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OF THE STATE OF

NEW SOUTH WALES

Number 24

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LEGISLATION

Online notification of the making of statutory instruments

Week beginning 21 February 2011

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

Proclamations commencing Acts

Central Coast Water Corporation Act 2006 No 105 (2011-86) — published LW 25 February 2011

Central Coast Water Corporation Amendment Act 2010 No 89 (2011-87) — published LW 25 February 2011

Police Legislation Amendment (Recognised Law Enforcement Officers) Act 2010 No 58 (2011-88) — published LW 25 February 2011

Regulations and other statutory instruments

Building and Construction Industry Security of Payment Amendment Regulation 2011 (2011-89) — published LW 25 February 2011

Central Coast Water Corporation Regulation 2011 (2011-90) — published LW 25 February 2011

Entertainment Industry Amendment Regulation 2011 (2011-91) — published LW 25 February 2011

Industrial Relations (National System Employers) Amendment Order 2011 (2011-92) — published LW 25 February 2011

Liquor Amendment (Biennial Returns) Regulation 2011 (2011-93) — published LW 25 February 2011

Mental Health Amendment Regulation 2011 (2011-94) — published LW 25 February 2011

Retail Trading Amendment Regulation 2011 (2011-95) — published LW 25 February 2011

State Property Authority Amendment Order 2011 (2011-96) — published LW 25 February 2011

Uniform Civil Procedure Rules (Amendment No 41) 2011 (2011-101) — published LW 25 February 2011

Environmental Planning Instruments

Armidale Dumaresq Local Environmental Plan 2008 (Amendment No 6) (2011-97) — published LW 25 February 2011

Blue Mountains Local Environmental Plan 2005 (Amendment No 18) (2011-98) — published LW 25 February 2011

Port Macquarie-Hastings Local Environmental Plan 2011 (2011-84) — published LW 23 February 2011

Standard Instrument (Local Environmental Plans) Amendment (Zone B8 Metropolitan Centre) Order 2011 (2011-82) — published LW 23 February 2011

Standard Instrument (Local Environmental Plans) Amendment Order 2011 (2011-102) — published LW 25 February 2011

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Miscellaneous) 2011 (2011-99) — published LW 25 February 2011

State Environmental Planning Policy (Major Development) Amendment (Channel 7 Site) 2011 (2011-100) — published LW 25 February 2011

State Environmental Planning Policy (Standard Instrument References) Amendment 2011 (2011-103) — published LW 25 February 2011

State Environmental Planning Policy Amendment (Zone B8 Metropolitan Centre) 2011 (2011-83) — published LW 23 February 2011

Wollondilly Local Environmental Plan 2011 (2011-85) — published LW 23 February 2011

OFFICIAL NOTICES

Appointments

ELECTION FUNDING, EXPENDITURE AND DISCLOSURES ACT 1981

Appointment of Alternate Member of the Election Funding Authority

IT is hereby notified for public information that Her Excellency, the Governor, with the advice of the Executive Council, and in pursuance of the provisions of the Election Funding, Expenditure and Disclosures Act 1981, has appointed Mr Steven David LEWIS to the Election Funding Authority of New South Wales as the alternate for the member appointed on the nomination of the Premier.

KRISTINA KENEALLY,
Premier

TRANSPORT ADMINISTRATION ACT 1988

Notice of Appointment of Board of Directors

NOTICE is hereby given of the appointment of the Board of Trainworks Limited, a wholly owned, subsidiary of RailCorp established in accordance with section 55D of the Transport Administration Act 1988 No. 109, as amended 2010.

The Board is constituted in accordance with the requirements of the Corporations Act 2001.

Each member of the Board is appointed for a term of 2 years, from 17 January 2011 to 17 January 2013, as approved by NSW Cabinet on 1 February 2011.

The appointed Directors are:

Mr Jonathon Alexander DENOVAN	Chairperson
Mr Peter Kenneth BERRIMAN,	Director
Ms Joyce DIMASCIO	Director
Mr Keith EDWARDS	Director
Ms Vanessa Sophie FUDGE	Director
Ms Marianne Debra HAMMERTON	Director
Mr Tony HIGGINS	Director
Mr Marcus TESTONI	Director

Department of Industry and Investment

FISHERIES MANAGEMENT (EXTENSION OF THE DEFINITION OF PROTECTED AREA) ORDER 2011

under the

Fisheries Management Act 1994

I, the Minister for Primary Industries, in pursuance of section 204 (2) (b) of the Fisheries Management Act 1994, make the following Order.

Dated, this 23rd day of February 2011.

STEVE WHAN, M.P.,
Minister for Primary Industries

Explanatory note

Division 4 of Part 7 of the Fisheries Management Act 1994 currently protects mangroves and certain other marine vegetation from harm in a protected area.

Protected area is defined in section 204 (2) of the Act to include public water land or land subject to an aquaculture lease that is below the mean high water mark.

The object of this order is to extend the definition of protected area to also include public water land and land that is subject to an aquaculture lease that is between the highest astronomical tide and the mean high water mark.

This Order is made under section 204 (2) of the Fisheries Management Act 1994.

1 Name of Order

This Order is the Fisheries Management (Extension of the definition of protected area) Order 2011.

2 Commencement and repeal

This Order takes effect on the day that it is published in the Gazette.

3 Extension of the definition of 'protected area'

The definition of "protected area" in section 204 (2) includes that part of the foreshore of any public water land or area that is the subject of an aquaculture lease that is between the highest astronomical tide and the mean high water mark (including the mean high water mark) of the waters by which the land or area is submerged.

NON-INDIGENOUS ANIMALS ACT 1987

Delegation by the Minister

I, STEVE WHAN, M.P., Minister for Primary Industries, pursuant to section 29A of the Non-Indigenous Animals Act 1987 ("the Act"), hereby:

1. revoke the instrument of delegation titled "Delegation" published in *NSW Government Gazette* No. 143 of 6 December 1996 at page 7905, and any instrument of delegation revived as a result of this revocation; and
2. delegate the functions conferred or imposed on the Minister by the section of the Act specified in Column 1 of the Schedule to the officer of the Department of Industry and Investment who from time to time holds, occupies or performs the duties of the position described opposite in Column 2 of the Schedule.

SCHEDULE

Column 1 Section	*Column 2* Position
Section 21 (1)	Deputy Director-General, Primary Industries Principal Director, Biosecurity Director, Emergencies & Animal Welfare Director, Invasive Species & LHPA Liaison Director, Invasive Species Director, Agricultural Compliance
Section 23 (1) (e)	Deputy Director-General, Primary Industries Principal Director, Biosecurity Director, Emergencies & Animal Welfare Director, Invasive Species & LHPA Liaison Director, Invasive Species Director, Agricultural Compliance
Section 28	Deputy Director-General, Primary Industries Principal Director, Biosecurity Director, Emergencies & Animal Welfare Director, Invasive Species & LHPA Liaison Director, Invasive Species Director, Agricultural Compliance

Dated this 23rd day of February 2011.

STEVE WHAN, M.P.,
Minister for Primary Industries

NOXIOUS WEEDS ACT 1993

Appointment of Member
to Noxious Weeds Advisory Committee

I, STEVE WHAN, M.P., Minister for Primary Industries, pursuant to Part 5 Division 2 of the Noxious Weeds Act 1993, have determined that Mr John STRANACK be appointed to the Noxious Weeds Advisory Committee from the date hereof until 31 August 2012.

Dated 25th day of February 2011

STEVE WHAN, M.P.,
Minister for Primary Industries

MINERAL RESOURCES

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(T10-0143)

No. 4014, now Exploration Licence No. 7699, TELLUS RESOURCES LTD (ACN 144 733 595), County of Vernon, Map Sheet (9235), area of 41 units, for Group 1, dated 4 February 2011, for a term until 4 February 2013.

(T10-0166)

No. 4036, now Exploration Licence No. 7673, WHITE ROCK (MTC) PTY LTD (ACN 132 461 575), Counties of Buller and Clive, Map Sheet (9340), area of 61 units, for Group 1, dated 21 December 2010, for a term until 21 December 2012.

(T10-0222)

No. 4086, now Exploration Licence No. 7708, MUMMULGUM EXPLORATION PTY LTD (ACN 146 381 875), Counties of Buller and Rous, Map Sheet (9341, 9441), area of 100 units, for Group 1 and Group 2, dated 22 February 2011, for a term until 22 February 2013.

(T10-0223)

No. 4087, now Exploration Licence No. 7709, MUMMULGUM EXPLORATION PTY LTD (ACN 146 381 875), Counties of Clarence, Drake and Richmond, Map Sheet (9438, 9439), area of 100 units, for Group 1 and Group 2, dated 22 February 2011, for a term until 22 February 2013.

(T10-0224)

No. 4088, now Exploration Licence No. 7710, MUMMULGUM EXPLORATION PTY LTD (ACN 146 381 875), Counties of Buller, Drake and Rous, Map Sheet (9440), area of 100 units, for Group 1 and Group 2, dated 22 February 2011, for a term until 22 February 2013.

(T10-0227)

No. 4091, now Exploration Licence No. 7702, CENTRAL WEST GOLD NL (ACN 003 078 591), County of Westmoreland, Map Sheet (8830), area of 8 units, for Group 1, dated 9 February 2011, for a term until 9 February 2013.

(T10-0239)

No. 4101, now Exploration Licence No. 7706, CENTRAL WEST GOLD NL (ACN 003 078 591), Counties of Arrawatta and Gough, Map Sheet (9139, 9239), area of 26 units, for Group 1, dated 22 February 2011, for a term until 22 February 2013.

(T10-0258)

No. 4108, now Exploration Licence No. 7711, PEEL EXPLORATION LIMITED (ACN 119 343 734), Counties of Clarke and Sandon, Map Sheet (9237), area of 21 units, for Group 1, dated 22 February 2011, for a term until 22 February 2013.

(T10-0270)

No. 4118, now Exploration Licence No. 7707, CENTRAL WEST GOLD NL (ACN 003 078 591), County of Cooper, Map Sheet (8130), area of 8 units, for Group 1, dated 22 February 2011, for a term until 22 February 2013.

MINING LEASE APPLICATION

(06-0141)

Orange No. 280, now Mining Lease No. 1652 (Act 1992), UNIMIN AUSTRALIA LIMITED (ACN 000 971 844), Parish of Tallawang, County of Bligh, Map Sheet (8733-1-S, 8733-2-N), area of 76.1 hectares, for the purpose of stockpiling or depositing of overburden, ore or tailings, dated 21 January 2011, for a term until 21 January, 2032.

STEVE WHAN, M.P.,
Minister for Primary Industries

NOTICE is given that the following applications have been withdrawn:

MINING LEASE APPLICATIONS

(C01-0156)

Singleton No. 172, HUNTER VALLEY ENERGY COAL LIMITED (ACN 062 894 464), Parish of Brougham, County of Durham, (9033-2-N). Withdrawal took effect on 23 February 2011.

(04-0604)

Broken Hill No. 252, UNIMIN AUSTRALIA LIMITED (ACN 000 971 844), Parish of Dhoon, County of Yancowinna, (7133-4-S). Withdrawal took effect on 13 July, 2009.

STEVE WHAN, M.P.,
Minister for Primary Industries

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

(T00-0181)

Exploration Licence No. 5842, POLYMETALS (MT BOPPY) PTY LTD (ACN 129 225 207), area of 70 units. Application for renewal received 28 February 2011.

(04-0609)

Exploration Licence No. 6386, PERILYA BROKEN HILL LIMITED (ACN 099 761 289), area of 8 units. Application for renewal received 28 February 2011.

(06-4176)

Exploration Licence No. 6728, MINCOR COPPER PTY LTD (ACN 120 024 777), area of 79 units. Application for renewal received 1 March 2011.

(07-2332)

Petroleum Exploration Licence No. 2, AGL UPSTREAM INVESTMENTS PTY LIMITED (ACN 115 063 744), area of 72 blocks. Application for renewal received 24 February 2011.

(07-0425)

Petroleum Exploration Licence No. 457, CLARENCE MORETON RESOURCES PTY LIMITED (ACN 140 886 853), area of 10 blocks. Application for renewal received 1 March 2011.

(11-1103)

Mining Purposes Lease No. 266 (Act 1973), COALPAC PTY LIMITED (ACN 003 558 914), area of 3216 square metres. Application for renewal received 24 February 2011.

STEVE WHAN, M.P.,
Minister for Primary Industries

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(08-1621)

Authorisation No. 143, DENDROBIUM COAL PTY LTD (ACN 098 744 088), County of Camden, Map Sheet (9029), area of 5396 hectares, for a further term until 7 November 2013. Renewal effective on and from 15 February 2011.

(T03-0862)

Exploration Licence No. 6239, SILVER MINES LIMITED (ACN 107 452 942), Counties of Arrawatta and Gough, Map Sheet (9138, 9139), area of 4 units, for a further term until 16 May 2012. Renewal effective on and from 22 February 2011.

STEVE WHAN, M.P.,
Minister for Primary Industries

REFUSAL OF APPLICATIONS FOR RENEWAL

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

(05-0255)

Exploration Licence No. 6502, ZEDEX MINERALS LIMITED (ACN 107 523 428), Counties of Sandon and Vernon, Map Sheet (9236), area of 43 units. The authority ceased to have effect on 22 February 2011.

(05-0289)

Exploration Licence No. 6519, ZEDEX MINERALS LIMITED (ACN 107 523 428), Counties of Sandon and Vernon, Map Sheet (9236), area of 11 units. The authority ceased to have effect on 22 February 2011.

(T08-0023)

Exploration Licence No. 7143, ANTHONY GILBERT MARTIN, County of Auckland, Map Sheet (8824), area of 7 units. The authority ceased to have effect on 23 February 2011.

(10-3444)

Exploration Licence No. 7144, ANTHONY GILBERT MARTIN, Counties of Auckland and Wellesley, Map Sheet (8723, 8724, 8823, 8824), area of 140 units. The authority ceased to have effect on 23 February 2011.

(T08-0099)

Exploration Licence No. 7214, ANTHONY GILBERT MARTIN, County of Auckland, Map Sheet (8824), area of 4 units. The authority ceased to have effect on 23 February 2011.

(T88-0852)

Mining Claim Converted To Lease No. 76 (Act 1992), VALERIE FAYE WOTTEN, Parish of Devon, County of Sandon; and Parish of Uralla, County of Sandon, Map Sheet (9136-1-N, 9136-1-S), area of 2500 square metres. The authority ceased to have effect on 14 February 2011.

STEVE WHAN, M.P.,
Minister for Primary Industries

CANCELLATION OF AUTHORITIES AT REQUEST OF HOLDERS

NOTICE is given that the following authorities have been cancelled:

(T97-0328)

Mining Lease No. 785 (Act 1973), RUTILE & ZIRCON MINES (NEWCASTLE) LTD (ACN 000 393 135), Parish of Eldon, County of Gloucester, Map Sheet (9232-2-N), area of 89.26 hectares. Cancellation took effect on 25 October 2010.

(T01-0069)

Mining Lease No. 1222 (Act 1973), RUTILE & ZIRCON MINES (NEWCASTLE) LTD (ACN 000 393 135), Parish of Eldon, County of Gloucester, Map Sheet (9232-2-N), area of 96.03 hectares. Cancellation took effect on 25 October 2010.

STEVE WHAN, M.P.,
Minister for Primary Industries

TRANSFER

(07-0396)

Exploration Licence No. 6979, formerly held by PERILYA BROKEN HILL LIMITED (ACN 099 761 289) has been transferred to CARPENTARIA EXPLORATION LIMITED (ACN 095 117 981). The transfer was registered on 22 February 2011.

STEVE WHAN, M.P.,
Minister for Primary Industries

NOTICE is given that the following application has been received:

REQUEST FOR CANCELLATION OF AUTHORITY

(T08-0218)

Exploration Licence No. 7327, MIKADA RESOURCES PTY LTD, (ACN 132 471 446), area of 35 units.

Application for Cancellation was received on 25 February 2011.

STEVE WHAN, M.P.,
Minister for Primary Industries

FISHERIES MANAGEMENT ACT 1994

Section 8 Notification – Fishing Closure

Caulerpa taxifolia

Narrawallee Inlet, Burrill Lake, Lake Conjola and Berringer Lake, Pittwater and St Georges Basin

I, PAUL O'CONNOR, Principal Director, Fisheries and Compliance, with the delegated authority of the Minister for Primary Industries and the Director-General of the Department of Industry and Investment pursuant to sections 227 and 228 of the Fisheries Management Act 1994 ("the Act") and pursuant to section 8 of the Act do by this notification, prohibit the taking of all species of fish by all endorsement holders in the Estuary General Fishery and all recreational fishers by the methods of fishing specified in Column 1 of Schedules 1 to 5 to this notification, from the waters described opposite in Column 2 of Schedules 1 to 5 to this notification.

SCHEDULE 1

Narrawallee Inlet and its tributaries

Column 1 – Methods	*Column 2 – Waters*
By means of nets of every description other than a landing net as prescribed by clause 33 of the General Regulation.	The waters bordered by: 1. On the east, by a line extending due north from the public boat ramp at the end of Normandy St in the township of Narrawallee to a point on the north bank of Narrawallee Inlet; and 2. From the line described in paragraph 1. above upstream to where the Narrawallee Creek begins to bend toward a north west direction (a distance of approximately 1 kilometre along the northern bank), as identified as *Caulerpa taxifolia* closure areas in the map at Attachment 1 to this notification.

SCHEDULE 2

Burrill Lake and its tributaries

Column 1 – Methods	*Column 2 – Waters*
By means of nets of every description other than a landing net as prescribed by clause 33 of the General Regulation.	The waters extending over the whole of Burrill Lake and its tributaries and bays upstream of a line located at the eastern end of oyster lease OL74/027, perpendicular to the banks of the channel, as identified as *Caulerpa taxifolia* closure areas in the map at Attachment 2 to this notification.

SCHEDULE 3

Lake Conjola and Berringer Lake and their tributaries

Column 1 – Methods	*Column 2 – Waters*
By means of nets of every description other than a landing net as prescribed by clause 33 of the General Regulation.	The waters extending over the whole of Lake Conjola and its tributaries and bays other than in Pattimores Lagoon upstream of the Lake Conjola Entrance Road, as identified as Caulerpa taxifolia closure areas in the map at Attachment 3 to this notification.

SCHEDULE 4

Pittwater and its tributaries

Column 1 – Methods	*Column 2 – Waters*
By means of nets of every description other than a landing net as prescribed by clause 33 of the General Regulation.	The waters east of a line drawn from the western most point of Barrenjoey Head south to the western most port marker off Observation Point and then south to the northern most point of Stokes Point, as identified as Caulerpa taxifolia closure areas in the map at Attachment 4 to this notification.

SCHEDULE 5

St Georges Basin and its tributaries

Column 1 – Methods	*Column 2 – Waters*
By means of nets of every description other than a landing net as prescribed by clause 33 of the General Regulation.	1. The waters west of a line drawn from the most south-westerly point of the Basin View boat ramp, to the most easterly point of the small island west of Picnic Point, but excluding Wandanian Creek and Tullarwalla Inlet; and 2. The waters of Pats Bay west of a line drawn from the most south-easterly point of Tallyan Point to the end of Panorama St on the northern shoreline, as identified as *Caulerpa taxifolia* closure areas in the map at Attachment 5 to this notification.

In the Schedules to this notification:

"Estuary General Fishery" means the share management fishery of that name, as described in Schedule 1 to the Act.

"General Regulation" means the Fisheries Management (General) Regulation 2010.

The provisions of this fishing closure in respect of endorsement holders in the Estuary General Fishery have effect despite any provision in the Fisheries Management (Estuary General Share Management Plan) Regulation 2006.

This fishing closure notification is effective for a period of five (5) years commencing on the date of publication in the Gazette unless sooner amended or revoked.

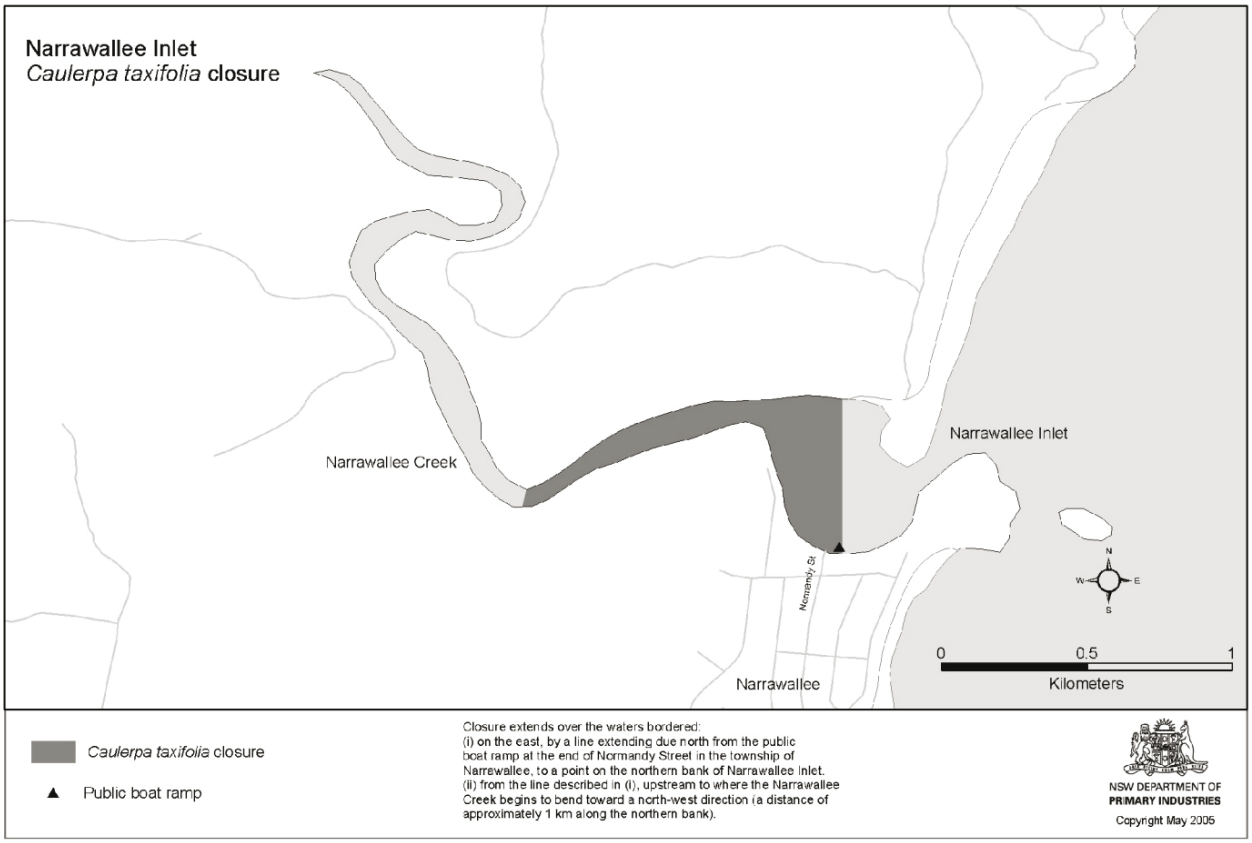
Notes: The Industry and Investment NSW website at www.dpi.nsw.gov.au/fisheries, and at the nearest local council office.

The purpose of this fishing closure is to prevent the spread of the marine pest Caulerpa taxifolia.

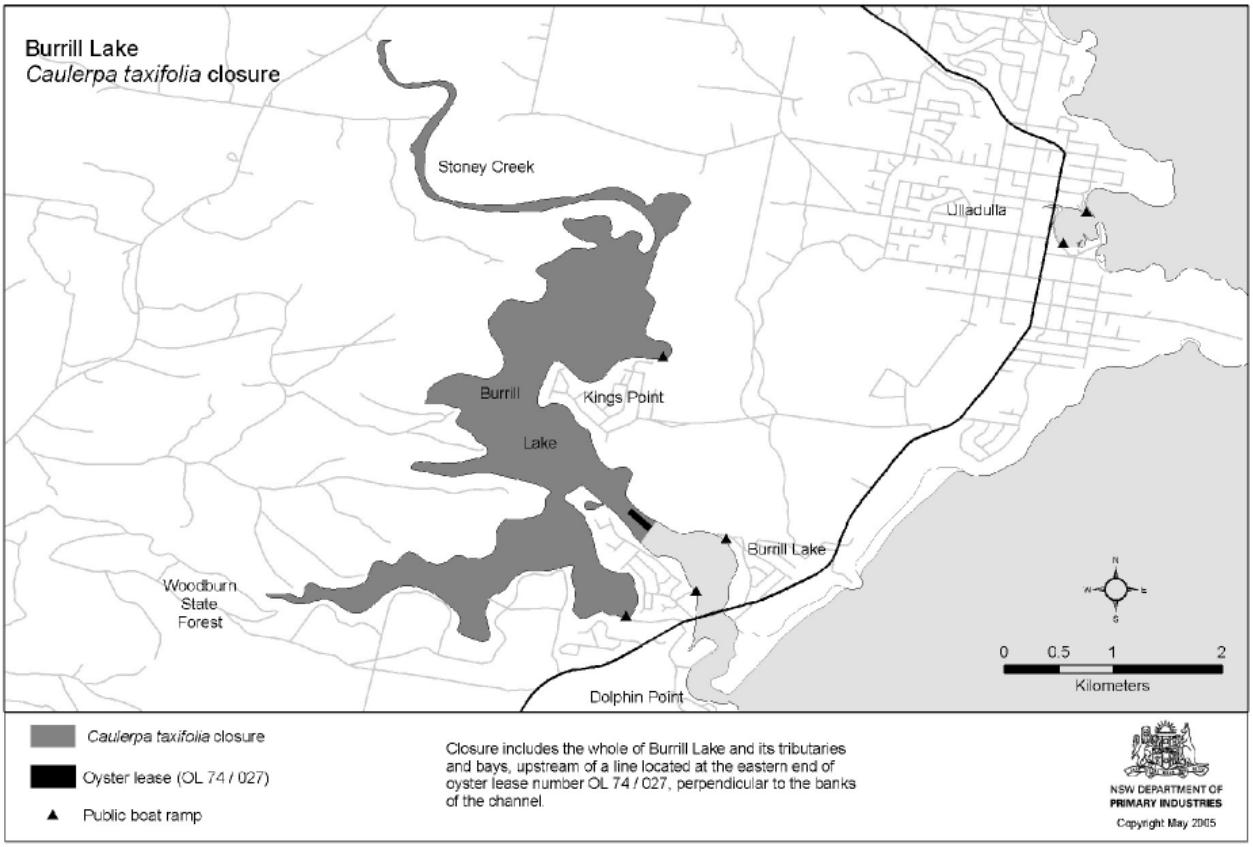
Dated this 1st day of March 2011.

PAUL O'CONNOR,
Principal Director, Fisheries and Compliance,
Department of Industry and Investment

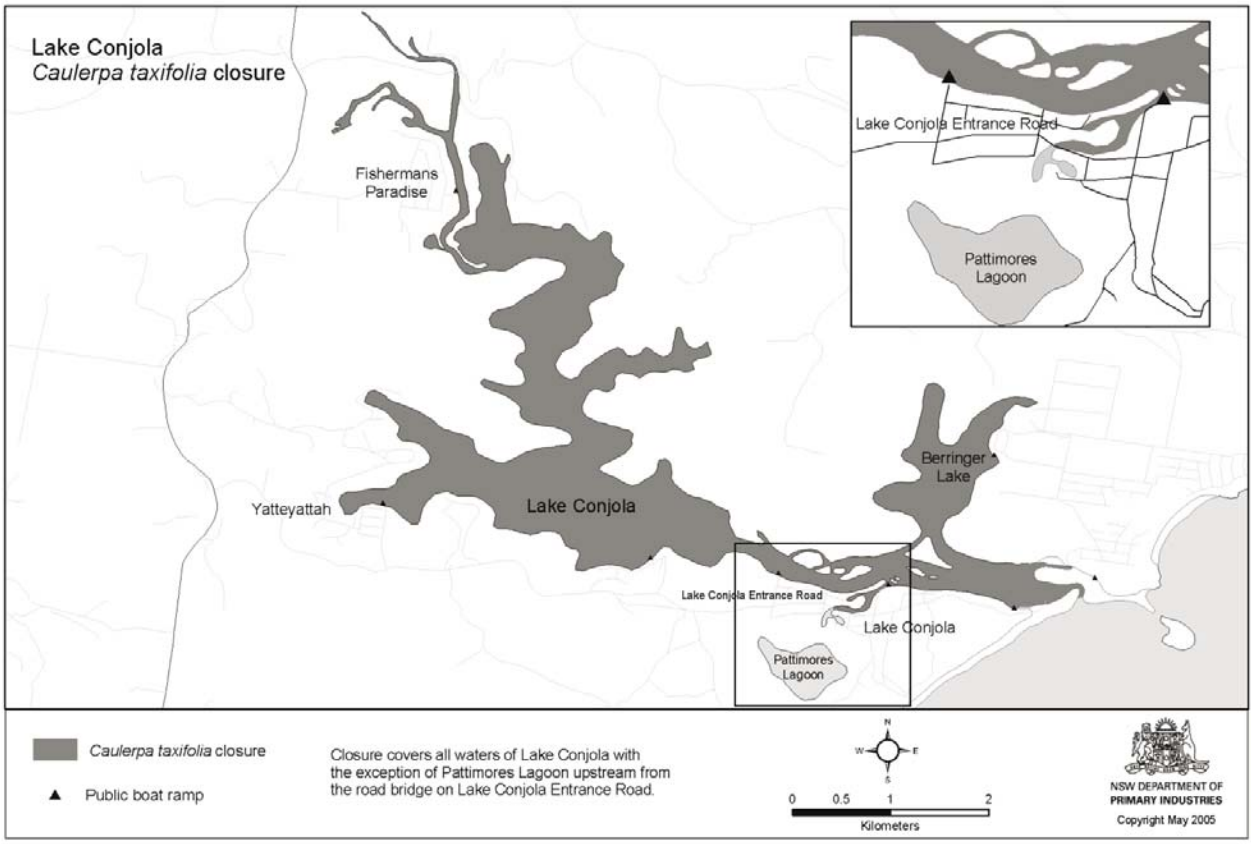
Attachment 1



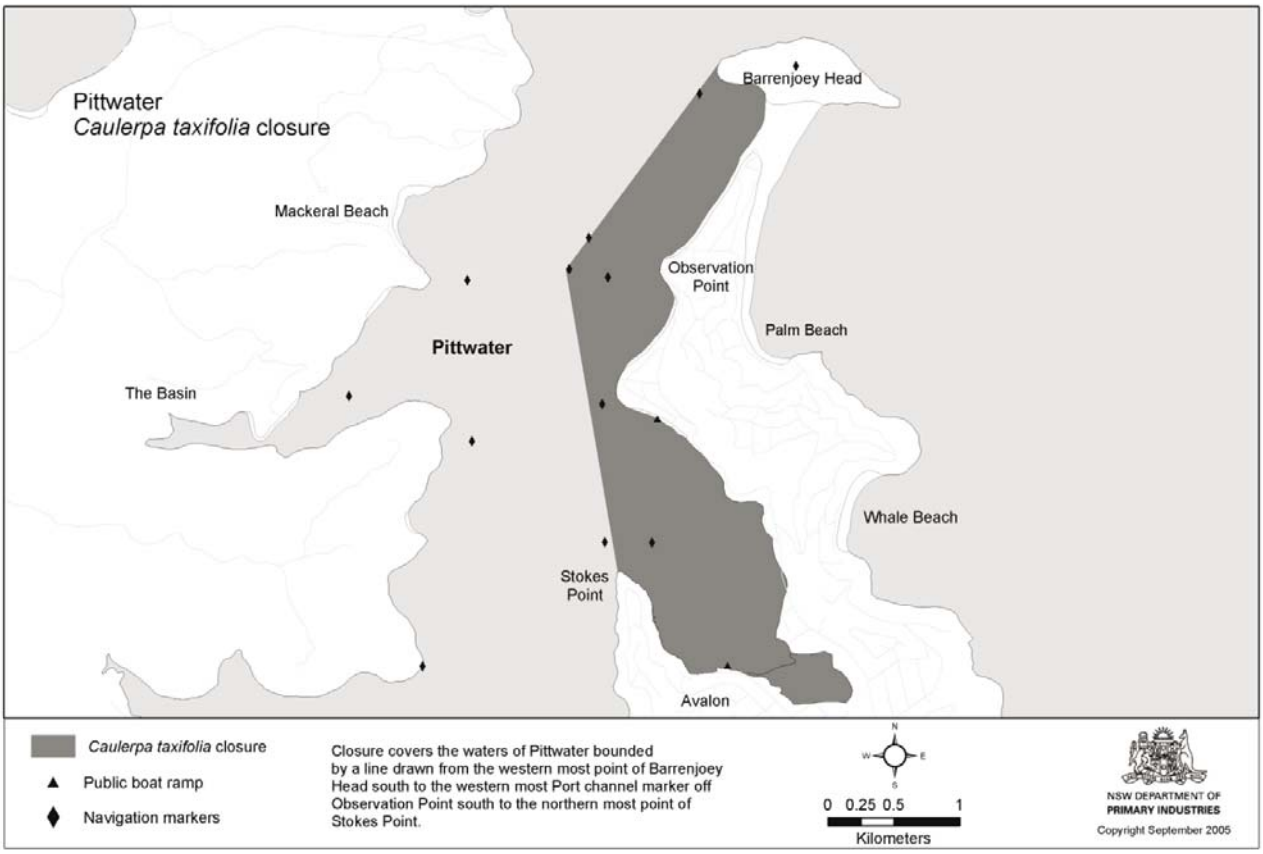
Attachment 2



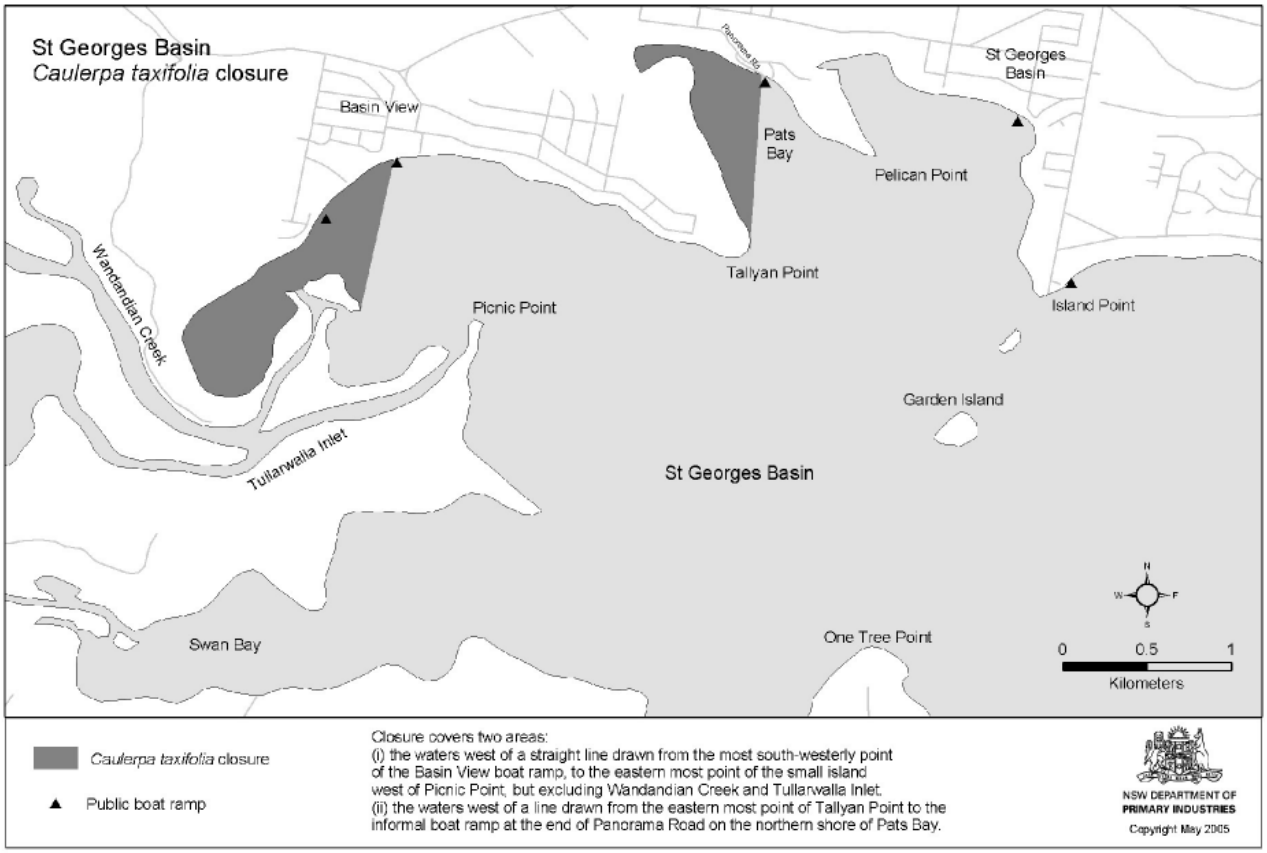
Attachment 3



Attachment 4



Attachment 5



PLANT DISEASES (FRUIT FLY OUTBREAK, CARRAMER DRIVE, GOL GOL) ORDER 2011

under the Plant Diseases Act 1924

I, STEVE WHAN, M.P., the Minister for Primary Industries, in pursuance of section 4 of the Plant Diseases Act 1924, being of the opinion that the importation, introduction or bringing of host fruit into specified portions of New South Wales is likely to introduce the pest Queensland fruit fly *(Bactrocera tryoni)* into specified portions of New South Wales, make the following Order regulating the importation, introduction or bringing of host fruit into specified portions of New South Wales.

1 Name of Order

This Order is the Plant Diseases (Fruit Fly Outbreak, Carramer Drive, Gol Gol) Order 2011.

2 Commencement

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

3 Interpretation

(a) In this Order:

approved treatment means a treatment or schedule of treatments relevant to the type of host fruit or manner of harvest as specified in Schedule 6.

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

authorised person means an inspector or a person authorised pursuant to section 11 (3) of the Act.

certificate means a Plant Health Certificate or a Plant Health Assurance Certificate.

Certification Assurance Arrangement means an arrangement approved by the Department which enables a business accredited under the arrangement to certify that certain quarantine requirements have been satisfied for the movement of host fruit to interstate and/or intrastate markets.

Note: An example of an approved Certification Assurance Arrangement is the Interstate Certification Assurance (ICA) Scheme.

Department means Industry and Investment, NSW – Primary Industries.

free of broken skin means the skin has no preharvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

host fruit means the fruit specified in Schedule 1, being fruit which is susceptible to infestation by Queensland fruit fly.

lot means a discrete quantity of fruit received from one grower at one time.

Outbreak Area means the portion of New South Wales described in Schedule 2.

Outer Area means the portion of New South Wales known as the NSW Fruit Fly Exclusion Zone, as specified in Proclamation P184 published in *NSW Government Gazette* No. 152 of 28 November 2008 at pages 11434 to 11435, excluding the Outbreak Area and the Suspension Area.

Plant Health Assurance Certificate means a certificate issued by a business accredited under a Certification Assurance Arrangement.

Plant Health Certificate means a certificate issued by an authorised person.

Queensland fruit fly means the pest *Bactrocera tryoni* (Froggatt).

Suspension Area means the portion of New South Wales described in Schedule 3.

the Act means the Plant Diseases Act 1924.

Note: ***covering*** or ***package***, ***inspector***, ***occupier*** and ***owner*** all have the same meaning as in the Act.

(b) In this Order, longitude and latitude coordinates are decimal degrees based upon the GDA 94 datum.

4 Regulation of the movement of host fruit

Pursuant to section 4 (1) of the Act the importation, introduction or bringing of host fruit into specified portions of New South Wales is regulated as follows:

(a) Host fruit that originates from or has moved through:

(i) the Outbreak Area must not be moved into the Suspension Area or the Outer Area;

(ii) the Suspension Area must not be moved into the Outer Area,

except for such movements as are specified in Schedule 5 and which comply with the relevant conditions of exception set out in Schedule 5; and

(b) The movement of any host fruit in accordance with Schedule 5 must be accompanied by a certificate:

(i) specifying the origin of the host fruit; and

(ii) in the case of a Plant Health Certificate, certifying that the host fruit has been treated in the manner specified in Schedule 6; and

(iii) in the case of a Plant Health Assurance Certificate, certifying that the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement.

SCHEDULE 1 – Host fruit

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

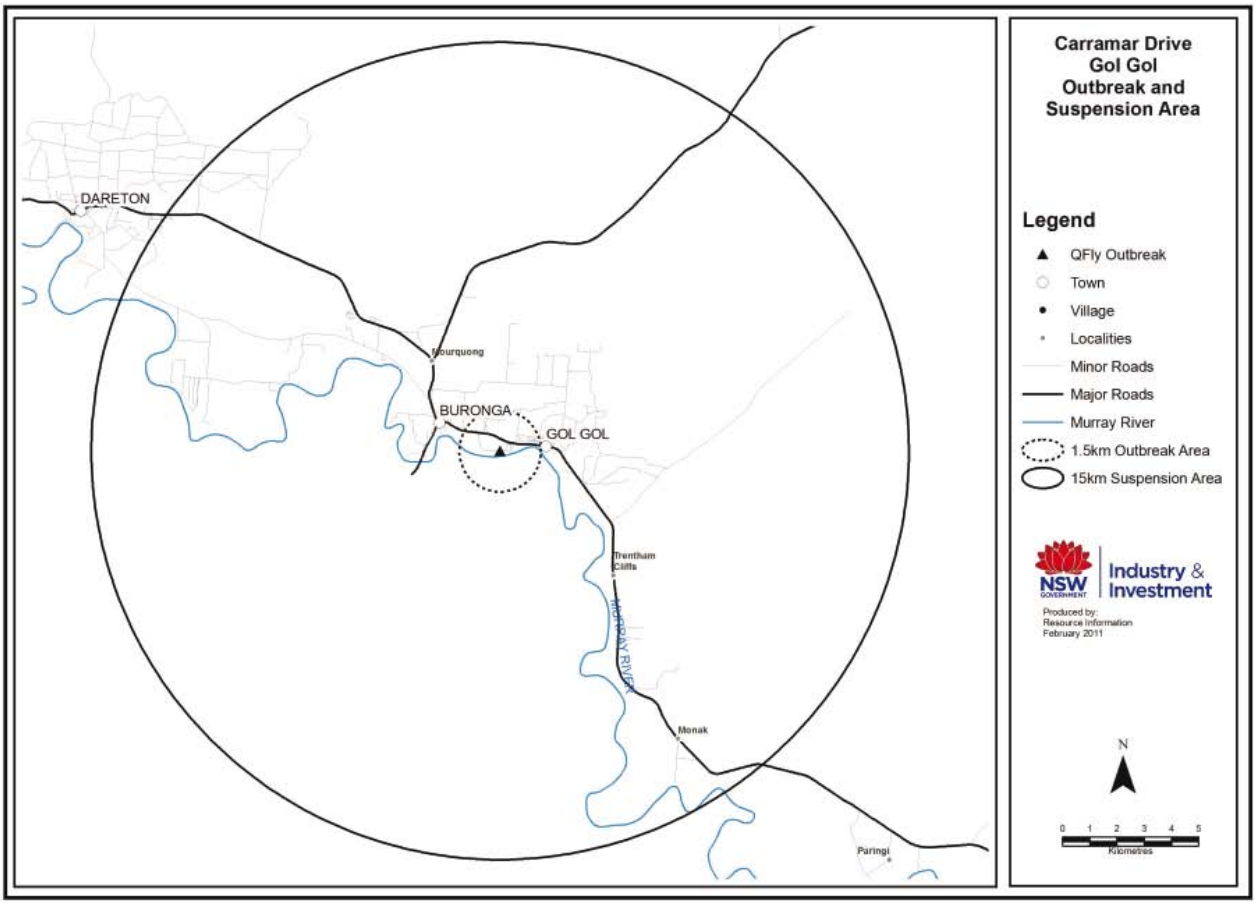
SCHEDULE 2 – Outbreak Area

The area within a 1.5 kilometre radius of the coordinates decimal degrees -34.18113 South and 142.20536 East, being the area within the 1.5 kilometre radius circle (broken line) in the map in Schedule 4.

SCHEDULE 3 – SUSPENSION AREA

The area within a 15 kilometre radius of coordinates decimal degrees -34.18113 South and 142.20536 East (excluding the Outbreak Area), being the area between the 1.5 kilometre radius circle (broken line) and the 15 kilometre radius circle (unbroken line) in the map in Schedule 4.

SCHEDULE 4 – Map of the Carramer Drive, Gol Gol Outbreak Area and Suspension Area



SCHEDULE 5 – Exceptions for movement of host fruit

Host fruit that has received an approved treatment

1. Movement of host fruit that has received an approved treatment prior to movement, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and
   (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure that:
      (i) any used packaging or coverings containing host fruit are free of soil, plant residues and other organic matter; and
      (ii) in the case of host fruit that has been consigned as a lot for the purpose of producing smaller packs of host fruit and has been repacked in smaller packs, the host fruit has been received, handled, stored and repacked under secure conditions which prevent infestation by Queensland fruit fly; and
      (iii) any individual package contains only one kind of host fruit; and
      (iv) all previous incorrect information displayed on the outer covering of the package is removed and the outer covering is legibly marked with the following information:
         (A) the district of production; and
         (B) the name, address, postcode and the State or Territory of both the grower and the packer; or where the business is sourcing from multiple growers, the name, address, postcode and the State or Territory of the packer; and
         (C) a brief description of the contents of the package;
         or
      (v) where the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement, the host fruit is packed, labelled and certified in accordance with any conditions prescribed in the Certification Assurance Arrangement.

Untreated host fruit for processing

2. Movement of untreated host fruit for processing, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and
   (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:
      (i) all bins or containers and any vehicles to be used for the transportation of host fruit ("transport vehicle") are free from all plant debris and soil prior to packing and loading; and
      (ii) the host fruit is securely covered by a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
      (iii) the host fruit must be loaded onto or into a transport vehicle on a hard surface and not within the orchard from which the host fruit was sourced; and
      (iv) the transport vehicle is free of all soil and plant debris after loading; and
      (v) the transport vehicle travels by the most direct route to the receiving processor; and
   (c) The owner or occupier of the property or facility at which the host fruit is to be processed must ensure:
      (i) the host fruit is processed within 24 hours of receipt; and
      (ii) all measures to avoid spillage of host fruit are taken and where spillages occur, must be disposed of in a manner generally accepted as likely to prevent the spread of Queensland fruit fly; and
      (iii) all processing wastes must be disinfested by heat or freezing or be buried.

Outer Area host fruit on a direct journey through the Outbreak Area or Suspension Area into the Outer Area

3. Movement of host fruit originating within the Outer Area and moving on a direct journey through the Outbreak Area or the Suspension Area into the Outer Area, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit is securely transported by covering with a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation.

Untreated Suspension Area host fruit on a direct journey to an end destination having no restrictions on account of Queensland fruit fly

4. Movement of host fruit originating within the Suspension Area and moving on a direct journey to an end destination which has no restrictions on account of Queensland fruit fly, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and

(b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:

(i) all bins or containers and any vehicles to be used for the transportation of host fruit ("transport vehicle") are free from all plant debris and soil prior to packing and loading; and

(ii) the host fruit must be loaded onto or into a transport vehicle on a hard surface and not within the orchard from which the host fruit was sourced; and

(iii) the transport vehicle is free of all soil and plant debris after loading; and

(iv) the host fruit is transported under secure conditions that include:

(A) unvented packages or vented packages with the vents secured with mesh with a maximum aperture of 1.6mm prior to dispatch; or

(B) shrink-wrapped and sealed as a palletised unit; or

(C) fully enclosed under tarpaulins, shade cloth, bin cover or other covering which provides a maximum aperture of 1.6mm,

so as to prevent infestation by Queensland fruit fly and spillage during transportation; and

(v) the transport vehicle travels by the most direct route.

SCHEDULE 6 – Approved treatments for host fruit

Preharvest Treatment and Inspection

1. Tomatoes:
   (a) treated preharvest with an application of dimethoate or fenthion or trichlorfon in accordance with all label directions for the control of Queensland fruit fly, and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
2. Capsicums and chillies:
   (a) treated preharvest with an application of dimethoate in accordance with all label directions for the control of Queensland fruit fly, and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
3. Stonefruit:
   (a) treated preharvest with an application of fenthion in accordance with all label directions for the control of Queensland fruit fly; and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
4. Table grapes:
   (a) treated preharvest for the control of Queensland fruit fly, with a program of:
      (i) bait sprays with an insecticide containing 0.24 g/L spinosad as the only active constituent in accordance with all label directions; or
      (ii) bait sprays with an insecticide containing 1150 g/L maldison as the only active constituent in accordance with all label and APVMA permit (PER12359) directions; or
      (iii) cover sprays using an insecticide containing 550 g/L fenthion as the only active constituent in accordance with all label and APVMA permit (PER11643) directions; and
   (b) inspected postharvest where a sample of the fruit is inspected and found free of fruit fly larvae and free of broken skin.

Postharvest Dimethoate Dip

5. Any host fruit, excluding capsicum (hollow-fruited), chilli (hollow-fruited), cumquat and strawberries, treated with a postharvest dip using an insecticide containing 400 g/L dimethoate as its only active constituent in accordance with all label and APVMA permit (PER12074) directions; where dipping is the last treatment before packing except in the case of:
   (a) Citrus, where a non-recovery gloss wax coating and or a compatible fungicide as specified on the label may be applied within 24 hours of treatment; and
   (b) Pomefruit, where a non-recovery gloss wax and or a compatible fungicide as specified on the label may be applied within 3 hours of treatment.

Postharvest Dimethoate Flood Spray

6. Any host fruit, excluding cumquat, eggplant and strawberries, treated with a postharvest flood spray using an insecticide containing 400 g/L dimethoate as its only active constituent in accordance with all label and APVMA permit (PER12074) directions, where spraying is the last treatment before packing except in the case of:
   (a) Citrus, where a non-recovery gloss wax coating and or a compatible fungicide as specified on the label may be applied within 24 hours of treatment; and

(b) Pomefruit, where a non-recovery gloss wax coating and or compatible fungicide as specified on the label may be applied within 3 hours of treatment.

Postharvest Methyl Bromide Fumigation

7. Any host fruit fumigated postharvest with a fumigant containing 1000 g/kg methyl bromide as its only active constituent in accordance with all label and APVMA permit (PER10699) directions, at the following rates:
   (a) 10ºC – 14.9ºC at 48 g/m3 for 2 hours; or
   (b) 15ºC – 20.9ºC at 40 g/m3 for 2 hours; or
   (c) 21ºC – 25.9ºC at 32 g/m3 for 2 hours; or
   (d) 26ºC – 31.9ºC at 24 g/m3 for 2 hours.

Postharvest Cold Treatment

8. Any appropriate host fruit treated postharvest at a temperature of:
   (a) 0ºC ± 0.5ºC for a minimum of 14 days; or
   (b) 1ºC – 3ºC ± 0.5ºC for a minimum of 16 days (Lemons minimum 14 days).

Dated this 25th day of February 2011.

STEVE WHAN, M.P.,
Minister for Primary Industries

Note: The Department's reference is O-289

PLANT DISEASES (FRUIT FLY OUTBREAK, TUPPAL STREET, TOCUMWAL) ORDER 2011

under the Plant Diseases Act 1924

I, STEVE WHAN, M.P., the Minister for Primary Industries, in pursuance of section 4 of the Plant Diseases Act 1924, being of the opinion that the importation, introduction or bringing of host fruit into specified portions of New South Wales is likely to introduce the pest Queensland fruit fly *(Bactrocera tryoni)* into specified portions of New South Wales, make the following Order regulating the importation, introduction or bringing of host fruit into specified portions of New South Wales.

1 Name of Order

This Order is the Plant Diseases (Fruit Fly Outbreak, Tuppal Street, Tocumwal) Order 2011.

2 Commencement

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

3 Interpretation

(a) In this Order:

approved treatment means a treatment or schedule of treatments relevant to the type of host fruit or manner of harvest as specified in Schedule 6.

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

authorised person means an inspector or a person authorised pursuant to section 11 (3) of the Act.

certificate means a Plant Health Certificate or a Plant Health Assurance Certificate.

Certification Assurance Arrangement means an arrangement approved by the Department which enables a business accredited under the arrangement to certify that certain quarantine requirements have been satisfied for the movement of host fruit to interstate and/or intrastate markets.

Note: An example of an approved Certification Assurance Arrangement is the Interstate Certification Assurance (ICA) Scheme.

Department means Industry and Investment, NSW – Primary Industries.

free of broken skin means the skin has no preharvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

host fruit means the fruit specified in Schedule 1, being fruit which is susceptible to infestation by Queensland fruit fly.

lot means a discrete quantity of fruit received from one grower at one time.

Outbreak Area means the portion of New South Wales described in Schedule 2.

Outer Area means the portion of New South Wales known as the NSW Fruit Fly Exclusion Zone, as specified in Proclamation P184 published in *NSW Government Gazette* No. 152 of 28 November 2008 at pages 11434 to 11435, excluding the Outbreak Area and the Suspension Area.

Plant Health Assurance Certificate means a certificate issued by a business accredited under a Certification Assurance Arrangement.

Plant Health Certificate means a certificate issued by an authorised person.

Queensland fruit fly means the pest *Bactrocera tryoni* (Froggatt).

Suspension Area means the portion of New South Wales described in Schedule 3.

the Act means the Plant Diseases Act 1924.

Note: ***covering*** or ***package***, ***inspector***, ***occupier*** and ***owner*** all have the same meaning as in the Act.

(b) In this Order, longitude and latitude coordinates are decimal degrees based upon the GDA 94 datum.

4 Regulation of the movement of host fruit

Pursuant to section 4 (1) of the Act the importation, introduction or bringing of host fruit into specified portions of New South Wales is regulated as follows:

(a) Host fruit that originates from or has moved through:

(i) the Outbreak Area must not be moved into the Suspension Area or the Outer Area;

(ii) the Suspension Area must not be moved into the Outer Area,

except for such movements as are specified in Schedule 5 and which comply with the relevant conditions of exception set out in Schedule 5; and

(b) The movement of any host fruit in accordance with Schedule 5 must be accompanied by a certificate:

(i) specifying the origin of the host fruit; and

(ii) in the case of a Plant Health Certificate, certifying that the host fruit has been treated in the manner specified in Schedule 6; and

(iii) in the case of a Plant Health Assurance Certificate, certifying that the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement.

SCHEDULE 1 – Host fruit

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

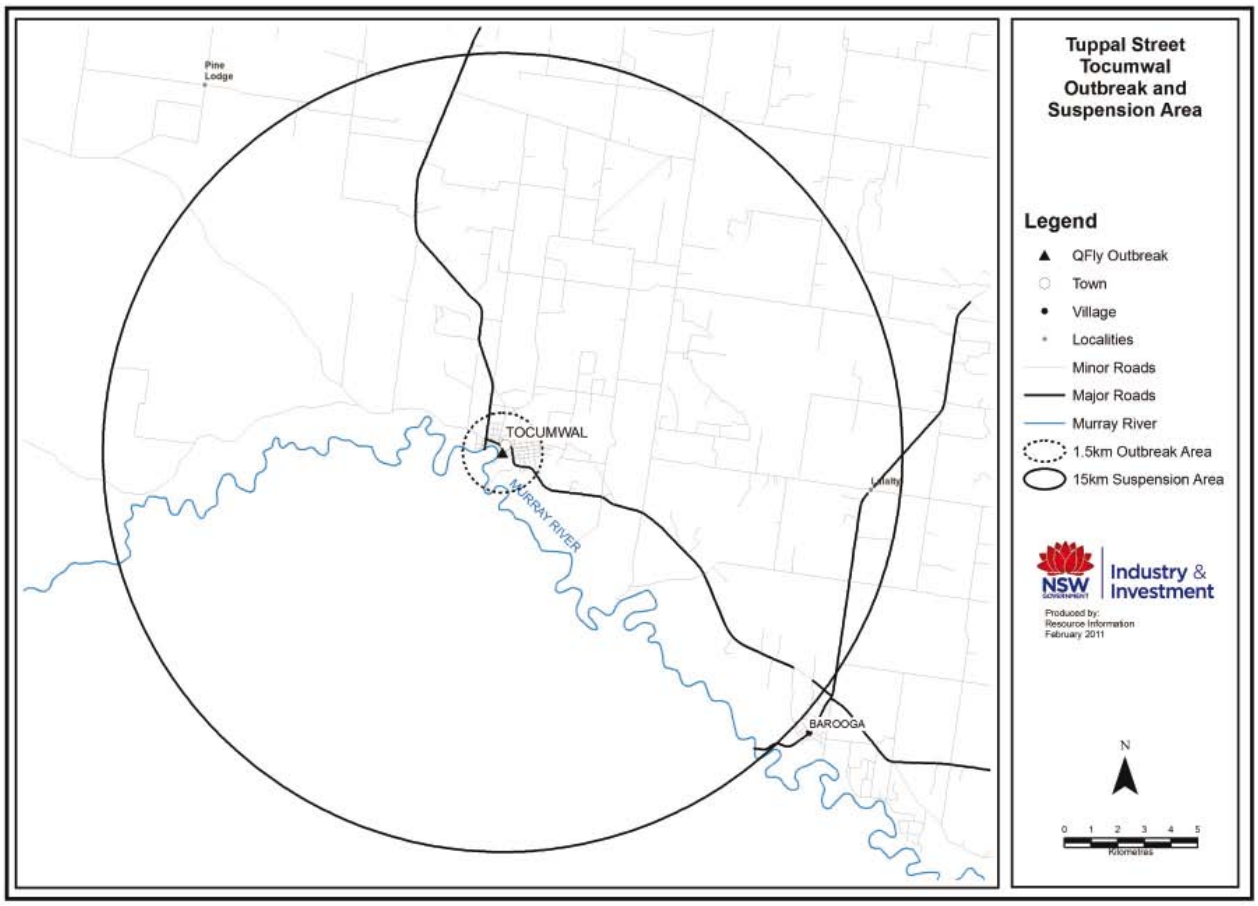
SCHEDULE 2 – Outbreak Area

The area within a 1.5 kilometre radius of the coordinates decimal degrees -35.81468 South and 145.56619 East, being the area within the 1.5 kilometre radius circle (broken line) in the map in Schedule 4.

SCHEDULE 3 – SUSPENSION AREA

The area within a 15 kilometre radius of coordinates decimal degrees -35.81468 South and 145.56619 East (excluding the Outbreak Area), being the area between the 1.5 kilometre radius circle (broken line) and the 15 kilometre radius circle (unbroken line) in the map in Schedule 4.

SCHEDULE 4 – Map of the Tuppal Street, Tocumwal Outbreak Area and Suspension Area



SCHEDULE 5 – Exceptions for movement of host fruit

Host fruit that has received an approved treatment

1. Movement of host fruit that has received an approved treatment prior to movement, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and
   (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure that:
      (i) any used packaging or coverings containing host fruit are free of soil, plant residues and other organic matter; and
      (ii) in the case of host fruit that has been consigned as a lot for the purpose of producing smaller packs of host fruit and has been repacked in smaller packs, the host fruit has been received, handled, stored and repacked under secure conditions which prevent infestation by Queensland fruit fly; and
      (iii) any individual package contains only one kind of host fruit; and
      (iv) all previous incorrect information displayed on the outer covering of the package is removed and the outer covering is legibly marked with the following information:
         (A) the district of production; and
         (B) the name, address, postcode and the State or Territory of both the grower and the packer; or where the business is sourcing from multiple growers, the name, address, postcode and the State or Territory of the packer; and
         (C) a brief description of the contents of the package;
         or
      (v) where the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement, the host fruit is packed, labelled and certified in accordance with any conditions prescribed in the Certification Assurance Arrangement.

Untreated host fruit for processing

2. Movement of untreated host fruit for processing, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and
   (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:
      (i) all bins or containers and any vehicles to be used for the transportation of host fruit ("transport vehicle") are free from all plant debris and soil prior to packing and loading; and
      (ii) the host fruit is securely covered by a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
      (iii) the host fruit must be loaded onto or into a transport vehicle on a hard surface and not within the orchard from which the host fruit was sourced; and
      (iv) the transport vehicle is free of all soil and plant debris after loading; and
      (v) the transport vehicle travels by the most direct route to the receiving processor; and
   (c) The owner or occupier of the property or facility at which the host fruit is to be processed must ensure:
      (i) the host fruit is processed within 24 hours of receipt; and
      (ii) all measures to avoid spillage of host fruit are taken and where spillages occur, must be disposed of in a manner generally accepted as likely to prevent the spread of Queensland fruit fly; and
      (iii) all processing wastes must be disinfested by heat or freezing or be buried.

Outer Area host fruit on a direct journey through the Outbreak Area or Suspension Area into the Outer Area

3. Movement of host fruit originating within the Outer Area and moving on a direct journey through the Outbreak Area or the Suspension Area into the Outer Area, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit is securely transported by covering with a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation.

Untreated Suspension Area host fruit on a direct journey to an end destination having no restrictions on account of Queensland fruit fly

4. Movement of host fruit originating within the Suspension Area and moving on a direct journey to an end destination which has no restrictions on account of Queensland fruit fly, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and

(b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:

(i) all bins or containers and any vehicles to be used for the transportation of host fruit ("transport vehicle") are free from all plant debris and soil prior to packing and loading; and

(ii) the host fruit must be loaded onto or into a transport vehicle on a hard surface and not within the orchard from which the host fruit was sourced; and

(iii) the transport vehicle is free of all soil and plant debris after loading; and

(iv) the host fruit is transported under secure conditions that include:

(A) unvented packages or vented packages with the vents secured with mesh with a maximum aperture of 1.6mm prior to dispatch; or

(B) shrink-wrapped and sealed as a palletised unit; or

(C) fully enclosed under tarpaulins, shade cloth, bin cover or other covering which provides a maximum aperture of 1.6mm,

so as to prevent infestation by Queensland fruit fly and spillage during transportation; and

(v) the transport vehicle travels by the most direct route.

SCHEDULE 6 – Approved treatments for host fruit

Preharvest Treatment and Inspection

1. Tomatoes:
   (a) treated preharvest with an application of dimethoate or fenthion or trichlorfon in accordance with all label directions for the control of Queensland fruit fly, and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
2. Capsicums and chillies:
   (a) treated preharvest with an application of dimethoate in accordance with all label directions for the control of Queensland fruit fly, and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
3. Stonefruit:
   (a) treated preharvest with an application of fenthion in accordance with all label directions for the control of Queensland fruit fly; and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
4. Table grapes:
   (a) treated preharvest for the control of Queensland fruit fly, with a program of:
      (i) bait sprays with an insecticide containing 0.24 g/L spinosad as the only active constituent in accordance with all label directions; or
      (ii) bait sprays with an insecticide containing 1150 g/L maldison as the only active constituent in accordance with all label and APVMA permit (PER12359) directions; or
      (iii) cover sprays using an insecticide containing 550 g/L fenthion as the only active constituent in accordance with all label and APVMA permit (PER11643) directions; and
   (b) inspected postharvest where a sample of the fruit is inspected and found free of fruit fly larvae and free of broken skin.

Postharvest Dimethoate Dip

5. Any host fruit, excluding capsicum (hollow-fruited), chilli (hollow-fruited), cumquat and strawberries, treated with a postharvest dip using an insecticide containing 400 g/L dimethoate as its only active constituent in accordance with all label and APVMA permit (PER12074) directions; where dipping is the last treatment before packing except in the case of:
   (a) Citrus, where a non-recovery gloss wax coating and or a compatible fungicide as specified on the label may be applied within 24 hours of treatment; and
   (b) Pomefruit, where a non-recovery gloss wax and or a compatible fungicide as specified on the label may be applied within 3 hours of treatment.

Postharvest Dimethoate Flood Spray

6. Any host fruit, excluding cumquat, eggplant and strawberries, treated with a postharvest flood spray using an insecticide containing 400 g/L dimethoate as its only active constituent in accordance with all label and APVMA permit (PER12074) directions, where spraying is the last treatment before packing except in the case of:
   (a) Citrus, where a non-recovery gloss wax coating and or a compatible fungicide as specified on the label may be applied within 24 hours of treatment; and

(b) Pomefruit, where a non-recovery gloss wax coating and or compatible fungicide as specified on the label may be applied within 3 hours of treatment.

Postharvest Methyl Bromide Fumigation

7. Any host fruit fumigated postharvest with a fumigant containing 1000 g/kg methyl bromide as its only active constituent in accordance with all label and APVMA permit (PER10699) directions, at the following rates:
   (a) 10ºC – 14.9ºC at 48 g/m3 for 2 hours; or
   (b) 15ºC – 20.9ºC at 40 g/m3 for 2 hours; or
   (c) 21ºC – 25.9ºC at 32 g/m3 for 2 hours; or
   (d) 26ºC – 31.9ºC at 24 g/m3 for 2 hours.

Postharvest Cold Treatment

8. Any appropriate host fruit treated postharvest at a temperature of:
   (a) 0ºC ± 0.5ºC for a minimum of 14 days; or
   (b) 1ºC – 3ºC ± 0.5ºC for a minimum of 16 days (Lemons minimum 14 days).

Dated this 25th day of February 2011.

STEVE WHAN, M.P.,
Minister for Primary Industries

Note: The Department's reference is O-291

PLANT DISEASES (FRUIT FLY OUTBREAK, JOHNS STREET, MILDURA) ORDER 2011

under the Plant Diseases Act 1924

I, STEVE WHAN, M.P., the Minister for Primary Industries, in pursuance of section 4 of the Plant Diseases Act 1924, being of the opinion that the importation, introduction or bringing of host fruit into specified portions of New South Wales is likely to introduce the pest Queensland fruit fly *(Bactrocera tryoni)* into specified portions of New South Wales, make the following Order regulating the importation, introduction or bringing of host fruit into specified portions of New South Wales.

1 Name of Order

This Order is the Plant Diseases (Fruit Fly Outbreak, Johns Street, Mildura) Order 2011.

2 Commencement

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

3 Interpretation

(a) In this Order:

approved treatment means a treatment or schedule of treatments relevant to the type of host fruit or manner of harvest as specified in Schedule 6.

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

authorised person means an inspector or a person authorised pursuant to section 11 (3) of the Act.

certificate means a Plant Health Certificate or a Plant Health Assurance Certificate.

Certification Assurance Arrangement means an arrangement approved by the Department which enables a business accredited under the arrangement to certify that certain quarantine requirements have been satisfied for the movement of host fruit to interstate and/or intrastate markets.

Note: An example of an approved Certification Assurance Arrangement is the Interstate Certification Assurance (ICA) Scheme.

Department means Industry and Investment, NSW – Primary Industries.

free of broken skin means the skin has no preharvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

host fruit means the fruit specified in Schedule 1, being fruit which is susceptible to infestation by Queensland fruit fly.

lot means a discrete quantity of fruit received from one grower at one time.

Outbreak Area means the portion of New South Wales described in Schedule 2.

Outer Area means the portion of New South Wales known as the NSW Fruit Fly Exclusion Zone, as specified in Proclamation P184 published in *NSW Government Gazette* No. 152 of 28 November 2008 at pages 11434 to 11435, excluding the Outbreak Area and the Suspension Area.

Plant Health Assurance Certificate means a certificate issued by a business accredited under a Certification Assurance Arrangement.

Plant Health Certificate means a certificate issued by an authorised person.

Queensland fruit fly means the pest *Bactrocera tryoni* (Froggatt).

Suspension Area means the portion of New South Wales described in Schedule 3.

the Act means the Plant Diseases Act 1924.

Note: ***covering*** or ***package***, ***inspector***, ***occupier*** and ***owner*** all have the same meaning as in the Act.

(b) In this Order, longitude and latitude coordinates are decimal degrees based upon the GDA 94 datum.

4 Revocation of Proclamation P208

Pursuant to sections 4 and 3(2) of the Act Proclamation P208 dated 3 February 2010 and published in Government Gazette No. 31 on 12 February 2010 at pages 804-807 is revoked (as is any proclamation revived as a result of this revocation).

5 Regulation of the movement of host fruit

Pursuant to section 4 (1) of the Act the importation, introduction or bringing of host fruit into specified portions of New South Wales is regulated as follows:

(a) Host fruit that originates from or has moved through:
  (i) the Outbreak Area must not be moved into the Suspension Area or the Outer Area;
  (ii) the Suspension Area must not be moved into the Outer Area,

except for such movements as are specified in Schedule 5 and which comply with the relevant conditions of exception set out in Schedule 5; and

(b) The movement of any host fruit in accordance with Schedule 5 must be accompanied by a certificate:
  (i) specifying the origin of the host fruit; and
  (ii) in the case of a Plant Health Certificate, certifying that the host fruit has been treated in the manner specified in Schedule 6; and
  (iii) in the case of a Plant Health Assurance Certificate, certifying that the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement.

SCHEDULE 1 – Host fruit

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

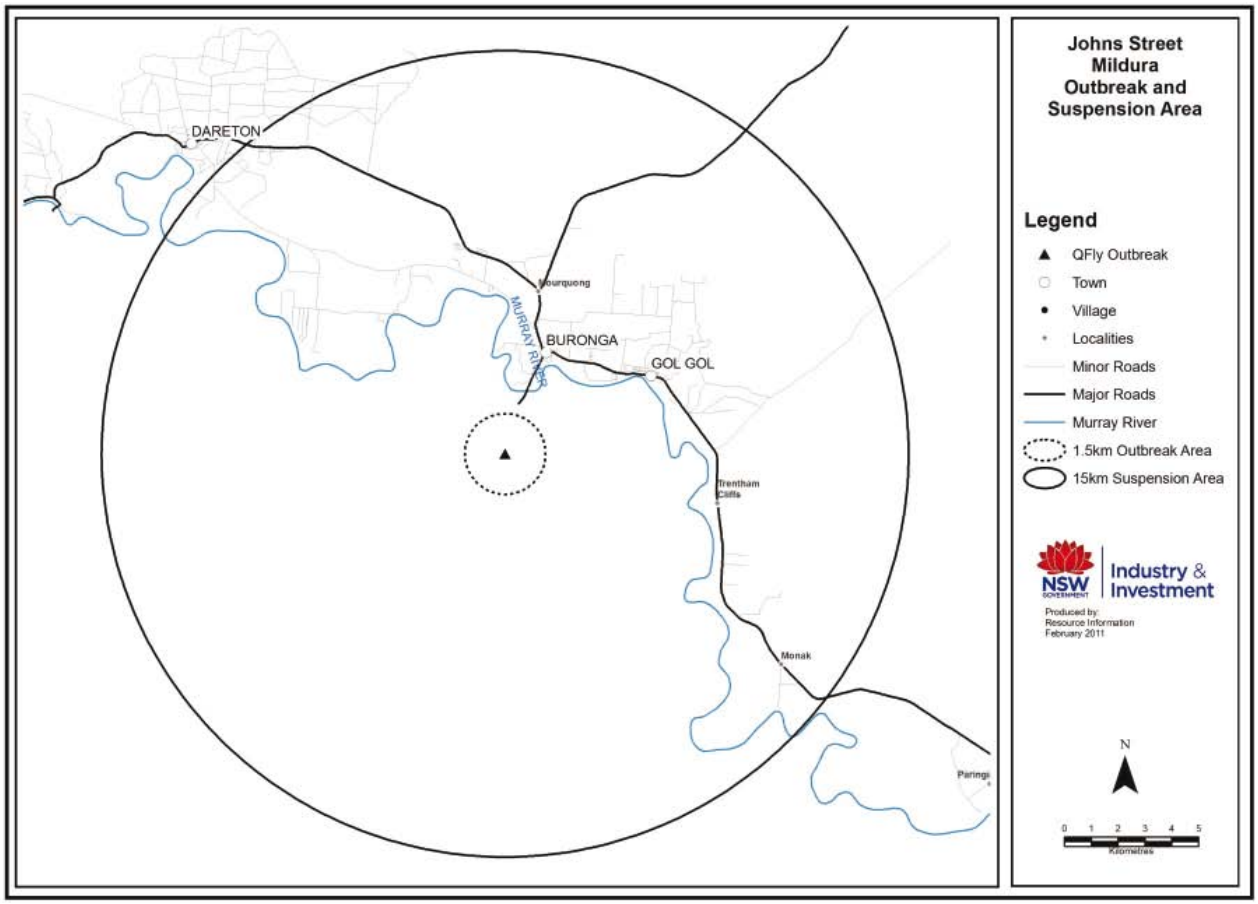
SCHEDULE 2 – Outbreak Area

The area within a 1.5 kilometre radius of the coordinates decimal degrees -34.204151 South and 142.163462 East, being the area within the 1.5 kilometre radius circle (broken line) in the map in Schedule 4.

SCHEDULE 3 – SUSPENSION AREA

The area within a 15 kilometre radius of coordinates decimal degrees -34.204151 South and 142.163462 East (excluding the Outbreak Area), being the area between the 1.5 kilometre radius circle (broken line) and the 15 kilometre radius circle (unbroken line) in the map in Schedule 4.

SCHEDULE 4 – Map of the Johns Street, Mildura Outbreak Area and Suspension Area



SCHEDULE 5 – Exceptions for movement of host fruit

Host fruit that has received an approved treatment

1. Movement of host fruit that has received an approved treatment prior to movement, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and
   (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure that:
      (i) any used packaging or coverings containing host fruit are free of soil, plant residues and other organic matter; and
      (ii) in the case of host fruit that has been consigned as a lot for the purpose of producing smaller packs of host fruit and has been repacked in smaller packs, the host fruit has been received, handled, stored and repacked under secure conditions which prevent infestation by Queensland fruit fly; and
      (iii) any individual package contains only one kind of host fruit; and
      (iv) all previous incorrect information displayed on the outer covering of the package is removed and the outer covering is legibly marked with the following information:
         (A) the district of production; and
         (B) the name, address, postcode and the State or Territory of both the grower and the packer; or where the business is sourcing from multiple growers, the name, address, postcode and the State or Territory of the packer; and
         (C) a brief description of the contents of the package;
         or
      (v) where the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement, the host fruit is packed, labelled and certified in accordance with any conditions prescribed in the Certification Assurance Arrangement.

Untreated host fruit for processing

2. Movement of untreated host fruit for processing, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and
   (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:
      (i) all bins or containers and any vehicles to be used for the transportation of host fruit ("transport vehicle") are free from all plant debris and soil prior to packing and loading; and
      (ii) the host fruit is securely covered by a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
      (iii) the host fruit must be loaded onto or into a transport vehicle on a hard surface and not within the orchard from which the host fruit was sourced; and
      (iv) the transport vehicle is free of all soil and plant debris after loading; and
      (v) the transport vehicle travels by the most direct route to the receiving processor; and
   (c) The owner or occupier of the property or facility at which the host fruit is to be processed must ensure:
      (i) the host fruit is processed within 24 hours of receipt; and
      (ii) all measures to avoid spillage of host fruit are taken and where spillages occur, must be disposed of in a manner generally accepted as likely to prevent the spread of Queensland fruit fly; and
      (iii) all processing wastes must be disinfested by heat or freezing or be buried.

Outer Area host fruit on a direct journey through the Outbreak Area or Suspension Area into the Outer Area

3. Movement of host fruit originating within the Outer Area and moving on a direct journey through the Outbreak Area or the Suspension Area into the Outer Area, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit is securely transported by covering with a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation.

Untreated Suspension Area host fruit on a direct journey to an end destination having no restrictions on account of Queensland fruit fly

4. Movement of host fruit originating within the Suspension Area and moving on a direct journey to an end destination which has no restrictions on account of Queensland fruit fly, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and

(b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:

(i) all bins or containers and any vehicles to be used for the transportation of host fruit ("transport vehicle") are free from all plant debris and soil prior to packing and loading; and

(ii) the host fruit must be loaded onto or into a transport vehicle on a hard surface and not within the orchard from which the host fruit was sourced; and

(iii) the transport vehicle is free of all soil and plant debris after loading; and

(iv) the host fruit is transported under secure conditions that include:

(A) unvented packages or vented packages with the vents secured with mesh with a maximum aperture of 1.6mm prior to dispatch; or

(B) shrink-wrapped and sealed as a palletised unit; or

(C) fully enclosed under tarpaulins, shade cloth, bin cover or other covering which provides a maximum aperture of 1.6mm,

so as to prevent infestation by Queensland fruit fly and spillage during transportation; and

(v) the transport vehicle travels by the most direct route.

SCHEDULE 6 – Approved treatments for host fruit

Preharvest Treatment and Inspection

1. Tomatoes:
   (a) treated preharvest with an application of dimethoate or fenthion or trichlorfon in accordance with all label directions for the control of Queensland fruit fly, and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
2. Capsicums and chillies:
   (a) treated preharvest with an application of dimethoate in accordance with all label directions for the control of Queensland fruit fly, and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
3. Stonefruit:
   (a) treated preharvest with an application of fenthion in accordance with all label directions for the control of Queensland fruit fly; and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
4. Table grapes:
   (a) treated preharvest for the control of Queensland fruit fly, with a program of:
      (i) bait sprays with an insecticide containing 0.24 g/L spinosad as the only active constituent in accordance with all label directions; or
      (ii) bait sprays with an insecticide containing 1150 g/L maldison as the only active constituent in accordance with all label and APVMA permit (PER12359) directions; or
      (iii) cover sprays using an insecticide containing 550 g/L fenthion as the only active constituent in accordance with all label and APVMA permit (PER11643) directions; and
   (b) inspected postharvest where a sample of the fruit is inspected and found free of fruit fly larvae and free of broken skin.

Postharvest Dimethoate Dip

5. Any host fruit, excluding capsicum (hollow-fruited), chilli (hollow-fruited), cumquat and strawberries, treated with a postharvest dip using an insecticide containing 400 g/L dimethoate as its only active constituent in accordance with all label and APVMA permit (PER12074) directions; where dipping is the last treatment before packing except in the case of:
   (a) Citrus, where a non-recovery gloss wax coating and or a compatible fungicide as specified on the label may be applied within 24 hours of treatment; and
   (b) Pomefruit, where a non-recovery gloss wax and or a compatible fungicide as specified on the label may be applied within 3 hours of treatment.

Postharvest Dimethoate Flood Spray

6. Any host fruit, excluding cumquat, eggplant and strawberries, treated with a postharvest flood spray using an insecticide containing 400 g/L dimethoate as its only active constituent in accordance with all label and APVMA permit (PER12074) directions, where spraying is the last treatment before packing except in the case of:
   (a) Citrus, where a non-recovery gloss wax coating and or a compatible fungicide as specified on the label may be applied within 24 hours of treatment; and

(b) Pomefruit, where a non-recovery gloss wax coating and or compatible fungicide as specified on the label may be applied within 3 hours of treatment.

Postharvest Methyl Bromide Fumigation

7. Any host fruit fumigated postharvest with a fumigant containing 1000 g/kg methyl bromide as its only active constituent in accordance with all label and APVMA permit (PER10699) directions, at the following rates:
   (a) 10ºC – 14.9ºC at 48 g/m3 for 2 hours; or
   (b) 15ºC – 20.9ºC at 40 g/m3 for 2 hours; or
   (c) 21ºC – 25.9ºC at 32 g/m3 for 2 hours; or
   (d) 26ºC – 31.9ºC at 24 g/m3 for 2 hours.

Postharvest Cold Treatment

8. Any appropriate host fruit treated postharvest at a temperature of:
   (a) 0ºC ± 0.5ºC for a minimum of 14 days; or
   (b) 1ºC – 3ºC ± 0.5ºC for a minimum of 16 days (Lemons minimum 14 days).

Dated this 25th day of February 2011.

STEVE WHAN, M.P.,
Minister for Primary Industries

Note: The Department's reference is O-290

PLANT DISEASES (FRUIT FLY OUTBREAK, MURRAY VALLEY HWY, BOUNDARY BEND WEST) ORDER 2011

under the Plant Diseases Act 1924

I, STEVE WHAN, M.P., the Minister for Primary Industries, in pursuance of section 4 of the Plant Diseases Act 1924, being of the opinion that the importation, introduction or bringing of host fruit into specified portions of New South Wales is likely to introduce the pest Queensland fruit fly *(Bactrocera tryoni)* into specified portions of New South Wales, make the following Order regulating the importation, introduction or bringing of host fruit into specified portions of New South Wales.

1 Name of Order

This Order is the Plant Diseases (Fruit Fly Outbreak, Murray Valley Hwy, Boundary Bend West) Order 2011.

2 Commencement

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

3 Interpretation

(a) In this Order:

approved treatment means a treatment or schedule of treatments relevant to the type of host fruit or manner of harvest as specified in Schedule 6.

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

authorised person means an inspector or a person authorised pursuant to section 11 (3) of the Act.

certificate means a Plant Health Certificate or a Plant Health Assurance Certificate.

Certification Assurance Arrangement means an arrangement approved by the Department which enables a business accredited under the arrangement to certify that certain quarantine requirements have been satisfied for the movement of host fruit to interstate and/or intrastate markets.

Note: An example of an approved Certification Assurance Arrangement is the Interstate Certification Assurance (ICA) Scheme.

Department means Industry and Investment, NSW – Primary Industries.

free of broken skin means the skin has no preharvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

host fruit means the fruit specified in Schedule 1, being fruit which is susceptible to infestation by Queensland fruit fly.

lot means a discrete quantity of fruit received from one grower at one time.

Outbreak Area means the portion of New South Wales described in Schedule 2.

Outer Area means the portion of New South Wales known as the NSW Fruit Fly Exclusion Zone, as specified in Proclamation P184 published in *NSW Government Gazette* No. 152 of 28 November 2008 at pages 11434 to 11435, excluding the Outbreak Area and the Suspension Area.

Plant Health Assurance Certificate means a certificate issued by a business accredited under a Certification Assurance Arrangement.

Plant Health Certificate means a certificate issued by an authorised person.

Queensland fruit fly means the pest *Bactrocera tryoni* (Froggatt).

Suspension Area means the portion of New South Wales described in Schedule 3.

the Act means the Plant Diseases Act 1924.

Note: ***covering*** or ***package***, ***inspector***, ***occupier*** and ***owner*** all have the same meaning as in the Act.

(b) In this Order, longitude and latitude coordinates are decimal degrees based upon the GDA 94 datum.

4 Regulation of the movement of host fruit

Pursuant to section 4 (1) of the Act the importation, introduction or bringing of host fruit into specified portions of New South Wales is regulated as follows:

(a) Host fruit that originates from or has moved through:

(i) the Outbreak Area must not be moved into the Suspension Area or the Outer Area;

(ii) the Suspension Area must not be moved into the Outer Area,

except for such movements as are specified in Schedule 5 and which comply with the relevant conditions of exception set out in Schedule 5; and

(b) The movement of any host fruit in accordance with Schedule 5 must be accompanied by a certificate:

(i) specifying the origin of the host fruit; and

(ii) in the case of a Plant Health Certificate, certifying that the host fruit has been treated in the manner specified in Schedule 6; and

(iii) in the case of a Plant Health Assurance Certificate, certifying that the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement.

SCHEDULE 1 – Host fruit

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

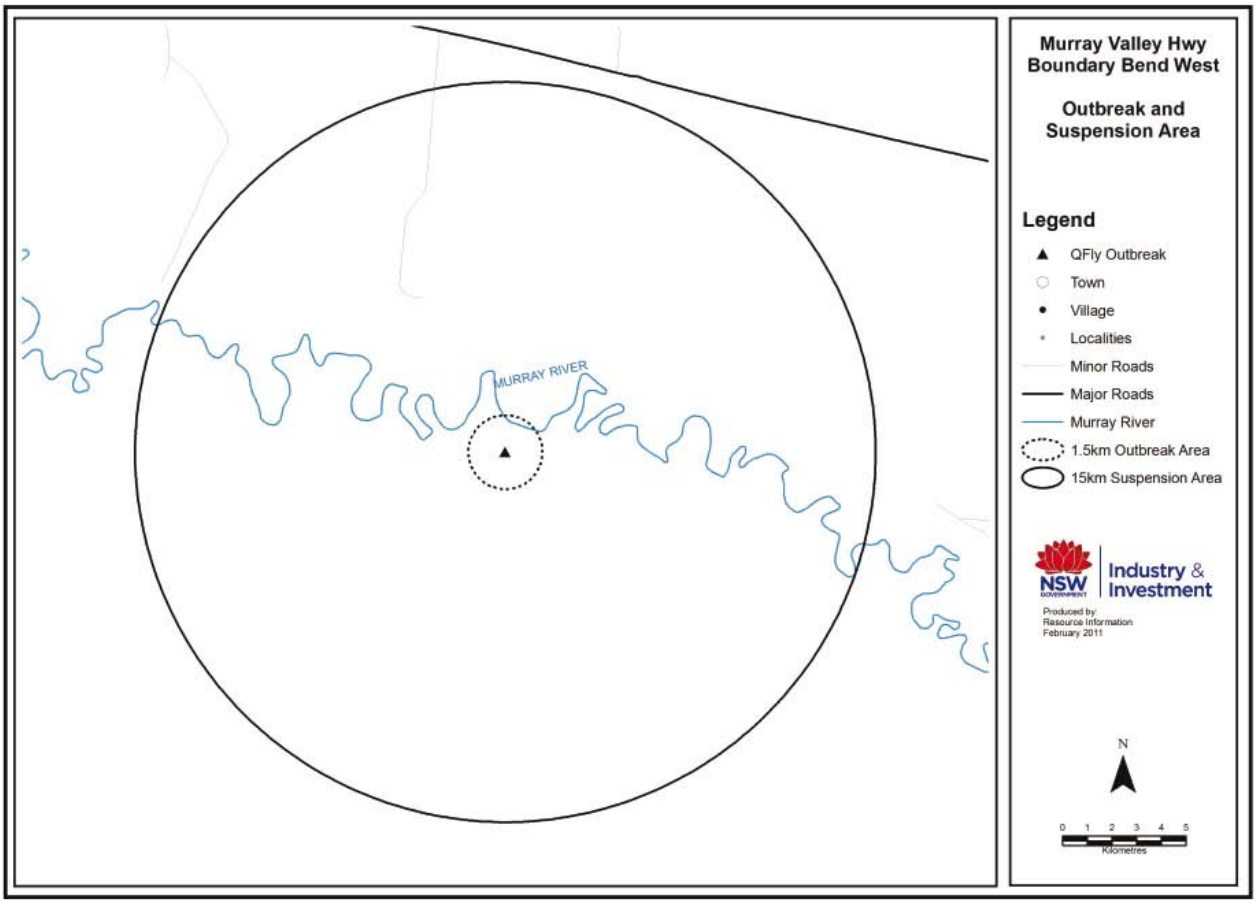
SCHEDULE 2 – Outbreak Area

The area within a 1.5 kilometre radius of the coordinates decimal degrees -34.70772 South and 143.07599 East, being the area within the 1.5 kilometre radius circle (broken line) in the map in Schedule 4.

SCHEDULE 3 – SUSPENSION AREA

The area within a 15 kilometre radius of coordinates decimal degrees -34.70772 South and 143.07599 East (excluding the Outbreak Area), being the area between the 1.5 kilometre radius circle (broken line) and the 15 kilometre radius circle (unbroken line) in the map in Schedule 4.

SCHEDULE 4 – Map of the Murray Valley Hwy, Boundary Bend West Outbreak Area and Suspension Area



SCHEDULE 5 – Exceptions for movement of host fruit

Host fruit that has received an approved treatment

1. Movement of host fruit that has received an approved treatment prior to movement, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and
   (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure that:
      (i) any used packaging or coverings containing host fruit are free of soil, plant residues and other organic matter; and
      (ii) in the case of host fruit that has been consigned as a lot for the purpose of producing smaller packs of host fruit and has been repacked in smaller packs, the host fruit has been received, handled, stored and repacked under secure conditions which prevent infestation by Queensland fruit fly; and
      (iii) any individual package contains only one kind of host fruit; and
      (iv) all previous incorrect information displayed on the outer covering of the package is removed and the outer covering is legibly marked with the following information:
         (A) the district of production; and
         (B) the name, address, postcode and the State or Territory of both the grower and the packer; or where the business is sourcing from multiple growers, the name, address, postcode and the State or Territory of the packer; and
         (C) a brief description of the contents of the package;
         or
      (v) where the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement, the host fruit is packed, labelled and certified in accordance with any conditions prescribed in the Certification Assurance Arrangement.

Untreated host fruit for processing

2. Movement of untreated host fruit for processing, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and
   (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:
      (i) all bins or containers and any vehicles to be used for the transportation of host fruit ("transport vehicle") are free from all plant debris and soil prior to packing and loading; and
      (ii) the host fruit is securely covered by a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
      (iii) the host fruit must be loaded onto or into a transport vehicle on a hard surface and not within the orchard from which the host fruit was sourced; and
      (iv) the transport vehicle is free of all soil and plant debris after loading; and
      (v) the transport vehicle travels by the most direct route to the receiving processor; and
   (c) The owner or occupier of the property or facility at which the host fruit is to be processed must ensure:
      (i) the host fruit is processed within 24 hours of receipt; and
      (ii) all measures to avoid spillage of host fruit are taken and where spillages occur, must be disposed of in a manner generally accepted as likely to prevent the spread of Queensland fruit fly; and
      (iii) all processing wastes must be disinfested by heat or freezing or be buried.

Outer Area host fruit on a direct journey through the Outbreak Area or Suspension Area into the Outer Area

3. Movement of host fruit originating within the Outer Area and moving on a direct journey through the Outbreak Area or the Suspension Area into the Outer Area, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit is securely transported by covering with a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation.

Untreated Suspension Area host fruit on a direct journey to an end destination having no restrictions on account of Queensland fruit fly

4. Movement of host fruit originating within the Suspension Area and moving on a direct journey to an end destination which has no restrictions on account of Queensland fruit fly, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and

(b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:

(i) all bins or containers and any vehicles to be used for the transportation of host fruit ("transport vehicle") are free from all plant debris and soil prior to packing and loading; and

(ii) the host fruit must be loaded onto or into a transport vehicle on a hard surface and not within the orchard from which the host fruit was sourced; and

(iii) the transport vehicle is free of all soil and plant debris after loading; and

(iv) the host fruit is transported under secure conditions that include:

(A) unvented packages or vented packages with the vents secured with mesh with a maximum aperture of 1.6mm prior to dispatch; or

(B) shrink-wrapped and sealed as a palletised unit; or

(C) fully enclosed under tarpaulins, shade cloth, bin cover or other covering which provides a maximum aperture of 1.6mm,

so as to prevent infestation by Queensland fruit fly and spillage during transportation; and

(v) the transport vehicle travels by the most direct route.

SCHEDULE 6 – Approved treatments for host fruit

Preharvest Treatment and Inspection

1. Tomatoes:
   (a) treated preharvest with an application of dimethoate or fenthion or trichlorfon in accordance with all label directions for the control of Queensland fruit fly, and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
2. Capsicums and chillies:
   (a) treated preharvest with an application of dimethoate in accordance with all label directions for the control of Queensland fruit fly, and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
3. Stonefruit:
   (a) treated preharvest with an application of fenthion in accordance with all label directions for the control of Queensland fruit fly; and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
4. Table grapes:
   (a) treated preharvest for the control of Queensland fruit fly, with a program of:
      (i) bait sprays with an insecticide containing 0.24 g/L spinosad as the only active constituent in accordance with all label directions; or
      (ii) bait sprays with an insecticide containing 1150 g/L maldison as the only active constituent in accordance with all label and APVMA permit (PER12359) directions; or
      (iii) cover sprays using an insecticide containing 550 g/L fenthion as the only active constituent in accordance with all label and APVMA permit (PER11643) directions; and
   (b) inspected postharvest where a sample of the fruit is inspected and found free of fruit fly larvae and free of broken skin.

Postharvest Dimethoate Dip

5. Any host fruit, excluding capsicum (hollow-fruited), chilli (hollow-fruited), cumquat and strawberries, treated with a postharvest dip using an insecticide containing 400 g/L dimethoate as its only active constituent in accordance with all label and APVMA permit (PER12074) directions; where dipping is the last treatment before packing except in the case of:
   (a) Citrus, where a non-recovery gloss wax coating and or a compatible fungicide as specified on the label may be applied within 24 hours of treatment; and
   (b) Pomefruit, where a non-recovery gloss wax and or a compatible fungicide as specified on the label may be applied within 3 hours of treatment.

Postharvest Dimethoate Flood Spray

6. Any host fruit, excluding cumquat, eggplant and strawberries, treated with a postharvest flood spray using an insecticide containing 400 g/L dimethoate as its only active constituent in accordance with all label and APVMA permit (PER12074) directions, where spraying is the last treatment before packing except in the case of:
   (a) Citrus, where a non-recovery gloss wax coating and or a compatible fungicide as specified on the label may be applied within 24 hours of treatment; and

(b) Pomefruit, where a non-recovery gloss wax coating and or compatible fungicide as specified on the label may be applied within 3 hours of treatment.

Postharvest Methyl Bromide Fumigation

7. Any host fruit fumigated postharvest with a fumigant containing 1000 g/kg methyl bromide as its only active constituent in accordance with all label and APVMA permit (PER10699) directions, at the following rates:
   (a) 10ºC – 14.9ºC at 48 g/m3 for 2 hours; or
   (b) 15ºC – 20.9ºC at 40 g/m3 for 2 hours; or
   (c) 21ºC – 25.9ºC at 32 g/m3 for 2 hours; or
   (d) 26ºC – 31.9ºC at 24 g/m3 for 2 hours.

Postharvest Cold Treatment

8. Any appropriate host fruit treated postharvest at a temperature of:
   (a) 0ºC ± 0.5ºC for a minimum of 14 days; or
   (b) 1ºC – 3ºC ± 0.5ºC for a minimum of 16 days (Lemons minimum 14 days).

Dated this 25th day of February 2011.

STEVE WHAN, M.P.,
Minister for Primary Industries

Note: The Department's reference is O-293

PLANT DISEASES (FRUIT FLY OUTBREAK, SMITHERS ROAD, TOCUMWAL EAST) ORDER 2011

under the Plant Diseases Act 1924

I, STEVE WHAN, M.P., the Minister for Primary Industries, in pursuance of section 4 of the Plant Diseases Act 1924, being of the opinion that the importation, introduction or bringing of host fruit into specified portions of New South Wales is likely to introduce the pest Queensland fruit fly *(Bactrocera tryoni)* into specified portions of New South Wales, make the following Order regulating the importation, introduction or bringing of host fruit into specified portions of New South Wales.

1 Name of Order

This Order is the Plant Diseases (Fruit Fly Outbreak, Smithers Road, Tocumwal East) Order 2011.

2 Commencement

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

3 Interpretation

(a) In this Order:

approved treatment means a treatment or schedule of treatments relevant to the type of host fruit or manner of harvest as specified in Schedule 6.

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

authorised person means an inspector or a person authorised pursuant to section 11 (3) of the Act.

certificate means a Plant Health Certificate or a Plant Health Assurance Certificate.

Certification Assurance Arrangement means an arrangement approved by the Department which enables a business accredited under the arrangement to certify that certain quarantine requirements have been satisfied for the movement of host fruit to interstate and/or intrastate markets.

Note: An example of an approved Certification Assurance Arrangement is the Interstate Certification Assurance (ICA) Scheme.

Department means Industry and Investment, NSW – Primary Industries.

free of broken skin means the skin has no preharvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

host fruit means the fruit specified in Schedule 1, being fruit which is susceptible to infestation by Queensland fruit fly.

lot means a discrete quantity of fruit received from one grower at one time.

Outbreak Area means the portion of New South Wales described in Schedule 2.

Outer Area means the portion of New South Wales known as the NSW Fruit Fly Exclusion Zone, as specified in Proclamation P184 published in *NSW Government Gazette* No. 152 of 28 November 2008 at pages 11434 to 11435, excluding the Outbreak Area and the Suspension Area.

Plant Health Assurance Certificate means a certificate issued by a business accredited under a Certification Assurance Arrangement.

Plant Health Certificate means a certificate issued by an authorised person.

Queensland fruit fly means the pest *Bactrocera tryoni* (Froggatt).

Suspension Area means the portion of New South Wales described in Schedule 3.

the Act means the Plant Diseases Act 1924.

Note: ***covering*** or ***package***, ***inspector***, ***occupier*** and ***owner*** all have the same meaning as in the Act.

(b) In this Order, longitude and latitude coordinates are decimal degrees based upon the GDA 94 datum.

4 Regulation of the movement of host fruit

Pursuant to section 4 (1) of the Act the importation, introduction or bringing of host fruit into specified portions of New South Wales is regulated as follows:

(a) Host fruit that originates from or has moved through:

(i) the Outbreak Area must not be moved into the Suspension Area or the Outer Area;

(ii) the Suspension Area must not be moved into the Outer Area,

except for such movements as are specified in Schedule 5 and which comply with the relevant conditions of exception set out in Schedule 5; and

(b) The movement of any host fruit in accordance with Schedule 5 must be accompanied by a certificate:

(i) specifying the origin of the host fruit; and

(ii) in the case of a Plant Health Certificate, certifying that the host fruit has been treated in the manner specified in Schedule 6; and

(iii) in the case of a Plant Health Assurance Certificate, certifying that the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement.

SCHEDULE 1 – Host fruit

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

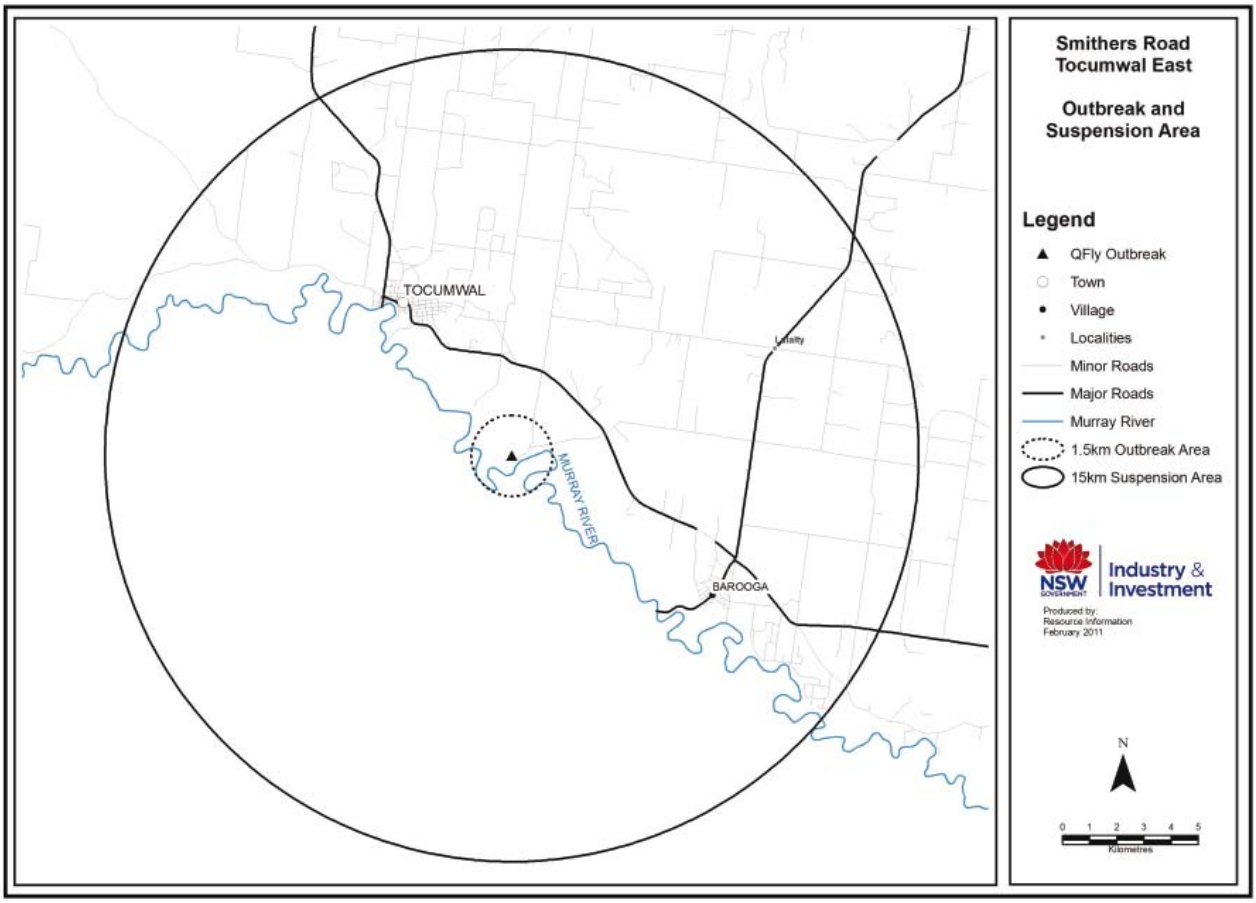
SCHEDULE 2 – Outbreak Area

The area within a 1.5 kilometre radius of the coordinates decimal degrees -35.86356 South and 145.61078 East, being the area within the 1.5 kilometre radius circle (broken line) in the map in Schedule 4.

SCHEDULE 3 – SUSPENSION AREA

The area within a 15 kilometre radius of coordinates decimal degrees -35.86356 South and 145.61078 East (excluding the Outbreak Area), being the area between the 1.5 kilometre radius circle (broken line) and the 15 kilometre radius circle (unbroken line) in the map in Schedule 4.

SCHEDULE 4 – Map of the Smithers Road, Tocumwal East Outbreak Area and Suspension Area



SCHEDULE 5 – Exceptions for movement of host fruit

Host fruit that has received an approved treatment

1. Movement of host fruit that has received an approved treatment prior to movement, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and
   (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure that:
      (i) any used packaging or coverings containing host fruit are free of soil, plant residues and other organic matter; and
      (ii) in the case of host fruit that has been consigned as a lot for the purpose of producing smaller packs of host fruit and has been repacked in smaller packs, the host fruit has been received, handled, stored and repacked under secure conditions which prevent infestation by Queensland fruit fly; and
      (iii) any individual package contains only one kind of host fruit; and
      (iv) all previous incorrect information displayed on the outer covering of the package is removed and the outer covering is legibly marked with the following information:
         (A) the district of production; and
         (B) the name, address, postcode and the State or Territory of both the grower and the packer; or where the business is sourcing from multiple growers, the name, address, postcode and the State or Territory of the packer; and
         (C) a brief description of the contents of the package;
         or
      (v) where the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement, the host fruit is packed, labelled and certified in accordance with any conditions prescribed in the Certification Assurance Arrangement.

Untreated host fruit for processing

2. Movement of untreated host fruit for processing, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and
   (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:
      (i) all bins or containers and any vehicles to be used for the transportation of host fruit ("transport vehicle") are free from all plant debris and soil prior to packing and loading; and
      (ii) the host fruit is securely covered by a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
      (iii) the host fruit must be loaded onto or into a transport vehicle on a hard surface and not within the orchard from which the host fruit was sourced; and
      (iv) the transport vehicle is free of all soil and plant debris after loading; and
      (v) the transport vehicle travels by the most direct route to the receiving processor; and
   (c) The owner or occupier of the property or facility at which the host fruit is to be processed must ensure:
      (i) the host fruit is processed within 24 hours of receipt; and
      (ii) all measures to avoid spillage of host fruit are taken and where spillages occur, must be disposed of in a manner generally accepted as likely to prevent the spread of Queensland fruit fly; and
      (iii) all processing wastes must be disinfested by heat or freezing or be buried.

Outer Area host fruit on a direct journey through the Outbreak Area or Suspension Area into the Outer Area

3. Movement of host fruit originating within the Outer Area and moving on a direct journey through the Outbreak Area or the Suspension Area into the Outer Area, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit is securely transported by covering with a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation.

Untreated Suspension Area host fruit on a direct journey to an end destination having no restrictions on account of Queensland fruit fly

4. Movement of host fruit originating within the Suspension Area and moving on a direct journey to an end destination which has no restrictions on account of Queensland fruit fly, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and

(b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:

(i) all bins or containers and any vehicles to be used for the transportation of host fruit ("transport vehicle") are free from all plant debris and soil prior to packing and loading; and

(ii) the host fruit must be loaded onto or into a transport vehicle on a hard surface and not within the orchard from which the host fruit was sourced; and

(iii) the transport vehicle is free of all soil and plant debris after loading; and

(iv) the host fruit is transported under secure conditions that include:

(A) unvented packages or vented packages with the vents secured with mesh with a maximum aperture of 1.6mm prior to dispatch; or

(B) shrink-wrapped and sealed as a palletised unit; or

(C) fully enclosed under tarpaulins, shade cloth, bin cover or other covering which provides a maximum aperture of 1.6mm,

so as to prevent infestation by Queensland fruit fly and spillage during transportation; and

(v) the transport vehicle travels by the most direct route.

SCHEDULE 6 – Approved treatments for host fruit

Preharvest Treatment and Inspection

1. Tomatoes:
   (a) treated preharvest with an application of dimethoate or fenthion or trichlorfon in accordance with all label directions for the control of Queensland fruit fly, and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
2. Capsicums and chillies:
   (a) treated preharvest with an application of dimethoate in accordance with all label directions for the control of Queensland fruit fly, and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
3. Stonefruit:
   (a) treated preharvest with an application of fenthion in accordance with all label directions for the control of Queensland fruit fly; and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
4. Table grapes:
   (a) treated preharvest for the control of Queensland fruit fly, with a program of:
      (i) bait sprays with an insecticide containing 0.24 g/L spinosad as the only active constituent in accordance with all label directions; or
      (ii) bait sprays with an insecticide containing 1150 g/L maldison as the only active constituent in accordance with all label and APVMA permit (PER12359) directions; or
      (iii) cover sprays using an insecticide containing 550 g/L fenthion as the only active constituent in accordance with all label and APVMA permit (PER11643) directions; and
   (b) inspected postharvest where a sample of the fruit is inspected and found free of fruit fly larvae and free of broken skin.

Postharvest Dimethoate Dip

5. Any host fruit, excluding capsicum (hollow-fruited), chilli (hollow-fruited), cumquat and strawberries, treated with a postharvest dip using an insecticide containing 400 g/L dimethoate as its only active constituent in accordance with all label and APVMA permit (PER12074) directions; where dipping is the last treatment before packing except in the case of:
   (a) Citrus, where a non-recovery gloss wax coating and or a compatible fungicide as specified on the label may be applied within 24 hours of treatment; and
   (b) Pomefruit, where a non-recovery gloss wax and or a compatible fungicide as specified on the label may be applied within 3 hours of treatment.

Postharvest Dimethoate Flood Spray

6. Any host fruit, excluding cumquat, eggplant and strawberries, treated with a postharvest flood spray using an insecticide containing 400 g/L dimethoate as its only active constituent in accordance with all label and APVMA permit (PER12074) directions, where spraying is the last treatment before packing except in the case of:
   (a) Citrus, where a non-recovery gloss wax coating and or a compatible fungicide as specified on the label may be applied within 24 hours of treatment; and

(b) Pomefruit, where a non-recovery gloss wax coating and or compatible fungicide as specified on the label may be applied within 3 hours of treatment.

Postharvest Methyl Bromide Fumigation

7. Any host fruit fumigated postharvest with a fumigant containing 1000 g/kg methyl bromide as its only active constituent in accordance with all label and APVMA permit (PER10699) directions, at the following rates:
   (a) 10ºC – 14.9ºC at 48 g/m3 for 2 hours; or
   (b) 15ºC – 20.9ºC at 40 g/m3 for 2 hours; or
   (c) 21ºC – 25.9ºC at 32 g/m3 for 2 hours; or
   (d) 26ºC – 31.9ºC at 24 g/m3 for 2 hours.

Postharvest Cold Treatment

8. Any appropriate host fruit treated postharvest at a temperature of:
   (a) 0ºC ± 0.5ºC for a minimum of 14 days; or
   (b) 1ºC – 3ºC ± 0.5ºC for a minimum of 16 days (Lemons minimum 14 days).

Dated this 25th day of February 2011.

STEVE WHAN, M.P.,
Minister for Primary Industries

Note: The Department's reference is O-292

PLANT DISEASES (FRUIT FLY OUTBREAK, SANDY LANE, CARDROSS) ORDER 2011

under the Plant Diseases Act 1924

I, STEVE WHAN, M.P., the Minister for Primary Industries, in pursuance of section 4 of the Plant Diseases Act 1924, being of the opinion that the importation, introduction or bringing of host fruit into specified portions of New South Wales is likely to introduce the pest Queensland fruit fly *(Bactrocera tryoni)* into specified portions of New South Wales, make the following Order regulating the importation, introduction or bringing of host fruit into specified portions of New South Wales.

1 Name of Order

This Order is the Plant Diseases (Fruit Fly Outbreak, Sandy Lane, Cardross) Order 2011.

2 Commencement

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

3 Interpretation

(a) In this Order:

approved treatment means a treatment or schedule of treatments relevant to the type of host fruit or manner of harvest as specified in Schedule 6.

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

authorised person means an inspector or a person authorised pursuant to section 11 (3) of the Act.

certificate means a Plant Health Certificate or a Plant Health Assurance Certificate.

Certification Assurance Arrangement means an arrangement approved by the Department which enables a business accredited under the arrangement to certify that certain quarantine requirements have been satisfied for the movement of host fruit to interstate and/or intrastate markets.

Note: An example of an approved Certification Assurance Arrangement is the Interstate Certification Assurance (ICA) Scheme.

Department means Industry and Investment, NSW – Primary Industries.

free of broken skin means the skin has no preharvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

host fruit means the fruit specified in Schedule 1, being fruit which is susceptible to infestation by Queensland fruit fly.

lot means a discrete quantity of fruit received from one grower at one time.

Outbreak Area means the portion of New South Wales described in Schedule 2.

Outer Area means the portion of New South Wales known as the NSW Fruit Fly Exclusion Zone, as specified in Proclamation P184 published in *NSW Government Gazette* No. 152 of 28 November 2008 at pages 11434 to 11435, excluding the Outbreak Area and the Suspension Area.

Plant Health Assurance Certificate means a certificate issued by a business accredited under a Certification Assurance Arrangement.

Plant Health Certificate means a certificate issued by an authorised person.

Queensland fruit fly means the pest *Bactrocera tryoni* (Froggatt).

Suspension Area means the portion of New South Wales described in Schedule 3.

the Act means the Plant Diseases Act 1924.

Note: ***covering*** or ***package***, ***inspector***, ***occupier*** and ***owner*** all have the same meaning as in the Act.

(b) In this Order, longitude and latitude coordinates are decimal degrees based upon the GDA 94 datum.

4 Regulation of the movement of host fruit

Pursuant to section 4 (1) of the Act the importation, introduction or bringing of host fruit into specified portions of New South Wales is regulated as follows:

(a) Host fruit that originates from or has moved through:

(i) the Outbreak Area must not be moved into the Suspension Area or the Outer Area;

(ii) the Suspension Area must not be moved into the Outer Area,

except for such movements as are specified in Schedule 5 and which comply with the relevant conditions of exception set out in Schedule 5; and

(b) The movement of any host fruit in accordance with Schedule 5 must be accompanied by a certificate:

(i) specifying the origin of the host fruit; and

(ii) in the case of a Plant Health Certificate, certifying that the host fruit has been treated in the manner specified in Schedule 6; and

(iii) in the case of a Plant Health Assurance Certificate, certifying that the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement.

SCHEDULE 1 – Host fruit

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

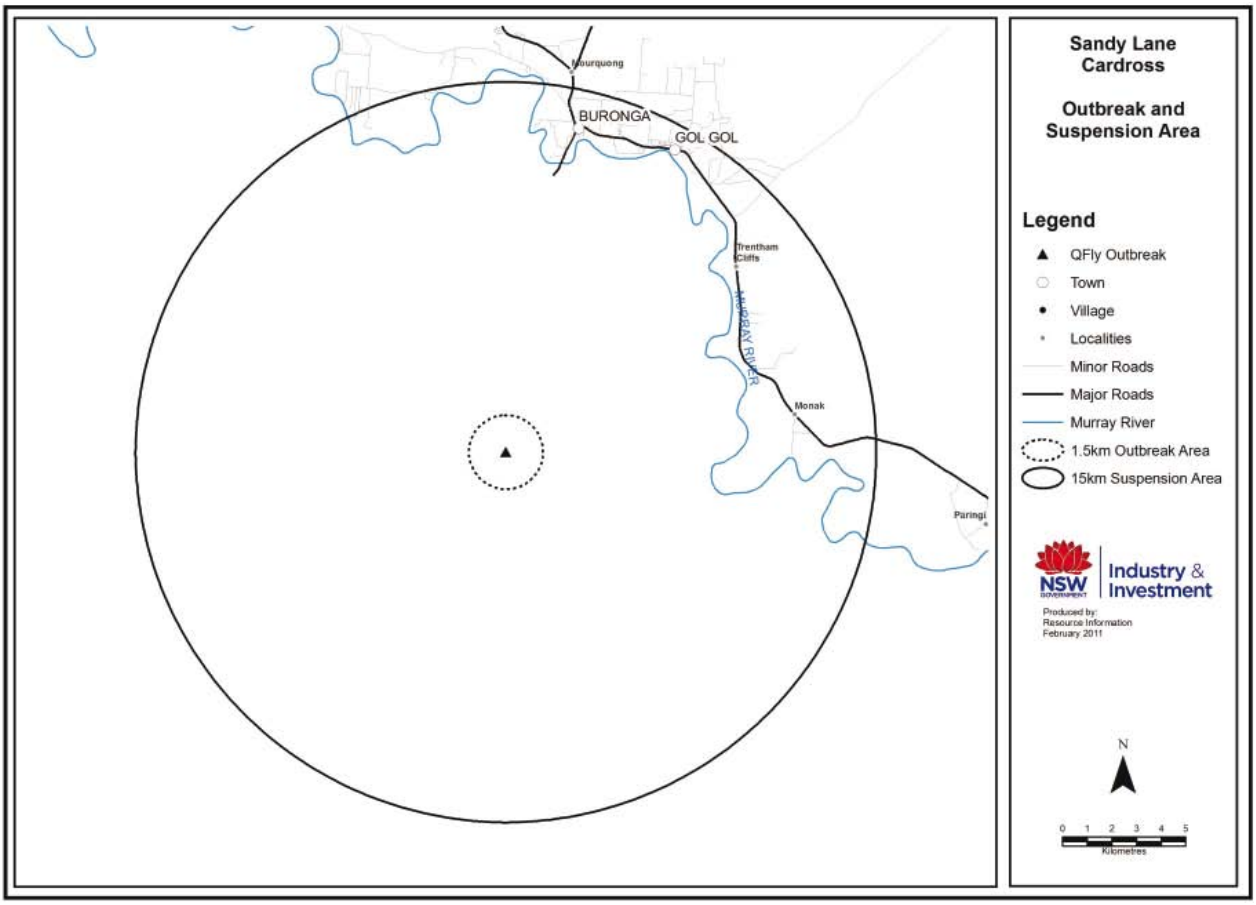
SCHEDULE 2 – Outbreak Area

The area within a 1.5 kilometre radius of the coordinates decimal degrees -34.28778 South and 142.14315 East, being the area within the 1.5 kilometre radius circle (broken line) in the map in Schedule 4.

SCHEDULE 3 – SUSPENSION AREA

The area within a 15 kilometre radius of coordinates decimal degrees -34.28778 South and 142.14315 East (excluding the Outbreak Area), being the area between the 1.5 kilometre radius circle (broken line) and the 15 kilometre radius circle (unbroken line) in the map in Schedule 4.

SCHEDULE 4 – Map of the Sandy Lane, Cardross Outbreak Area and Suspension Area



SCHEDULE 5 – Exceptions for movement of host fruit

Host fruit that has received an approved treatment

1. Movement of host fruit that has received an approved treatment prior to movement, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and
   (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure that:
      (i) any used packaging or coverings containing host fruit are free of soil, plant residues and other organic matter; and
      (ii) in the case of host fruit that has been consigned as a lot for the purpose of producing smaller packs of host fruit and has been repacked in smaller packs, the host fruit has been received, handled, stored and repacked under secure conditions which prevent infestation by Queensland fruit fly; and
      (iii) any individual package contains only one kind of host fruit; and
      (iv) all previous incorrect information displayed on the outer covering of the package is removed and the outer covering is legibly marked with the following information:
         (A) the district of production; and
         (B) the name, address, postcode and the State or Territory of both the grower and the packer; or where the business is sourcing from multiple growers, the name, address, postcode and the State or Territory of the packer; and
         (C) a brief description of the contents of the package;
         or
      (v) where the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement, the host fruit is packed, labelled and certified in accordance with any conditions prescribed in the Certification Assurance Arrangement.

Untreated host fruit for processing

2. Movement of untreated host fruit for processing, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and
   (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:
      (i) all bins or containers and any vehicles to be used for the transportation of host fruit ("transport vehicle") are free from all plant debris and soil prior to packing and loading; and
      (ii) the host fruit is securely covered by a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
      (iii) the host fruit must be loaded onto or into a transport vehicle on a hard surface and not within the orchard from which the host fruit was sourced; and
      (iv) the transport vehicle is free of all soil and plant debris after loading; and
      (v) the transport vehicle travels by the most direct route to the receiving processor; and
   (c) The owner or occupier of the property or facility at which the host fruit is to be processed must ensure:
      (i) the host fruit is processed within 24 hours of receipt; and
      (ii) all measures to avoid spillage of host fruit are taken and where spillages occur, must be disposed of in a manner generally accepted as likely to prevent the spread of Queensland fruit fly; and
      (iii) all processing wastes must be disinfested by heat or freezing or be buried.

Outer Area host fruit on a direct journey through the Outbreak Area or Suspension Area into the Outer Area

3. Movement of host fruit originating within the Outer Area and moving on a direct journey through the Outbreak Area or the Suspension Area into the Outer Area, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit is securely transported by covering with a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation.

Untreated Suspension Area host fruit on a direct journey to an end destination having no restrictions on account of Queensland fruit fly

4. Movement of host fruit originating within the Suspension Area and moving on a direct journey to an end destination which has no restrictions on account of Queensland fruit fly, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and

(b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:

(i) all bins or containers and any vehicles to be used for the transportation of host fruit ("transport vehicle") are free from all plant debris and soil prior to packing and loading; and

(ii) the host fruit must be loaded onto or into a transport vehicle on a hard surface and not within the orchard from which the host fruit was sourced; and

(iii) the transport vehicle is free of all soil and plant debris after loading; and

(iv) the host fruit is transported under secure conditions that include:

(A) unvented packages or vented packages with the vents secured with mesh with a maximum aperture of 1.6mm prior to dispatch; or

(B) shrink-wrapped and sealed as a palletised unit; or

(C) fully enclosed under tarpaulins, shade cloth, bin cover or other covering which provides a maximum aperture of 1.6mm,

so as to prevent infestation by Queensland fruit fly and spillage during transportation; and

(v) the transport vehicle travels by the most direct route.

SCHEDULE 6 – Approved treatments for host fruit

Preharvest Treatment and Inspection

1. Tomatoes:
   (a) treated preharvest with an application of dimethoate or fenthion or trichlorfon in accordance with all label directions for the control of Queensland fruit fly, and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
2. Capsicums and chillies:
   (a) treated preharvest with an application of dimethoate in accordance with all label directions for the control of Queensland fruit fly, and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
3. Stonefruit:
   (a) treated preharvest with an application of fenthion in accordance with all label directions for the control of Queensland fruit fly; and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
4. Table grapes:
   (a) treated preharvest for the control of Queensland fruit fly, with a program of:
      (i) bait sprays with an insecticide containing 0.24 g/L spinosad as the only active constituent in accordance with all label directions; or
      (ii) bait sprays with an insecticide containing 1150 g/L maldison as the only active constituent in accordance with all label and APVMA permit (PER12359) directions; or
      (iii) cover sprays using an insecticide containing 550 g/L fenthion as the only active constituent in accordance with all label and APVMA permit (PER11643) directions; and
   (b) inspected postharvest where a sample of the fruit is inspected and found free of fruit fly larvae and free of broken skin.

Postharvest Dimethoate Dip

5. Any host fruit, excluding capsicum (hollow-fruited), chilli (hollow-fruited), cumquat and strawberries, treated with a postharvest dip using an insecticide containing 400 g/L dimethoate as its only active constituent in accordance with all label and APVMA permit (PER12074) directions; where dipping is the last treatment before packing except in the case of:
   (a) Citrus, where a non-recovery gloss wax coating and or a compatible fungicide as specified on the label may be applied within 24 hours of treatment; and
   (b) Pomefruit, where a non-recovery gloss wax and or a compatible fungicide as specified on the label may be applied within 3 hours of treatment.

Postharvest Dimethoate Flood Spray

6. Any host fruit, excluding cumquat, eggplant and strawberries, treated with a postharvest flood spray using an insecticide containing 400 g/L dimethoate as its only active constituent in accordance with all label and APVMA permit (PER12074) directions, where spraying is the last treatment before packing except in the case of:
   (a) Citrus, where a non-recovery gloss wax coating and or a compatible fungicide as specified on the label may be applied within 24 hours of treatment; and

(b) Pomefruit, where a non-recovery gloss wax coating and or compatible fungicide as specified on the label may be applied within 3 hours of treatment.

Postharvest Methyl Bromide Fumigation

7. Any host fruit fumigated postharvest with a fumigant containing 1000 g/kg methyl bromide as its only active constituent in accordance with all label and APVMA permit (PER10699) directions, at the following rates:
   (a) 10ºC – 14.9ºC at 48 g/m3 for 2 hours; or
   (b) 15ºC – 20.9ºC at 40 g/m3 for 2 hours; or
   (c) 21ºC – 25.9ºC at 32 g/m3 for 2 hours; or
   (d) 26ºC – 31.9ºC at 24 g/m3 for 2 hours.

Postharvest Cold Treatment

8. Any appropriate host fruit treated postharvest at a temperature of:
   (a) 0ºC ± 0.5ºC for a minimum of 14 days; or
   (b) 1ºC – 3ºC ± 0.5ºC for a minimum of 16 days (Lemons minimum 14 days).

Dated this 25th day of February 2011.

STEVE WHAN, M.P.,
Minister for Primary Industries

Note: The Department's reference is O-295

PLANT DISEASES (FRUIT FLY OUTBREAK, MURRAY VALLEY HWY, BOUNDARY BEND TOWNSHIP) ORDER 2011

under the Plant Diseases Act 1924

I, STEVE WHAN, M.P., the Minister for Primary Industries, in pursuance of section 4 of the Plant Diseases Act 1924, being of the opinion that the importation, introduction or bringing of host fruit into specified portions of New South Wales is likely to introduce the pest Queensland fruit fly *(Bactrocera tryoni)* into specified portions of New South Wales, make the following Order regulating the importation, introduction or bringing of host fruit into specified portions of New South Wales.

1 Name of Order

This Order is the Plant Diseases (Fruit Fly Outbreak, Murray Valley Hwy, Boundary Bend Township) Order 2011.

2 Commencement

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

3 Interpretation

(a) In this Order:

approved treatment means a treatment or schedule of treatments relevant to the type of host fruit or manner of harvest as specified in Schedule 6.

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

authorised person means an inspector or a person authorised pursuant to section 11 (3) of the Act.

certificate means a Plant Health Certificate or a Plant Health Assurance Certificate.

Certification Assurance Arrangement means an arrangement approved by the Department which enables a business accredited under the arrangement to certify that certain quarantine requirements have been satisfied for the movement of host fruit to interstate and/or intrastate markets.

Note: An example of an approved Certification Assurance Arrangement is the Interstate Certification Assurance (ICA) Scheme.

Department means Industry and Investment, NSW – Primary Industries.

free of broken skin means the skin has no preharvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

host fruit means the fruit specified in Schedule 1, being fruit which is susceptible to infestation by Queensland fruit fly.

lot means a discrete quantity of fruit received from one grower at one time.

Outbreak Area means the portion of New South Wales described in Schedule 2.

Outer Area means the portion of New South Wales known as the NSW Fruit Fly Exclusion Zone, as specified in Proclamation P184 published in *NSW Government Gazette* No. 152 of 28 November 2008 at pages 11434 to 11435, excluding the Outbreak Area and the Suspension Area.

Plant Health Assurance Certificate means a certificate issued by a business accredited under a Certification Assurance Arrangement.

Plant Health Certificate means a certificate issued by an authorised person.

Queensland fruit fly means the pest *Bactrocera tryoni* (Froggatt).

Suspension Area means the portion of New South Wales described in Schedule 3.

the Act means the Plant Diseases Act 1924.

Note: ***covering*** or ***package***, ***inspector***, ***occupier*** and ***owner*** all have the same meaning as in the Act.

(b) In this Order, longitude and latitude coordinates are decimal degrees based upon the GDA 94 datum.

4 Regulation of the movement of host fruit

Pursuant to section 4 (1) of the Act the importation, introduction or bringing of host fruit into specified portions of New South Wales is regulated as follows:

(a) Host fruit that originates from or has moved through:

(i) the Outbreak Area must not be moved into the Suspension Area or the Outer Area;

(ii) the Suspension Area must not be moved into the Outer Area,

except for such movements as are specified in Schedule 5 and which comply with the relevant conditions of exception set out in Schedule 5; and

(b) The movement of any host fruit in accordance with Schedule 5 must be accompanied by a certificate:

(i) specifying the origin of the host fruit; and

(ii) in the case of a Plant Health Certificate, certifying that the host fruit has been treated in the manner specified in Schedule 6; and

(iii) in the case of a Plant Health Assurance Certificate, certifying that the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement.

SCHEDULE 1 – Host fruit

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

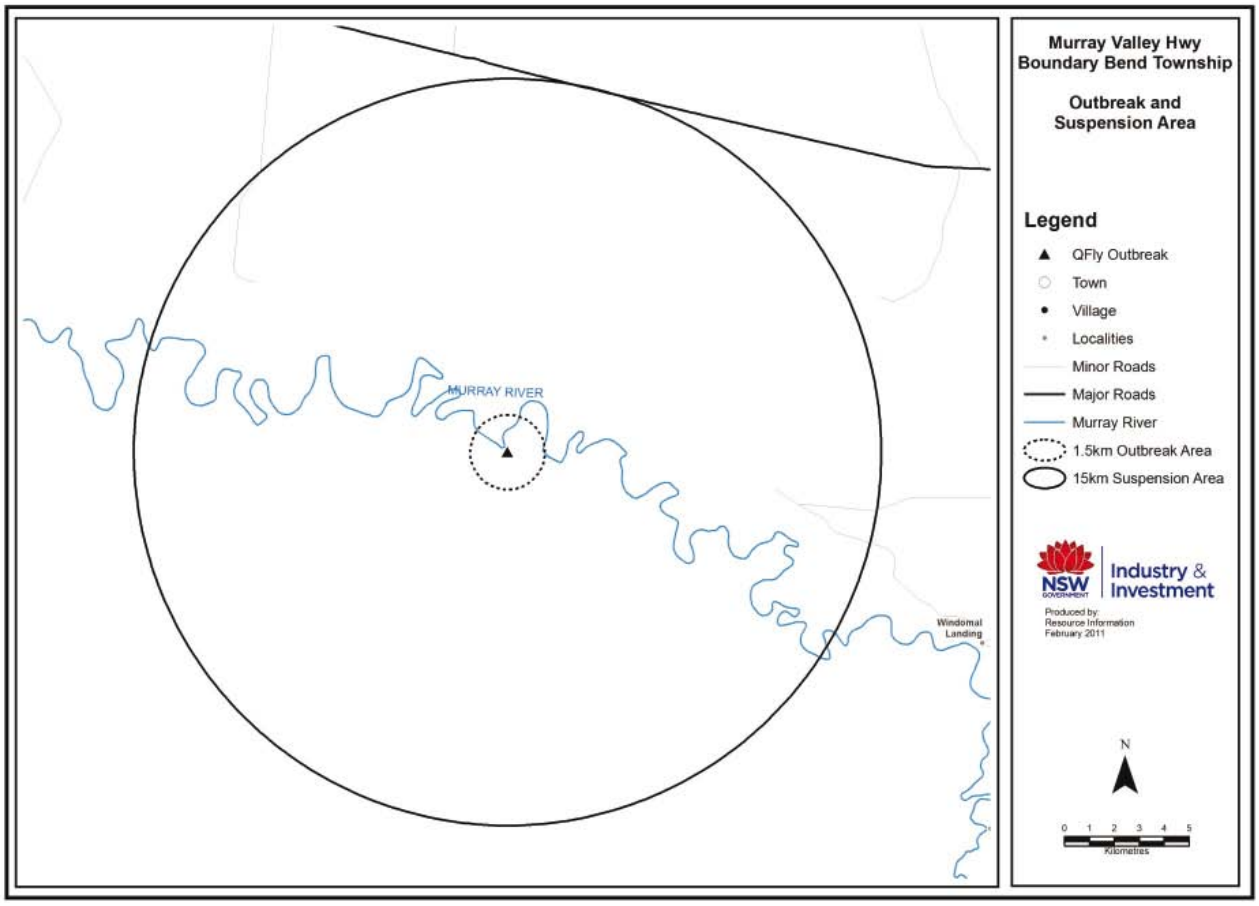
SCHEDULE 2 – Outbreak Area

The area within a 1.5 kilometre radius of the coordinates decimal degrees -34.71538 South and 143.14876 East, being the area within the 1.5 kilometre radius circle (broken line) in the map in Schedule 4.

SCHEDULE 3 – SUSPENSION AREA

The area within a 15 kilometre radius of coordinates decimal degrees -34.71538 South and 143.14876 East (excluding the Outbreak Area), being the area between the 1.5 kilometre radius circle (broken line) and the 15 kilometre radius circle (unbroken line) in the map in Schedule 4.

SCHEDULE 4 – Map of the Murray Valley Hwy, Boundary Bend Township Outbreak Area and Suspension Area



SCHEDULE 5 – Exceptions for movement of host fruit

Host fruit that has received an approved treatment

1. Movement of host fruit that has received an approved treatment prior to movement, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and
   (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure that:
      (i) any used packaging or coverings containing host fruit are free of soil, plant residues and other organic matter; and
      (ii) in the case of host fruit that has been consigned as a lot for the purpose of producing smaller packs of host fruit and has been repacked in smaller packs, the host fruit has been received, handled, stored and repacked under secure conditions which prevent infestation by Queensland fruit fly; and
      (iii) any individual package contains only one kind of host fruit; and
      (iv) all previous incorrect information displayed on the outer covering of the package is removed and the outer covering is legibly marked with the following information:
         (A) the district of production; and
         (B) the name, address, postcode and the State or Territory of both the grower and the packer; or where the business is sourcing from multiple growers, the name, address, postcode and the State or Territory of the packer; and
         (C) a brief description of the contents of the package;
         or
      (v) where the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement, the host fruit is packed, labelled and certified in accordance with any conditions prescribed in the Certification Assurance Arrangement.

Untreated host fruit for processing

2. Movement of untreated host fruit for processing, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and
   (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:
      (i) all bins or containers and any vehicles to be used for the transportation of host fruit ("transport vehicle") are free from all plant debris and soil prior to packing and loading; and
      (ii) the host fruit is securely covered by a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
      (iii) the host fruit must be loaded onto or into a transport vehicle on a hard surface and not within the orchard from which the host fruit was sourced; and
      (iv) the transport vehicle is free of all soil and plant debris after loading; and
      (v) the transport vehicle travels by the most direct route to the receiving processor; and
   (c) The owner or occupier of the property or facility at which the host fruit is to be processed must ensure:
      (i) the host fruit is processed within 24 hours of receipt; and
      (ii) all measures to avoid spillage of host fruit are taken and where spillages occur, must be disposed of in a manner generally accepted as likely to prevent the spread of Queensland fruit fly; and
      (iii) all processing wastes must be disinfested by heat or freezing or be buried.

Outer Area host fruit on a direct journey through the Outbreak Area or Suspension Area into the Outer Area

3. Movement of host fruit originating within the Outer Area and moving on a direct journey through the Outbreak Area or the Suspension Area into the Outer Area, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit is securely transported by covering with a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation.

Untreated Suspension Area host fruit on a direct journey to an end destination having no restrictions on account of Queensland fruit fly

4. Movement of host fruit originating within the Suspension Area and moving on a direct journey to an end destination which has no restrictions on account of Queensland fruit fly, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and

(b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:

(i) all bins or containers and any vehicles to be used for the transportation of host fruit ("transport vehicle") are free from all plant debris and soil prior to packing and loading; and

(ii) the host fruit must be loaded onto or into a transport vehicle on a hard surface and not within the orchard from which the host fruit was sourced; and

(iii) the transport vehicle is free of all soil and plant debris after loading; and

(iv) the host fruit is transported under secure conditions that include:

(A) unvented packages or vented packages with the vents secured with mesh with a maximum aperture of 1.6mm prior to dispatch; or

(B) shrink-wrapped and sealed as a palletised unit; or

(C) fully enclosed under tarpaulins, shade cloth, bin cover or other covering which provides a maximum aperture of 1.6mm,

so as to prevent infestation by Queensland fruit fly and spillage during transportation; and

(v) the transport vehicle travels by the most direct route.

SCHEDULE 6 – Approved treatments for host fruit

Preharvest Treatment and Inspection

1. Tomatoes:
   (a) treated preharvest with an application of dimethoate or fenthion or trichlorfon in accordance with all label directions for the control of Queensland fruit fly, and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
2. Capsicums and chillies:
   (a) treated preharvest with an application of dimethoate in accordance with all label directions for the control of Queensland fruit fly, and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
3. Stonefruit:
   (a) treated preharvest with an application of fenthion in accordance with all label directions for the control of Queensland fruit fly; and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
4. Table grapes:
   (a) treated preharvest for the control of Queensland fruit fly, with a program of:
      (i) bait sprays with an insecticide containing 0.24 g/L spinosad as the only active constituent in accordance with all label directions; or
      (ii) bait sprays with an insecticide containing 1150 g/L maldison as the only active constituent in accordance with all label and APVMA permit (PER12359) directions; or
      (iii) cover sprays using an insecticide containing 550 g/L fenthion as the only active constituent in accordance with all label and APVMA permit (PER11643) directions; and
   (b) inspected postharvest where a sample of the fruit is inspected and found free of fruit fly larvae and free of broken skin.

Postharvest Dimethoate Dip

5. Any host fruit, excluding capsicum (hollow-fruited), chilli (hollow-fruited), cumquat and strawberries, treated with a postharvest dip using an insecticide containing 400 g/L dimethoate as its only active constituent in accordance with all label and APVMA permit (PER12074) directions; where dipping is the last treatment before packing except in the case of:
   (a) Citrus, where a non-recovery gloss wax coating and or a compatible fungicide as specified on the label may be applied within 24 hours of treatment; and
   (b) Pomefruit, where a non-recovery gloss wax and or a compatible fungicide as specified on the label may be applied within 3 hours of treatment.

Postharvest Dimethoate Flood Spray

6. Any host fruit, excluding cumquat, eggplant and strawberries, treated with a postharvest flood spray using an insecticide containing 400 g/L dimethoate as its only active constituent in accordance with all label and APVMA permit (PER12074) directions, where spraying is the last treatment before packing except in the case of:
   (a) Citrus, where a non-recovery gloss wax coating and or a compatible fungicide as specified on the label may be applied within 24 hours of treatment; and

(b) Pomefruit, where a non-recovery gloss wax coating and or compatible fungicide as specified on the label may be applied within 3 hours of treatment.

Postharvest Methyl Bromide Fumigation

7. Any host fruit fumigated postharvest with a fumigant containing 1000 g/kg methyl bromide as its only active constituent in accordance with all label and APVMA permit (PER10699) directions, at the following rates:
   (a) 10ºC – 14.9ºC at 48 g/m3 for 2 hours; or
   (b) 15ºC – 20.9ºC at 40 g/m3 for 2 hours; or
   (c) 21ºC – 25.9ºC at 32 g/m3 for 2 hours; or
   (d) 26ºC – 31.9ºC at 24 g/m3 for 2 hours.

Postharvest Cold Treatment

8. Any appropriate host fruit treated postharvest at a temperature of:
   (a) 0ºC ± 0.5ºC for a minimum of 14 days; or
   (b) 1ºC – 3ºC ± 0.5ºC for a minimum of 16 days (Lemons minimum 14 days).

Dated this 25th day of February 2011.

STEVE WHAN, M.P.,
Minister for Primary Industries

Note: The Department's reference is O-294

PLANT DISEASES (FRUIT FLY OUTBREAK, BALRANALD ROAD, SPEEWA) ORDER 2011

under the Plant Diseases Act 1924

I, STEVE WHAN, M.P., the Minister for Primary Industries, in pursuance of section 4 of the Plant Diseases Act 1924, being of the opinion that the importation, introduction or bringing of host fruit into specified portions of New South Wales is likely to introduce the pest Queensland fruit fly *(Bactrocera tryoni)* into specified portions of New South Wales, make the following Order regulating the importation, introduction or bringing of host fruit into specified portions of New South Wales.

1 Name of Order

This Order is the Plant Diseases (Fruit Fly Outbreak, Balranald Road, Speewa) Order 2011.

2 Commencement

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

3 Interpretation

(a) In this Order:

approved treatment means a treatment or schedule of treatments relevant to the type of host fruit or manner of harvest as specified in Schedule 6.

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

authorised person means an inspector or a person authorised pursuant to section 11 (3) of the Act.

certificate means a Plant Health Certificate or a Plant Health Assurance Certificate.

Certification Assurance Arrangement means an arrangement approved by the Department which enables a business accredited under the arrangement to certify that certain quarantine requirements have been satisfied for the movement of host fruit to interstate and/or intrastate markets.

Note: An example of an approved Certification Assurance Arrangement is the Interstate Certification Assurance (ICA) Scheme.

Department means Industry and Investment, NSW – Primary Industries.

free of broken skin means the skin has no preharvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

host fruit means the fruit specified in Schedule 1, being fruit which is susceptible to infestation by Queensland fruit fly.

lot means a discrete quantity of fruit received from one grower at one time.

Outbreak Area means the portion of New South Wales described in Schedule 2.

Outer Area means the portion of New South Wales known as the NSW Fruit Fly Exclusion Zone, as specified in Proclamation P184 published in *NSW Government Gazette* No. 152 of 28 November 2008 at pages 11434 to 11435, excluding the Outbreak Area and the Suspension Area.

Plant Health Assurance Certificate means a certificate issued by a business accredited under a Certification Assurance Arrangement.

Plant Health Certificate means a certificate issued by an authorised person.

Queensland fruit fly means the pest *Bactrocera tryoni* (Froggatt).

Suspension Area means the portion of New South Wales described in Schedule 3.

the Act means the Plant Diseases Act 1924.

Note: ***covering*** or ***package***, ***inspector***, ***occupier*** and ***owner*** all have the same meaning as in the Act.

(b) In this Order, longitude and latitude coordinates are decimal degrees based upon the GDA 94 datum.

4 Regulation of the movement of host fruit

Pursuant to section 4 (1) of the Act the importation, introduction or bringing of host fruit into specified portions of New South Wales is regulated as follows:

(a) Host fruit that originates from or has moved through:

(i) the Outbreak Area must not be moved into the Suspension Area or the Outer Area;

(ii) the Suspension Area must not be moved into the Outer Area,

except for such movements as are specified in Schedule 5 and which comply with the relevant conditions of exception set out in Schedule 5; and

(b) The movement of any host fruit in accordance with Schedule 5 must be accompanied by a certificate:

(i) specifying the origin of the host fruit; and

(ii) in the case of a Plant Health Certificate, certifying that the host fruit has been treated in the manner specified in Schedule 6; and

(iii) in the case of a Plant Health Assurance Certificate, certifying that the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement.

SCHEDULE 1 – Host fruit

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

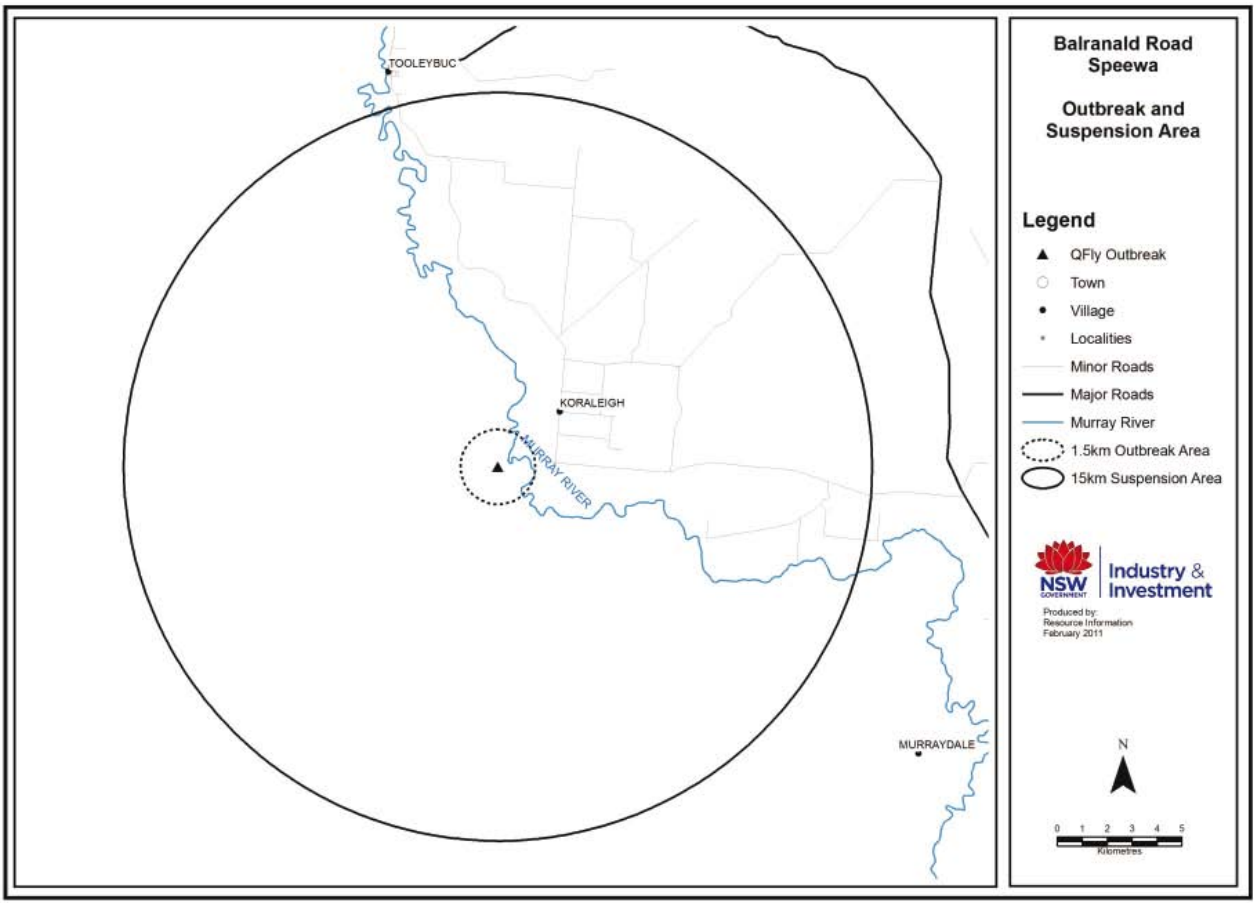
SCHEDULE 2 – Outbreak Area

The area within a 1.5 kilometre radius of the coordinates decimal degrees -35.17431 South and 143.37811 East, being the area within the 1.5 kilometre radius circle (broken line) in the map in Schedule 4.

SCHEDULE 3 – SUSPENSION AREA

The area within a 15 kilometre radius of coordinates decimal degrees -35.17431 South and 143.37811 East (excluding the Outbreak Area), being the area between the 1.5 kilometre radius circle (broken line) and the 15 kilometre radius circle (unbroken line) in the map in Schedule 4.

SCHEDULE 4 – Map of the Balranald Road, Speewa Outbreak Area and Suspension Area



SCHEDULE 5 – Exceptions for movement of host fruit

Host fruit that has received an approved treatment

1. Movement of host fruit that has received an approved treatment prior to movement, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and
   (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure that:
      (i) any used packaging or coverings containing host fruit are free of soil, plant residues and other organic matter; and
      (ii) in the case of host fruit that has been consigned as a lot for the purpose of producing smaller packs of host fruit and has been repacked in smaller packs, the host fruit has been received, handled, stored and repacked under secure conditions which prevent infestation by Queensland fruit fly; and
      (iii) any individual package contains only one kind of host fruit; and
      (iv) all previous incorrect information displayed on the outer covering of the package is removed and the outer covering is legibly marked with the following information:
         (A) the district of production; and
         (B) the name, address, postcode and the State or Territory of both the grower and the packer; or where the business is sourcing from multiple growers, the name, address, postcode and the State or Territory of the packer; and
         (C) a brief description of the contents of the package;
         or
      (v) where the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement, the host fruit is packed, labelled and certified in accordance with any conditions prescribed in the Certification Assurance Arrangement.

Untreated host fruit for processing

2. Movement of untreated host fruit for processing, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and
   (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:
      (i) all bins or containers and any vehicles to be used for the transportation of host fruit ("transport vehicle") are free from all plant debris and soil prior to packing and loading; and
      (ii) the host fruit is securely covered by a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
      (iii) the host fruit must be loaded onto or into a transport vehicle on a hard surface and not within the orchard from which the host fruit was sourced; and
      (iv) the transport vehicle is free of all soil and plant debris after loading; and
      (v) the transport vehicle travels by the most direct route to the receiving processor; and
   (c) The owner or occupier of the property or facility at which the host fruit is to be processed must ensure:
      (i) the host fruit is processed within 24 hours of receipt; and
      (ii) all measures to avoid spillage of host fruit are taken and where spillages occur, must be disposed of in a manner generally accepted as likely to prevent the spread of Queensland fruit fly; and
      (iii) all processing wastes must be disinfested by heat or freezing or be buried.

Outer Area host fruit on a direct journey through the Outbreak Area or Suspension Area into the Outer Area

3. Movement of host fruit originating within the Outer Area and moving on a direct journey through the Outbreak Area or the Suspension Area into the Outer Area, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit is securely transported by covering with a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation.

Untreated Suspension Area host fruit on a direct journey to an end destination having no restrictions on account of Queensland fruit fly

4. Movement of host fruit originating within the Suspension Area and moving on a direct journey to an end destination which has no restrictions on account of Queensland fruit fly, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and

(b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:

(i) all bins or containers and any vehicles to be used for the transportation of host fruit ("transport vehicle") are free from all plant debris and soil prior to packing and loading; and

(ii) the host fruit must be loaded onto or into a transport vehicle on a hard surface and not within the orchard from which the host fruit was sourced; and

(iii) the transport vehicle is free of all soil and plant debris after loading; and

(iv) the host fruit is transported under secure conditions that include:

(A) unvented packages or vented packages with the vents secured with mesh with a maximum aperture of 1.6mm prior to dispatch; or

(B) shrink-wrapped and sealed as a palletised unit; or

(C) fully enclosed under tarpaulins, shade cloth, bin cover or other covering which provides a maximum aperture of 1.6mm,

so as to prevent infestation by Queensland fruit fly and spillage during transportation; and

(v) the transport vehicle travels by the most direct route.

SCHEDULE 6 – Approved treatments for host fruit

Preharvest Treatment and Inspection

1. Tomatoes:
   (a) treated preharvest with an application of dimethoate or fenthion or trichlorfon in accordance with all label directions for the control of Queensland fruit fly, and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
2. Capsicums and chillies:
   (a) treated preharvest with an application of dimethoate in accordance with all label directions for the control of Queensland fruit fly, and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
3. Stonefruit:
   (a) treated preharvest with an application of fenthion in accordance with all label directions for the control of Queensland fruit fly; and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
4. Table grapes:
   (a) treated preharvest for the control of Queensland fruit fly, with a program of:
      (i) bait sprays with an insecticide containing 0.24 g/L spinosad as the only active constituent in accordance with all label directions; or
      (ii) bait sprays with an insecticide containing 1150 g/L maldison as the only active constituent in accordance with all label and APVMA permit (PER12359) directions; or
      (iii) cover sprays using an insecticide containing 550 g/L fenthion as the only active constituent in accordance with all label and APVMA permit (PER11643) directions; and
   (b) inspected postharvest where a sample of the fruit is inspected and found free of fruit fly larvae and free of broken skin.

Postharvest Dimethoate Dip

5. Any host fruit, excluding capsicum (hollow-fruited), chilli (hollow-fruited), cumquat and strawberries, treated with a postharvest dip using an insecticide containing 400 g/L dimethoate as its only active constituent in accordance with all label and APVMA permit (PER12074) directions; where dipping is the last treatment before packing except in the case of:
   (a) Citrus, where a non-recovery gloss wax coating and or a compatible fungicide as specified on the label may be applied within 24 hours of treatment; and
   (b) Pomefruit, where a non-recovery gloss wax and or a compatible fungicide as specified on the label may be applied within 3 hours of treatment.

Postharvest Dimethoate Flood Spray

6. Any host fruit, excluding cumquat, eggplant and strawberries, treated with a postharvest flood spray using an insecticide containing 400 g/L dimethoate as its only active constituent in accordance with all label and APVMA permit (PER12074) directions, where spraying is the last treatment before packing except in the case of:
   (a) Citrus, where a non-recovery gloss wax coating and or a compatible fungicide as specified on the label may be applied within 24 hours of treatment; and

(b) Pomefruit, where a non-recovery gloss wax coating and or compatible fungicide as specified on the label may be applied within 3 hours of treatment.

Postharvest Methyl Bromide Fumigation

7. Any host fruit fumigated postharvest with a fumigant containing 1000 g/kg methyl bromide as its only active constituent in accordance with all label and APVMA permit (PER10699) directions, at the following rates:
   (a) 10ºC – 14.9ºC at 48 g/m3 for 2 hours; or
   (b) 15ºC – 20.9ºC at 40 g/m3 for 2 hours; or
   (c) 21ºC – 25.9ºC at 32 g/m3 for 2 hours; or
   (d) 26ºC – 31.9ºC at 24 g/m3 for 2 hours.

Postharvest Cold Treatment

8. Any appropriate host fruit treated postharvest at a temperature of:
   (a) 0ºC ± 0.5ºC for a minimum of 14 days; or
   (b) 1ºC – 3ºC ± 0.5ºC for a minimum of 16 days (Lemons minimum 14 days).

Dated this 25th day of February 2011.

STEVE WHAN, M.P.,
Minister for Primary Industries

Note: The Department's reference is O-297

PLANT DISEASES (FRUIT FLY OUTBREAK, PYKE STREET, BUNDALONG) ORDER 2011

under the Plant Diseases Act 1924

I, STEVE WHAN, M.P., the Minister for Primary Industries, in pursuance of section 4 of the Plant Diseases Act 1924, being of the opinion that the importation, introduction or bringing of host fruit into specified portions of New South Wales is likely to introduce the pest Queensland fruit fly *(Bactrocera tryoni)* into specified portions of New South Wales, make the following Order regulating the importation, introduction or bringing of host fruit into specified portions of New South Wales.

1 Name of Order

This Order is the Plant Diseases (Fruit Fly Outbreak, Pyke Street, Bundalong) Order 2011.

2 Commencement

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

3 Interpretation

(a) In this Order:

approved treatment means a treatment or schedule of treatments relevant to the type of host fruit or manner of harvest as specified in Schedule 6.

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

authorised person means an inspector or a person authorised pursuant to section 11 (3) of the Act.

certificate means a Plant Health Certificate or a Plant Health Assurance Certificate.

Certification Assurance Arrangement means an arrangement approved by the Department which enables a business accredited under the arrangement to certify that certain quarantine requirements have been satisfied for the movement of host fruit to interstate and/or intrastate markets.

Note: An example of an approved Certification Assurance Arrangement is the Interstate Certification Assurance (ICA) Scheme.

Department means Industry and Investment, NSW – Primary Industries.

free of broken skin means the skin has no preharvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

host fruit means the fruit specified in Schedule 1, being fruit which is susceptible to infestation by Queensland fruit fly.

lot means a discrete quantity of fruit received from one grower at one time.

Outbreak Area means the portion of New South Wales described in Schedule 2.

Outer Area means the portion of New South Wales known as the NSW Fruit Fly Exclusion Zone, as specified in Proclamation P184 published in *NSW Government Gazette* No. 152 of 28 November 2008 at pages 11434 to 11435, excluding the Outbreak Area and the Suspension Area.

Plant Health Assurance Certificate means a certificate issued by a business accredited under a Certification Assurance Arrangement.

Plant Health Certificate means a certificate issued by an authorised person.

Queensland fruit fly means the pest *Bactrocera tryoni* (Froggatt).

Suspension Area means the portion of New South Wales described in Schedule 3.

the Act means the Plant Diseases Act 1924.

Note: ***covering*** or ***package***, ***inspector***, ***occupier*** and ***owner*** all have the same meaning as in the Act.

(b) In this Order, longitude and latitude coordinates are decimal degrees based upon the GDA 94 datum.

4 Regulation of the movement of host fruit

Pursuant to section 4 (1) of the Act the importation, introduction or bringing of host fruit into specified portions of New South Wales is regulated as follows:

(a) Host fruit that originates from or has moved through:

(i) the Outbreak Area must not be moved into the Suspension Area or the Outer Area;

(ii) the Suspension Area must not be moved into the Outer Area,

except for such movements as are specified in Schedule 5 and which comply with the relevant conditions of exception set out in Schedule 5; and

(b) The movement of any host fruit in accordance with Schedule 5 must be accompanied by a certificate:

(i) specifying the origin of the host fruit; and

(ii) in the case of a Plant Health Certificate, certifying that the host fruit has been treated in the manner specified in Schedule 6; and

(iii) in the case of a Plant Health Assurance Certificate, certifying that the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement.

SCHEDULE 1 – Host fruit

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

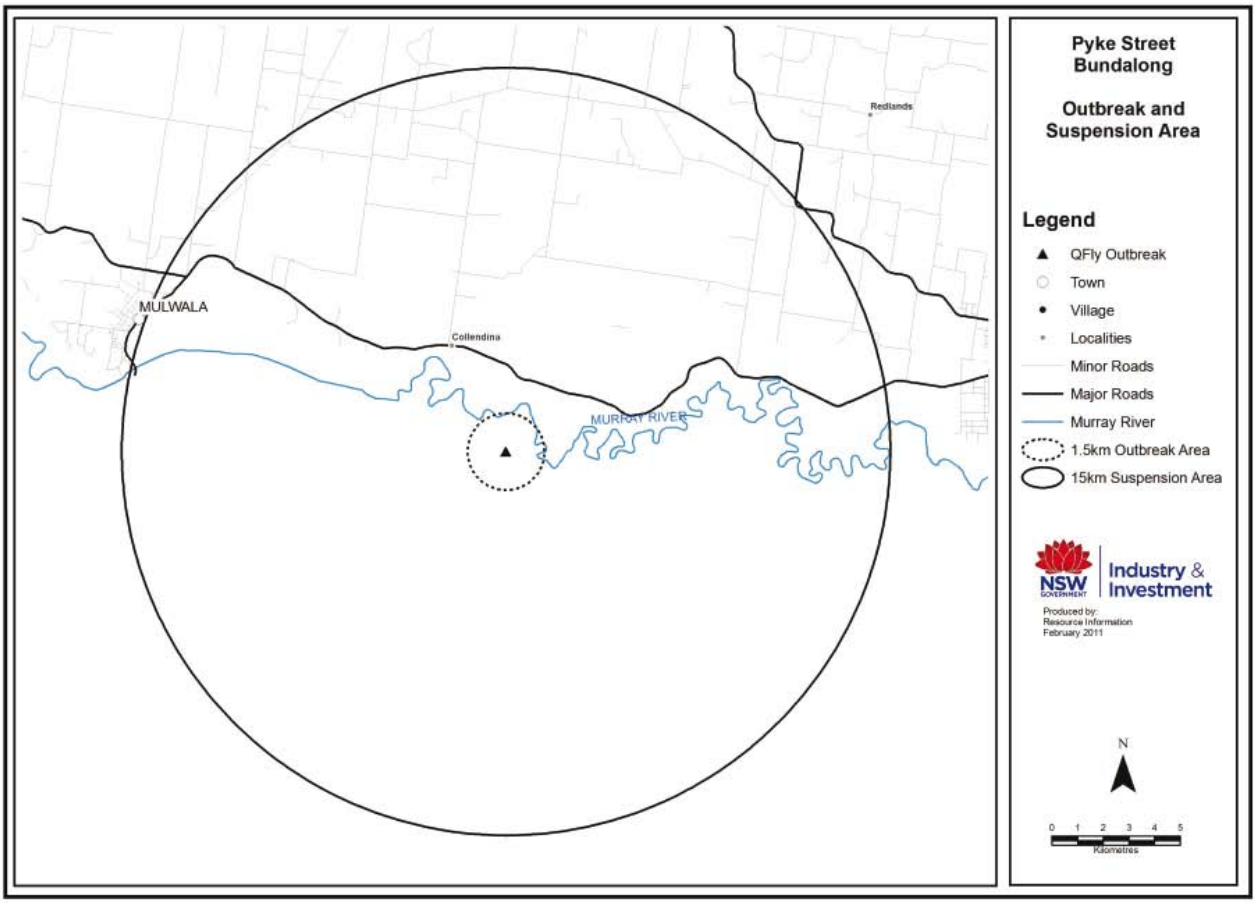
SCHEDULE 2 – Outbreak Area

The area within a 1.5 kilometre radius of the coordinates decimal degrees -36.0357 South and 146.16502 East, being the area within the 1.5 kilometre radius circle (broken line) in the map in Schedule 4.

SCHEDULE 3 – SUSPENSION AREA

The area within a 15 kilometre radius of coordinates decimal degrees -36.0357 South and 146.16502 East (excluding the Outbreak Area), being the area between the 1.5 kilometre radius circle (broken line) and the 15 kilometre radius circle (unbroken line) in the map in Schedule 4.

SCHEDULE 4 – Map of the Pyke Street, Bundalong Outbreak Area and Suspension Area



SCHEDULE 5 – Exceptions for movement of host fruit

Host fruit that has received an approved treatment

1. Movement of host fruit that has received an approved treatment prior to movement, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and
   (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure that:
      (i) any used packaging or coverings containing host fruit are free of soil, plant residues and other organic matter; and
      (ii) in the case of host fruit that has been consigned as a lot for the purpose of producing smaller packs of host fruit and has been repacked in smaller packs, the host fruit has been received, handled, stored and repacked under secure conditions which prevent infestation by Queensland fruit fly; and
      (iii) any individual package contains only one kind of host fruit; and
      (iv) all previous incorrect information displayed on the outer covering of the package is removed and the outer covering is legibly marked with the following information:
         (A) the district of production; and
         (B) the name, address, postcode and the State or Territory of both the grower and the packer; or where the business is sourcing from multiple growers, the name, address, postcode and the State or Territory of the packer; and
         (C) a brief description of the contents of the package;
         or
      (v) where the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement, the host fruit is packed, labelled and certified in accordance with any conditions prescribed in the Certification Assurance Arrangement.

Untreated host fruit for processing

2. Movement of untreated host fruit for processing, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and
   (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:
      (i) all bins or containers and any vehicles to be used for the transportation of host fruit ("transport vehicle") are free from all plant debris and soil prior to packing and loading; and
      (ii) the host fruit is securely covered by a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
      (iii) the host fruit must be loaded onto or into a transport vehicle on a hard surface and not within the orchard from which the host fruit was sourced; and
      (iv) the transport vehicle is free of all soil and plant debris after loading; and
      (v) the transport vehicle travels by the most direct route to the receiving processor; and
   (c) The owner or occupier of the property or facility at which the host fruit is to be processed must ensure:
      (i) the host fruit is processed within 24 hours of receipt; and
      (ii) all measures to avoid spillage of host fruit are taken and where spillages occur, must be disposed of in a manner generally accepted as likely to prevent the spread of Queensland fruit fly; and
      (iii) all processing wastes must be disinfested by heat or freezing or be buried.

Outer Area host fruit on a direct journey through the Outbreak Area or Suspension Area into the Outer Area

3. Movement of host fruit originating within the Outer Area and moving on a direct journey through the Outbreak Area or the Suspension Area into the Outer Area, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit is securely transported by covering with a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation.

Untreated Suspension Area host fruit on a direct journey to an end destination having no restrictions on account of Queensland fruit fly

4. Movement of host fruit originating within the Suspension Area and moving on a direct journey to an end destination which has no restrictions on account of Queensland fruit fly, subject to the following conditions:
   (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport, except when impractical during packing and grading activities; and

(b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:

(i) all bins or containers and any vehicles to be used for the transportation of host fruit ("transport vehicle") are free from all plant debris and soil prior to packing and loading; and

(ii) the host fruit must be loaded onto or into a transport vehicle on a hard surface and not within the orchard from which the host fruit was sourced; and

(iii) the transport vehicle is free of all soil and plant debris after loading; and

(iv) the host fruit is transported under secure conditions that include:

(A) unvented packages or vented packages with the vents secured with mesh with a maximum aperture of 1.6mm prior to dispatch; or

(B) shrink-wrapped and sealed as a palletised unit; or

(C) fully enclosed under tarpaulins, shade cloth, bin cover or other covering which provides a maximum aperture of 1.6mm,

so as to prevent infestation by Queensland fruit fly and spillage during transportation; and

(v) the transport vehicle travels by the most direct route.

SCHEDULE 6 – Approved treatments for host fruit

Preharvest Treatment and Inspection

1. Tomatoes:
   (a) treated preharvest with an application of dimethoate or fenthion or trichlorfon in accordance with all label directions for the control of Queensland fruit fly, and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
2. Capsicums and chillies:
   (a) treated preharvest with an application of dimethoate in accordance with all label directions for the control of Queensland fruit fly, and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
3. Stonefruit:
   (a) treated preharvest with an application of fenthion in accordance with all label directions for the control of Queensland fruit fly; and
   (b) inspected postharvest at the rate of at least 1 package in every 100 or part thereof, and found free of fruit fly larvae and free of broken skin.
4. Table grapes:
   (a) treated preharvest for the control of Queensland fruit fly, with a program of:
      (i) bait sprays with an insecticide containing 0.24 g/L spinosad as the only active constituent in accordance with all label directions; or
      (ii) bait sprays with an insecticide containing 1150 g/L maldison as the only active constituent in accordance with all label and APVMA permit (PER12359) directions; or
      (iii) cover sprays using an insecticide containing 550 g/L fenthion as the only active constituent in accordance with all label and APVMA permit (PER11643) directions; and
   (b) inspected postharvest where a sample of the fruit is inspected and found free of fruit fly larvae and free of broken skin.

Postharvest Dimethoate Dip

5. Any host fruit, excluding capsicum (hollow-fruited), chilli (hollow-fruited), cumquat and strawberries, treated with a postharvest dip using an insecticide containing 400 g/L dimethoate as its only active constituent in accordance with all label and APVMA permit (PER12074) directions; where dipping is the last treatment before packing except in the case of:
   (a) Citrus, where a non-recovery gloss wax coating and or a compatible fungicide as specified on the label may be applied within 24 hours of treatment; and
   (b) Pomefruit, where a non-recovery gloss wax and or a compatible fungicide as specified on the label may be applied within 3 hours of treatment.

Postharvest Dimethoate Flood Spray

6. Any host fruit, excluding cumquat, eggplant and strawberries, treated with a postharvest flood spray using an insecticide containing 400 g/L dimethoate as its only active constituent in accordance with all label and APVMA permit (PER12074) directions, where spraying is the last treatment before packing except in the case of:
   (a) Citrus, where a non-recovery gloss wax coating and or a compatible fungicide as specified on the label may be applied within 24 hours of treatment; and

(b) Pomefruit, where a non-recovery gloss wax coating and or compatible fungicide as specified on the label may be applied within 3 hours of treatment.

Postharvest Methyl Bromide Fumigation

7. Any host fruit fumigated postharvest with a fumigant containing 1000 g/kg methyl bromide as its only active constituent in accordance with all label and APVMA permit (PER10699) directions, at the following rates:
   (a) 10ºC – 14.9ºC at 48 g/m3 for 2 hours; or
   (b) 15ºC – 20.9ºC at 40 g/m3 for 2 hours; or
   (c) 21ºC – 25.9ºC at 32 g/m3 for 2 hours; or
   (d) 26ºC – 31.9ºC at 24 g/m3 for 2 hours.

Postharvest Cold Treatment

8. Any appropriate host fruit treated postharvest at a temperature of:
   (a) 0ºC ± 0.5ºC for a minimum of 14 days; or
   (b) 1ºC – 3ºC ± 0.5ºC for a minimum of 16 days (Lemons minimum 14 days).

Dated this 25th day of February 2011.

STEVE WHAN, M.P.,
Minister for Primary Industries

Note: The Department's reference is O-296

Land and Property Management Authority

ARMIDALE OFFICE
108 Faulkner Street (PO Box 199A), Armidale NSW 2350
Phone: (02) 6770 3100 Fax (02) 6771 5348

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 – Armidale; L.G.A. – Uralla

Road Closed: Lots 1, 2, 3, 4 and 6, DP 1157524 at Yarrowyck, Balala and Rocky River, Parishes Saltash, Devon and Balala, Counties Sandon and Hardinge.

File Nos: AE06 H 428, 10/04352, 10/04353 and 1004355.

Schedule

On closing, the land within Lots 1, 2, 3, 4 and 6, DP 1157524 remains vested in the State of New South Wales as Crown Land.

DUBBO OFFICE
142 Brisbane Street (PO Box 865), Dubbo NSW 2830
Phone: (02) 6883 3300 Fax: (02) 6882 6920

CROWN LANDS ACT 1989

ORDER

Authorisation of Additional Purpose under Section 121A

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

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

SCHEDULE

Column 1	*Column 2*
Public recreation.	Reserve No.: 43605. Public Purpose: Racecourse. Notified: 10 March 1909. File No.: DB81 R 19.

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 – Walgett;
Land District – Coonamble

Lot 1, DP 1157937, Parish of Gidginbilla, County of Leichhardt (not being land under the Real Property Act).

File No.: 09/18971.

Note: On closing, the title for Lot 1 shall vest in the state of New South Wales as Crown Land.

GOULBURN OFFICE
159 Auburn Street (PO Box 748), Goulburn NSW 2580
Phone: (02) 4824 3700 Fax: (02) 4822 4287

NOTIFICATION OF CLOSING OF A ROAD

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

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

Description

Parish – Towrang; County – Argyle;
Land District – Goulburn;
L.G.A. – Goulburn Mulwaree Council

Lot 1, DP 1159789 (not being land under the Real Property Act).

File No.: 09/09641:BA.

Schedule

On closing, the title for the land in Lot 1, DP 1159789 remains vested in the State of New South Wales as Crown Land.

GRAFTON OFFICE
76 Victoria Street (PO Box 272), Grafton NSW 2460
Phone: (02) 6640 3400 Fax: (02) 6642 5375

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

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

Road Closed: Lot 1, DP 1158574 at North Lismore, Parish North Lismore, County Rous.

File No.: 10/04013.

Schedule

On closing, the land within Lot 1, DP 1158574 remains vested in the State of New South Wales as Crown Land.

GRIFFITH OFFICE
2nd Floor, Griffith City Plaza,
120–130 Banna Avenue (PO Box 1030), Griffith NSW 2680
Phone: (02) 6960 3600 Fax: (02) 6962 5670

CROWN LANDS ACT 1989

ORDER

Authorisation of Additional Purpose under Section 121A

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

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

SCHEDULE

Column 1	*Column 2*
Accommodation.	Reserve No.: 78167. Public Purpose: Homes for the aged. Notified: 9 December 1955. File No.: GH88 R 12.

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	*Column 2*
Land District: Mirrool. Local Government Area: Griffith City Council. Locality: Nericon. Lot 7301, DP 1154188, Parish Wyangan, County Cooper. Lot 251, DP 751743, Parish Wyangan, County Cooper. Lot 7300, DP 1154188, Parish Wyangan, County Cooper. Lot 1, section 4, DP 758764, Parish Wyangan, County Cooper. Lot 13, section 3, DP 758764, Parish Wyangan, County Cooper. Lot 1, section 1, DP 758764, Parish Wyangan, County Cooper. Area: About 29.96 hectares. File No.: 11/02653.	Reserve No.: 1031648. Public Purpose: Environmental protection and public recreation.

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	*Column 2*	*Column 3*
Lands Administration Ministerial Corporation.	Nericon (R1031648) Environmental Protection and Recreation Reserve Trust.	Reserve No.: 1031648. Public Purpose: Environmental protection and public recreation. Notified: This day. File No.: 11/02653.

For a term commencing the date of this notice.

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

ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

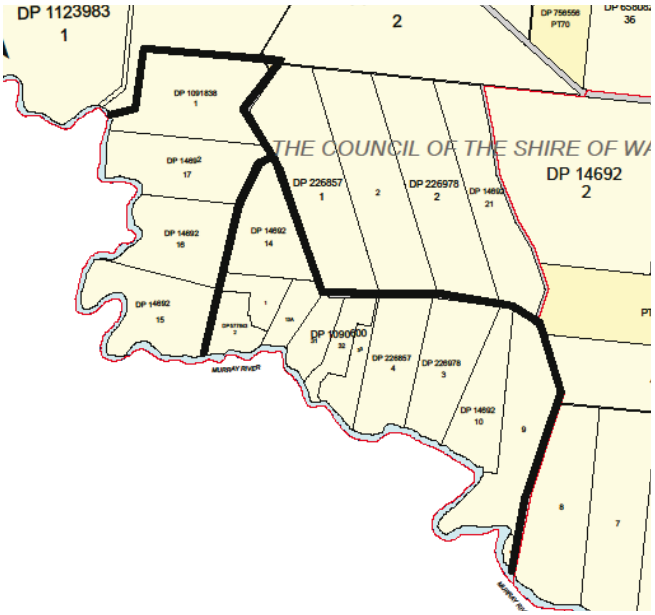
IN pursuance of the provisions of section 151, Roads Act 1993, the Crown public roads specified in Schedule 1 are transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in Schedule 1 cease to be Crown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

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

SCHEDULE 1

Parish – Mellool; County – Wakool;
Land District – Balranald South; Locality – Mellool

The crown roads as shown in below diagram.



SCHEDULE 2

Roads Authority: Wakool Shire Council.

File No.: HY86 H 588.

MAITLAND OFFICE
Corner Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323
Phone: (02) 4937 9300 Fax: (02) 4934 2252

ERRATUM

THE following notice was published in the *New South Wales Government Gazette* on 25 February 2011, Folio 1387, with the wrong map attached, it is herewith republished in full.

ROADS ACT 1993

ORDER

Transfer of a Crown Road to a Council

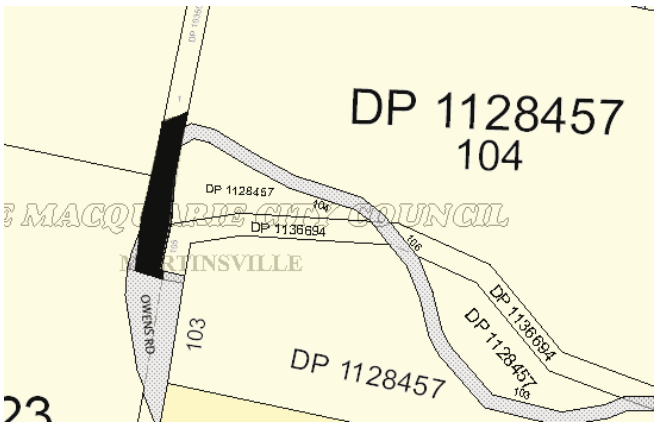
IN pursuance of the provisions of section 151, Roads Act 1993, the Crown road specified in Schedule 1 is transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the road specified in Schedule 1 ceases to be a Crown road.

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

SCHEDULE 1

Parish – Dora; County – Northumberland;
Land District – Newcastle;
Local Government Area – Lake Macquarie

That part of the Crown Road being part Owens Road extending northerly approx 130 metres beyond the southern boundary of Lot 105, DP 1136694, terminating at the common boundary of Lot 1, DP 1035053 and Lot 104, DP 1128457. (See diagram).



SCHEDULE 2

Roads Authority: Lake Macquarie City Council.

File No.: 09/11076.

MOREE OFFICE
Frome Street (PO Box 388), Moree NSW 2400
Phone: (02) 6752 5055 Fax: (02) 6752 1707

NOTIFICATION OF CLOSING OF ROADS

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

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

Description

Land District – Moree; Council – Moree Plains; Parishes – Finley, Kinnimo and Willmill; County – Stapylton

Roads Closed: Lots 1, 2 and 3 in DP 1159921.

File No.: ME05 H 401.

Schedule

On closing, title to the land within Lots 1, 2 and 3 in DP 1159921 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Moree; Council – Moree Plains Shire; Parishes – Meero, Derra and Carbeenbri; County – Benarba

Roads Closed: Lots 1, 2 and 3 in DP 1161955.

File No.: ME06 H 54.

Schedule

On closing, title to the land within Lots 1, 2 and 3, DP 1161955 remains vested in the State of New South Wales as Crown Land.

NEWCASTLE OFFICE
437 Hunter Street, Newcastle NSW 2300 (PO Box 2185, Dangar NSW 2309
Phone: (02) 4920 5000 Fax: (02) 4925 3489

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 – Stockrington; County – Northumberland; Land District – Maitland; L.G.A. – Cessnock

Road Closed: Lot 1, DP 1154371 (not being land under the Real Property Act) and subject to easement and Right of Carriageway created by Deposited Plan 1154371.

File No.: MD07 H 36.

Schedule

On closing, the land within Lot 1, DP 1154371 remains vested in the State of New South Wales as Crown Land.

NOWRA OFFICE
5 O'Keefe Avenue (PO Box 309), Nowra NSW 2541
Phone: (02) 4428 9100 Fax: (02) 4421 2172

APPOINTMENT OF RESERVE TRUST AS TRUSTEE OF A RESERVE

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

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

SCHEDULE

Column 1	*Column 2*
South Coast Crown Reserves Holiday Accommodation Trust.	Part Reserve No. 83225, at Bermagui. Public Purpose: Public recreation. Notified 9 June 1961, being Lot 7042, DP 1057988 comprising part of the Zane Grey Tourist Park. File No.: 10/15157.

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 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 – Fairy Meadow; County – Murray;
Land District – Braidwood;
Local Government Area – Alerang

Road Closed: Lot 1, DP 1161244 at Mulloon, subject to an easement for Right of Carriageway created by DP 1161244.

File No.: GB06 H 11.

Schedule

On closing, the land within Lot 1, DP 1161244 remains vested in the State of New South Wales as Crown Land.

Description

Parishes – Ironmungy and Bungarby; County – Wellesley;
Land District – Bombala;
Local Government Area – Bombala

Road Closed: Lot 1, DP 1161419 at Bungarby.

File No.: GB07 H 387.

Schedule

On closing, the land within Lot 1, DP 1161419 remains vested in the State of New South Wales as Crown Land.

Description

Parish – Woonona; County – Camden;
Land District – Kiama;
Local Government Area – Wollongong

Road Closed: Lot 100, DP 1158015 at Bulli subject to an easement for gas main, right of carriageway and an easement for water supply created by DP 1158015.

File No.: NA07 H 104.

Schedule

On closing, the land within Lot 100, DP 1158015 remains vested in Wollongong City Council as "Operational land".

Council Reference: 28.15.01.019.

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

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 – Yuline; County – Bland;
Land District – Grenfell; L.G.A. – Weddin

Road Closed: Lot 1, DP 1161415 (not being land under the Real Property Act).

File No.: OE05 H 129.

Schedule

On closing, the land within Lot 1, DP 1161415 remains vested in the State of New South Wales as Crown Land.

Description

Parish – Yambira; County – Monteagle;
Land District – Grenfell; L.G.A. – Weddin

Road Closed: Lot 1, DP 1161050 (not being land under the Real Property Act).

File No.: CL/00085.

Schedule

On closing, the land within Lot 1, DP 1161050 remains vested in the State of New South Wales as Crown Land.

Description

Parish – Apsley; County – Bathurst;
Land District – Bathurst; L.G.A. – Bathurst Regional

Road Closed: Lot 1, DP 1159657 (not being land under the Real Property Act) and subject to right of access (whole Lot) created by Deposited Plan1159657.

File No.: 08/0065.

Schedule

On closing, the land within Lot 1, DP 1159657 remains vested in the State of New South Wales as Crown Land.

Description

Parish – Bandamora; County – Roxburgh;
Land District – Rylstone; L.G.A. – Lithgow

Road Closed: Lot 1, DP 1160672 (not being land under the Real Property Act) and subject to easement for overhead power lines 25 wide created by Deposited Plan 1160672.

File No.: 08/3000.

Schedule

On closing, the land within Lot 1, DP 1160672 remains vested in the State of New South Wales as Crown Land.

Description

Parish – Shaw; County – Bathurst;
Land District – Blayney; L.G.A. – Blayney

Road Closed: Lot 1, DP 1159668 (not being land under the Real Property Act).

File No.: CL/00341.

Schedule

On closing, the land within Lot 1, DP 1159668 remains vested in the State of New South Wales as Crown Land.

Description

Parish – Cox; County – Cook;
Land District – Lithgow; L.G.A. – Lithgow

Road Closed: Lot 1, DP 1158239 (not being land under the Real Property Act) and Lot 359, DP 44086.

File No.: CL/00595.

Schedule

On closing, the land within Lot 1, DP 1158239 and Lot 359, DP 44086 remains vested in the State of New South Wales as Crown Land.

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

DECLARATION TO BE A PUBLIC AUTHORITY

PURSUANT to section 138 of the Crown Lands Act 1989, I declare, by this Order, the public body known as the State Property Authority to be a public authority for the purposes of this section.

File No.: 11/02917.

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

DECLARATION OF LAND TO BE CROWN LAND

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

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

SCHEDULE

Land District – Metropolitan; Council – Parramatta; Parish – Field of Mars; County - Cumberland

4869 square metres being Lot 1, DP 1112822, held in the name of the State Property Authority.

2.563 hectares being Lot 3, DP 1132683, held in the name of the State Property Authority.

File No.: 11/02917.

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	*Column 2*
Land District: Metropolitan. Local Government Area: Parramatta. Parish: Field of Mars. County: Cumberland. Locality: Parramatta. Lot 1, DP 1112822 and Lot 3, DP 1132683.	Reserve No. 1031728 for the public purposes of environmental protection, community purposes, government purposes, heritage purposes and public recreation.

File No.: 11/02917.

APPOINTMENT 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 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	*Column 2*
Crown Lands Reserve Trust.	Reserve No. 1031728 for the public purposes of environmental protection, community purposes, government purposes, heritage purposes and public recreation notified this day comprising Lot 1, DP 1112822 and Lot 3, DP 1132683.

File No.: 11/02917.

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 public road and the rights of passage and access that previously existed in relation to the road are extinguished. Upon closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

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

Description

Parish – Illunie; County – Monteagle; Land District – Young; Local Government Area – Young

Roads Closed: Lots 1, 2 and 3, DP 1157878 at Crowther (not being land under the Real Property Act).

File No.: GB05 H 264.

Schedule

On closing, the title for the land in Lots 1, 2 and 3, DP 1157878 remains vested in the State of New South Wales as Crown Land.

DECLARATION OF LAND TO BE CROWN LAND

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

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

SCHEDULE

Land District – Metropolitan; L.G.A. – Blacktown; Parish – Gidley; County – Cumberland

Land formerly held by the InvoCare Australia Pty Ltd.

146 square metres Kellyville Ridge being Lot 1, DP 1160179.

File No.: 08/10905.

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	*Column 2*
Land District: Metropolitan. L.G.A.: Holroyd. Parish: Gidley. County: Cumberland. Locality: Kellyville Ridge. Lot 1, DP 1160179. Area: 146 square metres.	R1031448 for the public purpose of heritage purposes. File No.: 08/10905.

Note: Right of access appurtenant to Lot 1 created by DP 1160179.

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	*Column 2*
Vinegar Hill Monument site (R1031448) Reserve Trust.	Area at Kellyville Ridge, notified for the purpose of heritage purposes this day. File No.: 08/10905.

APPOINTMENT OF MULTIPLE CORPORATIONS TO MANAGE A RESERVE TRUST

PURSUANT to section 92(6B) of the Crown Lands Act 1989, the corporations specified in Column 1 of the Schedule hereunder, are appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to in Column 3 of the Schedule for the particular functions as determined by the Memorandum of Understanding executed on 21 February 2011, on file 08/10905; DOC11/017657.

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

SCHEDULE

Column 1	*Column 2*	*Column 3*
Lands Administration Ministerial Corporation.	Vinegar Hill Monument Site (R1031448) Reserve Trust.	Area at Kellyville Ridge, notified for the purpose of heritage purposes this day. File No.: 08/10905.
InvoCare Australia Pty Ltd.	Vinegar Hill Monument site (R1031448) Reserve Trust.	Area at Kellyville Ridge, notified for the purpose of heritage purposes this day. File No.: 08/10905.

DECLARATION OF LAND TO BE CROWN LAND

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

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

SCHEDULE

Land in the ownership of Landcom

Land District – Metropolitan;
Local Government Area – Randwick City Council;
Parish – Botany; County – Cumberland

49.322 hectares being Lot 61, DP 270427; Lot 70, DP 270427; Lot 71, DP 270427; Lot 76, DP 270427; Lot 77, DP 270427; Lot 98, DP 270427 and Lot 21, DP270427, at Little Bay.

File No.: 08/5168.

Note: The easements, restrictions, covenants and leases recorded on the second schedule of the certificates of title pertaining to the abovementioned land are not extinguished by this notification

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ADDITION TO RESERVED CROWN LAND

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

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

SCHEDULE 1

Column 1	*Column 2*
Land District: Metropolitan. Local Government Area: Randwick City Council. Locality: Little Bay. Lot 61, DP 270427. Parish: Botany. County: Cumberland. Area: Approx 3469 square metres. File No.: 08/5167.	Reserve No.: 1014868. Public Purpose: Community purposes and heritage purposes. Notified: 24 December 2009. Lots: 41, 45, 46, 47, 49, 90, 91, 94, 95, 44, 64 and 25, DP 270427. Parish: Botany. County: Cumberland. New Area: Approx 2.812 hectares.

SCHEDULE 2

Column 1	*Column 2*
Land District: Metropolitan. Local Government Area: Randwick City Council. Locality: Little Bay. Lot 70, DP 270427. Lot 71, DP 270427. Lot 76, DP 270427. Lot 77, DP 270427. Lot 98, DP 270427. Parish: Botany. County: Cumberland. Area: 48.446 hectares. File No.: 08/5164	Reserve No.: 1013488. Public Purpose: Public recreation. Notified: 24 December 2009. Lots: 3, 20, 34, 35, 74 and 78, DP 270427. Parish: Botany. County: Cumberland. New Area: 49.952 hectares.

SCHEDULE 3

Column 1	*Column 2*
Land District: Metropolitan. Local Government Area: Randwick City Council. Locality: Little Bay. Lot 21, DP 270427. Parish: Botany. County: Cumberland. Area: 5286 square metres. File No.: 08/5165.	Reserve No.: 1013508. Public Purpose: Environmental protection. Notified: 24 December 2009. Lots: 17, 50 and 66, DP 270427. Parish: Botany. County: Cumberland. New Area: 4.123 hectares.

REMOVAL FROM OFFICE OF CORPORATION MANAGER OF RESERVE

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

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

SCHEDULE 1

Landcom.

SCHEDULE 2

Prince Henry at Little Bay Reserve Trust.

SCHEDULE 3

Reserve No.: 1014868.
Public Purpose: Community and heritage purposes.
Notified: 24 December 2009.
Parish: Botany.
County: Cumberland.
Area: Approx 2.812 hectares.

Reserve: 1013488.
Public Purpose: Public recreation.
Notified: 24 December 2009.
Parish: Botany.
County: Cumberland.
Area: Approx 49.952 hectares.

Reserve No.: 1013508.
Public Purpose: Environmental protection.
Notified: 29 December 2009.
Parish: Botany.
County: Cumberland.
Area: Approx 3.595 hectares.

File No.: 08/5168.

APPOINTMENT OF CORPORATION TO MANAGE A RESERVE TRUST

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

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

SCHEDULE

Column 1	*Column 2*	*Column 3*
Lands Administration Ministerial Corporation.	Prince Henry at Little Bay Reserve Trust.	Reserve No.: 1014868. Public Purpose: Community purposes and heritage purposes. Notified: 24 December 2009. Reserve No.: 1013488. Public Purpose: Public recreation. Notified: 24 December 2009. Reserve No.: 1013508. Public Purpose: Environmental protection. Notified: 24 December 2009. File No.: 08/5168.

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

ERRATUM

IN the notification appearing in the *New South Wales Government Gazette* No. 115 of 17 September 2010, Folio 4558, under the heading "NOTIFICATION OF CLOSING OF ROAD" under the subheading "Road Closed", Lot 1, DP 1153641 should be replaced with Lot 1, DP 1156019.

File No.: 07/0408.

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

WESTERN REGION 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 of the lands specified in the following Schedule have been granted to the undermentioned persons.

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 1 April of each year.

The Conditions and Reservations annexed to such leases are those conditions published in the *New South Wales Government Gazette* of 20 March 2009, Folios 1416-1418.

All amounts due and payable to the Crown *must* be paid to the Land & Property Management Authority by the due date.

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

SCHEDULE

Administrative District – Walgett North; Shire – Walgett; Parish – Wallangulla/Mebea; County – Finch

WLL No.	*Name of Lessee*	*File No.*	*Folio identifier*	*Area m²*	*Term of Lease*	
					From	*To*
WLL 15131	Michael BROWN	10/18480	39/1063047 & 103/1057617	1970	25-Feb-2011	24-Feb-2031
WLL 16405	Shirley MITCHELL	9/18511	64/1063047	2422	25-Feb-2011	24-Feb-2031
WLL 16406	Shirley Yvonne MITCHELL & Daniel Peter MITCHELL	9/18512	65/1063047	1523	25-Feb-2011	24-Feb-2031

Department of Planning

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Instrument of Delegation

I, the Minister for Planning and the Minister administering the Environmental Planning and Assessment Act 1979 ("EP&A Act"), pursuant to section 23 of the EP&A Act delegate to the Planning Assessment Commission ("the Commission"), the powers and functions listed in Schedule 1 to this Instrument in relation to the application for approval of a concept plan specified in Schedule 2 of this Instrument.

Dated this 24th day of February 2011.

The Hon. TONY KELLY, M.L.C.,
Minister for Planning

SCHEDULE 1

My powers and functions under sections 75O and 75P of the EP&A Act.

SCHEDULE 2

Concept Plan Application (MP 08_0236) for the Googong Water Cycle Project, a proposal by CIC Australia Ltd for the construction and operation of water related services (including drinking water, recycled water and wastewater infrastructure) to service the proposed Googong Township, located within the Queanbeyan and Palerang local government areas. The project includes a water recycling plant; reservoirs for recycled and potable water; pumping stations for sewage, recycled water and potable water; and mains pipework for sewage, recycled water and potable water.

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

Date: 28 February 2011.

PETER BROOKS,
General Manager,
Griffith City Council
(by delegation from the Minister for Roads)

SCHEDULE

1. Citation

This Notice may be cited as Griffith City Council 25 Metre B-Double route Notice No. 1/2011.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 1 September 2015 unless it is amended or repealed earlier.

4. Application

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

5. Routes

Type	*Road No.*	*Road Name*	*Starting Point*	*Finishing Point*	*Conditions*
25m		Twigg Street, Griffith	Crossing Street	Bonagilla Road	Westbound direction only
25m		Bonegilla Road, Griffith	Twigg Street	Yambil Street	Northbound direction only
25m		Yambil Street, Griffith	Bonegilla Road	Crossing Street	Eastbound direction only

ROAD TRANSPORT (GENERAL) ACT 2005

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

KEMPSEY 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 4.6 metre High Vehicles may be used subject to any requirements or conditions set out in the Schedule.

Date: 21 February 2011.

DAVID RAWLINGS,
General Manager,
Kempsey Shire Council
(by delegation from the Minister for Roads)

SCHEDULE

1. Citation

This Notice may be cited as Kempsey Shire Council 4.6 Metre High Vehicle Route Notice No. 02/2011.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

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

4. Application

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

5. Routes

Type	*Road No.*	*Road Name*	*Starting Point*	*Finishing Point*	*Conditions*
4.6		Collombatti Road, Frederickton	Pacific Highway, Frederickton	151 Great North Road, Frederickton	

ROAD TRANSPORT (GENERAL) ACT 2005

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

I, Michael Bushby, Chief Executive of the Roads and Traffic Authority, pursuant to Part 2, Division 4 of the Road Transport (Mass, Loading and Access) Regulation 2005, hereby amend the Class 2 B-Double Notice 2010, as published in the *NSW Government Gazette* on 27 August 2010 in Government Gazette No. 108 at pages 4033 to 4284, as set out in the Schedule of this Notice

MICHAEL BUSHBY,
Chief Executive,
Roads and Traffic Authority

SCHEDULE

1. Citation

This Notice may be cited as the Roads and Traffic Authority Class 2 B-Double Amendment Notice No 01/2011.

2. Commencement

This Notice takes effect on and from 17 January 2011.

3. Effect

This Notice remains in force until 1 September 2015 unless repealed or amended earlier.

4. Amendment

Delete from Appendix 1, Part 1 Sydney Region:

Type	*Road No.*	*Approved Road*	*Starting Point*	*Finishing Point*
25	170	Botany Rd	Mill Pond Rd, Mascot	Bunnerong Rd, Matraville

Insert in Appendix 1, Part 1 Sydney Region

Type	*Road No.*	*Approved Road*	*Starting Point*	*Finishing Point*	*Conditions*
25	170	Botany Road	Mill Pond Road, Mascot	Hills Street, Banksmeadow	Travel only permitted in the event that Foreshore Drive is closed.
25	170	Botany Road	Hills Street, Banksmeadow	Bunnerong Road, Matraville	

ROAD TRANSPORT (GENERAL) ACT 2005

Livestock Welfare Mass Management Accreditation Scheme

I, Michael Bushby, Chief Executive of the Roads and Traffic Authority, hereby approve the New South Wales Livestock Welfare Mass Management Accreditation Scheme, as described in the Business Rules in the Schedule to this Notice, as a mass management accreditation scheme for the purposes of Part 6 of the Transport (Mass, Loading and Access) Regulation 2005.

Dated this 2nd day of March 2011.

MICHAEL BUSHBY,
Chief Executive, Roads and Traffic Authority

SCHEDULE

NSW LIVESTOCK WELFARE MASS MANAGEMENT ACCREDITATION SCHEME

BUSINESS RULES

1. ABOUT THESE BUSINESS RULES

1.1 Purpose and audience

The Livestock Welfare Mass Management Accreditation Scheme ("the Scheme") is an approved "mass management accreditation scheme' for the purposes of Part 6 of the Road Transport (Mass, Loading and Access) Regulation 2005.

The purpose of these Business Rules is to provide a framework for the administration of the Scheme. The accreditation of operators under the Scheme is subject to their compliance with the requirements and standards set out in these Business Rules.

(Note: This document has been modelled on the National Heavy Vehicle Accreditation Scheme Rules. Corresponding provisions of the NHVAS Rules are indicated on the right hand margin, for reference purposes.)

1.2 How the Business Rules will be amended

These Rules will be periodically amended to reflect changes in the Scheme, new requirements and suggestions from users. Amendments may constitute a part or the whole of this document.

Any amendments must have a release number and date reflected in the footer. Superseded rules should be removed from the document and replaced with the amended version.

(*c/f NHVAS Rules 1*)

2. LEGAL FRAMEWORK

The legal framework for the Scheme includes:

- Road Transport (Mass, Loading and Access) Regulation 2005, Part 6.
- The Scheme Business Rules.
- Exemptions from regulated mass limits for accredited operators.

2.1 Road Transport (Mass, Loading and Access) Regulation 2005

Part 6 (clauses 68-72) of this Regulation provides for:

- the approval of mass management accreditation schemes.
- the approval of accreditation scheme application forms and the collection of application fees.
- the granting, refusal, variation, suspension or cancellation of accreditation.
- the internal review of decisions concerning accreditations.
- labels to be affixed to vehicles nominated under mass management accreditation schemes.

2.2 Scheme Business Rules

The Business Rules approved by the RTA set out the following requirements of the Scheme:

- requirements and approved forms for accreditation applications, amendments to accreditations and renewal of accreditation.
- the Standards for mass management systems that applicants must demonstrate compliance with in order to be granted and maintain accreditation.
- the approval of independent auditors for the purpose of confirming an applicant's or an accredited operator's compliance with the Scheme's management system standards.
- sanctions that may be applied by the RTA for non-compliance with the Scheme's Business Rules and Standards.

2.3 Mass limits for accredited operators

The Road Transport (Mass, Loading and Access) Regulation 2005, establishes mass limits for heavy vehicles, combinations, axles and axle groups.

Livestock Welfare Concessional Mass Limits

The Regulation (clause 25) provides for the RTA to exempt specified vehicles or combinations from compliance with the mass limits set out in the Regulation and allows alternative mass limits, subject to conditions.

The Class 3 Livestock Welfare Concessional Mass Limits Notice 2011 permits specified combinations of operators accredited under the Scheme to operate at mass limits equivalent to Concessional Mass Limits, subject to conditions. This Notice is available on the RTA website.

Higher Mass Limits

The Regulation (Schedule 1, Clause 7) provides that combinations operated by an operator accredited under the Scheme that are fitted with certified road friendly suspension and enrolled in the Intelligent Access Program (IAP) may operate at Higher Mass Limits (HML) on approved routes in NSW. Operators seeking to operate vehicles at HML in NSW must apply for a permit for each vehicle.

3. SCHEME STANDARDS

For the purposes of obtaining, maintaining and renewing accreditation under the Scheme, the Standards for operator mass management systems ("Scheme Standards") are the standards set out in Appendix A.

4. AUDIT ARRANGEMENTS

4.1 Approved Auditors

All audits conducted for the purposes of the Scheme must be conducted by:

- a person certified by RABQSA as a Heavy Vehicle Accreditation auditor.
- an authorised officer appointed by the RTA.

When an approved auditor has carried out two consecutive audits on an operator, a different approved auditor must conduct the next audit. This provision may, after written application by the operator, be waived by the RTA in extenuating circumstances such as in remote areas.

(*c/f NHVAS Rules 4 & 8.5*)

4.2 Conduct of audits

All audits conducted by approved auditors for the purposes of the Scheme must use the Audit Matrix approved by the RTA.

After conducting an audit, the approved auditor must provide the applicant or accredited operator with an Audit Report in the format approved by the RTA.

The applicant or accredited operator bears the cost of an audit conducted by an approved auditor, unless the audit is a triggered compliance audit (see Section 6.4(b)).

5. APPLICATIONS FOR ACCREDITATION

5.1 Eligibility for accreditation

An operator may apply for accreditation under the Scheme, including an operator that is:

- a company registered with the Australian Securities and Investment Commission.
- an individual.
- a partnership.

A company, partnership or individual may only be accredited under the Scheme once under any one ACN or ABN.

(*c/f NHVAS Rules 5.1-5.5*)

5.2 Application for accreditation

An operator seeking accreditation in the Scheme must provide the following to the RTA:

- a membership application form.
- a statement from an approved auditor that the operator's management systems and the nominated vehicles comply with the requirements of the Scheme.
- any other information relevant to the assessment of the application requested by the RTA.
- the fee for an accreditation application.

Applications may be submitted:

- in writing, using an application form approved by the RTA, or
- electronically, by completing an on-line application form available on the RTA website.

(*c/f NHVAS Rules 5.6*)

5.3 Application Form

The approved written and on-line application forms must include the following information:

(a) Operator details
- the applicant's name.
- the applicant's ACN and/or ABN.
- the applicant's RTA customer number.
- the applicant's registered business or trading name.
- the applicant's registered office or business address.
- the street and postal address of the place where compliance audits and inspections may be undertaken.

(b) Contact person details
- the name, title, telephone and facsimile numbers and email address of a contact person.

(c) Nominated vehicle list
- details of the vehicles (prime movers only) nominated for accreditation, including:
- vehicle make.
- registration number.
- State or Territory of registration.
- Gross Vehicle Mass (GVM).
- vehicle identification number (VIN) of chassis number.
- if the vehicle is registered in a different name from the applicant, the name of the registered owner of the vehicle.

(d) Applicant declaration
- the name of a person authorised by the applicant to make the declaration on behalf of the applicant.
- the signature of that person.
- the date signed.
- a declaration that the operator agrees to comply with the requirements and standards set out in the LWMMAS Business Rules, and understands that non-compliance with the Rules can result in suspension or cancellation of accreditation.
- a declaration that the RTA is authorised to disclose information and documentation relating to the accreditation in accordance with the LWMMAS Business Rules.
- a declaration that the information provided in the application form is true and correct.

(e) Penalties for providing false information an offence
- a statement that providing false or misleading information to the RTA is an offence and may result in a financial penalty or other sanction.

The approved written and on-line accreditation amendment forms must be available on the RTA website.

(*c/f NHVAS Rules 5.7, 5.9 & 5.10*)

5.4 Accreditation application fees

Applications are subject to the fee prescribed in clause 68 of the Road Transport (Mass, Loading and Access) Regulation 2005, as amended from time to time.

The application fee is not required to be submitted with the application form. Once an application is received and processed by the RTA, the applicant will be issued with an invoice for the fee.

5.5 Granting of accreditation

The Road Transport (Mass. Loading and Access) Regulation 2005, clause 69, provides that the RTA may grant accreditation if it is satisfied that:
- the operator is of suitable character and is competent to carry out the operator's responsibilities under the Scheme, and
- the nominated vehicles comply with the requirements of the Scheme.

The RTA may take into account the applicant's record of compliance with road transport legislation and the information submitted with the application in determining whether a person is of suitable character.

The RTA will determine applications for Scheme membership, as soon as practicable after a completed application is lodged.

If an application is approved, the applicant will be issued with a certificate of accreditation which contains the following information:
- the applicant's name.
- an identifying accreditation number.
- the date of commencement of accreditation.

– the accreditation period and/or expiry date.
– that the accreditation is subject to compliance with the requirements and standards set out in the LWMMAS Business Rules.

The applicant will also be issued with:

– identification labels for each nominated vehicle to identify them on the road.
– intercept report books for each nominated vehicle.

(*c/f NHVAS Rules 5.11-5.13*)

5.6 Accreditation period

The accreditation period commences at the date indicated on the certificate of accreditation.

The initial accreditation period is two years, unless otherwise indicated on the certificate of accreditation.

5.7 Refusal to grant accreditation

The Road Transport (Mass. Loading and Access) Regulation 2005, clause 69 provides that the RTA may refuse to grant accreditation to an applicant if the RTA is not satisfied that the applicant or the nominated vehicles meet the requirement of the Scheme.

The RTA may refuse to include a vehicle nominated in the application form on the accreditation if the RTA considers that the vehicle does not comply with the requirement of the Scheme.

If the RTA refuses to grant accreditation and/or refuses to accept a nominated vehicle, the RTA will provide the applicant with:

– written reasons for the refusal.
– details of how the applicant can apply for an internal review of the decision.

(*c/f NHVAS Rules 10.1*)

6. MAINTAINING ACCREDITATION

6.1 Amendments to accreditation

The RTA must keep up-to-date records of accredited operators and nominated vehicles.

Accredited operators must notify the RTA of amendments to their details or nominated vehicles within 14 days of the change taking place.

Amendments to accreditation may be submitted:

– in writing, using an amendment form approved by the RTA.
– electronically, by completing an on-line amendment form available on the RTA website.
– electronically, by accessing and making changes to their accreditation information on the RTA website.

(*c/f NHVAS Rules 5.8*)

6.2 Accreditation amendment form

The approved written and on-line accreditation amendment forms must include the following items of information:

(a) Accredited operator details

– name.
– RTA customer number or accreditation number.
– ACN and/or ABN.

(b) Amendment details

– any changes to the operator's name or contact details.
– any changes to nominated vehicle list.
– if replacement LWMMAS vehicle labels and/or intercept books.

(c) Operator declaration

– the name of a person authorised by the operator to make the declaration on behalf of the applicant.
– the signature of that person.
– the date signed.
– a declaration that the operator agrees to comply with the requirements and standards set out in the LWMMAS Business Rules, and understand that non- compliance with the Rules can result in suspension or cancellation of accreditation.
– a declaration that the RTA is authorised to disclose information and documentation relating to the accreditation in accordance with the LWMMAS Business Rules.
– a declaration that the information provided in the application form is true and correct.

(d) Penalties for providing false information an offence

– a statement that providing false or misleading information to an RTA is an offence and may result in a financial penalty or other sanction.

The approved written and on-line accreditation amendment forms must be available on the RTA website.

6.3 Acceptance of amendments

Once an amendment form is submitted and processed, the RTA will issue the accredited operator with:

– an acknowledgement that the amendments are accepted.
– an invoice for the accreditation amendment fee.
– an updated certificate of accreditation (if relevant).
– new or replacement identification labels (if relevant).
– new or replacement intercept report books (if relevant).

6.4 Compliance audits

A compliance audit assesses an accredited operator's compliance with the Scheme Standards. Compliance audits fall into two categories:

– Scheduled compliance audit.
– Triggered compliance audit.

(*c/f NHVAS Rules 8.2*)

(a) Scheduled compliance audits

For each accreditation period, an accredited operator must submit to the RTA a statement from an approved auditor that the operator's management systems comply with the Scheme Standards at the following intervals:

– within the first six months of the commencement of the accreditation period.
– within 12 months of the end of the accreditation period.

Before a scheduled compliance audit is conducted, the approved auditor engaged by the accredited operator to conduct the audit, must contact the RTA to obtain:

– a list of nominated vehicles for the accreditation.
– any intercept reports concerning the nominated vehicles.

This information will enable the auditor to verify compliance with the Standards.

(*c/f NHVAS Rules 8.3-8.5*)

(b) Triggered compliance audits

The RTA may initiate a triggered compliance audit, if it receives information that suggests the accredited operator is not complying with the Scheme's Standards or may have committed breaches of their legal obligations regarding heavy vehicle mass limits.

For example, this may include information received through:

– road–side inspections of nominated vehicles.
– complaints or other information received or obtained by the RTA.

The RTA must substantiate, as far as practicable, the accuracy of this information before initiating a triggered compliance audit.

A triggered compliance audit may be conducted by:

– an approved auditor chosen by the RTA.
– an authorised officer who has relevant knowledge and experience.

The RTA must pay the costs of a triggered compliance audit conducted by an approved auditor. If the triggered compliance audit confirms non-compliance with the Scheme Standards, the RTA may recoup the costs of the audit from the accredited operator.

(*c/f NHVAS Rules 8.6*)

6.5 Complaint investigations

A complaint about the compliance of an accredited operator with the Scheme Standards or the road transport legislation may be made to the RTA by any person, either verbally or in writing.

If a complaint is made in writing, the RTA must respond to the complainant in writing. The RTA has the discretion not to act on complaints which are vexatious or anonymous.

The RTA may carry out an inspection or investigation in response to a complaint. The inspection or investigation should be carried out by a person who has knowledge and experience relevant to the nature of the complaint.

While a complaint is being investigated, the RTA may choose not to advise the accredited operator of the complaint. If the RTA decides to take action after investigation, the accredited operator must be advised in writing of the complaint.

If, after inspection or investigation, the complaint is substantiated, the RTA may take action against the accredited operator.

If action is taken, the RTA must keep a record of the incident and action taken. This is to be filed with other information about the accredited operator, and may be taken into consideration when renewing accreditation (see Section 7 - Renewal of accreditation).

(*c/f NHVAS Rules 8.8*)

6.6 Random compliance checks

Random compliance checks are carried out to gather information on a scheme member's level of compliance. These checks cover compliance with the terms and conditions of the Scheme and compliance with the road transport legislation.

Random compliance checks can be carried out in a variety of ways:

- on-road intercepts.
- review of quarterly compliance statements.
- triggered or random inspections.
- any combination of the above.

(*c/f NHVAS Rules 8.9 & 8.10*)

(a) On-road intercepts

On-road intercepts may provide information about compliance with the Scheme Standards and Business Rules, as well as compliance with the road transport legislation. On-road intercepts can be carried out by RTA authorised officers or Police officers.

When a nominated vehicle of an accredited operator is intercepted on the road, an intercept book must be completed by the RTA authorised officer or Police officer.

The RTA must keep intercepts reports for a period of three (3) years for audit and accreditation renewal purposes.

(*c/f NHVAS Rules 8.11*)

(b) Quarterly compliance statements

Accredited operators are required to complete a quarterly compliance statement in accordance with the Scheme Standards. These statements must contain a record of compliance with the key outcomes required by the Scheme Standards.

RTA authorised officer may review quarterly compliance statements at the accredited operator's premises or the RTA may request an accredited operator to submit the statements to the RTA.

The RTA must keep records of quarterly compliance statements for a minimum period of three (3) years for audit and renewal purposes.

(*c/f NHVAS Rules 8.12*)

(c) Inspections

If the RTA records show that the condition of a nominated vehicle of an accredited operator has not been monitored for more than one accreditation period, the RTA may order an inspection of the vehicle to be carried out at the operator's premises.

A report is to be produced at the time of an inspection indicating any findings and if any action is recommended. A copy of the report is to be provided to the accredited operator.

If an inspection indicates non-compliance with the Scheme Standards or the road transport legislation, the RTA may take action against the accredited operator.

(*c/f NHVAS Rules 8.7, 8.13 & 8.14*)

6.7 Surrender of accreditation

An accredited operator may voluntarily surrender their accreditation at any time by advising the RTA in writing that:

- they wish to do so.
- the date by which the proposed variation, suspension or cancellation takes effect.

An accredited operator that voluntarily surrenders their accreditation must:

- remove any identification labels from their vehicles.
- destroy all copies of their certificate of accreditation.
- ensure all records required to be maintained under the Scheme, including copies of completed pages of intercept books, are retained for 3 years.

(*c/f NHVAS Rules 11*)

7. RENEWAL OF ACCREDITATION

7.1 Eligibility for renewal of accreditation

An accredited operator may apply for renewal of their accreditation at least 3 months before the expiry of their current accreditation period.

(*c/f NHVAS Rules 6.1*)

7.2 Application for renewal of accreditation

An accredited operator seeking renewal of accreditation in the Scheme must provide the following to the RTA:

- a completed Scheme accreditation renewal application form.
- a statement from an approved auditor that the operator's management systems and the nominated vehicles comply with the requirements of the Scheme.
- any other information relevant to the assessment of the application requested by the RTA.

Applications for renewal of accreditation may be submitted;

- in writing, using an renewal form approved by the RTA; or
- electronically, by completing an on-line renewal form available on the RTA website.

(*c/f NHVAS Rules 6.1*)

7.3 Renewal application form

The approved written and on-line Scheme accreditation renewal application forms must include the following items of information:

(a) Operator details

- the applicant's name.
- the applicant's ACN and/or ABN.
- the applicant's RTA customer number.
- the applicant's registered business or trading name.
- the applicant's registered office or business address.
- the street and postal address of the place where compliance audits and inspections may be undertaken.

(b) Contact person details

- the name, title, telephone and facsimile numbers and email address of a contact person.

(c) Applicant declaration

- the name of a person authorised by the applicant to make the declaration on behalf of the applicant.
- the signature of that person.
- the date signed.
- a declaration that the operator agrees to comply with the requirements and standards set out in the LWMMAS Business Rules, and understand that non- compliance with the Rules can result in suspension or cancellation of accreditation.
- a declaration that the RTA is authorised to disclose information and documentation relating to the accreditation in accordance with the LWMMAS Business Rules.
- a declaration that the information provided in the application form is true and correct.

(d) Penalties for providing false information an offence

- a statement that providing false or misleading information to the RTA is an offence and may result in a financial penalty or other sanction.

The approved written and on-line renewal application forms must be available on the RTA website.

7.4 Accreditation renewal fees

Applications for renewal of accreditation are subject to a fee, as prescribed in clause 68 of the Road Transport (Mass, Loading and Access) Regulation 2005, as amended from time to time.

The application fee is not required to be submitted with the accreditation renewal form. Once an application for renewal received and processed by the RTA, the applicant will be issued with an invoice for the fee.

7.5 Granting of accreditation renewal

The Road Transport (Mass. Loading and Access) Regulation 2005, clause 69, provides that the RTA may grant accreditation if it is satisfied that:

- the operator is of suitable character and is competent to carry out the operator's responsibilities under the Scheme, and
- the nominated vehicles comply with the requirements of the Scheme.

When determining whether to renew accreditation and the length of the next accreditation period, the RTA must consider the following:

- the audit results over the accreditation period.
- the history of compliance with the Scheme Standards and Business Rules.
- the history of compliance with road transport legislation.

The RTA will determine applications for renewal of accreditation, as soon as practicable after a completed application is lodged.

If an application for renewal of accreditation is approved, the applicant will be issued with a certificate of accreditation which contains the following information:

- the applicant's name.
- an identifying accreditation number.
- the date of commencement of accreditation.
- the accreditation period and/or expiry date.

(*c/f NHVAS Rules 5.11-5.13*)

7.6 Renewed accreditation period

The accreditation period for a renewed accreditation commences at the date indicated on the certificate of accreditation.

The RTA may renew an accreditation for a period of either 2 years or 3 years, depending on the assessment of the accredited operator's compliance with the Scheme Standards and Business Rules and compliance with road transport legislations.

7.7 Refusal to grant accreditation

The Road Transport (Mass. Loading and Access) Regulation 2005, clause 69 provides that the RTA may refuse to grant accreditation to an applicant if the RTA is not satisfied that the applicant or the nominated vehicles meet the requirement of the Scheme.

The RTA may refuse to include a vehicle nominated in the application form on the accreditation if the RTA considers that the vehicle does not comply with the requirement of the Scheme.

If the RTA refuses to renew accreditation and/or refuses to accept a nominated vehicle, the RTA will provide the applicant with:

- written reasons for the refusal.
- details of how the applicant can apply for an internal review of the decision.

(*c/f NHVAS Rules 10.2*)

8. ACCREDITATION SANCTIONS

8.1 When accreditation sanctions may be applied

The RTA may apply sanctions to an accredited operator if:

- the accredited operator has failed to comply with the requirements of the Scheme Standards or Business Rules.
- a nominated vehicle of the operator does not comply with the requirements of the Scheme Standards or Business Rules.

8.2 Types of sanctions

Sanctions that the RTA can impose on an accredited operator in relation to their accreditation include:

- issuing a formal warning or improvement notice (as provided for in the Road Transport (General) Act 2005).
- increasing the frequency of scheduled compliance audits (see section 6.4 above).
- varying, suspending or cancelling accreditation (see section 8.4 below).

8.3 Notice of variation, suspension or cancellation of accreditation

Before varying, suspending or cancelling an operator's accreditation, the RTA must comply with the requirements of clause 72 of the Road Transport (Mass, Loading and Access) Regulation 2005.

This clause requires the RTA to provide the accredited operator with written notice of:

- the proposed variation, suspension or cancellation.
- any actions to be taken by the operator within 28 days, in order to avoid the proposed variation, suspension or cancellation
- the date by which the proposed variation, suspension or cancellation takes effect
- details of how the operator can apply for an internal review of the decision as set out in clause 72 of the Road Transport (Mass, Loading and Access) Regulation 2005.
- details of how the operator can apply for a review of the decision by a Local Court, after the internal review, as provided for by clause 28 of the Road Transport (General) Regulation 2005.

The variation, suspension or cancellation of accreditation takes effect from the date specified on the written notice to the operator.

However, if the operator lodges an internal review or an appeal to the Local Court, the variation, suspension or cancellation does not take effect until the review or appeal is determined.

(*c/f NHVAS Rules 10.3*)

APPENDIX A

NSW LIVESTOCK WELFARE MASS MANAGEMENT ACCREDITATION SCHEME STANDARDS

1. RESPONSIBILITIES

Standard

The authorities, responsibilities and duties of all positions involved in the management, operation, administration, participation and verification of the Livestock Welfare Mass Management System are current, clearly defined and documented.

Criteria

To satisfy the standard an operator would need to demonstrate the following:

1.1 Responsibility for the operation of the Livestock Welfare Mass Management System is to rest with appropriate people within the road transport operation as nominated by the operator.

2. VEHICLE CONTROL

Standard

All vehicles nominated by the accredited operator must be operated in accordance with the Livestock Welfare Mass Management System.

Criteria

To satisfy the standard an operator would need to demonstrate the following:

2.1 A comprehensive register of nominated vehicles inclusive of any sub-contractors.

2.2 That all nominated vehicles have the technical specifications to conform to its authorised mass.

2.3 That all nominated vehicles if required have mass authorisations to use the road network.

2.4 That vehicles sub-contracted to the operator are “captive” or secured to the operator.

3. VEHICLE USE

Standard

The vehicle mass must be determined by weighing or by a method of assessment prior to departure allowing for any variation.

Criteria

To satisfy the standard an operator would need to demonstrate the following:

3.1 Documentation of a system that objectively demonstrates that livestock loading is controlled to ensure that axle mass and gross mass remain within those limits allowable under the Livestock Welfare Mass Management system, including:

- for combinations operating at Livestock Welfare Concessional Mass Limits - the use of load weighing devices or reliable tools for determining load mass.
- for all combinations operating at Higher Mass Limits - the use of load weighing devices.

3.2 The system should cater for all possible variations in livestock loads including type, density, number, etc.

4. RECORDS AND DOCUMENTATION

Standard

Documented evidence must be maintained to demonstrate the effective operation of the Livestock Welfare Mass Management System.

Description

Essential to the Livestock Welfare Mass Management System is the keeping and preservation of pertinent records.

Criteria

To satisfy the standard an operator would need to demonstrate the following:

4.1 All records are legible and identifiable to the vehicle and trips involved.

4.2 Current documentation is available to all relevant personnel and at all locations where operations essential to the effective functioning of the system are performed.

4.3 All records must be kept for 3 years.

5. VERIFICATION

Standard

The weight of the vehicle and load must be verified to produce an auditable record.

Criteria

To satisfy the standard an operator would need to demonstrate the following:

5.1 The operator shall have a documented procedure to demonstrate that the system produces and records evidence of mass for all livestock loads, including for each load:

- Date.
- Consignment note or Travelling Stock Statement number.
- Location of pick-up and delivery.
- Registration number of the prime mover, and if using a loading calculator, all trailers.
- Type, number and average live weight of livestock.
- Actual or estimated mass of the combination, steer axle and axle groups when laden.
- Method used to establish average live weight of livestock.
- Method used to establish mass of the combination, steer axle and axle groups.
- Weighbridge printout or certified weight results where available.

5.2 The method of recording the required evidence may vary depending on which method was used to establish vehicle weight.

5.3 The frequency of verification of a vehicle's mass is dependent on the variation of livestock carried and vehicle operating conditions.

6. INTERNAL REVIEW

Standard

The Livestock Welfare Mass Management system must be subject to annual internal review to verify that all results and activities comply with the system's policies, procedures and instructions.

Description

An internal review of the Livestock Welfare Mass Management System is a regular look at the system against the standards to see that it complies. An effective review will pick up problem areas in the basic requirements, show failures to comply with procedures, and identify non-compliances that should be fixed as soon as possible.

Criteria

To satisfy the standard an operator would be able to demonstrate the following:

6.1 Procedures exist that define how the internal review is to be undertaken.

6.2 An annual internal review schedule.

6.3 Internal reviews are undertaken by persons who are independent of the activity being reviewed, where practical.

6.4 That there is a documented method to identify and correct all non-conformances detected from all sources to make sure the incidents are not repeated.

6.5 That the person(s) responsible for identifying and correcting all non-conformances is current, clearly defined and documented.

6.6 That all non-conformances and action taken to correct them are recorded and quarterly compliance statements produced containing advice of:

- The number of vehicles in the accredited fleet.
- The number of trips undertaken.
- The number of trips undertaken which were non-compliant with applicable mass limits.
- The level of mass excess for each non-compliant trip.

6.7 That changes to documents and procedures are recorded and the original documents and procedures are kept for external audit purposes.

7. TRAINING AND EDUCATION

Standard

The persons who hold positions of responsibility under the Livestock Welfare Mass Management Systems are trained in and familiar with the specific policy, procedure and instruction they are to carry out.

Description

Training and education are essential to ensure all employees, including managers, understand the Livestock Welfare Mass Management System, and have the appropriate knowledge and skills to carry out the tasks given to them.

Criteria

To satisfy the standard, an operator would need to demonstrate the following:

7.1 All relevant employees and contractors are trained and demonstrate knowledge of their roles and responsibilities under the operator's Livestock Welfare Mass Management system.

7.2 All drivers are trained in:

- the use of weighing devices and/or livestock loading calculators and tools, and
- safe livestock vehicle management, including the prevention of roll-overs.

7.3 There are procedures for maintaining the currency of training and knowledge of persons with roles and responsibilities under the operator's Livestock Welfare Mass Management system.

7.4 Records are maintained which indicate:

- details of what, if any, training was undertaken, who delivered the training and when this training occurred, and
- if, and when any re-training is required, and
- records of the qualifications of workers, including any units of competence achieved.

8. MAINTENANCE OF SUSPENSION

Standard

All vehicles subject to this accreditation, including trailers supplied by other parties, must have their suspension systems maintained and replaced according to manufacturer's or a qualified mechanical engineer's specification and taking into account the ARTSA Air Suspension Code.

Criteria

To satisfy the standard, an operator would need to demonstrate the following:

8.1 All vehicles and trailers of combinations operating at Higher Mass Limits must be fitted with certified Road Friendly Suspension systems certified under Australian Government Vehicle Standards Bulletin 11 (VSB 11).

8.2 Documentation of the manufacturer's or qualified mechanical engineer's specification for the suspension of both trailing and hauling equipment. Road Friendly Suspension must also be certified under VSB 11.

8.3 A documented instruction detailing when the suspension is to be checked (based on manufacturer's or qualified mechanical engineer's specifications of time and/or distance and taking into account the ARTSA Air Suspension Code), by whom and how it is to be recorded.

8.4 Documented procedures for recording faults to the suspension during a journey, how the faults are reported to the maintenance provider, for the repair of major or serious faults that may affect the performance of the suspension system, as soon as possible even if the vehicle is away from home base, and for the repair of other faults in a timely manner.

8.5 Documentation of the decision making with respect to suspension maintenance. This is to include the final sign-off of the repair when completed.

8.6 Evidence that any repairs to suspensions are only carried out by persons having suitable qualifications or experience to competently complete any maintenance tasks, or do so under qualified supervision with recent experience.

8.7 For a trailer supplied by another party, the accredited operator must demonstrate that a statement of compliance with the suspension maintenance standard accompanies each trailer, and that the trailer supplier is able to demonstrate compliance with the above criteria.

ROAD TRANSPORT (GENERAL) ACT 2005

Class 3 Livestock Welfare Concessional Mass Limits Notice 2011

I, Michael Bushby, Chief Executive of the Roads and Traffic Authority pursuant to Clause 25 of the Road Transport (Mass, Loading and Access) Regulation 2005, do, by this Notice, exempt from the mass limits set out in Table 1 of Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 2005, the combinations described in Part 2 of the Schedule to this Notice, subject to any conditions set out in the Schedule to this Notice.

Dated this 2nd day of March 2011.

MICHAEL BUSHBY,
Chief Executive, Roads and Traffic Authority

SCHEDULE

PART 1 — PRELIMINARY

1.1 Citation

This Notice may be cited as the Class 3 Livestock Welfare Concessional Mass Limits Notice 2010.

1.2 Commencement

This Notice takes effect on and from the day that it is published in the New South Wales Government Gazette.

1.3 Effect

This Notice remains in force up to and including 30 September 2015 unless it is repealed earlier.

1.4 Interpretation

Unless stated otherwise, the words and expressions used in this Notice have the same meaning as those defined in Road Transport (General) Act 2005.

PART 2 — APPLICATION

2.1 Application

This Notice applies to an Eligible Combination, specified in 2.2, which is;

(a) carrying live cattle, sheep or pigs;

(b) compliant with Part 4 of this Notice;

(c) is operated by a an operator accredited under the Livestock Welfare Mass Management Accreditation Scheme ("LWMMAS"); and is

(d) a nominated vehicle under the operator's LWMMAS accreditation.

2.2 Eligible Combinations

(a) Single articulated vehicles which:

(i) consist of a prime mover fitted with a tandem drive axle group and a semi-trailer fitted with a tri-axle group: and

(ii) have either single tyres with section width of at least 375 mm, dual tyres, or a combination of those tyres, on all axle groups; and

(iii) have a maximum length available for the carriage of animals not exceeding 12.5m;

(b) B-doubles which:

(i) consist of a prime mover fitted with a tandem drive axle group and two semi-trailers each fitted with a tri-axle group; and

(ii) have either single tyres with section width of at least 375 mm, dual tyres, or a combination of those tyres, on all axle groups ; and

(iii) have a combined maximum length available for the carriage of animals not exceeding 18.8m; and

(c) B-triples which:

(i) consist of a prime mover fitted with a tandem drive axle group and three semi-trailers each fitted with a tri-axle group; and

(ii) have either single tyres with section width of at least 375 mm, dual tyres or a combination of those tyres, on all axle groups; and

(iii) have a combined maximum length available for the carriage of animals not exceeding 25.1m.

(d) Road trains which:

(i) consist of a prime mover fitted with a tandem drive axle group, two semi-trailers each fitted with a tri-axle group and a converter dolly fitted with a tandem axle or tri-axle group;

(ii) have either single tyres with section width of at least 375 mm, dual tyres or a combination of those tyres, on all axle groups; and

(iii) have an overall length not exceeding 36.5 metres; and

(iv) have a combined maximum length available for the carriage of animals not exceeding 25.0m.

PART 3 — OPERATING AND TRAVEL CONDITIONS

3.1 Vehicle labels

A label that indicates that the vehicle or combination is operating under the Livestock Welfare Mass Management Accreditation Scheme must be prominently displayed on the hauling unit in a clearly visible location.

3.2 Operating conditions

A copy of this Notice, must be carried in the driving compartment of a combination operating under this Notice, and must be produced in response to a request by a Police Officer or an authorised officer.

3.3 Travel conditions

A combination operating under this Notice may operate on all roads approved for that combination, except where prohibited by a load limit specified for a road, bridge or causeway by a sign or notice.

PART 4 – SPECIAL CONDITIONS

4.1 Total mass limits – combinations

The total mass of a combination to which this Notice applies must not exceed the lowest of the following:

(a) the sum of the axle and axle group mass limits in Clause 4.2, or

(b) the GCM limit specified by the prime mover manufacturer, or

(c) the sum of the gross mass limits (GVMs) for the prime mover and the trailer or trailers it is towing, or

(d) 5% above the gross mass limit that applies to the vehicle under Table 1 of Clause 2 of Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005, subject to:

(i) a maximum of 1 tonne for a vehicle or vehicle combination with an allowable gross mass not exceeding 55 tonnes.

(ii) a maximum of 2 tonne for a vehicle or vehicle combination with an allowable gross mass exceeding 55 tonnes.

4.2 Axle and axle group mass limits

A combination to which this Notice applies must not exceed the axle group mass limits set out in Table 1 of this Notice, except as provided for by Clause 4.3.

4.3 Floating 0.5 tonne tri-axle mass limit concession

The mass on a tri-axle group of a semi-trailer in a combination specified in Part 2 of this Notice may exceed the limit set out in Table 1 by up to 0.5 tonne, as long as the total mass of the combination does not exceed the total mass limit specified in clause 4.1.

Table 1

AXLE GROUP	*MASS LIMIT*
STEER AXLE GROUPS Single steer axle	6.0 tonnes
Twinsteer axle groups Twinsteer axle group without a load-sharing suspension system Twinsteer axle group with a load-sharing suspension system	10.0 tonnes 11.0 tonnes
NON-STEER AXLE GROUPS **Tandem axle group or tri-axle group of a converter dolly** • fitted with single tyres with a section width of at least 375 mm or dual tyres	17.0 tonnes
Tri-axle group of a semi-trailer • fitted with single tyres with a section width of at least 375 mm or dual tyres	21.0 tonnes

Explanatory notes:

This Notice permits specified types of combinations that are being operated by an operator accredited under the Livestock Welfare Mass Management Accreditation Scheme to operate at mass limits equivalent to Concessional Mass Limits when carrying live cattle, sheep or pigs.

In addition, this Notice permits semi-trailers of those combinations to exceed the tri-axle group mass limit of 21 tonnes by up to 0.5 tonne, as long as the combination does not exceed the applicable total combination mass limit. This "floating" tri-axle group mass concession is intended to address concerns that the movement of livestock during transport may otherwise result in minor breaches of tri-axle group mass limits.

The "floating" 0.5 tonne tri-axle group mass allowance applies only to tri-axle groups of semi-trailers. It does not apply to tri-axle groups of converter dollies, which may not exceed the mass limit of 17 tonnes.

A combination operating under this Notice must comply with any applicable Notice or Permit concerning the routes on which the combination may travel.

The Road Transport (Mass, Loading and Access) Regulation 2005 (clause 73) requires that a driver of a combination operating under this Notice must keep a copy of the Notice in the driving compartment of the combination (Maximum penalty: 30 penalty units).

ROAD TRANSPORT (GENERAL) ACT 2005

Class 3 Livestock Load Tri-Axle Group Floating Mass Concession

Notice 2011

I, Michael Bushby, Chief Executive of the Roads and Traffic Authority pursuant to Clause 25 of the Road Transport (Mass, Loading and Access) Regulation 2005, do, by this Notice, exempt the combinations described in Part 2 of the Schedule to this Notice, from the mass limit for tri-axle groups as set out in Table 1 of Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 2005 subject to any conditions set out in the Schedule to this Notice.

Dated this 2nd day of March 2011.

MICHAEL BUSHBY,
Chief Executive, Roads and Traffic Authority

SCHEDULE

PART 1 – PRELIMINARY

1.1 Citation

This Notice may be cited as the Class 3 Livestock Load Tri Axle Group Floating Mass Concession Notice 2011.

1.2 Commencement

This Notice takes effect on and from the day that it is published in the New South Wales Government Gazette.

1.3 Effect

This Notice remains in force up to and including 30 September 2015 unless it is repealed earlier.

1.4 Interpretation

Words and expressions used in this Notice have the same meaning as defined in the Road Transport (General) Act 2005.

PART 2 – APPLICATION

2.1 Application

This Notice applies to the following types of combinations carrying live cattle, sheep or pigs.

(a) Single articulated vehicles which:
  (i) consist of a prime mover fitted with a tandem drive axle group and a semi-trailer fitted with a tri-axle group; and
  (ii) have either single tyres with section width of at least 375 mm, dual tyres, or a combination of those tyres, on all axle groups; and
  (iii) have a maximum length available for the carriage of animals not exceeding 12.5m;

(b) B-doubles which:
  (i) consist of a prime mover fitted with a tandem drive axle group and two semi-trailers each fitted with a tri-axle group; and
  (ii) have either single tyres with section width of at least 375 mm, dual tyres, or a combination of those tyres, on all axle groups; and
  (iii) have a combined maximum length available for the carriage of animals not exceeding 18.8m; and

(c) B-triples which:
  (i) consist of a prime mover fitted with a tandem drive axle group and three semi-trailers each fitted with a tri-axle group: and
  (ii) have either single tyres with section width of at least 375 mm, dual tyres or a combination of those tyres, on all axle groups; and
  (iii) have a combined maximum length available for the carriage of animals not exceeding 25.1m.

(d) Road trains which:
  (i) consist of a prime mover fitted with a tandem drive axle group, two semi-trailers each fitted with a tri-axle group and a converter dolly fitted with a tandem axle or tri-axle group;
  (ii) have either single tyres with section width of at least 375 mm, dual tyres or a combination of those tyres, on all axle groups; and
  (iii) have an overall length not exceeding 36.5 metres; and
  (iv) have a combined maximum length available for the carriage of animals not exceeding 25.0m.

PART 3 – OPERATING AND TRAVEL CONDITIONS

3.1 Operating conditions

(a) A copy of this Notice must be carried in the driving compartment of a combination operating under this Notice, and must be produced in response to a request by a Police Officer or an authorised officer.

(b) All conditions of this Notice must be observed when a vehicle is operating under this Notice.

(c) Except where contrary intention is stated by this Notice, a vehicle operating under this Notice, must comply with the statutory requirements of road transport legislation as defined in Section 5 of the Road Transport (General) Act 2005.

3.2 Travel conditions

A combination operating under this Notice may operate on all roads approved for that combination, except where prohibited by a load limit specified for a road, bridge or causeway by a sign or notice.

PART 4 – SPECIAL CONDITIONS

4.1 Tri-axle group mass limits

(a) The mass on a tri-axle group of a semi-trailer in a combination specified in Part 2 of this Notice must not exceed 20 tonnes, except as provided for in clause 4.2(a).

(b) The mass on the tri-axle group of a converter dolly in a combination specified in Part 2 must not exceed 16.5 tonnes, except as provided for in clause 4.2(b).

4.2 Floating tri-axle mass limit concession

(a) The mass on a tri-axle group of a semi-trailer in a combination specified in Part 2 of this Notice may exceed the limits specified in clause 4.1(a) by up to one tonne, as long as the total mass of the combination does not exceed the total mass limit applicable to the combination.

(b) The mass on a tri-axle group of a converter dolly in a combination specified in Part 2 of this Notice may exceed the limits specified in clause 4.1(b) by up to 0.5 tonnes, as long as the total mass of the combination does not exceed the total mass limit applicable to the combination.

Explanatory notes:

This Notice permits specified types of combinations carrying live cattle, sheep and pigs to exceed the regulated mass limits for tri-axle groups with single tyres with section width of at least 375 mm or dual tyres by up to one tonne (for tri-axle groups on semi-trailers) and up to 0.5 tonnes (for tri-axle groups on converter dollies), as long as the combination does not exceed the applicable total mass limit for the combination.

The tri-axle group mass concession provided by this Notice is intended to address concerns that the movement of livestock during transport may result in minor breaches of tri-axle group mass limits.

A combination operating under this Notice must comply with any applicable Notice or Permit concerning the routes on which the combination may travel.

The Road Transport (Mass, Loading and Access) Regulation 2005 (clause 73) requires that a driver of a combination operating under this Notice must keep a copy of the Notice in the driving compartment of the combination (Maximum penalty: 30 penalty units).

ROADS ACT 1993

Order - Sections 46, 48, 54 and 67

Wollondilly Shire Council area

Dedication of Land as Public Road and Declaration as Freeway of part of the F5 South Western Freeway at Pheasants Nest

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

1. dedicate as public road the land described in the Schedule under;

2. declare to be a main road the said public road described in the Schedule;

3. declare to be a freeway the said main road described in the Schedule; and

4. declare that access to the said freeway is restricted.

HON DAVID BORGER MP
MINISTER FOR ROADS

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SCHEDULE

ALL that piece or parcel of land situated in the Wollondilly Shire Council area, Parish of Bargo and County of Camden shown as Lot 2 Deposited Plan 1147096.

(RTA Papers F5/496.1134)

ROADS ACT 1993

Order

Wyong Shire Council area

Repeal of Declaration as Freeway of parts of the F3 Sydney to Newcastle Freeway at Ourimbah

I, the Minister for Roads, hereby:

1. repeal the parts of the order published in Government Gazette No 93 of 21 July 2006 on page 5808 which:

   a. declared the main road described in Schedules 2 and 3 of that order to be freeway, but only in so far as those parts pertain to the land described in Schedule 1 under; and

   b. specified in Schedule 4 of that order the points along the freeway at which access may be gained to or from other public roads; and

2. specify in Schedule 2 under, the new points along the freeway at which access may be gained to or from other public roads.

HON DAVID BORGER MP
MINISTER FOR ROADS

_____

SCHEDULE 1

ALL those pieces or parcels of land situated in the Wyong Shire Council area, Parish of Ourimbah and County of Northumberland shown as:

Lots 17 and 23 Deposited Plan 1071101; and

Lot 101 Deposited Plan 1157388 (being part of the former Lot 24 Deposited Plan 1071101).

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SCHEDULE 2

Between the points C and D; and

Between the points F and G; all shown on Deposited Plan 1157388.

(RTA Papers F3/505.1730)

ROADS ACT 1993

Order - Sections 46, 49, 54 and 67

Wollongong City Council area

Dedication of Land as Public Road and Declaration as a Controlled Access Road of part of Memorial Drive at Woonona

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

1. dedicate as public road the land described in Schedules 1 and 2 under;

2. declare to be a main road the said public road described in Schedule 2 and the public road described in Schedule 3 under;

3. declare to be a controlled access road the said main road described in Schedules 2 and 3;

4. declare that access to the said controlled access road is restricted; and

5. specify in Schedule 4 under, the points along the controlled access road at which access may be gained to or from other public roads.

HON DAVID BORGER MP
MINISTER FOR ROADS

SCHEDULE 1

ALL those pieces or parcels of land situated in the Wollongong City Council area, Parish of Woonona and County of Camden shown as:

Lots 1 and 21 to 35 inclusive, Deposited Plan 1150898;

Lot 21 Deposited Plan 1126902;

Lot 24 Deposited Plan 38497;

Lots 3 and 4 Deposited Plan 12991; and

Lot 112 Deposited Plan 1077356.

The above Lots comprise the whole of the land in the correspondingly numbered certificates of title and are all shown in RTA Plan 0626 497 AC 4003.

SCHEDULE 2

ALL those pieces or parcels of land situated in the Wollongong City Council area, Parish of Woonona and County of Camden shown as:

Lot 54 Deposited Plan 706693;

Lots 52 and 53 Section E Deposited Plan 977908;

Lots 2 to 5 inclusive, 7, 8, 9, 12 to 15 inclusive, 18, 19 and 20 Deposited Plan 1150898;

Lot 2 Deposited Plan 1065426;

Lots 1 and 2 Deposited Plan 12991; and

Lot 107 Deposited Plan 1077356.

The above Lots comprise the whole of the land in the correspondingly numbered certificates of title and are all shown in RTA Plan 0626 497 AC 4003.

SCHEDULE 3

ALL those pieces or parcels of public road situated in the Wollongong City Council area, Parish of Woonona and County of Camden shown as:

Lots 6, 10, 11, 16 and 17 Deposited Plan 1150898; and

Lot 114 Deposited Plan 1077356.

The above Lots are all shown in RTA Plan 0626 497 AC 4003.

SCHEDULE 4

Between the points A and B; and

between the points C and D; all shown in RTA Plan 0626 497 AC 4003.

(RTA Papers F8/497.11328)

ROADS ACT 1993

Order - Sections 46, 49, 54 and 67

Wollongong City Council area

Dedication of Land as Public Road and Declaration as a Controlled Access Road of part of Memorial Drive at Woonona and Russell Vale

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

1. dedicate as public road the land described in Schedules 1 and 2 under;

2. declare to be a main road the said public road described in Schedule 2 and the public road described in Schedule 3 under;

3. declare to be a controlled access road the said main road described in Schedules 2 and 3;

4. declare that access to the said controlled access road is restricted; and

5. specify in Schedule 4 under, the points along the controlled access road at which access may be gained to or from other public roads.

HON DAVID BORGER MP
MINISTER FOR ROADS

SCHEDULE 1

ALL those pieces or parcels of land situated in the Wollongong City Council area, Parish of Woonona and County of Camden shown as:

Lots 13 to 22 inclusive, Deposited Plan 1141969;

Lots 5 to 9 inclusive and 11 to 14 inclusive, Deposited Plan 108252;

Lots 6, 7 and 8 Deposited Plan 1073151; and

Lots 26 and 33 Deposited Plan 872562.

The above Lots are all shown in RTA Plan 0626 497 AC 4002.

SCHEDULE 2

ALL those pieces or parcels of land situated in the Wollongong City Council area, Parish of Woonona and County of Camden shown as:

Lots 5 to 9 inclusive, Deposited Plan 1141969;

Lot 10 Deposited Plan 1134378;

Lot 12 Deposited Plan 523508;

Lot 5 Deposited Plan 1073151; and

Lot 18 Deposited Plan 872562.

The above Lots comprise the whole of the land in the correspondingly numbered Certificates of Title and are all shown in RTA Plan 0626 497 AC 4002.

SCHEDULE 3

ALL those pieces or parcels of public road situated in the Wollongong City Council area, Parish of Woonona and County of Camden shown as Lots 10, 11 and 12 Deposited Plan 1141969.

The above Lots are all shown in RTA Plan 0626 497 AC 4002.

SCHEDULE 4

Between the points A and B; and

between the points C and D; all shown in RTA Plan 0626 497 AC 4002.

(RTA Papers F8/497.11328)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Kariong in the Gosford 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 that piece or parcel of land situated in the Gosford City Council area, Parish of Gosford and County of Northumberland, shown as Lot 16 Deposited Plan 1149050.

(RTA Papers: 10/184.1636 Vol 4)

Office of Water

WATER ACT 1912

AN application for a licence, under section 113 of Part 5 of the Water Act 1912, as amended, has been received as follows:

Emmanuel Victor and Pauline June XERRI for a bore on Lot 2, DP 850805, Parish of Currency, County of Cook, for water supply for the irrigation of 8.50 hectares (vegetables) (requested entitlement of 40.0 megalitres) (new licence) (Ref:10BL604516)

Any inquiries should be directed to (02) 4729 8122. Written objections specifying grounds thereof must be lodged with the NSW Office of Water, PO Box 323, Penrith NSW 2751, within 28 days of this publication. GA1813438

JOHN GALEA,
Natural Resource Project Officer

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:

Thomas and George VELLOFF for a pump on the Nepean River on Lot 281, DP 1130625, Parish of Castlereagh, County of Cumberland, for the irrigation of 4.5 hectares (turf, vegetables) (part replacement licence – part replaces 10SL022119) (no increase in annual water entitlement) (not subject to the 2003 amended Hawkesbury/Nepean Embargo) (Ref:10SL056964).

Thomas and George VELLOFF for a pump on the Nepean River on Lot 282, DP 1130625, Parish of Castlereagh, County of Cumberland, for the irrigation of 4.5 hectares (turf, vegetables) (part replacement licence – part replaces 10SL022119) (no increase in annual water entitlement) (not subject to the 2003 amended Hawkesbury/Nepean Embargo) (Ref:10SL056963).

Any inquiries should be directed to (02) 4729 8122. Written objections specifying grounds thereof must be lodged with the NSW Office of Water, PO Box 323, Penrith NSW 2751, within 28 days of this publication. GA1819470.

JOHN GALEA,
Natural Resource Project Officer

Other Notices

APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made a Vocational Training Order for the recognised traineeship vocation of Media under section 6 of the Apprenticeship and Traineeship Act 2001.

The Order specifies a number of matters relating to the required training for this vocation, including the term/s of training, probationary period/s, and course/s of study to be undertaken.

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

A copy of the Order may be inspected at any State Training Services Regional Office of the Department of Education and Training or on the Internet at https://www.training.nsw.gov.au/cib_vto/cibs/cib_406.html

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APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made Vocational Training Orders for the recognised trade vocation of:

- Beauty Therapy,

and the traineeship vocations of:

- Beauty Services – Retail Make-up and Skin Care
- Beauty Services – Nail Technology,

under section 6 of the Apprenticeship and Traineeship Act 2001.

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

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

Copies of the Orders may be inspected at any State Training Services Regional Office of the Department of Education and Training or on the Internet at https://www.training.nsw.gov.au/cib_vto/cibs/cib_495.html

Notice is also given that the following traineeship vocations are now repealed:

- Beauty Services – Make-up Services
- Beauty Services – Retail Cosmetic Services

APPRENTICESHIP AND TRAINEESHIP ACT 2001

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

- Transport and Logistics (Rail Infrastructure)
- Driving Operations
- International Freight Forwarding
- Rail Driving,

under section 6 of the Apprenticeship and Traineeship Act 2001.

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

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

A copy of the Orders may be inspected at any State Training Services Regional Office of the Department of Education and Training or on the Internet at https://www.training.nsw.gov.au/cib_vto/cibs/cib_494.html

Notice is also given that the following traineeship vocations are now repealed:

- Transport and Logistics (Road Transport) – General
- Transport and Logistics (Road Transport) – Driver

APPRENTICESHIP AND TRAINEESHIP ACT 2001

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

- Aviation – Aircrewman
- Aviation – Commercial Pilot Aeroplane Licence
- Aviation – Commercial Pilot Helicopter Licence
- Aviation – Flight Instructor
- Aviation – Flight Operations
- Aviation – Ground Operations and Service
- Aviation – Leadership and Supervision
- Aviation – Rescue Crewman,

under section 6 of the Apprenticeship and Traineeship Act 2001.

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

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

Copies of the Orders may be inspected at any State Training Services Regional Office of the Department of Education and Training or on the Internet at https://www.training.nsw.gov.au/cib_vto/cibs/cib_496.html

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ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Incorporation Pursuant to Section 72

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to section 72 of the Associations Incorporation Act 2009.

Cancellation is effective as at the date of gazettal.

Thirsties 02 FC Incorporated – Inc9887311

Citywest Community Church Incorporated – Inc9878885

Liverpool Workplace Learning Partnership Incorporated – Inc9878872

Links For Life Incorporated – Inc9890082

Chester Hill Probus Club Incorporated – Y2671415
Greenway Christian Education Association Incorporated – Inc9890106
The Inner Wheel Club of Maitland District Inc – Y1285915
Ballina Christadelphian Ecclesia Incorporated – Inc9881061
Cundletown Swimming Club Incorporated – Y0974648
Lakes Chinese Community Organisation Incorporated – Inc9893394
Dora Creek Catchment Group Incorporated – Inc9874232
Canowindra & Districts Poultry Club Incorporated – Inc9887473
London Goodenough Association of Australia Incorporated – Inc9884032
Twig Together We Inspire Growth Incorporated – Y2632722
Narrandera Debutante Charity Ball Incorporated – Inc9879498
3. D Z Magic Community Service Inc – Inc9891199
Tully Park Sport Fishing Club of Goulburn Incorporated – Y2958142
Giving Beauty Incorporated – Inc9891762

Dated: 25 February 2011.

ROBYNE LUNNEY,
A/Manager, Financial Analysis Branch,
Registry of Co-operatives & Associations,
Office of Fair Trading,
Department of Services, Technology & Administration

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Incorporation Pursuant to Section 76

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

Cancellation is effective as at the date of gazettal.

The Art Box Friendly Association Incorporated – Inc9876257
The Australian Wind Orchestra Association Incorporated – Y2977431
Bangladesh Sanaton Sangha – Australia Incorporated – Inc9876669
Campbelltown City Quake Futsal Club Incorporated – Inc9874265
Chinese Youth League of Australia Inc – Y0706533
Christian City Church Charlestown Incorporated – Inc9875883
The Christian Community in Australia (N.S.W) Incorporated – Y0588848
The Church for Everybody Incorporated – Inc7486102
Country Pawnbrokers Association Incorporated – Inc9875990
Crescent Head Junior Soccer Club Inc – Y1392229
Eastern Districts Womens Hockey Association Inc – Y0478122
Edgar Shalala Ministries International Incorporated – Inc9876997
Empty Spaces – Temporary Places Incorporated – Inc9875761
Fibreglass and Rockwool Insulation Manufacturers Association of Australia Inc – Y1697836
The Francis Greenway Society Incorporated – Inc9876472
Full Gospel Modern Church in Sydney Incorporated – Inc9874759
Gayviation Incorporated – Y2668300
Central Coast Region of Athletics NSW Inc – Inc9874667
Grace Ministry Incorporated – Inc9876855
G.R.A.N.D Incorporated – Inc9874148
Gunning Shire Chamber of Commerce Incorporated – Inc9874170
Hochun Pure Presbyterian Church of Sydney Incorporated – Y2256036
H.O.M.E.S. Buyers & Renters Club Incorporated – Inc9874308
Intensive Case Management Incorporated – Inc9876822
Kalapu Lo'au of Australia Inc – Inc9874775
Kangaroos Hockey Club Incorporated – Y3025839
Lebanon Touch Association Incorporated – Inc9875684
Lumley Lane Drainage Union Incorporated – Y2846745
Manton Landcare Group Incorporated – Y2955004
The Cobb Highway Action Group Incorporated – Y2213404
The Phillip Chalker Sunset Lodge Inc – Y1355530
Lions Club of Sawtell Inc – Y0712737
Marche Association of Sydney Incorporated – Inc9874611
The Meaning of Life Incorporated – Y1684604
Namoi Pistol Club Incorporated – Inc9874621
Narrandera Arts Council Incorporated – Inc9874223
Nepean Valley Car Club Incorporated – Inc9876262
Newcastle Dramatic Art Club Inc – Y0030525
Newcastle Enterprising Women Incorporated – Inc9874455
Newcastle Koori's Soccer Club Incorporated – Inc9875589
N.S.W. Casting Federation Incorporated – Inc2583901
NSW Cultured Mussel Growers Association Incorporated – Y1755020
N.S.W. North Coast FE and FC Car Club Incorporated – Y2021514
The New Start Lifelong Education Incorporated – Inc9876336
New Zealand Tag Association of Australia Incorporated – Inc9876402
Ninjutsu Instructors and Training Association of Australia Incorporated – Y2943602
Norsave Incorporated – Inc6222602
North Bluebags Rugby League Football Club Incorporated – Y2639946
Northern Christian Youth Convention Incorporated – Inc9876889
Northern Eagles Touch Association Incorporated – Inc9876444

North Wagga Australian Rules Football Club Inc – Y0978244
Nundle Campdraft Committee Incorporated – Y1585704
PCGL Protecting Children Giving Love Inc – Inc9874835
Penrith Cricket Club Inc – Y0839948
Pentecostal Church "God Is Love" Incorporated – Y2706521
People First Party – Australia Sydney Branch Incorporated – Inc9876244
Queanbeyan and District Junior Soccer Club Incorporated – Y2144737
Quest Australia More Than Gold Incorporated – Y2561130
Quickbricks Car Club Incorporated – Y3010319
Quirindi and District Toy Library Association Inc – Y0741434
Association of Polish Organisations in NSW Incorporated – Inc9887477
Australasian Rehabilitation Nurses Association Incorporated – Y1715820
Jesus the Name above All Names Apostolic Oneness Church Incorporated – Inc9885127
Pipeclay Creek Lagoon Land Care Group Incorporated – Y2927941
Playworks Inc – Y1022909
Young German (Speaker)'S In Sydney Incorporated – Y2540239
Australian Camphor Laurel Timber Association Incorporated – Inc9875476
Australia Yellow River Chorus Incorporated – Inc9878371
Cat Tuong Nunnery Incorporated – Inc9875083
Italy-Australia Anthrobotanica Incorporated – Inc9891973
Newcastle R.S.L. Air Cadets Incorporated – Y2645023

Dated 2nd day of March 2011.

KERRI GRANT,
Manager Legal,
Registry of Co-operatives & Associations,
Office of Fair Trading,
Department of Services, Technology & Administration

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Incorporation Pursuant to Section 76

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

Cancellation is effective as at the date of gazettal.

Penrith Churches Soccer Club Inc – Y0828808
Lions Club of Baradine Inc. – Y0650830
Life Training Skills Incorporated – Y2625031
Growing Relationships and Network Support Incorporated – Y2943700
Cryon Community Association Incorporated – Y1391722
Casimir Foundation Incorporated – Inc9875737
Australian Community Foods Inc – Inc9875217
Albury Wodonga Council of Social Services Incorporated – Y2008942

Dated 23rd day of February 2011.

KERRI GRANT,
Manager Legal,
Registry of Co-operatives & Associations,
Office of Fair Trading,
Department of Services, Technology & Administration

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Registration Pursuant to Section 80

TAKE notice that AUSTRALIAN UNIVERSITIES COMMUNITY ENGAGEMENT ALLIANCE INCORPORATED became registered under the Corporations Act 2001 as a company limited by guarantee on 15 December 2010 and accordingly its registration under the Associations Incorporation Act 2009 is cancelled as of that date.

Dated: 1 March 2011.

EMMA-JANE DAY,
NSW Fair Trading

COMPANION ANIMALS REGULATION 2008

ERRATUM

THE Order made under clause 16 (d) of the Companion Animals Regulation 2008 and published in the *NSW Government Gazette* No. 15 on 18 February 2011, Folio 778 contained a typographical error. The replacement of the word "Dogs" in Schedule 1, Column 1 "Name of organisation" of the Order with the word "Dog" corrects the error. The amended Order contained in Schedule A of this erratum corrects the error and the gazettal date remains 18 February 2011.

SCHEDULE A

Order

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

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

SCHEDULE 1

Name of organisation	*Address of organisation*	*Name of contact officer for organisation*
Australian Working Dog Rescue Inc	14 Roslyn Close, Yorkeys Knob Qld 4878	Ms Dianne Edwards

SCHEDULE 2

1. The exemption under clause 16 (d) of the Companion Animals Regulation 2008 from the requirements of section 9 of the Companion Animals Act 1998 only applies to an animal in the custody of an organisation listed in Schedule 1 if the organisation is holding that animal for the sole purpose of re-housing the animal with a new owner.
2. The exemption under clause 16 (d) of the Companion Animals Regulation 2008 from the requirements of section 9 of the Companion Animals Act 1998 only applies to an animal in the custody of an organisation listed in Schedule 1 if the organisation maintains appropriate records that show compliance with the Companion Animals Act 1998, Companion Animals Regulation 2008 and the Guidelines for Approval to be an Organisation Exempt from Companion Animal Registration under clause 16(d) of the Companion Animals Regulation 2008.
3. The exemption under clause 16 (d) of the Companion Animals Regulation 2008 from the requirements of section 9 of the Companion Animals Act 1998 only applies to an animal in the custody of an organisation listed in Schedule 1 if the organisation maintains a register that is made available to the relevant local council and the Division of Local Government, Department of Premier and Cabinet as requested. The Register must list the names of all carers involved in the rehoming of animals and the locations of all animals received under the exemption while in the custody of the organisation.
4. The exemption under clause 16 (d) of the Companion Animals Regulation 2008 from the requirements of section 9 of the Companion Animals Act 1998 expires five years from the date of this order, unless revoked or varied at an earlier time.

Date: 18 February 2011.

ROSS WOODWARD,
Chief Executive, Local Government,
Delegate of the Director General,
Department of Premier and Cabinet

CO-OPERATIVES ACT 1992

Notice Under Section 601AH of the
Corporations Act 2001 as Applied by Section 325
of the Co-operatives Act 1992

THE Registration of ANDERSON EQUIPMENT CO-OPERATIVE LTD cancelled on 8 March 2007 is reinstated pursuant to section 601AH of the Corporations Act as applied by section 325 of the Co-operatives Act 1992 and the Co-operative is restored to the Register of Co-operatives.

Dated: 4 March 2011.

ROBYNE LUNNEY,
Delegate of the Registrar of Co-operatives

CO-OPERATIVES ACT 1992

Notice Under Section 601AA of the Corporations Act 2001 as Applied by Section 325 of the Co-operatives Act 1992

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

AUSTRALIAN TURKISH COMMUNITY SERVICES DEVELOPMENT CO-OPERATIVE SOCIETY LIMITED

Dated this 2nd day of March 2011.

ROBYNE LUNNEY,
Delegate of the Registrar of Co-operatives

CO-OPERATIVES ACT 1992

Notice Under Section 601AA of the Corporations Act 2001 as Applied by Section 325 of the Co-operatives Act 1992

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

TRANQUIL VALLEY AUSTRALIA
CO-OPERATIVE LTD

Dated this 2nd day of March 2011.

ROBYNE LUNNEY,
Delegate of the Registrar of Co-operatives

NATIONAL PARKS AND WILDLIFE ACT 1974

Wyrrabalong National Park
Plan of Management

A draft plan of management for Wyrrabalong National Park has been prepared and is available free of charge from the NPWS Central Coast Hunter Range Regional Office at 207 Albany Street North, Gosford (ph 4320 4200) and the NPWS Lakes Area Office, Blue Wren Drive, Munmorah State Conservation Area (ph 4972 9000). The plan may also be viewed at Bateau Bay Library, The Entrance Road, Bateau Bay; The Entrance Library, 211 The Entrance Road, The Entrance; and Toukley Library, Victoria Avenue, Toukley. The plan is also on the NPWS website: www.environment.nsw.gov.au.

Written submissions on the plan must be received by The Planning Officer, NPWS, PO Box 1477, Gosford NSW 2250 or CCHR.Plans@environment.nsw.gov.au by Monday, 6 June 2011.

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

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice under Schedule 2, Clause 2
Appointing Date of Revocation and Vesting

I, FRANK SARTOR, Minister for Climate Change and the Environment, pursuant to Schedule 2, Clause 2 of the National Parks and Wildlife Act 1974, appoint 4 March

2011 as the date on which the revocation of the reservation of land within Lot 3, DP 1156300 as state conservation area under this Act and the vesting of this land in the State Water Corporation takes effect. I am satisfied that the land transferred to the national park estate as compensation for the excision of this land is of equal or greater conservation value.

FRANK SARTOR, M.P.,
Minister for Climate Change and the Environment

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a National Park

I, the Honourable Justice James Allsop, Administrator of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Crowdy Bay National Park under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 23rd day of February 2011.

JAMES ALLSOP,
Administrator

By the Administrator's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

DESCRIPTION

Land District – Taree; LGA – Greater Taree

County Macquarie, Parish Harrington, 11.6 hectares, being Lot 2 in DP 1146410. DECCW/09/7493

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a State Conservation Area

I, the Honourable Justice James Allsop, Administrator of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, and assign to that land the name Gandangara State Conservation Area under the provisions of section 30A (1) and section 30A (2) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 23rd day of February 2011.

JAMES ALLSOP,
Administrator

By the Administrator's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

DESCRIPTION

Land District – Metropolitan; LGA – Sutherland

County Cumberland, Parish Holsworthy, 6.945 hectares, being Lot 25 in DP 874608. DECCW/09/7786

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a State Conservation Area

I, the Honourable Justice James Allsop, Administrator of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, and assign to that land the name Macquarie Marshes State Conservation Area under the provisions of section 30A (1) and section 30A (2) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 23rd day of February 2011.

JAMES ALLSOP,
Administrator

By the Administrator's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

DESCRIPTION

Land District – Warren; LGA – Coonamble and Warren

County Gregory, Parishes Pullingarwarina and Wullamgambone, 2392 hectares, being Lots 1, 4, 5, 7 and 9 in DP 1132699, Lots 27 and 28 in DP 42186, Lot 38 in DP 44957 and Lot 10 in DP 753502. DECCW/08/3637

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a National Park

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

Signed and sealed at Sydney this 2nd day of March 2011.

MARIE BASHIR,
Governor

By Her Excellency's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Rylstone; LGA – Mid Western Regional

County Phillip, Parish Bylong and Nullo, 639.8 hectares, being Lot 2, DP 844583, Lot 17, DP 755445 and Lots 78 and 88, DP 755420; excluding the Crown Public Road within Lot 78, DP 755420. DECCW/FIL/08/8788.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a State Conservation Area

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

Signed and sealed at Sydney this 2nd day of March 2011.

MARIE BASHIR,
Governor

By Her Excellency's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Addition to Dharawal State Conservation Area

Land District – Metropolitan; LGA – Wollongong

County Cumberland, Parish Southend, 303.7hectares, being Lots 30 and 31 in DP 1138149 and that part of Lot 2 in DP 1127487 situated west of the Princes Highway (Main Road 678); inclusive of Crown Public roads within Lot 2. DECCW/08/3977

Note: The above reservation is restricted to a depth of 30m below the surface.

Addition to Illawarra Escarpment State Conservation Area

Land District – Metropolitan; LGA – Wollongong

County Cumberland, Parish Southend, 14.89 hectares, being that part of Lot 2 in DP 1127487 situated east of the Princes Highway (Main Road 678). DECCW/05/23927

Note: The above reservation is restricted to a depth of 30m below the surface.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a State Conservation Area

I, Professor Marie Bashir, A.C., C.V.O., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Lachlan Valley State Conservation Area, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 2nd day of March 2011.

MARIE BASHIR,
Governor

By Her Excellency's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Western Division Administrative District
Land District and LGA – Hillston

Counties Nicholson and Franklin, Parishes Weenya, Wallandra, Narralin, Buckley and Gonowla, 17,754 hectares, being:

1. the lots described in the following table and that part of Lot 6316, DP 769204 south of Crown Public road; exclusive of Lots 1 and 2, DP 917323 and Lots 1 and 2, DP 918292 and Travelling Stock Reserves No. 2047, No. 2999, No. 12943 and No. 13241 ;
2. that part of the bed of Willandra Creek extending from the most western boundary of Lot 19, DP 750723 generally southeast to the western boundary of Lot 2364, DP 764327;
3. Crown Public roads separating Lot 34 from Lot 35, DP 752973, Lot 19 from Lot 18, DP 750648, Lot 16 from Lot 15, DP 7505648, Lot 14 from Lot 13, DP 750648, Lot 12, DP 755198 from Lot 2, DP 1023559, Lots 17 and 18 from Lot 16 and 15, DP 752988, Lots 18 and 15 from Lots 19, 21, 13 and 14, DP 752988, Lots 19, 20 and 44 from Lot 21, DP , DP 752988, Lot 21 from Lot 13, DP 752988, Lot 2 from Lot 3, DP 1121633, Lot 1 from Lot 2, DP 1121633, Lots 14, 13, 21 and 44, DP 752988 from Lot 1, 2 and 3, DP 1121633, Lot 10 from Lot 6, DP 752988, Lot 2 from Lot 5, DP 752988, Lots 9 and 8 from Lots 6 and 7, DP 750723, Lot 12 from Lots 10 and 11, DP 750723, Lot 19 from Lot 12, DP 750723, Lot 5, DP 750723 from Lot 4, DP 750713, Lots 3 and 6 from Lot 2, DP 750713, Lot 11 from Lot 10, DP 750648, Lots 8 and 9 from 6 and 7, DP 750648, Lot 4 and 5 from Lots 2 and 3, DP 750648, part Crown Public road north of Lachlan River Road separating Lot 2, DP 1023559 from Lot 14, DP 755198 and Crown Public roads within Lot 45 and 46, DP 752988, Lot 15, DP 750648 and Lot 6316, DP 769204. Papers: DECCW-FIL09/14730.

TABLE

Lot 1	DP750648	Lot 35	DP 752973
Lot 2	DP750648	Lot 36	DP752973
Lot 3	DP750648	Lot 37	DP 752973
Lot 4	DP 750648	Lot 38	DP 752973
Lot 5	DP 750648	Lot 1	DP 752988
Lot 6	DP 750648	Lot 2	DP 752988
Lot 7	DP 750648	Lot 5	DP 752988
Lot 8	DP 750648	Lot 6	DP 752988
Lot 9	DP 750648	Lot 7	DP 752988
Lot 10	DP 750648	Lot 10	DP 752988
Lot 11	DP 750648	Lot 13	DP 752988
Lot 12	DP 750648	Lot 14	DP 752988
Lot 13	DP 750648	Lot 15	DP 752988
Lot 14	DP 750648	Lot 16	DP 752988
Lot 15	DP 750648	Lot 17	DP 752988
Lot 16	DP 750648	Lot 18	DP 752988
Lot 17	DP 750648	Lot 19	DP 752988
Lot 18	DP 750648	Lot 20	DP 752988
Lot 19	DP 750648	Lot 21	DP 752988
Lot 21	DP 750648	Lot 24	DP 752988
Lot 25	DP 750648	Lot 26	DP 752988
Lot 1	DP 750713	Lot 27	DP 752988
Lot 2	DP 750713	Lot 28	DP 752988
Lot 3	DP 750713	Lot 29	DP 752988
Lot 4	DP 750713	Lot 34	DP 752988
Lot 5	DP 750713	Lot 35	DP 752988
Lot 6	DP 750713	Lot 36	DP 752988
Lot 5	DP 750723	Lot 37	DP 752988
Lot 6	DP 750723	Lot 38	DP 752988
Lot 7	DP 750723	Lot 44	DP 752988
Lot 8	DP 750723	Lot 45	DP 752988

Lot 9	DP 750723
Lot 10	DP 750723
Lot 11	DP 750723
Lot 12	DP 750723
Lot 13	DP 750723
Lot 15	DP 750723
Lot 19	DP 750723
Lot 2	DP 752973
Lot 11	DP 752973
Lot 33	DP 752973
Lot 34	DP 752973

Lot 46	DP 752988
Lot 5	DP 755198
Lot 12	DP 755198
Lot 14	DP 755198
Lot 6315	DP 769203
Lot 4858	DP 769399
Lot 2	DP 1023559
Lot 1	DP 1121633
Lot 2	DP 1121633
Lot 3	DP 1121633

Note: The reservation is restricted to a depth of 50 metres below the surface

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NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a Nature Reserve

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

Signed and sealed at Sydney this 2nd day of March 2011.

MARIE BASHIR,
Governor

By Her Excellency's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

Description

Land District – Armidale; LGA – Uralla

County Sandon, Parish Yarrowick, 1.73 hectares, being Lot 1 in DP 1142424. DECCW/09/7910

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a State Conservation Area

I, Professor Marie Bashir, A.C., C.V.O., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below under the provisions of section 30A (1) and (2) of the National Parks and Wildlife Act 1974 and assign the name Mugii Murum-ban State Conservation Area.

Signed and sealed at Sydney this 2nd day of March 2011.

MARIE BASHIR,
Governor

By Her Excellency's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Rylstone; LGA – Lithgow City

County Roxburgh, Parishes Airly and Morundurey, about 3,650 hectares, being:

1. the lots described in the table following,
2. the Crown Public roads shown by hatching in the diagram following,
3. exclusive of a strips 20 metres wide embracing the track-in-use extending from the eastern boundary of Lot 9, DP 655050 generally northeast to the southern boundary of Lot 35, DP 755786 and from Glen Davis Road north to the southern boundary of Lot 11, DP 755757.

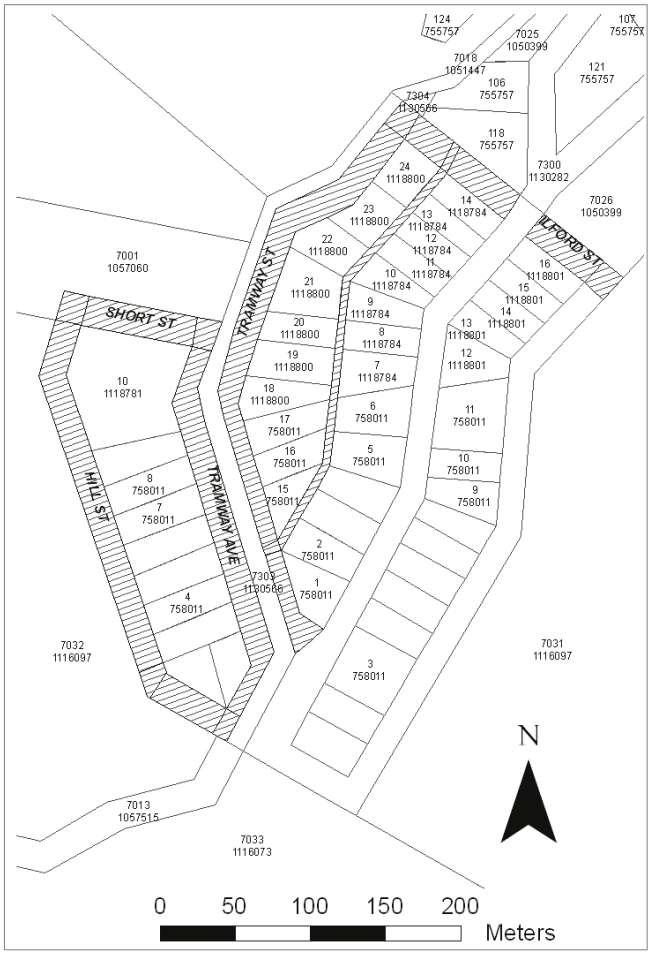
Papers: DECCW-FIL10/13791.

TABLE

Plan	*Lot*	*Section*
DP 1028024	7001	
DP 1029319	7020	
DP 1050399	7025	
DP 1050399	7026	
DP 1050402	7022	
DP 1050402	7023	
DP 1050402	7024	
DP 1050431	7021	
DP 1050747	7019	
DP 1051447	7018	
DP 1057515	7013	
DP 1057712	7014	
DP 1058210	7002	
DP 1114802	7016	
DP 1116073	7033	
DP 1116073	7034	
DP 1116097	7031	
DP 1116097	7032	
DP 1117631	7035	
DP 1117631	7036	
DP 1117633	7037	
DP 1118781	10	
DP 1118784	7	
DP 1118784	8	
DP 1118784	9	
DP 1118784	10	
DP 1118784	11	
DP 1118784	12	
DP 1118784	13	
DP 1118784	14	
DP 1118800	18	
DP 1118800	19	
DP 1118800	20	
DP 1118800	21	
DP 1118800	22	
DP 1118800	23	

DP 1118800	24	
DP 1118801	12	
DP 1118801	13	
DP 1118801	14	
DP 1118801	15	
DP 1118801	16	
DP 1130282	7300	
DP 1130496	7300	
DP 1130566	7303	
DP 1130566	7304	
DP 755757	33	
DP 755757	34	
DP 755757	42	
DP 755757	43	
DP 755757	60	
DP 755757	78	
DP 755757	79	
DP 755757	80	
DP 755757	81	
DP 755757	82	
DP 755757	89	
DP 755757	90	
DP 755757	91	
DP 755757	94	
DP 755757	95	
DP 755757	96	
DP 755757	97	
DP 755757	98	
DP 755757	99	
DP 755757	100	
DP 755757	101	
DP 755757	102	
DP 755757	103	
DP 755757	104	
DP 755757	105	
DP 755757	106	
DP 755757	107	
DP 755757	108	
DP 755757	109	
DP 755757	110	
DP 755757	112	
DP 755757	113	
DP 755757	114	
DP 755757	115	
DP 755757	116	
DP 755757	117	
DP 755757	118	
DP 755757	119	
DP 755757	120	
DP 755757	121	
DP 755757	123	
DP 755757	124	
DP 755757	125	
DP 755757	126	
DP 758011	6	1
DP 758011	7	1
DP 758011	8	1
DP 758011	9	1
DP 758011	10	1
DP 758011	1	2
DP 758011	2	2
DP 758011	5	2
DP 758011	6	2
DP 758011	15	2
DP 758011	16	2
DP 758011	17	2
DP 758011	1	3
DP 758011	2	3
DP 758011	3	3
DP 758011	4	3
DP 758011	5	3
DP 758011	6	3
DP 758011	7	3
DP 758011	8	3
DP 758011	9	3

DIAGRAM



NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a National Park

I, Professor Marie Bashir, A.C., C.V.O., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below, as part of South East Forest National Park under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 2nd day of March 2011.

MARIE BASHIR,
Governor

By Her Excellency's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Bega; LGA – Bega Valley

County Auckland, Parish Kanoonah, 16.4 hectares, being lot 73 in DP750212: DECCW/05/12575

Land District – Bombala; LGA – Bombala

County Auckland, Parish Bondi, about 15.2 hectares, being Lots 109 and 111 in DP 883957, Lot 2 in DP 1019129, that part of the bed of Hopping Joe Creek that separates Lot 109 aforesaid and Lot 87 in DP 750193 from Lot 2 and Lot 111 aforesaid, and that part of the bed of the Genoa River generally south of the easterly prolongation of the northern boundary of Lot 2 aforesaid. DECCW/F/3745

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a State Conservation Area

I, Professor Marie Bashir, A.C., C.V.O., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below, as part of Werakata State Conservation Area, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 2nd day of March 2011.

MARIE BASHIR,
Governor

By Her Excellency's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Land District and LGA – Cessnock

County Northumberland, Parish Ellalong and Cessnock, 22.92 hectares, being Lot 3, DP 755225 and Lot 2, DP 1145356. DECCW/09/13579.

PARENTS AND CITIZENS ASSOCIATIONS INCORPORATION ACT 1976

Incorporation of Parents and Citizens Associations

THE following associations are hereby incorporated under the Parents and Citizens Associations Incorporation Act 1976:

1. TorontoPublic School

VERITY FIRTH, M.P.,
Minister for Education and Training

RETENTION OF TITLE

HER Excellency the Governor, by deputation of Her Majesty the Queen, has been pleased to approve of the retention of the title "Honourable" by former Minister Mr JOHN DELLA BOSCA following his resignation from office on 1 September 2009.

SPORTING INJURIES INSURANCE ACT 1978

Order of Declaration under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare by this order the

ST GEORGE FOOTBALL ASSOCIATION INCORPORATED

to be a sporting organisation, for the purposes of the provisions of the Act in respect of the activity of Football (Soccer).

Date: 1 February, 2011.

MARY HAWKINS,
Acting Chair, Sporting Injuries Committee

SPORTING INJURIES INSURANCE ACT 1978

Order of Declaration under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare by this order the

CANTERBURY & DISTRICT SOCCER FOOTBALL ASSOCIATION INC

to be a sporting organisation, for the purposes of the provisions of the Act in respect of the activity of Football (Soccer).

Date: 8 February, 2011.

MARY HAWKINS,
Acting Chair, Sporting Injuries Committee

SPORTING INJURIES INSURANCE ACT 1978

Order of Declaration under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare by this order the

UNIVERSITY OF WOLLONGONG FOOTBALL CLUB

to be a sporting organisation, for the purposes of the provisions of the Act in respect of the activity of Football (Soccer).

Date: 15 February, 2011.

MARY HAWKINS,
Acting Chair, Sporting Injuries Committee

SPORTING INJURIES INSURANCE ACT 1978

Order of Declaration under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare by this order the

KIDS FUTSAL

to be a sporting organisation, for the purposes of the provisions of the Act in respect of the activity of Football (Soccer).

Date: 21 February, 2011.

MARY HAWKINS,
Acting Chair, Sporting Injuries Committee

SPORTING INJURIES INSURANCE ACT 1978

Order of Declaration under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare by this order the

FOOTBALL SOUTH COAST

to be a sporting organisation, for the purposes of the provisions of the Act in respect of the activity of Football (Soccer).

Date: 22 February, 2011.

MARY HAWKINS,
Acting Chair, Sporting Injuries Committee

WORKERS COMPENSATION ACT 1987

NOTICE

(Concerning Indexation of WorkCover Benefits)

THE WorkCover Authority of New South Wales, pursuant to section 82 of the Workers Compensation Act 1987, declares, by this Notice, that each of the adjustable amounts specified in Column 1 of the following Table is, on and from 1 April 2011, to be construed as the adjusted amount specified opposite it in Column 2 of the Table.

TABLE

Provision specifying, or providing for, the adjustable amount	*Column 1*	*Column 2*
	Adjustable amount	*Adjusted amount*
Workers Compensation Act 1987		
s. 25 (1) (a)	$425,000.00	$465,100.00
s. 25 (1) (b)	$66.60	$118.20
s. 35	$1,000.00	$1,774.50
s. 37 (1) (a) (i)	$235.20	$417.40
s. 37 (1) (a) (ii)	$187.10	$332.00
s. 37 (1) (a) (iii)	$170.00	$301.70
	$153.00	$271.50
s. 37 (1) (b)	$62.00	$110.00
s. 37 (1) (c)	$44.30	$78.60
	$99.10	$175.80
	$164.16	$291.30
	$230.90	$409.70
	$66.60	$118.20
s. 40	$1,000.00	$1,774.50
Sched 6 Part 4 clause 7	$341.30	$605.60

(Latest Index Number: 232.1)

LISA HUNT,
Chief Executive Officer
Workcover Authority

WORKERS COMPENSATION ACT 1987

NOTICE

(Concerning Indexation of Benefits Covered by Workers Compensation Act 1926)

THE WorkCover Authority of New South Wales, pursuant to Schedule 6 of the Workers Compensation Act 1987, declares, by this Notice, that each of the adjustable amounts specified in Column 1 of the following Table is, on and from 1 April 2011, to be construed as the adjusted amount specified opposite it in Column 2 of the Table.

TABLE

Provision specifying, or providing for, the adjustable amount	*Column 1*	*Column 2*
	Adjustable amount	*Adjusted amount*
Workers Compensation Act 1987 (re 1926 Act)		
Sched 6 Part 3 clause 2 (2)	$76,700.00	$136,150.00
Sched 6 Part 3 clause 2 (3)	$38.30	$68.00
Sched 6 Part 4 clause 4 (1) (b) (i)	$44.80	$79.50
Sched 6 Part 4 clause 4 (1) (b) (ii)	$22.50	$39.90
Sched 6 Part 4 clause 4A (2) (a)	$196.00	$347.80
Sched 6 Part 4 clause 4A (2) (b)	$155.90	$276.60
Sched 6 Part 4 clause 4A (2) (c)	$141.60	$251.30
Sched 6 Part 4 clause 4A (2) (c)	$127.50	$226.20

(Latest Index Number: 232.1)

LISA HUNT,
Chief Executive Officer
Workcover Authority

WORKERS' COMPENSATION (DUST DISEASES) ACT 1942

NOTICE

(Concerning Indexation of Benefits)

THE WorkCover Authority of New South Wales, pursuant to section 82 of the Workers Compensation Act 1987 as applied by section 8 (3) (d) of the Workers Compensation (Dust Diseases) Act 1942, declares, by this Notice, that each of the adjustable amounts specified in Column 1 of the following Table is, on and from 1 April 2011, to be construed as the adjusted amount specified opposite it in Column 2 of the Table.

TABLE

Provision specifying, or providing for, the adjustable amount	*Column 1*	*Column 2*
	Adjustable amount	*Adjusted amount*
Workers Compensation (Dust Diseases) Act 1942		
s. 8 (2B) (b) (ii)	$137.30	$243.60
s. 8 (2B) (b) (iii)	$69.40	$123.10

(Latest Index Number: 232.1)

LISA HUNT,
Chief Executive Officer
Workcover Authority

WORKPLACE INJURY MANAGEMENT AND WORKERS COMPENSATION ACT 1998

NOTICE

(Concerning Indexation of Interim Payment Direction for Payment of Medical Expenses Compensation)

THE WorkCover Authority of New South Wales, pursuant to section 82 of the Workers Compensation Act 1987, declares, by this Notice, that the adjustable amount specified in Column 1 of the following Table is, on and from 1 April 2011, to be construed as the adjusted amount specified opposite it in Column 2 of the Table.

TABLE

Provision specifying, or providing for, the adjustable amount	*Column 1*	*Column 2*
	Adjustable amount	*Adjusted amount*
Workplace Injury Management and Workers Compensation Act 1998		
s. 297 (2)	$7,500.00	$7,651.60

(Latest Index Number: 232.1)

LISA HUNT,
Chief Executive Officer
Workcover Authority

CIVIL PROCEDURE ACT 2005

Delegation to Registrars Under Section 13 of the Civil Procedure Act 2005

PURSUANT to section 13 of the Civil Procedure Act 2005, I direct with effect from 28 February 2011 that a registrar of the Land and Environment Court (including a person acting as the registrar or as a deputy to the registrar) may exercise the functions of the Land and Environment Court as stated in Parts 1 to 3 of the schedule to this direction; and I revoke all earlier instruments made pursuant to section 13.

Dated: 28 February 2011.

B. J. PRESTON,
Chief Judge, Land and Environment Court

SCHEDULE

Part 1

The functions of the Court as provided for in Column 1 but subject to the restriction (if any) mentioned in Column 3.

The matter in column 2 is inserted for convenience of reference only and does not affect the operation of the direction.

Civil Procedure Act 2005

Column 1 *Section*	*Column 2* *Description*	*Column 3* *Restriction*
Section 14	Dispense with rules in particular cases	Restricted to those matters which a registrar may deal with
Section 26 (1)	Referral to mediation	By consent of the parties or expressly unopposed
Section 38 (1)	Referral to arbitration	
Section 43	Order for rehearing of arbitration	
Section 45	Discontinuance of rehearing	
Section 61 (1), (2), and (3) (f) and (g)	Directions as to practice and procedure	
Section 64	Amendment of documents	
Section 65	Amendment of originating process expiration of limitations period	
Section 66	Adjournment of proceedings	
Section 67	Stay of proceedings	Restricted to those matters which a registrar may deal with
Section 68	Attendance and production	
Section 86	Orders and terms	Restricted to those matters which a registrar may deal with
Section 93 (2)	Judgment for Detention of Goods	Restricted to default judgments
Section 98	Costs	Restricted to those matters which a registrar may deal with
Section 100	Interest up to judgment	In respect of a judgment given or entered under Part 16 of the Rules
Section 101	Interest after judgment	In respect of a judgment given or entered under Part 16 of the Rules
Section 107	Deferral of payments and payments by installments	
Section 108	Order for examination of judgment debtor	
Section 134	Extension of period of enforcement of stale judgment	
Section 135 (2) (b)	Prohibit Sheriff from acting on writ of execution	Restricted to a writ of execution issued pursuant to a judgment given by default

Uniform Civil Procedure Rules 2005

Column 1 *Section*	*Column 2* *Description*	*Column 3* *Restriction*
Rule 1.12	Extension and abridgment of time	Excluding abridging time for service of a summons
Rule 1.13	Fixing time	

Part 2	Case management generally	Except a direction or order the subject of a restriction elsewhere in this direction.
Rule 4.10 (4)	Rejection of documents	
Rule 4.13	Place for filing	
Part 5	Preliminary discovery	
Rule 6.1	Leave to take step without filing appearance	
Rule 6.5	Continuation of proceedings wrongly commenced by Statement of Claim	
Rule 6.6	Continuation of proceedings wrongly commenced by Summons	
Rule 6.16	Postpone return day in summons	
Rule 6.18	Leave to join causes of action	
Rule 6.19	Leave to join parties in proceedings involving common question	
Rule 6.20	Leave to join parties having joint entitlement	
Rule 6.21	Stay proceedings until jointly liable persons added as defendants	
Rule 6.22	Order separate trials or other order to avoid inconvenient joinder	
Rule 6.24	Order addition of parties	
Rule 6.27 and 6.28	Join third party and determine date of commencement of proceedings relating to them	
Rule 6.29	Order removal of party	
Rules 6.30 and 6.31	Effect of change of party in proceedings	
Rule 6.32	Future conduct of proceedings	
Rule 7.3	Leave to an unrepresented litigant to issue subpoena	
Rule 7.15 (5)	Leave to replace tutor in proceedings	
Rule 7.18	Appointment and removal of tutor	
Rule 7.21	Striking out appearance of person sued in a business name	
Rule 7.22	Leave to proceed before amendment made	
Rule 7.29	Withdrawal of solicitor	
Rule 9.8 (a)	Leave to separately determine cross-claims	
Rule 9.9	Leave for proceedings to continue together	
Rule 10.1	Service of filed documents	
Rule 10.2	Service of affidavits	Restricted to those matters which a registrar may deal with
Rule 10.7	Orders as to the giving of notice by the Court	
Rule 10.14	Substituted and informal service	
Rule 10.15	Possession of land; service by affixing copy of originating process	
Rule 10.16	Service on person in default by filing	
Rule 11.4	Leave to proceed when originating process served outside Australia	
Rule 11.5	Leave to serve documents outside Australia and confirmation thereof	
Rule 12.1 and 12.3	Leave to discontinue	
Rule 12.4	Stay of further proceedings to secure costs of discontinuance of proceedings	
Rule 12.5	Leave to withdraw an appearance	

Rule 12.7 (1)	Dismiss proceedings for want of due dispatch by plaintiff	Provided at least one month's notice of the proposal to make such an order has been given to the plaintiff
Rule 12.8	Other grounds for dismissal	
Rule 12.10	Stay to secure costs after dismissal	
Rule 13.6	Dismiss for non appearance of plaintiff	
Rule 14.2	Dispense with further pleadings	
Rule 14.3	Time for filing defence	
Rule 14.5	Further pleadings	
Rules 14.22 – 14.24	Verification of pleadings	
Part 15	Particulars	Except for an order to dismissal the proceedings under UCPR 15.16
Part 16	Default judgment	
Part 18	Motions	Restricted to those matters which a registrar may deal with
Part 19	Amendment	
Rules 20.2 and 20.3	Directions about mediation	
Rules 20.9 – 20.12	Arbitration	
Rule 20.34	Acknowledgement of a liquidated claim	
Part 21	Discovery/Inspection/Production	
Part 22	Interrogatories	
Rule 23.4	Order for medical examination	
Rule 23.7	Order for rehabilitation test	
Rule 23.8	Inspection of property	
Rule 23.9	Default in compliance under Part 23	Except for an order that judgment be given, a defence be stuck out or that the proceedings or any part of the relief claimed in the proceedings be dismissed.
Rules 24.3, 6, 9 and 14	Taking evidence otherwise than at trial	Except where the order is made under section 7 or section 10 of the Foreign Evidence Act.
Rules 26.3, 4, 5 and 8	Receivers	
Rule 28.5	Consolidation, etc	
Rule 29.3	Time and place of trial	
Rule 31.4	Service of witness statements	
Rule 31.5	Notice under s 67 or s 99 of the Evidence Act	
Rule 31.19	Directions before calling expert witness	
Rule 31.20 (2) (a)	Service of experts' reports	
Rule 31.32 (3)	Abridge time for service of subpoena on medical witness	
Part 33	Subpoenas	
Part 34	Notice to produce at hearing	
Rule 35.1	Using irregular affidavit	
Rule 35.2	Cross examination of Deponent	Restricted to those matters which a registrar may deal with
Rule 35.9	Filing of affidavit	
Rule 36.1A	Consent Orders	Restricted to those matters which a registrar may deal with
Rule 36.11	Entry of judgment or orders	Unless the Court directs entry to be effected in a specific manner

Rule 36.14	Service of Judgment or Order	Restricted to those matters which a registrar may deal with
Rule 36.16	Setting aside default judgment	
Rule 36.17	"Slip rule"	
Rule 36.18	Variation of judgment or order against party operating under unregistered business name	
Rule 37.4	Instalment Orders	
Rule 37.6	Variation of Instalment Orders	
Rules 38.1 – 38.5	Examination of judgment debtor	
Rule 38.7	Application of Part to persons that are corporations	
Part 39	Enforcement of judgments	
Rule 41.8 (2)	Payment of interest accruing on money paid into Court	
Rule 41.9	Non-attendance of parties following notice by Court	
Part 42	Order for costs	Restricted to proceedings in which the registrar has a function under an Act or the Rules or in which the function has been delegated by this direction or in which a matter has been referred to the registrar by a Judge.
Rule 42.19	Costs of Discontinued Proceedings	
Rule 42.21	Security for costs	
Rule 42.28	Costs on Installment Orders	
Part 46	Accounts and Enquiries	Except UCPR 46.12 (4) (b)
Rule 49.22	Stay registrar's decision	Limited to staying the decision under review

Part 2

The functions of the Court are provided for in Column 1 but subject to the restrictions (if any) mentioned in column 3.

The matter in column 2 is inserted for convenience of reference only and does not affect the operation of the direction

Land and Environment Court Act 1979

Column 1 Part and/or section	*Column 2 Description*	*Column 3 Description*
Section 31	Irregularity of proceedings	
Section 34 (1)	Arranging and notifying conciliation conference	
Section 34AA	All powers of the Court under section 34AA	
Section 35 (3)	Furnishing copy of report	
Section 38 (4)	Direction as to the procedure to be followed re matter not dealt with by Act or Rules	
Section 39A	Joinder of person in "certain appeals	

Land and Environment Court Rules 2007

Column 1 Part and/or section	*Column 2 Description*	*Column 3 Description*
Rule 3.5	Orders and directions re particulars	
Rule 4.3 (a) and (c)	Orders in proceedings for review of public authority's decision	
Rule 6.2 (2)	Referral to neutral evaluation	
Rule 6.2 (5)	Costs of neutral evaluation	
Rule 7.3	Extension or abridgment of time	Excluding abridging time for service of originating process
Rule 7.4	Fixing	

Part 3 – General

1 Orders under the following legislation as provided –

Environmental Planning and Assessment Act 1979

Section 97B (costs payable if amended development application filed)

Evidence Act 1995

section 50 (proof of voluminous or complex documents)

section 168 (2), (4) or (7) (time limits for making certain requests)

section 169 (1) (a), (b) or (d) (failure or refusal to comply with requests)

Making a finding as to:

(a) whether a reasonable request has been made under section 167 of the Evidence Act within the time prescribed by section 168 (1), (3), (5) or (6) of that Act and

(b) whether a party has, without reasonable cause, failed or refused to comply with such a request

Evidence and Procedure (New Zealand) Act 1994 (Commonwealth)

section 16 (issuing of a certificate)

Evidence on Commission Act 1995

sections 6 (ordering evidence to be taken abroad)

section 7 (directions on procedure about overseas evidence)

section 20 (ordering evidence to be taken outside NSW)

section 21 (directions on procedure about interstate evidence)

Foreign Judgments Act 1991 (Commonwealth)

section 6 (ordering that a foreign judgment be registered) where a request has been added under Part 59A rule 2 (3) SCR

section 15 (1) (issue of a certificate with respect to an action)

Service and Execution of Process Act 1992 (Commonwealth)

section 29 (granting leave to serve a subpoena or summons outside NSW)

section 30 (1) (shortening time for service of a subpoena)

section 35 (3) (receipt of expenses of complying with a subpoena)

section 45 (3) (receipt of expenses of complying with an order to produce)

Trees (Disputes Between Neighbours) Act 2006

section 8 (2) (directing notice of an application be given)

section 8 (3) (waiving requirement to give notice or varying the period of notice)

2 Any judgment by consent and any order by consent.

3 Accepting an undertaking given to the Court for the payment of a sum of money within a time specified in the undertaking.

4 Certifying a copy of a document to be a true copy where the registrar is authorised under any Act or Commonwealth Act or under the rules to issue or furnish a certificate or office copy of the document.

5 Order for costs where it is unlikely in the opinion of the registrar that the costs will exceed $30,000.

6 Any matter which a Judge may conduct or deal with and is referred to a registrar by order of a Judge.

7 Accepting an undertaking or the continuation of an undertaking, given to the Court.

8 A registrar may exercise the functions of the Court for the purposes of, and in respect of all matters incidental to, the exercise of the registrar's powers under any Act under any other provision of the rules or under this direction.

9 Issuing subpoena.

Land and Environment Court
of New South Wales

PRACTICE NOTE
CLASS 1 RESIDENTIAL DEVELOPMENT APPEALS

Commencement

1. This practice note commences on 7 February 2011.

Application of Practice Note

2. This practice note is to be known as Practice Note – Residential Class 1 Development Appeals.

3. This practice note applies to the proceedings referred to in s 34AA of the *Land and Environment Court Act* 1979. They are the following proceedings in Class 1 of the Court's jurisdiction relating to appeals and applications under s 97 or 97AA of the *Environmental Planning and Assessment Act* 1979:

   (a) proceedings concerning development applications or modifications to development consents for:

      (i) development for the purposes of detached single dwellings and dual-occupancies (including subdivisions), or alterations or additions to such dwellings or dual-occupancies (referred to as "residential development"), or

      (ii) development of a kind prescribed by the regulations,

   (b) particular proceedings that the Court orders, on the application of a party to the proceedings or of its own motion, to be dealt with under s 34AA.

   These proceedings are referred to in this practice note as "residential development appeals".

Purpose of Practice Note

4. The purpose of this practice note is to set out the process leading up to the final hearing to ensure the just, quick and cheap resolution of residential development appeals.

Responsibility of parties, legal practitioners and agents to facilitate resolution

5. It is the responsibility of each party and, their legal practitioners and agents (as applicable) to consider the orders and directions appropriate to be made

in the particular case to facilitate the just, quick and cheap resolution of the real issues in the proceedings.

6. If any party reasonably considers that compliance with this practice note will not be possible, or will not be conducive to the just, quick and cheap resolution of the proceedings, the party should apply to be relieved from compliance on the basis that an alternative proposed regime will be more conducive to such resolution. In that event, the party is to notify other parties of the proposed alternative regime as soon as practicable and is to make available to the Court short minutes reflecting that alternative regime.

7. Parties are to ensure that all directions which they seek with respect to residential development appeals will assist in enabling such appeals to be dealt with at the hearing with as little formality and technicality, and with as much expedition, as the requirements of the Land and Environment Court Act and of every other relevant enactment and as the proper consideration of the matters before the Court permits (see s 38 of the Land and Environment Court Act).

Legal practitioners and agents of parties to be prepared

8. Each party not appearing in person shall be represented before the Court by a legal practitioner or duly authorised agent familiar with the subject matter of the proceedings and with instructions sufficient to enable all appropriate orders and directions to be made.

9. Legal practitioners and agents for each party should communicate prior to any attendance before the Court with a view to reaching agreement on directions to propose to the Court and on preparation of short minutes recording the directions.

Commencing a residential development appeal

10. A residential development appeal is to be commenced by filing in the Registry of the Court a completed Class 1 Application Form (Form B (version 1)).

Note: the application form for residential development appeals can be found on the Court's website (http://www.lawlink.nsw.gov.au/lec) and then accessed through "Forms & Fees" on the left hand menu.

11. Any plans of any residential development accompanying the residential development appeal application are to satisfy the requirements in Schedule A. If leave is granted by the Court to amend the plans, any amended plans are also to meet those requirements.

12. If the plans the subject of the determination of a consent authority in respect of which a residential development appeal application is to be made do not satisfy the requirements in Schedule A, the applicant, before lodging the residential development appeal application, may amend the plans without seeking leave of the Court, but only to the extent necessary to cause the

plans to satisfy the requirements in Schedule A. Any other amendment is to be by leave of the Court.

Service of the residential development appeal application

13. Residential development appeal applications are to be served within 3 working days of filing.

The return of the residential development appeal application before the court

14. Residential development appeal applications will usually be given a return date before the Court 21 days after the date on which they are filed. On the return, the first directions hearing will occur. The first directions hearing will usually be before the Registrar.

15. Normally, there will be only one directions hearing in residential development appeals.

16. Applications to extend the period for the return of the application before the Court may be granted if the applicant demonstrates that service cannot be achieved within the time required. The Registrar may also extend the period if circumstances, such as public holidays, make it appropriate that a longer period be allowed for parties to take the action required by this practice note before or by the return of the proceedings.

Identifying the issues in dispute

17. The respondent consent authority is to file in the Court and serve on the applicant a statement of facts and contentions in accordance with Schedule B before 4.00pm on the second last working day before the first directions hearing unless the proceedings involve an appeal in respect of the imposition of conditions.

18. If the proceedings involve an appeal in respect of the imposition of conditions of development consent for residential development, then the applicant is to file in the Court and serve on the consent authority a statement of facts and contentions in accordance with Schedule C with its residential development appeal application.

Access to documents

19. On request, a respondent who is a public authority or public official is to provide the applicant with access to the documents relevant to the residential development application and its decision (if any), within 7 days of the request.

At the first directions hearing

20. Unless good reason is demonstrated, each party is to be sufficiently prepared at the first directions hearing to assist the Court in making and to accept a timetable up to and including the date of the hearing. Legal practitioners and other representatives of the parties are to ensure they advise the parties of their obligation to be ready to agree to a timetable up to and including that date and are to obtain full and timely instructions to ensure the parties comply with this obligation.

21. To assist the Court in making the appropriate directions, each party is to complete and hand to the Court at the first directions hearing a completed information sheet in the form of **Schedule D**.

22. At the first direction hearing, the parties should expect that the usual directions set out in **Schedule E** will be made to prepare for the final hearing of the residential development appeal. The parties should either agree on the terms of the directions and have the agreed proposed short minute of directions to hand to the Court or, if agreement is not possible, each party should have their own proposed short minute of directions to hand to the Court. In preparing these short minutes, parties may delete, amend or abridge any part of the usual directions to facilitate the just, quick and cheap resolution of the proceedings. Parties may also propose alternative directions if they have a reasonable basis for considering that alternative directions will better facilitate the just, quick and cheap resolution of the proceedings. If alternative directions are proposed, the party seeking those directions is to notify the other party before the first directions hearing and ensure that proposed short minutes are available to be handed to the Court.

23. At the first directions hearing, the residential development appeal will be fixed for the final hearing which will involve a conciliation conference and hearing under s 34AA of the Land and Environment Court Act. This final hearing will usually be not more than 6 weeks after the first directions hearing.

24. Estimates of the length of time needed for the conciliation conference and hearing should be realistic having regard to the statements of facts and contentions.

25. Generally, a s 34AA conciliation conference and hearing should commence at 9.30am on the site of the residential development unless, in the particular circumstances of the case, it would be inappropriate to do so. The parties are to inform the Court at the first directions hearing whether there is any reason for not holding the conciliation conference and hearing at the site of the residential development.

Application for separate determination of an issue

26. In the ordinary course, all issues in a residential development appeal should be heard together unless an issue genuinely capable of separate

determination is likely to be determinative of the residential development appeal.

27. If any party seeks to raise an issue of fact or law that the party contends precludes or demands the determination of the residential development application in a particular way or otherwise seeks to have an issue dealt with separately before the final hearing, the party must apply to do so by notice of motion supported by a short affidavit setting out the issue and the reasons why it should be dealt with separately.

28. The notice of motion is to be returnable at the first directions hearing. The Court will deal with the notice of motion on the day of the first directions hearing or at a separate hearing shortly after the first directions hearing. However, the Court at the first directions hearing may still fix a date for the final hearing of the residential development appeal.

Applications to opt out or opt in to the residential development appeal regime

29. If a party seeks to make an application pursuant to s 34AA(3) of the Land and Environment Court Act that the particular residential development appeal not be dealt with or not continue to be dealt with under s 34AA(2), the party should apply by notice of motion supported by an affidavit setting out the reasons why that course is appropriate in the circumstances of the case. The notice of motion is to be made returnable on the date of the first directions hearing.

30. If a party seeks to make an application pursuant to s 34AA(1)(b) of the Land and Environment Court Act for a particular proceeding that is not a residential development appeal be dealt with under s 34AA, the party should apply by notice of motion supported by an affidavit setting out the reasons why that course is appropriate in the circumstances of the case. The notice of motion is to be made returnable on the date of the first directions hearing.

Target time for finalisation of residential development appeals

31. Residential development appeals are intended to be dealt with expeditiously. The Court sets a target of finalising 95% of residential development appeals within 3 months of filing.

Expedition

32. Any party may seek expedition of a residential development application appeal by notice of motion, with a short affidavit in support setting out the reasons in support of expedition.

Notification if breach of the Court's directions

33. If there is any significant breach of the Court's directions, including a breach sufficient to cause slippage in a timetable, the parties must promptly, by e-Court communication or fax to the Registrar, notify the Registrar of the

breach. The Registrar may require the parties to attend before the Court if it is considered that the reasons for the breach are not adequately explained in that e-Court communication or facsimile or if the breach might materially affect the timetable. Parties are reminded that where the conduct of either party unnecessarily or unreasonably increases the number of appearances in Court, that party may be at risk of the making of a costs order against them.

Applications to vary the Court's directions

34. Any party may apply to the Court to vary the Court's directions, including the timetable leading to the final hearing or the date fixed for the final hearing. Any application to vary the Court's directions must be in writing setting out the changes proposed and the reasons for them. The party making such an application must provide a copy of the application to the other party and to the Court. Where possible, the party making such an application should confer with the other party prior to making the application with a view to obtaining their consent.

35. Applications to vary existing Court direction may be dealt with by the Court "on the papers" after telephone or e-court consultation with all parties or by a quick hearing on the application (such a hearing may be conducted by telephone to avoid the need for all parties attending at the Court).

Liberty to restore

36. Parties have liberty to approach the Court without a notice of motion on three working days' notice or earlier if urgency requires. A party seeking to make urgent application should, if possible, make prior arrangement with, or give appropriate notice to, any other party, and should send an e-Court communication or fax to the Registrar.

Amendments to applications and to statements of facts and contentions

37. Subject to paragraph 12, an applicant requires leave of the Court to amend its residential development appeal application, including to amend the plans for the residential development proposed in the application. Applicants should ensure, before commencing their residential development appeal, that their residential development appeal application, and the residential development proposed in the application, is considered, complete and final and suitable for assessment at the final hearing including ensuring that the plans satisfy the requirements in Schedule A.

38. If an applicant wishes to amend its residential development appeal application, including by amending plans, the applicant is to apply for leave as soon as reasonably possible and usually no later than 3 working days after the facts and circumstances which prompted the application for leave came to the attention of the applicant. Examples of such facts or circumstances are the receipt of a report of a parties' single expert or a joint report of parties' experts recommending modification of the proposed development, which recommendation the applicant wishes to adopt in whole or part.

39. Other than amendments sought during the final hearing of the residential development appeal, leave to rely on an amended residential development appeal application, including amended plans, is to be sought by notice of motion, accompanied by a short affidavit in support that:

(a) provides particulars sufficient to indicate the precise nature of the amendments proposed;
(b) identifies any amended plans by date and plan revision number;
(c) identifies the facts or circumstances which prompted the application for leave and when they came to the attention of the applicant;
(d) identifies the respects in which the amendments lessen the environmental impact of the development and/or otherwise lead to an improved community outcome;
(e) identifies why granting leave to amend the application would promote the just, quick and cheap resolution of the proceedings;
(f) discloses if any additional documents (eg a BASIX certificate for the amended development) are required to support the amended application and, if so whether those documents have been, or are to be, obtained;
(g) discloses the applicant's position on any additional costs that the consent authority may incur as a consequence of the amendment; and
(h) identifies the potential impacts on the hearing dates and the applicant's position on the adjustments to the timetable that would enable the hearing dates to be maintained if possible.

If practicable, the affidavit should not exceed 3 pages in length (excluding annexures).

40. Leave will usually not be given to amendments where to do so would require either the vacation of the final hearing (for applications to amend made prior to a hearing which has been fixed) or the adjournment of the final hearing (for applications to amend made during the final hearing). An alternative course that should be considered by an applicant is for the residential development the subject of the application to be amended by means of conditions of development consent or approval if the Court considers the grant of such development consent or approval is appropriate.

41. Parties require leave of the Court to amend their statement of facts and contentions. Leave to do so consequential on an amended residential development appeal application may be assumed where leave to amend an application has been granted and will be subject to directions made at that time. In all other cases, leave is to be sought by notice of motion accompanied by a short affidavit in support explaining the reasons for leave being sought.

Applications to change hearing dates and for adjournments

42. Residential development appeals will not be adjourned generally. In particular, applicants should usually be ready to proceed with their residential development appeal when it is commenced. This requires applicants to

ensure that their residential development appeal application, and the residential development proposed in the application, is considered, complete and final, and suitable for assessment at the final hearing.

43. Proceedings usually will not be adjourned because of failure to comply with this practice note or Court directions or because of lack of preparedness for any attendance before the Court. If failure to comply or lack of preparedness nevertheless does cause the adjournment of the proceedings, the defaulting parties or legal practitioners may be ordered to pay costs.

44. Applications to change hearing dates fixed by the Court are to be by notice of motion, with an affidavit in support explaining the circumstances of the application and the reasons the hearing dates should be changed.

Applications for final orders by consent of parties

45. If the parties settle the dispute the subject of the residential development appeal and its resolution does not require the Court to make any orders, the applicant is to file a notice of discontinuance of the residential development appeal signed by all parties.

46. When there is agreement prior to the commencement of the final hearing of a residential development appeal involving a deemed refusal of the residential development application by the consent authority, the Court will usually expect the consent authority to give effect to the agreement by itself granting consent or approval. The applicant can then file a notice of discontinuance signed by all parties.

47. If the parties settle the dispute and its resolution does require the Court to make orders, it will be necessary for the Court to determine the residential development appeal application rather than filing terms of agreement with the Court registry. The parties are to exercise the liberty to restore the proceedings before the Court and request that the application for final orders by consent be listed for determination by the Court.

48. The parties are to file the proposed consent orders signed by all parties before the date fixed for hearing the application for final orders by consent.

49. At the hearing, the parties will be required to present such evidence as is necessary to allow the Court to determine whether it is lawful and appropriate to grant the consent or approval having regard to the whole of the relevant circumstances, including the proposed conditions. The consent authority will be required to demonstrate that relevant statutory provisions have been complied with and that any objection by any person has been properly taken into account. Additionally, the consent authority will be required to demonstrate that it has given reasonable notice to all persons who objected to the proposal of the following:

(i) the content of the proposed orders (including the proposed conditions of consent);

(ii) the date of the hearing by the Court to consider making the proposed consent orders; and
(iii) the opportunity for any such person to be heard,

or that, in the circumstances of the case, notification is not necessary.

Application for an easement under s 40 of the Land and Environment Court Act

50. An application for an order under s 40 of the Land and Environment Court Act can only be made "if the Court has determined to grant development consent on an appeal under s 97 of the Environmental Planning and Assessment Act 1979".

51. It is inappropriate for parties to seek an order under s 40 of the Land and Environment Court Act at the hearing of an appeal pursuant to s 97 of the *Environmental Planning and Assessment Act* 1979.

52. An application for an order under s 40 of the Land and Environment Court Act is to be made in Class 3 of the Court's jurisdiction and is subject to *Practice Note – Classes 1, 2 and 3 Miscellaneous Appeals*.

Expert evidence

53. Parties are encouraged to consider whether expert evidence is genuinely necessary to resolve the issues in dispute in development appeals. Unnecessary expert evidence substantially increases the time and cost of appeals. Parties are encouraged to consider whether the proceedings can appropriately be fixed for hearing before a Commissioner or Commissioners with special knowledge and experience in relation to the issues in dispute.

54. Where expert evidence is necessary to be called in relation to an issue, the Court encourages parties to use a parties' single expert. The use of a parties' single expert in an appropriate case can reduce costs and ensure the Court has the benefit of evidence from a person who is not engaged by only one party.

55. If a parties' single expert is not appointed and the parties engage their own experts, the Court will usually direct that the parties' experts attend a joint conference and produce a joint report to the Court.

56. It is not the role of any expert to opine whether a residential development appeal should be upheld or dismissed. That is the role of the consent authority and, on appeal, the Court exercising the functions of the consent authority. Expert opinions in reports and joint reports are to deal with the contentions raised by the parties. Any other matter relevant to the expert's expertise, which the expert feels obliged to draw to the attention of the parties and the Court, may also be noted.

57. An expert (including a parties' single expert) and the expert's report are to comply with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules.

58. An expert witness should identify any pre-existing relationship between the expert witness, or their firm or company, and a party to the litigation.

59. It is the responsibility of the parties to agree the remuneration to be paid to a parties' single expert. This includes making provision with respect to the amount of the expert's fees and the frequency with which the expert renders accounts. The Court will fix the remuneration of a parties' single expert only where the parties are unable to agree that remuneration.

Note: See Pt 31.45 of the Uniform Civil Procedure Rules.

60. Experts' reports are not to repeat matters in Part A Facts of the statements of facts and contentions. Wherever possible, an expert should state that Part A Facts has been adopted as correct. If this cannot be stated, the expert should identify the matters which are disputed and state his or her position in relation to those matters.

61. If experts are directed by the Court to confer, experts are to ensure that their joint conference is a genuine dialogue between experts in a common effort to reach agreement with the other expert witness about the relevant facts and issues. Any joint report is to be a product of this genuine dialogue and is not to be a mere summary or compilation of the pre-existing positions of the experts.

62. Legal representatives are not to attend joint conferences of experts or be involved in the preparation of joint reports without the leave of the Court.

63. Where expert evidence from more than one expert in the same discipline is to be given in Court, the experts will give such evidence concurrently (subject to any order by the hearing Commissioner to the contrary).

64. If a party requires any expert for cross-examination, notice is to be given at least seven days before the final hearing.

65. The Court expects legal practitioners and experts to work together to implement this practice note in a practical and sensible way which ensures that it achieves its intended purpose.

Non compliance and costs

66. If a breach of the Court's directions or of this practice note causes costs to be thrown away, a party or legal practitioner responsible for the breach may be ordered to pay those costs.

67. The cost of unnecessary photocopying and assembly of documents is unacceptable. Legal practitioners for the parties are to consider carefully the

documents necessary to be tendered. Unnecessary documents may attract adverse costs orders.

68. Any failure by one party to comply with the Court's directions will not be considered an adequate excuse for any failure to comply by the other party. Both parties are responsible for ensuring that they comply with directions.

Applications for a cost order

69. Where a Commissioner has heard and determined a residential development appeal, any party seeking an order for costs of the proceedings must apply for costs by notice of motion filed within 28 days of the making of the final orders in the proceedings.

Note: Pt 3 r 3.7 of the Land and Environment Court Rules 2007 provides that for proceedings in Class 1 of the Court's jurisdiction, including residential development appeals, the Court "is not to make an order of the payment of costs unless the Court considers that the making of an order as to the whole or any part of the costs is fair and reasonable in the circumstances": Pt 3 r 3.7(2). Some of the circumstances in which the Court might consider the making of a costs order to be fair and reasonable are listed in Pt 3 r 3.7(3).

70. The notice of motion for costs will be heard and determined by either the Registrar or a Judge of the Court.

The Honourable Justice Brian J Preston
Chief Judge

7 January 2011

Schedule A

Requirements for Plans

1. **General**:

- Plans should be drawn to an appropriate scale shown on the drawings;
- Plans should be drawn with clarity;
- Plans should indicate a north point; and
- All plans shall be consistent with each other.

2. **Survey plans are to indicate**:

- Existing buildings, structures and features of the site;
- Topography (spot levels, contours) including that of adjoining property where relevant;
- Natural drainage of the site;
- Any easements or rights of way;
- Significant existing vegetation, indicating its location on the site, type and spread;
- Location, height and use of any adjoining buildings or structures such as swimming pools; and
- Features of streets immediately adjoining or within the property, including poles, kerbs, crossings and pits.

3. **Site plans are to identify the location of the following**:

- Proposed and existing buildings;
- Existing significant trees, indicating whether they will be retained or removed;
- Paved areas;
- Landscaped areas;
- Driveway entry and/or exit;
- Garbage storage areas;
- On-site detention tanks;
- Letterboxes;
- Private open spaces; and
- Where privacy is an issue in the proceedings, the location of windows of the adjoining property and the subject proposal.

4. **Floor plans are to indicate**:

- Room names, area and dimensions;
- The location of windows and doors;
- The levels of floors, terraces and the like to Australian Height Datum (AHD);
- Wall construction; and
- Spot levels of natural ground to AHD.

5. **Elevations are to indicate**:

- Elevations of all sides of the building or structure;
- Outline of existing buildings;
- Materials and finishes to be used in construction;
- Location of adjoining buildings showing address, height, setbacks and other relevant features;
- Proposed window size, sill height and location; and
- Height of eaves, ridge and floor levels to AHD.

6. **Sections are to indicate**:

- Appropriate number and location;
- Section line and location on plan;
- Room names;
- Adequate representation of ground level;
- Areas of cut and/or fill; and
- Height of levels to AHD.

7. **Landscape plans are to**:

- Be consistent with other plans tendered to the court with respect to the height, size and location of buildings;
- Indicate the location, species, height and spread of significant existing trees, indicating whether they will be retained or removed;
- Indicate the location of any additional planting to be carried out including species names, spread, height and other features;
- Indicate the location of significant retaining walls or other structures; and
- Indicate finished relative levels of all major surfaces.

8. **Overshadowing plans are to**:

- Be based on true north;
- Indicate the location and nature of existing and/or proposed fencing, with the shadows projected;
- Indicate horizontal and vertical impact, including any impact from any substantial wall;
- Provide a table of compliance and non-compliance with known criteria (such as a development control plan, a State environmental planning policy or Australian Model Code for Residential Development (AMCORD)); and
- Make appropriate allowance for the topography.

Schedule B

Requirements for statement of facts and contentions by respondent consent authority

1. The statement is to be as brief as reasonably possible.

2. The statement is to be divided into two parts – Part A Facts and Part B Contentions

3. An authorised officer of the respondent consent authority is to sign and date the statement.

Part A Facts

4. In Part A Facts, the respondent consent authority is to:

   (a) **The application**: identify the application for development consent or approval by application number and date of lodgment.

   (b) **The site**: identify the site by street address and lot and deposited plan, and describe the site including lot dimensions, site area, topographic features, existing vegetation and existing improvements on the site.

   (c) **The proposal**: - briefly describe the proposed development or modification.

   (d) **The locality**: briefly describe the locality including the type and scale of existing surrounding development.

   (e) **The statutory controls**: identify the relevant provisions of the applicable statutory instruments (State environmental planning policies, local environmental plans and development control plans) and any draft statutory instruments, the zoning of the site and any other applicable designation (such as foreshore scenic protection area or heritage conservation area).

   (f) **Compliance with statutory controls**: briefly describe (if appropriate, in tabular form) the extent of compliance of the proposal with the relevant statutory controls.

   (g) **Actions of the respondent consent authority**: provide details of any notification process and its results, details of any consultation and its results, the decision of the respondent and the reasons for refusal.

5. Part A Facts is not to include matters of opinion.

Part B Contentions

6. In Part B Contentions, the respondent consent authority is to identify each fact, matter and circumstance that the respondent contends require or should cause the Court, in exercising the functions of the consent authority, to refuse the application or impose certain conditions.

7. In Part B Contentions, the respondent consent authority is to:

   (a) focus on issues genuinely in dispute;

   (b) have a reasonable basis for each contention;

   (c) identify the nature of each contention with an appropriate short heading; and

   (d) present its contentions clearly, simply and without repetition and not by way of submission.

8. Part B Contentions should be divided into three parts:

   (a) B1 – Contentions that the application be refused

   (b) B2 – Contentions that may be resolved by conditions of consent

   (c) B3 – Contentions that there is insufficient information to assess the application.

B1 - Contentions that the application be refused

9. Part B1 is to identify those contentions which the respondent contends either must result or ought result in the Court refusing consent or approval to the application.

10. If the respondent contends that the application must be refused, it is to identify the factual and/ or legal basis for that contention. An example of such a contention is that the proposal is prohibited or that a jurisdictional pre-condition to the grant of consent or approval has not been satisfied. Any such contention is to be made at the beginning of Part B1 and is to be clearly identified as a contention that the application must be refused.

11. If the respondent contends that the application ought to be refused, it is to identify each ground on which the respondent so contends.

12. For each contention, the respondent should identify the contention with a short heading, identify the relevant statutory controls and give particulars.

The contention heading

13. Each contention is to commence by identifying the nature of the issue in a word or two and be succinct. For example, if an issue is the height of a proposed building, the contention should identify the issue as "Height" and not by reference to a planning control or planning instrument that identifies a height requirement.

14. Contentions should be identified specifically and not generically. For example, it is not sufficient to identify a contention that the application ought to be refused in the "public interest" or the "circumstances of the case". Rather the particular aspect or aspects of the public interest or the particular circumstances of the case which warrant refusal need to be identified. Similarly, it is not acceptable to identify as a ground for refusal "matters raised by the objectors". The respondent consent authority is to identify which, if any, of the matters raised by the objectors the respondent itself contends, on a reasonable basis, justifies the refusal of the application.

The statutory controls

15. Where the respondent contends that a proposal does not comply with statutory controls, including development standards, of an environmental planning instrument or a development control plan, such as density, floor space ratio, setbacks and height, it is to identify those controls by reference to the specific clause and subclause.

16. Where the respondent contends that a proposal is inconsistent with any objective of a statutory instrument, it must identify the specific objective.

17. Given the often overlapping nature of statutory controls, different development standards or controls and objectives from different statutory instruments may apply to the same contention.

Particulars

18. The respondent is to provide details of the extent of any non-compliance with the statutory controls or any inconsistency with any objective to enable the applicant to respond properly to the contention. Any particulars should be brief and not take the form of evidence or submissions. The extent of the non-compliance with the provisions of an environmental planning instrument may be shown in diagrammatic or tabular form.

B2 - Contentions that may be resolved by conditions of consent

19. Part B2 is to identify those contentions that, in the opinion of the respondent consent authority, can be addressed through the imposition of a condition of consent or approval. The respondent is to identify the contention and provide details of those matters required to satisfy the contention or alternatively provide the specific wording of a condition that would satisfy the contention.

B3 – Contentions that there is insufficient information to assess the application

20. Part B3 is to identify those matters that, in the opinion of the respondent consent authority, cannot properly be considered because of absence of information submitted with the application. The respondent is to identify the information it contends should be provided by the applicant to permit the Court to assess the application properly.

Schedule C

Requirements for statement of facts and contentions by applicant

1. The statement is to be as brief as reasonably possible.

2. The statement is to be divided into two parts – Part A Facts and Part B Contentions

3. An applicant or its authorised officer is to sign and date the statement.

Part A Facts

4. In Part A Facts, the applicant is to:

   (a) **The development consent**: identify the relevant development consent or approval, including the application number, the date of the application and the date of determination;

   (b) **The challenged conditions or aspects of the consent**: identify the particular conditions or aspects of the development consent or approval with which applicant is dissatisfied;

   (c) **The proposal**: briefly describe the proposed development or modification;

   (d) **The site**: identify the site by street address and lot and deposited plan, and describe the site including lot dimensions, site area, topographic features, existing vegetation and existing improvements on the site;

   (e) **The locality**: briefly describe the locality including the type and scale of existing surrounding development;

   (f) **The statutory controls**: identify the relevant provisions of the applicable statutory instruments (State environmental planning policies, local environmental plans and development control plans) and any draft statutory instruments, the zoning of the site and any other applicable designation (such as foreshore scenic protection area or heritage conservation area); and

   (g) **Actions of the respondent consent authority**: provide details of any notification process and its results, details of any consultation and its results, the decision of the respondent and the reasons for refusal.

5. Part A Facts is not to include matters of opinion.

Part B Contentions

6. In Part B Contentions, the applicant is to identify:

(a) each condition of the development consent or approval that the applicant contends should be deleted and the reason for seeking deletion;

(b) each condition of the development consent or approval that the applicant contends should be amended and, for each such condition, the terms of the amendment sought and the reason for seeking the amendment; and

(c) any other aspect of the development consent or approval with which the applicant is dissatisfied, the manner in which the applicant contends that aspect should be addressed or changed, and the reason for each such change.

7. In Part B Contentions, an applicant is to:

(a) focus on issues genuinely in dispute;

(b) have a reasonable basis for the contentions; and

(c) present contentions clearly, succinctly and without repetition and not be way of submission.

Schedule D	
Class 1 Residential Development Appeals - Information Sheet	
Parties:	
Applicant:	
Respondent(s):	
Proceedings no:	
Part A: to be completed by applicants for consent or approval (as applicable)	
1.	(a) Do the plans comply with Schedule A as relevant to the application? (b) If not, in what respects do the plans not comply?
Part B: to be completed by all parties (as applicable)	
2.	Is there any issue that the parties seek to be dealt with in advance of the merits of the appeal?
3.	Is any expert evidence required? If so, nominate issues on which expert evidence is required and the areas of expertise.
Applicant:	
Respondent:	
4.	(a) Is any issue in the appeal appropriate for evidence by a parties' single expert agreed by the parties and if so, identify the issue. (b) If parties' single experts are not appropriate, the reasons in support [point form only].
Applicant:	
Respondent:	
5.	If parties' single experts are agreed, set out below their name, charge rates, estimate of total fees and disbursements and available dates to prepare a report and appear at a hearing.
Name:	
Charge rates	
Estimate of total fees and disbursements	
Dates by which reports can be prepared:	

Available dates to appear at a hearing	
6.	Is there any reason why any experts proposed to be called by parties to proceed directly to a joint conference and joint report, without preparing other reports? If so, identify the experts, areas of expertise and the reasons [point form only].
7.	Should a Commissioner or Commissioners with special knowledge and experience in particular disciplines hear the development appeal? If so, specify the relevant disciplines.
8.	If the appeal concerns land outside of the Sydney metropolitan region, should the development appeal be heard in the local area? If not, provide the reasons for not doing so [point form only].
9.	At an on site conciliation conference and hearing under s 34AA of the *Land and Environment Court Act* 1979, will adequate facilities be available?
10.	Is there any reason that the s 34AA conciliation conference and hearing should not commence at 9.30am on site?
11.	Estimate of the length of (a) conciliation conference (b) hearing.
Applicant:	
Respondent:	
12.	Identify number and, if possible, names of lay witnesses.
Applicant:	
Respondent:	
13.	Identify hearing dates sought:
Applicant:	
Respondent:	

Date: # [insert date]

Schedule E

Usual directions at the first directions hearing for residential development appeals

1. Time and place of final hearing

(a) The proceedings are listed on #[6 weeks time] for a conciliation conference and hearing under s 34AA of the *Land and Environment Court Act* 1979;

(b) The conciliation conference is to commence on site at 9.30am. If the parties consider the site may be difficult to find, they are to file an agreed map showing its location two working days before the conciliation conference.

Note: The parties should ensure that appropriate facilities are available for that purpose, including a table and chairs and bathroom facilities. As any hearing will be open to the public, the venue must be adequate to ensure that the hearing will be able to be observed and heard by all persons attending.

2. Statement of facts and contentions in reply

The #[applicant/respondent] is to file and serve any statement of facts and contentions in reply in accordance with Schedules B or C of the Practice Note Class 1 Residential Development Appeals by #[7 days time]. This statement is not to repeat any facts not in dispute.

3. Appointment of a parties' single expert to address any issue

(a) The Court notes the agreement between the parties to engage #[insert name] as a parties' single expert and that the parties have agreed the remuneration to be paid to that expert as being [insert details of remuneration].

Alternatively failing agreement about the identity and/or remuneration of the parties' single expert

(a1) The Court orders the parties to engage #[insert name] as a parties' single expert. The Court fixes the remuneration of the parties' single expert at #[insert details of remuneration].

(b) A parties' single expert is not to incur fees or disbursements additional to the remuneration agreed by the parties or fixed by the Court without written agreement of both parties or, absent such agreement, the leave of the Court.

(c) The parties are to brief the parties' single expert with agreed instructions and an agreed bundle of documents by #[7 days].

(d) The parties' are not to provide a parties' single expert with any expert report brought into existence for the purpose of the proceedings addressing any matter the subject of instructions to the parties' single expert, without leave of the Court.

(e) The parties' single expert is to file and serve their expert report by #[21 days]. Without leave of the Court, the parties' single expert is not to provide the parties with a preliminary expert report or preliminary opinion.

(f) The parties' single expert is to comply with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules, including the requirements for experts' reports.

(g) If the Court has ordered that a parties' single expert address any issue, no expert report addressing the same issue other than the report of the parties' single expert may be relied upon at the hearing, without leave.

4. Parties' individual experts

(a) The parties are not to instruct experts to prepare individual expert reports.

Alternatively if individual expert reports are appropriate

(a1) Any or individual expert reports are to be filed and served by #[14 days].

(b) The experts, grouped in areas of expertise, are to confer in accordance with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules and are to file and serve their joint report by #[28 days].

(c) No expert reports, other than the joint reports or individual expert reports directed to be filed, may be relied upon at the hearing, without leave.

5. Experts' obligations

(a) Parties are to serve a copy of these directions, the statements of facts and contentions, Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules on all experts upon whose evidence they propose to rely.

(b) Experts are directed to give written notice to the Court and the party instructing them if for any reason they anticipate that they cannot comply with these directions. In that case, or if the experts have failed

to comply with these directions, the parties will promptly list the matter before the Court for directions and give written notice to the other parties. Default without leave of the Court can result in the imposition of sanctions.

(c) Any written expert evidence is to include acknowledgement that the expert has read and agrees to be bound by the Expert Witness Code of Conduct.

6. Obligations for joint conference and report

(a) Experts are to ensure that a joint conference is a genuine dialogue between experts in a common effort to reach agreement with the other expert witness about the relevant facts and issues. Any joint report is to be a product of this genuine dialogue and is not to be a mere summary or compilation of the pre-existing positions of the experts.

(b) A joint report is to identify the experts involved in its preparation, the date of their joint conferences, the matters they agreed about, the matters they disagreed about and reasons for agreement and disagreement. A joint report should avoid repetition and be organised to facilitate a clear understanding of the final position of the experts about the matters in issue and the reasoning process they used to reach those positions. Each expert is to sign and date the joint report.

(c) Legal representatives are not to attend joint conferences of experts or be involved in the preparation of joint reports without the leave of the Court.

7. Restrictions on oral expert evidence

A party calling a witness may not, without the leave of the Court, lead evidence from the witness the substance of which is not included in a document served in accordance with the Court's directions.

8. Witnesses required for cross-examination

If any witness is required for cross-examination, notice is to be given at least seven days before the hearing.

9. Objections to evidence

A party who proposes to object to any part of an affidavit, statement or report is to file and serve notice of its objections, including the grounds in support, at least seven days before the hearing.

10. Bundle of documents

The respondent consent authority is to file and serve a bundle of documents by #[7 days before the hearing]. The bundle is to contain copies of relevant environmental planning instruments, relevant extracts from development control plans and policies, and documents evidencing the lodgement, processing and determination of the application by the consent authority, including all submissions from objectors, and the decision of the consent authority but is not to otherwise include copies of any documents annexed to the development appeal. Unnecessary copying and duplication of documents is to be avoided. The bundle is to be subdivided into relevant divisions, paginated and have a table of contents.

11. Notice of objectors who will give evidence

The respondent consent authority is to file and serve a notice of objectors who wish to give evidence at the hearing, of whom the consent authority is aware, by #[7 days before the hearing]. The notice is to identify the objector, their address, where they wish to give evidence (on site or in Court) and whether they made a written submission about the application (in which event, the notice is to provide the page number of that submission in the key bundle). If there is no submission, the respondent consent authority should, if possible, file and serve a short statement identifying the topics about which the objector wishes to give evidence.

12. Draft conditions of consent

(a) The respondent consent authority is to file and serve draft conditions of consent (in both hard copy and electronic form) by #[7 days before the hearing].

(b) The applicant for consent is to file and serve its draft conditions in response (in both hard copy and electronic form) by #[2 days before the hearing].

(c) Each party's draft conditions of consent are to identify any variance from the standard conditions of consent for residential development, including conditions which have been added, amended or deleted.

13. Notification of slippage in timetable

Parties are to notify promptly the Court if there is any material slippage in the timetable.

14. Liberty to re-list

The parties have liberty to restore on two working days' notice.

15. Concurrent evidence of experts

At the hearing the evidence of experts is to be given by way of concurrent evidence, unless the hearing commissioner directs otherwise.

16. Submissions of parties

(a) The applicant is to file and serve an outline of submissions by #[5 working days before the hearing].

(b) The respondent is to file and serve an outline of submissions by #[2 working days before the hearing].

Date: #[insert date]

Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption under Part 6, Clause 51 and 51A

The organic outputs derived from mixed waste exemption 2011

Name

1. This exemption is to be known as 'The organic outputs[1] derived from mixed waste exemption 2011'.

Commencement

2. This exemption commences on 4 March 2011. 'The organic outputs derived from mixed waste exemption 2010' which commenced 23 April 2010 is revoked from 4 March 2011.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority (EPA) by notice published in the Government Gazette.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):

4.1. Clause 51 authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and

4.2. Clause 51A authorises the EPA to exempt a person or class of persons from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:

- the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
- the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
- the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:

5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only in relation to activities involving the relevant waste and only where the responsible person complies with the conditions referred to in Column 3 of the table.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.

5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

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[1] These organic outputs are not the same as the source segregated outputs that are covered by the exemptions for food waste compost or raw mulch.

Table 1

Column 1	Column 2	Column 3
Responsible person	**Provisions from which the responsible person is exempt**	**Conditions to be met by the responsible person**
Processor	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act	all requirements specified in section 7, 8, 10 and 11
Consumer	section 48 of the Act in respect of clauses 39 and 42 of Schedule 1 to the Act section 88 of the Act clauses 47 of the Regulation	all requirements specified in section 7, 9, 10 and 11

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

AOAC International 18th Edition means Dr. William Horwitz and Dr. George Latimer, Jr. Editors. "Official Methods of Analysis of AOAC International", 18th Edition Revision 2 (2007), AOAC INTERNATIONAL, Gaithersburg, MD, USA.

Application to land includes application by any of the following methods:

(a) spraying, spreading or depositing organic outputs on the land,
(b) ploughing, injecting or mixing organic outputs into the land, or
(c) filling, raising, reclaiming or contouring the land.

Animal waste means dead animals and animal parts and any mixture of dead animals and animal parts.

Biological stabilisation means a process whereby mixed waste undergoes a process of managed biological transformation for a period of not less than a total of 6 weeks of composting and curing, or until an equivalent level of biological stability can be demonstrated.

Biologically stabilised means the mixed waste that has undergone biological stabilisation.

Biosolids Guidelines means the document entitled *Environmental Guidelines: Use and Disposal of Biosolids Products*, published by the EPA and as in force from time to time.

Broad acre agricultural use means application to land where the land is used for agriculture. This does not include the keeping and breeding of poultry or pigs, food root crops, vegetables or crops where the harvested parts touch or are below the surface of the land.

Characterisation means sampling and testing that must be conducted on the organic outputs for the range of chemicals and other attributes listed in Column 1 of Table 4.

Composite sample means, in relation to a sample of organic outputs for the purposes of determining in-product chemical and other attributes, a sample that combines the prescribed number of discrete sub-samples (each of the same size) into a single sample for the purpose of analysis.

Consumer means a person who applies, causes, or permits the application to land of organic outputs. The consumer is responsible for the land to which organic outputs are applied. Where a person responsible for transporting the organic outputs to the land application site is also the party applying the organic outputs, this person must also meet the responsibilities of the consumer.

Food waste means waste from the manufacture, preparation, sale or consumption of food but does not include grease trap waste.

Garden waste means waste that consists of branches, grass, leaves, plants, loppings, tree trunks, tree stumps and similar materials, and includes any mixture of those materials.

Manure means any mixture of manure and biodegradable animal bedding (such as straw).

Mine site means land disturbed by mining on which rehabilitation is being carried out by or on behalf of:

(a) the holder of an authority under the *Mining Act 1992* pursuant to an approved rehabilitation plan, or
(b) the State of NSW.

Mixed waste means:

(a) residual household waste that contains putrescible organics and/or
(b) waste from litter bins that are collected by or on behalf of local councils.

It may only be mixed with any one or more of the following:

(i) waste collected from commercial premises by or on behalf of councils as part of its kerbside household waste collection service,
(ii) commercial waste sourced from restaurants, clubs, pubs, hotels, motels, resorts, offices, schools and shopping centres that is similar in composition to household waste (but may include a higher proportion of food waste),
(iii) manure,
(iv) food waste,
(v) animal waste,
(vi) grit or screenings from sewage treatment systems that have been dewatered so that the grit or screenings do not contain free liquids,
(vii) up to 20% source separated household garden and food waste.

It must not contain any other waste. For example, it must not contain:

(a) any special waste, hazardous waste, restricted solid waste or liquid waste as defined in clause 49 of Schedule 1 to the Act; or
(b) any source separated recyclable household waste other than those set out in (vii) above.

NA means Not Applicable.

Non-contact agricultural use means application to land where the land is used for the growing of fruit or nut trees or vines but not where fallen produce is or may be collected off the ground. It does not include application to land where the land is used for grazing or for any other cropping purpose.

Organic outputs means the pasteurised and biologically stabilised organic outputs produced from the mechanical biological treatment of mixed waste.

Pasteurisation means a process whereby the mixed waste is treated to significantly reduce the numbers of plant and animal pathogens and plant propagules. At a minimum, the mixed waste must have undergone:

(a) (in the case of treatment by windrow composting) appropriate turning of outer material to the inside of the windrow so that the whole mass is subjected to a minimum of 3 turns with the internal temperature reaching a minimum of 55°C for 3 consecutive days before each turn, or
(b) an alternative process that guarantees the same level of pathogen reduction as required by the Biosolids Guidelines, and the reduction of plant propagules.

Pasteurised means that the mixed waste that has been subject to a process of pasteurisation.

Pathogen means a living organism that could be harmful to humans, animals, plants or other living organisms.

Plantation forestry use means application to an area of land on which the predominant number of trees or shrubs forming, or expected to form, the canopy are trees or shrubs that have been planted (whether by sowing seed or otherwise) for the purpose of timber production.

Processor means a person who processes, mixes, blends, or otherwise incorporates organic outputs into a material for supply to a consumer.

Public contact sites means land with a high potential for contact by the public, including public parks, fields, cemeteries, plant nurseries and golf courses.

Relevant waste means organic outputs that meet the requirements of Section 7.

Routine sampling means sampling and testing that must be conducted on the organic outputs on an ongoing and regular basis.

Source separated recyclable household waste means household waste from kerbside waste collection services that has been separated for the purpose of recycling.

General conditions

7. This Notice of Exemption is subject to the following conditions:

7.1. The chemical concentration or other attribute of the organic outputs listed in Column 1 of Table 4 must not exceed the absolute maximum concentration or other value listed in Column 2 of Table 4.

7.2. The organic outputs can only be applied to land as a compost or soil amendment material for:

7.2.1. soil improvement or site rehabilitation at mine sites,
7.2.2. plantation forestry use, or
7.2.3. non-contact agricultural use, or
7.2.4. broad acre agricultural use.

7.3. The organic outputs must not be used:

7.3.1. in urban landscaping,
7.3.2. at public contact sites,
7.3.3. on or in home lawns and gardens,
7.3.4. in potting mix, or
7.3.5. in turf production.

Processor responsibilities

8. The following conditions must be met by the processor for this exemption to apply:

8.1. The processor must ensure that the organic outputs do not contain contaminants that will degrade land or present a risk of harm to human health or to the environment.

8.2. The processor must ensure that the organic outputs do not contain sharp pieces of glass, metal or plastic of a size, shape (e.g. glass shards), or type that might cause damage or injury to humans, animals, plants or soil.

8.3. The processor must ensure that the organic outputs do not contain any asbestos.

8.4. The processor must implement a lead reduction program by 1 March 2011 to reduce the lead levels in the mixed waste used as an input to the process.

8.5. The processor must ensure that it provides effective pre-sorting mechanisms to remove lead-acid batteries and other sortable lead containing wastes by 31 December 2010. The quantities and nature of the lead containing wastes removed per month must be recorded.

8.6. The processor must review collection procedures, available technologies and processes for each facility with the aim of reducing the lead content and physical contaminant levels in the organic outputs.

8.7. Sampling and information on sample storage and preparation must be detailed in a written sampling plan.

8.8. The processor must:

8.8.1. sample the organic outputs in accordance with the requirements listed in Column 1 of Table 5, and

8.8.2. ensure that each of those composite samples are tested for each of the chemicals and other attributes listed in Column 1 of Table 4, using the test method prescribed for that chemical or other attribute in Column 3 of Table 4, within 25 working days from the date of sampling.

8.9. The processor must ensure that all practicable measures have been taken to remove:

8.9.1. glass, metal and rigid plastics, and

8.9.2. plastics – light, flexible or film

so that they are not present at unacceptable levels (including in particle sizes less than 2 mm and 5 mm respectively) in the organic outputs.

8.10. The processor must keep a written record of all characterisation test results for a period of five years.

8.11. For each load of organic outputs supplied, the processor must keep a written record of the following matters for a period of five years:

8.11.1. the quantity of organic outputs supplied to the consumer,

8.11.2. the name and address of the consumer of each delivery of organic outputs,

8.11.3. the location(s) where the organic outputs are applied, including the address and paddock or plot identification.

8.11.4. the rate(s) at which the organic outputs are applied to the land at each location as defined in 8.11.3.

8.11.5. the date(s) upon which the organic outputs are applied to the land at each location as defined in 8.11.3.

8.12. The processor must provide each consumer with a copy of this exemption and inform them of the consumer responsibilities contained within this exemption.

8.13. The processor must provide a written statement of compliance to the consumer with each transaction, certifying that:

8.13.1. the organic outputs comply with the relevant conditions of this exemption, and

8.13.2. the processor has complied with the relevant conditions of this exemption.

8.14. The processor of organic outputs must make the latest characterisation test results available to the consumer and the EPA upon request.

8.15. The processor must not deliver organic outputs to a consumer unless the consumer has provided the processor with a certificate of compliance for that supply of organic outputs in accordance with section 9.14.

Consumer responsibilities

9. The following conditions must be met by the consumer for this exemption to apply:

9.1. For each load of organic outputs received, the consumer must keep a written record of the following matters for a period of five years:

9.1.1. the quantity of organic outputs received by the consumer,

9.1.2. the name and address of the supplier of each delivery of organic outputs,

9.1.3. the location(s) where the organic outputs are applied including the address and paddock or plot identification,

9.1.4. the rate(s) at which the organic outputs are applied to the land at each location as defined in 9.1.3,

9.1.5. the date(s) upon which the organic outputs are applied to the land at each location as defined in 9.1.3,

9.1.6. for land application sites, other than mine sites, where the consumer is not the owner of the land on which the organic outputs are applied, the consumer must obtain a statement of consent from the owner of the land that the owner has received a copy of the exemption and accepts the application on the land.

9.2. The consumer must land-apply the organic outputs within a reasonable period of time.

9.3. The consumer must ensure that no windblown litter leaves the premises as a result of the application to land of organic outputs.

9.4. For mine sites, no more than 140 tonnes/hectare (dry weight) of organic outputs may be applied in total to a given location.

9.5. For plantation forestry use and for non-contact agricultural use, no more than 50 tonnes/hectare (dry weight) of organic outputs may be applied in total to a given location.

9.6. For broad acre agricultural use, no more than 10 tonnes/hectare (dry weight) of organic outputs may be applied in total to a given location.

9.7. Organic outputs must not be applied to land with a slope in excess of 18% (10^0), unless used for mine site rehabilitation where all practicable measures have been taken to control stability and prevent runoff.

9.8. The organic outputs must not be applied to:

9.8.1. soil having a pH less than 5.0[2] when measured in a 1:5 soil:water extract, or

9.8.2. land that is within the buffer zones for the protected areas specified in Table 2.

9.9. Animals must not be allowed to graze the land for 30 days after the application of organic outputs to land.

9.10. Lactating and new born animals must not be allowed to graze the land for 90 days after the application of organic outputs to land.

9.11. Crops must not be harvested for 30 days after the application of organic outputs to land.

[2] Where organic outputs are proposed for land application for soils (such as mine sites) where the pH is less than 5.0, a specific exemption may be considered where low concentrations of metals can be achieved.

Table 2 Buffer zones for protected areas

Column 1	Column 2	Column 3	Column 4
Protected Area	**Minimum width of Buffer Zones (m)**		
	Flat (< 3% or 2° slope)	**Downslope (> 3% or 2° slope)**	**Upslope**
Surface waters	50	100	5
Drinking water bores	250	250	250
Other bores	50	50	50

9.12. Prior to receiving and land applying any organic outputs, where the application will result in greater than 10 tonnes/hectare (dry weight) total organic outputs in or on the land, the consumer must:

9.12.1. sample the soil to which the organic outputs are to be applied by taking the following samples at a depth of 0 to 15 centimetres:

(a) For plantation forestry use and non-contact agricultural use:

i. For land equal to, or less than 10 hectares - 2 composite samples (comprising of 5 sub-samples each), and

ii. For land greater than 10 hectares - 1 composite sample (comprising of 5 sub-samples) per 10 ha.

(b) For mine site rehabilitation:

i. For land equal to, or less than, 20 hectares - 2 composite samples (comprising of 5 sub-samples each), and

ii. For land greater than 20 hectares - 1 composite sample (comprising of 5 sub-samples) per 20 ha.

9.12.2. ensure that each of the composite samples referred to in section 9.12.1 are tested for the contaminants listed in Column 1 of Table 3.

9.12.3. ensure that the contaminant concentrations in the soil prior to application of organic outputs to the land must not exceed the maximum levels specified for those contaminants for the relevant land use in either Column 2 or Column 3 of Table 3.

9.13. The soil where the organic outputs have been applied to land must be re-sampled and re-tested as set out in section 9.12 prior to receiving or applying any additional organic outputs to the land.

9.14. The consumer must provide a written statement of compliance to any person that it engages to supply organic outputs certifying that:

9.14.1. it has complied with any sampling and testing requirements listed in section 9.12 and 9.13 that are relevant to the receipt of the organic outputs, and

9.14.2. none of those test results show that existing contaminant concentrations in the soil exceed any of the maximum allowable soil contaminant concentrations in Table 3.

Table 3 Maximum allowable soil contaminant concentrations[1] prior to organic outputs application to land

Column 1	Column 2	Column 3	Column 4
Contaminant	**Mine sites** **Maximum allowable soil contaminant concentration** (dry weight of soil in mg/kg, unless otherwise specified)	**Plantation forestry use, non-contact agricultural use and broad acre agricultural use land** **Maximum allowable soil contaminant concentration** (dry weight of soil in mg/kg, unless otherwise specified)	Test method specified within the following section of this Notice of Exemption
1. Arsenic	20	20	12.2
2. Cadmium	5	1	12.2
3. Chromium (total)	250	100	12.2
4. Copper	375	100	12.2
5. Lead	150	150	12.2
6. Mercury	4	1	12.1
7. Nickel	125	60	12.2
8. Selenium	8	5	12.2
9. Zinc	700	200	12.2
10. DDT/DDD/DDE	0.5	0.5	12.3
11. Aldrin	0.2	0.02	12.3
12. Dieldrin	0.2	0.02	12.3
13. Chlordane	0.2	0.02	12.3
14. Heptachlor	0.2	0.02	12.3
15. Hexachlorobenzene (HCB)	0.2	0.02	12.3
16. Lindane	0.2	0.02	12.3
17. Benzene hexachloride (BHC)	0.2	0.02	12.3
18.Polychlorinated Biphenyls (PCBs)	0.3	ND[2]	12.3

Notes and Definitions for the purposes of Table 3:

1. Maximum allowable soil contaminant concentrations are mean concentration values based on the sampling requirements set out in Section 9.12.
2. No detected PCBs at a limit of detection of 0.1 mg PCB/kg soil. Organic outputs must not be applied to land where any individual PCB Aroclor has been detected at a limit of detection of 0.1 mg PCB/kg.

Chemical and other material property requirements

10. This Notice of Exemption only applies to organic outputs where the chemical and other attributes listed in Column 1 of Table 4 comply with the chemical concentrations and other values listed in Column 2 of Table 4, when analysed according to test methods specified in Column 3 of Table 4. Note that while limits are not included for chemicals and attributes 16 - 21, these must be tested in each sample and records kept of results.

Table 4 Chemical and other material properties

Column 1	Column 2	Column 3
Chemicals and other attributes	**Absolute maximum concentration** (dry weight in mg/kg unless otherwise specified)	**Test method specified within the following section of this Notice of Exemption**
1. Mercury	4	12.1
2. Cadmium	3	12.2
3. Lead	420 for mine sites 300 for plantation forestry use, non-contact agricultural use and broad acre agricultural use until 31 December 2011 250 for plantation forestry use, non-contact agricultural use and broad acre agricultural use from 1 January 2012 [1,2]	12.2
4. Arsenic	20	12.2
5. Chromium (total)	100	12.2
6. Copper	375	12.2
7. Nickel	60	12.2
8. Selenium	5	12.2
9. Zinc	700	12.2
10. DDT/DDD/DDE	0.5	12.3
11. Other pesticides [3]	0.2	12.3
12. Polychlorinated Biphenyls (PCBs)	ND [4]	12.4
13. Glass, metal and rigid plastics > 2 mm	5% for mine sites until 31 December 2011 (as % dry matter on weight/weight basis) 4% for mine sites from 1 January 2012 until 30 June 2013 (as % dry matter on weight/weight basis) 2.5% for mine sites from 1 July 2013 (as % dry matter on weight/weight basis) [1]	12.5
	2.5% for plantation forestry use, non-contact agricultural use and broad acre agricultural use until 31 December 2011 (as % dry matter on weight/weight basis) 1.5% for plantation forestry use, non-contact agricultural use and broad acre agricultural use from 1 January 2012 (as % dry matter on weight/weight basis) [1]	12.5

14. Plastics – light, flexible or film > 5 mm	0.5% for mine sites until 31 December 2011 (as % dry matter on weight/weight basis) 0.4% for mine sites from 1 January 2012 until 30 June 2013 (as % dry matter on weight/weight basis) 0.25% for mine sites from 1 July 2013 (as % dry matter on weight/weight basis) [1]	12.5
	0.25% for plantation forestry use, non-contact agricultural use and broad acre agricultural use until 31 December 2011 (as % dry matter on weight/weight basis) 0.2% for plantation forestry use, non-contact agricultural use and broad acre agricultural use from 1 January 2012 (as % dry matter on weight/weight basis)[1]	12.5
15. Maximum particle size	16 mm (particle size)	12.6
16. Other metals [5]	NA	12.2
17. Total Polycyclic Aromatic Hydrocarbons (PAHs) [6]	NA	12.3
18. Phthalates [7]	NA	12.3
19. Pesticides (non-scheduled) [8]	NA	12.7
20. Monobutyltin	NA	12.8

Notes and Definitions for the purposes of Table 4:

1. Future contaminant levels will be set after considering the outcomes of research and trials that are to be conducted as well as the other considerations outlined in the notes to this Notice of Exemption.
2. The effectiveness of mechanisms, programs, and reviews implemented by each facility in clauses 8.4, 8.5 and 8.6 in reducing the levels of lead present in the organic outputs will be evaluated. The maximum lead concentration may be amended following this review.
3. **Other pesticides** means Aldrin, Dieldrin, Chlordane, Heptachlor, Hexachlorobenzene (HCB), Lindane and Benzene Hexachloride (BHC).
4. No detected individual PCB Aroclor at a limit of detection of 0.2 mg PCB Aroclor/kg.
5. **Other metals** means antimony, beryllium, boron, cobalt, manganese, molybdenum, tin, and vanadium.
6. **PAHs** means the following 16 USEPA priority pollutant polycyclic aromatic hydrocarbons (with CAS registry numbers): Acenaphthene (83-32-9), Chrysene (218-01-9), Acenaphthylene (208-96-8), Dibenzo(a,h)anthracene (53-70-3), Anthracene (120-12-7), Fluoranthene (206-44-0), Benzo(a)anthracene (56-55-3), Fluorene (86-73-7), Benzo(a)pyrene (50-32-8), Indeno(1,2,3-cd)pyrene (193-39-5), Benzo(b)fluoranthene (205-99-2), Naphthalene (91-20-3), Benzo(ghi)perylene (191-24-2), Phenanthrene (85-01-8), Benzo(k)fluoranthene (207-08-9), and Pyrene (129-00-0).
7. **Phthalates** means (with CAS registry numbers): Di-2-ethylhexylphthalate (DEHP) (117-81-7) and Dibutylphthalate (DBP) (84-74-2).
8. **Pesticides (non-scheduled)** means the following pesticides, herbicides, fungicides and insecticides (with CAS registry numbers): Brodifacoum (56073-10-0), Chlorpyrifos (2921-88-2), Cypermethrin (52315-07-8), Dichlofluanid (1085-98-9), Emamectin benzoate (137515-75-4 & 155569-91-8), Permethrin (52645-53-1), Profenofos (41198-08-7), Simazine (122-34-9), and Tebuconazole (107534-96-3).

Sampling and testing requirements

11. The organic outputs must be sampled according to the requirements in Table 5:

Table 5

Column 1	Column 2
Characterisation frequency	**Routine sampling frequency**
20 composite samples (comprising 5 sub-samples each) must be taken within 12 months of the commencement of this Exemption. Each composite sample must be taken from a different batch, truckload or stockpile. A maximum of 2 composite samples may be collected per month.	Not applicable [1].

Notes and Definitions for the purposes of Table 5:

1. Routine sampling requirements will be determined on review of the results of characterisation testing.

Test Methods

12. All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities, or equivalent. The chemicals and other attributes listed in Column 1 of Table 4 must be measured in accordance with the relevant test methods specified below:

12.1. Test method for measuring the mercury concentration in organic outputs:

12.1.1. Particle size reduction & sample splitting may be required.

12.1.2. For analysis - USEPA SW-846 Method 7471B Mercury in solid or semisolid waste (manual cold-vapor technique), or an equivalent analytical method with a detection limit < 20% of the stated absolute maximum concentration in Table 4, Column 2.

12.1.3. Results must be reported as mg/kg dry weight.

12.2. Test methods for measuring metals 2 – 9 and 16 listed in Table 4 in organic outputs:

12.2.1. Particle size reduction & sample splitting may be required.

12.2.2. For sample preparation by digestion - USEPA SW-846 Method 3050B acid digestion of sediments, sludges, soils, and oils, or using an equivalent digestion method.

12.2.3. For analysis - USEPA SW-846 Method 6010C Inductively coupled plasma - atomic emission spectrometry, or an equivalent analytical method with a detection limit < 10% of the stated absolute maximum concentration in Table 4, Column 2.

12.2.4. Results must be reported as mg/kg dry weight.

12.3. Test method for measuring 10, 11, 17 and 18 listed in Table 4 in organic outputs:

12.3.1. For analysis - USEPA SW-846 Method 8270D Semivolatile Organic Compounds by Gas Chromatography/Mass Spectrometry (GC/MS), or equivalent.

12.3.2. Results must be reported as mg/kg dry weight.

12.4. Test method for measuring Polychlorinated Biphenyls in organic outputs:

12.4.1. For analysis - USEPA SW-846 Method 8082A Polychlorinated Biphenyls (PCBs) By Gas Chromatography (GC), or equivalent.

12.4.2. Measure the following PCBs: Aroclor 1016 (CAS Registry No. 12674-11-2), Aroclor 1221 (CAS Registry No. 11104-28-2), Aroclor 1232 (CAS Registry No. 11141-16-5), Aroclor 1242 (CAS Registry No. 53469-21-9), Aroclor 1248 (CAS Registry No. 12672-29-6), Aroclor 1254 (CAS Registry No. 11097-69-1), Aroclor 1260 (CAS Registry No. 11096-82-5).

12.4.3. Results must be reported as mg/kg dry weight.

12.5. Test method for measuring physical contaminants in organic outputs:

12.5.1. For analysis - Australian Standard AS4454-2003 Composts, soil conditioners and mulches, "Appendix H - Method For Determination Of Moisture Content And Level Of Visible Contamination".

12.5.2. Results must be reported as % contamination on a dry mass basis.

12.6. Test method for measuring maximum particle size of organic outputs:

12.6.1. For analysis - Australian Standard AS4454-2003 Composts, soil conditioners and mulches, "Appendix F – Method For Determination Of Particle Size Grading".

12.6.2. Results must be reported as % by mass retained on a sieve with 16 mm apertures.

12.6.3. The entire sample must pass through the sieve.

12.7. Test method for measuring pesticides (non-scheduled) in organic outputs:

12.7.1. For analysis - USEPA SW-846 Method 8270D Semivolatile Organic Compounds By Gas Chromatography/Mass Spectrometry (GC/MS) for all pesticides (non-scheduled) or equivalent, except for the following:

(a) Analysis of Dichlofluanid – AOAC method 2007.01 Pesticide Residues in Foods by GC/MS.

(b) Emamectin benzoate – acceptable analytical methods for the determination of emamectin benzoate include high-performance liquid chromatography (HPLC) with fluorescence detection.

(c) Brodifacoum – acceptable analytical methods for the determination of brodifacoum include high-performance liquid chromatography (HPLC) with fluorescence detection such as AOAC International 18th Edition, Method 983.11 and *Journal of Chromatography A*, 1985, Volume 321, Pages 255-272.

12.7.2. Results must be reported as mg/kg dry weight.

12.8. Test method for measuring monobutylin in organic outputs:

12.8.1. For analysis - International Organization for Standardization ISO/DIS 23161.2:2007 Selected organotin compounds – Soil quality by Gas-chromatographic method (GC), or equivalent.

12.8.2. Results must be reported as mg/kg dry weight.

I, Christopher McElwain delegate of the EPA, grant this exemption under clauses 51 and 51A of the Protection of the Environment (Waste) Regulation 2005.

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CHRISTOPHER McELWAIN
Acting Manager Waste Management
Environment Protection and Regulation Group

Date: 2 March 2011

(By delegation made under section 21 of the *Protection of Environment Administration Act 1991*)

Notes

The goal of the general exemption is to facilitate the resource recovery of fit for purpose organic outputs by minimising the amount of physical and chemical contaminants.

Trials and research will be conducted to examine the environmental and human health impacts of contaminants in the organic outputs.

The EPA intends to extend this general exemption for agricultural uses following a review of the results of the research and trials. The nature of the extended general exemption for broad acre agricultural use, non-contact agricultural use and plantation forestry use will be determined taking into account:

- trials that are to be conducted in collaboration with the processors of mixed waste,
- the goal of the general exemption,
- the environmental, agricultural and human health impacts of the use of organic outputs,
- the technological capabilities of AWT facilities including the adequacy of pre-sorting processes, and
- community acceptance of the use of organic outputs.

The EPA may amend or revoke this exemption at any time if problems with the higher levels of physical contaminants arise during the transitional period.

It is the responsibility of the generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: www.environment.nsw.gov.au

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The use of exempted material remains subject to other relevant laws. For example, a person who pollutes land (s142A of the Act) or water (s120 of the Act), or does not meet the special requirements for asbestos waste (clause 42 of the Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a transaction is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A ‘statement of compliance’ must be in writing and be provided with each transaction.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment and to human health, however, neither this exemption nor these conditions guarantee that the environment or human health will not be harmed.

It should be noted that other contaminants may be present in the relevant waste that can potentially cause harm. Application rates may need to be lower than those listed

in the exemption depending on local circumstances and should be determined as appropriate to those circumstances prior to application. Plants may display symptoms of toxicity, and/or reductions in yield may occur at values below the maximum concentration limits specified in this exemption.

The consumer should assess whether or not the exempted material is fit for the purpose the material is proposed to be used and whether this use will cause harm. The consumer may need to seek expert advice from a certified practicing soil scientist (the Australian Society of Soil Science maintains a CPSS database at http://www.asssi.asn.au/cpss/accredlist.php).

Application at the maximum rates allowed in this exemption can add physical contaminants to land as follows:

Glass, metal and rigid plastics > 2 mm	7 tonnes per hectare for mine sites until 31 December 2011 5.6 tonnes per hectare for mine sites until 30 June 2013 3.5 tonnes per hectare for mine sites from 1 July 2013
	1.25 tonnes per hectare for plantation forestry use and non-contact agricultural use until 31 December 2011 0.75 tonnes per hectare for plantation forestry use and non-contact agricultural use from 1 January 2012
	0.25 tonnes per hectare for broad acre agricultural use until 31 December 2011 0.15 tonnes per hectare for broad acre agricultural use from 1 January 2012
Plastics – light, flexible or film > 5 mm	0.7 tonnes per hectare for mine sites until 31 December 2011 0.56 tonnes per hectare for mine sites until 30 June 2013 0.35 tonnes per hectare for mine sites from 1 July 2013
	0.125 tonnes per hectare for plantation forestry use and non-contact agricultural use until 31 December 2011 0.1 tonnes per hectare for plantation forestry use and non-contact agricultural use from 1 January 2012
	0.025 tonnes per hectare for broad acre agricultural use until 31 December 2011 0.02 tonnes per hectare for broad acre agricultural use from 1 January 2012

Physical contaminants may also be present in substantial quantities below 2 mm (for glass, metal and rigid plastics) and 5 mm (for Plastics – light, flexible or film).

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act, i.e. a landfill. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act. While not needing an exemption for use on landfills, organic outputs approval for use as cover in landfills can be sought under the conditions of the facility's Environment Protection Licence.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Material Safety Data Sheet (MSDS).

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful

and consistent with the development consent requirements of the land and meets any other legal requirements.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation. If the responsible person fails to comply with the conditions of the Notice of Exemption he or she will not be exempt from the provisions to which this Notice of Exemption applies.

RACING ADMINISTRATION ACT 1998

ORDER

Declared Betting Events

I, Kevin Greene, Minister for Gaming and Racing, in pursuance of section 18 of the Racing Administration Act 1998, hereby declare the sporting events or other events or classes of sporting events or other events, whether held in New South Wales or elsewhere, specified in the schedule below to be declared betting events for the purposes of the Act.

This Order supersedes the Sports Betting Events Order (as amended) published in the *New South Wales Government Gazette* on 3 January 2003.

Dated at Sydney this 28th day of February 2011.

KEVIN GREENE, M.P.,
Minister for Gaming and Racing

RACING ADMINISTRATION ACT 1998

ORDER

Declared Betting Events – Approved Forms of Betting

I, Kevin Greene, Minister for Gaming and Racing, in pursuance of section 20 (1) of the Racing Administration Act 1998, hereby impose generally as a condition on declared betting authorities that the taking of bets on declared betting events is limited to the approved forms of betting in the schedule.

This Order supersedes the Sports Betting Event – Approved Forms of Betting Order (as amended) published in the *New South Wales Government Gazette* on 3 January 2003.

Dated at Sydney this 28th day of February 2011.

KEVIN GREENE, M.P.,
Minister for Gaming and Racing

SCHEDULE OF DECLARED BETTING EVENTS AND APPROVED FORMS OF BETTING

(under sections 18 and 20 of *Racing Administration Act 1998*) (last updated 21 August 2009)

	SPORT OR OTHER EVENT	*SPORTING OR OTHER EVENTS OR CLASSES OF SPORTING OR OTHER EVENTS*	*APPROVED FORMS OF BETTING*	
1	**ATHLETICS**	World Athletic Championships	Winner/placegetter in event or stage	
		Australian Open Championships	Quinella	
		State Open Championships	Exacta	
		Professional events sanctioned by an Australian Professional Athletics Assoc'n	Trifecta	
		Grand Prix events sanctioned by International Amateur Athletics Federation	Favourite Out betting	
		Commonwealth Games	Field Betting	
		Goodwill Games	Head to head	
		Olympic Games	Best of the select (Group betting)	
			Individual Performance	
			Reach final/specified level	
2	**AUSTRALIAN OF THE YEAR**	Australian of the Year	Winner	
		Senior Australian of the Year	Favourite Out Betting	
		Young Australian of the Year	Individual Performance	
		Australia's Local Hero		
3	**AUSTRALIAN RULES FOOTBALL**	Australian Football League Premiership Competition	Head to Head	Match
		Australian State Premier Division AFL Competitions	Handicap	Match/Premiership/Series
		State of Origin Games	Margins	Match
		AFL Official Pre-season Competition	Line	Match
		Most Valuable Player awards sanctioned by AFL	Team to lead at end of specified time period(s)	Match
		International Rules Matches (Aust v Ireland)	Match score total	Match
			Match score competitor	Match
			Match score exact	Match
			Scoring methods (Ranges)	Match
			First, next or last specific scoring play/scorer	Match
			Individual Performance	Match/Premiership/Series
			Number of Disposals	Match
			Match Period Performance	Match
			Team Performance	Match/Premiership/Series
			Game Events	Match
			Ladder betting	Premiership/series
			Team(s) to win or reach finals/specified level	Premiership/series
			Wooden spoon	Premiership/series
			Best of the select (Group betting)	Premiership/series
			Favourite out betting	Premiership/series
			Field betting	Premiership/series
			Last team standing/winning	Premiership/series
			Win	Premiership/series
			Quinella	Premiership/series
			Exacta	Premiership/series
			Match with highest total score in round or series	
			Match with highest winning margin in round or series	
			Winner / Placegetter	Award, etc
4	**BACKGAMMON**	World Championships	Winner/placegetter in stage/event/series/tournament or competition	
		World Series of Backgammon	Favourite Out Betting	
		American Backgammon Tour	Head to Head	
		European Backgammon Tour	Individual Performance	Match/Premiership/Series
		Tournaments sanctioned by the World Backgammon Association (WBA) or affiliated international or national organisations	Match Period Performance	Match
			Team Performance	Match/Premiership/Series

SCHEDULE OF DECLARED BETTING EVENTS AND APPROVED FORMS OF BETTING

(under sections 18 and 20 of *Racing Administration Act 1998*) (last updated 21 August 2009)

	SPORT OR OTHER EVENT	*SPORTING OR OTHER EVENTS OR CLASSES OF SPORTING OR OTHER EVENTS*	*APPROVED FORMS OF BETTING*	
5	**BADMINTON**	Uber Cup	Winner/placegetter in stage/event/series/tournament or competition	
		Sudirman Cup	Favourite Out Betting	
		BWF World Championship	Head to Head	
		BWF Super Series	Line	
		BWF Grand Prix Gold and Grand Prix events	Margin	
		Sanctioned Tournaments by the Badminton World Federation (BWF) and regional conferences - Badminton Asia Confederation, Badminton Confederation of Africa, Badminton Pan Am, Badminton Europe and Badminton Oceania	Total Score	
			Best of a Select (Group Betting)	
			Individual Performance	
			Match Period Performance	Match
			Team Performance	Match/Premiership/Series
6	**BASEBALL**	US National Baseball League Competition	Head to Head	Match
		US College Baseball League Competition	Handicap	Match/Premiership/Series
		Australian Baseball League Competition	Margins	Match
		Special Events sanctioned by Australian Baseball League	Line	Match
		Most Valuable Player awards sanctioned by relevant recognized governing body	Team to lead at end of specified time period(s)	Match
		Olympic Games	Match score total	Match
		Matches and Series sanctioned by the International Baseball Federation (IBAF) or affiliated international or national organisations	Match score competitor	Match
		World Baseball Classic *sanctioned by IBAF	Match score exact	Match
		Baseball World Cup *sanctioned by IBAF	Scoring methods (Ranges)	Match
		US National Baseball League (Minor Leagues)	First, next or last specific scoring play/scorer	Match
		National Domestic competitions (men/women) eg Nippon Professional Baseball (Japan League)	Individual Performance	Match/Premiership/Series
			Match Period Performance	Match
			Team Performance	Match/Premiership/Series
			Game Events	Match
			Ladder betting	Premiership/series
			Team(s) to win or reach finals/specified level	Premiership/series
			Wooden spoon	Premiership/series
			Best of the select (Group betting)	Premiership/series
			Favourite out betting	Premiership/series
			Field betting	Premiership/series
			Last team standing/winning	Premiership/series
			Win	Premiership/series
			Quinella	Premiership/series
			Exacta	Premiership/series
			Series correct score	Premiership/series
			Match with highest total score in round or series	
			Match with highest winning margin in round or series	
			Winner	Award, etc

SCHEDULE OF DECLARED BETTING EVENTS AND APPROVED FORMS OF BETTING

(under sections 18 and 20 of *Racing Administration Act 1998*) (last updated 21 August 2009)

	SPORT OR OTHER EVENT	*SPORTING OR OTHER EVENTS OR CLASSES OF SPORTING OR OTHER EVENTS*	*APPROVED FORMS OF BETTING*	
7	**BASKETBALL**	European Championship Competition	Head to Head	Match
		National Basketball Association (NBA, USA) Competition	Handicap	Match/Premiership/Series
		Women's Basketball Association (WBA, USA) Competition	Margins	Match
		National/International Events sanctioned by Basketball Australia	Line	Match
		National Collegiate Athletics Association (NCAA) Competition	Team to lead at end of specified time period(s)	Match
		Australian National Basketball League (NBL) Competition	Match score total	Match
		Australian Womens National Basketball League (WNBL) Competition	Match score competitor	Match
		Playoff series Australian Continental Basketball League (CBA)	Match score exact	Match
		World Championships sanctioned by Federated International Basketball Association	Scoring methods (Ranges)	Match
		Most Valuable Player awards sanctioned by relevant recognized governing body	First, next or last specific scoring play/scorer	Match
		Goodwill Games	Individual Performance	Match/Premiership/Series
		Olympic Games	Match Period Performance	Match
		Commonwealth Games	Team Performance	Match/Premiership/Series
		Matches and Series sanctioned by the Federated International Basketball Association (FIBA) or affiliated international or national organisations including Basketball Australia	Game Events	Match
			Ladder betting	Premiership/series
			Team(s) to win or reach finals/specified level	Premiership/series
			Wooden spoon	Premiership/series
			Best of the select (Group betting)	Premiership/series
			Favourite out betting	Premiership/series
			Field betting	Premiership/series
			Last team standing/winning	Premiership/series
			Win	Premiership/series
			Quinella	Premiership/series
			Exacta	Premiership/series
			Match with highest total score in round or series	
			Match with highest winning margin in round or series	
			Winner	Award, etc
8	**BOXING**	Sanctioned World Title Fights by World Boxing Association	Fight winner/draw	
		Sanctioned World Title Fights by World Boxing Council	Result/Method - KO/TKO, points decision, disqualification	
		Sanctioned World Title Fights by International Boxing Federation	Result/Duration (number of rounds)	
		Sanctioned World Title Fights by World Boxing Organisation	Tournament Head to Head	
		Sanctioned World Title Fights by International Boxing Association	Tournament Winner	
		Sanctioned World Title Fights by International Boxing Organisation		
		Sanctioned World Title Fights by World Boxing Federation		
		Sanctioned World Title Elimination Fights by WBA, WBC, IBF, IBA, WBO, IBO and WBF		
		Sanctioned Australian Championship Fights by Australian Boxing Feder'n		
		Goodwill Games		
		Commonwealth Games		
		Olympic Games		
		Fights Sanctioned by Australian Boxing Federation		
		Fights Sanctioned by Ring Magazine		
		Fights involving a current or previous title holder of WBA, WBC, IBF, IBA, WBO, IBO, WBF or Australian Boxing Federation		
		Fights broadcast on Australian television		
9	**CHESS**	Sanctioned Tournaments by the Fédération Internationale des Échecs (FIDE)	Winner/placegetter in stage/event/series/tournament or competition	
		Sanctioned Tournaments by National Chess Organisations	Favourite Out Betting	
			Head to Head	
			Best of a Select (Group Betting)	
			Individual Performance	Match/Premiership/Series
			Match Period Performance	Match
			Team Performance	Match/Premiership/Series
			Game Events	Match

SCHEDULE OF DECLARED BETTING EVENTS AND APPROVED FORMS OF BETTING

(under sections 18 and 20 of *Racing Administration Act 1998*) (last updated 21 August 2009)

	SPORT OR OTHER EVENT	*SPORTING OR OTHER EVENTS OR CLASSES OF SPORTING OR OTHER EVENTS*	*APPROVED FORMS OF BETTING*	
10	**CRICKET**	World Cup of Cricket (One Day Series)	Head to Head	Match/Premiership/Series
		Test Matches	Result	Match
		Interstate 1st Class Competition	Margins	Match
		Interstate One Day Series	Method of dismissal	Match
		International One Day Series	Next player out	Match
			Next wicket taker	Match
		Matches and Series sanctioned by Australian Cricket Board or affiliated international organisations	Team to lead at end of specified time period(s)	Match
			Match score total	Match
		Commonwealth Games	Match score competitor	Match
		English County Games	Match score exact	Match
		Most Valuable Player awards sanctioned by relevant recognized governing body	Competitors score (ranges) at end of specified time period	Match
			Individual Performance	Match/Premiership/Series
			First/Next/Last specific play/scorer	Match
			Match Period Performance	Match
			Team Performance	Match/Premiership/Series
			Ladder betting	Premiership/series
			Team(s) to win or reach finals/specified level	Premiership/series
			Wooden spoon	Premiership/series
			Best of the select (Group betting)	Premiership/series
			Favourite out betting	Premiership/series
			Field betting	Premiership/series
			Last team standing/winning	Premiership/series
			Win	Premiership/series
			Quinella	Premiership/series
			Exacta	Premiership/series
			Match with highest total score in round or series	
			Match with highest winning margin in round or series	
			Winner	Award, etc
11	**CYCLING**	World Championships	Winner/placegetter in event/stage/category (general, sprint, king of mountain)	
		Tour de France	Quinella	
		Australian Championships	Exacta	
		Melbourne to Warnambool	Trifecta	
		Other events sanctioned by International Cycling Fed'n or Cycling Australia	Favourite Out betting	
		Goodwill Games	Field Betting	
		Commonwealth Games	Head to head	
		Olympic Games	Best of the select (Group betting)	
		2009 Tour Down Under	Individual Performance	
			Reach final/specified level	
12	**DARTS**	Sanctioned Competitions by the Professional Darts Corporation	Winner/placegetter in stage/event/series/tournament or competition	
		Sanctioned Competitions by the British Darts Organisation	Favourite Out Betting	
		Sanctioned Competitions by the World Darts Federation	Head to Head	
			Best of a Select (Group Betting)	
			Individual Performance	

SCHEDULE OF DECLARED BETTING EVENTS AND APPROVED FORMS OF BETTING

(under sections 18 and 20 of *Racing Administration Act 1998*) (last updated 21 August 2009)

	SPORT OR OTHER EVENT	*SPORTING OR OTHER EVENTS OR CLASSES OF SPORTING OR OTHER EVENTS*	*APPROVED FORMS OF BETTING*	
13	**ENTERTAINMENT**	Academy Awards (Oscars)	Winner	
		Screen Actors Guild Awards (SAG)	Favourite Out Betting	
		British Academy of Film and Television Arts (BAFTA)	Individual Performance	
		Logie Awards		
		The Australian Film Institute Awards (AFI)		
		Cannes International Film Festival		
		Sundance Film Festival		
		Venice International Film Festival		
		Tropfest Short Film Awards		
		Razzie Awards		
		Miss Universe Beauty Pageant	Contestant to win or reach finals/specified level	
		Miss World Beauty Pageant		
		Miss Australia Beauty Pageant		
		Miss America Beauty Pageant		
		* Awards for film, television and entertainment industries in Australia and other countries		
14	**EQUESTRIAN**	Olympic Games	Winner/placegetter in event or stage	
		World Championships	Quinella	
			Exacta	
			Trifecta	
			Favourite Out Betting	
			Field Betting	
			Head to Head	
			Best of the select (Group betting)	
			Individual Performance	
			Reach final/specified level	
15	**FLOORBALL**	Matches and Series sanctioned by the International Floorball Federation or affiliated international or national organisations	Winner/placegetter in stage/event/series/tournament or competition	
			Favourite Out Betting	
			Head to Head	
			Line	
			Margin	
			Total Score	
			Best of a Select (Group Betting)	
			Individual Performance	Match/Premiership/Series
			Match Period Performance	Match
			Team Performance	Match/Premiership/Series

SCHEDULE OF DECLARED BETTING EVENTS AND APPROVED FORMS OF BETTING

(under sections 18 and 20 of *Racing Administration Act 1998*) (last updated 21 August 2009)

	SPORT OR OTHER EVENT	*SPORTING OR OTHER EVENTS OR CLASSES OF SPORTING OR OTHER EVENTS*	*APPROVED FORMS OF BETTING*	
16	**FUTSAL**	FIFA Futsal World Cup	Head to Head	Match
		FIFUSA World Futsal Championships	Handicap (Points Start)	Match/Premiership/Series
		AMF World Futsal Championships	Margins	Match
		Futsal Mundialito	Line	Match
		Grand Prix de Futsal	Result	Match
		Events and Series sanctioned by FIFA/UEFA or affiliated international or national organisations	Team to lead at end of specified time period(s)	Match
			Match score total	Match
			Match score competitor	Match
			Match score exact	Match
			First/next or last specific play/scorer	Match
			Individual Performance	Match/Premiership/Series
			Match Period Performance	Match/Match Period/Series
			Team Performance	Match/ Match Period/Series
			Game Events (excluding throw-ins, kick off or goal kick options)	Match/Match Period/Series
			Ladder betting	Premiership/series
			Team to win or reach finals/specified level	Premiership/series
			Wooden spoon	Premiership/series
			Best of the select (Group betting)	Premiership/series
			Favourite out betting	Premiership/series
			Field betting	Premiership/series
			Last team standing/winning	Premiership/series
			Promotion/relegation	Premiership/series
			Winner/Placegetter	Premiership/series
			Exacta	Premiership/series
			Quinella	Premiership/series
			Trifecta	Premiership/series
			Match with highest points in round or series	
			Match with highest winning margin in round or series	
			Winner	Award, etc
17	**GAELIC FOOTBALL**	Matches and Series sanctioned by the Gaelic Athletic Association or affiliated international or national organisations	Winner/placegetter in stage/event/series/tournament or competition	
			Favourite Out Betting	
			Head to Head	
			Line	
			Margin	
			Total Score	
			First, next or last specific scoring play/scorer	
			Best of a Select (Group Betting)	
			Individual Performance	Match/Premiership/Series
			Match Period Performance	Match
			Team Performance	Match/Premiership/Series
			Game Event	Match
18	**GOLF**	Australian or State Opens	Best of the select (Group betting)	
		Australian Professional Golf Association/Ladies Professional Golf Association Championships	Head to head	
		PGA Tour of Australasia Ltd Events	Individual Performance	
		US Masters	Make cut/final series	
		US PGA/LPGA	Winner/placegetter in event	
		Dunhill Cup	Quinella	
		US Open	Exacta	
		US PGA/LGPA Tour Events	Trifecta	
		British Open	Stage betting	
		World Match Play	Favourite out betting	
		Ryder Cup	Field betting	
		President's Cup	Total matchscore/winning score	
		Other events (incl. "Skins") sanctioned by governing PGA/LPGA or an affiliated international organisation	Greens in regulation	
			Fairways hit	
		Olympic Games	Putts per round	
			No of Birdies/Eagles/Bogeys	
			Playoff Yes/No	
			Wire to Wire winner	

SCHEDULE OF DECLARED BETTING EVENTS AND APPROVED FORMS OF BETTING

(under sections 18 and 20 of *Racing Administration Act 1998*) (last updated 21 August 2009)

	SPORT OR OTHER EVENT	*SPORTING OR OTHER EVENTS OR CLASSES OF SPORTING OR OTHER EVENTS*	*APPROVED FORMS OF BETTING*	
19	**GRIDIRON (AMERICAN FOOTBALL)**	United States National Football League Competition	Head to Head	Match
		Superbowl	Handicap	Match/Premiership/Series
		United States College Football Competition	Margins	Match
		Events sanctioned by National Foortball League & National Collegiate Athletic Association	Line	Match
		Most Valuable Player awards sanctioned by relevant recognized governing body	Team to lead at end of specified time period(s)	Match
			Match score total	Match
			Match score competitor	Match
			Match score exact	Match
			First, next or last specific play/scorer	Match
			Scoring methods (Ranges)	Match
			Individual Performance	Match/Premiership/Series
			Match Period Performance	Match
			Team Performance	Match/Premiership/Series
			Game Events (excluding kick off)	Match
			Ladder betting	Premiership/series
			Team(s) to win or reach finals/specified level	Premiership/series
			Wooden spoon	Premiership/series
			Best of the select (Group betting)	Premiership/series
			Favourite out betting	Premiership/series
			Field betting	Premiership/series
			Last team standing/winning	Premiership/series
			Win	Premiership/series
			Quinella	Premiership/series
			Exacta	Premiership/series
			Match with highest total score in round or series	
			Match with highest winning margin in round or series	
			Winner	Award, etc
20	**HANDBALL**	Matches and Series sanctioned by the International Handball Federation (IHF) or affiliated international or national organisations	Winner/placegetter in stage/event/series/tournament or competition	
			Favourite Out Betting	
			Head to Head	
			Best of a Select (Group Betting)	
			Individual Performance	Match/Premiership/Series
			Match Period Performance	Match
			Team Performance	Match/Premiership/Series

SCHEDULE OF DECLARED BETTING EVENTS AND APPROVED FORMS OF BETTING

(under sections 18 and 20 of *Racing Administration Act 1998*) (last updated 21 August 2009)

	SPORT OR OTHER EVENT	*SPORTING OR OTHER EVENTS OR CLASSES OF SPORTING OR OTHER EVENTS*	*APPROVED FORMS OF BETTING*	
21	**HOCKEY**	World Cup	Head to Head	Match
		International Tournaments and Tests	Handicap	Match/Premiership/Series
		Australian Championships	Margins	Match
		Commonwealth Games	Line	Match
		Other matches sanctioned by International Hockey Fed'n or Hockey Australia	Result	Match
		Most Valuable Player awards sanctioned by relevant recognized governing body	Team to lead at end of specified time period(s)	Match
		Olympic Games	Match score total	Match
			Individual Performance	Match/Premiership/Series
			Match Period Performance	Match
			Team Performance	Match/Premiership/Series
			Game Events	Match
			Ladder betting	Premiership/series
			Team to win or reach finals/specified level	Premiership/series
			Wooden spoon	Premiership/series
			Best of the select (Group betting)	Premiership/series
			Favourite out betting	Premiership/series
			Field betting	Premiership/series
			Last team standing/winning	Premiership/series
			Promotion/relegation	Premiership/series
			Winner/Placegetter	Premiership/series
			Exacta	Premiership/series
			Quinella	Premiership/series
			Trifecta	Premiership/series
			Match with highest points in round or series	
			Match with highest winning margin in round or series	
			Winner	Award, etc
22	**ICE HOCKEY**	US National Hockey League Competition	Head to Head	Match
		Australian National Hockey League Competition	Handicap	Match/Premiership/Series
		Canadian National Hockey League Competition	Margins	Match
		International matches sanctioned by IHL	Line	Match
		World Championships	Result	Match
		Most Valuable Player awards sanctioned by relevant recognized governing body	Team to lead at end of specified time period(s)	Match
		Olympic Games	Match score total	Match
			Match score competitor	Match
			Match score exact	Match
			Individual Performance	Match/Premiership/Series
			Match Period Performance	Match
			Team Performance	Match/Premiership/Series
			Game Events	Match
			Ladder betting	Premiership/series
			Team to win or reach finals/specified level	Premiership/series
			Wooden spoon	Premiership/series
			Best of the select (Group betting)	Premiership/series
			Favourite out betting	Premiership/series
			Field betting	Premiership/series
			Last team standing/winning	Premiership/series
			Promotion/relegation	Premiership/series
			Winner/Placegetter	Premiership/series
			Exacta	Premiership/series
			Quinella	Premiership/series
			Trifecta	Premiership/series
			Match with highest points in round or series	
			Match with highest winning margin in round or series	
			Winner	Award, etc

SCHEDULE OF DECLARED BETTING EVENTS AND APPROVED FORMS OF BETTING

(under sections 18 and 20 of *Racing Administration Act 1998*) (last updated 21 August 2009)

	SPORT OR OTHER EVENT	*SPORTING OR OTHER EVENTS OR CLASSES OF SPORTING OR OTHER EVENTS*	*APPROVED FORMS OF BETTING*	
23	**INTEREST RATES**	Official Interest Rates of the Reserve Bank of Australia (RBA)	Will there be an increase/decrease Size of increase/decrease (ranges)	
24	**LACROSSE**	Matches and Series sanctioned by the Federation of International Lacrosse (FIL) or affiliated international or national organisations	Winner/placegetter in stage/event/series/tournament or competition Favourite Out Betting Head to Head Best of a Select (Group Betting) Individual Performance Match Period Performance Team Performance	 Match/Premiership/Series Match Match/Premiership/Series
25	**LAWN BOWLS**	NSW Premier League Test Series City of Sydney Masters State Number 1 Pennants (Grade 1) Australian Sides Championship NSW State Championship Final Series Trans Tasman Series Asia Pacific Games Champion of Champions Competition Australian Indoor Championships World Championships Commonwealth Games	Head to head Pick the winners Winning margins Competition winner Progress to an identified final Pick a winning score Total points	
26	**LITERARY AND ARTS AWARDS**	Archibald Prize / Packing Room Prize Miles Franklin Award Booker Prize	Winner Favourite Out Betting Individual Performance	
27	**MAGIC MILLIONS HORSE SALES**	Magic Millions Sales	Highest Selling Horse Highest Bid (ranges) Highest Average Sire Average Price Number Passed in Individual Performance	
28	**MISCELLANEOUS**	Commonwealth Games Olympic Games Jockey Challenge	Select medal tally won by a specific competitor or country ovrall or in a specific sport Ladder Betting Winner	

SCHEDULE OF DECLARED BETTING EVENTS AND APPROVED FORMS OF BETTING

(under sections 18 and 20 of *Racing Administration Act 1998*) (last updated 21 August 2009)

	SPORT OR OTHER EVENT	*SPORTING OR OTHER EVENTS OR CLASSES OF SPORTING OR OTHER EVENTS*	*APPROVED FORMS OF BETTING*	
29	**MOTOR RACING**	World Formula One Grand Prix Championship Races and Series	Winner/placegetter in event or stage	
		World Grand Prix Championship Races and Series (Cars and Bikes)	Quinella	
		World/Australian Touring Car Championship Rounds and Series	Exacta	
		Indy Car Grand Prix races	Trifecta	
		Bathurst 1,000 (Production and 2 litre classes)	Favourite Out betting	
		State and National Sprintcar Championships	Field Betting	
		Le Mans	Head to head	
		NASCAR Championship Races & Series	Best of the select (Group betting)	
		Indianapolis Races	Individual Performance	
		British League Championship (Speedway/Bikes)	Reach final/specified level	
		Speedway Riders World Championship (Bikes)	Number of competitors to complete/be eliminated from event or stage	
		Australian Rally Championships		
		World Rally Championships	Pole Position	
		World Grand Prix Support Championship Races & Series (Cars & Bikes)	Fastest Lap	
		World A1 Grand Prix Championship Races and Series	Race Period Performance	Race
			Team Performance	Race/Premiership/Series
			Race Events	Race
			Competitor to lead at end of specified period	
30	**NETBALL**	Commonwealth Games	Head to Head	Match
		Interstate Premier Competition	Handicap	Match/Premiership/Series
		World Netball Championships	Margins	Match
		International Matches sanctional by International Federation of Netball Associations	Line	Match
			Team to lead at end of specified time period(s)	Match
			Match score total	Match
			Match score competitor	Match
			Match score exact	Match
			First, next or last specific play/scorer	Match
			Scoring methods (Ranges)	Match
			Individual Performance	Match/Premiership/Series
			Match Period Performance	Match
			Team Performance	Match/Premiership/Series
			Ladder betting	Premiership/series
			Team(s) to win or reach finals/specified level	Premiership/series
			Wooden spoon	Premiership/series
			Best of the select (Group betting)	Premiership/series
			Favourite out betting	Premiership/series
			Field betting	Premiership/series
			Last team standing/winning	Premiership/series
			Win	Premiership/series
			Quinella	Premiership/series
			Exacta	Premiership/series
			Match with highest total score in round or series	
			Match with highest winning margin in round or series	
			Winner	Award, etc
31	**NOBEL PEACE PRIZE**	Categories - chemistry, physics, literature, peace, and physiology or medicine	Winner	
			Favourite Out Betting	
			Individual Performance	

SCHEDULE OF DECLARED BETTING EVENTS AND APPROVED FORMS OF BETTING

(under sections 18 and 20 of *Racing Administration Act 1998*) (last updated 21 August 2009)

	SPORT OR OTHER EVENT	*SPORTING OR OTHER EVENTS OR CLASSES OF SPORTING OR OTHER EVENTS*	*APPROVED FORMS OF BETTING*	
32	**OLYMPIC & COMMONWEALTH GAMES**	Events conducted at the Olympic Games sanctioned by the International Olympic Committee (IOC) Events conducted at the Commonwealth Games sanctioned by the Commonwealth Games Organising Committee	Winner/placegetter in stage/event/series/tournament or competition Favourite Out Betting Head to Head Handicap Margins Line Team to lead at end of specified time period(s) Match Score Total / Ranges Match score competitor First, next or last specific scoring play/scorer Individual Performance Team/Country Performance Best of a Select (Group Betting) Bet types approved under the individual sports in this schedule	
33	**POKER**	Events and Series sanctioned by the World Poker Tournaments (WPT) or affiliated international or national organisations Events and Series sanctioned by the World Series of Poker (WSOP) or affiliated international or national organisations	Winner/placegetter in stage/event/series/tournament or competition To make final table Favourite Out Betting Head to Head Best of a Select (Group Betting) Individual Performance Event Period Performance Team Performance	 Match/Premiership/Series Match Match/Premiership/Series
34	**POWER BOATS**	Events and Series sanctioned by the UIM - Union Internationale Motonautique (International Power Boating Association) or Australian Power Boat Association or affiliated international or national organisations	Winner/placegetter in stage/event/series/tournament or competition Favourite Out Betting Head to Head Best of a Select (Group Betting) Individual Performance Team Performance	 Race Race/Premiership/Series
35	**REALITY TV SHOWS**	Australian and International Television Shows	Winner Eliminated Contestent Individual Performance	
36	**ROWING**	Olympic Games World Championships Events sanctioned by the International Rowing Federation (FISA) or affiliated international or national organisations	Winner/placegetter in event or stage Quinella Exacta Trifecta Favourite Out Betting Field Betting Head to Head Best of the select (Group betting) Individual Performance Reach final/specified level	

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(under sections 18 and 20 of *Racing Administration Act 1998*) (last updated 21 August 2009)

	SPORT OR OTHER EVENT	*SPORTING OR OTHER EVENTS OR CLASSES OF SPORTING OR OTHER EVENTS*	*APPROVED FORMS OF BETTING*	
37	**RUGBY LEAGUE**	Test Matches/Series	Head to Head	Match
		National Rugby League Premiership Competition	Handicap	Match/Premiership/Series
		State of Origin Competition	Margins	Match
		World Sevens or Nines Tournaments	Line	Match
		Special Matches sanctioned by NRL	Team to lead at end of specified time period(s)	Match
		Super League Competition (United Kingdom)	Match score total	Match
		NSW RL Premier League Matches	Match score competitor	Match
		Most Valuable Player awards sanctioned by relevant recognized governing body	Match score exact	Match
		NRL Toyota Cup Finals Matches	First, next or last specific play/scorer	Match
		NRL Toyota Cup Competition	Scoring methods (Ranges)	Match
		Matches and Series sanctioned by the Rugby League International Federation (RLIF) or affiliated international or national organisations	Individual Performance	Match/Premiership/Series
		Matches and Series sanctioned by the Australian Rugby League / National Rugby League and affiliated state bodies	Match Period Performance	Match
		Matches and Series sanctioned by the New Zealand Rugby League (NZRL)	Team Performance	Match/Premiership/Series
		NSW Cup	Game Events (excluding kick off)	Match
		Bundaberg Red Cup	Ladder betting	Premiership/series
		CRL games	Team(s) to win or reach finals/specified level	Premiership/series
		S G Ball Cup	Wooden spoon	Premiership/series
		Harold Matthews Cup	Best of the select (Group betting)	Premiership/series
			Favourite out betting	Premiership/series
			Field betting	Premiership/series
			Last team standing/winning	Premiership/series
			Win	Premiership/series
			Quinella	Premiership/series
			Exacta	Premiership/series
			Match with highest total score in round or series	
			Match with highest winning margin in round or series	
			Winner	Award, etc
38	**RUGBY UNION**	Five/Six Nations Tournament Matches	Head to Head	Match/Premiership/Series/Round
		NSW and Queensland Premiership Competition	Handicap	Match/Premiership/Series
		Test Matches	Margins	Match
		World Sevens Competitions	Line	Match
		World Cup Matches	Team to lead at end of specified time period(s)	Match
		Tri-Nations Series	Match score total	Match
		Super 15 Competition	Match score competitor	Match
		Interstate Matches	Match score exact	Match
		Other Matches Sanctioned by International Rugby Board or affiliated governing body	First, next or last specific play/scorer	Match
		Commonwealth Games	Scoring methods (Ranges)	Match
		Most Valuable Player awards sanctioned by relevant recognized governing body	Individual Performance	Match/Premiership/Series
		U19/Junior World Championships/World Cup	Match Period Performance	Match
			Team Performance	Match/Premiership/Series
			Game Events (excluding kick off)	Match
			Ladder betting	Premiership/series
			Team(s) to win or reach finals/specified level	Premiership/series
			Wooden spoon	Premiership/series
			Best of the select (Group betting)	Premiership/series
			Favourite out betting	Premiership/series
			Field betting	Premiership/series
			Last team standing/winning	Premiership/series
			Win	Premiership/series
			Quinella	Premiership/series
			Exacta	Premiership/series
			Match with highest total score in round or series	
			Match with highest winning margin in round or series	
			Winner	Award, etc

SCHEDULE OF DECLARED BETTING EVENTS AND APPROVED FORMS OF BETTING

(under sections 18 and 20 of *Racing Administration Act 1998*) (last updated 21 August 2009)

	SPORT OR OTHER EVENT	*SPORTING OR OTHER EVENTS OR CLASSES OF SPORTING OR OTHER EVENTS*	*APPROVED FORMS OF BETTING*	
39	**SQUASH**	Events and Series sanctioned by the World Squash Federation or Professional Squash Association (PSA) or the Women's International Squash Players Association (WISPA) or affiliated international or national organisations	Winner/placegetter in stage/event/series/tournament or competition	
			Favourite Out Betting	
			Head to Head	
			Line	
			Margin	
			Total Score	
			Best of a Select (Group Betting)	
			Individual Performance	Match/Premiership/Series
			Match Period Performance	Match
			Team Performance	Match/Premiership/Series
40	**SNOOKER**	Sanctioned Tournaments by the World Professional Billiards and Snooker Association	Winner/Placegetter in stage/event/series/tournament or competition	
		Sanctioned Tournaments by the Australian Billiards and Snooker Council	Favourite Out Betting	
			Head to Head	
			Best of Select (Group Betting)	
			Individual Performance	
			Match Period Performance	
41	**SOCCER**	English Premier League and 1st, 2nd & 3rd Division Competition	Head to Head	Match
		English Conference League	Handicap (Points Start)	Match/Premiership/Series
		FA Cup	Margins	Match
		UEFA Europa League (formerly UEFA Cup)	Line	Match
		World Cup	Result	Match
		A-League (formerly Australian National Soccer League)	Team to lead at end of specified time period(s)	Match
		European Champions League Competition	Match score total	Match
		UEFA European Football Championship (formerly Euro Championship)	Match score competitor	Match
		Special Matches sanctioned by Soccer Australia, FIFA, UEFA	Match score exact	Match
		NSW State League Competition	First/next or last specific play/scorer	Match
		Other National/International Competitions/Cups sanctioned by FIFA/UEFA	Individual Performance	Match/Premiership/Series
		Most Valuable Player awards sanctioned by relevant recognized governing body	Match Period Performance	Match/Match Period/Series
		Olympic Games	Team Performance	Match/ Match Period/Series
		Scottish Division 2	Game Events (excluding throw-ins, kick off or goal kick options)	Match/Match Period/Series
		Scottish Division 3	Ladder betting	Premiership/series
		Italian Serie B and C	Team to win or reach finals/specified level	Premiership/series
		Spanish Division 2	Wooden spoon	Premiership/series
		German Division 2	Best of the select (Group betting)	Premiership/series
		J-League Division 2	Favourite out betting	Premiership/series
		US Major Soccer League Division 2	Field betting	Premiership/series
		Brazilian State Leagues	Last team standing/winning	Premiership/series
		Russian Division 2	Promotion/relegation	Premiership/series
		Turkish Division 2	Winner/Placegetter	Premiership/series
		Portugal Division 2	Exacta	Premiership/series
			Quinella	Premiership/series
			Trifecta	Premiership/series
			Match with highest points in round or series	
			Match with highest winning margin in round or series	
			Winner	Award, etc
42	**STOCK MARKET INDICES**	International Indices	Increase / Decrease	
		ASX Indices	Margin (Ranges)	

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43	**SURF LIFE SAVING**	Australian Iron Man/Woman Competitions World Iron Man/Woman Competitions Australian Surf Life Saving Championship Events Goodwill Games	Winner/placegetter in event or stage Quinella Exacta Trifecta Favourite Out betting Field Betting Head to head Best of the select (Group betting) Individual Performance Reach final/specified level	
44	**SURFING**	World Professional Men's and Women's Tour Events Events sanctioned by the Association of Surfing Professionals or affiliated international or national organisations	Winner/placegetter in stage/event/series/tournament Quinella Exacta Trifecta Favourite Out betting Field Betting Head to head Best of the select (Group betting) Individual Performance Reach final/specified level	
45	**SWIMMING**	Olympic Games World Championships Commonwealth Games Events sanctioned by the FINA or affiliated international or national organisations Events sanctioned by Swimming Australia	Winner/placegetter in event or stage Quinella Exacta Trifecta Favourite Out Betting Field Betting Head to Head Best of the select (Group betting) Individual Performance Reach final/specified level	
46	**TABLE TENNIS**	Events and Series sanctioned by the International Table Tennis Federation (ITTF) or affiliated international or national organisations	Winner/placegetter in stage/event/series/tournament or competition Favourite Out Betting Head to Head Line Margin Total Score Best of a Select (Group Betting) Individual Performance Match Period Performance Team Performance	 Match/Premiership/Series Match Match/Premiership/Series
47	**TEN PIN BOWLING**	Events and Series sanctioned by the Professional Bowlers Association (PBA) or affiliated international or national organisations Events and Series sanctioned by the European Tenpin Bowling Federation Events and Series sanctioned by the United States Bowling Congress (USBC) Weber Cup World Tenpin Masters Qubica/AMF World Cup.	Winner/placegetter in stage/event/series/tournament or competition Favourite Out Betting Head to Head Line Margin Total Score Best of a Select (Group Betting) Individual Performance Match Period Performance Team Performance First, next or last specific scoring play/scorer	 Match/Premiership/Series Match Match/Premiership/Series

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48	**TENNIS**	Grand Slam Tournaments	Head to head	Match/Tournament
		Australian State Open Championship	Correct set score in match	Match
		Australian Indoor Championship	Number of games played in a set/match	Match
		Davis Cup	Number of aces in a game/set/match	Match
		Hopman Cup	Next set winner	Match
		Federation Cup	Next game winner	Match
		Association of Tennis Professional Tour	Match Period Performance	Match
		Other Events sanctioned by Association of Tennis Professionals, Womens Tennis Association, International Tennis Federation or affiliated bodies	Team Performance	Match/Premiership/Series
		Olympic Games	Game Events (excluding 1st to serve)	Match
		Exhibition matches involving ATP/WTA players	Line	Match
		World Team Tennis	Player/team to win or reach finals/specified level	Tournament
			Best of the select (Group betting)	Tournament
			Favourite out betting	Tournament
			Field betting	Tournament
			Individual Performance	Match/Tournament
			Exacta	Tournament
			Quinella	Tournament
49	**TRIATHLON**	Events sanctioned by Triathlon Australia or International Triathlon Union or a recognised affilated body	Winner/placegetter in stage/event/series/tournament	
		Goodwill Games	Quinella	
		Commonwealth Games	Exacta	
		Olympic Games	Trifecta	
			Favourite Out betting	
			Field Betting	
			Head to head	
			Best of the select (Group betting)	
			Individual Performance	
			Reach final/specified level	
50	**VOLLEYBALL**	Olympic Games	Head to head	
		World Championships	Handicap	
		Events sanctioned by International Federation of Volleyball (FIVA) or affiliated international or national organisations	Margins	
		Beach Volleyball Events sanctioned by FIVA or affiliated international or national organisations	Line	
			Team to lead at end of specified time period/s	
			Match score total	
			Match score competitor	
			Match score exact	
			Scoring methods (Ranges)	
			First, next or last specific scoring play/scorer	
			Individual Performance	
			Ladder betting	
			Team(s) to win or reach finals/specified level	
			Wooden spoon	
			Best of the select (Group betting)	
			Favourite out betting	
			Field betting	
			Last team standing/winning	
			Win	
			Quinella	
			Exacta	
			Match with highest total score in round or series	
			Match with highest winning margin in round or series	

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51	**WEIGHTLIFTING**	Olympic Games World Championships Commonwealth Games Events sanctioned by International Weightlifting Federation (IWF) or affiliated international or national organisations	Winner/placegetter in event or stage Quinella Exacta Trifecta Favourite Out Betting Field Betting Head to Head Best of the select (Group betting) Individual Performance Reach final/specified level	
52	**WINTER SPORTS**	Ice Skating, Skiing, Sledding, Snowboarding and Snowmobiling Events and Series sanctioned by the International Ski Federation	Winner/placegetter in stage/event/series/tournament or competition Favourite Out Betting Head to Head Best of a Select (Group Betting) Individual Performance Event Period Performance Team Performance	 Match/Premiership/Series Match Match/Premiership/Series
53	**YACHT RACING**	Sydney to Hobart America's Cup Admiral's Cup Senior 18 Foot Sailing sanctioned by Yachting Association of NSW Olympic Games Events sanctioned by the International Sailing Federation (ISAF) or affiliated international or national organisations	Winner/placegetter in stage/event/series/tournament Quinella Exacta Trifecta Favourite Out betting Field Betting Head to head Best of the select (Group betting) Individual Performance Reach final/specified level	

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 document as the Environmental Outcomes Assessment Methodology.

Hon. Frank Sartor MP

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Contents

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 Native Vegetation Assessment Tools (NVAT). 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 Native Vegetation Assessment Tools 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 Native Vegetation Assessment Tools will require consideration by the Natural Resources Commission and approved by the Minister for Climate Change and the Environment (in relation to aspects of assessment concerned with salinity, soil, water quality, biodiversity and threatened species).

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
http://www.wwf.org.au/News_and_information/Publications/PDF/Report/new_model_report_to_carr.pdf

Native Vegetation Reform Implementation Group, 2003 *Final Report.* Department of Infrastructure, Planning and Natural Resources
http://www.nativevegetation.nsw.gov.au/methodology/index.shtml

Department of Natural Resources (DNR), 2003 A New Approach to Natural Resource Management.
http://www.nativevegetation.nsw.gov.au/methodology/index.shtml

The Native Vegetation Assessment Tools (NVAT) were known in previous versions of this EOAM as the Property Vegetation Plan Developer (PVP Developer).

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 24 of the Native Vegetation Regulation 2005. The Environmental Outcomes Assessment Methodology can only be varied in accordance with the process set out in clause 25 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(1)(g)) 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 Environmental Outcomes Assessment Methodology, the methodology has been programmed into a decision support tool called the Native Vegetation Assessment Tool (NVAT). 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 Native Vegetation Assessment Tool complies in all aspects with the Environmental Outcomes Assessment Methodology. Decisions made in accordance with the Native Vegetation Assessment Tool will be regarded as improving or maintaining environmental outcomes.

The Director General of the Department of Environment, Climate Change and Water (or delegate) will maintain version control of the Native Vegetation Assessment Tool in accordance with amendments to the Environmental Outcomes Assessment Methodology made under clause 25 of the Native Vegetation Regulation 2005. Version control is managed through the PVPs Agreements Data and Customer Service (PADACS) system that automatically maintains the version of the Native Vegetation Assessment Tool and its databases used for a Property Vegetation Plan. A PVP can not be generated without reference to the PVPs Agreements Data and Customer Service system.

Broadscale clearing must be assessed in accordance with Chapters 2 to 6 (unless the clearing is assessed in accordance with Chapters 7 or 8). 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.

Where the broadscale clearing meets the circumstances and criteria set out in Chapter 8 for streamlined assessment of native vegetation in a vegetation category listed in Chapter 8, the option is available to have the proposal assessed in accordance with Chapter 8 only.

Note: The PVPs Agreements Data and Customer Service (PADACS) system was known in previous versions of this EOAM as the Property Administration Management System (PAMS).

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 or native vegetation in a vegetation category for streamlined assessment) the proposal must be assessed against each of the relevant environmental values (that is, water quality, salinity, biodiversity and soils) in Chapter Sections 3 to 6. 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).

If a clearing proposal relates to clearing of native vegetation in a vegetation category to which streamlined assessment in Chapter 8 applies, then that proposal may be assessed **only under Chapter 8** to determine whether the proposed clearing will improve or maintain environmental outcomes. If the assessment under Chapter 8 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).

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 and Chapter 8, 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 from any offset whether the same property or elsewhere will improve or maintain environmental outcomes for each relevant environmental value; 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, 7 and 8 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.

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 profile database;
- vegetation benchmarks database;
- overcleared landscapes database;
- overcleared vegetation types database;
- coastal thinning genera database;
- major rivers database;
- important wetlands database;
- soil subregions database; and
- invasive native scrub species database.

These databases are available from the web site of the Department of Environment, Climate Change and Water.

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 database(s) 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 benchmarks;
- overcleared landscapes;
- overcleared vegetation types;
- coastal thinning genera; and
- threatened species profile data, including (but not limited to) whether threatened animal species are likely to occur on the land in that vegetation type or key habitat feature in the subregion and 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 area of habitat component 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 26(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), the accredited expert must:

- Provide reasons for this opinion; and

- Comply with any assessment protocols approved by the Minister for Climate Change and the Environment (in relation to aspects of assessment concerned with salinity, soil, water quality, biodiversity and threatened species) 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 Climate Change and the Environment as an expert for the purposes of this Chapter Section, being accreditation on the basis of criteria approved by the Minister for Climate Change and the Environment (in relation to aspects of assessment concerned with salinity, soil, water quality, biodiversity and threatened species) and the Minister for Primary Industries (in relation to aspects of assessment concerned with fish and marine vegetation).

If broadscale clearing is approved after data has been varied in accordance with this Chapter Section the requirements of clause 29 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 geomorphologicall 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	10 m	20 m	30 m	40 m
Western slopes & plains	20 m	40 m	60 m	100 m
Estuarine areas	50 m 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:

a) listed in the Major Rivers Database (see definition of Minor River); or

b) not listed in the Major Rivers Database but is shown on the topographic map in the Native Vegetation Assessment Tool.

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 Native Vegetation Assessment Tool.

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 Native Vegetation Assessment Tool; 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 Native Vegetation Assessment Tool.

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 Native Vegetation Assessment Tool.

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 Native Vegetation Assessment Tool 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 Native Vegetation Assessment Tool; 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 Native Vegetation Assessment Tool.

Minor watercourse means any part of a stream:
a) that is not listed in the Major Rivers Database and the topographic map in the Native Vegetation Assessment Tool shows it has no tributaries upstream of it; and
b) for which there is a visible path where water flows intermittently, ephemerally 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 Native Vegetation Assessment Tool 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 Native Vegetation Assessment Tool.

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 20 m 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 Native Vegetation Assessment Tool.

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.

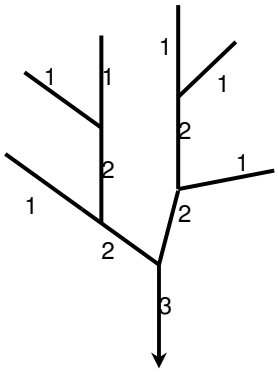

Figure 3.1 Modified Strahler stream ordering system

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

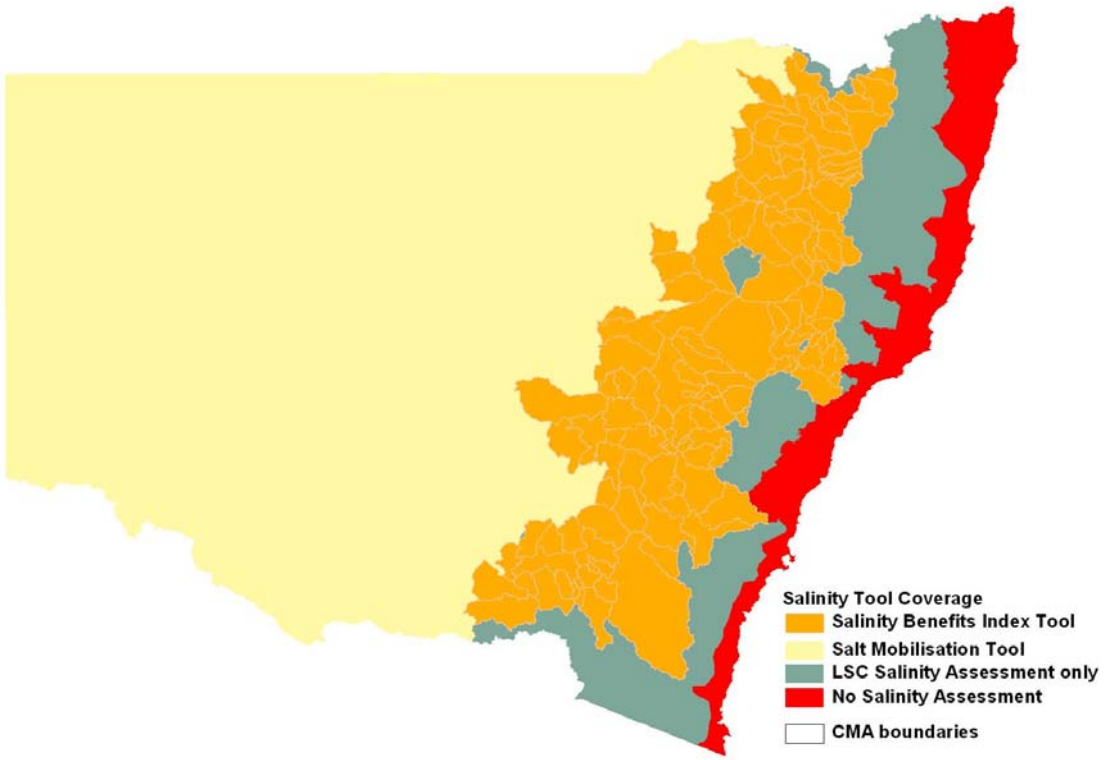
4.1 Introduction

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 Index which is a measure of the change in salt mobilised following a change in land use or cover (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;
- on the coastal slopes and tablelands an assessment of salinity is undertaken using only the Land and Soil Capability Tool (LSC); and
- on the coastal plains, a salinity assessment is not required because the dryland salinity hazard is low except in the Hawkesbury-Nepean coastal plain.

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 most of the 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.

A salinity hazard assessment is not required where the proposal to clear native vegetation involves the removal of paddock trees, as defined for the ***BioMetric*** Tool.

The criteria used by the Land and Soil Capability Tool to assess salinity hazard depend on the Catchment Hazard Area in which the 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 to 6, in the case of a clearing proposal, or Land and Soil Capability Class 3 to 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 determine the salinity offset requirement, if any; or
- where the Salinity Benefits Index Tool is not available for the Catchment Hazard Area, and the Salt Mobilisation Tool is available, then the Salt Mobilisation Tool must be run to 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
		Very Low to Low; Low	2
		Low to Moderate; Moderate Moderate to High	3-6
		High; High to Very High	7
		Very High	8
	Salt outbreaks observed but not extensive and no severe scalding	Very Low; Very Low to Low; Low; Low to Moderate; Moderate	3-6
		Moderate to High; High	7
		High to Very High; Very High	8
	Salt outbreaks extensive and severe scalding	Any	7-8
Salt outbreaks observed but not extensive and no severe scalding	No salt outbreaks	Very Low; Very Low to Low; Low; Low to Moderate; Moderate	3-6
		Moderate to High; High	7
		High to Very High; Very High	8
	Salt outbreaks observed but not extensive and no severe scalding	Very Low; Very Low to Low; Low; Low to Moderate	3-6
		Moderate; Moderate to High; High	7
		High to Very High; Very High	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]	Low Condition Vegetation [2]	Land and Soil Capability Class
No salt outbreaks	Very Low; Very Low to Low	Low	Yes	1
			No	1
		Moderate	Yes	1
			No	2
		High	Yes	2
			No	3
	Low; Low to Moderate	Low	Yes	1
			No	2
		Moderate	Yes	2
			No	3
		High	Yes	3
			No	4
	Moderate	Low	Yes	2
			No	3
		Moderate	Yes	3
			No	4
		High	Yes	4
			No	5
	Moderate to High; High	Low	Yes	3
			No	4
		Moderate	Yes	4
			No	5
		High	Yes	5
			No	6
	High to Very High; Very High	Low	Yes	4
			No	5
		Moderate	Yes	5
			No	6
		High	Yes	6
			No	7
Salt outbreaks and/or scalding	Very Low; Very Low to Low	Low	Yes	3
			No	3
		Moderate	Yes	3
			No	3
		High	Yes	3
			No	4
	Low; Low to Moderate	Low	Yes	3
			No	3
		Moderate	Yes	3
			No	4
		High	Yes	4
			No	4
	Moderate	Low	Yes	3
			No	4
		Moderate	Yes	4
			No	4
		High	Yes	4
			No	5
	Moderate to High; High	Low	Yes	4
			No	4
		Moderate	Yes	4
			No	5
		High	Yes	5
			No	6
	High to Very High; Very High	Low	Yes	4
			No	5
		Moderate	Yes	5
			No	6
		High	Yes	6
			No	7

[1] **Defined in Section 4.5.4**
[2] **Defined in Section 4.3.7**

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 flow across the land surface and lateral shallow subsurface flow.

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:

Salt Load (M) = Streamflow (V) * Salinity (M/V)

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:

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

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 4.7 to 4.10 in Chapter Section 4.6.

4.3.7 Low Condition Vegetation

For the purposes of the salinity assessments:

- Native woody vegetation is in low condition 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 in low condition if:
  - the percent ground cover tends (or is on average) less than 50%.

Ground cover can comprise non-native species, including weeds, as the interest from a salinity perspective is in water use by the vegetation cover. This represents a slight variation on the definition of 'low condition' used in biodiversity assessments.

4.3.8 Paddock Trees

Paddock trees refer to "native vegetation with an over-storey projected foliage cover less than 25% of the lower benchmark for the vegetation community and where the ground layer is either exotic crop, ploughed fallow or almost exclusively perennial or annual exotic pasture (90% plus of the cover is exotic species)".

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 $\mathbf{SBI_{offset} \geq 0}$ and $\mathbf{SBI_{offset} \geq (SBI_{clearing}}$ ignoring its minus sign**)**, then the cumulative impact of the clearing and offset actions improve salinity outcomes;
- If $\mathbf{SBI_{offset} \geq 0}$ and $\mathbf{SBI_{offset} < (SBI_{clearing}}$ 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 $\mathbf{SBI_{offset} < 0}$, 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.

Offsets must be located:
- on the 'same property' as that where the clearing is proposed, and
- in catchments of the same stream order (Strahler system) or lower, and
- in the same SBI catchment as that of the clearing proposal.

The 'same property' assumes a contiguous block of land, but this definition can be expanded at the discretion of the CMA to include a property that is fragmented, so long as the clearing and offset sites are within the same local catchment, groundwater flow system or salinity hazard area. In circumstances where group PVP proposals are considered, the 'same property' refers to all properties making up the group bid, but with offset areas still subject to the other constraints listed above.

4.4.3 Reference Location

Salinity Benefits Index values are evaluated at the Local Reference Point (see Tables 4.7 to 4.10 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 if:
- the quantities of water and salt flowing past a given point in a stream; and
- the physical characteristics, which influence catchment water and salt yields (e.g. rainfall, topography, soil properties, salt stores, land cover), of the area contributing to that point;
- are known, then 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.

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, which sits behind the Native Vegetation Assessment Tool software.

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 Native Vegetation Assessment Tool.

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 4.7 to 4.10 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 and the partitioning between overland flow and infiltrated runoff. 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 weight 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 a 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.

In the SBI Tool, the land cover/use layer maps 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}):

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

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}):

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

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 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.

The Salt Mobilisation Tool is used to calculate a Salt Mobilisation Index (SMI) for each site where clearing or offsets is proposed. The Salt Mobilisation Index is a measure of potential salt mobilisation as a function of recharge and salt store. The Salt Mobilisation Index 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 required to meet the improve or maintain test. The rationale for, and calculation of, the Salt Mobilisation Index are described in Chapter Sections 4.5.3 and 4.5.4.

4.5.1 Clearing Areas

Clearing is deemed to improve or maintain salinity outcomes if there is no increase in local recharge, hence salt mobilisation. The following general rules are used to interpret the Salt Mobilisation Index (SMI) for clearing:

- If **SMI ≥ 0**, then the proposal is deemed to improve or maintain salinity outcomes and there is no requirement for salinity offsets;
- If **SMI < 0**, then the proposal is deemed to not improve or maintain salinity outcomes. The proposal can only occur if actions are undertaken elsewhere on the property to offset the negative salinity impact.

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 4.5.4.

4.5.2 Offset Areas

If offsets are required to produce a net no salt mobilisation outcome from a proposal to clear native vegetation, then the following rules are used to interpret the offset Salt Mobilisation Index relative to the clearing Salt Mobilisation Index (SMI):

- If **SMI_{offset} > 0** and **SMI_{offset} > ($SMI_{clearing}$** ignoring its minus sign**)**, then the cumulative impact of the clearing and offset actions is deemed to improve or maintain salinity outcomes;
- If **SMI_{offset} > 0** and **SMI_{offset} < ($SMI_{clearing}$** ignoring its minus sign**)**, then the proposed offset provides a partial offset to the clearing impact, but the net outcome is that some salt is mobilised and the improve or maintain test is not met. Additional or alternative salinity offsets are required;
- If **SMI_{offset} < 0**, then the offset proposal is likely to increase salt mobilisation, hence provides no offset. The improve or maintain test is not met for salinity outcomes.

Offsets must be located:

- on the 'same property' as that where the clearing is proposed, and
- in catchments of the same stream order (Strahler system) or lower.

The 'same property' assumes a contiguous block of land, but this definition can be expanded at the discretion of the Catchment Management Authority to include a property that is fragmented, so long as the clearing and offset sites are within the same local catchment, groundwater flow system or salinity hazard area. In circumstances where group PVP proposals are considered, the 'same property' refers to all properties making up the group bid, but with offset areas still subject to the other constraints listed above.

4.5.3 Conceptual Framework for the Salt Mobilisation Tool

The approach adopted for assessing salinity impacts in relatively flat, floodplain environments is based on a very different assumption from the upland areas, where the assessment is based around the impacts on stream salinity. Here, the assumption is simply that reducing the mobilisation of salt stored in the ground is beneficial to the environment. Reducing salt mobilisation can be achieved through land cover changes that increase plant water uptake and, hence, reduce recharge. 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 require a salinity offset.

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

4.5.4 Calculating the Salt Mobilisation Offset requirement

The Salt Mobilisation Index is a function of the change in recharge caused by the proposed land cover change and the salt store weighting for the area. A limited set of recharge estimates has been defined to cover the range of land covers and soil types of the Inland Plains.

Each land cover available for selection in the tool has been classified into one of five 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 4.4 gives the water use efficiency rating that has been assigned to a range of different land cover options in western NSW.

For the native vegetation classes, it is assumed that water use will be less efficient where vegetation is in a "low condition" than where it is in a relatively undisturbed condition. Chapter Section 4.3.7 provides the definition of "low condition" for salinity purposes. Note that this definition differs somewhat from the biodiversity definition of low condition, since from a water use perspective a groundcover dominated by weeds can be as efficient as the natural groundcover. In other words, it is not the composition of the groundcover, so much as the extent of coverage, which is significant in terms of water use. In Table 4.4, each of the native vegetation classes has a water use efficiency classification reflecting the two conditions.

Paddock trees are assumed to be native vegetation remaining in areas of cropping or pasture (Chapter Section 4.3.8 for definition). The Salt Mobilisation Tool treats the clearing of paddock trees as having no impact on recharge, hence salt mobilisation. Thus clearing of paddock trees is deemed to maintain environmental outcomes.

Table 4.4 Vegetation covers classified into water use efficiency classes.

Vegetation Class	***Water Use Efficiency Class***	
	Not Low Condition	***Low Condition***
Arid and semi-arid shrublands[1]	*Very High*	*High*
Semi arid woodlands[1]	*Very High*	*High*
Sclerophyll grassy woodlands[1]	*Very High*	*High*
Dry sclerophyll shrub/grass forest[1]	*Very High*	*High*
Dry sclerophyll shrub forest[1]	*Very High*	*High*
Forested Wetlands[1]	*Very High*	*High*
Grasslands (native)[1]	*High*	*Moderate*
Horticulture (with DIMP[2])	*High*	*N/A*
High water use pasture (e.g. lucerne)	*High*	*N/A*
Response cropping	*High*	*N/A*
Pasture with paddock trees	*High*	*N/A*
No till cropping / Deep-rooted perennial pasture rotation	*High*	*N/A*
Continuous no till cropping	*High*	*N/A*
No till winter cropping	*Moderate*	*N/A*
Crops with paddock trees	*Moderate*	*N/A*
Summer-winter cropping	*Moderate*	*N/A*
Pasture (e.g. annual grasses/medic)	*Moderate*	*N/A*
Winter cropping (with conventional fallow)	*Low*	*N/A*
Annual pasture (e.g. oats)	*Low*	*N/A*
Horticulture (with no DIMP[2])	*Very Low*	*N/A*

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

[2] DIMP is drainage and irrigation management plan (DIMP).

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 4.5. Recharge estimates are based on values reported in the literature for areas with average annual rainfalls less than about 500 mm. It is the accuracy of the relative differences between classes, rather than that of the absolute values, which is significant for the calculations undertaken here.

Table 4.5 Estimates of average annual recharge (mm) in western NSW.

Soil Permeability Class	Vegetation Water Use Efficiency Class				
	Very Low	Low	Moderate	High	Very High
High	100	60	20	5	0.5
Moderate	60	30	10	3	0.1
Low	20	10	5	1	0.1

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:

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

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

where ΔR is the change in average annual recharge (mm) from changing land 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. The formulation of the equation is such that a change to lower water use vegetation will result in a negative ΔR, whereas a change to higher water use vegetation will result in a positive ΔR.

The change in recharge from the land cover change is multiplied by the salt store weighting, S_w, (Table 4.6) for the site to produce an index of salt mobilisation.

$$SMI = \Delta R * S_w$$

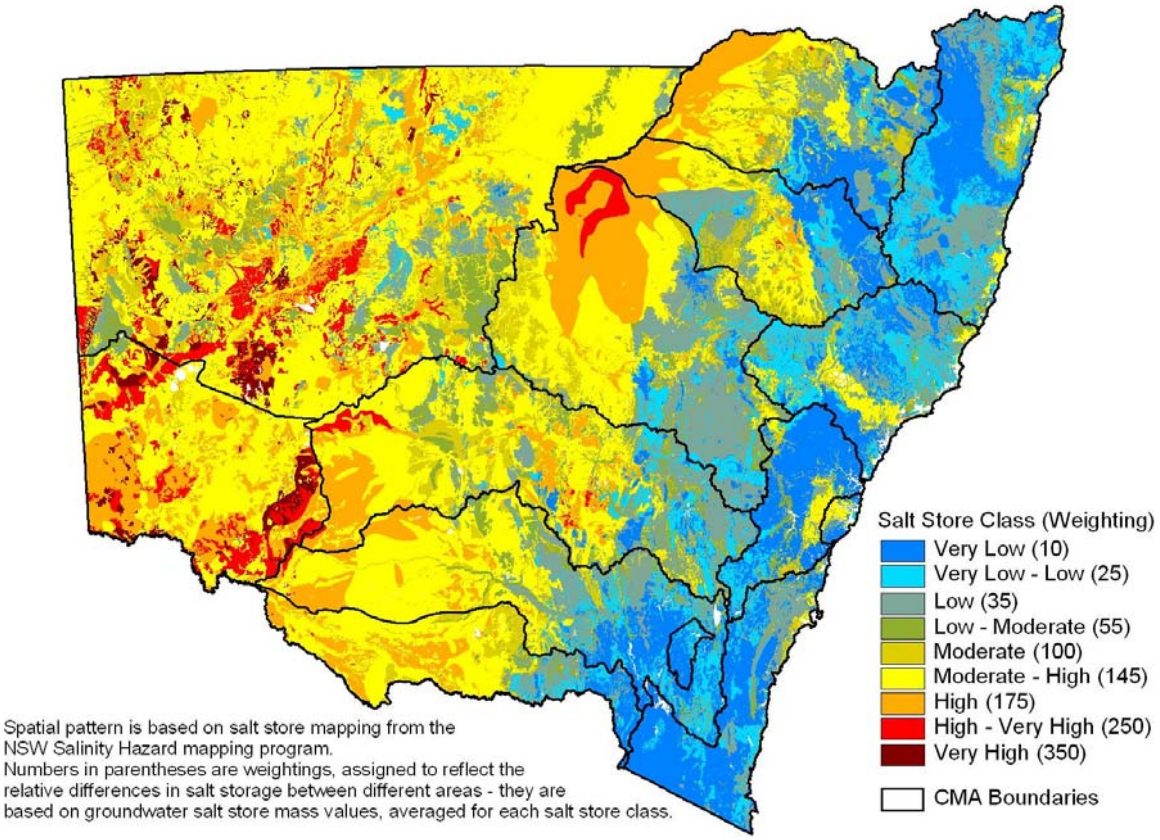
With respect to a proposal to clear native vegetation, a negative SMI value on the clearing site will indicate the need for a salt mobilisation offset and the magnitude of the SMI will indicate how large an offset is required.

Table 4.6 Salt store classes and their model weighting.

Salt Store Class	Weighting, S_w
Very High	350
High – Very High	250
High	175
Moderate - High	145
Moderate	100
Low – Moderate	55
Low	35
Very Low – Low	25
Very Low	10

Salt weightings have been assigned to a salt store map of New South Wales (Figure 4.2), which was produced as part of the Salinity Hazard Mapping project (Department of Natural Resources). The salt store map represents the spatial pattern of salt storage in the groundwater, regolith and soil, taken together. The PVP Mapper version has been classified into 9 classes (Table 4.6) and the weightings assigned to each class are based on the range of salinity values from groundwater data. Weightings have been used in preference to actual salinity values because of uncertainties in the soil, regolith and groundwater salt store data.

Figure 4.2 Map showing salt store class and weightings.



4.6 Catchments covered by the Salinity Benefits Index tool

Table 4.7 Border Rivers/Gwydir and Namoi

Stream Gauge Number	Description of Location	Stream Gauge Number	Description of Location
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		
418029	Gwydir River @ Stonybatter		
418032	Tycannah Creek		
418033	Bakers Creek		

Table 4.8 Murrumbidgee and Murray

Stream Gauge Number	Description of Location	Stream Gauge Number	Description of Location
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 4.9 Castlereagh, Macquarie and Lachlan

Stream Gauge Number	Description of Location	Stream Gauge Number	Description of Location
Macquarie		**Castlereagh**	
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 4.10 Hunter and Hawkesbury (Capertee, Wollondilly and Wolgan)

Stream Gauge Number	Description of Location	Stream Gauge Number	Description of Location
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 broad-scale 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 in biodiversity from proposed clearing and gains in biodiversity from proposed offsets. It is also used to assess thinning to benchmark stem densities. *BioMetric* incorporates data held by the NSW Department of Environment, Climate Change and Water in the following databases: vegetation benchmarks database, overcleared landscapes database, overcleared vegetation types database and coastal thinning genera database. *BioMetric* includes data on Mitchell Landscapes, vegetation formations, vegetation types and other associated data and formulae needed to assess the value of biodiversity in the context of national, regional, landscape and site scales according to the procedures included in this Environmental Outcomes Assessment Methodology.

Under Chapter Sections 5.2 – 5.3:

- Clearing of native vegetation does not improve or maintain environmental outcomes for biodiversity in vegetation types or landscapes that are overcleared 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 of native vegetation. Offsets can only improve or maintain environmental outcomes if:
  1. i) offsets are in vegetation types of equal or greater Regional Value to the vegetation proposed for clearing or,
     ii) where the vegetation type proposed for clearing is less than or equal to 70% cleared in the Catchment Management Authority area, offsets may be in vegetation types with Regional Values up to 10% lower than the vegetation proposed for clearing; and
  2. improvement in Landscape Value from the offset is equal to or greater than the losses from proposed clearing; and
  3. improvement in Site Value 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 each vegetation type and relatively homogenous condition categories. Vegetation that is in low condition, and is greater than 0.25 hectares in area, must always form a separate zone from vegetation that is not in low condition. If the area to be cleared comprises more than one zone, separate assessments must be undertaken for each zone.

Thinning to benchmark stem densities is assessed under Chapter Section 5.4.

5.2 Overcleared vegetation and landscapes

This Chapter Section does not apply to clearing that is thinning to benchmark stem densities (Chapter Section 5.4).

5.2.1 The improve or maintain test

Clearing of overcleared vegetation does not improve or maintain environmental outcomes for biodiversity, unless the vegetation is in low condition.

Overcleared vegetation is native vegetation that:

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

Offsets cannot be used to balance the impacts of clearing overcleared vegetation that is not in low condition.

5.2.2 Determining whether the vegetation is in low condition

Vegetation in low condition is defined as follows:

- **Native woody vegetation**:
  1. with an over-storey percent foliage cover that is less than 25% of the lower value of the over-storey percent foliage cover benchmark for that vegetation type; and where
  2. a) less than 50% of the groundcover vegetation is indigenous species; or
     b) more than 90% of the area is ploughed; or
     c) more than 90% of the area is fallow; or
     d) 90% or more of the groundcover vegetation is regrowth but not protected regrowth.

- **Native grassland, wetland or herbfield vegetation** where:
  1. a) less than 50% of the groundcover vegetation is indigenous species; or
     b) more than 90% of the area is ploughed; or
     c) more than 90% of the area is fallow; or
     d) 90% or more of the groundcover vegetation is regrowth but not protected regrowth.

For the purposes of determining whether vegetation is in low condition, all vegetation types are assessed as **native woody vegetation** if the tallest structural layer is one metre or greater in height. In this case, the tallest structural layer is assessed as over-storey, and both over-storey and groundcover are assessed to determine whether the vegetation is in low condition.

Where all structural layers are less than one metre in height, the vegetation type is assessed as **native grassland, wetland or herbfield vegetation**. For vegetation types where the upper stratum is less than one metre in height, all strata are assessed as groundcover vegetation.

Only patches of vegetation greater than 0.25 ha are assessed separately (as distinct zones) from surrounding vegetation (e.g. a patch of vegetation with benchmark over-storey cover that is 0.25 ha or less 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 groundcover is assessed using a method consistent with the *Native Vegetation Regulation 2005* and the *BioMetric* Operational Manual.

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 areas and whether they are overcleared are contained within the overcleared landscapes database.

The overcleared landscapes database is a database held by the NSW Department of Environment, Climate Change and Water and approved by the Director General, NSW Department of Environment, Climate Change and Water.

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 within the overcleared vegetation types database.

The overcleared vegetation types database is a database held by the NSW Department of Environment, Climate Change and Water and approved by the Director General, NSW Department of Environment, Climate Change and Water.

5.3 Assessing impacts of clearing generally

This Chapter Section does not apply to:

- clearing that is thinning to benchmark stem densities (under Chapter Section 5.4); or
- impacts of clearing on Threatened Species (under Chapter Sections 5.5-5.8).

5.3.1 The improve or maintain test

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

- either:
  1. where the vegetation type proposed for clearing is more than 70% cleared in the Catchment Management Authority area: offsets are in vegetation types of equal or greater Regional Value to the vegetation proposed for clearing; or
  2. where the vegetation type proposed for clearing is less than or equal to 70% cleared in the Catchment Management Authority area: offsets are in vegetation types of equal or greater Regional Value to the vegetation proposed for clearing, or are in vegetation types with Regional Values up to 10% lower than the vegetation proposed for clearing;

and

- improvement in Landscape Value from the offset is equal to or greater than losses from clearing; and
- improvement in Site Value from the offset is equal to or greater than losses from clearing.

Note: To illustrate condition 2 above, a vegetation type proposed to be cleared that is 60% cleared in the Catchment Management Authority area may be offset by a vegetation type that is no less than 50% cleared in the Catchment Management Authority area.

5.3.2 Assessing 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. The greater the percentage of the original extent of a vegetation type that has been cleared the higher is its Regional Value.

BioMetric calculates overall Regional Value for the vegetation type(s) using the equation set out below.

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

- The percent that each vegetation type has been cleared relative to predicted pre-European extent; and
- A generic species-area relationship; and
- The proportion of the site occupied by each vegetation type (zone).

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

Where:
i is the *n*th vegetation zone (of either the clearing or offset site);
%cleared is the percent 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 on the clearing site is the sum of the area of all zones in the proposal in hectares, where a site includes more than one zone.
TotalArea on the offset site is the sum of the area of all zones in the proposal in hectares.

5.3.3 Assessing Landscape Value

Landscape Value encompasses fragmentation, connectivity and adjacency of native vegetation around the clearing and offset sites as well as contributions from riparian areas and Site Value from offset sites. The assessor determines change in landscape value using the following variables:

- Percent cover of native vegetation in the landscape. This is current vegetation cover and future vegetation cover (with proposed clearing at the site and with proposed management actions at the offset site) within radii of 1.79 km (1000 ha) and 0.55 km (100 ha). Each circle is placed to encompass the maximum loss of native vegetation cover from clearing and the maximum gain in native vegetation cover from the management actions. The clearing and offset sites may be within different circles. Percent cover of native woody vegetation is assessed as a combination of extent and over-storey percent cover relative to benchmark cover for that vegetation type. Percent cover of native non-woody vegetation is assessed as a combination of extent and percent cover of native groundcover relative to benchmark cover for those vegetation types. The relevant scores are shown in Table 5.2;
- Connectivity. The loss in connectivity at a clearing site and gain in connectivity at an offset site are determined according to changes to linkage width classes and linkage condition classes and scored as shown in Table 5.3.3;
- Total adjacent remnant area. This is the total remnant area of which the clearing site is a part. It is recorded as extra large, very large, large, medium or small and scored as shown in Table 5.4;
- Percentage within riparian area (offset site(s) only). Additional points are awarded on the offset site if part or all of the site includes riparian area. Riparian area is defined in Chapter 3. The scores for percentage within riparian area are determined according to Table 5.5;
- Contribution of Site Value offsets to Landscape Value (offset site(s) only). Additional Site Value offsets may contribute to Landscape Value in Mitchell Landscapes and vegetation

types that are less than or equal to 30% cleared in the Catchment Management Authority. Where the Site Value score on the offset site is more than the Site Value offset requirements the additional Site Value score may contribute to offsets for Landscape Value, as defined in Table 5.6.

The relative weightings for these variables are provided in Table 5.1.

Change in Landscape Value with clearing

Change in Landscape Value with clearing is calculated as the difference between current Landscape Value and Landscape Value with clearing. Landscape Value at the clearing site encompasses fragmentation, connectivity and adjacency of native vegetation around the clearing site.

The change in Landscape Value at the clearing site(s) is determined using the following formula:

$$\textit{Landscape Value}_{\textit{Clearing site}} = \left(\sum_{v=a}^{d}(s_v w_v)\right)_{\text{Current}} - \left(\sum_{v=a}^{c}(s_v w_v)\right)_{\text{With proposed clearing}}$$

where:
s_v is the score for the vth variable (*a-d*) as defined below
w_v is the weighting for the vth variable (*a-d*) as defined below
a = percent cover of native vegetation within a 1.79 km radius of the site (1000 ha)
b = percent cover of native vegetation within a 0.55 km radius of the site (100 ha)
c = connectivity value
d = total adjacent remnant area

Change in Landscape Value with offset(s)

Change in Landscape Value with the offset(s) is calculated as the difference between the current Landscape Value and future Landscape Value at the offset site. Landscape Value at the offset site encompasses fragmentation, connectivity, adjacency of native vegetation cover with proposed management actions, percentage within riparian area and any contributions from additional Site Value.

The change in Landscape Value at the offset site(s) is determined using the following formula:

$$\textit{Landscape Value}_{\textit{Offset site}} = \left(\sum_{v=a}^{f}(s_v w_v)\right)_{\text{With proposed offsets}} - \left(\sum_{v=a}^{c}(s_v w_v)\right)_{\text{Current}}$$

where:
s_v is the score for the vth variable (*a-f*) as defined below
w_v is the weighting for the vth variable (*a-f*) as defined below
a = percent cover of native vegetation within a 1.79 km radius of the site (1000 ha)
b = percent cover of native vegetation within a 0.55 km radius of the site (100 ha)
c = connectivity value
d = total adjacent remnant area
e = percent within riparian area
f = contribution of additional Site Value offsets to Landscape Value

Details of Landscape Value variables

Table 5.1 Weightings of variables used to calculate Landscape Value.

Variable	Relative weighting
Percent cover of native vegetation within a 1.79 km radius of the site (1000 ha)	11
Percent cover of native vegetation within a 0.55 km radius of the site (100 ha)	9
Connectivity value	8
Total adjacent remnant area	6
Percent within riparian area	6
Contribution of additional Site Value offsets to Landscape Value	4

Percent cover of native vegetation is scored in 10% increments (deciles) within circles of 100 ha and 1000 ha as a combination of native vegetation extent and condition. Judgement is applied when scoring percent cover of native vegetation in the circles to determine vegetation condition from imagery. Judgement is used to score loss or gain in percent cover of native vegetation where the loss or gain in the percent cover moves up or down a decile and the overall loss or gain is less than 10%.

Note: to illustrate the above, 30 ha of native vegetation with a condition of 25% of the lower benchmark value in a 100 ha circle is scored as >0-10% cover.

Table 5.2 Details of scoring for percent cover of native vegetation within 1.79 km (1000 ha) and 0.55 km (100 ha) of site.

Radius of circle around site	Percent native vegetation cover within circle	Score
1.79 km (1000 ha)	0	0
	>0 - 10	1.8
	>10 - 20	3.6
	>20 - 30	5.4
	>30 - 40	6.6
	>40 - 50	7.8
	>50 - 60	9.0
	>60 - 70	10.2
	>70 - 80	10.8
	>80 - 90	11.4
	>90 - 100	12.0
0.55 km (100 ha)	0	0
	>0 - 10	1.8
	>10 - 20	3.6
	>20 - 30	5.4
	>30 - 40	6.6
	>40 - 50	7.8
	>50 - 60	9.0
	>60 - 70	10.2
	>70 - 80	10.8
	>80 - 90	11.4
	>90 - 100	12.0

Determining the connectivity value score

Connectivity value is determined according to the three step process set out below. The same process is used to determine the loss in connectivity at a clearing site and for the gain in connectivity at an offset site.

The site is linked to adjoining vegetation where the adjoining vegetation:

- is not in low condition; and
- has a patch size greater than 1 ha; and
- is 100 metres or closer for woody vegetation or 30 metres or closer for non-woody vegetation to the site; and
- is not separated from the site by a barrier such as a dual-lane or wider highway.

Step 1: Determining the number of linkage width class thresholds that are crossed – lost or gained.

The linkage width is the average width of the area of vegetation that links the clearing or offset site with the adjoining vegetation.

Table 5.3.1 Linkage width classes and thresholds.

Linkage widths (metres)				
0 – 5	>5 – 30	>30 – 100	>100 – 500	>500
Very Narrow	Narrow	Moderate	Wide	Very Wide

The number of linkage width class thresholds that are crossed by reducing or improving connectivity in the primary connecting linkage to the site with the adjoining vegetation are scored as 0, 1, 2, 3 or 4.

Step 2: Determining the number of linkage condition class thresholds that are crossed – lost or gained.

The condition of the vegetation that forms the connecting linkage, including vegetation on and off the clearing and offset sites, is assessed for its average condition class across the entire link. The linkage condition classes for woody vegetation are determined by assessing either i) over-storey cover and mid-storey cover or ii) over-storey cover and ground stratum cover according to Table 5.3.2a. The linkage condition classes for non-woody vegetation are determined according to Table 5.3.2b.

The number of linkage condition class thresholds that are crossed by reducing or improving connectivity in the primary connecting linkage to the site are scored as 0, 1, 2, 3, 4, 5 or 6. For non-woody vegetation, when a proposal takes the connectivity condition from one class to another, it is counted as crossing *two* thresholds.

Table 5.3.2a Linkage condition classes (woody vegetation)
Note: For the purposes of assessing connectivity, shrubland vegetation that is less than one metre in height without an over-storey (i.e. the over-storey benchmark is zero) is assessed as non-woody vegetation. Non-woody vegetation such as sedges, rushes or bulrushes that is one metre or greater in height is assessed as for woody vegetation, i.e. both the over-storey and the ground stratum cover are assessed.

		Over-storey condition			
		No native over-storey OR Exotic vegetation with similar structure to the proposal	% foliage cover <25% of lower benchmark OR Exotic vegetation with similar structure to the proposal	% foliage cover ≥25% of lower benchmark to lower benchmark	% foliage cover within benchmark
Mid-storey OR ground stratum condition	No mid-storey or ground stratum cover OR Exotic vegetation with similar structure to the proposal	Nil	Nil-Low	Low	Low-Mod
	% foliage cover of mid-storey or ground stratum cover <25% of lower benchmark OR Exotic vegetation with similar structure to the proposal	Nil-Low	Low	Low-Mod	Moderate
	% foliage cover of mid-storey or ground stratum cover ≥25% of lower benchmark to lower benchmark	Low	Low-Mod	Moderate	Mod-High
	% foliage cover of mid-storey or ground stratum cover within benchmark	Low-Mod	Moderate	Mod-High	High

Table 5.3.2b Linkage condition classes (non-woody vegetation).

Linkage condition class	Vegetation condition
Nil	Meets none of the definitions below
Low	**Percent foliage cover is less than 25% of lower benchmark in native grassland, wetland or herbfield** OR Exotic vegetation with similar structure to proposal
Moderate	Percent foliage cover is greater than or equal to 25% of lower benchmark and less than lower benchmark in native grassland, wetland or herbfield
High	Percent foliage cover is within benchmark in native grassland, wetland or herbfield

Step 3: Determining the connectivity value score

The final connectivity value score is calculated in Table 5.3.3 by considering both the number of linkage width class thresholds and the number of linkage condition class thresholds that are crossed.

Where there is more than one linkage from the adjoining vegetation to the clearing or offset site, the linkage with the highest combination of current linkage width class and condition classes is used to determine the connectivity value score.

Table 5.3.3 Scores for loss/gain of connectivity value based on number of thresholds crossed.

		Number of linkage width thresholds crossed			
		0	1	2	3 or 4
Number of linkage condition thresholds crossed	0	0	2	4	6
	1	1	3	5	7
	2	2	4	6	8
	3	3	5	7	9
	4	4	6	8	10
	5	5	7	9	11
	6	6	8	10	12

Table 5.4 Criteria for assessing total adjacent remnant area. Adjacent remnant area is the area (ha) of native vegetation that is not in low condition and is linked (≤100 m for woody vegetation and ≤30 m for non-woody vegetation) to the clearing or offset site.

Total adjacent remnant area (ha)	Score	Percent native vegetation cleared in the Mitchell landscape			
		<30%	30-70%	>70-90%	>90%
Extra large	12 points	>1000 ha	>200 ha	>100 ha	>50 ha
Very large	9 points	>500 – 1000 ha	>100 – 200 ha	>50 – 100 ha	>20 – 50 ha
Large	6 points	>200 – 500 ha	>50 – 100 ha	>20 – 50 ha	>10 – 20 ha
Medium	3 points	>100 – 200 ha	>20 – 50 ha	>10 – 20 ha	>1 – 10 ha
Small	0 points	≤100 ha	≤20 ha	≤10 ha	≤1 ha

Table 5.5 Scoring percentage of offset site in riparian area (riparian buffer distances as defined in Table 3.1 of Chapter 3).

Score	0 points	4 points	8 points	12 points
Percent within riparian area	<1%	1 - 10%	>10 - 25%	>25%

Additional improvement in Site Value at offset sites may contribute to Landscape Value in Mitchell Landscapes and vegetation types that are less than or equal to 30% cleared in the Catchment Management Authority. Where the change in Site Value score at the offset site is more than the Site Value offset requirements, the additional Site Value score as a proportion of the required Site Value score may contribute to offsets for Landscape Value (up to a maximum of 12 points contribution to Landscape Value).

Note: for example, if a proposal required a Site Value of 500 and the proposed offset scored 800 then the extra 300 would contribute 6 points (60% of the required Site Value) towards Landscape Value provided that the Mitchell Landscape and the vegetation type on the clearing site are both less than or equal to 30% cleared in the Catchment Management Authority area..

Table 5.6 Criteria for scoring contribution of additional Site Value offsets to Landscape Value. Additional Site Value score can only contribute to Landscape Value where Mitchell Landscapes and vegetation types are both less than or equal to 30% cleared in the CMA area.

Contribution of additional Site Value score	Points that contribute to Landscape Value score
Mitchell Landscape and/or vegetation type on the clearing site are more than 30% cleared in the CMA area, or there is no additional Site Value score.	0
Mitchell Landscape and vegetation type are both 30% or less cleared in the CMA area and the additional Site Value score as a proportion of the required Site Value score is as shown below	
>0 - 10%	1
>10 - 20%	2
>20 - 30%	3
>30 – 40%	4
>40 – 50%	5
>50 – 60%	6
>60 – 70%	7
>70 – 80%	8
>80 – 90%	9
>90 – 100%	10
>100%	12

5.3.4 Assessing Site Value

Site Value is the quantitative measure of structural and floristic condition of native vegetation assessed for each zone. Ten condition measures in Site Value are assessed against benchmark values as detailed in Table 5.7. For both proposed clearing and proposed offset sites Site Value is calculated as:

$$\textit{Site Value} = \sum_{z=1}^{n} \left(\left(\frac{\left(\sum_{v=a}^{j} (s_v w_v) + 5\left((s_a s_g) + (s_b s_i) + (s_h s_j) + (s_c s_k) \right) \right) \times 100}{c} \right) \times (ZoneArea) \right)_z$$

where:
z is the nth vegetation zone
s_v is the score for the vth variable (*a-j*) as defined in Table 5.7
w_v is the weighting for the vth variable (*a-j*) as defined in Table 5.7
$k = (s_d + s_e + s_f)/3$
c is the maximum score that can be obtained given the variables *a-j* that have a benchmark greater than zero for the vegetation type (i.e. this varies depending on which variables are in the vegetation type)
ZoneArea is the total area of the nth vegetation zone in hectares

The multipliers for *native over-storey cover x proportion of over-storey species occurring as regeneration* ($s_b s_i$) and *number of trees with hollows x total length of fallen logs* ($s_h s_j$) may be omitted from the above Site Value equation (and *c* recalculated accordingly) for determining Site Value in clearing or offset zones that comprise vegetation types from the following vegetation formations: Grasslands, Heathlands, Alpine Complex, Freshwater Wetlands, Saline Wetlands and Arid Shrublands.

Table 5.7 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 >150-200% of benchmark	50-<100% or >100-150% of benchmark	within benchmark	10
c	Native mid-storey cover	0-10% or >200% of benchmark	>10-<50% or >150-200% of benchmark	50-<100% or >100-150% of benchmark	within benchmark	10
d	Native ground stratum cover (grasses)	0-10% or >200% of benchmark	>10-<50% or >150-200% of benchmark	50-<100% or >100-150% of benchmark	within benchmark	2.5
e	Native ground stratum cover (shrubs)	0-10% or >200% of benchmark	>10-<50% or >150-200% of benchmark	50-<100% or >100-150% of benchmark	within benchmark	2.5
f	Native ground stratum cover (other)	0-10% or >200% of benchmark	>10-<50% or >150-200% of benchmark	50-<100% or >100-150% of benchmark	within benchmark	2.5
g	Exotic plant cover (calculated in *BioMetric* as percent of total native ground stratum 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 over-storey species occurring as regeneration	0%	>0-<50%	50-<100%	100%	12.5
j	Total length of fallen logs	0-10% of benchmark	>10-50% of benchmark	>50-<100% of benchmark	≥benchmark	10

Site Value is calculated from site condition in the zone(s) and area(s) of the zone(s), using the above equation.

Current Site Value is determined as follows:

- establish plots or transects in the vegetation zone(s) in the clearing and offset sites in accordance with the *BioMetric* Operational Manual (regeneration is measured across the whole zone);
- measure data for the condition variables – native plant species richness, native over-storey cover, native mid-storey cover, native ground stratum cover (grasses), native ground stratum cover (shrubs), native ground stratum cover (other), exotic plant cover, number of trees with hollows, over-storey regeneration, and length of fallen logs;
- enter the measured condition data into *BioMetric*;
- enter benchmark data for the vegetation type (which may be benchmark data for the vegetation class) directly into *BioMetric* from the vegetation benchmarks database, data obtained from reference sites or from scientific literature;
- the measured data and the benchmark data for condition variables generate a score in *BioMetric* for the current site condition of the native vegetation in the zone. A score between zero and three in relation to the benchmark (0=low, 1=moderate, 2=high, 3=very high) is allocated to each condition variable showing the relationship between its measured value and its benchmark value.

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

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 in the zone(s) on the clearing site.

Site Value following clearing is determined by predicting the impact of clearing on each condition variable according to the loss in the condition variable.

The condition scores for Site Value 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 equation for calculating Site Value.

Change in Site Value with offset(s)

Change in Site Value with the offset is determined from the difference between the current Site Value and predicted Site Value with the management actions in the zone(s) on the offset site.

Site Value with offsets is determined by:

- predicting the future score for each condition variable for the vegetation zone(s) in the offset site with the proposed management actions in the vegetation zone(s), based on the predicted increase in the condition variable with management actions. Ten management actions can be undertaken by the landholder, in any combination, to improve condition variables in the offset site; and
- multiplying the predicted improvement in condition in the vegetation zone(s) with the management actions in the vegetation zone(s) by the area of the zone(s).

The condition scores for the site condition with the management actions on the offset site are multiplied in *BioMetric* by the area of the zone(s) to provide the measure of Site Value with the management actions on the offset site, using the above equation for calculating Site Value.

The ten management actions are stock grazing exclusion, strategic stock grazing, planting or direct seeding of native vegetation, weed control, erosion control, feral and/or over-abundant native herbivore control, provision of artificial hollows, exclusion of fertilisers, retention of all dead timber, retention of all regrowth (as defined in the *Native Vegetation Act 2003).* Future scores for the condition variables are increased with management actions. When scoring a predicted increase in value of a variable with management, the assessment officer must assess which management action(s) need to be undertaken to achieve the increase in value of one or more variables and how much increase in the variable(s) is achieved from undertaking the management action(s), based on guidelines within the *BioMetric* Operational Manual, including:

- planting or direct seeding will increase cover values of relevant condition variables, but will only increase species richness if the species are indigenous to the areas and the seed is sourced locally;
- where a condition variable is currently absent from the proposal site and adjacent areas then an increase cannot generally be scored unless it is specifically introduced;
- where an increase is not feasible because of other pressures associated with the proposal (e.g. heavy grazing or very high exotic cover) then an increase should not be scored;
- management actions other than the ten actions listed above may be required in combination with one or more of the ten management actions to improve the condition variables. These could include controlling human disturbance, ecological burning, ecological thinning, and reducing water extraction from wetlands.

Note: where over-abundant native herbivore control is used as a management action, it is the responsibility of the landholder to obtain any other necessary approvals required under other legislation.

The score for improvement in Site Value for each zone in the offset site is not simply the difference between the current score and the score with management actions. 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 for improvement in Site Value in the offset zone(s) with management actions includes factors that recognise past good management above that required by the *Native Vegetation Act 2003,* and past good management that has resulted in a score of 3 for one or more condition variable, where the landholder agrees to continue such management as part of the Property Vegetation Plan.

5.4 Assessing thinning to benchmark stem densities

Note: Thinning under Section 5.4 may not be suitable for assessing thinning of invasive native scrub (see Chapter 7.0 for further details).

Thinning means ecological thinning, where:

- Individual trees or shrubs are removed to benchmark stem densities or greater, with no disturbance to native groundcover, soil and non-target plants (for example, chemical treatment of individual plants, ringbarking) or minimal disturbance to native groundcover, soil and non-target plants (for example, grubbing), and
- No more than 80% of the area of each vegetation zone is thinned, and
- Stems greater than 30cm diameter at breast height over bark (dbhob) are not removed.

Ecological thinning is the removal of individual trees or shrubs that are above benchmark stem densities. The purpose of ecological thinning is to reduce competition between the trees or shrubs to allow growth and maturation of the remaining trees and shrubs, and

growth of groundcover. Ecological thinning allows natural regeneration and subsequent growth of native trees, shrubs and groundcover, thus improving or maintaining vegetation composition and structure.

For the purpose of this methodology:

- thinning means ecological thinning to improve or maintain environmental outcomes, and
- stem diameter classes are determined by measuring the dbhob of the stems of the trees and/or shrubs. The stem diameter class of multi-stemmed trees or shrubs is the stem of the tree or shrub with the largest dbhob.

In coastal Catchment Management Authorities, this Chapter Section only applies to species of the genera listed in the coastal thinning genera database (Table 5.8) in vegetation types in the overcleared vegetation types database (section 2.4.1) in the following vegetation formations (Keith 2004):

- Wet Sclerophyll Forests (grassy subformation); and
- Wet Sclerophyll Forests (shrubby subformation); and
- Grassy Woodlands; and
- Dry Sclerophyll Forests (shrub/grass subformation); and
- Dry Sclerophyll Forests (shrubby subformation).

The coastal thinning genera database is a database held by the NSW Department of Environment, Climate Change, and Water and approved by the Director General, NSW Department of Environment, Climate Change and Water, which includes:

- A list of genera which may be thinned in coastal Catchment Management Authorities, and
- The maximum dbhob which may be thinned for each genus in coastal Catchment Management Authorities.

Thinning in non-coastal Catchment Management Authorities is not restricted by genus.

Table 5.8 Coastal Thinning Genera Database.

Genus	Maximum dbhob that may be thinned
Eucalyptus	30
Corymbia	30
Angophora	30
Melaleuca	20
Casuarina	20
Allocasuarina	20
Callitris	20
Acacia	20

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:

- the area over which thinning takes place is no more than 80% of the area of each vegetation zone; and
- the number of stems to be retained in each stem diameter class for the vegetation type is greater than or equal to the benchmark stem densities for the stem diameter class for the vegetation type; and

- the total number of stems to be retained (for all stem diameter classes) for the vegetation type is greater than or equal to the total of all benchmark stem densities for the vegetation type; and
- thinning is undertaken by removing individual trees and shrubs with no or minimal disturbance to native groundcover, soil and non-target plants (e.g. by means such as chemical treatment of individual plants, ringbarking or grubbing), and
- within riparian buffer distances (as set out in Table 3.1 in Chapter 3) thinning is only undertaken by removing individual trees and shrubs with no disturbance to native groundcover, soil and non-target plants, and
- the numbers of stems retained for each stem diameter class are retained at that density on each one hectare of the proposal area, and
- thinning is not undertaken in patches of less than one hectare in area that are not linked to adjoining vegetation.

5.4.2 The Assessment

Vegetation types with different stem density benchmarks must be assessed separately. If the area proposed to be thinned contains vegetation types with different stem density benchmarks, the area must be divided into relatively homogenous vegetation zones, each comprising one or more vegetation types with the same stem density benchmarks in the same broad condition state. Each zone must be separately assessed.

Stem densities must be assessed in each vegetation zone. In each vegetation zone, 0.1 ha plots must be established in accordance with the *BioMetric* Operational Manual, with a minimum of one plot and a maximum of 10 plots per vegetation zone. In each plot, the stems are classified into one of the following stem diameter classes: 0-10cm dbhob, >10-20cm dbhob, and >20-30cm dbhob. The number of stems per plot in each stem diameter class is recorded. The numbers of stems per plot are used to predict the number of trees (or equivalent spacings between trees) for the vegetation type in each stem diameter class in the vegetation zone. Plotless methods of assessing the number of stems in the stem diameter classes, such as nearest neighbour techniques, may be used instead of plots.

The maximum number of existing stems in each diameter class that can be removed is calculated by comparing stem densities in the zone by diameter class, with benchmark stem densities by diameter class. For all vegetation types, the stems to be removed from each stem diameter class must not reduce the number of retained stems to below the benchmark number of stems for each stem diameter class and the total number of stems to be removed (for all stem diameter classes) must not reduce the number of retained stems to below the total of all benchmark stem densities.

Stems can be thinned to the benchmark values of stem densities for each diameter class up to 30cm dbhob (or as identified in the coastal thinning genera database). That is, thinning may be permitted while:

- $Observed\ stems_{ij}$ are greater than $Benchmark\ stems_{j}$; and
- $Retained\ stems_{ij}$ are greater than or equal to $Benchmark\ stems_{j}$;

otherwise:

- thinning proposals must be assessed as for other clearing proposals;

where:

- $Observed\ stems_{ij}$ is the number of stems currently present in the *j*th diameter class within the *i*th vegetation zone,

- *Retained stems*$_{ij}$ is the number of stems retained 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 in the vegetation zone on the site for the *j*th diameter class.

If two or more stem diameter classes (≤30cm dbhob) are in the same age cohort, then one density benchmark for the combined stem density classes in that age cohort can be calculated from the sum of the density benchmarks for the stem diameter classes in the age cohort. The stem retention requirements can then be met by retaining more larger stems and clearing more smaller stems in the combined stem density class, provided the total number of stems retained is greater than or equal to the benchmark number of stems for the combined stem diameter classes for the vegetation type.

If the number of stems in a stem diameter class (one or more of 0-10cm dbhob, >10-20cm dbhob, >20-30cm dbhob) is fewer than the number of benchmark stems for that stem diameter class, then the shortfall number(s) of stems must be retained in the adjacent smaller or larger stem diameter class in addition to the required benchmark number of stems for that stem diameter class. If there are insufficient stems within the adjacent stem diameter class, then any remaining shortfall must be retained in the next smaller or larger stem diameter class. The number of retained stems less than or equal to 30cm dbhob must never be less than the total number of benchmark stems for the three stem diameter classes; 0-10cm dbhob, >10-20cm dbhob, >20-30cm dbhob.

5.5 Improve or maintain test for Threatened Species

For the purpose of Chapter Sections 5.5, 5.6, 5.7 and 5.8, 'Threatened Species' refers to:

1. the following entities listed under the NSW *Threatened Species Conservation Act 1995:*
   a. species listed as 'critically endangered', 'endangered', 'vulnerable' or flora species listed as 'presumed extinct',
   b. ecological communities listed as 'critically endangered' or 'endangered', and
   c. 'endangered populations'.

and

2. the following entities listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999;*
   a. species listed as 'critically endangered', 'endangered' or 'vulnerable', and
   b. ecological communities listed as 'critically endangered' or 'endangered'.

The *Threatened Species Assessment Tool* is a computer software program that assists in applying this Environmental Outcomes Assessment Methodology to all known and predicted Threatened Species likely to be affected by a clearing proposal. The *Threatened Species Assessment Tool* interrogates the Threatened Species Profile Database in the process of assessing whether a clearing proposal and any proposed offsets passes the improve or maintain test. The Threatened Species Profile Database is a database held by the NSW Department of Environment, Climate Change and Water and approved by the Director General of the NSW Department of Environment, Climate Change and Water. This database is updated as relevant new information is obtained, in accordance with Chapter 2 of this Environmental Outcomes Assessment Methodology.

Broadscale clearing will improve or maintain environmental outcomes for Threatened Species if:

- no Threatened Species (flora) and Threatened Species (ecological communities) are confirmed present within the area to be cleared; and

- no Threatened Species (fauna) are known or are predicted as likely to occur within the area to be cleared; or
- the clearing proposal is not likely to cause a loss of any individuals of any Threatened Species confirmed present or predicted as likely to occur, nor likely to cause a loss to the area of habitat component or key habitat features for Threatened Species known or predicted as likely to occur within the area to be cleared; or
- Threatened Species are identified, known or predicted as likely to occur within the area to be cleared and the clearing causes a loss to any individuals of any of these Threatened Species or their habitat components or key habitat features, but the 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.

5.6 Identify whether any Threatened Species are known or are predicted as likely to occur

1. A Threatened Species is predicted as likely to occur on the area proposed to be cleared if the:
   a) Threatened Species Profile Database indicates that the Threatened Species is known or predicted as likely to occur in the Catchment Management Authority Area (CMA) 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 any specified geographic constraints for the Threatened Species as defined in the Threatened Species Profile Database (for some Threatened Species the extent of their distribution within a CMA sub-region is known to be limited to within certain geographic areas. In such circumstances the prediction of a Threatened Species within a CMA sub-region can be limited to specified parts of the CMA sub-region); and
   c) Threatened Species is likely to be able to use vegetation in the assessed condition category. The Threatened Species Profile Database indicates whether the Threatened Species is likely to occur in one or more of three vegetation condition categories (Threatened Species only likely to occur in vegetation in moderate to good condition 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) **Paddock trees** condition defined as: native vegetation having an over-storey percent foliage cover less than 25% of the lower percent foliage cover benchmark for the vegetation type and the groundcover is either crop, ploughed, fallow or almost exclusively perennial or annual exotic pasture (90% or more of cover is exotic species),
      ii) **Low condition** vegetation defined as per Section 5.2.2,
      iii) **Moderate to Good condition** vegetation defined as not meeting either paddock trees or low condition definition;

   and
   d) cover of native vegetation remaining in the landscape is greater than or equal to the minimum cover class for that Threatened Species (fauna) as identified in the Threatened Species Profile Database. The landscape is defined as the area of land within a 1.79 km radius (1000ha) of the area to be cleared; and
   e) vegetation in the area to be cleared is part of a patch of vegetation greater than or equal to the minimum patch-size class specified for that Threatened Species (fauna) as defined in the Threatened Species Profile Database; and
   f) the vegetation in the area to be cleared contains:
      i) either important breeding or foraging or shelter habitat components for Threatened Species (fauna) as defined in the Threatened Species Profile Database. Where no specific details are specified for important breeding,

foraging or shelter habitat components within the Threatened Species Profile Database then the Threatened Species (fauna) is predicted as likely to occur in vegetation types with which it is associated, or

ii) contains essential habitat features for Threatened Species (flora) as identified in the Threatened Species Profile Database. Where no specific details are specified for essential habitat features within the Threatened Species Profile Database then the Threatened Species (flora) is predicted to occur in vegetation types with which it is associated.

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 components for Threatened Species (fauna) occurring on the land where a Threatened Species (fauna) is predicted as likely to occur; and
   b) Determine whether there are any essential habitat features for Threatened Species (flora) occurring on the land where a Threatened Species (flora) is predicted as likely to occur; and
   c) Assess the condition of the vegetation and specifically consider whether the identified subject Threatened Species (fauna) is likely to occupy 'Paddock Trees condition' or 'Low condition' vegetation; and
   d) Specifically consider whether each Threatened Species (flora) that is predicted to occur is actually present; and
   e) Include in the assessment any additional Threatened Species that are located in the proposal area; and
   f) Be undertaken in accordance with any requirements in the *Threatened Species Assessment Tool* Operational Manual; and
   g) Where the Threatened Species Profile Database indicates a particular Threatened Species (flora) is not identifiable at the time of assessment, but the proposal would not impact upon that Threatened Species (flora) if present, then the assessment may continue rather than be deferred to an appropriate time to identify the Threatened Species (flora).

4. The Threatened Species Profile Database includes the following information for each Threatened Species:
   a) A description and, where available, a series of photographs;
   b) A description of its distribution in NSW;
   c) Known or predicted occurrence in each Catchment Management Authority area sub-region;
   d) Habitat and ecology;
   e) Threats;
   f) Management actions that are relevant to each Threatened Species and the predicted response to each of these by each Threatened Species (expressed as percentage improvement in population or site carrying capacity) when vegetation is either in 'Low condition' or 'Moderate to Good condition'. Differing levels of response may be provided depending on the condition of the vegetation;
   g) Vegetation types with which each Threatened Species is associated;
   h) Geographical constraints to the presence of the Threatened Species;
   i) Minimum surrounding vegetation cover class (cover within 1000 ha assessment circle), minimum patch-size class, important breeding, foraging and shelter habitat components (fauna), and essential habitat features (flora);
   j) The time of year when the Threatened Species is identifiable (used to identify appropriate time for inspection of flora);

k) Ability of each Threatened Species to sustain a temporary reduction in local population or temporary loss of habitat component;
l) Ability of each Threatened Species to occupy 'Paddock Trees condition' or 'Low condition' vegetation; and
m) For each Threatened Species that is likely to occupy 'Paddock Trees condition', the specified number of equivalent habitat trees that must be managed in an offset for each paddock tree cleared.

5.7 Loss of Threatened Species, habitat components or key habitat features

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

Key habitat features should be used as a measure of loss when the feature(s) is/are largely the only habitat component present and likely to be used by a Threatened Species (fauna) on the site. Generally, key habitat features should only be used to measure loss for the clearing of vegetation in low condition.

The expected loss of a Threatened Species, or its habitat component or its key habitat features is to be determined in accordance with the following process:

1. determine the unit of measure of this loss for each habitat component (breeding, foraging and shelter) that is present (e.g. number of individuals of flora species or of an endangered population of flora, area of habitat of fauna and ecological communities measured by hectares, or key habitat features for fauna measured by number of each feature such as number of hollow-bearing trees). The same unit of measure must also be used for assessing any offset required for that Threatened Species;
2. estimate the expected loss for each Threatened Species that is confirmed present or predicted as 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 Threatened Species is calculated by adding the losses in each vegetation zone, and the same unit of loss must be used for each vegetation zone;
4. where the units of loss for the three habitat components of fauna within a vegetation zone include both area and key habitat features, the loss estimate for that vegetation zone is to be measured in area.

5.8 Can any likely loss be offset?

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

Note: For the purposes of assessing whether a temporary loss can be sustained, a local population is defined as the total population of the Threatened Species (or the relevant habitat component or key habitat features) within one of the following areas, as specified in the Threatened Species Profile Database. The area used to assess the total local population is primarily based on the home range of the Threatened Species (fauna):

- a 0.2 km radius (10 ha) of the centre of the area to be cleared; or
- a 0.55 km radius (100 ha) of the centre of the area to be cleared; or
- a 1.79 km radius (1000 ha) of the centre of the area to be cleared.

A loss of individuals of the Threatened Species, or of its habitat components or its key habitat features can only be offset by a corresponding gain in individuals of the Threatened Species, or of its habitat components or its key habitat feature, within the same or another suitable vegetation type that is associated with the Threatened Species in the Threatened Species Profile Database.

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

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 area of habitat components 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 a Threatened Species if it does not contain a vegetation type that is known to be used by the subject Threatened Species (as recorded in the Threatened Species Profile Database); or
b) contain a key habitat feature that would support the Threatened Species; or
c) be occupied by a sufficient population of the Threatened Species (flora), or support a sufficient area of Threatened Species (ecological communities) as confirmed by site inspection; and
d) contain the vegetation in a condition suitable to support the subject Threatened Species (fauna); and
e) retain all native vegetation, remnant native vegetation and regrowth (as defined in the *Native Vegetation Act* 2003) unless otherwise specified within the Property Vegetation Plan; and
f) be in perpetuity.

The assessment must determine the population, area of habitat component or number of the key habitat features that each offset area contains for each affected Threatened Species.

The gain for each Threatened Species in each vegetation zone is determined by the following formula for vegetation in 'Moderate to Good condition' or 'Low condition' (but not 'Paddock Tree condition'):

$$\textbf{Gain}^{\text{Action } i} = \textbf{Expected increase}^{\text{Action } i} \times \textbf{Amount}^{\text{Vegetation Zone } k}$$

Where:

- **Gain** is the increase in the population or area of habitat component or the number of a key habitat feature of each Threatened Species in response to the application of Action*i*;
- **Expected increase** is the percentage increase in population or carrying capacity (when the increase is applied to area of habitat component or key habitat feature) expected in response to Action*i* for the Threatened Species, as specified in the Threatened Species Profile Database;
- **Amount** is the number of individuals or area of habitat component or number of the key habitat feature for the Threatened Species that are contained within the proposed offset Vegetation Zone *k*.

The value of actions is additive, so that total gain achieved for each Threatened Species on an offset area is the sum of gains for all actions agreed to be applied on that offset area.

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

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

If total gain for each Threatened Species known or predicted as likely to occur in the area proposed as an offset is less than the total loss then the proposal does not improve or maintain environmental outcomes for Threatened Species.

For vegetation in 'Paddock Tree condition', the proposal improves or maintains environmental outcomes for Threatened Species if the required number of equivalent habitat trees (as specified in the Threatened Species Profiles Database) are contained within the area proposed as an offset and the offset area is managed to achieve over-storey cover to within benchmark. Where the proposed offset over-storey cover is already within benchmark, then any additional offset requirements must be met (as specified in the Threatened Species Profiles Database).

5.9 Definitions

Age cohort. Trees or shrubs within a vegetation community that recruited within the same event. An age cohort may fall within one or more stem diameter classes under Section 5.4.2.

Benchmarks or benchmark value or vegetation benchmarks. Quantitative measures of the range of variability in condition attributes of vegetation communities where there is relatively little evidence of modification by humans since European (post 1750) settlement. Benchmarks are available by vegetation class (*sensu* Keith 2004) at http://www.environment.nsw.gov.au/projects/BiometricTool.htm, and can also be obtained from reference sites or scientific literature or expert knowledge provided that the data has been certified by an accredited expert as set out in section 2.4.3.

Catchment Management Authority area. The area of operation of a Catchment Management Authority, as described in Schedule 2 of the *Catchment Management Authorities Act 2003.*

Catchment Management Authority area Subregion. Subregions of Catchment Management Authority areas as set out in Appendix A of the Environmental Outcomes Assessment Methodology, Native Vegetation Regulation 2005.

Cover of vegetation remaining in the landscape. The percentage of native vegetation remaining within a 1.79 km radius (1000 ha) of the site to be cleared. In any parts of the area where the woody cover is below benchmark cover, then the cover figure is appropriately reduced. See also **percent cover of native vegetation.**

Database. See Chapter Section 2.4.1 of this Environmental Outcomes Assessment Methodology.

Dbhob. Stem diameter at breast height over bark, i.e. at 1.3 metres above the ground.

Endangered population. 'Endangered population' within the meaning of the NSW *Threatened Species Conservation Act 1995.*

Essential habitat feature. A habitat attribute (as specified in the Threatened Species Profile Database) that must be present for a Threatened Species (flora) to be predicted as likely to occur.

Fallow. Land that is normally ploughed and cropped but does not contain a crop at the time of assessment. The land must have been ploughed and cropped within the last three years.

Grassland vegetation. Herbaceous native vegetation in the Grasslands vegetation formation described in Keith (2004).

Groundcover. Any type of herbaceous vegetation as defined in the *Native Vegetation Act 2003*.

Ground stratum. All native vegetation below one metre in height.

Ground stratum cover. Percent foliage cover of the relevant category of ground stratum native vegetation (grasses, shrubs, other).

Habitat component. The component of habitat that is used by Threatened Species (fauna) for the purposes of either breeding, foraging or shelter.

Herbfield vegetation. Herbaceous native vegetation that does not contain an over-storey or mid-storey and where the ground cover is dominated by non-grass species.

Indigenous. 'Indigenous' within the meaning of section 6(2) of the *Native Vegetation Act 2003*.

Key habitat feature. A clearly defined habitat component, such as a tree species with hollows of a specified entrance diameter, which is the only (or the primary) habitat component within a site likely to be used by a particular Threatened Species (fauna). Key habitat features should generally only be considered when measuring the loss of a Threatened Species in vegetation in low condition or existing as paddock trees.

Landscape value. Measure of native vegetation cover, connectivity and adjacency of native vegetation. On offset sites Landscape Value may also include riparian areas and any additional Site Value contribution.

Management action. An action listed either in this Environmental Outcomes Assessment Methodology (for biodiversity) or the Threatened Species Profile Database (for Threatened Species) that is predicted to improve one or more of the site condition variables (for biodiversity) or the habitat condition or population size (for Threatened Species) within an offset area.

Mitchell 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. Updated in *Editing Mitchell Landscapes, Final Report.* A report prepared by Ecological Australia for the NSW Department of Environment and Climate Change (unpublished, 2008).

Non-woody vegetation. Herbaceous vegetation that is grassland, wetland or herbfield vegetation.

Offset site. An area (or areas) to which specified management actions are applied in perpetuity to achieve gains in biodiversity, including Threatened Species, in order to balance losses in biodiversity associated with clearing on another site(s).

Over-abundant native herbivore. Native herbivores that are in densities or numbers likely to cause detrimental effects on vegetation condition or other biodiversity values (where biodiversity values are defined as in the *Threatened Species Conservation Act 1995* 4A (1)).

Patch. An area of native vegetation that is more than 100 metres (or more than 30 metres in grassland, wetland or herbfield vegetation types) away from other native vegetation.

Patch-size class. Classes of connected areas of native vegetation that are required to be present in order to have a high probability of the areas supporting particular Threatened Species (fauna). For fauna recorded in the Threatened Species Profile Database as only likely to use 'Moderate to Good condition' vegetation, patch-size class refers to all contributing connected vegetation that is in 'Moderate to Good condition'. For species likely to use both 'Moderate to Good' and 'Low condition' vegetation, patch-size class refers to any contributing connected vegetation that is in 'Low condition' or better.

Percent cover of native vegetation. Percentage cover of native vegetation of an area assessed in accordance with Chapter Section 5.3.3.

Plot. Area in which some of the 10 site attributes that make up the Site Value score are assessed in a vegetation zone.

Ploughed. Soil that has been cultivated in preparation for sowing seed or planting.

Predicted response. The percent increase in a population or increase in habitat carrying capacity expected in response to each relevant management action for a Threatened Species, as specified in the Threatened Species Profile Database. The predicted response values are estimated on the basis of offsets being appropriately managed in perpetuity.

Reference site. Relatively unmodified sites used to obtain local benchmark information when benchmarks in the vegetation benchmark database are too broad or otherwise not relevant for the particular vegetation type and/or local situation.

Regional value. The percentage of a vegetation type's original extent that has been cleared in the Catchment Management Authority area adjusted with a generic species-area relationship.

Riparian area. Area in riparian buffer distances as defined in Table 3.1 from Chapter 3 (see below). Refer to Chapter 3 for definitions of types of streams and wetlands.

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	10 m	20 m	30 m	40 m
Western slopes & plains	20 m	40 m	60 m	100 m
Estuarine areas	50 m from the astronomical high tide mark (where no obvious bank)			

Site. General term for one or more clearing zones and for one or more offset zones. Clearing zones and offset zones can be on the same land. Also used in the context of reference site.

Site value. Quantitative measure of structural, compositional and functional condition of native vegetation, measured by site attributes.

Stem density. Number of stems per hectare, measured in plots or by plotless methods.

Threatened Species (ecological communities). Any ecological community that is listed as 'critically endangered' or 'endangered' under the NSW *Threatened Species Conservation Act 1995* or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

Threatened Species (fauna). Any species of fauna or a population of fauna that is listed as 'critically endangered', 'endangered' or 'vulnerable' under the NSW *Threatened Species Conservation Act 1995* or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

Threatened Species (flora). Any species of plant or a population of a plant that is listed as 'critically endangered', 'endangered', 'vulnerable' or 'presumed extinct' under the NSW *Threatened Species Conservation Act 1995* or listed as 'critically endangered', 'endangered' or 'vulnerable' under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

Vegetation class. An intermediate level of vegetation classification as defined in Keith (2004).

Vegetation community. A generic term for vegetation type or combination of types up to vegetation class.

Vegetation formation. As defined in Keith. (2004).

Vegetation type. The finest level of classification of native vegetation used in the Environmental Outcomes Assessment Methodology. Vegetation types are assigned to vegetation classes, which in turn are assigned to vegetation formations.

Vegetation zone. A relatively homogenous area within a clearing, thinning or offset site that is the same vegetation type and broad condition. A zone may not contain vegetation that is a mix of low and not low condition. A vegetation zone may comprise one or more discontinuous areas.

Wetland vegetation. Herbaceous native vegetation in the Freshwater Wetland vegetation formation described in Keith (2004), and is consistent with the definition of wetland in the *Native Vegetation Act 2003.*

Woody native vegetation. Native vegetation that contains an over-storey and sometimes a mid-storey that predominantly consist of trees and/or shrubs.

Note: References

EcoLogical Australia (undated). Editing Mitchell Landscapes, Final Report. A report prepared by EcoLogical Australia for the NSW Department of Environment and Climate Change.

Gibbons, P., Briggs, S.V., Ayers, D., Seddon, J., Doyle, S., Cosier, P., McElhinny, C., Pelly, V. and Roberts, K. (2009). An operational method to assess impacts of land clearing on terrestrial biodiversity. Ecological Indicators 9, 26-40.

Keith, D. (2004). Ocean shores to desert dunes: the native vegetation of New South Wales and the ACT. NSW Department of Environment and Conservation, Hurstville, NSW.

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;

Threatened Species are identified in accordance with the list published by the NSW Department of Environment, Climate Change and Water at:
http://www.environment.nsw.gov.au/threatenedspecies/index.htm

Mitchell Landscapes and vegetation types are identified in accordance with the lists published by the NSW Department of Environment, Climate Change and Water at:
http://www.environment.nsw.gov.au/projects/BiometricTool.htm

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.

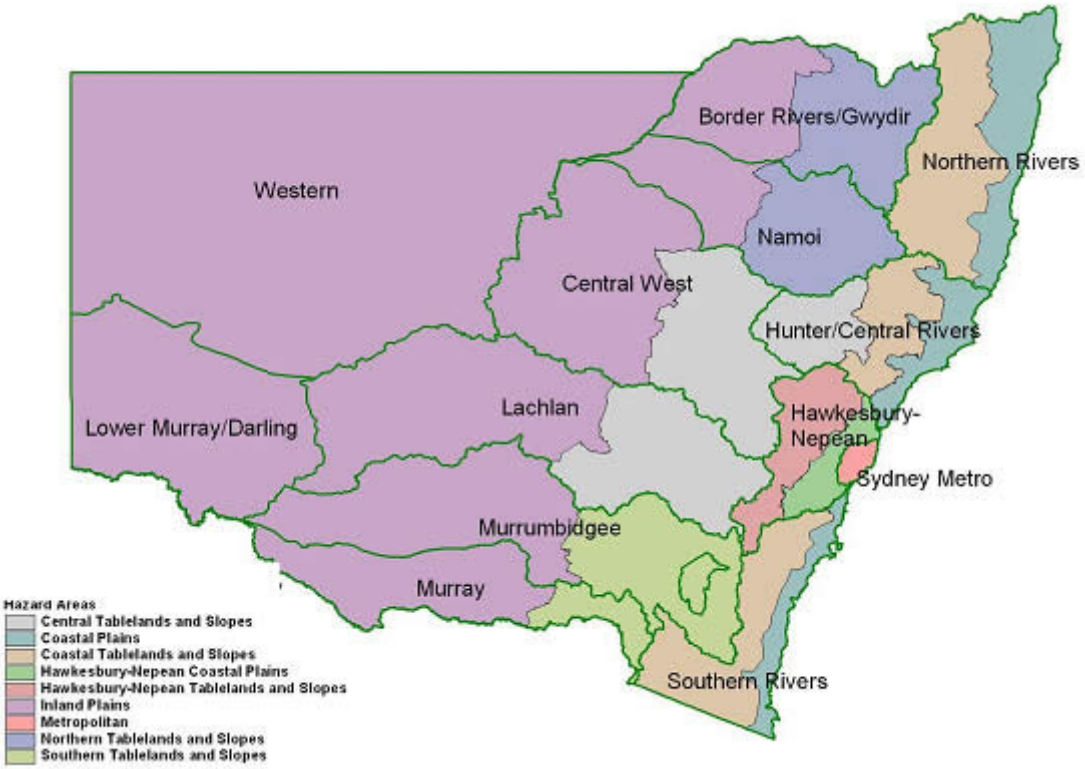
6.3.1 Identify Land and Soils Capability Zone

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 100 mm 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 200 m 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.

	Sensitive Terrain						
Catchment Hazard Area	**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.

	Land and soils capability class determined by slope (%)					
Catchment Area	**I**	**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 2nd order streams showing branching into lower parts of 1st 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 1st 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	**low**	**1**
			moderate	**2**
			high	**3**
		high	**low**	**2**

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

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

Average Annual Rainfall	Wind Erodibility Class of Soil	Wind Erosive Power	Exposure to Wind	Land and Soils Capability Class
			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 <500 mm Av. Annual Rainfall	Land and Soils Capability Class if >500 mm Av. Annual Rainfall
>100	<30	1, 2	1, 2
50 – 100		4	1, 2
25 – <50		7, 8	4
<25		7, 8	7, 8
>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 >10 m 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 <600 mm;
- 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 <600 mm).

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
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

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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.

Regrowth that is not classified as "protected regrowth" under the *Native Vegetation Act 2003* may be cleared without approval under that Act. Clearing of any other vegetation, which is classified under the *Native Vegetation Act 2003* as "remnant vegetation" or "protected regrowth" requires 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 Native Vegetation Assessment Tool) can be used. This assessment process is designed to maintain or create a mosaic of vegetation states across the landscape and does not require offsets.

Further information on supporting science and application of the Environmental Outcomes 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 Native Vegetation Assessment Tool;
- Collation of Discussion Paper Submissions and Responses from the Invasive Native Scrub Team (http://www.nativevegetation.nsw.gov.au/methodology/).

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 to determine whether the species proposed to be cleared may be assessed under this Chapter. This involves firstly, 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 where the proposal is located, 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.

If the species is not an 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), the species satisfies the following criteria for acting invasively:
   (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 clearing types:

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

Note:

The examples set out in brackets above are given by way of illustration only and do not limit techniques for 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 expressly stated to apply only to a specific type of clearing.

In the following criteria:

- "groundcover" means any type of herbaceous vegetation, native and non-native, living or dead;
- "native groundcover" means living, native 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" and "non-invasive native vegetation" mean any native species that are not invasive native species, as defined above;
- "diameter at breast height" means the diameter of the stem at 1.3 metres above the ground;
- "erosion risk" means the intrinsic susceptibility of a parcel of land to the prevailing agents of erosion. It is dependent on a combination of climate, landform and soil factors (Houghton & Charman 1986);
- "derived vegetation community" for the purposes of this chapter means a vegetation community which has changed from structurally different vegetation community, for example, shrubland that has encroached into open woodland or grassland areas. Vegetation communities with mature trees of the same species as younger trees in the community are generally not derived communities;
- "high condition" is as defined as benchmark condition (by Chapter 5 of the Environmental Outcomes Assessment Methodology) for the vegetation type which corresponds to the threatened ecological community being treated.
- "density" or "densities" means the number of plants per hectare.

Purpose of the clearing

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

Native groundcover

2) After the clearing provisions of the consent or property vegetation plan end, 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 in 5 b) below.
   b) Up to 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 groundcover of greater than 50% (or higher percentage as determined by the CMA) and the groundcover consists of greater than 75% (or higher percentage as determined by the CMA) native groundcover.

c) 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 groundcover set out in paragraph 5 (b) unless clearing is permitted by a property vegetation plan or consent under the *Native Vegetation Act 2003*.
d) If clearing plants at a paddock scale with nil to minimal disturbance to soil and groundcover is carried out with clearing plants at a paddock scale with temporary disturbance to soil and groundcover and/ or clearing of plants at paddock scale with longer-term disturbance to soil and groundcover the total clearing must not exceed 60% of the extent of invasive native species on the property except as set out in paragraph 5 b).
e) The CMA must certify in writing that it is satisfied as to the matters set out in paragraph 5 b) before the further clearing referred to in that paragraph can take place.

Note:

Criterion 5 d) means that if clearing type d is undertaken in combination with clearing type e and/or f the total initial clearing cannot exceed 60% of the extent of invasive native species on the property.

Due to the other retention requirements within this Chapter the clearing by clearing types d-f may be limited to 72% of the extent of invasive native species on the property in total over the period of the Property Vegetation Plan.

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 in 6 b) below.
b) Up to a further 40% 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 this type of clearing has achieved a groundcover of greater than 50% (or higher percentage as determined by the CMA) and the groundcover consists of greater than 75% (or higher percentage as determined by the CMA) native groundcover.
c) 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 groundcover set out in set out in paragraph 6 (b) 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 criterion 8 also applies.
e) The CMA must certify in writing that it is satisfied as to the matters set out in paragraph 6 b) before the further clearing referred to in that paragraph can take place.

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 in 7 b) below.
b) Up to a further 60% of the extent of invasive native species on the property 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 on the property, land that was initially cleared by this type of clearing has achieved a groundcover of greater than 50% (or higher percentage as determined by the CMA) and the

groundcover consists of greater than 75% (or higher percentage as determined by the CMA) native groundcover.

c) 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 groundcover set out in set out in paragraph 7 b) 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 criterion 8 also applies.

f) The CMA must certify in writing that it is satisfied as to the matters set out in paragraph 7 b) before the further clearing referred to in that paragraph can take place.

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 in 8 b) below.

b) Up to a further 40% 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 groundcover of greater than 50% (or higher percentage as determined by the CMA) and the groundcover consists of greater than 75% (or higher percentage as determined by the CMA) native groundcover.

c) 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 groundcover set out in set out in paragraph 8 b) 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.

e) The CMA must certify in writing that it is satisfied as to the matters set out in paragraph 8 b) before the further clearing referred to in that paragraph can take place.

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.

Once the Catchment Management Authority is satisfied that the second parcel of 200 ha has achieved the groundcover and percentage of native 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). In this example at any one time, no more than 200 ha may be cleared.

The landholder must not re-clear any areas cleared under these provisions that have achieved the necessary level of groundcover unless another consent or Property Vegetation Plan is obtained.

Restrictions on which methods of clearing may be used

8A) The clearing type that is used (being a type described in Chapter Section 7.2 (a) to (f)) is a type which is permitted for the species being cleared, according to Table 7.1

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) skeletal/ rocky soils, dunefields or lunettes occur on the area where the proposed clearing is to take place, or

   vegetation is a threatened ecological community or threatened population within the meaning of the *Threatened Species Conservation Act 1995* except, if the threatened ecological community is not in high condition and the clearing does not include the key species in the threatened ecological community (species in the title of the listing under the *Threatened Species Conservation Act 1995)* of the threatened ecological community, then the method of clearing of plants at paddock scale with nil to minimal disturbance to soil and groundcover may also be used, but to clear the understorey or groundcover only.

10) For methods other than burning, 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 risk; or
   c) of a high erosion risk.

12) For the 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 risk.

13) For methods other than burning, any invasive native species that has a stem or trunk with a diameter at breast height ("dbh") greater than the dbh specified in the column headed "Maximum dbh allowed to be cleared" in Table 7.1 is not cleared except as set out in 13A and 13C.

13A) The relevant Catchment Management Authority may vary the measurement in the column "Maximum dbh allowed to be cleared" in Table 7.1 by up to 5 centimetres if, in the judgement of the Catchment Management Authority, the variation is appropriate for the land to be cleared.

13B) Any native vegetation other than the invasive native species referred to in 13 with a stem or trunk diameter at breast height greater than 20cm is not cleared except as set out in 13C.

13C) Accidental clearing of invasive native species with a stem or trunk dbh greater than the maximum dbh allowed to be cleared and non-invasive native species with a stem or trunk greater than 20cm dbh is limited to 1% of the total number of trees and shrubs in the area to be cleared.

14) For methods other than burning or clearing of individual plants with no disturbance to groundcover, no clearing is undertaken within the riparian buffer distances, as set out in

Table 3.1of the Environmental Outcomes Assessment Methodology. Rivers and important wetlands are defined by Section 3.3 of the Environmental Outcomes Assessment Methodology. Other watercourses, lagoons and wetlands are to be defined by Section 3.3 of the Environmental Outcomes Assessment Methodology or as defined by the Catchment Management Authority.

15) [Note: this criterion has been removed. See criterion 17A.]

Non-native vegetation

16) For methods of 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, the clearing does not result in the introduction into the cleared area of any non-native perennial vegetation other than the species listed in Table 7.2 (where in the judgement of the Catchment Management Authority the species listed in Table 7.2 is non-persistent in the area the species is proposed to be introduced)

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 non-native vegetation.

Retention of native vegetation

17A) For methods of clearing of individual plants with no disturbance to groundcover and clearing of individual plants with minimal disturbance to groundcover:

a) Plants of the species listed in Table 7.1 as requiring retention are to be retained at the densities specified in Table 7.1, except
   I) Where the vegetation is a derived vegetation community; or
   II) As set out in criterion 17A (b);
b) Where more than one species is present, the total retention requirement for all species does not exceed 20 stems per hectare. If there is more than one species present, the stems retained must reflect the proportion of total individuals for each species present and stems are to be retained for a range of size classes present less than the dbh specified in Table 7.1; and,
c) Stems retained must represent the proportion of size classes present prior to clearing; and,
d) The relevant Catchment Management Authority may use its judgement to vary the number of stems per hectare that must be retained as specified by Table 7.1. However, the number of stems per hectare may not be varied to a ratio less than 1 stem under the maximum dbh allowed to be cleared in Table 7.1 to every 1 stem over the maximum dbh allowed to be cleared in Table 7.1, present per hectare for each species present to which this criterion applies. Any such variation does not affect the other requirements of this criterion.

Note:

For the purposes of criterion 17A, the number of plants per hectare means the number of plants on a one hectare area.

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; and,

b) if more than 500 hectares is to be cleared, then a minimum of 20% of the native vegetation on that area must be retained on each 500 hectare area within or between cleared areas; and
c) the 20% retained native vegetation may not be cleared by any other method; and
d) The retained native vegetation may include invasive native species; and
e) The native vegetation retained for the purposes of this criterion may be included in the calculation of the uncleared area extent of invasive native species on the property for the purposes of criterion 3 to 8.

Note:

1. The 20% retention may be retained in patches or buffers.
2. 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.

18A) 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, if plants of the species listed in Table 7.1 as requiring retention are present:
a) a minimum of 10% of the area of native vegetation on the area to be cleared is retained in patches; and
I) if more than 100 hectares is to be cleared, then a minimum of 10% of the area of native vegetation on that area must be retained on each 100 hectare area; and
II) the areas retained as required by this criterion are additional to the areas retained for the purposes of criteria 3 to 8 and 18;
or
b) plants are retained individually as specified in 17A).

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) clearing 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) the introduction of non-persistent non-native perennial vegetation listed in Table 7.2 (the species listed in Table 7.2 must also in the judgement of the Catchment Management Authority, be non-persistent in the area where the species is proposed to be introduced) and annual non-native vegetation, is limited to the clearing activity; and
e) any non-native vegetation introduced 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) the preparation and sowing of land with annual non-native vegetation and/ or non-persistent non-native perennial vegetation listed in Table 7.2 (the species listed in Table 7.2 must also, in the judgement of the Catchment Management Authority, be non-persistent in the area where the species is proposed to be introduced) is limited to three occasions in 15 years from the date of granting of consent or approval of the Property Vegetation Plan.

Key

In Table 7.1:
"n/a" means not applicable.

In the column headed "Clearing type permitted" and Note (1), the letters "a" to "f" correspond with the clearing types, that is:
a: burning;
b: clearing of individual plants with no disturbance to groundcover (for example, chemical spot treatment or ringbarking);
c: clearing of individual plants with minimal disturbance to groundcover (for example, grubbing);
d: clearing of plants at paddock scale with nil to minimal disturbance to soil and groundcover (for example, chaining, slashing or roping);
e: clearing of plants at paddock scale with temporary disturbance to soil and groundcover (for example, bladeploughing); and
f: clearing of plants at paddock scale with longer-term disturbance to soil and groundcover (for example, short-term cropping).

Table 7.1. Invasive Native Scrub Species Database

The species listed are consistent with the following criteria:

(a) the species invades plant communities where it has not been known to occur previously, **or**
the species regenerates densely following natural or artificial disturbance, **and**

(b) the invasion and/ or dense regeneration of the species results in change of structure and/ or composition of a vegetation community, **and**
the species is within its natural geographic range.

Catchment Management Authority – IBRA region	Invasive Native Species	Retention requirements			INS type of clearing permitted
		Number of plants per hectare to be retained	Retention required by criterion 18A (clearing types d-f only)	Maximum dbh allowed to be cleared	
Border Rivers/Gwydir--BBS	Callitris endlicheri (Black Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Border Rivers/Gwydir--BBS	Callitris glaucophylla (White Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Border Rivers/Gwydir--BBS	Cassinia arcuata (Sifton Bush)	none prescribed	No	n/a	All
Border Rivers/Gwydir--BBS	Eremophila mitchellii (Budda, False Sandalwood)	none prescribed	No	n/a	All
Border Rivers/Gwydir--BBS	Olearia elliptica (Sticky Daisy Bush, Peach Bush)	none prescribed	No	n/a	All
Border Rivers/ Gwydir--BBS	Cassinia laevis	None prescribed	No	n/a	All
Border Rivers/ Gwydir--BBS	Cassinia quinquefaria	None prescribed	No	n/a	All
Border Rivers/ Gwydir--BBS	Dodonea viscosa subsp. angustissima (Narrowleaf Hopbush)	None prescribed	No	n/a	All
Border Rivers/ Gwydir--BBS	Dodonea viscosa subsp. spatulata (Broadleaf Hopbush)	None prescribed	No	n/a	All
Border Rivers/Gwydir--BBS	Vachellia farnesiana (Mimosa)	None prescribed	No	n/a	All
Border Rivers/Gwydir--DRP	Acacia stenophylla (River Cooba, Black Wattle)	None prescribed	No	n/a	All

Catchment Management Authority – IBRA region	Invasive Native Species	Retention requirements			INS type of clearing permitted
		Number of plants per hectare to be retained	Retention required by criterion 18A (clearing types d-f only)	Maximum dbh allowed to be cleared	
Border Rivers/Gwydir--DRP	Acacia salicina (Cooba)	None prescribed	No	n/a	All
Border Rivers/Gwydir--DRP	Callitris endlicheri (Black Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Border Rivers/Gwydir--DRP	Callitris glaucophylla (White Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Border Rivers/Gwydir--DRP	Eremophila bignoniiflora (Eurah)	none prescribed	No	n/a	All
Border Rivers/Gwydir--DRP	Eremophila maculata (Spotted Fuschia)	none prescribed	No	n/a	All
Border Rivers/Gwydir--DRP	Eremophila longifolia (Emu Bush)	none prescribed	No	n/a	All
Border Rivers/Gwydir--DRP	Eremophila mitchellii (Budda, False Sandalwood)	none prescribed	No	n/a	All
Border Rivers/Gwydir--DRP	Eucalyptus camaldulensis (River Red Gum)	20 (Total under 20cm dbh)	Yes	20cm	All
Border Rivers/Gwydir--DRP	Eucalyptus coolabah (Coolibah)	20 (Total under 20cm dbh)	Yes	20cm	All
Border Rivers/Gwydir--DRP	Eucalyptus largiflorens (Black Box)	20 (Total under 20cm dbh)	Yes	20cm	All
Border Rivers/ Gwydir--DRP	Dodonea viscosa subsp. angustissima (Narrowleaf Hopbush)	None prescribed	No	n/a	All
Border Rivers/ Gwydir--DRP	Dodonea viscosa subsp. spatulata (Broadleaf Hopbush)	None prescribed	No	n/a	All
Border Rivers/Gwydir--DRP	Vachellia farnesiana (Mimosa)	None prescribed	No	n/a	All
Border Rivers/Gwydir--NAN	Acacia deanei (Deane's Wattle)	none prescribed	No	n/a	All
Border Rivers/Gwydir--NAN	Callitris endlicheri (Black Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Border Rivers/Gwydir--NAN	Callitris glaucophylla (White Cypress)	20 (Total under 20cm dbh)	No	20cm	All

Catchment Management Authority – IBRA region	Invasive Native Species	Retention requirements			INS type of clearing permitted
		Number of plants per hectare to be retained	Retention required by criterion 18A (clearing types d-f only)	Maximum dbh allowed to be cleared	
Border Rivers/Gwydir--NAN	Cassinia arcuata (Sifton Bush)	none prescribed	No	n/a	All
Border Rivers/Gwydir--NAN	Leptospermum brevipes (Grey Teatree, Teatree)	none prescribed	No	n/a	All
Border Rivers/Gwydir--NAN	Olearia elliptica (Sticky Daisy Bush, Peach Bush)	none prescribed	No	n/a	All
Border Rivers/ Gwydir--NAN	Cassinia quinquefaria	None prescribed	No	n/a	All
Border Rivers/ Gwydir--NAN	Cassinia laevis	None prescribed	No	n/a	All
Border Rivers/ Gwydir--NAN	Dodonea viscosa subsp. angustissima (Narrowleaf Hopbush)	None prescribed	No	n/a	All
Border Rivers/ Gwydir--NAN	Dodonea viscosa subsp. spatulata (Broadleaf Hopbush)	None prescribed	No	n/a	All
Border Rivers/Gwydir--NAN	Vachellia farnesiana (Mimosa)	None prescribed	No	n/a	All
Border Rivers/Gwydir--NET	Leptospermum brevipes (Grey Teatree, Teatree)	none prescribed	No	n/a	All
Border Rivers/ Gwydir--NET	Cassinia laevis	None prescribed	No	n/a	All
Border Rivers/ Gwydir--NET	Cassinia quinquefaria	None prescribed	No	n/a	All
Central West--All	Acacia aneura (Mulga)	20 (Total under 20cm dbh)	Yes	20cm	All
Central West--All	Acacia deanei (Deane's Wattle)	none prescribed	No	n/a	All
Central West--All	Acacia stenophylla (Black Wattle)	none prescribed	No	n/a	All
Central West--All	Callitris endlicheri (Black Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Central West--All	Callitris glaucophylla (White Cypress)	20 (Total under 20cm dbh)	No	20cm	All

Catchment Management Authority – IBRA region	Invasive Native Species	Retention requirements			INS type of clearing permitted
		Number of plants per hectare to be retained	Retention required by criterion 18A (clearing types d-f only)	Maximum dbh allowed to be cleared	
Central West--All	Cassinia arcuata (Sifton Bush)	none prescribed	No	n/a	All
Central West--All	Dodonea viscosa subsp. spatulata (Broadleaf Hopbush)	none prescribed	No	n/a	All
Central West--All	Dodonea viscosa subsp. angustissima (Narrowleaf Hopbush)	none prescribed	No	n/a	All
Central West--All	Eremophila bignoniiflora (Eurah)	none prescribed	No	n/a	All
Central West--All	Eremophila longifolia (Emu Bush)	none prescribed	No	n/a	All
Central West--All	Eremophila mitchellii (Budda, False sandalwood)	none prescribed	No	n/a	All
Central West--All	Eremophila sturtii (Turpentine)	none prescribed	No	n/a	All
Central West--All	Eucalyptus coolabah (Coolibah)	20 (Total under 20cm dbh)	Yes	20cm	All
Central West--All	Eucalyptus largiflorens (Black Box)	20 (Total under 20cm dbh)	Yes	20cm	All
Central West--All	Eucalyptus populnea (Bimble box, Poplar Box)	20 (Total under 20cm dbh)	Yes	20cm	All
Central West--All	Maireana microphylla (Eastern Cotton Bush)	none prescribed	No	n/a	All
Central West--All	Nitraria billardierei (Dillon Bush)	none prescribed	No	n/a	All
Central West--All	Senna form taxon 'artemisoides' (Silver Cassia)	none prescribed	No	n/a	All
Central West--All	Senna form taxon 'filifolia' (Punty Bush)	none prescribed	No	n/a	All
Central West--All	Sclerolaena birchii (Galvanised Burr)	none prescribed	No	n/a	All

Catchment Management Authority – IBRA region	Invasive Native Species	Retention requirements			INS type of clearing permitted
		Number of plants per hectare to be retained	Retention required by criterion 18A (clearing types d-f only)	Maximum dbh allowed to be cleared	
Central West--All	Sclerolaena muricata (Black Rolypoly)	none prescribed	No	n/a	All
Central West--All	Acacia homalophylla (Yarran)	none precribed	No	n/a	All
Central West--All	Geijera parviflora (Wilga)	20 (Total under 20cm dbh)	No	n/a	All
Central West--All	Acacia salicina (Cooba or Native Willow)	None prescribed	Yes	20cm	a-e
Central West--All	Eucalyptus camaldulensis (River Red Gum)	20 (Total under 20cm dbh)	Yes	20cm	a-c
Central West--All	Vachellia farnesiana (Mimosa)	none prescribed	No	n/a	All
Hawkesbury/Nepean--All	Callitris endlicheri (Black Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Hawkesbury/Nepean--All	Cassinia arcuata (Sifton Bush)	none prescribed	No	20cm	All
Hawkesbury/Nepean--All	Kunzea ericoides (Burgan)	none prescribed	No	n/a	All
Hawkesbury/Nepean--All	Kunzea parvifolia (Violet Kunzea)	none prescribed	No	n/a	All
Hunter and Central Rivers--All	Callitris endlicheri (Black Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Lachlan--All	Acacia deanei (Deane's Wattle)	None prescribed	No	n/a	All
Lachlan--All	Callitris endlicheri (Black Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Lachlan--All	Callitris glaucophylla (White Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Lachlan--All	Cassinia arcuata (Sifton Bush)	none prescribed	No	n/a	All
Lachlan--All	Dodonea viscosa subsp angustissima (Narrowleaf Hopbush)	none prescribed	No	n/a	All

Catchment Management Authority – IBRA region	Invasive Native Species	Retention requirements			INS type of clearing permitted
		Number of plants per hectare to be retained	Retention required by criterion 18A (clearing types d-f only)	Maximum dbh allowed to be cleared	
Lachlan--All	Dodonea viscosa subsp. spatulata (Broadleaf Hopbush)	none prescribed	No	n/a	All
Lachlan--All	Eremophila bowmanii subsp. bowmanii (Silver Turkey Bush)	none prescribed	No	n/a	All
Lachlan--All	Eremophila longifolia (Emu Bush)	none prescribed	No	n/a	All
Lachlan--All	Eremophila mitchellii (Budda, False Sandalwood)	none prescribed	No	n/a	All
Lachlan--All	Eremophila sturtii (Turpentine)	none prescribed	No	n/a	All
Lachlan--All	Senna form taxon 'artemisoides' (Silver Cassia)	none prescribed	No	n/a	All
Lachlan--All	Senna form taxon 'filifolia' (Punty Bush)	none prescribed	No	n/a	All
Lachlan	Sclerolaena birchii (Galvanised Burr)	None prescribed	No	n/a	All
Lachlan	Sclerolaena muricata (Black Rolypoly)	None prescribed	No	n/a	All
Lower Murray /Darling--All	Dodonea viscosa subsp angustissima (Narrowleaf Hopbush)	none prescribed	No	n/a	All
Lower Murray /Darling--All	Dodonea viscosa subsp. spatulata (Broadleaf Hopbush)	none prescribed	No	n/a	All
Lower Murray /Darling--All	Eremophila mitchellii (Budda, False Sandalwood)	none prescribed	No	n/a	All
Lower Murray /Darling--All	Eremophila sturtii (Turpentine)	none prescribed	No	n/a	All
Lower Murray /Darling--All	Senna form taxon 'artemisoides' (Silver Cassia)	none prescribed	No	n/a	All
Lower Murray /Darling--All	Senna form taxon 'filifolia' (Punty Bush)	none prescribed	No	n/a	All

Catchment Management Authority – IBRA region	Invasive Native Species	Retention requirements			INS type of clearing permitted
		Number of plants per hectare to be retained	Retention required by criterion 18A (clearing types d-f only)	Maximum dbh allowed to be cleared	
Murray--All	Acacia paradoxa (Kangaroo Thorn)	none prescribed	No	n/a	All
Murray--All	Eucalyptus camaldulensis (River Red Gum)	20 (Total under 20cm dbh)	Yes	20cm	All
Murray--All	Eucalyptus largiflorens (Black Box)	20 (Total under 20cm dbh)	Yes	20cm	All
Murray--All	Sclerolaena muricata (Black Rolypoly)	none prescribed	No	n/a	All
Murray--All	Nitraria billardierei (Dillon Bush)	none prescribed	No	n/a	All
Murrumbidgee--All	Acacia aneura (Mulga)	20 (Total under 20cm dbh)	Yes	20cm	All
Murrumbidgee--All	Acacia stenophylla (River Cooba, Black Wattle)	none prescribed	No	n/a	All
Murrumbidgee--All	Callitris glaucophylla (White Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Murrumbidgee--All	Dodonea viscosa subsp angustissima (Narrowleaf Hopbush)	none prescribed	No	n/a	All
Murrumbidgee--All	Dodonea viscosa subsp. spatulata (Broadleaf Hopbush)	none prescribed	No	n/a	All
Murrumbidgee--All	Eremophila mitchellii (Budda, False Sandalwood)	none prescribed	No	n/a	All
Murrumbidgee--All	Eremophila sturtii (Turpentine)	none prescribed	No	n/a	All
Murrumbidgee--All	Eucalyptus camaldulensis (River Red Gum)	20 (Total under 20cm dbh)	Yes	20cm	All
Murrumbidgee--All	Senna form taxon 'artemisoides' (Silver Cassia)	none prescribed	No	n/a	All
Murrumbidgee--All	Senna form taxon 'filifolia' (Punty Bush)	none prescribed	No	n/a	All
Murrumbidgee	Sclerolaena birchii (Galvanised Burr)	None prescribed	No	n/a	All

Catchment Management Authority – IBRA region	Invasive Native Species	Retention requirements			INS type of clearing permitted
		Number of plants per hectare to be retained	Retention required by criterion 18A (clearing types d-f only)	Maximum dbh allowed to be cleared	
Namoi--All	Acacia deanei (Deane's Wattle)	none prescribed	No	n/a	All
Namoi--All	Bursaria spinosa (Blackthorn)	none prescribed	No	n/a	All
Namoi--All	Callitris endlicheri (Black Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Namoi--All	Callitris glaucophylla (White Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Namoi--All	Cassinia arcuata (Sifton Bush)	none prescribed	No	n/a	All
Namoi--All	Dodonea viscosa subsp angustissima (Narrowleaf Hopbush)	none prescribed	No	n/a	All
Namoi--All	Eucalyptus coolabah (Coolibah)	20 (Total under 20cm dbh)	Yes	20cm	All
Namoi--All	Eucalyptus largiflorens (Black Box)	20 (Total under 20cm dbh)	Yes	20cm	All
Namoi--All	Olearia elliptica (Sticky Daisy Bush, Peach Bush)	none prescribed	No	n/a	All
Namoi--All	Leptospermum brevipes (Grey Teatree, Teatree)	none prescribed	No	n/a	All
Namoi--All	Acacia stenophylla (Black Wattle or River Cooba)	20 (Total under 20cm dbh)	Yes	20cm	All
Namoi--All	Cassinia laevis (Cough Bush)	None prescribed	No	n/a	All
Namoi--All	Cassinia quinquefaria	None prescribed	No	n/a	All
Namoi--All	Casuarina cristata (Belah)	20 (Total under 20cm dbh)	Yes	20cm	a-c
Namoi--All	Dodonea viscosa subsp. angustissima (Narrowleaf Hopbush)	None prescribed	No	n/a	All
Namoi--All	Dodonea viscosa subsp. mucronata	None prescribed	No	n/a	All

Catchment Management Authority – IBRA region	Invasive Native Species	Retention requirements			INS type of clearing permitted
		Number of plants per hectare to be retained	Retention required by criterion 18A (clearing types d-f only)	Maximum dbh allowed to be cleared	
Namoi--All	Dodonea viscosa subsp. spatulata (Broadleaf Hopbush)	None prescribed	No	n/a	All
Namoi--All	Eremophila bignoniiflora (Eurah)	None prescribed	No	n/a	All
Namoi--All	Eremophila longifolia (Emu Bush)	None prescribed	No	n/a	All
Namoi--All	Eremophila mitchellii (Budda, False Sandalwood)	None prescribed	No	n/a	All
Namoi--All	Sclerolaena birchii (Galvanised Burr)	None prescribed	No	n/a	All
Namoi--All	Sclerolaena muricata (Black Rolypoly)	None prescribed	No	n/a	All
Namoi--All	Vachellia farnesiana (Mimosa)	none prescribed	No	n/a	All
Southern Rivers--All	Kunzea ericoides (Burgan)	none prescribed	No	n/a	All
Southern Rivers--All	Kunzea parvifolia (Violet Kunzea)	none prescribed	No	n/a	All
Southern Rivers--All	Acacia mearnsii (Black Wattle)	none prescribed	No	n/a	All
Southern Rivers--All	Bursaria spinosa (Blackthorn)	none prescribed	No	n/a	All
Southern Rivers--All	Cassinia arcuata	none prescribed	No	n/a	All
Western--BBS	Acacia aneura (Mulga)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--BBS	Callitris endlicheri (Black Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Western--BBS	Callitris glaucophylla (White Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Western--BBS	Dodonea viscosa subsp angustissima (Narrowleaf Hopbush)	none prescribed	No	n/a	All
Western--BBS	Dodonea viscosa subsp. spatulata (Broadleaf Hopbush)	none prescribed	No	n/a	All

Catchment Management Authority – IBRA region	Invasive Native Species	Retention requirements			INS type of clearing permitted
		Number of plants per hectare to be retained	Retention required by criterion 18A (clearing types d-f only)	Maximum dbh allowed to be cleared	
Western--BBS	Eremophila mitchellii (Budda, False Sandalwood)	none prescribed	No	n/a	All
Western--BBS	Eremophila sturtii (Turpentine)	none prescribed	No	n/a	All
Western--BBS	Eucalyptus coolabah (Coolibah)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--BBS	Eucalyptus largiflorens (Black Box)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--BBS	Eucalyptus populnea (Bimble Box, Poplar Box)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--BBS	Senna form taxon 'artemisoides' (Silver Cassia)	none prescribed	No	n/a	All
Western--BBS	Senna form taxon 'filifolia' (Punty Bush)	none prescribed	No	n/a	All
Western--BBS	Casuarina cristata (Belah)	20 (Total under 20cm dbh)	Yes	20cm	a-c
Western--BBS	Eremophila bignoniiflora (Eurah)	None prescribed	No	n/a	All
Western--BBS	Geijera parviflora (Wilga)	20 (Total under 20cm dbh)	n/a	20cm	a-c
Western--BBS	Vachellia farnesiana (Mimosa)	none prescribed	No	n/a	All
Western--BHC	Acacia aneura (Mulga)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--BHC	Dodonea viscosa subsp angustissima (Narrowleaf Hopbush)	none prescribed	No	n/a	All
Western--BHC	Eremophila sturtii (Turpentine)	none prescribed	No	n/a	All
Western--BHC	Senna form taxon 'artemisioides' (Silver Cassia)	none prescribed	No	n/a	All
Western--BHC	Senna form taxon 'filifolia' (Punty Bush)	none prescribed	No	n/a	All
Western--BHC	Dodonea viscosa subsp. spatulata (Broadleaf Hopbush)	None prescribed	No	n/a	All
Western--BHC	Eremophila mitchellii (Budda)	None prescribed	No	n/a	All

Catchment Management Authority – IBRA region	Invasive Native Species	Retention requirements			INS type of clearing permitted
		Number of plants per hectare to be retained	Retention required by criterion 18A (clearing types d-f only)	Maximum dbh allowed to be cleared	
Western--DRP	Acacia aneura (Mulga)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--DRP	Acacia stenophylla (Black Wattle)	none prescribed	No	n/a	All
Western--DRP	Callitris endlicheri (Black Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Western--DRP	Callitris glaucophylla (White Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Western--DRP	Dodonea viscosa subsp angustissima (Narrowleaf Hopbush)	none prescribed	No	n/a	All
Western--DRP	Dodonea viscosa subsp. spatulata (Broadleaf Hopbush)	none prescribed	No	n/a	All
Western--DRP	Eremophila longifolia (Emu Bush)	none prescribed	No	n/a	All
Western--DRP	Eremophila mitchellii (Budda, False Sandalwood)	none prescribed	No	n/a	All
Western--DRP	Eremophila sturtii (Turpentine)	none prescribed	No	n/a	All
Western--DRP	Eucalyptus coolabah (Coolibah)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--DRP	Eucalyptus largiflorens (Black Box)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--DRP	Eucalyptus populnea (Bimble Box, Poplar Box)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--DRP	Senna form taxon 'artemisoides' (Silver Cassia)	none prescribed	No	n/a	All
Western--DRP	Senna form taxon 'filifolia' (Punty Bush)	none prescribed	No	n/a	All
Western--DRP	Casuarina cristata (Belah)	20 (Total under 20cm dbh)	Yes	20cm	a-c
Western--DRP	Eremophila bignoniiflora (Eurah)	None prescribed	No	n/a	All

Catchment Management Authority – IBRA region	Invasive Native Species	Retention requirements			INS type of clearing permitted
		Number of plants per hectare to be retained	Retention required by criterion 18A (clearing types d-f only)	Maximum dbh allowed to be cleared	
Western--DRP	Muehlenbeckia cunninghammi (Lignum)**	None prescribed	No	n/a	a
Western--DRP	Sclerolaena birchii (Galvanised Burr)	None prescribed	No	n/a	All
Western--DRP	Sclerolaena muricata (Black Rolypoly)	None prescribed	No	n/a	All
Western--DRP	Vachellia farnesiana (Mimosa)	none prescribed	No	n/a	All
Western--CC	Dodonea viscosa subsp angustissima (Narrowleaf Hopbush)	none prescribed	No	n/a	All
Western--CC	Eremophila duttonii (Harlequin Fuchsia Bush)	none prescribed	No	n/a	All
Western--CC	Eremophila mitchellii (Budda, False Sandalwood)	none prescribed	No	n/a	All
Western--CC	Eremophila sturtii (Turpentine)	none prescribed	No	n/a	All
Western--CC	Senna form taxon 'filifolia' (Punty Bush)	none prescribed	No	n/a	All
Western--CP	Acacia aneura (Mulga)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--CP	Callitris endlicheri (Black Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Western--CP	Callitris glaucophylla (White Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Western--CP	Dodonea viscosa subsp angustissima (Narrowleaf Hopbush)	none prescribed	No	n/a	All
Western--CP	Dodonea viscosa subsp. spatulata (Broadleaf Hopbush)	none prescribed	No	n/a	All
Western--CP	Eremophila longifolia (Emu Bush)	none prescribed	No	n/a	All
Western--CP	Eremophila mitchellii (Budda, False Sandalwood)	none prescribed	No	n/a	All

Catchment Management Authority – IBRA region	Invasive Native Species	Retention requirements			INS type of clearing permitted
		Number of plants per hectare to be retained	Retention required by criterion 18A (clearing types d-f only)	Maximum dbh allowed to be cleared	
Western--CP	Eremophila sturtii (Turpentine)	none prescribed	No	n/a	All
Western--CP	Eucalyptus populnea (Bimble Box, Poplar Box)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--CP	Senna form taxon 'artemisoides' (Silver Cassia)	none prescribed	No	n/a	All
Western--CP	Senna form taxon 'filifolia' (Punty Bush)	none prescribed	No	n/a	All
Western--CP	Acacia homalophylla (Yarran)	none prescribed	No	n/a	All
Western--CP	Geijera parviflora (Wilga)	20 (Total under 20cm dbh)	No	20cm	All
Western--CP	Eucalyptus intertexta (Red Box)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--CP	Sclerolaena birchii (Galvanised Burr)	None prescribed	No	n/a	All
Western--ML	Acacia aneura (Mulga)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--ML	Acacia stenophylla (Black Wattle)	None prescribed	No	n/a	All
Western--ML	Callitris endlicheri (Black Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Western--ML	Callitris glaucophylla (White Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Western--ML	Dodonea viscosa subsp angustissima (Narrowleaf Hopbush)	none prescribed	No	n/a	All
Western--ML	Eremophila duttonii (Harlequin Fuchsia Bush)	none prescribed	No	n/a	All
Western--ML	Eremophila gilesii (Green Turkey-bush)	none prescribed	No	n/a	All
Western--ML	Eremophila longifolia (Emu Bush)	none prescribed	No	n/a	All
Western--ML	Eremophila mitchellii (Budda, False Sandalwood)	none prescribed	No	n/a	All

Catchment Management Authority – IBRA region	Invasive Native Species	Retention requirements			INS type of clearing permitted
		Number of plants per hectare to be retained	Retention required by criterion 18A (clearing types d-f only)	Maximum dbh allowed to be cleared	
Western--ML	Eremophila sturtii (Turpentine)	none prescribed	No	n/a	All
Western--ML	Eucalyptus populnea (Bimble Box, Poplar Box)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--ML	Senna form taxon 'artemisoides' (Silver Cassia)	none prescribed	No	n/a	All
Western--ML	Senna form taxon 'filifolia' (Punty Bush)	none prescribed	No	n/a	All
Western--ML	Acacia homalophylla (Yarran)	none prescribed	No	n/a	All
Western--ML	Geijera parviflora (Wilga)	20 (Total under 20cm dbh)	No	20cm	All
Western--ML	Dodonea viscosa subsp. spatulata (Broadleaf Hopbush)	None prescribed	No	n/a	All
Western--ML	Eremophila bowmanii subsp. bowmanii (Silver Turkey Bush)	None prescribed	No	n/a	All
Western--ML	Muehlenbeckia florulenta (Lignum)**	None prescribed	No	n/a	a
Western--MDD	Acacia aneura (Mulga)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--MDD	Callitris glaucophylla (White Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Western--MDD	Callitris endlicheri (Black Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Western--MDD	Dodonea viscosa subsp angustissima (Narrowleaf Hopbush)	none prescribed	No	n/a	All
Western--MDD	Eremophila mitchellii (Budda, False Sandalwood)	none prescribed	No	n/a	All
Western--MDD	Eremophila sturtii (Turpentine)	none prescribed	No	n/a	All
Western--MDD	Senna form taxon 'filifolia' (Punty Bush)	none prescribed	No	n/a	All

Catchment Management Authority – IBRA region	Invasive Native Species	Retention requirements			INS type of clearing permitted
		Number of plants per hectare to be retained	Retention required by criterion 18A (clearing types d-f only)	Maximum dbh allowed to be cleared	
Western--MDD	Dodonea viscosa subsp. spatulata (Broadleaf Hopbush)	None prescribed	No	n/a	All
Western--MDD	Senna form taxon 'artemisoides'(Silver Cassia)	None prescribed	No	n/a	All
Western--SSD	Acacia aneura (Mulga)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--SSD	Dodonea viscosa subsp angustissima (Narrowleaf Hopbush)	none prescribed	No	n/a	All
Western--SSD	Eremophila sturtii (Turpentine)	none prescribed	No	n/a	All
Western--SSD	Senna form taxon 'artemisoides' (Silver Cassia)	none prescribed	No	n/a	All
Western--SSD	Senna form taxon 'filifolia' (Punty Bush)	none prescribed	No	n/a	All
Western--SSD	Dodonea viscosa subsp. spatulata (Broadleaf Hopbush)	None prescribed	No	n/a	All
Note (1): For clearing types (d), (e) and (f), 20cm. For all other clearing types, no maximum dbh is applicable.					

Table 7.2. Non-persistent and Non-native Perennial Species Database

Non-persistent non-native perennial vegetation species
Medicago sativa (Lucerne)

8 Streamlined assessment of certain vegetation categories

8.1 Introduction

This chapter sets out the criteria against which proposed broadscale clearing of native vegetation is assessed to determine suitability for a shortened assessment process. If, under this chapter, proposed broadscale clearing is suitable for the shortened assessment process, then this chapter sets out circumstances in which the clearing is to be regarded as improving or maintaining environmental outcomes under the *Native Vegetation Act 2003*.

The shortened assessment process may be used where proposed broadscale clearing is of native vegetation that falls within one or more of the vegetation categories in 8.4.1, and the filter criteria in 8.4.2 and any required management actions in 8.4.3 are met.

The streamlined assessment process is designed: (i) to provide efficient assessment of whether proposed broadscale clearing improves or maintains environmental outcomes through a shortened assessment process, and (ii) where proposed broadscale clearing does improve or maintain environmental outcomes, to provide offsets that are appropriate for the local environmental conditions.

8.2 Assessing clearing proposals using streamlined assessment

There are three general steps to determine whether proposed broadscale clearing of native vegetation may be assessed under this Chapter and, where it may be assessed, whether such proposed broadscale clearing improves or maintains environmental outcomes.

The first step is to determine whether the native vegetation proposed to be cleared may be assessed under this Chapter. This involves determining whether the native vegetation that is proposed to be cleared falls within one or more of the vegetation categories in 8.4.1. If the native vegetation that is proposed to be cleared is not in one or more of the vegetation categories in 8.4.1 then the proposed broadscale clearing may not be assessed under this Chapter.

The second step is to determine whether the proposed broadscale clearing passes the filter criteria in 8.4.2. If these criteria are not passed, then the proposed broadscale clearing will not be regarded as improving or maintaining environmental outcomes under this Chapter.

The third step is to determine whether the provisions of 8.4.3. have been complied with, including whether any required management actions are secured in a PVP. The requirement for management actions depends on whether or not threatened species are known or predicted to occur on the land where clearing is proposed and whether any threatened species are predicted to be lost and the Land and Soil Capability Class of the land from which native vegetation is proposed to be cleared. If the provisions of 8.4.3 have not been complied with, then the proposed broadscale clearing will not be regarded as improving or maintaining environmental outcomes under this Chapter.

Note: Management actions for threatened species can only be used where the provisions of 5.5 and 5.8 are met.

8.3 Definitions

The following definitions apply for the purposes of this Chapter.

Benchmark: Quantitative measure of the range of variability in condition attributes of vegetation communities where there is relatively little evidence of modification by humans since European (post 1750) settlement. Benchmarks are available in the vegetation benchmarks database, and can also be obtained from reference sites or scientific literature or expert knowledge provided that the data has been certified by an accredited expert as set out in 2.4.3.

CMA area: Catchment Management Authority area. The area of operation of a Catchment Management Authority as described in Schedule 2 of the *Catchment Management Authorities Act 2003*.

Loss of Landscape Value: Measure of loss of native vegetation cover, connectivity and remnant area (adjacency) of native vegetation, assessed as follows:

> Percent loss in Landscape Value is calculated as -
> {(Change in percent cover in 1000 ha circle with clearing x 11) + (Change in percent cover in 100 ha circle with clearing x 9) + (Change in connectivity value with clearing x 8) + (Change in total adjacent remnant area with clearing x 6)}/maximum Landscape Value (ie, [11+9+8+6) x 12]), expressed as a percentage. Percent cover in the 1000 ha and 100 circles, change in connectivity value with clearing and total adjacent remnant area are assessed in accordance with Tables 5.2, 5.3.1, 5.3.2a, 5.3.2b, 5.3.3 and 5.4 . The weightings of the components of Landscape Value are in accordance with Table 5.1.

Mitchell landscape: A landscape that is listed in the overcleared landscapes database. Mitchell landscapes have relatively homogeneous geomorphology, soils and broad vegetation communities, and are mapped at a scale of 1:250,000.

Note: All Mitchell landscapes are listed in the overcleared landscapes database, not only Mitchell landscapes that are overcleared.

Overcleared vegetation: is native vegetation that:
1. occurs in a Mitchell Landscape that is more than 70% cleared; or
2. is a vegetation type that is more than 70% cleared; or
3. is an ecological community listed as 'critically endangered' or 'endangered' under the *Threatened Species Conservation Act 1995* (NSW) or listed as 'critically endangered', 'endangered' or 'vulnerable' under the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth).

Regional value: The percentage of a vegetation type's original extent that has been cleared in the CMA area, adjusted with a generic species-area relationship. Regional Value is calculated in accordance with 5.3.2.

Site value: Quantitative measure of the condition of native vegetation, multiplied by the area of the site. Site value is calculated in accordance with 5.3.4.

Threatened species: means
1. the following entities listed under the *Threatened Species Conservation Act 1995:*

a. species listed as 'critically endangered', 'endangered', 'vulnerable' and flora species listed as 'presumed extinct', and
b. ecological communities listed as 'critically endangered' or 'endangered', and
c. 'endangered populations'.

and

2. the following entities listed under the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth)*:*
a. species listed as 'critically endangered', 'endangered' or 'vulnerable', and
b. ecological communities listed as 'critically endangered' or 'endangered'.

Vegetation in low condition: Vegetation in low condition is defined as follows:
Native woody vegetation:

1. with an over-storey percent foliage cover that is less than 25% of the lower value of the over-storey percent foliage cover benchmark for that vegetation type; and where
2. a) less than 50% of the groundcover vegetation is indigenous species; or
b) more than 90% of the area is ploughed; or
c) more than 90% of the area is fallow; or
d) 90% or more of the groundcover vegetation is regrowth but not protected regrowth

Native grassland, wetland or herbfield vegetation where:

1. a) less than 50% of the groundcover vegetation is indigenous species; or
b) more than 90% of the area is ploughed; or
c) more than 90% of the area is fallow; or

d) 90% or more of the groundcover vegetation is regrowth but not protected regrowth

Vegetation type: The finest level of classification of native vegetation used in the Environmental Outcomes Assessment Methodology. Vegetation types are assigned to vegetation classes, which in turn are assigned to vegetation formations. Vegetation types are listed in the overcleared vegetation types database.

Note: All vegetation types are listed in the overcleared vegetation types database, not only vegetation types that are overcleared.

Western Division: As defined in the *Crown Lands Act 1989*.

8.4 The improve or maintain test

Proposed broadscale clearing is to be regarded as improving or maintaining environmental outcomes if:

1. The native vegetation proposed for broadscale clearing falls within one or more of the vegetation categories in 8.4.1, and
2. The proposed broadscale clearing passes the filter criteria in 8.4.2, and
3. 8.4.3 is complied with and any management actions required under 8.4.3 are secured in a PVP.

Note: Management actions for threatened species can only be used where the provisions of 5.5 and 5.8 are met.

8.4.1 Vegetation categories for streamlined assessment

A broadscale clearing proposal may only be assessed under this Chapter if the vegetation proposed to be cleared falls within one or more of the following categories.

1. Native vegetation in low condition, as defined in 8.3.

2. Native vegetation (other than vegetation that is in low condition) with an overstorey percent foliage cover of 25%-50% of the lower value of the benchmark for over-storey percent foliage cover for the vegetation type, that is not overcleared vegetation as defined in 8.3, and where there is either no groundcover or the groundcover comprises less than 50% indigenous species.

3. Native vegetation in the Western Division where:
   a) the Mitchell landscape is 10% or less cleared as listed in the overcleared landscapes database; and
   b) the vegetation type is 10% or less cleared as listed in the overcleared vegetation types databases.

8.4.2 Filter criteria

Proposed broadscale clearing must pass all the following filter criteria in order to be assessed under this Chapter.

a. Water quality assessment

Broadscale clearing must not be proposed to be carried out within the riparian buffer distances as set out in Table 3.1.

b. Biodiversity assessment

Broadscale clearing must not be proposed to be carried out where the loss of Landscape Value resulting from the proposed broadscale clearing is greater than 10%.

Note: The application of Chapter 6 under 8.4.3 removes the need for filter criteria for salinity and soil assessment.

8.4.3 Provisions that must be complied with to determine required management actions

Under this Chapter, proposed broadscale clearing of native vegetation is regarded as improving or maintaining environmental outcomes if the following provisions are complied with and any required management actions are secured in a PVP:

1. Provisions to determine any required management actions relating to occurrence, predicted occurrence and loss of threatened species
2. Provisions to determine any required management actions relating to Land and Soil Capability Class

1. Provisions to determine any required management actions relating to occurrence, predicted occurrence and loss of threatened species

In order to ascertain the management actions that are applicable under this Section:

- Section 5.6 must be applied in order to identify whether any threatened species occur or are predicted to occur on the land on which broadscale clearing is proposed; and
- Section 5.7 must be applied in order to assess the loss of threatened species predicted to be caused by the proposed broadscale clearing.

The result of the application of Sections 5.6 and 5.7 will determine whether a) or b) below applies.

a) Where threatened species occur or are predicted to occur and also predicted to be lost as a result of the proposed broadscale clearing

Where threatened species occur or are predicted to occur on the land on which broadscale clearing is proposed (as assessed in accordance with 5.6) and the clearing will cause a loss of threatened species (as assessed in accordance with 5.7), Sections 5.5 and 5.8 must be complied with.

Notes: Native vegetation that is, or provides habitat for threatened species, that is interspersed with native vegetation that is not, or does not provide habitat for threatened species, can be assessed as though it is threatened species or provides habitat for threatened species, or it can be zoned into native vegetation that is and is not threatened species, or does and does not provide habitat for threatened species, and the zones assessed under a) and b) respectively.

b) Where threatened species do not occur or are not predicted to occur or where no loss of threatened species is predicted as a result of the proposed broadscale clearing

Where threatened species do not occur or are not predicted to occur on the land on which broadscale clearing is proposed (as assessed in accordance with 5.6), or threatened species occur or are predicted to occur on the land on which broadscale clearing is proposed but threatened species will not be lost as a result of the proposed broadscale clearing (as assessed in accordance with 5.7) then the following offset is required:

An area of land (the offset area(s)) where the gain in Site Value with the management actions calculated in accordance with 5.3.4 is equal to or greater than the loss in Site Value on the land proposed to be cleared.

The offset area(s) must be:

(i) comprised of vegetation of equal or greater Regional Value(s) than the vegetation proposed to be cleared, or

(ii) comprised of vegetation type(s) with Regional Value(s) up to 10% lower than the vegetation type(s) proposed to be cleared if the vegetation type(s) proposed to be cleared is/are less than or equal to 70% cleared in the CMA area.

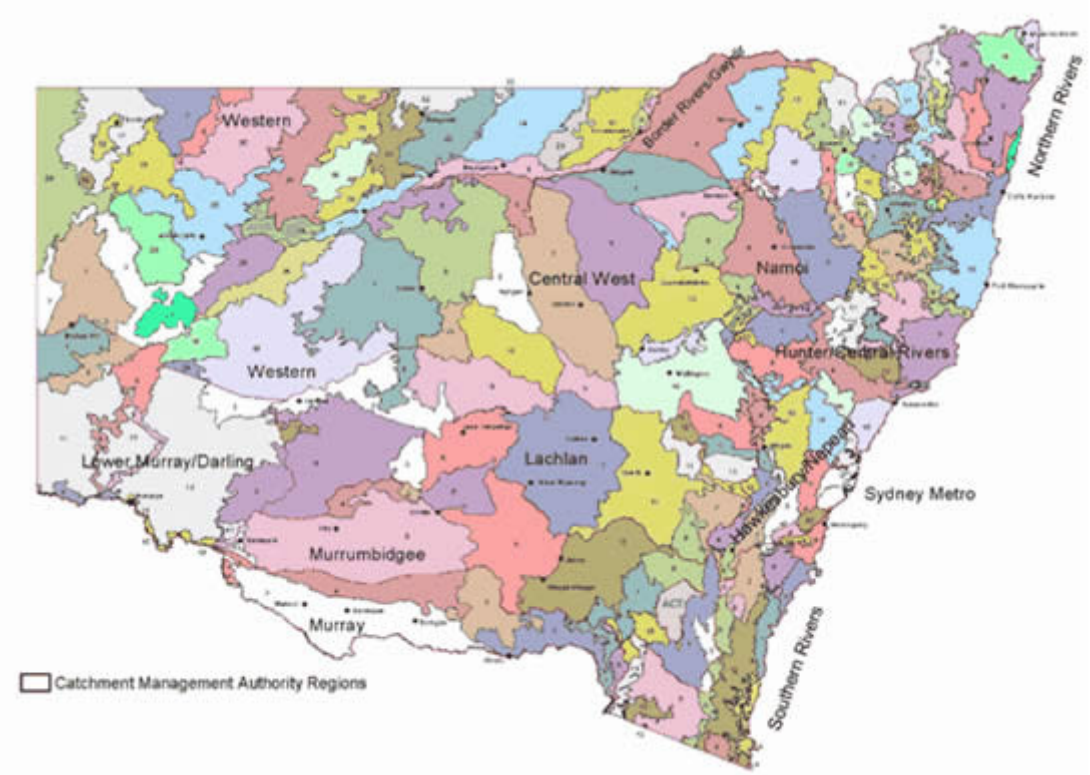
2. Provisions to determine any required management actions relating to Land and Soil Capability Class

In order to ascertain the management actions that are applicable under this Section, Chapter 6 must be applied and any management actions prescribed in Chapter 6 must be applied to the proposed clearing. The Catchment Management Authority may use judgement to vary the management actions in Appendix B of Chapter 6 to suit local conditions to prevent land degradation.

Note: (i) Under Chapter 6, where the vegetation proposed to be cleared is on land that falls within Land and Soil Capability Class 3 to 6, then the relevant management actions in Appendix B are applied to the proposed clearing.
(ii) Broadscale clearing on Land and Soil Capability Classes 7 and 8 does not improve or maintain environmental outcomes.
(iii) Under Chapter 6, Assessment for salinity hazard is not required where the proposed broadscale clearing involves the removal of paddock trees. Paddock trees is interpreted according to the description of “vegetation in paddock tree condition” in 5.6.

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 Anabranch
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	Burragorang
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	3	Run the Salt Mobilisation Tool to ensure no net disbenefit
Salinity	4	Run the Salinity Benefits Index Tool to ensure no net disbenefit
Salinity	4	Run the Salt Mobilisation Tool to ensure no net disbenefit
Salinity	5	Run the Salinity Benefits Index Tool to ensure no net disbenefit
Salinity	5	Run the Salt Mobilisation Tool to ensure no net disbenefit
Salinity	6	Run the Salinity Benefits Index Tool to ensure no net disbenefit
Salinity	6	Run the Salt Mobilisation 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 in the Border Rivers / Gwydir, Namoi or Central West CMAs: 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 clearing or thinning in the Coastal Tablelands and Slopes: no soil disturbance and no removal of cut or fallen timber
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

Hazard	Class	Management Action
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)
Shallow & Rocky Soils	4	No cropping
Shallow & Rocky Soils	4	If grazing: manage pasture to maintain ground cover, including use of adequate fertiliser
Shallow & Rocky Soils	5	No cultivation or cropping
Shallow & Rocky Soils	5	If grazing: manage pasture to maintain ground cover, including use of adequate fertiliser

Hazard	Class	Management Action
Shallow & Rocky Soils	6	No cultivation or cropping
Shallow & Rocky 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
Earth Mass Movement	3	No concentration of surface or subsurface water flow
Earth Mass Movement	3	No excavation batters >2.5 metres without geotechnical design & batter angles <3:1
Earth Mass Movement	3	Maintain groundcover to maximise water use & bind soil
Earth Mass Movement	6	No concentration of surface or subsurface water flow
Earth Mass Movement	6	No excavation batters >1.5 metres without geotechnical design & batter angles <3:1
Earth Mass Movement	6	Subsurface drainage required
Earth 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

Hazard	Class	Management Action
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

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

CARRATHOOL SHIRE COUNCIL

Roads Act 1993, Roads (General) Regulation 2008

Part 2 – Roads, Division 2

Naming of Public Roads

NOTICE is hereby given that Carrathool Shire Council, pursuant to the aforementioned Act and Regulation, has named the roads described hereunder for gazettal in the Shire of Carrathool.

Road No.	*Location/Description*
123	Brewer Road to be changed to BREWER LANE to be consistent with the road portion in Lachlan Shire LGA.
167	Jardines Road

Authorised by resolution of Council on 15 February 2011. The above road names have been advertised and notified. KEN CROSKELL, General Manager, Carrathool Shire Council, Cobram Street (PO Box 12), Goolgowi NSW 2652. [5747]

COFFS HARBOUR CITY COUNCIL

Naming of Roads

NOTICE is hereby given that Coffs Harbour City Council, in pursuance of section 162 of the Roads Act 1993, has named roads as follows:

Location	*New name*
New roads off Lakes Drive, North Boambee Valley	• Amadeus Place • Carey Way • Cargelligo Court • Eyre Road

STEVE McGRATH, General Manager, Coffs Harbour City Council, Locked Bag 155, Coffs Harbour NSW 2450. [5748]

KEMPSEY SHIRE COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that in accordance with the provisions of section 10 of the Roads Act 1993, the land held by Council as described in the Schedule below is hereby dedicated as public road. DAVID RAWLINGS, General Manager, Kempsey Shire Council, PO Box 3078, West Kempsey, NSW, 2440. File: LA 19719

SCHEDULE

Lot 2, Deposited Plan 1149358, Parish Uralgurra, County Dudley, being land situated on the Armidale Road at Nulla Nulla immediately east of Nulla Nulla Creek. [5749]

LIVERPOOL CITY COUNCIL

Section 10, Roads Act 1993

Dedication of Land as Public Road

PURSUANT to section 10 of the Roads Act 1993, Liverpool City Council hereby dedicates the land in the Schedule below as public road. F. PORTELLI, General Manager, Liverpool City Council, Locked Bag 7064, Liverpool BC NSW 1871.

SCHEDULE

Lot 3045, DP 869842, Bernera Road, Prestons. [5750]

PORT STEPHENS COUNCIL

Road Naming – Section 162 (1), Roads Act 1993

PURSUANT to section 162 (1) Council has assigned the names as described below:

	Description
At Tomago	
Council file – PSC2010-05814 Being a new road within a new industrial estate subdivision off Tomago Road at Tomago (being Lot 21, DP 1150980)	Westrac Drive
At Corlette	
Council file – PSC2010-06030 Being three new roads within a new subdivision south west of Spinnaker Way and north west of Bagnall Beach Road at Corlette (being Pt Lot 2428, DP 1148801)	Manung Terrace Wirray Lane Nandu Boulevard

Council contact Jackie Howard, telephone (02) 4980 0309. P. GESLING, General Manager, Port Stephens Council, PO Box 42, Raymond Terrace NSW 2324. [5751]

RIVERINA WATER COUNTY COUNCIL

Local Government Act 1993, Section 553

Extension of Watermains

NOTICE is hereby given pursuant to section 553 of the Local Government Act 1993, that Riverina Water County Council's water mains have been extended to service the lands described hereunder:

Wagga Wagga

Bourkelands, Stage 24B: Illeura Road: from Hydrant in front of Lot 30, southwest for a distance of 91 metres.

Drawing No.: 1-2692 & 1-2749-3 Oct 2010

Bourkelands, Stage 20: Brooklyn Drive: from Hydrant in front of Lot 25, southwest for a distance of 78 metres.

Drawing No.: 1-2876-1 Dec 2010

The owners of all lands within the prescribed distance will be liable for water supply charges as from the expiration of twenty-one (21 days) after the publication of this notice or the date of connection of the properties to the water main, whichever is the earlier date. G. J. HALEY, General Manager, Riverina Water County Council, Box 456 PO, Wagga Wagga NSW 2650. [5752]

ESTATE NOTICES

NOTICE of intended distribution of estate. – Any person having any claim upon the estate of JANICE ROSE GRAHAM, late of Concord in the State of New South Wales, who died on 9 October 2010, must send particulars of their claim to the executor c/-Mercuri & Co, Solicitors, PO Box 719, Drummoyne NSW 1470 within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 22 February 2011. MERCURI & CO, Solicitors, PO Box 719, Drummoyne NSW 1470. [5753]

NOTICE of intended distribution of estate. – Any person having any claim upon the estate of ELLEN MARY ANNIE WALKER, late of Narrabeen, in the State of New South Wales, who died on 29 October 2010, must send particulars of the claim to the legal respresentative for the estate at care of Fordham Lawyers, Solicitors, Highbury, 12 Station Street, West Ryde NSW 2114, not more than 30 days after publication of this notice. After that time the legal representative intends to distribute the property in the estate unless an application or notice of intended application for a family provision order is received by the legal representative. Probate was granted in New South Wales on 24 February 2011. FORDHAM LAWYERS, Solicitors, 12 Station Street, West Ryde NSW 2114 (PO Box 107, West Ryde NSW 1685), (DX 27551, West Ryde), tel.: (02) 9858 1533. [5754]

NOTICE of intended distribution of estate. – Any person having any claim upon the estate of BERYL BETTY MARY COPSON, late of North Rocks, in the State of New South Wales, who died on 10 November 2010, must send particulars of the claim to the legal respresentative for the estate at care of Fordham Lawyers, Solicitors, Highbury, 12 Station Street, West Ryde NSW 2114, not more than 30 days after publication of this notice. After that time the legal representative intends to distribute the property in the estate unless an application or notice of intended application for a family provision order is received by the legal representative. Probate was granted in New South Wales on 24 February 2011. FORDHAM LAWYERS, Solicitors, 12 Station Street, West Ryde NSW 2114 (PO Box 107, West Ryde NSW 1685), (DX 27551, West Ryde), tel.: (02) 9858 1533. [5755]

COMPANY NOTICES

NOTICE of final meeting of members. – In the matter of the Corporations Act 2001 and in the matter of the MAXIMA CORPORATION PTY LTD (in liquidation) ACN 069 536 590. – Notice is hereby given pursuance to section 509 of the Corporations Act 2001, that the final meeting of the members of the abovenamed company will be held on 25 March 2011, 9am at the office of Crosbie Warren Sinclair, cnr Pacific Highway and Warabrook Boulevarde, Warabrook NSW 2304 for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the company disposed of and hearing any explanation that may be given by the liquidator. Dated 25 February 2011. BRENT ANTONY PERKINS, Liquidator, Crosbie Warren Sinclair, PO Box 29, Hunter Region Mail Centre NSW 2310, tel: (02) 4923 4000. [5756]

NOTICE of dissolution of partnership agreement. – Notice is hereby given that the partnership between Denise Leigh WILLIAMSON and Michael John WHITTAKER, carrying on business as The Goose is out Cafe at 24 Church Street, Bega in the State of New South Wales, has been dissolved by retirement of Denise Leigh Williamson as from 28 February 2011. Dated 28 February 2011. [5757]

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