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LEGISLATION

Proclamations



New South Wales

Proclamation

under the

Gaming Machines Amendment Act 2005 No 78

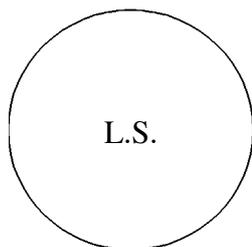
MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Gaming Machines Amendment Act 2005*, do, by this my Proclamation, appoint 18 November 2005 as the day on which that Act (other than the following provisions) commences:

- (a) Schedule 1 [1] and [18],
- (b) Schedule 1 [30] to the extent that it inserts clause 31 into Schedule 1 to the *Gaming Machines Act 2001*,
- (c) Schedule 2 [2]–[6] and [8].

Signed and sealed at Sydney, this 16th day of November 2005.

By Her Excellency's Command,



L.S.

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

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the provisions of *Gaming Machines Amendment Act 2005* other than the amendments that relate to the special allocation of poker machine entitlements, the connection of gaming machines to an authorised CMS and the casino community benefit levy and fund.



New South Wales

Proclamation

under the

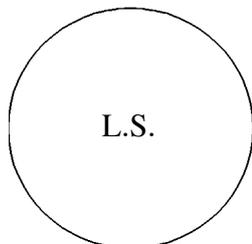
Native Vegetation Act 2003 No 103

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Native Vegetation Act 2003*, do, by this my Proclamation, appoint 1 December 2005 as the day on which that Act commences.

Signed and sealed at Sydney, this 16th day of November 2005.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!



New South Wales

Proclamation

under the

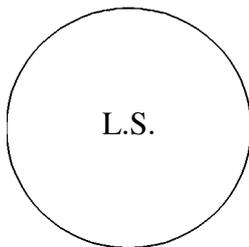
Road Transport Legislation (Speed Limiters) Amendment Act
2005 No 36

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Road Transport Legislation (Speed Limiters) Amendment Act 2005*, do, by this my Proclamation, appoint 24 November 2005 as the day on which that Act (other than Schedule 2.1) commences.

Signed and sealed at Sydney, this 16th day of November 2005.

By Her Excellency's Command,



JOSEPH TRIPODI, M.P.,
Minister for Roads

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the *Road Transport Legislation (Speed Limiters) Amendment Act 2005*, except for a provision that relates to a regulation that has been repealed.



New South Wales

Proclamation

under the

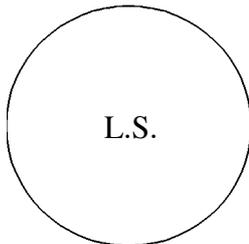
Roman Catholic Church Communities' Lands Act 1942

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (2) of the *Roman Catholic Church Communities' Lands Act 1942*, do, by this my Proclamation, add the canonical name of "Missionaries of St Francis de Sales, Pune Province" to Column 1 of Schedule 2 to that Act, and add to Column 2 of that Schedule opposite that name the corporate name "Trustees of the Missionaries of St Francis de Sales, Pune Province".

Signed and sealed at Sydney, this 2nd day of November 2005.

By Her Excellency's Command,



BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!

Explanatory note

Schedule 2 to the *Roman Catholic Church Communities' Lands Act 1942* contains canonical and corporate names of certain Roman Catholic orders, congregations, communities, associations and societies. By virtue of being listed in that Schedule, each organisation is a community as defined in the Act, and by virtue of the Act, the trustees of the community land for each community become a body corporate and acquire the powers conferred by the Act in relation to property held by them.

The object of this Proclamation is to add the Missionaries of St Francis de Sales, Pune Province and the corporate name of the trustees of that organisation to Schedule 2 to the Act.

Regulations



New South Wales

Fisheries Management (General) Amendment (Abalone) Regulation 2005

under the

Fisheries Management Act 1994

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

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

Explanatory note

The object of this Regulation is to amend the *Fisheries Management (General) Regulation 2002* to reduce the maximum quantity of abalone that a person may take on any one day, or that a person may have in his or her possession in certain circumstances, from 10 to 2 (this limit does not apply in respect of abalone taken by a commercial fisher for sale or abalone in possession of a commercial fisher for sale). Since 1 July 2005, this reduction has been in place pursuant to a fishing closure order made under section 8 of the *Fisheries Management Act 1994*.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 17, 18 and 289 (the general regulation-making power).

Clause 1 Fisheries Management (General) Amendment (Abalone) Regulation 2005

Fisheries Management (General) Amendment (Abalone) Regulation 2005

under the

Fisheries Management Act 1994

1 Name of Regulation

This Regulation is the *Fisheries Management (General) Amendment (Abalone) Regulation 2005*.

2 Amendment of Fisheries Management (General) Regulation 2002

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

Fisheries Management (General) Amendment (Abalone) Regulation 2005

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Part 2 Protected fish, protected waters, prohibited size fish and bag limits

Omit “10” from the matter relating to abalone in Column 2 of Part 2 of the Table to Division 3.

Insert instead “2”.



New South Wales

Home Building Amendment (Fees and Penalties) Regulation 2005

under the

Home Building Act 1989

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

DIANE BEAMER, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to amend the *Home Building Regulation 2004 (the Regulation)* as a consequence of recent amendments to the *Home Building Act 1989 (the Act)* by the *Home Building Amendment Act 2004*. The amendments to the Regulation are as follows:

- (a) to introduce a fee for an individual, partnership or corporation for the variation of an authority (that is, a licence or certificate) issued under the Act as it applies to different categories of residential building work or specialist work, and
- (b) to provide for additional penalties for a number of offences under the Act and the Regulation, and
- (c) to provide for penalties to apply to corporations as well as individuals.

Section 21 (1) (a) and (b) of the Act provide that a contractor licence authorises its holder to contract to do any residential building work or specialist work that is described in the contractor licence when it is issued (being work of a category or categories prescribed by the Regulation). Section 21 (2) (b) of the Act provides that the authority conferred by a contractor licence may, on the application of the holder of that licence, be varied by an order of the Director-General (for the purposes of the Act, being the Commissioner for Fair Trading, Department of Commerce) set out in a notice served on the holder of that licence. Similar provisions relating to certificates are set out in section 27 of the Act.

Section 138A of the Act provides for penalty notices to be served for offences prescribed in the Regulation.

Home Building Amendment (Fees and Penalties) Regulation 2005

Explanatory note

This Regulation also effects minor law revision by omitting an out-of-date reference to roof plumbing work being a category of specialist work.

This Regulation is made under the *Home Building Act 1989*, including sections 21, 27, 138A and 140 (the general regulation-making power) and, in particular, section 140 (2) (j) and the various sections referred to in this Regulation.

Home Building Amendment (Fees and Penalties) Regulation 2005

Clause 1

Home Building Amendment (Fees and Penalties) Regulation 2005

under the

Home Building Act 1989

1 Name of Regulation

This Regulation is the *Home Building Amendment (Fees and Penalties) Regulation 2005*.

2 Commencement

This Regulation commences on 21 November 2005.

3 Amendment of Home Building Regulation 2004

The *Home Building Regulation 2004* is amended as set out in Schedule 1.

Home Building Amendment (Fees and Penalties) Regulation 2005

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 42 Application fees

Insert “, variation” after “restoration” in clause 42 (1).

[2] Clause 87 Penalty notice offences

Insert “(in respect of an individual) or in Column 3 of Schedule 6 (in respect of a corporation)” after “Column 2 of Schedule 6” in clause 87 (b).

[3] Schedule 4 Application feesInsert under the headings “**Contractor licence**” and “Building contractor or supplier of kit homes” in relation to a licence for an individual after the matter relating to a new licence in Columns 1–5, respectively:

Variation to add a category or categories referred to in clause 46 (1) (a), (b) or (d)	Not applicable	\$215	Nil	\$215
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Variation to add a category or categories referred to in clause 46 (1) (c) or (e)–(ab) or (2) (a)–(j)	Not applicable	\$89	Nil	\$89
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[4] Schedule 4Insert under the headings “**Contractor licence**” and “Building contractor or supplier of kit homes” in relation to a licence for a partnership after the matter relating to a new licence in Columns 1–5, respectively:

Variation to add a category or categories referred to in clause 46 (1) (a), (b) or (d)	Not applicable	\$215	Nil	\$215
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Home Building Amendment (Fees and Penalties) Regulation 2005

Amendments

Schedule 1

Variation to add a category or categories referred to in clause 46 (1) (c) or (e)–(ab) or (2) (a)–(j)	Not applicable	\$89	Nil	\$89
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[5] Schedule 4

Insert under the headings “**Contractor licence**” and “Building contractor or supplier of kit homes” in relation to a licence for a corporation after the matter relating to a new licence in Columns 1–5, respectively:

Variation to add a category or categories referred to in clause 46 (1) (a), (b) or (d)	Not applicable	\$215	Nil	\$215
Variation to add a category or categories referred to in clause 46 (1) (c) or (e)–(ab) or (2) (a)–(j)	Not applicable	\$89	Nil	\$89

[6] Schedule 4

Insert under the headings “**Contractor licence**” and “Other construction or specialist contractor” in relation to a licence for an individual after the matter relating to a new licence in Columns 1–5, respectively:

Variation to add a category or categories referred to in clause 46 (1) (a), (b) or (d)	Not applicable	\$215	Nil	\$215
Variation to add a category or categories referred to in clause 46 (1) (c) or (e)–(ab) or (2) (a)–(j)	Not applicable	\$89	Nil	\$89

Home Building Amendment (Fees and Penalties) Regulation 2005

Schedule 1 Amendments

[7] Schedule 4

Insert under the headings “**Contractor licence**” and “Other construction or specialist contractor” in relation to a licence for a partnership after the matter relating to a new licence in Columns 1–5, respectively:

Variation to add a category or categories referred to in clause 46 (1) (a), (b) or (d)	Not applicable	\$502	Nil	\$502
Variation to add a category or categories referred to in clause 46 (1) (c) or (e)–(ab) or (2) (a)–(j)	Not applicable	\$89	Nil	\$89

[8] Schedule 4

Insert under the headings “**Contractor licence**” and “Other construction or specialist contractor” in relation to a licence for a corporation after the matter relating to a new licence in Columns 1–5, respectively:

Variation to add a category or categories referred to in clause 46 (1) (a), (b) or (d)	Not applicable	\$547	Nil	\$547
Variation to add a category or categories referred to in clause 46 (1) (c) or (e)–(ab) or (2) (a)–(j)	Not applicable	\$89	Nil	\$89

[9] Schedule 4

Insert under the headings “**Supervisor certificate**” and “Building supervisor” after the matter relating to a new certificate in Columns 1–5, respectively:

Variation to add a category or categories referred to in clause 46	Not applicable	\$62	Nil	\$62
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Home Building Amendment (Fees and Penalties) Regulation 2005

Amendments

Schedule 1

[10] Schedule 4

Insert under the headings “**Supervisor certificate**” and “Other construction or specialist work supervisor” after the matter relating to a new certificate in Columns 1–5, respectively:

Variation to add a category or categories referred to in clause 46	Not applicable	\$62	Nil	\$62
--	----------------	------	-----	------

[11] Schedule 4

Insert under the heading “**Tradesperson certificate**” after the matter relating to a new certificate in Columns 1–5, respectively:

Variation to add a category or categories referred to in clause 46 (2) (a)–(j)	Not applicable	\$62	Nil	\$62
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[12] Schedule 5 Extended descriptions of work authorised by contractor licences or certificates

Omit “Roof plumbing” and “Roof plumbing work” from Columns 1 and 2, respectively, of the Table to the Schedule in the matter relating to specialist work.

[13] Schedule 6

Omit the Schedule. Insert instead:

Schedule 6 Penalty notice offences

(Clause 87)

Column 1	Column 2	Column 3
Offence	Penalty—Individual	Penalty—Corporation
Offences under the Act		
Section 4 (1)–(4)	\$750	\$1,500
Section 5 (1) and (2)	\$250	\$500
Section 7AA (1)	\$250	\$500

Home Building Amendment (Fees and Penalties) Regulation 2005

Schedule 1 Amendments

Column 1	Column 2	Column 3
Offence	Penalty—Individual	Penalty—Corporation
Section 7A	\$250	\$500
Section 7B	\$250	\$500
Section 8 (1)	\$500	\$1,000
Section 9 (2)	\$250	\$500
Section 12	\$500	Nil
Section 13 (1)	\$500	Nil
Section 14 (1), (3) and (4)	\$500	Nil
Section 15	\$500	Nil
Section 16	\$750	\$1,500
Section 16A (1) and (2)	\$750	\$1,500
Section 16DAA (1)	\$250	\$500
Section 16DA	\$250	\$500
Section 16DB	\$250	\$500
Section 16E (1)	\$500	\$1,000
Section 16F (2)	\$250	\$500
Section 18H (1) and (2)	\$750	\$1,500
Section 18L (1)	\$250	\$500
Section 18N	\$250	\$500
Section 18O	\$250	\$500
Section 18T	\$500	Nil
Section 18U	\$750	\$1,500
Section 22A (4)	\$250	\$500
Section 22B (5)	\$250	\$500
Section 32AA (1)	\$750	Nil
Section 34 (1)	\$250	\$500
Section 36 (2)	\$250	\$500
Section 44 (1)	\$250	\$500
Section 46A (1)	\$750	\$1,500
Section 47	\$250	\$500

Home Building Amendment (Fees and Penalties) Regulation 2005

Amendments

Schedule 1

Column 1	Column 2	Column 3
Offence	Penalty—Individual	Penalty—Corporation
Section 48T (2)	\$500	Nil
Section 65 (3)	\$500	\$1,000
Section 66 (1)	\$250	\$500
Section 92 (1) and (2)	\$1,500	\$3,000
Section 92A	\$250	\$500
Section 93 (1) and (2)	\$1,500	\$3,000
Section 93A	\$250	\$500
Section 95 (1) and (2)	\$1,500	\$3,000
Section 95 (2A)	\$250	\$500
Section 96 (1) and (2)	\$1,500	\$3,000
Section 96 (2B)	\$250	\$500
Section 96A (1)	\$1,500	\$3,000
Section 96A (1A)	\$250	\$500
Section 127 (4)	\$500	\$1,000
Section 127A (4)	\$500	Nil
Offences under this Regulation		
Clause 41	\$250	\$500
Clause 84 (3)	\$250	\$500
Clause 85	\$250	\$500



New South Wales

Native Vegetation Regulation 2005

under the

Native Vegetation Act 2003

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Native Vegetation Act 2003*.

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

Explanatory note

The object of this Regulation is to prescribe various matters for the purposes of the *Native Vegetation Act 2003*, including the following matters:

- (a) development consents for clearing of native vegetation,
- (b) the form and content of property vegetation plans (*PVPs*), variation and termination of PVPs and a register of PVPs,
- (c) exemptions in respect of routine agricultural management activities (including their extension and limitation in certain cases),
- (d) broadscale clearing (including the adoption of an Assessment Methodology for assessing and determining whether proposed broadscale clearing will improve or maintain environmental outcomes, and special provision for long term environmental benefits),
- (e) special provisions for vulnerable land, including State protected land, steep or highly erodible land, protected riparian land or special category land,
- (f) savings and transitional provisions,
- (g) miscellaneous matters (including calculation methods for clearing of groundcover, and prescribing offences as penalty notice offences).

This Regulation is made under the *Native Vegetation Act 2003*, including sections 5, 11, 15, 20, 26, 28, 32, 43 and 51 (the general regulation-making power).

Native Vegetation Regulation 2005

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Native Vegetation Regulation 2005

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Clause 1	Native Vegetation Regulation 2005
Part 1	Preliminary

Native Vegetation Regulation 2005

under the

Native Vegetation Act 2003

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Native Vegetation Regulation 2005*.

2 Commencement

This Regulation commences on 1 December 2005.

3 Definitions

(1) In this Regulation:

development consent means development consent required by the Act for the clearing of native vegetation.

former Act means the *Native Vegetation Conservation Act 1997*.

new Act or **the Act** means the *Native Vegetation Act 2003*.

NRC means the Natural Resources Commission under the *Natural Resources Commission Act 2003*.

offset means any natural resource management action or work required by a PVP for the purpose of ensuring that broadscale clearing proposed by the PVP improves or maintains environmental outcomes.

PVP means a property vegetation plan.

State protected land means State protected land within the meaning of the former Act, immediately before its repeal.

western coastal region means land in the area of operations of the Northern Rivers, Hunter-Central Rivers, Hawkesbury-Nepean or Southern Rivers Catchment Management Authority that is within the local government area of Kyogle, Tenterfield, Clarence Valley (to the west of Summerland Way), Glen Innes-Severn, Guyra, Armidale Dumaresq, Walcha, Gloucester, Upper Hunter, Mid-Western Regional, City of Lithgow, Dungog, Muswellbrook, Singleton, Cessnock, Blue Mountains, Oberon, Wollondilly, Wingecarribee, Upper Lachlan, Goulburn-Mulwaree, Palerang, Cooma-Monaro, Snowy River or Bombala.

Native Vegetation Regulation 2005

Clause 3

Preliminary

Part 1

Western Division has the same meaning as in the *Western Lands Act 1901*.

- (2) Notes included in this Regulation do not form part of this Regulation.

Clause 4	Native Vegetation Regulation 2005
Part 2	Development consent for clearing

Part 2 Development consent for clearing

4 Exclusion of matters for consideration

- (1) Matters required to be considered under section 79C of the EPA Act are excluded from the matters required to be considered under Part 4 of that Act for the purposes of the Minister determining a development application for consent required by the new Act for clearing native vegetation.
- (2) A development application for development consent required by the new Act for clearing native vegetation is not required to comply with clause 1 (d), (e), (f) or (h) or 2 (1) (b), (c) or (f) of Part 1 (Development applications) of Schedule 1 to the *Environmental Planning and Assessment Regulation 2000*.

Note. This clause does not affect the operation of Part 4 of the EPA Act in respect of the granting of additional development consent by a council or other consent authority to any such clearing of native vegetation that is required by an environmental planning instrument made before the granting of consent for the clearing under the new Act (see section 17 of the new Act).

5 Conditions of development consent

- (1) A condition of development consent for clearing native vegetation under the new Act may be imposed if it relates to any matter to which the Minister must or may have regard under the new Act in determining an application for that development consent.
- (2) This clause does not limit the conditions that may be imposed on development consent under the EPA Act.

6 Development consent for single dwelling authorises clearing

Clearing of native vegetation that is clearing to the minimum extent necessary for the carrying out of development in accordance with a development consent under the EPA Act for the erection of a single dwelling is taken to be clearing in accordance with a development consent granted in accordance with the new Act.

Native Vegetation Regulation 2005

Clause 7

Property vegetation plans

Part 3

Part 3 Property vegetation plans

7 Form of PVPs

A PVP must be in such form as the Minister may from time to time approve.

8 Draft PVPs

- (1) The form and content of a draft PVP must comply with the requirements of clause 9 for PVPs.
- (2) A draft PVP may also provide information regarding the social and economic impacts (including on-farm impacts, impacts on the regional community and implications for any socio-economic targets established by the NRC or the relevant catchment management authority) of any matters provided for in the draft PVP, such as clearing proposals, proposed natural resource management activities, or proposals relating to the continuation of existing farming or other rural practices.

Note. While this information is not to be used in assessing whether proposed broadscale clearing improves or maintains environmental outcomes, it may be used for other purposes, including the following purposes:

- (a) assessing whether management of native vegetation is promoting the social, economic and environmental interests of the State in accordance with the principles of ecologically sustainable development,
- (b) providing the NRC with social and economic information to which it can have regard when preparing recommendations and advice.

9 Content of PVPs

- (1) A PVP must (subject to subclause (2) in the case of a continuing use PVP):
 - (a) contain a description of the land to which the PVP applies, and
 - (b) specify the period for which the PVP has effect, and
 - (c) specify the address of, and formal particulars of title to, the land to which the PVP applies, and
 - (d) include a rectified satellite or aerial photograph (indicating the date the photograph was taken), or (if such a photograph is not available) a topographical map of the largest scale reasonably available, identifying:
 - (i) any land on which broadscale clearing is proposed by the PVP, and
 - (ii) any land for which the PVP specifies a date for the purposes of the definition of *regrowth* in the Act, and
 - (iii) any land on which native vegetation management activities are to be carried out under the PVP, and

Clause 10 Native Vegetation Regulation 2005

Part 3 Property vegetation plans

-
- (e) specify the nature of the clearing (if any) that is proposed by the PVP and the period within which the clearing may occur, and

Note. Section 30 of the Act provides that 15 years is the maximum period for which provisions of a PVP for the clearing of native vegetation can have effect.
 - (f) specify, in respect of any riparian buffer provided for by the PVP, the distance of the buffer measured from the banks of the relevant water course, and
 - (g) include details of any proposals (including management actions or works) provided for by the PVP for which financial incentives have been or are to be provided, and
 - (h) include details of any offsets that are proposed by the PVP and the period for which or within which they are required to be carried out, and
 - (i) include details of the extent (if any) to which provisions of the PVP exclude clearing for routine agricultural management or other activities from being permitted clearing.
- (2) A continuing use PVP is not required to include the material referred to in subclause (1) (d) (i), (g), (h) or (i).
- (3) In this clause:
- continuing use PVP** means a PVP that provides only for any one or more of the following matters in relation to the land to which the PVP applies:
- (a) the identification of native vegetation on the land as regrowth,
 - (b) identifying routine agricultural management activities that are to be carried out on the land,
 - (c) identifying practices as existing cultivation, grazing or rotational farming practices (for the purposes of section 23 of the Act),
 - (d) specifying a date for the purposes of the definition of **regrowth** in section 9 (2) of the Act,
 - (e) the continuation of existing farming or other rural practices (but not so as to authorise broadscale clearing).

10 PVPs that change regrowth date

A property vegetation plan that specifies a date for the purposes of the definition of **regrowth** in section 9 (2) of the Act that is earlier than the relevant date specified in section 9 (2) (a) of the Act is not to be approved under Part 4 of the Act unless the Minister is satisfied that:

- (a) native vegetation on the land concerned has been cleared pursuant to existing rotational farming practices on at least 2 occasions since:

Native Vegetation Regulation 2005

Clause 11

Property vegetation plans

Part 3

-
- (i) 1950 in the case of land not in the Western Division, or
 - (ii) 1943 in the case of land in the Western Division, and
 - (b) the property vegetation plan contains a requirement that regrowth may only be cleared in a manner that is consistent with those existing rotational farming practices.

11 Variation and termination of PVPs

- (1) A property vegetation plan cannot be terminated by the Minister under section 30 of the Act unless the following procedure has been followed:
 - (a) the landholder must be provided with the proposed notice of termination and must be given at least 14 days in which to make written submissions to the Minister with respect to the proposed termination,
 - (b) before proceeding to determine whether to terminate the property vegetation plan the Minister must have regard to any written submission made by the landholder within the period allowed for submissions.
- (2) If a PVP was approved by the Minister under section 29 (Plans proposing broadscale clearing) of the Act as a PVP that proposes broadscale clearing of native vegetation:
 - (a) the Minister is not to approve a variation of the PVP unless the PVP as varied could have been approved under that section, and
 - (b) the Minister is not to approve the termination of the PVP unless the Minister is satisfied that any clearing that has occurred under the PVP has improved or maintained environmental outcomes and any offsets that are required by the PVP have been completed.

12 Information about PVPs and development consents

- (1) The Minister is to make publicly available on the Internet:
 - (a) the Global Positioning System (*GPS*) coordinates of the location of land that is the subject of a development consent or PVP that provides for broadscale clearing of native vegetation on the land or that is the subject of a PVP that specifies a date for the purposes of the definition of *regrowth* in section 9 (2) of the Act, and
 - (b) a statement of the area (expressed in hectares) of land that is authorised to be cleared by the development consent or PVP concerned, and

Clause 12 Native Vegetation Regulation 2005

Part 3 Property vegetation plans

- (c) a statement of the area (expressed in hectares) of land that is land to which offsets apply under the PVP concerned and the GPS coordinates of the location of that land.
- (2) The following information is to be available for inspection without charge at the principal office of the catchment management authority in the area of operations in which the relevant land is situated:
- (a) detailed information as to the clearing authorised by a development consent or PVP that provides for broadscale clearing of native vegetation on the land, including details of the location (by providing GPS coordinates only) of the land authorised to be cleared,
- (b) detailed information as to the offsets provided for by a PVP that provides for broadscale clearing of native vegetation on the land, including details of the location (by providing GPS coordinates only) of the land to which any offsets apply,
- (c) the date specified in a PVP for the purposes of the definition of *regrowth* in section 9 (2) of the Act.
- (3) A catchment management authority may charge a reasonable fee for providing a copy of any information that is available for inspection under subclause (2).
- (4) The Minister is to make the following information concerning a PVP available to a person who satisfies the Minister that the person is a bona fide prospective purchaser of the land to which the PVP applies:
- (a) details of the provisions made by the PVP in respect of proposals to enable the landholder to obtain financial incentives for the management of natural resources,
- (b) details of the provision made by the PVP for the provision and expenditure of those financial incentives.
- (5) Information required to be made available under this clause must be available within 10 days after the development consent or PVP concerned is granted or approved.

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Clause 13

Routine agricultural management activities

Part 4

Part 4 Routine agricultural management activities

13 Control of pest animals

The activities that comprise routine agricultural management activities for the purposes of section 11 of the Act are extended to include anything done pursuant to an obligation arising under an eradication order or pest control order under Part 11 of the *Rural Lands Protection Act 1998*.

14 Crown land management infrastructure

- (1) The activities that comprise routine agricultural management activities for the purposes of section 11 of the Act are extended to include the construction, operation and maintenance of infrastructure by an instrumentality of the Crown or a reserve trust in the exercise of its land management activities, including roads, tracks, viewing platforms, signs and recreational facilities (such as picnic and barbecue facilities).
- (2) This clause does not authorise the clearing of native vegetation that comprises:
 - (a) a threatened species, or a component of a threatened population or threatened ecological community, under the *Threatened Species Conservation Act 1995* or is likely to comprise habitat of such a threatened species, or
 - (b) habitat of threatened species, populations or ecological communities of fish under the *Fisheries Management Act 1994*.

15 Telecommunications infrastructure on Crown land

The activities that comprise routine agricultural management activities for the purposes of section 11 of the Act are extended to include the construction, operation and maintenance on Crown land of telecommunications infrastructure.

16 Obtaining construction timber

- (1) The activities that comprise routine agricultural management activities for the purposes of section 11 of the Act are extended to include the clearing of native vegetation on land for use in the construction or maintenance of rural infrastructure on the land within whichever of the following time periods is applicable to the land:
 - (a) 18 months after the clearing for land in the area of operations of the Western, Lower Murray-Darling, Border Rivers-Gwydir, Namoi, Central West, Lachlan, Murrumbidgee or Murray Catchment Management Authority,

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Part 4	Routine agricultural management activities

- (b) 18 months after the clearing for land in the western coastal region,
 - (c) 12 months after the clearing for any other land.
- (2) This clause authorises clearing of native vegetation only if the clearing:
- (a) will not cause land degradation (including soil erosion, rising water tables, the expression of salinity, mass movement by gravity of soil or rock, stream bank instability, and any process that results in declining water quality), and
 - (b) is carried out in conjunction with a restoration program or other arrangements that will ensure the restoration of native vegetation on the cleared land of the same or a similar species as the native vegetation cleared and to the same or a similar extent as existed on the cleared land.
- (3) This clause authorises the clearing of native vegetation only if the native vegetation does not comprise:
- (a) a threatened species, or a component of a threatened population or threatened ecological community, under the *Threatened Species Conservation Act 1995* or is likely to comprise habitat of such a threatened species, or
 - (b) habitat of threatened species, populations or ecological communities of fish under the *Fisheries Management Act 1974*.
- Note.** Under section 118G of the *National Parks and Wildlife Act 1974*, clearing of native vegetation in accordance with the routine agricultural management activity referred to in this clause is a defence to a prosecution for an offence of picking a plant that is, or that is part of, a threatened species, an endangered population or an endangered ecological community under Part 8A of that Act.
- (4) This clause does not authorise the clearing of native vegetation to provide timber for use as described in subclause (1) if timber suitable for the purpose could be obtained from clearing permitted as a routine agricultural management activity (otherwise than under this clause) comprising the construction or maintenance of the rural infrastructure concerned.

17 Clearing of feral native plant species

- (1) The activities that comprise routine agricultural management activities for the purposes of section 11 of the Act are extended to include the clearing of a species of native vegetation on land for which that species is listed under this clause as a feral species and in accordance with any conditions of that listing.

Note. This clause does not permit the clearing of species other than the listed species.

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- (2) The Minister may by order list a species of native vegetation as a feral species for specified land (or all land in a specified area), or extend the area for which a species is listed, only if:
- (a) the Minister is satisfied that the species is outside of its natural range on the land or in the area for which it is to be listed, and
 - (b) the Minister has consulted with the NRC and the Minister for the Environment on the proposed listing, and
 - (c) the catchment management authority in whose area of operations the land or area is located has recommended the listing of the species as a feral species for that land or area.
- (3) A listing may be made subject to conditions that restrict how clearing of the species may be undertaken under this clause (including conditions as to the time of year in which clearing may or may not be undertaken, allowable methods of clearing and maximum area of clearing).
- (4) The Minister may revoke the listing of a species of native vegetation as a feral species.
- (5) A catchment management authority must publish on its website an up-to-date list of the species of native vegetation that are listed for the time being under this clause as a feral species for land or an area in its area of operations.

18 Gardens

The activities that comprise routine agricultural management activities for the purposes of section 11 of the Act are extended to include the clearing of native vegetation planted as part of a garden.

19 Definition of “small holding”

For the purposes of section 11 (1) (a) (ii) of the Act, a *small holding* is defined as a holding that comprises a contiguous area of land in the same ownership that has an area:

- (a) in case of land in the Western Division—of less than 40 hectares, or
- (b) in any other part of the State—of less than 10 hectares.

20 Infrastructure buffer distances

Note. This clause is subject to clause 32 in the case of land identified as protected riparian land.

- (1) The activities that comprise a routine agricultural management activity under section 11 (1) (a) of the Act in the Western Division, being the construction, operation or maintenance of any of the following rural

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infrastructure are limited so as to permit clearing only within the distances or areas indicated:

- (a) permanent fence—20 metres either side,
 - (b) access trail, cut line for stock movement, road, telephone line or cable, power line or cable, drain to a water storage, bore drain, pipeline, or irrigation channel—30 metres total width of clearing,
 - (c) firebreak, except where mallee species predominate—30 metres total width of clearing,
 - (d) firebreak where mallee species predominate—100 metres total width of clearing,
 - (e) airstrip—distances and area sufficient to meet civil aviation standards for construction of an airstrip,
 - (f) house, shearing or machinery shed, ground tank, dam or stock yards, or similar utility—5 hectares.
- (2) The activities that comprise a routine agricultural management activity under section 11 (1) (a) (construction, operation and maintenance of rural infrastructure) of the Act in the area of operations of the Southern Rivers, Hawkesbury-Nepean, Hunter-Central Rivers or Northern Rivers Catchment Management Authority, other than in the western coastal region, are limited to the following rural infrastructure only and are further limited so as to permit clearing only within the distances or areas indicated:
- (a) permanent boundary fence—6 metres either side,
 - (b) permanent internal fence—6 metres total width of clearing,
 - (c) temporary fence—1 metre total width of clearing,
 - (d) road or track—6 metres total width of clearing,
 - (e) pipeline—3 metres total width of clearing,
 - (f) habitable buildings—the asset protection zone identified for the land in a bush fire risk management plan in force under the *Rural Fires Act 1997*,
 - (g) shearing or machinery shed—20 metres from the outer edge of the structure,
 - (h) ground tank—15 metres from the outer edge of the structure,
 - (i) dam—15 metres from the outer edge of the structure,
 - (j) stockyards—20 metres from the outer edge of the structure,
 - (k) bore—10 metres from the outer edge of the structure,
 - (l) pump—3 metres from the outer edge of the structure,
 - (m) water point—3 metres from the outer edge of the structure,

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Clause 20

Routine agricultural management activities

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- (n) tank—3 metres from the outer edge of the structure,
 - (o) windmill—10 metres from the outer edge of the structure.
- (3) The following activities that comprise a routine agricultural management activity under section 11 (1) (a) (construction, operation and maintenance of rural infrastructure) of the Act are limited in the area of operations of the Murray, Murrumbidgee, Lachlan, Central West, Namoi or Border Rivers-Gwydir Catchment Management Authority and in the western coastal region so as to permit clearing only within the distances indicated:
- (a) permanent boundary fence—10 metres either side,
 - (b) permanent internal fence—10 metres total width of clearing,
 - (c) temporary fence—3 metres total width of clearing,
 - (d) road or track—6 metres total width of clearing.
- Note.** Subclauses (1) and (3) only impose distance clearing restrictions on the activities listed and do not limit the kinds of activities that can be carried out under section 11 (1) (a) of the Act in the areas mentioned.
- (4) The activities that comprise routine agricultural management activities for the purposes of section 11 of the Act are extended to include the construction, operation and maintenance of rural infrastructure on small holdings (as defined in clause 19) and land in an area zoned as rural-residential under an environmental planning instrument, but limited in the case of the following rural infrastructure so as to permit clearing only within the distances or areas specified:
- (a) permanent boundary fence—6 metres either side,
 - (b) permanent internal fence—3 metres either side,
 - (c) temporary fence—1 metre total width of clearing,
 - (d) roads and tracks—4 metres total width of clearing,
 - (e) windmills and bores—3 metres,
 - (f) stockyards—3 metres,
 - (g) habitable buildings—the asset protection zone identified for the land in a bush fire risk management plan in force under the *Rural Fires Act 1997*,
 - (h) buildings other than habitable buildings—5 metres.
- (5) The Minister may, by order in writing, on application by the landholder and after consultation with the Minister for the Environment, increase a distance specified in this clause in its application to the land concerned, but only if the Minister is satisfied that:
- (a) the proposed increase is minor, and

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- (b) the proposed increase is for a legitimate purpose associated with the management of the land concerned, and
 - (c) the increase is necessary in the circumstances.
- (6) The Minister is to make details of any order issued under subclause (5) publicly available on a register kept by the Minister for the purpose and is to include in the register a statement of the reasons for the increase concerned.
- (7) The distances and areas provided for by this clause are maximum distances and areas and do not affect the operation of section 22 of the Act which provides that clearing for routine agricultural management activities is not authorised if it exceeds the minimum extent necessary for carrying out the activity.

21 Maintenance of public utilities—electricity transmission

- (1) The activities that comprise the maintenance of public utilities associated with the transmission of electricity (as referred to in section 11 (1) (h) of the Act) include the following activities but only when those activities are being undertaken by or at the written direction of the body in which the public utility concerned is vested or that has the responsibility for that public utility's safe operation:
- (a) maintaining the necessary safety clearances under powerlines (conductors and structures) and around communication sites associated with the supply of electricity,
 - (b) minimising fuel loads under powerlines to minimise the chance of smoke from a fire resulting in a line trip,
 - (c) maintaining existing access roads and tracks.
- (2) The activities that comprise the maintenance of public utilities associated with the transmission of electricity (as referred to in section 11 (1) (h) of the Act) do not include any of the following activities:
- (a) construction of new access roads or tracks,
 - (b) removal of low growing groundcover,
 - (c) maintaining safety clearances from powerlines that exceed either of the following:
 - (i) the distance (measured from the centreline of the powerline) set out in Column 2 of the Table to this clause opposite the nominal operating voltage of the powerline set out in Column 1 of the Table,
 - (ii) the minimum distance that will ensure reliability of supply under all loading and environmental conditions and minimise the risk of arcing.

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Clause 22

Routine agricultural management activities

Part 4

Table

Column 1	Column 2
Nominal operating voltage of powerline	Maximum clearing distance
up to 11 kV	5 metres
above 11 kV up to and including 33 kV	12.5 metres
above 33 kV up to and including 66 kV	15 metres
above 66 kV up to and including 132 kV	22.5 metres
above 132 kV up to and including 330 kV	30 metres
above 330 kV	35 metres

22 Land set aside for management or protection of native vegetation by PVP

The activities that comprise routine agricultural management activities for the purposes of section 11 of the Act are limited so as not to apply to clearing of native vegetation on land identified in a PVP as land set aside for the management or protection of native vegetation, except for any activity that is specifically authorised for that land by the PVP.

23 Land subject to direction for remedial work

The activities that comprise routine agricultural management activities for the purposes of section 11 of the Act are limited so as not to apply to clearing of native vegetation on land that is the subject of a direction under section 38 (Directions for remedial work) of the Act to the extent that the activity conflicts with the work directed to be carried out by the direction.

Clause 24 Native Vegetation Regulation 2005

Part 5 Assessment of broadscale clearing—environmental outcomes

Part 5 Assessment of broadscale clearing— environmental outcomes

24 Adoption of Minister's Assessment Methodology

- (1) The Assessment Methodology is adopted for the purposes of this Regulation.
- (2) In this Part:
Assessment Methodology means the methodology titled *Environmental Outcomes Assessment Methodology* approved by the Minister for the purpose of providing a methodology for assessing and determining whether proposed broadscale clearing will improve or maintain environmental outcomes, as in force and as published in the Gazette on 18 November 2005.

25 Procedure for amendment of Assessment Methodology

- (1) The following procedure applies for the purposes of any amendment of the Assessment Methodology:
 - (a) the Minister is to seek the advice of the NRC about a proposed amendment before making a decision about the proposed amendment,
 - (b) the Minister must allow the NRC not less than 30 days in which to give its advice,
 - (c) the NRC is to provide its advice as formal recommendations to the Minister,
 - (d) the advice of the NRC is to be made public within a reasonable time after it is provided to the Minister and no later than the date of publication in the Gazette of the amendment,
 - (e) the Minister is not to make an amendment that relates to the assessment of biodiversity without the concurrence of the Minister for the Environment and the Minister for Primary Industries,
 - (f) an amendment is to be published in the Gazette,
 - (g) an amendment does not take effect until the definition of *Assessment Methodology* in clause 24 is amended to give effect to the amendment.
- (2) The NRC may propose amendments to the Assessment Methodology to the Minister.

Native Vegetation Regulation 2005

Clause 26

Assessment of broadscale clearing—environmental outcomes

Part 5

26 Proposed broadscale clearing to be assessed using Assessment Methodology

- (1) An application for development consent for development involving broadscale clearing, or for approval of a PVP that proposes broadscale clearing, is not to be granted unless:
 - (a) there has been an assessment and determination in accordance with the Assessment Methodology of whether the proposed clearing will improve or maintain environmental outcomes and the determination resulting from that assessment is that the proposed clearing will improve or maintain environmental outcomes, or
 - (b) an accredited expert has assessed and certified in accordance with clause 27 that in the accredited expert's opinion the proposed clearing will improve or maintain environmental outcomes, or
 - (c) the proposed clearing is exempt under clause 28 from the requirement for assessment in accordance with the Assessment Methodology.
- (2) Proposed broadscale clearing is to be regarded for the purposes of the Act as clearing that will improve or maintain environmental outcomes if the determination resulting from an assessment of the proposed clearing in accordance with the Assessment Methodology is that the proposed clearing will improve or maintain environmental outcomes.

27 Special provisions for minor variation

- (1) An accredited expert may make an assessment that proposed clearing will improve or maintain environmental outcomes only if there has been an assessment in accordance with the Assessment Methodology of whether the proposed clearing will improve or maintain environmental outcomes (not resulting in a determination that the proposed clearing will improve or maintain environmental outcomes) and the accredited expert is of the opinion that:
 - (a) a minor variation to the Assessment Methodology would result in a determination that the proposed clearing will improve or maintain environmental outcomes (other than a variation that is not allowable under this clause), and
 - (b) strict adherence to the Assessment Methodology is in the particular case unreasonable and unnecessary.
- (2) A variation to the Assessment Methodology is not allowable under this clause if it is a variation of any of the following aspects of the Assessment Methodology:
 - (a) riparian buffer distances or associated offset requirements,

Clause 28 Native Vegetation Regulation 2005

Part 5 Assessment of broadscale clearing—environmental outcomes

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- (b) classification of vegetation as likely habitat for threatened species,
 - (c) classification of a plant species as a threatened species or a component of an endangered ecological community,
 - (d) classification of the condition of vegetation,
 - (e) classification of the vegetation type or landscape type as overcleared,
 - (f) the assessment of the regional value of vegetation.
- (3) In certifying that proposed clearing will improve or maintain environmental outcomes, an accredited expert must:
- (a) provide reasons for the opinions of the accredited expert, and
 - (b) comply with any assessment protocols approved by the Minister for Natural Resources (in relation to aspects of assessment concerned with salinity, soil and water quality), the Minister for the Environment (in relation to aspects of assessment concerned with threatened species and biodiversity) and the Minister for Primary Industries (in relation to aspects of assessment concerned with threatened fish and marine vegetation and aquatic biodiversity).
- (4) In this clause:
- accredited expert* means a person accredited by the Minister as an expert for the purposes of this clause, being accreditation on the basis of criteria approved by the Minister for Natural Resources (in relation to aspects of assessment concerned with salinity, soil and water quality), the Minister for the Environment (in relation to aspects of assessment concerned with threatened species and biodiversity) and the Minister for Primary Industries (in relation to aspects of assessment concerned with threatened fish and marine vegetation and aquatic biodiversity).

28 Special provisions for long term environmental benefits

- (1) Proposed broadscale clearing is exempt from the requirement for assessment in accordance with the Assessment Methodology if the Minister is satisfied that:
- (a) the clearing is minor clearing, and
 - (b) on the basis of a policy adopted under this clause, the clearing is likely to improve the condition of native vegetation on the land or prevent the long term degradation of native vegetation on the land, and
 - (c) the long term environmental benefits resulting from the improved condition of native vegetation on the land or the prevention of

Native Vegetation Regulation 2005

Clause 29

Assessment of broadscale clearing—environmental outcomes

Part 5

long term degradation of native vegetation on the land outweigh the short term environmental impacts of the clearing, and

- (d) native vegetation will be restored and maintained on the land.
- (2) The Minister may approve a policy that sets out the circumstances in which minor clearing of native vegetation on land is likely to improve the condition of native vegetation on the land or prevent the long term degradation of native vegetation on the land.
- (3) Before adopting a policy for the purposes of this clause, the Minister is to:
 - (a) consult with the Minister for the Environment on the draft policy, and
 - (b) place the draft policy on public exhibition for a reasonable period and give notice of the public exhibition of the draft policy, and invite public submissions on it, by notice in a newspaper circulating generally in the area of operations of the catchment management authority in which land covered by the draft policy is situated, and
 - (c) consider any public submissions made during the period allowed for the making of public submissions.
- (4) A policy adopted for the purposes of this clause is to be made publicly available.

29 Special requirements when PVP approved on the basis of varied data or expert assessment

If a PVP that proposes broadscale clearing of native vegetation is approved by the Minister on the basis of the use of data for the purposes of the Assessment Methodology that has been varied in accordance with the Assessment Methodology or on the basis that an accredited expert has, in accordance with clause 27, assessed and certified that in the accredited expert's opinion the proposed clearing will improve or maintain environmental outcomes, the Minister must:

- (a) publish within 10 business days after the decision the Minister's reasons for the decision to approve the PVP, and
- (b) make publicly available the reports of any expert assessment of the clearing proposal or data relevant to the proposal, and
- (c) make a record of any variations made to the data used for the purposes of the Assessment Methodology together with a record of the results of the initial assessment and the assessment using the varied data, and
- (d) retain the records made under paragraph (c) for the duration of the PVP.

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Part 6 Special provisions for vulnerable land

Part 6 Special provisions for vulnerable land

30 Former Act not to apply to State protected land

- (1) The provisions of the former Act do not have effect under clause 4 of Schedule 3 to the new Act to or in relation to State protected land except as provided by this clause.
- (2) The provisions of the former Act continue to have effect (despite its repeal) to and in relation to:
 - (a) exotic trees (that is, trees that are not native vegetation) on State protected land, and
 - (b) dead trees on State protected land, and
 - (c) native vegetation on State protected land in a local government area (other than Wollongong) specified in Schedule 1 to the former Act immediately before its repeal.
- (3) The provisions of the former Act do not have effect under subclause (2) in respect of clearing of exotic trees or dead trees in circumstances set out in guidelines approved and published by the Minister to enable clearing where no more than minimal environmental harm is likely.

31 Identification of protected regrowth on steep or highly erodible land or protected riparian land

- (1) The Minister may prepare a natural resource management plan for the purposes of:
 - (a) identifying land as *steep or highly erodible land, protected riparian land* or *special category land* for the purposes of this Part, and
 - (b) identifying as protected regrowth for the purposes of section 10 of the Act all native vegetation on land identified by the plan as steep or highly erodible land or protected riparian land.
- (2) A natural resource management plan prepared by the Minister under this clause is prescribed for the purposes of section 10 (1) (c) of the Act.

Note. Section 10 (1) (c) provides for the identification of protected vegetation by a natural resource management plan prescribed by the regulations.
- (3) All regrowth on State protected land (other than State protected land that is identified as “Category C” protected land on any map held by the Director-General) is identified as protected regrowth for the purposes of section 10 of the Act until:
 - (a) the Minister prepares a natural resource management plan under subclause (1), or

Native Vegetation Regulation 2005

Clause 32

Special provisions for vulnerable land

Part 6

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- (b) the end of the period of 6 months after the commencement of this Regulation,
whichever happens first.

32 Limitation of RAMAs on protected riparian land

The following activities are the only activities that comprise a routine agricultural management activity for the purposes of section 11 of the Act on land identified as protected riparian land by a natural resource management plan under clause 31:

- (a) the maintenance of safety clearances around electricity transmission lines to a distance of no more than 15 metres where any clearing is carried out by an employee of or contractor to a local government or electricity supply authority,
- (b) the removal of noxious weeds under the *Noxious Weeds Act 1993*,
- (c) the construction and maintenance of boundary fencing, with a total width of clearing for the purposes of a boundary fence not to exceed 3 metres on either side of the fence,
- (d) the construction and maintenance of fencing (other than boundary fencing) to improve management of the protected riparian land, with a total width of clearing for the purposes of a fence not to exceed 3 metres and only for fencing that is reasonably required to be constructed on protected riparian land,
- (e) the construction and maintenance of farm roads, with a total width of clearing for the purposes of a farm road not to exceed 4 metres and only if:
 - (i) the road is reasonably required to access sites within or on the other side of the protected riparian land, and
 - (ii) the route of the road minimises the clearing that is required to be undertaken on protected riparian land,

Note. Planning the route of a road to minimise clearing on protected riparian land may, for example, require its construction on land that has already been cleared or on land that is not protected riparian land, or for the road to take the most direct route through or across the protected riparian land.

- (f) anything done pursuant to an obligation arising under an eradication order or pest control order under Part 11 of the *Rural Lands Protection Act 1998*,
- (g) any activity reasonably considered necessary to remove or reduce an imminent risk of serious personal injury or damage to property.

Clause 33 Native Vegetation Regulation 2005

Part 6 Special provisions for vulnerable land

33 Clearing of lignum on special category land

- (1) The activities that comprise routine agricultural management activities for the purposes of section 11 of the Act are extended to include the clearing of lignum on land identified as special category land by a natural resource management plan under clause 31 as follows, subject to the restrictions provided by subclause (2):
- (a) clearing within 50 metres of an existing shed, silo, pump house, residence or air strip,
 - (b) clearing for the purpose of fence maintenance or stock management involving the clearing of not more than 30 metres either side of a fence,
 - (c) clearing for the purpose of maintaining an existing flood control work or storage control bank involving the clearing of not more than 30 metres from the toe of the outside batter of the work or bank,
 - (d) clearing for the purpose of maintaining an existing irrigation channel involving the clearing of not more than 30 metres from the toe of the outside batter of the channel,
 - (e) clearing for the purpose of maintaining a local council road or an existing farm road or track that has been built up at least 50 centimetres above the adjacent floodplain level involving the clearing of not more than 30 metres from the toe of the outside batter of the road or track,
 - (f) clearing within 50 metres of an existing ground tank or trough that is used for stock watering,
 - (g) clearing for the purpose of stock management or internal paddock access involving the clearing of any number of parallel strips of lignum up to 20 metres in width.
- (2) Restrictions on the clearing of lignum on special category land are as follows:
- (a) cleared strips exceeding 10 metres in width must be bounded on both sides by uncleared strips of lignum at least 1,000 metres wide,
 - (b) cleared strips of lignum between 5 metres and 10 metres in width must be bounded on both sides by uncleared strips of lignum at least 500 metres wide,
 - (c) cleared strips of lignum less than 5 metres in width must be bounded on both sides by uncleared strips of lignum at least 250 metres wide.

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Clause 34

Savings and transitional provisions

Part 7

Part 7 Savings and transitional provisions

34 Authorised officers under former Act

- (1) A person who was an authorised officer under the former Act immediately before the repeal of that Act is taken to have been appointed on the commencement of the new Act as an authorised officer under the new Act.
- (2) Any limitation on the authority of the authorised officer under the former Act also operates as a limitation on the authority of the authorised officer under the new Act and operates as a limitation imposed by the relevant instrument of appointment.
- (3) This clause does not remove the need for an authorised officer to be in possession of an identification card issued on behalf of the Minister.

35 Pending applications for development consent

A development application made under the EPA Act before the repeal of the former Act for any clearing that requires development consent under the new Act and that is pending on the commencement of the new Act is to be dealt with as follows:

- (a) if the application was made before 9 November 2004, the application is to continue to be dealt with and finalised under the former Act as if the former Act had not been repealed,
- (b) if the application was made on or after that date, the application is to be dealt with and finalised under the new Act as if it had first been made after the commencement of the new Act.

36 Native Vegetation Management Fund

Any money in the Native Vegetation Management Fund under the former Act immediately before its repeal is to be allocated and spent in such manner as the Minister may authorise in connection with the objects of the new Act.

37 Property agreements under former Act

- (1) Part 5 (Property agreements) of the former Act continues to apply, as if it had not been repealed, to and in respect of a property agreement in force under the former Act immediately before its repeal.
- (2) Despite subclause (1), a property agreement in force under the former Act immediately before its repeal cannot be registered as provided by section 44 of the former Act more than 6 months after that repeal.

Clause 38 Native Vegetation Regulation 2005

Part 7 Savings and transitional provisions

- (3) Part 5 (Enforcement) of the new Act extends to a breach of a property agreement in force under the former Act immediately before the repeal of the former Act as if a reference in Part 5 of the new Act to a contravention of the former Act included a reference to a breach of a property agreement in force under the former Act.

38 Stop work orders and remedial work directions under former Act

- (1) An order in force under section 46 of the former Act immediately before its repeal is taken to have been made under section 37 of the new Act and for that purpose is to be regarded as having taken effect when it took effect under section 46 of the former Act.
- (2) A direction in force under section 47 of the former Act immediately before its repeal is taken to have been made under section 38 of the new Act and for that purpose is to be regarded as having taken effect when it took effect under section 47 of the former Act.

39 Exempt farm forestry under Plantations and Reafforestation Act 1999

- (1) On and from the repeal of the former Act by the new Act, section 6 (1) (b) of the *Plantations and Reafforestation Act 1999* is to be read as if:
- (a) a reference to clearing of native vegetation or of protected land (within the meaning of the former Act) were a reference to clearing of native vegetation within the meaning of the new Act, and
- (b) a reference to clearing that is exempt from the requirement under Part 2 of the former Act for development consent were a reference to clearing that is exempt from the requirement under section 12 of the new Act that the clearing be in accordance with a development consent or a property vegetation plan.
- (2) Subclause (1) does not apply in respect of clearing that commenced before the repeal of the former Act. Section 6 (1) (b) of the *Plantations and Reafforestation Act 1999* continues to apply to and in respect of that clearing as if the former Act had not been repealed and any relevant regional vegetation management plan under that Act were still in force.

40 Exemption of clearing authorised under existing cultivation consents

- (1) Any clearing of native vegetation (other than trees) authorised under an existing cultivation consent is taken to be clearing that is exempt from any requirement under section 12 of the new Act that the clearing be in accordance with a development consent or a property vegetation plan.
- (2) This clause ceases to have effect in relation to the exempt clearing if:
- (a) the existing cultivation consent ceases to be in force, or

Native Vegetation Regulation 2005

Clause 41

Savings and transitional provisions

Part 7

- (b) the land on which the clearing is authorised becomes land to which a property vegetation plan applies, whichever first occurs.
- (3) This clause is repealed at the end of 31 December 2007.
- (4) In this clause:
existing cultivation consent means a consent under section 18DA of the *Western Lands Act 1901* and in force immediately before 1 January 1998.

41 Private native forestry

- (1) The clearing of native vegetation for a purpose described in paragraph (i) (Private Native Forestry) of Schedule 3 to SEPP 46:
 - (a) continues, after the repeal of Schedule 4 (Savings and transitional provisions) to the former Act, to be clearing that the new Act does not apply to, and
 - (b) in the case of clearing on State protected land, continues to be subject to the provisions of the former Act as if that Act had not been repealed.
- (2) This clause ceases to have effect:
 - (a) when the Assessment Methodology adopted under Part 5 is amended to provide a methodology for assessing and determining whether proposed private native forestry will improve or maintain environmental outcomes, or
 - (b) at the end of the period of 6 months after the commencement of this Regulation,
 whichever happens first.
- (3) In this clause:
SEPP 46 means *State Environmental Planning Policy No 46—Protection and Management of Native Vegetation* as in force immediately before its repeal by the former Act.

Clause 42 Native Vegetation Regulation 2005

Part 8 General

Part 8 General

42 Clearing of groundcover—calculations

- (1) The percentages referred to in section 20 (Clearing of certain groundcover permitted) of the Act are to be calculated in accordance with the following methodology:
 - (a) the percentages are to be calculated by the landholder in a scientific and objective manner that is appropriate to the area proposed to be cleared and the species of vegetation that are present,
 - (b) the calculation can only be made at the time of year when the proportion of the amount of indigenous vegetation in the area to the amount of non-indigenous vegetation in the area is likely to be at its maximum.
- (2) The landholder must retain for at least 5 years after the clearing of native vegetation that comprises only groundcover a record of the calculation carried out for the purposes of subclause (1), consisting of:
 - (a) a map showing the area that was the subject of the calculation, and
 - (b) a record of the season in which the calculation was made, and
 - (c) a statement as to how the calculation was made, and
 - (d) photographs that clearly show the type of groundcover in the mapped area, taken at the time the calculation was made.
- (3) This clause does not apply to land that is declared by the Minister by order published in the Gazette to be land that is not subject to this clause. The Minister's order may declare land by reference to a map deposited in the office of the Minister.

43 Penalty notice offences and penalties

- (1) For the purposes of section 43 of the Act:
 - (a) each offence created by a provision specified in Column 1 of Schedule 1 is an offence for which a penalty notice may be served, and
 - (b) the penalty prescribed for each such offence is the amount specified opposite the provision in Column 2 of Schedule 1 or, if the person alleged to have committed the offence is a corporation and a greater penalty is specified in Column 3 of Schedule 1, the amount specified in Column 3 of Schedule 1.

Native Vegetation Regulation 2005

Clause 44

General

Part 8

-
- (2) If the reference to a provision in Column 1 of Schedule 1 is qualified by words that restrict its operation to specified kinds of offences, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.

Note. Section 307A of the *Crimes Act 1900* makes it an offence for a person to knowingly or recklessly make a false or misleading statement in connection with a claim, request or other form of application to a public official for any benefit or any licence, permit, consent, approval, registration or other form of authority. The maximum penalty provided by the section is imprisonment for 2 years and/or a fine of 200 penalty units.

44 Amendments to Schedule 1 to the Act

Schedule 1 to the Act is amended:

- (a) by omitting items 1, 2, 3 and 6, and
- (b) by omitting “Wollongong,” from item 13, and
- (c) by inserting “, not being land to which a property vegetation plan applies” after “so designated” in item 14.

Native Vegetation Regulation 2005

Schedule 1 Penalty notice offences

Schedule 1 Penalty notice offences

(Clause 43)

Column 1	Column 2	Column 3
Provision	Penalty (individuals)	Penalty (corporations)
Offences under the Act		
section 12	\$3,300	\$5,500
section 35 (5)	\$1,100	
section 36 (4)	\$1,100	
section 37 (5)	\$1,650	\$3,300
section 38 (4)	\$1,650	\$3,300

Native Vegetation Regulation 2005

Environmental Outcomes Assessment Methodology

Protecting and investing in healthy and productive landscapes for the people of New South Wales

Under clause 24 of the Native Vegetation Regulation 2005, I approve this page and the following 84 pages as the Environmental Outcomes Assessment Methodology.

Ian Macdonald MLC

Date: 14th November 2005

Native Vegetation Regulation 2005: Environmental Outcomes Assessment Methodology

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1 Introduction

In December 2003 the NSW Government undertook a major overhaul of natural resource management institutions in NSW by passing the *Natural Resources Commission Act 2003*, the *Catchment Management Authorities Act 2003* and the *Native Vegetation Act 2003*.

These new reforms were built on the Wentworth Group's report to Premier Carr in February 2003. Their report, titled "*A New Model for Landscape Conservation in New South Wales*" contained five interdependent recommendations:

- 1) strengthen and simplify native vegetation regulation ending the broadscale clearing of remnant vegetation and protected regrowth;
- 2) set environmental standards and clarify responsibilities for native vegetation management which will, over time, create healthy rivers and catchments;
- 3) use property management plans to provide investment security, management flexibility and financial support for farmers;
- 4) provide significant public funding to farmers to help meet new environmental standards and support on-ground conservation; and
- 5) strengthen institutions by obtaining scientific input into policy setting, improving information systems, and regionalising administration.

The Native Vegetation Reform Implementation Group was established to advise the Premier on how to implement the Wentworth Group's reforms. This group comprised senior representatives from farmer groups, environment groups, scientists and members of NSW public service agencies. The Native Vegetation Reform Implementation Group Report identified that:

"New South Wales needs a sound approach to the management of our native vegetation that:

- *is built on a shared commitment to develop the world's leading agricultural production systems that utilise maximum water efficiency and sustainable farming practices;*
- *is capable of sustaining regional development with secure access to natural resources;*
- *protects the environment by restoring and maintaining the quality of our water, soil and biodiversity; and*
- *is based on mutual trust between farmers, environmentalists, governments, and the wider community."*

In December 2003 the *Natural Resources Commission Act 2003*, *Catchment Management Authorities Act 2003* and the *Native Vegetation Act 2003* were passed to deliver this framework.

The *Natural Resources Commission Act 2003* created the Natural Resources Commission. One of the primary functions of the Commission is to set State-wide standards and targets for natural resource management. The Commission is required to have regard to, among other things, the principles of ecologically sustainable development, the social and economic implications of its recommendations and advice, and regional variation in the environment.

The *Catchment Management Authorities Act 2003* creates Catchment Management Authorities. The Authorities have both an operational role and a planning role. Operationally the Catchment Management Authorities are responsible for approving property vegetation plans under the *Native Vegetation Act 2003* and delivering incentives to landholders from funding provided by Government. Catchment Management Authorities are also responsible for preparing catchment action plans. The catchment action plans are the link between the State-wide standards and targets and on ground actions at the regional level.

An objective of the *Native Vegetation Act 2003* is to end broadscale clearing except where the clearing will improve or maintain environmental outcomes. This Environmental Outcomes Assessment Methodology sets out the circumstances in which broadscale clearing is to be regarded as improving or maintaining environmental outcomes. It provides the scientific underpinning for, and the logic used in this assessment. It will continue to be refined as the science improves.

The Environmental Outcomes Assessment Methodology is applied using an objective, computer-based decision support software known as the PVP Developer. This software weighs up the positive and negative benefits of different management actions helping assessment officers to make practical decisions based on the best scientific information available.

The PVP Developer will be used by Catchment Management Authorities to assist farmers prepare Property Vegetation Plans. Property Vegetation Plans will be the main vehicle for delivering on farm incentives and for securing and clarifying farmers' rights to manage native vegetation consistent with the *Native Vegetation Act 2003*.

Detailed explanations on the use of the software outlined in the methodology are provided in Operations Manuals.

The methodology and software has evolved as a result of extensive field trials, public submissions and review by panels of independent scientists, farming and environmental interests.

It will continue to be refined as scientific knowledge advances. All future improvements to the PVP Developer will require consideration by the Natural Resources Commission and approved by the Minister for Natural Resources and, for matters related to biodiversity, concurrence from the Minister for Environment and Conservation.

Notes in this document are explanatory notes and do not form part of the document for the purposes of the Native Vegetation Regulation 2005.

Note: For further information please see the following:

Wentworth Group of Concerned Scientists, 2003 *A New Model for Landscape Conservation in New South Wales*. NSW Government
www.wwf.org.au/News_and_information/Publications/PDF/Report/new_model_report_to_car_r.pdf

Native Vegetation Reform Implementation Group, 2003 *Final Report*. Department of Infrastructure, Planning and Natural Resources
www.dipnr.nsw.gov.au/nvrig/pdf/sinclairreport.pdf

Department of Infrastructure, Planning and Natural Resources (DIPNR), 2003 *A New Approach to Natural Resource Management*.
www.dipnr.nsw.gov.au/nvrig/pdf/finalnvrig.pdf

2 Assessment of broadscale clearing proposals

2.1 Overview

The *Native Vegetation Act 2003* states that broadscale clearing proposed in a development consent or a property vegetation plan may only be approved if the clearing will improve or maintain environmental outcomes. Sections 15 and 32 of the *Native Vegetation Act 2003* allows the Native Vegetation Regulation 2005 to make provision for or with respect to "the circumstances in which broadscale clearing is to be regarded as improving or maintaining environmental outcomes"

This document sets out the circumstances in which clearing and, where appropriate associated offsets, are to be regarded as improving or maintaining environmental outcomes.

This document is adopted into the Native Vegetation Regulation 2005 (as required by the *Native Vegetation Act 2003*) by clause 25 of the Native Vegetation Regulation 2005. The Environmental Outcomes Assessment Methodology can only be varied in accordance with the process set out in clause 26 of the Native Vegetation Regulation 2005. In particular, before any change takes effect, the Native Vegetation Regulation 2005 will need to be updated to refer to the amended version (clause 25 (2)) of the Environmental Outcomes Assessment Methodology.

The environmental outcomes of clearing are highly variable and depend on a range of issues such as the type of vegetation being cleared, how the clearing will be undertaken and the existing state of the landscape in the area where the clearing is proposed. This document and the data that underlies some of the requirements (see Chapter Section 2.4) reflect this complexity.

To facilitate timely assessment of clearing proposals in accordance with the computer models set out in this document, the scientific information in the models has been codified into a decision support tool called the PVP Developer. This allows local environmental variables and details of the clearing and any offset proposals to be entered into the computer, with the results of ensuing computations being available to assist decision making by the appropriate authorities as to whether the proposed broadscale clearing is to be regarded as improving or maintaining environmental outcomes in accordance with this Environmental Outcomes Assessment Methodology. An officer delegated by the Minister must certify that the PVP Developer complies in all aspects with the Environmental Outcomes Assessment Methodology. Decisions made in accordance with the PVP Developer will be regarded as improving environmental outcomes.

The Director General of the Department of Natural Resources or their delegate will maintain version control of the PVP Developer in accordance amendments approved by clause 26 of the Native Vegetation Regulation 2005. Version control is managed through the Property Administration Management System (PAMS) that automatically maintains the version of the PVP Developer and its databases used for a Property Vegetation Plan. A PVP can not be generated without reference to the Property Administration Management System.

Broadscale clearing must be assessed in accordance with Chapters 2 to 6. The overall impacts of proposed broadscale clearing are to be determined by separately assessing the impacts of the proposal on:

- water quality (Chapter 3);
- salinity (Chapter 4);
- biodiversity (Chapter 5); and

- land degradation (soil) (Chapter 6).

Where the broadscale clearing is of an invasive native scrub species listed in Table 7.1 the option is available to have the proposal assessed in accordance with Chapter 7 only.

2.2 The improve or maintain test

Proposed broadscale clearing assessed under this test is to be regarded as improving or maintaining environmental outcomes if either:

1. **In relation to development applications**, the impacts of the proposed clearing will improve or maintain environmental outcomes for each *relevant environmental value* (that is, water quality, salinity, biodiversity and land degradation (soil)); or
2. **In relation to a draft Property Vegetation Plan (PVP)**, the impacts of the proposed clearing and the benefits from any offset whether the same property or elsewhere, will improve or maintain environmental outcomes for each relevant environmental value.

If a clearing proposal that involves clearing of native vegetation (other than invasive native scrub) the proposal must be assessed against each of the relevant environmental values (that is, water quality, salinity, biodiversity and soils). For each environmental value, the clearing (and, where relevant, any offsets) must improve or maintain environmental outcomes, according to this Environmental Outcomes Assessment Methodology.

If a clearing proposal is for the purpose of clearing of invasive native scrub (as defined by this Environmental Outcomes Assessment Methodology in Chapter 7), then that proposal is assessed **only under Chapter 7** to determine whether the proposed clearing will improve or maintain environmental outcomes. If the assessment under Chapter 7 indicates that the proposed clearing will improve or maintain environmental outcomes, then there is no need to assess the proposal under Chapter 3 (water quality), Chapter 4 (salinity), Chapter 5 (biodiversity) and Chapter 6 (soils).

For a clearing proposal that deals with the clearing of invasive native scrub, if the assessment under Chapter 7 indicates that the clearing will **not** improve or maintain environmental outcomes, then the clearing proposal must be assessed in the same way as a proposal that involves clearing native vegetation that is not invasive native scrub.

2.3 Offsets

Where management actions that have environmental benefits (referred to as offsets) are proposed in a Property Vegetation Plan, the benefits of the proposed action are to be determined by separately assessing the benefits of the offset in relation to each of the environmental values listed above.

In addition to any specific requirements for offsets set out in Chapter Sections 3 to 6, the benefits of a proposed offset may only be taken into account when assessing whether proposed clearing will improve or maintain environmental outcomes if the:

- benefits of the offset persist for at least the duration of the negative impact of the proposed clearing; and
- offset is additional to actions or works carried out using public funds or to fulfil regulatory obligations.

Offsets may only be proposed in a Property Vegetation Plan.

Note:

1. The principles for the use of offsets are:
 - A. the benefits of the offset persist for at least the duration of the negative impact of the proposed clearing (usually in perpetuity); and
 - B. the benefits of the offset occur in the same area as the impacts of the proposed clearing; and
 - C. the offset vegetation for biodiversity is either of equal or greater regional conservation significance as the site proposed for clearing; and
 - D. management actions are likely to be deliverable and enforceable; and
 - E. permanent conservation measures are given greater value than other management actions; and
 - F. the benefits of the offset are assessed using the same methodologies used to assess the impacts of the proposed clearing; and
 - G. the offset is additional to actions or works carried out using public funds or to fulfil regulatory obligations; and
 - H. only benefits from the management action or permanent conservation action may comprise the offset.
2. Offsets (that are not related to how the proposed clearing is carried out) are not available as part of development applications as there is no way of ensuring that these actions are implemented by subsequent landholders.
3. When the Minister on the advice of the Natural Resources Commission, approves the appropriate method(s) within the Environmental Outcomes Assessment Methodology the net effect of impacts and benefits on water quality, land degradation (soil) and salinity will be assessed and the flow-on effects of the impacts and benefits between water quality, land degradation (soil) and salinity will be taken into account. Biodiversity outcomes will not be tradeable.

2.4 Data variation**2.4.1 Databases containing environmental information**

Chapters 3, 4, 5, 6 and 7 specify the circumstances in which broadscale clearing is to be regarded as improving or maintaining environmental outcomes for water quality, salinity, biodiversity, soils and invasive native scrub respectively.

To apply these circumstances accurately and meaningfully to the enormous range of possible clearing and offset proposals in the diverse environments that exist throughout the State it is necessary to rely on detailed data about the state of the environment in NSW. The information is held in the following databases:

- threatened species profiles database;
- vegetation benchmarks database;
- overcleared landscapes database;
- overcleared vegetation types database;
- major rivers database;
- important wetlands database;
- soil subregions database; and
- invasive native scrub species database.

These databases are available from the web sites of the Catchment Management Authorities; the Department of Environment and Conservation; and the Department of Natural Resources.

2.4.2 Changing the databases

The databases are updated in response to increasing knowledge about the environment and changes in the environment itself. Prior to updating the databases the Director General of the Department responsible for that database must consult the Natural Resources Commission, the Catchment Management Authorities and any other public authorities, bodies or persons that are, in the opinion of the Director General, likely to be affected by the proposal.

Changes to the databases must be published on the internet.

2.4.3 Using more appropriate local data

Where an assessment of proposed broadscale clearing using the approved databases indicates that the proposal does not improve or maintain environmental outcomes, it may be possible to utilise more appropriate local data.

If an **accredited expert** certifies that data is available that more accurately reflects local environmental conditions (compared to the data in the approved databases) in relation to:

- vegetation density benchmarks;
- whether threatened animal species are likely to occur on the land in that vegetation type or habit feature in the sub region; or
- the estimated percentage increase in population that can be expected in response to a proposed management action, as measured by either an increase in the number of individuals, or habitat amount or key habitat feature.

The Catchment Management Authority Board or General Manager (exercising power delegated by the Minister) may authorise the replacement of the approved data with data that the accredited expert advises is more appropriate.

After the data is varied the proposal may be reassessed in accordance with clause 27(1)(a) of the Native Vegetation Regulation 2005.

In certifying that data is available that more accurately reflects local environmental conditions (compared to the data in the approved databases), an accredited expert must:

- provide reasons for this opinion; and
- comply with any assessment protocols approved by the Minister for Natural Resources (in relation to aspects of assessment concerned with salinity, soil and water quality), the Minister for Environment and Conservation (in relation to aspects of assessment concerned with threatened species and biodiversity) and the Minister for Primary Industries (in relation to aspects of assessment concerned with fish and marine vegetation).

Accredited expert means a person accredited by the Minister for Natural Resources as an expert for the purposes of this Chapter Section, being accreditation on the basis of criteria approved by the Minister for Natural Resources (in relation to aspects of assessment concerned with salinity, soil and water quality), the Minister for the Environment (in relation to aspects of assessment concerned with threatened species and biodiversity) and the Minister for Primary Industries (in relation to aspects of assessment concerned with fish and marine vegetation).

If proposed broadscale clearing is approved after data has been varied in accordance with this Chapter Section the requirements of clause 30 of the Native Vegetation Regulation 2005 must be complied with.

3 Water Quality Assessment

3.1 Introduction

Riparian vegetation provides multiple benefits for water quality, land degradation (soil), salinity and terrestrial and aquatic biodiversity. Riparian (or riverside) vegetation therefore is used as a surrogate for water quality impacts, where the term “water quality” is used broadly to mean “river health”. In addition to the sediment and nutrient aspects of water quality, this also encompasses aquatic habitat (for biodiversity protection) and geomorphological considerations.

“Riparian land is important because it is usually the most fertile and productive part of the landscape, in terms of both agriculture and natural ecosystems. It often has better quality soils than surrounding hill-slopes and, because of its lower position in the landscape, often retains moisture over a longer period” (Cotton Research and Development Corporation, 2003).

“Riparian land often supports a greater diversity of plants and animals than non-riparian land. This is a result of its wide range of habitats and food types, its closeness to water, its microclimate and its ability to provide refuge. Many native plants and animals are found only, or mainly, in riparian lands, and this makes these areas essential to many animals for all or part of their lifecycle” (Cotton Research and Development Corporation, 2003).

“Riparian land also provides a refuge for native plants and animals in times of drought and fire, as well as providing corridors for wildlife in highly-cleared landscapes” (Cotton Research and Development Corporation, 2003).

“Careful management of riparian land is vital for the conservation of Australia’s unique biodiversity” (Cotton Research and Development Corporation, 2003).

3.2 The improve or maintain test for water quality

The water quality tool is to be used in the field during site visits. The user is to apply the tool if all or part of a stream or wetland area can be seen on the ground within the proposed Property Vegetation Plan area or within the following distances from the boundary of the Property Vegetation Plan area:

- coast and tablelands- 40 metres;
- western slopes and plains-100 metres; or
- estuarine areas-50 metres;

Otherwise there is no need to apply the tool and clearing is deemed to improve or maintain environmental outcomes *for water quality*.

3.2.1 Clearing that does not improve or maintain environmental outcomes for water quality

Subject to Chapter Section 3.2.3, below, the following clearing does not improve or maintain environmental outcomes *for water quality* and cannot be offset:

- clearing within 20 metres of, and within, a stream listed in Major Rivers Database (NSW Government, 1977);
- clearing within the riparian buffer distance around important wetlands or minor wetlands (as defined in Table 3.1).

Table 3.1 Definition of riparian buffer distances

Location	Size of stream/wetland			
	Minor watercourses, flood runners and effluents	Minor creeks & lagoons	Minor rivers, minor wetlands & major creeks	Major rivers & important wetlands
Coast & tablelands	10m	20m	30m	40m
Western slopes & plains	20m	40m	60m	100m
Estuarine areas	50m from the astronomical high tide mark (where no obvious bank).			

3.2.2 Clearing that may improve or maintain environmental outcomes for water quality with appropriate offsets

Subject to Chapter Sections 3.2.1 and 3.2.3, it is deemed that clearing within the riparian buffer distance will not improve or maintain environmental outcomes for water quality without offsets. The offset:

- must provide commensurate vegetation cover (to minimise soil erosion and filter sediment); and
- must be within the riparian buffer distance that applies to the stream or wetland where the offset is to be located; the offset need not be on the same stream or lagoon as the clearing.

Offsets for water quality are calculated using the process described for biodiversity in Chapter 5. Proposed offsets may need to be assessed under Chapters 4 and 6 to determine whether the water quality offset has any negative impacts on salinity or land degradation.

3.2.3 Clearing that does improve or maintain environmental outcomes for water quality

The following clearing is deemed to improve or maintain environmental outcomes *for water quality*:

- clearing outside the riparian buffer distances for streams and wetlands; or
- clearing within the riparian buffer distances for streams and wetlands if it is for thinning of native vegetation to benchmark conditions for biodiversity (see Chapter Section 5.4).

3.3 Definitions

Stream means any river, creek, or natural watercourse, whether artificially modified or not, in which water flows, regardless of flow regime, in a defined flow path, bed or channel.

Effluent means an anabranch or distributary that is:

- listed in the Major Rivers Database (see definition of Minor River); or
- not listed in the Major Rivers Database but is shown on the topographic map in the PVP Developer.

Lagoon means a wetland that is visible on the ground but may or may not be marked on a 1:25,000 (or next best available scale) topographic map, is not listed in the Important Wetlands Database, is not a SEPP 14 Wetland and is not shown on the map of wetlands in the PVP Developer.

Major river means any part of a stream that is listed as a “major river” in the Major Rivers Database which is:

- a) downstream of the most upstream tributary listed in the Major Rivers Database; or
- b) downstream of another stream that is listed as a “major river” in the Major Rivers Database.

Minor river means any part of a stream that is:

- a) listed as a tributary or effluent in the Major Rivers Database, and has one or more upstream tributaries that are 2nd order based on the topographic map in the PVP Developer; or
- b) listed as a “major river” in the Major Rivers Database, and is:
 - (i) above the highest tributary listed in the Major Rivers Database; and
 - (ii) does not have another stream upstream of it that is listed as a “major river” in the Major Rivers Database; and
 - (iii) has one or more upstream tributaries that are 2nd order based on the topographic map in the PVP Developer.

Major creek means any part of a stream that is:

- a) Major creek has the same meaning as “Minor river” in the context of the PVP Developer.

Minor creek means any part of a stream that is:

- a) not listed in the Major Rivers Database, is not an effluent or flood runner and the topographic map in the PVP Developer shows it has tributaries upstream of it; or
- b) a listed tributary or effluent of a “major river” in the Major Rivers Database, and the stream section is above the highest 2nd order tributary marked on the topographic map in the PVP Developer; or
- c) listed as a “major river” in the Major Rivers Database, and the stream section is above the highest 2nd order tributary marked on the topographic map in the PVP Developer.

Minor watercourse means any part of a stream:

- a) that is not listed in the Major Rivers Database and the topographic map in the PVP Developer shows it has no tributaries upstream of it; and
- b) for which there is a visible path where water flows intermittently, ephemeral or permanently, that may be vegetated and which may or may not have an eroded channel.

Important wetland means a wetland that is listed in the Important Wetlands Database or is a SEPP 14 wetland.

Minor wetland means a wetland that is shown on the map of wetlands in the PVP Developer but is not listed in the Important Wetlands Database and is not a SEPP 14 wetland.

Flood runner means a continuous channel across or down a floodplain that only carries flow during an overbank flood.

SEPP 14 wetland means a wetland that is shown on the map of SEPP 14 wetlands in the PVP Developer.

Visible channel means a visible path where water flows, regardless of flow regime, which shows some degree of incision or erosion.

Note:

1. The classification of major and minor rivers in the Major Rivers Database is based on the publication “*Restrictions on the removal of trees on NSW watercourses*” (NSW Government, 1977), stream ordering and visual inspection. All streams listed in the booklet, whether listed as “major rivers” or not, have been provided with the same

- protection zone (within 20m of their banks) since 1964. Minor amendments have been made to the list in the booklet to make it suitable for current needs and the amended listing has been reorganised into one table for each Catchment Management Authority, and a separate table of “major rivers” (see in the Major Rivers Database). The amendments preserve the original protection afforded to listed streams.
2. The Commonwealth Department of Environment and Heritage has listed ‘nationally important wetlands’, a subset of which is a list of Nationally Important Wetlands in NSW. A list of these wetlands, *Nationally Important Wetlands in NSW*, is provided by Catchment Management Authority area in the Operations Manual (see the Important Wetlands Database).
 3. SEPP 14 wetlands are shown on the map of SEPP 14 wetlands provided in the PVP Developer.

3.4 Using the modified Strahler Stream ordering system

Progressing upstream, rivers and creeks become progressively smaller and their default riparian buffer distance requirements reduce. For example, working upstream, the Murrumbidgee starts as a “major river” but it progressively dwindles to be a “minor river or major creek” and then to be a “minor creek” before it peters out altogether. Provision has also been made in the Major Rivers Database for streams, such as the Darling, that undergo name changes.

Where stream ordering is used in the above definitions, this is determined using the Strahler system, which starts with 1st order at the top of the stream network (based on a 1:25,000 or next best available scale topographic map). The modified Strahler system is illustrated in Figure 3.1.

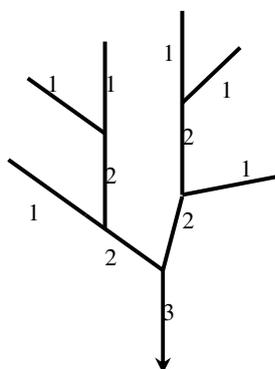


Figure 3.1 Modified Strahler stream ordering system

The stream ordering system is designed to produce results that are consistent between catchments, but also recognise legitimate regional differences. It is also designed to be simple enough to be useful to practitioners in the field, but at the same time reflect the differentiation in Table 3.1.

3.5 Measuring buffer distances

For streams, riparian buffer distances are measured on both sides of the stream from top of bank if this is defined, otherwise from the centre of the stream. Where a stream has more than one bank on either side, the bank closest to the main channel should be used, to protect vegetation on and within the stream banks.

For wetlands, riparian buffer distances are measured on all sides from the wetland limit. Where a wetland has more than one bank, the bank closest to the wetland area should be used.

Where a clearing or offset site is adjacent to a wetland, the distances for both streams and wetlands should be measured and the greater riparian buffer distance should be adopted.

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4 Salinity Assessment

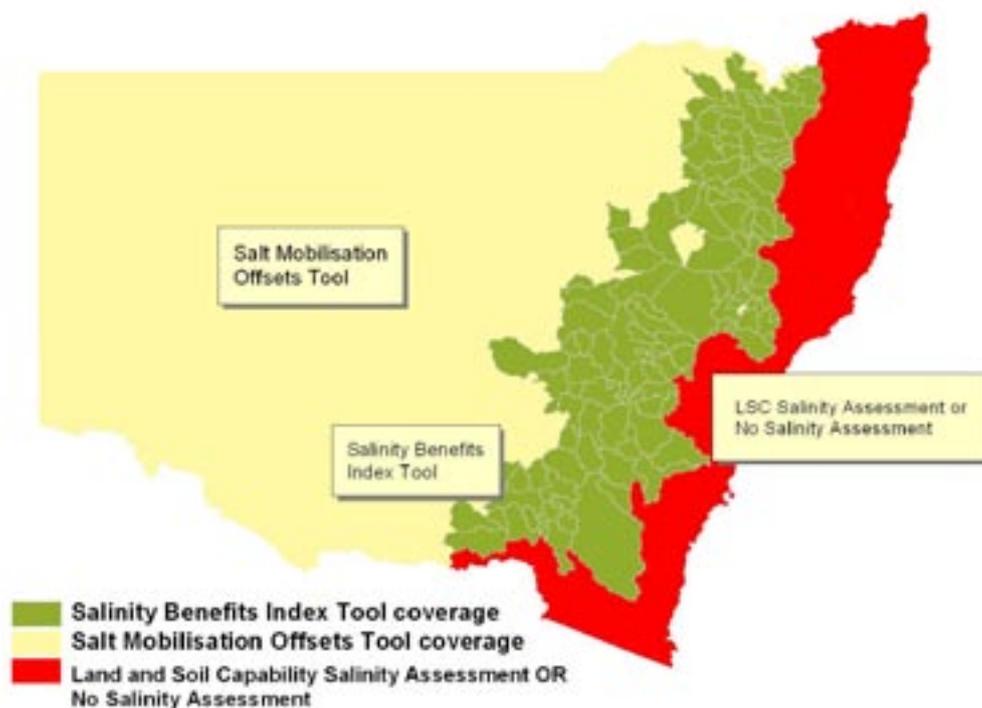
4.1 Introduction

This Environmental Outcomes Assessment Methodology defines the circumstances in which broadscale clearing is to be regarded as improving or maintaining environmental outcomes for salinity under the *Native Vegetation Act 2003* including for the purposes of agreeing to a Property Vegetation Plan.

The assessment of the impacts of clearing on salinity, and the calculation of offsets, varies with location in NSW of the proposal:

- in upland areas of the Murray-Darling Basin, most of the Hunter catchment and a few coastal catchments, where dryland salinity has been identified as a significant hazard, the procedure involves calculating a Salinity Benefits Index, which is a measure of the change in stream salinity from current levels arising from a change in land cover. Chapter Section 4.4 describes the procedure for applying the improve or maintain test to clearing proposals and evaluating offsets using the Salinity Benefits Index;
- in the western part of NSW, where the geomorphic province is best described as “plains” but can also include some upland areas, the hydrologic processes and connectivity of salt stores with the surface drainage network are not adequately represented by the Salinity Benefits Index modelling approach. Here, the assessment procedure involves calculating a Salt Mobilisation Offset requirement which is essentially the reduction in recharge needed from the offset site to counter the increase in recharge from the clearing proposal, allowing for differences in salt store class (Department Infrastructure Planning and Natural Resources, 2005). Chapter Section 4.5 outlines the procedure for applying the improve or maintain test to clearing proposals in these areas; and
- along the coastal plains, a salinity assessment is not required because the dryland salinity hazard is low. On the coastal slopes and tablelands an assessment of salinity is undertaken using only the Land and Soil Capability Tool (LSC).

Figure 4.1 Map showing where each salinity assessment procedure is used



4.2 Assessing salinity hazard

The Land and Soil Capability Tool provides a preliminary assessment of clearing and offset proposals to check whether they are likely to improve or maintain environmental outcomes for dryland salinity.

A salinity hazard assessment is undertaken for all Catchment Hazard Areas where the clearing of native vegetation is proposed, excluding Coastal Plains Catchment Hazard Areas. The one Coastal Plains exception is the Hawkesbury-Nepean Coastal Plain, where a preliminary assessment of salinity hazard is required.

The criteria used by the Land and Soil Capability Tool to assess salinity hazard depend on the Catchment Hazard Area in which an assessment is undertaken and include:

- evidence of salinity outbreaks in the Land and Soil Capability zone;
- evidence of salinity outbreaks down-slope from the Land and Soil Capability zone;
- whether the Land and Soil Capability zone is in a known high salt store area;
- permeability of the soil; and
- condition of existing native vegetation.

The criteria (and relationships between the criteria) used by the Land and Soil Capability Tool to determine the Land and Soil Capability Class are shown in Table 4.1 for all Slopes and Tablelands Catchment Hazard Areas and the Hawkesbury-Nepean Coastal Plain Catchment Hazard Area, and in Table 4.2 for the Inland Plains Catchment Hazard Area;

If a preliminary salinity hazard assessment by the Land and Soil Capability Tool results in Land and Soil Capability Class 3 - 6, in the case of a clearing proposal, or Land and Soil Capability Class 3 - 8 in the case of an offset proposal, then:

- where the Salinity Benefits Index Tool is available for the Catchment Hazard Area, this Tool must be run to more accurately determine the salinity hazard; or
- where the Salinity Benefits Index Tool is not available for the Catchment Hazard Area, and the Salt Mobilisation Offset Tool is available, must be run to more accurately determine the salinity offset requirements.

Table 4.1 Criteria for determining Land and Soil Capability Class for Salinity Hazard for all Slopes and Tablelands Catchment Hazard Areas and the Hawkesbury - Nepean Coastal Plains Catchment Hazard Area.

Evidence of salinity outbreaks in the Land and Soil Capability zone	Evidence of salinity outbreaks downslope from the Land and Soil Capability zone	Salt store class	Land and Soil Capability Class
No salt outbreaks	No salt outbreaks	Very low	1
		Low	2
		Moderate	3-6
		High	7
		Very high	8
	Salt outbreaks observed but not extensive and no severe scalding	Very low, low, moderate	3-6
		High	7
		Very high	8
	Salt outbreaks extensive and severe scalding	Very low, low, moderate, high, Very high	7-8
	Salt outbreaks observed but not extensive and no	No salt outbreaks	Very low, low, moderate
High			7

Evidence of salinity outbreaks in the Land and Soil Capability zone	Evidence of salinity outbreaks downslope from the Land and Soil Capability zone	Salt store class	Land and Soil Capability Class
severe scalding		Very high	8
	Salt outbreaks observed but not extensive and no severe scalding	Very low, low, moderate	3-6
		High Very high	7 8
	Salt outbreaks extensive and severe scalding	Not required	7-8
Salt outbreaks extensive and severe scalding	Not required	Not required	7-8

Table 4.2 Criteria for determining Land and Soil Capability Class for Salinity Hazard for the Inland Plains Catchment Hazard Area.

Evidence of salinity outbreaks in the Land and Soil Capability zone	Salt store class	Soil permeability class ¹	Degraded vegetation ²	Land and Soil Capability Class
No salt outbreaks	Very low	Low	Yes	1
			No	1
		Moderate	Yes	1
			No	2
	High	Low	Yes	2
			No	3
		Moderate	Yes	2
			No	3
	Low	Low	Yes	1
			No	2
		Moderate	Yes	2
			No	3
	High	Low	Yes	3
			No	4
		Moderate	Yes	4
			No	5
	Moderate	Low	Yes	2
			No	3
		Moderate	Yes	3
			No	4
High	Low	Yes	4	
		No	5	
	Moderate	Yes	4	
		No	5	
High	Low	Yes	5	
		No	6	
	Moderate	Yes	5	
		No	6	
Very High	Low	Yes	4	
		No	5	
	Moderate	Yes	5	
		No	6	
High	Low	Yes	6	
		No	7	
	Moderate	Yes	6	
		No	7	
Salt outbreaks and/or scalding	Very low	Low	Yes	3
			No	3
		Moderate	Yes	3
			No	3
			High	Yes
	Low	Low	Yes	3
			No	4
		Moderate	Yes	3
			No	3

Evidence of salinity outbreaks in the Land and Soil Capability zone	Salt store class	Soil permeability class ¹	Degraded vegetation ²	Land and Soil Capability Class	
			No	3	
		Moderate	Yes	3	
			No	4	
		High	Yes	4	
	Moderate			No	4
		Low	Yes	3	
			No	4	
		Moderate	Yes	4	
			No	4	
		High	Yes	4	
			No	5	
		High	Low	Yes	4
			No	4	
	Moderate		Yes	4	
			No	5	
	High		Yes	5	
			No	6	
	Very High	Low	Yes	4	
			No	5	
		Moderate	Yes	5	
		No	6		
High		Yes	6		
		No	7		

¹ Defined in Chapter Section 4.5.3

² Defined in Chapter Section 4.3

4.3 Definitions

4.3.1 Streamflow

Streamflow is the total volume of water in a stream channel, for a specified time. It is measured at gauging stations and therefore is only known for discrete locations. In this model, streamflow (expressed in megalitres/year) is reported as an average annual value for the period 1975-2000.

Streamflow is separated into two flow components: quickflow and baseflow:

- Quickflow is the component of streamflow that is generated quickly during a rainfall event. It is sourced from surface runoff and lateral shallow subsurface runoff (i.e. pathways of water movement that are at or close to the ground surface). Quickflow is assumed to be a function of rainfall, soil, topography and land use.
- Baseflow is the component of streamflow that travels more slowly from the catchment to the stream and tends to sustain flow in a channel between rainfall events. It is sourced from rainfall that has infiltrated deep into the soil profile to recharge groundwater. This pathway of flow is typically slower than surface runoff pathways. Baseflow is assumed to be a function of rainfall, soil and land use.

4.3.2 Recharge

Recharge refers to the component of rainfall that infiltrates (percolates) down through the soil, beyond the root zone of the vegetation cover and into the groundwater aquifer. Rates of recharge tend to be slow. Where recharge water is discharged from a groundwater aquifer into a stream, it contributes to baseflow.

4.3.3 Surface Runoff

We use the term surface runoff to refer to the component of rainfall that flows at or relatively close to the ground surface and which, when it reaches a stream channel, contributes to the quickflow component of streamflow. It includes surface runoff, and lateral shallow subsurface runoff.

4.3.4 Salt Load

Salt load is the quantity of salt carried by a stream, over a specified time. It is a function of the salinity of streamflow and the volume of streamflow:

$$\text{Salt Load (M)} = \text{Streamflow (V)} * \text{Salinity (M/V)}$$

In this Land Use Options Simulator model, salt loads (expressed in tonnes/year) are reported as average annual totals for the period 1975-2000.

4.3.5 Stream Salinity

Stream salinity is the concentration of salt in a volume of water – in other words, the mass of salt per unit volume of water:

$$\text{Salinity} = \frac{\text{Salt (M)}}{\text{Water (V)}}$$

4.3.6 Local Reference Point

The local reference point is the nearest downstream gauging station from the list approved by the Minister. The list can be found in Tables 4.8 - 4.11 in Chapter Section 4.6.

4.3.7 Degraded Vegetation

Native woody vegetation is degraded if:

- the over-storey percent foliage cover is less than 50% of the over storey percent foliage cover benchmark for that vegetation type; and
- the percent ground cover tends (or is on average) less than 50%.

Native grassland, shrubland, wetland or herb field is degraded if:

- the percent ground cover tends (or is on average) less than 50%.

4.4 Using the salinity benefits index tool

At any given point along a stream network, stream salinity provides an integrated signature of the salinity processes operating in the area contributing to that point. The salinity benefits index value is used to determine whether the improve or maintain condition for a proposal to clear native vegetation is met and, if not met, the minimum level of offset (expressed in terms of the salinity benefits index) required to meet the improve or maintain test. The rationale for, and calculation of, the Salinity Benefits Index are described in Chapter Sections 4.4.4 and 4.4.5.

4.4.1 Clearing Areas

Clearing is deemed to improve or maintain instream salinity conditions if there is no increase in the long-term average stream salinity. The following general rules are used to interpret the Salinity Benefits Index (SBI) for clearing:

- If **SBI > 0**, then the proposal improves stream salinity outcomes and there is no requirement for salinity offsets;
- If **SBI = 0**, indicates that at the reference location there is no net change in average annual stream salinity, and there is no requirement for salinity offsets;

- If **SBI** < 0, then the proposal does not improve or maintain stream salinity outcomes. The proposal can only occur if actions are undertaken elsewhere on the property to offset the negative salinity impact.

4.4.2 Offset Areas

If offsets are required to mitigate against salinity impacts from a proposal to clear native vegetation, then the following rules are used to interpret the offset salinity benefits index relative to the clearing Salinity Benefits Index (SBI):

- If **SBI_{offset}** ≥ 0 and **SBI_{offset}** ≥ (**SBI_{clearing}** ignoring its minus sign), then the cumulative impact of the clearing and offset actions improve salinity outcomes;
- If **SBI_{offset}** ≥ 0 and **SBI_{offset}** < (**SBI_{clearing}** ignoring its minus sign), then the proposed offset provides a partial offset to the clearing impact, but the net outcome is that stream salinity is not improved or maintained. Additional or alternative salinity offsets are required;
- If **SBI_{offset}** < 0, then no salinity benefit is gained and the proposed offset does not improve or maintain stream salinity outcomes.

To obtain consistent and meaningful results the Salinity Benefits Indices for the impacts of a clearing proposal and any proposed offsets must be evaluated at the same reference point.

Offset areas must be located in the same locality as the clearing proposal.

4.4.3 Reference Location

Salinity Benefits Index values are evaluated at the Local Reference Point (see Tables 4.8 - 4.11 in Chapter Section 4.6). It is assumed that:

- where the Salinity Benefits Index is negative at the reference location, the offset will negate any adverse impact such that there is no change in average stream salinity anywhere along the stream length;
- where the local Salinity Benefits Index is positive at the reference location (hence not requiring a salinity offset), any negative impact that might occur downstream of this point will be negligible, reflecting the increasing attenuation of impacts with distance downstream of the area of change.

4.4.4 Conceptual Framework for the Salinity Benefits Index Tool

It is assumed that the water and salt loads at the measurement point can be apportioned to different parts of the catchment based on hydrologic principles and salt storage patterns provided, if at a given point in a stream, the quantities of water and salt flowing past are known, and certain physical characteristics of the area contributing to that point in the stream are also known, including:

- mean annual rainfall;
- soil hydraulic properties;
- topography;
- groundwater salinities;
- soil salinities (preferred, but not widely available); and
- land use.

In other words, every part of a contributing catchment can be defined in terms of its contribution to catchment water yield and salt export.

The approach adopted assumes that:

- there are two salt stores within the system: a soil salt store and a groundwater salt store;
- the salt from the soil salt store is mobilised by surface runoff and contributes to the salt load in quickflow;
- the salt from the groundwater salt store is mobilised by recharge and contributes to the salt load in baseflow;
- changing land cover can affect quickflow and baseflow in different proportions; and

- that soil and groundwater salinities are unaffected by land cover change.

Therefore, to capture the different pathways for salt mobilisation and differences in the way that quickflow and baseflow are impacted by a land cover change, streamflow is separated into two flow components. Source area maps represent the spatial variability of each component. For example, the source area map for quickflow describes the relative significance of every part of a catchment in terms of its contribution to quickflow. These source area maps are inputs to the Salinity Benefits Index Tool.

Because quickflow and baseflow are influenced by land cover, when a land cover change is made, the source area distributions also change. The differences between the current condition and new condition source area distributions are used to calculate new quickflow and baseflow volumes. The changes in quickflow and baseflow cause changes in their respective salt loads, and these new flows and salt loads are used to calculate a Salinity Benefits Index.

4.4.5 Calculating the Salinity Benefits Index

The Salinity Benefits Index is a measure of the relative change in stream salinity from current salinity levels at a specific location, caused by changes in land cover and/or management.

A Salinity Benefits Index value is calculated as follows:

$$SBI = \frac{\frac{Salt_{current}}{Water_{current}} - \frac{Salt_{new}}{Water_{new}}}{\frac{Salt_{current}}{Water_{current}}} = \frac{Salinity_{current} - Salinity_{new}}{Salinity_{current}} * 1000$$

Where the subscript *current* refers to the mean annual salt load, water and salinity under current land cover conditions and subscript *new* refers to these same terms under the proposed land cover changes (Herron *et al.*, 2004). This equation says that the Salinity Benefits Index is the proportional change in stream salinity from current conditions caused by the land cover change.

The Salinity Benefits Index is evaluated at a reference point and applies to that reference point only. A reference point is a location downstream of the area of proposed clearing or other land use/management change at which measured streamflow and salinity data are available (i.e. a gauging station). The period 1975-2000 serves as the standard benchmark period for all catchment salinity assessments in the Murray-Darling Basin Salinity Management Strategy (MDBMC, 2003), and has therefore been used for deriving mean annual streamflow and salt load estimates for use in the Salinity Tool in the PVP Developer.

4.4.6 Defining Current Land Use Conditions

Streamflow

Streamflow is monitored in New South Wales' rivers by a network of gauging stations. A subset of these gauging stations is used to delineate the catchments used in the Salinity Benefits Index Tool for calculating the Salinity Benefits Index (see Tables 4.8 - 4.11 in Chapter Section 4.6). The selected gauging stations have good flow records and provide data, which is also used in NSW for surface water resources management planning.

The daily streamflow record for each gauging station is split into quickflow and baseflow components, using a digital filter approach. This is a standard hydrologic procedure for separating long term continuous records (Lyne & Hollick, 1979).

Salt Loads

Stream salinities are also measured at the gauging stations, although the record is generally shorter than for streamflow monitoring. Relationships between stream salinity and flow have been developed for each catchment based on the available data and these relationships are used to generate continuous time-series data of salinity, from which salt loads can be calculated. Salt load is split into quickflow and baseflow salt loads using the approach in CATSALT v1.5 (Tuteja et al., 2003; Vaze et al., 2004).

Spatial Data

A catchment is represented as a grid composed of square pixels (or cells) with sides of 25 metres. To represent the spatial pattern of a particular catchment attribute, whether it is elevation, groundwater salinity, recharge or some other attribute, each pixel within a grid is assigned a numerical value representing the attribute value in that part of the catchment. Different catchment attributes, represented as individual grids, are combined to produce weighted surfaces, reflecting the contributions from each pixel to total quickflow, baseflow and associated salt loads.

The weighted surface is a source area map in which the magnitude of the value assigned to each pixel of a catchment reflects its contribution to the total. Table 4.3 lists the individual grid layers used to generate weighted surfaces for quickflow, baseflow, quickflow salt load and baseflow salt load.

The proportional contribution, P_i , that cell i makes to some catchment total (eg. baseflow) is a function of the value of that cell, w_i , in the weighted grid relative to the sum of all the cell values (Σ = sum of) within the weighted grid, Σw_i :

$$P_i = \frac{w_i}{\sum w_i}$$

When P_i is multiplied by, for example, the mean annual baseflow for the catchment, the result is the volume of water contributed by pixel i to the total at the catchment outlet.

Table 4.3 The catchment attributes combined to produce weighted surfaces for quickflow, baseflow, quickflow salt load and baseflow salt load.

Quickflow	Baseflow	Quickflow Salt Load	Baseflow Salt Load
Digital Elevation Model (DEM) →* Compound topographic index (CTI)	Climate → Recharge	Soil Salinity	Groundwater salinity
Climate → Runoff	Soils → Recharge	Salt Outbreaks	Baseflow
Soils → Runoff		DEM → Flowpath length	
Land Cover	Land Cover	DEM → slope	
		Quickflow	

* The → symbol indicates a processing step from the first attribute to a derived attribute.

Factors Influencing Quickflow and Baseflow

- *Rainfall* – influences the amount of water entering the system. Everything else being equal, a pixel with a high mean annual rainfall will be a more significant source of quickflow than one with low rainfall. Modelled rainfall grids (five kilometre grid resolution) are derived by interpolating between points where rainfall has been measured (Hutchinson, 1995);
- *Soils* – different soils have different physical properties, which influence how readily they store and transmit water. The best available mapped soils data are used to define the spatial pattern of soils across each catchment. Soil hydraulic properties are assigned to

each of the different soil types, based on measured data and, where measured data is not available, standard modelling techniques for deriving soil hydraulic properties;

- *Runoff* – the soil hydraulic properties and rainfall data are in the generation of a state-wide runoff grid. Water balance modelling was undertaken for every unique combination of climate zone and soil type occurring in the state to calculate average annual runoff (in mm). The spatial variability in runoff, as influenced by climate and soil type (i.e. no vegetation cover) is represented in the resultant runoff grid;
- *Recharge* – the soil hydraulic properties and rainfall data are in the generation of a state-wide recharge grid. Water balance modelling was undertaken for every unique combination of climate zone and soil type occurring in the state to calculate average annual recharge (in mm). The spatial variability in recharge, as influenced by climate and soil type (i.e. no vegetation cover) is represented in the resultant recharge grid;
- *Topographic position* – influences the re-distribution of catchment water between rainfall events. Locations with large contributing areas and low local gradients tend to accumulate catchment water. As a result they are more likely to generate quickflow (i.e. shed water quickly) when it rains because their relatively high moisture content prevents more rain from infiltrating. They also tend to be near the stream so delivery of runoff to the stream occurs quickly. Locations with low contributing areas and/or steep gradients tend to drain relatively quickly, which means that on average they tend to be relatively dry. When it rains, more rain can infiltrate. These areas tend to be distant from streams, and are less significant sources of quickflow. A modelled index, the compound topographic index (CTI of Beven and Kirkby (1979)) is used to reflect this characteristic;
- *Land cover* – influences the evapotranspiration term of the catchment water balance. Perennial vegetation types use more water through a year via evapotranspiration than annual vegetation types, which are active for only part of the year (Zhang *et al.*, 2001) In general, trees use more water than perennial grass systems because they tend to have deeper root networks, and can access water stored deeper in the soil profile. Where there is no vegetation cover, the transfer of rainfall back to the atmosphere is by evaporation from the soil and this is restricted to a fairly shallow depth. These differences between vegetation types and cover influence the quantity of rainfall, which is available for quickflow and baseflow.

A water balance model is also used to calculate the weights assigned to each land cover class to reflect its influence on recharge and runoff. A bare soil condition is set as the reference condition and assigned weighting of one (1). Since plant cover has the effect of reducing runoff and recharge, relative to bare soil, the land cover weightings are between zero (0) and one (1), where zero (0) is no runoff or recharge and one (1) is the same runoff or recharge as bare soil.

The land cover/use grids that inform the model are cross-referenced to a look-up table which contains the land use weightings for runoff and recharge for every land cover/use type. These weightings vary from catchment to catchment.

Weighted Quickflow Surface

A weighted quickflow surface, QF_w , is generated by combining the runoff grid (based on soil-rainfall data) with the CTI surface and the weighted land use surface for quickflow (LU_{qf}):

$$QF_w = \text{Runoff} * CTI * LU_{qf}$$

Weighted Baseflow Surface

A weighted baseflow surface, BF_w , is generated by combining the recharge grid (based on soil-rainfall data) and the weighted land use surface for baseflow (LU_{bf}).

$$BF_w = \text{Recharge} * LU_{bf}$$

Factors Influencing Salt Load

- *Soil Salinity* – reflects the concentration of salt in the soil and available for mobilisation by quickflow. Everything else being equal, areas of high salinity are assumed to be more significant source areas of salt than areas of low salinity. Soil salinity spatial units are based on mapped soil type or geology, salt outbreak areas and landscape position. Estimates of soil salinity for each spatial unit are based on measured data and generalisations from point data to the wider area. Soil salinity is adjusted by topographic factors to account for landscape connectivity. In other words, each pixel is weighted to reflect the concentration of salt that the quickflow generated on the pixel would acquire in its journey to the stream. If a pixel is close to the stream, its weighting will be less than a pixel that is far away from the stream network, everything else being equal. Furthermore, if quickflow from two pixels must travel the same distance to the stream, but the pathway for one pixel is through very saline cells, while the other pathway is through relatively non-saline cells, the pixel with the more saline pathway will have the higher weighting;
- *Groundwater salinity* – reflects the concentration of salt in groundwater and contributing to baseflow salt loads. Areas with high groundwater salinities are assumed to be more significant source areas of salt than areas of low groundwater salinity. Groundwater salinity spatial units are defined on the basis of groundwater flow systems mapping, and each unit is assigned a salinity value based on measured data and extrapolation from measured data to the wider area.

Weighted Quickflow Salt Load Surface

As quickflow salt load is a function of soil salinity and volume of quickflow, the weighted quickflow salt load grid, S_{QFw} , is generated by combining the weighted quickflow grid with the weighted soil salinity grid, $SoilEC_w$:

$$S_{QFw} = QF_w * SoilEC_w$$

Weighted Baseflow Salt Load Surface

As baseflow salt load is a function of groundwater salinity and volume of baseflow, the weighted baseflow salt load grid, S_{BFw} , is generated by combining the weighted baseflow grid with the groundwater salinity grid, $GWEC_w$:

$$S_{BFw} = BF_w * GWEC$$

4.4.7 Land Cover Change

Once the distribution of catchment exports is defined for current land use conditions, different land use changes can be modelled and the change in mean annual salt loads and streamflow estimated.

The land cover term is the only variable in the model. All of the other catchment characteristics are assumed to not change. When land cover is changed, the amount of rainfall that returns to the atmosphere changes, as do the amounts of rainfall that become runoff (quickflow) and recharge (baseflow).

If an area of annual crops is converted to woodland, runoff and recharge is reduced. In the model, the weightings for cropping, which might be around 0.7 or 0.8, are changed to the appropriate land cover weightings for woodland, which are more like 0.2 or 0.3. This causes the weighted quickflow and baseflow surfaces to change – in this instance the sum of the weighted grids for quickflow and baseflow under the proposed land use change are lower than under the current conditions. The sum of the weighted grid under the new condition is compared to that for the current condition. The ratio, which in this case will be less than 1, is multiplied by the mean annual quickflow (baseflow) to obtain a new mean annual quickflow (baseflow).

A change in quickflow and baseflow volumes influences the export of salt from the affected area and the weighted quickflow salt load and baseflow salt surfaces also change. Using the same approach, the new salt load for the land cover change is calculated.

The new exports are calculated as follows:

Quickflow

$$QF^{new} = \frac{\sum QF_w^{new}}{\sum QF_w} * QF_{ann}$$

Baseflow

$$BF^{new} = \frac{\sum BF_w^{new}}{\sum BF_w} * BF_{ann}$$

Quickflow Salt Load

$$S_{QF}^{new} = \frac{\sum S_{QFw}^{new}}{\sum S_{QFw}} * S_{QF}^{ann}$$

Baseflow Salt Load

$$S_{BF}^{new} = \frac{\sum S_{BFw}^{new}}{\sum S_{BFw}} * S_{BF}^{ann}$$

Where QF is quickflow, BF is baseflow, S is salt load and *new* denotes parameters for the new land use scenario. These equations compare the sum of all the cells in the weighted grid for the new land use scenario to that of the current land use for each flow and salt component and multiply the ratio by the current mean annual quickflow, QF_{ann} , baseflow, BF_{ann} , quickflow salt load, S_{QF}^{ann} and baseflow salt load, S_{BF}^{ann} , respectively. Thus, using information about current exports and the best available hydrologic and salt storage data, estimates of the impacts of land use changes on average annual streamflow and salt load are derived.

Finally, the salinity benefits index is calculated by:

- summing together quickflow and baseflow for current conditions and for the new conditions to produce total streamflows for current and new conditions;
- summing together the quickflow and baseflow salt loads for current conditions and the new conditions to produce current and new total salt loads;
- putting these values into the salinity benefits index equation; and
- rounding to the nearest whole (integer) number.

4.5 Using the salt mobilisation offsets tool

In the western parts of NSW, where landscapes tend to be flat and the connectivity between salt stores, hydrologic pathways and the stream network is not well understood, it is assumed that land cover changes which reduce average annual recharge benefit the environment through reducing the mobilisation of salt in the landscape.

4.5.1 Clearing and Offset Areas

Clearing is deemed to improve or maintain salinity outcomes if there is no increase in local recharge, hence salt mobilisation. The majority of proposals to clear native vegetation in

western NSW are likely to cause an increase in local recharge, and will typically require offsets. The steps for calculating the salt mobilisation offset requirement are described in Chapter Sections 4.5.2 and 4.5.3.

The improve or maintain test is evaluated by considering the clearing and offsets proposals together:

- If $\Delta R_{\text{offset}} + (\Delta R_{\text{clearing}} * M) \leq 0$, then the proposal is deemed to improve or maintain salinity outcomes.

Here R is recharge
 ΔR is change in recharge
 A is area of proposed change
 M is a salt store class adjustment factor. (Table 4.4 lists the values for each change in salt store class.)

- If $\Delta R_{\text{offset}} + (\Delta R_{\text{clearing}} * M) > 0$, then the proposal does not improve or maintain salinity outcomes.

Offset areas must be located in the same locality as the clearing proposal.

Table 4.4 Modification factor, M , to adjust offset recharge requirement for salt store class differences between clearing and offset sites.

	Δ Salt Class	M
Less salt	-4	3
↑	-3	2.5
↑	-2	2.0
↑	-1	1.5
No change	0	1.2
↓	1	1.0
↓	2	0.8
↓	3	0.6
More salt	4	0.4

4.5.2 Conceptual Framework for the Salt Mobilisation Offsets Tool

The approach adopted for assessing salinity impacts in relatively flat, floodplain environments is based on a very different assumption from the upland areas. The assumption is that a reduction in salt mobilisation is beneficial to the environment and that this reduction does not need to be considered in tandem with impacts on flow. With respect to the clearing of native vegetation, unless the clearing involves the replacement of native grasses with some higher water use vegetation cover, such as trees, the impacts will always be negative and always require a salinity offset.

The Salt Mobilisation Offsets Tool uses current land cover, proposed land cover, salt store class and soil permeability class of the clearing and offset sites to determine whether salinity outcomes are improved or maintained.

4.5.3 Calculating the Salt Mobilisation Offset requirement

Recharge estimates have been determined for different land cover and soil permeability class combinations. Each land cover available for selection in the tool has been classified into one of four classes according to its water use characteristics. In general, deep-rooted, perennial vegetation covers are on average higher water users than shallow-rooted or annual vegetation systems and the rating reflects this. Table 4.5 gives the water use efficiency rating for a range of different land cover options in western NSW.

Table 4.5 Vegetation covers classified into water use efficiency classes.

Vegetation class ¹	Water use efficiency class
Arid and semi-arid shrublands	Very High
Semi arid woodlands	Very High
Sclerophyll grassy woodlands	Very High
Dry sclerophyll shrub/grass forest	Very High
Dry sclerophyll shrub forest	Very High
Grasslands (native)	High
High water use pasture	High
Response cropping	High
Grasslands with scattered trees	High
Sparse trees–crops	Moderate
Summer-winter cropping	Moderate
Pasture	Moderate
Winter cropping	Low
Annual pasture	Low

1. Based on Keith vegetation formations relevant to western NSW and non-native vegetation types relevant to western NSW.

Soil permeability classes are defined on the basis of their clay and sand content:

- low: light, medium and heavy clays;
- moderate: loams, clay loams;
- high: sandy loams, loamy sands, sands.

Sandy soils tend to have lower water holding capacities and higher conductivities than clay-rich soils, hence, everything else being equal, areas characterised by sandy soils have higher recharge rates.

The combined effects of soil permeability and water use efficiency on recharge are summarised in Table 4.6. These values (in mm) are used to calculate the impact of changing land cover on recharge, R , on both the clearing and offset sites, as follows:

$$\Delta R_{clearing} = (R_{clearing}^{proposed} - R_{clearing}^{NV}) * A_{clearing}$$

$$\Delta R_{offset} = (R_{offset}^{proposed} - R_{offset}^{current}) * A_{offset}$$

where ΔR is average annual change in recharge (mm) and is equal to recharge under the proposed vegetation cover minus recharge under the current vegetation cover multiplied by the area, A , of clearing. The subscripts and superscripts *offset*, *clearing*, *current*, *proposed* and *NV* refer to the offset site, clearing site, current vegetation cover, proposed vegetation cover and native vegetation, respectively.

Table 4.6 Estimates of average annual recharge (mm) in western NSW

Soil Permeability	Vegetation Water Use Efficiency			
	Low	Moderate	High	Very High
High	60	20	5	0.5
Moderate	30	10	3	0.1
Low	10	5	1	0.1

The change in recharge at a site is viewed in the context of the site's salt store classification, since it is the combination of recharge and salt store, which determines salt export. The methodology takes account of differences in the salt store class of the clearing and offset sites by introducing a modification factor, M , to adjust the recharge offset requirement. The objective is to ensure that the additional salt load mobilised at the clearing site is offset by the

reduction in salt load mobilised at the offset site even when they are in different salt store classes. If the offset site is in a higher salt store class than the clearing site, the modification factor reduces the recharge reduction requirement from the offset site. Conversely, if the offset site is in a lower salt store class, a larger recharge reduction is required to offset the impacts of clearing. Thus the recharge reduction requirement from the offset site, ΔR_{offset} , is calculated as:

$$\Delta R_{offset} = \Delta R_{clearing} * M$$

Table 4.4 lists the modification values for each change in salt class. Note that where there is no difference in salt class between the clearing and offset sites, a factor of 1.2 has been adopted, which means the recharge reduction on the offset site must be 20% greater than that predicted for the clearing site. This is a precautionary step intended to account for uncertainty in the methodology and the data.

The difference in salt store class between the clearing and offset sites is calculated as:

$$\Delta \text{ Salt Class} = \text{Salt Class}_{offset} - \text{Salt Class}_{clearing}$$

Where each salt store class maps to the numeric values in Table 4.7.

Table 4.7 Salt Store classes and their numeric value

Salt Store Class	Numeric value
Very High	5
High	4
Moderate	3
Low	2
Very Low	1

4.6 Catchments covered by the salinity benefits index tool

Table 4.8 Border Rivers/Gwydir and Namoi

Border Rivers		Namoi	
416003	Tenterfield Creek	419001	Namoi River @ Gunnedah
416006	Severn River @ Ashford	419005	Namoi River @ North Cuerindi
416008	Beardy River @ Haystack No 4	419006	Peel River @ Carrol Gap
416010	Macintyre River @ Wallangra	419007	Namoi River @ Keepit Dam
416012	Macintyre River @ Holdfast	419012	Namoi River @ Boggabri
416020	Ottleys Creek @ Coolatai	419015	Peel River @ Piallamore
416021	Frazers Creek @ Ashford	419016	Cockburn River
416026	Reedy Creek	419020	Manilla River @ Briabri
416032	Mole River @ Donaldson	419022	Namoi River @ Manilla Railway Bridge
416039	Severn River @ Strathbogie	419024	Peel River @ Paradise Weir
Gwydir		419027	Mooki River
418001	Gwydir River @ Pallamallawa	419029	Halls Creek
418005	Copes Creek	419032	Coxs Creek
418012	Gwydir River @ Pinegrove	419035	Goonoo Goonoo Creek
418013	Gwydir River @ Gravesend Bridge	419036	Duncans Creek
418015	Horton River	419043	Manilla River @ Tarpoly Weir
418016	Warialda Creek	419045	Peel River @ Chaffey Dam
418017	Myall Creek	419051	Maules Creek
418018	Keera Creek		
418021	Laura Creek		
418022	Georges Creek		
418023	Moredun Creek		
418025	Halls Creek		
418026	Gwydir River @ Copeton Dam		

Border Rivers		Namoi	
418029	Gwydir River @ Stonybattery		
418032	Tycannah Creek		
418033	Bakers Creek		

Table 4.9 Murrumbidgee and Murray

Murrumbidgee			
410001	Murrumbidgee River @ Wagga Wagga	410048	Kyeamba Creek
410004	Murrumbidgee River @ Gundagai	410057	Goobarragandra River
410025	Jugiong Creek	410059	Gilmore Creek
410026	Yass River	410061	Adelong Creek
410038	Adjungbilly Creek	410071	Brungle Creek
410039	Tumut River @ Brungle Bridge	410073	Tumut River @ Oddy's Bridge
410043	Hillas Creek	410087	Bullenbung Creek
410044	Muttama Creek	410103	Houlaghans Creek
410045	Billabung Creek		
410047	Tarcutta Creek	Murray	
		410091	Billabong Creek @ Walbundrie

Table 4.10 Castlereagh, Macquarie and Lachlan

Macquarie		Castle-reagh	
421001	Macquarie River @ Dubbo	420004	Castlereagh River @ Mendooran
421007	Macquarie River @ Bathurst	420007	Castlereagh River @ Binnaway
421018	Bell River		
421019	Cudgegong River @ Yamble Bridge	Lachlan	
421025	Macquarie River @ Bruinbun	412002	Lachlan River @ Cowra
421026	Turon River	412004	Lachlan River @ Forbes
421035	Fish River	412009	Belubula River @ Canowindra
421040	Macquarie River d/s Burrendong Dam	412028	Abercrombie River
421041	Crudine Creek	412029	Boorowa River
421042	Talbragar River	412030	Mandagery Creek
421048	Little River	412043	Goobang Creek
421052	Lewis Creek	412050	Crookwell River
421053	Queen Charlottes Creek	412055	Belubula River @ Bangaroo Bridge
421058	Wyaldra Creek	412057	Lachlan River @ Nanami
421059	Buckinbah Creek	412065	Lachlan River @ Narrawa
421066	Pyramul Creek	412067	Lachlan River @ Wyangala Dam
421072	Winburndale Creek	412072	Back Creek
421073	Meroo Creek	412077	Belubula River @ Carcoar
421079	Cudgegong River @ Windamere Dam Site	412080	Flyers Creek
421101	Campbells River	412092	Coombing Creek

Table 4.11 Hunter and Hawkesbury (Capertee, Wollondilly and Wolgan)

Hunter		Hunter	
210055	Hunter River @ Denman	210002	Hunter River @ Muswellbrook Br
210044	Glennies Creek @ Middle Falbrook	210052	Pages River @ Gundy Recorder
210090	Martindale Creek near Martindale		

210089	Black Creek @ Rothbury	Capertee	
210088	Dart Brook @ Aberdeen No.2	212018	Capertee River @ Glen Davis
210087	Doyles Creek @ Doyles Creek	Wolgan	
210071	Glendon Brook @ Glendon Brook	212028	Wolgan River @ Newnes
210040	Wybong Creek @ Wybong	Wollondilly	
210031	Goulburn River @ Sandy Hollow	212270	Wollondilly River @ Jooriland
210014	Rouchel Brook @ Rouchel Brook (The Vale)	212271	Wollondilly River @ Golden Valley
210064	Hunter River (Singleton-Greta)		

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5 Biodiversity Assessment

5.1 Introduction

This Environmental Outcomes Assessment Methodology defines the circumstances in which broadscale clearing is to be regarded as improving or maintaining environmental outcomes for biodiversity under the *Native Vegetation Act 2003*, including for the purposes of agreeing to a Property Vegetation Plan.

BioMetric is the tool used to assess losses of biodiversity from proposed clearing (including thinning), gains in biodiversity from proposed offsets, and gains in biodiversity from management actions for proposed incentives.

BioMetric incorporates data held by the NSW Department of Environment and Conservation and approved by the Minister for Environment and Conservation. It includes data on Mitchell landscapes, vegetation formations, vegetation types and other associated data and formulae need to assess the value of biodiversity at national regional, landscape and site scales according to the procedures included in this Environmental Outcomes Assessment Methodology.

Proposals to clear native vegetation:

- clearing of native vegetation is permitted under the *Native Vegetation Act 2003* if it improves or maintains environmental outcomes;
- clearing of native vegetation is not permitted in vegetation types or landscapes that are already overcleared or listed as threatened at the national, regional or landscape scales, unless the vegetation is in low condition;
- native vegetation can only be cleared if losses from proposed clearing can be offset by commensurate long-term gains from revegetation or management. Offsets can only improve or maintain environmental outcomes if:
 1. offsets are in vegetation types of equal or greater Regional Value (the conservation status of the vegetation type) to the vegetation proposed for clearing; and
 2. improvement in Landscape Value (the configuration of vegetation) is equal to or greater than the losses from proposed clearing; and
 3. improvement in Site Value (the quality and quantity of vegetation) from the offset is equal to or greater than losses from proposed clearing.

Prior to assessment of impact the area to be cleared must be divided into zones comprising relatively homogenous vegetation types and condition categories. If the area to be cleared comprises more than one zone separate assessments must be undertaken for each zone.

5.2 Overcleared vegetation and landscapes

This Chapter Section applies to clearing that is not thinning to benchmark stem densities.

5.2.1 The improve or maintain test

Clearing of overcleared vegetation does not improve or maintain environmental outcomes for biodiversity.

Overcleared vegetation is native vegetation that:

- is not of low condition, and
- is either:

1. occurring in a Mitchell landscape that is >70% cleared; or
2. is a vegetation type that is >70% cleared; or
3. an ecological community listed as critically endangered, endangered or vulnerable under either the *Threatened Species Conservation Act 1995 (NSW)* or the *Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)*.

Offsets cannot be used to balance the impacts of clearing in these circumstances.

5.2.2 Determining whether the vegetation is in low condition

Vegetation in low condition is defined as follows:

- **Native woody vegetation** with an:
 1. over-storey per cent foliage cover <25% of the lower value of the over-storey per cent foliage cover benchmark for that vegetation type; and
 2. <50% of vegetation in the ground layer is indigenous species; or
 3. >90% is ploughed or fallow.
- **Native grassland, shrubland, wetland or herbfield** with:
 1. <50% of vegetation in the ground layer is indigenous species; or
 2. >90% is ploughed or fallow.

Only patches of vegetation >0.25ha are assessed separately (as distinct zones) from surrounding vegetation (e.g. a patch of vegetation with benchmark over-storey cover that is <0.25ha is not assessed separately from surrounding vegetation with sparser over-storey cover).

The over-storey is assessed using one of the methods outlined in the **BioMetric** Operational Manual.

The ground layer must be assessed using a method consistent with this Native Vegetation Regulation 2005.

5.2.3 Determining whether the vegetation is in an overcleared landscape

An overcleared landscape is a Mitchell landscape area in which more than 70% of native vegetation cover has been cleared. The Mitchell landscape and whether it is overcleared are contained within a database in the **BioMetric** tool.

The overcleared landscape database is a database held by the Department of Environment and Conservation and approved by the Minister for Environment, which includes:

- a list of Mitchell landscape area in which more than 70% of native vegetation cover has been cleared; and
- prior to any changes being made to the overcleared landscape database the Minister for the Environment will consult with the Minister for Natural Resources.

5.2.4 Determining whether the vegetation is an overcleared vegetation type

An overcleared vegetation type is a vegetation type of which more than 70% has been cleared within the relevant Catchment Management Authority area.

The **vegetation type** and whether it is an overcleared vegetation type is identified from the list of vegetation types in the **BioMetric** database.

The overcleared vegetation type database is a database held by the Department of Environment and Conservation and approved by the Minister for Environment, which includes:

- a list of Vegetation types are listed by Catchment Management Authority area in which more than 70% of native vegetation type has been cleared; and
- prior to any changes being made to the overcleared landscape database the Minister for the Environment will consult with the Minister for Natural Resources.

5.2.5 Determining whether the vegetation is a threatened ecological community

Threatened ecological community is determined by referring to definitions of critically endangered, endangered or vulnerable and relevant Schedules under either the *Threatened Species Conservation Act 1995 (NSW)* or the *Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)*.

5.3 Assessing impacts of clearing generally

This Chapter Section does not apply to:

- clearing of overcleared vegetation (under Chapter Section 5.2); or
- clearing that is thinning to benchmark stem densities (under Chapter Section 5.4).

5.3.1 The improve or maintain test

Clearing is to be regarded as improving or maintaining environmental outcomes for biodiversity if the losses of the proposed clearing can be offset by commensurate long-term gains. Offsets can only improve or maintain environmental outcomes if:

- offsets are in vegetation type/s of equal or greater *Regional Value* to the vegetation proposed for clearing; and
- improvement in *Landscape Value* is equal to or greater than losses from clearing; and
- improvement in *Site Value* by the offset is equal to or greater than losses from clearing.

5.3.2 Assessing regional value

Regional value is the percentage of its original extent that a vegetation type has been cleared in the catchment. The greater the percentage of the original extent of a vegetation type that has been cleared the higher is its regional value.

Regional value is calculated from the relationship between the percentage(s) of the vegetation type(s) that is/are cleared relative to its/their pre-European (or pre-1750) extent(s) within each Catchment Management Authority.

BioMetric calculates overall regional value for the vegetation type(s) in the proposal using the equation set out below.

Regional Value of both a proposed offset and proposed clearing is calculated using:

- The % that each vegetation type has been cleared relative to predicted pre-European levels;
- A generic species-area relationship; and
- The proportion of the site occupied by each vegetation type using the equation:

$$\sum_{i=1}^n \left(\left(1 - \left(1 - \left(\frac{\%cleared}{100} \right) \right)^{0.25} \right) \times \left(\frac{ZoneArea}{TotalArea} \right) \times 100 \right)_i$$

Where:

i is the n th vegetation Zone (of either the clearing or offset);

$\%cleared$ is the % of the vegetation type in the i th vegetation Zone that is cleared;

$ZoneArea$ is the area of the i th Zone in hectares; and

$TotalArea$ is the sum of the area of all Zones in the proposal in hectares.

5.3.4 Assessing change in landscape value

Change in landscape value from clearing

Change in landscape value with clearing is calculated as the difference between current landscape value and landscape value with clearing using the equations below.

Landscape value encompasses fragmentation, connectivity and adjacency of native vegetation up to 1000 ha around the clearing proposal. The assessor determines change in landscape value from clearing using the following measures:

- percent native vegetation cover in the landscape. This is current vegetation cover and future vegetation cover (with proposed clearing) within radii of 1.75 km (1000 ha), 0.55 km (100 ha) and 0.2 km (10 ha) from the centre of the proposal site, estimated in categories of 0-10%, 11-30%, 31-70%, or >70% cover;
- connectivity. The current and future (with proposed clearing) connectivity values are assessed as high, moderate, low, or nil using criteria in the **BioMetric** to determine the change in connectivity value with clearing;
- total adjacent remnant area. This is the total remnant area of which the clearing proposal is a part recorded as large, medium, small, or zero. This is assessed for current landscape value only, as adjacent remnant area is lost with clearing.

Landscape value is assessed separately for each of the proposed offset and the proposed clearing once only, regardless of the number of vegetation zones proposed for clearing and offsets. The centre of the radii is the approximate centre of the vegetation zone if one zone is involved, and is the centre of the vegetation zone which loses the most landscape value from clearing if more than one vegetation zone is proposed for clearing. **BioMetric** calculates change in landscape value with clearing using the equations below.

Change in landscape value with offset(s)

Change in landscape value with the offset(s) is calculated as the difference between current landscape value in the offset zone(s) and landscape value in the offset zone(s) with the management actions for the offset, using the equations below.

The change in landscape value with the offset is determined using the following measures:

- percent native vegetation cover in the landscape (see above);
- connectivity (see above);
- total adjacent remnant area (see above);
- riparian area. Whether the offset has >25%, 26%-50%, 51%-75%, >75% of its area within a riparian area is recorded.

The *Landscape Value* formulae are:

$$\left(\text{Landscape Value}_{\text{Current}} \right)_{\text{Clearing site}} = (a + b + c + d + e)$$

$$\left(\text{Landscape Value}_{\text{With development}} \right)_{\text{Clearing site}} = (a + b + c + d)$$

$$(\text{Landscape Value}_{\text{Current}})_{\text{Offset site}} = (a + b + c + d)$$

$$(\text{Landscape Value}_{\text{With offsets}})_{\text{Offset site}} = (a + b + c + d + e + f)$$

Where;

a = % cover of native vegetation within a 1.75km radius of the site (1000ha);

b = % cover of native vegetation within a 0.55km radius of the site (100ha);

c = % cover of native vegetation within a 0.2km radius of the site (10ha);

d = connectivity value;

e = total adjacent remnant area;

f = % within riparian area.

Details of these variables are provided in Tables 5.1, 5.2 and 5.3.

Table 5.1 Details of variables used to calculate *Landscape Value*. See Table 5.2 for criteria for connectivity value and Table 5.3 for criteria for total adjacent remnant area. The score for each variable is multiplied by its weighting.

Variable	0 points	1 point	2 points	3 points	Relative Weighting
% cover of native vegetation within a 1.75km radius of the site (1000ha)	0-10%	11-30%	31-70%	>70%	1
% cover of native vegetation within a 0.55km radius of the site (100ha)	0-10%	11-30%	31-70%	>70%	0.66
% cover of native vegetation within a 0.2km radius of the site (10ha)	0-10%	11-30%	31-70%	>70%	0.33
Connectivity value (see Table 3)	Nil	Low	Moderate	High	0.66
Total adjacent remnant area (see Table 4)	Small	Medium	Large	Very large	0.66
% within riparian area	0-25%	26-50%	51-75%	>75%	0.66

Table 5.2 Criteria for assessing connectivity value. Where the proposal includes multiple types of vegetation, choose the highest connectivity value that pertains to vegetation within the site.

Connectivity value	Current	With proposal
High	The proposal includes vegetation that: <ul style="list-style-type: none"> • is not in low condition; • has an average width >100m; and • links to surrounding native vegetation on more than one compass quarter of the proposal. 	At least one high connectivity value vegetation link is maintained (following clearing) or created (by the offset or incentive proposal) between surrounding native vegetation on more than one compass quarter.
Moderate	The proposal includes vegetation that: <ul style="list-style-type: none"> • is not in low condition, • has an average width of >30m-100m, and • links to surrounding native vegetation on more than one compass quarter of the proposal. 	At least one moderate connectivity value vegetation link is maintained (following clearing) or created (by the offset or incentive proposal) between surrounding native vegetation on more than one compass quarter.
Low	The proposal includes vegetation that: <ul style="list-style-type: none"> • is in low condition, 	At least one low connectivity value

Connectivity value	Current	With proposal
	<ul style="list-style-type: none"> • has an average width >100m, and • links to surrounding native vegetation on more than one compass quarter of the proposal; OR The proposal includes vegetation that: <ul style="list-style-type: none"> • is not in low condition • has an average width ≥5m-30m, and • links to surrounding native vegetation on more than one compass quarter of the proposal. The proposal includes vegetation that: <ul style="list-style-type: none"> • links to surrounding native vegetation via exotic vegetation with similar structure to the proposal on more than one compass quarter. 	vegetation link is maintained (following clearing) or created (by the offset or incentive proposal) between surrounding native vegetation on more than one compass quarter.
Nil	The proposal includes vegetation that meets none of the above definitions.	No links between vegetation surrounding proposal that meet any of the above criteria will be maintained (following clearing) or created (by the offset or incentive proposal).

Table 5.3 Criteria for assessing total adjacent remnant area. Adjacent remnant area refers to the area (ha) of native vegetation that is not in low condition and is linked to (≤100m from) the site.

Level for total adjacent remnant area	% native vegetation cleared in the (Mitchell) landscape			
	<30%	30-70%	71-90%	>90%
Very large	>500	>100	>50	>20
Large	201-500	51-100	21-50	11-20
Medium	101-200	21-50	11-20	1-10
Small	<100	<20	<10	<1

5.3.2 Assessing site value

Site value is the quantitative measure of structural and floristic condition of native vegetation assessed for each zone area(s). Ten condition measures in site values are assessed against benchmark values as detailed in Table 5.4. For both proposed clearing and proposed offsets *Site Value* is calculated as:

$$\sum_{i=1}^n (((a+b+c+d+e+f+g+h+i+j+(a \times g)+(b \times i)+(h \times j)+(c \times d))) \times ZoneArea)_i$$

Where;

i is the *n*th vegetation Zone

a-j are variables defined in Table 1

6150 and 100 are constants used to scale the score from 0-100

ZoneArea is the total area of the *i*th Zone in hectares

Table 5.4 Explanation of the way each variable in site value is calculated

Variable		Score in BioMetric				Percent weighting
		0	1	2	3	
a)	Native plant species richness	0	0-50% of benchmark	50-100% of benchmark	≥ benchmark	25
b)	Native over-storey cover	0-10% or >200% of benchmark	10-50% or 100-150% of benchmark	50-100% or 150-200% of benchmark	within benchmark	10
c)	Native mid-storey cover	0-10% or >200% of benchmark	10-50% or 100-150% of benchmark	50-100% or 150-200% of benchmark	within benchmark	10
d)	Native ground cover (grasses)	0-10% or >200% of benchmark	10-50% or 100-150% of benchmark	50-100% or 150-200% of benchmark	within benchmark	2.5
e)	Native ground cover (shrubs)	0-10% or >200% of benchmark	10-50% or 100-150% of benchmark	50-100% or 150-200% of benchmark	within benchmark	2.5
f)	Native ground cover (other)	0-10% or >200% of benchmark	10-50% or 100-150% of benchmark	50-100% or 150-200% of benchmark	within benchmark	2.5
g)	Lack of exotic plant cover (calculated in <i>BioMetric</i> as % of total ground and mid-storey cover)	>66%	33-66%	5-33%	0-5%	5
h)	Number of trees with hollows	0 (unless benchmark includes 0)	0-50% of benchmark	50-100% of benchmark	≥ benchmark	20
i)	Proportion of overstorey species occurring as regeneration	0	0-50%	50-100%	≥100%	12.5
j)	Total length of fallen logs	0-10% of benchmark	0-50% of benchmark	50-100% of benchmark	≥ benchmark	10

Change in site value with clearing

Change in site value with clearing is determined from the difference between the current site value and the predicted site value following clearing. Site value is calculated from site condition in the zone(s) and area(s) of the zone(s), using the above equation.

Current site condition is determined by:

- measuring the condition variables - native plant species, native over-storey cover, native mid-storey cover, native ground cover (grasses), native ground cover (shrubs), native ground cover (other), exotic plant cover, number of trees with hollows, overstorey regeneration, and length of fallen logs - in plots in the vegetation zone(s) proposed for clearing; and
- assigning values to these condition variables by comparing the measured values of the condition variables with benchmark values for the same variables. Benchmarks are values for each condition variable in relatively unmodified examples of the same vegetation community (see Glossary). A score of 0-3 (0=low, 1=moderate, 2=high, 3=very high) is allocated to each condition variable from the difference between its measured value and its benchmark value.

Current site condition is measured as follows:

- establish plots in each vegetation zone in approximate proportion to the area of the zone. Randomly place one plot every two hectares, with a minimum of one plot and a maximum of 10 plots per vegetation zone;
- measure data for the condition variables in the vegetation zone(s) in the clearing proposal;
- enter the measured condition data into **BioMetric**;
- enter benchmark data for the vegetation community directly into **BioMetric** either from information provided with **BioMetric** or data obtained from reference sites;
- the measured data and the benchmark data for condition variables entered into **BioMetric** generate a score for the current site condition of the native vegetation in the zone using the above equations.

The condition scores for current site condition are multiplied in **BioMetric** by the area of the zone(s) to provide the measure of current site value, using the above equations.

Site value following clearing is determined by:

- predicting the impact of clearing on each condition variable according to the type of clearing, using the information provided with **BioMetric**; and
- multiplying the predicted condition in the vegetation zone(s) with clearing by the area of the zone(s).

The condition scores for site condition with clearing are multiplied in **BioMetric** by the area of the zone(s) to provide the measure of site value following clearing, using the above equations for calculating site value.

Change in site value with the offset(s)

Change in site value with the offset is determined from the difference between current site value and predicted site value with the offset.

Site value with offsets is determined by:

- predicting the future score for each condition variable for the vegetation zone(s) in the offset(s) with the proposed management actions in the offset(s), using information provided with **BioMetric**. Eight general management actions can be undertaken by the

landholder to improve condition variables in the offset. The landholder can also undertake any combination of actions that fall under the broad categories; and

- multiplying the predicted condition in the vegetation zone(s) with the offset(s) actions by the area of the zone(s).

The condition scores for site condition with the offset(s) are multiplied in **BioMetric** by the area of the zone(s) to provide the measure of site value with the offset(s), using the above equations for calculating site value:

- there are eight management actions in **BioMetric** including stock grazing exclusion, strategic stock grazing, planting or direct seeding of native vegetation, weed control, erosion control, feral herbivore control, retention of all dead timber, retention of all regrowth (as defined in the NSW *Native Vegetation Act 2003*). Management actions can increase the future score for the condition variables. When scoring an expected increase in value of a variable with management, the following must be considered. The increase in the score for a variable can generally only be by one point unless there is a strong management intervention in which case the increase can be by two points;
- planting or direct seeding will increase the relevant cover values, but will only result in an increase in richness if the species are indigenous to the areas and the seed is sourced locally;
- where a variable is currently absent from the proposal site and adjacent areas then an increase cannot generally be scored unless it is to be specifically introduced;
- where an increase is not feasible because of other pressures associated with the proposal (eg. grazing or exotic invasion) then an increase should not be scored;
- no increase can be scored for trees with hollows because of the long period that hollows take to form (generally > 100 years).

The score for each zone is not simply the difference between the current score and the score with offset. This is because the extent to which the zone could be degraded over time, as allowed under the provisions of the *Native Vegetation Act 2003* is taken into account. Thus the score with offset includes a factor that recognises past good management above that required by the *Native Vegetation Act 2003* where the landholder agrees to continue those practices as part of the PVP.

5.4 Assessing thinning to benchmark stem densities

Thinning means clearing that comprises only the removal of individual trees or shrubs.

This Chapter Section does not apply to coastal Catchment Management Authorities other than the following parts of the Northern Rivers Catchment Management Authority; on grazing properties within Tenterfield, Kyogle and the former Copmanhurst and Nymboida local government council areas within the Northern Rivers CMA. In these areas its use is limited to eucalypt and acacia species (not in rainforest) only.

This Chapter Section does not apply to proposed thinning of the following species: turpentine, hopbushes, budda, punty bush, or silver cassia.

Note:

The Environmental Outcomes Assessment Methodology and **BioMetric** may not be suitable for assessing thinning of some other forms of invasive native scrub (See Chapter 7.0 for further detail), including some tree species such as cypress pine.

5.4.1 The improve or maintain test

Thinning is to be regarded as improving or maintaining environmental outcomes if, in relation to each vegetation zone:

- thinning is proposed on no more than 80% of the area of the proposal area; and
- the stems to be removed from each stem diameter class for the vegetation type do not exceed the number calculated by **BioMetric**.

5.4.2 The Assessment

Different vegetation types must be assessed separately. If the area proposed to be thinned contains more than one vegetation type the proposal must be divided into vegetation zones each comprising a relatively homogenous vegetation type. Each zone must be separately assessed.

Within each vegetation zone, 0.1 hectare plots must be randomly placed every two hectares, with a minimum of one plot and a maximum of 10 plots per vegetation zone.

In relation to each plot the stems must be classified into one of the following stem diameter classes: 0-10 cm, 11-20 cm, and 21-30 cm dbh.

The number of stems per plot in each stem diameter class must be recorded.

These plots are used to predict the number of trees for the vegetation type in each stem diameter class within the vegetation zone.

Benchmark data for stem densities are provided with **BioMetric**, or obtained from reference sites. Reference sites must:

- comprise the same vegetation community and be located in the same region as the vegetation zone being assessed;
- contain vegetation in relatively unmodified condition; and
- be measured as near in time to the vegetation zones being assessed so as to allow seasonal variation in condition to be taken into account.

BioMetric calculates the maximum number and percentage of existing stems in each diameter class that can be removed by comparing stem density in the zone by diameter class, with benchmark stem densities by diameter class.

Stems can be thinned to the benchmark values of stem densities for each diameter class. That is:

- thinning is permitted WHILE $Observed\ stems_{ij} \geq Benchmark\ stems_j$
ELSE
- thinning proposals must be assessed as for other clearing proposals;
where
- $observed\ stems_{ij}$ is the median number of stems observed in the j th diameter class within the i th vegetation Zone.

Benchmark $stems_j$ is the benchmark number of stems for the vegetation type observed on the site for the j th diameter class.

5.5 Definitions

Benchmark or benchmark value. Benchmarks or benchmark values are standards for vegetation condition in vegetation communities with relatively little evidence of recent or current alteration, disturbance or modification by humans. Benchmarks prescribe the range of variation in condition variables in such communities. Condition variables for individual vegetation communities are assessed against benchmark values for these communities.

Database. The data on Mitchell landscapes, vegetation formations, vegetation types and associated formulae contained in *BioMetric*.

dbh. Stem diameter at breast height, ie, at 1.3 metres above the ground.

Landscape. Mitchell Landscape area as defined in Mitchell, P.B. (2002). NSW ecosystems study: background and methodology. Unpublished report to the NSW National Parks and Wildlife Service, Hurstville; and in Mitchell, P.B. (2003). NSW ecosystems database mapping unit descriptions. Unpublished report to the NSW National Parks and Wildlife Service, Hurstville.

Listed ecological community. Critically endangered, endangered or vulnerable ecological community listed under the *NSW Threatened Species Conservation Act 1995* or the Federal *Environment Protection and Conservation Act 1999*.

Listed threatened species. Critically endangered, endangered or vulnerable ecological species or population listed under the *NSW Threatened Species Conservation Act 1995* or the Federal *Environment Protection and Conservation Act 1999*.

Offset. Management actions on site(s) used for offsets. Gains in biodiversity from management actions on an offset site(s) may balance losses in biodiversity with clearing on another site(s).

Plot. Area in which condition assessment is undertaken, usually 0.1 hectare or 0.04 hectare depending on the condition variable being measured.

Reference site. Sites used to collect benchmark information where the benchmarks are not already available for a vegetation type. Reference sites are with the same vegetation community and in the same region as the vegetation zone being assessed, containing vegetation in relatively unmodified condition. Values derived from the reference sites form the benchmarks for condition assessments. The reference sites should be measured as near in time and location to the vegetation zones being assessed for clearing (including thinning only), and offsets as possible. This allows seasonal variation in condition to be taken into account.

Riparian area. Area in riparian zone (plus buffer). See Table 3.1 in Chapter 3 for details.

Site. General term for clearing zone(s) and for offset zone(s). Also used in the context of reference site.

Stem density. Number of stems per hectare, measured in plots as number of stems per 0.1 hectare.

Vegetation type. Vegetation type in the catchment, generally at the classification level of association; classification level varies between catchments. Classification levels are defined in Executive Steering Committee for Australian Vegetation Information (2003). Australian Vegetation Attribute Manual Version 6.0. Department of Environment and Heritage, Canberra, see table below.

Vegetation formation. As defined in Keith, D. (2002). A compilation map of native vegetation for New South Wales. Version 1.1. A project undertaken for the NSW Biodiversity Strategy. NSW National Parks and Wildlife Service, Hurstville.

Vegetation community. Vegetation community usually at the level of classification between National Vegetation Information System (NVIS) association and NVIS sub-formation, ie, at the approximate level of - Dominant growth form, cover, height and dominant species for each of the three strata (i.e. Upper, Mid and Ground), see table below. This is above the level of association used for vegetation type (levels defined in Executive Steering Committee for Australian Vegetation Information (2003). Australian Vegetation Attribute Manual Version 6.0. Department of Environment and Heritage, Canberra), see table below. Condition variables for individual vegetation communities are assessed against benchmark values for vegetation communities.

The NVIS Information Hierarchy		
Hierarchical Level	Description	NVIS structural/floristic components required
I	Class*	Dominant growth form for the ecologically or structurally dominant stratum
II	Structural Formation*	Dominant growth form, cover and height for the ecologically or structurally dominant stratum.
III	Broad Floristic Formation**	Dominant growth form, cover, height and dominant land cover genus for the upper most or the ecologically or structurally dominant stratum.
IV	Sub-Formation**	Dominant growth form, cover, height and dominant genus for each of the three traditional strata. (i.e. Upper, Mid and Ground)
V	Association**	Dominant growth form, height, cover and species (3 species) for the three traditional strata. (i.e. Upper, Mid and Ground)
VI	Sub-Association**	Dominant growth form, height, cover and species (5 species) for all layers/sub-strata.

* Walker J. and Hopkins M.S (1990). Vegetation. In McDonald, R. C.; Isbell, R. F.; Speight, J. G.; Walker, J., and Hopkins, M. S. Australian Soil and Land Survey. Inkata Press, Melbourne.
 ** NVIS (defined for the NVIS Information Hierarchy)

Vegetation zone. Relatively homogenous, discrete zone(s) into which site is divided for assessment according to vegetation type (for clearing and thinning) and broad condition (whether low condition or not) (for clearing).

5.6 Improve or maintain test for threatened species

'Threatened Species' means threatened species, endangered ecological communities or endangered populations for the purpose of this methodology. Broadscale clearing of remnant native vegetation will improve or maintain environmental outcomes for threatened species if:

- 1. no threatened plant species are identified as occurring within the area to be cleared; and
- 2. no threatened fauna species are identified or known or likely to occur within the area to be cleared; or
- the clearing proposal is not likely to cause a loss to any threatened species identified, including loss to the area of habitat or key habitat features for threatened species known or likely to occur within the area to be cleared; or
- any threatened species are identified, known or likely to occur within the area to be cleared and the clearing causes a loss of any of these threatened species but the likely loss is offset by equivalent or greater gains for these threatened species from management actions applied in perpetuity to offsets, as specified in a Property Vegetation Plan.

5.7 Identify whether any threatened species occur or are likely to occur

1. A threatened species is likely to occur on the area proposed to be cleared if the:
 - (a) Threatened Species Profile Database indicates that the species is known or likely to occur in the Catchment Management Authority Area Sub-region (See Appendix A) and is associated with any of the vegetation types within the area to be cleared; and
 - (b) area proposed to be cleared is within the specified geographic constraints for the species as defined in the Threatened Species Profile Database. For some species there is additional information that describes in more detail the geographical constraints on a species beyond vegetation type and sub-region. In certain circumstances this will enable the location of a threatened species to be more effectively predicted; and
 - (c) The Threatened Species Profile Database indicates that the species is likely to occur in the vegetation type if it is in moderate to good condition, low condition or paddock tree condition. Many species are only likely to occur if the vegetation is in moderate to good condition and therefore do not need to be considered further if the vegetation on the area proposed to be cleared is low condition or paddock trees. The condition categories are:
 - i) **Moderate to Good Condition** vegetation defined as:
 - Native woody vegetation** having a mature overstorey projected foliage cover that is >25% of the lower projected mature overstorey foliage expected for that vegetation type and has >50% of the vegetation in the ground layer comprising of indigenous native plant species and there is > 10% ground cover.
 - Native grassland, wetland or herbfield** having >50% of the ground layer comprising of indigenous native species and there is > 10% ground cover); or
 - ii) **Low Condition** vegetation defined as:
 - Native woody vegetation** having a mature overstorey projected foliage cover <25% of the lower projected value of mature overstorey foliage expected for that vegetation type and has <50% of the vegetation in the ground layer comprising of indigenous native species or > 90 % is ploughed or fallow.
 - Native grassland, wetland or herbfield** having <50% of the ground layer comprising of indigenous native species or >90 % is ploughed or fallow.
 - iii) **Paddock trees** condition defined as: native vegetation having an overstorey projected foliage cover <25% of the lower projected foliage cover for the vegetation community and the ground layer is either crop, ploughed fallow or almost exclusively perennial or annual exotic pasture (90% of cover is exotic species). *Note: mid storey condition is not considered under this definition, refer to low condition definition.*

and

 - (d) cover of vegetation remaining in the landscape is greater than the minimum amount for that species as identified in the Threatened Species Profile Database. The landscape is defined as the area of land within a 1.75 kilometre radius of the centre of the area to be cleared; and
 - (e) vegetation in the area to be cleared is part of a patch of vegetation greater than the minimum patch size specified for that species as defined in the Threatened Species Profile Database; and
 - (f) vegetation in the area to be cleared contains either important breeding or foraging or shelter habitat features as defined in the Threatened Species Profile Database.
2. A visual inspection of the area proposed to be cleared must be undertaken prior to approving the Property Vegetation Plan.
3. The visual inspection must:
 - (a) determine whether there is any important breeding, foraging or shelter habitat for threatened fauna species occurring on the land where a threatened species is likely to occur; and

- (b) assess the condition of the vegetation and specifically consider whether the identified subject threatened species is likely to occupy 'Paddock Trees condition' or 'Low Condition' vegetation.
 - (c) specifically consider whether each threatened plant species that is likely to occur is present; and
 - (d) include in the assessment any additional threatened species that are located and present in the area;
 - (e) be undertaken in accordance with any requirements of the Threatened Species Profile Database relevant to each threatened plant species that is likely to occur.
4. The Threatened Species Profile Database (Species Profiles) is a database held by the Department of Environment and Conservation and approved by the Minister for Environment, which includes the following:
- (a) a list of threatened species known or likely to be present in each Catchment Management Authority Area and Catchment Management Authority Area Subregion;
 - (b) for each threatened species:
 - i). a description and, where available, a series of photographs;
 - ii). a description of its distribution in NSW;
 - iii). habitat and ecology;
 - iv). threats;
 - v). management action and the predicted response (expressed as percentage improvement in population or site carrying capacity) that each management action is likely to have on each threatened species. Differing levels of response may be provided for Paddock Trees" condition, "Low Condition" or "Moderate to Good Condition" vegetation;
 - vi). vegetation types with which each threatened species is associated;
 - vii). geographical constraints to the presence of the species;
 - viii). landscape requirements, minimum patch size, important breeding, foraging and shelter habitat features;
 - ix). the time of year when the species is identifiable (used to identify appropriate time for inspection of plants);
 - x). the species' ability to sustain a temporary reduction in local population or temporary loss of habitat; and
 - xi). the species' ability to occupy 'Paddock Trees' condition or Low Condition vegetation.
 - (c) any changes to the Threatened Species Profile Database will follow steps identified in Chapter Section 2.4.

5.8 Loss of threatened species, habitat or key habitat features

The key habitat features are those features that are important for some threatened species. They could include breeding, foraging or shelter habitat features. Where it is appropriate to use key habitat features as a measure of gain or loss then this is described in the Threatened Species Profile Database.

If the proposal will result in loss of individuals of the species, or the area of its habitat or key habitat features an offset will be needed in order for the clearing to improve or maintain environmental outcomes for threatened species.

The expected loss of threatened species, or their habitat or their key habitat features is to be determined in accordance with the following process:

1. determine the unit of measure of this loss (eg. individuals of a threatened species measured by number of individuals, area of habitat measured by hectares or key habitat features measured by number of each feature such as number of hollow-bearing trees). This unit of measure must also be used for assessing any offset required for that species;

2. estimate the expected loss for each species known or likely to be present in each vegetation zone;
3. if there is more than one vegetation zone within the area proposed to be cleared then the total loss for each species is calculated by adding the losses in each vegetation zone.

5.9 Can any likely loss be offset?

Offsets can only be used where the local population of a species can sustain the level of likely temporary loss of individuals of the species, their habitat or their key habitat features (including important breeding, foraging and shelter components), as specified in the Threatened Species Profile Database, whilst the gains are being achieved on the offset area/s.

Note:

For the purposes of offsets a local population is defined as the total population of the threatened species on the property or properties subject of the Property Vegetation Plan on which the clearing is proposed.

A loss of individuals of the species, or its habitat or its key habitat features can only be offset by a corresponding gain in individuals of the species, or its habitat based on equivalent vegetation type or its key habitat features.

The Property Vegetation Plan must include management actions in appropriate offset area(s) that will achieve the offset.

The Threatened Species Profile Database identifies the management actions that can be undertaken to provide gains for threatened species. This includes an estimate of the percentage increase in population that can be expected in response to each management action, as measured by either an increase in the number of individuals, or habitat amount or key habitat feature.

An offset area must:

- a) support the same or a similar vegetation type to that being cleared - the offset cannot be used as an offset for that species if it does not contain a vegetation type that is known to be used by the subject species (as recorded in the Threatened Species Profile Database); or
- b) contain key habitat features that would support the threatened species; or
- c) be occupied by a sufficient population of the threatened plant species as confirmed by site inspection; and
- d) contain the vegetation in a condition suitable to support the subject species; and
- e) be in perpetuity.

The assessment must calculate the population(s), area of habitat or amount of key habitat feature that each offset area contains for each affected threatened species.

The gain for each species is determined by the following formula:

$$\text{Gain}^{\text{Action1}} = \text{Expected increase} \times \text{Amount}$$

Where:

- Gain is the increase in the population of threatened species;
- Expected increase is the offset ratio or the percentage increase in population or carrying capacity expected in response to management action, as detailed in the Threatened Species Profile Database;

- Amount is the number of individuals or area of habitat or number of the key habitat feature that are contained within the proposed offset;
- The value of actions is additive so that total gain achieved is the sum of gains for each action.

If there is more than one vegetation zone within the area proposed as an offset then the total gain for each species is calculated by adding the gains in each vegetation zone.

If total gain for each threatened species known or likely to occur in the area proposed as an offset is equal to or greater than the total loss then the proposal maintains or improves environmental outcomes for threatened species.

If there is a loss for any species known or likely to occur in the area proposed to be cleared and the loss is greater than the total gain from all offset areas then the proposal does not maintain or improve environmental outcomes for threatened species.

Note: References

Executive Steering Committee for Australian Vegetation Information (2003). Australian Vegetation Attribute Manual Version 6.0. Department of Environment and Heritage, Canberra;

Keith, D. (2002). A compilation map of native vegetation for New South Wales. Version 1.1. A project undertaken for the NSW Biodiversity Strategy. NSW National Parks and Wildlife Service, Hurstville;

Mitchell, P.B. (2002). NSW ecosystems study: background and methodology. Unpublished report to the NSW National Parks and Wildlife Service, Hurstville;

Mitchell, P.B. (2003). NSW ecosystems database mapping unit descriptions. Unpublished report to the NSW National Parks and Wildlife Service, Hurstville;

Vegetation type is identified in accordance with the list published by Department Environment and Conservation at:

<http://www.nationalparks.nsw.gov.au/npws.nsf/Content/Threatened+Species+Search>

<http://www.deh.gov.au/biodiversity/threatened/communities/index.html>.

6 Soil Assessment

6.1 Introduction

This Environmental Outcomes Assessment Methodology defines the circumstances in which broadscale clearing is to be regarded as improving or maintaining environmental outcomes for land degradation under the *Native Vegetation Act 2003* including for the purposes of agreeing to a Property Vegetation Plan.

The Land and Soils Capability (LSC) tool assesses the following land degradation hazards:

- areas that are very susceptible to environmental harm arising from clearing of native vegetation;
- water erosion;
- wind erosion;
- earth mass movement;
- acid sulfate soils;
- salinity (see Chapter 4);
- shallow and rocky soils; or
- soil structure.

The Land and Soils Capability class that any associated hazards fall within determines whether a proposal is considered to improve or maintain environmental outcomes:

- Land and Soils Capability classes 1 & 2: the proposal is regarded as improving or maintaining environmental outcomes;
- Land and Soils Capability classes 3 to 6: will not improve or maintain environmental outcomes unless the on-site management actions specified in Appendix B or Appendix C for each applicable hazard and class are undertaken;
- Land and Soils Capability classes 7 & 8: will not improve or maintain environmental outcomes and the impacts cannot be offset by management actions.

The process for assessing clearing and offset proposals in respect of land degradation is the same, except where otherwise stated.

The Land and Soils Capability Tool also assesses biodiversity, salinity or water quality offset proposals that involve soil disturbance in order to determine whether the offsets will improve or maintain environmental outcomes in relation to land degradation.

Where a proposal has several hazards the decision as to whether clearing or offset proposals will improve or maintain environmental outcomes is based on the most significant land degradation risk arising from the proposal, ie the hazard with the highest class.

6.2 Land and soil capability classification

The land and soil capability classification is based on the Rural Land Capability system defined by Emery (1985). However, the proposed land and soil capability system places additional emphasis on soil limitations and explicitly incorporates them into the classification.

All parts of the landscape are classified within eight capability classes, designated by numerals 1 to 8, the sequence indicating progressively greater land and soil limitations. These limitations usually restrict the type and diversity of land use activities that can be undertaken without significant land and soil degradation occurring. Although this system is intended primarily to address agricultural activities, it can be used to provide a general indication of the capability of the land for other land use practices, including forestry and urban development. Increasing the degree of constraint imposed by specific limitations,

which progressively limit the range of alternative land uses and management practices that are practicable and appropriate, achieves this.

6.3 The improve or maintain test for land degradation

The Land and Soils Capability Tool requires 4 key actions:

- identify the land and soils capability zone; these are areas of land that have relatively uniform physical characteristics in relation to slope, rockiness, soil type, soil drainage, landform or salt outbreak;
- identify the relevant catchment hazard area;
- establish slope; and
- establish rainfall.

6.3.1 Identify Land and Soils Capability Zone

Land and soils capability zones are areas of land that have relatively uniform physical characteristics in relation to slope, rockiness, soil type, soil drainage, landform or salt outbreak. The proposal must improve or maintain environmental outcomes for all Land and Soils Capability zones it includes in order to pass the 'improve or maintain' test.

6.3.2 Identify the relevant Catchment Hazard Area

To simplify the assessment process, Catchment Management Authority areas have been divided into Catchment Hazard Areas based on common climatic, soil and geomorphic characteristics. These Catchment Hazard Areas are shown in Figure 6.1.

Figure 6.1: Map of Catchment Hazard Areas



In some catchment hazard areas certain hazards are not significant and are deemed to improve or maintain environmental outcomes. For example, acid sulfate soils are only assessed for coastal plains. The hazards assessed for each area are shown in Table 6.1.

Table 6.1 Required Hazard Assessment by Catchment Hazard Areas

Catchment Hazard Areas	What Hazards are assessed?							
	Sensitive terrain	Water erosion hazard	Wind erosion hazard	Salinity hazard (Chapter 4)	Shallow & rocky soil hazard	Earth mass movement hazard	Soil structure hazard	Acid sulfate soil hazard
Coastal Tableland and Slopes	✓*	✓		✓	✓	✓		
Northern Tableland and Slopes	✓	✓	✓	✓	✓	✓		
Central Tableland and Slopes	✓	✓	✓	✓	✓	✓		
Southern Tablelands and Slopes	✓	✓	✓	✓	✓	✓		
Coastal Plains excluding Hawkesbury/Nepean	✓	✓	✓		✓	✓		✓
Coastal Plains - Hawkesbury/Nepean only	✓	✓	✓	✓	✓	✓		✓
Inland Plains	✓	✓	✓	✓	✓		✓	

*Ticked cell indicates hazard is assessed in the Catchment Hazard Area

6.3.3 Slope

Slope is used to assess water erosion hazard and mass movement hazard.

Average slope may be either:

- estimated visually in the field by experienced landscape assessors;
- measured using an Abney level or clinometer; or
- estimated from a topographic map or Digital Elevation Model.

The slope classes available as options in the Land and Soils Capability Tool vary between different Catchment Areas to reflect local conditions and the specific criteria required for hazard assessments.

6.3.4 Rainfall

Rainfall is one factor used to assess water erosion hazard, wind erosion hazard, soil structure decline and earth mass movement hazard.

Average annual rainfall requires the selection of the appropriate 100mm class using information provided by the Australian Bureau of Meteorology. This must relate to the

locality if this is available, or, where this is not available, to a nearby town with a similar climate.

6.4 Assessing clearing on sensitive terrain

- sensitive terrains are areas of the landscape that are very susceptible to environmental harm arising from clearing of native vegetation. They are defined in Table 6.2.
- clearing of native vegetation on sensitive terrain located in a Catchment Area ticked in Table 6.3 is regarded as not improving or maintaining environmental outcomes.
- it is not possible to offset the impacts of the clearing of sensitive terrain.
- sensitive terrain is not assessed in respect of proposals for biodiversity or salinity offsets.

Table 6.2 Definitions of Sensitive Terrain.

Sensitive Terrain	Definition
Foredune to beach	Elongated, moderately inclined to very steep, single or compound ridge generally less than 15 metres high, built up by the wind from predominantly sand sized particles derived from an adjacent coastal beach.
Derelict mine site	Surface workings of former mining sites, whether remediated or unremediated, which may contain toxic soil, rock or spoil materials.
High run-on area	Areas of the inland plains that have large up-slope catchments and are subject to very high run-on volumes in times of rainfall.
Lakebed within 200m of shoreline	Beds of ephemeral or fluctuating lakes, whether fresh or saline, of the inland plains. The near-shore areas of these lakebeds are often susceptible to wind erosion and environmental degradation.
Lunette	Occurs mainly in the inland plains and is an elongated, gently recurved, low ridge consisting of sand or pelletised silt and clay which has been built up by wind action on the north eastern or eastern margin of a ephemeral freshwater or saline lake or closed depression. A lunette typically has a wave-modified slope towards the lake or depression.
Flow line	Occurs in the Slopes and Tablelands where surface water flow or seepage is initially concentrated in drainage depressions and is not yet in clearly defined streams.
Sand Dune	Occurs mainly in the inland plains and coastal plains and is a moderately inclined to very steep, sub-parallel linear ridge or hillock built up from sand sized particles by wind action.

Table 6.3 Applicability of Sensitive Terrain in Catchment Hazard Areas.

Catchment Hazard Area	Sensitive Terrain						
	Foredune to Beach	Derelict Mine Site	High Run-on Area	Lakebed	Lunette	Flow Line	Sand Dune
Northern Tablelands and Slopes		✓*				✓	
Central Tablelands and Slopes		✓				✓	
Southern Tablelands and Slopes		✓				✓	
Coastal Tablelands and Slopes		✓				✓	
Coastal Plains	✓	✓				✓	✓
Inland Plains		✓	✓	✓	✓		✓

*Ticked cell indicates hazard is assessed in the Catchment Hazard Area

6.5 Assessing water erosion hazard

- Water erosion hazard is the susceptibility of land to soil erosion by moving water.
- Rainfall erosivity and water availability for plant growth are factors that affect soil erosion. These vary significantly between different parts of the State. The Land and Soils Capability Tool uses different classes in different Catchment Areas to account for differences in these factors. These are set out in Table 6.4.
- The severity of existing water erosion is classed by the Land and Soils Capability Tool as either: nil, low, moderate, high, very high, or extreme, according to the definitions of these categories contained in Table 6.5.
- If the existing erosion is classed as **nil, low or moderate**, the Land and Soils Capability Tool assigns the land and soils capability class indicated in Table 6.4 (based on slope).
- Land and soils capability classes 4 and 5 are not differentiated from each other by slope, but by whether the soils have high natural fertility (class 4) or relatively low natural fertility (class 5).
- If the existing erosion is classed as **high**, the Land and Soils Capability Tool automatically assigns water erosion hazard to land and soils capability class 6, except for land and soils capability zones in the Coastal Tablelands and Slopes Catchment Hazard Area, which are automatically assigned to class 7.
- If the existing erosion is classed as **very high**, the Land and Soils Capability Tool automatically assigns water erosion hazard to land and soils capability class 7.
- If the existing erosion is classed as **extreme**, the Land and Soils Capability Tool automatically assigns water erosion hazard to land and soils capability class 8.

Table 6.4 Slope Class (%) for each land and soils capability class used to determine Water Erosion Hazard in the Catchment Areas.

Catchment Area	Land and soils capability class determined by slope (%)					
	1	2	3	4 & 5	6	7 & 8
Northern Tablelands and Slopes	< 1	1 - <2	2 - <8	8 - <25	25 - 33	> 33
Inland Plains	< 1	1 - <3	3 - <10	10 - <25	25 - 33	> 33
Central Tablelands and Slopes	< 1	1 - <2	2 - <8	8 - <25	25 - 33	> 33
Southern Tablelands and Slopes	<1.5	1.5 - <5	5 - <12	12 - <25	25 - 33	> 33
Coastal Tablelands and Slopes	< 1	1 - <2	2 - <8	8 - <25	25 - 50	> 50
Coastal Plains	< 1	1 - <2	2 - <8	8 - 25	25 - 33	> 33

Table 6.5 Definitions of Existing Erosion Classes

Class	Definition
Nil	No sheet or gully erosion present.
Low	Minor sheet and gully erosion present.
Moderate	Moderate sheet and gully erosion present – gullies restricted to major flow lines.
High	Severe sheet and gully erosion present – rills clearly evident, subsoil and C horizons clearly exposed in many areas, clearly evident depositional areas adjacent to fences and roads - gullies are deep and active in 2 nd order streams showing branching into lower parts of 1 st order flow lines.
Very high	Severe sheet erosion present causing bare ground and scalding – subsoil and C horizons or bare rock exposed in many areas - clearly evident areas of deposition

	on lower slopes, adjacent to fences and roads - gullies are active and strongly branched, extending high into 1 st order flow lines – gullies often show tunnelling.
Extreme	Majority of the area is bare and scalded, usually extensive areas of active rilling and gullying present – gullies may occupy the majority of the area.

6.6 Assessing wind erosion hazard

- Wind erosion hazard is the susceptibility of land to the erosion of soil particles by wind.
- Soil erosion by wind is of particular concern in coastal regions and inland dryland farming areas.
- The criteria used by the Land and Soils Capability Tool to assess wind erosion hazard are:
 - wind erodibility of soil;
 - wind erosive power as indicated on a map in the Land and Soils Capability Tool;
 - exposure to prevailing winds;
 - average annual rainfall.
- The relationship between the criteria in determining the class is shown in Table 6.6.
- Wind erodibility of soil is assessed in the following classes:
 - low: loams, clay loams, or clays (all with greater than 13% clay);
 - moderate: fine sandy loams or sandy loams (all with 6 – 13% clay);
 - high: loam sands or loose sands (all with less than 6% clay).
- Exposure to prevailing winds is assessed in the following classes:
 - low exposure: sheltered locations in valleys or in the lee of hills;
 - moderate exposure: intermediate situations - not low or high exposure locations;
 - high exposure: hilltops or exposed coastal locations.

Table 6.6 Relationship between Wind Erodibility Class of Soil, Wind Erosive Power Exposure to Prevailing Winds, and Annual Rainfall for Land and Soils Capability Classes.

Average Annual Rainfall	Wind Erodibility Class of Soil	Wind Erosive Power	Exposure to Wind	Land and Soils Capability Class	
> 500 mm	low	low	low	1	
			moderate	1	
			high	2	
	moderate	moderate	low	1	
			moderate	2	
			high	3	
			low	2	
			moderate	3	
			high	4	
	high	low	low	low	2
				moderate	3
				high	4
moderate		moderate	low	2	
			moderate	3	
			high	4	
high		high	low	3	
			moderate	4	
			high	5	
	moderate	moderate	low	4	
			high	5	
			low	4	
			moderate	4	
			high	5	

Average Annual Rainfall	Wind Erodibility Class of Soil	Wind Erosive Power	Exposure to Wind	Land and Soils Capability Class
			high	6
		high	low	5
			moderate	6
			high	7
300 – 500 mm	low	low	low	2
			moderate	2
			high	3
		moderate	low	2
			moderate	3
			high	4
		high	low	3
			moderate	4
			high	4
	moderate	low	low	3
			moderate	4
			high	5
		moderate	low	3
			moderate	4
			high	5
		high	low	3
			moderate	5
			high	6
	high	low	low	4
			moderate	5
			high	7
		moderate	low	5
			moderate	6
			high	7
		high	low	6
			moderate	7
			high	7
200 – <300 mm	low	low	low	3
			moderate	3
			high	4
		moderate	low	3
			moderate	4
			high	5
		high	low	4
			moderate	5
			high	6
	moderate	low	low	4
			moderate	5
			high	6
		moderate	low	4
			moderate	5
			high	7
		high	low	4
			moderate	6
			high	8
	high	low	low	5
			moderate	6
			high	8
		moderate	low	6
			moderate	7

Average Annual Rainfall	Wind Erodibility Class of Soil	Wind Erosive Power	Exposure to Wind	Land and Soils Capability Class
			high	8
		high	low	7
			moderate	8
			high	8
< 200 mm	low	low	low	8
			moderate	8
			high	8
		moderate	low	8
			moderate	8
			high	8
		high	low	8
			moderate	8
			high	8
	moderate	low	low	8
			moderate	8
			high	8
		moderate	low	8
			moderate	8
			high	8
		high	low	8
			moderate	8
			high	8
	high	low	low	8
			moderate	8
			high	8
		moderate	low	8
			moderate	8
			high	8
		high	low	8
			moderate	8
			high	8

6.7 Assessing shallow and rocky soil hazard

- Shallow soils and rockiness reduce the land use capability of soils and land.
- The criteria used by the Land and Soils Capability Tool to assess shallow soil and rockiness hazard are:
 - estimated percentage exposure of rocky outcrops;
 - average soil depth; and
 - average annual rainfall.
- The relationship between the criteria in determining the land and soils capability class is shown in Table 6.7.

Table 6.7 Relationship between Soil Depth, Rocky Outcrop, and Average Annual Rainfall for Assessment of Shallow and Rocky Soils.

Soil Depth cm	Rocky Outcrop % Coverage	Land and Soils Capability Class if <500mm Av. Annual Rainfall	Land and Soils Capability Class if >500mm Av. Annual Rainfall
>100	<30	1, 2	1, 2
50 – 100		4	1, 2
25 – <50		7, 8	4
<25		7, 8	7, 8

Soil Depth cm	Rocky Outcrop % Coverage	Land and Soils Capability Class if <500mm Av. Annual Rainfall	Land and Soils Capability Class if >500mm Av. Annual Rainfall
>100	30 - 50	4, 5	4, 5
50 – 100		4, 5	4, 5
25 – <50		7, 8	4, 5
<25		7, 8	7, 8
>100	50 – 70	6	6
50 – 100		6	6
25 – <50		7, 8	6
<25		7, 8	7, 8
>100	>70	7, 8	7, 8
50 – 100		7, 8	7, 8
25 – <50		7, 8	7, 8
<25		7, 8	7, 8

6.8 Assessing earth mass movement hazard

- The criteria used by the Land and Soils Capability Tool to assess earth mass movement hazard are:
 - existing evidence of earth mass movement;
 - slope class;
 - average annual rainfall;
 - soil saturation conditions;
 - nature of underlying soil materials.
- The relationship between the criteria in determining the Land and Soils Capability Class is shown in Table 6.8.

Table 6.8 Relationship between Existing Earth Mass Movement, Slope, Average Annual Rainfall, Subsurface Soil Saturation Conditions and Unconsolidated Substrates for Assessing Earth Mass Movement Hazard.

Is there existing earth mass movement?	Slope	Is the average annual rainfall > 900 mm?	Concentration or impedance of seepage flows?	Is the underlying material unconsolidated?	Land and Soils Capability Class
yes	<12%	not required	not required	not required	1
	12% or more	not required	not required	not required	8
no	< 12 %	not required	not required	not required	1
	12 – 25%	yes	yes	yes	7
				no	6
			no	yes	6
				no	3
		no	yes	yes	6
				no	3
			no	yes	3
				no	1
	> 25%	yes	yes	yes	8
				no	7
			no	yes	7
				no	6

		no	yes	yes	6
				no	6
			no	yes	6
				no	3

6.9 Assessing acid sulfate soils hazard

- The Land and Soils Capability Tool assesses acid sulfate soils hazard for Coastal Plains in the Northern Rivers Catchment Management Authority, the Southern Rivers Catchment Management Authority, the Hawkesbury Nepean Catchment Management Authority and the coastal subdivision of the Hunter and Central Rivers Catchment Management Authority.
- The criteria used by the Land and Soils Capability Tool to assess acid sulfate soils hazard are:
 - land elevation in metres above Australian Height Datum (AHD);
 - depth to potential or actual acid sulfate soil.
- The depth to acid sulfate soils is estimated from Department of Natural Resources Acid Sulfate Soil maps, or can be obtained through field testing in the relevant Land and Soils Capability zone;
- The relationship between the criteria in determining the land and soils capability class is shown in Table 6.9.

Table 6.9 Relationship between Criteria Determining Class for Acid Sulfate Soils Hazard.

Is land >10m AHD?	Depth to Acid Sulphate Soils Hazard	Land and Soils Capability Class
Yes	NA	1
No	ASS not present	1
	>4m	3
	2 – 4m	4
	1 – <2m	5
	<1m	8

6.10 Assessing soil structure hazard

- Soil structure decline is only assessed by the Land and Soils Capability Tool for the inland plains of NSW and only if average annual rainfall is <600mm;
- The criterion used by the Land and Soils Capability Tool to assess soil structure decline hazard is the nature of surface soils;
- Table 6.10 shows how the Class is determined.

Table 6.10 Relationship between Nature of Surface Soils and Classes for the Assessment of Soil Structural Decline Hazard in the Inland Plains of NSW (where annual rainfall <600mm).

Nature of surface soils	Class
self-mulching clay surface soils; loose sands	1, 2
fine sandy loam and sandy loam surface soils	3
loam and clay loam surface soils, non sodic	3

Nature of surface soils	Class
mildly sodic, loam, clay loam and clay surface soils	4
sodic, light clay and medium clay surface soils	5, 6
strongly sodic, light clay and medium clay surface soils	7, 8

Note: References

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7 Invasive Native Scrub Assessment

7.1 Introduction

This Chapter applies to the clearing of species of invasive native scrub under the *Native Vegetation Act 2003*.

Native vegetation that is classified as “unprotected regrowth” under the *Native Vegetation Act 2003* may be cleared without approval under that Act. All other vegetation, which is classified under the *Native Vegetation Act 2003* as “remnant vegetation” or “protected regrowth” requires clearing approval from the local Catchment Management Authority. This includes clearing of invasive native species.

Where a proposal only involves clearing of invasive native species a shortened assessment process (within the PVP Developer) can be used. This assessment process is designed to maintain or create a mosaic of vegetation communities and conditions across the landscape in a way that does not require offsets for clearing approvals.

Further information on supporting science and application of the Environmental Outcome Assessment Methodology relating to clearing/thinning of native vegetation known as invasive native scrub under the *Native Vegetation Act 2003* is contained in:

- Operational Manual for the PVP Developer;
- collation of Discussion Paper submissions and responses from the Invasive Native Scrub Working Group.

7.2 Assessing invasive native species clearing proposals

This Chapter applies to the clearing of invasive native species.

Note:

There are two steps in assessing a proposal to clear invasive native species.

The first step is assessing whether the species may be cleared under this Chapter. This involves determining whether the species is listed in Table 7.1 as generally being invasive in the Catchment Management Authority area and/or the Interim Biogeographic Regionalisation of Australia (“IBRA”) region and secondly, whether the behaviour of the species in the area of the proposal satisfies certain criteria relating to whether a species can be said to be an invasive native species.

The area as mapped by the relevant Catchment Management Authority is also certified by an accredited biodiversity expert that the species are behaving invasively in this situation.

If the species are not invasive native species, then the clearing proposal may not be assessed under this Chapter

The second step is assessing whether the clearing proposal satisfies all of the applicable criteria listed below. If the clearing proposal does satisfy all applicable criteria, the clearing is to be regarded as improving or maintaining environmental outcomes and it is not necessary to assess the clearing proposal against the other environmental values listed in the Assessment Methodology (that is, water quality, salinity, soils and biodiversity).

If the clearing proposal does not satisfy all of the applicable criteria, then the proposal may not be assessed under this Chapter.

Invasive native species for the purposes of this Chapter means a plant species that satisfies the following criteria:

- 1) The species is listed in Table 7.1 in respect of the Catchment Management Authority Area or the Catchment Management Authority Area and IBRA region to which the clearing proposal relates; **and**
- 2) In the opinion of the relevant Catchment Management Authority (or an officer of that Authority who is responsible for making this assessment) and an accredited biodiversity expert, the species satisfies the following criteria:
 - (a) the species is invading plant communities where it has not been known to occur previously, **or**
the species is regenerating densely following natural or artificial disturbance, **and**
 - (b) the invasion and/ or dense regeneration of the species is resulting in change of structure and/ or composition of a vegetation community, **and**
 - (c) the species is within its natural geographic range.

For the purpose of assessing whether clearing for the purpose of controlling invasive native scrub will improve or maintain environmental outcomes, such clearing is divided into the following types:

- burning (for example, low intensity fire);
- clearing of individual plants with no disturbance to groundcover (for example, chemical spot treatment or ringbarking);
- clearing of individual plants with minimal disturbance to groundcover (for example, grubbing);
- clearing of plants at paddock scale with nil to minimal disturbance to soil and groundcover (for example, chaining, slashing or roping);
- clearing of plants at paddock scale with temporary disturbance to soil and groundcover (for example, bladeploughing); and
- clearing of plants at paddock scale with longer-term disturbance to soil and groundcover (for example, short-term cropping).

(The examples set out above are given by way of illustration only and do not limit techniques of clearing which fall within each method.)

Proposed invasive native species clearing assessed under this Chapter is regarded as improving or maintaining environmental outcomes in relation to applications for consent or Property Vegetation Plans if it meets all of the following criteria which apply to the proposed clearing.

All of the following criteria apply to all proposed clearing, unless the criterion is expressly stated to apply only to a specific type of clearing.

In the following criteria:

- “groundcover” has the same meaning as in the *Native Vegetation Act 2003*, that is, any type of herbaceous vegetation;
- “the extent of invasive native species on the property” means the extent of the areas on the property where invasive native species are currently present and areas on the property where they may not presently occur but where invasive native scrub management is required to prevent their spread or recurrence, as mapped by the relevant Catchment Management Authority. Non native vegetation areas and areas of native vegetation not impacted by invasive native scrub should not be included in the extent of invasive native scrub on the property;
- “non-invasive native species” means any species that are not invasive native species, as defined above; and
- “diameter at breast height” means the diameter of the stem at 1.3 metres.

Purpose of the clearing

- 1) Clearing is for the purpose of re-establishing native vegetation or allowing natural regeneration of native species.

Native groundcover

- 2) After the period of 15 years after the date of consent or the date of approval of the property vegetation plan, native groundcover on the area where the clearing took place is maintained in perpetuity unless clearing is permitted by a property vegetation plan or consent under the *Native Vegetation Act 2003*.

Total areas which may be cleared

- 3) Total clearing of invasive native species does not exceed 80% of the extent of invasive native species on the property.

4)

Where the following types of clearing are carried out

- burning or
- clearing of individual plants with no disturbance to groundcover

- (a) The clearing does not exceed 80% of the extent of the area of invasive native species on the property (as mapped by the relevant Catchment Management Authority).

5)

Where the following types of clearing are carried out:

- clearing of individual plants with minimal disturbance to groundcover or
- clearing plants at a paddock scale with nil to minimal disturbance to soil and groundcover.

- (a) The clearing does not exceed 60% of the extent of invasive native species on the property, except as set out below.

- (b) A further 20% of the extent of invasive native species on the property is cleared only if the Catchment Management Authority is satisfied that land that was initially cleared by either of these types of clearing has achieved a vegetative groundcover of greater than 50% and the groundcover consists of greater than 75% native groundcover.

6)

Where the following type of clearing is carried out:

- Clearing plants at a paddock scale with temporary disturbance to soil and groundcover.

- (a) The clearing does not exceed 40% of the extent of invasive native species on the property, except as set out below.

- (b) A further 40% of the extent of invasive native species is cleared only if the Catchment Management Authority is satisfied that the land that was initially cleared by this type of clearing has achieved a vegetative groundcover of greater than 50% and the groundcover consists of greater than 75% native groundcover.

- (c) Native groundcover is maintained in perpetuity on land initially cleared by this type of clearing from the date the Catchment Management Authority is satisfied the land is at the vegetative groundcover set out in 6(c) unless clearing is permitted by a property vegetation plan or consent under the *Native Vegetation Act 2003*.

- (d) If both clearing plants at paddock scale with temporary disturbance to soil and groundcover and clearing of plants at paddock scale with longer-term disturbance to soil and groundcover are to be carried out, then section 8 also applies.

7)

Where the following type of clearing is carried out:

- Clearing of plants at paddock scale with longer-term disturbance to soil and groundcover.

- (a) The clearing does not exceed 20% of the extent of invasive native species on the property, except as set out below.

- (b) A further 60% of the extent of invasive native species is cleared only if the Catchment Management Authority is satisfied that for each further 20% (up to a maximum of 80%) of the extent of invasive native species, the land that was previously cleared by

this type of clearing has achieved a vegetative groundcover of greater than 50% and the groundcover consists of greater than 75% native groundcover.

- (c) Native groundcover is maintained in perpetuity on land cleared by this type of clearing from the date the Catchment Management Authority certifies in writing that the land is at the vegetative groundcover set out in 7(c)) unless clearing is permitted by a property vegetation plan or consent under the *Native Vegetation Act 2003*.
- (d) The clearing at any one time does not exceed 20% of the invasive native species extent on the property.
- (e) If both clearing plants at paddock scale with temporary disturbance to soil and groundcover and clearing of plants at paddock scale with longer-term disturbance to soil and groundcover are to be carried out, then section 8 also applies.

8)

Where both of the following types of clearing are carried out:

- clearing plants at a paddock scale with temporary disturbance to soil and groundcover and
 - clearing of plants at paddock scale with longer-term disturbance to soil and groundcover.
- (a) The clearing does not exceed 40% of the extent of invasive native species on the property except as set out below.
 - (b) A further 40% of the extent of invasive native species is cleared only if the Catchment Management Authority is satisfied that the land that was initially cleared by this type of clearing has achieved a vegetative groundcover of greater than 50% and the groundcover consists of greater than 75% native groundcover.
 - (c) Native groundcover is maintained in perpetuity on land initially cleared by this type of clearing from the date the Catchment Management Authority is satisfied the land is at the vegetative groundcover set out in 8(c) unless clearing is permitted by a property vegetation plan or consent under the *Native Vegetation Act 2003*.
 - (d) The clearing at any one time does not exceed 40% of the invasive native species extent on the property.

Note:

For example, using this type of clearing, if the extent of invasive native species on a property is 1,000 ha, then the landholder may initially clear 20% of this area, that is, 200 ha. Once the Catchment Management Authority is satisfied that this 200 ha has achieved a groundcover of more than 50% cover and that cover consists of more than 75% native vegetation, then the landholder may clear a further 20% of the extent of invasive native species on the property, that is, a further 200 ha. The initially cleared area may not be cleared again and must be retained. Once the Catchment Management Authority is satisfied that the second parcel of 200 ha has achieved the groundcover described above, then the landholder may clear a further 200 ha and so on, until the landholder has cleared 800 ha, which is the maximum area permitted to be cleared (that is, 80% of 1,000 ha). The landholder must retain all of the cleared areas which have achieved the necessary level of groundcover in perpetuity. At any one time, no more than 200 ha may be cleared.

Restrictions on which methods of clearing may be used

- 9) The method of clearing is limited to burning, clearing of individual plants with no disturbance to groundcover or clearing of individual plants with minimal disturbance to groundcover where:
 - a) non-invasive native trees and shrubs represent more than 50% of total number of individual trees and shrubs; or
 - b) vegetation is an endangered ecological community or population within the meaning of the *Threatened Species Conservation Act 1995*; or
 - c) skeletal/ stony soils, dunefields or lunettes occur on the area where the proposed clearing is to take place.

- 10) For methods other than clearing of individual plants with no disturbance to groundcover and clearing of individual plants with minimal disturbance to groundcover, no land of slope greater than 18 degrees is cleared.
- 11) For the method of clearing of plants at paddock scale with longer-term disturbance to soil and groundcover, no vegetation is cleared on land:
 - a) with a soil profile less than 1m in depth; or
 - b) of a medium erosion hazard; or
 - c) of a high erosion potential.
- 12) For method clearing of plants at a paddock scale with temporary disturbance to soil and groundcover, no vegetation is cleared on land of a high erosion hazard.
- 13) For methods other than burning, any vegetation that has a stem or trunk with a diameter at breast height ("dbh") greater than the dbh specified in the column headed "Maximum dbh to be cleared" in Table 7.1 is not cleared.
- 14) For methods other than burning or clearing of individual plants with no disturbance to groundcover, no clearing is undertaken within riparian buffer distances as defined by Table 3.1 and Chapter Section 3.3 of the Environmental Outcomes Assessment Methodology.
- 15) For methods other than burning, plants of the species listed in Table 7.1 are retained at the densities per hectare as specified in Table 7.1, except where the vegetation is a community where the species did not previously occur (whether the vegetation is a community where the species did not previously occur is a determination to be made by the relevant Catchment Management Authority). For the purposes of this criterion, the number of plants per hectare means the number of plants on a one hectare area.

Note:

The effect of criterion 15 is that the number of plants per hectare cannot be calculated by (for example) averaging out the number of plants that are retained over an area of more than one hectare.

Non-native vegetation

- 16) The clearing does not result in the introduction into the cleared area of any non-native perennial vegetation.
- 17) For methods other than clearing plants at a paddock scale with temporary disturbance to soil and groundcover and clearing of plants at paddock scale with longer term disturbance to soil and groundcover, the clearing does not result in the introduction into the cleared area of any annual non-native vegetation.

Retention of native vegetation

- 18) For the methods of clearing plants at a paddock scale with nil to minimal disturbance to soil and groundcover, clearing plants at a paddock scale with temporary disturbance to soil and groundcover and clearing of plants at paddock scale with longer-term disturbance to soil and groundcover:
 - (a) a minimum of 20% of the native vegetation on the area to be cleared is retained in either patches or buffers; and
 - (b) if more than 500 ha is to be cleared, then a minimum of 20% of the native vegetation on that area must be retained on each 500 ha area.

Note:

The intention of this criterion is that, for example, if 750 ha are to be cleared, then the 750 ha area is to be divided into a 500 ha "envelope" and a 250 ha "envelope." At least 100 ha must be retained on the 500 ha envelope and at least 50 ha must be retained on the 250 ha envelope. It is not permissible to retain, for example, 150 ha on the 500 ha envelope and retain nothing on the 250 ha envelope.

Requirements on how the clearing is to be carried out

The clearing is carried out in accordance with the methods set out below:

- 19) If clearing by the method of burning:
 - a) burning of non-invasive native species is to the minimum extent necessary to clear the invasive native species; and
 - b) the clearing does not result in soil surface disturbance.
- 20) If clearing by the method of clearing of individual plants with no disturbance to groundcover:
 - a) the clearing does not result in soil surface disturbance; and
 - b) non-invasive native trees and shrubs cleared comprise no more than 1% of the total number of individual trees and shrubs cleared; and
 - c) any clearing of groundcover is incidental in extent; and
 - d) the clearing is limited to clearing of individual plants of invasive native species.
- 21) If clearing by the method of clearing of individual plants with minimal disturbance to soil and groundcover:
 - a) disturbance to soil surface is to the minimum extent necessary to clear individual plants; and
 - b) non-invasive native trees and shrubs cleared comprise no more than 1% of the total number of individual trees and shrubs cleared and;
 - c) the clearing of groundcover is to the minimum extent necessary; and;
 - d) the clearing is specific to individual plants of invasive native species.
- 22) If clearing by method of clearing of plants at a paddock scale with nil to minimal disturbance to soil and groundcover:
 - a) disturbance to soil surface is to the minimum extent necessary; and
 - b) non-invasive trees and shrubs comprise less than 10% of the total number of individual trees and shrubs cleared; and
 - c) the clearing of groundcover is to the minimum extent necessary.
- 23) If clearing by method of clearing plants at a paddock scale with temporary groundcover and soil disturbance:
 - a) non-invasive trees and shrubs comprise less than 10% of the total number of individual trees and shrubs cleared; and
 - b) the clearing of groundcover is to the minimum extent necessary; and
 - c) disturbance to soil surface is limited to the minimum extent necessary to control the invasive native species; and
 - d) introduction of annual non-native vegetation is limited to the clearing activity; and
 - e) any non-native vegetation planted is not harvested.
- 24) If clearing by method of clearing of plants at paddock scale with longer-term disturbance to soil and groundcover:
 - a) the non-invasive trees and shrubs comprise less than 20% of the total number of individual trees and shrubs cleared; and
 - b) the clearing of groundcover is to the minimum extent necessary to control the invasive native species; and
 - c) harvesting of any non-native vegetation planted is limited to two occasions in ten years from the date of granting of consent or approval of the Property Vegetation Plan.

Table 7.1 Invasive native scrub species database

The species listed are consistent with the following criteria the:

- species invades plant communities where it has not been known to occur previously, **or**
- species regenerates densely following natural or artificial disturbance, **and**
- invasion and/ or dense regeneration of the species results in change of structure and/ or composition of a vegetation community, **and**
- species is within its natural geographic range.

Catchment Management Authority - IBRA region	Invasive native species	Number of plants per hectare to be retained	Maximum dbh to be cleared
Border Rivers/Gwydir--BBS	Callitris endlicheri (Black Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Border Rivers/Gwydir--BBS	Callitris glaucophylla (White Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Border Rivers/Gwydir--BBS	Cassinia arcuata (Sifton Bush)	none prescribed	20cm
Border Rivers/Gwydir--BBS	Eremophila mitchellii (Budda, False sandalwood)	none prescribed	20cm
Border Rivers/Gwydir--BBS	Olearia elliptica (Sticky Daisy Bush, Peach Bush)	none prescribed	20cm
Border Rivers/Gwydir--DRP	Acacia farnesiana (Mimosa)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Border Rivers/Gwydir--DRP	Acacia stenophylla (River cooba, Black Wattle)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Border Rivers/Gwydir--DRP	Acacia salicina (Cooba)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Border Rivers/Gwydir--DRP	Callitris endlicheri (Black Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Border Rivers/Gwydir--DRP	Callitris glaucophylla (White Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Border Rivers/Gwydir--DRP	Eremophila bignoniiflora (Eurah)	none prescribed	20cm
Border Rivers/Gwydir--DRP	Eremophila maculata (Spotted Fuschia)	none prescribed	20cm
Border Rivers/Gwydir--DRP	Eremophila longifolia (Emu Bush)	none prescribed	20cm
Border Rivers/Gwydir--DRP	Eremophila mitchellii (Budda, False	none prescribed	20cm

Catchment Management Authority - IBRA region	Invasive native species	Number of plants per hectare to be retained	Maximum dbh to be cleared
	sandalwood)		
Border Rivers/Gwydir--DRP	Eucalyptus camaldulensis (River Red Gum)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Border Rivers/Gwydir--DRP	Eucalyptus coolabah (Coolibah)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Border Rivers/Gwydir--DRP	Eucalyptus largiflorens (Black box)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Border Rivers/Gwydir--NAN	Acacia deanei (Deane's Wattle)	none prescribed	20cm
Border Rivers/Gwydir--NAN	Callitris endlicheri (Black Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Border Rivers/Gwydir--NAN	Callitris glaucophylla (White Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Border Rivers/Gwydir--NAN	Cassinia arcuata (Sifton Bush)	none prescribed	20cm
Border Rivers/Gwydir--NAN	Leptospermum brevipes (Grey Teatree, Teatree)	none prescribed	20cm
Border Rivers/Gwydir--NAN	Olearia elliptica (Sticky Daisy Bush, Peach Bush)	none prescribed	20cm
Border Rivers/Gwydir--NET	Leptospermum brevipes (Grey Teatree, Teatree)	none prescribed	20cm
Central West--All	Acacia aneura (Mulga)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Central West--All	Acacia deanei (Deane's Wattle)	none prescribed	20cm
Central West--All	Acacia farnesiana (Mimosa)	none prescribed	20cm
Central West--All	Acacia stenophylla (Black Wattle)	none prescribed	20cm
Central West--All	Callitris endlicheri (Black Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Central West--All	Callitris glaucophylla (White Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Central West--All	Cassinia arcuata (Sifton Bush)	none prescribed	20cm
Central West--All	Dodonea viscosa subsp. spatulata (Broadleaf Hobbush)	none prescribed	20cm
Central West--All	Dodonea viscosa subsp. angustissima	none prescribed	20cm

Catchment Management Authority - IBRA region	Invasive native species	Number of plants per hectare to be retained	Maximum dbh to be cleared
	(Narrowleaf Hopbush)		
Central West--All	Eremophila bignoniiflora (Eurah)	none prescribed	20cm
Central West--All	Eremophila longifolia (Emu Bush)	none prescribed	20cm
Central West--All	Eremophila mitchellii (Budda, False sandalwood)	none prescribed	20cm
Central West--All	Eremophila sturtii (Turpentine)	none prescribed	20cm
Central West--All	Eucalyptus coolabah (Coolibah)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Central West--All	Eucalyptus largiflorens (Black Box)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Central West--All	Eucalyptus populnea (Bimble box, Poplar Box)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Central West--All	Maireana microphylla (Eastern Cotton Bush)	none prescribed	20cm
Central West--All	Nitraria billardieri (Dillon Bush)	none prescribed	20cm
Central West--All	Senna form taxon 'artemisoides' (Silver Cassia)	none prescribed	20cm
Central West--All	Senna form taxon 'filifolia' (Punty Bush)	none prescribed	20cm
Central West--All	Sclerolaena birchii (Galvanised Burr)	none prescribed	20cm
Central West--All	Sclerolaena muricata (Black Roly Poly)	none prescribed	20cm
Central West--CP	Acacia homalophylla (Yarran)	none prescribed	20cm
Central West--CP	Geijera parviflora (Wilga)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Hawkesbury/Nepean--All	Callitris endlicheri (Black Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Hawkesbury/Nepean--All	Cassinia arcuata (Sifton Bush)	none prescribed	20cm
Hawkesbury/Nepean--All	Kunzea ericoides (Burgan)	none prescribed	20cm
Hawkesbury/Nepean--All	Kunzea parvifolia (Violet Kunzea)	none prescribed	20cm
Hunter and Central Rivers--All	Callitris endlicheri (Black Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Lachlan--All	Acacia deanei (Deane's Wattle)	none prescribed	20cm

Catchment Management Authority - IBRA region	Invasive native species	Number of plants per hectare to be retained	Maximum dbh to be cleared
Lachlan--All	Callitris endlicheri (Black Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Lachlan--All	Callitris glaucophylla (White Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Lachlan--All	Cassinia arcuata (Sifton Bush)	none prescribed	20cm
Lachlan--All	Dodonea viscosa subsp angustissima (Narrowleaf Hobbush)	none prescribed	20cm
Lachlan--All	Dodonea viscosa subsp. spatulata (Broadleaf Hobbush)	none prescribed	20cm
Lachlan--All	Eremophila bowmanii subsp. bowmanii (Silver Turkey Bush)	none prescribed	20cm
Lachlan--All	Eremophila longifolia (Emu Bush)	none prescribed	20cm
Lachlan--All	Eremophila mitchellii (Budda, False sandalwood)	none prescribed	20cm
Lachlan--All	Eremophila sturtii (Turpentine)	none prescribed	20cm
Lachlan--All	Senna form taxon 'artemisoides' (Silver Cassia)	none prescribed	20cm
Lachlan--All	Senna form taxon 'filifolia' (Punty Bush)	none prescribed	20cm
Lower Murray /Darling--All	Dodonea viscosa subsp angustissima (Narrowleaf Hobbush)	none prescribed	20cm
Lower Murray /Darling--All	Dodonea viscosa subsp. spatulata (Broadleaf Hobbush)	none prescribed	20cm
Lower Murray /Darling--All	Eremophila mitchellii (Budda, False sandalwood)	none prescribed	20cm
Lower Murray /Darling--All	Eremophila sturtii (Turpentine)	none prescribed	20cm
Lower Murray /Darling--All	Senna form taxon 'artemisoides' (Silver Cassia)	none prescribed	20cm
Lower Murray /Darling--All	Senna form taxon 'filifolia' (Punty Bush)	none prescribed	20cm
Murray--All	Acacia paradoxa (Kangaroo Thorn)	none prescribed	20cm
Murray--All	Eucalyptus camaldulensis (River Red Gum)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Murray--All	Eucalyptus largiflorens (Black Box)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh);	20cm

Catchment Management Authority - IBRA region	Invasive native species	Number of plants per hectare to be retained	Maximum dbh to be cleared
Murray--All	<i>Sclerolaena muricata</i> (Black Roly Poly)	7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Murray--All	<i>Nitratia billardieri</i> (Dillon Bush)	none prescribed	20cm
Murrumbidgee--All	<i>Acacia aneura</i> (Mulga)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Murrumbidgee--All	<i>Acacia stenophylla</i> (River cooba, Black Wattle)	none prescribed	20cm
Murrumbidgee--All	<i>Callitris glaucophylla</i> (White Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Murrumbidgee--All	<i>Dodonea viscosa</i> subsp <i>angustissima</i> (Narrowleaf Hobbush)	none prescribed	20cm
Murrumbidgee--All	<i>Dodonea viscosa</i> subsp. <i>spatulata</i> (Broadleaf Hobbush)	none prescribed	20cm
Murrumbidgee--All	<i>Eremophila mitchellii</i> (Budda, False sandalwood)	none prescribed	20cm
Murrumbidgee--All	<i>Eremophila sturtii</i> (Turpentine)	none prescribed	20cm
Murrumbidgee--All	<i>Eucalyptus camaldulensis</i> (River Red Gum)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Murrumbidgee--All	Senna form taxon 'artemisoides' (Silver Cassia)	none prescribed	20cm
Murrumbidgee--All	Senna form taxon 'filifolia' (Punty Bush)	none prescribed	20cm
Namoi--All	<i>Acacia deanei</i> (Deane's Wattle)	none prescribed	20cm
Namoi--All	<i>Acacia farnesiana</i> (Mimosa)	none prescribed	20cm
Namoi--All	<i>Bursaria spinosa</i> (Blackthorn)	none prescribed	20cm
Namoi--All	<i>Callitris endlicheri</i> (Black Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Namoi--All	<i>Callitris glaucophylla</i> (White Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Namoi--All	<i>Cassinia arcuata</i> (Sifton Bush)	none prescribed	20cm
Namoi--All	<i>Dodonea viscosa</i> subsp <i>angustissima</i> (Narrowleaf Hobbush)	none prescribed	20cm
Namoi--All	<i>Eucalyptus coolabah</i> (Coolibah)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh);	20cm

Catchment Management Authority - IBRA region	Invasive native species	Number of plants per hectare to be retained	Maximum dbh to be cleared
Namoi--All	Eucalyptus largiflorens (Black box)	7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Namoi--All	Olearia elliptica (Sticky Daisy Bush, Peach Bush)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Namoi--All	Leptospermum brevipes (Grey Teatree, Teatree)	none prescribed	20cm
Southern Rivers--All	Kunzea ericoides (Burgan)	none prescribed	20cm
Southern Rivers--All	Kunzea parvifolia (Violet Kunzea)	none prescribed	20cm
Southern Rivers--All	Acacia mearnsii (Black Wattle)	none prescribed	20cm
Southern Rivers--All	Bursaria spinosa (Blackthorn)	none prescribed	20cm
Southern Rivers--All	Cassinia arcuata	none prescribed	20cm
Western--BBS	Acacia aneura (Mulga)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--BBS	Acacia farnesiana (Mimosa)	none prescribed	20cm
Western--BBS	Callitris endlicheri (Black Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--BBS	Callitris glaucophylla (White Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--BBS	Dodonea viscosa subsp. angustissima (Narrowleaf Hobbush)	none prescribed	20cm
Western--BBS	Dodonea viscosa subsp. spatulata (Broadleaf Hobbush)	none prescribed	20cm
Western--BBS	Eremophila mitchellii (Budda, False sandalwood)	none prescribed	20cm
Western--BBS	Eremophila sturtii (Turpentine)	none prescribed	20cm
Western--BBS	Eucalyptus coolabah (Coolibah)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--BBS	Eucalyptus largiflorens (Black box)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--BBS	Eucalyptus populinea (Bimble box, Poplar box)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm

Catchment Management Authority - IBRA region	Invasive native species	Number of plants per hectare to be retained	Maximum dbh to be cleared
Western--BBS	Senna form taxon 'artemisoides' (Silver Cassia)	none prescribed	20cm
Western--BBS	Senna form taxon 'filifolia' (Punty Bush)	none prescribed	20cm
Western--BHC	Acacia aneura (Mulga)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--BHC	Dodonea viscosa subsp angustissima (Narrowleaf Hopbush)	none prescribed	20cm
Western--BHC	Eremophila sturtii (Turpentine)	none prescribed	20cm
Western--BHC	Senna form taxon 'artemisoides' (Silver Cassia)	none prescribed	20cm
Western--BHC	Senna form taxon 'filifolia' (Punty Bush)	none prescribed	20cm
Western--CC	Dodonea viscosa subsp angustissima (Narrowleaf Hopbush)	none prescribed	20cm
Western--CC	Eremophila duttonii (Harlequin Fuchsia Bush)	none prescribed	20cm
Western--CC	Eremophila mitchellii (Budda, False sandalwood)	none prescribed	20cm
Western--CC	Eremophila sturtii (Turpentine)	none prescribed	20cm
Western--CC	Senna form taxon 'filifolia' (Punty Bush)	none prescribed	20cm
Western--CP	Acacia aneura (Mulga)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--CP	Callitris endlicheri (Black Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--CP	Callitris glaucophylla (White Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--CP	Dodonea viscosa subsp angustissima (Narrowleaf Hopbush)	none prescribed	20cm
Western--CP	Dodonea viscosa subsp. spatulata (Broadleaf Hopbush)	none prescribed	20cm
Western--CP	Eremophila longifolia (Emu Bush)	none prescribed	20cm
Western--CP	Eremophila mitchellii (Budda, False sandalwood)	none prescribed	20cm

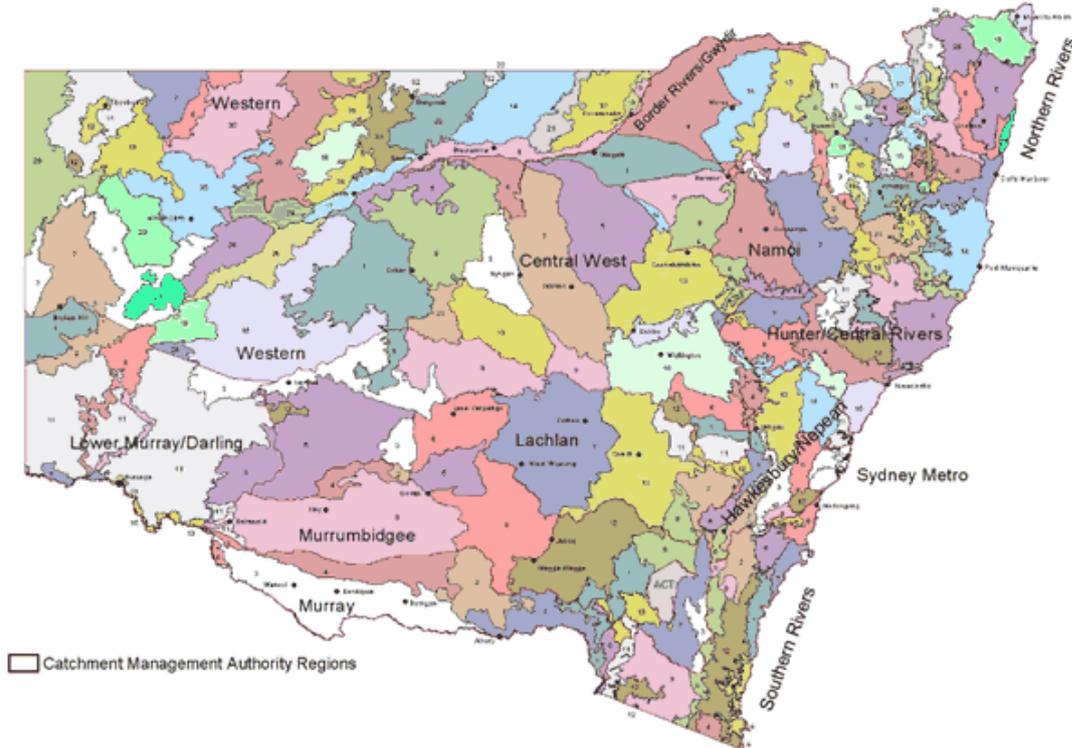
Catchment Management Authority - IBRA region	Invasive native species	Number of plants per hectare to be retained	Maximum dbh to be cleared
Western--CP	<i>Eremophila sturtii</i> (Turpentine)	none prescribed	20cm
Western--CP	<i>Eucalyptus populnea</i> (Bimble box, Poplar box)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--CP	<i>Senna form taxon 'artemisoides'</i> (Silver Cassia)	none prescribed	20cm
Western--CP	<i>Senna form taxon 'filifolia'</i> (Punty Bush)	none prescribed	20cm
Western--CP	<i>Acacia homalophylla</i> (Yarran)	none prescribed	20cm
Western--CP	<i>Geijera parviflora</i> (Wilga)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--DRP	<i>Acacia aneura</i> (Mulga)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--DRP	<i>Acacia farnesiana</i> (Mimosa)	none prescribed	20cm
Western--DRP	<i>Acacia stenophylla</i> (Black Wattle)	none prescribed	20cm
Western--DRP	<i>Callitris endlicheri</i> (Black Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--DRP	<i>Callitris glaucophylla</i> (White Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--DRP	<i>Dodonea viscosa subsp angustissima</i> (Narrowleaf Hopbush)	none prescribed	20cm
Western--DRP	<i>Dodonea viscosa subsp. spatulata</i> (Broadleaf Hopbush)	none prescribed	20cm
Western--DRP	<i>Eremophila longifolia</i> (Emu Bush)	none prescribed	20cm
Western--DRP	<i>Eremophila mitchellii</i> (Budda, False sandalwood)	none prescribed	20cm
Western--DRP	<i>Eremophila sturtii</i> (Turpentine)	none prescribed	20cm
Western--DRP	<i>Eucalyptus coolabah</i> (Coolibah)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--DRP	<i>Eucalyptus largiflorens</i> (Black box)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--DRP	<i>Eucalyptus populnea</i> (Bimble box, Poplar box)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm

Catchment Management Authority - IBRA region	Invasive native species	Number of plants per hectare to be retained	Maximum dbh to be cleared
Western--DRP	Senna form taxon 'artemisoides' (Silver Cassia)	none prescribed	20cm
Western--DRP	Senna form taxon 'filifolia' (Punty Bush)	none prescribed	20cm
Western--ML	Acacia aneura (Mulga)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--ML	Callitris endlicheri (Black Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--ML	Callitris glaucophylla (White Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--ML	Dodonea viscosa subsp angustissima (Narrowleaf Hopbush)	none prescribed	20cm
Western--ML	Eremophila duttonii (Harlequin Fuchsia Bush)	none prescribed	20cm
Western--ML	Eremophila gilesii (Green Turkey-bush)	none prescribed	20cm
Western--ML	Eremophila longifolia (Emu Bush)	none prescribed	20cm
Western--ML	Eremophila mitchellii (Budda, False sandalwood)	none prescribed	20cm
Western--ML	Eremophila sturtii (Turpentine)	none prescribed	20cm
Western--ML	Eucalyptus populnea (Bimble box, Poplar box)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--ML	Senna form taxon 'artemisoides' (Silver Cassia)	none prescribed	20cm
Western--ML	Senna form taxon 'filifolia' (Punty Bush)	none prescribed	20cm
Western--ML	Acacia homalophylla (Yarran)	none prescribed	20cm
Western--ML	Geijera parviflora (Wilga)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--MDD	Acacia aneura (Mulga)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--MDD	Callitris glaucophylla (White Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--MDD	Callitris endlicheri (Black Cypress)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm

Catchment Management Authority - IBRA region	Invasive native species	Number of plants per hectare to be retained	Maximum dbh to be cleared
Western--MDD	<i>Dodonea viscosa</i> subsp <i>angustissima</i> (Narrowleaf Hobbush)	none prescribed	20cm
Western--MDD	<i>Eremophila mitchellii</i> (Budda, False sandalwood)	none prescribed	20cm
Western--MDD	<i>Eremophila sturtii</i> (Turpentine)	none prescribed	20cm
Western--MDD	<i>Senna</i> form taxon ' <i>filifolia</i> ' (Punty Bush)	none prescribed	20cm
Western--SSD	<i>Acacia aneura</i> (Mulga)	6 (0 to 5 cm dbh); 7 (5 to 10 cm dbh); 7 (10 to 20 cm dbh); 20 (Total under 20cm dbh)	20cm
Western--SSD	<i>Dodonea viscosa</i> subsp <i>angustissima</i> (Narrowleaf Hobbush)	none prescribed	20cm
Western--SSD	<i>Eremophila sturtii</i> (Turpentine)	none prescribed	20cm
Western--SSD	<i>Senna</i> form taxon ' <i>artemisoides</i> ' (Silver Cassia)	none prescribed	20cm
Western--SSD	<i>Senna</i> form taxon ' <i>filifolia</i> ' (Punty Bush)	none prescribed	20cm

APPENDICES

Appendix A. Sub-regions of NSW Catchment Management Authority Areas



Sub-regions of NSW Catchment Management Authority Areas

Key to map

Border Rivers/Gwydir

1	Beardy River Hills
2	Binghi Plateau
3	Bundarra Downs
4	Castlereagh-Barwon
5	Deepwater Downs
6	Eastern Nandewars
7	Glenn Innes-Guyra Basalts
8	Inverell Basalts
9	Kaputar
10	Moredun Volcanics
11	Nandewar, Northern Complex
12	Northeast Forest Lands
13	Northern Basalts
14	Northern Outwash
15	Peel
16	Severn River Volcanics
17	Tenterfield Plateau
18	Tingha Plateau
19	Yarrowyck-Kentucky Downs

Central West	
1	Bathurst
2	Bogan-Macquarie
3	Canbelego Downs
4	Capertee
5	Castlereagh-Barwon
6	Hill End
7	Kerrabee
8	Liverpool Range
9	Lower Slopes
10	Nymagee-Rankins Springs
11	Oberon
12	Orange
13	Pilliga
14	Pilliga Outwash
15	Talbragar Valley
16	Upper Slopes
17	Wollemi
Hawkesbury/Nepean	
1	Bathurst
2	Bungonia
3	Burragorang
4	Capertee
5	Crookwell
6	Cumberland
7	Kanangra
8	Monaro
9	Moss Vale
10	Oberon
11	Pittwater
12	Sydney Cataract
13	Wollemi
14	Yengo
Hunter/Central Rivers	
1	Barrington
2	Comboyne Plateau
3	Ellerston
4	Hunter
5	Karuah Manning
6	Kerrabee
7	Liverpool Range
8	Macleay Hastings
9	Mummel Escarpment
10	Pilliga
11	Tomalla
12	Upper Hunter
13	Walcha Plateau
14	Wollemi
15	Wyong

16	Yengo
Lachlan	
1	Barnato Downs
2	Crookwell
3	Darling Depression
4	Kanangra
5	Lachlan
6	Lachlan Plains
7	Lower Slopes
8	Murrumbateman
9	Nymagee-Rankins Springs
10	Oberon
11	Orange
12	South Olary Plain, Murray Basin Sands
13	Upper Slopes
Lower Murray/ Darling	
1	Barrier Range
2	Barrier Range Outwash, Fans and Plains
3	Darling Depression
4	Great Darling Anabranh
5	Lachlan
6	Menindee
7	Murray Scroll Belt
9	Pooncarie-Darling
10	Robinvale Plains
11	South Olary Plain, Murray Basin Sands
Murray	
1	Bondo
2	Lower Slopes
3	Murray Fans
4	Murrumbidgee
5	New South Wales Alps
6	South Olary Plain, Murray Basin Sands
7	Upper Slopes
Murrumbidgee	
1	Bondo
2	Darling Depression
3	Kybeyan - Gourock
4	Lachlan
5	Lachlan Plains
6	Lower Slopes
7	Monaro
8	Murrumbateman
9	Murrumbidgee
10	New South Wales Alps
11	South Olary Plain, Murray Basin Sands
12	Upper Slopes
Namoi	

1	Castlereagh-Barwon
2	Eastern Nandewars
3	Kaputar
4	Liverpool Plains
5	Liverpool Range
6	Northern Basalts
7	Peel
8	Pilliga
9	Pilliga Outwash
10	Walcha Plateau
Northern Rivers	
1	Armidale Plateau
2	Carrai Plateau
3	Cataract
4	Chaelundi
5	Clarence Lowlands
6	Clarence Sandstones
7	Coffs Coast & Escarpment
8	Comboyne Plateau
9	Dalmorton
10	Ebor Basalts
11	Glenn Innes-Guyra Basalts
12	Guy Fawkes
13	Macleay Gorges
14	Macleay Hastings
15	Murwillumbah (Qld - Southeast Hills and Ranges)
16	Nightcap
17	Northeast Forest Lands
18	Richmond - Tweed (Qld - Scenic Rim)
19	Rocky River Gorge
20	Round Mountain
21	Stanthorpe Plateau
22	Upper Manning
23	Walcha Plateau
24	Washpool
25	Wongwibinda Plateau
26	Woodenbong
27	Yuraygir
Southern Rivers	
1	Bateman
2	Bungonia
3	Burraborang
4	East Gippsland Lowlands (EGL)
5	Ettrema
6	Illawarra
7	Jervis
8	Kybeyan - Gourock
9	Monaro
10	Moss Vale
11	New South Wales Alps
12	South East Coastal Ranges

13	South East Coastal Plains
Western	
1	Barnato Downs
2	Barrier Range
3	Barrier Range Outwash, Fans and Plains
4	Bogan-Macquarie
5	Boorindal Plains
6	Bulloo Dunefields
7	Bulloo Overflow
8	Canbelego Downs
9	Castlereagh-Barwon
10	Central Depression
11	Central Downs - Fringing Tablelands and Downs
12	Core Ranges
13	Core Ranges
14	Culgoa-Bokhara
15	Darling Depression
16	Kerribree Basin
17	Louth Plains
18	Menindee
19	Moonie - Barwon Interfluve, Collarenebri Interfluve
20	Mootwingee Downs
21	Narrandool
22	Nebine Plains, Block Range
23	Nymagee-Rankins Springs
24	Paroo Overflow
25	Paroo Sand Sheets, Cuttaburra-Paroo
26	Paroo-Darling Sands
27	Scopes Range
28	South Olary Plain, Murray Basin Sands
29	Strzelecki Desert, Western Dunefields
30	Urisino Sandplains
31	Warrambool-Moonie
32	Warrego Plains
33	Warrego Sands
34	West Warrego - Tablelands and Downs
35	White Cliffs Plateau
36	Wilcannia Plains

Appendix B. Management Actions Specified by the Clearing Module of the LSC Tool for Assessed Land Degradation Hazards to Pass the Improve or Maintain Test.

Hazard	Class	Management Action
Salinity	3	Run the Salinity Benefits Index Tool to ensure no net disbenefit
Salinity	4	Run the Salinity Benefits Index Tool to ensure no net disbenefit
Salinity	5	Run the Salinity Benefits Index Tool to ensure no net disbenefit
Salinity	6	Run the Salinity Benefits Index Tool to ensure no net disbenefit
Water Erosion	3	Use conservation farming practices &/or erosion control earthworks
Water Erosion	3	If cropping: no burning of stubble, use controlled traffic, minimal cultivation, adequate fertiliser, direct seeding
Water Erosion	3	If cropping very long slopes: use strip cropping
Water Erosion	3	If grazing: use suitable pasture rotations & manage grazing to maintain groundcover and pasture composition
Water Erosion	3	If cropping or grazing: use soil ameliorants where required (gypsum, lime)
Water Erosion	4	If cropping: use conservation farming practices
Water Erosion	4	If cropping: no burning of stubble, use controlled traffic, minimal cultivation, adequate fertiliser, direct seeding
Water Erosion	4	If grazing: use suitable pasture rotations & adequate fertiliser & manage grazing to maintain groundcover and pasture composition
Water Erosion	4	If cropping or grazing: use soil ameliorants where required (gypsum, lime)
Water Erosion	5	No cultivation or cropping
Water Erosion	5	If grazing: use suitable pasture rotations & adequate fertiliser & manage grazing to maintain groundcover and pasture composition
Water Erosion	5	Use earthworks to control erosion and intercept sediment
Water Erosion	6	No cultivation or cropping
Water Erosion	6	If grazing: use controlled grazing, suitable pasture rotations, adequate fertiliser & maintain groundcover
Wind Erosion	3	Use conservation farming practices
Wind Erosion	3	If cropping: no burning of stubble, maintain 50% groundcover, minimal cultivation with reduced speed of implements, adequate fertiliser, direct seeding
Wind Erosion	3	If grazing: use controlled grazing, minimal cultivation to establish pasture and suitable pasture rotations
Wind Erosion	3	If cropping or grazing: install wind breaks
Wind Erosion	4	Use conservation farming practices
Wind Erosion	4	If cropping: limited to 3 years in 10
Wind Erosion	4	If cropping: no burning of stubble, maintain 50% groundcover, minimal cultivation with reduced speed of implements, adequate fertiliser, direct seeding
Wind Erosion	4	If grazing: use controlled grazing, minimal cultivation to establish pasture and suitable pasture rotations
Wind Erosion	4	If cropping or grazing: install wind breaks
Wind Erosion	5	No cultivation or cropping
Wind Erosion	5	If grazing: manage pasture to maintain groundcover, including use of

		adequate fertiliser
Wind Erosion	6	No cultivation or cropping
Wind Erosion	6	If grazing: manage to maintain groundcover, including use of adequate fertiliser
Soil Structure Decline	3	Use conservation farming practices
Soil Structure Decline	3	If cropping: no stubble burning (retain and incorporate stubble), and use controlled traffic, minimal cultivation, direct seeding, adequate fertiliser, adequate soil ameliorant (lime), & recommended rotation and length of pasture phases
Soil Structure Decline	3	If grazing: use controlled grazing, manage pasture to maintain groundcover and biomass to protect soil structure, adequate soil ameliorant (lime)
Soil Structure Decline	4	Use conservation farming practices
Soil Structure Decline	4	If cropping: limited to 3 years in 10
Soil Structure Decline	4	If cropping: no stubble burning (maintain 50% groundcover), controlled traffic, reduced speed of cultivation, minimal cultivation, direct seeding, adequate fertiliser, adequate soil ameliorant (lime)
Soil Structure Decline	4	If grazing: use controlled grazing, suitable pasture rotations, manage pasture to maintain groundcover and biomass to protect soil structure, use adequate fertiliser & soil ameliorant (lime)
Soil Structure Decline	5	No cultivation or cropping
Soil Structure Decline	5	If grazing: manage pasture to maintain groundcover and biomass to protect soil structure, use adequate fertiliser & soil ameliorant (lime)
Soil Structure Decline	6	No cultivation or cropping
Soil Structure Decline	6	If grazing: manage pasture to maintain groundcover and biomass to protect soil structure, use adequate fertiliser & soil ameliorant (lime)
Rockiness & Shallow Soils	4	No cropping
Rockiness & Shallow Soils	4	If grazing: manage pasture to maintain ground cover, including use of adequate fertiliser
Rockiness & Shallow Soils	5	No cultivation or cropping
Rockiness & Shallow Soils	5	If grazing: manage pasture to maintain ground cover, including use of adequate fertiliser
Rockiness & Shallow Soils	6	No cultivation or cropping
Rockiness & Shallow Soils	6	If grazing: manage pasture to maintain ground cover, including use of adequate fertiliser
Acid Sulfate Soils	3	No soil disturbance or drainage deeper than 3 metres
Acid Sulfate Soils	4	No soil disturbance or drainage deeper than 1 metre
Acid Sulfate Soils	5	No soil disturbance or drainage deeper than 0.5 metre
Mass	3	No concentration of surface or subsurface water flow

Movement		
Mass Movement	3	No excavation batters >2.5 metres without geotechnical design & batter angles <3:1
Mass Movement	3	Maintain groundcover to maximise water use & bind soil
Mass Movement	6	No concentration of surface or subsurface water flow
Mass Movement	6	No excavation batters >1.5 metres without geotechnical design & batter angles <3:1
Mass Movement	6	Subsurface drainage required
Mass Movement	6	Maintain groundcover, especially deep-rooted plants, to maximise water use & bind soil

Appendix C. Management Actions Specified by the Offsets Module of the LSC Tool for Assessed Land Degradation Hazards to Pass the Improve or Maintain Test.

Hazard	Class	Management Action
Water Erosion	4	If establishing perennial pastures, use only direct seeding with minimal soil disturbance
Water Erosion	4	If planting trees for native vegetation regeneration, all cultivation or deep ripping must follow the contour
Water Erosion	5	If establishing perennial pastures, use only broadcast seeding without cultivation or soil disturbance
Water Erosion	5	If planting individual trees or broadcast seeding for native vegetation regeneration, deep ripping or extensive soil disturbance should not be used
Water Erosion	6	If establishing perennial pastures, use only broadcast seeding without cultivation or soil disturbance
Water Erosion	6	If planting individual trees or broadcast seeding for native vegetation regeneration, deep ripping or extensive soil disturbance should not be used
Water Erosion	7	Regeneration of native vegetation only to be undertaken by fencing and natural regeneration or broadcast seeding
Water Erosion	8	Regeneration of native vegetation only to be undertaken by fencing and natural regeneration or broadcast seeding
Wind Erosion	4	If establishing perennial pastures, use only direct seeding with minimal soil disturbance
Wind Erosion	4	If planting trees for native vegetation regeneration, all cultivation or deep ripping must follow the contour
Wind Erosion	5	If establishing perennial pastures, use only broadcast seeding without cultivation or soil disturbance
Wind Erosion	5	If planting individual trees or broadcast seeding for native vegetation regeneration, deep ripping or extensive soil disturbance should not be used
Wind Erosion	6	If establishing perennial pastures, use only broadcast seeding without cultivation or soil disturbance
Wind Erosion	6	If planting individual trees or broadcast seeding for native vegetation regeneration, deep ripping or extensive soil disturbance should not be used
Wind Erosion	7	Regeneration of native vegetation only to be undertaken by fencing and natural regeneration or broadcast seeding
Wind Erosion	8	Regeneration of native vegetation only to be undertaken by fencing and natural regeneration or broadcast seeding
Soil Structure	4	If establishing perennial pastures, use only direct seeding with minimal soil disturbance
Soil Structure	4	If planting trees for native vegetation regeneration, all cultivation or deep ripping must follow the contour
Soil Structure	7	Regeneration of native vegetation only to be undertaken by fencing and natural regeneration or broadcast seeding
Soil Structure	8	Regeneration of native vegetation only to be undertaken by fencing and natural regeneration or broadcast seeding

Rockiness & Shallow Soils	4	If establishing perennial pastures, use only direct seeding with minimal soil disturbance
Rockiness & Shallow Soils	4	If planting trees for native vegetation regeneration, all cultivation or deep ripping must follow the contour
Rockiness & Shallow Soils	5	If establishing perennial pastures, use only broadcast seeding without cultivation or soil disturbance
Rockiness & Shallow Soils	5	If planting individual trees or broadcast seeding for native vegetation regeneration, deep ripping or extensive soil disturbance should not be used
Rockiness & Shallow Soils	6	If establishing perennial pastures, use only broadcast seeding without cultivation or soil disturbance
Rockiness & Shallow Soils	6	If planting individual trees or broadcast seeding for native vegetation regeneration, deep ripping or extensive soil disturbance should not be used
Rockiness & Shallow Soils	7	Regeneration of native vegetation only to be undertaken by fencing and natural regeneration or broadcast seeding
Rockiness & Shallow Soils	8	Regeneration of native vegetation only to be undertaken by fencing and natural regeneration or broadcast seeding
Acid Sulfate Soils	4	If establishing perennial pastures, use only direct seeding with minimal soil disturbance
Acid Sulfate Soils	4	If planting trees for native vegetation regeneration, all cultivation or deep ripping must follow the contour
Acid Sulfate Soils	5	If establishing perennial pastures, use only broadcast seeding without cultivation or soil disturbance
Acid Sulfate Soils	5	If planting individual trees or broadcast seeding for native vegetation regeneration, deep ripping or extensive soil disturbance should not be used
Acid Sulfate Soils	7	Regeneration of native vegetation only to be undertaken by fencing and natural regeneration or broadcast seeding
Acid Sulfate Soils	8	Regeneration of native vegetation only to be undertaken by fencing and natural regeneration or broadcast seeding
Salinity	3	Run the Salinity Benefits Index Tool to ensure no net disbenefit
Salinity	4	Run the Salinity Benefits Index Tool to ensure no net disbenefit
Salinity	5	Run the Salinity Benefits Index Tool to ensure no net disbenefit
Salinity	6	Run the Salinity Benefits Index Tool to ensure no net disbenefit
Salinity	7	Run the Salinity Benefits Index Tool to ensure no net disbenefit
Salinity	8	Run the Salinity Benefits Index Tool to ensure no net disbenefit



New South Wales

Road Transport (General) Amendment (Penalty Notice Offence) Regulation 2005

under the

Road Transport (General) Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 2005*.

JOSEPH TRIPODI, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to prescribe an offence under section 69C of the *Road Transport (Safety and Traffic Management) Act 1999* relating to the speed limiting of heavy vehicles to be a penalty notice offence.

This Regulation is made under the *Road Transport (General) Act 2005*, including sections 10 (the general regulation-making power) and 183.

Clause 1 Road Transport (General) Amendment (Penalty Notice Offence) Regulation
2005

Road Transport (General) Amendment (Penalty Notice Offence) Regulation 2005

under the

Road Transport (General) Act 2005

1 Name of Regulation

This Regulation is the *Road Transport (General) Amendment (Penalty Notice Offence) Regulation 2005*.

2 Commencement

This Regulation commences on 24 November 2005.

3 Amendment of Road Transport (General) Regulation 2005

The *Road Transport (General) Regulation 2005* is amended by inserting in appropriate order by section number in Columns 1, 2 and 3 in Schedule 3 under the matter relating to the *Road Transport (Safety and Traffic Management) Act 1999* the following matter:

Section 69C

Class 1, 2

Level 14

Orders



New South Wales

Property, Stock and Business Agents (Qualifications) Amendment Order 2005

under the

Property, Stock and Business Agents Act 2002

I, the Minister for Fair Trading, in pursuance of section 15 of the *Property, Stock and Business Agents Act 2002*, make the following Order.

Dated, this 10th day of November 2005.

DIANE BEAMER, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Order is to amend the *Property, Stock and Business Agents (Qualifications) Order 2003* in respect of the qualifications required for the issue of certain classes of licence under the *Property, Stock and Business Agents Act 2002*.

This Order is made under section 15 of the *Property, Stock and Business Agents Act 2002*.

Clause 1 Property, Stock and Business Agents (Qualifications) Amendment Order
 2005

Property, Stock and Business Agents (Qualifications) Amendment Order 2005

under the

Property, Stock and Business Agents Act 2002

1 Name of Order

This Order is the *Property, Stock and Business Agents (Qualifications) Amendment Order 2005*.

2 Amendment of Property, Stock and Business Agents (Qualifications) Order 2003

The *Property, Stock and Business Agents (Qualifications) Order 2003* is amended as set out in Schedule 1.

Property, Stock and Business Agents (Qualifications) Amendment Order
2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Schedule 1 Qualifications approved for licences

Omit clause 7 (l).

[2] Schedule 1, clause 8

Omit clause 8 (2) (a) and (b). Insert instead:

- (a) is a member of CPA Australia who is entitled to use the letters “CPA” or “FCPA”, or
- (b) is a member of The Institute of Chartered Accountants in Australia who is entitled to use the letters “CA” or “FCA”, or
- (c) is a member of the National Institute of Accountants who is entitled to use the letters “FPNA”, “MNIA” or “PNA”.

[3] Schedule 1, clause 13

Omit “and has been the holder of a certificate of registration for not less than 2 years” from clause 13 (3).

Other Legislation



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 a vulnerable species under that Act and, accordingly, Schedule 2 to that Act is amended by inserting in Part 1 in alphabetical order under the heading “Lamiaceae” (under the heading “Plants”):

Prostanthera spinosa F. Muell.

Dated, this 7th day of November 2005.

Dr Lesley Hughes
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,
- (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 Department of Environment and Conservation Information Centre, Level 14, 59–61 Goulburn St, Sydney.

NSW SCIENTIFIC COMMITTEE**Notice of Final Determinations
Additions to Schedules**

The Scientific Committee, established by the Threatened Species Conservation Act, has made Final Determinations to list the following in the relevant Schedules of the Act.

Endangered Population (Part 2 of Schedule 1)

White's skink, *Egernia whitti* (Lacépède, 1804) population in the Broken Hill Complex Bioregion.

Vulnerable Species (Part 1 of Schedule 2)

Pomaderris bodalla, a shrub N.G. Walsh & F.Coates

Prostanthera spinosa, a shrub F.Muell

**Notice of Final Determination
Removal from the Schedule**

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to remove the skink *Egernia margaretae* Storr, 1968 from the Schedules of the Act by omitting reference to this species from Part 1 of Schedule 1 (Endangered Species) of the Act.

Copies of the Determinations, which contain the reasons for the determinations, may be obtained free of charge on the Internet www.nationalparks.nsw.gov.au, by contacting the Scientific Committee Unit, PO Box 1967 Hurstville 2220. Tel: (02) 9585 6940 or Fax (02) 9585 6606 or in person at the Department of Environment and Conservation Information Centre, Level 14, 59-61 Goulburn Street, Sydney. Copies of the determinations may also be obtained from National Parks and Wildlife Service Area Offices and Visitor Centres, subject to availability.

Dr LESLEY HUGHES,
Chairperson



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 a vulnerable species under that Act and, accordingly, Schedule 2 to that Act is amended by inserting in Part 1 in alphabetical order under the heading “Rhamnaceae” (under the heading “Plants”):

Pomaderris bodalla N.G. Walsh & F. Coates

Dated, this 7th day of November 2005.

Dr Lesley Hughes
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,
- (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 Department of Environment and Conservation Information Centre, Level 14, 59–61 Goulburn St, Sydney.



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following population as an endangered population under that Act and, accordingly, Schedule 1 to that Act is amended by inserting in Part 2 immediately before the heading “Birds” (under the headings “Vertebrates” and “Animals”):

Reptiles

Scincidae

Egernia whitii (Lacepede, 1804)

White’s Skink population in the Broken Hill Complex Bioregion

Dated, this 7th day of November 2005.

Dr Lesley Hughes
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,
- (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 Department of Environment and Conservation Information Centre, Level 14, 59–61 Goulburn St, Sydney.



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to omit reference to the following species as an endangered species under that Act and, accordingly, Schedule 1 to that Act is amended by omitting from Part 1 under the heading “Scincidae” (under the headings “Reptiles”, “Vertebrates” and “Animals”):

Egernia margaretae Storr, 1968

Centralian Ranges Rock-skink

Dated, this 7th day of November 2005.

Dr Lesley Hughes
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,
- (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 Department of Environment and Conservation Information Centre, Level 14, 59–61 Goulburn St, Sydney.

Department of Lands

ARMIDALE OFFICE

108 Faulkner Street, Armidale NSW 2350

Phone: (02) 6772 5488 Fax (02) 6771 5348

ROADS ACT 1993

Order

Transfer of a Crown Road to a Council

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

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

SCHEDULE 1

*Parishes – Bookookoorara and Wylie; County – Buller;
Land District and L.G.A. – Tenterfield.*

The Crown road known as Rivertree Road commencing at its intersection with the Mount Lindesay Highway at Liston and extending in a generally easterly, north easterly and south easterly direction to its junction with the existing public road at the Maryland River (excluding the formation within Lots 161, 2, 1, 155 and 25 in DP 751043), as shown shaded on the diagrams hereunder.



SCHEDULE 2

Roads Authority: Tenterfield Shire Council.

File No.: AE05 H 136.

Councils Reference: Tony Larkin, Rivertree Road.

NOTIFICATION OF CLOSING OF ROADS

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

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

Description

Land District – Armidale; L.G.A. – Armidale Dumaresq.

Road Closed: Lots 1 and 2, DP 1086974 at Armidale, Parish Armidale, County Sandon.

File No.: AE03 H 141.

Notes: (1) On closing, title for the land within Lot 1, DP 1086974 is to be vested in the Crown as Crown Land.

(2) On closing, title for the land within Lot 2, DP 1086974 remains vested in the Crown as Crown Land

(3) The road is closed subject to the easement for Electricity Purposes 30.175 wide, the easement for Electricity Purposes 20.115 wide and the easement for Water Supply 20.115 wide as shown in DP 1086974.

DUBBO OFFICE**142 Brisbane Street (PO Box 865), Dubbo NSW 2830****Phone: (02) 6841 5200 Fax: (02) 6841 5231****NOTIFICATION OF CLOSING OF ROADS**

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder specified are closed and the lands comprised therein are freed and discharged from any rights of the public or any other person to the same as highways.

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

Description

*Local Government Area of Mid-Western Regional Council;
Land District of Mudgee.*

Lots 1 and 2, DP 1089188, Parish of Broombee, County of Wellington (not being land under the Real Property Act).

File No.: DB03 H 580.

Note: On closing, the titles for Lots 1 and 2 shall remain vested in the State of New South Wales as Crown Land.

REVOCATION OF RESERVATION OF CROWN LAND

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

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

SCHEDULE

COLUMN 1

Land District: Dunedoo Central.
Local Government Area: Warrumbungle Shire Council.
Locality: Laheys Creek.
Reserve No.: 120006.
Public Purpose: Future public requirements.
Notified: 13 June 1986.
Lot 1, DP No. 722084,
Parish Dapper, County Lincoln;
Lot 1, DP No. 722083,
Parish Dapper, County Lincoln;
Lot 129, DP No. 754305,
Parish Dapper, County Lincoln;
Lot 131, DP No. 754305,
Parish Dapper, County Lincoln;
Lot 128, DP No. 754305,
Parish Dapper, County Lincoln;
Lot 130, DP No. 754305,
Parish Dapper, County Lincoln
File No.: DB88 H 627/1.

COLUMN 2

The part being Lot 130, DP No. 754305, Parish Dapper, County Lincoln; Lot 131, DP No. 754305, Parish Dapper, County Lincoln, of an area of 11.296 hectares.

Note: It is proposed to dispose of the land by way of Private Treaty Sale to the adjoining landholders.

FAR WEST REGIONAL OFFICE
45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830
Phone: (02) 6883 3000 Fax: (02) 6883 3099

GRANTING OF A WESTERN LANDS LEASE

IT is hereby notified that under the provisions of section 28A of the Western Lands Act 1901, the Western Lands Leases specified in the following Schedule have been granted.

The leases are subject to the provisions of the Western Lands Act 1901 and the Regulations thereunder.

The land is to be used only for the purpose of Residence.

Initial rent will be \$100.00 per annum and re-assessed thereafter annually on 1st April of each year.

The Conditions and Reservations annexed to the leases are those published in the *Government Gazette* of 18 February 2005, Folios 434 and 435.

All amounts due and payable to the Crown MUST be paid to the Department of Lands by the due date.

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

SCHEDULE

*Administrative District – Walgett North; L.G.A. – Walgett;
Parish – Wallangulla; County – Finch.*

Name of Lessee	Lot	Deposited Plan	Folio Identifier	Area (m2)	Term of Lease	
					From	To
Lars Christer LINDBERG and Anne-Maj Gota LINDBERG	86	1073508	86/1073508	2440m2	14-Nov-2005	13-Nov-2025
Kenneth George STEVENSON	79	1073508	79/1073508	2645m2	14-Nov-2005	13-Nov-2025
John Arthur Noel LAWRIE	90	1073508	90/1073508	2576m2	14-Nov-2005	13-Nov-2025
Thomas H. KOORNEEF	88	1057617	88/1057617	1579m2	14-Nov-2005	13-Nov-2025
Daphne Rose FERNANDO	17	1076808	17/1076808	2267m2	14-Nov-2005	13-Nov-2025

ADDITION TO A WESTERN LANDS LEASE

IT is hereby notified that in pursuance of Section 35C of the Western Lands Act 1901, the land particularised hereunder has been added to the undermentioned Western Lands Lease.

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

SCHEDULE

Western Lands Lease No.: 12411*.

Name of Lessee: Lightning Ridge Pistol Club Inc.

Area Added: Lot 3, DP 1079966 of 4600 square metres, Parish of Wallangulla, County of Finch (Folio Identifier 3/1079966).

Total Area Following Addition: Portion 51, Parish of Wallangulla, County of Finch and Lot 3, DP 1079966 of 1.56 hectares (Folio Identifiers 51/752756 and 3/1079966).

Date of Addition: 11 November 2005.

Administrative District: Walgett North.

L.G.A.: Walgett.

*Pursuant to the provisions of section 18J, Western Lands Act 1901, the conditions annexed to Western Lands Lease 12411, have been revoked and the following conditions have been annexed thereto.

CONDITIONS AND RESERVATIONS ATTACHED TO WESTERN LANDS LEASE 12411

- (1) In the conditions annexed to the lease, the expression “the Minister” means the Minister administering the Western Lands Act 1901, and any power, authority, duty or function conferred or imposed upon the Minister by or under those conditions may be exercised or performed either by the Minister or by such officers of the Department of Infrastructure, Planning and Natural Resources as the Minister may from time to time approve.
- (2) In these conditions and reservations the expression “the Commissioner” means the Commissioner charged with the administration of the Western Lands Act 1901 (“the Act”) in accordance with section 4(2) of the Act.
- (3) (a) For the purposes of this clause the term Lessor shall include Her Majesty the Queen Her Heirs and Successors the Minister and the agents servants employees and contractors of the Lessor Her Majesty Her Majesty’s Heirs and Successors and the Minister.
 (b) The lessee covenants with the Lessor to indemnify and keep indemnified the Lessor from and against all claims for injury loss or damage suffered by any person or body using or being in or upon the Premises or any adjoining land or premises of

- the Lessor arising out of the Holder's use of the Premises and against all liabilities for costs charges and expenses incurred by the Lessor in respect of the claim of any such person or body except to the extent that any such claims and demands arise wholly from any negligence or wilful act or omission on the part of the Lessor.
- (c) The indemnity contained in this clause applies notwithstanding that this Lease authorised or required the lessee to undertake or perform the activity giving rise to any claim for injury loss or damage.
- (d) The lessee expressly agrees that the obligations of the Holder under this clause shall continue after the expiration or sooner determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.
- (4) The lessee will (without in any way limiting the liability of the lessee under any other provision of this lease) forthwith take out and thereafter during the Term keep current a public risk insurance policy for \$10,000,000 for any one claim (or such other reasonable amount as the Minister may from time to time specify in writing to the lessee) whereby the Minister shall during the continuance of this lease be indemnified against all actions suits claims demands proceedings losses damages compensations costs charges and expenses mentioned or referred to in this lease to which the Minister shall or may be liable.
- (5) The rent of the lease shall be assessed in accordance with Part 6 of the Western Lands Act 1901.
- (6) The rent shall be due and payable annually in advance on 1 July in each year.
- (7) (a) "GST" means any tax on goods and/or services, including any value-added tax, broad-based consumption tax or other similar tax introduced in Australia.
"GST law" includes any Act, order, ruling or regulation, which imposes or otherwise deals with the administration or imposition of a GST in Australia.
- (b) Notwithstanding any other provision of this Agreement:
- (i) If a GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.
- (ii) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause "taxes"), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.
- (8) The lessee shall pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.
- (9) The lessee shall hold and use the land leased bona fide for the lessee's own exclusive benefit and shall not transfer, convey or assign the land or any portion thereof without having first obtained the written consent of the Minister.
- (10) The lessee shall not enter into a sublease of the land leased unless the sublease specifies the purpose for which the land may be used under the sublease, and it is a purpose which is consistent with the purpose for which the land may be used under this lease.
- (11) If the lessee enters into a sublease of the land leased, the lessee must notify the Commissioner of the granting of the sublease within 28 days after it is granted.
- (12) The land leased shall be used only for the purpose of Recreation (Pistol Club).
- (13) The lessee shall maintain and keep in reasonable repair all improvements on the land leased during the currency of the lease and shall permit the Minister or the Commissioner or any person authorised by the Minister or the Commissioner at all times to enter upon and examine the whole or any part of the land leased and the buildings or other improvements thereon.
- (14) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee shall permit any person duly authorised in that behalf to enter upon the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.
- (15) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by reason of the following acts and matters, that is to say, by reason of the Crown or any person on behalf of the Crown or any lessee or lessees, having worked now or hereafter working any mines or having carried on or now or hereafter carrying on mining operations or having searched for, worked, won or removed or now or hereafter searching for, working, winning or removing any metals or minerals under, in or from the lands lying beneath the land leased or any part thereof, or on, in, under or from any other lands situated laterally to the land leased or any part thereof or the lands lying beneath those lands, and whether on or below the surface of those other lands and by reason of those acts and matters or in the course thereof the Crown reserves the liberty and authority for the Crown, any person on behalf of the Crown and any lessee or lessees from time to time to let down without payment of any compensation any part of the land leased or of the surface thereof.
- (16) The lessee shall comply with the provisions of the Local Government Act 1993, and of the ordinances made thereunder.

- (17) The lessee shall not erect or permit any person to erect any buildings or extend any existing buildings on the land leased except in accordance with plans and specifications approved by the Council of the local Government area.
- (18) The lessee shall ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.
- (19) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee shall remove any structure or material from the land at his own cost and without compensation. Where such a direction has been given the former lessee shall leave the land in a clean and tidy condition free from rubbish and debris.
- (20) Where the Crown has paid a contribution under section 217-219 of the Roads Act 1993 in respect of the land leased, the lessee shall pay to the Crown the amount of that contribution within 3 months of being called upon to do so.
- (21) The lessee shall pay to the Crown the proportional part of the costs of road construction as notified by the Department of Natural Resources within 3 months of the date of gazettal of the granting.
- (22) The lessee shall, within 1 year from the date of commencement of the lease or such further period as the Commissioner may allow, enclose the land leased, either separately or conjointly with other lands held in the same interest, with a suitable fence to the satisfaction of the Commissioner.
- (23) The lessee shall ensure that the Pistol range on the land leased complies with the provisions of the Firearms Act, 1996 and any regulations under that Act.

GOULBURN OFFICE

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

Phone: (02) 4828 6725 Fax: (02) 4828 6730

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedules hereunder, are appointed for the terms of office specified 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 Schedules.

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

SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
Edward John JOHANSEN (new member), Richard CUDAJ (new member).	Cookbundoon Sports Fields (R83605) Reserve Trust.	Reserve No.: 83605. Public Purpose: Public recreation. Notified: 1 December 1961. File No.: GB80 R 74/3.

Term of Office

For a term commencing the date of this notice and expiring 11 March 2009.

SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
George Thomas LARRITT (re-appointment), Loris STEFANI (new member), Leslie James MacKAY (new member), Raymond George BOTTOM (re-appointment), Moonye Denise CHECKSFIELD (re-appointment), Patricia Margaret KALTOUM (re-appointment), Antonios Youssef KALTOUM (re-appointment).	Ti-Tree Racecourse Trust.	Dedication No.: 530006. Public Purpose: Public recreation. Notified: 15 August 1871. File No.: GB83 R 11.

Term of Office

For a term commencing the date of this notice and expiring 24 November 2010.

GRAFTON OFFICE
76 Victoria Street (Locked Bag 10), Grafton NSW 2460
Phone: (02) 6640 2020 Fax: (02) 6640 2036

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

*Land District – Bellingen;
L.G.A. – Bellingen Shire Council.*

Roads Closed: Lot 100, DP 1070931 at Bellingen, Parish North Bellingen, County Rous.

File No.: GF02 H 113.

SCHEDULE

On closing, the land within Lot 100, DP 1070931, becomes vested in Bellingen Shire Council as operational land for the purposes of the Local Government Act 1993.

Councils Reference: L9869JS:EM.

RESERVATION OF CROWN LAND

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

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

SCHEDULE

COLUMN 1

Land District: Murwillumbah.
Local Government Area:
Tweed Shire Council.
Locality: Kingscliff.
Lot 477, DP No. 39681,
Parish Cudgen, County Rous.
Area: 1800 square metres.
File No.: GF05 R 132.

COLUMN 2

Reserve No.: 1011108.
Public Purpose: Future
public requirements.

ROADS ACT 1993

Order

Transfer of a Crown Road to a Council

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

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

SCHEDULE 1

*Parish – Valley Valley; County – Raleigh;
Land District – Bellingen;
Shire – Nambucca Shire Council.*

Description: Crown public road separating Lot 1131 from Lot 1132, DP 62947, north of Lot 1131, DP 62947, south of Lot 31, DP 755560 and eastern 318 metres of the road south and within Lot 86, DP 755560.

SCHEDULE 2

Roads Authority: Nambucca Shire Council.

File No.: GF05 H 862.

GRIFFITH OFFICE
2nd Floor, Griffith City Plaza,
120–130 Banna Avenue (PO Box 1030), Griffith NSW 2680
Phone: (02) 6962 7522 Fax: (02) 6962 5670

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.P.,
Minister for Lands

Description

Land District – Narrandera;
Local Government Area – Narrandera.

Road being Lot 1, DP 1081817, Parish Narrandera, County Cooper.

Note: On closing, the land within the former road remains vested in Narrandera Shire Council as operational land for the purposes of the Local Government Act 1993.

File No.: GH01 H 73.

Council Reference: R/1180.

REVOCATION OF RESERVATION OF CROWN LAND

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

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

SCHEDULE

COLUMN 1

Land District: Narrandera.
Local Government Area:
Narrandera Shire Council.
Locality: Narrandera.
Reserve No.: 34498.
Public Purpose: Public
buildings.
Notified: 24 May 1902.
File No.: GH98 H 129/1.

COLUMN 2

The whole being Lot 1,
section 17, DP No. 758757,
Parish Narrandera, County
Cooper, of an area of 2023
square metres.

Note: Surplus Government property to be disposed (former Police residence).

HAY OFFICE

126 Lachlan Street (PO Box 182), Hay NSW 2711
Phone: (02) 6993 1306 Fax: (02) 6993 1135

DISSOLUTION OF RESERVE TRUST

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

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

SCHEDULE

COLUMN 1

Hillston Girl Guides
(R87634) Reserve Trust.

COLUMN 2

Reserve No.: 87634.
Public Purpose: Girl Guides.
Notified: 23 January 1970.
File No.: HY99 R 8.

REVOCATION OF RESERVATION OF CROWN LAND

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

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

SCHEDULE

COLUMN 1

Land District: Hillston.
Local Government Area:
Carrathool Shire Council.
Locality: Hillston.
Reserve No.: 87634.
Public Purpose: Girl Guides.
Notified: 23 January 1970.
File No.: HY99 R 8.

COLUMN 2

The whole being Lot 18, DP
No. 755189, Parish Redbank,
County Nicholson, of an area
of 505 square metres.

MAITLAND OFFICE**Corner Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323****Phone: (02) 4934 2280 Fax: (02) 4934 2252****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.

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

Description

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

Road Closed: Lot 1, DP 1086767 at Cams Wharf.

File No.: MD04 H 120.

Note: On closing, the land within Lot 1, DP 1086767 will remain vested in the Crown as Crown Land.

ESTABLISHMENT OF RESERVE TRUST

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

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

SCHEDULE

COLUMN 1

Reserve 170136 for Future
Public Requirements Reserve
Trust.

COLUMN 2

Reserve No.: 170136.
Public Purpose: Future
public requirements.
Notified: 27 April 1990.
File No.: MD04 R 3/1.

**APPOINTMENT OF CORPORATION TO MANAGE
RESERVE TRUST**

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

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

SCHEDULE

COLUMN 1

Lands
Administration
Ministerial
Corporation.

COLUMN 2

Reserve 170136
for Future Public
Requirements
Reserve Trust.

COLUMN 3

Reserve No.: 170136.
Public Purpose: Future
public requirements.
Notified: 27 April 1990.
File No.: MD04 R 3/1.

NOWRA OFFICE**5 O'Keefe Avenue (PO Box 309), Nowra NSW 2541****Phone: (02) 4428 6900 Fax: (02) 4428 6988****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.

ANTHONY BERNARD KELLY, M.P.,
Minister for Lands

Description

Land District – Bega; L.G.A. – Bega Valley.

Lot 2, DP 1079550 at Eden, Parish Bimmil and County Auckland (not being land under the Real Property Act).

File No.: NA99 H 229.

Note: On closing, the land remains vested in the Crown as Crown Land.

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 Lands.

*Land District: Kiama;
LGA: Kiama*

Lot 1 DP1087370 at Kiama, Parish Kiama and County Camden, NA04H16.

Note: On closing, the land remains vested in Kiama Council as "Operational land" (ST0301).

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

Description

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

Lot 100, DP 1089008 at Beacon Hill, Parish Manly Cove (Sheet 5), County Cumberland.

File No.: MN04 H 182.

Note: On closing, title for the land in Lot 100 remains vested in Warringah Council as operational land.

TAMWORTH OFFICE
25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340
Phone: (02) 6764 5100 Fax: (02) 6766 3805

ADDITION TO RESERVED CROWN LAND

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

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

SCHEDULE

COLUMN 1

Land District: Tamworth
 Local Government Area: Tamworth Regional Council
 Locality: Woodsreef

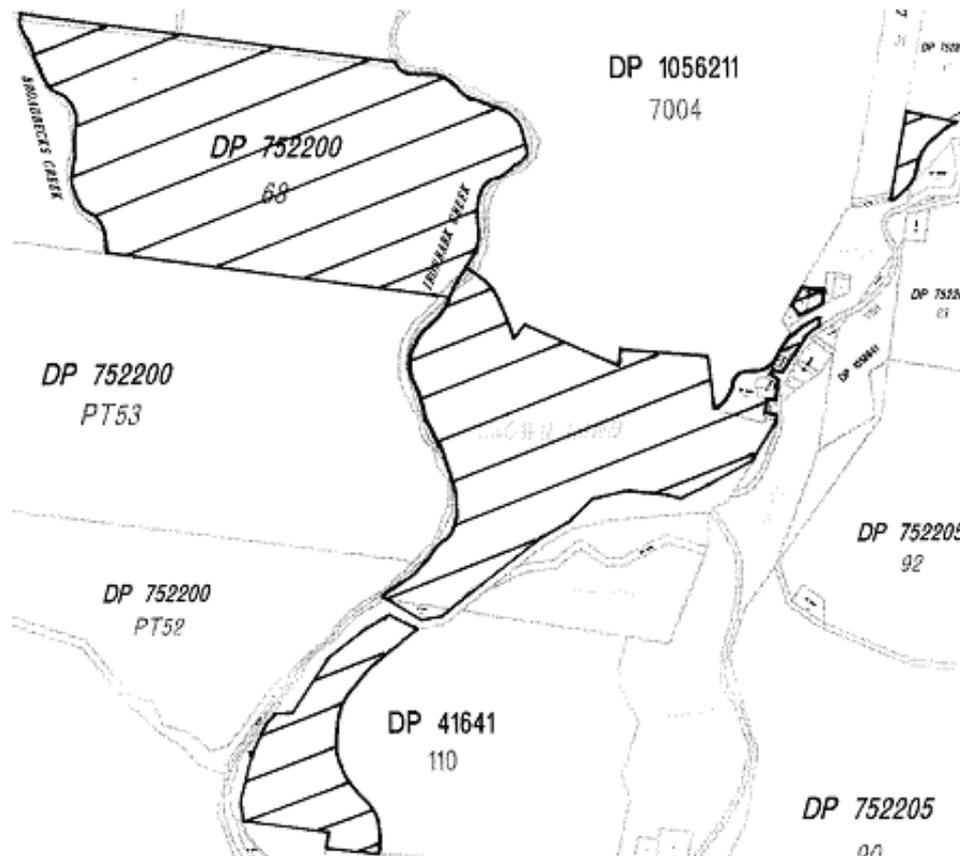
Lot	D.P. No.	Parish	County
99	752205	Woodsreef	Darling
68	752200	Tiabundie	Darling
102	752205	Woodsreef	Darling
41	752205	Woodsreef	Darling
82	752205	Woodsreef	Darling
83	752205	Woodsreef	Darling
84	752205	Woodsreef	Darling
85	752205	Woodsreef	Darling
86	752205	Woodsreef	Darling
87	752205	Woodsreef	Darling
74	752205	Woodsreef	Darling
6	44162	Woodsreef	Darling
PT 110	41641	Woodsreef	Darling
7016	94281	Woodsreef	Darling

Area: Approximately 159.3ha

File Reference: TH01R2/1

COLUMN 2

Reserve No. 200001
 Public Purpose: Environmental Protection
 Notified: 25th July 1986
 Lot D.P. No. Parish County
 7004 1056211 Woodsreef Darling
 New Area: 486.2ha



ADDITION TO RESERVED CROWN LAND

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

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

SCHEDULE

COLUMN 1

Land District: Tamworth
Local Government Area: Tamworth Regional Council
Locality: Woodsreef

Lot	D.P. No.	Parish	County
7004	1056211	Woodsreef	Darling
68	752200	Tiabundie	Darling
102	752205	Woodsreef	Darling
41	752205	Woodsreef	Darling
82	752205	Woodsreef	Darling
83	752205	Woodsreef	Darling
84	752205	Woodsreef	Darling
85	752205	Woodsreef	Darling
86	752205	Woodsreef	Darling
87	752205	Woodsreef	Darling
74	752205	Woodsreef	Darling
6	44162	Woodsreef	Darling
PT 110	41641	Woodsreef	Darling
7016	94281	Woodsreef	Darling

Area: Approximately 403.5ha

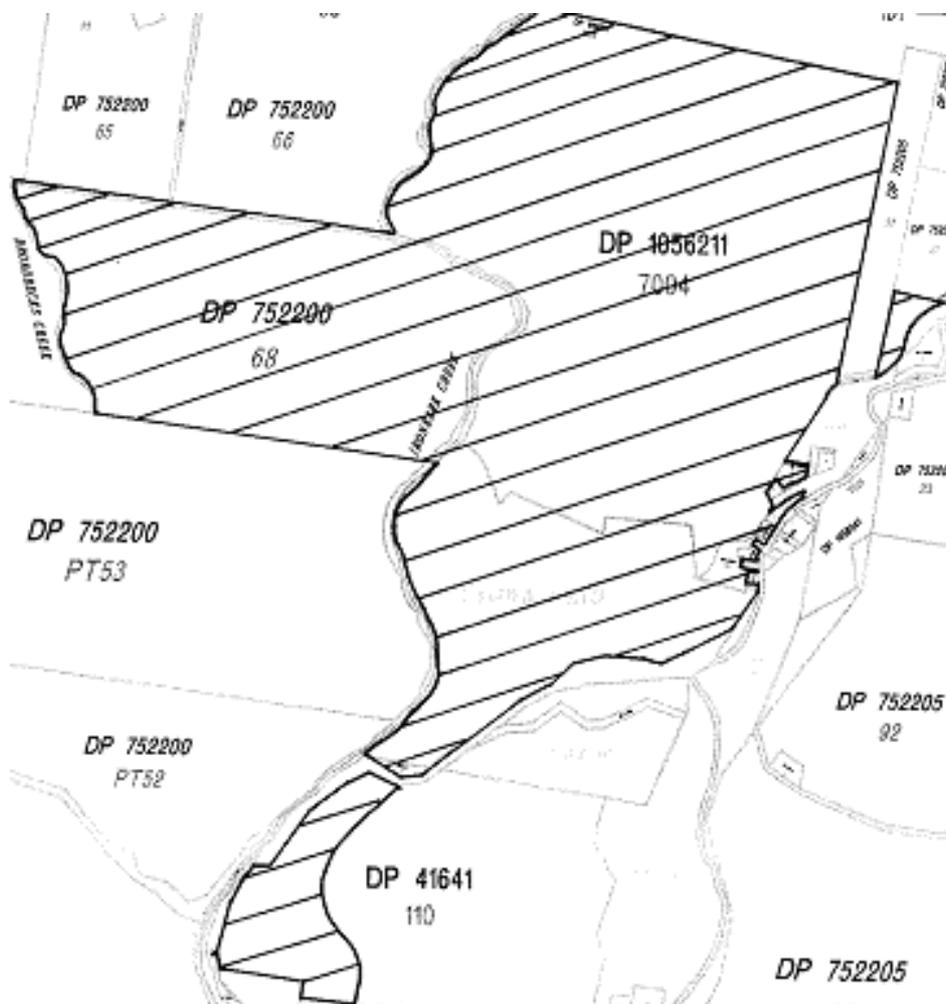
File Reference:TH01R2/1

COLUMN 2

Reserve No. 65783
Public Purpose: Public Recreation
Notified: 24th January 1936

Lot	D.P. No.	Parish	County
99	752205	Woodsreef	Darling

New Area: 486.2ha



NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

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

Description

*Parish – Goran; County – Pottinger;
Land District – Gunnedah;
L.G.A. – Gunnedah Shire Council.*

Road Closed: Lots 1, 2, 4, 5, 6 and 7, DP 1088708.

SCHEDULE

On closing, the land within Lots 1, 2, 4, 5, 6 and 7, DP 1088708 remains vested in the Crown as Crown Land.

File No.: TH03 H 222.

NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

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

Description

*Parishes – Goran and Calala; County – Pottinger;
Land District – Gunnedah;
L.G.A. – Gunnedah Shire Council.*

Road Closed: Lot 1, DP 1084667.

SCHEDULE

On closing, the land within Lot 1, DP 1084667 remains vested in the Crown as Crown Land.

File No.: TH04 H 91.

TAREE OFFICE

98 Victoria Street (PO Box 440), Taree NSW 2430

Phone: (02) 6552 2788 Fax: (02) 6552 2816

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

Flynns Beach Reserve
(R610024) Trust.

COLUMN 2

Reserve No.: 610024.
Public Purpose: Public
recreation.
Notified: 25 September 1959.
Parish: Macquarie.
County: Macquarie.
File No.: TE80 R 144.

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

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedules hereunder, are appointed for the terms of office specified 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 Schedules.

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

SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
Robert GEORGE (re-appointment).	Ariah Park Showground Trust.	Reserve No.: 44082. Public Purpose: Showground. Notified: 30 June 1909. File No.: WA80 R 112/3.

For a term commencing the date of this notice and expiring 18 July 2009.

SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
John Curtis STEELE (re-appointment), Trevor Ross McPHERSON (re-appointment).	Ganmain Sports Ground Trust.	Reserve No.: 84635. Public Purpose: Public Recreation Notified: 15 November 1963. File No.: WA80 R 76/2.

For a term commencing the date of this notice and expiring 28 February 2009.

Department of Natural Resources

WATER ACT 1912

ORDER UNDER SECTION 113A

Embargo on any further applications for Sub Surface Water Licences,
Holbrook - Walbundrie Area.

THE Water Administration Ministerial Corporation, being satisfied that the Water Shortage Zone (Groundwater Management Area 014) as shown in the Schedule is unlikely to have any more water available than is sufficient to meet the requirements of the licensees of the bores situated within the Zone and such other possible requirements for water from the Zone as have been determined by the Ministerial Corporation, now declares that on and from the date of publication of this Order in the Government Gazette no application for additional entitlement under Part 5 of the Water Act may be made except as specified below.

This order relates to all applications for licences other than applications for licences for:

- Private domestic water supply bores, town or village supply bores, farming purposes water supply bores (for the purpose of this order, “farming purposes” means washing down of a dairy or piggery, the hosing down of poultry sheds and the washing of fruit or vegetables prior to transport to market, etc. where the usage does not exceed 5 megalitres per annum, subject to environmental assessment).
- Bores for stock water supply purposes (not associated with feedlots or piggeries). (For the purpose of this Order “stock” means stock of a number not exceeding the number depastured ordinarily on land having regard to seasonal fluctuations in carrying capacity on the land and not held in close concentration for a purpose other than grazing).
- Additional bores on any property where there is an existing production bore licence to which a groundwater entitlement applies, and no increase in entitlement is sought.
- New bores where a groundwater entitlement is held as a result of a permanent transfer.
- Replacement bore licences.
- Bores for testing or monitoring purposes where there will be no extraction of groundwater, apart from that required for water quality sampling and no entitlement is sought.
- Bores where a test bore licence was active prior to the date of this gazettal if the production bore licence application is lodged within 12 months of the date of this gazettal.
- Bores for schemes specifically approved by the Department of Infrastructure, Planning and Natural Resources for de-watering and / or salt interception, salt harvesting or saline aquaculture purposes.
- Water supply bores for experimental research and/or teaching purposes (where the usage does not exceed 20 megalitres per annum, subject to environmental assessment).

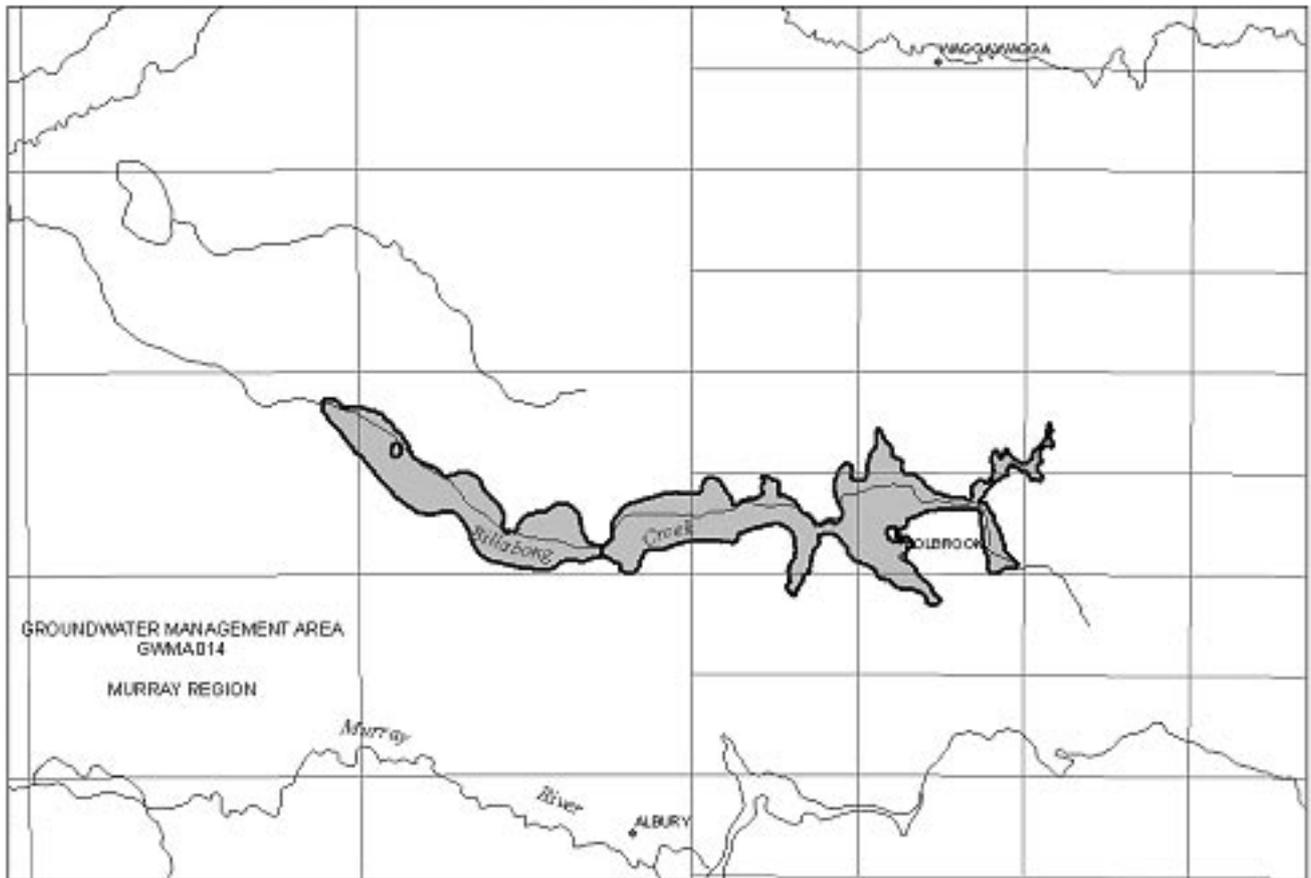
Signed for the Water Administration Ministerial Corporation

Dated this 18th day of November 2005

DAVID HARRISS,
Regional Director, Murray/Murrumbidgee Region,
Department of Natural Resources
(by delegation)

SCHEDULE

All the area of lands bounded by the heavy line on the diagram hereunder:



WATER ACT 1912

Order Under Section 113A

Embargo on any further Applications for Sub Surface Water Licences.

Great Artesian Basin

THE Water Administration Ministerial Corporation pursuant to Section 113A of the Water Act 1912, being satisfied that the geological formations in the Water Shortage Zone, described in the Schedule, are unlikely to have more water available than is sufficient to meet requirements of the licencees of bores situated within that Zone and such other possible requirements from the Zone as are determined by the Ministerial Corporation, now declares that on and from the date of publication of this Order in the Government Gazette, no further applications for a licence under Part 5 of the Water Act, 1912, may be made except as specified below until this Order is revoked by a subsequent Notice published in the Government Gazette.

This Order relates to all applications for licences issued under Part 5 of the Water Act 1912, other than applications for licences for:

1. Water supply for private domestic and/or stock purposes (not associated with activities such as feedlots, piggeries, aquaculture or other intensive animal husbandry other than provided for in condition 5).

For the purpose of this Order 'stock' means stock of a number not exceeding the number pastured ordinarily on the land having regard to seasonal fluctuations in the carrying capacity of the land and not held in close concentration for a purpose other than grazing.

2. Water supply for town or village water supply purpose;
3. Water supply and irrigation, for experimental, research and/or teaching purposes where the annual water use will not exceed 5 megalitres per year.
4. Licences for limited periods (up to 5 years) for industrial (such as road construction/dust suppression), revegetation or environmental enhancement and water carting for drought relief purposes, where the annual water use will not exceed 5 megalitres per year.
5. Any project designated or classified as a Major Project by the Minister for Planning or meets the classification of a Major Project in Schedule 1 Part 3A of State Environmental Planning Policy (Major Projects) 2005 and is seeking access to the water savings generated under the Great Artesian Basin Sustainability Initiative.

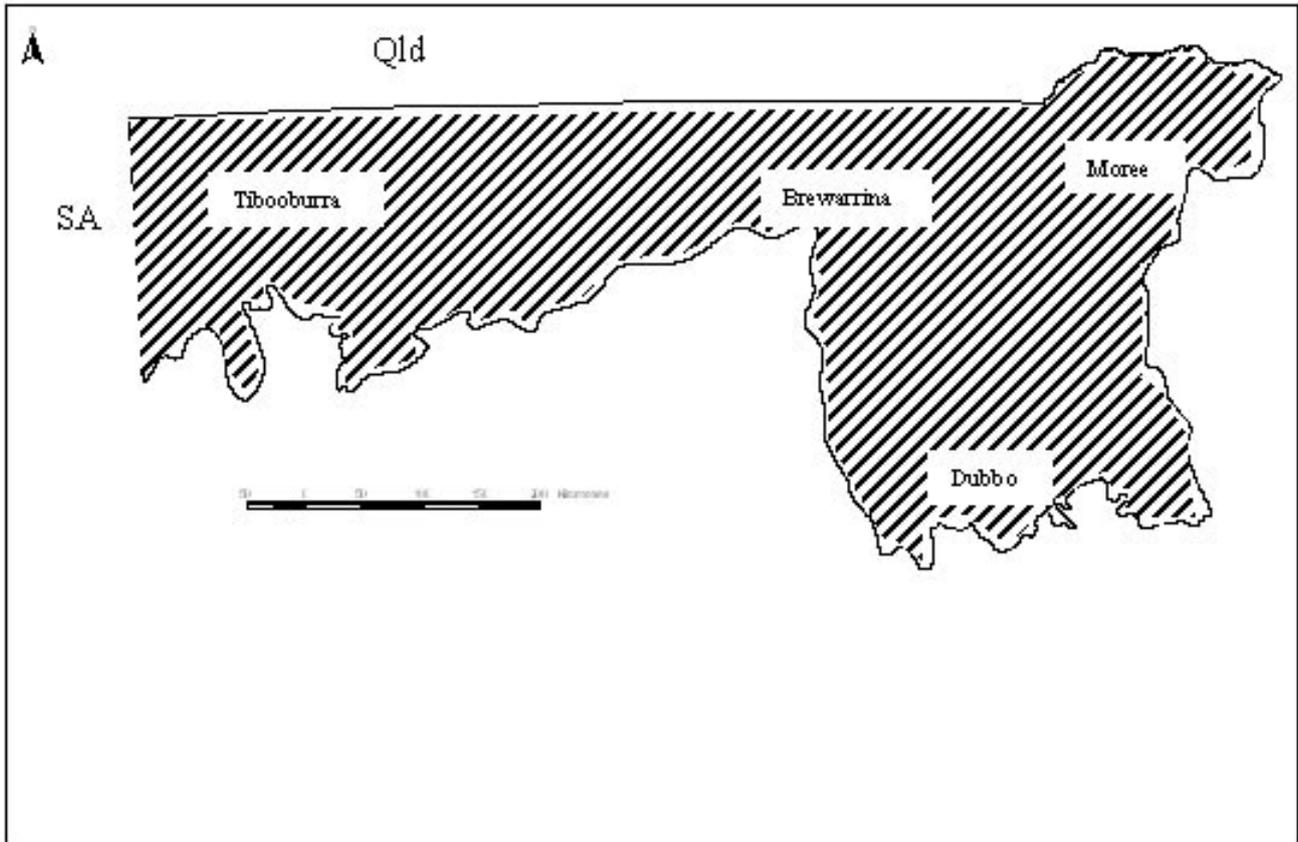
Signed for the Water Administration Ministerial Corporation.

Dated the 15th day of November 2005.

AXEL TENNIE,
Regional Director Central West
Department of Natural Resources
(By Delegation)

Schedule

- (a) The order applies to the geological formations of Cretaceous and Jurassic age 65 to 210 million years old belonging to the great Artesian Basin and intake beds of the Great Artesian Basin.
- (b) The water shortage zone is within the hatched boundary on the diagram hereunder.

**WATER ACT 1914**

Revocation of Order under Section 113A

THE Order published in the Government Gazette on 24 December 1999 in respect of the Great Artesian Basin is hereby revoked.

Dated this 15th day of November 2005

AXEL TENNIE,
Regional Director
Central West Region
(By Delegation)

WATER ACT, 1912

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

Cindy Ann and Kevin Leo DIBLEY for a pump on Numbugga Creek being Lot 6 DP819196, Parish of Numbugga, County of Auckland for the irrigation of 2.5 hectares(improved pasture)(New license)(permanent transfer of 7.0 megalitres from 10SL042533)(Exempt from the Bega River catchment embargo)(Ref:10SL056688)(GA2:50917 1)

Any inquiries regarding the above should be directed to the undersigned (Phone: 44-286919).

Written objections specifying grounds thereof must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act.

WAYNE RYAN,
Natural Resource Project Officer
Sydney/South Coast Region

Department of Infrastructure,
Planning & Natural Resources
PO Box 309 Nowra NSW 2541

Department of Planning



New South Wales

Mudgee Local Environmental Plan 1998 (Amendment No 8)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (DUB0108324/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Mudgee Local Environmental Plan 1998 (Amendment No 8)

Mudgee Local Environmental Plan 1998 (Amendment No 8)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Mudgee Local Environmental Plan 1998 (Amendment No 8)*.

2 Aims of plan

This plan aims to repeal clause 35 of *Mudgee Local Environmental Plan 1998*, and to prevent the Mid-Western Regional Council from granting consent to development within 50 metres of the boundary of a zone for a purpose for which development may be carried out in the adjoining zone.

3 Land to which plan applies

This plan applies to all land to which *Mudgee Local Environmental Plan 1998* applies.

4 Amendment of Mudgee Local Environmental Plan 1998

Mudgee Local Environmental Plan 1998 is amended by omitting clause 35.



New South Wales

Shoalhaven Local Environmental Plan 1985 (Amendment No 227)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (WOL2000325/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Shoalhaven Local Environmental Plan 1985 (Amendment No 227)

Shoalhaven Local Environmental Plan 1985 (Amendment No 227)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Shoalhaven Local Environmental Plan 1985 (Amendment No 227)*.

2 Aims of plan

The aim of this plan is to reclassify the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993*.

3 Land to which plan applies

This plan applies to the following land situated in the City of Shoalhaven:

- (a) part of Lot 3, DP 602505, Brighton Parade, Culburra Beach,
- (b) part of Lot 4, DP 806393, Kerry Street, Sanctuary Point,
- (c) Lot 71, DP 789148 and Lot 2, DP 806110, Owen Street, Huskisson,

as shown edged heavy black on the map marked "Shoalhaven Local Environmental Plan 1985 (Amendment No 227)" deposited in the office of the Council of the City of Shoalhaven.

4 Amendment of Shoalhaven Local Environmental Plan 1985

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

Shoalhaven Local Environmental Plan 1985 (Amendment No 227)

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 4)

Schedule 11 Classification or reclassification of public land

Insert in alphabetical order of locality in Columns 1 and 2, respectively, of Part 2:

Culburra Beach

Brighton Parade

So much of Lot 3, DP 602505 as is within the area shown edged heavy black on the map marked "Shoalhaven Local Environmental Plan 1985 (Amendment No 227)"

Huskisson

Owen Street

Lot 71, DP 789148

Owen Street

Lot 2, DP 806110

Sanctuary Point

Kerry Street

So much of Lot 4, DP 806393 as is within the area shown edged heavy black on the map marked "Shoalhaven Local Environmental Plan 1985 (Amendment No 227)"



New South Wales

Sutherland Local Environmental Plan 2000 (Amendment No 21)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S03/02409/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Sutherland Local Environmental Plan 2000 (Amendment No 21)

Sutherland Local Environmental Plan 2000 (Amendment No 21)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Sutherland Local Environmental Plan 2000 (Amendment No 21)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone 5 (a) Special Uses (Depot) to partly Zone 2 (c) Residential and partly Zone 6 (a) Public Recreation under *Sutherland Shire Local Environmental Plan 2000*.

3 Land to which plan applies

This plan applies to Lot 102, DP 1043269, 42 Auburn Street, Sutherland, as shown edged heavy black on the map marked "Map 31: No 42 Auburn Street (Lot 102 DP 1043269)" appearing at the end of this plan and deposited in the office of Sutherland Shire Council.

4 Amendment of Sutherland Local Environmental Plan 2000

Sutherland Local Environmental Plan 2000 is amended as set out in Schedule 1.

Sutherland Local Environmental Plan 2000 (Amendment No 21)

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 4)

Schedule 7 Maps

Insert after Map 30 in Part 1 of the Schedule:



- Part Site to 2(c) Residential
- Part Site to 6(a) Public Recreation

Map 31: No 42 Auburn Street (Lot 102 DP 1043269)
 LOCATION SUTHERLAND



New South Wales

Tweed Local Environmental Plan 2000 (Amendment No 68)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (GRA6322693/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Tweed Local Environmental Plan 2000 (Amendment No 68)

Tweed Local Environmental Plan 2000 (Amendment No 68)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Tweed Local Environmental Plan 2000 (Amendment No 68)*.

2 Aims of plan

This plan aims to permit, with the consent of Tweed Shire Council, the carrying out of development on the land to which this plan applies for the purpose of a telecommunications facility (a mobile phone base station).

3 Land to which plan applies

This plan applies to land situated in the local government area of Tweed, being Lot 24, DP 1058759, Round Mountain Road, Hastings Point.

4 Amendment of Tweed Local Environmental Plan 2000

Tweed Local Environmental Plan 2000 is amended by inserting at the end of Schedule 3 under the headings “**Additional development permitted with development consent**” and “**Conditions**”, respectively, the following words:

Lot 24, DP 1058759, Round Mountain Road, Hastings Point.	Development for the purpose of a telecommunications facility (a mobile phone base station).	Power to the telecommunications facility is to be via an underground line along an existing access track to a water reservoir.
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Department of Primary Industries

COAL MINES REGULATION ACT 1982

Notice of Approval

Approval No.: MDA GD 5067
 File No.: C03/0440
 Date: 10/11/2005

Odalog 6000 Multi-Gas Monitor

Pursuant to the provisions of Clause 126, Part 8 Monitoring and detecting equipment Coal Mines (Underground) Regulation 1999, I hereby approve the gas sensors:

- City Tech 4OX (1) App-Tek part number 28-0487
- City Tec pellister 4P-75M App-Tek part number 28-28-0490

for use in the Odialog 6000 Multi-Gas Monitor supplied by App-Tek International Pty Ltd. This approval is subject to the following conditions:

1. There shall be no variation in design, construction, or performance from that of the samples tested by the Mine Safety Technical Services and reported in test reports no. 04/841 and 04/842 unless approval for modification has been obtained. Any repair that may affect the instrument's explosion protection properties shall be carried out at a workshop registered for the purpose.
2. Prior to being placed in service each gas monitor shall be tested for accuracy and calibrated by a NATA accredited test authority and a NATA endorsed certificate supplied to the mine.
3. The supplier shall ensure that the apparatus supplied complies with the requirements of the Occupational Health and Safety Act 2000.
4. The employer(s) shall ensure that the apparatus is used in compliance with the Occupational Health and Safety Act 2000.
5. At each mine where the instrument is used the Manager shall ensure that the instrument is maintained in accordance with the current Australian Standard AS2290.3 electrical equipment for coal mines - Maintenance and overhaul Part3 Maintenance of gas detecting and monitoring equipment.
6. The Chief Inspector of Coal Mines may vary or revoke this approval at any time.
7. A copy of this notice shall be supplied with each apparatus supplied to a mine or rescue station.

R. REGAN,
 Chief Inspector of Mines
 Department of Primary Industries

STOCK DISEASES ACT 1923

Appointment of Inspectors

I, BARRY DESMOND BUFFIER, Director-General of the NSW Department of Primary Industries, pursuant to section 6 of the Stock Diseases Act 1923 ("the Act") appoint the persons named in Schedule 1 as Inspectors under the Act:

Schedule 1

MURN, Campbell Pardey
 REID, Amy Linette

Dated this 10th day of November 2005.

B. D. BUFFIER,
 Director-General

STOCK MEDICINES ACT 1989

Section 60A

Authorisation

I, BARRY DESMOND BUFFIER, Director-General of the NSW Department of Primary Industries, pursuant to section 60A of the Stock Medicines Act 1989 hereby authorise the following persons, being Inspectors under the Stock Medicines Act 1989, as authorised officers for the purposes of section 60A of the Stock Medicines Act 1989:

Christopher James Wetherall
 David Neil Patterson
 Michael Gordon Rankmore
 Pablo Leonardo Vazquez
 Paul John Anderson
 Peter Leslie Daley
 Robert Bruce Bowman
 Terry David Rafferty
 Wayne Stanley Norden
 Dated this 10th day of November 2005.

B. D. BUFFIER,
 Director-General

NOTICE OF RECEIPT OF APPLICATION FOR AQUACULTURE LEASE

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

NSW Department of Primary Industries (DPI) incorporating NSW Fisheries advises that an application has been received from Christopher RUPRECHT of Mitchells Island for a new aquaculture (oyster) lease over public water land for the purposes of cultivating Sydney rock oysters. Location is Brisbane Water for an area of approximately 1.0885 hectares over former oyster lease OL68/387. The new lease will be known as AL05/027 if granted.

DPI is calling for written submissions from any person supporting or objecting to this oyster lease proposal, citing reasons for the support/objection. DPI is also calling for expressions of interest from persons or corporations interested in leasing the area specified above, for the purposes of aquaculture. An expression of interest must be in the form of a written response referring to lease number AL05/027, to be signed and dated with a return address. If additional expressions of interest are received, DPI may offer the area for leasing through a competitive public tender process, auction or ballot.

If granted the lease will be subject to standard covenants and conditions of an aquaculture lease and aquaculture permit, under the Fisheries Management Act 1994. Specific details of the proposed lease can be obtained, or enquiries made with DPI, Aquaculture Administration Section, Port Stephens on (02) 4982 1232. Objections or expressions of interest for consideration in the determination of the application must be received at the address below, within 30 days from the date of publication of this notification.

Director, Fisheries Management, Agriculture and Fisheries Division, Aquaculture Administration Section, Port Stephens Fisheries Centre, Locked Bag 1, Nelson Bay NSW 2315.

ANTHONY HURST,
 A/Director,
 Fisheries Management,
 Agriculture and Fisheries Division,
 NSW Department of Primary Industries

NOTICE OF RECEIPT OF APPLICATION FOR AQUACULTURE LEASE

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

NSW Department of Primary Industries (DPI) incorporating NSW Fisheries advises that an application has been received from Armitage Holdings (VIC) Pty Ltd of Wonboyn for a new aquaculture (oyster) lease over public water land for the purposes of cultivating Sydney rock oysters. The proposed method of farming will be floating cultivation. Location is Wonboyn River for an area of approximately 0.4515 hectares over former oyster lease OL84/112. The new lease will be known as AL05/019 if granted.

DPI is calling for written submissions from any person supporting or objecting to this oyster lease proposal, citing reasons for the support/objection. DPI is also calling for expressions of interest from persons or corporations interested in leasing the area specified above, for the purposes of aquaculture. An expression of interest must be in the form of a written response referring to lease number AL05/019, to be signed and dated with a return address. If additional expressions of interest are received, DPI may offer the area for leasing through a competitive public tender process, auction or ballot.

If granted the lease will be subject to standard covenants and conditions of an aquaculture lease and aquaculture permit, under the Fisheries Management Act, 1994. Specific details of the proposed lease can be obtained, or enquiries made with DPI, Aquaculture Administration Section, Port Stephens on (02) 4982 1232. Objections or expressions of interest for consideration in the determination of the application must be received at the address below, within 30 days from the date of publication of this notification.

Director Fisheries Management, Agriculture & Fisheries Division, Aquaculture Administration Section, Port Stephens Fisheries Centre, Locked Bag 1, NELSON BAY, NSW, 2315.

ANTHONY HURST,
A/Director, Fisheries Management
Agriculture and Fisheries Division
Department of Primary Industries

NOTICE OF RECEIPT OF APPLICATION FOR AQUACULTURE LEASE

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

AN application has been received for an aquaculture (oyster) lease in Wallis Lake for the purpose of cultivating Sydney rock oysters, for an area to be known as AL05/026 (if granted) of approximately 0.8693 ha. The new lease will comprise of 0.5817ha of existing oyster lease OL69/410, as well as a new area of approx 0.2876 ha. Application by Guiseppa De Gioia of Tuncurry, NSW. If granted the lease will be subject to standard covenants and conditions of an aquaculture lease and any other conditions of consent as imposed by Great Lakes Council or other approval body.

NSW Department of Primary Industries (DPI) is calling for written submissions from any person supporting or objecting to the lease proposal, citing reasons for the support/objection.

Specific details can be obtained, or enquiries made with the Aquaculture Administration Section on (02) 4982 1232. Written submissions must be received at the address below, within 30 days from the date of publication of this notification.

Director of Fisheries Management, NSW Department of Primary Industries, Aquaculture Administration Section, Port Stephens Fisheries Centre, Locked Bag 1, NELSON BAY, NSW, 2315.

ANTHONY HURST,
A/Director of Fisheries Management
Agriculture and Fisheries Division
Department of Primary Industries

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(05-278)

No. 2596, BRENT MORTON, BILL PORTER AND FRANCIS WILLIAM MORTON, area of 3 units, for Group 1 and Group 6, dated 14 October, 2005. (Inverell Mining Division).

(05-5705)

No. 2616, RENISON BELL HOLDINGS PTY LTD (ACN 100 163 942), area of 5520 hectares, for Group 9, dated 10 November, 2005. (Inverell Mining Division).

IAN MACDONALD, M.L.C.,
Minister for Natural Resources, Minister for Primary
Industries and Minister for Mineral Resources.

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

(T87-0330)

Exploration Licence No. 2984, CLIMAX AUSTRALIA PTY LIMITED (ACN 002 164 598), area of 16 units. Application for renewal received 11 November, 2005.

(T03-0076)

Exploration Licence No. 6170, TAMAS KAPITANY, area of 1 unit. Application for renewal received 10 November, 2005.

(T03-0077)

Exploration Licence No. 6171, TAMAS KAPITANY, area of 1 unit. Application for renewal received 10 November, 2005.

(T03-0065)

Exploration Licence No. 6172, DART RESOURCES PTY LTD (ACN 050 030 245), area of 43 units. Application for renewal received 11 November, 2005.

(04-4136)

Mining Lease No. 1177 (Act 1973), GOSFORD QUARRIES (PROPERTIES) PTY LIMITED (ACN 001 226 875), area of 17.7 hectares. Application for renewal received 10 November, 2005.

(04-2653)

Mining Purposes Lease No. 70 (Act 1973), LIGHTNING RIDGE MINERS' ASSOCIATION LTD (ACN 001 204 726), area of 48.57 hectares. Application for renewal received 2 September, 2005.

(T98-0471)

Mining Purposes Lease No. 93 (Act 1973), REGINALD NORMAN CRUICKSHANK AND JOYCE WENDY CRUICKSHANK, area of 6580 square metres. Application for renewal received 26 October, 2005.

IAN MACDONALD, M.L.C.,
Minister for Natural Resources, Minister for Primary
Industries and Minister for Mineral Resources.

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T94-0246)

Exploration Licence No. 5242, HERALD RESOURCES LIMITED (ACN 008 672 071), Counties of Bathurst, Georgiana and Westmoreland, Map Sheet (8830), area of 57 units, for a further term until 27 June, 2007. Renewal effective on and from 9 November, 2005.

(T01-0613)

Mining Lease No. 1329 (Act 1992), GOSFORD QUARRIES (PROPERTIES) PTY LIMITED (ACN 001 226 875), Parish of Kendale, County of Westmoreland, Map Sheet (8830-1-N), area of 1.65 hectares, for a further term until 23 September, 2013. Renewal effective on and from 13 October, 2005.

IAN MACDONALD, M.L.C.,
Minister for Natural Resources, Minister for Primary
Industries and Minister for Mineral Resources.

CANCELLATION OF AUTHORITIES AT REQUEST OF HOLDERS

NOTICE is given that the following authorities have been cancelled:

(T02-0394)

Exploration Licence No. 6217, REDMAN MINING LIMITED (ACN 108 048 371), County of Dudley, Map Sheet (9335, 9336), area of 53 units. Cancellation took effect on 10 November, 2005.

(T04-0037)

Exploration Licence No. 6284, REDMAN MINING LIMITED (ACN 108 048 371), County of Goulburn, County of Mitchell and County of Wynyard, Map Sheet (8326, 8327), area of 57 units. Cancellation took effect on 10 November, 2005.

(T04-0003)

Exploration Licence No. 6285, REDMAN MINING LIMITED (ACN 108 048 371), County of Nicholson, Map Sheet (8031), area of 22 units. Cancellation took effect on 10 November, 2005.

IAN MACDONALD, M.L.C.,
Minister for Natural Resources, Minister for Primary
Industries and Minister for Mineral Resources.

Exotic Diseases of Animals Act 1991

Delegation of Ministerial powers

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to section 67 of the *Exotic Diseases of Animals Act 1991* (the Act), hereby:

1. revoke all previous delegations made by the Minister under section 67 of the Act, and
2. delegate the powers of the Minister under the Act listed in Column 1 to the holder of the particular office listed in Column 2.

Column 1	Short Description	Column 2
Section 3 and Dictionary	Declaration of (h) äanimal productí	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer
Section 3, 6A and Dictionary	Declaration of äexotic diseaseí	Director-General
Section 10	Declaration of infected place	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer
Section 11	Declaration of infected vehicle	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer
Section 15	Declaration of restricted area	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer
Section 20	Area restriction order	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer
Section 21	Declaration of control area	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer
Section 22	Control orders	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer
Section 28	Entry of animals etc from outside State	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer
Section 29	Duration of importation order	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer
Section 32	Destruction of infected animals, premises and other property	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer
Section 33	Notice of destruction order	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer

Column 1	Short Description	Column 2
Section 59(2)	Power to nominate a competent and impartial person as a valuer	Director- General Chief Veterinary Officer
Section 61(b)	Power to allow further time for lodgement of a claim for compensation	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer
Section 63	Reduction of amount claimed	Director-General
Section 64	Disputed claims	Director-General
Section 76	Protection of control programs	Director-General
Section 77(1)	Power to approve the form of signs	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer

Made this 15th day of November 2005.

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

Roads and Traffic Authority

Road Transport (General) Act 2005 Notice under Division 5 of Part 2 of the Road Transport (Mass, Loading and Access) Regulation 2005

I, Mike Hannon, Acting Chief Executive of the Roads and Traffic Authority, in pursuance to the Road Transport (Mass, Loading and Access) Regulation 2005, make the Notice set forth hereunder.

Mike Hannon
A/ Chief Executive
Roads and Traffic Authority

Amendments

The Class 3 Semi-trailer Exemption Notice 2003, published in Government Gazette No. 263 of 20 December 2002 at pages 10948 - 10950, is amended:

- (a) Omit the matter

“3.2 Compliance plate denoting overdimension

A semi-trailer to which this notice applies must be fitted with a compliance plate denoting that the vehicle is overdimension.”

- (b) Insert the matter

“3.2 Compliance plate or engineering certificate denoting overdimension

A semi-trailer to which this notice applies must be fitted with a compliance plate denoting that the vehicle is overdimension or must have a engineering certificate issued by an Engineering Signatory under the RTA Engineering Certificate Scheme or, a Compliance Certificate issued by a Recognised Signatory under the RTA Vehicle Compliance Certification Scheme, to show that the semi-trailer has been modified to comply with the applicable ADRs at the time of certification and fits the dimensions outlined in Table 1.

The engineering certificate must be carried in the vehicle with this notice at all times.”

Road Transport (General) Act 2005
Notice under Division 3 of Part 2 of the Road Transport (Mass, Loading and Access) Regulation 2005

I, Mike Hannon, A/Chief Executive of the Roads and Traffic Authority, in pursuance to the Road Transport (Mass, Loading and Access) Regulation 2005, make the Notice set forth hereunder.

Mike Hannon
A/Chief Executive
Roads and Traffic Authority

Amendments

The General Class 1 Oversize Notice 2002, published in Government Gazette No. 122 of 26 July 2002 at pages 5630 - 5674, is amended:

(a) Omit the following from *7.1 Restricted Roads*

16. Menai Rd and River Rd (SR2034) between Old Illawarra Rd and the Grand Pde

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

ROD OXLEY,
General Manager
Wollongong City Council
(by delegation from the Minister for Roads)

4 November 2000

SCHEDULE

1. Citation

This Notice may be cited as Wollongong City Council 25m B-Double Notice No 1/2005

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 31 December 2010 unless it is amended or repealed earlier.

4. Application

This Notice applies to those B-Doubles vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

B-Double routes within the City of Wollongong

Type	Rd No	Road Name	Starting Point	Finishing Point	Conditions
25	000	Sirius Rd, Unanderra	Investigator Dr	Waverly Dr	Travel is permitted only in the direction of listing.
25	000	Waverly Dr, Unanderra	Sirius Rd	Nolan St	1. The only place of access permitted for B-Doubles on this route is McCabe Transport, 28 Waverly Dr 2. Travel is permitted only in the direction of listing.
25	000	Bellambi Lane (East), Bellambi	Northern Distributor (Princes Hwy SH1)	Bellambi Trade Centre (BTC) Lot 6 Bellambi Lane	The only place of access permitted for B-Doubles on this route is Bellambi Trade Centre (BTC), Lot 6 Bellambi Lane.
25	000	Berkeley Road, Unanderra	Investigator Dr, Unanderra	Hi-Fert Fertilizers	1. The only places of access permitted for B-Doubles on this route are the UCP works, Smorgan ARC & Hi-Fert Fertilizers. 2. Eastbound exit along Berkeley Rd must turn right at Investigator Dr

ROAD TRANSPORT (GENERAL) ACT 2005

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

Narrabri Shire Council, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which **B-Double** may be used subject to any requirements or conditions set out in the Schedule.

IAN MCCALLUM,
General Manager
 Narrabri Shire Council
 (by delegation from the Minister for Roads)

SCHEDULE

1. Citation

This Notice may be cited as Narrabri Shire Council 25 Metre B-Double Notice No 4/2005

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 1 February 2006 unless it is amended or repealed earlier.

4. Application

This Notice applies to those B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
25	MR770 9	Grain Valley Road (Boggabri)	Intersection of Grain Valley Road (MR7709) & Blairmore Road (SR20)	Property entrance (left) ñ Milchengowrie Cattle Yards ñ 1.25km from SR20	4 month trial period ñ commencing 1 October 2005

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Vineyard
in the Hawkesbury City Council area

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

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

—————
SCHEDULE

ALL those pieces or parcels of land situated in the Hawkesbury City Council area, Parish of St Matthew and County of Cumberland, shown as:

Lot 67 Deposited Plan 1070588;

Lot X Deposited Plan 39335;

Lot 2 Deposited Plan 1035216;

Lots 4, 5 and 6 Deposited Plan 1037470; and

Lots 11, 12 and 13 Deposited Plan 446468.

(RTA Papers: FPP 91.1625; RO 91.1625)

ROADS ACT 1993

Notice of Dedication of Land as Public Road
at Box Hill in the Baulkham Hills Shire Council area

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

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

—————
SCHEDULE

ALL those pieces or parcels of land situated in the Baulkham Hills Shire Council area, Parish of St Matthew and County of Cumberland, shown as:

Lot 10 Deposited Plan 572203; and

Lots 1 to 5 inclusive, Deposited Plan 243801.

(RTA Papers: FPP 40.1162; RO 40.1162)

Other Notices

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of making 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 vocation of Drafting Trade (Civil Engineering Design).

Citation

The order is cited as the Drafting Trade (Civil Engineering Design) Order.

Order

A summary of the Order is given below.

(a) Term of Training

(c) Full-time

Training shall be given for a nominal term of four years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated

(b) Competency Outcomes

Apprentices will be trained in and achieve competence in the relevant units of competency specified in Course 91254NSW.

(c) Courses of Study to be undertaken

Apprentices will undertake the following courses of study:

Certificate IV in Civil Engineering Design (Course 91254NSW)

(d) Additional Requirements

Learners will need to complete 1209 TAFE Statement in General Construction OHS Introduction in NSW – Workcover No. 03493 or its equivalent from another registered training provider prior to undertaking practical work at TAFE.

Availability for inspection

A copy of the Vocational Training Order may be inspected at any Industry Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

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.

Commissioner for Vocational Training

Commencement

1. This Order takes effect from the date of publication in the NSW Government Gazette.

Amendment

2. The Apprenticeship and Traineeship Orders are amended by:

- a) inserting in Schedule 2 in appropriate alphabetical order the following vocation which is designated as a recognised trade vocation for the purpose of the Apprenticeship and Traineeship Act 2001:

Drafting Trade (Civil Engineering Design)

CONTAMINATED LAND MANAGEMENT ACT 1997

Environment Protection Authority

Declaration of remediation site

(Section 21 of the Contaminated Land Management Act 1997)

Declaration Number 21089; Area Number 3183

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

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

The site incorporates the following areas in the local government area of Newcastle, New South Wales:

- Lot 3 DP 234288 (15 Greenleaf Road, Kooragang Island).

2. Nature of contamination affecting the site:

The EPA has found that the site is contaminated with the following substances (“the contaminants”):

- Arsenic; and
- Nutrients (specifically total ammonia and nitrate).

3. Nature of harm that the contaminants may cause:

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 human health and the environment:

- Groundwater is contaminated with arsenic and ammonia at concentrations exceeding the Australian and New Zealand Conservation Council (2000) guidelines for the protection of aquatic ecosystems;
- Arsenic and ammonia contaminated groundwater has migrated off the site and may continue to migrate. The contaminated groundwater has the potential to impact the quality of the waters and sediment of the Hunter River; and
- There are potential human and biota exposure pathways to the contaminants.

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.

Orica Australia Pty Limited (Orica) intends to remediate the site under a voluntary remediation proposal to which it is seeking the EPA’s agreement under the Act. The agreement would formalise remediation activities that have already been commenced at the site by Orica.

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 2 December 2005.

CAROLYN STRANGE,
Director Contaminated Sites
Department of Environment and Conservation

Date: 16 November 2005

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.

CONTAMINATED LAND MANAGEMENT ACT 1997

Environment Protection Authority

Notice to End Remediation Declaration

Section 22 of the Contaminated Land Management Act
1997

File No.: HO3755/06.
Notice No.: 22005.

THE Environment Protection Authority ("EPA")* is satisfied that it no longer has reasonable grounds to believe that the following land is contaminated in such a way as to present a significant risk of harm. As a result, remediation declaration number 21041, dated 13 January 2003, relating to the following land ceases to be in force on the date on which this notice is published in the *New South Wales Government Gazette*.

Land to which this notice applies

81 Wilson Street, Newtown NSW, comprising Lot 40 of DP 780016.

A map of the site is available for inspection at the EPA's offices located at 59-61 Goulburn Street, Sydney.

CAROLYN STRANGE,
Director,
Contaminated Sites,
Department of Environment and Conservation

Dated: 9 November 2005.

NOTE:

Information recorded by councils

Section 59 of the Contaminated Land Management Act 1997, requires the EPA to inform the relevant local council as soon as practicable after this notice is issued. In light of the notice the council may choose to modify the planning certificate relating to the land concerned issued pursuant to s149 of the Environmental Planning and Assessment Act 1979.

* The EPA is part of the Department of Environment and Conservation (NSW).

CONTAMINATED LAND MANAGEMENT ACT 1997

Environment Protection Authority

Notice to end remediation declaration

Section 22 of the Contaminated Land Management Act
1997

File No: HO3755/06
Notice No: 22006

THE Environment Protection Authority ("EPA")* is satisfied that it no longer has reasonable grounds to believe that the following land is contaminated in such a way as to present a significant risk of harm. As a result, declaration of remediation site number 21042, dated 13 January 2003, relating to the following land ceases to be in force on the date on which this notice is published in the NSW Government Gazette.

Land to which this notice applies

79 Wilson Street, Newtown, NSW, comprising Lot A of DP102760.

A map of the site is available for inspection at the EPA's offices located at 59-61 Goulburn Street, Sydney.

CAROLYN STRANGE,
Director Contaminated Sites
Department of Environment and Conservation

Date: 15th November 2005.

NOTE:

Information recorded by councils

Section 59 of the Contaminated Land Management Act 1997 requires the EPA to inform the relevant local council as soon as practicable after this notice is issued. In light of the notice the council may choose to modify the planning certificate relating to the land concerned issued pursuant to s149 of the Environmental Planning and Assessment Act 1979.

* The EPA is part of the Department of Environment and Conservation (NSW)

CONTAMINATED LAND MANAGEMENT ACT 1997

Environment Protection Authority

Declaration of Investigation Area

Section 15 of the Contaminated Land Management Act
1997Declaration No.: 15030.
Area No.: 3210.

THE Environment Protection Authority (EPA) declares the following land to be an investigation area under the Contaminated Land Management Act 1997 ("the Act"):

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

The site incorporates 279-281 Lang Street, Kurri Kurri, NSW (Lot 19 and 20 of section 18 in DP 758590), which is currently a service station and that part of the adjacent Council footpath, nature strip area and Lang Street that is impacted by contaminated groundwater, in the local government area of Cessnock.

A drawing showing the land to which this declaration applies can be viewed on the public register at www.epa.nsw.gov.au/clm/aboutregister.aspx or can be inspected at Level 14, 59-61 Goulburn Street, Sydney.

2. Nature of contamination affecting the site:

The EPA believes that the site is contaminated with petroleum hydrocarbons ("the contaminants").

3. Nature of harm that the contaminants have caused:

The EPA has considered the matters in s.9 of the Act and on the basis of the information available found that there are reasonable grounds to believe that the site is contaminated in such a way as to present a significant risk of harm for the following reasons:

- Petroleum hydrocarbons at concentrations indicative of separate phase contamination were detected in seepage waters entering service trenches located in the footpath and roadway fronting the service station.
- Hydrocarbon vapours have been detected in service trenches and the sewerage system fronting the service station and caused temporary discomfort to workers of the adjacent community centre.
- The nature and extent of the off-site migration of the contamination is unknown and may impact on users of adjacent lands. There is also a risk that workers may be accidentally exposed to the contamination via inhalation of volatile hydrocarbon vapours in future excavation works. The volatile hydrocarbon vapours may also accumulate in existing service lines and pits at potentially explosive concentrations.

4. Further action under the Act

The making of this declaration does not prevent the carrying out of a voluntary investigation of the site and any person may submit a voluntary investigation proposal for the site to the EPA. If the proposal satisfies the requirements of s.19 of the Act, the EPA may agree not to issue an investigation order to the person or persons bringing the proposal.

5. Submissions invited

The public may make written submissions to the EPA on:

- Whether the EPA should issue an investigation 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 16 December 2005.

CAROLYN STRANGE,
Director,
Contaminated Sites,
Department of Environment and Conservation

Dated: 9 November 2005.

NOTE:**Investigation order may follow**

If investigation of the site or part of the site is required, the EPA may issue an investigation order under s.17 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 investigation 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 an investigation area. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the 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 601AB 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.

AUSTRALIAN FOOD NETWORK CO-OPERATIVE LTD

Dated this twenty third day of August 2005.

C. GOWLAND,
Delegate of The Registrar of Co-Operatives

CO-OPERATIVES ACT 1992

Notice under section 601AC 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 three months have passed since the publication of this notice.

SILVERWATER CLUB (CO-OPERATIVE) LIMITED,
THE

Dated this sixteenth day of November 2005.

C. GOWLAND,
Delegate of the Registrar of Co-Operatives

ELECTION FUNDING AUTHORITY OF NEW SOUTH WALES

Register of Candidates

Pittwater By-Election

CANDIDATE	PARTY AFFILIATION	CAMPAIGN HEADQUARTERS
McTAGGART, Alex	Independent	67 Park Avenue, Avalon NSW 2107
NICOLAOU, Paul	Liberal	1757 Pittwater Road, Mona Vale NSW 2103
GILES, Patricia	Christian Democratic Party	43 Bangalow Avenue, Mona Vale NSW 2103
DUNN, Robert	Independent	5/6 Waratah Street, Mona Vale NSW 2103
STEVENS, Natalie	The Greens	19 Eve Street, Erskinvale NSW 2107
NICOTRA, Mario	Australian Democrats (NSW Division)	29 Elanora Road, Elanora Heights NSW 2101

Register of Official Agents

Candidate's Name	Name and Address of Official Agent
NICOLAOU, Paul	Scott Briggs, Level 9, 140 William Street, Darlinghurst NSW 2010

COLIN BARRY,
Chairperson

Dated: 18 November 2005.

Election Funding Authority of New South Wales,
Level 20, 207 Kent Street, Sydney NSW 2000.

FIRE BRIGADES ACT 1989

Order Under Section 5(2)

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 5(2) of the Fire Brigades Act 1989, do, by this my Order, vary the Orders published in *Government Gazette* No. 35 of 13 February 2004 (Armidale), No. 154 of 26 September 2003 (Guyra and Inverell), No. 143 of 18 October 1985 (Leeton), No. 18 of 14 February 1997 (Lithgow), No. 37 of 4 March 1983 (Portland), No. 170 of 11 October 2002 (Shellharbour), No. 55 of 5 May 2000 (Sydney Fire District in Baulkham Hills Shire), No. 154 of 26 September 2003 (Tenterfield) and No. 26 of 14 March 1997 (Wallerawang), and reconstitute the Fire Districts in the following Schedule and declare that the provisions of the Fire Brigades Act shall apply to the areas described in the Schedule.

Signed at Sydney, this 2nd day of November 2005.

By Her Excellency's Command,

TONY KELLY, M.L.C.,
Minister for Emergency Services

SCHEDULE

In this Schedule, a reference to a local government area is a reference to that area with boundaries as at the date of publication of the Order in the *Government Gazette*.

Armidale Fire District

Comprising the existing Fire District in Armidale Dumaresq Council, with additions as delineated on Map No. 205/05/1 kept in the office of the NSW Fire Brigades.

Guyra Fire District

Comprising the existing Fire District in Guyra Shire, with additions as delineated on Map No. 315/05/1 kept in the office of the NSW Fire Brigades.

Inverell Fire District

Comprising the existing Fire District in Inverell Shire, with additions as delineated on Map No. 331/05/1 kept in the office of the NSW Fire Brigades.

Leeton Fire District

Comprising the existing Fire District in Leeton Shire, with additions as delineated on Map No. 360/05/1 kept in the office of the NSW Fire Brigades.

Lithgow Fire District

Comprising the existing Fire District in Lithgow City, with additions and excisions as delineated on Map No. 363/05/1 kept in the office of the NSW Fire Brigades.

Portland Fire District

Comprising the existing Fire District in Lithgow City, with additions and excisions as delineated on Map No. 423/05/1 kept in the office of the NSW Fire Brigades.

Shellharbour Fire District

Comprising the existing Fire District in Shellharbour City, with additions as delineated on Map No. 207/05/1 kept in the office of the NSW Fire Brigades.

Sydney Fire District in Baulkham Hills Shire

Comprising the existing Fire District in Baulkham Hills Shire, with additions as delineated on Map No. 094/05/1 kept in the office of the NSW Fire Brigades.

Tenterfield Fire District

Comprising the existing Fire District in Tenterfield Shire, with an additional area as delineated on Map No. 457/05/1 kept in the office of the NSW Fire Brigades.

Wallerawang Fire District

Comprising the existing Fire District in Lithgow City, with additions and deletions as delineated on Map No. 483/05/1 kept in the office of the NSW Fire Brigades.

LOCAL GOVERNMENT ACT 1993**PROCLAMATION**

(L.S.) 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 218B of the Local Government Act 1993, hereby alter the boundaries of the Area of Mid-Western Regional as described by Proclamation in *Government Gazette* No. 57 of 17 May 2005 and the Area of Upper Hunter Shire as described by Proclamation in *Government Gazette* No. 25 of 11 February 2005, by taking parts of the Area of Mid-Western Regional described in Schedule A and Schedule B hereto and adding them to the Area of Upper Hunter Shire so that the boundary of the Area of Mid-Western Regional and the boundary of the Area of Upper Hunter Shire shall be described in Schedules C and D hereto.

Signed and sealed at Sydney, this 26th day of October 2005.

By Her Excellency's Command,

The Hon. KERRY HICKEY, M.P.,
Minister for Local Government

GOD SAVE THE QUEEN!

SCHEDULE A

Area proposed to be transferred – Area 1

Area about 0.34 square kilometres. Area being Lot 139, DP 750748.

SCHEDULE B

Area proposed to be transferred – Area 2

Area about 31.29 square kilometres. Commencing at the junction of the generally south-eastern boundary of the Parish of Tomimobil, County of Bligh and the Munmurra River: and bounded thence by part of that boundary, generally south-westerly, the north-western boundary of Lot 67, DP 750757, generally south-westerly, the generally north-western and southern boundaries of Lot 66, DP 750757, generally south-westerly and easterly, the southern boundaries of lots 67 and 38, DP 750757 and their prolongation, easterly, the northern prolongation of the western boundary of Lot 55, DP 750757 and that boundary, southerly, the western, southern and part of the eastern boundaries of Lot 54, DP 750757, southerly, easterly and northerly, the generally north-western and the generally eastern boundaries of Lot 43, DP 750757, generally north-easterly and generally southerly, the generally northern and part of the eastern boundaries of Lot 125, DP 750757, generally easterly and southerly, the generally north-western, the generally north-eastern and part of the southern boundaries of Lot 136, DP 720347, generally north-easterly, generally south-easterly and westerly and part of the generally eastern boundary of Lot 119, DP 750757 and its eastern prolongation, generally southerly to the Goulburn River; by that river, downwards and Munmurra River, aforesaid, upwards to the point of commencement.

SCHEDULE C

Area of Mid-Western Regional (as altered)

Area about 8660.33 square kilometres. Commencing at the confluence of the Macquarie River and Tambaroora

Creek: and bounded thence by that creek, upwards to the generally western boundary of Hill End – Tambaroora Common; by that boundary and the northern boundary of that Common, generally northerly and easterly to a point 50 metres offset on the south-eastern side of Dixons Long Point Road; by that 50 metre offset, generally south-easterly to the south-western boundary of Lot 78, DP 756873; by part of that boundary, the north-western boundary of that lot and its prolongation, north-westerly and north-easterly to the generally south-eastern side of the road from Hill End to Hargraves; by that side of that road, generally north-easterly to, again the generally eastern boundary of the Parish of Tambaroora; by part of that boundary, generally northerly to, again the south-eastern side of the road from Hill End to Hargraves; by that side of that road, generally north-easterly to Green Valley Creek; by that creek, upwards to the generally northern boundary of the Parish of Cunningham; by part of that boundary generally easterly to Crudine River; by that river downwards and Turon River aforesaid, and Round Swamp Creek upwards to the western prolongation of the southern boundary of Portion 34, Parish of Hearne, County of Roxburgh; by that prolongation and boundary, the southern and eastern boundaries of Portion 85, the eastern boundary of Portion 96 and part of the western boundary of Portion 152 easterly and northerly and the western prolongation of the northernmost boundary of the lastmentioned portion westerly for a distance of approximately 217 metres; by lines northerly 370 metres, easterly 80 metres and again northerly 446 metres to the western prolongation of the southern boundary of Portion 156; by that prolongation easterly and the western and part of the northern boundaries of that portion northerly and easterly to the generally western boundary of the Parish of Airly; by part of that boundary generally northerly to the Great Dividing Range; by that range, generally north-easterly and generally north-westerly to the source of Coricudgy Creek at Mount Coricudgy; by that creek and Widdin Brook downwards to the southern prolongation of the western boundary of Portion 31, Parish of Pomany, County of Phillip; by that prolongation, boundary and its prolongation northerly to the range forming the eastern watershed of Emu Creek; by that range generally northerly to the eastern prolongation of the southern boundary of Portion 72, Parish of Simpson; by that prolongation easterly for a distance of approximately 115 metres; by a line northerly to the eastern prolongation of the southern boundary of Portion 44, Parish of Widdin; by that prolongation westerly and the eastern and northern boundaries of that portion northerly and westerly to its north-western corner; by a line north-westerly to Cedar Creek; by a line westerly to The Livery Stable; by part of the generally north-western boundary of the Parish of Simpson generally north-easterly to the eastern prolongation of the generally southern boundary of the Parish of Bylong; by that prolongation westerly to the range forming the eastern watershed of Reedy, Wattle and Stockyard Creeks; by that range and the range forming the north-western watershed of Birds Creek and Kerrabee Arm generally north-easterly to the western boundary of Portion 34, Parish of Kerrabee; by part of that boundary and the northern boundary of that portion and its prolongation northerly and easterly to Goulburn River; by that river, upwards to the southern prolongation of the western boundary of Lot 55, DP 704134; by that prolongation, boundary and the western boundary of Lot 56, DP 704134 and its prolongation, northerly to, again, Goulburn River; by that river, upwards to the eastern prolongation of the southern boundary of Lot 43, DP 755422; by that prolongation and boundary, westerly, the generally south-western boundaries

of the previous lot and Lot 44, DP 755422, generally north-westerly, the western and part of the northern boundaries of Lot 53, DP 704125, northerly and easterly, the western and northern boundaries of Lot 20, DP 755422, northerly and easterly, part of the western and part of the northern boundaries of Lot 29, DP 755422, northerly and easterly, the western boundary of Lot 17, DP 755422, northerly, the western and northern boundaries of Lot 18, DP 755422 and its prolongation, northerly and easterly to, again, Goulburn River; by that river, upwards, to the eastern prolongation of part of the generally eastern boundary of Lot 119, DP 750757; by that prolongation and boundary, generally northerly, part of the southern, the generally north-eastern and the generally north-western boundaries of Lot 136, DP 720347, easterly, generally north-westerly and generally south-westerly, part of the eastern and the generally northern boundaries of Lot 125, DP 750757, northerly and generally westerly, the generally eastern and generally north-western boundaries of Lot 43, DP 750757, generally northerly and generally south-westerly, part of the eastern, the southern and western boundaries of Lot 54, DP 750757, southerly, westerly and northerly, the western boundary of Lot 55, DP 750757 and its prolongation, northerly, the eastern prolongation of the southern boundary of Lot 38, DP 750757, that boundary and the southern boundary of Lot 67, DP 750757, westerly, the southern and generally north-western boundaries of Lot 66, DP 750757, westerly and generally north-easterly, the generally north-western boundary of Lot 67, DP 750757, generally north-easterly, part of generally south-eastern boundary of the Parish of Tomimbil, generally south-westerly to the southern prolongation of the western boundary of Lot 92, DP 750769; by that prolongation, boundary and part of the northern boundary of that lot, northerly and easterly, the western boundaries of Lots 91 and 21, DP 750769, northerly, part of the southern boundaries of Lots 51 and 20, DP 750769, westerly, the eastern, southern and western boundaries of Lot 3, DP 820707, southerly, westerly and northerly, the western boundary of Lot 98, DP 750769, northerly, part of the southern boundary of Lot 63, DP 750769, westerly, the northern prolongation of the eastern boundary of Lot 6, DP 256129, that boundary, a line, the eastern boundary of Lot 7, DP 256129 and its prolongation, southerly, the eastern and southern boundaries of Lot Pt 96, DP 750769, southerly and westerly, the southern boundary of Lot 94, DP 750769, westerly, part of the eastern and part of the southern boundaries of Lot 99, DP 750748, southerly and westerly, the northern prolongation of the eastern boundary of Lot 139, DP 750757, that boundary and the southern, the generally south-western and part of the north-western boundaries of that lot, southerly, westerly, generally north-westerly and north-easterly, the southern prolongation of the western boundary of Lot 29, DP 750748 and that boundary, northerly, the southern boundaries of Lots 30, 37, 20 and 72, DP 750748, westerly, part of the eastern, the southern and western boundaries of Lot 76, DP 750748, southerly, westerly and northerly, the generally south-western boundary of Lot 153, DP 750748, generally north-westerly, the generally southern and part of the generally western boundaries of Lot 160, DP 750748, generally westerly and generally northerly, part of the northern boundary of Lot 134, DP 750748 westerly and the western boundary of Lot 128, DP 750748, northerly to the Great Dividing Range; by that range, generally south-westerly, the generally south-eastern boundary of the Parish of Nandoura, generally south-westerly, the northern, the generally north-western and the generally south-western boundaries of Portion 138, westerly, generally south-westerly and generally south-easterly, again,

the generally south-eastern boundary of the Parish of Nandoura, generally southerly, the generally northern boundary of the Parish of Bligh, generally westerly and part of the eastern boundary of the Parish of Bungaba, northerly to the Talbragar River, aforesaid; by that river, downwards to the generally southern boundary of the Parish of Wargundy; by part of that boundary, generally westerly and generally southerly, the north-eastern, north-western and south-western boundaries of land Ms 16980e, north-westerly, south-westerly and south-easterly, again, the generally southern boundary of the Parish of Wargundy, generally westerly, part of the generally south-eastern boundary of the County of Lincoln, generally southerly, the eastern boundaries of Portions 119, 29, a line, 23 and 24, Parish of Rouse, County of Bligh, southerly, the eastern, southern and part of the western boundaries of Portion 25, southerly, westerly and northerly, part of the southern boundary of Portion 26, westerly, the northern prolongation of the eastern boundary of Portion 184, that boundary, southerly, the southern boundaries of the last mentioned portion and Portions 33 and 44, westerly, again, part of the generally south-eastern boundary of the County of Lincoln, generally south-westerly, the generally southern boundary of the Parish of Worobil, County of Bligh, generally easterly to the Cudgegong River; by that river, downwards and Meroo Creek; upwards to the northern prolongation of the eastern boundaries of Portions Pt 17 and 51, Parish of Canning, County of Wellington; by that prolongation and boundaries, southerly, the generally south-western boundaries of Portions 34, 20, 22, 32 and 31 generally, south-easterly, the generally north-eastern boundaries of Portions 10, 14 and 21, Parish of Suttor, generally south-westerly, the northern and eastern boundaries of Portion 12, easterly and southerly, the eastern boundary of Portion 11 and its prolongation, southerly to Gundowda Creek; by that creek, downwards and Black Willow Creek, upwards to the northern prolongation of the generally western boundary of Portion 39, Parish of Walters; by that boundary and part of the southern boundary of that portion, generally southerly and easterly, the western boundaries of Portions 60 and 50, southerly and part of the northern boundary of the Parish of Triamble, westerly to the Macquarie River; by that river, aforesaid, upwards to the point of commencement.

SCHEDULE D

Area of Upper Hunter Shire (as altered)

Area about 8091.84 square kilometres: Commencing at the junction of Dart Brook with the Hunter River; and bounded thence by that river upwards to the north-western corner of portion 123, parish of Russell, county of Durham; by a line along the northern boundary of that portion and the northern boundary of portion 122 easterly to a point about 15 chains east of the south-western corner of portion 128; by a line north-easterly to the southernmost corner of portion 131; by the generally south-eastern boundary of that portion and portion 132 generally north-easterly to the easternmost south-eastern corner of the latter portion; by a line easterly to the northern-most corner of portion 82; by part of the generally southern boundary of 135 generally easterly to the south-eastern corner of that portion; by the southernmost boundary and the generally south-eastern boundary of portion 120 and the generally south-eastern boundary of portion 83 easterly and generally north-easterly to the southern boundary of portion 44; by part of the southern boundary of that portion, the southern boundary of portion 42, the southern boundary and part of the eastern boundary of portion 41 and the

southern boundary of portion 7, easterly, northerly and again easterly to the western boundary of portion 150, parish of St. Aubins; by part of that boundary and the southern boundary of that portion and the southern boundary of portion 149, southerly and easterly to the south-eastern corner of the latter portion; by the generally southern boundary of portion 164, the south-western and south-eastern boundaries of portion 26 and the generally northern boundary of portion 146, generally easterly to the western boundary of portion 12; by part of that boundary, the northern boundary of that portion and a line along the northern boundary of portions 13 and 14, northerly and easterly to the western boundary of portion 266, parish of Tudor; by part of that boundary and a line along the southern boundary of that portion southerly and easterly to the south-western boundary of portion 268; by a line along the south-western boundary of portions 268, 271 and 272 and the southern boundary of the lastmentioned portion, south-easterly and easterly to the south-eastern corner of the said portion 272; by part of the eastern boundary of that portion and a line along the southern boundary of portions 276, 280 and 283, northerly and easterly to the north-western corner of portion 287; by a line along the western, southern and eastern boundaries of portion 287, southerly, easterly and northerly to the north-western corner of portion 295; by a line along the northern and eastern boundaries of that portion easterly and southerly to the northern boundary of portion 298; by a line along that boundary easterly to the western boundary of portion 319; by part of that boundary and the western boundary of portion 320 southerly to the south-western corner of the latter portion; by the southern boundary of that portion easterly; by the westernmost, the northern and north-eastern boundaries of 302, parish of Foy and the north-eastern boundaries of portions 301, 300 and 299, northerly and generally south-easterly to the westernmost boundary of portion 80, parish of Rosamond; by the range dividing the waters of Fal Brook and Davis Creek through portion 80 generally north-easterly to the easternmost boundary of that portion; again by that range forming the south-eastern boundary of the said parish of Rosamond generally north-easterly to the Mount Royal Range; by that range generally northerly to the source of the Manning River; by that river downwards to its confluence with Kangaroo Creek; by that creek upwards to the south-western corner of portion 113, parish of Myra, county of Hawes; by a line along the western boundary of that portion and portions 107 and 10 northerly to Pigna Barney River; by that river upwards to the south-western corner of portion 28, parish of Curricabark; by a line along the western boundary of that portion, the westernmost boundary of portions 29 and 19 and the western boundary of portion 37 of the said parish of Curricabark, the westernmost boundary of portion 37, parish of Mernot, and the western boundary of portion 36 northerly to McKenzies Creek; by that creek downwards to its confluence with the Barnard River at the north-western corner to portion 23; by a line north-easterly to the south-western corner of portion 8, parish of Hall; by a line along the western boundary of that portion northerly to Tuggolo or Lawsons Creek; by that creek upwards to the northernmost corner of portion 7 of the said parish of Hall; by a western, a northern and the westernmost boundary of that portion, southerly, westerly and again southerly to the Barnard River; by that river upwards to the north-western corner of portion 10, parish of Barry; by a line along the western boundary of that portion southerly to Ben Halls Creek; by that creek upwards to the northern boundary of portion 13; by part of that boundary westerly to the north-western corner of the said portion 13; by part of the western boundary of the said

parish of Barry generally southerly to the southernmost corner of portion 34, parish of Yeerawun; by part of the generally northern boundary of the County of Brisbane, generally westerly, part of the generally western boundary of Lot 222, DP 750952, generally easterly and generally southerly, the generally north-eastern, the generally south-eastern and part of the generally south-western boundaries of Lot 1, DP 732462, generally south-easterly, generally south-westerly and generally north-westerly, the generally eastern and the generally southern boundaries of Lot 2, DP732462, generally southerly and generally westerly to the generally northern boundary of the County of Brisbane, aforesaid; by that boundary and the generally northern boundary of the County of Bligh generally westerly, part of the generally western boundary of Portion 12, Parish of Cunna, generally southerly and part of the generally northern boundary of Portion 77, parish of Warung, generally westerly to the Talbragar River; by that river downwards to the generally northern boundary of the Parish of Nandoura; by that boundary and part of the generally south-eastern boundary of that parish, generally easterly and generally south-westerly to the Great Dividing Range, on the southern boundary of Portion 215; by that range generally south-westerly to the western boundary of Lot 128, DP 750748; by that boundary, southerly, part of the northern boundary of Lot 134, DP 750748, easterly, the generally western and the generally southern boundaries of Lot 160, DP 750748, generally southerly and generally easterly, the generally south-western boundary of Lot 153, DP 750748, generally south-easterly, the western, southern and part of the eastern boundaries of Lot 76, DP 750748, southerly, easterly and northerly, the southern boundaries of Lots 72, 20, 37 and 30, easterly, the western boundary of Lot 29, DP 750748 and its prolongation, southerly, part of the north-western, the generally south-eastern, the southern and the western boundaries of Lot 139, DP 750748 and its prolongation, south-westerly, generally south-easterly, easterly and northerly, part of the southern boundary of Lot 99, DP 750748, and part of the eastern boundary of that lot, easterly and northerly, the southern boundary of Lot 94, DP 750769 easterly, the southern and eastern boundaries of Lot Pt 96, DP 750769, easterly and northerly, the southern prolongation of the eastern boundary of Lot 7, DP 256129, that boundary, a line, the eastern boundary of Lot 6, DP 256129 and its prolongation, northerly, part of the southern boundary of Lot 63, DP 750769, easterly, the western boundary of Lot 98, DP 750769, southerly, the western, southern and eastern boundaries of Lot 3, DP 820707, southerly, easterly and northerly, part of the southern boundaries of Lot 20 and 51, DP 750769, easterly, the western boundaries of Lots 21 and 91, DP 750769, southerly, part of the northern and the western boundaries of Lot 92, DP 750769 and its prolongation, westerly and southerly, the generally south-eastern boundary of the Parish of Tomimibil, generally north-easterly, the north-western boundary of Lot 67, DP 750757, generally south-westerly, the generally north-western and southern boundaries of Lot 66, DP 750757, generally south-westerly and easterly, the southern boundaries of lots 67 and 38, DP 750757 and their prolongation, easterly, the northern prolongation of the western boundary of Lot 55, DP 750757 and that boundary, southerly, the western, southern and part of the eastern boundaries of Lot 54, DP 750757, southerly, easterly and northerly, the generally north-western and the generally eastern boundaries of Lot 43, DP 750757, generally north-easterly and generally southerly, the generally northern and part of the eastern boundaries of Lot 125, DP 750757, generally easterly and southerly, the generally north-western,

the generally north-eastern and part of the southern boundaries of Lot 136, DP 720347, generally north-easterly, generally south-easterly and westerly and part of the generally eastern boundary of Lot 119, DP 750757 and its eastern prolongation, generally southerly to the Goulburn River; by that river downwards to the eastern prolongation of the northern boundary of Lot 18, D.P. 755422, by that prolongation and boundary westerly, the western boundaries of that lot and Lot 17, D.P. 755422 southerly, part of the northern and part of the western boundaries of Lot 29, D.P. 755422 westerly and southerly, the northern and western boundaries of Lot 20, D.P. 755422 westerly and southerly, part of the northern and western boundaries of Lot 53, D.P. 704125 westerly and southerly, the south-western boundary of Lot 44, D.P. 755422 and its prolongation south-easterly, the generally south-western and southern boundaries and its prolongation of Lot 43, D.P. 755422 generally south-easterly and easterly to Goulburn River, aforesaid, by that river downwards to the northern prolongation of the western boundary Lot 56, D.P. 704134 by that prolongation, boundary and the western boundary of Lot 55 and its prolongation southerly to Goulburn River, aforesaid and by that river downwards to the north-western corner of portion 25, parish of Dangar, county of Brisbane; by a line along the northern boundary of portions 25 and 26 and the western boundary of portion 29, easterly and northerly to the range forming the generally eastern watershed of Smith's Rivulet of Merriwa Creek; by that range generally north-easterly to the range forming the generally south-western watershed of Worondi Rivulet; by the latter range generally south-easterly to the northernmost corner of portion 93; by the generally north-eastern boundary of that portion and part of the northern boundary of portion 88 generally south-easterly and easterly to the western boundary of portion 38, parish of Wickham; by part of the western, the northern and part of the eastern boundary of that portion northerly, easterly and southerly to the north-western corner of portion 50; by the northern boundary of that portion, part of the western boundary and the northern boundary of portion 305, easterly, northerly and again easterly to the western boundary of portion 61; by a line along that boundary northerly to the southern boundary of portion 353; by part of that boundary and the southernmost boundary of portion 235 westerly to the south-western corner of the lastmentioned portion; by the generally western and northern boundaries of the said portion 235, generally northerly and easterly to the western boundary of portion 354; by part of that boundary and a line along the northern boundary of portion 354; northerly and easterly to the western boundary of portion 32; by part of that boundary northerly to the south-eastern corner of portion 249; by boundaries of that portion generally westerly, northerly and easterly to the western boundary of portion 126; by a line along the western boundary of that portion northerly to the southern boundary of portion 131; by part of the southern boundary and the western boundary of that portion westerly and northerly; by a line along the northern boundary of portions 131, 47 and 33 easterly to the south-western corner of portion 312; by the western boundary of that portion northerly to the southern boundary of portion 222; by boundaries of that portion westerly, northerly and easterly to the south-western corner of portion 213; by boundaries of portion 213 northerly and easterly to the western boundary of portion 185; by part of that boundary and a line along the western and northern boundaries of portion 184, northerly and easterly to a point south of the south-eastern corner of portion 138; by a line along the eastern boundary of portion 138 northerly to Gungal or Halls Creek; by that creek

upwards to the south-western corner of portion 9, parish of Myrabluan; by the southern boundary of that parish generally easterly to Wybong Creek; by that creek downwards to the south-western corner of portion 4 Rem, Parish of Guan Gua; by a line along the southernmost boundary of that portion easterly to the south-western corner of portion 1, parish of Halscot; by the southern boundary of that Parish and the Parish of Strathearn generally easterly to Dart Brook; and by that brook downwards to the point of commencement.

POISONS AND THERAPEUTIC GOODS ACT, 1966

ORDER UNDER CLAUSE 171(1)

POISONS AND THERAPEUTIC GOODS REGULATION 2002

Restoration of Drug Authority

IN accordance with the provisions of clause 171 (1) of the Poisons and Therapeutic Goods Regulation 2002, a direction has been issued that the withdrawal of authority of Hannah Kate Burns, of 1 Pearson Ave Gordon 2072, to be in possession of or supply drugs of addiction as authorised by clauses 101 and 103 of the Regulation for the purposes of her profession as a nurse, shall cease to operate from 16 November 2005.

ROBYN KRUK,
Director-General

Department of Health, New South Wales,
Sydney, 14 November 2005

STATUTORY AND OTHER OFFICES REMUNERATION ACT 1975

ERRATUM

THE Annual Report and Determination of the Judges Magistrates and Related Group: Conveyance Allowance of 25 October 2005 is amended as set out hereunder

DETERMINATION No 5:

CONVEYANCE ALLOWANCE effective on and from 1 October 2005

Full time Office Holders receiving salary as, or equivalent to a Supreme Court Judge or higher shall be entitled to a Conveyance Allowance of \$20,500 pa.

Full time Office Holders receiving salary as, or equivalent to a District Court Judge shall be entitled to a Conveyance Allowance of \$18,450 pa.

Full time Office Holders receiving salary below that of a District Court Judge shall be entitled to a Conveyance Allowance of \$14,760 pa.

The Conveyance Allowance here determined shall not count towards Judges' pension or for superannuation purposes.

HELEN WRIGHT,
Statutory and Other Offices
Remuneration Tribunal

TRANSPORT ADMINISTRATION ACT 1988**RAILCORP****AMENDMENTS TO COUNTRYLINK BUSINESS
RULES MANUAL TAKING INTO ACCOUNT THE
COUNTRYLINK FARE REVIEW EFFECTIVE
1 NOVEMBER 2005.**

Order No. 83

RAILCORP NEW SOUTH WALES in pursuance of the Transport Administration Act 1988 and section 85 thereof, hereby makes the following order:

1. The Order shall take effect on 1 November 2005.
2. The handbook issued by the Authority entitled "CountryLink Business Rules Manual" adopted and incorporated by reference to Order No. 71 published in Government Gazette No 114 of 29 July 1998 is amended. See attachments.

By omitting page 6-7, CountryLink Fare Scale and by inserting instead:

CountryLink Fare Scale - Effective 1 November 2005

Charging Adult	Child/Student/Concession					
<i>Units Not Exceeding</i>	<i>F Class Single \$</i>	<i>Y Class Single \$</i>	<i>Change of Class \$</i>	<i>F Class Single \$</i>	<i>Y Class Single \$</i>	<i>Change of Class \$</i>
46	7.70	6.60	1.10	4.40	3.30	1.10
56	13.20	8.80	4.40	6.60	4.40	2.20
66	15.40	11.00	4.40	7.70	5.50	2.20
75	17.60	13.20	4.40	8.80	6.60	2.20
84	18.70	14.30	4.40	9.90	7.70	2.20
99	23.10	15.40	7.70	12.10	7.70	4.40
109	26.40	17.60	8.80	13.20	8.80	4.40
119	28.60	18.70	9.90	14.30	9.90	4.40
129	29.70	20.90	8.80	15.40	11.00	4.40
149	34.10	25.30	8.80	17.60	13.20	4.40
169	38.50	28.60	9.90	19.80	14.30	5.50
189	44.00	31.90	12.10	22.00	16.50	5.50
209	48.40	34.10	14.30	24.20	17.60	6.60
229	50.60	38.50	12.10	25.30	19.80	5.50
249	58.30	42.90	15.40	29.70	22.00	7.70
269	63.80	45.10	18.70	31.90	23.10	8.80
289	69.30	47.30	22.00	35.20	24.20	11.00
309	71.50	50.60	20.90	36.30	25.30	11.00
329	75.90	53.90	22.00	38.50	27.50	11.00
349	80.30	58.30	22.00	40.70	29.70	11.00
374	85.80	63.80	22.00	42.90	31.90	11.00
399	92.40	68.20	24.20	46.20	34.10	12.10
424	99.00	71.50	27.50	49.50	36.30	13.20
449	103.40	74.80	28.60	51.70	37.40	14.30
499	114.40	80.30	34.10	57.20	40.70	16.50
549	119.90	84.70	35.20	60.50	42.90	17.60
599	125.40	90.20	35.20	62.70	45.10	17.60
699	135.30	97.90	37.40	68.20	49.50	18.70
799	144.10	102.30	41.80	72.60	51.70	20.90
899	154.00	110.00	44.00	7.00	55.00	22.00
999	162.80	118.80	44.00	81.40	59.40	22.00
1099	174.90	124.30	50.60	88.00	62.70	25.30
1199	183.70	132.00	51.70	92.40	66.00	26.40
1299	194.70	139.70	55.00	97.90	70.40	27.50
1399	205.70	146.30	59.40	103.40	73.70	29.70
1499	216.70	154.00	62.70	108.90	77.00	31.90
1599	224.40	158.40	66.00	112.20	79.20	33.00
1699	237.60	167.20	70.40	118.80	83.60	35.20
1799	246.40	177.10	69.30	123.20	89.10	34.10
1899	255.20	181.50	73.70	127.60	91.30	36.30
1999	266.20	192.50	73.70	133.10	96.80	36.30
2099	278.30	201.30	77.00	139.70	101.20	38.50
2199	290.40	210.10	80.30	145.20	105.60	39.60
2299	298.10	221.10	77.00	149.60	111.10	38.50
2399	309.10	227.70	81.40	155.10	114.40	40.70
2499	322.30	238.70	83.60	161.70	119.90	41.80
2599	331.10	249.70	81.40	166.10	125.40	40.70

By omitting clause iii, page 35-16, inserting instead:

- iii. The charge will be \$6.60 per single journey and \$13.20 per return journey.

By omitting clause (b), page 8-9, inserting instead:

- (b) Passenger occupying a sleeping berth is required to pay a first class rail fare and a Sleeping Berth Charge of \$88.00.

**THREATENED SPECIES CONSERVATION ACT
1995**

Notice of Final Determinations

Additions to Schedules

THE Scientific Committee, established by the Threatened Species Conservation Act, has made Final Determinations to list the following in the relevant Schedules of the Act.

Endangered Population (Part 2 of Schedule 1)

White's skink, *Egernia whitti* (Lacépède, 1804) population in the Broken Hill Complex Bioregion.

Vulnerable Species (Part 1 of Schedule 2)

Pomaderris bodalla, a shrub N.G. Walsh & F.Coates

Prostanthera spinosa, a shrub F.Muell

Notice of Final Determination

Removal from the Schedule

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to remove the skink *Egernia margaretae* Storr, 1968 from the Schedules of the Act by omitting reference to this species from Part 1 of Schedule 1 (Endangered Species) of the Act.

Copies of the Determinations, which contain the reasons for the determinations, may be obtained free of charge on the Internet www.nationalparks.nsw.gov.au, by contacting the Scientific Committee Unit, PO Box 1967, Hurstville NSW 2220, tel.: (02) 9585 6940 or fax (02) 9585 6606 or in person at the Department of Environment and Conservation Information Centre, Level 14, 59-61 Goulburn Street, Sydney. Copies of the determinations may also be obtained from National Parks and Wildlife Service Area Offices and Visitor Centres, subject to availability.

Dr LESLEY HUGHES,
Chairperson

RURAL LANDS PROTECTION ACT 1998
STOCK IDENTIFICATION SCHEMES

The State Council of Rural Lands Protection Boards, pursuant to Clause 59 of the *Rural Lands Protection (General) Regulation 2001*, makes the following Order in relation to the identification of stock.

Steve Orr
Chief Executive Officer
State Council of Rural Lands Protection Boards

State Council Stock Identification Schemes Order 2005

Explanatory Note

The stock identification schemes referred to in this order replace those that were previously prescribed under the *Rural Lands Protection Act 1989*. Clause 59 of the *Rural Lands Protection (General) Regulation 2001* enables the State Council to establish the schemes referred to in this Order.

Name of Order

This Order is called the State Council Stock Identification Schemes Order 2005.

Date of Commencement

This Order commences on 1 January 2006

Details of Requirements of Order

The stock identification requirements specified in the Schedule below are to be implemented as the State Council Stock Identification Schemes Order 2005.

SCHEDULE

STATE COUNCIL

STOCK IDENTIFICATION SCHEMES ORDER 2005

1. PREAMBLE:

Matters pertaining to the identification of stock were prescribed in the *Rural Lands Protection Act 1989* and the *Rural Lands Protection Regulation 1995*. These details primarily related to the branding and earmarking of stock.

When that Act was replaced with the *Rural Lands Protection Act 1998*, the details that were prescribed in the former Act and Regulation were no longer prescribed in the legislation. However, Clause 59 (1) of the *Rural Lands Protection (General) Regulation 2001* states ñ

59(1) The State Council may establish a scheme or schemes for identification of stock (whether on a compulsory or voluntary basis).

As indicated above, it is not mandatory for State Council to establish a scheme or schemes of stock identification under Clause 59(1). However, State Council believes it is in the best interests of stockowners and others to have available schemes of stock identification. This is because of their value in providing evidence of stock ownership, their possible value in acting as a deterrent against stock theft and their sustained use by stockowners and others as a means of stock identification.

It has therefore been decided to adopt the stock identification schemes referred to in this document. The schemes in this document reflect those that were prescribed under the Act referred to above in many ways. However, the text and layout has been simplified, and there have been other modifications in light of relatively recent developments in the broader sphere of stock identification, particularly the National Livestock Identification Schemes (NLIS) for sheep and cattle, which are Safemeat programs managed by Meat and Livestock Australia.

Nothing in the State Council Stock Identification System shall in any way affect the administration and implementation of the NLIS.

2. PARAMETERS OF THE STATE COUNCIL SCHEMES:

Clause 59(2) of the Rural Lands Protection (General) Regulation 2001 states ñ

59(2) The State Council may, by order published in the Gazette, for the purposes of a stock identification scheme:

- (a) specify brands, marks or other means of identifying particular stock or a class of stock as the authorised identifiers for the specified stock or class of stock,*
- (b) require devices for applying authorised stock identifiers to be constructed to specifications described in the order,*
- (c) specify a distinctive manner of application of authorised stock identifiers,*
- (d) require the compulsory identification of stock by the owner or person in charge of stock or specified stock or as class of stock by authorised stock identifiers, applied in such a manner and in such circumstances as are specified by the State Council,*
- (e) require approval to be obtained from a board before stock are identified (whether on a compulsory or voluntary basis) by application of authorised stock identifiers,*
- (f) require the keeping of records and compilation of data relating to stock identified under the scheme,*
- (g) make any other provision necessary to give effect to the scheme.*

The schemes developed by State Council fall within the parameters referred to in the above-mentioned Clause.

In this document ñsystemî refers to the entire contents of this document, and ñschemeî refers to matters relating to an individual method of identifying a particular species, eg, the earmarking scheme for sheep.

State Council reserves the right to modify the stock identification system at any time as required.

3. COMMENCEMENT OF SCHEMES

The stock identification schemes referred to in this document commence on 1 January 2006. From that date the transition Clause 30 in Schedule 7 of the Act no longer applies (see Savings and Transitional Provisions on back page of this document).

4. DEFINITIONS

In this document:

ñ**Actî** means the *Rural Lands Protection Act 1998*;

ñ**Boardî** means a Rural Lands Protection Board established under the Rural Lands Protection Act 1998;

"**Board brand**" means a brand design registered under Part 5;

ñ**brandî** means an identifier of stock that conforms to the requirements of this document;

ñ**districtî** means a Rural Lands Protection District established under the Rural Lands Protection Act 1998;

ñ**District Registrarî** in relation to a district means the Administrative Officer (or the counterpart position) of the Board established for the district;

ñ**large stockî** means horses, cattle and, for the purposes of stock identification, the following types of deer ñ Rusa (*Cervus timorensis*), Red (*Cervus elephas*), Wapiti/Elk (*Cervus canadensis*) Sambar (*Cervus unicolor*);

ñ**non-registered brandî** means a brand not registered under this system;

ñ**permanent stock identifierî** means an identifier of stock under the relevant scheme operated in New South Wales under the *Stock Diseases Act 1923*;

registered means registered with a District Registrar (or, in the case of symbol brands, registered with the Registrar of Symbol Brands);

Registrar of Symbol Brands means the office appointed by the State Council from time to time to register symbol brand allocations (the Registrar of Symbol Brands for all Rural Lands Protection Districts in NSW is based at the South Coast Rural Lands Protection Board's Milton office);

Section means a component of this system relating to a particular topic;

small stock means sheep or goats (but for the purposes of stock identification, the earmarking of feral goats shall be optional) and, for the purposes of stock identification, the following types of deer – Fallow (*Dama dama*), Chital (*Axis axis*);

State Council means the statutory body of that name established under the *Rural Lands Protection Act 1998*;

stock includes sheep, cattle, horses, goats and deer and any other kind of animal that may be proclaimed in the Government Gazette by the State Council for the purposes of this system;

"symbol brand" means a brand design registered under Part 5;

system means the State Council stock identification system.

5. SCHEMES FOR IDENTIFICATION OF LARGE STOCK

5.1 INTRODUCTION

The identification of cattle under this scheme shall be voluntary. (However, the identification of cattle is now compulsory under the National Livestock Identification Scheme (cattle) from 1 July 2005.) The stock identification methodologies in this document operate independently of that operating under the National Livestock Identification System (NLIS – cattle).

The identification of horses shall also be voluntary.

5.2 METHODS OF IDENTIFICATION OF LARGE STOCK

There shall be three basic methodologies for the optional identification of large stock under this scheme. These methodologies are –

- branding
- earmarking
- tattooing

5.3 BRANDING

There shall be two basic types of registered brand for large stock. These two basic types are –

- (a) symbol brands; and
- (b) Board brands.

Brands referred to in this document may be applied as either a firebrand or freezebrand.

5.4 SYMBOL BRANDS FOR LARGE STOCK

5.4.1 What is a symbol brand?

A symbol brand is basically a design involving one symbol allocated from those referred to in the document entitled *Large Stock Brands Directory of NSW*, VCN Blight, Government Printer, 1967 and any subsequent directories of large stock symbol brands issued by NSW Agriculture. Symbol brands are those formerly administered under the *Registration of Stock Brands Act 1921*, and then deemed to be registered under the *Rural Lands Protection Act 1989*.

An example of a symbol brand is depicted below -



Any continuing registration of such brands shall be deemed to be effected under the *Rural Lands Protection Act 1998*.

5.4.2 Inability to register a symbol brand design for application to large stock

No fresh allocations of symbol brand designs shall be permitted by a District Registrar or the Registrar of Symbol Brands under any circumstances. All new allocations of brands are to be of the Board brand type.

5.4.3 Renewal of registration of symbol brands

The annual renewal of a registration of a symbol brand design is permitted, subject to the conditions prescribed in the system.

An application for the renewal of a symbol brand shall be made by the person to whom the brand is registered and such application:

- (a) shall be in writing on the form supplied by the district registrar (the application for renewal may be made on an Annual Return form lodged under Section 76 of the *Rural Lands Protection Act 1998* if the District Registrar so approves); and
- (b) if the applicant is not a ratepayer of the Board, the application shall be accompanied by the fee (if any) set by the Board, and that fee is not to exceed a maximum fee that may be set from time to time by the State Council.

No fee is payable for the annual renewal of a symbol brand registration if the proprietor of the symbol brand is a ratepayer of the Board.

It shall be the responsibility of the person lodging the application for renewal to ensure that any other co-proprietors of the symbol brand agree to the proposed renewal before the application is lodged.

5.4.4 Transfer of registration of symbol brands to another person

A symbol brand registration may be transferred to another person nominated by the proprietor of the symbol brand, subject to the conditions prescribed in the system. However, once the registration of a symbol brand is cancelled or otherwise lapses it cannot be re-registered again.

An application for the transfer of registration of a symbol brand must be lodged with the District Registrar for the district in which the brand is intended to be held. It shall be the responsibility of the person lodging the application for transfer to ensure that any other co-proprietors of the symbol brand agree to the proposed transfer before the application is lodged.

An application for the registration of such a transfer must:

- (a) be in writing and contain the following particulars ñ
 1. The full name and residential address of the registered proprietor who is proposing to transfer the symbol brand design concerned;
 2. Particulars of the symbol brand design to be transferred sufficient to identify the design;
 3. The full name and residential address of the person to whom the brand is to be transferred;
 4. Particulars sufficient to identify any holding(s) (if any) on which the transferee keeps stock.

5. The Property Identification Code (PIC) number (if any) of the property on which the brand is normally used,

and be lodgement of the application is to include :

- (i) if available, the current certificate of registration for the design to which the transfer relates; and
- (ii) a transfer fee set by the Board, that is not to exceed a maximum fee (if any) set by State Council from time to time.

A request to transfer a symbol brand may be lodged on a transfer request form, or by a letter the contents of which are acceptable to the District Registrar.

If satisfied with the details shown on the application, the District Registrar is to record the transfer on the local register issue the certificate of registration. The District registrar is also to then refer the application to the Registrar of Symbol Brands (at the Milton office of the South Coast Rural Lands Protection Board) for transfer of the registration on the State register.

The Registrar of Symbol Brands shall, if the details on the application appear to be in order, transfer the registration of the brand on the State register.

If a District Registrar has any doubt about the validity of a transfer of a symbol brand, she or he shall consult with the Registrar of Symbol Brands prior to effecting such transfer.

5.4.5 Death of proprietor of symbol brand

If the person who is the registered proprietor of a symbol brand design dies, the executor or administrator of that person's estate is entitled to use the design for a period of 12 months after the person's death.

Within the period of 12 months referred to above, the executor or administrator concerned may make an application to the appropriate District Registrar:

- (a) to be personally registered as the proprietor of the symbol brand; or
- (b) for the person beneficially entitled to the design to be registered as the proprietor of the design.

An application under this section must:

- (a) be in writing and contain the following particulars -
 1. The full name of the executor or administrator who is making the application and the applicant's residential address;
 2. A statement as to whether the applicant is the executor or administrator of the deceased's estate and whether the applicant is applying to be personally registered as the proprietor of the symbol brand design, or applying for the person beneficially entitled to the design to be registered as the proprietor of the design;
 3. The deceased registered proprietor's full name and residential address;
 4. Date of the deceased registered proprietor's death;
 5. Particulars of the symbol brand design belonging to the deceased registered proprietor sufficient to identify the design;
 6. The name and full residential address of the beneficiary entitled to ownership of the symbol brand design on the death of the registered proprietor; and
 7. Particulars sufficient to identify any holding (being a holding located in the district concerned) on which the beneficiary keeps stock,

and be accompanied by:

- (i) the current certificate of registration for the design; and
- (ii) evidence of the death of the registered proprietor; and
- (iii) the fee (if any) set by the Board, which must not exceed a maximum fee set from time to time by the State Council.

If satisfied with the details shown on the application, the District Registrar is to refer the application to the Registrar of Symbol Brands (at the Milton office of the South Coast Rural Lands Protection Board) for transfer of the registration.

The Registrar of Symbol Brands shall, if the details on the application appear to be in order, transfer the registration of the brand. The Registrar of Symbol Brands shall also advise the District Registrar and the applicant of the transferred registration of the subject symbol brand.

5.4.6 Cancellation of symbol brand registrations

A person must advise the District Registrar in writing if the registration of a symbol brand is no longer required. The District Registrar must promptly advise the Registrar of Symbol Brands in writing of such advice, and the Registrar of Symbol Brands must cancel the registration of the subject symbol brand. Written advice of such cancellation is to be provided by the Registrar of Symbol Brands to the District Registrar and the former proprietor of the symbol brand.

No person is to use a symbol brand that has been cancelled by the Registrar of Symbol Brands.

5.4.7 Details of the register of symbol brands may be required

The State Council may require a District Registrar or the Registrar of Symbol Brands to supply to it a copy of all or part of any symbol brand register, or statistics of symbol brand registrations, maintained by that person.

5.4.8 Permitted sizes and positions of symbol brands for use on large stock

A person must not apply to a large stock animal a symbol brand containing a character or mark that is not in accordance with the dimensions specified in clause 5.4.9.

A person must not apply to a large stock animal a brand of a registered design to any part of such an animal other than a part specified clauses 5.4.10 (in the case of horses) or 5.4.11 (in the case of cattle).

5.4.9 Construction requirements for symbol branding instruments for use on large stock

A branding instrument depicting a symbol brand design must, if it is to be used to apply firebrands or freeze brands to large stock animals, comply with the following specifications:

- (a) the character or each of the characters comprising or included in the design depicted on the instrument must be not less than 35 millimetres and not more than 75 millimetres in height, measured in its normal position;
- (b) if the design includes 2 or more characters, adjacent characters must be not less than 10 millimetres apart.

5.4.10 Application to horses of registered symbol brand designs

The parts of a horse on which a registered brand design may be placed are as follows:

- (a) the left shoulder;
- (b) the right shoulder;
- (c) the left thigh;
- (d) the right thigh;
- (e) the right neck.

A registered symbol brand design that is to be applied to a horse must be applied in the order set out in the previous paragraph so that the first such design appears on the left shoulder of the horse, the second appears on the right shoulder and so on.

With regard to horses ñ

- (a) a horse registered in the Australian Stud Book may be branded on the right shoulder or right thigh with a brand depicting a non-registered brand design if either of those positions does not already bear a brand depicting a registered design; and
- (b) a horse registered in the Australian Trotting Stud Book may be branded on the right shoulder with a brand depicting a non-registered brand design if that position does not already bear a brand depicting a registered design.

5.4.11 Application to cattle of registered symbol brand designs

The parts of cattle on which a registered brand design may be placed are as follows:

- (a) the left rump;
- (b) the right rump;
- (c) the left thigh;
- (a) the right thigh.

The first registered brand design to be applied to cattle must be applied to the left rump of the animal but subsequent registered brand designs may be applied to any part mentioned in subclause (b), (c) or (d) above so long as no other brand design (whether registered or not) appears on that part.

5.5 BOARD BRANDS FOR LARGE STOCK

5.5.1 What is a board brand? A board brand is one that has three components. The first component identifies the district of the Board in which the brand was issued. A table of the respective Board district identifiers is shown in Schedule 2. The last two components are used to identify the proprietor of the brand. A table of the second and third components that may be available for allocation are shown in Schedule 3.

A sample of a board brand is shown hereunder ñ

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5.5.2 Registration of Board brands required

Any person may apply to a District Registrar for the allocation and registration of a board brand design in relation to large stock. An application so made is to be ñ

- (i) on a form supplied by the District Registrar; and
- (ii) accompanied by a fee set by the Board. That fee must not exceed a maximum fee set from time to time by the State Council.

The application form for a Board brand provided by the District Registrar must enable the following particulars to be provided ñ

1. The full name and residential address of the applicant;
2. Particulars sufficient to identify any holding (being a holding located in the district concerned) on which the applicant keeps stock;
3. the Property Identification Code (PIC) (if any) of that holding.
4. A statement as that the applicant is applying to be registered as the proprietor of a board brand design for use on large stock.

On receipt of an application for a Board brand made in accordance with this section, the District Registrar concerned may:

- (a) allocate to the applicant a Board brand design; and

- (b) register the applicant as the proprietor of that design; and
- (c) issue to the applicant a certificate of registration.

An allocation of a Board brand must contain the following -

- (a) the character specified in Schedule 2 that identifies the district concerned; and
- (b) 2 other characters selected from one of the series set out in Schedule 3 that identify the registered proprietor of the design.

The 2 characters referred to in subclause (b) above must be placed in a horizontal plane immediately after the character that identifies the relevant district in which the brand was issued. Those characters are for the purpose of identifying the registered proprietor of the design.

A District Registrar must ensure that no combination of Board brand characters that includes the character identifying the district is allocated more than once. The allocation of Board brand designs is at the discretion of the District Registrar.

5.5.3 Renewal of registration of Board brands

An application for the renewal of a Board brand shall be made by the person to whom the brand is registered and such application:

- (a) shall be in writing on the form supplied by the District Registrar (the application for renewal may be made on an Annual Return form lodged under Section 76 of the *Rural Lands Protection Act 1998* if the District Registrar so approves); and
- (b) if the applicant is not a ratepayer of the Board, the application shall be accompanied by the fee (if any) set by the Board, and that fee is not to exceed a maximum fee that may be set from time to time by the State Council.

5.5.4 Transfer of registration of Board brands to another person

A Board brand registration may be transferred to another person, subject to the conditions prescribed in the system.

An application for the transfer of registration of a Board brand must be lodged with the District Registrar for the district in which the brand is registered. It shall be the responsibility of the person lodging the application for transfer to ensure that any other co-proprietors of the symbol brand agree to the proposed transfer before the application is lodged.

An application for the registration of such a transfer must be in writing and contain the following particulars ñ

1. The full name and residential address of the registered proprietor who is proposing to transfer the brand design concerned.
2. Particulars of the brand design to be transferred sufficient to identify the design.
3. The full name and residential address of the person to whom the brand is to be transferred.
4. Particulars sufficient to identify any holding on which the transferee keeps stock.
5. The Property Identification Code (PIC) number (if any) of the property on which the brand is normally used.

and be lodgement of the application is to include :

- (a) the completed transfer request form (or letter if acceptable to the District Registrar); and
- (b) if available, the current certificate of registration for the design to which the transfer relates; and
- (c) the transfer fee set by the Board, that is not to exceed a maximum fee (if any) set by State Council from time to time.

Whenever an application for the registration of the transfer of a registered Board brand design is lodged with a District Registrar in accordance with this section, the Registrar must, if satisfied that the transferee is entitled to be registered as proprietor of that design:

- (a) register the transfer; and
- (b) issue to the transferee a certificate of registration certifying the transferee as the registered proprietor of that design.

It shall be the responsibility of the person lodging the application for transfer to ensure that any other co-proprietors of the Board brand agree to the proposed transfer before the application is lodged.

5.5.5 Transfer of proprietor to another district

If the proprietor of a Board brand transfers to another district, and the person is no longer a ratepayer of the Board that originally issued that brand, then an annual renewal of registration of the brand must be effected with the Board of the district that issued the brand. (Note that there is nothing preventing the use of the brand anywhere in NSW, provided the registration of the brand is current.)

5.5.6 Death of proprietor of Board brand

If the person who is the registered proprietor of a board brand design dies, the executor or administrator of that person's estate is entitled to use the design for a period of 12 months after the person's death.

Within the period of 12 months referred to in subsection (1), the executor or administrator concerned may make an application to the appropriate district registrar:

- (a) to be personally registered as the proprietor of the board brand design; or
- (b) for the person beneficially entitled to the design to be registered as the proprietor of the design.

An application under this section must be in writing and contain the following particulars -

1. The full name of the executor or administrator who is making the application and the applicant's residential address.
2. A statement as to whether the applicant is the executor or administrator of the deceased's estate and whether the applicant is applying to be personally registered as the proprietor of the board brand design or applying for the person beneficially entitled to the design to be registered as the proprietor of the design.
3. The deceased registered proprietor's full name and residential address.
4. Date of the deceased registered proprietor's death.
5. Particulars of the brand design belonging to the deceased registered proprietor sufficient to identify the design.
6. The name and full residential address of the beneficiary entitled to ownership of the board brand design on the death of the registered proprietor.
7. Particulars sufficient to identify any holding (being a holding located in the district concerned) on which the beneficiary keeps stock.

and be accompanied by:

- (i) the current certificate of registration for the design; and
- (ii) evidence of the death of the registered proprietor and that the applicant is a next of kin of the registered proprietor; and
- (iii) the fee (if any) set by the Board, which must not exceed a maximum fee set from time to time by the State Council.

Whenever an application is made in accordance with this section, the appropriate District Registrar must, if satisfied that the applicant or the persons on whose behalf the application is made is or are entitled to be registered as the proprietor of the registered brand design or

registered earmark design concerned:

- (a) register the applicant or that person as the proprietor of the design; and
- (b) issue to the applicant or that person a certificate of registration certifying the applicant or that person as the registered proprietor of that design.

5.5.7 Cancellation of Board brand registrations

The District Registrar must cancel the registration of a Board brand if the proprietor of the brand indicates to the District Registrar that the registration is no longer required.

5.5.8 Construction requirements for Board branding instruments for use on large stock

A branding instrument depicting a registered Board brand design must, if it is to be used to apply to large stock animals, be constructed in accordance with the following specifications:

- the characters of the brand must be arranged in a horizontal plane so that the first character identifies the relevant district and the second and third characters identify the registered proprietor of the design;
- if the instrument is to be used on horses⁶ each of the characters included in the brand must be not less than 25 millimetres and not more than 75 millimetres in height when the instrument is placed in a horizontal plane;
- if the instrument is to be used on large stock other than horses⁶ each of the characters included in the brand must be not less than 35 millimetres and not more than 75 millimetres in height when the instrument is placed in a horizontal plane;
- adjacent characters must be not less than 10 millimetres apart; if the character that identifies the relevant district has a bar line above or below the character⁶ that line must be not less than 25 millimetres and not more than 50 millimetres in height and must be appropriately located above or below, but not less than 10 millimetres from, the character.

A branding instrument depicting a registered Board brand design must not be constructed in more than 2 pieces.

If a branding instrument depicting a registered Board brand design is constructed in 2 pieces:

- (a) one of the pieces must depict 2 characters one of which identifies the relevant district and the other of which is the first of the characters that identifies the proprietor of the brand; and
- (b) the other piece must depict the second of the characters that identifies that proprietor.

A person who constructs a branding instrument that does not comply with the specifications prescribed by this clause, knowing that the instrument is for use on large stock, is guilty of an offence.

5.5.9 Parts of large stock animal to which a Board brand can be applied

The parts of a large stock animal to which a Board brand may be applied are those specified hereunder⁷

5.5.9.1 Application to horses of registered Board brand designs

The parts of a horse on which a registered Board brand design may be placed are as follows:

- (a) the left shoulder;
- (b) the right shoulder;
- (c) the left thigh;
- (d) the right thigh;
- (e) the right neck.

A registered brand design that is to be applied to a horse must be applied in the order set out in the previous paragraph so that the first such design appears on the left shoulder of the horse, the second appears on the right shoulder and so on.

With regard to stud horses⁸

- (a) a horse registered in the Australian Stud Book may be branded on the right shoulder or right thigh with a non-registered brand design if either of those positions does not already bear a brand depicting a registered design; and

- (b) a horse registered in the Australian Trotting Stud Book may be branded on the right shoulder with a non-registered brand design if that position does not already bear a brand depicting a registered design.

5.5.9.2 Application to cattle of registered Board brand designs

The parts of cattle on which a registered Board brand design may be placed are as follows:

- (a) the left rump;
- (b) the right rump;
- (c) the left thigh;
- (b) the right thigh.

The first registered brand design to be applied to cattle must be applied to the left rump of the animal but subsequent registered brand designs may be applied to any part mentioned in subclause (b), (c) or (d) above so long as no other brand design (whether registered or not) appears on that part.

A person must not apply a brand of a registered design to a part of a large stock animal specified above if the application of the brand to that part would be inconsistent with the order prescribed by Clause 5.5.9.1 or 5.5.9.2 as appropriate.

Maximum penalty: See Clause 60 of Regulations.

5.6 EARMARKS FOR LARGE STOCK

5.6.1 What is an earmark for large stock?

An earmark for large stock is basically a design involving one symbol or two symbols selected from those referred to in Schedule 4 of this system, and any subsequent directories of earmark designs issued by the State Council.

An example of an earmark design is depicted below ñ



5.6.2 Registration of earmarks for large stock

Similar requirements to those referred to in Clause 6.1.4 apply to the registration of an earmark for large stock.

5.6.3 Renewal of registration of earmark

Similar requirements to those referred to in Clause 6.1.6 apply to the renewal of registration of an earmark for large stock.

5.6.4 Transfer of earmark design to another person

Similar requirements to those referred to in Clause 6.1.7 apply to the transfer of the registration of an earmark for large stock to another person.

5.6.5 Transfer of proprietor to another district

If the proprietor of a registered earmark transfers to another district, and the person is no longer a ratepayer of the Board that originally issued that earmark, then ñ

- (a) within 14 days of the transfer, the person must apply to the District Registrar of the district to which the transfer was made for approval to register that earmark in that district;

- (b) the District Registrar of that district shall have power to decide whether the earmark in question may be registered in that district (this decision shall primarily depend on whether or not a similar earmark is already registered by a person who occupies a holding in the same area);
- (c) if the District Registrar of the district to which the person has transferred agrees that the earmark may be registered in that district, the applicant shall complete an application for transfer form and submit it to the District Registrar;
- (d) upon receipt of such an application, the District Registrar shall register the earmark and shall promptly advise the District Registrar which formerly registered the earmark of the transfer;
- (e) the annual renewal of registration of the earmark must be effected with the Board of the district to which the person transferred. No annual renewal fee is payable if the proprietor is a ratepayer of the Board.

5.6.6 Death of proprietor

Similar conditions and requirements to those referred to in Clause 6.1.9 apply to the death of the proprietor of the registration of an earmark for large stock.

5.6.7 Cancellation of registration

The District Registrar must cancel the registration of an earmark design if the proprietor of the earmark indicates to the District Registrar that the registration is no longer required.

5.6.8 Construction requirements

An earmark of a registered design that is to be used in connection with cattle or deer must be of the respective dimensions and one or more of the respective shapes depicted in Schedule 4. The ear pliers used to make the earmark must have cutters of the same dimensions and shape.

5.6.9 The part of an ear of a large stock animal to which an earmark may be applied

The specified ear of large stock to which an earmark of a registered design may be applied is the left ear of both males and females.

If the District Registrar directs that an earmark is to be placed at a particular location on the ear, the earmark must be placed at that location.

The District Registrar must, when issuing the registration documentation of an earmark (or earmarks) to a person, include written details on that documentation of the location on the ear on which the earmark (or earmarks) is to be applied. These details are shown in the publication entitled 'List of Authorised Owners Sheep Earmarks', NSW Department of Agriculture, VCN Blight ñ Government Printer, 1964.

5.6.10 Use of previously registered earmark

If a person already has an earmark registered for use on small stock, then that same earmark design may be used on large stock. If no earmark is already registered for small stock, then an application for a registered earmark for large stock must be lodged with the District Registrar.

5.7 EAR TATTOOS FOR LARGE STOCK

5.7.1 The administration of a scheme for ear tattoos for large stock is entirely at the discretion of the District Registrar. The fees are to be similar to that for earmarks.

5.8 NON-REGISTERED BRANDS, EARMARKS OR TATTOOS MAY BE APPLIED TO LARGE STOCK

5.8.1 Application of non-registered brands

The proprietor of a registered brand design may apply a non-registered brand or non-registered brands to that proprietor's large stock to denote their age or class.

A person must not place a non-registered brand design to a part of a horse or part of cattle specified in sections 5.4.10, 5.4.11, 5.5.9.1 or 5.5.9.2 being parts of an animal on which a registered design is to be placed.

A branding instrument depicting a **non-registered brand** design must, if it is to be used to apply firebrands or freeze brands to large stock animals, be constructed in accordance with the following specifications:

- (a) the character or each of the characters comprising or included in the design must be not less than 25 millimetres in length;
- (b) if the design includes 2 or more characters, adjacent characters must be not less than 10 millimetres apart.

Also see Schedule 1 for additional details.

It is an offence to place a non-registered brand on an animal if there is no registered brand on the animal beforehand.

5.8.2 Application of non-registered earmarks or tattoos

The proprietor of a registered earmark or tattoo design may apply a non-registered earmark or tattoo to that proprietor's cattle or deer to denote their age or class.

A person must not apply a non-registered earmark or tattoo to cattle or deer, except on the right-side ear of the animal.

Also see Schedule 1 for more details.

5.8.3 Identification of stud stock

Stud large stock may be identified with non-registered stock identification in a manner approved by the respective breed society. See Schedule 1 for more details.

5.9 MATTERS RELATING TO BOTH SYMBOL AND BOARD BRANDS FOR LARGE STOCK

5.9.1 Where brands may be used

A Board brand or a symbol brand may be applied to an animal anywhere in New South Wales, irrespective of where the brand was registered.

5.9.2 Registers of Brands

A District Registrar shall maintain a register of all board brand allocations in that Registrar's district.

The Registrar of Symbol Brands shall maintain a register of all symbol brand allocations in New South Wales.

6 SCHEME FOR IDENTIFICATION OF SMALL STOCK

6.1 Earmarking of sheep and goats

6.1.1 Introduction

It is *compulsory* for the owner of sheep and goats that are older than six (6) months of age to ensure that such stock are earmarked in accordance with this system.

6.1.2 Certain sheep and goats to be exempt from compulsory requirements

Stud sheep and stud goats are exempt from the compulsory requirements relating to earmarking, but only if they are registered with a recognised sheep or goat breed society and the animals are readily identifiable by some other means.

The owner of 10 or fewer sheep or goats (or a combination of 10 or fewer such animals) is also exempt from earmarking such animals. However, such an owner may elect to earmark his or her animals voluntarily. If it is elected to earmark such sheep or goats, the earmark must be registered with the District Registrar.

Feral goats are also exempt if the person claiming ownership of such goats considers that their earmarking would be too hazardous or impractical.

6.1.3 Only registered earmarks to be used

The owner of sheep or goats must ensure that no earmark is applied to sheep or goats unless the earmark is of a design (or designs) that is registered in accordance with this system, or otherwise is exempt from registration under this system. .

6.1.4 Registration of earmark designs

Any person may apply to a District Registrar to be registered as the proprietor of a specified earmark design for use on sheep or goats.

An application made under subclause (1) is to be ñ

- (i) on a form supplied by the District Registrar; and
- (ii) accompanied by the appropriate fee set by the Board, which must not exceed a maximum amount (if any) set from time to time by a State Conference.

The application form supplied by the District Registrar shall enable the following particulars to be provided -

1. The full name and residential address of the applicant.
2. Particulars sufficient to identify any holding (being a holding located in the district concerned) on which the applicant keeps stock.
3. The Property Identification Code (PIC) (if any) of that holding.
4. A statement that the applicant is applying to be registered as the proprietor of an earmark design for use on small stock.
5. If the applicant is applying to be registered as the proprietor of a registered earmark design, a diagram of the design.

On receipt of an application for an earmark design made in accordance with this section, the District Registrar concerned may:

- (a) allocate to the applicant an earmark design in a form approved by the District Registrar; and
- (b) register the applicant as the proprietor of that design; and
- (d) issue to the applicant a certificate of registration.

A District Registrar must not register an earmark design for use in connection with sheep or goats kept within the district if of the opinion that the design:

- (a) is identical with or likely to be confused with; or
- (b) could be cut out by or could cut out

any other earmark of a design that is already registered in the register kept by that District Registrar. If -

- (a) an earmark design is registered under this section for use in connection with sheep or goats; or
- (b) an application has been made for the registration of such a design,

the District Registrar concerned may require the registered proprietor or applicant to modify the design on the ground that it is identical with or likely to be confused with another design that is already registered in the register kept by that registrar.

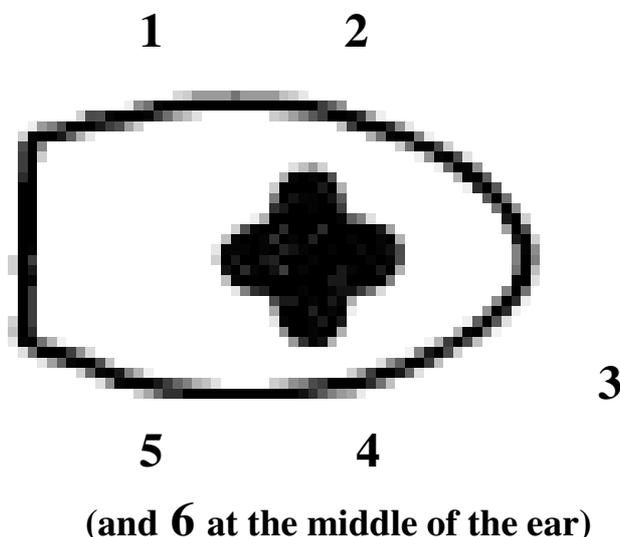
If a requirement under the previous paragraph is not complied with within the period specified by the District Registrar concerned, that Registrar may cancel the registration of the earmark design or, as the case may be, may refuse the application.

An earmark design registered under this section is not transferable except as provided by section 6.1.7.

6.1.5 Allocation of earmark designs

The allocation of earmark designs by a District Registrar is to be from the book entitled 'List of Authorised Earmarks' issued by the State Council to Rural Lands Protection Boards. As indicated in that book, there are six (6) positions for the placement of an earmark on an animal. They are

The six positions for application of an earmark



6.1.6 Renewal of registration of earmark designs

An application for the renewal of an earmark design shall be made by the person to whom the earmark is registered and such application:

- (a) shall be in writing on the form supplied by the District Registrar (the application for renewal may be made on an Annual Return form lodged under Section 76 of the *Rural Lands Protection Act 1998* if the District Registrar so approves); and
- (b) if the applicant is not a ratepayer of the Board, the application shall be accompanied by the fee (if any) set by the Board, and that fee is not to exceed a maximum fee that may be set from time to time by the State Council.

6.1.7 Transfer of earmark designs used for small stock to another person

The proprietor of an earmark design registered under this system may, in accordance with this system, transfer the design to any person.

A transfer under this section does not take effect until it is registered.

An application for the registration of a transfer must be lodged with the District Registrar who keeps the register in which the design is registered and must:

- (a) be in writing and contain the following particulars
 1. The full name and residential address of the registered proprietor who is proposing to transfer the earmark design concerned;
 2. Particulars of the earmark design to be transferred sufficient to identify the design;
 3. The full name and residential address of the person to whom the earmark design is to be transferred;
 4. Particulars sufficient to identify any holding (being a holding located in the district concerned) on which the transferee keeps stock; and
 5. The Property Identification Code (PIC) (if any) of that holding.

- (b) be accompanied by (if available) the current certificate of registration for the design; and
- (c) the appropriate fee set by the Board, which must not exceed a maximum amount (if any) set from time to time by a State Conference.

Whenever an application for the transfer of a registration is lodged in accordance with this section, the District Registrar must, if satisfied that the transferee is entitled to be registered as the proprietor(s) of the earmark concerned:

- (a) register the transfer; and
- (b) issue to the transferee a certificate of registration certifying the transferee as the registered proprietor of that earmark design.

It shall be the responsibility of the person lodging the application for transfer to ensure that any other co-proprietors of the earmark agree to the proposed transfer before the application is lodged.

6.1.8 Transfer of proprietor to another district

If the proprietor of a registered earmark transfers to another district, and the person is no longer a ratepayer of the Board that originally issued that earmark, then ñ

- (a) within 14 days of the transfer, the person must apply to the District Registrar of the district to which the transfer was made for approval to register that earmark in that district;
- (b) the District Registrar of that district shall have power to decide whether the earmark in question may be registered in that district (this decision shall primarily depend on whether or not a similar earmark is already registered by a person who occupies a holding in the same area [proximity] of the district);
- (c) if the District Registrar of the district to which the person has transferred agrees that the earmark may be registered in that district, the applicant shall complete an application for transfer form and submit it to the District Registrar;
- (d) upon receipt of such an application, the District Registrar shall register the earmark and shall promptly advise the District Registrar which formerly registered the earmark of the transfer;
- (e) the annual renewal of registration of the earmark must be effected with the Board of the district to which the person transferred. No annual renewal fee is payable if the proprietor is a ratepayer of the Board.

6.1.9 Death of proprietor of registered earmark for small stock

If the person who is the registered proprietor of an earmark design dies, the executor or administrator of that person's estate is entitled to use the design for a period of 12 months after the person's death.

Within the period of 12 months referred to in subsection (1), the executor or administrator concerned may make an application to the appropriate District Registrar:

- (a) to be personally registered as the proprietor of the earmark design; or
- (b) for the person beneficially entitled to the design to be registered as the proprietor of the design.

An application under this section must:

- (a) be in writing and contain the following particulars -
 1. The full name of the executor or administrator who is making the application and the applicant's residential address;
 2. A statement as to whether the applicant is the executor or administrator of the deceased's state and whether the applicant is applying to be personally registered as the proprietor of the earmark design or applying for the person beneficially entitled to the design to be registered as the proprietor of the design;
 3. The deceased registered proprietor's full name and residential address;
 4. Date of the deceased registered proprietor's death;

5. Particulars of the earmark design belonging to the deceased registered proprietor sufficient to identify the design;
 6. The name and full residential address of the beneficiary entitled to ownership of the earmark design on the death of the registered proprietor;
 7. Particulars sufficient to identify any holding (being a holding located in the district concerned) on which the beneficiary keeps stock;
 8. The Property Identification Code (PIC) (if any) of that holding; and
- (b) be accompanied by:
- (i) the current certificate of registration for the design; and
 - (ii) evidence of the death of the registered proprietor and that the applicant is a next of kin of the registered proprietor; and
 - (iii) the fee (if any) set by the Board, which must not exceed a maximum fee set from time to time by the State Council.

Whenever an application is made in accordance with this section, the appropriate District Registrar must, if satisfied that the applicant or the persons on whose behalf the application is made is or are entitled to be registered as the proprietor of the registered earmark design concerned:

- (a) register the applicant or that person as the proprietor of the design; and
- (b) issue to the applicant or that person a certificate of registration certifying the applicant or that person as the registered proprietor of that design.

6.1.10 Cancellation of earmark registrations

The District Registrar must cancel the registration of an earmark design if the proprietor of the earmark indicates to the District Registrar that the registration is no longer required.

6.1.11 Permitted sizes and positions of earmarks for use on small stock

- (3) A person must not apply to a small stock animal an earmark of a registered design:
- (a) unless the earmark is of the dimensions, and is one of the shapes, specified in Schedule 4; or
 - (b) except in the appropriate ear specified in section 6.1.13 and in the location specified by the District Registrar.

6.1.12 Construction requirements for ear pliers for use on small stock animals

An earmark of a registered design that is to be applied to a small stock animal must be of the dimensions specified, and one or more of the shapes depicted, in Schedule 3. The ear pliers used to make any such earmark must have cutters of the same dimensions and shape.

6.1.13 To which ear of small stock animal can registered earmark be applied?

The ear of a small stock animal to which an earmark of a registered design is to be applied is the left ear for a male and the right ear for a female.

6.1.14 Non-registered earmarks may be applied to small stock

The proprietor of a registered earmark design may apply a non-registered earmark to that proprietor's small stock to denote their age or class.

A person must not apply a non-registered earmark to small stock, except on the ear specified in this section.

The specified ear of a small stock animal to which a non-registered earmark may be applied is the right ear for a male and the left ear for a female.

If a person is using a non-registered earmark as permitted under this section, and in the opinion of the District Registrar that earmark -

- (a) is identical with or likely to be confused with; or
- (b) could be cut out by or could cut out

any other earmark of a registered design used by another person on a holding in close proximity to the first-mentioned person's holding, the District Registrar may direct the first-mentioned person to refrain from further using that non-registered earmark and replace it with another non-registered earmark design approved by the District Registrar.

Further details are shown in Schedule 1.

6.1.15 Use of previously registered earmark

If a person already has an earmark registered for use on large stock, then that same earmark design may be used on small stock. If no earmark is already registered for large stock, then an application for a registered earmark for small stock must be lodged with the District Registrar.

6.2 Branding of small stock

6.2.1 Application of brand to small stock

A person must not apply:

- (a) to any small stock animal a firebrand or colour brand containing a character or mark that is smaller than the dimensions specified in this section; or
- (b) a brand of a registered design to any part of the animal other than a part specified in this section.

A raddle mark may be applied to any part of a small stock animal so long as it does not obliterate or deface a brand of a registered design that has been applied to the animal.

For the purposes of this section, the specified parts of a small stock animal to which a brand of a registered design may be applied are:

- (a) if a firebrand is to be applied— either horn; or
- (c) if a colour brand is to be applied— the rump, the back, the near shoulder, the near ribs, the off shoulder or the off ribs.

A branding instrument depicting a registered brand design must, if it is to be applied to small stock animals, be constructed so that the character or each of the characters comprising or included in the design is:

- (a) if the instrument is to be used to apply firebrands— not less than 25 millimetres in height; and
- (b) if the instrument is to be used to apply colour brands— not less than 25 millimetres in height; and than 75 millimetres in height, when the design is placed in a horizontal plane.

(2) A person who constructs a branding instrument that does not comply with the specifications prescribed by this clause, knowing that the instrument is for use on small stock, is guilty of an offence.

6.3 Colour brands

6.3.1 Application of colour brands

The use of colour brands on sheep is optional. But if a colour brand is used, it does not mean that the owner of the sheep is absolved from liability for all sheep over six months of age to be earmarked.

There is no need to register a colour brand with the District Registrar. However, there are requirements under this scheme regarding the use of colour brands. These requirements are set out hereunder.

Any colour may be used as a colour brand except white, cream or yellow or any shade of those colours.

The capital letter T is not to be used as a colour brand design for small stock but such a design may be used as a firebrand on the horns of small stock.

Marking of fleece or skin

A person must not mark the fleece or skin of a sheep or goat with any substance, whether for the purpose of branding or not, except in accordance with this section.

The previous paragraph does not apply:

- (a) to the marking of the fleece or skin of a sheep or goat with raddle, grease, crayon or a substance registered as a stock medicine under the (Commonwealth) Agricultural and Veterinary Chemicals Code Act 1994; or
- (b) to the application to the fleece or skin of a sheep or goat of a colour brand; or
- (c) to the application of a substance for the control of ectoparasites on sheep or goats.

7. Supplementary provisions relating to the identification of both large and small stock

7.1 Fee payable when application deals with 2 or more designs

If:

- (a) a person wishes to have registered 2 or more of designs of stock identification under this system; and
- (b) the designs are dealt with in the same application or in separate applications,

then, despite any other provision of this system to the contrary, the fee payable for registration of those designs is an amount set by the Board, but such amount is not to exceed an amount (if any) determined from time to time by a State Conference.

(2) For the purposes of this section, the following designs are specified:

applications that are lodged at the same time for,

- (a) a board brand design for use on large stock animals;
- (b) a symbol brand design for use on large stock animals;
- (c) an earmark design for use on large stock animals;
- (d) a brand design for use on small stock animals;
- (e) an earmark design for use on small stock animals;
- (f) a tag or other means used to identify animals under the *Stock Diseases Act 1923* (including identifiers under the National Stock Identification Scheme).

7.2 Imposition of supplementary fee

The State Council may provide any service to improve the implementation of this system and charge a Board or Boards for that service. The charge so imposed by State Council may be recouped by the Board or Boards from all or some proprietors of stock identification nominated by State Council as a supplementary fee.

7.3 District Registrar to keep a register of brand and earmark designs

Each District Registrar must keep a register, either on a database or hard copy, of brand, earmark and tattoo designs registered for use on large and small stock kept within the district.

The register of brand, earmark and tattoo designs must contain the following details -

- (a) an illustration and other particulars sufficient to identify each brand, earmark and tattoo design recorded in the register;
- (b) the full name and residential address of the proprietor of the design;
- (c) particulars of registration of any transfer of the design, including particulars of the name and residential address of the person to whom property in the design is transferred;
- (d) particulars of the registration of any person as the proprietor of the design in consequence of an application made following the death of a proprietor.

7.4 Board district may be subdivided

The State Council may, by order published in the Gazette, direct that a district be divided into subdistricts for the purposes of this system. A District Registrar may request the State Council to make such an order.

If a district is divided into subdistricts under this provision, the District Registrar must:

- (a) keep a separate register in respect of each subdistrict; and
- (b) for the purposes of this system, each subdistrict is to be treated as a district.

7.5 District Registrar may issue certificate regarding stock identification

A certificate purporting to be issued by a District Registrar:

- to the effect that a specified brand, earmark or tattoo design is or is not registered for use on a holding within the district; and
- where the design is so registered, specifying particulars of the registration, is evidence of the matters set out in the certificate.

7.6 Cancellation of registration of brand or earmark design

A District Registrar may cancel the registration of a brand, earmark or tattoo design registered in the register kept by the Registrar if, on inquiry, the Registrar is satisfied that:

- (a) the proprietor of the design no longer has any use for it; or
- (b) the proprietor of the design is a natural person who has died and the executor or administrator of that person's estate has not, within 12 months after the death of that person, applied to the registrar for that person's beneficiary or nominee to be registered as the proprietor of the design; or
- (c) the proprietor of the design is a corporation or partnership which has been dissolved; or
- (d) the proprietor of the design (not being a symbol brand design) no longer keeps stock within the district in which registration of the design is kept by the district registrar and no application for the transfer of the design to another person who keeps stock within that district has been lodged with the registrar within the prescribed period after the proprietor has ceased to keep stock within that district.

A District Registrar may cancel the registration of a brand, earmark or tattoo design at the request of its proprietor.

A District Registrar may cancel the registration of a brand, earmark or tattoo design if the proprietor of the design has failed to pay any renewal fee payable in respect of the registration.

7.7 Notice of intention to cancel registration of brand or earmark design

A District Registrar must not cancel the registration of a brand or earmark design unless the District Registrar has given the registered proprietor of the design at least 14 days notice in writing of the Registrar's intention to cancel that registration.

7.8 Resolution of disputes arising out of the registration etc. of a brand or earmark design

If a person who is or claims to be the proprietor of, or have some other interest in, a brand or earmark design is dissatisfied with a decision of a District Registrar or Registrar of Symbol Brands under this system, the person may make application to the State Council in writing under this section to consider and determine the matter.

The State Council may either:

- (a) personally consider and determine the application; or
- (b) refer the application for consideration and determination by an officer of the State Council.

The State Council may decline to deal with an application under this section if of the opinion that the complaint is frivolous, vexatious, misconceived or lacking in substance.

A determination under this section may confirm, reverse or modify the decision of the Registrar concerned, and is binding on the applicant and that Registrar.

7.9 Issue of certificates of particulars of stock identifiers

Any person who requires specified information about a stock identifier registered under this system may apply to the appropriate District Registrar to carry out a search for that information in the register kept by that Registrar.

An application under this clause must be accompanied by a fee (if any) set by the Board, that must not exceed a maximum fee set from time to time by a State Conference.

On receiving an application under this clause, together with the requisite fee, a District Registrar is required:

- (a) to carry out a search as requested in the application; and
- (b) when the search is finished, to provide the applicant with a certificate setting out the result of the search, including, if available, the information required by the applicant.

Similar applications may be made to, and a certificate issued by, the Registrar of Symbol Brands in relation to symbol brands.

If a District Registrar receives an application for a certificate in relation to a symbol brand, the District Registrar shall refer the request to the Registrar of Symbol Brands.

7.10 Registrar to decide on matters not prescribed in system

The District Registrar or Registrar of Symbol Brands may determine any matter not specifically prescribed in this system.

7.11 Report to State Council on duplications

A Board shall report to the State Council any situation where the allocation of stock identifiers in its district will result in a duplication of the same identifiers being issued within an area where stock with the same identifier could be mixed (other than at saleyards). The State Council may direct a Board to subdivide its Rural Lands Protection District into subdistricts, and if such a directive is given the Board shall comply with it. The District Registrar shall in such instances maintain a separate register of the subject stock identifiers for each subdistrict.

7.12 Availability of register for inspection

For the purposes of Section 4 of the *Privacy and Personal Information Protection Act 1998*, a register of stock identification maintained by a District Registrar or the Registrar of Symbol Brands is available for inspection by the public. The Registrar may (at his or her discretion) provide to a member of the public a copy of any part of such a register.

7.13 Transfer of information between District Registrars

A District Registrar is to take all reasonable steps to ensure that there is no duplication of stock identification patterns issued to persons whose properties are in the same general area. To help ensure that there is no duplication of stock identification allocations between properties in the same general area, a District Registrar may request another District Registrar in another Rural Lands Protection District to supply details of stock identification allocations in that district. If such a request has been made, the information requested is to be supplied within a reasonable time.

7.14 Cancellation for non-payment

If a non-ratepayer of a Board fails to pay the annual renewal fee for the registration of stock identification, then the District Registrar may cancel such registration. The District Registrar must also promptly write to the person concerned advising that the registration has been cancelled.

7:15 Cancellation for not providing advice

If a District Registrar has sought written advice from the proprietor of a brand, tattoo or earmark in relation to the registration of such stock identification, and such advice has not been provided within a time limit specified in the relevant correspondence from the District Registrar, the registration may be cancelled at the discretion of the District Registrar.

8. PENALTIES FOR NON-COMPLIANCE

Regarding penalties for non-compliance, it should be noted that Clause 60 of the *Rural Lands Protection (General) Regulation* prescribes offences under this stock identification system. Also note that a penalty notice may be issued for an offence under Clause 60(6) of that Regulation.

9. SAVINGS AND TRANSITIONAL PROVISIONS

9.1 All stock identifiers registered with a District Registrar (including symbol brands registered with the Registrar of Symbol Brands) at the commencement of this system shall be deemed to be registered under this system at that time.

9.2 Any proclamation by the Governor has ordered that a Rural Lands Protection District be divided into subdistricts under Section 194(3) of the *Rural Lands Protection Act 1989*, and that district has been so subdivided, the subdivision continues until or unless the State Council directs otherwise.

9.3 Any fee paid to a Board for stock identifiers that are current at the commencement of this system shall continue to be deemed current until the expiry of the time for which such payment was made.

9.4 The State Council reserves the right to modify the system at any time. Any such modification shall be published in the Government Gazette at the date of or prior to the date of commencement of the modification.

Schedule 1

Conditions under which non-registered brands and earmarks may be used

Large stock

Use of non-registered brands on large stock animals

(1) A person may apply a non-registered brand to a large stock animal only if the person:

- (a) is the owner of the animal or is acting with the owner's authority; and
- (b) is a proprietor of a registered brand design for use in connection with large stock or is acting with the authority of such a proprietor.

(2) A person must not apply to a large stock animal a branding instrument depicting a non-registered brand design unless the instrument is constructed in accordance with following provisions.

A branding instrument depicting a non-registered brand design must, if it is to be used to apply firebrands or freeze brands to large stock animals, be constructed in accordance with the following specifications:

- (a) the character or each of the characters comprising or included in the design must be not less than 25 millimetres in length;
- (b) if the design includes 2 or more characters, adjacent characters must be not less than 10 millimetres apart.

(3) A person must not apply a non-registered brand to a part of a horse or to a part of cattle that is a part on which a brand of a registered design may be placed (see Clause 5.4.10).

(4) However:

- (a) a horse registered in the Australian Stud Book may be branded on the right shoulder or right thigh with a brand depicting a non-registered brand design if either of those positions does not already bear a brand depicting a registered design; and
- (b) a horse registered in the Australian Trotting Stud Book may be branded on the right shoulder with a brand depicting a non-registered brand design if that position does not already bear a brand depicting a registered design.

Use of non-registered earmarks on large stock animals

The specified ear for the application of a non-registered earmark to cattle or deer is the right ear for both males and females.

See items 4.8.1, 4.8.2 and 4.8.3 for more details.

Small stock

Who can apply a non-registered earmark?

A non-registered earmark may be applied to sheep or goats if the owner is also the proprietor of a registered earmark.

To which ear of small stock animal can distinctive earmark applied?

The specified ear of a small stock animal to which a non-registered earmark may be applied is the right ear for a male and the left ear for a female.

Certain sheep and goats to be exempt from requirements

Stud sheep and stud goats are exempt from the requirements to earmark sheep or goats over the age of six months but only if they are registered with a recognised sheep or goat society and are readily identifiable by some other means.

Schedule 2

CHARACTERS TO BE USED IN THE PREFIX OF BOARD BRAND DESIGNS TO IDENTIFY THE RURAL LANDS PROTECTION DISTRICT IN WHICH THE BRAND WAS ISSUED

Contact your local Rural Lands Protection Board for details of the content of Schedule 2.

Schedule 3

CHARACTERS TO BE USED IN BOARD BRAND DESIGNS TO IDENTIFY PROPRIETORS

Contact your local Rural Lands Protection Board for details of the content of Schedule 3.

Schedule 4

NAMES, SHAPES AND SIZES OF EARMARK DESIGNS

Contact your local Rural Lands Protection Board for details of the content of Schedule 4.

PUBLIC LOTTERIES ACT 1996

RULE FOR GAMES OF KENO

The Keno Rules dated 23rd November 1998 (as amended by addenda dated 17th May 1999, 13th September 1999, 1st July 2000, 25th May 2001, 1st March 2002, 1st September 2002, 1st February 2003, 27th June 2003, 18th October 2004 and 19th August 2005) are further amended as set out in this Addendum.

This Addendum is effective on and from 21 November 2005.

1. Definition of **Combination**

Amend definition to read as follows:

Combination means a combination of 1 to 10, 15, 20 and 40 Spots selected by the Subscriber from the 80 available numbers, where each Combination is taken to be a separate Game played by the Subscriber;

2. Definition of **Jackpot**

Delete the existing definition.

3. Definition of **Jackpot**

Insert the following as a new definition:

Jackpot means the Regular Keno Jackpot and Keno Racing Jackpot;

4. Definition of **Jackpot Fill**

Insert the following as a new definition:

Jackpot Fill means the sum described as the Jackpot Fill (if any) in Rule 18;

5. Definition of **Jackpot Growth**

Insert the following as a new definition:

- (i) **Jackpot Growth** means (as the case may be):
- (a) for the Regular Keno Jackpot, the amount accrued at any given time in respect of the relevant Game of Keno as provided for in Rule 10(b); and
 - (b) for the Keno Racing Jackpot, the amount accrued at any given time in respect of the relevant Game of Keno as provided for in Rule 10(c);

6. Definition of **Jackpot Prize**

Delete the existing definition.

7. Definition of 'Keno Bonus'

Insert the following as a new definition:

'Keno Bonus' means the form of the Game of Keno, being a Category I game, which may only be played in conjunction with certain other forms of the Game of Keno as determined by the Operating Company (except Keno Racing), by which:

- (a) the Subscription for the Game of Keno it is played in conjunction with is multiplied by the Multiplier for the sole purpose of determining the prize payable on that Game of Keno in accordance with the Schedule of Prizes; and
- (b) where Keno Bonus is played in conjunction with a Regular Keno Jackpot, the Keno Bonus Jackpot Prize is payable on winning a Regular Keno Jackpot game;

8. Definition of 'Keno Bonus Jackpot Prize'

Insert the following definition:

'Keno Bonus Jackpot Prize' means the prize offered in respect of a Keno Bonus game played by a Subscriber in conjunction with Regular Keno Jackpot where a Regular Keno Jackpot Prize is payable and the Multiplier is either 3, 4, 5 or 10.;

9. Definition of 'Keno Prize Fund Contribution'

Amend definition to read as follows:

'Keno Prize Fund Contribution' means:

- (c) for Heads or Tails? being a Category Q game - an amount equal to 80% of Subscriptions; and
- (d) for Regular Keno, Keno Roulette, Keno Racing, Lucky Last and Keno Bonus, all being Category I games - an amount equal to 75% of Subscriptions;

10. Definition of 'Let it Run'

Amend definition to read as follows:

'Let it Run' means the form of Prepick in which, subject to Rule 9(c) and 9(l), if the Subscriber correctly forecasts the result of the first game in a chosen series, the amount of the prize as specified in Rule 18(c) on that game is carried over as the Subscription for the next game in the series and in which this procedure continues until such time as the series of games is complete or the Subscriber incorrectly forecasts one of the game results in the series or the Subscriber cancels the ticket;

11. Definition of 'Lucky Last'

Amend definition to read as follows:

'Lucky Last' means the form of the Game of Keno, being a Category I game, and shall be taken to be a separate Game played by a Subscriber. Lucky Last may only be played in conjunction with certain other forms of the Game of Keno as determined by the Licensees (except Heads or Tails?, Keno Racing and Keno Roulette), the object of which is to match a selected number against the last number Drawn in that game;

12. Definition of 'Major Prize'

Amend definition to read as follows:

'Major Prize' means a prize of more than \$1,000 won in a Game of Keno but does not include that part of the prize comprising the Jackpot Fill, Jackpot Growth or Keno Bonus Jackpot Prize (if any);

13. Definition of 'Multiplier'

Insert the following as a new definition:

'Multiplier' means the multiplier that applies to the cumulative total of the twenty numbers Drawn from the range of numbers 1 to 80 inclusive, where:

- (a) the multiplier of 1x is assigned to the cumulative totals set out in Part A of the schedule;
- (b) the multiplier of 3x is assigned to the cumulative totals set out in Part B of the schedule;
- (c) the multiplier of 4x is assigned to the cumulative totals set out in Part C of the schedule;
- (d) the multiplier of 5x is assigned to the cumulative totals set out in Part D of the schedule; and
- (e) the multiplier of 10x is assigned to the cumulative totals set out in Part E of the schedule;

14. Definition of 'Pro-rating'

Amend definition to read as follows:

'Pro-rating' means the proportional reduction in value of all Major Prizes, Bonus Prizes and additional Approved prizes, in a Game of Keno so that the aggregate value of those prizes equals \$3,000,000;

15. Definition of 'Regular Keno Jackpot'

Insert the following as a new definition:

'Regular Keno Jackpot' means the form of the Game of Keno the object of which is to match all seven (7), eight (8), nine (9) or ten (10) spots selected, as the case may be, against the winning numbers Drawn in that game;

16. Definition of 'Regular Keno Jackpot Prize'

Insert the following as a new definition:

'Regular Keno Jackpot Prize' means the prize offered in respect of a Regular Keno Jackpot game played by a Subscriber which matches all Spots selected against the 20 winning numbers Drawn in that game.

17. Rule 7(b)

Amend Rule 7(b) to read as follows:

Entry in a Game of Keno, not being a Delayed Start Game, may only be made:

- (i) either:
 - (a) by way of an Entry Form;
 - (b) by Replay; or
 - (c) in relation to:
 - (i) Lucky Last;
 - (ii) Heads or Tails?;
 - (iii) Keno Racing;
 - (iv) Keno Roulette;
 - (v) Parlay;
 - (vi) Kwikpik;
 - (vii) Superplay; or
 - (viii) Keno Bonus,
- by Verbal Entry; and
- (ii) by payment of the appropriate Subscription.

18. Rule 9(c)

Amend Rule 9(c) to read as follows:

Except as provided in Rule 9(d) - (k) inclusive the minimum Subscription for a game shall be \$1 and Subscriptions may increment in multiples of \$1 per game up to a maximum of \$9,999 for each Entry.

19. Rule 9(d)

Amend Rule 9(d) to read as follows:

The aggregate of the Subscriptions payable for games comprising a Keno to Go Entry and Keno Bonus, played in conjunction with all Games of Keno on a Keno to Go Entry shall be discounted by an amount equivalent to the Subscription payable in respect of 1 game played by a Subscriber for every 50 games played by a Subscriber to be played in respect of that Entry. Where a Keno to Go Entry is cancelled in accordance with Rule 11, the amount of any refund shall be reduced by an amount equal to the total amount by which the aggregate of the Subscriptions paid in respect of that Entry was discounted pursuant to this Rule 9(d).

20. Rule 9(h)

Amend Rule 9(h) to read as follows:

The minimum Subscription for a game of Heads or Tails? played by a Subscriber (including Prepick and Let it Run) shall be \$1. Subscriptions may increment in multiples of \$1 per game played by a Subscriber (provided that all games played by a Subscriber on an Entry must increment by the same amount) up to a maximum of \$500 per game played by a Subscriber (excluding Let it Run where the maximum allowable Subscription for the first game played by a Subscriber which is the subject of the Entry shall be \$500 per Entry). In relation to the second and subsequent Games which are the subject of a Let it Run Entry, the maximum allowable Subscription specified in Rule 9(c) shall not apply but eligibility for entry in the next Game of Keno shall be subject to the aggregate Subscription limits set out in Rule 9(j).

21. Rule 9(j)

Delete the existing Rule and insert the following as a new Rule:.

Notwithstanding any Rule to the contrary, the aggregate of the Subscriptions that may be bet on one of the results of a game of Heads or Tails? in any one Game of Keno between the opening and closure of that game shall not exceed:

- (i) for all Subscriptions placed on the result of Heads, \$500,000;
- (ii) for all Subscriptions placed on the result of Tails, \$500,000;
- (iii) for all Subscriptions placed on the result of Evens, \$170,000.

In the event that the prize in respect of any Let it Run game played by a Subscriber would, but for this Rule, result in the total Subscriptions for the next game exceeding the above limits, the Entry on the next game played by that Subscriber will not be accepted and the prize in respect of the previous game will be paid to that Subscriber.

22. Rule 9(k)

Insert the following as a new Rule:

The Subscription paid for Keno Bonus must be equivalent to the Subscription paid for the game it is played in conjunction with.

23. Rule 9(l)

Insert the following as a new Rule:

In circumstances where Keno Bonus is being played in conjunction with Let it Run, the amount of the prize that is carried over as the Subscription for the next game in the series shall be applied as follows:

- (i) 50% of the prize as Subscription for Keno Bonus; and
- (ii) 50% of the prize as Subscription for the game Keno Bonus is being played in conjunction with.

24. Rule 9(m)

Insert the following as a new Rule:

If the number of games of Keno Bonus being played on an Entry is less than the number of other Games of Keno being played on the Entry, Keno Bonus will be played in conjunction with the first and following games of Keno.

25. Rule 10

Delete the existing Rule and insert the following as a new Rule:

- (a) No Regular Keno Jackpot Prize, Keno Bonus Jackpot Prize or Keno Racing Jackpot Prize greater than or equal to \$10,000 will be paid until verified by the Inspector and the Supervisor.
- (b) An amount equivalent to 10% of Gross Subscriptions in a Regular Keno Jackpot will be allocated from Net Subscriptions on that Regular Keno Jackpot to the Regular Keno Jackpot Prize available for that Regular Keno Jackpot.
- (c) The following amounts will be allocated from Net Subscriptions on the Keno Racing Jackpot to the Keno Racing Jackpot Prize available for that Keno Racing Jackpot:
 - (i) in respect of a 'Quartet' Keno Racing Jackpot, an amount equivalent to 10% of Gross Subscriptions;
 - (ii) in respect of the 'Five Up' Keno Racing Jackpot, an amount equivalent to 10% of Gross Subscriptions; and
 - (iii) in respect of the 'Superfecta' Keno Racing Jackpot, an amount equivalent to 4% of Gross Subscriptions.
- (d) The Jackpot Fill and Jackpot Growth component of the Regular Keno Jackpot Prize, Keno Bonus Jackpot Prize and Keno Racing Jackpot Prize is fixed and payable in respect of the first \$1.00 of the Subscription paid for a game played by a Subscriber to which that prize relates irrespective of the amount actually subscribed and does not increase proportionately to the amount of the Subscription.
- (e) The amount of the Regular Keno Jackpot Prize and Keno Racing Jackpot Prize will be the sum of:
 - (i) the Subscription paid in respect of the game multiplied by the prize (with respect to the Quartet Keno Racing Jackpot Prize specified in Rule 18(d)) or Major Prize (as the case may be);
 - (ii) the Jackpot Fill (if any); and
 - (iii) the Jackpot Growth for the relevant game.

26. Rule 10A(c)

Amend Rule 10A(c) to read as follows:

Where in the Game of Keno in which the Approved requirements for a Bonus Prize are first met, and more than one game played by a Subscriber or Entry (as the case may be) meets those requirements the Bonus Prize shall be shared among those games or Entries (as the case may be) in accordance with Rule 19(f).

27. Rule 12(a)

Amend Rule 12(a) to read as follows:

- (a) The Draw must:
 - (i) take place:
 - (a) by means of a Draw Device;
 - (b) at the Central Site, the Premises of a Club, the Backup Site or other Approved site;
 - (c) if the Draw takes place at the Premises of a Club - in an area open at that time to those persons who would normally have access to those Premises;
 - (d) if the Draw takes place at any other Approved site - in an area open to the public during Approved hours; and
 - (e) in a manner which enables it to be witnessed by an Inspector; and
 - (ii) be captured on an Approved medium.

28. Rule 13

Amend Rule 13 to read as follows:

Subject to these Rules the winning numbers of the most recently completed Game of Keno and the Multiplier will be displayed at the Premises of a Club during the Club's displayed trading hours. The winning numbers and the Multiplier will also be available by a Game Results Inquiry.

29. Rule 15(a)

Delete the existing Rule and insert the following as a new Rule:

- (a) Regardless of the amount of a Subscription, the maximum liability in respect of a Regular Keno Jackpot Prize, and Keno Racing Jackpot Prize will be the amount showing as the Regular Keno Jackpot Prize, and Keno Racing Jackpot Prize at that time resident on magnetic media at the Central Site, reduced (if required) in accordance with Rule 19 and increased (if required) in relation to the prize (with respect to the Quartet Keno Racing Jackpot Prize specified in Rule 18(d)) or Major Prize (as the case may be) having regard to the amount of the Subscription and the Multiplier (if relevant).

30. Rule 18

Delete the existing Rule and insert the following as a new Rule:

- (a) The following Approved Schedule of Prizes applies to all Games of Keno other than Lucky Last, Heads or Tails?, Keno Racing and Keno Roulette and Keno Bonus where it is played in conjunction with Lucky Last, Heads or Tails?, Keno Racing or Keno Roulette. Prizes are based on a Subscription of \$1 and are expressed in multiples of \$1:

Number of Spots Matched	Number of Spots Selected				
	1	2	3	4	5
0					
1	3				
2		12	1	1	
3			44	4	2
4				120	14
5					640

Number of Spots Matched	Number of Spots Selected				
	6	7	8	9	10
0					
3	1	1			
4	5	3	2	1	1
5	80	12	7	5	2
6	1,800	125	60	20	6
7		\$5,000 plus Keno Bonus Jackpot Prize of \$9,000 (if payable) plus Jackpot Growth	675	210	50
8			\$25,000 plus Keno Bonus Jackpot Prize of \$50,000 (if payable) plus Jackpot Growth	2,500	580
9				\$100,000 plus Keno Bonus Jackpot	10,000

				Prize of \$250,000 (if payable) plus Jackpot Growth	
10					\$250,000 plus Jackpot Fill of \$750,000 plus Keno Bonus Jackpot Prize of \$3,900,000 (if payable) plus Jackpot Growth

Number of Spots Matched	Number of Spots selected		
	15	20	40
0		100	250,000
1		10	25,000
2		2	2,200
3			200
4			35
5	1		7
6	2		2
7	4		1
8	20	2	
9	50	7	
10	250	20	
11	2,000	100	
12	12,000	450	
13	50,000	1,200	1
14	100,000	5,000	2
15	250,000	10,000	7
16		15,000	35
17		25,000	200
18		50,000	2,200
19		100,000	25,000
20		250,000	250,000

- (b) The following Approved Schedule of Prizes applies only to games of Lucky Last and Keno Bonus where it is played in conjunction with a game of Lucky Last. Prizes are based on a Subscription of \$1 and are expressed in multiples of \$1:

Number of Spots selected	Lucky Last Prize
1	60
2	30
3	20
4	15
5	12
6	10
7	8.50
8	7.50
9	6.50
10	6
15	4
20	3
40	1.5

- (c) The following Approved Schedule of Prizes applies only to games of Heads or Tails? and Keno Bonus where it is played in conjunction with a game of Heads or Tails?. Prizes are based on a Subscription of \$1 and are expressed in multiples of \$1:

Selections	Result	Heads or Tails? Prize
Heads	Heads	2
Tails	Tails	2
Evens	Evens	4

- (d) The following Approved Schedule of Prizes applies only to games of Keno Racing. Prizes are based on a Subscription of \$1 and are expressed in multiples of \$1:

Bet Type	Keno Racing Prize
Win	6
Place	2
Quinella Place	7
Quinella	21
Exact Quinella	42
Trio	42
Trifecta	252
Quartet	
First correct	1
First 2 correct	3

First 3 correct	10
All 4 correct	800 plus Jackpot Growth
Five Up	
First correct	1
First 2 correct	3
First 3 correct	10
First 4 correct	60
All 5 correct	3,000 plus Jackpot Growth
Superfecta	
First correct	1
First 2 correct	3
First 3 correct	10
First 4 correct	60
First 5 correct	100
All 6 correct	10,000 plus Jackpot Growth

- (e) The following Approved Schedule of Prizes applies only to games of Keno Roulette and Keno Bonus where it is played in conjunction with a game of Keno Roulette. Prizes are based on a Subscription of \$1 and are expressed in multiples of \$1:

Bet Type	Keno Roulette Prize
Straight Up	60
Pair	30
Corner	15
Column	7.50
Row	6
Quarter	3

31. Rule 19

Delete the existing Rule and insert the following as a new Rule:

- (a) The maximum aggregate liability for all Major Prizes in any one Game of Keno, excluding Bonus Prizes and additional Approved prizes, shall be \$3,000,000. Where except for this Rule 19(a) the total amount of such Major Prizes would exceed \$3,000,000 Pro-rating shall apply.
- (b) Subject to Rule 19(c) where Pro-rating applies the amount payable in respect of each Major Prize affected shall be as follows:

Amount payable = $X \div Y \times \$3,000,000$

where

X = the amount which except for this Rule would have been payable in respect of the game played by a Subscriber.

Y = the total prize amount which, except for this Rule, would have been payable in respect of all Major Prizes for a Game of Keno.

- (c) Notwithstanding the application of Pro-rating no Major Prize will be reduced to a value less than \$1,000.
- (d) Where there is more than one Regular Keno Jackpot, or Keno Racing Jackpot winner, the Jackpot Growth and Jackpot Fill will be shared among those Regular Keno Jackpot or Keno Racing Jackpot winners in the same proportion that the amount of the Subscription (disregarding Keno Bonus) paid by each winner on the winning combination of Spots bears to the total amount of the Subscriptions (disregarding Keno Bonus) paid by all winners on the winning combination of Spots.
- (e) Where there is more than one Keno Bonus Jackpot Prize winner, the Keno Bonus Jackpot Prize will be shared amongst those Keno Bonus Jackpot Prize winners in the same proportion that the amount of the Subscriptions (disregarding Keno Bonus) paid by each winner on the winning combination of Spots bears to the total amount of the Subscription (disregarding Keno Bonus) paid by all winner on the winning combination of Spots.
- (f) Where there is more than one Bonus Prize winner, the Bonus Prize will be shared among those Bonus Prize winners in proportion to the amount of the Subscription paid by each winner on the winning combination of Spots.

32. Schedule

Insert the following as a new Schedule:

SCHEDULE**Part A ñ 1 x Multiplier**

211	212	213	214	215	216	218	219	221	222	223	224	225	226	228	229	231	233	235	237
239	241	242	244	245	246	247	249	251	252	254	255	258	260	261	263	264	266	268	269
271	273	276	278	280	281	283	285	287	288	290	291	293	295	296	298	300	301	303	304
307	308	311	313	315	316	318	321	322	324	326	328	330	331	332	334	335	337	338	342
344	345	348	350	352	353	355	356	358	359	367	370	372	373	374	375	377	378	379	380
381	382	385	387	389	390	392	393	395	397	398	399	401	403	405	406	407	411	412	413
415	416	418	420	422	424	425	426	427	428	429	430	433	434	437	440	442	444	445	447
449	450	452	453	454	456	458	460	461	462	464	466	467	469	471	472	474	477	479	481
483	484	486	487	488	490	491	494	496	498	499	501	503	505	507	509	511	514	516	519
521	523	525	528	530	532	534	536	537	538	540	541	543	545	546	548	551	553	555	556
557	558	560	561	562	564	565	568	570	573	575	577	579	580	581	582	583	586	587	589
591	592	594	596	598	599	601	603	605	607	609	611	613	615	616	618	620	621	623	626
628	630	632	633	635	636	637	640	643	645	647	648	650	651	653	654	655	656	658	661
664	666	669	671	673	674	675	676	678	680	681	682	684	686	688	690	691	693	694	696
697	699	705	707	708	711	712	714	715	718	720	722	723	724	725	726	728	729	730	731
732	733	734	737	739	741	744	746	747	748	749	751	752	755	759	761	762	763	765	767
770	771	773	776	778	781	782	783	785	789	790	791	792	793	795	798	800	801	802	804
805	806	807	808	812	813	814	815	816	818	819	820	822	825	827	828	829	830	831	835
837	838	839	842	844	847	849	850	853	855	857	858	859	861	865	868	869	871	872	873
874	876	879	881	883	886	887	888	889	890	891	892	894	895	896	897	898	900	902	905
906	908	909	912	913	915	921	923	924	926	927	929	930	932	934	936	938	939	940	942
944	945	946	947	949	951	954	956	959	962	964	965	966	967	969	970	972	973	975	977
980	983	984	985	987	988	990	992	994	997	999	1000	1002	1004	1005	1007	1009	1011	1013	1015
1017	1019	1021	1022	1024	1026	1028	1029	1031	1033	1034	1037	1038	1039	1040	1041	1043	1045	1047	1050
1052	1055	1056	1058	1059	1060	1062	1063	1064	1065	1067	1069	1072	1074	1075	1077	1079	1080	1082	1083
1084	1086	1088	1090	1092	1095	1097	1099	1101	1104	1106	1109	1111	1113	1115	1117	1119	1121	1122	1124
1126	1129	1130	1132	1133	1134	1136	1137	1139	1141	1143	1146	1148	1149	1151	1153	1154	1156	1158	1159
1160	1162	1164	1166	1167	1168	1170	1171	1173	1175	1176	1178	1180	1183	1186	1187	1190	1191	1192	1193
1194	1195	1196	1198	1200	1202	1204	1205	1207	1208	1209	1213	1214	1215	1217	1219	1221	1222	1223	1225
1227	1228	1230	1231	1233	1235	1238	1239	1240	1241	1242	1243	1245	1246	1247	1248	1250	1253	1261	1262
1264	1265	1267	1268	1270	1272	1275	1276	1278	1282	1283	1285	1286	1288	1289	1290	1292	1294	1296	1298
1299	1302	1304	1305	1307	1309	1312	1313	1316	1317	1319	1320	1322	1324	1325	1327	1329	1330	1332	1333
1335	1337	1339	1340	1342	1344	1347	1349	1351	1352	1354	1356	1357	1359	1360	1362	1365	1366	1368	1369
1371	1373	1374	1375	1376	1378	1379	1381	1383	1385	1387	1389	1391	1392	1394	1395	1396	1397	1398	1399
1401	1402	1404	1405	1406	1407	1408	1409												

Part B ñ 3 x Multiplier

217	227	232	234	238	243	248	250	253	256	259	262	267	270	272	275	277	279	282	284
286	289	292	294	297	299	302	305	306	309	310	312	314	317	319	323	329	333	336	339
341	346	347	351	357	361	362	363	364	368	369	371	384	386	391	396	402	408	409	410
417	421	432	435	436	438	439	441	446	448	451	455	459	463	465	468	470	475	476	478
480	485	489	493	495	497	500	502	504	506	508	512	513	515	517	518	520	522	524	526
527	529	531	533	535	539	542	544	549	550	552	554	559	567	569	571	574	576	578	584
585	588	590	593	595	597	602	604	606	608	612	614	617	619	624	625	627	629	631	638
639	641	642	644	646	649	652	659	660	662	663	665	668	670	672	677	679	685	687	689
692	695	698	700	702	703	706	710	713	716	717	721	727	735	736	738	740	742	743	745
753	754	757	760	764	766	768	774	775	777	779	784	786	787	794	796	797	799	803	809
811	817	821	823	824	826	833	834	836	841	843	845	846	852	854	856	860	863	866	867
875	877	878	880	882	884	885	893	899	903	904	907	910	914	917	918	920	922	925	928
931	933	935	941	943	948	950	952	955	957	958	960	961	968	971	974	976	978	979	981
982	989	991	993	995	996	1001	1003	1006	1008	1012	1014	1016	1018	1023	1025	1027	1030	1032	1035
1036	1042	1044	1046	1049	1051	1053	1061	1066	1068	1070	1071	1076	1078	1081	1085	1087	1089	1091	1093
1094	1096	1098	1100	1102	1103	1105	1107	1108	1112	1114	1116	1118	1120	1123	1125	1127	1131	1135	1140
1142	1144	1145	1150	1152	1155	1157	1161	1165	1169	1172	1174	1179	1181	1182	1184	1185	1188	1199	1203
1210	1211	1212	1218	1224	1229	1234	1236	1249	1251	1252	1256	1257	1258	1259	1263	1269	1273	1274	1279
1281	1284	1287	1291	1297	1301	1303	1306	1308	1310	1311	1314	1315	1318	1321	1323	1326	1328	1331	1334
1336	1338	1341	1343	1345	1348	1350	1353	1358	1361	1364	1367	1370	1372	1377	1382	1386	1388	1393	1403

Part C ñ 4 x Multiplier

210	230	240	320	327	340	343	354	360	365	376	383	388	400	404	414	423	443	473	492
510	547	566	572	600	610	622	634	667	750	756	758	769	772	780	788	832	840	848	851
862	864	870	953	986	998	1010	1020	1048	1054	1073	1110	1128	1147	1177	1197	1206	1216	1220	1232
1237	1244	1255	1260	1266	1277	1280	1293	1300	1380	1390	1410								

Part D ñ 5 x Multiplier

220	236	257	265	274	325	349	366	394	419	431	457	482	657	683	701	704	709	719	901
911	916	919	937	963	1138	1163	1189	1201	1226	1254	1271	1295	1346	1355	1363	1384	1400		

Part E ñ 10 x Multiplier

563	810	1057
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PUBLIC LOTTERIES ACT 1996**RULES - KENO**

I, THE HONOURABLE GRANT McBRIDE MP, Minister for Gaming and Racing being the Minister for the time being administering the Public Lotteries Act 1996 (hereinafter referred to as 'the Act') pursuant to section 23 of the Act **DO HEREBY APPROVE** the amendments to the Rules for the conduct of games of Keno by the joint licensees Jupiters Gaming (NSW) Pty Ltd and ClubKeno Holdings Pty Limited as set out in the addendum to this instrument. These amended Rules take effect on and from 21 November 2005.

DATED this 15th day of November 2005.

SIGNED by
The Honourable Grant McBride, M.P.,)
Minister for Gaming and Racing)

COASTAL PROTECTION ACT 1979

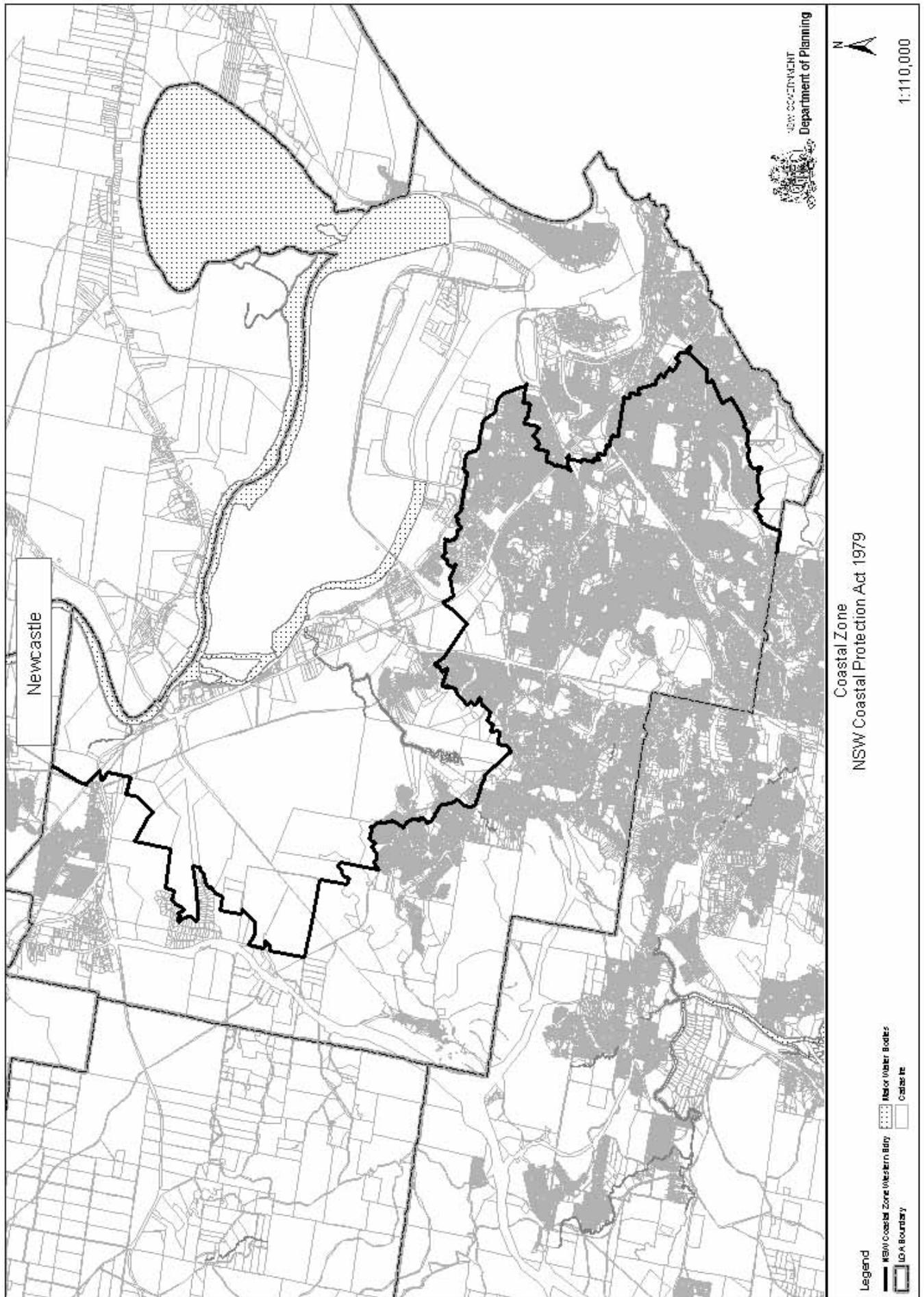
Coastal Zone

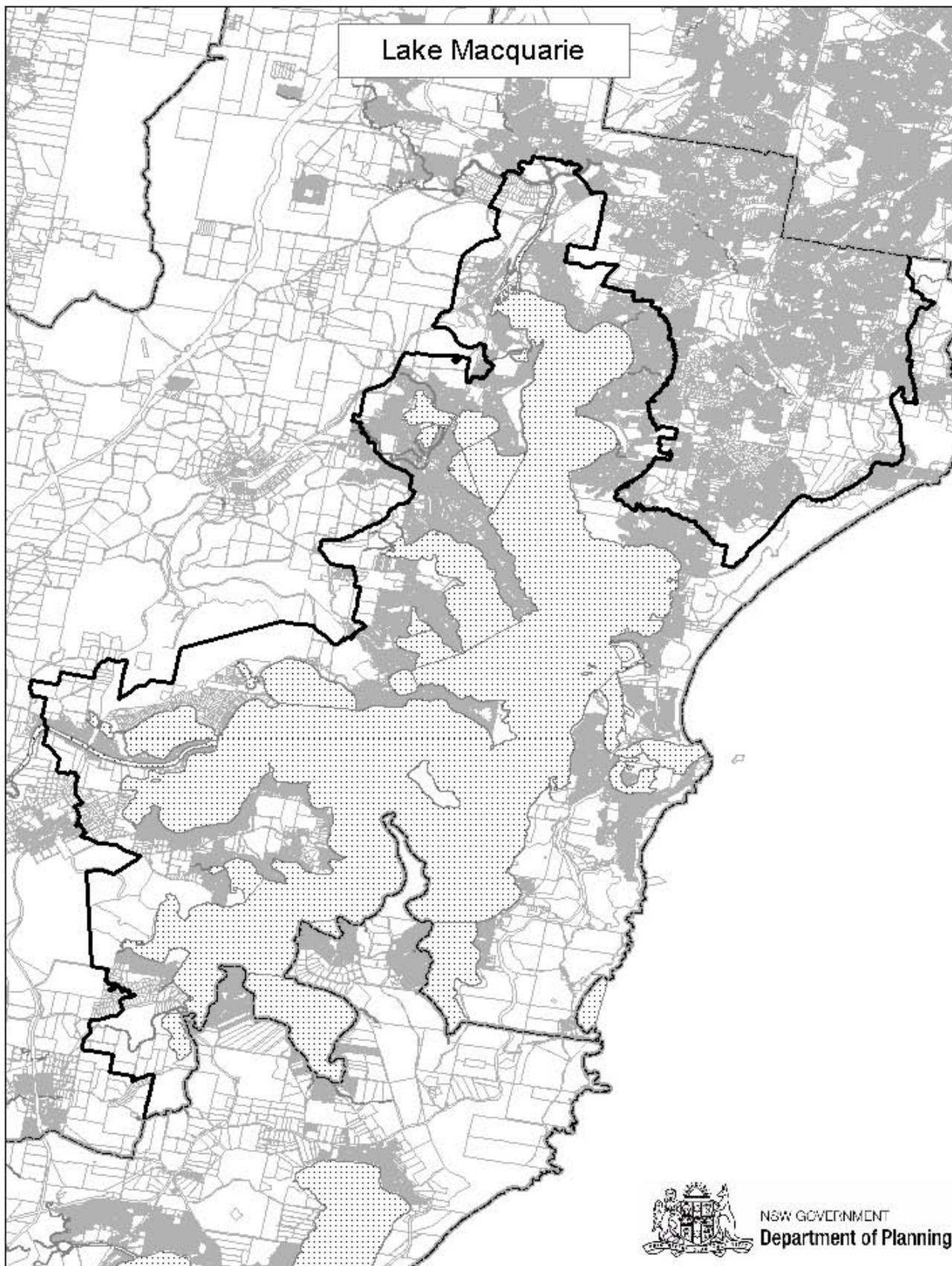
I, the Minister for Natural Resources, approve the maps in the book marked "COASTAL ZONE MAPS NSW Coastal Protection Act 1979, Greater Metropolitan Region" for the purposes of the Coastal Protection Act 1979. The maps approved by me are in addition to, and do not replace, the maps previously approved for the purposes of the Act as outlining the coastal zone. The maps approved by me are available for inspection at the offices of the Department of Natural Resources in accordance with section 4B of the Act.

This approval has effect on and from the date of publication of this notice in the Government Gazette.

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

18 November 2005





NSW GOVERNMENT
Department of Planning

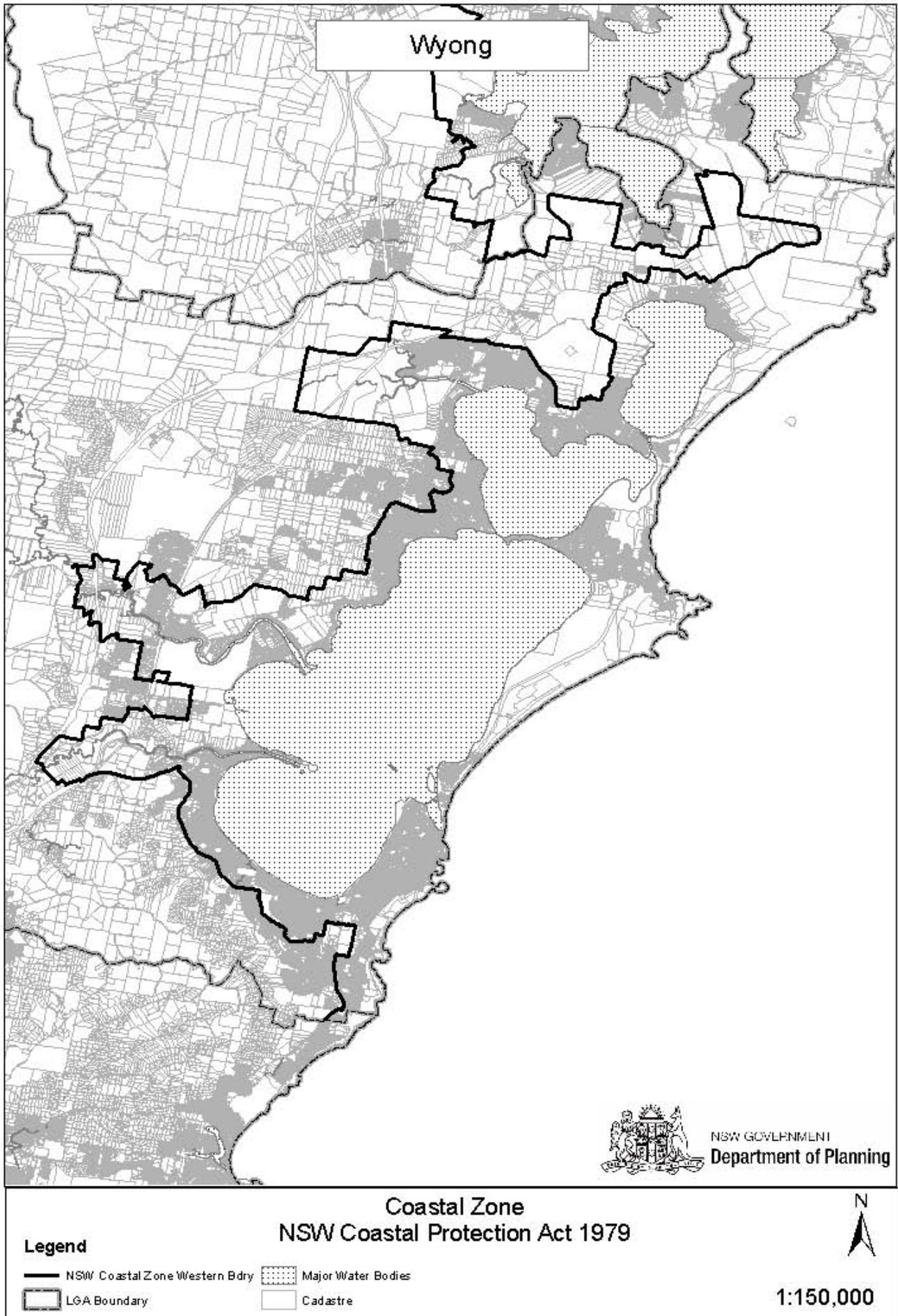
Coastal Zone
NSW Coastal Protection Act 1979

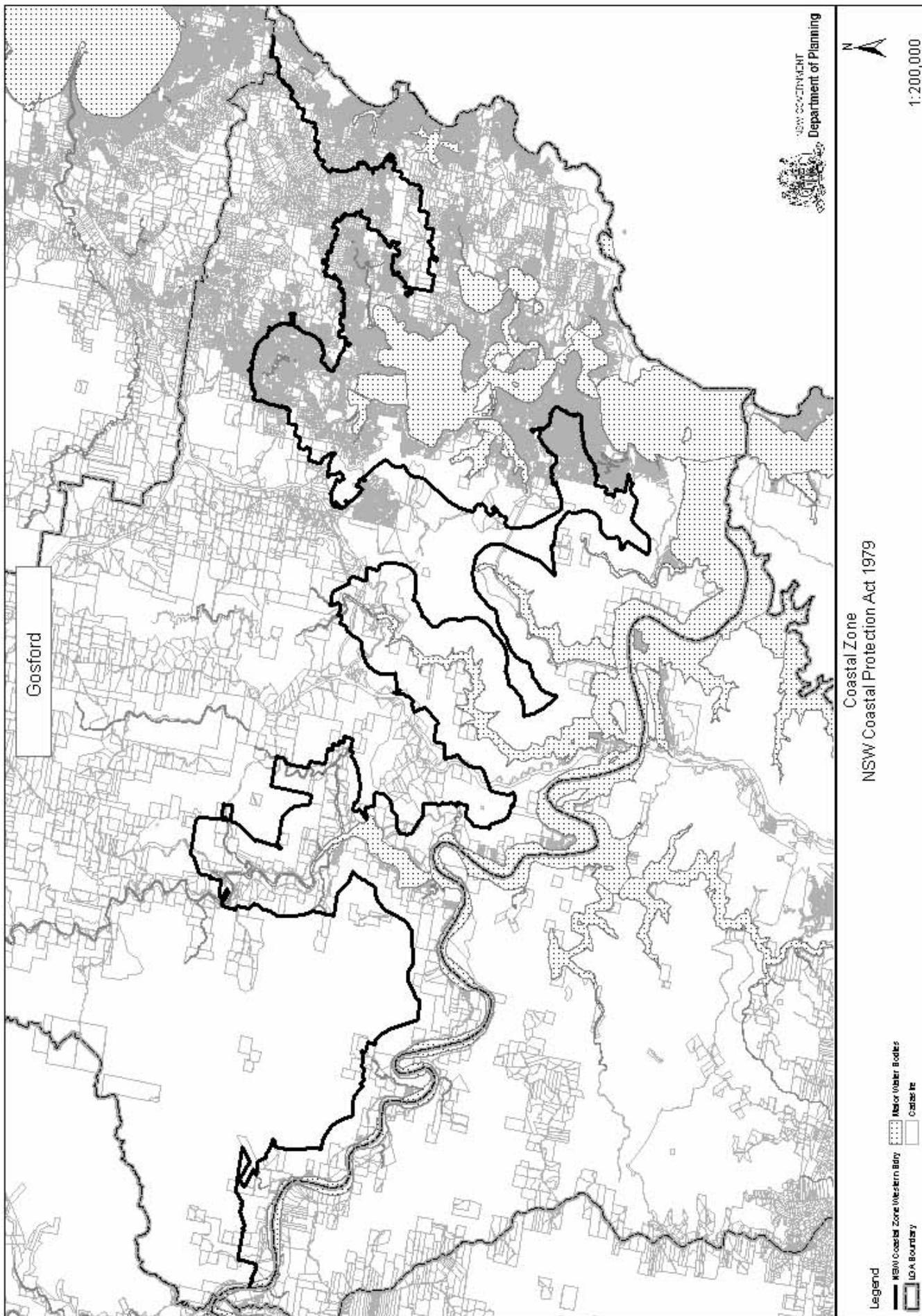
Legend

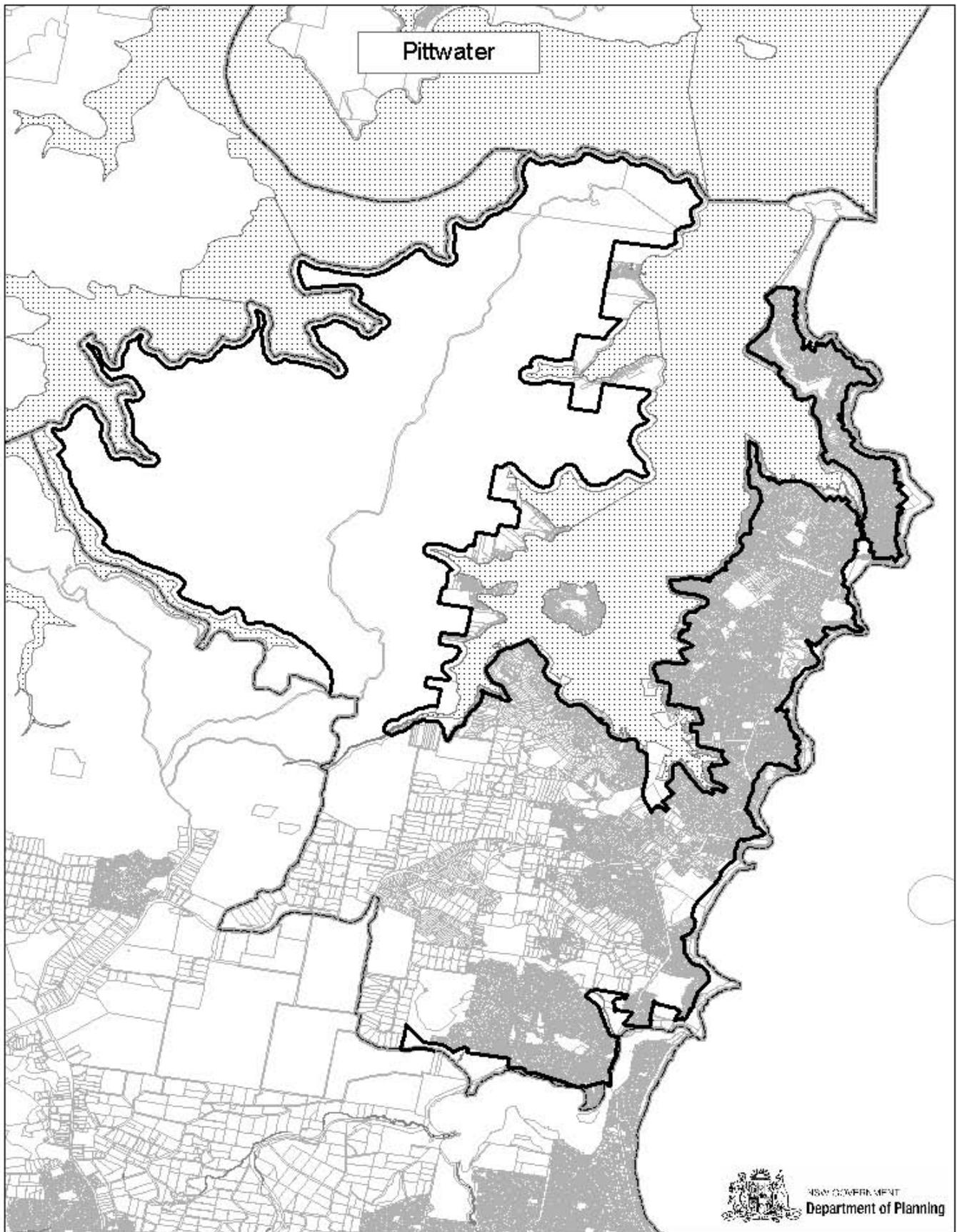
-  NSW Coastal Zone Western Bdry
-  Major Water Bodies
-  LGA Boundary
-  Cadastre



1:150,000







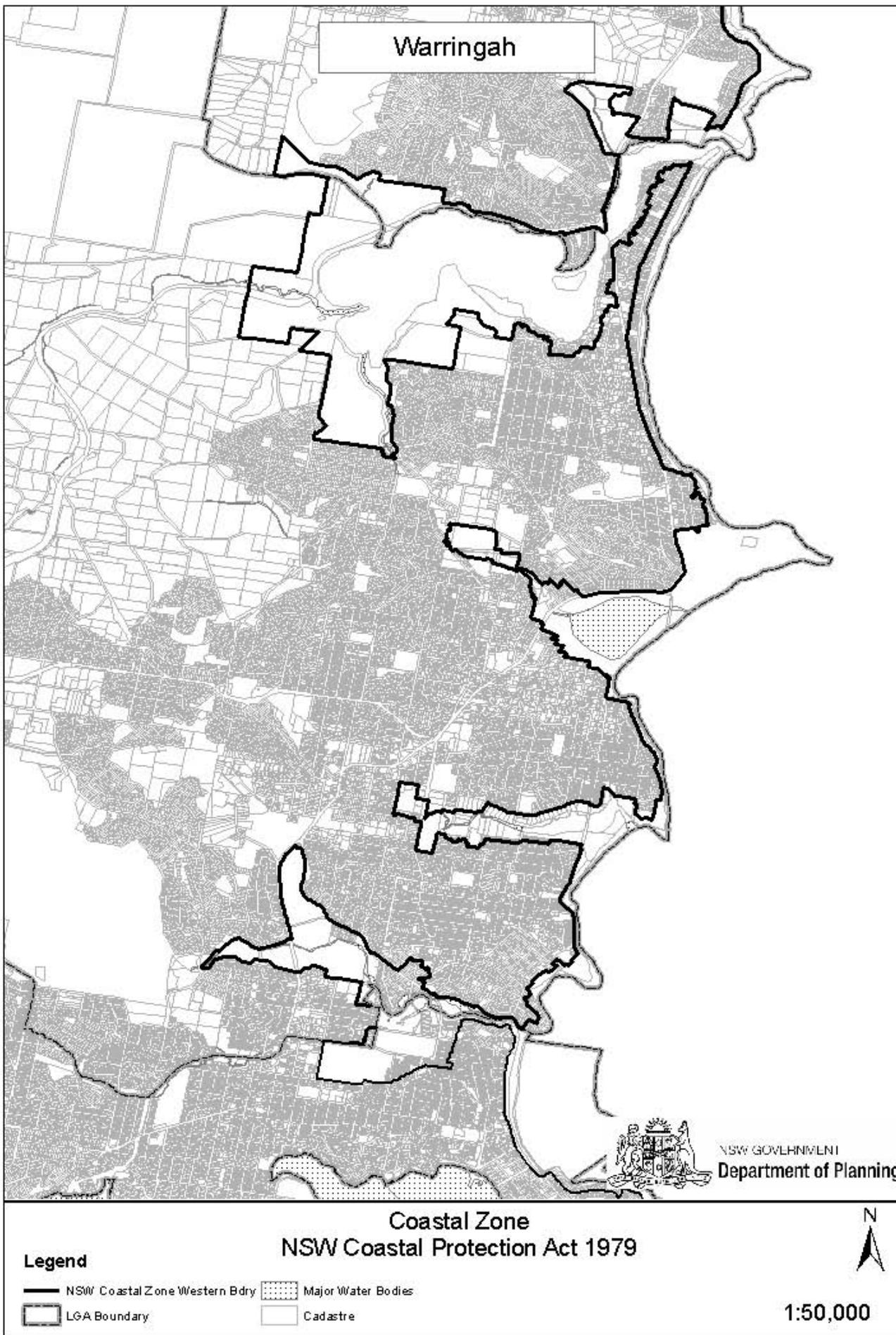
Coastal Zone
NSW Coastal Protection Act 1979

Legend

- NSW Coastal Zone Western Bdry
- LGA Boundary
- Major Water Bodies
- ▭ Cadastral

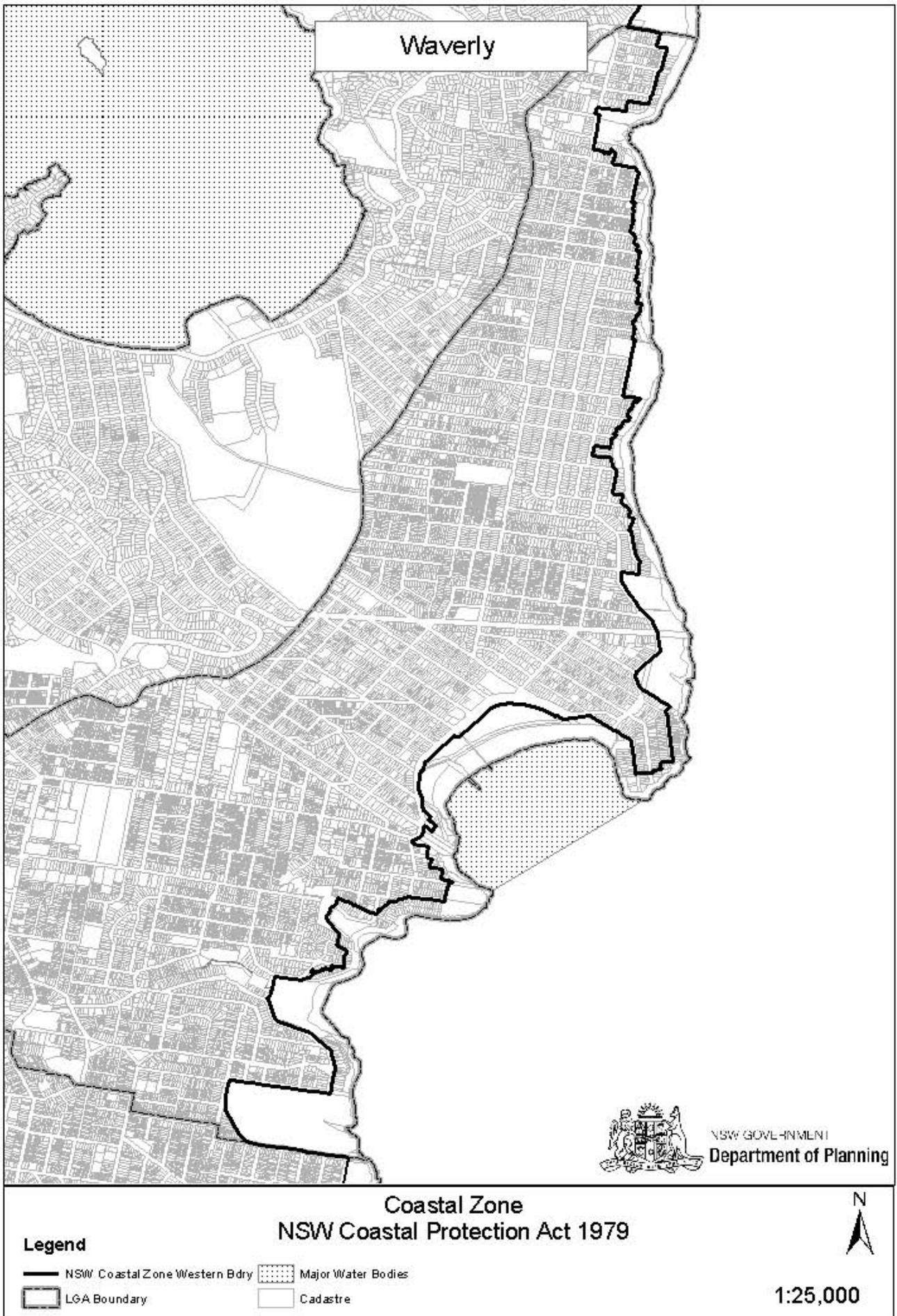


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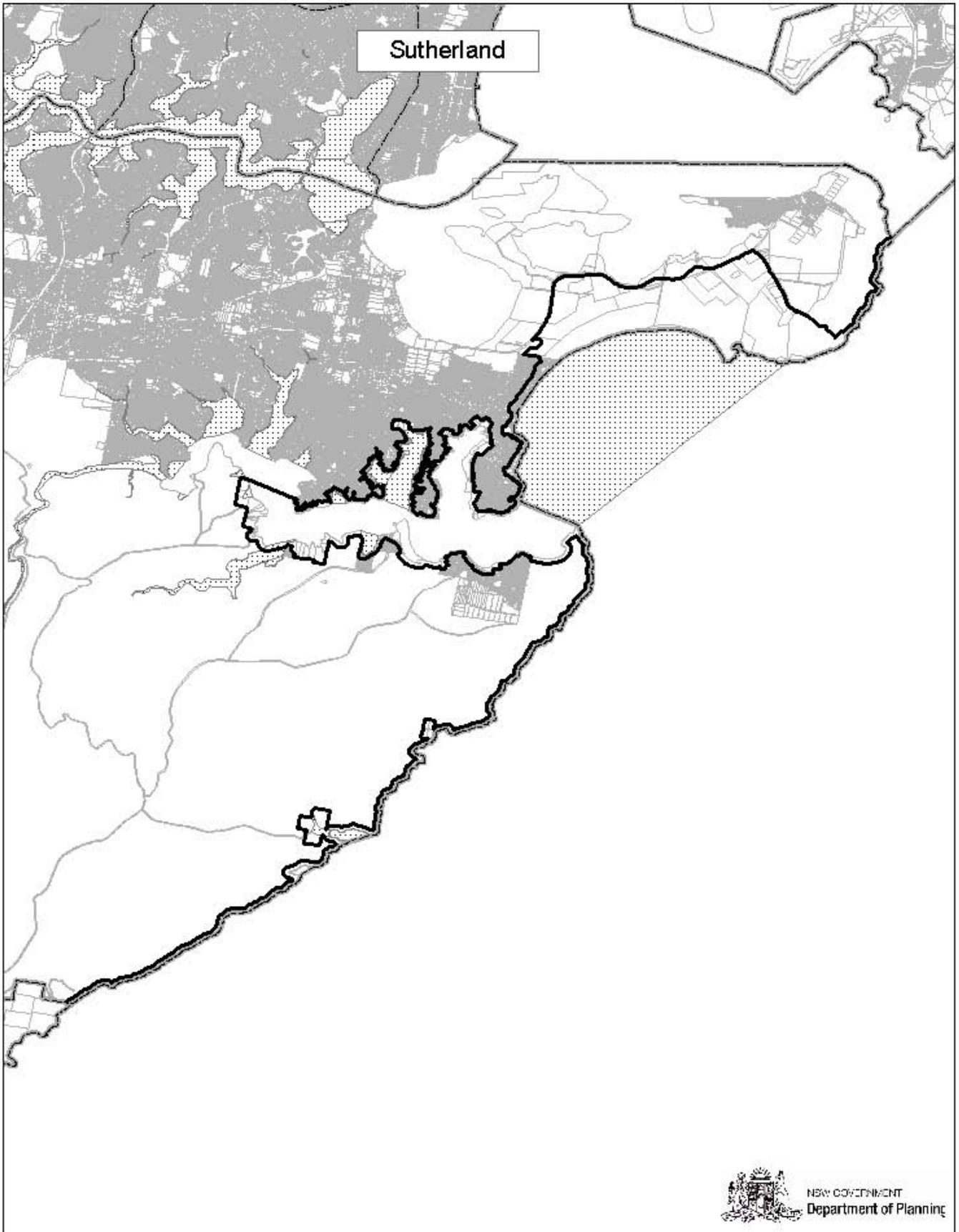












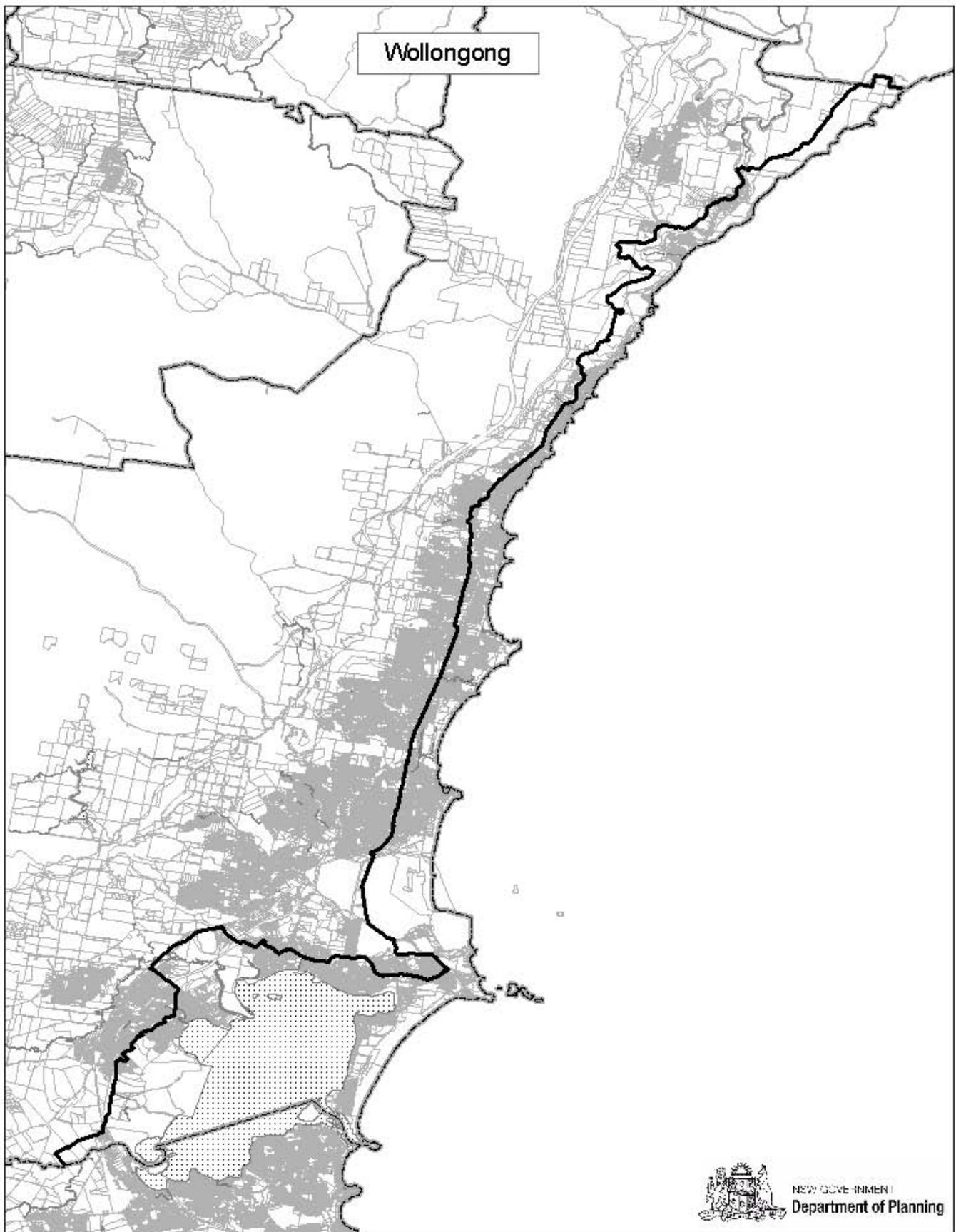
Coastal Zone
NSW Coastal Protection Act 1979



1:110,000

Legend

- NSW Coastal Zone Western Bdry
- ▭ LGA Boundary
- ▨ Major Water Bodies
- ▭ Cadastral



Coastal Zone
NSW Coastal Protection Act 1979



1:190,000

Legend

-  NSW Coastal Zone Western Bdry
-  Major Water Bodies
-  LGA Boundary
-  Cadastre



TENDERS

Department of Commerce

SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

Information in relation to the Department of Commerce proposed, current and awarded tenders is available on:

<http://www.tenders.nsw.gov.au>

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

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.

Description	Name
The lane that is located on the western side of the Pacific Highway at Coolongolook, running south from Glen Street towards Park Street.	Lombard Lane, Coolongolook.
The lane that runs parallel to Stroud Street, between Mead Street and the Pacific Highway, Bulahdelah.	Theatre Lane, Bulahdelah.
The lane that runs north off Mermaid Avenue and then east into Pelican Avenue, Hawks Nest.	Pelican Lane, Hawks Nest.

KEITH O'LEARY, General Manager, Great Lakes Council, Breese Parade, Forster NSW 2428. [1757]

MAITLAND CITY COUNCIL

Naming of Public Roads

NOTICE is hereby given that Maitland City Council, in pursuance of section 162 of the Roads Act 1993 and Part 2 of The Roads (General) Regulation 2000, has approved the following new road name/s for gazettal:

Deposited Plan/Location	Road Name
DP 1014230, off Lord Howe Drive, Ashtonfield.	Pinetree Place.

The above road name has been advertised and notified. No objections to the proposed name have been received during the prescribed 28 day period. DAVID EVANS, General Manager, Maitland City Council, High Street (PO Box 220), Maitland NSW 2320. [1754]

PORT STEPHENS COUNCIL

Roads Act 1993, Section 162(1)

Naming of Roads

NOTICE is hereby given that pursuant to section 162(1), Roads Act 1993, Port Stephens Council after having received no objections following notification and advertising has named the following roads by their locally known names.

Description	Name
At Boat Harbour: Lot 1, DP 285589 being a cul-de-sac northerly off Kingsley Drive, signposted as The Mainsail.	The Mainsail.
Rename part of Eucalyptus Drive south from Lots 1 and 2, DP 808218 to Gan Gan Road.	Koala Place.

Description

At Duns Creek:

Road bounded by Lot 14, DP 788888 westward off Paterson Road, signposted as Orange Grove Road.

At Ferodale:

Being a service road (part of the former highway) within and partly adjacent to the western boundary of the Pacific Highway from Nine Mile Creek to the south boundary of Lot 8, DP 248928, Parish of Thornton, County of Gloucester.

At Nelson Bay:

Lot 1, DP 285941 being a cul-de-sac easterly off Tingara Road, signposted as Gynea Way.

150 metres of road northerly from Shoal Bay Road, towards Lot 393, DP 753204 (Arts/Cultural Centre).

Lot 1, DP 270430, being roads:

- | | |
|---|------------------|
| 1. between Austral and Hardy Streets. | Seaspray Avenue. |
| 2. between Seaspray Avenue and Shimmer Street. | Azure Avenue. |
| 3. most southerly between Seaspray Avenue and Shimmer Street. | Bayside Street. |
| 4. between Seaspray Avenue and Seaspray Avenue. | Shimmer Street. |

At Swan Bay:

Road northerly off Swan Bay Road at Lot 7062, DP 96672 to DP 174953. Davis Road.

Council contact Cliff Johnson, telephone (02) 4980 0265. P. GESLING, General Manager, Port Stephens Council, PO Box 42, Raymond Terrace NSW 2324. Council File: A2004-0237. [1752]

WYONG SHIRE COUNCIL

Roads Act 1993 (NSW)

Land Acquisition (Just Terms Compensation) Act 1991 (NSW)

Notice of Compulsory Acquisition of Land

WYONG SHIRE COUNCIL declares with the approval of Her Excellency the Governor that the land described in the Schedule below excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 (NSW), for the purpose of road widening. KERRY YATES, General Manager, Wyong Shire Council, PO Box 20, Wyong NSW 2259.

SCHEDULE

Lot 61, DP 1081176, Brush Road, Ourimbah. [1756]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MARY KATHLEEN DOWERS, late of 1-10 Tara Place, Yennora, in the State of New South Wales, widow, who died on 25th March 2005, must send particulars of his claim to the executrices, Eileen Mary Plant and Margaret Geraldine Guy, c.o. Steve Masselos & Co., Solicitors, PO Box A988, Sydney South NSW 1235, within one (1) calendar month from publication of this notice. After that time the executrices 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 31st August 2005, as number 111181/05. STEVE MASSELOS & CO., A Solicitor Corporation, 2nd Floor, 114-120 Castlereagh Street, Sydney NSW 2000 (PO Box A988, Sydney South 1235), (DX 305, Sydney), tel.: (02) 9264 7022. [1753]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of HELEN TULLIDGE SULLIVAN, late of Lane Cove, in the State of New South Wales, who died on 27th June 2005, must send particulars of his claim to the executor, David Richard Todd, c.o. A E Whatmore, G C M Gee & Co., Solicitors, 5/46 Burns Bay Road, Lane Cove NSW 2066, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 4th November 2005. A E WHATMORE, G C M GEE & CO., Solicitors, 5/46 Burns Bay Road, Lane Cove NSW 2066 (DX 23306, Lane Cove), tel.: (02) 9427 0400. [1755]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ANNE MAREE STUBBS, late of 20/3 Princess Street, Brighton-Le-Sands, in the State of New South Wales, administrator, who died on 19th May 2005, must send particulars of his/her/their claim to the administrator, Peter Stubbs, c.o. Galilee Solicitors, Level 4, 17 Castlereagh 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 administrator has notice. Letters of Administration were granted in New South Wales on 6th October 2005. GALILEE SOLICITORS, Level 4, 17 Castlereagh Street, Sydney NSW 2000 (DX 320, Sydney), tel.: (02) 8258 9000. Reference: 357288:RG:Nf. [1758]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of EDNA MAY BRUTON, late of Dolls Point, in the State of New South Wales, who died on 17th March 2005, must send particulars of his claim to the executrices, Barbara Cunningham and Janice Honey, c.o. Gunnar Mollenbeck and Associates, Solicitors, 209/375 George Street, Sydney NSW 2000, within one (1) calendar month from publication of this notice. After that time the executrices 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 7th November 2005. GUNNAR MOLLENBECK AND ASSOCIATES, Solicitors, 209/375 George Street, Sydney NSW 2000, tel.: (02) 9299 7070. [1760]

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ROBERT J. GALLAGHER, Government Printer.