaven, Eastern Capital City Regional, Eurobodalla and Bega Valley but may occur elsewhere in these bioregions. Bioregions are defined in Thackway and Creswell (1995). Major examples once occurred on the floodplains of the Hunter, Hawkesbury, Moruya, Bega and Towamba Rivers, although many smaller floodplains and river flats also contain examples of the community.
4. River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions has a tall open tree layer of eucalypts, which may exceed 40 m in height, but can be considerably shorter in regrowth stands or under conditions of lower site quality. While the composition of the tree stratum varies considerably, the most widespread and abundant dominant trees include *Eucalyptus tereticornis* (forest red gum), *E. amplifolia* (cabbage gum), *Angophora floribunda* (rough-barked apple) and *A. subvelutina* (broad-leaved apple). *Eucalyptus baueriana* (blue box), *E. botryoides* (bangalay) and *E. elata* (river peppermint) may be common south from Sydney, *E. ovata* (swamp gum) occurs on the far south coast, *E. saligna* (Sydney blue gum) and *E. grandis* (flooded gum) may occur north of Sydney, while *E. benthamii* is restricted to the Hawkesbury floodplain. Other eucalypts including *Eucalyptus longifolia* (woollybutt), *E. moluccana* (grey box) and *E. viminalis* (ribbon gum) may be present in low abundance or dominant in limited areas of the distribution. A layer of small trees may be present, including *Melaleuca decora*, *M. styphelioides* (prickly-leaved teatree), *Backhousia myrtifolia* (grey myrtle), *Melia azaderach* (white cedar), *Casuarina cunninghamiana* subsp. *cunninghamiana* (river oak) and *C. glauca* (swamp oak). Scattered shrubs include *Bursaria spinosa* subsp. *spinosa* (blackthorn), *Solanum prinophyllum* (forest nightshade), *Rubus parvifolius* (native raspberry), *Breynia oblongifolia* (coffee bush), *Ozothamnus diosmifolius*, *Hymenanthera dentata* (tree violet), *Acacia floribunda* (white sally) and *Phyllanthus gunnii*. The groundcover is composed of abundant forbs, scramblers and grasses including *Microlaena stipoides* (weeping grass), *Dichondra repens* (kidney weed), *Glycine clandestina*, *Oplismenus aemulus*, *Desmodium gunnii*, *Pratia purpurascens* (whiteroot), *Entolasia marginata* (bordered panic), *Oxalis perennans* and *Veronica plebeia* (trailing speedwell). The composition and structure of the understorey is influenced by grazing and fire history, changes to hydrology and soil salinity and other disturbance, and may have a substantial component of exotic shrubs, grasses, vines and forbs.
5. River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions provides habitat for a broad range of animals, including many that are dependent on trees for food, nesting or roosting (Law *et al.* 2000a, b). These include cormorants (*Phalacrocorax* spp.) and egrets (*Ardea* spp. and *Egretta* spp.), the Osprey (*Pandion haliaetus*), Whistling Kite (*Haliastur sphenurus*), White-bellied Sea-eagle (*Haliaeetus leucogaster*), as well as the Brush-tailed Phascogale (*Phascogale tapoatafa*), Yellow-bellied Glider (*Petaurus australis*), Squirrel Glider (*Petaurus norfolcensis*) (Law *et al.* 2000a), Sugar Glider (*Petaurus breviceps*) and Grey-headed Flying Fox (*Pteropus poliocephalus*). The fauna of River-Flat Eucalypt Forest also includes a number of species of frogs in the families Myobatrachidae and Hylidae, particularly *Litoria* spp., and many species of forest birds including honeyeaters, kingfishers, cuckoos, owls, doves, whistlers and fantails.
6. River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions forms part of a complex of forested wetland and treeless wetland communities found throughout the coastal floodplains of NSW. A recent analysis of available quadrat data from these habitats identified a distinct grouping of vegetation samples attributable to this community (Keith and Scott 2005). The combination of features that distinguish River-Flat Eucalypt Forest on Coastal Floodplains from other endangered communities on the coastal floodplains include: its dominance by either a mixed eucalypt canopy or by a single species of eucalypt belonging to either the genus *Angophora* or the sections *Exsertaria* or *Transversaria* of the genus *Eucalyptus* (Hill 2002); the relatively low abundance or sub-dominance of *Casuarina* and *Melaleuca* species; the relatively low abundance of *Eucalyptus robusta*; and the prominent groundcover of soft-leaved forbs and grasses. It generally occupies central parts of floodplains and raised levees; habitats where flooding is periodic and soils are rich in silt, without deep humic horizons and show little or no influence of saline ground water.
7. River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions includes and replaces Sydney Coastal River-Flat Forest Endangered Ecological Community. River-Flat Eucalypt Forest on Coastal Floodplains may adjoin or intergrade with several other endangered ecological communities, which collectively cover all remaining native vegetation on the coastal floodplains of New South Wales. These include Lowland Rainforest on Floodplain in the NSW North Coast bioregion, Subtropical Floodplain Forest of the NSW North Coast bioregion, Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (including the formerly listed Sydney Coastal Estuary Swamp

Forest in the Sydney Basin bioregion), Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions and Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. For example, northwards from the Hunter valley, River-Flat Eucalypt Forest on Coastal Floodplains may intergrade with, or be replaced by, Subtropical Floodplain Forest of the NSW North Coast bioregion. As soil salinity increases, River-Flat Eucalypt Forest may adjoin or intergrade with Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions. The boundaries between all of these communities are dynamic and may shift in response to changes in hydrological regimes, fire regimes or land management practices. The Determinations for these communities collectively encompass the full range of intermediate assemblages in transitional habitats.

8. A number of vegetation surveys and mapping studies have been conducted across the range of River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. In the Comprehensive Regional Assessment of the north-eastern NSW (NPWS 1999), areas that were mapped on coastal floodplains of the Manning River as 'Forest Ecosystem 47, Escarpment Red Gums' are included within this community. In the lower Hunter valley, 'Central Hunter Riparian Forest' (map unit 13), 'Wollombi Redgum-River Oak Woodland' (map unit 14) and 'Redgum Roughbarked Apple Swamp Forest' (map unit 38) of NPWS (2000) fall within this community. On the Cumberland Plain, 'Riparian Forest' (map unit 12) of Tozer (2003) and parts of 'Alluvial Woodland' (map unit 11) that are dominated by eucalypts (Tozer 2003) are included within this community. Benson's (1992) 'Camden White Gum Forest' (map unit 6d) and those parts of 'River Flat Forest' (map unit 9f) dominated by eucalypts also fall within this community, as do parts of the 'River-flat forests' of Benson and Howell (1990) and Benson *et al.* (1996) that are dominated by eucalypts. In the Warragamba catchment, small areas of 'Burratorang River Flat Forest' (map unit 88b) and 'Oakdale Alluvial Rough-barked Apple Forest' (map unit 88c) of NPWS (2002) are included within this community. On the south coast of NSW, this community includes those parts of 'Ecotonal Coastal Swamp Forest' (forest ecosystem 27) of Thomas *et al.* (2000) dominated by eucalypts, those parts of 'Coastal Lowlands Riparian Herb/Grass Forest' (forest ecosystem 48) and 'Southern Hinterland Shrub/Herb/Grass Riparian Forest' (forest ecosystem 49) of Thomas *et al.* (2000) mapped on alluvial soils, and those parts of 'Cumberland River Flat Forest' (map unit 33) and 'Floodplain Swamp Forest' (map unit 105) of Tindall *et al.* (2004) that are dominated by eucalypts. In the Eden region, this community includes forested parts of 'Floodplain Wetlands' (map unit 60) that are dominated by eucalypts and parts of 'Bega Wet Shrub Forest' (map unit 19) that are mapped on floodplains (Keith and Bedward 1999). River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is included within the 'Coastal Floodplain Wetlands' vegetation class of Keith (2002, 2004). There may be additional or unmapped occurrences of River-Flat Eucalypt Forest on Coastal Floodplains within and beyond these surveyed areas.
9. The extent of the River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions prior to European settlement has not been mapped across its entire range. However, one estimate based on a compilation of regional vegetation maps suggests that Coastal Floodplain Wetlands, which include Temperate Eucalypt Forest on Coastal Floodplains, currently cover 800-1400 km<sup>2</sup>, representing less than 30% of the original extent of this broadly defined vegetation class (Keith 2004). Compared to this combined estimate, the remaining area of River-Flat Eucalypt Forest on Coastal Floodplains is likely to be considerably smaller and is likely to represent much less than 30% of its original range. Major occurrences include: about 2000 ha in the lower Hunter region in 1990s (NPWS 2000); less than 10 000 ha on the NSW south coast from Sydney to Moruya in the mid 1990s (Tindall *et al.* 2004), of which up to about three-quarters occurred on the Cumberland Plain in 1998 (Tozer 2003); and less than 1000 ha in the Eden region in 1990 (Keith and Bedward 1999).
10. River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions has been extensively cleared and modified. Large areas that formerly supported this community are occupied by exotic pastures grazed by cattle, market gardens and other cropping enterprises (e.g. turf). In the lower Hunter region, about one-quarter of the original extent was estimated to have remained during the 1990s (NPWS 2000), while less than one-quarter remained on the Cumberland Plain in 1998 (Tozer 2003). In the Sydney – South Coast region, less than one-fifth was estimated to remain in the late 1990s (Tindall *et al.* 2004), in the Eden region about 30% was estimated to remain during the 1990s (Keith and Bedward 1999).
11. Land clearing continues to threaten River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. A small minority of the remaining area occurs on public land (e.g. Benson and Howell 1990), with most occurring on productive agricultural land or in close proximity to rural centres. The remaining stands are severely fragmented by past clearing and are further threatened by continuing fragmentation and degradation, flood mitigation and drainage works, landfilling and earthworks associated with urban and industrial development, pollution from urban and agricultural runoff, weed invasion, overgrazing, trampling and other soil disturbance by domestic livestock and feral animals including pigs, activation of 'acid sulfate soils', removal of dead wood and rubbish dumping (e.g. Benson and Howell 1990, Boulton and Brock 1999, Johnston *et al.* 2003). Anthropogenic climate change may also threaten River-Flat Eucalypt Forest on Coastal Floodplains if this affects future flooding regimes (IPCC 2001, Hughes 2003). Localised areas, particularly those within urbanised regions, may also be exposed to frequent burning which reduces the diversity of woody plant species. Clearing of native vegetation; Alteration to the natural flow regimes of rivers, streams, floodplains and wetlands; Invasion of native plant communities by exotic perennial grasses; Predation, habitat destruction, competition and disease transmission by feral pigs; Anthropogenic climate change; High frequency fire; and Removal of dead wood and dead trees are listed as Key Threatening Processes under the Threatened Species Conservation Act (1995).

12. Very few examples of River-Flat Eucalypt Forest on Coastal Floodplains remain unaffected by weeds. The causes of weed invasion include physical disturbance to the vegetation structure of the community, dumping of landfill rubbish and garden refuse, polluted runoff from urban and agricultural areas, construction of roads and other utilities, and grazing by domestic livestock. The principal weed species affecting River-Flat Eucalypt Forest on Coastal Floodplains include *Anredera cordifolia* (madeira vine), *Araujia sericiflora* (moth plant), *Asparagus asparagoides* (bridal creeper), *Axonopus fissifolius* (narrow-leaved carpet grass), *Bidens pilosa* (cobble's peg), *Cardiospermum grandiflorum* (balloon vine), *Cirsium vulgare* (spear thistle), *Conyza bonariensis* (flaxleaf fleabane), *C. sumatrensis* (tall fleabane), *Gleditsea triacanthos* (honey locust), *Hypochaeris radicata* (catsear), *Ipomoea* spp. (morning glories), *Lantana camara* (lantana), *Ligustrum lucidum* (large-leaved privet), *L. sinense* (small-leaved privet), *Lonicera japonica* (Japanese honeysuckle), *Macfadyena unguis-cati* (cat's claw creeper), *Olea europaea* subsp. *cuspidata* (African olive), *Plantago lanceolata* (plantain), *Rubus fruticosus* agg. (blackberries), *Senecio madagascariensis* (fireweed), *Senna pendula* var. *glabrata*, *Setaria parviflora* (slender pigeon grass), *Sida rhombifolia* (paddy's lucerne), *Sonchus oleraceus* (common sowthistle), *Tradescantia fluminensis* (wandering jew), *Verbena bonariensis* (purpletop), *Paspalum dilatatum* (paspalum), *P. urvillei* and *Pennisetum clandestinum* (kikuyu) (Tozer 2003, Keith and Scott 2005, J. R. Hosking, pers. comm.).
13. Small areas of River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions are contained within existing conservation reserves, including Blue Mountains, Cattai, Dharug, Georges River, Marramarra, Morton, Deua and Wadbilliga National Parks, and Gulguer and Mulgoa Nature Reserves, and these are unevenly distributed throughout the range and unlikely to represent the full diversity of the community. The reserved examples are on localised, sheltered river flats between hills, rather than the large open floodplains that comprised the majority of the original habitat (Keith 2004).
14. In view of the above the Scientific Committee is of the opinion that River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

Associate Professor Paul Adam,  
Chairperson,  
Scientific Committee

## References

- Benson DH (1992) The natural vegetation of the Penrith 1:100 000 map sheet. *Cunninghamia* 2, 541-596.
- Benson DH, Howell, J (1990) 'Taken for granted: the bushland of Sydney and its suburbs.' (Kangaroo Press, Sydney.)
- Benson DH, Howell J, McDougall L (1996) 'Mountain devil to mangrove.' (Royal Botanic Gardens, Sydney.)
- Boulton AJ, Brock MA (1999). 'Australian freshwater wetlands: processes and management.' (Gleneagles Publishing, Glen Osmond.)
- Goodrick GN (1970) A survey of wetlands of coastal New South Wales. Technical Memorandum No. 5. CSIRO, Canberra.
- Hill KD (2002) *Eucalyptus*. In: 'Flora of New South Wales. Volume 2' Revised edition (Ed. GJ Harden), pp96-164. University of New South Wales Press, Kensington.
- Hughes L (2003) Climate change and Australia: trends, projections and impacts. *Austral Ecology* 28, 423-443.
- IPCC (2001) Climate change 2001: Impacts, adaptation and vulnerability. Report from Working Group II. Intergovernmental Panel on Climate Change, Geneva.
- Johnston SG, Slavich PG, Hirst P (2003) Alteration of groundwater and sediment geochemistry in a sulfidic backswamp due to *Melaleuca quinquenervia* encroachment. *Australian Journal of Soil Research* 41, 1343-1367.
- Keith DA (2002) *A compilation map of native vegetation for New South Wales. NSW Biodiversity Strategy. NSW National Parks and Wildlife Service, Sydney.*
- Keith DA (2004) 'Ocean shores to desert dunes: the native vegetation of New South Wales and the ACT.' (NSW Department of Environment and Conservation, Sydney.)
- Keith DA, Bedward, M (1999) Vegetation of the South East Forests region, Eden, New South Wales. *Cunninghamia* 6, 1-218.
- Keith DA, Scott, J (2005) Native vegetation of coastal floodplains— a broad framework for definition of communities in NSW. *Pacific Conservation Biology* 11, in press.
- Law BS, Chidel M, Turner G (2000a) The use by wildlife of paddock trees in farmland. *Pacific Conservation Biology* 6, 130-143.
- Law BS, Mackowski C, Schoer L, Tweedie T (2002b) The flowering phenology of myrtaceous trees and their relation to environmental and disturbance variables in Northern New South Wales. *Austral Ecology* 25, 160-178.
- NPWS (1999) *Forest ecosystem classification and mapping for the upper and lower north east Comprehensive Regional Assessment*. NSW National Parks and Wildlife Service, Coffs Harbour.
- NPWS (2000). *Vegetation Survey, Classification and Mapping: Lower Hunter and Central Coast Region*. Version 1.2. NSW National Parks and Wildlife Service, Sydney.

- NPWS (2002). *Native vegetation of the Warragamba Special Area*. NSW National Parks and Wildlife Service, Sydney.
- Speight JG (1990) Landform. In: 'Australian soil and land survey. Field handbook' Second edition (Eds. RC McDonald, RF Isbell, JG Speight, J, Walker, MS Hopkins), pp9-57. Inkata Press, Melbourne.
- Thackway R, Creswell ID (1995) (eds) 'An interim biogeographic regionalisation of Australia: a framework for establishing the national system of reserves.' (Australian Nature Conservation Agency: Canberra).
- Tindall D, Pennay C, Tozer MG, Turner K, Keith, DA (2004) Native vegetation map report series. No. 4. Araluen, Batemans Bay, Braidwood, Burragorang, Goulburn, Jervis Bay, Katoomba, Kiama, Moss Vale, Penrith, Port Hacking, Sydney, Taralga, Ulladulla, Wollongong. NSW Department of Environment and Conservation and NSW Department of Infrastructure, Planning and Natural Resources, Sydney.
- Thomas V, Gellie N, Harrison T (2000). Forest ecosystem classification and mapping for the southern Comprehensive Regional Assessment. NSW National Parks and Wildlife Service, Queanbeyan.
- Tozer MG (2003). The native vegetation of the Cumberland Plain, western Sydney: systematic classification and field identification of communities. *Cunninghamia* **8**, 1-75.



New South Wales

## Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following ecological community as an endangered ecological community under that Act and, accordingly, Schedule 1 to that Act is amended by inserting in Part 3 in alphabetical order:

Subtropical Coastal Floodplain Forest of the New South Wales North Coast Bioregion (as described in the final determination of the Scientific Committee to list the ecological community)

Dated, this 3rd day of December 2004.

Associate Professor Paul Adam  
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.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au),
- (b) by contacting the Scientific Committee Support Unit, by post C/- Department of Environment and Conservation, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the National Parks Centre, 102 George St, The Rocks, Sydney.

## NSW SCIENTIFIC COMMITTEE

## Final Determination

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to list Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion, as an ENDANGERED ECOLOGICAL COMMUNITY in Part 3 of Schedule 1 of the Act. Listing of endangered ecological communities is provided for by Part 2 of the Act.

The Scientific Committee has found that:

1. Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion is the name given to the ecological community associated with clay-loams and sandy loams, on periodically inundated alluvial flats, drainage lines and river terraces associated with coastal floodplains. Floodplains are level landform patterns on which there may be active erosion and aggradation by channelled and overbank stream flow with an average recurrence interval of 100 years or less (adapted from Speight 1990). Subtropical Coastal Floodplain Forest generally occurs below 50 m, but may occur on localised river flats up to 250 m elevation in the NSW North Coast bioregion. The structure of the community may vary from tall open forests to woodlands, although partial clearing may have reduced the canopy to scattered trees. Typically these forests and woodlands form mosaics with other floodplain forest communities and treeless wetlands, and often they fringe treeless floodplain lagoons or wetlands with semi-permanent standing water (e.g. Pressey 1989a).

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

<i>Acacia concurrens</i>	<i>Acacia disparrima</i> subsp. <i>disparrima</i>
<i>Allocasuarina torulosa</i>	<i>Alphitonia excelsa</i>
<i>Angophora paludosa</i>	<i>Angophora subvelutina</i>
<i>Angophora woodsiana</i>	<i>Aristida vagans</i>
<i>Brachychiton populneus</i> subsp. <i>populneus</i>	<i>Breynia oblongifolia</i>
<i>Brunoniella australis</i>	<i>Callistemon salignus</i>
<i>Callistemon viminalis</i>	<i>Callitris columellaris</i>
<i>Casuarina cunninghamiana</i> subsp. <i>cunninghamiana</i>	<i>Casuarina glauca</i>
<i>Centella asiatica</i>	<i>Cheilanthes sieberi</i> subsp. <i>sieberi</i>
<i>Cissus hypoglauca</i>	<i>Commelina cyanea</i>
<i>Commersonia bartramia</i>	<i>Commersonia fraseri</i>
<i>Cordyline congesta</i>	<i>Corymbia intermedia</i>
<i>Cupaniopsis anacardioides</i>	<i>Cupaniopsis parviflora</i>
<i>Cymbidium suave</i>	<i>Cymbopogon refractus</i>
<i>Cyperus enervis</i>	<i>Desmodium rhytidophyllum</i>
<i>Desmodium varians</i>	<i>Dianella caerulea</i>
<i>Dianella longifolia</i>	<i>Dichelachne micrantha</i>
<i>Dichondra repens</i>	<i>Digitaria parviflora</i>
<i>Drypetes australasica</i>	<i>Echinopogon caespitosus</i> var. <i>caespitosus</i>
<i>Elaeocarpus reticulatus</i>	<i>Entolasia marginata</i>
<i>Entolasia stricta</i>	<i>Eragrostis leptostachya</i>
<i>Eucalyptus acmeniodes</i>	<i>Eucalyptus amplifolia</i>
<i>Eucalyptus moluccana</i>	<i>Eucalyptus propinqua</i>
<i>Eucalyptus resinifera</i> subsp. <i>hemilampra</i>	<i>Eucalyptus robusta</i>
<i>Eucalyptus seeana</i>	<i>Eucalyptus siderophloia</i>
<i>Eucalyptus tereticornis</i>	<i>Eustrephus latifolius</i>
<i>Ficus macrophylla</i> subsp. <i>macrophylla</i>	<i>Ficus obliqua</i>
<i>Ficus superba</i> var. <i>henniana</i>	<i>Gahnia aspera</i>
<i>Gahnia clarkei</i>	<i>Geitonoplesium cymosum</i>
<i>Glochidion ferdinandii</i>	<i>Glycine clandestina</i>
<i>Hardenbergia violacea</i>	<i>Hibbertia scandens</i>
<i>Hibiscus diversifolius</i>	<i>Hibiscus tiliaceus</i>
<i>Hovea acutifolia</i>	<i>Imperata cylindrica</i> var. <i>major</i>
<i>Kennedia rubicunda</i>	<i>Lagenifera stipitata</i>
<i>Laxmannia gracilis</i>	<i>Lomandra filiformis</i>
<i>Lomandra longifolia</i>	<i>Lomandra multiflora</i> subsp. <i>multiflora</i>
<i>Lophostemon suaveolens</i>	<i>Maclura cochinchinensis</i>
<i>Mallotus philippensis</i>	<i>Melaleuca alternifolia</i>
<i>Melaleuca decora</i>	<i>Melaleuca nodosa</i>
<i>Melaleuca quinquenervia</i>	<i>Melaleuca styphelioides</i>
<i>Microlaena stipoides</i> var. <i>stipoides</i>	<i>Morinda jasminoides</i>
<i>Notelaea longifolia</i>	<i>Oplismenus aemulus</i>
<i>Oplismenus imbecillis</i>	<i>Panicum simile</i>



*Parsonia straminea*  
*Phyllanthus virgatus*  
*Pittosporum revolutum*  
*Pteridium esculentum*  
*Smilax australis*  
*Stephania japonica* var. *discolor*  
*Tricoryne elatior*  
*Viola hederacea*

*Persoonia stradbokensis*  
*Pimelea linifolia*  
*Pratia purpurascens*  
*Sigesbeckia orientalis*  
*Smilax glyciophylla*  
*Themeda australis*  
*Vernonia cinerea*  
*Wikstroemia indica*

2. The total species list of the community is considerably larger than that given above, with many species present at only one or two sites or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought conditions and by its disturbance (including fire, grazing, flooding and land clearing) history. The number and relative abundance of species will change with time since fire, flooding or significant rainfall, and may also change in response to changes in grazing regimes. At any one time, above-ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is of vascular plant species, the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. Some of these components of the community are poorly documented.
3. Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion is known from parts of the Local Government Areas of Tweed, Byron, Lismore, Ballina, Richmond Valley, Clarence Valley, Coffs Harbour, Bellingen, Nambucca, Kempsey, Hastings, Greater Taree, Great Lakes and Port Stephens, but may occur elsewhere in this bioregion. Bioregions are defined in Thackway and Creswell (1995). Major examples once occurred on the floodplains of the Tweed, Richmond, Clarence, Macleay, Hastings and Manning Rivers, although smaller floodplains would have also supported considerable areas of this community.
4. Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion has a tall open tree layer of eucalypts, which may exceed 40 m in height, but can be considerably shorter in regrowth stands or under conditions of lower site quality. While the composition of the tree stratum varies considerably, the most widespread and abundant dominant trees include *Eucalyptus tereticornis* (forest red gum), *E. siderophloia* (grey ironbark), *Corymbia intermedia* (pink bloodwood) and, north of the Macleay floodplain, *Lophostemon suaveolens* (swamp turpentine). Other trees may be scattered throughout at low abundance or locally common at few sites, particularly where there is an influence from lithic substrates upslope. These include *Eucalyptus moluccana* (grey box), *E. propinqua* (grey gum), *E. seeana* (narrow-leaved red gum), *Angophora subvelutina* (broad-leaved apple), *E. robusta* (swamp mahogany), *Eucalyptus resinifera* subsp. *hemilampra* (red mahogany), *E. acmenoides* (white mahogany), *Angophora woodsiana*, *A. paludosa* and rainforest trees such as *Ficus* spp. (figs) and *Cupaniopsis* spp. (tuckeroos). A layer of small trees may be present, including *Allocasuarina torulosa* (forest oak), *Alphitonia excelsa* (red ash), *Glochidion ferdinandi* (cheese tree), *Callistemon* spp. (bottlebrushes), *Melaleuca* spp. (paperbarks) and *Casuarina glauca* (swamp oak). Scattered shrubs include *Breynia oblongifolia* (coffee bush), *Acacia concurrens* (curracabah), *Commersonia* spp., and *Hibiscus* spp. Occasional vines include *Eustrephus latifolius* (wombat berry), *Parsonia straminea* (common silkpod) and *Geitonoplesium cymosum* (scrambling lily). The groundcover is composed of abundant forbs, scramblers and grasses including *Imperata cylindrica* var. *major* (blady grass), *Themeda australis* (kangaroo grass), *Vernonia cinerea*, *Dianella caerulea* (blue flax lily), *Pratia purpurascens* (whiteroot), *Cheilanthes sieberi* subsp. *sieberi*, and *Dichondra repens* (kidney weed). The composition and structure of the understorey is influenced by grazing and fire history, changes to hydrology and soil salinity and other disturbance, and may have a substantial component of exotic grasses, vines and forbs.
5. Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion provides habitat for a broad range of animals, including many that are dependent on trees for food, nesting or roosting (Law *et al.* 2000). These include species of Cormorant (*Phalacrocorax* spp.) and Egret (*Ardea* spp. and *Egretta* spp.), the Black-necked Stork (*Ephippiorhynchus asiaticus*), Osprey (*Pandion haliaetus*), Brahminy Kite (*Haliastur indus*), Whistling Kite (*Haliastur sphenurus*), White-bellied Sea-eagle (*Haliaeetus leucogaster*), as well as the Brush-tailed Phascogale (*Phascogale tapoatafa*), Squirrel Glider (*Petaurus norfolcensis*), Common Blossum Bat (*Syconycteris australis*) (Law 1994) and Grey-headed Flying Fox (*Pteropus poliocephalus*). The fauna of Subtropical Coastal Floodplain Forest also includes several species of southern frog (family Myobatrachidae) and tree frog (family Hylidae), such as the threatened *Litoria brevipalmata*, and many species of forest birds including honeyeaters, kingfishers, cuckoos, owls, doves, whistlers and fantails.
6. Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion forms part of a complex of forested and treeless wetland communities found throughout the coastal floodplains of NSW. A recent analysis of available quadrat data from these habitats identified a distinct grouping of vegetation samples attributable to this community (Keith and Scott 2005). The combination of features that distinguish Subtropical Coastal Floodplain Forest from other endangered ecological communities on the coastal floodplains include: its dominance by a mixed eucalypt canopy, often with *Lophostemon suaveolens*; the presence of rainforest elements as scattered trees or understorey plants; the relatively low abundance or sub-dominance of *Casuarina* and *Melaleuca* species; the relatively low abundance of *Eucalyptus robusta*; and the prominent groundcover of soft-leaved forbs and grasses. It may occupy central or marginal parts of floodplains and sandy flats, including Pleistocene back-barrier flats (Pressey and Griffith 1992); habitats where flooding is periodic and soils are rich in silt and sand, sometimes humic, and show little influence of saline ground water.

7. Subtropical Coastal Floodplain Forest may adjoin or intergrade with several other endangered ecological communities, which collectively cover all remaining native vegetation on the coastal floodplains of New South Wales. These include Lowland Rainforest on Floodplain in the NSW North Coast bioregion, River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (including the formerly listed Sydney Coastal River-flat Forest in the Sydney Basin bioregion), Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (including the formerly listed Sydney Coastal Estuary Swamp Forest in the Sydney Basin bioregion), Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions and Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. For example, south from the Manning valley, Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion may adjoin or intergrade with River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. As soil salinity increases Subtropical Coastal Floodplain Forest may intergrade with, and be replaced by, Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions. As soils become sandier and more waterlogged, Subtropical Coastal Floodplain Forest may intergrade with, and be replaced by, Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. The boundaries between all of these communities are dynamic and may shift in response to changes in hydrological regimes, fire regimes or land management practices. The Determinations for these communities collectively encompass the full range of intermediate assemblages in transitional habitats.
8. A number of vegetation surveys and mapping studies have been conducted across the range of Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion. In the Comprehensive Regional Assessment of the north-eastern NSW (NPWS 1999), areas mapped as 'Forest Ecosystem 46, Eastern Red Gum', and those parts of areas mapped as 'Forest Ecosystem 73, Lowland Red Gum' on coastal floodplains are included within this community. On the Tweed lowlands, this community includes *Eucalyptus tereticornis*-*E. intermedia*-*Lophostemon suaveolens* tall to very tall open forest' (F5) of Pressey and Griffith (1992) and parts of the 'Floodplain Wetland Complex' (FL) dominated by eucalypts or *Lophostemon suaveolens* (Pressey and Griffith 1992). Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion is included within the 'Coastal Floodplain Wetlands' vegetation class of Keith (2002, 2004). There may be additional or unmapped occurrences of Subtropical Floodplain Forest within and beyond these surveyed areas.
9. The extent of the Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion prior to European settlement has not been mapped across its entire range. However, one estimate based on a compilation of regional vegetation maps suggests that Coastal Floodplain Wetlands, which include Subtropical Coastal Floodplain Forest, currently cover 800-1400 km<sup>2</sup>, representing less than 30% of the original extent of this broadly defined vegetation class (Keith 2004). Compared to this combined estimate, the remaining area of Subtropical Coastal Floodplain Forest is likely to be considerably smaller and is likely to represent much less than 30% of its original range. For example, there were less than 350 ha of native floodplain vegetation on the Tweed lowlands in 1985 (Pressey and Griffith 1992).
10. Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion has been extensively cleared and modified. Large areas that formerly supported this community are occupied by exotic pastures grazed by cattle, market gardens, other cropping enterprises (e.g. sorghum, corn, poplars, etc.) and, on the far north coast, canefields and tea-tree plantations. On the Tweed lowlands, Pressey and Griffith (1992) estimated that less than 3% of the original Floodplain Wetlands and Floodplain Forest remained in 1985. Similar estimates are likely to apply to Subtropical Coastal Floodplain Forest in other parts of the NSW North Coast bioregion (Goodrick 1970, Pressey 1989a, 1989b, NPWS 1999).
11. Land clearing continues to threaten Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion. Little of the remaining area occurs on public land (e.g. Pressey and Griffith 1992), with most occurring on productive agricultural land or in close proximity to rural centres. Conversion of grazing farms to cropping often involves removal of isolated paddock trees and disturbed patches of vegetation, which locally may be the only remnants of the community. The remaining stands are severely fragmented by past clearing and further threatened by continuing fragmentation and degradation, flood mitigation and drainage works, landfilling and earthworks associated with urban and industrial development, pollution from urban and agricultural runoff, weed invasion, inappropriate grazing, trampling and other soil disturbance by domestic livestock and feral animals including pigs, activation of 'acid sulfate soils' and rubbish dumping (e.g. Pressey 1989a, b; Pressey and Griffith 1992, Boulton and Brock 1999). Anthropogenic climate change may also threaten Subtropical Coastal Floodplain Forest if future flooding regimes are affected (IPCC 2001, Hughes 2003). Localised areas, particularly those within urbanised regions, may also be exposed to frequent burning which reduces the diversity of woody plant species. Clearing of native vegetation; Alteration to the natural flow regimes of rivers, streams, floodplains and wetlands; Invasion of native plant communities by exotic perennial grasses; Predation, habitat destruction, competition and disease transmission by feral pigs; Anthropogenic climate change; High frequency fire and Removal of dead wood and dead trees are listed as Key Threatening Processes under the Threatened Species Conservation Act (1995).
12. Large areas of habitat formerly occupied by Subtropical Coastal Floodplain Forest have been directly drained by construction of artificial channels (e.g. Pressey 1989a, Boulton and Brock 1999). By the early 1900s, drainage unions or trusts were formed on the major floodplains to enable adjacent landholders to arrange for co-ordinated drainage systems, which were designed and constructed by the NSW Department of Public Works. Additional areas that have not been directly drained may have been altered hydrologically by changed patterns of flooding and

drainage following flood mitigation works, particularly the construction of drains, levees and floodgates (Pressey and Griffith 1992). On the north coast of NSW, expansion of *Melaleuca quinquenervia* and *Casuarina glauca* has been attributed to artificial drainage and shortening of the hydroperiod (Johnston *et al.* 2003). These changes appear to be closely associated with enhanced acidity, altered ionic ratios, increased dissolved organic carbon and sulfide oxidation in the soil profile (Johnston *et al.* 2003).

13. Very few examples of Subtropical Coastal Floodplain Forest remain unaffected by weeds. The causes of weed invasion include physical disturbance to the vegetation structure of the community, dumping of landfill rubbish and garden refuse, polluted runoff from urban and agricultural areas, construction of roads and other utilities, and grazing by domestic livestock. The principal weed species affecting Subtropical Coastal Floodplain Forest include *Araujia sericiflora* (moth plant), *Asparagus asparagoides* (bridal creeper), *A. plumosus* (climbing asparagus fern), *Axonopus* spp. (carpet grasses), *Baccharis halimifolia* (groundsel bush), *Bidens pilosa* (cobble's peg), *Cinnamomum camphora* (camphor laurel), *Conyza* spp. (fleabanes), *Hypochaeris radicata* (catsear), *Ipomoea* spp. (morning glories), *Lantana camara*, *Ligustrum sinense* (small-leaved privet), *L. lucidum* (large-leaved privet), *Lonicera japonica* (Japanese honeysuckle), *Olea europaea* subsp. *cuspidata* (African olive), *Paspalum dilatatum* (paspalum), *Pennisetum clandestinum* (kikuyu), *Rubus fruticosus* agg. (blackberries), *Senecio madagascariensis* (fireweed), *Setaria parviflora* (slender pigeon grass), *Sida rhombifolia* (Paddy's lucerne), *Solanum mauritianum* (wild tobacco bush), *S. nigrum* (black-berry nightshade), *Tradescantia fluminensis* (wandering jew) and *Verbena bonariensis* (purpletop) (Keith and Scott 2005).
14. Small areas of Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion are contained within existing conservation reserves, including Stotts Island, Ukerebagh and Limeburners Creek Nature Reserves and Bundjalung and Myall Lakes National Parks, and these are unevenly distributed throughout the range and unlikely to represent the full diversity of the community.
15. In view of the above the Scientific Committee is of the opinion that Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

Associate Professor Paul Adam,  
Chairperson,  
Scientific Committee

## References

- Boulton AJ, Brock MA (1999). 'Australian freshwater wetlands: processes and management.' (Gleneagles Publishing, Glen Osmond.)
- Goodrick GN (1970) A survey of wetlands of coastal New South Wales. Technical Memorandum No. 5. CSIRO, Canberra.
- Hughes L (2003) Climate change and Australia: trends, projections and impacts. *Austral Ecology* **28**, 423-443.
- IPCC (2001) Climate change 2001: Impacts, adaptation and vulnerability. Report from Working Group II. Intergovernmental Panel on Climate Change, Geneva.
- Johnston SG, Slavich PG, Hirst P (2003) Alteration of groundwater and sediment geochemistry in a sulfidic backswamp due to *Melaleuca quinquenervia* encroachment. *Australian Journal of Soil Research* **41**, 1343-1367.
- Keith DA (2002) 'A compilation map of native vegetation for New South Wales.' (NSW Biodiversity Strategy. NSW National Parks and Wildlife Service, Sydney.)
- Keith DA (2004) 'Ocean shores to desert dunes: the native vegetation of New South Wales and the ACT.' (NSW Department of Environment and Conservation, Sydney.)
- Keith DA, Scott J (2005) 'Native vegetation of coastal floodplains— a broad framework for definition of communities in NSW. *Pacific Conservation Biology* **11**, in press.
- Law BS (1994) Nectar and pollen: dietary items affecting the abundance of the Common blossom bat (*Syconycteris australis*) in NSW *Australian Journal of Ecology* **19**, 425-434.
- Law BS, Mackowski C, Schoer L, Tweedie T (2002b) The flowering phenology of myrtaceous trees and their relation to environmental and disturbance variables in Northern New South Wales. *Austral Ecology* **25**, 160-178.
- NPWS (1999) Forest ecosystem classification and mapping for the upper and lower north east Comprehensive Regional Assessment. NSW National Parks and Wildlife Service, Coffs Harbour.
- Pressey RL (1989a) Wetlands of the lower Clarence floodplain, northern coastal New South Wales. *Proceedings of the Linnean Society of NSW* **111**, 143-155.
- Pressey RL (1989b) Wetlands of the lower Macleay floodplain, northern coastal New South Wales. *Proceedings of the Linnean Society of NSW* **111**, 157-168.
- Pressey RL, Griffith SJ (1992) Vegetation of the coastal lowlands of Tweed shire, northern New South Wales, species and conservation. *Proceedings of the Linnean Society of NSW* **113**, 203-243.
- Speight JG (1990) Landform. In: 'Australian soil and land survey. Field handbook' Second edition (Eds. RC McDonald, RF Isbell, JG Speight, J, Walker, MS Hopkins), pp9-57. Inkata Press, Melbourne.
- Thackway R, Creswell ID (1995) (eds) 'An interim biogeographic regionalisation of Australia: a framework for establishing the national system of reserves.' (Australian Nature Conservation Agency: Canberra).



New South Wales

## Notice of Final Determination

under the

### Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following ecological community as an endangered ecological community under that Act and, accordingly, Schedule 1 to that Act is amended by inserting in Part 3 in alphabetical order:

Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions (as described in the final determination of the Scientific Committee to list the ecological community)

Dated, this 3rd day of December 2004.

Associate Professor Paul Adam  
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.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au),
- (b) by contacting the Scientific Committee Support Unit, by post C/- Department of Environment and Conservation, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the National Parks Centre, 102 George St, The Rocks, Sydney.

## NSW SCIENTIFIC COMMITTEE

## Final Determination

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to list Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions, as an ENDANGERED ECOLOGICAL COMMUNITY in Part 3 of Schedule 1 of the Act. Listing of endangered ecological communities is provided for by Part 2 of the Act.

The Scientific Committee has found that:

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

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

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

2. The total species list of the community is considerably larger than that given above, with many species present at only one or two sites or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought conditions and by its disturbance (including fire, grazing, flooding and land clearing) history. The number and relative abundance of species will change with time since fire, flooding or significant rainfall, and may also change in response to changes in grazing regimes. At any one time, above-ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is of vascular plant species, the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are poorly documented.
3. Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions is known from parts of the Local Government Areas of Tweed, Byron, Lismore, Ballina, Richmond Valley, Clarence Valley, Coffs Harbour, Bellingen, Nambucca, Kempsey, Hastings, Greater Taree, Great Lakes, Port Stephens, Maitland, Newcastle, Cessnock, Lake Macquarie, Wyong, Gosford, Pittwater, Warringah, Hawkesbury, Baulkham Hills, Hornsby, Lane Cove, Blacktown, Auburn, Parramatta, Canada Bay, Rockdale, Kogarah, Sutherland, Penrith, Fairfield, Liverpool, Bankstown, Wollondilly, Camden, Campbelltown, Wollongong, Shellharbour, Kiama, Shoalhaven, Eurobodalla and Bega Valley but may occur elsewhere in these bioregions. Bioregions are defined in Thackway and Creswell (1995). Major examples once occurred on the floodplains of the Clarence, Macleay, Hastings, Manning, Hunter, Hawkesbury, Shoalhaven and Moruya Rivers.

4. Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions has a dense to sparse tree layer in which *Casuarina glauca* (swamp oak) is the dominant species northwards from Bermagui. Other trees including *Acmena smithii* (lilly pilly), *Glochidion* spp. (cheese trees) and *Melaleuca* spp. (paperbarks) may be present as subordinate species, and are found most frequently in stands of the community northwards from Gosford. Tree diversity decreases with latitude, and *Melaleuca ericifolia* is the only abundant tree in this community south of Bermagui (Keith and Bedward 1999). The understorey is characterised by frequent occurrences of vines, *Parsonsia straminea* (common silkpod), *Geitonoplesium cymosum* (scrambling lily) and *Stephania japonica* var. *discolor* (snake vine), a sparse cover of shrubs, and a continuous groundcover of forbs, sedges, grasses and leaf litter. The composition of the ground stratum varies depending on levels of salinity in the groundwater. Under less saline conditions prominent ground layer plants include forbs such *Centella asiatica* (pennywort), *Commelina cyanea*, *Persicaria decipiens* (slender knotweed) and *Viola banksii*; graminoids such as *Carex appressa* (tussock sedge), *Gahnia clarkei* (a saw-sedge), *Lomandra longifolia* (spiny-headed mat-rush), *Oplismenus imbecillis*; and the fern *Hypolepis muelleri* (batswing fern). On the fringes of coastal estuaries, where soils are more saline, the ground layer may include the threatened grass species, *Alexfloydia repens*, as well as *Baumea juncea*, *Juncus kraussii* subsp. *australiensis* (sea rush), *Phragmites australis* (common reed), *Selliera radicans* and other saltmarsh species. The composition and structure of the understorey is also influenced by grazing history, changes to hydrology and soil salinity and other disturbance, and may have a substantial component of exotic grasses, vines and forbs.
5. Unlike most other coastal floodplain communities, Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions are not a significant habitat for waterbirds (Goodrick 1970). However, they do sometimes provide food resources for the Glossy Black Cockatoo (*Calyptorhynchus lathami lathami*), and Yellow-tailed Black Cockatoo (*Calyptorhynchus funereus*) (Marchant and Higgins 1990). The fauna of Swamp Oak Floodplain Forest also includes the Squirrel Glider (*Petaurus norfolcensis*) and several species of frogs in the families Myobatrachidae (southern frogs) and Hylidae (tree frogs).
6. Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions forms part of a complex of forested wetland and treeless wetland communities found throughout the coastal floodplains of NSW. A recent analysis of available quadrat data from these habitats identified a distinct grouping of vegetation samples attributable to this community (Keith and Scott 2005). The combination of features that distinguish Swamp Oak Floodplain Forest from other endangered ecological communities on the coastal floodplains include: its dominance by a tree canopy of either *Casuarina glauca* or, more rarely, *Melaleuca ericifolia* with or without subordinate tree species; the relatively low abundance of *Eucalyptus* species; and the prominent groundcover of forbs and graminoids. It generally occupies low-lying parts of floodplains, alluvial flats, drainage lines, lake margins and fringes of estuaries; habitats where flooding is periodic and soils show some influence of saline ground water. This latter habitat feature sets it apart from other floodplain communities.
7. Swamp Oak Floodplain Forest may adjoin or intergrade with several other endangered ecological communities, which collectively cover all remaining native vegetation on the coastal floodplains of New South Wales. These include Lowland Rainforest on Floodplain in the NSW North Coast bioregion, Subtropical Floodplain Forest of the NSW North Coast bioregion, River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (including the formerly listed Sydney Coastal River-Flat Forest in the Sydney Basin bioregion), Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (including the formerly listed Sydney Coastal Estuary Swamp Forest in the Sydney Basin bioregion) and Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. For example, in less saline habitats, Swamp Oak Floodplain Forest may adjoin or intergrade with several other endangered ecological communities including River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions and Subtropical Floodplain Forest of the NSW North Coast bioregion. The most saline forms of Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions may adjoin or intergrade with Coastal Saltmarsh of the NSW North Coast, Sydney Basin and South East Corner bioregions. The boundaries between these communities are dynamic and may shift in response to changes in hydrological regimes, fire regimes or land management practices (e.g. Johnston *et al.* 2003). The Determinations for these communities collectively encompass the full range of intermediate assemblages in transitional habitats.
8. A number of vegetation surveys and mapping studies have been conducted across the range of Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions. This community includes 'Sheoak Swamps' in the general coastal wetlands classification of Goodrick (1970). In the Tweed valley lowlands, this community includes '*Casuarina glauca* tall to very tall open to closed forest' (F10) of Pressey and Griffith (1992) and parts of the 'Floodplain Wetland Complex' (FL) that include *Casuarina glauca* with *Melaleuca* spp. (Pressey and Griffith 1992). In the Comprehensive Regional Assessment of the north-eastern NSW (NPWS 1999), areas mapped as 'Forest Ecosystem 143, Swamp Oak', fall within this community. In the lower Hunter valley, 'Swamp Oak – Rushland Forest' (map unit 40) and 'Swamp Oak Sedge Forest' (map unit 41) of NPWS (2000) fall within this community. On the Cumberland Plain, 'Riparian Woodland' (map unit 5) of Tozer (2003) and parts of 'Alluvial Woodland' (map unit 11) dominated by *Casuarina glauca* (Tozer 2003) are included within this community, while those parts of Benson's (1992) 'River Flat Forest' (map unit 9f) dominated by *C. glauca* also fall within this community, as do parts of the 'River-flat forests' of Benson and Howell (1990) and Benson *et al.* (1996) that are dominated by *C. glauca*. On the Illawarra Plain, 'Coastal Swamp Oak Forest' (map unit 36) of NPWS (2002) occurs within this community. In the Comprehensive Regional Assessment of southern New South Wales (Thomas *et al.* 2000), this community includes 'Coastal Wet Heath Swamp Forest' (forest ecosystem 24),

‘South Coast Swamp Forest’ complex (forest ecosystem 25) and those parts of ‘Ecotonal Coastal Swamp Forest’ (forest ecosystem 27) dominated by *Casuarina glauca*. In the Sydney - South Coast region, this community includes parts of ‘Floodplain Swamp Forest’ (map unit 105) dominated by *Casuarina glauca*, ‘Estuarine Fringe Forest’ (map unit 106) and ‘Estuarine Creek Flat Scrub’ (map unit 107) of Tindall *et al.* (2004). In the Eden region, this community includes ‘Estuarine Wetland Scrub’ (map unit 63) of Keith and Bedward (1999) and parts of ‘Floodplain Wetlands’ (map unit 60) that include *Casuarina glauca* or *Melaleuca ericifolia* (Keith and Bedward 1999). Swamp Oak Floodplain Forest South East Corner is included within the ‘Coastal Floodplain Wetlands’ vegetation class of Keith (2002, 2004). There may be additional or unmapped occurrences of Swamp Oak Floodplain Forest within and beyond these surveyed areas.

9. The extent of the Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions prior to European settlement has not been mapped across its entire range. However, one estimate based on a compilation of regional vegetation maps suggests that Coastal Floodplain Wetlands, which include Swamp Oak Floodplain Forest, currently cover 800-1400 km<sup>2</sup>, representing less than 30% of the original extent of this broadly defined vegetation class (Keith 2004). Compared to this combined estimate, the remaining area of Swamp Oak Floodplain Forest is likely to be considerably smaller and is likely to represent much less than 30% of its original range. Major occurrences include: less than 350 ha on the Tweed lowlands in 1985 (Pressey and Griffith 1992); less than 650 ha on the lower Clarence floodplain in 1982 (Pressey 1989a); less than 400 ha on the lower Macleay floodplain in 1983 (Pressey 1989b); less than 3200 ha in the lower Hunter – central Hunter region in the 1990s (NPWS 2000); less than 5200 ha in the Sydney - South Coast region in the mid 1990s (Tindall *et al.* 2004), including up to 4700 ha on the Cumberland Plain in 1998 (Tozer 2003) and less than 250 ha on the Illawarra Plain in 2001 (NPWS 2002); and less than 1000 ha in the Eden region in 1990 (Keith and Bedward 1999).
10. Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions has been extensively cleared and modified. Large areas that formerly supported this community are occupied by exotic pastures grazed by cattle, market gardens, other cropping enterprises (e.g. sorghum, corn, poplars, etc.) and, on the far north coast, canefields. On the Tweed lowlands, Pressey and Griffith (1992) estimated that less than 3% of the original Floodplain Wetlands and Floodplain Forest remained in 1985. Similar estimates are likely to apply to Swamp Oak Floodplain Forests in other parts of the NSW North Coast bioregion (Pressey 1989a, 1989b, NPWS 1999). In the lower Hunter – central coast region, less than 30-40% was estimated to have remained during the 1990s (NPWS 2000), while approximately 13% remained on the Cumberland Plain in 1998 (Tozer 2003). In the Sydney – South Coast region, less than 20% was estimated to remain in the mid 1990s (Tindall *et al.* 2004), in the Eden region about 30% was estimated to remain during the 1990s (Keith and Bedward 1999).
11. Land clearing continues to threaten Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions. A small minority of the remaining area occurs on public land (e.g. Pressey 1989a, b; Pressey and Griffith 1992), with most occurring on productive agricultural land or in close proximity to rural centres. The remaining stands are severely fragmented by past clearing and further threatened by continuing fragmentation and degradation, flood mitigation and drainage works, landfilling and earthworks associated with urban and industrial development, pollution from urban and agricultural runoff, weed invasion, overgrazing, trampling and other soil disturbance by domestic livestock and feral animals including pigs, activation of ‘acid sulfate soils’ and rubbish dumping (e.g. Pressey 1989a, b; Pressey and Griffith 1992, Boulton and Brock 1999, Johnson *et al.* 2003). Anthropogenic climate change may also threaten Swamp Oak Floodplain Forest if sea levels rise as predicted or if future flooding regimes are affected (IPCC 2001, Hughes 2003). Localised areas, particularly those within urbanised regions, may also be exposed to frequent burning which reduces the diversity of woody plant species. Clearing of native vegetation; Alteration to the natural flow regimes of rivers, streams, floodplains and wetlands; Invasion of native plant communities by exotic perennial grasses; Predation, habitat destruction, competition and disease transmission by feral pigs; Anthropogenic climate change and High frequency fire are listed as Key Threatening Processes under the Threatened Species Conservation Act (1995).
12. Large areas of habitat formerly occupied by Swamp Oak Floodplain Forest have been directly drained by construction of artificial channels (e.g. Pressey 1989a, Boulton and Brock 1999). By the early 1900s, drainage unions or trusts were formed on the major floodplains to enable adjacent landholders to arrange for co-ordinated drainage systems, which were designed and constructed by the NSW Department of Public Works. Additional areas that have not been directly drained may have been altered hydrologically by changed patterns of flooding and drainage following flood mitigation works, particularly the construction of drains, levees and floodgates (Pressey and Griffith 1992). On the north coast of NSW, expansion of *Melaleuca quinquenervia* and *Casuarina glauca* into open floodplain swamps has been attributed to artificial drainage and shortening of the hydroperiod (Johnston *et al.* 2003, Stevenson 2003). There have also been anecdotal reports of recruitment by *Casuarina glauca* in pastures during extended dry periods, though not necessarily by other components of the community. These changes appear to be closely associated with enhanced acidity, altered ionic ratios, increased dissolved organic carbon and sulfide oxidation in the soil profile (Johnston *et al.* 2003). Alteration of tidal flows may have lead to decreased soil salinity and localised expansion of *Casuarina glauca* into areas that previously supported Coastal Saltmarsh or mangroves (Stevenson 2003).
13. Very few examples of Swamp Oak Floodplain Forest remain unaffected by weeds. The causes of weed invasion include physical disturbance to the vegetation structure of the community, dumping of landfill rubbish and garden refuse, polluted runoff from urban and agricultural areas, construction of roads and other utilities, and grazing by domestic livestock. The principal weed species affecting Swamp Oak Floodplain Forest include *Araujia sericiflora* (moth plant), *Asparagus asparagoides* (bridal creeper), *Baccharis halimifolia* (groundsel bush), *Cyperus*

*eragrostis* (umbrella sedge), *Cinnamomum camphora* (camphor laurel), *Conyza* spp. (fleabanes), *Hydrocotyle bonariensis* (American pennywort), *Ipomoea cairica*, *I. purpurea* and *I. indica* (morning glories), *Lantana camara*, *Paspalum dilatatum* (paspalum), *Pennisetum clandestinum* (kikuyu) *Rubus fruticosus* agg. (blackberries), *Solanum pseudocapsicum* (Madeira winter cherry), *S. nigrum* (black-berry nightshade), *Tradescantia fluminensis* (wandering jew) and *Verbena bonariensis* (purpletop), (Tozer 2003, Keith and Scott 2005). In general, remaining examples of Swamp Oak Floodplain Forest from the most saline environments are in better condition, while those from less saline habitats are generally more degraded.

14. Small areas of Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions are contained within existing conservation reserves, including Stotts Island, Ukerebagh, Tuckean, Pambalong, Wamberal, Towra Point and Cullendulla Creek Nature Reserves and Bongil Bongil, Myall Lakes and Conjola National Parks. These occurrences are unevenly distributed throughout the range and unlikely to represent the full diversity of the community. In addition, wetlands within protected areas are exposed to hydrological changes that were, and continue to be initiated outside their boundaries. Some areas of Swamp Oak Floodplain Forest are protected by State Environmental Planning Policy 14, although this has not always precluded impacts on wetlands from the development of major infrastructure.
15. Given the dynamic hydrological relationship between Swamp Oak Floodplain Forest, Coastal Saltmarsh and other endangered ecological communities on coastal floodplains, future management of water and tidal flows may result in the expansion of some communities at the expense of others. Proposals for the restoration of natural hydrological regimes and for the rehabilitation of acid sulfate soils may also result in changes to the distribution and composition of floodplain communities. Co-ordinated planning and management approaches across whole catchments will be required to address and resolve priorities between different management objectives.
16. In view of the above the Scientific Committee is of the opinion that Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

Associate Professor Paul Adam,  
Chairperson,  
Scientific Committee

## References

- Benson DH (1992) The natural vegetation of the Penrith 1:100 000 map sheet. *Cunninghamia* **2**, 541-596.
- Benson DH, Howell, J (1990) 'Taken for granted: the bushland of Sydney and its suburbs.' (Kangaroo Press, Sydney.)
- Benson DH, Howell J, McDougall L (1996) 'Mountain devil to mangrove.' (Royal Botanic Gardens, Sydney.)
- Boulton AJ, Brock MA (1999). 'Australian freshwater wetlands: processes and management.' (Gleneagles Publishing, Glen Osmond.)
- Goodrick GN (1970) A survey of wetlands of coastal New South Wales. Technical Memorandum No. 5. CSIRO, Canberra.
- Hughes L (2003) Climate change and Australia: trends, projections and impacts. *Austral Ecology* **28**, 423-443.
- IPCC (2001) Climate change 2001: Impacts, adaptation and vulnerability. Report from Working Group II. Intergovernmental Panel on Climate Change, Geneva.
- Johnston SG, Slavich PG, Hirst P (2003) Alteration of groundwater and sediment geochemistry in a sulfidic backswamp due to *Melaleuca quinquenervia* encroachment. *Australian Journal of Soil Research* **41**, 1343-1367.
- Keith DA (2002) 'A compilation map of native vegetation for New South Wales. NSW Biodiversity Strategy.' (NSW National Parks and Wildlife Service, Sydney.)
- Keith DA (2004) 'Ocean shores to desert dunes: the native vegetation of New South Wales and the ACT.' (NSW Department of Environment and Conservation, Sydney.)
- Keith, DA Bedward, M (1999) Vegetation of the South East Forests region, Eden, New South Wales. *Cunninghamia* **6**, 1-218.
- Keith DA, Scott, J (2005) Native vegetation of coastal floodplains— a broad framework for definition of communities in NSW. *Pacific Conservation Biology* **11**, in press.
- Marchant S and Higgins PJ (1990) Handbook of Australian, New Zealand and Antarctic Birds Volume 3. Oxford University Press, Melbourne.
- NPWS (1999) Forest ecosystem classification and mapping for the upper and lower north east Comprehensive Regional Assessment. NSW National Parks and Wildlife Service, Coffs Harbour.
- NPWS (2000) Vegetation Survey, Classification and Mapping: Lower Hunter and Central Coast Region. Version 1.2. NSW National Parks and Wildlife Service, Sydney.
- NPWS (2002) Native vegetation of the Wollongong escarpment and coastal plain. NSW National Parks and Wildlife Service, Sydney.
- Pressey RL (1989a) Wetlands of the lower Clarence floodplain, northern coastal New South Wales. *Proceedings of the Linnean Society of NSW* **111**, 143-155.



- Pressey RL (1989a) Wetlands of the lower Macleay floodplain, northern coastal New South Wales. *Proceedings of the Linnean Society of NSW* **111**, 157-168.
- Pressey RL, Griffith SJ (1992) Vegetation of the coastal lowlands of Tweed shire, northern New South Wales, species and conservation. *Proceedings of the Linnean Society of NSW* **113**, 203-243.
- Speight JG (1990) Landform. In: 'Australian soil and land survey. Field handbook' Second edition (Eds. RC McDonald, RF Isbell, JG Speight, J, Walker, MS Hopkins), pp9-57. Inkata Press, Melbourne.
- Stevenson, M (2003) Remote sensing and historical investigation of environmental change and *Melaleuca* encroachment in Tuckean Swamp, north-eastern NSW. Unpublished report. School of Environmental Science and Management, Southern Cross University, Lismore.
- Thackway R, Creswell ID (1995) (eds) 'An interim biogeographic regionalisation of Australia: a framework for establishing the national system of reserves.' (Australian Nature Conservation Agency: Canberra).
- Tindall D, Pennay C, Tozer MG, Turner K, Keith, DA (2004) Native vegetation map report series. No. 4. Araluen, Batemans Bay, Braidwood, Burragorang, Goulburn, Jervis Bay, Katoomba, Kiama, Moss Vale, Penrith, Port Hacking, Sydney, Taralga, Ulladulla, Wollongong. NSW Department of Environment and Conservation and NSW Department of Infrastructure, Planning and Natural Resources, Sydney.
- Thomas V, Gellie N, Harrison T (2000) 'Forest ecosystem classification and mapping for the southern Comprehensive Regional Assessment.' (NSW National Parks and Wildlife Service, Queanbeyan.)
- Tozer MG (2003) The native vegetation of the Cumberland Plain, western Sydney: systematic classification and field identification of communities. *Cunninghamia* **8**, 1-75.



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 ecological community referred to in paragraph (a) as an endangered ecological community under that Act and, as a consequence, to omit reference to the ecological community referred to in paragraph (b) as an endangered ecological community and, accordingly, Schedule 1 to that Act is amended:

- (a) by inserting in Part 3 in alphabetical order:

Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions (as described in the final determination of the Scientific Committee to list the ecological community)

- (b) by omitting the following matter from Part 3:

Sydney Coastal Estuary Swamp Forest in the Sydney Basin Bioregion (as described in the final determination of the Scientific Committee to list the ecological community)

Dated, this 13th day of December 2004.

Associate Professor Paul Adam  
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:

Notice of Final Determination

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- (a) on the Internet at [www.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au),
- (b) by contacting the Scientific Committee Support Unit, by post C/- Department of Environment and Conservation, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the National Parks Centre, 102 George St, The Rocks, Sydney.

## NSW SCIENTIFIC COMMITTEE

## Final Determination

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to list Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions, as an ENDANGERED ECOLOGICAL COMMUNITY in Part 3 of Schedule 1 of the Act, and as a consequence to omit reference to Sydney Coastal Estuary Swamp Forest in the Sydney Basin bioregion from Part 3 of Schedule 1 of the Act. Listing of endangered ecological communities is provided for by Part 2 of the Act.

The Scientific Committee has found that:

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

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

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

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

plant species, the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are poorly documented.

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

increases Swamp Sclerophyll Forest on Coastal Floodplains may intergrade with, and be replaced by, Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions. The boundaries between these communities are dynamic and may shift in response to changes in hydrological regimes, fire regimes or land management practices (e.g. Johnston *et al.* 2003, Stevenson 2003). The Determinations for these communities collectively encompass the full range of intermediate assemblages in transitional habitats.

8. A number of vegetation surveys and mapping studies have been conducted across the range of Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. This community includes the *Eucalyptus robusta* (Swamp Mahogany) community identified on coastal alluvium by Douglas and Anderson (2002) and the Coastal Alluvium Swamp Forest complex defined by Anderson and Asquith (2002). In the Comprehensive Regional Assessment of the north-eastern NSW (NPWS 1999), those areas on floodplains mapped as 'Forest Ecosystem 112, Paperbark', and those areas on floodplains mapped as 'Forest Ecosystem 142, Swamp Mahogany' are included within this community. On the Tweed lowlands, this community includes 'Eucalyptus robusta mid-high to very tall closed forest' (F7), 'Archontophoenix cunninghamiana-Melaleuca quinquenervia very tall feather palm swamp forest' (F9), those parts of *Melaleuca quinquenervia* tall to very tall open to closed forest' (F8) on alluvial soils and parts of 'Floodplain Wetland Complex' (FL) dominated by *Eucalyptus robusta* or *Melaleuca quinquenervia* (Pressey and Griffith 1992). In the lower Hunter district, this community includes 'Swamp Mahogany-Paperbark Swamp Forest' (map unit 37), Riparian Melaleuca Swamp Woodland (map unit 42) and Melaleuca Scrub (map unit 42a) of NPWS (2000). In the Sydney-Gosford region, this community includes those parts of 'Freshwater Swamp complex' (map unit 27a) dominated by *Eucalyptus robusta* or *E. botryoides* (Benson 1986, Benson and Howell 1994) and parts of the 'Freshwater wetlands – on the floodplains' of Benson and Howell (1990) and Benson *et al.* (1996). In the Illawarra, this community includes 'Alluvial swamp mahogany forest' (map unit 35) of NPWS (2002). On the south coast, this community includes 'Northern Coastal Lowlands Swamp Forest' (forest ecosystem 175) of Thomas *et al.* (2000) and 'Coastal Sand Swamp Forest' (map unit 45) of Tindall *et al.* (2004). Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is included within the 'Coastal Floodplain Wetlands' and 'Coastal Swamp Forest' vegetation classes of Keith (2002, 2004). There may be additional or unmapped occurrences of Swamp Sclerophyll Forest on Coastal Floodplains within and beyond these surveyed areas.
9. The extent of the Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions prior to European settlement has not been mapped across its entire range. However, one estimate based on a compilation of regional vegetation maps suggests that Coastal Floodplain Wetlands, which include Swamp Sclerophyll Forest on Floodplains, currently cover 800-1400 km<sup>2</sup>, representing less than 30% of the original extent of this broadly defined vegetation class (Keith 2004). Compared to this combined estimate, the remaining area of Swamp Sclerophyll Forest on Coastal Floodplains is likely to be considerably smaller and is likely to represent much less than 30% of its original range. For example, there were less than 350 ha of native vegetation attributable to this community on the Tweed lowlands in 1985 (Pressey and Griffith 1992), less than 2500 ha on the Clarence floodplain in 1982 (Pressey 1989a), less than 700 ha on the Macleay floodplain in 1983 (Pressey 1989b), up to 7000 ha in the lower Hunter – central coast district during the 1990s (NPWS 2000), and less than 1000 ha in the Sydney – South Coast region in the mid 1990s (Tindall *et al.* 2004), including less than 40 ha on the Illawarra plain in 2001 (NPWS 2002) and about 450 ha on the South Coast in the 1990s (Thomas *et al.* 2000).
10. Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions has been extensively cleared and modified. Large areas that formerly supported this community are occupied by exotic pastures grazed by cattle, market gardens, other cropping enterprises (e.g. sorghum, corn, poplars, etc.) and, on the far north coast, canefields. On the Tweed lowlands, Pressey and Griffith (1992) estimated that less than 3% of the original Floodplain Wetlands and Floodplain Forest remained in 1985. Similar estimates are likely to apply to Swamp Sclerophyll Forest on Coastal Floodplains in other parts of the NSW North Coast bioregion (Goodrick 1970, Pressey 1989a, 1989b). In the lower Hunter – central coast district, about 30 % of the original area of Swamp mahogany – paperbark forest was estimated to remain in the 1990s (NPWS 2000).
11. Land clearing continues to threaten Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. A small minority of the remaining area occurs on public land (e.g. Pressey and Griffith 1992, NPWS 2000), with most occurring on productive agricultural land or in close proximity to rural centres. The remaining stands are severely fragmented by past clearing and further threatened by continuing fragmentation and degradation, flood mitigation and drainage works, landfilling and earthworks associated with urban and industrial development, pollution from urban and agricultural runoff, weed invasion, overgrazing, trampling and other soil disturbance by domestic livestock and feral animals including pigs, activation of 'acid sulfate soils', removal of dead wood and rubbish dumping (e.g. Pressey 1989a, b; Pressey and Griffith 1992, Boulton and Brock 1999, Johnston *et al.* 2003). Anthropogenic climate change may also threaten Swamp Sclerophyll Forest on Coastal Floodplains if future flooding regimes are affected (IPCC 2001, Hughes 2003). Localised areas, particularly those within urbanised regions, may also be exposed to frequent burning which reduces the diversity of woody plant species. Clearing of native vegetation; Alteration to the natural flow regimes of rivers, streams, floodplains and wetlands; Invasion of native plant communities by exotic perennial grasses; Predation, habitat destruction, competition and disease transmission by feral pigs; Anthropogenic climate change; High frequency fire and Removal of dead wood and dead trees are listed as Key Threatening Processes under the Threatened Species Act (1995).

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

Associate Professor Paul Adam,  
Chairperson,  
Scientific Committee

## References

- Anderson J, Asquith J (2002) Findings of the coastal lowland forests/swamp mahogany project: final report. Report to the NSW State Wetlands Advisory Committee.
- Benson DH (1986) The native vegetation of the Gosford – Lake Macquarie 1:100 000 map sheets. *Cunninghamia* **1**, 467-490.
- Benson DH, Howell, J (1990) 'Taken for granted: the bushland of Sydney and its suburbs.' (Kangaroo Press, Sydney.)
- Benson DH, Howell J (1994) The native vegetation of the Sydney 1:100 000 map sheet. *Cunninghamia* **3**, 679-788.
- Benson DH, Howell, J, McDougall L. (1996) 'Mountain devil to mangrove.' (Royal Botanic Gardens, Sydney.)
- Boulton, AJ, Brock MA (1999). 'Australian freshwater wetlands: processes and management.' (Glencoe Publishing, Glen Osmond.)
- Douglas S, Anderson, J (2002) *Eucalyptus robusta* (Swamp Mahogany) communities and their conservation status in New South Wales. Swamp mahogany project. Central coast community environment network Inc.
- Goodrick GN (1970) A survey of wetlands of coastal New South Wales. Technical Memorandum No. 5. CSIRO, Canberra.
- Hughes L (2003) Climate change and Australia: trends, projections and impacts. *Austral Ecology* **28**, 423-443.
- IPCC (2001) Climate change 2001: Impacts, adaptation and vulnerability. Report from Working Group II. Intergovernmental Panel on Climate Change, Geneva.
- Johnston SG, Slavich PG, Hirst P (2003) Alteration of groundwater and sediment geochemistry in a sulfidic backswamp due to *Melaleuca quinquenervia* encroachment. *Australian Journal of Soil Research* **41**, 1343-1367.
- Keith DA (2002) 'A compilation map of native vegetation for New South Wales.' (NSW Biodiversity Strategy. NSW National Parks and Wildlife Service, Sydney.)

- Keith DA (2004) 'Ocean shores to desert dunes: the native vegetation of New South Wales and the ACT.' (NSW Department of Environment and Conservation, Sydney.)
- Keith DA, Scott, J (2005) Native vegetation of coastal floodplains– a broad framework for definition of communities in NSW. *Pacific Conservation Biology* **11**, in press.
- Law BS (1994) Nectar and pollen: dietary items affecting the abundance of the Common blossom bat (*Syconycteris australis*) in NSW *Australian Journal of Ecology* **19**, 425-434.
- Law BS, Mackowski C, Schoer L, Tweedie T (2002b) The flowering phenology of myrtaceous trees and their relation to environmental and disturbance variables in Northern New South Wales. *Austral Ecology* **25**, 160-178.
- NPWS (1999). Forest ecosystem classification and mapping for the upper and lower north east Comprehensive Regional Assessment. NSW National Parks and Wildlife Service, Coffs Harbour.
- NPWS (2000) Vegetation Survey, Classification and Mapping: Lower Hunter and Central Coast Region. Version 1.2. NSW National Parks and Wildlife Service, Sydney.
- NPWS (2002) Native vegetation of the Wollongong escarpment and coastal plain. NSW National Parks and Wildlife Service, Sydney.
- Pressey RL (1989a) Wetlands of the lower Clarence floodplain, northern coastal New South Wales. *Proceedings of the Linnean Society of NSW* **111**, 143-155.
- Pressey RL (1989a) Wetlands of the lower Macleay floodplain, northern coastal New South Wales. *Proceedings of the Linnean Society of NSW* **111**, 157-168.
- Pressey RL, Griffith SJ (1992) Vegetation of the coastal lowlands of Tweed shire, northern New South Wales, species and conservation. *Proceedings of the Linnean Society of NSW* **113**, 203-243.
- Speight JG (1990) Landform. In: 'Australian soil and land survey. Field handbook' Second edition (Eds. RC McDonald, RF Isbell, JG Speight, J, Walker, MS Hopkins), pp9-57. Inkata Press, Melbourne.
- Stevenson, M (2003) Remote sensing and historical investigation of environmental change and *Melaleuca* encroachment in Tuckean Swamp, north-eastern NSW. Unpublished report. School of Environmental Science and Management, Southern Cross University, Lismore.
- Thackway R, Creswell ID (1995) (eds) 'An interim biogeographic regionalisation of Australia: a framework for establishing the national system of reserves.' (Australian Nature Conservation Agency: Canberra).
- Tindall D, Pennay C, Tozer MG, Turner K, Keith, DA (2004) Native vegetation map report series. No. 4. Araluen, Batemans Bay, Braidwood, Burragorang, Goulburn, Jervis Bay, Katoomba, Kiama, Moss Vale, Penrith, Port Hacking, Sydney, Taralga, Ulladulla, Wollongong. NSW Department of Environment and Conservation and NSW Department of Infrastructure, Planning and Natural Resources, Sydney.
- Thomas V, Gellie N, Harrison T (2000) 'Forest ecosystem classification and mapping for the southern Comprehensive Regional Assessment.' (NSW National Parks and Wildlife Service, Queanbeyan.)





New South Wales

## Notice of Final Determination

under the

### Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following ecological community as an endangered ecological community under that Act and, accordingly, Schedule 1 to that Act is amended by inserting in Part 3 in alphabetical order:

*Halosarcia lylei* low open-shrubland in the Murray Darling Depression Bioregion (as described in the final determination of the Scientific Committee to list the ecological community)

Dated, this 10th day of December 2004.

Associate Professor Paul Adam  
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.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au),
- (b) by contacting the Scientific Committee Support Unit, by post C/- Department of Environment and Conservation, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the National Parks Centre, 102 George St, The Rocks, Sydney.

## NSW SCIENTIFIC COMMITTEE

## Final Determination

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to list the *Halosarcia lylei* low open-shrubland in the Murray Darling Depression Bioregion, as an ENDANGERED ECOLOGICAL COMMUNITY in Part 3 of Schedule 1 of the Act. Listing of endangered ecological communities is provided for by Part 2 of the Act.

The Scientific Committee has found that:

1. *Halosarcia lylei* low open-shrubland in the Murray Darling Depression Bioregion is the name given to the ecological community described by Westbrooke *et al.* (1998) in their report on the vegetation of the area covered by the Scotia 1:100 000 map sheet in south-western New South Wales (NSW). The community is dominated by the chenopod shrub *H. lylei* and occurs on saline clay soils on the beds of small salt lakes and around the perimeter of larger salt lakes. Before the Westbrooke *et al.* (1998) study, both *Halosarcia lylei* low open-shrubland and its dominant species had not previously been recorded from NSW (Harden 1993).
2. *Halosarcia lylei* low open-shrubland in the Murray Darling Depression Bioregion was observed at most sites to be almost entirely monospecific (Westbrook *et al.* 1998), Species found in the community include:
  - Atriplex vesicaria*
  - Disphyma crassifolium* subsp. *clavellatum*
  - Halosarcia lylei*
  - Halosarcia pergranulata*
  - Osteocarpum acropterum* var. *deminuta*
3. The total species list of the community varies between sites, with some species present in only one or two sites or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought condition and by its disturbance history. At any one time, above ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. Although the list of species given above is of vascular plant species, the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are poorly documented.
4. The *Halosarcia lylei* low open-shrubland was recorded from 14 locations within the Scotia map sheet (Westbrooke *et al.* 1998), and all locations occurred within the Wentworth and Unincorporated local government areas (within the Murray Darling Depression Bioregion). Most locations (11) occurred to the immediate north-east and south-east of Nanya Station. This community belongs to the Inland Saline Wetlands vegetation class of Keith (2004).
5. Westbrook *et al.* (1998) estimated that the *Halosarcia lylei* low open-shrubland covered less than one percent of the area of the Scotia map sheet. Further, the community is not protected within any formal reserves in south-western NSW, including Tarawi Nature Reserve, which falls entirely within the Scotia map sheet.
6. *Halosarcia lylei* low open-shrubland is potentially threatened by over-grazing and trampling by domestic livestock. This may become prevalent in areas where the availability of water for stock is increased through more efficient reticulation of water in previously unstocked or moderately stocked areas. Clearing of vegetation for agricultural purposes and during mineral exploration may also threaten this community. In particular, the targeting of salt lakes for sand mining is a significant threat to this community. Together with direct adverse effects on plants of trampling and mechanical destruction, disturbance may facilitate the invasion of weeds, cause erosion, disrupt cryptogamic flora and soil-dwelling invertebrates, and affect associated vertebrate fauna e.g. Orange Chats, *Epthiamura aurifrons*, and White-fronted Chats, *E. albifrons*. Moreover, as a consequence of its apparent limited range and isolation, the community is vulnerable to local extinction via stochastic events.
7. In view of the above the Scientific Committee is of the opinion that the *Halosarcia lylei* low open-shrubland in the Murray Darling Depression Bioregion is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival cease to operate.

Associate Professor Paul Adam,  
Chairperson,  
Scientific Committee

## References

- Keith DA (2004) 'Ocean shores to desert dunes: the native vegetation of New South Wales and the ACT.' (NSW Department of Environment and Conservation, Sydney.)
- Harden GJ (1993) (Ed.) 'Flora of New South Wales, Vol. 4.' (New South Wales University Press: Sydney)
- Westbrooke ME, Miller JD, Kerr MKC (1998) The vegetation of the Scotia 1: 100 000 map sheet, western New South Wales. *Cunninghamia* 5, 665-684.



New South Wales

## Notice of Final Determination

under the

### Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following matter as a key threatening process under that Act and, accordingly, Schedule 3 to that Act is amended by inserting in alphabetical order:

Herbivory and environmental degradation caused by feral deer

Dated, this 14th day of December 2004.

Associate Professor Paul Adam  
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.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au),
- (b) by contacting the Scientific Committee Support Unit, by post C/- Department of Environment and Conservation, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the National Parks Centre, 102 George St, The Rocks, Sydney.

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**OFFICIAL NOTICES**

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**Appointments**

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**GREYHOUND AND HARNESS RACING  
ADMINISTRATION ACT 2004**

## Appointment of Members

Greyhound and Harness Racing Regulatory Authority

HER Excellency the Governor, with the advice of the Executive Council and in pursuance of the provisions of the Greyhound and Harness Racing Administration Act 2004, has approved of the appointment of the following persons as members of the Board of the Greyhound and Harness Racing Regulatory Authority for the period commencing 1 October 2004 and expiring on 30 September 2008.

Mr James Lawrence SWANSON, Chairperson

Mr Kevin Joseph MOSS, Deputy Chairperson

Ms Helen BAUER

Mr John MORRIS

Mr Robert James MARSHALL

GRANT McBRIDE, M.P.,  
Minister for Gaming and Racing

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# Department of Infrastructure, Planning and Natural Resources

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## Infrastructure and Planning



New South Wales

## **Ashfield Local Environmental Plan 1985 (Amendment No 109)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (SRE0000005/S69)

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

Clause 1            Ashfield Local Environmental Plan 1985 (Amendment No 109)

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## **Ashfield Local Environmental Plan 1985 (Amendment No 109)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Ashfield Local Environmental Plan 1985 (Amendment No 109)*.

### **2 Aims of plan**

- (1) This plan aims to allow, with the consent of Ashfield Municipal Council, the carrying out of development on the land to which this plan applies for the purpose of a shop that exceeds 90 square metres in gross floor area.
- (2) This plan also effects minor law revision in *Ashfield Local Environmental Plan 1985*.

### **3 Land to which plan applies**

This plan applies to land known as 412–416 Liverpool Road, Croydon, as shown edged heavy black on the map marked “Ashfield Local Environmental Plan 1985 (Amendment No 109)” deposited in the office of Ashfield Municipal Council.

### **4 Amendment of Ashfield Local Environmental Plan 1985**

*Ashfield Local Environmental Plan 1985* is amended as set out in Schedule 1.

Ashfield Local Environmental Plan 1985 (Amendment No 109)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

**[1] Clause 10 Development control table**

Omit “90 square metres floor space” from item 2 of the matter relating to Zone No 3 (b) in the Table to the clause.

Insert instead “90 square metres in gross floor area”.

**[2] Clause 52**

Insert after clause 51:

**52 Development of land known as 412–416 Liverpool Road, Croydon**

- (1) This clause applies to land known as 412–416 Liverpool Road, Croydon, as shown edged heavy black on the map marked “Ashfield Local Environmental Plan 1985 (Amendment No 109)”.
- (2) Despite any other provision of this plan, the Council may grant consent to the carrying out of development on the land to which this clause applies for the purpose of a shop that exceeds 90 square metres in gross floor area.



## **Botany Local Environmental Plan 1995 (Amendment No 4)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (R96/00052/S69)

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)



Clause 1 Botany Local Environmental Plan 1995 (Amendment No 4)

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## **Botany Local Environmental Plan 1995 (Amendment No 4)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Botany Local Environmental Plan 1995 (Amendment No 4)*.

### **2 Aims of plan**

The aims of this plan are:

- (a) to rezone land currently zoned under the *County of Cumberland Planning Scheme Ordinance*, and
- (b) to provide for the protection of wetlands and associated wetland vegetation, threatened species and endangered ecological communities within the City of Botany Bay through the introduction of a new open space zone which permits continued use of the land for existing recreational purposes, and
- (c) to make additional uses permissible on certain land zoned for open space purposes under *Botany Local Environmental Plan 1995*, and
- (d) to repeal two interim development orders concerning land at Daceyville and Wentworth Avenue, Pagewood.

### **3 Land to which this plan applies**

This plan applies to the following land:

- (a) the Lakes Golf Course, Eastlakes Golf Course, Bonnie Doon Golf Course, Mutch Park, Astrolabe Park and adjoining land, Mill Pond abutting Wentworth Avenue—those properties being known as Lot 1, DP 780392 (proposed lot 3 in subdivision), Lots 5 and 6, DP 780391, Lot 1, DP 780392, Lots 4 and 13, DP 87663 (part Auto Consol 8627-193) and Certificate of Title and folio identifier references 2825/752015, 2473/52015, 1/1039418, 2/1039419, 2871/752015, 2870/752015, 3881/752015, 3882/752015, 1/1039419,

Botany Local Environmental Plan 1995 (Amendment No 4)

Clause 4

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2/1039419, 1/241650, 2/854374 and 2/830181, as shown edged heavy black on Sheet A of the map marked “Botany Local Environmental Plan 1995 (Amendment No 4)”,

- (b) the Sydney Water Depot at Gardeners Road, Eastlakes, known as Lot 1, DP 780392 (proposed Lot 2 in subdivision), as shown edged heavy black on Sheet B of the map marked “Botany Local Environmental Plan 1995 (Amendment No 4)”,
- (c) the Gardens R Us Nursery at Gardeners Road, Eastlakes, being Lot 1, DP 780392 (proposed Lot 1 in subdivision).

#### **4 Amendment of Botany Local Environmental Plan 1995**

*Botany Local Environmental Plan 1995* is amended as set out in Schedule 1.

#### **5 Amendment of County of Cumberland Planning Scheme Ordinance**

*County of Cumberland Planning Scheme Ordinance* is amended as set out in Schedule 2.

#### **6 Repeals**

The following instruments are repealed:

- (a) *Interim Development Order No 4—Municipality of Botany*,
- (b) *Interim Development Order No 17—Municipality of Botany*.

Botany Local Environmental Plan 1995 (Amendment No 4)

Schedule 1 Amendment of Botany Local Environmental Plan 1995

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## Schedule 1 Amendment of Botany Local Environmental Plan 1995

(Clause 4)

### [1] Clause 5 The objectives of this plan

Insert at the end of clause 5 (6) (i):

, and

- (j) to identify and conserve wetlands and their associated riparian vegetation, threatened species and endangered ecological communities within the City of Botany Bay, and
- (k) to promote the restoration of degraded habitats, the protection of aquatic, riparian and terrestrial habitats and the retention of natural hydrological and geomorphological regimes.

### [2] Clause 5 (9) (d) and (e)

Insert at the end of clause 5 (9) (c):

, and

- (d) to permit development that is compatible with the conservation of biological diversity, the protection of the Botany Sands Aquifer and surface water quality, and
- (e) to improve water quality and promote ecologically sustainable development and ecologically sustainable water and land management practices.

### [3] Clause 6 Adoption of the Environmental Planning and Assessment Model Provisions 1980

Insert “*retail plant nursery*,” and “, *utility installation*” in alphabetical order.

### [4] Clause 9 Zones indicated on the map

Insert in appropriate order:

Zone No 6 (c) Open Space—Recreation—Restricted—edged heavy black and lettered “6 (c)”,

Botany Local Environmental Plan 1995 (Amendment No 4)

Amendment of Botany Local Environmental Plan 1995

Schedule 1

**[5] Clause 10 Zone objectives and development control table**

Insert “or for utility undertakings” after “arterial roads” where secondly occurring in item 1 of the matter relating to Zone No 5 (a) (Special Uses) in the Table to the clause.

**[6] Clause 10, Table**

Insert in appropriate order:

**Zone No 6 (c) Open Space—Recreation—Restricted**

**1 Objectives of zone**

The primary objective is to permit open space and recreational land uses while protecting nearby wetlands and their associated riparian vegetation, threatened species and endangered ecological communities.

The secondary objectives are:

- (a) to ensure that open space is managed in accordance with ecologically sustainable land management practices, and
- (b) to enable development that will not destroy, damage or compromise the ecological, scientific or scenic values of wetlands and their associated riparian vegetation, threatened species and endangered ecological communities, and
- (c) to conserve and enhance the wetlands and associated riparian zones, and
- (d) to provide for an aesthetic and recreational landscape, and
- (e) to ensure development will not have a detrimental impact on the Botany Sands Aquifer and surface water quality.

**2 Development which may be carried out without development consent**

Development for the purpose of:

Environmental educational projects; environmental restoration works (in accordance with an environmental management plan adopted by Sydney Water Corporation); utility undertakings.

Exempt development.

**3 Development which may be carried out only with development consent**

Development for the purpose of:

Building identification signs; business identification signs; landscaping works; recreation areas; roads; utility installations. Demolition.

Botany Local Environmental Plan 1995 (Amendment No 4)

Schedule 1 Amendment of Botany Local Environmental Plan 1995

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**4 Development which is prohibited**

Any development other than development included in item 2 or 3.

**[7] Clause 18AA**

Insert after clause 18:

**18AA Environmental analysis**

The Council must not grant consent to the carrying out of development on land within Zone No 6 (c) unless the Council has had regard to an environmental analysis of the proposed development.

**[8] Schedule 1 Definitions**

Insert in alphabetical order:

*endangered ecological community* has the same meaning as in the Act.

*environmental analysis* means a site-specific assessment that identifies, in the context of an environmental management plan adopted by Sydney Water Corporation, the potential environmental impacts and aspects of proposed restoration works, and which includes (without limitation):

- (a) a description of the work activities, and
- (b) the potential impacts of the work activities, and
- (c) the proposed control measures or management procedures to minimise potential impacts, and
- (d) the impact on, and proposed control of, stormwater on the adjoining wetlands, and
- (e) a monitoring and inspection program, and
- (f) statements of responsibility for all contractors and subcontractors.

*environmental educational project* means an activity, managed by a public authority, that promotes educational or scientific study of the wetlands or associated riparian vegetation and ecological community without a significant impact on the aquatic, riparian or terrestrial habitats, such as controlled public tours, the stream watch program and other non-destructive research activities.

Botany Local Environmental Plan 1995 (Amendment No 4)

Amendment of Botany Local Environmental Plan 1995

Schedule 1

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***environmental restoration works*** means works that are carried out to restore or enhance the natural value of wetlands and that do not have a significant impact on the aquatic, riparian or terrestrial environment, and includes:

- (a) carp control, and
- (b) works to restore or enhance:
  - (i) plant communities, or
  - (ii) water levels, or
  - (iii) water flow, or
  - (iv) soil composition.

***restaurant*** means a building or place the principal purpose of which is the provision of food to paying customers for consumption on the premises.

***retail plant nursery*** means a building or place used for growing plants and selling plants by retail, whether or not landscaping supplies (including earth products) or other landscape and horticultural products are also sold at the building or place.

***riparian vegetation*** means any vegetation that is located adjacent to a wetland and is reliant on, and contributes to, the hydrological regime and ecology of that wetland.

***threatened species*** has the same meaning as in the Act.

***wetlands*** means:

- (a) natural wetlands, including marshes, salt marshes, mangroves, sea grasses, back waters, billabongs, swamps, sedgelands, wet meadows or wet heathlands, that form a shallow water body when inundated cyclically, intermittently or permanently with fresh, brackish or salt water and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) non-natural wetlands, including marshes, swamps, wet meadows, sedgelands or wet heathlands, that form a shallow water body when inundated cyclically, intermittently or permanently with fresh, brackish or salt water and which differ from natural wetlands by being constructed or formed by non-natural processes and vegetated with wetland plant communities.

Botany Local Environmental Plan 1995 (Amendment No 4)

Schedule 1      Amendment of Botany Local Environmental Plan 1995

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**[9] Schedule 1 definition of “the map”**

Insert in appropriate order in the definition:

Botany Local Environmental Plan 1995 (Amendment No 4)—Sheets A and B

**[10] Schedule 2 Development for certain additional purposes**

Insert at the end of the Schedule:

- Land, being Lot 1, DP 780392 (proposed Lot 1 in subdivision) known as the Gardens R Us Nursery at Gardeners Road, Eastlakes—recreation facility, restaurant and retail plant nursery, with a floor space ratio not exceeding 0.5:1 and a building height not exceeding 2 storeys above natural ground level.
- Land, being Lot 1, DP 780392 (proposed Lot 2 in subdivision) known as the Sydney Water Depot at Gardeners Road, Eastlakes—utility undertakings, with a floor space ratio not exceeding 0.5:1 and a building height not exceeding 2 storeys above natural ground level.

Botany Local Environmental Plan 1995 (Amendment No 4)

Amendment of County of Cumberland Planning Scheme Ordinance

Schedule 2

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## **Schedule 2 Amendment of County of Cumberland Planning Scheme Ordinance**

(Clause 5)

### **[1] Clause 4 Land to which Ordinance applies**

Omit “*Interim Development Order No 4—Municipality of Botany*” and “*Interim Development Order No 17—Municipality of Botany*” from clause 4 (1) (a).

### **[2] Clause 4 (1) (a)**

Insert at the end of the paragraph:

*Botany Local Environmental Plan 1995 (Amendment No 4)*





## **Botany Local Environmental Plan 1995 (Amendment No 3)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (R90/00256/PC)

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

Clause 1 Botany Local Environmental Plan 1995 (Amendment No 3)

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## **Botany Local Environmental Plan 1995 (Amendment No 3)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Botany Local Environmental Plan 1995 (Amendment No 3)*.

### **2 Aims of plan**

The aims of this plan are:

- (a) to encourage the development of a vibrant and sustainable community which is based on accessibility, a mix of land uses, friendly and safe streets and high quality public space, and
- (b) to provide opportunities for the gradual transformation of industrial areas to areas with a range of residential and environmentally-compatible employment-generating land uses, and
- (c) to protect the amenity of the existing residential communities around the Pemberton-Wilson Street precinct, and
- (d) to introduce new planning and design provisions for the Pemberton-Wilson Street precinct to promote the urban renewal of that precinct, and
- (e) to encourage high quality design in all new development and within the public domain within the Pemberton-Wilson Street precinct, and
- (f) to ensure that future development has regard to principles of ecologically sustainable development.

### **3 Land to which plan applies**

This plan applies to land to which *Botany Local Environmental Plan 1995* applies.

Botany Local Environmental Plan 1995 (Amendment No 3)

Clause 4

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**4 Amendment of Botany Local Environmental Plan 1995**

*Botany Local Environmental Plan 1995* is amended as set out in Schedule 1.

Botany Local Environmental Plan 1995 (Amendment No 3)

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 9 Zones indicated on the map

Insert after the matter relating to Zone No 4 (b):

Zone No 4 (b1) Mixed Industrial—Restricted—edged heavy black and lettered “4 (b1)”,

### [2] Clause 10 Zone objectives and development control table

Insert after the matter relating to Zone No 4 (b) in the Table to the clause:

#### **Zone No 4 (b1) Mixed Industrial—Restricted**

##### **1 Objectives of the zone**

The primary objective is to improve the environmental amenity of the locality by encouraging industrial, retail and commercial development that would assist in enhancing the redevelopment of the area and would not detract from the amenity of the area by reason of the design and function of the development proposed.

The secondary objectives are:

- (a) to provide a range of compatible non-residential uses, such as industry, shops, offices, retail and studio-type workshops, and
- (b) to provide scope for limited residential development, and
- (c) to ensure that any non-residential development is environmentally compatible with residential development, and does not adversely affect the amenity of existing and future residential communities, and
- (d) to ensure that any development that occurs is commensurate with the capacity of the existing and proposed road network in the vicinity, and
- (e) to apply the principles of energy efficiency, travel demand management and other sustainable development practices as part of the development assessment process, and

Botany Local Environmental Plan 1995 (Amendment No 3)

Amendments

Schedule 1

- 
- (f) to encourage development that is of a high standard of design, has a high level of environmental amenity and is compatible with adjoining land uses and development, and
  - (g) to reduce the land use conflict between residential and non-residential uses.

**2 Development which may be carried out without development consent**

Exempt development.

**3 Development which may be carried out only with development consent**

Development for the purpose of:

Building identification signs; business identification signs; child care centres; commercial premises; community facilities; convenience shops or facilities; customs agencies; educational establishments; health care professionals' rooms; high technology industries; landscaping works; light goods dispatch; light industry; parks and gardens; places of assembly; places of public worship; public buildings; recreation facilities; refreshment rooms; roads; studio workshops; tradespersons' supply and service stores; utility installations; utility undertakings.

Demolition.

**4 Development which is prohibited**

Any development other than development included in item 2 or 3.

**[3] Clause 12 Floor space ratios**

Insert "4 (b1)," after "4 (b)," in clause 12 (1) (c).

**[4] Clause 12 (6)**

Insert after clause 12 (5):

- (6) Notwithstanding the provisions of subclause (1), the Council may consent to the carrying out of residential development on land shown coloured light scarlet and edged red on the map marked "Botany Local Environmental Plan 1995 (Amendment No 3)" to a maximum floor space ratio of 1:1.

Botany Local Environmental Plan 1995 (Amendment No 3)

Schedule 1 Amendments

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**[5] Clause 12B**

Insert after clause 12A:

**12B Floor space ratios—Pemberton-Wilson Street Precinct**

- (1) This clause applies to land shown coloured light scarlet and edged red on the map marked “Botany Local Environmental Plan 1995 (Amendment No 3)” (the *Pemberton-Wilson Street Precinct*).
- (2) For the purpose of calculating the floor space ratio of a building proposed to be erected on land in the Pemberton-Wilson Street Precinct:
  - (a) the Council is to include as part of the site area such part of the land (if any) as is required, by a condition of the relevant development consent, to be dedicated free of cost for the provision, extension or augmentation of public amenities or public services (as referred to in section 94 of the Act), and
  - (b) the gross floor area is taken to exclude (in addition to the matters excluded from the definition of that term in the *Environmental Planning and Assessment Model Provisions 1980* adopted by this plan) designated storage spaces (if any) designated for personal items associated with residential apartments.

**[6] Clause 17 Development in industrial zones**

Insert “or Zone No 4 (b1)” after “Zone No 4 (b)” in clause 17 (2).

**[7] Clause 17 (4)**

Insert after clause 17 (3):

- (4) Before granting consent to development for the purpose of high technology industries, light industries, light goods dispatch or tradespersons’ supply and service stores on land within Zone No 4 (b1), the Council must be satisfied that:
  - (a) the proposed development will not detrimentally affect the amenity of existing or future residential development on any surrounding land within Zone No 4 (b1) by way of hours of operation, noise, lighting, traffic movements, odour or external storage, and

Botany Local Environmental Plan 1995 (Amendment No 3)

Amendments

Schedule 1

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- (b) the proposed development will not detrimentally affect the amenity of existing or future residential development on any adjoining land within Zone No 2 (b) by way of hours of operation, noise, lighting, traffic movements, odour or external storage, and
  - (c) any vehicle required for delivery is a light rigid vehicle or smaller.

**[8] Clause 18C**

Insert in appropriate order:

**18C Development near zone boundaries—Pemberton-Wilson Street Precinct**

- (1) This clause applies to any land that is within Zone No 2 (b) and that is within 15 metres of a boundary between that Zone and Zone No 4 (b1).
- (2) The Council may consent to the carrying out of development on land to which this clause applies if that development would be able to be carried out with consent if the land concerned were within Zone No 4 (b1).
- (3) Before granting consent for development pursuant to this clause, the Council must be satisfied that carrying out the development is generally consistent with the objectives of Zone No 4 (b1).

**[9] Clause 40 Savings and transitional**

Insert in appropriate order in the definition of *relevant amending plan* in clause 40 (3):

*Botany Local Environmental Plan 1995 (Amendment No 3)*

**[10] Schedule 1 Definitions**

Insert in appropriate order:

*building identification sign* means a sign that identifies or names a building, and that may include the name of a business or building, the street number of a building, the nature of a business and a logo or other symbol that identifies the business, but does not include general advertising of products, goods or services.

## Botany Local Environmental Plan 1995 (Amendment No 3)

## Schedule 1 Amendments

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***business identification sign*** means a sign:

- (a) that indicates:
    - (i) the name of the person, and
    - (ii) the business carried on by the person,at the premises or place at which the sign is displayed, and
  - (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,
- but does not include any advertising relating to a person who does not carry on business at the premises or place.

***customs agency*** means premises with functions that relate to the operations of Port Botany or Sydney Airport or both places, but does not involve any on-site warehousing and distribution of goods.

***studio workshop*** means a building containing both a dwelling and a work area, which are physically connected, where the work carried on in the work area is a use permitted in the zone concerned and involves the employment of not more than five persons other than the permanent residents of the dwelling and does not involve any one or more of the following:

- (a) a dwelling that has a gross floor area greater than 100m<sup>2</sup>,
- (b) the dwelling occupying more than 40% of the gross floor area of the building,
- (c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise,
- (d) interference with the amenity of the neighbourhood due to any one or more of the following:
  - (i) the generation of excessive vehicular traffic,
  - (ii) the attraction of an excessive number of customers or clients,
  - (iii) the reduction of car parking in the vicinity of the site.



Botany Local Environmental Plan 1995 (Amendment No 3)

Amendments

Schedule 1

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**[11] Schedule 1, definition of “the map”**

Insert in appropriate order in the definition of *the map*:

Botany Local Environmental Plan 1995 (Amendment No 3)



## **Greater Taree Local Environmental Plan 1995 (Amendment No 52)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G02/00003/S69) (3/2002R)

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

Clause 1 Greater Taree Local Environmental Plan 1995 (Amendment No 52)

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## **Greater Taree Local Environmental Plan 1995 (Amendment No 52)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Greater Taree Local Environmental Plan 1995 (Amendment No 52)*.

### **2 Aims of plan**

This plan aims to rezone the land to which this plan applies from Zone No 1 (a) Rural General to partly Zone No 2 (a) Residential and partly Zone No 7 (a) Environmental Protection Habitat under *Greater Taree Local Environmental Plan 1995*.

### **3 Land to which plan applies**

- (1) This plan applies to Lots 2 and 3, DP 567458, Saltwater Road, Wallabi Point, as shown edged heavy black on the map marked "Greater Taree Local Environmental Plan 1995 (Amendment No 52)" deposited in the office of the Greater Taree City Council.
- (2) This plan does not apply to Lot 60, DP 1048186, Saltwater Road, Wallabi Point, as shown edged heavy black with diagonal hatching and marked "Deferred" on that map, being land that is deferred matter within the meaning of section 68 (5) of the *Environmental Planning and Assessment Act 1979*.

### **4 Amendment of Greater Taree Local Environmental Plan 1995**

*Greater Taree Local Environmental Plan 1995* is amended by inserting in appropriate order in the definition of *the map* in clause 4 (1) the following words:

Greater Taree Local Environmental Plan 1995 (Amendment No 52)



## **Moree Plains Local Environmental Plan 1995 (Amendment No 13)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S01/01819/PC)

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

Clause 1            Moree Plains Local Environmental Plan 1995 (Amendment No 13)

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## **Moree Plains Local Environmental Plan 1995 (Amendment No 13)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Moree Plains Local Environmental Plan 1995 (Amendment No 13)*.

### **2 Aims of plan**

The aims of this plan are:

- (a) to amend the map to *Moree Plains Local Environmental Plan 1995* to provide that development for the purpose of tourism may be carried out with consent on certain land within Zone No 5 (Special Uses—Community Purposes), being Lot 5, DP 817286, and
- (b) to insert a new clause into *Moree Plains Local Environmental Plan 1995* relating to the erection of buildings and residential development in the vicinity of Moree Airport, and
- (c) to reclassify certain public land from community land to operational land for the purposes of the *Local Government Act 1993*.

### **3 Land to which plan applies**

This plan applies to the following land:

- (a) in relation to the aim set out in clause 2 (a)—Lot 5, DP 817286,
- (b) in relation to the aim set out in clause 2 (b)—land shown on the map marked “Obstacle Limitation Surface (OLS) Map for Moree and environs” deposited in the office of the Moree Plains Shire Council (including Lot 5, DP 817286),

Moree Plains Local Environmental Plan 1995 (Amendment No 13)

Clause 4

- 
- (c) in relation to the aim set out in clause 2 (c)—Lot 5, DP 817286, Lots 9 and 11, DP 848790, Lots 35–37, DP 867485, Lot 6, DP 746093, Lots 18–23, DP 831597, Lots 11–14, DP 792348, Lots 3–5, DP 700552, Lots 8 and 10, DP 787334, Lot 16, DP 827137, Lot 33, DP 865099 and Lots 30 and 31, DP 856873.

**4 Amendment of Moree Plains Local Environmental Plan 1995**

*Moree Plains Local Environmental Plan 1995* is amended as set out in Schedule 1.

Moree Plains Local Environmental Plan 1995 (Amendment No 13)

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 5 Definitions

Insert in appropriate order in the definition of *the map* in clause 5 (1):

Moree Plains Local Environmental Plan 1995 (Amendment No 13)

### [2] Clause 42

Insert after clause 41:

#### 42 Development of land in the vicinity of Moree Airport

- (1) The council must not consent to the erection of a building on land which is shown on the OLS Map, unless it is satisfied that the height of the building will not exceed the limitation specified for the land on that map.
- (2) Despite subclause (1), the council may consent to the erection of a building on land which is shown on the OLS Map that will exceed the limitation specified for the land on that map, but only if:
  - (a) the application for that consent has been referred by the council to Airservices Australia for comment, and
  - (b) the council has taken into account any comment furnished by Airservices Australia within 28 days after that referral.
- (3) The council may grant consent to the erection of a building intended for human occupation on Lot 5, DP 817286 only if it is satisfied that measures will be taken:
  - (a) which comply with the provisions of Australian Standard AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction* published by Standards Australia, and
  - (b) which are adequate for the insulation of the building from aircraft noise.
- (4) In this clause, *OLS Map* means the map marked “Obstacle Limitation Surface (OLS) Map for Moree and environs” deposited in the office of the council.

Moree Plains Local Environmental Plan 1995 (Amendment No 13)

Amendments

Schedule 1

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**[3] Schedule 4 Classification and reclassification of public land as operational land**

Insert at the end of the Schedule:

Moree Airport	Lot 5, DP 817286, Lots 9 and 11, DP 848790, Lots 35–37, DP 867485, Lot 6, DP 746093, Lots 18–23, DP 831597, Lots 11–14, DP 792348, Lots 3–5, DP 700552, Lots 8 and 10, DP 787334, Lot 16, DP 827137, Lot 33, DP 865099 and Lots 30 and 31, DP 856873.
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New South Wales

## Shellharbour Local Environmental Plan 2000 (Amendment No 10)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (W02/00116/S69)

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

Clause 1 Shellharbour Local Environmental Plan 2000 (Amendment No 10)

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## Shellharbour Local Environmental Plan 2000 (Amendment No 10)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Shellharbour Local Environmental Plan 2000 (Amendment No 10)*.

### 2 Aims of plan

This plan aims to rezone the land to which this plan applies from the Special Uses (School) zone to Zone 2 (b1) (the Residential B1 zone) under *Shellharbour Local Environmental Plan 2000*.

### 3 Land to which plan applies

This plan applies to land situated in the City of Shellharbour, being Lot 1, DP 209694, Ulster Avenue, Barrack Heights, as shown edged heavy black on the map marked "Shellharbour Local Environmental Plan 2000 (Amendment No 10)" deposited in the office of Shellharbour City Council.

### 4 Amendment of Shellharbour Local Environmental Plan 2000

*Shellharbour Local Environmental Plan 2000* is amended by inserting in appropriate order in the definition of *the map* in Schedule 1 the following words:

Shellharbour Local Environmental Plan 2000  
(Amendment No 10)



## **Willoughby Local Environmental Plan 1995 (Amendment No 57)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S04/00670/S69)

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

Clause 1 Willoughby Local Environmental Plan 1995 (Amendment No 57)

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## **Willoughby Local Environmental Plan 1995 (Amendment No 57)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Willoughby Local Environmental Plan 1995 (Amendment No 57)*.

### **2 Aims of plan**

This plan aims to allow, with the consent of Willoughby City Council, the carrying out of development on the land to which this plan applies for the purpose of a motor showroom (being an extension of a motor showroom located on adjoining land).

### **3 Land to which plan applies**

This plan applies to part Lot 1 DP 745216 known as 565 Pacific Highway, Artarmon, as shown edged heavy black on the map marked "Willoughby Local Environmental Plan 1995 (Amendment No 57)" deposited in the office of Willoughby City Council.

### **4 Amendment of Willoughby Local Environmental Plan 1995**

*Willoughby Local Environmental Plan 1995* is amended as set out in Schedule 1.

Willoughby Local Environmental Plan 1995 (Amendment No 57)

Amendment

Schedule 1

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## Schedule 1      Amendment

(Clause 4)

### Clause 52 Development for certain additional purposes

Insert after clause 52 (5):

- (6) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on part of Lot 1 DP 745216 known as 565 Pacific Highway, Artarmon, as shown edged heavy black on the map marked "Willoughby Local Environmental Plan 1995 (Amendment No 57)", for the purpose of a motor showroom (being an extension of the motor showroom referred to in clause 26B (g)), provided that the development has a floor space ratio of not more than 0.5:1.

## Natural Resources

### WATER ACT 1912

APPLICATIONS under Part 2, within proclaimed (declared) local areas under section 5 (4) of the Water Act 1912.

Applications for licences under section 10 for works within a proclaimed (declared) local area as generally described hereunder have been received from:

#### *Macquarie River Valley*

DELEBI PTY LTD for a pump on the Bogan River, Lot 39, DP 751320, Parish of Grahweed, County of Canbelego, for water supply for stock and domestic purposes (new licence) (Reference: 80SL96202).

GLENFAN PTY LIMITED for a cutting on an unnamed watercourse (locally known as Raglan Creek and Boyd Creek), Lot 2, DP 837864, Parish of Kelso, County of Roxburgh, for the purpose of changing the course of the watercourse (new licence) (Reference: 80SL96203).

Vicki Maria ANDERSON for a dam and a pump on an unnamed watercourse, Lot 2, DP 1060161, Parish of Kelso, County of Roxburgh, for conservation of water and water supply for stock and domestic purposes (new licence) (Reference: 80SL96204).

Marnie FENELEY for a dam and a pump on Joseph Smiths Creek, Lots 1 and 2, DP 1049370, Parish of Blenheim, County of Westmoreland, for conservation of water and water supply for stock and domestic purposes (new licence) (Reference: 80SL96205).

Any inquiries regarding the above should be directed to the undersigned (telephone: 6884 2560).

Written objections to the applications specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local (declared) area and must be lodged with the Departments Regional Office at Dubbo, within twenty-eight (28) days as prescribed by the Act. GA2:306713.

FRED HUNDY,  
Water Access Manager,  
Macquarie

Department of Infrastructure, Planning and  
Natural Resources,  
PO Box 717, Dubbo NSW 2830.

### WATER ACT 1912

#### Notice Under Section 22B

THE Department of Infrastructure, Planning and Natural Resources pursuant to section 22B of the Water Act 1912, advises that the restrictions as notified within the *Government Gazette*, published on the 23 January 2004, for the Boomi River, Unregulated Barwon River and Unregulated Darling River (Barwon/Darling River System), all upstream of Lake Wetherell are hereby lifted, as of the 14 December 2004.

Holders of permits, authorities, and licences issued under Part 2 of the Water Act 1912, can take water within the conditions attaching to the entitlements.

GEOFF WISE,  
Regional Director,  
Far West Region

### WATER ACT 1912

AN application for a licence under Part 2 of the Water Act 1912, being within a proclaimed (declared) local area under section 5 (4) of the Act.

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

#### *Lachlan River Valley*

Charles David BADHAM and Robert Victor ARMSTRONG for a pump on the Cooks Vale Creek on Lot 2, DP 753021, Parish of Burrigee, County of Georgiana, for water supply for irrigation purposes, 3.58 hectares. (new licence – allocation obtained by way of the permanent transfer scheme – transferring from existing entitlement) (Reference: 70SL091027) (GA2:466347).

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

VIV RUSSELL,  
Resource Access Manager,  
Central West Region

Department of Infrastructure, Planning and  
Natural Resources,  
PO Box 136, Forbes NSW 2871.  
Telephone: (02) 6852 1222.

### WATER ACT 1912

AN application under Part 8, being within a proclaimed (declared) local area under section 5 (4) of the Water Act 1912.

An application for approval of controlled works under section 167 within the proclaimed (declared) local area described hereunder has been received as follows:

#### *Namoi River Valley*

DREC NO 12 PTY LTD (Jonathon and David PHELPS) for earthen levees and storage on the Lower Namoi River Floodplain on Lots 11 and 29, DP 753944, Parish of Merah, County of Jamison, for conservation of water and prevention of inundation of land by floodwaters on the property known as "Evermore", Wee Waa (this notice is in lieu of a previous notice due to the property name incorrectly being stated as "Havana") (Reference: 90CW810931) (GA2:472189).

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed area, whose interest may be affected must be lodged with the Department's Resource Access Manager at Tamworth by 11 January 2005.

Plans showing the location of the works referred to in the above application may be viewed at the Tamworth office of the Department of Infrastructure, Planning and Natural Resources.

GEOFF CAMERON,  
Manager,  
Resource Access

Department of Infrastructure Planning and  
Natural Resources,  
PO Box 550, Tamworth NSW 2340.

## Department of Lands

### BOARD OF SURVEYING AND SPATIAL INFORMATION

**Panorama Avenue (PO Box 143), Bathurst NSW 2795**

**Phone: (02) 6332 8238 Fax: (02) 6332 8240**

#### SURVEYING ACT 2002

##### Registration of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, section 10(1)(a), the undermentioned persons have been Registered as Land Surveyors in New South Wales from the dates shown.

Name	Address	Effective Date
Benjamin Ian Middlin EVERITT	12 Langdene Close, Lisarow NSW 2250	13 October 2004
Geoffrey Edwin HILL	37 O'Briens Road, Port Macquarie NSW 2444	13 October 2004
George NAJJAR	31 Canterton Street, Hurlstone Park NSW 2193	29 September 2004
Paul John STIVANO	122 Coal Point Road, Coal Point NSW 2283	18 October 2004

W. A. WATKINS,  
President

G. K. A. LEATHERLAND,  
Registrar

#### SURVEYING ACT 2002

##### Registration of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, section 10(1)(b), the undermentioned persons have been Registered as a Mining Surveyors (open cut) in New South Wales from the dates shown.

Name	Address	Effective Date
Harvey William ROWE	46 Church Street, Dubbo NSW 2830	11 October 2004
Wayne Keith ROWE	46 Church Street, Dubbo NSW 2830	11 October 2004

W. A. WATKINS,  
President

G. K. A. LEATHERLAND,  
Registrar

#### SURVEYING ACT 2002

##### Restoration of Name to the Register of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, section 10(1)(a), the undermentioned Land Surveyors have been restored to the Register of Surveyors.

Name	Date of Original Registration	Removal Date	Restoration Date
Bevan Leslie ASHER	9 October 1970	1 November 2004	19 November 2004
Holger Max Reinhold BEUTHIEN	24 September 1982	1 November 2004	15 November 2004
Giuseppe John BOTTARO	14 September 1990	1 November 2004	15 November 2004
Jonathan Frank BURKE	23 September 1994	1 November 2003	29 October 2004
Evan David CARMAN	30 March 1990	1 November 2004	17 November 2004
William John CHAPMAN	12 September 1986	1 November 2004	5 November 2004
Simon Paul CHENG	13 September 1985	1 November 2004	1 December 2004
David CHI	2 May 2003	1 November 2004	19 November 2004
Darryl John COWIE	21 November 1990	1 November 2004	17 November 2004
Patrick Arthur CRAM	30 September 1996	1 November 2004	17 November 2004
Gregory Alan CRISP	26 May 1983	1 November 2004	19 November 2004
Robert Louis CURTIS	13 January 1999	1 November 2004	6 December 2004
Vincent Paul CURTIS	22 March 1991	1 November 2004	5 November 2004

<b>Name</b>	<b>Date of Original Registration</b>	<b>Removal Date</b>	<b>Restoration Date</b>
Stuart Neil De NETT	17 May 1996	1 November 2004	15 November 2004
Ralph George FLETCHER	2 July 1976	1 November 2004	22 November 2004
Geoffrey Charles FORSHAW	4 October 1966	1 November 2004	22 November 2004
Wolfgang GOLDBERGER,	3 March 1989	1 November 2004	29 November 2004
Steven Richard GOTT	23 September 1994	1 November 2004	5 November 2004
Michael George HAJJAR	15 September 1987	1 November 2004	15 November 2004
Anthony Peter HART	18 September 1986	1 November 2004	9 November 2004
Pierre Andreas HARTZENBERG	15 September 1989	1 November 2004	16 November 2004
Terrance John HINCHCLIFFE	15 March 1985	1 November 2004	22 November 2004
Philip John HUNTER	22 March 1976	1 November 2004	26 November 2004
Alastair Douglas KEMP	25 September 1989	1 November 2004	18 November 2004
Ian Leslie MacDONALD	1 October 1976	1 November 2004	17 November 2004
John Edwin McNAUGHTON	28 March 1961	1 November 2004	17 November 2004
Alan George MANSFIELD	11 September 1987	17 October 2003	28 October 2004
Gregory David MONK	16 October 1980	1 November 2004	15 November 2004
Brian Anthony MURPHY	25 March 1966	1 November 2004	15 November 2004
Christopher Kerry NEWTON	28 March 1980	1 November 2004	15 November 2004
Christopher Thomas NORTON	31 August 1998	1 November 2004	26 November 2004
Graeme Bruce PATERSON	21 March 1978	1 November 2004	29 November 2004
Phillip Anthony James POZZI	25 March 2003	1 November 2004	18 November 2004
Leigh Gordon PRIVETT	29 May 1974	1 November 2004	17 November 2004
Robert Bruce RALSTON	23 July 1998	1 November 2004	7 December 2004
Mark Anthon REID	1 July 1999	1 November 2004	17 November 2004
Christopher Charles ROBERTSON	1 September 1987	1 November 2004	15 November 2004
Karl Gordon ROBERTSON	31 March 2003	1 November 2004	19 November 2004
Ian Vincent SHEERIN	20 March 1972	1 November 2004	22 November 2004
Gary John SKOW	22 March 1991	1 November 2004	17 November 2004
Gregory Roy SMEALLIE	25 March 1965	1 November 2004	17 November 2004
Phillip Bruce SMITH	17 September 1973	1 November 2004	17 November 2004
John Walter STEVENS	13 September 1985	1 November 2004	26 November 2004
John Brett STEPHEN	3 March 1989	1 November 2004	5 November 2004
Michael John STYNES	23 September 1971	1 November 2004	17 November 2004
Geoffrey Allan SWALWELL	14 September 1984	1 November 2004	26 November 2004
Russell Colin TIESLER	23 December 1991	1 November 2004	22 November 2004
Mark Charles TOMKINSON	18 September 1980	1 November 2004	29 November 2004
Michael Ernest VALE	19 February 1991	1 November 2004	15 November 2004
John Lubbertus VAN DER WERFF	1 April 1974	1 November 2004	18 November 2004
Robert Ramon WILSON	11 September 1987	1 November 2004	17 November 2004
Domenico ZAMPIERI	9 September 1988	1 November 2004	15 November 2004

W. A. WATKINS,  
President

G. K. A. LEATHERLAND,  
Registrar



**SURVEYING ACT 2002**

## Restoration of Name to the Register of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, section 10(1)(a), the undermentioned Mining Surveyors have been restored to the Register of Surveyors.

<b>Name</b>	<b>Date of Original Registration</b>	<b>Removal Date</b>	<b>Restoration Date</b>
Gregory David MONK	15 August 2003	1 November 2004	15 November 2004
John Walter STEVENS	9 September 2003	1 November 2004	26 November 2004

W. A. WATKINS,  
President

G. K. A. LEATHERLAND,  
Registrar

**SURVEYING ACT 2002**

## Removal of Name from the Register of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, section 10, the undermentioned Land Surveyors have been removed from the Register of Surveyors.

<b>Name</b>	<b>Date of Removal</b>	<b>Date of Registration</b>
Bevan Leslie ASHER	1 November 2004	9 October 1970
Michael Warren BASILE	1 November 2004	19 October 1970
Keith Clifford BELL	31 October 2004	15 September 1986
Holger Max BEUTHIEN	1 November 2004	24 September 1982
Colin George BLANCHARD	29 October 2004	25 September 1964
Giuseppe John BOTTARO	1 November 2004	14 September 1990
Rolf Kenneth CAMBRIDGE	1 November 2004	4 October 1966
Evan David CARMAN	1 November 2004	30 March 1990
Matthew John CAUSLEY	1 November 2004	8 December 2000
Geoffrey Meikle CHADWICK	1 November 2004	25 September 1964
Leslie Edward CHARD	20 October 2004	22 March 1976
William John CHAPMAN	1 November 2004	12 September 1986
Simon Paul CHENG	1 November 2004	13 September 1985
Darryl John COWIE	1 November 2004	21 November 1990
Patrick CRAM	1 November 2004	30 September 1996
Gregory Alan CRISP	1 November 2004	26 May 1983
Robert Louis CURTIS	1 November 2004	4 February 1952
Vincent Paul CURTIS	1 November 2004	22 March 1991
Stuart Neil DE NETT	1 November 2004	17 May 1996
Robert John DICKERSON	1 November 2004	19 March 1973
Warren John DIGGINS	8 October 2004	13 March 1981
Robert Douglas DUNLOP	1 November 2004	3 October 1967
Ralph George FLETCHER	1 November 2004	2 July 1976
Geoffrey Charles FORSHAW	1 November 2004	4 October 1966
Raymond Erskine GILMOUR	1 November 2004	14 March 1987
Wolfgang GOLDBERGER	1 November 2004	3 March 1989
Steven Richard GOTT	1 November 2004	23 September 1994
Thierry Stephan GRABARA	1 November 2004	20 March 1992
David Anthony GRADY	1 November 2004	20 October 1995
Michael Stephen GREENSLADE	1 November 2004	28 April 2003
Mark Lee GREY	1 November 2004	3 November 1984
Michael George HAJJAR	1 November 2004	15 September 1987
Ian Robert HARPER	1 November 2004	14 September 1984
Anthony Peter HART	1 November 2004	18 September 1986

<b>Name</b>	<b>Date of Removal</b>	<b>Date of Registration</b>
Pierre Andreas HARTZENBERG	1 November 2004	15 September 1989
Lance Edmond HAYES	1 November 2004	8 January 2004
Wayne Anthony HAYES	1 November 2004	9 October 2003
Paul Leonard HEALD	15 October 2004	18 September 1997
Terrance John HINCHCLIFFE	1 November 2004	15 March 1985
Philip John HUNTER	1 November 2004	22 March 1976
Ian HUTTON	20 October 2004	10 April 1967
Neil Frederick INGRAM	16 October 2004	16 October 1959
Paul William KEATING	1 November 2004	19 November 2002
Alastair Douglas KEMP	1 November 2004	25 September 1989
Ian Leslie MACDONALD	1 November 2004	1 October 1976
Peter Michael MCCARTNEY	1 November 2004	20 September 1963
John Edwin MCNAUGHTON	1 November 2004	28 March 1961
Gregory David MONK	1 November 2004	16 October 1980
Brian Anthony MURPHY	1 November 2004	25 March 1966
Christopher Kerry NEWTON	1 November 2004	28 March 1980
Christopher Thomas NORTON	1 November 2004	2 October 1979
Graeme Bruce PATERSON	1 November 2004	21 March 1978
Phillip Anthony POZZI	1 November 2004	25 March 2003
Leigh Gordon PRIVETT	1 November 2004	29 May 1974
Robert Bruce RALSTON	1 November 2004	24 May 1950
Mark Anthony REID,	1 November 2004	1 July 1999
Christopher Charles ROBERTSON	1 November 2004	11 September 1987
Karl Gordon ROBERTSON	1 November 2004	31 March 2003
Ian Warren ROBINS	1 November 2004	24 March 1966
Paul Kevin SANT	1 November 2004	23 September 1983
Ian Vincent SHEERIN	1 November 2004	20 March 1972
Gary John SKOW	1 November 2004	22 March 1991
Gregory Roy SMEALLIE	1 November 2004	25 March 1965
Phillip Bruce SMITH	1 November 2004	17 September 1973
Graham Benson STEEL	1 November 2004	4 October 1966
John Brett STEPHEN	1 November 2004	3 March 1989
John Walter STEVENS	1 November 2004	13 September 1985
Michael John STYNES	1 November 2004	23 September 1971
Geoffrey Allan SWALWELL	1 November 2004	14 September 1984
Russell Colin TIESLER	1 November 2004	23 December 1991
Anthony Robert TIMS	1 November 2004	13 March 1981
Jeffrey Alan TINKER	1 November 2004	24 September 1982
Anthony Damien TODARELLO	1 November 2004	11 September 1987
Mark Charles TOMKINSON	1 November 2004	18 September 1980
Brian TUCKER	1 November 2004	23 March 1984
ael Ernest VALE	1 November 2004	19 February 1991
John Lubbertus VAN DER WERFF	1 November 2004	1 April 1974
Terence John WALKER	15 October 2004	24 March 1966
Reginald Arthur WALTERS	1 November 2004	1 April 1974
Trevor Roy WALSHAM	31 October 2004	8 August 1985
Michael Andrew WATKINS	1 November 2004	26 October 1998
John Amos WELLINGS	1 November 2004	20 September 1963
Craig John WHITE	1 November 2004	23 July 1999
Robert Ramon WILSON	1 November 2004	11 September 1987
Ian Frederick WOOTTEN	1 November 2004	21 March 1975
David Mervyn YATES	1 November 2004	5 October 1965

<b>Name</b>	<b>Date of Removal</b>	<b>Date of Registration</b>
Domenico ZAMPIERI	1 November 2004	9 September 1988

W. A. WATKINS,  
President

G. K. A. LEATHERLAND,  
Registrar

### SURVEYING ACT 2002

#### Removal of Name from the Register of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, section 10, the undermentioned Mining Surveyors have been removed from the Register of Surveyors.

<b>Name</b>	<b>Date of Removal</b>	<b>Date of Registration</b>
Justin Jonathon COATE	29 October 2004	21 October 2003
Paul Brian WILLIAMS	28 October 2004	8 September 2003
Richard Kennedy CAIRNS	1 November 2004	27 October 2003
Craig CLUDERAY	1 November 2004	22 September 2003
Peter Henry EASON	1 November 2004	30 October 2003
Stephen GARLAND	1 November 2004	29 October 2003
Daryl William JOLLIFFE	1 November 2004	3 October 2003
Gregory David MONK	1 November 2004	15 August 2003
Jeffrey Ian PECK	1 November 2004	3 November 2003
Ricardo PERISSINOTTO	1 November 2004	31 October 2003
Jose Mauricio PIZARRO	1 November 2004	3 October 2003
John Walter STEVENS	1 November 2004	9 September 2003
Maurice TANGREDI	1 November 2004	30 October 2003

W. A. WATKINS,  
President

G. K. A. LEATHERLAND,  
Registrar

### SURVEYING REGULATION 2001

#### Certificate of Meritorious Service

PURSUANT to the provisions of Clause 4K of the Surveying Regulation 2001, the undermentioned Land Surveyors have been awarded a Certificate of Meritorious Service in recognition of their long service and contribution to the surveying profession in New South Wales, with effect 8 December 2004.

<b>Name</b>	<b>Date of Original Registration</b>	<b>Removed from Register</b>
Colin George BLANCHARD	29 October 2004	25 September 1964
Leslie Edward CHARD	20 October 2004	22 March 1976
Ian HUTTON	10 April 1967	10 April 1967
Neil Frederick INGRAM	16 October 2004	16 October 1959
Terence John WALKER	15 October 2004	24 March 1966

W. A. WATKINS,  
President

G. K. A. LEATHERLAND,  
Registrar

**DUBBO OFFICE**  
**142 Brisbane Street (PO Box 865), Dubbo NSW 2830**  
**Phone: (02) 6841 5200 Fax: (02) 6841 5231**

**REVOCATION OF RESERVATION OF CROWN  
 LAND**

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

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

SCHEDULE

<b>COLUMN 1</b>	<b>COLUMN 2</b>
Land District: Coonabarabran.	The whole being Lot 356,
Local Government Area: Coonabarabran Shire Council.	DP No. 753378, Parish Coonabarabran, County
Locality: Coonabarabran.	Gowen; Lot 357, DP No.
Reserve No.: 80972.	753378, Parish Coonabarabran,
Public Purpose: Soil Conservation Service depot site.	County Gowen, of an area of 4123 square metres.
Notified: 22 August 1958.	
File No.: DB03 R 5/1.	
Note: For sale by way of private treaty to NSW Agriculture.	

**FAR WEST REGIONAL OFFICE**  
**45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830**  
**Phone: (02) 6883 3000 Fax: (02) 6883 3099**

**APPOINTMENT OF ADMINISTRATOR TO  
MANAGE A COMMON TRUST**

PURSUANT to section 48, Commons Management Act 1989, the person specified in Column 1 of the Schedule hereunder, is appointed as administrator for the term also specified thereunder, of the common trust specified opposite thereto in Column 2, which is trustee of the common referred to in Column 3 of the Schedule.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Graham Ross SAWTELL.	Brewarrina Common Trust.	Brewarrina Common. File No.: WL86 R 9.

For a term commencing this day and expiring 15 June 2005.

**FORFEITURE OF A WESTERN LANDS LEASE**

IT is hereby notified for public information that in pursuance of section 28BA of the Western Lands Act 1901, the Western Lands Lease particularised hereunder has been forfeited.

CRAIG KNOWLES, M.P.,  
Minister for Infrastructure and Planning  
and Minister for Natural Resources

Western Lands Lease No.: 7574.  
Name of Lessee: Peter Jeffery OHLSEN (deceased).  
Area Forfeited: Lot 118, DP 750663 of 1.409 hectares.  
Administrative District: Hillston.  
Shire: Cobar.  
Date of Forfeiture: 13 February 2001.  
Reason for Forfeiture: Non payment of rental.

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

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

CRAIG JOHN KNOWLES, M.P.,  
Minister for Natural Resources

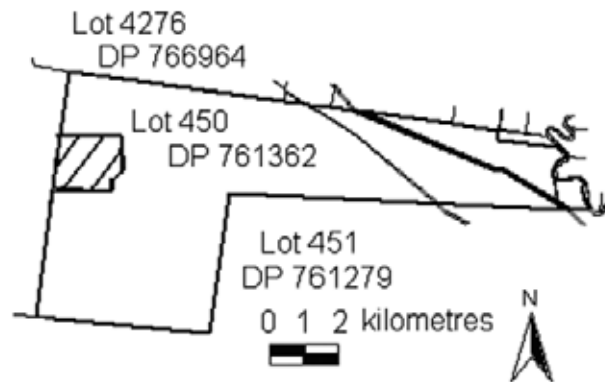
Description

*Administrative District – Wentworth; Shire – Wentworth;  
Parish – Polia; County – Windeyer.*

The conditions of Western Lands Lease 2416 being the land contained within Folio Identifier 450/761362 have been altered effective from 14 December 2004, by the inclusion of the special conditions following. The conservation area indicated in the special conditions comprises 279.7 hectares.

SPECIAL CONDITIONS ATTACHED TO WESTERN  
LANDS LEASE 2416

1. The lessee shall erect and maintain a domestic stockproof standard fence surrounding the areas shown hatched on the diagram hereunder and ensure the areas remain ungrazed by both domestic stock and feral animals.
2. The lessee shall not clear any vegetation or remove any timber within the areas shown hatched on the diagram hereunder unless written approval has been granted by either the Commissioner or the Minister.
3. The lessee shall manage the areas shown hatched on the diagram hereunder in accordance with best management practices specified in the document known as "Southern Mallee Regional Guidelines for the Development of Land Use Agreements".
4. Special Condition 1 above shall be revoked, upon application by the lessee, in the event of the revocation of Cultivation Consent for any reason other than a breach of Consent condition(s).



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

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

CRAIG KNOWLES, M.P.,  
Minister for Infrastructure and Planning  
and Minister for Natural Resources

Description

*Administrative District – Carrathool; Shire – Carrathool;  
Parish – Hadyn; County – Franklin.*

The conditions of Western Lands Lease 4527, being the land contained within Folio Identifiers 5211/720998 and 5212/720998 have been altered effective from 6 December 2004.

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

SPECIAL CONDITION ATTACHED TO WESTERN  
LANDS LEASE 4527

1. The lessee shall only conduct dryland cultivation within the area of 455 hectares indicated by hatching on the diagram hereunder. Any other cultivation outside this area will only be allowable with the consent of the Commissioner or the Minister.



2. The lessee must ensure that sandhills and other soils with a surface texture of loamy sand or coarser are left uncultivated unless specifically approved by the Commissioner or the Minister.
3. The lessee must ensure that areas with a slope greater than 2% shall not be cultivated until any soil conservation measures considered necessary by the Department of Infrastructure, Planning and Natural Resources have been implemented at the lessee's expense.
4. The lessee shall ensure that cultivation and associated activities do not interfere with any road formation within the allowable area.
5. Incised drainage lines, other than man made structures, which carry water after storms shall be left uncultivated in the channels and for a distance of at least 20 metres on either side of the banks of the channels except when the Commissioner or Minister specifies otherwise.
6. The lessee shall ensure that stubble and other crop residue is retained on the soil surface and shall not be burnt, except with the approval of the Commissioner or his delegate. Where such approval is granted, stubble burning is to be carried out as per requirements of the NSW Rural Fire Service.
7. Aboriginal sites are protected under the National Parks and Wildlife Act 1974, and are extremely vulnerable to many kinds of agricultural development.

Should any Aboriginal archaeological relics or sites be uncovered during the proposed works, work is to cease immediately. The lessee must consider the requirements of the National Parks and Wildlife Act 1974, with regard to Aboriginal relics. Under Section 90 it is an offence to damage or destroy relics without prior consent of the Director-General of the Department of Environment and Conservation.

If an Aboriginal site is found in this area, the subject of this alteration, the cultivation must cease until the consent holder has notified the Department of Environment and

Conservation of the existence of the Aboriginal site. Contact details are: The Manager, Cultural Heritage Unit, Department of Environment and Conservation, Phone (02) 6883 5324 or at 58-62 Wingewarra Street, Dubbo.

8. The lessee shall undertake any appropriate measures, at his/her own expense, ordered by the Commissioner or the Minister to rehabilitate any degraded cultivated areas.
9. The lessee shall establish windbreaks at his/her own expense as may be ordered by the Commissioner or the Minister to provide adequate protection of the soil.
10. The lessee shall undertake any fuel management and/or provision of fire trail access in accordance with fire mitigation measures to the satisfaction of the NSW Rural Fire Service.
11. The lessee must ensure that there is no cultivation within 100 metres of the Mossgiel to Hillston Road.
12. The lessee must ensure that there is no cultivation within 100 metres of the southern lease boundary.

#### 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 thereunder, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

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

#### SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Valerie Joan MYORS (new member), Kristy PINNUCK (new member), Beryl Marion LEIGO (new member).	Lila Leigo Centre Reserve Trust.	Reserve No.: 1004889. Public Purpose: Accommodation and community purposes. Notified: 15 August 2003. File No.: WL03 R 19/1.

#### Term of Office

For a term commencing the date of this notice and expiring 20 May 2009.

#### ASSIGNMENT OF NAME TO A RESERVE TRUST

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

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

#### SCHEDULE

COLUMN 1	COLUMN 2
North Family Play Centre Reserve Trust.	Reserve No.: 83933. Public Purpose: Public recreation. Notified: 27 July 1962. File No.: WL87 R 101/1.

**GRAFTON OFFICE****76 Victoria Street (Locked Bag 10), Grafton NSW 2460****Phone: (02) 6640 2000 Fax: (02) 6640 2035****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 thereunder, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

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

**SCHEDULE**

<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>
Caroline Maria JOSEPH (new member).	Bellingen Showground Trust.	Dedication No.: 540022. Public Purpose: Showground. Notified: 26 July 1911. File No.: GF80 R 178.

**Term of Office**

For a term commencing the date of this notice and expiring 18 November 2009.

**NOTIFICATION OF CLOSING OF PUBLIC ROAD**

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

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

**Description**

*Land District – Lismore; Shire – Byron.*

Road Closed: Lot 1, DP 1076477, at Nashua, Parish Teven, County Rous.

File No.: GF03 H 92.

Note: On closing, the land within Lot 1, DP 1076477 remains vested in the State of New South Wales as Crown Land.

**PLAN OF MANAGEMENT FOR A CROWN RESERVE UNDER DIVISION 6 OF PART 5 OF THE CROWN LANDS ACT 1989 AND CLAUSE 35 OF THE CROWN LANDS REGULATION 2000**

A DRAFT plan of management has been prepared for the Crown reserve described hereunder, which is under the trusteeship of the Dirawong Reserve Trust.

Inspection of the draft plan can be made at:

1. Department of Lands,  
76 Victoria Street, Grafton NSW 2460;
2. Woodburn-Evans Head R.S.L. Club Foyer,  
Woodburn Street, Evans Head NSW 2473;
3. Evans Head Community Technology Centre,  
Block D, The Old School Site,  
19 – 25 Woodburn Street,  
Evans Head NSW 2473;

4. Woodburn Community Technology Centre,  
The Ferrymans Cottage, River Street,  
Woodburn NSW 2472;

5. Woodburn Post Office,  
85 River Street, Woodburn NSW 2472;

during normal business hours for a period of 45 days commencing from 18 December 2004 and ending on 31 January 2005.

Representations are invited from the public on the draft plan. These may be made in person at a public meeting to be held at 5:00 p.m., on 13 January 2005, at the Recreation Hall, Kirkland Reserve (near the Kiosk), Evans Head or in writing for a period of 56 days commencing from 18 December 2004 and ending on 11 February 2005 and which should be sent to the Dirawong Reserve Plan of Management, PO Box 14, Woodburn NSW 2472.

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

**Description of Reserve**

*Land District – Lismore;  
Local Government Area – Richmond Valley;  
Parish – Riley; County – Richmond.*

Reserve 140012, notified in the *Government Gazette* of 9 January 1987, comprising Lot 7012, DP 755624.

Location: South Evans Head.

Public Purpose: Conservation of Aboriginal Cultural Heritage, preservation of fauna, preservation of native flora and public recreation.

File No.: GF85 R 112.

**NOTIFICATION OF CLOSING OF ROAD**

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

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

**Description**

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

Roads Closed: Lot 1, DP 1075651 at Grafton, Parish Southhampton, County Clarence.

File No.: GF03 H 381.

**SCHEDULE**

On closing, the land within Lot 1, DP 1075651 becomes vested in Clarence Valley Council as operational land for the purposes of the Local Government Act 1993.

Councils Reference: WBL/PC 310/C:79854AU.

**HAY OFFICE**  
**126 Lachlan Street (PO Box 182), Hay NSW 2711**  
**Phone: (02) 6993 1306 Fax: (02) 6993 1135**

**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 thereunder, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

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

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
David STORRIER (new member).	Hillston Showground Trust.	Dedication No.: 550021. Public Purpose: Racecourse and showground. Notified: 12 April 1940. File No.: HY80 R 96.

Term of Office

For a term commencing the date of this notice and expiring  
 16 September 2009.



**MAITLAND OFFICE**

**Cnr Newcastle Road & Banks Street (PO Box 6), East Maitland NSW 2323**

**Phone: (02) 4934 2280**

**Fax: (02) 4934 2252**

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**NOTIFICATION OF CLOSING OF ROAD**

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

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

Description

*Parish – Lewinsbrook; County – Durham;  
Land District – Dungog;  
Local Government Area – Dungog.*

Road Closed: Lots 1 and 2, DP 1076398 at Allynbrook, subject to restrictions as to user created by Deposited Plan 1076398.

File No.: MD02 H 285.

SCHEDULE

On closing, the land within Lots 1 and 2, DP 1076398 remains vested in Dungog Shire Council as operational land for the purposes of the Local Government Act 1993.

Council's Reference: 97/3 – 6507 gwm.

**CROWN LANDS ACT 1989**

Notification of Creation of Easement

PURSUANT to section 52 of the Crown Lands Act 1989, the Minister for Lands does, by this notice create in favour of AGL Gas Networks Limited the easement described in the following Schedule.

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

SCHEDULE

Easement rights as described under the heading "Easement for Gas Main 3 wide" over the site shown in:

Deposited Plan 1072245 (T.S. & C.R. 54172) as: "A" – PROPOSED EASEMENT FOR GAS MAIN 3 WIDE".

EASEMENT FOR GAS MAIN 3 WIDE

1. In this Easement unless otherwise indicated by the context:

AGL means AGL Gas Networks Limited, its successors and assigns and its officers, agents, employees and other persons authorised by it;

Apparatus means mains, pipes and other apparatus used for the conveyance, control, measurement and distribution of the substances for the purposes incidental thereto;

Easement Site means that part of the Lot burdened identified as the site of this Easement on the relevant plan;

Lot Burdened means the Lot the subject of this Easement;

Substances means natural gas, artificial gas, liquid petroleum, oil and other hydrocarbons whether in a gaseous liquid or solid state and any products or by-products thereof.

2. Full and free right and licence for AGL to construct Apparatus on the Easement Site (including above and below the surface) for the conveyance of Substances through, under and across the Easement Site and to use, examine, re-lay, alter, renew, maintain and remove such Apparatus together with the following rights:
  3. (a) a right of support of the Apparatus;
  - (b) to enter, pass, and re-pass on the Lot Burdened with or without vehicles, to gain access to the Easement Site and to remain there for any reasonable time with or without workmen, materials and machinery;
  - (c) to remove any obstacles which encroach on to the Easement Site or prevent reasonable access to the Easement Site;
  - (d) to excavate the Lot Burdened within the Easement Site for the purposes of this Easement.
4. In the exercise of its rights under this Easement, AGL shall take reasonable precautions to cause as little disturbance as possible to the surface of the Easement Site and upon completion of the work will restore the surface to its former condition as far as reasonably practicable, but AGL shall not be obliged to restore or rebuild any building structure, roadway, pavement, pipeline, cable or other improvement erected upon through or under the Easement Site.
5. No structure, pipeline, cable or other improvement will be erected upon or under the Lot Burdened within the Easement Site without the prior consent in writing of AGL.
6. (a) AGL as a prescribed authority has the benefit of this Easement;
- (b) the land which is subject to the burden of this Easement is the Lot Burdened; and
- (c) AGL has the right to release, vary or modify this Easement.

File No.: MD99 H 222.

**MOREE OFFICE****Corner Frome and Heber Streets (PO Box 388), Moree NSW 2400****Phone: (02) 6752 5055 Fax: (02) 6752 1707****ERRATUM**

IN the notification appearing in the *Government Gazette* of 1 August 2003, Folio 7587, under the heading "Crown Lands Act 1989" delete the word "Stapylton" and insert the word "Burnett" in lieu thereof.

File No.: ME99 H 323.

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

**ORANGE OFFICE****92 Kite Street (PO Box 2146), Orange NSW 2800****Phone: (02) 6393 4300 Fax: (02) 6362 3896****APPOINTMENT OF TRUST BOARD MEMBERS**

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

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

**SCHEDULE**

<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>
Judith CONROY (re-appointment), Paul CARTY (re-appointment), Monique Lee CARTY (re-appointment), Maxwell Brian CONROY (re-appointment).	Bumberry Recreation Reserve Trust.	Reserve No.: 26110. Public Purpose: Public recreation. Notified: 12 June 1897. File No.: OE81 R 87/2.

**Term of Office**

For a term commencing 11 February 2005 and expiring 10 February 2010.

**SYDNEY METROPOLITAN OFFICE****Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150****(PO Box 3935, Parramatta NSW 2124)****Phone: (02) 9895 7657 Fax: (02) 9895 6227****NOTIFICATION OF CLOSING OF ROAD**

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

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

**Descriptions**

*Land District – Metropolitan; L.G.A. – Sutherland.*  
Lot 231, DP 1055022 at Como West, Parish Sutherland, County Cumberland.

File No.: M00 H 347.

Note: On closing, title for the land in Lot 231 remains vested in Sutherland Shire Council as operational land.

# Department of Primary Industries

## Agriculture

### STOCK DISEASES (GENERAL) REGULATION 2004

Order Pursuant to Clause 18 and Clause 40

Approval and Use of Identifiers for the Permanent Identification of Sheep

I, BARRY DESMOND BUFFIER, Director-General of the Department of Primary Industries, make this order pursuant to Clauses 18 and 40 of the Stock Diseases (General) Regulation 2004 ("the regulation").

#### 1) Definitions:

"T-tag" means an ear tag that is printed with a property identification code and the symbol "T".

"terminal crossbred lamb" means a lamb which is the progeny of mating between sheep of different breeds, is of no more than 50% merino extraction, has not yet cut its first permanent tooth and is either a desexed male or a female that is not destined for breeding.

#### 2) Type and Specifications of Identifiers for the Permanent Identification of Sheep

Pursuant to clause 18(1)(a) of the regulation, T-tags are approved as identifiers for sheep for the purposes of Division 3 of the regulation.

#### 3) Manner of Attachment and Use of Identifiers for the Permanent Identification of Sheep

Pursuant to clause 18(1)(b) of the regulation, an identifier approved pursuant to paragraph 2 of this Order;

- a. may only be attached to terminal crossbred lambs\*; and
- b. must be attached securely through the ear of the animal.

\* The definition for terminal crossbred lambs is included in paragraph 1 above.

#### 4) Circumstances in which a T Tag must be removed

A T-tag must be removed as soon as the animal to which the tag is attached cuts its first permanent tooth or becomes destined for breeding.

Signed this 30th day of November 2004.

B. D. BUFFIER,  
Director-General

### DISEASES (GENERAL) REGULATION 2004

Order Pursuant to Clause 15

Manner of Attachment, Type and Specifications for Transaction Identifiers for Pigs

I, BARRY DESMOND BUFFIER, Director-General of the Department of Primary Industries, make this Order pursuant to Clause 15 of the Stock Diseases (General) Regulation 2004 ("the regulation").

#### 1. Revocation of Order dated 1 July 2004 insofar as it relates to pigs

The following part of the order made pursuant to Clause 15 of the Regulation on 1 July 2004 and published on page 5574 of *New South Wales Government Gazette* No. 111 ('the order') is hereby revoked, as is any order revived as a result of this revocation:

that part of the order commencing with and including the heading 'PIGS' on page 5575 and concluding immediately before the words "This Order commences on 1 July 2004" on page 5576.

#### 2. Manner of Attachment of Brands for Pigs for Transaction Purposes

##### 2.1 Brands other than Special Brands

For the purposes of Clause 15(1) of the regulation, a brand, other than a special brand, is to be applied to pigs in the following manner:

- a. by using a carbon based ink or paste;
- b. so that the characters are impressed through the skin over one or both shoulders; and
- c. so that all characters are clearly visible.

##### 2.2 Special Brands

For the purposes of Clause 15(1) of the regulation, a special brand is to be applied to pigs in the following manner:

- a. by using a carbon based ink or paste;
- b. so that the characters are impressed through the skin over one or both rumps; and
- c. so that all characters are clearly visible.

#### 3. Type and Specifications of Brands for Pigs for Transaction Purposes

##### 3.1 Brands other than Special Brands

For the purposes of Clause 15(2) of the regulation, a brand, other than a special brand, that is of a type and that complies with the following specifications is approved as an identifier for transaction purposes for pigs:

- a. the brand is a maximum width of 53mm;
- b. each character in the property identification code is at least 20mm high and the spacing between each character is between 2 and 3mm; and
- c. the characters in the property identification code are set out in two rows with an equal number of characters in each row.

##### 3.2 Special Brands

For the purposes of Clauses 15(2) and 37(1) of the regulation, a special brand that is of a type and that complies with the following specifications is approved as special brand for transaction purposes for pigs:

- a. the brand contains 4 characters, being a crown symbol, two numbers between 1 and 5 inclusive, and one letter;

- b. each character on the brand is at least 20mm high and the spacing between each character is between 2 and 3mm.

Signed this 30th day of November 2004.

B. D. BUFFIER,  
Director-General

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**PLANT DISEASES ACT 1924**

PROCLAMATION P158

PROCLAMATION to declare *Phylloxera* to be a pest for the purposes of the Plant Diseases Act 1924.

Her Excellency Professor MARIE BASHIR, A.C.,  
Governor

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council:

1. pursuant to section 28B(c) of the Plant Diseases Act 1924 declare phylloxera (*Daktulosphaira vitifolii* (Fitch)) to be a pest for the purposes of the Act; and
2. pursuant to section 10(2) of the Plant Diseases Act 1924 declare the pest phylloxera (*Daktulosphaira vitifolii* (Fitch)) to be a pest to which section 10 of the Plant Diseases Act 1924 is applicable.

**Note:**

Section 10(1) of the Plant Diseases Act 1924, requires the occupier of any land or premises in which any disease or pest appears, within 24 hours after first discovering or becoming aware of its appearance, to give written notice thereof to an inspector or to the Director-General of the NSW Department of Primary Industries.

For further information, contact NSW Department of Primary Industries on (02) 6391 3693 (reference: P158).

Signed and sealed at Sydney this 8th day of December 2004.

By Her Excellency's Command,

IAN MACDONALD, M.L.C.,  
NSW Minister for Primary Industries  
GOD SAVE THE QUEEN!

**STOCK DISEASES ACT 1923**

**ERRATUM**

Correction of Typographical Error in  
Notification No. 1789-BJD regarding the Date of Revoked  
Notification No. 1647-BJD

I, IAN MACDONALD, M.L.C., NSW Minister for Primary Industries, pursuant to section 3(2) of the Stock Diseases Act 1923:

- a) Revoke the words '14 December 2004' in paragraph A. of Notification No. 1789-BJD published on page 7403 of *Government Gazette* No. 142 of 3 September 2004; and
- b) Insert instead the words '14 December 2001'.

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

**PLANT DISEASES ACT 1924****PROCLAMATION P157**

PROCLAMATION to regulate the bringing into the State and into specified portions of the State certain plants, machinery and equipment and to regulate the movement of such things into and within the State on account of the pest *Phylloxera*.

Her Excellency Professor MARIE BASHIR, A.C., Governor.

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council:

1. pursuant to section 3(2)(a) of the *Plant Diseases Act 1924*, revoke Proclamation P28 published in the Government Gazette No. 154 of 18 November 1994 at pages 6767 and 6768; Proclamation P134 published in the Government Gazette No. 89 of 23 May 2003 at pages 4870 – 4873; and any proclamation revived as a result of this revocation.
2. pursuant to section 4(1) of the *Plant Diseases Act 1924* and being of the opinion that the bringing and movement of things specified in Schedule 1 into the State and into specified portions of the State is likely to introduce the pest *Phylloxera* (*Daktulosphaira vitifoliae* (Fitch)), hereby regulate the introduction and movement of such things as follows:
  - (a) **Introduction and Movement of Things into a Phylloxera Risk Zone or a Phylloxera Exclusion Zone from a Phylloxera Infested Zone**

Things specified in Schedule 1 may only be brought into the portions of the State specified in Schedule 2 (Phylloxera Risk Zone) or Schedule 3 (Phylloxera Exclusion Zone) from the portions of the State specified in Schedule 4 (Phylloxera Infested Zone), with the approval in writing of the Executive Director, Biosecurity, Compliance and Mine Safety; the Director, Animal and Plant Biosecurity or the Director, Compliance Operations and in accordance with any conditions specified in that approval.
  - (b) **Introduction and Movement of Things into a Phylloxera Exclusion Zone from a Phylloxera Risk Zone**

Things specified in Schedule 1 may only be brought into the portions of the State specified in Schedule 3 (Phylloxera Exclusion Zone) from the portions of the State specified in Schedule 2 (Phylloxera Risk Zone), in accordance with conditions, if any, as approved by the Executive Director, Biosecurity, Compliance and Mine Safety or the Director, Animal and Plant Biosecurity.
  - (c) **Introduction and Movement of Things into a Phylloxera Infested Zone from a Phylloxera Risk Zone**

Things specified in Schedule 1 may only be brought into the portions of the State specified in Schedule 4 (Phylloxera Infested Zone) from the portions of the State specified in Schedule 2 (Phylloxera Risk Zone), in accordance with conditions, if any, as approved by the Executive Director, Biosecurity, Compliance and Mine Safety or the Director, Animal and Plant Biosecurity.

(d) **Introduction and Movement of Things into a Phylloxera Risk Zone or a Phylloxera Infested Zone from a Phylloxera Exclusion Zone**  
Things specified in Schedule 1 may only be brought into the portions of the State specified in Schedule 2 (Phylloxera Risk Zone) or Schedule 4 (Phylloxera Infested Zone) from the portions of the State specified in Schedule 3 (Phylloxera Exclusion Zone) in accordance with conditions, if any, as approved by the Executive Director, Biosecurity, Compliance and Mine Safety or the Director, Animal and Plant Biosecurity.

(e) **Introduction and Movement of Things between each Phylloxera Exclusion Zone**

Things specified in Schedule 1 may only be moved between the Central Ranges and Hunter Exclusion Zone, the Murrumbidgee Valley/Riverina and Murray Valley Exclusion Zone or the Southern Highlands Exclusion Zone in accordance with conditions, if any, as approved by the Executive Director, Biosecurity, Compliance and Mine Safety or the Director, Animal and Plant Biosecurity.

Note: The Central Ranges and Hunter Exclusion Zone, the Murrumbidgee Valley/Riverina and Murray Valley Exclusion Zone and the Southern Highlands Exclusion Zone are described in Schedule 3.

(f) **Introduction and Movement of Things into the State from a Place outside the State that is within 40km of an Infested Area**

Things specified in Schedule 1 may only be brought into the State from a place outside the State that is infested with the pest *Phylloxera* (*Daktulosphaira vitifoliae* (Fitch)), or that is within 40km of a place infested with pest *Phylloxera* (*Daktulosphaira vitifoliae* (Fitch)), with the approval in writing of the Executive Director, Biosecurity, Compliance and Mine Safety; the Director, Animal and Plant Biosecurity or the Director, Compliance Operations, and in accordance with any conditions specified in that approval.

(g) **Introduction and Movement of Things into the State from a Place outside the State that is further than 40km from an Infested Area**

Things specified in Schedule 1 may only be brought into the State from a place outside the State other than a place referred to in subparagraph (f) above, in accordance with conditions, if any, as approved by the Executive Director, Biosecurity, Compliance and Mine Safety or the Director, Animal and Plant Biosecurity.

### Schedule 1

1. Phylloxera insects or anything infested with them.
2. Any part of the plant genus *Vitis*, excluding packaged fresh fruit, packaged dried fruit or fruit processed into clarified or filtered white juice which is free from all shoots, leaves, canes and other plant residue and soil and wine.
3. Machinery and equipment that has been used in a vineyard.
4. Soil that is in contact with any plant material of the genus *Vitis* or that has been in contact with any such plant material at any time during the previous five (5) years.
5. Anything at risk of spreading the pest phylloxera such as green waste.

**Schedule 2**  
**Phylloxera Risk Zone**

The local government areas of the State other than those specified in Schedule 3 and Schedule 4.

**Schedule 3**  
**Phylloxera Exclusion Zones**

**Central Ranges and Hunter Valley Exclusion Zone**

- Blayney
- Cabonne
- Cowra
- Mid-Western Regional
- Orange
- Cessnock
- Dungog
- Maitland
- Muswellbrook
- Singleton
- Upper Hunter

**Murrumbidgee Valley/Riverina and Murray Valley Exclusion Zone**

- Balranald
- Berrigan
- Carrathool
- Griffith
- Hay
- Leeton
- Murray
- Murrumbidgee
- Wakool
- Wentworth

**Southern Highlands Exclusion Zone**

- Wingecarribee

**Schedule 4**  
**Phylloxera Infested Zones**

**Albury/Corowa Infested Zone**

- Albury
- Corowa (that part within the Country of Hume)
- Greater Hume, excluding Culcairn and Holbrook abolished as part of the amalgamation of local government areas.

**Sydney Region Infested Zone**

- Ashfield
- Auburn
- Bankstown
- Baulkham Hills
- Blacktown
- Botany Bay
- Burwood

- Camden
- Campbelltown
- Canada Bay
- Canterbury
- Fairfield
- Hawkesbury (within the County of Cumberland)
- Holroyd
- Hornsby
- Hunters Hill
- Hurstville
- Kogarah
- Ku-ring-gai
- Lane Cove
- Leichhardt
- Liverpool
- Manly
- Marrickville
- Mosman
- North Sydney
- Parramatta
- Penrith (other than the portion west of the Nepean River)
- Pittwater
- Randwick
- Rockdale
- Ryde
- Strathfield
- Sutherland
- Sydney
- Warringah
- Waverly
- Willoughby
- Wollondilly (portion that is within the counties of Cumberland and Camden)
- Wollongong
- Woollahra

Note: The Phylloxera Exclusion Zones, Phylloxera Risk Zones and Phylloxera Infested Zones are shown on the attached map.

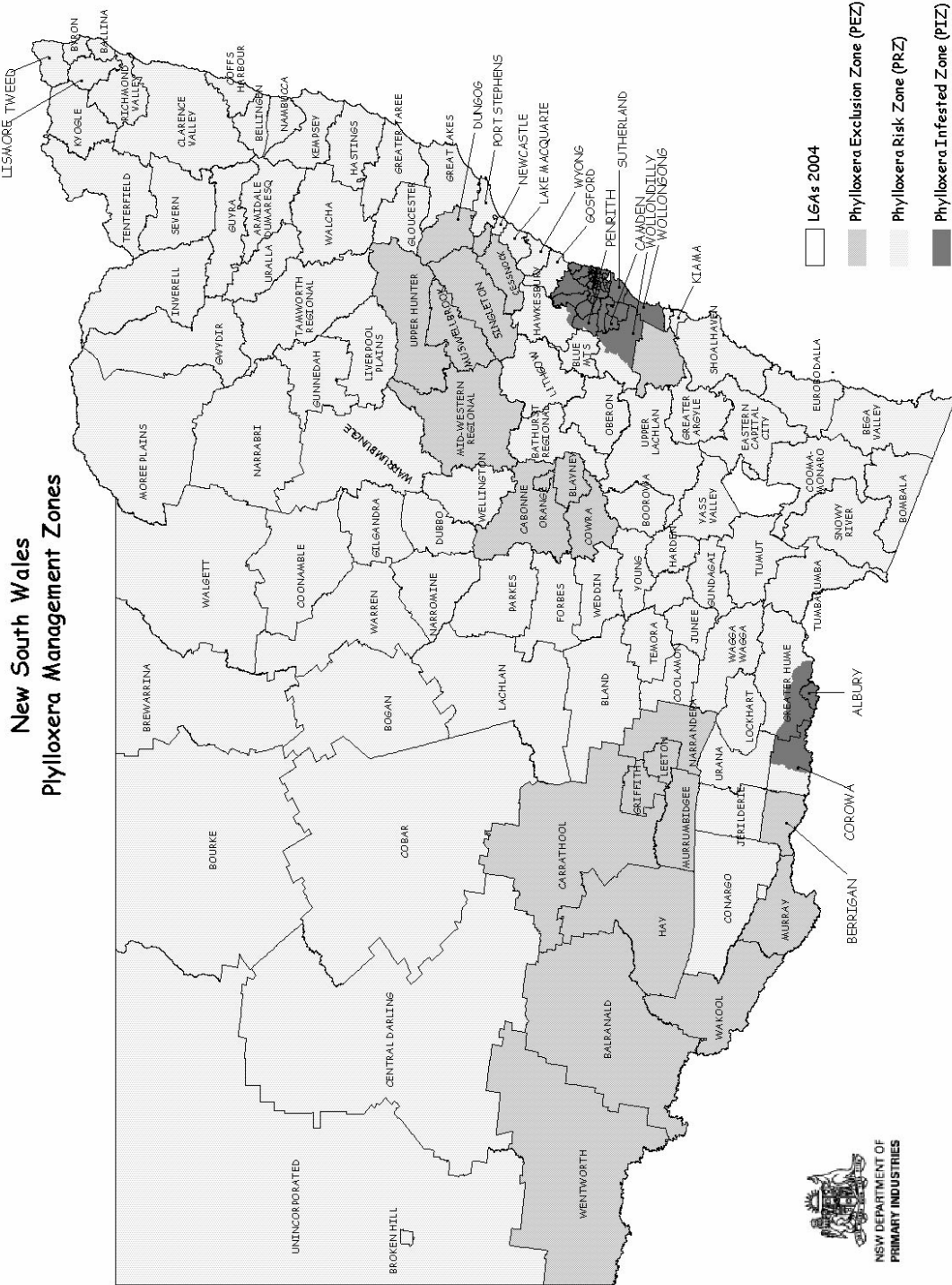
Signed and sealed at Sydney this 8th day of December 2004.

By Her Excellency's Command

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

GOD SAVE THE QUEEN!





Produced by the Resource Information Unit, NSW DPI, 2004. Administrative boundaries courtesy and copyright of NSW Dept of Lands. Data current as of September 2004.

## NSW Fisheries

### FISHERIES MANAGEMENT ACT 1994

#### FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2002

##### Clause 39 (4) – Notice of Aquaculture Lease Renewal

THE Minister has renewed the following Class 1 Aquaculture Leases:

OL74/110 within the estuary of the Wonboyn River, having an area of 0.6180 hectares to Terry MANTON of Eden, NSW, for a term of 15 years expiring on 9 October 2019.

OL88/101 within the estuary of Brisbane Water, having an area of 0.6099 hectares to Keith Robert DOWNIE of Umina, NSW, for a term of 15 years expiring on 16 July 2019.

OL58/155 within the estuary of the Manning River, having an area of 0.8509 hectares to Colin William LILLEY and Kristine Lea LILLEY of Swan Bay, NSW, for a term of 15 years expiring on 21 April 2019.

OL72/269 within the estuary of Patonga Creek, having an area of 0.5062 hectares to Bruce William ALFORD of Patonga, NSW, for a term of 15 years expiring on 16 May 2019.

OL74/173 within the estuary of Merimbula Lake, having an area of 0.8804 hectares to Jack COLE of Cobargo, NSW, for a term of 15 years expiring on 18 July 2020.

OL74/082 within the estuary of Wapengo Lake, having an area of 0.2521 hectares to Donald UBRIHIEN and James Edward NICHOLSON of Wapengo Lake, NSW, for a term of 15 years expiring on 3 December 2018.

OL59/367 within the estuary of the Hawkesbury River, having an area of 3.8444 hectares to Peter JOHNSON of Brooklyn, NSW, for a term of 15 years expiring on 29 October 2019.

OL58/131 within the estuary of the Hawkesbury River, having an area of 2.4449 hectares to Kevin BUIE of Brooklyn, NSW, for a term of 15 years expiring on 8 June 2018.

OL74/204 within the estuary of the Macleay River, having an area of 0.8841 hectares to John Bernard DESTE of Arakoon, NSW, for a term of 15 years expiring on 21 April 2020.

OL59/329 within the estuary of the Pambula River, having an area of 1.5714 hectares to Donald MARTIN of Pambula, NSW, for a term of 15 years expiring on 24 August 2019.

OL56/161 within the estuary of Clyde River, having an area of 1.4111 hectares to Stephen DUNNE of Batemans Bay, NSW, for a term of 15 years expiring on 5 November 2017.

OL57/325 within the estuary of Clyde River, having an area of 1.0229 hectares to Stephen DUNNE of Batemans Bay, NSW, for a term of 15 years expiring on 31 December 2017.

OL89/041 within the estuary of the Clyde River, having an area of 1.4879 hectares to ALCOLAC HOLDINGS PTY LTD of Batemans Bay, NSW, for a term of 15 years expiring on 16 July 2019.

OL89/053 within the estuary of the Clyde River, having an area of 0.2955 hectares to ALCOLAC HOLDINGS PTY LTD of Batemans Bay, NSW, for a term of 15 years expiring on 22 August 2019.

OL59/028 within the estuary of Patonga Creek, having an area of 8.6888 hectares to the estate of the Late E I WITCHARD of Gosford, NSW, for a term of 15 years expiring on 20 November 2018.

OL73/090 within the estuary of Port Stephens, having an area of 0.4373 hectares to Harold PARSONS and Anthony PARSONS of Tanilba Bay, NSW, for a term of 15 years expiring on 3 August 2019.

OL74/219 within the estuary of Port Stephens, having an area of 0.7652 hectares to Peter MOONEY, Allan MOONEY and David MOONEY of Karuah, NSW, for a term of 15 years expiring on 17 May 2019.

OL89/052 within the estuary of Wallis Lake, having an area of 1.1494 hectares to TADEVEN PTY LTD of Tuncurry, NSW, for a term of 15 years expiring on 4 August 2020.

OL59/334 within the estuary of the Hawkesbury River, having an area of 4.5442 hectares to M S VERDICH & SONS PTY LTD of Forster, NSW, for a term of 15 years expiring on 30 August 2020.

OL60/242 within the estuary of Wallis Lake, having an area of 0.2800 hectares to M S VERDICH & SONS PTY LTD of Forster, NSW, for a term of 15 years expiring on 17 August 2020.

OL59/191 within the estuary of Port Stephens, having an area of 1.5177 hectares to V. C. DIEMAR PTY LTD of Nelson Bay, NSW, for a term of 15 years expiring on 6 July 2019.

OL73/248 within the estuary of the Wonboyn River, having an area of 2.2302 hectares to John Alan CLANCEY and Rosalind Eve CLANCEY of Merimbula, NSW, for a term of 15 years expiring on 4 July 2019.

OL88/035 within the estuary of Port Stephens, having an area of 0.2874 hectares to Julie Elizabeth ALDIS of Karuah, NSW, for a term of 15 years expiring on 19 September 2018.

Dr NICK RAYNS,  
Director,  
Fisheries Management,  
Agriculture and Fisheries Division,  
Department of Primary Industries

## Mineral Resources

### COAL MINES REGULATION ACT 1982

### COAL MINES (UNDERGROUND) REGULATION 1999

### COAL MINES (OPEN CUT) REGULATION 1999

File No.: C99/0691.  
Date: 7 December 2004.

#### SPECIFIED LIMITS FOR AIRBORNE DUST

By this notice the following limits are specified for respirable dust:

#### **Specified Limits for Respirable Dust – Underground Mines:**

For the purpose of Clause 161 of the Coal Mines (Underground) Regulation 1999 (definition of ‘specified limit’), the specified limit for quartz-containing dust is 0.12 milligrams of respirable quartz and the specified limit for respirable dust, other than quartz-containing dust, is 2.5 milligrams. These limits are with respect to the mass of respirable dust per cubic metre of air sampled and apply only to the underground parts of underground mines. The limits below for open cut mines apply to the surface parts of underground mines.

#### **Specified Limits for Respirable Dust – Open Cut Mines:**

For the purpose of Clause 29 of the Coal Mines (Open Cut) Regulation 1999 (definition of ‘specified limit’), the specified limit for quartz-containing dust is 0.1 milligrams of respirable quartz and the specified limit for respirable dust, other than quartz-containing dust, is 2.5 milligrams. These limits are with respect to the mass of respirable dust per cubic metre of air sampled.

#### **Definitions:**

In this notice:

- “quartz-containing dust” means respirable dust which contains five per cent or more by mass of respirable quartz;
- “respirable dust” has the same meaning as it has in Australian Standard 2985-2004;
- “respirable quartz” means the quartz present in respirable dust.

#### **Date of Effect:**

This notice takes effect on 1 January 2005.

ROBERT REGAN,  
Chief Inspector of Coal Mines

#### **Explanatory Note:**

The National Occupational Health and Safety Commission has adopted a limit of 0.1 milligrams per cubic metre for quartz. This is with respect to an 8 hour time weighted average (TWA) and will take effect on 1 January 2005. There has also been a change to AS2985-2004 to bring it in line with the relevant ISO Standard and resulting in a higher flow rate during sampling. Studies undertaken through Coal Services P/L (formerly Joint Coal Board) have confirmed that to cater for the change in flow rate the current limit of 0.15 milligrams is equivalent to a limit of 0.12 milligrams at the higher flow rate. The long standing practice in underground coal mines has been to collect samples from crib room to crib room and for a minimum period of 5 hours. This is to avoid a number of practical difficulties in collecting samples during travel. Research undertaken indicates that crib room to crib room sampling of 0.12 milligrams, at the higher flow rate and with a travelling time conversion factor applied, corresponds to a limit of 0.1 milligrams for portal to portal sampling. The end result is that for underground mines the working limit for quartz is effectively unchanged and remains at a level where silicosis has not been observed in the coal mining workforce.

The change in limit for respirable dust, other than quartz-containing dust, is to take into account the higher sampling flow rate now required by AS2985-2004.

## Roads and Traffic Authority

### ROADS ACT 1993

#### ORDER

Roads and Traffic Authority

[No Increase in Normal Toll]

I, PAUL JOHN FORWARD, Chief Executive of the Roads and Traffic Authority, in pursuance of section 215 of the Roads Act 1993, make the Order set forth hereunder.

PAUL JOHN FORWARD,  
Chief Executive,  
Roads and Traffic Authority

Dated: Sydney, 10 December 2004.

#### Citation

1. This Order may be cited as the Roads (Sydney Harbour Bridge Toll) Order 2005.

#### Commencement

2. This Order takes effect on 1 January 2005.

#### Repeal

3. The Roads (Sydney Harbour Bridge Toll) Order 2004, dated 15 December 2003 (published in *Government Gazette* No. 197 of 19 December 2003 at pages 11480 to 11483), is repealed on and from 1 January 2005.

#### Tolls

4. The toll payable for a motor vehicle that is travelling across the Sydney Harbour Bridge in a southerly direction is the toll specified in Schedule 1 in respect of the vehicle.

#### Motor cycle periodic toll pass

5. (1) A motor cycle periodic toll pass:
  - (a) is issued by the Roads and Traffic Authority on payment of the appropriate charge as set out in Schedule 2, Schedule 3, Schedule 4 or Schedule 5; and
  - (b) authorises travel by the motor cycle to which the pass relates across the Sydney Harbour Bridge without payment of a toll while the pass is in force.
- (2) A motor cycle periodic toll pass is in force on and from the date specified in Schedule 2, Schedule 3, Schedule 4 or Schedule 5 in respect of the charge paid for the pass as the date the pass may first be used, up to and including the expiry date of the pass as specified in Schedule 2, Schedule 3, Schedule 4 or Schedule 5.

#### Charge payable by owner of vehicle if toll not paid at barrier

6. The charge payable by the owner of a motor vehicle referred to in item 1 in Schedule 1 in this Order in respect of which:
  - (a) a direction referred to in Clause 22(1)(b) of the Roads (General) Regulation 2000, is given to the driver, and

(b) the directions are given in respect of the Sydney Harbour Bridge, and

(c) the directions are given subject to the condition referred to in Clause 22(2) of the Roads (General) Regulation 2000,

is .....\$5.00.

#### SCHEDULE 1

##### Tolls

Class of vehicles	Toll
1. Any motor vehicle other than a vehicle referred to in item 2, 3 or 4.	\$3.00
2. Any motor vehicle that consists of: <ol style="list-style-type: none"> <li>(a) a vehicle that is the property of the Roads and Traffic Authority, that is readily identifiable as such and that is being used either for the purpose of maintenance work on the Bridge or for the purpose of removing vehicles from the Bridge;</li> <li>(b) a police vehicle;</li> <li>(c) a vehicle that is the property of the Board of Fire Commissioners and that is readily identifiable as such;</li> <li>(d) an ambulance or rescue vehicle that is readily identifiable as such;</li> <li>(e) a vehicle that is the property of the NSW Red Cross Blood Transfusion Service (Blood Bank), that is readily identifiable as such and that is fitted with a roof mounted red flashing light and siren or similar warning device;</li> <li>(f) a vehicle that is being driven by a person to whom a disabled person's toll exemption pass has been issued by the Roads and Traffic Authority, being a pass that exempts the person from payment of tolls and charges in respect of travelling across the Bridge;</li> <li>(g) a vehicle in which the driver or passenger displays a pass issued on behalf of the Roads and Traffic Authority, being a pass indicating that the holder is an incapacitated ex-service person;</li> <li>(h) a Defence Force vehicle that is readily identifiable as such; or</li> <li>(i) a vehicle driven by a person who produces evidence that he or she or a passenger is a member of the Diplomatic or Consular Corps</li> </ol>	Nil
3. Any motor vehicle that is attached to, or carried or drawn by, another vehicle	Nil
4. Any motor cycle in respect of which a periodic toll pass is in force and displayed in accordance with any directions of the Roads and Traffic Authority	Nil

## SCHEDULE 2

Charge for a Motor Cycle Periodic Toll Pass Expiring on  
31 March 2005

Date pass may first be used	Charge for motor cycle \$
4 January 2005	90.00
10 January 2005	84.00
17 January 2005	77.00
24 January 2005	69.00
31 January 2005	63.00
7 February 2005	56.00
14 February 2005	48.00
21 February 2005	41.00
28 February 2004	33.00
7 March 2005	26.00

## SCHEDULE 3

Charge for a Motor Cycle Periodic Toll Pass Expiring on  
30 June 2005

Date pass may first be used	Charge for motor cycle \$
1 April 2005	95.00
4 April 2005	93.00
11 April 2005	86.00
18 April 2005	78.00
26 April 2005	71.00
2 May 2005	65.00
9 May 2005	57.00
16 May 2005	50.00
23 May 2005	42.00
30 May 2005	35.00

## SCHEDULE 4

Charge for a Motor Cycle Periodic Toll Pass Expiring on  
30 September 2005

Date pass may first be used	Charge for motor cycle \$
1 July 2005	99.00
4 July 2005	98.00
11 July 2005	90.00
18 July 2005	83.00
25 July 2005	75.00
1 August 2005	68.00
8 August 2005	60.00
15 August 2005	53.00
22 August 2005	45.00
29 August 2005	38.00

## SCHEDULE 5

Charge for a Motor Cycle Periodic Toll Pass Expiring on  
31 December 2005

Date pass may first be used	Charge for motor cycle \$
4 October 2005	93.00
10 October 2005	87.00
17 October 2005	80.00
24 October 2005	72.00
31 October 2005	65.00
7 November 2005	57.00
14 November 2005	50.00
21 November 2005	42.00
28 November 2005	35.00
5 December 2005	27.00

**ROADS ACT 1993**

Notice Under Clause 17 of the Roads Transport (Mass, Loading and Access) Regulation 1996

AUBURN COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading, Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

Dated: 2 December 2004.

PAUL DONOVAN,  
 Manager,  
 Engineering and Infrastructure,  
 Auburn Council  
 (by delegation from the Minister for Roads)

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**SCHEDULE**
**1. Citation**

This Notice may be cited as the Auburn Council B-Double Notice No. 8/2004.

**2. Commencement**

This Notice takes effect from the date of gazettal.

**3. Effect**

This Notice remains in force until 1 July 2008, unless it is amended or repealed earlier.

**4. Application**

4.1 This Notice applies to B-Doubles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

B-Double routes within the Auburn Council Area.

Type	Road	Starting Point	Finishing Point
25	Birnie Avenue	Parramatta Road	Carter Street
25	Carter Street	Birnie Avenue	Uhrig Road

**ROADS ACT 1993**

Notice Under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation 1996

WYONG SHIRE COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

K. YATES,  
General Manager,  
Wyong Shire Council  
(by delegation from the Minister for Roads)

\_\_\_\_\_  
SCHEDULE

**1. Citation**

This Notice may be cited as the Wyong Shire Council B-Doubles Notice No. 1 2004.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

This Notice remains in force until 1 October 2009, unless it is amended or repealed earlier.

**4. Application**

4.1 This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

B-Double routes within Wyong Shire Council.

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
25	000	Burnet Road, Warnervale	Sparks Road	No. 12 Burnet Rd	Left turn entry into No. 12 Burnet Road
25	000	Woolworths Way, Warnervale	Exit of No. 12 Burnet Road	Burnet Road	Exit No. 12 Burnet Road right onto Woolworth's Way. Right turn only from Woolworths Way into Burnet Road
25	000	Warren Road, Warnervale	Burnet Road	Woolworths entry/exit access	

**ROADS ACT 1993**

Notice Under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation 1996

DUBBO CITY COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

TONY KELLY,  
General Manager,  
Dubbo City Council  
(by delegation from the Minister for Roads)

**SCHEDULE****1. Citation**

This Notice may be cited as the Dubbo City Council B-Doubles Notice No. 2/2004.

**2. Commencement**

This Notice takes effect on the date of Gazettal.

**3. Effect**

This Notice remains in force until 1 December 2008, unless it is amended or repealed earlier.

**4. Application**

4.1 This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

B-Double routes within the Dubbo City Council.

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
25	000	Myall Street, Dubbo	Golden Highway (Cobbora Road)	Intersection Welchman Street	
25	000	Welchman Street, Dubbo	Myall Street	Intersection White Street	
25	000	White Street, Dubbo	Welchman Street	150mtrs west of the intersection with Welchman Street to Australia Rail Track Services Property Access	NO access is permitted to or from the Golden Highway at its Intersection with White Street



**ROADS ACT 1993**

Notice Under Clause 17 of the Roads Transport (Mass, Loading and Access) Regulation 1996

THE Council of Camden, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading, Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

Dated: 10 December 2004.

JOHN HILLMAN,  
 Manager,  
 Engineering,  
 The Council of Camden  
 (by delegation from the Minister for Roads)

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**SCHEDULE**
**1. Citation**

This Notice may be cited as the Council of Camden B-Double Notice No. 2/2004.

**2. Commencement**

This Notice takes effect from the date of gazettal.

**3. Effect**

This Notice remains in force until 1 July 2007, unless it is amended or repealed earlier.

**4. Application**

4.1 This Notice applies to B-Doubles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

B-Double routes within the Council of Camden Area.

<b>Type</b>	<b>Road</b>	<b>Starting Point</b>	<b>Finishing Point</b>
25	Cobbitty Road, Cobbitty	The Northern Road	Macquarie Grove Road
25	Macquarie Grove Road	Cobbitty Road	Aerodrome Road
25	Aerodrome Road	Macquarie Grove Road	Camden Aerodrome

**ROADS ACT 1993**

Notice Under Clause 17 of the Road Transport ( Mass, Loading and Access) Regulation 1996

WAKOOL SHIRE COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

CRAIG MOFFITT,  
General Manager,  
Wakool Shire Council  
(by delegation from the Minister for Roads)

**SCHEDULE****1. Citation**

This Notice may be cited as the Wakool Shire Council B-Doubles Notice No. 2, 2004.

**2. Commencement**

This Notice takes effect from the date of gazettal.

**3. Effect**

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

**4. Application**

This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

B-Double routes within the Wakool Shire Council.

Part 1 – B-Double routes in New South Wales (excluding the Sydney Region).

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
25	000	Tchelery Road, Moulamein	Paterson Street, Moulamein	1km North of Paterson Street and Tchelery Road Intersection	—
25	000	Banjo Street, Burraboi	Lawson Street, Burraboi	Gordon Street, Burraboi	—
25	000	Young Street, Moulamein	Paterson Street, Moulamein	Carne Street, Moulamein	—

**ROADS ACT 1993**

Notice Under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation 1996

GUNDAGAI SHIRE COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

G. A. J. TICKNER,  
General Manager,  
Gundagai Shire Council  
(by delegation from the Minister for Roads)

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**SCHEDULE**
**1. Citation**

This Notice may be cited as the Gundagai Shire Council B-Doubles Notice No. 02, 2004.

**2. Commencement**

This Notice takes effect from the date of gazettal.

**3. Effect**

This Notice remains in force until further notice unless it is amended or repealed earlier.

**4. Application**

This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

B-Double routes within the Gundagai Shire Council.

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
	000	Yammatree Road	The Gundagai/Juneec Shire boundary	5.3 km to the east of the Shire Boundary to the Yammatree station access gate	Restricted 7:30am to 8:30am and 4.00pm to 5.00pm School Days.

**ROADS ACT 1993**

Order – Sections 46, 49, 54 and 67

Clarence Valley Council Area

Declaration as a Controlled Access Road of part of the Pacific Highway at Halfway Creek

I, the Minister for Roads, pursuant to sections 46, 49, 54 and 67 of the Roads Act 1993, by this Order:

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

CARL SCULLY, M.P.,  
Minister for Roads

**SCHEDULE 1**

ALL those pieces or parcels of land situated in the Clarence Valley Council Area, Parish of Dundoo and County of Clarence shown as:

Lots 16 and 18 to 23 inclusive Deposited Plan 879175;  
Lots 7, 8 and 9 Deposited Plan 857848;  
Lots 35, 36 and 38 to 41 inclusive Deposited Plan 878969;  
Lot 11 Deposited Plan 1066648; and  
Lots 52, 53, 55 and 56 Deposited Plan 878970.

The above Lots comprise the whole of the land in the correspondingly numbered Certificates of Title and are all shown on RTA Plan 0010 086 AC 2787.

**SCHEDULE 2**

ALL those pieces or parcels of public road situated in the Clarence Valley Council area, Parish of Dundoo and County of Clarence shown as:

Lot 24 Deposited Plan 879175;  
Lot 42 Deposited Plan 878969; and  
Lots 54 and 57 Deposited Plan 878970.

The above Lots are all shown on RTA Plan 0010 086 AC 2787.

**SCHEDULE 3**

Between the points C and D;  
between the points E and F;  
between the points G and H; and  
between the points J and K, all shown on RTA Plan 0010 086 AC 2787.

(RTA Papers 10/450.185)

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

Notice of Compulsory Acquisition of Land at Kellyville in the Baulkham Hills Shire Council Area

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

T. D. CRAIG,  
Manager,

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

**SCHEDULE**

ALL those pieces or parcels of land situated in the Baulkham Hills Shire Council area, Parish of Castle Hill and County of Cumberland, shown as:

Lot 11 Deposited Plan 1033917, being part of the land in Certificate of Title 8/215650 and said to be in the possession of Carmen Muscat and Victor Patrick Muscat (registered proprietors) and Crimmson Pty Ltd (owner in equity); and  
Lot 13 Deposited Plan 1034116, being part of the land in Certificate of Title 2/517635 and said to be in the possession of Stadurn Pty Limited.

(RTA Papers: FPP 4M3593)

**ROADS ACT 1993**

Order – Sections 46, 49, 54 and 67

Coffs Harbour City Council Area

Dedication of Land as Public Road and Declaration as a Controlled Access Road of part of the Pacific Highway at Boambee

I, the Minister for Roads, pursuant to sections 46, 49, 54 and 67 of the Roads Act 1993, by this Order:

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

CARL SCULLY, M.P.,  
Minister for Roads

**SCHEDULE 1**

ALL those pieces or parcels of land situated in the Coffs Harbour City Council Area, Parish of Bonville and County of Raleigh shown as:

Lots 19 and 20 Deposited Plan 1049350;

Lot 23 Deposited Plan 861057;

Lot 2 Deposited Plan 1044286; and

Lots 2, 16, 18 to 22 inclusive Deposited Plan 1049224.

The above Lots comprise the whole of the land in the correspondingly numbered Certificates of Title and are all shown on sheets 1 and 2 in RTA Plan 0010 110 AC 2750.

**SCHEDULE 2**

ALL those pieces or parcels of land situated in the Coffs Harbour City Council Area, Parish of Bonville and County of Raleigh shown as:

Lots 24, 25, 26, 28 and 29 Deposited Plan 861056;

Lots 8 to 13 inclusive Deposited Plan 1049350;

Lots 103 to 106 inclusive Deposited Plan 847574;

Lots 21, 22, 24 to 27 inclusive and 30 Deposited Plan 861057;

Lots 16 to 21 inclusive and 26 Deposited Plan 861055;

Lots 4 to 11 inclusive Deposited Plan 1049224;

Lot 1 Deposited Plan 388689;

Lot 6 Deposited Plan 251374;

Lot 11 Deposited Plan 1016932;

Lot 11 Deposited Plan 819549; and

Lots 3 and 4 Deposited Plan 861864.

The above Lots comprise the whole of the land in the correspondingly numbered Certificates of Title and are all shown on sheets 1 and 2 in RTA Plan 0010 110 AC 2750.

**SCHEDULE 3**

ALL those pieces or parcels of public road situated in the Coffs Harbour City Council Area, Parish of Bonville and County of Raleigh shown as:

Lots 14 to 17 inclusive Deposited Plan 1049350; and

Lots 12 to 15 inclusive Deposited Plan 1049224.

The above Lots are all shown on sheets 1 and 2 in RTA Plan 0010 110 AC 2750.

**SCHEDULE 4**

Between the points A and B;

between the points C and D;

between the points E and F;

between the points G and H;

between the points J and K;

between the points L and M;

between the points N and P;

between the points Q and R;

between the points S and T;

between the points U and V;

between the points W and X;

between the points Y and Z;

between the points A1 and B1;

between the points C1 and D1;

between the points E1 and F1;

between the points G1 and H1; and

between the points J1 and K1, all shown on sheets 1 and 2 in RTA Plan 0010 110 AC 2750.

(RTA Papers 10/110.1172)

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

Notice of Compulsory Acquisition of Land at Moorebank  
in the Liverpool City Council Area

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

T. D. CRAIG,  
Manager,

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

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**SCHEDULE**

ALL that piece or parcel of land situated in the Liverpool City Council Area, Parish of Holsworthy and County of Cumberland, shown as Lot 10, Deposited Plan 1065574, being part of the land in Certificate of Title 25/261101.

The land is said to be in the possession of Liverpool City Council.

(RTA Papers FPP 4M4974; RO 259.12434)

## Other Notices

### ANTI-DISCRIMINATION ACT 1977

#### Exemption Order

UNDER the provisions of section 126 of the Anti-Discrimination Act 1977 (NSW), and on the recommendation of the Anti-Discrimination Board, an exemption is given from the provisions of sections 8 and 51 of the Anti-Discrimination Act 1977 (NSW), for Lismore City Council to designate, and recruit for, a maximum of twelve positions, including traineeships and apprenticeships, as positions for Indigenous people.

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

Dated this 13th day of December 2004.

BOB DEBUS, M.P.,  
Attorney General

### APPRENTICESHIP AND TRAINEESHIP ACT ORDER

I, IAN KINGSLEY, Commissioner for Vocational Training, in pursuance of section 5 of the Apprenticeship and Traineeship Act 2001, make the Order set forth hereunder.

IAN KINGSLEY,  
Commissioner for Vocational Training

#### Commencement

- This Order takes effect from the date of publication in the *NSW Government Gazette*.

#### Amendment

- The Apprenticeship and Traineeship Order is amended by:
  - inserting in Schedule 2 in appropriate alphabetical order the following vocation which is designated as a recognised traineeship vocation for the purpose of the Apprenticeship and Traineeship Act 2001:  
Aged Care Nursing

### APPRENTICESHIP AND TRAINEESHIP TRAINING ACT 2001

#### Notice of Making of a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised traineeship vocation of Aged Care Nursing.

#### Citation

The order is cited as the Aged Care Nursing Order.

#### Order

A summary of the Order is given below.

- Term of Training
  - Full-time

Training shall be given for a nominal period of 12 months for the Certificate IV outcome or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

- Part-time

The nominal term for a part time traineeship is determined by the average weekly hours worked in the traineeship (including structured training) and the nominal full-time term for that traineeship.

The table below identifies the allowable hours which may be undertaken and the nominal terms for part-time traineeships.

Full-time Traineeship Term	6 mths	12 mths	18 mths	24 mths	30 mths	36 mths	48 mths
Weekly Hours	Nominal Term Required (Months)						
15	15	30	45	Not Allowable			
16	15	29	44	Not Allowable			
17	14	28	42	Not Allowable			
18	14	27	41	Not Allowable			
19	13	26	39	Not Allowable			
20	13	25	38	Not Allowable			
21	12	24	36	48	Not Allowable		
22	12	23	35	46	Not Allowable		
23	11	22	33	44	55	Not Allowable	
24	11	21	32	42	53	Not Allowable	
25	10	20	30	40	50	60	Not Allowable
26	10	19	29	38	48	57	Not Allowable
27	9	18	27	36	45	54	72
28	9	17	26	34	43	51	68
29	8	16	24	32	40	48	64
30	8	15	23	30	38	45	60
31	Not Allowable		22	28	35	42	56
32	Not Allowable		20	26	33	39	52

- Competency Outcomes

Trainees will be trained in and achieve competence in the endorsed Enrolled Nurse Competency Standards.

- Courses of Study to be undertaken

Trainees will undertake the following course of study:

**Certificate IV in Nursing (Enrolled Nurse) TAFE NSW Course No. 3228**

- Delivery mode

The delivery mode for the Certificate IV in Nursing (Enrolled Nurse) TAFE NSW Course No. 3228 must be an off-the-job institution pathway only.

#### Availability for Inspection

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>.

**ASSOCIATIONS INCORPORATION ACT 1984**

Cancellation of Incorporation Pursuant to Section 54

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

Cancellation is effective as at the date of gazettal.

LOWER CLARENCE SKILLS CENTRE  
INCORPORATED (In Liquidation) Y0193536

Dated: 14 December 2004.

COLIN CROSSLAND,  
General Manager,  
Registry of Co-operatives and Associations,  
Office of Fair Trading,  
Department of Commerce

**ASSOCIATIONS INCORPORATION ACT 1984**

Transfer of Incorporation Pursuant to Section 48(4)(a)

TAKE NOTICE that the company "The Avalon Market Place Ltd" formerly registered under the provisions of the Corporations Act 2001, is now incorporated under the Associations Incorporation Act 1984, as "THE AVALON MARKET PLACE INCORPORATED" effective 14 December 2004.

Dated: 14 December 2004.

R. LUNNEY,  
Delegate of Commissioner,  
Office of Fair Trading

**ASSOCIATIONS INCORPORATION ACT 1984**

Cancellation of Incorporation Pursuant to  
Sections 55A and 55B

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

Cancellation is effective as at the date of gazettal.

BROKEN HILL HOUSEWIVES ASSOCIATION INC  
Y0420901

C.R.A.G. INCORPORATED Y2723914

ZONE 9 SYDNEY NORTHERN BOWLING  
ASSOCIATION INCORPORATED Y2344433

Dated: 15 December 2004.

COLIN CROSSLAND,  
General Manager,  
Registry of Co-operatives and Associations,  
Office of Fair Trading,  
Department of Commerce

**ASSOCIATIONS INCORPORATION ACT 1984**

Cancellation of Incorporation Pursuant to Section 55A

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

Cancellation is effective as at the date of gazettal.

SBP ST GEORGE AND SUTHERLAND INC  
Y0914329

THE INSTITUTE OF BANKING LAW & PRACTICE  
INCORPORATED Y2988032

AUSTRALIAN SHOW RABBIT COUNCIL  
INCORPORATED Y2890645

CLUB MARAU INCORPORATED INC9878721

DEE WHY GARDEN CLUB INCORPORATED  
INC9877023

SYLVANIA WATERS CRUISING CLUB  
INCORPORATED INC9879262

AUSTRALASIAN FIGHTING STYLES  
INCORPORATED INC9879413

FIELD OPERATION INTERNATIONAL  
INCORPORATED INC9879115

KU-RING-GAI VIRTUOSI INCORPORATED  
Y1942219

RIVERS ASSOCIATED PADDLERS INCORPORATED  
Y1994340

SOUTHSIDE SPORTING & RECREATION SHOOTING  
CLUB INCORPORATED Y2817117

SRI LANKA AUSTRALIA COUNCIL FOR PACS & THE  
CENTRE FOR PACS INCORPORATED Y2889622

THEATRE PLUS INCORPORATED INC9880489

WAGGA WAGGA ROCK 'N' ROLL CLUB  
INCORPORATED Y1800540

ASSOCIATION OF CIVIL MARRIAGE CELEBRANTS  
SYDNEY CITY AND SUBURBS INCORPORATED  
Y1861415

Dated: 15 December 2004.

COLIN CROSSLAND,  
General Manager,  
Registry of Co-operatives and Associations,  
Office of Fair Trading,  
Department of Commerce

**CO-OPERATIVES ACT 1992**

Notice of Class Order

Rounding in Financial Reports and Directors' Reports

Co-operative Regulation 1997

I, COLIN JOHN CROSSLAND, General Manager of the Registry of Co-operatives & Associations, being a delegate of the Registrar of Co-operatives in pursuance of section 244 of the Co-operatives Act 1992, hereby make an Order in respect of each co-operative relieving a co-operative from compliance with the provisions of the Corporations Act 2001, as adopted by the Co-operative Regulation 1997, mentioned below in relation to a financial year or half-year (the "Relevant Accounting Period"), to the extent and subject to the limitations and conditions mentioned below.

**Co-operatives affected**

A co-operative to which this class order applies must have total assets in excess of \$10,000,000, according to its own or its consolidated balance sheet at the end of the Relevant Accounting Period



**Scope of relief**

Co-operatives to which this class order applies are exempt from sections 295 to 300A, 302 to 306 and 314 of the Corporations Act, as adopted by the Co-operative Regulation, in so far as those provisions require amounts required or permitted to be set out pursuant to the Regulation to be stated exactly in the financial report and in the directors' report.

**Exclusions**

This class order does not permit any amount to be rounded, the rounding of which has the potential to adversely affect:

- (a) decisions about the allocation of scarce resources made by users of the financial report (including consolidated financial statements, if any) and the directors' report; or
- (b) the discharge of accountability by management or the directors of the entity or in relation to the auditors.

**Conditions**

This class order is given on the following conditions:

- (a) the directors cause to be shown, in substitution for an amount that would otherwise be required or permitted to be set out exactly:
  - (i) if the amount is half or less than half the prescribed amount — "nil" or the equivalent thereof;
  - (ii) in any other case, the amount rounded up or down to the nearest whole number multiple of the relevant prescribed amount;

except that if, for a particular item, the amounts in the financial report (including the consolidated financial statements) and the comparative figures are half or less than half the prescribed amount — the item and the amounts may be omitted;
- (b) where an amount is substituted under condition (a) of this exemption, the directors cause:
  - (i) the corresponding amount in respect of the comparative financial year and/or half-year also to be shown in accordance with condition (a) of this exemption;
  - (ii) the relevant financial report or report to state that the Entity is an entity to which this class order applies and that amounts have been rounded off in accordance with this class order; and
  - (iii) the financial report and report to clearly disclose on each page where amounts have been rounded the extent to which those amounts have been rounded; and
- (c) where amounts are rounded to the nearest \$100,000 in accordance with condition (a)(ii), those amounts are presented in the form of a whole number of millions of dollars and one place of decimals representing hundreds of thousands of dollars, with a clear indication that the amounts are presented in millions of dollars (for example, in column headings or by placing the word "million" after the amounts).

**Lower prescribed amounts**

The Entity may substitute a lower amount ("the Lower Prescribed Amount") for a prescribed amount otherwise required by this Order ("the Replaced Prescribed Amount") provided that the Lower Prescribed Amount is:

- (a) one-tenth of one cent, one cent, \$1, \$1,000 or \$100,000;

- (b) less than the Replaced Prescribed Amount; and
- (c) applied for all amounts in the financial report and directors' report to which the Replaced Prescribed Amount otherwise applied.

**Prescribed amounts**

The prescribed amounts for the purposes of the conditions are as follows:

\$1,000, in relation to an entity with total assets in its own or its consolidated balance sheet at the end of the Relevant Accounting Period of more than \$1,000,000,000, in respect of:

- (i) income paid or payable to "directors" (as defined in paragraph 9.1 of accounting standard AASB 1017 "Related Party Disclosures" ("AASB 1017") which is required to be disclosed pursuant to paragraphs 4.2 and 4.3 of AASB 1017;
- (ii) prescribed benefits required to be disclosed pursuant to paragraphs 4.7 and 4.8 of AASB 1017;
- (iii) other transactions with and balances of "directors" and "director related-entities" (as defined in paragraph 9.1 of AASB 1017) which are required to be disclosed pursuant to paragraphs 4.10, 4.12, 4.14, 4.15, 4.17 and 4.18 of AASB 1017;
- (iv) remuneration of executive officers which is required to be disclosed pursuant to paragraphs 6.1 and 6.2 of accounting standard AASB 1034 "Financial Report Presentation and Disclosures" ("AASB 1034");
- (v) remuneration of auditors which is required to be disclosed pursuant to paragraph 5.3 of AASB 1034;
- (vi) amounts relating to any equity-based compensation plans to be disclosed in accordance with paragraphs 6.4 to 6.9 of accounting standard AASB 1028 "Employee Benefits";
- (vii) details required to be disclosed in the directors' report pursuant to paragraphs 300(1)(d) and (g), subsections 300(4), (8), (9), (11) and (12), and paragraphs 300(13)(a) and 300A(1)(c) of the Corporations Act as adopted by the Co-operative Regulation; and

- (viii) any amounts required to be disclosed pursuant to accounting standard AASB 1046 "Director and Executive Disclosures by Disclosing Entities",

one tenth of one cent, in relation to all entities, in respect of amounts required to be disclosed in accordance with paragraphs 8.1 and 17.1 of accounting standard AASB 1027 "Earnings per Share";

one cent, in relation to amounts required to be disclosed in accordance with s300(6)(c), (7)(d) and (7)(e);

\$1, in relation to an entity with total assets in its own or its consolidated balance sheet at the end of the Relevant Accounting Period more than \$10,000,000 but not more than \$1,000,000,000, in respect of the items listed in paragraphs (i) to (viii) above;

\$1000, for all other purposes in relation to an entity with total assets of more than \$10,000,000 and not more than \$1,000,000,000, in its own or its consolidated balance sheet at the end of the Relevant Accounting Period;

\$100,000, for all other purposes in relation to an entity with total assets of more than \$1,000,000,000 and not more than \$10,000,000,000, in its own or its consolidated

balance sheet at the end of the Relevant Accounting Period; and

\$1,000,000, for all other purposes in relation to an entity with total assets of more than \$10,000,000,000, in its own or its consolidated balance sheet at the end of the Relevant Accounting Period.

Dated at Bathurst this 26th day of October 2004.

C. J. CROSSLAND,  
General Manager,  
Registry of Co-operatives & Associations

## CONTAMINATED LAND MANAGEMENT ACT 1997

Environment Protection Authority

Notice to end declaration and order

(Section 16 of the Contaminated Land Management Act 1997)

Notice Number 16001; Area Number 3349

### Background

The land to which this notice applies, together with other lands, was declared as an "investigation area" (Declaration No.15014) and has been the subject of an investigation order (Order No. 17003) issued by the Environment Protection Authority ("the EPA"). The investigation order directed the recipient of the order to carry out contamination investigations. The investigation works have been completed and the results have been made available to the EPA.

### Revocation

Having reviewed the results of the investigations, the EPA is satisfied that it no longer has reasonable grounds to believe that the land to which this notice applies is contaminated in such a way as to present a significant risk of harm.

Pursuant to section 16 of the Contaminated Land Management Act 1997, Declaration of Investigation Area number 15014, dated 27 November 2002, gazetted on 29 November 2004, and Investigation Order number 17003, dated 5 March 2003, cease to be in force on the date on which this notice is published in the NSW Government Gazette in so far as the Declaration and Order apply to the land to which this notice applies.

### Land to which this notice applies

Description	Address
Lot R in DP 391531	684-684A Pacific Highway, Killara NSW 2071

### Note

Declaration of Investigation Area No.15014 and Investigation Order No.17003 are still in force in so far as they apply to land other than to which this notice applies.

CAROLYN STRANGE,  
Director Contaminated Sites

Department of Environment and Conservation  
Date: 15 December 2004

NOTE:

### Information recorded by the EPA

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

### Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this notice to the relevant local council. The council may then remove the note on its planning certificate issued pursuant to s.149 (2) of the Environmental Planning and Assessment Act that the land is within an investigation area.

### Relationship to other regulatory instrument

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

## CONTAMINATED LAND MANAGEMENT ACT 1997

Environment Protection Authority

Declaration of remediation site

(Section 21 of the Contaminated Land Management Act 1997)

Declaration Number 21070; Area Number 3349

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

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

Description	Address
Strata Plan 4653	690 Pacific Highway, Killara NSW 2071
Strata Plan 4064	692 Pacific Highway, Killara NSW 2071
Lot 1 in DP 1017481	692B and 694 Pacific Highway, Killara NSW 2071
Lot 3 in DP 90485	696 Pacific Highway, Killara NSW 2071

A map has been prepared entitled "Boundary of Remediation Site 21070" which shows the location of the remediation site. A copy of the map may be inspected at the Department of Environment and Conservation at Level 15, 59-61 Goulburn Street, Sydney.

### 2. Nature of contamination affecting the site:

The EPA has found that the soils and groundwater of the site are contaminated with the following substances ("the contaminants"):

- Total petroleum hydrocarbons (TPH); and
- Monoaromatic hydrocarbons including benzene, toluene, ethyl benzene and xylenes (BTEX).

### 3. Nature of harm that the contaminants has caused:

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

- High concentrations of the contaminants exist in a groundwater plume under the site. The contamination, due to its toxic effects on living organisms, has potential to cause harm to the environment.
- The groundwater plume is moving off site and can ultimately cause harm to the environment down-gradient of the groundwater flow.

#### 4. Further action under the Act

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

It is however the intent of the EPA to issue a remediation order directing the polluter to carry out the remediation, subject to the consideration of the submission(s) that the EPA may receive on this declaration.

#### 5. Submissions invited

The public may make written submissions to the EPA on:

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

Submissions should be made in writing to:

Director Contaminated Sites  
Department of Environment and Conservation  
PO Box A290  
SYDNEY SOUTH NSW 1232  
or faxed to 02 9995 5930  
by not later than 7 January 2005.

CAROLYN STRANGE,  
Director Contaminated Sites

Department of Environment and Conservation

Date: 15 December 2004

#### NOTE:

##### Remediation order may follow

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

##### Variation/Revocation

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

##### Information recorded by the EPA

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

##### Information recorded by councils

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

##### Relationship to other regulatory instrument

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

#### CO-OPERATIVES ACT 1992

Notice Under Section 601AA of the Corporations Law as applied by Section 325 of the Co-operatives Act 1992

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

Name of Co-operatives:

Home Grown Book Distribution Co-operative Ltd.

Dated this 13th day of December 2004.

C. GOWLAND,  
Delegate of the Registrar of Co-operatives

#### HERITAGE ACT 1977

Interim Heritage Order No. 94

Fitzroy Iron Works Potential Archaeological Site  
Roscoe Road, 193-197 Old Hume Highway and  
145 Old Hume Highway, Mittagong

IN pursuance of section 24 of the Heritage Act 1977, I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), do, by this my Order:

- (i) make an interim heritage order in respect of the item of the environmental heritage specified or described in Schedule 'A'; and
- (ii) declare that the interim heritage order shall apply to the curtilage or site of such item, being the land described in Schedule 'B'.

Dated: Sydney, 9th day of December 2004.

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure  
and Planning (Administration Planning)

##### SCHEDULE "A"

The properties known as Fitzroy Iron Works Potential Archaeological Site, Roscoe Road, 193-197 Old Hume Highway and 145 Old Hume Highway, situated at Mittagong on the land described in Schedule "B".

##### SCHEDULE "B"

All those pieces or parcels of land known as Fitzroy Iron Works Potential Archaeological Site, Roscoe Road as well as Lots 1-7, section 34, DP 1374; Lot 1, DP 326259; Lot 1, DP 120480 and Lot A, DP 377098 in Local Government Area of Wingecarribee, Parish of Mittagong, County of Camden.

#### LAND TAX MANAGEMENT ACT 1956

Land Tax Returns for 2005 Tax Year

1. This Order is made under section 12(1) of the Land Tax Management Act 1956. The purpose of this Order is to advise persons who own land in NSW if and when they are required to lodge an initial return or a variation return in relation to the 2005 land tax year or an earlier tax year. General background information about land tax and administrative matters is contained in Annexure "A".
2. In addition to the requirements to lodge a return in accordance with this Order, the Chief Commissioner may require any person to lodge a return or a further return under section 12(2) of the Land Tax Management Act 1956.

### Persons Who Must Lodge an "Initial Return"

3. The requirement to lodge an initial land tax return in 2005, as specified in this Order, applies to certain "persons" who are "owners" of land in NSW at midnight on 31 December 2004. The reference to an "owner" includes a reference to a person who is an owner of land or is deemed to be an owner for land tax purposes by the Land Tax Management Act 1956. A "person" includes a company, a trustee, a beneficiary of a trust and a natural person.
4. Persons who own land in NSW at midnight on 31 December 2004 and who were not liable for land tax for the 2004 tax year but who are liable for land tax for the 2005 tax year, must lodge an Initial Return.
5. Where land is subject to a trust, and the trustee has not previously lodged a land tax return, the trustee must lodge an initial return on behalf of the trust. If the trustee fails to lodge a return, or fails to provide the information specified on the form about the beneficiaries of the trust, the trust may be assessed as if it were a special trust.
6. Those persons who are required by this Order to lodge an Initial Return may instead provide the information specified on the Initial Return form via the Office of State Revenue's website at [www.osr.nsw.gov.au](http://www.osr.nsw.gov.au) or by telephoning the OSR's telephone inquiry service on 1300 139 816. In some cases, however, a return form may still be required to be lodged.

### Due date for lodgement of Initial Returns

7. Any person who is required by this Order to lodge a 2005 Initial Return, must do so by 28 February 2005, unless the return is lodged via an agent. If the return is lodged via an agent, the return must be lodged by 31 March 2005. Penalty tax and interest may be imposed under the Land Tax Management Act 1956 and the Taxation Administration Act 1996 for failing to lodge a return by the due date. A summary of the current penalty tax and interest rates for 2005 is contained in Appendix "A".

### Persons Who Must Lodge a Variation Return

8. A Variation Return is required to be lodged by a person who receives an incorrect notice of assessment of land tax. Errors on the notice which may result in an incorrect notice of assessment of land tax may include:
  - (a) details of land owned by the person as shown on the notice are incorrect;
  - (b) exempt land has been incorrectly assessed as liable for land tax;
  - (c) liable land has been incorrectly classified as exempt;
  - (d) the calculation of tax contains errors;
  - (e) a special trust has not been assessed at the flat rate applying to a special trust;
  - (f) a trust has been incorrectly assessed as if it were a special trust;
  - (g) the beneficial owners of land owned by the trust have changed since 31 December 2003.
9. A variation return must be lodged by a trustee of a trust, other than a special trust, if the trustee has not previously advised the Chief Commissioner of the beneficiaries of

the trust or the beneficial owners of land owned by the trust. The return must disclose details of the beneficiaries as required by the return form. If a trustee fails to comply with this requirement, the Chief Commissioner may assess the trust as if it were a special trust.

10. Those persons who must lodge a Variation Return form, may instead provide the relevant information via the Office of State Revenue's website at [www.osr.nsw.gov.au](http://www.osr.nsw.gov.au) or by telephone to the OSR's telephone inquiry service on 1300 139 816. In some cases, however, a variation return form may still be required to be lodged.

### Due Date for Lodgement of Variation Returns

11. "Variation Returns" are required to be lodged by the first instalment date shown on the notice of assessment. If the notice of assessment shows that no tax is payable, the due date for lodgment of a variation return is 40 days after the "Issue Date" shown on the notice.
12. Penalty tax and interest may be imposed under the Land Tax Management Act 1956 and the Taxation Administration Act 1996 for failing to lodge a return by the due date. A summary of the current penalty tax and interest rates for 2005 is contained in Appendix "A".

P. ACHTERSTRAAT,  
Chief Commissioner of State Revenue

### ANNEXURE "A"

Information about Land Tax for Land Owners

### Landowners who are liable for land tax

13. The following summary explaining liability for land tax is provided to assist owners in determining whether or not they are required to lodge a return for the 2005 tax year. Further information explaining land tax liabilities in greater detail may be obtained from the Office of State Revenue's website at [www.osr.nsw.gov.au](http://www.osr.nsw.gov.au).
14. A person who owned land or holds a legal or beneficial interest in land at midnight on 31 December 2004 is liable for land tax in respect of the 2005 tax year for:
  - (i) vacant land, including vacant rural land; or
  - (ii) a holiday home; or
  - (iii) investment properties; or
  - (iv) residential, commercial or industrial units; or
  - (v) commercial properties, including factories, shops and warehouses
16. An owner of taxable land includes individuals, joint owners of land, companies, a trustee of any trust where the trust property includes land, the beneficiary of a trust which owns taxable land, including an owner of a unit or units in a unit trust, where the beneficiary owns other interests in taxable land and the beneficiary of a trust which owns taxable land, where the beneficiary is a special trust.
17. There is no threshold for land tax from 2005, and land tax will be calculated on a progressive rate scale. However, if the amount of the assessment is less than \$100, no tax is payable. Taxable land will be assessed at the following rates:

Total Taxable Value of Land Owned	Rate of Land Tax Payable
Not more than \$400,000	0.4 cents for each \$1
More than \$400,000 but not more than \$500,000	\$1,600 plus 0.6 cents for \$1 by which the taxable value exceeds \$400,000
More than \$500,000	\$2,200 plus 1.4 cents for \$1 by which the taxable value exceeds \$500,000

18. If land is owned by the trustee of a special trust or is owned by a company classified under section 29 as a non-concessional company, land tax will be charged at the rate of 1.4 cents for each \$1 of the taxable value.

#### Address for lodging returns

19. Returns may be mailed to the Office of State Revenue, GPO Box 4042 Sydney NSW 2001, and must be mailed in time to reach the Office of State Revenue by the due date. That is, sufficient time should be allowed for delivery of the mail from the particular location from which the return is posted, having regard to the normal delivery times advised by Australia Post for that location. You can also lodge returns via the OSR website at [www.osr.nsw.gov.au](http://www.osr.nsw.gov.au).

#### How to obtain a return form

20. Copies of the Initial and Variation Return forms are available from the Office of State Revenue's website at [www.osr.nsw.gov.au](http://www.osr.nsw.gov.au), by telephoning the Office of State Revenue on 1300 139 816 or from any OSR Regional Offices. A Variation Return is attached to each notice of assessment.

#### Penalty tax and interest may be charged for failure to lodge a return

21. Failure to lodge an Initial Return or a Variation Return, and a failure to include all taxable interests in land in such a return, is classed as a tax default under the Taxation Administration Act. Interest may be imposed at the rate applying from time to time under the Taxation Administration Act. The current rate is 13.51% per annum.
22. In addition, penalty tax may be imposed. The rate of the penalty imposed depends on whether the failure was due to failure to take reasonable care, or intentional disregard of the land tax legislation. The penalty rate also depends on whether the default was discovered by OSR during an audit, and whether the landowner makes a voluntary disclosure. The rate of penalty tax may vary from 90% of the primary tax for the most serious default to 5% for a voluntary disclosure before an audit commences.

#### What to do if you do not know your taxable land value

23. Land is revalued for land tax purposes every year. However, notices of land values are only issued to owners by the Valuer-General when a general revaluation of a local government area is made for local council rating purposes. These general valuations are usually conducted at intervals of 3 years. Therefore land values used for land tax may be more recent than the values used for council rates.

24. Owners who do not receive a general valuation notice from the Valuer-General by 31 January 2005 showing their land value as at 1 July 2004, may contact OSR to obtain the land value applicable for land tax for the 2005 land tax year.
25. Alternatively, certificates showing the land value of a specified parcel of land may be obtained by lodging an application electronically through a Client Service Provider authorised by OSR. Details of how clients may obtain access to an authorised Client Service Provider are available from OSR's Website at [www.osr.nsw.gov.au](http://www.osr.nsw.gov.au).

### LOCAL GOVERNMENT ACT 1993

#### PROCLAMATION

MARIE BASHIR, Governor

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 207 of the Local Government Act 1993, do, by this Proclamation, declare that the Area named Greater Queanbeyan City be renamed Queanbeyan City.

Signed and sealed at Sydney, this 8th day of December 2004.

By Her Excellency's Command,

TONY KELLY, M.L.C.,  
Minister for Local Government

GOD SAVE THE QUEEN!

### NATIONAL PARKS AND WILDLIFE ACT 1974

#### PROCLAMATION

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under section 68 of the National Parks and Wildlife Act 1974, with the consent of every owner and occupier do, on the recommendation of the Director-General of the Department of Environment and Conservation, by this my Proclamation declare the lands described hereunder to be a wildlife refuge for the purposes of the abovementioned Act.

To be known as "Afterlee Wildlife Refuge".

Signed and sealed at Sydney this 24th day of November 2004.

MARIE BASHIR, A.C.,  
Governor

By Her Excellency's Command,

ROBERT JOHN DEBUS, M.P.,  
Minister for the Environment

GOD SAVE THE QUEEN!

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Description

*Land District – Casino; Council – Kyogle.*

County of Rous, Parishes of Etrick and Toonumbar, 5.92 hectares, being Lot 21, DP 630274. NPWS 04/06950.

**NATIONAL PARKS AND WILDLIFE ACT 1974**

## PROCLAMATION

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under section 68 of the National Parks and Wildlife Act 1974, with the consent of every owner and occupier do, on the recommendation of the Director-General of the Department of Environment and Conservation, by this my Proclamation declare the lands described hereunder to be a wildlife refuge for the purposes of the abovementioned Act.

To be known as “Whiptail Ridge Wildlife Refuge”.

Signed and sealed at Sydney this 24th day of November 2004.

MARIE BASHIR, A.C.,  
Governor

By Her Excellency’s Command,

ROBERT JOHN DEBUS, M.P.,  
Minister for the Environment

GOD SAVE THE QUEEN!

—————  
Description

*Land District – Casino; Council – Kyogle.*

County of Rous, Parish of Geneva, 41.13 hectares, being Lot 12, DP 1012547. NPWS 04/06949.

**NATIONAL PARKS AND WILDLIFE ACT 1974**

## Notice of Reservation of a Regional Park

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Berowra Valley Regional Park, under the provisions of section 30A(1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 4th day of November 2004.

MARIE BASHIR,  
Governor,

By Her Excellency’s Command,

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

GOD SAVE THE QUEEN!

—————  
SCHEDULE

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

County Cumberland, Parish South Colah, about 14.7 hectares, being Lot 1, DP 830593; Lot 2, DP 1018966 and Crown road separating Lot 2, DP 1018966 from Berowra Valley Regional Park. NPWS/A/6297 and A/6334.

**NATIONAL PARKS AND WILDLIFE ACT 1974**

## PROCLAMATION

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under section 68 of the National Parks and Wildlife Act 1974, with the consent of every owner and occupier do, on the recommendation of the Director-General of the Department of Environment and Conservation, by this my Proclamation declare the lands described hereunder to be a wildlife refuge for the purposes of the abovementioned Act.

To be known as “Elks Wildlife Refuge”.

Signed and sealed at Sydney this 15th day of December 2004.

The Honourable J. J. SPIGELMAN,  
Lieutenant Governor

By Her Excellency’s Command,

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

GOD SAVE THE QUEEN!

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Description

*Land District – Bellingen; Council – Coffs Harbour.*

County of Raleigh, Parish of Bonville, 5.946 hectares, being Lot 372, DP 865820. NPWS 04/09425.

**NATIONAL PARKS AND WILDLIFE ACT 1974**

## PROCLAMATION

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under section 68 of the National Parks and Wildlife Act 1974, with the consent of every owner and occupier do, on the recommendation of the Director-General of the Department of Environment and Conservation, by this my Proclamation declare the lands described hereunder to be a wildlife refuge for the purposes of the abovementioned Act.

To be known as “Guichard Wildlife Refuge”.

Signed and sealed at Sydney this 15th day of December 2004.

The Honourable J. J. SPIGELMAN,  
Lieutenant Governor

By Her Excellency’s Command,

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

GOD SAVE THE QUEEN!

—————  
Description

*Land District – Bellingen;  
Council – Coffs Harbour City Council.*

County of Fitzroy, Parish of Coff, 56.76 hectares, being Lot 280, DP 752817. NPWS 04/09763.

**PESTICIDES ACT 1999**

Notice Under Section 48(4)

NOTICE is hereby given, pursuant to section 48(4) of the Pesticides Act 1999, that I have granted an Aircraft (Pesticide Applicator) Licence, particulars of which are stated in the Schedule.

ALAN RITCHIE,  
Manager,  
Dangerous Goods,  
Environment Protection Authority  
(by delegation)

**SCHEDULE**

Aircraft (Pesticide Applicator) Licence

<b>Name and address of Licensee</b>	<b>Date of Granting of Licence</b>
BRAZEL AGRICULTURAL SERVICES PTY LTD, 8 Betina Street, AYR QLD 4807.	7 December 2004.

**RIVERS AND FORESHORES IMPROVEMENT ACT 1948**

Order Under Section 22B

Works Where Permit Not Required

PURSUANT to section 22B of the Rivers and Foreshores Improvement Act 1948 ('RFI Act'), the Water Administration Ministerial Corporation specifies the works identified in Schedules A and B of this Order for the purposes of section 22B(4) of that Act, being works where a permit under Part 3A is not required.

Schedule A applies where the Constructing Authority is the person identified in paragraph (b) or (c) of the definition of that term in section 22A.

Schedule B applies where:

- (a) the Constructing Authority is the Minister identified in paragraph (a) of the definition of that term in section 22A, and
- (b) the land or water on, in or under which the work is to be carried out is within or adjacent to Sydney Harbour and its tributaries.

For the purposes of this Order, Sydney Harbour and its tributaries means, Sydney Harbour and all tidal bays, rivers and their tributaries connected or leading thereto bounded by the mean high water mark as vested in the Waterways Authority.

This Order takes effect 7 days following the date of publication in the *Government Gazette*.

Dated at Sydney this 8th day of December 2004.

CRAIG JOHN KNOWLES, M.P.,  
Minister for Natural Resources  
(in the capacity of Water Administration  
Ministerial Corporation)

**SCHEDULE A**

Any work (as defined in section 2 of the RFI Act) being a work:

- (1) that is to be carried out in relation to protected land or protected waters (as defined in section 22A of the RFI Act), and
- (2) that is in any area zoned under an environmental planning instrument (as defined in section 4 of the Environmental Planning and Assessment Act 1979 ('EP&A Act')) where development for the purpose of a dwelling house is permissible, and
- (3) that is the subject of a development application, or a complying development certificate, or that is exempt development (pursuant to the definition of each term in section 4 of the EP&A Act) concerning:
  - (a) a single dwelling house,
  - (b) dual occupancy development,
  - (c) any alterations or additions to an existing dwelling house or dual occupancy development,
  - (d) any ancillary developments to an existing dwelling house or dual occupancy development being:
    - (i) driveways,
    - (ii) carports,
    - (iii) awnings,
    - (iv) detached sheds or garages,
    - (v) pergolas or gazebos,
    - (vi) verandahs, patios or decks,
    - (vii) barbecues,
    - (viii) swimming pools, tennis courts or dressage arenas,
    - (ix) acoustic barriers,
    - (x) inclinators,
    - (xi) clothes lines,
    - (xii) antennae.

**SCHEDULE B**

Any work (as defined in section 2 of the RFI Act) being a work:

- (1) that is to be carried out in relation to protected land or protected waters (as defined in section 22A of the RFI Act), and
- (2) that is in any area zoned under an environmental planning instrument (as defined in section 4 of the Environmental Planning and Assessment Act 1979 ('EP&A Act')) where development for the purpose of a dwelling house is permissible, and
- (3) that is the subject of a development application, or a complying development certificate, or that is exempt development (pursuant to the definition of each term in section 4 of the EP&A Act) concerning:
  - (a) any alterations or additions to an existing dwelling house or dual occupancy development that do not alter the building footprint of the existing development,

- (b) any ancillary developments to an existing dwelling house or dual occupancy development that is to be carried out more than 10 metres from protected waters being:
- (i) driveways,
  - (ii) carports,
  - (iii) awnings,
  - (iv) detached sheds or garages,
  - (v) pergolas or gazebos,
  - (vi) verandahs, patios or decks,
  - (vii) barbecues,
  - (viii) above ground swimming pools, tennis courts or dressage arenas,
  - (ix) acoustic barriers,
  - (x) inclinators,
  - (xi) clothes lines,
  - (xii) antennae.

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### SHOPS AND INDUSTRIES ACT 1962

#### ORDER

I, JOHN DELLA BOSCA, Minister for Industrial Relations, in pursuance of section 85(2) of the Shops and Industries Act 1962 and being satisfied that to do so will be of benefit to the public, do, by this my Order, suspend the operation of section 85(1) of that Act in relation to the following two public holidays (within the meaning of section 78(1) of that Act) so as to allow general shops within New South Wales to remain open on those days but subject to the condition that the suspension in respect of the public holiday specified in paragraph (b) will apply only for that part of the day which is after 1:00 p.m.:

- (a) Wednesday, 26 January 2005 (Australia Day),
- (b) Monday, 25 April 2005 (Anzac Day).

Dated this 9th day of December 2004.

JOHN DELLA BOSCA, M.L.C.,  
Minister for Industrial Relations

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### SHOPS AND INDUSTRIES ACT 1962

#### ORDER

I, JOHN DELLA BOSCA, Minister for Industrial Relations, in pursuance of section 85(2) of the Shops and Industries Act 1962 and being satisfied that to do so will be of benefit to the public, do, by this my Order, suspend the operation of section 85(1) of that Act in relation to Monday, 27 December 2004 (being the Boxing Day public holiday within the meaning of section 78(1) of that Act) so as to allow general shops within New South Wales to remain open on that day.

Dated this 9th day of December 2004.

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### SUBORDINATE LEGISLATION ACT 1989

#### INSTITUTE OF TEACHERS ACT 2004

NSW Institute of Teachers  
Public Notice

NOTICE is given, in accordance with section 5 of the Subordinate Legislation Act 1989, of the intention to make a statutory rule under the Institute of Teachers Act 2004.

A new statutory rule, the Institute of Teachers Regulation 2005 has been drafted.

The aim of the new regulation is allow the NSW Institute of Teachers to operate as a statutory body, advising the Minister of Education and Training on issues of teacher quality and teacher accreditation. The regulation deals with application and membership fees, details held on the accreditation list, conditions for the accreditation of teachers, grounds for revocation of accreditation, prescribed teacher qualifications, prescribed period applicable to new scheme teachers, determination of equivalent time for casual or part-time teachers and agencies with whom information may be shared.

Copies of the regulatory impact statement and draft statutory rule relating to the proposed regulation may be inspected or obtained on the internet at [www.nswteachers.nsw.edu.au](http://www.nswteachers.nsw.edu.au) or by contacting the:

Administrative Officer,  
NSW Institute of Teachers,  
GPO Box 3890, Sydney NSW 2001.

Telephone: (02) 9246 6316.  
Facsimile: (02) 9246 6313.

Email enquiries: [contactus@nswteachers.nsw.edu.au](mailto:contactus@nswteachers.nsw.edu.au).

Comments or submissions on the proposed statutory rule are invited and should be received at the above address no later than 10 January 2005.

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### THREATENED SPECIES CONSERVATION ACT 1995

#### Notice of Preliminary Determination

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list a population of *Eucalyptus camaldulensis* Dehnh. in the Hunter Catchment as an ENDANGERED POPULATION in Part 2 of Schedule 1 of the Act.

A copy of the Determination, which contains the reasons for the determination, may be obtained free of charge:

On the Internet [www.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au),

By contacting the Scientific Committee Support Unit,  
C/- Department of Environment and Conservation,  
PO Box 1967 Hurstville 2220.

Tel: (02) 9585 6940 or Fax (02) 9585 6606,

In person at The National Parks Centre, 102 George Street, The Rocks, Sydney.

Copies of the determination may also be obtained from National Parks and Wildlife Service Area Offices and Visitor Centres, subject to availability.

The National Parks and Wildlife Service is part of the Department of Environment and Conservation.

Any person may make a written submission regarding the Preliminary Determination, which should be forwarded to:

Scientific Committee,  
PO Box 1967, Hurstville NSW 2220.

Attention: Suzanne Chate, Executive Officer.

Submissions must be received by 28 January 2005.

Associate Professor PAUL ADAM,  
Chairperson,  
Scientific Committee



**CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999**

JAMES JACOB SPIGELMAN,  
By Deputation from Her Excellency the Governor

I, Professor Marie Bashir, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 225(1), 225A(1) and 225A(2) of the Crimes (Administration of Sentences) Act 1999, do, by this Proclamation, declare the area comprised within the description hereunder (together with all buildings or premises which are now or may hereafter be erected thereon) to be a correctional centre within the meaning of the Crimes (Administration of Sentences) Act 1999 and I further declare that the correctional centre shall be a juvenile correctional centre and shall be known as Kariong Juvenile Correctional Centre, viz.:

All that piece or parcel of land situate in the local government area of Gosford, Parish of Gosford and County of Northumberland, being part of Lot 521 in Deposited Plan 1017539, shown by the dark shading on the attached diagram, representing the facility surrounded on all sides by a 6 metre Macem fence and a concrete and brick façade and commonly known as Kariong Juvenile Correctional Centre.

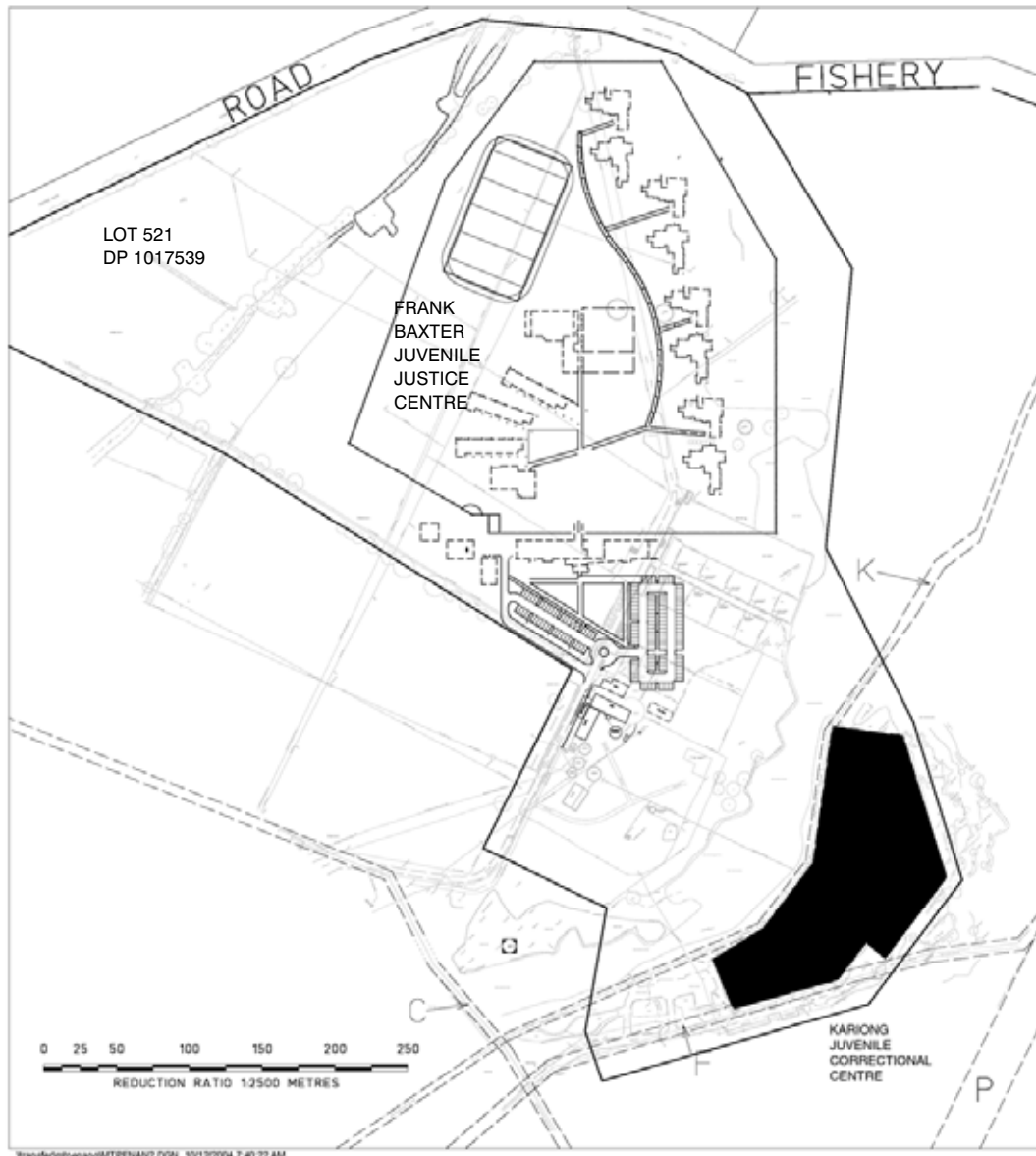
This proclamation is to take effect on and from the date of Proclamation of the Juvenile Offenders Legislation Amendment Act 2004.

Signed and sealed at Sydney, this 15th day of December 2004.

By Her Excellency's Command.

JOHN HATZISTERGOS, M.L.C.,  
Minister for Justice

GOD SAVE THE QUEEN!



**INDUSTRIAL RELATIONS (ETHICAL CLOTHING TRADES) ACT 2001****ORDER UNDER SECTION 12****ETHICAL CLOTHING TRADES EXTENDED RESPONSIBILITY SCHEME**

I, REBA PAIGE MEAGHER, Minister Assisting the Minister for Commerce, in pursuance of section 12 of the *Industrial Relations (Ethical Clothing Trades) Act 2001*, and after considering a report of the Ethical Clothing Trades Council made under section 9 of that Act (Report on implementation of ethical clothing industry practices), do, by this my Order, make the 'Ethical Clothing Trades Extended Responsibility Scheme', contained in the Schedule below, being a code of practice for the purpose of ensuring that outworkers in the clothing trades receive their lawful entitlements, and I specify 1 July 2005 as the date on which the code will take effect.

Dated this Fifteenth day of December, 2004.

REBA PAIGE MEAGHER, M.P.,

Minister Assisting the Minister for Commerce

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**SCHEDULE****ETHICAL CLOTHING TRADES****EXTENDED RESPONSIBILITY SCHEME**

Made under Part 3 of the *Industrial Relations (Ethical Clothing Trades) Act 2001 (NSW)*.

**Part 1 Preliminary****1. Name of code**

This code is the Ethical Clothing Trades Extended Responsibility Scheme.

**2. Commencement**

This code takes effect on 1 July 2005, being the date specified in the Minister's order as published in the Gazette on 17 December 2004.

**3. Objectives**

- (1) This code is intended to ensure outworkers in the clothing trades receive their lawful entitlements under the Clothing Trades (State) Award (as published in the NSW Industrial Gazette on 19 October 2001) and under any other industrial instrument enforceable under the Industrial Relations Act 1996.
- (2) The code will:
  - (a) aid in monitoring the use of outworkers in the manufacture of clothing products for retail sale within New South Wales; and
  - (b) prescribe practices and standards that will aid in compliance with, and prevent avoidance of, the Clothing Trades (State) Award and other industrial instruments with respect to the engagement and performance of work by outworkers in the supply of clothing products for retail sale within New South Wales; and
  - (c) prescribe reporting practices and conduct to prevent the use of legal structures and other commercial arrangements as a means of avoiding the payment of remuneration and other lawful entitlements to outworkers in the clothing trades; and
  - (d) facilitate and complement initiatives by the Government of New South Wales to prevent circumvention and contraventions of laws regarding the employment conditions of outworkers in the clothing trades; and
  - (e) complement and encourage compliance with the Homeworkers Code of Practice by signatories to that code.

**4. Regulatory framework**

- (1) This code is made under Part 3 of the *Industrial Relations (Ethical Clothing Trades) Act 2001*.
- (2) This code is to be read in conjunction with the *Industrial Relations (Ethical Clothing Trades) Act 2001*, the *Industrial Relations Act 1996* and the State Award.

## 5. Definitions

In this code, unless the context suggests otherwise:

**‘agreement’** includes an arrangement or understanding:

- (a) whether formal or informal or partly formal and partly informal; and
- (b) whether written or oral or partly written and partly oral; and
- (c) whether or not having legal or equitable force within the State; and
- (d) whether or not based on legal or equitable rights enforceable within the State,

between a retailer and a supplier for the supply of clothing products, the whole or part of which are to be offered for retail sale within the State whether by the retailer, or another person on consignment or commission of the retailer.

**‘associate’ of a person** means:

- (a) a relative of the person; or
- (b) a partner of the person; or
- (c) a trustee of a trust in which the person is a beneficiary; or
- (d) a beneficiary of a trust in which the person is a trustee; or
- (e) where the associate is a body corporate:
  - (i) an officer of the body; or
  - (ii) a related body corporate; or
  - (iii) an officer of a related body corporate.

**‘assumption’**, in relation to rights or obligations under an agreement, includes any conduct resulting in a person assuming the rights or obligations under an agreement:

- (a) with or without the consent of the retailer or supplier, and
- (b) whether or not the conduct has legal force within the State; and
- (c) whether or not the conduct is based on legal or equitable rights enforceable within the State.

**‘authorised person’** means:

- (a) an officer or employee of the TCFUA who holds an instrument of authority issued by the Industrial Registrar under section 299 of the *Industrial Relations Act 1996*; and
- (b) an inspector.

**‘capacity to control’** includes a power or control:

- (a) that is indirect; and
- (b) that is, or can be, exercised as a result of, by means of, or by the revocation or breach of:
  - (i) a trust; or
  - (ii) a contract; or
  - (iii) a practice; or
  - (iv) any combination of (i), (ii) or (iii);whether or not enforceable within or outside the State; and
- (c) that is, or can be made, subject to restraint or restriction; and
- (d) whether express, informal, exercised alone or jointly with someone else.

**‘charitable organisation’** means any charitable institution, however formed, that is carried on solely for charitable purposes and not for pecuniary profit.

**‘clothing factory’** means any building or place (registered under the *Occupational Health and Safety (Clothing Factory Registration) Regulation 2001* and approved under the *Local Government Act 1993*) in which:

4 or more persons are engaged directly or indirectly in any handicraft or process in or incidental to the making, altering, preparing, ornamenting or finishing of any clothing, fabrics, hats, buttons or related products for trade, sale or gain, or

- (a) mechanical power is used in aid of any handicraft or process in or incidental to the making, altering, preparing, ornamenting or finishing of any clothing, fabrics, hats, buttons or related products for trade, sale or gain.

**‘clothing products’** includes:

- (a) any male or female garment or wearing apparel; and
- (b) any part of a garment or wearing apparel; and
- (c) handkerchiefs, serviettes, pillowslips, pillowshams, sheets, tablecloths, towels, quilts aprons, mosquito nets, bed valances or bed curtains; and
- (d) clothing ornamentations; and
- (e) a permanent label attached to an item referred in paragraphs (a), (b), (c) or (d) indicating any or all of the following:
- (i) a trade mark,
  - (ii) a fashion house design
  - (iii) the country of origin,
  - (iv) the style of garment or wearing apparel,
  - (v) the size of the garment or wearing apparel; or
  - (vi) the washing and ironing instructions,

manufactured in Australia from material of any description, but does not include second hand clothing products.

**‘code’** means the Ethical Clothing Trades Extended Responsibility Scheme.

**‘contractor’** means:

- (a) a contractor who is engaged by a supplier, a continuing entity or transferee; and
- (b) a subcontractor of a contractor referred to in paragraph (a),

for the supply of clothing products for delivery to a retailer.

**‘Director-General’** means the Director-General of the NSW Department of Commerce.

**‘employer’** of an outworker has the same meaning as given under the Act.

**‘entered into’**, in relation to an agreement, includes any act (whether or not legally binding) that results in the renewal or extension of an existing agreement.

**‘holding company’** in relation to a body corporate means a body corporate in which the first body corporate is a subsidiary.

**‘industrial relations legislation’** has the same meaning as it has in the *Industrial Relations Act 1996*.

**‘Inspector’** means a person appointed as an inspector under Part 4 of Chapter 7 of the *Industrial Relations Act 1996* as applied by section 15 of the Act.

**‘lawful entitlements’** of an outworker means the entitlements conferred on the outworker by law, including any entitlements conferred by or under industrial relations legislation, other legislation and the State Award.

**‘manufacture’** or **‘manufactured’**, in relation to clothing products, means the process of:

- (a) manufacturing clothing products in Australia; and
- (b) altering or working on clothing products in Australia (whether the products are imported into Australia or produced in Australia),

which is covered by a relevant industrial instrument.

**'officer'** of a body corporate means:

- (a) a director or secretary of the body; or
- (b) a person:
  - (i) who makes, or participates in making, decisions that affect the whole, or a substantial part of the business of the body; or
  - (ii) who has the capacity to affect significantly the body's financial standing; or
  - (iii) in accordance with whose instructions or wishes the directors of the body are accustomed to act (excluding advice given by the person in the proper performance of functions attaching to the person's professional capacity or their business relationship with the directors or the body); or
- (c) a receiver, or receiver and manager, of the property of the corporation; or
- (d) an administrator of the body within the meaning of section 9 of the *Corporations Act 2001*; or
- (e) an administrator of a deed of company arrangement executed by the corporation; or
- (f) a liquidator of the body; or
- (g) a trustee or other person administering a compromise or arrangement made between the body and someone else.

**'outworker'** means any person (not being the occupier of a factory) who performs outside a factory any work in the clothing trades or in the manufacture of clothing products, whether directly or indirectly, for the occupier of a factory or a trader who sells clothing by wholesale or retail.

**'record'** includes:

- (a) anything on which there is writing, or
- (b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them, or
- (c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else, or
- (d) a map, plan, drawing or photograph,

that is required to be given or kept under this code.

**'related body corporate'** has the same meaning as it has under section 50 of the *Corporations Act 2001*.

**'relative'** means a spouse, parent or more remote lineal ancestor, son, daughter or more remote issue, or brother or sister of the supplier.

**'relevant award'** includes the State Award and any other industrial instrument made under the *Industrial Relations Act 1996* that regulates the conditions of employment of outworkers and applies to the performance of work by an outworker.

**'relevant industrial instrument'** includes a relevant award and any federal or interstate award or industrial instrument that regulates the conditions of employment of outworkers and applies to the performance of work by an outworker.

**'relevant person'** means:

- (a) a supplier; or
- (b) a contractor; or
- (c) a supplier's continuing entity; or
- (d) a transferee.

**'retailer'** means:

- (a) any person, wherever domiciled, who sells clothing products by retail within the State; and

(b) any person, wherever domiciled, who:

- (i) is an associate of; and
- (ii) has a commercial relationship with,

a person referred to in paragraph (a) as to the retail sale of clothing products within the State.

**‘second hand clothing products’** means clothing products that:

- (a) have been worn or used; and
- (b) are represented by a retailer as being used products.

**‘subsidiary’**, in relation to a related body corporate, has the same meaning as given under section 46 of the *Corporations Act 2001*.

**‘supplier’** means any person, wherever domiciled, who enters into an agreement with a retailer for the supply of clothing products within the State.

**‘supplier’s continuing entity’ or ‘continuing entity’** means:

- (a) a relative of a supplier; or
- (b) a body corporate in which a supplier is an officer or has the capacity to control; or
- (c) a related body corporate of a body corporate in which a supplier is an officer or has the capacity to control; or
- (d) a trust in which a supplier:
  - (i) is a trustee; or
  - (ii) is beneficiary; or
  - (iii) is able to appoint or remove the trustee; or
  - (iv) has the capacity to control the decision making of the trustee; or
- (e) partnership in which a supplier:
  - (i) is partner; or
  - (ii) has the capacity to control the decision making of the partnership; and
- (f) any combination of (a), (b) (c) (d) or (e) in which a supplier has a capacity to control.

**‘supply’**, means:

- (a) to supply manufactured clothing products; and
- (b) to manufacture clothing products; and
- (c) to arrange the manufacture of clothing products; and
- (d) to arrange the supply of manufactured clothing products; and
- (e) to do any combination of (a), (b), (c) or (d).

**‘TCFUA’** means the Textile Clothing and Footwear Union of Australia, NSW Branch.

**‘the Act’** means the *Industrial Relations (Ethical Clothing Trades) Act 2001*.

**‘the State’** means the State of New South Wales.

**‘the State Award’** means the Clothing Trades (State) Award as published on 19 October 2003 in the NSW Industrial Gazette as subsequently amended.

**‘transfer’** includes arrangement, understanding, plan, proposal, course of action or course of conduct to confer an obligation or right under an agreement:

- (a) whether or not having legal force within or outside the State; and
- (b) whether or not based on legal or equitable rights enforceable within or outside the State

**‘transferee’** means any person to whom a supplier or continuing entity has transferred an obligation or right under an agreement by way of a bona fide commercial arrangement, but does not include a person who is a continuing entity of the supplier.

**‘work’** means:

- (a) hand or machine sewing or fusion of material in the construction of clothing products; and
- (b) hand or machine sewing in the affixing of labels to clothing products,

## **6. Scope and interpretation of the code**

- (1) In the interpretation of a provision of this code, a construction that would promote the objectives underlying the code is to be preferred to a construction that would not promote those objectives.
- (2) In this code a reference to:
  - (a) a person engaging in conduct is to be read as a reference to doing or refusing to do any act, including the making of, or the giving effect to a provision of, an agreement; and
  - (b) a retailer or relevant person entering into an agreement within the State is to be read as a reference to an agreement which is made under, or subject to, the law of NSW; and
  - (c) a retailer or relevant person includes a reference to an employee, agent or officer of a retailer or relevant person.
- (3) To remove doubt regarding the application of this code to an external administrator of a body corporate, a reference to a person includes a reference to an administrator, liquidator, or receiver and manager of a body corporate.
- (4) In the event of an inconsistency between the provisions of this code and the provisions of a relevant industrial instrument, the provisions of the relevant industrial instrument that are applicable to outworkers in the clothing trades will prevail to the extent of the inconsistency.
- (5) An agreement between a retailer and a supplier will be deemed to be for the supply of clothing products for retail sale within the State, where:
  - a) the retailer has outlets for the retail sale of clothing products within the State; or
  - b) the agreement is made within the State or is subject to the law of NSW; or
  - c) the retailer has indicated in records kept under this code that the clothing products are for retail sale within the State; or
  - d) the agreement stipulates that the whole, or part of, the clothing products are to be delivered to an address within the State; or
  - e) the supplier, or contractor of the supplier, manufactures the clothing products within the State; or
  - f) the supplier, or contractor of the supplier, engages outworkers who are domiciled within the State to perform work on the clothing products,

unless the retailer is able to establish a contrary intention.

## **Part 2 Application and Operation of the Code**

### **7. Obligations under the code**

- (1) The provisions of this code are mandatory and apply to persons (other than charitable organisations) engaged in the manufacture of clothing products in Australia, including but not limited to:
  - (a) retailers and suppliers; and
  - (b) contractors and subcontractors; and
  - (c) continuing entities of suppliers; and
  - (d) transferees,as defined under the code, in respect of the supply of those products for retail sale in the State.

- (2) A person specified in subclause (1) who fails, without reasonable excuse, to adopt any standard of conduct or practice set out in this code is guilty of an offence as provided under section 13 of the Act.

**Note: Section 13 of the *Industrial Relations (Ethical Clothing Trades) Act 2001* prescribes a maximum penalty of 100 penalty units for a contravention of the Code.**

- (3) Subject to clause 8 of this code, a person who contravenes a provision of this code will be deemed to have failed to adopt the standard of conduct or practice specified in the contravened provision.

## 8. Compliance with code

- (1) A person engaged in the clothing industry, or a sector of the clothing industry, specified or described in this code must comply fully with the code, but a failure to comply with a provision of the code will be deemed to be a reasonable excuse if the person establishes that the failure was due to:
- (a) a reasonable mistake (not being a mistake based on a lack of knowledge of the provisions of this code) and without intent to evade the provisions of this code; or
  - (b) a reasonable reliance on information supplied by another person; or
  - (c) an act or failure to act of another person, or an accident or some other cause beyond the person's control, provided that the person took reasonable precautions and exercised due diligence to avoid the failure; or
  - (d) an act done under duress or undue influence; or
  - (e) the person being a signatory to, or accredited under, the Homeworkers Code of Practice and acting in compliance with that Code.
- (2) Subject to the operation of section 399 of the *Industrial Relations Act 1996*, as applied under section 15 of the Act, proceedings for contraventions of this code may be instituted by:
- (a) an inspector; or
  - (c) where specified in this code – by an authorised officer or employee of the TCFUA.

## 9. Application of code to agreements

The provisions of this code apply to agreements for clothing products that are entered into on or after the commencement date of the code.

### Part 3 Responsibilities of Retailers

#### 10. Retailer to take reasonable steps to ascertain compliance with code

- (1) A retailer must, before entering into an agreement with a supplier:
- (a) ascertain from the supplier whether the services of an outworker will be engaged under a relevant award by the supplier or a contractor of the supplier to perform work in connection with the agreement; and
  - (b) request the supplier to provide information in respect of the matters specified under Part B of Schedule 2 of this code.
- (2) Where an outworker is to be engaged under a relevant award by the supplier, or a contractor of the supplier, or both, to perform work on clothing products, a retailer must, before entering into an agreement with the supplier:
- (a) obtain an undertaking from the supplier that:
    - (i) the engagement of the outworker by the supplier, or contractor, or both will be under conditions that are no less favourable than those prescribed under the relevant industrial instrument; and
    - (ii) the addresses where work on the clothing products is to be performed is to be disclosed; and
  - (b) inform the supplier that a breach of the undertaking by the supplier, or the contractor, or both will be taken to be a breach of an essential term of the agreement and grounds for the agreement's termination.



- (3) A retailer must not enter into an agreement with a supplier in contravention of this clause.
- (4) A breach of subclause (3) does not affect the validity of an agreement.

#### **11. Retailers must report less favourable conditions**

- (1) Where a retailer becomes aware that a relevant person is intending to engage, or has engaged, an outworker on less favourable terms than the conditions prescribed under a relevant award or other relevant industrial instrument, the retailer must report the matter in writing to the TCFUA or to the Director-General.
- (2) A retailer will be taken to contravene subclause (1) if the retailer:
  - (a) has information provided under this code; or
  - (b) has knowledge based on previous dealings or commercial arrangements with or through a relevant person; or
  - (c) has information arising from an inspection of premises where work is or has been performed by outworkers,

that would lead a reasonable person in the position of the retailer to be so aware that the outworkers have been, or will be, employed on less favourable terms and conditions than that prescribed under the relevant award or other relevant industrial instrument.

#### **12. Keeping of records by retailers**

- (1) A retailer must keep a record of the following details when entering into an agreement with a supplier:
  - (a) the name of the supplier of clothing products; and
  - (b) if applicable – the supplier’s ACN or ARBN and ABN; and
  - (c) the registered office or principal place of business of the supplier; and
  - (d) if applicable - the registered number of the supplier, and title of the relevant industrial instrument which authorises the supplier to give work out to be performed outside the supplier’s premises; and
  - (e) where the work is, or has been, undertaken by or through a contractor of the supplier:
    - (i) the name of the contractor; and
    - (ii) if applicable – the contractor’s ACN or ARBN and ABN; and
    - (iii) the registered office or principal place of business of the contractor; and
    - (iv) if applicable - the registered number of the contractor, and title of the relevant industrial instrument which authorises the contractor to give work out to be performed outside the contractor’s premises; and
  - (f) the address or addresses of where the work has, or is to be, performed:
    - (i) by the supplier; and
    - (ii) by the contractor;  
and if applicable, the registration number for each address in accordance with the provisions of the *Occupational Health & Safety (Clothing Factory Registration) Regulation 2002*.
  - (g) the date of the agreement and (if applicable) the giving out of the work;
  - (h) the date for the delivery (completion of order) of the clothing products to be supplied under the agreement;
  - (i) a description, including specification, size, style, image or sketch drawing and any other relevant information in order to identify the clothing products to be supplied and the material used; and
  - (j) the number of clothing products to be supplied under the agreement;
  - (k) the wholesale price or cost paid by the retailer for each item of clothing products supplied under the agreement;

- (1) the wholesale price or cost paid by the retailer for the clothing products supplied under the agreement;  
where the clothing products, or some of the products, are to be offered for retail sale within the State whether by the retailer, or another person on consignment or commission of the retailer.
- (2) A retailer will be taken to comply with this clause if the retailer retains a completed copy of Parts A and B of the form provided under clauses 13 and 15 of this code, and retains copies of any other forms or written information required under this code to be submitted by a relevant person to the retailer, in relation to each agreement for the supply of clothing goods.
- (3) A retailer must provide to the Director-General, and to the TCFUA, from records required to be kept by the retailer under subclause (1), a full and accurate extract of particulars in or to the effect of Schedule 1 of this code regarding agreements entered into with suppliers:
  - (a) during the three months preceding each of the following periods ending on:
    - (i) 4 February; and
    - (ii) 28 April; and
    - (iii) 21 July; and
    - (iv) 11 November,of each year; or
  - (b) if the retailer elects to do so and notifies the Director-General in writing of that election - during the 6 months period ending on:
    - (i) 28 February; and
    - (ii) 31 August;of each year.
- (4) An extract of particulars provided under subclause (3) must be submitted within 28 days of the dates specified in that subclause.

### **13. Retailer to provide documents to suppliers**

- (1) A retailer must, before entering into an agreement with a supplier, provide to the supplier a form in or to the effect of Schedule 2 of this code (including a completed copy of Part A of the form).
- (2) A retailer must:
  - (a) at the time of providing the form under subclause (1) insert a common identifying number on the top of each page of the form; and
  - (b) keep a copy of the form for a period of 6 years from the date of providing the form to the supplier.

## **Part 4 Responsibilities of the Supplier, Continuing Entity and Contractor**

### **14. Supplier to provide sufficient Information**

A supplier must provide to the retailer sufficient information to enable the retailer to comply with clauses 10, 12 and 13 of this Code.

### **15. Obligations of suppliers to provide information**

- (1) A supplier must, when showing samples of clothing or offering for sale ready made items of clothing, indicate to the retailer whether any or all of the clothing items will be, or have been manufactured in Australia.
- (2) A supplier must indicate on each invoice for the supply of clothing products to a retailer which of the clothing products supplied have been manufactured in Australia.
- (3) A supplier must include with the invoice for the supply of clothing products a completed copy of the Part B provided by the retailer under clause 13.

- (4) A retailer must retain a copy of each invoice for clothing products and the Part B provided by a supplier under this clause for a period of six years.

**16. Details of agreement to be provided by supplier and contractor**

- (1) A supplier must:
- (a) at the time of engaging a contractor, provide to the contractor a copy of the form issued by the retailer to the supplier under clause 13(1) (containing particulars provided by the retailer and supplier under Parts A and B of the form); and
  - (b) keep a copy of the form for a period of 6 years from the date of providing a copy of the form to the contractor.
- (2) A contractor must:
- (a) at the time of engaging a subcontractor, provide to the subcontractor a copy of the form (including the completed Parts A and B) issued by the retailer under clause 13(1); and
  - (b) keep a copy of the form for a period of 6 years from the date of providing a copy of the document to the subcontractor.

**17. Relevant person must inform retailer of any changes to details provided by retailer under this code**

- (1) A relevant person has an obligation under this code to assist a retailer to maintain accurate records in respect of an agreement with the retailer for the supply of clothing products:
- (a) to facilitate compliance with, and prevent avoidance of, a relevant award with respect to the engagement and performance of work by outworkers in the supply of clothing products for retail sale within New South Wales; and
  - (b) to prevent the use of legal structures and other commercial arrangements as a means of avoiding the payment of remuneration and other lawful entitlements to outworkers in the clothing trades.
- (2) A relevant person must inform a retailer in writing of any false or misleading information, or changes to particulars, provided to the retailer under clause 15(3) of this code within 14 days of the relevant person becoming aware of the information or change.

**18. Supplier's continuing entity to provide information to retailer**

- (1) A supplier's continuing entity must give written notice to a retailer that the continuing entity has or intends:
- (a) to assume:
    - (i) all or any of the supplier's obligations; or
    - (ii) any of the rights of the supplier (without assuming obligations) including, but not limited to, a claim for any remuneration or other benefit payable to the supplier; or
    - (iii) all of the supplier's rights and obligations; and
  - (b) transfer:
    - (i) all or any of the supplier's obligations; or
    - (ii) any of the rights of the supplier (without assuming obligations) including, but not limited to, a claim for any remuneration or other benefit payable to the supplier; or
    - (iii) all of the supplier's rights and obligations

under an agreement made within the State between the retailer and supplier.

- (2) A supplier's continuing entity must:
- (a) on the assumption of an obligation or right, under an agreement made within the State; and

(b) if an outworker is, or has been, engaged under the State Award to perform work in respect of the supply of clothing products under the agreement;

provide to the retailer details of arrangements for the payment of the outworker lawful entitlements by the supplier or the continuing entity, or both, as the case may be.

(3) The provisions of:

- (a) subclause (1) are satisfied if the supplier's continuing entity lodges with the retailer a declaration in or to the effect of:
  - (i) in the case of the assumption of an obligation or right under an agreement – Schedule 3 of this code; or
  - (ii) in the case of the transfer of an obligation or right - Schedule 4 of this code, and
- (b) subclause (2) are satisfied if the continuing entity lodges with the retailer a declaration in or to the effect of Schedule 5 of this code,

within 14 days of the assumption, exercise or assignment of the obligation or right.

- (4) Notwithstanding the application of subclauses (1) and (2) to agreements made within the State, a supplier's continuing entity must not cause or permit a retailer to keep records within the State that fail to disclose any of the matters prescribed in those subclauses in respect of the continuing entity's assumption or transfer of an obligation, or right, under an agreement made outside the State.
- (5) A supplier's continuing entity may inspect any records kept by a retailer within the State relating to the continuing entities assumption or transfer of a right or obligation, or right and obligation, under an agreement.

#### **19. Obligations of suppliers who carry on business outside the state**

- (1) A supplier must assist a retailer to maintain accurate records within the State in relation to agreements with the retailer for the supply of clothing products by:
  - (a) the supplier; and
  - (b) a contractor of the supplier; and
  - (c) the supplier's continuing entity, and
- (2) A supplier must not cause or permit a retailer to keep within the State:
  - (a) a copy of the form provided to the supplier under clause 13(1) that:
    - (i) does not include a copy of the Part B completed by the supplier; or
    - (ii) includes a copy of the Part B which is incomplete; or
    - (iii) includes a copy of the Part B which contains false or misleading information; and
  - (b) records that fail to disclose information required to be provided by the supplier under clause 15.
- (3) A supplier may inspect any records kept by a retailer within the State relating to an agreement for the supply of clothing products by the supplier.
- (4) For the purposes of this clause a reference to a supplier means a supplier who carries on business outside the State

#### **Part 5 General**

#### **20. Notice may be given to retailers to produce records**

- (1) An authorised person may, by written notice, require a retailer to produce:
  - (a) for the examination by the officer or other authorised person indicated in the notice ; and
  - (b) on such date and at such time and place (other than the retailer's registered office or principal place of business),as the authorised person may specify in the notice,

- any record required to be kept under this code for the purpose of investigating possible contraventions of the relevant award (whether on complaint or by way of routine investigation).
- (2) A record produced by a retailer under subclause (1) may be retained by the authorised person for such reasonable period as may be necessary to take copies of or extracts from it.
- (3) A notice under this clause:
- (a) must be in or to the effect of Schedule 6 of this code; and
  - (b) may be given personally or served by post at:
    - (i) the registered office; or
    - (ii) the principal place of business; or
    - (iii) the address of the nominated agent,of a retailer within the State.
- (4) An authorised person must provide a receipt to the retailer on the production of documents under this clause which must indicate the time, date, place and nature of documents produced.
- (5) An authorised person must keep confidential the contents of any record made available under subclause (1).
- (6) Subclause (5) does not operate to prevent the disclosure of information if that disclosure is:
- (a) made in connection with the administration or enforcement of the industrial relations legislation, or the provisions of this code or a relevant award; or
  - (b) made with the prior permission of the Minister; or
  - (c) ordered by a court, or by any other body or person authorised by law to examine witnesses, in the course of, and for the purpose of, the hearing and determination by that court, body or person of any matter or thing.
- (7) A retailer must not produce to an authorised person a record containing inaccurate or false information, with intent:
- (a) to mislead or deceive the authorised person; or
  - (b) to evade any of the provisions of this code; or
  - (c) to avoid obligations under a relevant industrial instrument; or
  - (d) to facilitate, or aid in, a relevant person evading any of the provisions of this code or a relevant industrial instrument.
- (8) Where a notice is issued by an authorised officer or employee of the TCFUA, a contravention of subclauses (1) and (7) may be enforced by the authorised officer or employee on behalf of the TCFUA.

**Note: Clause 19(8) is subject to compliance with the requirements of section 399(1)(a) of the *Industrial Relations Act 1996* as applied under section 15 of the *Industrial Relations (Ethical Clothing Trades) Act 2001*.**

- (9) A reference in this clause to a record includes a reference to any document (including an extract of a document or record) that is required to be kept under this code and to any particulars contained in the document.

**21. Suppliers and other relevant persons to be registered under a relevant industrial instrument**

A retailer must not knowingly:

- (a) enter into an agreement with a supplier involving the engagement of an outworker unless the supplier, and each contractor used by the supplier, are registered under a relevant industrial instrument to give out work out to be performed outside the supplier's or contractor's premises; and
- (b) accept clothing products under an agreement from a relevant person where work has been performed on the goods by an outworker, unless the relevant person is registered under a relevant industrial instrument to give out work out to be performed outside the relevant person's premises.

**22. Person making declarations under code taken to have authority**

- (1) A person on whose behalf a declaration is made, or information has been provided, under this code, is taken to have authorised the making of the declaration or the provision of the information if the declaration or information is made or provided by:
  - (a) a person who has the capacity to control the first-mentioned person; or
  - (b) any person who is held out by the first-mentioned person to have that authority; or
  - (c) where the first-mentioned person is a body corporate - an officer of that body; or
  - (d) a person who has received a benefit directly or indirectly from the first-mentioned person for the making of the declaration or provision of the information.
- (2) Notwithstanding the provisions of subclause (1)(b) and (c), a person will not be taken to be liable under those provisions if the person can show:
  - (a) that the declaration or provision of information was done without authority of the person; and
  - (b) that in the circumstances it would be unreasonable for the person to be held liable for the declaration or the provision of the information, as the case may be.

**23. Misleading or deceptive information**

A retailer or relevant person must not:

- (a) knowingly engage in conduct that is misleading or deceptive, or likely to mislead or deceive an outworker regarding the outworker's:
  - (i) entitlements under a relevant award; or
  - (ii) civil liability to an employer or other relevant person; and
- (b) make, order or allow to be made any entry or erasure in, or any omission from records or other document that is, produced, delivered or kept for the purposes of this code, with intent to falsify them or it, or to evade any of the provisions of this code.

**24. Aiding in or facilitating the evasion of the code or outworker entitlements**

- (1) A retailer or relevant person must not aid or facilitate another person to evade, or attempt to evade:
  - (a) the provisions of this code; or
  - (b) the payment of outworker entitlements under a relevant award.
- (2) A retailer or relevant person will be taken to have contravened subclause (1) if the retailer or relevant person engages in any conduct:
  - (a) which would lead a reasonable person in the position of the retailer or relevant person to believe that the conduct would aid or facilitate a person to evade:
    - (i) any provision of this code; or
    - (ii) the payment of entitlements to an outworker under a relevant award; or
  - (b) that is performed outside the State, but which has the effect of negating or restricting:
    - (i) the implementation or operation of this code; or

- (ii) enforcement of, and compliance with, this code; or
  - (iii) obligations under this code,
- within the State in respect of a person, or class of persons, engaged in the manufacturing of clothing products.
- (3) A person must not by intimidation or duress or undue influence bring about an act whereby a person in the clothing industry fails to comply with any provision of this code.
- (4) Nothing in this clause is to be interpreted as affecting or removing lawful rights and entitlements which a retailer or relevant person has under a law of the State, Commonwealth or another State or Territory.

**25. Schedules of code to be completed in accordance with directions**

A form contained in a Schedule, or part of a Schedule, to this code must be completed in accordance with the directions and instructions specified in the form.

**26. Keeping of records within the state**

- (1) All records required to be kept by a person under this code (including extracts of records provided, under clause 12), must:
  - (a) be kept in the State:
    - (i) at the person's registered office or principal place of business; or
    - (ii) at the address of a nominated agent of the person,
  - for a period of 6 years from the date of the making of the document, unless otherwise stated in this code; and
  - (b) during normal business hours be made available to an inspector on request.
- (2) Records kept in accordance with subclause (1) may be stored or recorded electronically if a written reproduction of the stored or recorded document is available for inspection or production in accordance with this code.

**27. General requirements for documents**

A document or form required to be given under this code must:

- (a) be on white or light pastel colour paper;
- (b) of international A4 size; and
- (c) of medium weight and good quality; and
- (d) contain information which is clearly printed or written in black or dark blue ink in a manner that is permanent and will make possible a reproduction, by photographic, computerised or other electronic means; and
- (e) not be a carbon copy or a copy reproduced by any spirit duplication method.

**Ethical Clothing Trades Extended Responsibility Scheme**

**SCHEDULE 1**

(Clause 12(3))

SCHEDULE OF SUPPLIERS' PARTICULARS  
 RELATING TO THE PERIOD ENDING ..... 20....

Supplier's name (including ABN/ ARBN and CRN)	Supplier's address (registered office or principal place of business)	Date of agreement	Engagement of outworkers
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

.....

Name of Retailer

.....

Registered Office/Principal place of business of retailer in NSW

.....

Date of Return

.....

Signature

.....

Designation

---



**Ethical Clothing Trades Extended Responsibility Scheme**

No: 20.../.....

Year      Retailer's identification number

**SCHEDULE 2 - Part A**

(Clause 13)

**Details to be provided by retailer to supplier:**

**1. Details of Agreement**

Name of retailer.....

Agreement for the supply of clothing products by.....(Supplier)

ACN/ARBN .....ABN .....

of.....(Supplier's address)

dated on \_\_\_\_/\_\_\_\_/\_\_\_\_

**2. Manufacture of clothing products**

Are the clothing products to be manufactured to retailer's specifications?     YES     NO

If no, go to question 3.

If yes, provide a description (including size, style, image or sketch drawing) and any other relevant information in order to identify the clothing products to be supplied by the supplier

.....

A description of the nature of the work to be performed (e.g., overlocking, machine fusing, etc.,)

.....

**3. General information regarding supply of clothing products**

Has the supplier provided a copy of the order form for the clothing products?     YES     NO

If yes, the order form must be attached with the copy of this document that is kept by the retailer.

**4. Commencement of agreement**

Agreement to commence on:

the date on which details are provided by the supplier to the retailer under Part B of this form; or

the date of this form

(Whichever is later)

dated on \_\_\_\_/\_\_\_\_/\_\_\_\_

.....

.....

Signature

Designation

Ethical Clothing Trades Extended Responsibility Scheme

(Clause 15)

Details to be provided by supplier to retailer:

1. Details of Agreement

Agreement for the supply of clothing products to.....(name of retailer)
ACN/ARBN..... (Retailer) ABN.....
of..... (Retailer's address)
dated on \_\_\_/\_\_\_/\_\_\_

2. Supplier's particulars

Name of the supplier of the clothing products.....
ACN/ARBN ..... ABN.....
Address of the supplier's principal place of business
.....
Address where the work is to be performed
.....

If the work is to be performed in a factory, provide details of the registered factory number/approval and the legislation under which the registration /approval is effected
.....

If outworkers are to be used in the supply of clothing products, provide details of:

- (a) the registration number and the name of the relevant industrial instrument under which the supplier is authorised to give out work to be performed outside the supplier's premises
.....
(b) the name and address of each outworker
.....
(c) the name and address of the employer of the outworkers
.....

3. Contractor's particulars

Name of each contractor to be engaged by the supplier
1).....
ACN/ARBN ..... ABN.....
Address of each contractor's registered office or principal place of business
2).....
Address where the work is to be performed
.....

If the work is to be performed in a factory, provide details of the registered factory number/approval and the legislation under which the registration /approval is effected
.....

If outworkers are to be used in the supply of clothing products, provide details of:

(a) the registration number and the name of the relevant industrial instrument under which each contractor is authorised to give out work

.....

(b) the name and address of each outworker

.....

(c) the name and address of the employer of the outworkers

.....

**4. Details of clothing products supplied under agreement**

The number of and type of clothing products to be made under the agreement

.....

Address where clothing products are to be delivered to the retailer

.....

Date of supply \_\_\_/\_\_\_/\_\_\_

**UNDERTAKING AS TO THE EMPLOYMENT OF OUTWORKERS UNDER RELEVANT AWARD  
TO BE COMPLETED IN RESPECT OF CLOTHING PRODUCTS MANUFACTURED TO  
RETAILER'S SPECIFICATIONS**

I.....of.....do hereby agree

- (1) that the engagement of outworkers by \*me/us and by \*my/our contractors will be under conditions that are no less favourable than those prescribed under....., the relevant award; and
- (2) that all addresses where work is performed on the clothing products (whether at a factory or at the residential address of an outworker) will be disclosed to the retailer; and
- (3) that a breach of this undertaking by \*me/us and \*my/our contractors will be taken to be breach of an essential term of the agreement referred to in Part A of this form, and will be grounds for termination of the agreement.

Date of supplier providing details \*and undertaking to retailer \_\_\_/\_\_\_/\_\_\_

.....

Signature

Designation

\*Strike out words which are not applicable

Note: A supplier who carries on business outside NSW must not cause or permit the retailer to keep within NSW a copy of this Part B which is incomplete, or which contains insufficient information or information that is false or misleading, in relation to details of the supplier or a contractor of the supplier.



**Ethical Clothing Trades Extended Responsibility Scheme**

**SCHEDULE 3**

(Clause 18(3)(a)(i))

**DECLARATION BY SUPPLIER'S CONTINUING ENTITY  
(ASSUMPTION OF OBLIGATIONS AND/ OR RIGHTS)**

To.....

NAME OF RETAILER

of.....

ADDRESS OF RETAILER

\*I/we.....

NAME/S OF CONTINUING ENTITY/IES

of.....and

ADDRESS

being a supplier's continuing entity within the meaning the Ethical Clothing Trades - Extended Responsibility Scheme, do hereby declare that:

\*I/we intend to assume/have assumed from .....the obligations \*and/or

dated on \_\_\_/\_\_\_/\_\_\_

rights of .....

SUPPLIER'S NAME

in the performance of an agreement dated .....between

you and the supplier in respect of the delivery of clothing products on \_\_\_/\_\_\_/\_\_\_

Obligations \*and/or rights assumed or to be assumed are:

.....

\*I/We are authorised to make this declaration.

dated on \_\_\_/\_\_\_/\_\_\_

.....

Signature

.....

Designation

\*Strike out words which are not applicable

**Ethical Clothing Trades Extended Responsibility Scheme**

**SCHEDULE 4**

(Clause 18(3)(a)(ii))

**DECLARATION BY SUPPLIER’S CONTINUING ENTITY**

(TRANSFER OF OBLIGATIONS AND/ OR RIGHTS)

To.....

NAME OF RETAILER

of.....

ADDRESS OF RETAILER

\*I/we.....

of.....and.....,

ADDRESS OF CONTINUING ENTITY/IES

being a supplier’s continuing entity within the meaning the Ethical Clothing Trades - Extended Responsibility Scheme, do hereby declare that:

\*I/we intend to transfer/have transferred

to.....of.....

.....from.....

the obligations *\*and/or* rights of .....(the supplier)

in the performance of an agreement dated .....

between you and the supplier in respect of the supply of clothing products on \_\_\_/\_\_\_/\_\_\_

Obligations *\*and/or rights* to be transferred, or which have been transferred, under the agreement are:

.....

\*I/We are authorised to make this declaration.

dated on \_\_\_/\_\_\_/\_\_\_

.....

Signature

.....

Designation

\*Strike out words which are not applicable

**Ethical Clothing Trades Extended Responsibility Scheme**

**SCHEDULE 5**

(Clause 18(3)(b))

**DECLARATION BY SUPPLIER'S CONTINUING ENTITY  
(ENGAGEMENT OF OUTWORKERS)**

To.....

NAME OF RETAILER

of.....

ADDRESS OF RETAILER

\*I/we.....

NAME/S OF CONTINUING ENTITY/IES

of.....and.....,

ADDRESS OF CONTINUING ENTITY/IES

being a supplier's continuing entity within the meaning the Ethical Clothing Trades - Extended Responsibility Scheme, do hereby declare that:

1. in respect of an agreement between the supplier and you dated .....

work *\*is to be/has been* performed by outworkers engaged

by ..... under the provisions

NAME OF PERSON ENGAGING OUTWORKERS

of .....

AWARD OR OTHER STATUTORY INSTRUMENT

being the State Award; and

2. the following arrangements have been made by.....

PERSON ENGAGING OUTWORKERS

for the payment of lawful entitlements to outworkers:

.....

\*I/We are authorised to make this declaration.

dated on \_\_\_/\_\_\_/\_\_\_

.....

Signature

.....

Designation

\*Strike out words which are not applicable

**Ethical Clothing Trades Extended Responsibility Scheme**

**SCHEDULE 6**

**NOTICE TO RETAILER TO PRODUCE RECORDS**

(Clause 20)

To: .....(name of retailer)

You are hereby required under clause 20 of the Ethical Clothing Trades – Extended Responsibility Scheme (the Code) to produce to me or \* another Inspector/ authorised industrial officer or employee of the TCFUA, NSW Branch on *(date)* at *(time)* at *(full details of place)* the records referred to in the Schedule to this notice that are required to be kept by you under the Code.

**Please note the provisions of section 13 of the Industrial Relations (Ethical Clothing Trades) Act 2001 prescribes a maximum penalty of 100 penalty units for a contravention of the Code.**

**SCHEDULE**

.....

Signature of Person giving the Notice

.....

Print Name (\*An inspector/Authorised industrial officer or employee of the TCFUA)

.....

Date of issue of Notice

\* Strike out words which are not applicable



# NOISE

## MANAGEMENT AND PROTECTION OF HEARING AT WORK

**CODE OF PRACTICE** 2004  
WORKCOVER NSW HEALTH AND SAFETY CODE OF PRACTICE



Commenced 31 May 1997 and amended 17 December 2004

**Disclaimer**

This publication contains information regarding occupational health, safety, injury management or workers compensation. It includes some of your obligations under the various workers compensation and occupational health and safety legislation that WorkCover NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate Acts.

This publication may refer to WorkCover NSW administered legislation that has been amended or repealed. When reading this publication you should always refer to the latest laws. Information on the latest laws can be checked at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) or contact (02) 9238 0950 or 1800 463 955 (NSW country only).

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## Foreword

This Code of Practice has been published by the WorkCover Authority of NSW to assist employers, self-employed persons and employees to develop and implement practices for noise management and protection of hearing at work.

This Code adopts the provisions of the National Code of Practice for Noise Management and Protection of Hearing, produced by the National Occupational Health and Safety Commission (NOHSC).

This code was originally developed through consultation with the then Occupational Health, Safety and Rehabilitation Council of NSW and commenced on 31 May 1997.

The Code has now been amended to replace references to the repealed *Occupational Health and Safety Act 1983* and Regulations made under that Act with references to the *Occupational Health and Safety Act 2000* and the Regulations made under that Act and, to include generic information relating to the importance of occupational health and safety, including an employer's obligation to consult with employees on matters affecting their safety and welfare at work.

The substance of this Code remains unchanged from the initial Code of Practice for Noise Management and Protection of Hearing that commenced on 31 May 1997.

Jon Blackwell  
Chief Executive Officer  
WorkCover NSW



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# 1. Introduction

## 1.1 Citation

This Code of Practice may be cited as the Code of Practice for Noise Management and Protection of Hearing at Work.

## 1.2 Purpose

This Code of Practice provides practical guidance on complying with the *Occupational Health and Safety Act 2000* (the Act) and the *Occupational Health and Safety Regulation 2001* (the Regulation).

## 1.3 Scope

This Code of Practice applies to all places of work, other than mines within the meaning of the *Coal Mines Regulation Act 1982* and the *Mines Inspection Act 1901*, and to all persons in those workplaces with potential for exposure to excessive noise.

## 1.4 Commencement

This Code of Practice commenced on 31 May 1997 was amended on 17 December 2004 to replace references to the *Occupational Health and Safety Act 1983* and regulations made under that Act with references to the *Occupational Health and Safety Act 2000* and the Regulations made under that Act and, to include additional generic information relating to the importance of occupational health and safety including information relating to an employer's obligation to consult with employees.

This is an industry Code of Practice amended by the Minister for Commerce under sections 43 and 45 of the Act.

## 2. General principles

This Code of Practice provides a framework for managing exposure to noise at work and for minimising the risk of the effects of such exposure. It also provides guidance, which will assist employers and employees to understand and conform with the Act and the Regulation.

### Why is occupational health and safety (OHS) so important?

A workplace incident that causes an injury to an employee or visitor to the workplace does not only have a cost to the insurer and the employer, there are additional social costs. The cost to the community, the emotional and psychological effects on the injured person and their family should not be overlooked when calculating the final impact of the injury. Often an employee is unable to resume an active role in the community following a workplace incident.

Under the Act and the Regulation employers have a legal duty to protect the health and safety of all people at their workplace. This includes full and part-time workers, casual employees, contractors, customers and other visitors to your workplace.

The law requires employers to:

- identify hazards at workplaces
- assess the risks
- find ways to eliminate the hazards or control the risks that they present
- consult with employees on health and safety matters.

Controllers of work premises have a duty to ensure that premises are safe and without risks to health.

### 2.1 Objectives

The objectives of this Code of Practice are to:

- minimise occupational noise-induced hearing loss and tinnitus by an approach that emphasises the reduction of noise levels at work by elimination, or other engineering noise control measures
- promote the recognition and understanding of the effects of exposure to noise
- promote the adoption of a systematic approach to the management of exposure to excessive noise
- promote implementation through established consultative processes.

### 2.2 Strategies

The most effective approach for controlling occupational noise exposure is through the reduction of noise at source.

A comprehensive approach comprising risk identification, equipment and job redesign, training and education should be adopted to effectively manage the risk of noise induced hearing loss and other noise related health effects.

### 2.3 Consultation

The Act requires employers to consult with employees when making decisions that affect their health, safety and welfare at work. The involvement of employees in identifying hazards and solving health and safety problems is an essential step in making workplaces safe and healthy.

#### What is meant by consultation?

Consultation involves sharing information with employees, giving them the opportunity to express their views before decisions are made, valuing their views and taking them into account.

Consultation is based on the recognition that employee input and participation improves decision-making about health and safety matters at workplaces and will assist in the conduct of risk assessments and the development of safe operating procedures.

#### When must consultation occur?

Consultation must occur when:

- changes occur that may affect health, safety or welfare are proposed to the –
  - ✓ work premises
  - ✓ systems or methods of work
  - ✓ plant or substances used for work
- assessing the risk to health and safety arising from work
- decisions are made about measures to be taken to eliminate or control those risks
- introducing or altering the procedures for monitoring risk
- decisions are made about the adequacy of facilities for employee welfare
- decisions are made about the procedures for consultation.

Employers must also consult with employees about what the consultation arrangements are going to be. The Act provides three options for consultation arrangements:

1. An OHS committee comprising employer and employee representatives.
2. OHS representatives elected by employees.
3. Other arrangements agreed by the employer and employees.

### 2.4 Provision of information

Information should be provided to employees, taking language and literacy into account, to familiarise them with:

- what noise is
- the range of health effects due to noise
- the social handicaps of noise-induced hearing loss and tinnitus
- the sources of exposure to noise in their particular workplace

- the reasons for, and nature of, the general noise control measures which are used to protect them and other persons who might be affected by their work
- the specific control measures which are necessary in relation to each employee's own job (these measures may include instruction in the correct use and maintenance of noise control equipment and correct methods of operation for minimizing noise levels)
- the noise control policy, program of action and timetable for future improvements
- the arrangements for reporting defects likely to cause excessive noise
- when and how to use personal hearing protectors provided and their proper care and maintenance
- statutory responsibilities of employers and employees
- availability and accessibility of hearing testing.

## **2.5 Employers' responsibilities**

The prime responsibility for ensuring that a safe working environment is established, and safe work practices are implemented and maintained, resides with the employer. Employers should ensure that:

- statutory requirements are complied with
- a noise control policy and program of action are developed
- all levels of management and employees are aware of the control measures to reduce exposure to noise
- all employees are encouraged to cooperate in using agreed safe work practices
- information on noise, the risks of exposure to noise and the appropriate control measures are disseminated in a manner appropriate to the workplace
- a comprehensive personal hearing protection program, including the selection of personal hearing protectors, and instruction of employees in their correct use and maintenance, is implemented
- employees receive appropriate training and education when it is required.

Employers should recognise the supervisor's role in the management of noise and the protection of hearing at work. There should be close liaison between supervisors and employees.

## **2.6 Employees' responsibilities**

Employees should comply with all statutory requirements and established workplace procedures and cooperate, as far as they are capable, in all activities which have as their objective the protection of hearing at work and the minimisation of occupational noise-induced hearing loss.

## **2.7 Duties of manufacturers, importers and suppliers of plant for use in a workplace**

Manufacturers, importers and suppliers should ensure that plant is designed and constructed so that its noise emission is as low as practicable when properly installed and used. Where necessary, research and development work should be carried out to reduce noise emission.

In deciding whether plant is likely to be noisy enough to require consideration of noise reduction, it will be necessary to take into account the range of uses for which it is sold, available information on the conditions under which it is likely to be used and the foreseeable methods of using it.



If operation of the plant is likely to create a noise hazard, the manufacturer, importer or supplier should ensure that adequate information is made available to the employer, if possible prior to the supply of the plant, about:

- its noise emission
- the means of installation, maintenance and use of the plant that will enable it to generate the lowest practicable noise levels.

Guidance for manufacturers, importers and suppliers on the presentation of information for noise levels generated by plant is provided in the Appendix.

### 3. Noise control planning

The employer, in consultation with employees and employee representative(s), should develop a written noise control policy and program of action to implement noise control and manage exposure to noise.

Copies of the policy and program of action should be available to all employees and employee representative(s) on request, and should form a basic part of the information, induction and training activities.

#### 3.1 Policy

The noise control policy sets goals for the workplace in terms of noise exposure levels to be attained and the broad strategies to be used to meet them.

The policy should be reviewed at appropriate intervals and updated as necessary.

A noise control policy should cover the following issues, where they are applicable to the workplace concerned:

- goals for noise exposure and peak noise levels in existing work areas
- design goals for new work areas (both for the building and plant)
- the selection and purchase of quiet plant
- noise controls to be used in temporary work areas and situations
- agreements with contractors in terms of responsibilities for noise control and provision of information
- audiometric testing and availability of records
- the funding for the noise control program
- the period of review of the noise control program.

#### 3.2 Program of action

The specific steps in the program of action should be implemented over agreed periods. Steps to be implemented as a program of action include the following:

- assign a member of management to have overall responsibility for implementation and monitoring of the program
- conduct a preliminary noise check to determine whether problems with exposure to noise are likely to exist
- decide the type and detail of assessments to be carried out, the period between them and the persons carrying them out
- develop a program for the selection of new or replacement plant which, where practicable, is likely to minimise exposure to noise
- decide whether or not engineering noise control measures are practicable and the priorities to be given to different noisy situations
- decide on suitable administrative noise control measures
- select, provide and maintain suitable personal hearing protectors
- identify, with the use of appropriate signs, hearing protection areas

- 
- provide on-going training and education to employees
  - provide voluntary audiometric testing
  - develop monitoring procedures which should include the following:
    - ✓ check that measures used to control noise levels, such as silencers or enclosures, are maintained in good order and are in position during the operation of noisy machines
    - ✓ check, where necessary, the noise level to ensure that hidden defects are not causing high exposure to noise
    - ✓ monitor the use of personal hearing protectors
    - ✓ check that hearing protectors are maintained in good condition
  - maintain relevant records and make them available – the records should be kept in a form easily understood by those likely to be exposed
  - integrate the program of action with the employer's rehabilitation policy and program.

## 4. Engineering noise control measures

### 4.1 New plant and workplaces

The purchase of new plant, the design of the area in which it is to be installed, and the design of new workplaces generally, provide opportunities for cost-effective noise control measures.

Invitations to tender for the supply of new plant should specify a maximum acceptable level of noise emission. If plant is to be purchased directly, without tender, noise emission data should be obtained from suppliers to enable the selection of plant that meets the requirements of the Regulation. Guidance for manufacturers, importers and suppliers on the presentation of information about noise levels emitted by plant is provided in the Appendix.

For guidance on interpreting suppliers' noise emission data, employers purchasing new plant can refer to the section "Using Suppliers' Noise Information" in Module 8 "Buy Quiet" of NOHSC publication *Noise Management at Work: Control Guide 4*.

New workplaces, and installation sites for new plant in existing workplaces, should be designed and constructed to ensure that exposure to noise is at or below the standards set by the Regulation.

If new plant is likely to expose people in the workplace to excessive noise, design features should incorporate effective engineering noise control measures to reduce noise to as low a level as practicable.

Where plant is to be designed for a particular workplace, designers should:

- obtain agreement with the client on goals for noise, be aware of the noise control policy for that workplace and establish a budget that will allow for effective noise controls at the design stage
- consider the effect on overall noise levels of building reverberation, the building layout and the location of workstations relative to plant
- consider the transmission of noise through structures and ducts
- design for acoustical plant rooms and control rooms where appropriate
- design acoustic treatments for external environmental control in a way that will reduce internal noise and vice versa.

### 4.2 Existing plant and workplaces

Once a noise assessment has been carried out and the necessity to reduce the noise exposure of employees is established, the task of controlling the noise can be addressed. Priority should be given to those noise sources which contribute to the highest noise exposures affecting the largest number of people. Noise exposure levels should be reduced to, or below, the standards set by the Regulation. Further reductions in noise levels should be carried out wherever practicable. The need for noise control should be taken into account when deciding on production methods or processes.

There are two basic engineering noise control measures for controlling noise levels:

- engineering treatment of the source
- engineering treatment of the noise transmission path (including enclosure of the operator).

For guidance on comparing the effectiveness and cost of various noise control measures, refer to Module 9 “Evaluating Options” in the National Commission publication *Noise Management at Work: Control Guide* 4. For guidance on using in-house resources for noise control work, especially in the course of plant maintenance and modification, refer to Module 3 “In-house Control” in the same publication.

### 4.3 Engineering treatment of the source

Engineering treatment of the source is the preferred method of permanently removing the problem of noise exposure due to machinery or processes at the workplace. Since all noise-emitting objects generate airborne energy (noise) and structure-borne energy (vibrations), the treatment of these noise problems may require modification, partial redesign or replacement of the noise-emitting object.

Subjective inspection or acoustical measurement of the device can identify how and where the noise is generated. Some problems can be solved by relatively inexpensive and simple procedures; some are difficult. The advice from specialists may be beneficial in achieving best results. This code of practice includes reference to some of the simpler methods of noise control that might be achieved by management in the workplace.

When seeking a solution to a noise problem, an understanding of the operation of the machine or process is necessary in considering the possible treatment of the noise at source. Engineering noise control measures can be specifically targeted at the machine and its parts, or towards the actual processes, including material handling systems.

General noise control solutions, and examples of particular engineering noise control measures which can be carried out on machines, are provided below:

- Eliminate or replace the machine or its operation by a quieter operation with equal or better efficiency, for example, by replacing rivets with welds.
- Replace the noisy machinery by installing newer equipment designed for operating at lower noise levels. Machinery power sources and transmissions can be designed to give quiet speed regulation, for example, by using stepless electric motors.
- Vibration sources can be isolated and treated within the machine. Cover panels and inspection hatches on machines should be stiff and well damped. Cooling fins can be designed to reduce the need for forced airflow and hence fan noise.
- Correct the specific noise source by minor design changes. For example, avoid metal-to-metal contact by the use of plastic bumpers, or replace noisy drives with quieter types or use improved gears.
- A high standard of plant and equipment maintenance should be provided to facilitate compliance with the standard set by the Act and the Regulation. Badly worn bearings and gears, poor lubrication, loose parts, slapping belts, unbalanced rotating parts and steam or air leaks all create noise which can be reduced by good maintenance.
- Plant and equipment resulting in excessive noise levels should be repaired immediately.
- Correct the specific machine elements causing the noise by a local source approach, rather than by consideration of the entire machine as a noise source. For example, by the addition of noise barriers, noise enclosures, vibration isolation mountings, lagging to dampen vibrating surfaces, mufflers or silencers for air and gas flows, or reducing air velocity of free jets. These may be considered as a solution for the individual noise producing elements of the total operation.
- Separate the noisy elements which do not need to be an integral part of the basic machine. For example, move pumps, fans and air compressors that service the basic machine.

- Isolate the vibrating machine parts to reduce noise from vibrating panels or guards.

In addition to engineering changes to machinery and parts, processes can be modified to reduce noise. Specific means of modification include the use of processes which are inherently quieter than the alternatives, for example, mechanical pressing rather than drop forging. Metal-to-metal impact should be avoided or reduced, where possible, and vibration of the surfaces of the machine or the material being processed should be suppressed. This can be achieved, for example, by the choice of suitable materials, by adequate stiffness and damping or by careful dynamic balancing where high speed rotation is used.

Material handling processes, in particular, can also be modified to ensure that impact and shock during handling and transport are minimised as far as possible. This may be achieved by:

- minimising the fall height onto hard surfaces of items collected by tables and containers
- Fixing damping materials to, or stiffening, tables, walls, panels or containers where they are struck by materials or items during processing
- absorbing shocks through the provision of wear-resistant rubber or plastic coatings
- using conveyer belts rather than rollers which are more likely to rattle
- controlling the speed of processes to match the desired production rates, thereby obtaining a much smoother work flow and less likelihood of noise generation due to stop-start impact noise.

#### **4.4 Engineering treatment of the noise transmission path**

If it is not possible to change or modify the noise-generating equipment or processes by engineering treatment of the source, engineering treatment of the noise transmission path between the source and the listeners, in this case the employees, should be investigated.

Engineering treatment of the noise transmission path includes isolating the noise-emitting object(s) in an enclosure, or placing them in a room or building away from the largest number of employees, and acoustically treating the area to reduce noise to the lowest practicable levels.

Alternatively, it may be desirable to protect the operator(s) instead of enclosing the sound sources. In this case, design of the sound-proof room or sound-reducing enclosures should still follow the same principles.

The principles to be observed in carrying out engineering treatment of the noise transmission path are listed below:

- Distance is often the cheapest solution, but it may not be effective in reverberant conditions.
- Erect a noise barrier between the noise source and the listener, in some instances a partial barrier can be used to advantage. In cases where either area has a false ceiling, care should be taken to ensure that the dividing wall extends to the true ceiling and that all air gaps in the wall are closed and airtight.
- Once the acoustical barrier is erected, further treatment, such as the addition of absorbing material on surfaces facing the noise source, may be necessary.
- Materials which are good noise barriers, for example, lead, steel, brick and concrete, are poor absorbers of sound. The denser and heavier the material, the better the noise barrier.
- Good sound absorbers such as certain polyurethane foams, fibreglass, rockwool and thick pile carpet are very poor barriers to the transmission of sound.

- Walls and machine enclosures must be designed to minimise resonances which will transmit acoustical energy at the resonant frequency to the protected area. This can be achieved by placing reinforcement or bracing in strategic areas during construction or modification.
- Reduce, as far as possible, the reverberation of the room where noise is generated by the introduction of acoustically absorbent material(s). The presence of reverberation in a room shows the need for absorbing material. Excessive reverberation produces unpleasant and noisy conditions which can interfere with speech communication.

These principles can be utilised in the following way:

- using a sound-reducing enclosure which fully encloses the machine(s)
- separating the noisy area and area to be quietened by a sound-reducing partition
- using sound-absorbing material on floors, ceiling and/or walls to reduce the sound level due to reverberation
- using acoustical silencers for intake and exhaust systems associated with gaseous flow activity, for example, internal combustion engine exhaust systems or air conditioning systems.

#### **4.5 Inspection and maintenance of controls**

A system should be established to ensure regular inspection and maintenance of vibration mountings, impact absorbers, gaskets, seals, silencers, barriers, absorptive materials and other equipment used to control noise.

## 5. Administrative noise control measures

Where it is not practicable to comply with the standard set by the Regulation solely through engineering noise control measures, administrative noise control measures may also be used. Administrative noise control measures may include job rotation, job redesign or rosters which are designed so that as few employees as possible are exposed to noisy operations.

If administrative controls are relied on, there should be regular checks to ensure that they are fully and correctly complied with.



## 6. Personal hearing protectors

When engineering and administrative noise control measures do not reduce the exposure to noise below the standard set by the Regulation, employees should be supplied with, and wear, effective personal hearing protectors.

Personal hearing protectors should not be used when noise control by engineering or administrative noise control measures is practicable. They should normally be regarded as an interim measure while control of noise exposure is being achieved by these means.

The removal of personal hearing protectors for even short periods of time can significantly reduce their effectiveness and result in inadequate protection. The difficulties of wearing personal hearing protectors for long periods of time in certain environments should be considered under the program of action developed in accordance with section 3.2 of this code of practice. Regular brief periods in quiet areas, without personal hearing protectors, should be included as part of the personal protection program.

### 6.1 Hearing protection areas

Areas where persons may be exposed to noise levels exceeding those set by the Regulation should be sign-posted as "hearing protection areas", and their boundaries should be clearly defined. No person should enter a hearing protection area during normal operation, unless wearing appropriate personal hearing protectors. The signs used to identify these areas should conform with specifications laid down in Australian Standard AS 1319 – Safety Signs for the Occupational Environment.

Additional signs within the hearing protection areas may also be necessary.

Where sign-posting is not practicable, alternative arrangements should be made in consultation to ensure that employees and others can recognise circumstances in which personal hearing protectors are required. Methods of achieving this include:

- attaching prominent warning notices to tools and equipment indicating that personal hearing protectors must be worn when operating them
- providing written and verbal instructions on how to recognise circumstances in which personal hearing protectors are needed
- effective supervision of identified hearing protection areas.

### 6.2 Selection of personal hearing protectors

It is important to ensure that personal hearing protectors will provide wearers with reliable adequate protection. Personal hearing protectors should conform to the specifications of Australian Standard AS 1270<sup>5</sup> and their attenuation should be measured in accordance with Australian Standard AS 1270. Suppliers should be instructed to provide full information on the attenuation likely to be provided including the Class,  $SLC_{80}$  and octave band attenuation values. Suppliers' reports are to be made available to employees and employee representative(s). Additional information is available in the National Acoustic Laboratories' publication Attenuation and use of Hearing Protectors<sup>6</sup>. Information on calculating the protection required is provided in Australian Standard AS 1269<sup>3</sup>.

Provided that adequate protection is given, it is preferable for the user to be allowed a reasonable choice from a range of personal hearing protectors.

Individual selection of personal hearing protectors should be based on:

- The degree of protection required in the employees' environment. Personal hearing protectors with unnecessarily high attenuation may cause communication difficulties and ultimately be unsuitable because of discomfort and inconvenience.
- Suitability for use in the type of working environment and the job involved. For example, ear plugs are difficult to use hygienically in work that requires them to be inserted with dirty hands. For such jobs, ear muffs might be better. On the other hand, ear muffs tend to be more uncomfortable in hot environments, or may make it difficult for the wearer to enter a confined space or to wear a helmet.
- The comfort, weight and clamping force of the hearing protector.
- The fit to the user. Individual fitting of the wearer is necessary for optimum protection. This should be checked while the user is wearing other regularly used items which might affect the performance of the protector. For example, spectacle wearers should be fitted with ear muffs while wearing their normal spectacles. Disposable plugs do not need individual fitting, but the ability of the material to conform to the user's ear canal should be taken into account.
- The safety of the wearer and fellow employees, for example, the suitability for use in conjunction with any other personal protective equipment that might be required, such as safety helmets or respiratory protective equipment. The wearing of personal hearing protectors should not mask warning sounds. The use of personal hearing protectors may make it more difficult for employees to hear sounds if they already have a hearing loss. Particular care may need to be exercised in such cases.

### **6.3 Inspection and maintenance**

Employers should ensure that personal hearing protectors are regularly inspected and maintained.

Employees should also inspect personal hearing protectors regularly to detect and report damage or deterioration.

Adequate provision should be made for clean storage of protectors when not in use. Facilities should be readily available for the cleaning of reusable protectors.

For further information on inspection, maintenance and storage of personal hearing protectors, refer to the National Acoustic Laboratories' publication *Attenuation and use of Hearing Protectors*<sup>5</sup> or the National Occupational Health and Safety Commission publication *Noise Management at Work: Control Guide*<sup>4</sup>.

### **6.4 Education**

Before personal hearing protectors are issued, the need for their use should be fully explained. Employees should be given guidance in the selection of appropriate personal hearing protectors. Instruction in their use, fitting, care and maintenance should be repeated at regular intervals. Employers, managers and supervisors should encourage the use of personal hearing protectors by explanation and personal example.

## 7. Training and education

Training is an integral part of a preventive strategy, and is in addition to the provision of information outlined in section 2.4 of this Code of Practice. The target groups requiring training are:

- managers and supervisors of employees considered at risk of noise-induced hearing loss and tinnitus
- employees who may be exposed to excessive noise at work
- workplace health and safety committees and employee representative(s)
- staff responsible for the purchasing of plant, noise control equipment, personal hearing protectors and for the designing, scheduling, organisation and layout of work.

### 7.1 Training objectives

The training objectives are:

- to minimise noise induced hearing loss and tinnitus by an approach that emphasises engineering noise control measures
- to recognise and promote an understanding of the nature of noise related health effects, including the cumulative effects of occupational and other noise exposure such as domestic and leisure activities, and
- to promote the adoption of a systematic approach to the management of exposure to excessive noise.

### 7.2 Program content

The needs of each target group are different, and the content and methods of presenting training material should be tailored to meet the specific needs of each group.

Handouts prepared as simple guidelines related to the needs of the group being trained should be provided for all participants. The workplace policy and program of action should be readily available to all participants.

Advice on suitable publications is available from NOHSC, State and Territory governments, and employer and employee groups.

Topics that should be included in a training program aimed at prevention of noise-induced hearing loss and tinnitus include:

- the effects of noise on hearing
- the social handicaps of noise-induced hearing loss
- the rationale for the relevant provisions of the *OHS Regulation 2001*
- the statutory responsibilities of employers and employees
- an overview of the workplace *noise control policy* and program of action
- the nature and location of noise hazards in the workplace associated with the technology, plant and/or work practices employees use in the course of their jobs
- the nature of the general noise control measures which are in use or are planned

- the specific control measures which are necessary in relation to each employee's own job. (As appropriate, this should include instruction in the correct use and maintenance of exhaust silencers, enclosures and other measures which minimize noise levels.)
- when and how to use personal hearing protectors provided including selection, fitting, proper care and maintenance
- the arrangements for reporting defects in plant or the workplace which are likely to cause exposure to excessive noise
- the purpose and nature of audiometric testing.

## 8. Noise assessments

### 8.1 Scope

All workplaces where it is considered that employees may be exposed to noise exceeding the standard set by the Regulation should be assessed, unless the exposure to noise can be reduced below the standard immediately. Workplaces where noise exposure is marginally below the standard should be reassessed whenever any changes, which may increase noise exposure, are made.

As an informal guide, when it is necessary to use a raised voice in order to communicate with a person about one metre distant, it is advisable to carry out an assessment.

### 8.2 Objectives

The type and detail of assessments carried out will depend on how the information will be used. The general objectives of these assessments are to:

- Identify all employees likely to be exposed to noise above specified levels. This will generally involve the evaluation of  $L_{Aeq,8h}$  and measurements of peak noise levels where relevant.
- Obtain information on noise sources and work practices that will help employers decide what measures should be taken to reduce noise.
- Check the effectiveness of measures taken to reduce exposure. (Provided that a base-line has been established in a more comprehensive assessment, it might be possible to restrict such surveys to measurement of noise levels at a few defined positions and under a restricted range of working or loading conditions of the equipment involved.)
- Help in the selection of appropriate personal hearing protectors.
- Delineate hearing protection areas.

The detail and accuracy needed will depend on individual circumstances.

The period between noise assessments should be determined by management in consultation with employees through established consultative processes. Assessment should be repeated at intervals not exceeding five years or whenever there is:

- installation or removal of machinery
- a change in workload or equipment operating conditions likely to cause a significant change in noise levels
- a change in building structure likely to affect noise levels
- modification of working arrangements affecting the length of time employees would spend in noisy workplaces.

Noise assessment records should be made in a consistent format and, where practicable, should be kept at or near the premises to which they apply. Where this is not practicable, for example, because of the itinerant nature of the work, such as construction work, the records should be kept available at a designated office. Assessment records should be made available to management, employee representative(s) and relevant authorities.

### 8.3 How to carry out a noise assessment

A noise assessment may be simple or quite complex, depending on the type of workplace, the number of employees and the information already available regarding noise exposure levels.

When no prior information is available, an assessment is made to establish if noise exposure is acceptable or not.

Where readings indicate that hearing protection is likely to be necessary, readings in dB(C) may also be taken during initial assessment in order to determine the attenuation required by personal hearing protectors. Alternatively, a separate follow-up assessment may be made for this purpose.

In some cases, more complex measurements are required in order to determine employees' noise exposure with acceptable accuracy, or for the selection of personal hearing protectors. For example, *octave band analysis* of the noise may be desirable if it contains intense tonal, high frequency or low frequency components.

More detailed guidance on noise measurement and recording is available in Australian Standards AS 1269 and AS 2659.

People employed to carry out a noise assessment should be competent and have adequate experience and knowledge of:

- the objective of assessments
- the correct way of using instruments and their limitations
- the analysis, interpretation and recording of results
- the normal operating conditions of the workplace
- relevant Australian Standards and statutory requirements.

### 8.4 Instruments for measuring noise

Sound level meters (SLM) have four principal grades of precision:

#### Type/description tolerance

- 0 – Laboratory reference meter
- 1 – Precision
- 2 – General purpose
- 3 – Survey

Noise assessments should be performed with Type 2 general purpose meters, or better. Type 3 survey meters are usually inexpensive but may have wide precision tolerances and some models cannot be calibrated. Type 3 survey meters are only suitable for preliminary noise checks to find out whether more accurate assessments are needed.

The sound level meter may be equipped with an integrating function which enables the meter to process a continuous, variable, intermittent or impulsive signal to give a single integrated level or Leq for the sampling period. A meter with this function is an integrating sound level meter (ISLM).

The sound level meter may have a peak detector-indicating characteristic. This is necessary to measure the peak sound pressure level. The peak sound pressure level should not be confused with the maximum sound pressure level.

Sound exposure meters (SEM), or noise dosimeters, can be worn by employees for a given period, for example, a working day.

The SEM records the personal noise exposure of the employee. Some SEMs are capable of recording a time history of an employee's noise exposure for the measurement period. A typical time history report will provide a histogram of minute by minute noise exposure levels. This is a great advantage in identifying major contributors to the average daily noise exposure which can then be further investigated with a hand held meter.

The following points should be considered when using a SEM:

- Reflection of sound from the clothes and body can cause an increase of about 1–3 dB.
- The microphone should be attached as close as possible to the ear. Other inappropriate positioning of the microphone may give higher or lower results. For example, if the microphone is attached to the lower part of the collar or pocket, it may be much closer to a noise source than the ear and an unduly high result will be recorded. Also, the body may shield a noise source.
- The assessment of exposure over just one day may not give a representative sample. If possible, it is best to take measurements over a few days.
- It is advisable to check the SEM results with a hand held sound level meter.
- Some SEMs do not measure impulse sound adequately.

Sound exposure meters, should comply with Australian Standard AS 2399<sup>8</sup> (except that the crest factor should exceed 10 if used for impulse sound).

All SLMs and ISLMs should comply with the specifications laid down in Australian Standards AS 1259.1<sup>1</sup> and AS 1259.2<sup>9</sup> respectively. Octave band filters should comply with the specifications laid down in Australian Standard AS Z4110.

A full calibration of measuring systems should be performed at regular intervals not exceeding two years by a laboratory approved for the purpose.

Meters should be checked with an acoustic calibrator immediately before and after the measurements.

## 9. Audiometric testing

The hearing of employees exposed to noise can be monitored through regular audiometric examinations. Such testing in itself is not a preventive mechanism, and is only relevant in the context of a comprehensive noise management program. Any changes in hearing levels over time revealed by audiometry should be thoroughly investigated as to their cause(s) and the need for corrective action.

An audiometric testing program should be available to any employee likely to be regularly exposed to noise exposure levels in excess of the standard set by the Regulation.

### 9.1 Testing scheme

All testing should be undertaken by appropriately trained and experienced persons, selected by management in consultation with employees and employee representative(s).

People who carry out audiometric testing should ensure that procedures and equipment used are in accordance with the specifications of Australian Standard AS 1269<sup>3</sup>.

The audiometric testing scheme should include an initial reference test with periodic audiometric testing to follow. The initial audiogram should be taken as soon as the employee commences work, or before any exposure to workplace noise occurs. Further audiograms should be taken at 12 months, and then periodically every one to two years.

Each employee's hearing, and the best type of personal hearing protectors for the job, should be discussed with that employee.

Proper fitting of the personal hearing protectors should be ensured at the completion of the examination.

Instructions on their use should be repeated at each subsequent attendance for audiometric testing.

Where significant hearing impairment is detected during the initial reference test, the employee should be requested to undergo a repeat test on a different day after at least 16 hours in quiet, less than 80dB(A), conditions. If the hearing impairment is confirmed at this second examination, it must be decided whether or not the employee should seek specialist audiological or medical advice.

The test results and their implications should be made known to the employee tested. For further guidance, refer to the National Acoustic Laboratories' Report No. 80 Criteria for Assessing Hearing Conservation Audiograms.<sup>11</sup>

### 9.2 Test results

Audiograms should be assessed within two months of the audiometric test.

When the deterioration in hearing threshold level between the initial reference audiogram and any subsequent audiogram equals, or exceeds, 15 dB at 3,000 Hz, 4,000 Hz or 6,000 Hz, the employee should be referred for specialist audiological or medical advice, unless he or she has previously been referred for this loss. If the characteristics of hearing loss are consistent with exposure to noise, the employee's noise exposure and hearing protection should be checked. If, following referral, future audiograms reveal additional deterioration equalling or exceeding 15 dB at 3,000 Hz, 4,000 Hz or 6,000 Hz, the employee should be referred for further specialist audiological or medical advice.



When employees are found to have sufficient hearing loss to interfere with the safe performance of their jobs, all practicable steps should be taken to modify the work environment. Where this cannot remedy the situation, employees shall have the right of transfer.

Results should be given to employees within two months of the audiometric testing. All results should be accompanied by a written explanation, in lay terms, of their meaning and implications. Individual results should be released to other parties only on the written authority of the employee. Unidentifiable individual results and group data should be accessible to the relevant employer, the employee representative(s) and the relevant authority.

Guidance in the interpretation of audiograms is available in the National Acoustic Laboratories' Report No. 80 – Criteria for Assessing Hearing Conservation Audiograms.

### **9.3 Records**

Audiometric test records of employees, where released to the employer, should be kept during the employee's period of employment and longer as necessary, as they may provide a useful reference for workers' compensation. The records should be kept in a safe, secure place and held as confidential documents.

## 10. Definitions

In this Code of Practice for Noise Management and Protection of Hearing at Work:

**acoustic (or acoustical)** means containing, producing, arising from, actuated by, related to, or associated with, sound.

**acoustic calibrator** means a device for applying a sound pressure of known level to the microphone of a sound measuring system, for the purpose of calibration.

**administrative noise control measures** are work systems designed to substantially reduce noise exposure, including the time exposed to noise. Examples are job rotation, job redesign or rosters which are designed to reduce exposure to noise. Engineering noise control measures and the use of personal hearing protectors are not included.

**attenuation** means a reduction in the magnitude of sound.

**audiogram** means a chart or table relating a person's hearing threshold levels for pure tones to frequency.

**audiometric test (or testing)** means the measurement of the hearing threshold levels of a person by means of monaural pure tone air conduction threshold tests.

**A-weighting** refers to a standardised frequency response used in sound measuring instruments. It corresponds approximately to the human ear response at low sound levels. Sound pressure levels measured using this response, which is specified in Australian Standard AS 1259.1<sup>1</sup>, are expressed in units of dB(A).

**C-weighting** refers to a standardised frequency response used in sound measuring instruments. It corresponds approximately to the human ear response at high sound levels. Sound pressure levels measured using this response, which is specified in Australian Standard AS 1259.1<sup>1</sup>, are expressed in units of dB(C).

**competent person**, in the context of supplying information on noise levels generated by plant, means a person whom the manufacturer or supplier ensures has acquired knowledge and skills, through a combination of training, education and experience, enabling that person to correctly perform a specified task.

**consultation** means the sharing of information and exchange of views between employers, employees and/or employee representative(s) on health and safety issues. It includes the opportunity to contribute to decision making in a timely fashion to minimise the risk(s) of exposure to excessive noise.

**dB** means the abbreviation for decibel. Also see definition for 'decibel'.

**dB(A)** means A-weighted decibel. Also see definition for 'A-weighting'.

**dB(C)** means C-weighted decibel. Also see definition for 'C-weighting'.

**dB(lin)** means unweighted decibel. Also see definition for 'unweighted'.

**decibel** is the unit used to indicate the relative magnitude of sound pressure level and other acoustical quantities. The range of sound pressures commonly encountered is very large so a logarithmic scale is used. The decibel is the unit used on this scale and is abbreviated to 'dB'. On the decibel scale, the threshold of hearing occurs at a sound pressure level of about 0dB and the threshold of pain occurs at about 120dB. As the decibel is also used to describe the level of other quantities, such as sound power and vibration acceleration, it is always necessary to refer to the specific quantity being measured, for example,  $L_{Aeq,8h}$  or  $L_{peak}$ .

**employee** means an individual who works under a contract of employment or apprenticeship.

**employee representative(s)** includes an employee member of a health and safety committee where established in the workplace, or a person elected to represent a group of employees on health and safety matters.

**employer** means a corporation or an individual who employs persons under contract of employment or apprenticeship.

**Note:** The definition of employer includes the self-employed which means a person who works for gain, other than under a contract of employment, apprenticeship or traineeship, whether or not that person employs others.

**engineering noise control measures** means any engineering procedure that reduces the sound level either at the source of the noise or in its transmission, but does not include the use of administrative noise control measures or personal hearing protectors.

**excessive noise** means, for the purpose of this Code of Practice, noise that exceeds those levels defined in the Occupational Health and Safety Regulation 2001.

**hazard** means anything that may result in harm to the hearing of a person.

**hearing protection areas** means an area where employees may be exposed to noise levels exceeding 85dB(A) or  $L_{peak}$  140dB(C), as defined in the Occupational Health and Safety Regulation 2001. During normal operations, no employee may enter such an area without wearing appropriate personal hearing protectors. Hearing protection areas should be clearly defined and sign-posted according to Australian Standard AS 1319<sup>2</sup>.

**impulse sound (or noise)** means sound consisting of a single pressure peak, or a sequence of such peaks, or a single burst with multiple pressure peaks whose amplitude decays with time, or a sequence of such bursts.

**integrating sound level meter (ISLM)** means a sound level meter equipped with an integrating function which enables the meter to process a continuous, variable, intermittent or impulsive sound to give a single, integrated level or  $L_{eq}$  for the sampling period.

**$L_{Aeq,8h}$**  (eight hour equivalent continuous A-weighted sound pressure level in dB(A) referenced to 20 micropascals) means that steady noise level which would, in the course of an eight hour period, cause the same A-weighted sound energy as that due to the actual noise over an actual working day.  $L_{Aeq,8h}$  is to be determined in accordance with Australian Standard AS 1269<sup>3</sup>.

**$L_{peak}$  (peak noise level)** means C weighted peak hold sound pressure level in decibels referenced to 20 micropascals and measured by a sound level meter with a peak detector-indicator characteristic complying with Australian Standard AS 1259.1<sup>1</sup>.

**noise** means any unwanted or damaging sound.

**noise control policy** means a written policy, developed by the employer, in consultation with employees and employee representative(s), which sets goals for noise exposure levels in the workplace and the strategies to be used to meet these goals.

**noise exposure** means the amount of sound energy the unprotected ear of a person is exposed to, given as  $L_{Aeq,8h}$  or as  $L_{peak}$ .

**occupational noise-induced hearing loss** means hearing impairment arising from exposure to excessive noise at work. Occupational noise-induced hearing loss is also commonly known as industrial deafness.

**octave band analysis** means analysis of the frequency content of noise into octave bands.

**octave band filter** means a filter that attenuates all noise except that falling between two frequencies an octave apart. Octave band filters are used to measure which frequencies are present in a given noise.

**peak noise level** see definition for  $L_{peak}$ .

**personal hearing protectors** means a device, or pair of devices, worn by a person or inserted in the ears of a person to protect the person's hearing.

**personal protection program** means a program for personal hearing protection and, where required, regular hearing testing, which is adopted where technical or economic problems delay, or make impracticable, the reduction of exposure to excessive noise by engineering or administrative noise control measures.

**plant** means any machinery, equipment, appliance, implement or tool, and anything fitted or connected to them.

**reverberation** means the persistence, by echo or reflection, of sound in an enclosure after the emission by the source has stopped.

**risk** means the probability of harm occurring to the hearing of a person.

**should** means a recommendation.

**sound** means small fluctuations in the air pressure that result in a wave capable of exciting in a listener the sensation of hearing.

**sound exposure meter (SEM), or noise dosimeter** means an instrument for measuring noise exposure by automatically integrating sound energy over a measurement period and displaying the result on the dimensionless scale of noise dose.

The instrument may be worn by the person concerned, or placed at a suitable location to estimate the noise exposure of one or more persons, stationary or otherwise.

**sound level meter (SLM)** means an instrument consisting of a microphone, amplifier and indicating device, having a declared performance, and designed to measure a frequency-weighted and time-weighted value of the sound pressure level.

**sound power** means the total sound energy radiated per unit time.

**sound power level** means the relative magnitude of sound power, customarily expressed in decibels referenced to 1 picowatt.

**sound pressure** means the alternating component of the pressure at a point in a sound field.

**sound pressure level (SPL)** means the relative magnitude of sound pressure, customarily expressed in decibels referenced to 20 micropascals.

**tinnitus** means ringing or other noises in the head or ears which can be caused by exposure to excessive noise. Tinnitus can become permanent and when severe may disrupt sleep, reduce concentration and lead to irritability and depression. Tinnitus may lead to increased absenteeism and decreased productivity. It can also affect general job satisfaction and contribute to adverse health effects, such as, stress.

**tonal noise** means noise that produces in a listener a definite pitch sensation.

**unweighted** means sound pressure levels or similar quantities that are measured using an instrument that responds equally to all frequencies, that is, it has a flat or linear frequency response. Sound pressure levels measured using this response are expressed in units of dB(lin).

## Appendix – Guidance material for manufacturers, importers and suppliers on the presentation of information about noise levels generated by plant

### Introduction

The purposes of this guidance material are:

- To assist manufacturers, importers and suppliers in providing appropriate and adequate information on noise levels generated by plant (see under the heading ‘Appropriate and Adequate’ Information on Noise elsewhere in this appendix).
- To assist purchasers to make an informed choice when purchasing plant, by being able to assess and, where possible, compare suppliers’ noise level information. This information will usually be obtained from tests under standardised conditions. The plant may, however, generate different noise levels in the workplace and it is the responsibility of the employer purchasing the plant to assess noise levels in the workplace. The purchase of plant should occur through the consultative mechanisms in the workplace, as part of a strategy to reduce noise levels in the workplace.

The reasons for providing information on noise levels prior to purchase are:

- noise levels are a significant factor in making decisions on the purchase and hire of plant, since buying quiet is a highly cost-effective way to control workplace noise
- providing the information up-front encourages manufacturers to produce quieter products
- comparing noise levels will encourage local manufacturers and suppliers to move towards compatibility with information obtained/required overseas and in other parts of Australia.

### Appropriate and adequate information on noise

For information on noise levels to be considered appropriate and adequate, it should be:

- Collected by a *competent person* according to good measurement practice as defined in relevant general international standards, or Australian Standards such as AS 2659. This ensures a reasonable standard of accuracy.
- Presented in a clear, understandable format.
- Technically complete and unambiguous.
- Representative of noise likely to be emitted by plant under typical conditions of usage.

The minimum testing information which should be supplied to the purchaser is listed in Table A. Where relevant information on test procedures is contained in a test standard or a test report, reference to the standard or the report should be included.

Information should be provided on peak noise levels, where relevant, as well as on continuous noise levels.

The manufacturer/supplier should be able to provide a full test report when requested.

Where there is a selection of noise measurement results available, the preferred measurement, for the purpose of this Code of Practice, is the sound pressure level at the operator’s ear position.

## TABLE A: MINIMUM NOISE TESTING INFORMATION TO BE SPECIFIED BY THE MANUFACTURER/SUPPLIER

- **Supplier's details** (for example, name, local address, telephone and/or facsimile number).
- **Manufacturer's details** (for example, name, address, telephone and/or facsimile number).
- **Details of the plant tested** (including any noise controls, for example, make, model, serial number, relevant capacity/rating).
- **Title or number of specific test standard or code followed** (if any) and details of any departures from the standard. For example, if a machine needed to be mounted differently to the method given in the standard, the alternative mounting should be described.
- **Details of operating conditions** if not specified in the standard, or if no specific test standard is available for the type of plant being tested. For example, test machine load, speed, type of material processed, details of installation and mounting of test machine, details of test environment, description of measurement instrumentation and procedure. Reference to a test report containing this information will suffice.
- **Index measured** (for example, sound pressure or sound power).
- **Frequency weighting** (for example, A, C or linear).
- **Time weighting** (for example, Leq, peak).
- **Sound level or levels determined in testing.**
- **Units of measurement** (for example, dB re: 20 micropascals).
- **Date issued.**

**Suggested pro forma for presentation of information on noise levels generated by plant**

A suggested pro forma for the presentation of information on noise levels generated by plant is shown below. However, the information may be presented in any convenient way which will bring it to the purchaser's attention. For example, a catalogue or operating instructions would be suitable, provided the information is complete.

**SUPPLIER/MANUFACTURER****Supplier:**

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Phone \_\_\_\_\_ Facsimile \_\_\_\_\_

www \_\_\_\_\_ Email \_\_\_\_\_

**Manufacturer:**

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Phone \_\_\_\_\_ Facsimile \_\_\_\_\_

www \_\_\_\_\_ Email \_\_\_\_\_

**DETAILS OF PLANT TESTED**

Description of item \_\_\_\_\_

Make \_\_\_\_\_

Model \_\_\_\_\_ Serial Number \_\_\_\_\_

Noise reducing attachments fitted \_\_\_\_\_

**TEST PROCEDURES**

Operating conditions \_\_\_\_\_

Test environment \_\_\_\_\_

Test standard followed: Number \_\_\_\_\_ Title \_\_\_\_\_

Clauses \_\_\_\_\_ Departures from standard \_\_\_\_\_

Measurement method if no standard followed \_\_\_\_\_

**RESULTS**

Measurement position \_\_\_\_\_

Time weighting (fast, slow, Leq) \_\_\_\_\_

Range for normal operation

A-weighted \_\_\_\_\_ to \_\_\_\_\_ dB(A)

C-weighted \_\_\_\_\_ to \_\_\_\_\_ dB(C)

peak \_\_\_\_\_ to \_\_\_\_\_ dB(C)

Sound power level \_\_\_\_\_ dB(A)

Date issued \_\_\_\_\_

**Referenced documents**

1. Standards Australia, AS 1259.1 Acoustics-Sound Level Meters, Part 1: Non-integrating, Standards Australia, Sydney.
2. Standards Australia, AS 1319-1994 Safety Signs for the Occupational Environment, Standards Australia, Sydney.
3. Standards Australia, AS 1269:1998 Occupational noise management parts 0-4, Standards Australia, Sydney.
4. National Occupational Health and Safety Commission, Noise Management at Work: Control Guide, 2nd Edition, Australia, Sydney, 1991.
5. Standards Australia, AS 1270:2002 Acoustics-Hearing Protectors, Standards Australia, Sydney.
6. National Acoustic Laboratories, Attenuation and use of Hearing Protectors, 8th Edition, National Acoustic Laboratories 126 Greville Street Chatswood NSW 2067 Australia
7. Standards Australia, AS 2659:1988 Guide to the Use of Sound Measuring Equipment, Standards Australia, Sydney.
8. Standards Australia, AS 2399:1998 Personal Noise Dosemeters, Standards Australia, Sydney.
9. Standards Australia, AS 1259.2 Acoustics-Sound Level Meters, Part 2: Integrating-Averaging, Standards Australia, Sydney.
10. Standards Australia, AS Z41 Octave, Half-octave and One-third Octave Band Pass Filters Intended for the Analysis of Sound and Vibrations, Standards Australia, Sydney.
11. National Acoustic Laboratories, Criteria for Assessing Hearing Conservation Audiograms, NAL Report No. 80, National Acoustic Laboratories 126 Greville Street Chatswood NSW 2067 Australia.

**Further reading**

ACTU-VTHC Health and Safety Unit, Guidelines for the Control of Noise at Work, ACTU-VTHC Health and Safety Unit, *Health and Safety Bulletin* No. 33, Melbourne, 1983.

Association of Schools of Public Health and National Institute for Occupational Safety and Health, Proposed National Strategy for the Prevention of Noise-induced Hearing Loss, Association of Schools of Public Health, Washington, 1988.

Confederation of Australian Industry, Noise Management: Trainer's Guide, Confederation of Australian Industry, Melbourne, 1990.

Else, D., 'Noise Control: An Opportunity for the 1990s', *The Journal of Occupational Health and Safety - Australia and New Zealand*, Vol. 6, No. 5, pp. 395-398, 1990.

Gibson, D.C. and Norton, M. P., 'The Economics of Industrial Noise Control in Australia', *Noise Control Engineering*, Volume 16, Number 3, pp. 126-35, 1981.

Health and Safety Commission, Prevention of Damage to Hearing from Noise at Work: Draft Proposals for Regulations and Guidance, Her Majesty's Stationery Office, London, 1987.

Health and Safety Commission, Protection of Hearing at Work: Content of Proposed Regulations and Draft Approved Code of Practice and Guidance Note, HSC, London, 1981.

Health and Safety Commission, Some Aspects of Noise and Hearing Loss: Notes the Problem of Noise at Work and Report of the HSE Working Group on Machinery Noise, Her Majesty's Stationery Office, London, 1981.



Health and Safety Executive, Code of Practice for Reducing the Exposure of Employed Persons to Noise, Her Majesty's Stationery Office, London, 1972.

Health and Safety Executive, 100 Practical Applications of Noise Reduction Methods, Her Majesty's Stationery Office, London, 1983.

Health and Safety Executive, Noise at Work: Noise Guides Numbers 1–2, Her Majesty's Stationery Office, London, 1989.

Health and Safety Executive, Noise at Work: Noise Guides Numbers 3–8, Her Majesty's Stationery Office, London, 1990.

International Organisation for Standardisation, International Standard ISO 1999 Acoustics: Determination of Occupational Noise Exposure and Estimation of Noise-induced Hearing Impairment, International Organisation for Standardisation, Geneva, 1990.

Lawton, B.W. and Robinson, D.W., 'The Effects Upon Hearing of Noise in Combination with Other Agents: A Critical Review of the Literature', HSE Contract Research Report No 14/1989, Health and Safety Executive, Bootle, 1989.

Macrae, J. H., 'Occupational Hearing Loss', *The Journal of Occupational Health and Safety – Australia and New Zealand*, Vol. 2, No. 3, pp. 204–09, 1986.

National Health and Medical Research Council, Model Regulations on Hearing Conservation, National Health and Medical Research Council, Canberra, 1973.

National Occupational Health and Safety Commission, National Strategy for the Prevention of Occupational Noise-Induced Hearing Loss [NOHSC:4004(1989)], Australian Government Publishing Service, Canberra, 1989.

National Occupational Health and Safety Commission, Noise Management at Work – Training Resources, Sydney, 1990.

National Occupational Health and Safety Commission, Noise Management at Work-Control Guide [NOHSC:12004(1991)], 2nd edition, August 1991.

National Occupational Health and Safety Commission and University of New England, Occupational Noise-induced Hearing

Loss: Prevention and Rehabilitation, National Occupational Health and Safety Commission, Sydney and University of New England, Armidale, 1991.

Robinson, D. W., Noise Exposure and Hearing: A New Look at the Experimental Data, HSE Contract Research Report No. 1/1987, Health and Safety Executive, London, 1987.

Waugh, R., A National Strategy for the Prevention of Noise-Induced Hearing Loss, National Acoustics Laboratories Report No. 113, Australian Government Publishing Service, Canberra, 1986.

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**TENDERS****Department of Commerce****SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE**

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# PRIVATE ADVERTISEMENTS

## COUNCIL NOTICES

### BATHURST REGIONAL COUNCIL

Roads Act 1993  
Naming of Roads

NOTICE is hereby given that Bathurst Regional Council, in pursuance of section 162 of the Roads Act 1993, has named the roads as follows:

<b>Location</b>	<b>New Name</b>
The new cul-de-sac off Ophir Road, Llanarth, created by the subdivision of Lot 22, DP 1066285.	O'Reilly Place.
The road adjacent to Lot 22, DP 1058290, off Ophir Road, Rock Forest.	Arrow Lane.
The right of way over Lot 21, DP 1041901 and Lot 2, DP 1036756, in favour of Lot 1, DP 867102, off Green Gully Road, Mount Rankin.	Briar Lane.
For the new cul-de-sac in proposed subdivision of Lot 15, DP 1072598, off Samuel Way, The Lagoon.	George Thomas Close.

Authorised by resolution of Council on 18th August 2004 and 15th September 2004. DAVID SHERLEY, General Manager, Bathurst Regional Council, Private Mail Bag 17, Bathurst NSW 2795.

[0901]

### COOTAMUNDRA SHIRE COUNCIL

Roads Act 1993, Section 16(2)  
Dedication of Land as Public Road

NOTICE is hereby given by Cootamundra Shire Council in pursuance to section 16(2) of the Roads Act 1993, the land described in the Schedule below is hereby dedicated as a public road. SHANE GODBEE, General Manager, Cootamundra Shire Council, PO Box 420, Cootamundra NSW 2590.

#### SCHEDULE

That part of the road 100 links (20.117 metres) wide and the lanes 31 links (6.236 metres) wide lying between White Street and Florence Street and shown in DP 6080, and the road 100 links (20.117 metres) wide running generally south easterly, between the south western boundary of Portion 25 and Florence Street and shown in DP 6079, Parish of Cootamundra, County of Harden, being part of the residue comprised in Certificate of Title Volume 518 Folio 179

[0894]

### GREAT LAKES COUNCIL

Roads Act 1993, Section 162  
Roads (General) Regulation 2000  
Naming of Roads

NOTICE is hereby given that Great Lakes Council, pursuant to the aforementioned Act and Regulation, has named the roads described hereunder. KEITH O'LEARY, General Manager, Great Lakes Council, Breese Parade, Forster NSW 2428.

### Description

Existing road located approximately 1km south-west from Willina Road, running southerly off Wyses Road, Bunyah.

### Name

Harris Road, Bunyah.

[0895]

### LAKE MACQUARIE CITY COUNCIL

Naming of Roads in Subdivisions

NOTICE is hereby given that in accordance with section 162.1 of the Roads Act 1993, as amended, Council has named the roads shown hereunder:

<b>Location</b>	<b>Name</b>
Lot 240, DP 875771, Freemans Drive, Cooranbong.	Nathan Close.
Lot 1571, DP 1043970, Malpoona Road, Mirrabooka.	Tully Close.
Lot 50, DP 588725, Parklea Avenue, Croudace Bay.	Corymbia Street.
Lots 24 and 26, DP 755223; Lots 28, DP 655695, Babers Road, Cooranbong.	Ginkers Way. Cedar Cutters Crescent. Sawmillers Terrace. Splitters Row.
Lots 11 and 12, DP 9047, Lake View Road, Kilaben Bay.	Centennial Parkway.

No objections to the proposed names were received within the advertising period. KEN HOLT, General Manager, Lake Macquarie City Council, Box 1906, Hunter Region Mail Centre NSW 2310.

[0898]

### LAKE MACQUARIE CITY COUNCIL

Proposed Naming of Roads in Subdivisions

NOTICE is hereby given by Council in pursuance of section 162.1 of the Roads Act 1993, as amended, proposes to name the roads shown hereunder:

<b>Location</b>	<b>Name</b>
Lot 117, DP 846847, off Dalmeny Drive and Delaware Drive, Macquarie Hills.	Harcourt Parade. Ripon Way.
Lot 161, DP 814733, Nyanda Avenue, Floraville.	Bogner Close.
Lot 3, Re-subdivision Lots 59, 79, and 114, DP 755262, Dunbar Road, Cameron Park.	Billabong Drive. Northridge Drive. Ridgemont Avenue. Hannah Street. Horizon Avenue. Hawkins Place.

Council accepts written objections to the proposed naming up until one month from the date of publication of this Notice. Any objections should fully set out the reasons. For further information, contact Stephen Pichaloff on (02) 4921 0534. KEN HOLT, General Manager, Lake Macquarie City Council, Box 1906, Hunter Region Mail Centre NSW 2310.

[0899]

**RICHMOND VALLEY COUNCIL**

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that Richmond Valley Council in pursuance of Section 10 of the Roads Act 1993, dedicates the land held by it and described in the Schedule below as Public Road. BRIAN WILKINSON, General Manager, Richmond Valley Council, Locked Bag 10 CASINO, NSW, 2470

**SCHEDULE**

Lot 1 in deposited Plan 1012063.

[0907]

**ESTATE NOTICES**

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of COLIN CECIL LINN, late of Taree, in the State of New South Wales, who died on 6th August 2004, must send particulars of the claim to the executor, James Linn, c.o. of McKerns, 43 Isabella Street, Wingham NSW 2429, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution the trustees have notice. Probate was granted in New South Wales on 22nd November 2004. MCKERNS, 43 Isabella Street, Wingham NSW 2429 (DX 7021, Taree), tel.: (02) 6557 0922.

[0896]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of FRANCIS GEORGE PETCH, late of Orient Point, in the State of New South Wales, who died on 18th September 2004, must send particulars of their claim to the executor, Frances Winifred Volell, c.o. of Messrs Barton & Co., Solicitors, 128/121-133 Pacific Highway, Hornsby NSW 2077, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 19th November 2004. MESSRS BARTON & CO., Solicitors, 128/121-133 Pacific Highway, Hornsby NSW 2077 (PO Box 344, Hornsby 1630), tel.: (02) 9476 1744. Reference: DFB/RS.

[900]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of RONALD KWOK HUNG CHAN (in the will called Ronald Qwok Hung Chan), late of Gordon, in the State of New South Wales, retired, who died on 27th July 2004, must send particulars of the claim to the executor, Anne Kentjanasari Chan, c.o. of Mervyn Finlay, Thorburn & Marshall, Solicitors, Level 2, 225 Macquarie Street, Sydney NSW 2000, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 28th October 2004. MERVYN FINLAY, THORBURN & MARSHALL, Solicitors, Level 2, 225 Macquarie Street, Sydney NSW 2000, tel.: (02) 9223 6544. Reference: DLT:211004.

[0903]

**COMPANY NOTICES**

NOTICE of voluntary winding up.—PADDINGTON, WOOLLAHRA & WAVERLEY CO-OPERATIVE STARR-BOWKETT BUILDING SOCIETY No. 15 LIMITED (in voluntary liquidation).—At a special meeting of the abovenamed society duly convened and held at Newtown on 9th December 2004, the subjoined special resolution was duly passed. It was resolved that: (1) The Society be wound voluntarily. (2) The Maree Emery, c.o. 43 Enmore Road, Newtown NSW 2042, be appointed liquidator at a fee of Eighteen Hundred Dollars (\$1800.00) or such lesser fee as may be determined by the Co-operative Advisory Council. (3) That the liquidator be empowered to compromise with debtors and/or creditors. G. M. WARD, Director, A. R. Parker, Secretary, c.o. Newtown United Co-operative Building Association, 43 Enmore Road, Newtown NSW 2042, tel.: (02) 9557 1898.

[0897]

NOTICE of voluntary winding up.—AUSTRALIAN MORTGAGE CORPORATION, ACN 008 454 091 (in voluntary liquidation)—At a general Meeting of the abovementioned company duly convened and held at Level 5, 14 Martin Place, Sydney NSW 2000, on 9th December 2004, the following resolutions were passed: 1. Special resolution: “that the company be wound up voluntarily”. 2. “that Mr Stephen Humphrys, who has consented to act, be appointed Liquidator of the Company”. John Coombs, Secretary. S. B. HUMPHRYS, Liquidator, c.o. Moore Stephens WI, Chartered Accountants, tel.: (02) 8236 7700.

[0904]

NOTICE of voluntary winding up.—A.I. UNDERWRITERS PTY LTD, ACN 000 685 898 (in voluntary liquidation).—At a general Meeting of the abovementioned company duly convened and held at Level 5, 14 Martin Place, Sydney NSW 2000, on 9th December 2004, the following resolutions were passed: 1. Special resolution: “that the company be wound up voluntarily”. 2. “that Mr Stephen Humphrys, who has consented to act, be appointed Liquidator of the Company”. John Coombs, Secretary. S. B. HUMPHRYS, Liquidator, c.o. Moore Stephens WI, Chartered Accountants, tel.: (02) 8236 7700.

[0905]

NOTICE of voluntary winding up.—MILTON NOMINEES PTY LIMITED, ACN 002 037 005 (in voluntary liquidation).—At a general Meeting of the abovementioned company duly convened and held at Level 5, 14 Martin Place, Sydney NSW 2000, on 9th December 2004, the following resolutions were passed: 1. Special resolution: “that the company be wound up voluntarily”. 2. “that Mr Stephen Humphrys, who has consented to act, be appointed Liquidator of the Company”. John Coombs, Secretary. S. B. HUMPHRYS, Liquidator, c.o. Moore Stephens WI, Chartered Accountants, tel.: (02) 8236 7700.

[0906]

**OTHER NOTICES****ANGLICAN DIOCESE OF CANBERRA AND GOULBURN**

NOTICE under section 42 of the Anglican Church of Australia Trust Property Act 1917.—By resolution passed on 3 December 2004, under section 14 of the Anglican Church

of Australia Trust Property Act 1917, the Bishop-in-Council by virtue of the powers it may exercise on behalf of the Synod of the Diocese under the Synod (Delegation of Functions) Ordinance 1998:

- (a) declared the existence of a vacancy in the office of Trustee of the land at Binda being Lot 22, section 32, in deposited plan 758110, Village of Binda, County of Georgiana, the vacancy arising by reason that the former trustees Henry Carr, William McDonald and Guildford Dudley Hay are all deceased;
- (b) declared a vacancy in the office of Trustee of the land at Binda being Lots 24-25, section 32 of deposited plan 758110, Village of Binda, County of Georgiana, the vacancy arising by reason that the former trustees, James William Bray, Henry Carr, William McDonald and Guildford Dudley Hay are all deceased; and
- (c) elected the Anglican Church Property Trust Diocese of Canberra and Goulburn to be the Trustee of the land mentioned in (a) and (b).

GEORGE V BROWNING, Bishop of Canberra and Goulburn, Jamieson House, 43 Constitution Avenue, Reid ACT 2612, tel.: (02) 6248 0811.

[0902]