



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 162

Friday, 29 November 2013

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LEGISLATION

Online notification of the making of statutory instruments

Week beginning 18 November 2013

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

Regulations and other statutory instruments

Water Sharing Plan for the Murrumbidgee Regulated River Water Source Amendment Order (No 2) 2013 (2013-657) — published LW 22 November 2013

Environmental Planning Instruments

Cessnock Local Environmental Plan 2011 (Amendment No 6) (2013-649) — published LW 22 November 2013

Kogarah Local Environmental Plan 2012 (Amendment No 1) (2013-650) — published LW 22 November 2013

Ku-ring-gai Local Environmental Plan No 220 (2013-651) — published LW 22 November 2013

Maitland Local Environmental Plan 2011 (Amendment No 5) (2013-652) — published LW 22 November 2013

North Sydney Local Environmental Plan 2013 (Amendment No 2) (2013-653) — published LW 22 November 2013

The Hills Local Environmental Plan 2012 (Amendment No 8) (2013-654) — published LW 22 November 2013

Wakool Local Environmental Plan 2013 (2013-655) — published LW 22 November 2013

Wyong Local Environmental Plan 1991 (Amendment No 185) (2013-656) — published LW 22 November 2013

Order



New South Wales

Transport Administration (State Transit Authority—Fares) Amendment Order 2013

under the

Transport Administration Act 1988

I, Peter Rowley, Chief Executive of the State Transit Authority, in pursuance of section 85 (2) of the *Transport Administration Act 1988*, make the following Order on behalf of the State Transit Authority.

Dated, this 26th day of November 2013.

PETER ROWLEY,
Chief Executive
State Transit Authority

Explanatory note

The objects of this Order are to set out:

- (a) the standard Opal fares payable for certain bus services provided by the State Transit Authority, and
- (b) the cash fare of \$2 for a new one-way, late night bus service from Kings Cross to Railway Square (via a stop near Town Hall Station) on weekends and other specified nights.

The Opal ticketing system also provides for certain automatic weekly travel rewards. The terms and conditions applying to those Opal fares are set out in the document published in the Gazette and titled *Opal Terms of Use*.

This Order is made under section 85 (2) of the *Transport Administration Act 1988*.

Transport Administration (State Transit Authority—Fares) Amendment Order 2013 [NSW]

Transport Administration (State Transit Authority—Fares) Amendment Order 2013

under the

Transport Administration Act 1988

1 Name of Order

This Order is the *Transport Administration (State Transit Authority—Fares) Amendment Order 2013*.

2 Commencement

This Order commences on 30 November 2013 and is required to be published in the Gazette.

Transport Administration (State Transit Authority—Fares) Amendment Order 2013 [NSW]
 Schedule 1 Amendment of Transport Administration (State Transit Authority—Fares) Order 2010

Schedule 1 Amendment of Transport Administration (State Transit Authority—Fares) Order 2010

[1] Clause 2A

Insert after clause 2:

2A Definition

In this Order:

Opal smartcard means a smartcard within the meaning of section 3 (1) of the *Passenger Transport Act 1990* that has been issued by TfNSW as an Opal smartcard.

[2] Clause 3 Fares

Insert after clause 3 (2):

- (3) The fares to be demanded by the State Transit Authority in respect of bus services supplied by that Authority in accordance with an Opal smartcard:
- (a) are set out in Schedule 2, and
 - (b) are subject to the fare caps set out in that Schedule.

[3] Schedule 1, heading

Omit the heading. Insert instead:

Schedule 1 MyZone and other fares for bus and ferry services

[4] Schedule 1

Insert after the matter relating to the Special (New Year's Eve) Service:

Special (Kings Cross to Railway Square) Service	\$
Kings Cross to Railway Square via Town Hall	2.00

[5] Schedule 2

Insert after Schedule 1:

Schedule 2 Opal fares for bus services

(Clause 3 (3))

Type of fare	Fare
Bus—distance band 1	\$2.10
Bus—distance band 2	\$3.50
Bus—distance band 3	\$4.50
Default fare for failure to tap on or off	\$4.50

Transport Administration (State Transit Authority—Fares) Amendment Order 2013 [NSW]
Schedule 1 Amendment of Transport Administration (State Transit Authority—Fares) Order 2010

Fare caps

Type of fare cap	Amount of fare cap
Daily fare cap (Monday to Saturday)	\$15.00
Daily fare cap (Sunday)	\$2.50

OFFICIAL NOTICES

Appointments

CONSTITUTION ACT 1902

Ministerial Arrangements during the Absence from
Duty of the Premier and Minister for Western Sydney

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable A. J. STONER, M.P., Deputy Premier, Minister for Trade and Investment and Minister for Regional Infrastructure and Services, to act for and on behalf of the Premier and that the Honourable V. M. DOMINELLO, M.P., Minister for Citizenship and Communities and Minister for Aboriginal Affairs, to act for and on behalf of the Minister for Western Sydney, as on and from 1 December 2013, with a view to them performing the duties of the offices of the Premier and Minister for Western Sydney respectively during my absence from duty.

BARRY O'FARRELL, M.P.,
Premier

Department of Premier and Cabinet, Sydney.
27 November 2013.

CONSTITUTION ACT 1902

Ministerial Arrangements during the Absence of the
Minister for Police and Emergency Services,
Minister for the Hunter and
Vice-President of the Executive Council

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable G. E. SMITH, M.P., Attorney General and Minister for Justice, to act for and on behalf of Minister for Police and Emergency Services, Minister for the Hunter and Vice-President of the Executive Council, on and from 30 November 2013, with a view to him performing the duties of the Honourable M. J. GALLACHER, M.L.C., during his absence from duty.

BARRY O'FARRELL, M.P.,
Premier

Department of Premier and Cabinet, Sydney.
27 November 2013.

CONSTITUTION ACT 1902

Ministerial Arrangements during the Absence of the
Minister for Education

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable V. M. DOMINELLO, M.P., Minister for Citizenship and Communities and Minister for Aboriginal Affairs, to act for and on behalf of the Minister for Education from 30 November 2013, with a view to his performing the duties of the Honourable A. PICCOLI, M.P., during his absence from duty.

BARRY O'FARRELL, M.P.,
Premier

Department of Premier and Cabinet, Sydney.
27 November 2013.

CONSTITUTION ACT 1902

Ministerial Arrangements during the Absence of the
Minister for the Environment and Minister for Heritage

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable D. L. PAGE, M.P., Minister for the Local Government and Minister for the North Coast, to act for and on behalf of the Minister for the Environment and Minister for Heritage, from 5 December 2013, with a view to his performing the duties of the Honourable R. M. PARKER, M.P., during her absence from duty.

BARRY O'FARRELL, M.P.,
Premier

Department of Premier and Cabinet, Sydney.
27 November 2013.

HOME BUILDING ACT 1989

Home Warranty Insurance Scheme Board

Appointment of Members

PURSUANT to section 89F of the Home Building Act 1989 and schedule 1 thereto, I hereby appoint the following persons as members of the Home Warranty Insurance Scheme Board:

- Mr Matthew CURLL;
- Mr Donald MARPLES;
- Mr Greg McCARTHY;
- Ms Denise BOFILL; and
- Mr John McINTYRE.

These appointments will expire on 31 December 2014.

Pursuant to section 2, clause 1 of schedule 1 of the Act, I also hereby appoint Mr Matthew CURLL as Chair and Mr Donald MARPLES as Deputy Chair of the Home Warranty Insurance Scheme Board up until 31 December 2014.

Dated this 14th day of November 2013.

ANTHONY ROBERTS, M.P.,
Minister for Fair Trading

MUSEUM OF APPLIED ARTS AND SCIENCES ACT 1945

NSW Trade and Investment

Appointment of President and Trustees to the
Museum of Applied Arts and Sciences Trust

HIS Excellency the Lieutenant Governor, with the advice of the Executive Council, has approved, pursuant to section 4 of the Museum of Applied Arts and Sciences Act 1945, the appointment of the following persons to the Museum of Applied Arts and Sciences Trust from 1 January 2014 to 31 December 2016 (inclusive):

- (i) Prof John SHINE, A.O., President (appointment pursuant to section 4 (2a));

- (ii) Ms Elizabeth BRYAN, A.M., Trustee; and
- (iii) Ms Lisa CHUNG, Trustee.

The Hon. GEORGE SOURIS, M.P.,
Minister for Tourism, Major Events,
Hospitality and Racing and Minister for the Arts

SYDNEY OPERA HOUSE TRUST ACT 1961

NSW Trade and Investment

Appointment of Trustees to the
Sydney Opera House Trust

HIS Excellency the Lieutenant Governor, with the advice of the Executive Council, has approved, pursuant to section 6 of the Sydney Opera House Trust Act 1961, the appointment of the following persons as Trustees of the Sydney Opera House Trust from 1 January 2014 to 31 December 2016 (inclusive):

- (i) Ms Brenna HOBSON (appointment pursuant to section 6 (2));
- (ii) Ms Jillian SEGAL, AM; and
- (iii) Mr Phillip WOLANSKI, AM.

The Hon. GEORGE SOURIS, M.P.,
Minister for Tourism, Major Events,
Hospitality and Racing and Minister for the Arts

Roads and Maritime Services

ROAD TRANSPORT (GENERAL) ACT 2005

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

CABONNE COUNCIL, pursuant to Clause 20 of the Road Transport (Mass, Loading and Access) Regulation 2005, hereby amend the Class 2 B-Double Notice 2010, as published in the *New South Wales Government Gazette* No. 108 on 27 August 2010, at pages 4033 to 4284, as set out in the Schedule of this Notice.

A. L. HOPKINS,
General Manager,
Cabonne Council
(by delegation from the Minister for Roads)

SCHEDULE

1. Citation

This Notice may be cited as the Cabonne Council B-Double (Amendment) Notice No. 2/2013.

2. Commencement

This Notice takes effect on and from the date of publication in the *New South Wales Government Gazette*.

3. Effect

This Notice remains in force up to and including 1 September 2015, unless it is repealed earlier.

4. Amendment

Insert the following route for the council into the table at Appendix 1

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25m.	000.	Casuarina Drive, Cabonne Council.	Paytens Bridge Road.	Trajere Road.	A maximum speed limit of 80km/h applies.
25m.	000.	Trajere Road, Cabonne Council.	Casuarina Drive.	MR238 Nangar Road.	A maximum speed limit of 80km/h applies.

ROAD TRANSPORT (GENERAL) ACT 2005

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

WAGGA WAGGA 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.

Dated: 3 November 2013.

HEINZ KAUSCHE,
for the General Manager,
Wagga Wagga City Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited Wagga Wagga City Council 25 Metre B-Double Route Notice No. 1/2013.

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 2010 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25m.	The Rock – Narrandera Road.	Lockhart Road (MR59).	Galore Road.	<ol style="list-style-type: none"> 1. Speed of vehicle not to exceed 80 km/h. 2. No loading or unloading to take place within the road reserve.
25m.	Galore Road.	Sturt Highway.	The Rock – Narrandera Road.	<ol style="list-style-type: none"> 1. Speed of vehicle not to exceed 80 km/h. 2. No loading or unloading to take place within the road reserve.
25m.	Kings Road.	Sturt Highway.	The Rock – Narrandera Road.	<ol style="list-style-type: none"> 1. Speed of vehicle not to exceed 80 km/h. 2. No loading or unloading to take place within the road reserve.
25m.	Rohans Road.	Sturt Highway.	The Rock – Narrandera Road.	<ol style="list-style-type: none"> 1. Speed of vehicle not to exceed 80 km/h. 2. No loading or unloading to take place within the road reserve. 3. Vehicle are NOT to cross Bullenbong Creek Bridge.

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25m.	Arajoel Road.	The Rock – Narrandera Road.	Arajoel Siding entry road.	<ol style="list-style-type: none">1. Speed of vehicle not to exceed 80 km/h.2. No loading or unloading to take place within the road reserve.
25m.	Milbrulong Road.	The Rock – Narrandera Road.	LGA boundary with Lockhart Council.	<ol style="list-style-type: none">1. Speed of vehicle not to exceed 80 km/h.2. No loading or unloading to take place within the road reserve.

ROAD TRANSPORT (GENERAL) ACT 2005

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

WELLINGTON COUNCIL, pursuant to Clause 20 of the Road Transport (Mass, Loading and Access) Regulation 2005, hereby amend the Class 2 B-Double Notice 2010, as published in the *New South Wales Government Gazette* No. 108 on 27 August 2010, at pages 4033 to 4284, as set out in the Schedule of this Notice.

MICHAEL TOLHURST,
General Manager,
Wellington Council
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

This Notice may be cited as the Wellington Council B-Double (Amendment) Notice No. 1/2013.

2. Commencement

This Notice takes effect on and from the date of publication in the *New South Wales Government Gazette*.

3. Effect

This Notice remains in force up to and including 1 September 2015, unless it is repealed earlier.

4. Amendment

Insert the following route for the council into the table at Appendix 1.

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25m.	000.	Ungual Road, Wellington Council.	Intersection of Twelve Mile Road and Ungual Road.	13km from intersection at property Ungual.	No access permitted during school bus times. Maximum speed limit of 60km/h applies.

ROADS ACT 1993

Order - Sections 46, 48, 54 and 67

Albury City Council area

Declaration as Freeway of part of the Hume Highway at
Albury

I, the Minister for Roads and Ports, 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 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 freeway the said main road described in Schedules 2 and 3 under;
4. declare that access to the said freeway is restricted; and
5. specify in Schedule 4 under, the points along the freeway at which access may be gained to or from other public roads.

**HON DUNCAN GAY MLC
MINISTER FOR ROADS AND PORTS**

SCHEDULE 1

ALL those pieces or parcels of land situated in the Albury City Council area, Parishes of Albury and Mungabarina and County of Goulburn shown as:

Lots 8, 10, 12 and 13 Deposited Plan 1162194;

Lots 3 and 4 Deposited Plan 1172418; and

Lots 92, 93 and 94 Deposited Plan 1166823.

The above Lots are shown on RMS Plan 0002 004 AC 4022.

SCHEDULE 2

ALL those pieces or parcels of land situated in the Albury City Council area, Parishes of Albury and Mungabarina and County of Goulburn shown as:

Lots 39, 44, 46, 52 and 53 Deposited Plan 1007315;

Lots 1 to 16 inclusive, Deposited Plan 1159985;

Lots 3, 4 and 5 Deposited Plan 1162194;

Lots 7 to 12 inclusive, Deposited Plan 1172095;

Lot 5 Deposited Plan 1005404;

Lot 1 Deposited Plan 1172418;

Lots 6 to 19 inclusive, Deposited Plan 1150415;

Lots 1 to 17 inclusive, Deposited Plan 1150475;

Lot 20 Deposited Plan 1001879;

Lots 40, 41, 43, 44, 46, 47, 49 and 50 Deposited Plan 1162817;

Lot 57 Deposited Plan 1005835;

Lot 9 Deposited Plan 850024;

Lots 61, 62, 63, 67, 68 and 71 Deposited Plan 1166728;

Lot 4 Deposited Plan 131328; and

Lots 17 to 20 inclusive, 22 to 25 inclusive and 27 Deposited Plan 1001042;

Lots 134 and 135 Deposited Plan 130635;

Lots 80 to 83 inclusive, Deposited Plan 1166823.

The above Lots are shown on RMS Plan 0002 004 AC 4022.

SCHEDULE 3

ALL those pieces or parcels of public road situated in the Albury City Council area, Parishes of Albury and Mungabarina and County of Goulburn shown as:

Lots 17 to 21 inclusive Deposited Plan 1159985;

Lots 13 to 21 inclusive Deposited Plan 1172095;

Lot 2 Deposited Plan 1172418;

Lots 20, 21 and 22 Deposited Plan 1150415;

Lots 18 to 21 inclusive, Deposited Plan 1150475;

Lots 39, 45 and 48 Deposited Plan 1162817;

Lots 64, 65, 66, 69 and 70 Deposited Plan 1166728;

Lots 21 and 26 Deposited Plan 1001042;

Lots 84 to 88 inclusive, Deposited Plan 1166823;

Lot 1 Deposited Plan 1179301; and

Lot 56 Deposited Plan 1061520.

The above Lots are shown on RMS Plan 0002 004 AC 4022.

SCHEDULE 4

Between the points A and B;

between the points C and D;

between the points E and F;

between the points G and H;

between the points J and K;

between the points L and M;

between the points N and P;

between the points Q and R;

between the points S and T;

between the points U and V;

between the points W and X;

between the points Y and Z;

between the points A1 and B1;

between the points C1 and D1;

between the points E1 and F1; and

between the points G1 and H1; all shown on RMS Plan 0002 004 AC 4022.

(RMS Papers: SF2013/38294

ROADS ACT 1993

**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of land at
Macquarie Park in the Ryde City Council area

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

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Maritime Services

SCHEDULE

ALL that piece or parcel of land situated in the Ryde City Council area, Parish of Hunters Hill and County of Cumberland, shown as Lot 321 Deposited Plan 1184817, being part of the land in Certificate of Title 202/848752.

The land is said to be in the possession of Ryde City Council.

(RMS Papers: SF2013/85471; RO SF2012/26616)

Department of Trade and Investment, Regional Infrastructure and Services

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(13-1205)

No. 4915, FORGE MINERALS PTY LTD (ACN 121 258 713), area of 930 hectares, for Group 9, dated 28 October 2013. (Armidale Mining Division).

(T13-1190)

No. 4929, PEEL MINING LIMITED (ACN 119 343 734), area of 8 units, for Group 1, dated 20 November 2013. (Armidale Mining Division).

(T13-1191)

No. 4930, DRL (MOUNT MARGARET) PTY LIMITED (ACN 147 939 562), area of 4 units, for Group 1, dated 21 November 2013. (Orange Mining Division).

The Hon. CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

NOTICE is given that the following application has been received:

REQUEST FOR CANCELLATION OF AUTHORITY

(09/1364)

Mining Lease No. 1414, MINERAL DEPOSITS (OPERATIONS) PTY LTD (ACN 083 091 963), County of Gloucester, Singleton Mining Division, area of 17.3 hectares. Application for Cancellation was received on 21 August 2013.

The Hon. CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(T13-1099)

No. 4838, now Exploration Licence No. 8192, OCHRE RESOURCES PTY LTD (ACN 112 833 351), County of Ashburnham, Map Sheet (8531), area of 60 units, for Group 1, dated 30 October 2013, for a term until 30 October 2016.

(T13-1108)

No. 4846, now Exploration Licence No. 8196, SANDFIRE RESOURCES NL (ACN 105 154 185), Counties of Kennedy and Narromine, Map Sheet (8432, 8532, 8533), area of 104 units, for Group 1, dated 31 October 2013, for a term until 31 October 2016.

(T13-1109)

No. 4847, now Exploration Licence No. 8195, SANDFIRE RESOURCES NL (ACN 105 154 185), Counties of Kennedy and Narromine, Map Sheet (8433), area of 52 units, for Group 1, dated 31 October 2013, for a term until 31 October 2016.

(T13-1113)

No. 4851, now Exploration Licence No. 8194, ALKANE RESOURCES LTD (ACN 000 689 216), Counties of Bathurst, Georgiana and Westmoreland, Map Sheet (8830), area of 22 units, for Group 1, dated 31 October 2013, for a term until 31 October 2016.

The Hon. CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

NOTICE is given that the following applications have been withdrawn:

EXPLORATION LICENCE APPLICATION

(T13-1025)

No. 4765, CRISTAL MINING AUSTRALIA LIMITED (ACN 009 247 858), County of Perry, Map Sheet (7531). Withdrawal took effect on 25 November 2013.

MINING LEASE APPLICATIONS

(T03-0859)

Orange No. 233, NSW TIN PTY LIMITED (ACN 126 083 967), Parish of Warri, County of Bourke (8229-2-N). Withdrawal took effect on 17 October 2013.

(T03-0860)

Wagga Wagga No. 234, NSW TIN PTY LIMITED (ACN 126 083 967), Parish of Warri, County of Bourke (8229-2-N). Withdrawal took effect on 17 October 2013.

The Hon. CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

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

(T13-3893)

Exploration Licence No. 6162, HERA RESOURCES PTY LIMITED (ACN 138 992 999), area of 48 units. Application for renewal received 20 November 2013.

(T09-0171)

Exploration Licence No. 7437, AWATI RESOURCES PTY LTD (ACN 106 020 419), area of 22 units. Application for renewal received 21 November 2013.

(T09-0110)

Exploration Licence No. 7439, OXLEY EXPLORATION PTY LTD (ACN 137 511 141), area of 57 units. Application for renewal received 20 November 2013.

(07-0083)

Mining Claim Converted To Lease No. 325 (Act 1992), ULAN STONE PTY LTD (ACN 123 199 191), area of 2 hectares. Application for renewal received 22 November 2013.

The Hon. CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(07-1228)

Exploration Licence No. 4232, NYMAGEE RESOURCES PTY LTD (ACN 154 131 138) and AUSMINDEX PTY LIMITED (ACN 003 287 634), County of Mouramba, Map Sheet (8133), area of 5 units, for a further term until 16 March 2015. Renewal effective on and from 22 November 2013.

(07-1229)

Exploration Licence No. 4458, NYMAGEE RESOURCES PTY LTD (ACN 154 131 138) and AUSMINDEX PTY LIMITED (ACN 003 287 634), County of Mouramba, Map Sheet (8133), area of 4 units, for a further term until 16 June 2014. Renewal effective on and from 22 November 2013.

(11-1676)

Exploration Licence No. 5565, RIMFIRE PACIFIC MINING NL (ACN 006 911 744), County of Cunningham, Map Sheet (8331, 8431), area of 4 units, for a further term until 23 March 2015. Renewal effective on and from 19 November 2013.

(04-0648)

Exploration Licence No. 6401, PEAK GOLD MINES PTY LTD (ACN 001 533 777), County of Mouramba, Map Sheet (8134), area of 6 units, for a further term until 5 April 2015. Renewal effective on and from 19 November 2013.

(05-0201)

Exploration Licence No. 6455, LUCKNOW GOLD LTD (ACN 123 714 910), County of Bathurst, Map Sheet (8731), area of 17 units, for a further term until 10 August 2015. Renewal effective on and from 20 November 2013.

(06-4191)

Exploration Licence No. 6783, RAPTOR MINERALS LIMITED (ACN 101 168 343), County of Cowper, Map Sheet (8036, 8136), area of 23 units, for a further term until 22 May 2015. Renewal effective on and from 26 November 2013.

(T08-0244)

Exploration Licence No. 7345, COBAR CONSOLIDATED RESOURCES LIMITED (ACN 118 684 576), County of Mouramba, Map Sheet (8033), area of 59 units, for a further term until 25 May 2016. Renewal effective on and from 20 November 2013.

(T10-0177)

Exploration Licence No. 7679, SUGEC RESOURCES LIMITED (ACN 162 033 098), Counties of Clarke and Sandon, Map Sheet (9236, 9336), area of 32 units, for a further term until 11 January 2015. Renewal effective on and from 19 November 2013.

(T10-0242)

Exploration Licence No. 7748, CLANCY EXPLORATION LIMITED (ACN 105 578 756), Counties of Cunningham and Gipps, Map Sheet (8331, 8332), area of 126 units, for a further term until 26 May 2015. Renewal effective on and from 19 November 2013.

(T11-0069)

Exploration Licence No. 7768, SUGEC RESOURCES LIMITED (ACN 162 033 098), County of Hardinge, Map Sheet (9137), area of 100 units, for a further term until 6 June 2016. Renewal effective on and from 19 November 2013.

(T10-0299)

Exploration Licence No. 7773, CGNM RESOURCES PTY LTD (ACN 139 443 137), County of Yancowinna, Map Sheet (7233, 7234), area of 10 units, for a further term until 7 June 2015. Renewal effective on and from 6 November 2013.

(T11-0090)

Exploration Licence No. 7816, Lincoln McCLATCHIE, County of Gough, Map Sheet (9239), area of 4 units, for a further term until 27 July 2015. Renewal effective on and from 26 November 2013.

The Hon. CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

CANCELLATION OF AUTHORITIES AT REQUEST OF HOLDERS

NOTICE is given that the following authorities have been cancelled:

(T12-1141)

Exploration Licence No. 8009, KIMBA RESOURCES PTY LTD (ACN 106 123 951), County of Vernon, Map Sheet (9235, 9236), area of 96 units. Cancellation took effect on 22 November 2013.

(T12-1139)

Exploration Licence No. 8013, KIMBA RESOURCES PTY LTD (ACN 106 123 951), County of Vernon, Map Sheet (9135, 9235), area of 64 units. Cancellation took effect on 22 November 2013.

(T12-1140)

Exploration Licence No. 8014, KIMBA RESOURCES PTY LTD (ACN 106 123 951), County of Wallace and County of Wellesley, Map Sheet (8623, 8624), area of 100 units. Cancellation took effect on 22 November 2013.

The Hon. CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

EXPIRY

(T01-0661)

Mining Lease No. 1339 (Act 1992), CHALLENGER RESOURCES PTY LTD (ACN 001 687 547), Parish of Alton, County of King and Parish of Alton, County of King. This title expired on 22 November 2013.

The Hon. CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

PRIMARY INDUSTRIES

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2012

Clause 33 (4) – Notice of Aquaculture Lease Renewal

THE Minister has renewed the following Class 1 Aquaculture Leases:

OL70/189 within the estuary of Wallis Lake, having an area of 0.3980 hectares to TADEVEN PTY LTD of Tuncurry NSW, for a term of 15 years expiring on 1 December 2028.

OL65/222 within the estuary of Wallis Lake, having an area of 0.4641 hectares to Gregory BOWLAND, Vicki BOWLAND, David TROTTER and Jenny TROTTER of Rainbow Flat NSW, for a term of 15 years expiring on 30 July 2028.

OL95/032 within the estuary of the Wonboyn River, having an area of 0.7304 hectares to Ross LOFTUS, Margaret LOFTUS, Trevor LOFTUS and Andrew LOFTUS of Wonboyn Lake NSW, for a term of 15 years expiring on 31 October 2028.

OL83/130 within the estuary of Merimbula Lake, having an area of 0.2207 hectares to AQUACULTURE ENTERPRISES PTY LTD of Pambula NSW, for a term of 15 years expiring on 17 September 2028.

OL69/586 within the estuary of Port Stephens, having an area of 1.7761 hectares to Richard FARLEY of Karuah NSW, for a term of 15 years expiring on 23 September 2028.

BILL TALBOT,
Director,
Aquaculture, Conservation and Marine Parks,
Fisheries Division,
NSW Department of Primary Industries

HEMP INDUSTRY ACT 2008

Section 16

Notice of Revocation of Licence

I, GLEN SAUNDERS, Director, Invasive Plants and Animals, with the delegated authority of Director General of Department of Trade and Investment, Regional Infrastructure and Services pursuant to section 41 of the Hemp Industry Act 2008 (“the Act”) and pursuant to section 16 of the Act and Clause 8 of the Hemp Industry Regulation 2008, at your request hereby revoke the licence from the date that this notice is given to the licensee.

In this Notice:

licence means Licence No. HIA27, dated 1 March 2011, issued under the Act to the licensee to cultivate low-THC hemp and to supply low-THC hemp.

licensee means Ross BROWNING of ‘Rosewick’, Narromine NSW 2821.

Dated this 20th day of November 2013.

GLEN SAUNDERS,
Director, Invasive Plants and Animals,
Department of Primary Industries
(an office within the Department of Trade and
Investment, Regional Infrastructure and Services

HEMP INDUSTRY ACT 2008

Section 16

Notice of Revocation of Licence

I, GLEN SAUNDERS, Director, Invasive Plants and Animals, with the delegated authority of Director General of Department of Trade and Investment, Regional Infrastructure and Services pursuant to section 41 of the Hemp Industry Act 2008 (“the Act”) and pursuant to section 16 of the Act and Clause 8 of the Hemp Industry Regulation 2008, at your request hereby revoke the licence from the date that this notice is given to the licensee.

In this Notice:

licence means Licence No. HIA05, dated 22 January 2009, issued under the Act to the licensee to cultivate low-THC hemp and to supply low-THC hemp.

licensee means George COMMINS, PO Box 40, Whitton NSW 2705.

Dated this 20th day of November 2013.

GLEN SAUNDERS,
Director, Invasive Plants and Animals,
Department of Primary Industries
(an office within the Department of Trade and
Investment, Regional Infrastructure and Services

HEMP INDUSTRY ACT 2008

Section 16

Notice of Revocation of Licence

I, GLEN SAUNDERS, Director, Invasive Plants and Animals, with the delegated authority of Director General of Department of Trade and Investment, Regional Infrastructure and Services pursuant to section 41 of the Hemp Industry Act 2008 (“the Act”) and pursuant to section 16 of the Act and Clause 8 of the Hemp Industry Regulation 2008, at your request hereby revoke the licence from the date that this notice is given to the licensee.

In this Notice:

licence means Licence No. HIA31, dated 17 August 2011, issued under the Act to the licensee to cultivate low-THC hemp and to supply low-THC hemp.

licensee means Paul NICHOLS, 344 Redmanvale Road, Jerry Plains NSW 2330.

Dated this 20th day of November 2013.

GLEN SAUNDERS,
Director, Invasive Plants and Animals,
Department of Primary Industries
(an office within the Department of Trade and
Investment, Regional Infrastructure and Services

HEMP INDUSTRY ACT 2008

Section 16

Notice of Revocation of Licence

I, GLEN SAUNDERS, Director, Invasive Plants and Animals, with the delegated authority of Director General of Department of Trade and Investment, Regional Infrastructure and Services pursuant to section 41 of the Hemp Industry Act 2008 (“the Act”) and pursuant to section 16 of the Act and Clause 8 of the Hemp Industry Regulation 2008, at your request hereby revoke the licence from the date that this notice is given to the licensee.

In this Notice:

licence means Licence No. HIA06, dated 22 January 2009, issued under the Act to the licensee to cultivate low-THC hemp and to supply low-THC hemp.

licensee means Kenrick RILEY, ‘Wicewood’, Mountain Top Road, Georgica NSW 2480.

Dated this 20th day of November 2013.

GLEN SAUNDERS,
Director, Invasive Plants and Animals,
Department of Primary Industries
(an office within the Department of Trade and
Investment, Regional Infrastructure and Services)

HEMP INDUSTRY ACT 2008

Section 16

Notice of Revocation of Licence

I, GLEN SAUNDERS, Director, Invasive Plants and Animals, with the delegated authority of Director General of Department of Trade and Investment, Regional Infrastructure and Services pursuant to section 41 of the Hemp Industry Act 2008 (“the Act”) and pursuant to section 16 of the Act and Clause 8 of the Hemp Industry Regulation 2008, at your request hereby revoke the licence from the date that this notice is given to the licensee.

In this Notice:

licence means Licence No. HIA16, dated 14 September 2010, issued under the Act to the licensee to cultivate low-THC hemp and to supply low-THC hemp.

licensee means Keith YORE, ‘Negoa’, Wiltons Lane, Muswellbrook NSW 2333.

Dated this 20th day of November 2013.

GLEN SAUNDERS,
Director, Invasive Plants and Animals,
Department of Primary Industries
(an office within the Department of Trade and
Investment, Regional Infrastructure and Services)

STOCK DISEASES ACT 1923

Appointment of Inspector

Notification No. 555

I, ANDREW COLIN SANGER, Director, Biosecurity Compliance, with the delegated authority of the Director General of the Department of Trade and Investment, Regional Infrastructure and Services, pursuant to section 22C of the Stock Diseases Act 1923 (“the Act”) and pursuant to section 6 (1) of the Act, hereby appoint Lynn Raelene EVERINGHAM as an inspector for the purposes of the Act.

Dated this the 26th day of November 2013.

A. C. SANGER,
Director,
Biosecurity Compliance,
Department of Primary Industries
(an office within the Department of Trade and
Investment, Regional Infrastructure and Services)

LANDS

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

ERRATUM

IN the *New South Wales Government Gazette* dated 7 August 2009, Folio 4732, under the heading "Appointment of Trust Board Members" the names listed in Column 1 is amended to read as follows:

Column 1

Allan Thomas LAURIE
(new member).

Peter William SENDALL
(re-appointment).

Donald David MURCHIE
(re-appointment).

Tim NORTON
(new member).

Allan Heyward GREEN
(re-appointment).

Warwick John FLETCHER
(re-appointment).

The person for the time being holding the office of
President, Walcha Rodeo Committee
(ex-officio member).

Peter Justin KING
(new member).

File No.: AE81 R 24.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

APPOINTMENT OF TRUST BOARD MEMBERS

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

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Robert William WALKER (new member).	Glencoe Recreation Reserve Trust.	Reserve No.: 110006. Public Purpose: Public recreation. Notified: 27 March 1987. File No.: AE84 R 24-003.
Richard Ross GILDER (re-appointment).		
Paul Gordon MacRAE (re-appointment).		
Simon Wayne JOLLY (re-appointment).		

Term of Office

For a term commencing 1 January 2014 and expiring 31 December 2018.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Marie GRILLS (new member).	Wards Mistake Sports (R110101) Reserve Trust.	Reserve No.: 110101. Public Purpose: Public recreation. Notified: 28 June 1991. File No.: 11/12570.

Term of Office

For a term commencing the date of this notice and expiring 31 December 2016.

DUBBO CROWN LANDS OFFICE
45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830
Phone: (02) 6883 3300 Fax: (02) 6884 2067

**REMOVAL FROM OFFICE OF CORPORATION
MANAGER OF RESERVE TRUST**

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 reserve referred to in Schedule 3.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

SCHEDULE 1

Coonamble Shire Council.

SCHEDULE 2

Coonamble Recreation (D520047) Reserve Trust.

SCHEDULE 3

Dedication No.: 520047.

Public Purpose: Recreation ground.

Notified: 24 June 1893.

File No.: 11/13208.

**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.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Lands Administration Ministerial Corporation.	Coonamble Recreation (D520047) Reserve Trust.	Dedication No.: 520047. Public Purpose: Recreation ground. Notified: 24 June 1893. File No.: 11/13208.

Commencing this day.

APPOINTMENT OF TRUST BOARD MEMBERS

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

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Sam Geoffrey HUNT (new member). Philip Bruce COSGROVE (re-appointment). John Edward SIMMONS (re-appointment). James Douglas SIMMONS (new member). John Donald WILD (re-appointment).	Marthaguy Public Hall and Recreation Reserve Trust.	Reserve No.: 97044. Public Purpose: Racecourse, public recreation and hall. Notified: 4 November 1983. File No.: DB83 R 166.

Term of Office

For a term commencing the date of this notice and expiring 28 November 2018.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Brian Gregory COLLEY (re-appointment). Patricia Dawn COLLEY (re-appointment). Lyll William WOODS (re-appointment). Mark James SUTTOR (re-appointment). Daniel William WOODS (new member).	Hargraves Recreation Reserve Trust.	Reserve No.: 36454. Public Purpose: Public recreation. Notified: 24 October 1903. File No.: DB84 R 56.

Term of Office

For a term commencing 3 December 2013 and expiring 2 December 2018.

SCHEDULE 3

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Harold Kenneth EVANS (re-appointment). Tony David WRIGHT (re-appointment). Garry Mervyn STANFORD (re-appointment). James William McDONNELL (re-appointment). William Joseph HENSLEY (re-appointment). Joanne Lee TRENGOVE (re-appointment). Robert Thomas LESLIE (new member).	Gulgong Showground Trust.	Reserve No.: 82984. Public Purpose: Future public requirements. Notified: 13 January 1961. Dedication No.: 520111. Public Purpose: Showground. Notified: 8 January 1884. File No.: DB80 R 158.

Term of Office

For a term commencing 3 December 2013 and expiring 2 December 2018.

SCHEDULE 4

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Ronald Bruce BOWMAN (new member).	Dunedoo Showground Trust.	Reserve No.: 83113. Public Purpose: Showground and public recreation. Notified: 7 April 1961.
William Henry Osborne GADEN (re-appointment).		Reserve No.: 50794. Public Purpose: Racecourse, showground and public recreation. Notified: 23 June 1915. File No.: DB80 R 151.
Stirling Scott FERGUSSON (re-appointment).		
David John COPELAND (re-appointment).		
Mark Herbert DENT (re-appointment).		

Term of Office

For a term commencing 5 December 2013 and expiring 4 December 2018.

SCHEDULE 5

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Darryl CLUFF (re-appointment).	Biriwa Recreation Reserve Trust.	Reserve No.: 54416. Public Purpose: Public recreation. Notified: 4 February 1921. File No.: DB81 R 220.
Ronald William JACKSON (re-appointment).		
Maurice Anthony CLUFF (re-appointment).		
Lloyd Alexander GRAHAM (re-appointment).		

Term of Office

For a term commencing 5 December 2013 and expiring 4 December 2018.

GOULBURN OFFICE
159 Auburn Street, Goulburn NSW 2580
(PO Box 2215, Dangar NSW 2309)
Phone: (02) 4824 3700 Fax: (02) 4822 4287

APPOINTMENT OF TRUST BOARD MEMBERS

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

ANDREW STONER, M.P.,
 Minister for Regional Infrastructure and Services

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Margaret Ruth KRAHENBUHL (new member). Jill Robertson DENNEY (re-appointment). Ken WILSON (new member). Trevor James WEEKES (re-appointment). Alan Ivor TERRELL (re-appointment). Steven HORTON (new member).	Berrima Court House Trust.	Reserve No.: 180006. Public Purpose: Preservation of historical sites and buildings. Notified: 26 September 1986. File No.: 10/15258.

Term of Office

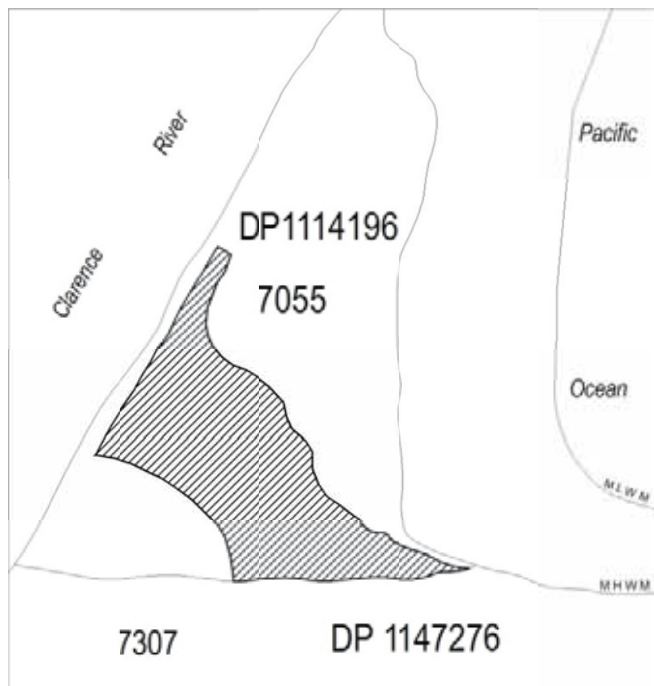
For a term commencing the date of this notice and expiring
 28 November 2018.

GRAFTON OFFICE
49-51 Victoria Street, Grafton NSW 2460
(PO Box 2185, Dangar NSW 2309)
Phone: 1300 886 235 Fax: (02) 6642 5375

ERRATUM

Land District – Grafton; Council – Clarence Valley

THE notification appearing in the *New South Wales Government Gazette* of 20 September 2013, Folio 4152, under the heading “Addition to Reserved Crown Land” for Reserve No 85724 under Column 1, insert “as shown by black hatching on diagram hereunder”.



ANDREW STONER, M.P.,
 Minister for Regional Infrastructure and Services

ERRATUM

THE notification appearing in the *New South Wales Government Gazette* of 21 June 2013, Folio 2612-2613, under the heading “Appointment of Administrator to Manage a Reserve Trust”, being the Coffs Harbour Showground and Public Recreation Reserve Trust, the term should read “for a term commencing 1 June 2013 and expiring 30 November 2013”.

ANDREW STONER, M.P.,
 Minister for Regional Infrastructure and Services

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.

ANDREW STONER, M.P.,
 Minister for Regional Infrastructure and Services

Description

Parish – Wongawanga; County – Fitzroy;
Land District – Bellingen; L.G.A. – Coffs Harbour
 Road Closed: Lot 1, DP 1189842.
 File No.: 08/11325.

Schedule

On closing, the land within Lot 1, DP 1189842 remains vested in the State of New South Wales as Crown land.

Description

Parish – Copmanhurst; County – Clarence;
Land District – Grafton; L.G.A. – Clarence Valley
 Road Closed: Lot 2, DP 1188496.
 File No.: GF05 H 953.

Schedule

On closing, the land within Lot 2, DP 1188496 remains vested in the State of New South Wales as Crown land.

Description

Parishes – Manamoi and Gehan; County – Jamison;
Land District – Narrabri; L.G.A. – Moree Plains
 Road Closed: Lots 1-2, DP 1188492.
 File No.: 08/8419.

Schedule

On closing, the land within Lots 1-2, DP 1188492 remains vested in the State of New South Wales as Crown land.

Description

Parish – Jasper; County – Rous;
Land District – Lismore; L.G.A. – Byron
 Road Closed: Lot 2, DP 1189818.
 File No.: GF06 H 335.

Schedule

On closing, the land within Lot 2, DP 1189818 remains vested in the State of New South Wales as Crown land.

Description

Parish – Mannus; County – Selwyn;
Land District – Tumbarumba; L.G.A. – Tumbarumba
 Road Closed: Lots 1-3, DP 1189355.
 File No.: WA06 H 27.

Schedule

On closing, the land within Lots 1-3, DP 1189355 remains vested in the State of New South Wales as Crown land.

Description

Parish – Forest Creek; County – Goulburn;
Land District – Albury; L.G.A. – Greater Hume
 Road Closed: Lot 1, DP 1190118.
 File No.: WA07 H 294.

Schedule

On closing, the land within Lot 1, DP 1190118 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Cookardinia; County – Goulburn;
Land District – Albury; L.G.A. – Greater Hume*

Road Closed: Lot 1, DP 1189833.

File No.: 13/11447.

Schedule

On closing, the land within Lot 1, DP 1189833 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Glen Innes; County – Gough;
Land District – Glen Innes;
L.G.A. – Glen Innes Severn Shire*

Road Closed: Lots 11-12, DP 1188725.

File No.: AE06 H 445.

Schedule

On closing, the land within Lots 11-12, DP 1188725 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Murray; County – Goulburn;
Land District – Albury; L.G.A. – Greater Hume*

Road Closed: Lots 1-2, DP 1190194.

File No.: 13/12112.

Schedule

On closing, the land within Lots 1-2, DP 1190194 remains vested in the State of New South Wales as Crown land.

Description

*Parishes – Ivor and Trevethin; County – Clarendon;
Land District – Cootamundra; L.G.A. – Junee*

Road Closed: Lots 1-2, DP 1189033.

File No.: WA06 H 119.

Schedule

On closing, the land within Lots 1-2, DP 1189033 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Durrisdeer; County – Nandewar;
Land District – Narrabri; L.G.A. – Narrabri*

Road Closed: Lot 1, DP 1190849.

File No.: 13/03719.

Schedule

On closing, the land within Lot 1, DP 1190849 remains vested in the State of New South Wales as Crown land.

Description

*Parishes – Mallowa and Mongyer; County – Benarba;
Land District – Moree; L.G.A. – Moree Plains*

Road Closed: Lot 3, DP 1190186.

File No.: ME05 H 116.

Schedule

On closing, the land within Lot 3, DP 1190186 remains vested in the State of New South Wales as Crown land.

APPOINTMENT OF ADMINISTRATOR TO MANAGE A RESERVE TRUST

PURSUANT to section 117, Crown Lands Act 1989, the person specified in Column 1 of the Schedule hereunder, is appointed as administrator for the term also specified, of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Patrick GIBBESON.	Coffs Harbour Showground and Public Recreation Trust.	Dedication No.: 540030. Public Purpose: Public recreation and showground. Notified: 24 December 1920. File No.: GF80 R 184.

For a term commencing 1 December 2013 and expiring 30 May 2014.

MAITLAND OFFICE
141 Newcastle Road, East Maitland NSW 2323
(PO Box 2215, Dangar NSW 2309)
Phone: (02) 1300 886 235 Fax: (02) 4934 2252

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

PURSUANT to section 34A(2)(b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedules, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedules.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Site Investigation (Relevant Interest - Section 34A Licence - RI 517800).	Reserve No.: 40412. Public Purpose: Access. Notified: 11 April 1906. File No.: 13/11855.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
Site Investigation (Relevant Interest - Section 34A Licence - RI 517800).	Reserve No.: 66087. Public Purpose: Public recreation and preservation of native flora. Notified: 26 June 1936. File No.: 13/11855.

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

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

PURSUANT to section 34A(2)(b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedules, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedules.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Grazing (Relevant Interest - Section 34A Licence - RI 520323).	Reserve No.: 751133. Public Purpose: Future public requirements. Notified: 29 June 2007. File No.: 13/12704.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
Grazing (Relevant Interest - Section 34A Licence - RI 520323).	Reserve No.: 1154. Public Purpose: Travelling stock. Notified: 20 June 1881. File No.: 13/12704.

NEWCASTLE OFFICE
437 Hunter Street, Newcastle NSW 2300
(PO Box 2215, Dangar NSW 2309)
Phone: (02) 1300 886 235 Fax: (02) 4925 3517

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.

ANDREW STONER, M.P.,
 Minister for Regional Infrastructure and Services

Description

*Parish – Beneree; County – Bathurst;
 Land District – Orange; L.G.A. – Orange*

Road Closed: Lot 2, DP 1190371.

File No.: 12/03429 : NB.

Schedule

On closing, the land within Lot 2, DP 1190371 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Beneree; County – Bathurst;
 Land District – Orange; L.G.A. – Orange*

Road Closed: Lot 1, DP 1190363.

File No.: 12/03429 : NB.

Schedule

On closing, the land within Lot 1, DP 1190363 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Courabyra; County – Wynyard;
 Land District – Tumbarumba; L.G.A. – Tumbarumba*

Road Closed: Lot 2, DP 1188612.

File No.: 07/5076 : NB.

Schedule

On closing, the land within Lot 2, DP 1188612 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Courabyra; County – Wynyard;
 Land District – Tumbarumba; L.G.A. – Tumbarumba*

Road Closed: Lot 1, DP 1188612 (subject to easement for transmission 30 wide; easement for access 20.115 wide; easement for access 20.115 wide created by Deposited Plan DP 1188612).

File No.: WA05 H 291.

Schedule

On closing, the land within Lot 1, DP 1188612 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Beneree; County – Bathurst;
 Land District – Orange; L.G.A. – Orange*

Road Closed: Lot 3, DP 1190370.

File No.: 12/03429 : NB.

Schedule

On closing, the land within Lot 3, DP 1190370 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Currajong; County – Goulburn;
 Land District – Tumbarumba; L.G.A. – Greater Hume*

Road Closed: Lot 1, DP 1190630.

File No.: 12/06822 : NB.

Schedule

On closing, the land within Lot 1, DP 1190630 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Coffin Rock; County – Mitchell;
 Land District – Wagga Wagga; L.G.A. – Wagga Wagga*

Road Closed: Lot 1, DP 1181185, subject to easement and right of access created by Deposited Plan 1181185.

File No.: 12/04918.

Schedule

On closing, the land within Lot 1, DP 1181185 remains vested in the State of New South Wales as Crown land.

Description

*Parishes – Berrigan, Minjary and Caragabal;
 Counties – Gipps and Bland;*

Land District – Grenfell; L.G.A. – Weddin

Road Closed: Lots 1-2, DP 1179517.

File No.: 10/08093.

Schedule

On closing, the land within Lots 1-2, DP 1179517 remains vested and also the land within Lots 1-2, DP 1179517 will become vested in the State of New South Wales as Crown land.

Council's Reference: WHT:NB:R2.1.4.

Description

*Parish – Buraja; County – Hume;
 Land District – Corowa; L.G.A. – Corowa*

Road Closed: Lot 4, DP 1183637.

File No.: 12/07621.

Schedule

On closing, the land within Lot 4, DP 1183637 becomes vested in the State of New South Wales as Crown Land.

Council's Reference: JJB:LA - Road Closures.

Description

*Parishes – Lowes and Buraja; County – Hume;
Land District – Corowa; L.G.A. – Corowa*

Road Closed: Lot 1, DP 1183638.

File No.: 12/07853.

Schedule

On closing, the land within Lot 1, DP 1183638 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Julandery; County – Cunningham;
Land District – Condobolin; L.G.A. – Lachlan*

Road Closed: Lot 1, DP 1188888.

File No.: 13/11582.

Schedule

On closing, the land within Lot 1, DP 1188888 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Obley; County – Gordon;
Land District – Molong; L.G.A. – Cabonne*

Road Closed: Lot 1, DP 1189965.

File No.: 09/18807.

Schedule

On closing, the land within Lot 1, DP 1189965 remains vested in the State of New South Wales as Crown land.

Description

*Parishes – Buckinbah and Obley; County – Gordon;
Land District – Molong; L.G.A. – Cabonne*

Road Closed: Lots 1-2, DP 1189980.

File No.: 09/18807.

Schedule

On closing, the land within Lots 1-2, DP 1189980 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Houston; County – Kennedy;
Land District – Parkes; L.G.A. – Parkes*

Road Closed: Lot 1, DP 1189029.

File No.: CL/00355.

Schedule

On closing, the land within Lot 1, DP 1189029 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Sebastopol; County – Clarendon;
Land District – Cootamundra Central; L.G.A. – Temora*

Road Closed: Lot 3, DP 1186823.

File No.: 12/07927.

Schedule

On closing, the land within Lot 3, DP 1186823 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Yarralaw; County – Argyle;
Land District – Goulburn; L.G.A. – Goulburn Mulwaree*

Road Closed: Lot 1, DP 1187047 (subject to a right of carriageway created by Deposited Plan 1187047).

File No.: 10/15214 : BA.

Schedule

On closing, the land within Lot 1, DP 1187047 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Bigga; County – Georgiana;
Land District – Crookwell; L.G.A. – Upper Lachlan Shire*

Road Closed: Lot 2, DP 1186456.

File No.: 12/07453 : BA.

Schedule

On closing, the land within Lot 2, DP 1186456 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Marulan; County – Argyle;
Land District – Goulburn; L.G.A. – Goulburn Mulwaree*

Road Closed: Lot 1, DP 1187046.

File No.: 12/03159 : BA.

Schedule

On closing, the land within Lot 1, DP 1187046 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Marulan; County – Argyle;
Land District – Goulburn; L.G.A. – Goulburn Mulwaree*

Road Closed: Lot 2, DP 1187046.

File No.: 10/15259 : BA

Schedule

On closing, the land within Lot 2, DP 1187046 remains vested in the State of New South Wales as Crown land.

Description

*Parishes – Cobboco, Moonul and Emogandry;
County – Ewenmar; Land District – Dubbo;
L.G.A. – Dubbo, Gilgandra and Narromine*

Road Closed: Lots 6-8, DP 1181789.

File No.: 10/09885: NB.

Schedule

On closing, the land within Lots 6-8, DP 1181789 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Currajong; County – Goulburn;
Land District – Tumbarumba; L.G.A. – Greater Hume*

Road Closed: Lot 2, DP 1190630.

File No.: 12/06822: NB.

Schedule

On closing, the land within Lot 2, DP 1190630 remains vested in the State of New South Wales as Crown land.

Description

*Parishes – Jindera; County – Goulburn;
Land District – Albury; L.G.A. – Greater Hume*

Road Closed: Lot 1, DP 1190431.

File No.: 08/2981: NB.

Schedule

On closing, the land within Lot 1, DP 1190431 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Wilkie; County – Harden;
Land District – Young; L.G.A. – Harden*

Road Closed: Lots 3 and 5, DP 1187939.

File No.: 12/04063:AD.

Schedule

On closing, the land within Lots 3 and 5, DP 1187939 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Wilkie; County – Harden;
Land District – Young; L.G.A. – Harden*

Road Closed: Lot 1, DP 1187939, subject to easement created by Deposited Plan 1187939.

File No.: 12/04060.

Schedule

On closing, the land within Lot 1 DP 1187939 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Wilkie; County – Harden;
Land District – Young; L.G.A. – Harden*

Road Closed: Lot 2, DP 1187939.

File No.: 12/04062.

Schedule

On closing, the land within Lot 2, DP 1187939 remains vested in the State of New South Wales as Crown land.

Description

*Parishes – Falnash and Lidsdale; County – Cook;
Land District – Lithgow; L.G.A. – Lithgow*

Road Closed: Lot 1, DP 1190888.

File No.: 12/06439.

Schedule

On closing, the land within Lot 1, DP 1190888 remains vested in the State of New South Wales as Crown land.

Description

*Parishes – Emu Plains and Murda;
County – Cunningham;
Land District – Condobolin; L.G.A. – Lachlan*

Road Closed: Lot 5, DP 1189873.

File No.: 12/05474.

Schedule

On closing, the land within Lot 5, DP 1189873 remains vested in the State of New South Wales as Crown land.

Description

*Parishes – Murda, Taratta and Mowabla;
County – Cunningham;
Land District – Condobolin; L.G.A. – Lachlan*

Road Closed: Lots 1-2 and 6, DP 1189873.

File No.: CL/00888.

Schedule

On closing, the land within Lots 1-2 and 6, DP 1189873 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Emu Plains; County – Cunningham;
Land District – Condobolin; L.G.A. – Lachlan*

Road Closed: Lot 4, DP 1189873.

File No.: CL/00888.

Schedule

On closing, the land within Lot 4, DP 1189873 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Broula; County – Forbes;
Land District – Cowra; L.G.A. – Cowra*

Road Closed: Lot 4, DP 1182043.

File No.: 12/04985.

Schedule

On closing, the land within Lot 4, DP 1182043 remains vested in the State of New South Wales as Crown land.

Description

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

Road Closed: Lot 1, DP 1178477 (subject to right of access created by Deposited Plan 1178477).

File No.: CL/00448.

Schedule

On closing, the land within Lot 1, DP 1178477 remains vested in the State of New South Wales as Crown land.

Description

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

Road Closed: Lot 1, DP 1177212.

File No.: CL/00237.

Schedule

On closing, the land within Lot 1, DP 1177212 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

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.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

Description

*Parish – Wowagin; County – Georgiana;
Land District – Crookwell; L.G.A. – Upper Lachlan Shire*

Road Closed: Lot 5, DP 1186825.

File No.: GB06 H 28.

Schedule

On closing, the land within Lot 5, DP 1186825 remains vested in the State of New South Wales as Crown land.

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

**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 reserves specified opposite thereto in Column 2 of the Schedule.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Cowra Shire Trust.	Reserve No.: 18365. Public Purpose: Access. Notified: 12 August 1893. Reserve No.: 35813. Public Purpose: Access to water and camping. Notified: 23 May 1903. The part being that part of Lot 7310, DP 1152202, south of the easterly extension of the northern boundary of Lot 7010, DP 1125529. File No.: 13/15223.

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

PURSUANT to section 34A(2)(b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedules, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedules.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Pump and Pipeline (Relevant Interest - Section 34A Licence - RI 522098).	Reserve No.: 22755. Public Purpose: Camping. Notified: 27 July 1895. File No.: 13/13567.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
Pump and Pipeline (Relevant Interest - Section 34A Licence - RI 522098).	Reserve No.: 50533. Public Purpose: Water. Notified: 10 March 1915. File No.: 13/13567.

SCHEDULE 3

<i>Column 1</i>	<i>Column 2</i>
Pump and Pipeline (Relevant Interest - Section 34A Licence - RI 522098).	Reserve No.: 81412. Public Purpose: Public recreation. Notified: 20 February 1959. File No.: 13/13567.

SCHEDULE 4

<i>Column 1</i>	<i>Column 2</i>
Pump and Pipeline (Relevant Interest - Section 34A Licence - RI 522098).	Reserve No.: 756889. Public Purpose: Future public requirements. Notified: 29 June 2007. File No.: 13/13567.

SCHEDULE 5

<i>Column 1</i>	<i>Column 2</i>
Pump and Pipeline (Relevant Interest - Section 34A Licence - RI 522098).	Reserve No.: 56146. Public Purpose: Generally. Notified: 1 May 1923. File No.: 13/13567.

APPOINTMENT OF TRUST BOARD MEMBERS

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

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Tania Gaye SELBY (re-appointment). Margaret Elizabeth WEATHERLEY (re-appointment). Wendy Anne MURPHY (re-appointment). Geoffrey Thompson MOORE (re-appointment).	Ilford Recreation Reserve Trust.	Reserve No.: 29265. Public Purpose: Public recreation. Notified: 22 April 1899. File No.: OE80 R 59.

Term of Office

For a term commencing 19 December 2013 and expiring 18 December 2018.

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

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

PURSUANT to section 34A(2)(b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Cultivation (Relevant Interest - Section 34A Licence - RI 520624).	Reserve No.: 755502. Public Purpose: Future public requirements. Notified: 29 June 2007. File No.: 13/12811.

TAREE OFFICE
98 Victoria Street (PO Box 440), Taree NSW 2430
Phone: (02) 6591 3500 Fax: (02) 6552 2816

ROADS ACT 1993

ORDER

Transfer of 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.

ANDREW STONER, M.P.,
 Minister for Regional Infrastructure and Services.

SCHEDULE 1

*Parish – Arakoon; County – Macquarie;
 Village – South West Rocks; Land District – Kempsey;
 Local Government Area – Kempsey Shire Council*

Crown public road east of Belle O'Connor Street, between the south western corner of Lot 51, DP 831284 and the south eastern corner of Lot 84, DP 792945.

SCHEDULE 2

Roads Authority: Kempsey Shire Council.

File No.: TE03 H 198.

SCHEDULE 1

*Parish – Wingham; County – Macquarie;
 Land District – Taree; Locality – Wingham;
 Local Government Area – Greater Taree City Council*

Crown public road from the south east corner of Lot 192, DP 754454 to 10 metres south of the north east corner of Lot 199, DP 754454 and the Crown public road known as Khatabundah Road, east from that point to the north west corner of Lot 292, DP 754454 then south to the north west corner of Lot 1, DP 1127624.

SCHEDULE 2

Roads Authority: Greater Taree City Council.

File No.: 08/4000-02.

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

PURSUANT to section 34A(2)(b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

ANDREW STONER, M.P.,
 Minister for Regional Infrastructure and Services

SCHEDULE

Column 1

Pump and Pipeline (Relevant Interest - Section 34A Licence - RI 516719).

Column 2

Reserve No.: 754450.
 Public Purpose: Future public requirements.
 Notified: 29 June 2007.
 File No.: 13/11244.

WAGGA WAGGA OFFICE**Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga NSW 2650****Phone: (02) 6937 2700 Fax: (02) 6921 1851****NOTICE OF PURPOSE OTHER THAN THE
DECLARED PURPOSE PURSUANT TO SECTION
34A(2) OF THE CROWN LANDS ACT 1989**

PURSUANT to section 34A(2)(b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedules, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedules.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Grazing (Relevant Interest - S34A Licence - RI 494136).	Reserve No.: 1803. Public Purpose: Camping. Notified: 29 September 1877. File No.: 13/11551.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
Environmental Protection and Sustainable Grazing (Relevant Interest - Section 34A Licence - RI 507021).	Reserve No.: 753731. Public Purpose: Future public requirements. Notified: 29 June 2007. File No.: 12/07824.

SCHEDULE 3

<i>Column 1</i>	<i>Column 2</i>
Environmental Protection and Sustainable Grazing (Relevant Interest - Section 34A Licence - RI 507021).	Reserve No.: 527. Public Purpose: Preservation of water supply. Notified: 23 July 1867. File No.: 12/07824.

WESTERN REGION OFFICE
45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830
Phone: (02) 6883 5400 Fax: (02) 6884 2067

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 1st 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 Department of Trade and Investment, Crown Lands by the due date.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

SCHEDULE

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

WLL No.	Name of Lessee	File No.	Folio Identifier	Area (m ²)	Term of Lease	
					From	To
15175*	Jace Anthony PURDY	12/07088	73/1066289	2500	28 November 2013	27 November 2033
15182	Alex IVANOFF	12/08290	70/1063047	2587	11 November 2013	10 November 2033
15193	Ivan Dylan KEMP	13/04104	128/1120765	2471	18 November 2013	17 November 2033
15198	Douglass BURGESS and Patrick Stuart BROWN	13/10250	40/1063047	2298	18 November 2013	17 November 2033
15203	Janice READ	13/11399	67/1063047	2945	18 November 2013	17 November 2033
16122	Rene LATZER	08/5568	93/1120765	2659	18 November 2013	17 November 2033

* In addition, the following special condition applies to Western Lands Lease 15175:

The lessee must, within 12 months from the date of commencement of the lease or such further period as the Minister may allow, erect a dwelling on the land in accordance with plans and specifications approved by the Council of the local government area.

ERRATUM

IN the *New South Wales Government Gazette* of 22 November 2013, Folio 5343, under the heading "NOTIFICATION OF CREATION OF EASEMENT", the Term and Condition 2 (f) should have read "not herd or bring livestock on foot across the easement without the appropriate authorisation under the Rural Lands Protection Act 1998 but may transport livestock by truck or other means".

File Reference: 11/09257.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

ADDITION TO A WESTERN LANDS LEASE

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

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

SCHEDULE

Western Lands Lease No.: 16325

Name of Lessee: Dunvegan Station Pty Ltd.

Area Added: Part WLL 1913, Parish of Tugima, County of Wentworth, of 7.67 hectares.

Total Area Following Addition: Lot 3, DP 1189519, Parish of Tugima, County of Wentworth, of 33.66 hectares.

Date of Addition: 26 November 2013.

Shire: Wentworth.

Conditions: Unchanged.

APPOINTMENT OF TRUST BOARD MEMBERS

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

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Anthony LANGDON (re-appointment).	Penrose Park Recreation Reserve Trust.	Reserve No.: 34483. Public Purpose: Public recreation. Notified: 17 May 1902. File No.: 09/04081-02.
Christopher John FRASER (re-appointment).		
Debra Maria JONES (re-appointment).		
Robert MacDonald WILSON (re-appointment).		
Rodney Lawrence GRENFELL (re-appointment).		
John Dunstan BENNETT (new member).		
Sean Reginald HOOPER (new member).		
The person for the time being holding the office of General Manager, Broken Hill City Council (ex-officio member).		
The person for the time being holding the office of NSW Trade and Investment Crown Lands, Rangelands Management Officer, Broken Hill (ex-officio member).		

Term of Office

For a term commencing the date of this notice and expiring 28 November 2018.

WATER

STATE WATER CORPORATION ACT 2004

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Wyangala – Wyangala Dam Safety Upgrade Compulsory Acquisition

STATE WATER CORPORATION declares, with the approval of Her Excellency the Governor, that the land described in the Schedule hereto is acquired by compulsory process pursuant to section 19 of the Land Acquisition (Just Terms Compensation) Act 1991 and section 22 of the State Water Corporation Act 2004.

Dated at Sydney, this 24th day of October 2013.

Signed for State Water Corporation pursuant to authorisation, effective 2 September 2013

BRETT TUCKER,
Chief Executive Officer,
State Water Corporation

SCHEDULE

Lot 1 in Deposited Plan 1188173, Parish of Dunleary, County of Bathurst.

WATER ACT 1912

APPLICATIONS for a licence under section 10 of the Water Act 1912, as amended, have been received from:

Leonard Edward JOHNSON for a pump on Orara River on Lot 2, DP 12182998, Parish of Bardsley, County of Fitzroy, for Irrigation of 3.6 hectares (16.8 megalitres) (allocation by way of permanent transfer – no increase in river entitlement). (Reference: 6324035).

Susan Jean CANTLE for a pump on Orara River on Lot 3, DP 12182998, Parish of Bardsley, County of Fitzroy, for Irrigation of 1 hectares (3 megalitres) (subdivision of existing licence – no increase in river entitlement). (Reference: 6324035).

Any inquiries should be directed to (02) 6641 6500.

Written objections, from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, Locked Bag 10, Grafton NSW 2460, within 28 days of this publication.

J. FINDLAY,
Senior Water Regulation Officer

WATER ACT 1912

APPLICATIONS for a licence under section 10 of the Water Act 1912, as amended, have been received from:

LEONARD EDWARD JOHNSON for a pump on Orara River on Lot 2, DP 12182998, Parish of Bardsley, County of Fitzroy, for Irrigation of 3.6 hectares (16.8 megalitres). Allocation by way of permanent transfer. – no increase in river entitlement. (Ref.: 6324035).

SUSAN JEAN CANTLE for a pump on Orara River on Lot 3, DP 12182998, Parish of Bardsley, County of Fitzroy, for Irrigation of 1 hectares (3 megalitres). Subdivision of existing licence – no increase in river entitlement. (Ref.: 6324035).

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

J. FINDLAY,
Senior Water Regulation 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:

PERISHER BLUE PTY LTD for a pumping plant on Perisher Creek being Part Kosciuszko National Park (land adjacent to Lot 31, DP 756697), Parish of Guthega, County of Wallace, for water supply for industrial (snow making) purposes. Replacement licence. Replacing 10SL046026 due to the permanent transfer of 7.0 megalitres from 10SL055283 (exempt from the 2007 South Coast Rivers embargo). (Ref.:10SL057228).

Any inquiries should be directed to (02) 4429 4442. Written objections, from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, PO Box 309, Nowra NSW 2541, within 28 days of this publication.

WAYNE RYAN,
Water Regulation Officer

WATER ACT 1912

AN application for an approval under Part 8 of the Water Act 1912, being within a proclaimed (declared) local area under section 5 (4) of the said Act, has been received as follows:

Henry Charles PARRY for an existing off river storage and existing levee bank on the Macquarie River Floodplain on Lot 11, DP 861865, Parish of Canonba, County of Gregory, for conservation and prevention of land by floodwaters (new approval). (Reference: 80CW809675).

Any inquiries should be directed to (02) 6841 7414.

Written objections, from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, PO Box 717, Dubbo NSW 2830, within 28 days of this publication.

RICHARD WHEATLEY,
Senior Water Regulation Officer

WATER ACT 1912

AN application for an approval under Part 8 of the Water Act 1912, being within a Proclaimed (declared) Local Area under section 5 (4) of the said Act, has been received as follows:

HENRY CHARLES PARRY for an existing off river storage and existing levee bank on the Macquarie River Floodplain on Lot 11, DP 861865, Parish of Canonba, County of Gregory, for conservation and prevention of land by floodwaters (new approval) (Ref.: 80CW809675).

Any inquiries should be directed to (02) 6841 7414. Written objections, from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, PO Box 717, Dubbo NSW 2830, within 28 days of this publication.

RICHARD WHEATLEY,
Senior Water Regulation Officer

Other Notices

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Incorporation Pursuant to Section 76

TAKE notice that the incorporation of the following associations are cancelled by this notice pursuant to section 76 of the Associations Incorporation Act 2009.

Cancellation is effective as at the date of gazettal.

Free China Inc. – Inc9883514
 Dive Today Incorporated – Inc9886834
 Australian Miniature Galloway Association Incorporated – Inc9884925
 Brain & Mind Australia Incorporated – Inc9880313
 Collarenebri Golf Club Incorporated – Inc9877721
 High Country Conservation Alliance Incorporated – Inc9883018
 Major Issues and Theology Foundation Incorporated – Inc9876684
 Children and Youth Advocacy Service Incorporated – Inc9882582
 Erskineville Historical Society Incorporated – Inc9886992
 Moorebank Sports Codes Incorporated – Inc9879644
 Armenian National Committee of Australia – Western Sydney Region Association Inc – Inc9889665
 SWR Senior Soccer Club Incorporated – Y2979229
 Save Manyana Alliance Incorporated – Inc9886068
 Minerama Incorporated – Y1931422
 Parkes and District Railway Modellers Incorporated – Inc9887344
 Rotary Club of Double Bay Incorporated – Inc9889840
 Woodstock Rugby League Football Club Incorporated – Inc9883130
 Carbon Coalition Incorporated – Inc9885929
 Rotary Club of South Grafton Inc – Y0649611
 Australian European Alliance Incorporated – Inc9891150
 Telephone Service Providers Association of Australia Incorporated – Y2851707
 Vision Church Incorporated – Inc9881125
 Scut Commerce & Professional Assu Incorporated – Inc9887413
 Australian Turkish Islamic Heritage Association Incorporated – Inc9879492
 Shoalhaven Endurance Ride Incorporated – Inc9880051
 Gosford Baptist Pre-School Inc. – Y0642436
 Australian Association for the Promotion of International Arts & Culture Incorporated – Inc9891312
 Ride Illawarra Incorporated – Inc9880322
 Maccabi NSW Futsal Incorporated – Inc9886494
 Companions Offering Grief Support Incorporated – Y2932413
 Huskisson & District Senior Citizens Club Incorporated – Y2881940
 Randwick Trainers Association Incorporated – Inc9882944
 Another Life International Australia Incorporated – Inc9890442

U.W.O. Alumni Association Sydney Australia Incorporated – Inc9877958
 Australian National Motoring Association Incorporated – Inc9879246
 St Kyriakos of Aqra Association Incorporated – Inc9895813
 Hawkesbury Horse Trials Incorporated – Y1933416
 Outback Marketing Board Incorporated – Inc9883594
 Australian Karaoke Operators Association Incorporated – Inc9891569
 Diggers MMC Riverina Chapter Incorporated – Inc1200393
 Rubinstein Taybi Syndrome Australia Incorporated – Inc9894858

Dated this 22nd day of November 2013.

ROBYNE LUNNEY,
 Delegate of the Commissioner,
 NSW Fair Trading,
 Department of Finance & Services

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.

North Kellyville Rezoning Association Incorporated – Inc9876356
 Crowded House Children's Centre Incorporated – Y2728801
 Making a Difference Through Education Incorporated – Inc9885192
 Roam Incorporated – Inc3490227
 Heart Magazine Incorporated – Inc9894255
 Tian Ge Choir Incorporated – Inc9886965
 Olive Growers Mudgee Incorporated – Inc9889054
 Waverley Bushcare Incorporated – Y2853505
 Safety Trainers Association (S.T.A.) Incorporated – Y2395704
 Tamils Sports Club Incorporated – Inc9884623

Dated 27th day of November 2013.

ROBYNE LUNNEY,
 Delegate of the Commissioner,
 NSW Fair Trading

CHILDREN (PROTECTION AND PARENTAL RESPONSIBILITY) ACT 1997

Safer Community Compact – Order

I, the Honourable Greg Smith, S.C., Attorney General and Minister for Justice of the State of New South Wales, in pursuance of section 39 (1) of the Children (Protection and Parental Responsibility) Act 1997, do, by this my Order, approve Maitland City Councils Community Safety Plan

2013-2016 as a Safer Community Compact for the purposes of Division 3 of Part 4 of that Act.

This Order takes effect on 11 November 2013 and remains in force until 10 November 2016.

Signed at Sydney, this 11th day of November 2013.

GREG SMITH,
Attorney General and Minister for Justice

DISTRICT COURT ACT 1973

District Court of New South Wales

Direction

PURSUANT to section 32 of the District Court Act 1973, I direct that the District Court shall sit in its civil (Mining) jurisdiction at the place and time shown as follows:

Sydney 10.00am 17 March 2014 (1 week)
In lieu of 31 March 2014 (1 week)

Dated this 21st day of November 2013.

R. O. BLANCH,
Chief Judge

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Instrument of Delegation

I, the Minister for Planning and Infrastructure 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 powers and functions listed in Schedule 1 to this Instrument in relation to the project application specified in Schedule 2 of this Instrument.

Dated this 29th day of October 2013.

Hon. BRAD HAZZARD,
Minister for Planning and Infrastructure

SCHEDULE 1

My powers and functions under section 75J of the EP&A Act, as continued by Schedule 6A of the EP&A Act (and any functions under the EP&A Act or any other Act as are incidental or related to the exercise of those functions).

SCHEDULE 2

Project Application 08_0008 for the Hunters Hill Remediation Project, involving remediation of the site and surrounds of the former Radium Hill Company Site at Nelson Parade, Hunters Hill.

GEOGRAPHICAL NAMES ACT 1966

Notice of Proposal to Assign the Name "Lake Macquarie City Centre" as a Cultural Point in the Lake Macquarie Local Government Area

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to assign the name "Lake Macquarie City Centre" as a cultural point in the Lake Macquarie Local Government Area.

Any person wishing to make comment upon this proposal may prior to Saturday, 30 December 2013 write to the Secretary of the Board with that comment. Submissions can also be lodged on the Geographical Names Board website at http://www.gnb.nsw.gov.au/place_naming/current_proposals

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

D. MOONEY,
Chairman

Geographical Names Board,
PO Box 143,
Bathurst NSW 2795

HERITAGE ACT 1977

Notice of Listing on the State Heritage Register
Under Section 37 (1) (b)

Glebe Island Bridge
Bank Street, Pyrmont
SHR No. 1914

IN pursuance of section 37 (1) (b) of the Heritage Act 1977 (NSW), the Heritage Council gives notice that the item of environmental heritage specified in Schedule "A" has been listed on the State Heritage Register in accordance with the decision of the Minister for Heritage to direct the listing. This listing applies to the curtilage or site of the item, being the land described in Schedule "B".

Heritage Council of New South Wales

SCHEDULE "A"

The item known as Glebe Island Bridge, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known shown on the plan catalogued HC 2590 in the office of the Heritage Council of New South Wales.

HERITAGE ACT 1977

Order Under Section 57 (2)
to Grant Site Specific Exemptions from Approval
Kamay Botany Bay National Park (North and South) and
Towra Point Nature Reserve
SHR No. 1918

I, the Minister for Heritage, on the recommendation of the Heritage Council of New South Wales, in pursuance of section 57 (2) of the Heritage Act 1977 (NSW), do, by this my order, grant an exemption from section 57 (1) of that Act in respect of the engaging in or carrying out of any activities described in Schedule "C" by the [owner, mortgagee or lessee of the land] described in Schedule "B" on the item described in Schedule "A".

The Hon. ROBYN PARKER, M.P.,
Minister for Heritage

Dated at Sydney, this 13th day of October 2013.

SCHEDULE "A"

The item known as the Kamay Botany Bay National Park (North and South) and Towra Point Nature Reserve, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Lot 1 of Deposited Plan 1014443, Lot 1 of DP 1030269, Lot 5 of DP 1110408, Lot 7334 of DP 1162374, Lot 31 of DP 217907, Lot 3 of DP 232077, Lot 101 of DP 555205, Lot 1 of DP 556396, Lot 1 of DP 706164, Lot 4 of DP 732257, Lot 119 of DP 752064, Lot 145 of DP 752064, Lot 104 of DP 777967, Lot 101 of DP 777967, Lot 102 of DP 777967, Lot 106 of DP 777967, Lot 103 of DP 777967, Lot 105 of DP 777967, Lot 107 of DP 777967, Lot 108 of DP 777967, Lot 109 of DP 777967, Part Lot 2 of DP 856868, Lot 71 of DP 908, Lot 72 of DP 908, Lot 73 of DP 908, Lot 74 of DP 908, Lot 75 of DP 908, Lot 76 of DP 908, Lot 85 of DP 908, Lot 1 of DP 90998, Parish of Sutherland, County of Cumberland, shown on the plan catalogued HC 2565 in the office of the Heritage Council of New South Wales.

SCHEDULE "C"

The following activities do not require approval under 57(1) of the Heritage Act 1977 providing they do not impact the significant fabric or cultural landscapes of Kamay Botany Bay National Park or Towra Point Nature reserve.

Exempt activities are as follows:

1. Activities identified as having an acceptable level of heritage impact in a Plan of Management for Kamay Botany Bay National Park or Towra Point Nature Reserve.
2. Cultural practices by Aboriginal people and the sharing of these practices with others.
3. Conservation works and activities clearly identified in the maintenance schedules or schedule of works outlined in a Conservation Management Plan for the site or elements within the site which has been endorsed by the Heritage Council of NSW.
4. Temporary infrastructure associated with Festivals, filming and events.
5. Bush regeneration activities including re-vegetation that do not involve any impacts on archaeological resources and relics.
6. Threatened species and communities recovery and pest management activities.
7. Emergency management and response activities related to significant incidents, which may require immediate and urgent action.
8. New tracks, track maintenance, upgrades and improvements which do not materially affect the significance of the park and do not involve any impacts on archaeological resources and relics.
9. Infrastructure maintenance and improvement including: energy saving works and the installation of sustainable technologies (solar power, water tanks etc), electrical supply infrastructure, navigation aids, water and sewerage pipelines, pump stations and pits, existing toilet facilities and enclosed infrastructure, fences, erosion control and soil conservation works, Park User Fee infrastructure (including parking metres and E-tag technologies),

maintenance of existing roads, fire and other trails and tracks, including sub-grade, pavement and drainage works where these works do not involve any impacts on archaeological resources or structures identified as being significant.

10. Maintenance and upgrade of existing visitor facilities including toilets, bbqs, picnic shelters, signage, car parks, walking track, fencing, bollards, road barriers and road works.
11. New walking paths and seating on La Perouse Headland as identified in the final approved La Perouse headland Interpretive Landscape Plan.
12. Beach re-nourishment activities.
13. Roadside vegetation control including manual, mechanical and chemical treatment of non-culturally significant vegetation.
14. Asset management zone vegetation control manual, mechanical and chemical treatment of non-culturally significant vegetation.
15. Signage associated with park use and management.
16. Environmental rehabilitation work including temporary silt fencing, tree planting, and weed removal and rubbish removal.
17. Demolition of the Sydney Pistol Club buildings and rifle range at Cape Banks and all associated remediation works.
18. Demolition of the toilet block at the entry to La Perouse Headland loop road and all associated remediation works.
19. Activities affecting the movable heritage that forms the collection of the Laperouse Museum in the former Cable Station building.
20. Solar panels on a concrete pad with security fencing and associated cabling for electricity to supply Henry Head Lighthouse.

HERITAGE ACT 1977

Notice of Listing on the State Heritage Register
Under Section 37 (1) (b)

Kamay Botany Bay National Park (North and South) and
Towra Point Nature Reserve
Cape Solander Drive, Kurnell and Anzac Parade,
La Perouse
SHR No. 1918

IN pursuance of section 37 (1) (b) of the Heritage Act 1977 (NSW), the Heritage Council gives notice that the item of environmental heritage specified in Schedule "A" has been listed on the State Heritage Register in accordance with the decision of the Minister for Heritage to direct the listing. This listing applies to the curtilage or site of the item, being the land described in Schedule "B".

Heritage Council of New South Wales

SCHEDULE "A"

The item known as the Kamay Botany Bay National Park (North and South) and Towra Point Nature Reserve, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Lot 1 of Deposited Plan 1014443, Lot 1 of DP 1030269, Lot 5 of DP 1110408, Lot 7334 of DP 1162374, Lot 31 of DP 217907, Lot 3 of DP 232077, Lot 101 of DP 555205, Lot 1 of DP 556396, Lot 1 of DP 706164, Lot 4 of DP 732257, Lot 119 of DP 752064, Lot 145 of DP 752064, Lot 104 of DP 777967, Lot 101 of DP 777967, Lot 102 of DP 777967, Lot 106 of DP 777967, Lot 103 of DP 777967, Lot 105 of DP 777967, Lot 107 of DP 777967, Lot 108 of DP 777967, Lot 109 of DP 777967, Part Lot 2 of DP 856868, Lot 71 of DP 908, Lot 72 of DP 908, Lot 73 of DP 908, Lot 74 of DP 908, Lot 75 of DP 908, Lot 76 of DP 908, Lot 85 of DP 908, Lot 1 of DP 90998, Parish of Sutherland, County of Cumberland, shown on the plan catalogued HC 2565 in the office of the Heritage Council of New South Wales.

HERITAGE ACT 1977

Order Under Section 57 (2)
to Grant Site Specific Exemptions from Approval

Illoura Reserve
SHR No. 1923

I, the Minister for Heritage, on the recommendation of the Heritage Council of New South Wales, in pursuance of section 57 (2) of the Heritage Act 1977 (NSW), do, by this my order, grant an exemption from section 57 (1) of that Act in respect of the engaging in or carrying out of any activities described in Schedule "C" by the [owner, mortgagee or lessee of the land] described in Schedule "B" on the item described in Schedule "A".

The Hon. ROBYN PARKER, M.P.,
Minister for Heritage

Dated at Sydney, this 4th day of November 2013.

SCHEDULE "A"

The item known as Illoura reserve, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Lot 1 of Deposited Plan 113249, Lot 1 of Deposited Plan 189867, Lot 1 of Deposited Plan 708327, Lot 2 of Deposited Plan 708327, Lot 463 of Deposited Plan 752049, Lot 461 of Deposited Plan 752049, Lot 462 of Deposited Plan 752049, Lot 4 of Deposited Plan 82496, Lot 1 of Deposited Plan 86644, Parish of Petersham, County of Cumberland, shown on the plan catalogued HC 2602 in the office of the Heritage Council of New South Wales.

SCHEDULE "C"

All works specified in the document Illoura Reserve Design for Restoration by Bruce Mackenzie Design in conjunction with Environmental Partnership NSW for Leichhardt Council dated February 2012. Detail of which is provided in the document Balmain East Foreshores Masterplan – Broad order of cost estimate by Atlas Page Kirkland dated August 2012.

HERITAGE ACT 1977

Notice of Listing on the State Heritage Register
Under Section 37 (1) (b)

Illoura Reserve
Weston Street and Edward Street, Balmain East
SHR No. 1923

IN pursuance of section 37 (1) (b) of the Heritage Act 1977 (NSW), the Heritage Council gives notice that the item of environmental heritage specified in Schedule "A" has been listed on the State Heritage Register in accordance with the decision of the Minister for Heritage to direct the listing. This listing applies to the curtilage or site of the item, being the land described in Schedule "B".

Heritage Council of New South Wales

SCHEDULE "A"

The item known as Illoura Reserve, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Lot 1 of Deposited Plan 113249, Lot 1 of Deposited Plan 189867, Lot 1 of Deposited Plan 708327, Lot 2 of Deposited Plan 708327, Lot 463 of Deposited Plan 752049, Lot 461 of Deposited Plan 752049, Lot 462 of Deposited Plan 752049, Lot 4 of Deposited Plan 82496, Lot 1 of Deposited Plan 86644, Parish of Petersham, County of Cumberland, shown on the plan catalogued HC 2602 in the office of the Heritage Council of New South Wales.

HERITAGE ACT 1977

Order Under Section 57 (2)
to Grant Site Specific Exemptions from Approval

Baronda Holiday House
SHR No. 1915

I, the Minister for Heritage, on the recommendation of the Heritage Council of New South Wales, in pursuance of section 57 (2) of the Heritage Act 1977, do, by this my order, grant an exemption from section 57 (1) of that Act in respect of the engaging in or carrying out of any activities described in Schedule "C" by the [owner, mortgagee or lessee of the land] described in Schedule "B" on the item described in Schedule "A".

The Hon. ROBYN PARKER, M.P.,
Minister for Heritage

Dated at Sydney, this 1st day of September 2013.

SCHEDULE "A"

The item known as the Baronda Holiday House, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Lot 171 of Deposited Plan 752158, Parish of Tanja, County of Dampier, shown on the plan catalogued HC 2576 in the office of the Heritage Council of New South Wales.

SCHEDULE "C"

1. All Standard Exemptions
2. Repairs
 - (i) Replacement and repair of structural elements of the building in accordance with engineering plans prepared for the site by Andrew Marshman dated 15 June 2010.
 - (ii) Installation & maintenance of pump housing for reticulated water supply and sewage management where this has no material impact on existing fabric or the heritage significance of the place.
3. Landscape management
 - (i) Maintenance, repair and/or resurfacing of existing roads and pathways with similar materials without altering their location, dimensions or historic character.
 - (ii) All landscape management provided that only native plants endemic to the site are used and the landscape plan and treatment conforms to a Plan of Management for this section of Mimosa Rocks National Park that has been endorsed by the Heritage Council of NSW or its delegate.
4. Temporary change of use
Activities and works associated with a temporary change of use provided they are reversible and have no material impact on existing fabric or the heritage significance of the place.
5. Management of interpretive, information and directional signage
All changes to signage and interpretation that conforms to a Conservation Management Plan endorsed by the Heritage Council of NSW or its delegate.
6. Protection of public safety & risk management
Emergency security arrangements where these have no material impact on the significance of the buildings or landscape.
7. Services/utilities upgrading
Maintenance and repair of existing services and public utilities including communications, gas, electricity, water supply, waste disposal, sewerage, irrigation and drainage, where these have no material impact on the significance of the buildings or landscape.

HERITAGE ACT 1977

Notice of Listing on the State Heritage Register
Under Section 37 (1) (b)

Baronda Holiday House
Nelson Lagoon Road, Mimosa Rocks National Park
SHR No. 1915

IN pursuance of section 37 (1) (b) of the Heritage Act 1977 (NSW), the Heritage Council gives notice that the item of environmental heritage specified in Schedule "A" has been listed on the State Heritage Register in accordance with the decision of the Minister for Heritage to direct the listing. This listing applies to the curtilage or site of the item, being the land described in Schedule "B".

Heritage Council of New South Wales

SCHEDULE "A"

The item known as Baronda Holiday House, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Lot 171 of Deposited Plan 752158, Parish of Tanja, County of Dampier, shown on the plan catalogued HC 2576 in the office of the Heritage Council of New South Wales.

HERITAGE ACT 1977

Order Under Section 57 (2)
to Grant Site Specific Exemptions from Approval

Baronda Holiday House
SHR No. 1915

I, the Minister for Heritage, on the recommendation of the Heritage Council of New South Wales, in pursuance of section 57 (2) of the Heritage Act 1977, do, by this my order, grant an exemption from section 57 (1) of that Act in respect of the engaging in or carrying out of any activities described in Schedule "C" by the [owner, mortgagee or lessee of the land] described in Schedule "B" on the item described in Schedule "A".

The Hon. ROBYN PARKER, M.P.,
Minister for Heritage

Dated at Sydney, this 1st day of September 2013.

SCHEDULE "A"

The item known as the Baronda Holiday House, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Lot 171 of Deposited Plan 752158, Parish of Tanja, County of Dampier, shown on the plan catalogued HC 2576 in the office of the Heritage Council of New South Wales.

SCHEDULE "C"

1. All Standard Exemptions
2. Repairs
 - (i) Replacement and repair of structural elements of the building in accordance with engineering plans prepared for the site by Andrew Marshman dated 15 June 2010.
 - (ii) Installation & maintenance of pump housing for reticulated water supply and sewage management where this has no material impact on existing fabric or the heritage significance of the place.
3. Landscape management
 - (i) Maintenance, repair and/or resurfacing of existing roads and pathways with similar materials without altering their location, dimensions or historic character.
 - (ii) All landscape management provided that only native plants endemic to the site are used and the landscape plan and treatment conforms to a Plan of Management for this section of Mimosa Rocks National Park that has been endorsed by the Heritage Council of NSW or its delegate.

4. Temporary change of use
Activities and works associated with a temporary change of use provided they are reversible and have no material impact on existing fabric or the heritage significance of the place.
5. Management of interpretive, information and directional signage
All changes to signage and interpretation that conforms to a Conservation Management Plan endorsed by the Heritage Council of NSW or its delegate.
6. Protection of public safety & risk management
Emergency security arrangements where these have no material impact on the significance of the buildings or landscape.
7. Services/utilities upgrading
Maintenance and repair of existing services and public utilities including communications, gas, electricity, water supply, waste disposal, sewerage, irrigation and drainage, where these have no material impact on the significance of the buildings or landscape.

HERITAGE ACT 1977

Notice of Listing on the State Heritage Register
Under Section 37 (1) (b)

Baronda Holiday House
Nelson Lagoon Road, Mimosa Rocks National Park
SHR No. 1915

IN pursuance of section 37 (1) (b) of the Heritage Act 1977 (NSW), the Heritage Council gives notice that the item of environmental heritage specified in Schedule "A" has been listed on the State Heritage Register in accordance with the decision of the Minister for Heritage to direct the listing. This listing applies to the curtilage or site of the item, being the land described in Schedule "B".

Heritage Council of New South Wales

SCHEDULE "A"

The item known as Baronda Holiday House, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Lot 171 of Deposited Plan 752158, Parish of Tanja, County of Dampier, shown on the plan catalogued HC 2576 in the office of the Heritage Council of New South Wales.

LEGAL PROFESSION ACT 2004

(Section 709)

Solicitors' Rules

New South Wales Professional Conduct and Practice Rules 2013 (Solicitors' Rules)

THE Council of the Law Society of NSW revokes the Revised Professional Conduct and Practice Rules 1995 and makes the following Rules under section 703 of the NSW Legal Profession Act 2004.

These Rules comprise:

- (a) the Australian Solicitors' Conduct Rules adopted by the Law Council of Australia on 18 June 2011, and
- (b) those Rules in the Revised Professional Conduct and Practice Rules 1995 which deal with the practice of law in NSW under the Legal Profession Act 2004 and are therefore outside the coverage of the Australian Solicitors' Conduct Rules.

These Rules shall come into force on 1 January 2014.

The Solicitors' Rules are available on the Law Society of NSW website at: <http://www.lawsociety.com.au/ForSolicitors/professionalstandards/Ruleslegislation/index.htm>

NATIONAL PARKS AND WILDLIFE ACT 1974

Mount Grenfell Historic Site and
Proposed Mount Grenfell National Park

Draft Plan of Management

A draft plan of management for Mount Grenfell Historic Site and proposed Mount Grenfell National Park has been prepared and is on exhibition until Thursday, 6 March 2014.

Copies of the plan may be viewed at the NPWS Cobar Area Office 16-18 Barton Street, Cobar NSW 2835, NPWS Griffith Area Office, 200 Yambil Street, Griffith NSW 2680 or at Office of Environment and Heritage Head Office, Level 14, 59-61 Goulburn Street, Sydney (9995 5000). The plan is also on the website: www.environment.nsw.gov.au (use 'quicklinks' to 'park management plans').

Written submissions on the plan must be received by The Planner, NPWS, PO Box 1049, Griffith NSW 2680 or through the website by Thursday, 6 March 2014.

All submissions received by NPWS are a matter of public record and are available for public inspection upon request. Your comments on this plan 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.

POISONS AND THERAPEUTIC GOODS ACT 1966

Order Under Clause 175 (1),
Poisons and Therapeutic Goods Regulation 2008

Withdrawal of Drug Authority

IN accordance with the provisions of Clause 175 (1) of the Poisons and Therapeutic Goods Regulation 2008 an Order has been made on Ms Sharon CORCORAN (NMW0001279260) of 13 Cabarita Place, Caringbah NSW 2229, prohibiting her, until further notice, as a nurse from having possession of and supplying drugs of addiction as authorised by Clauses 101 and 103 of the Regulation.

This Order is to take effect on and from 28 November 2013.

Dated at Sydney, 21 November 2013.

Dr MARY FOLEY,
Director-General,
Ministry of Health, New South Wales.

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 Justice William Henric NICHOLAS, who served as a Judge of the Supreme Court of New South Wales from 5 February 2003 until his retirement on 1 July 2013.

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 Justice Ian Vitaly GZELL, who served as a Judge of the Supreme Court of New South Wales from 4 February 2002 until his retirement on 27 May 2013.

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 Eric ROOZENDAAL who served as a Minister of New South Wales from 10 August 2005 until 28 March 2011.

TRANSPORT ADMINISTRATION ACT 1988

LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991

ROADS ACT 1993

Notice of Compulsory Acquisition of Lands for the
Purposes of Transport for NSW

TRANSPORT for NSW, with the approval of Her Excellency the Governor with the advice of the Executive Council, declares that the lands described in Schedule 1 and Schedule 2 hereto are acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 and the Roads Act 1993 for the purposes of Transport for NSW, as authorised by the Transport Administration Act 1988.

Dated this 26th day of November 2013.

CHRIS LOCK,
Deputy Director General,
Transport Projects,
Transport for NSW

SCHEDULE 1

All that piece or parcel of land situated at Revesby in the Local Government area of Bankstown, Parish of Bankstown, County of Cumberland and State of New South Wales, shown as Lot 101 in Deposited Plan 1189540 and said to be in the possession of Bankstown City Council.

SCHEDULE 2

All that piece or parcel of land situated at Revesby in the Local Government area of Bankstown, Parish of Bankstown, County of Cumberland and State of New South Wales, shown as Lot 102 in Deposited Plan 1189540 and said to be in the possession of Bankstown City Council.

TfNSW Reference: 2649931_1



Native Vegetation Regulation 2013 Environmental Outcomes Assessment Methodology

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

Under clause 16 of the Native Vegetation Regulation 2013, I approve this document as the Environmental Outcomes Assessment Methodology.

Hon. Robyn Parker, M.P.,

Date: 29 November 2013.

This version was originally published in the *NSW Government Gazette* on 18 November 2005 and incorporates amendments published on 21 July 2006, 24 November 2006, 2 March 2007, 8 October 2010; 4 March 2011; and 29 November 2013.

Native Vegetation Regulation 2013: Environmental Outcomes Assessment Methodology

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Speak and listen users: phone 1300 555 727, then ask for 131 555

Email: info@environment.nsw.gov.au

Website: www.environment.nsw.gov.au

Report pollution and environmental incidents

Environment Line: 131 555 (NSW only) or info@environment.nsw.gov.au

See also www.environment.nsw.gov.au

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Contents

1	Introduction	1
1.1	Definitions	3
2	Assessment of broadscale clearing proposals	4
2.1	Overview	4
2.2	The improve or maintain test	5
2.3	Offsets	6
2.4	Data variation	7
3	Water Quality Assessment	9
3.1	Introduction	9
3.2	The improve or maintain test for water quality	9
3.3	Definitions	10
3.4	Using the modified Strahler Stream ordering system	12
3.5	Measuring buffer distances	13
4	Salinity Assessment	15
4.1	Introduction	15
4.2	Assessing salinity hazard	16
4.3	Definitions	19
4.4	Using the Salinity Benefits Index Tool	20
4.5	Using the Salt Mobilisation Tool	26
4.6	Catchments covered by the Salinity Benefits Index tool	31
5	Biodiversity Assessment	34
5.1	Introduction	34
5.2	Overcleared vegetation and landscapes	34
5.3	Assessing impacts of clearing generally	36
5.4	Assessing thinning to benchmark stem densities	47
5.5	Improve or maintain test for Threatened Species	50
5.6	Identify whether any Threatened Species are known or are predicted as likely to occur	51
5.7	Loss of Threatened Species, habitat components or key habitat features	52
5.8	Can any likely loss be offset?	53
5.9	Definitions	55
6	Soil Assessment	59
6.1	Introduction	59
6.2	Land and soil capability classification	59
6.3	The improve or maintain test for land degradation	60
6.4	Assessing clearing on sensitive terrain	62
6.5	Assessing water erosion hazard	63
6.6	Assessing wind erosion hazard	64
6.7	Assessing shallow and rocky soil hazard	68
6.8	Assessing earth mass movement hazard	68
6.9	Assessing acid sulfate soils hazard	69
6.10	Assessing soil structure hazard	70
7	Invasive Native Scrub Assessment	72
7.1	Introduction	72
7.2	Assessing invasive native species clearing proposals	72
8	Streamlined assessment of certain vegetation categories	96
8.1	Introduction	96
8.2	Assessing clearing proposals using streamlined assessment	96
8.3	Definitions	97
8.4	The improve or maintain test	98

APPENDICES	101
Appendix A. Sub-regions of NSW Catchment Management Authority Areas	101
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.	107
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.	110

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* (repealed on 1 January 2014) created Catchment Management Authorities. The Authorities had both an operational role and a planning role. Operationally the Catchment Management Authorities were 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 were also responsible for preparing catchment action plans. The catchment action plans were the link between the State-wide standards and targets and on ground actions at the regional level.

On 1 January 2014, provisions of the *Local Land Services Act 2013* commence, and subsequently the *Catchment Management Authorities Act 2003* will be repealed and Catchment Management Authorities will be abolished. Local Land Services, established under the *Local Land Services Act*

2013, will carry out the functions previously undertaken by the Catchment Management Authorities under the Environmental Outcomes Assessment Methodology.

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, previously used by the Catchment Management Authorities, will now be used by Local Land Services 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 the Environment (in relation to aspects of assessment concerned with salinity, soil, water quality, biodiversity and threatened species).

Despite the abolishment of Catchment Management Authorities, the Environmental Outcomes Assessment Methodology continues to adopt the Catchment Management Authority areas shown in Figure 1.1, which were prescribed in Schedule 2 to the now repealed *Catchment Management Authority Act 2003*.

Notes in this document are explanatory notes and do not form part of the document for the purposes of the Native Vegetation Regulation 2013.

Note: For further information please see the following:

Wentworth Group of Concerned Scientists, 2003 *A New Model for Landscape Conservation in New South Wales*. NSW Government

www.wwf.org.au/News_and_information/Publications/PDF/Report/new_model_report_to_carr.pdf

Native Vegetation Reform Implementation Group, 2003 *Final Report*. Department of Infrastructure, Planning and Natural Resources

www.nativevegetation.nsw.gov.au/methodology/index.shtml

Department of Natural Resources (DNR), 2003 *A New Approach to Natural Resource Management*.

www.nativevegetation.nsw.gov.au/methodology/index.shtml

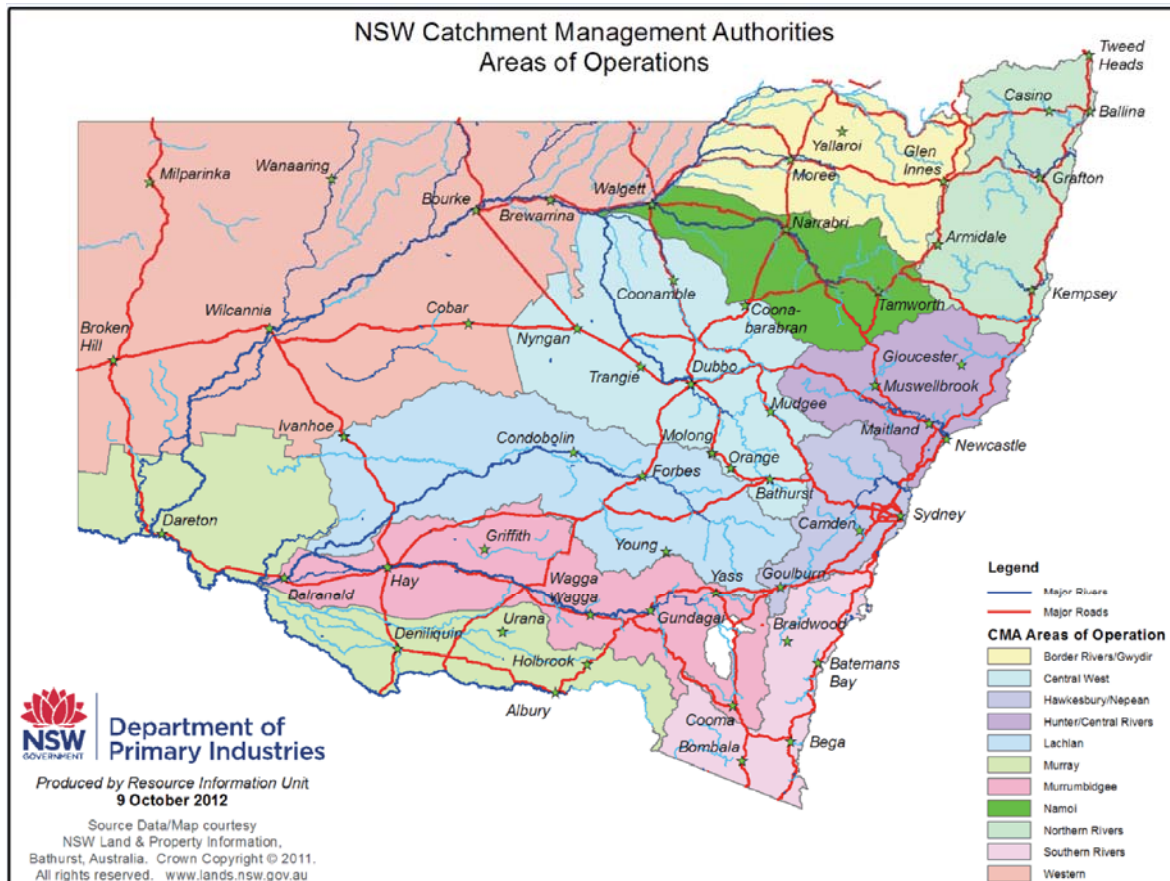
The Native Vegetation Assessment Tools (NVAT) were known in previous versions of this EOAM as the Property Vegetation Plan Developer (PVP Developer).

1.1 Definitions

The following definitions apply for the purposes of this Environmental Outcomes Assessment Methodology:

Catchment Management Authority area means the area of operation of a former Catchment Management Authority (under the repealed *Catchment Management Authority Act 2003*), as shown in Figure 1.1.

Figure 1.1 Catchment Management Authority areas



Local Land Services means a body corporate as constituted by and as described in Part 2 of the *Local Land Services Act 2013*.

Minister means the Minister administering the *Native Vegetation Act 2003* and includes any person or class of persons that the Minister:

- delegates his or her functions under this Methodology to, or
- authorises to exercise his or her functions under this Methodology.

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 2013 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 2013 (as required by the *Native Vegetation Act 2003*) by clause 16 of the Native Vegetation Regulation 2013. The Environmental Outcomes Assessment Methodology can only be varied in accordance with the process set out in clause 17 of the Native Vegetation Regulation 2013. In particular, before any change takes effect, the Native Vegetation Regulation 2013 will need to be updated to refer to the amended version (clause 17(4)) 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 Premier and Cabinet (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 17 of the Native Vegetation Regulation 2013. 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 Office of Environment and Heritage.

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, Local Land Services 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 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 18(1)(a) of the Native Vegetation Regulation 2013.

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 (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 as an expert for the purposes of this Chapter Section, being accreditation on the basis of criteria approved by the Minister (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).

3 Water quality assessment

3.1 Introduction

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

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

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

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

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

3.2 The improve or maintain test for water quality

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

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

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

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

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

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

Table 3.1 Definition of riparian buffer distances

Location	Size of stream/wetland			
	Minor watercourses, flood runners and effluents	Minor creeks & lagoons	Minor rivers, minor wetlands & major creeks	Major rivers & important wetlands
Coast & tablelands	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:

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

- downstream of the most upstream tributary listed in the Major Rivers Database; or
- 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, ephemeral or permanently, that may be vegetated and which may or may not have an eroded channel.

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

Minor wetland means a wetland that is shown on the map of wetlands in the 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 area, 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.

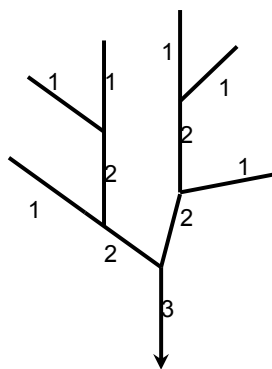


Figure 3.1 Modified Strahler stream ordering system

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.

Note: References

Cotton Research and Development Corporation (2003), *Managing riparian lands in the cotton industry*, Narrabri.

www.crdc.com.au

Department of Environment and Heritage, 2001 *Nationally Important Wetlands in NSW*, Canberra.

www.deh.gov.au/water/wetlands/database/directory/pubs/ch6.pdf

Kingsford, R.T., Brandis, K., Thomas, R., Crighton, P., Knowles, E. and Gale, E., 2003. *Distribution of Wetlands in NSW*, Hurstville.

www.nationalparks.nsw.gov.au/PDFs/Wetland_distribution_report.pdf

NSW Government, 1977. 'Restrictions on the removal of trees on NSW watercourses'.

Note Bibliography

Askey- Doran M. 1999. 'Managing and rehabilitating riparian vegetation' in *Riparian Land Management Technical Guidelines Volume Two: On-ground Management Tools and Techniques*. Price, P. & Lovett, S. (eds) LWRRDC, Canberra.

(Caterall, 1993). 'The Importance of Riparian Zones to Terrestrial Wildlife' in *Ecology and Management of Riparian Zones in Australia*. Bunn, S.E et al (eds). Proceedings of a National Workshop on research and management needs for riparian zones in Australia, Marcoola, Southeast QLD April 13-14 1993.

DEH, 2001. 'Inland Water Theme Report' in *Australian State of the Environment 2001 (Theme Report)*. Department of Environment and Heritage, Canberra.

www.deh.gov.au/soe/2001/inland

Dickson, J.G. and Williamson J.H, 1988. 'Small mammals in streamside management zones in pine plantations' 375-378 in *Management of amphibians, reptiles and small mammals in North America*. General Technical Report USDA Forest Service, RM166:1-458. Cited in Anderson S. and Masters R., (2003). *Riparian Forest Buffers*. OSU Extension Facts, Division of Agricultural Sciences and Natural Resources, Oklahoma State University.

www.ttrs.org.au/images/pdfs/f_5034%20Riparian%20Forest%20Buffers.pdf

DSNR, 2003. *Draft Riparian Corridor Management Study: covering all of the Wollongong Local Government Area and Calderwood Valley in the Shellharbour Local Government Area*. NSW Department of Sustainable Natural Resources.

GB Catchment Management Authority, 2000. Goulburn Broken Native Vegetation Plan Vol 2: Native Vegetation Retention Controls- Regional Guidelines for the Goulburn Broken Catchment Draft August 2000. Goulburn Broken Catchment Management Authority.

- Halse S.A. Jensen A. and Davis J.A., 1993. 'Riparian zone management in WA and SA: policy and practice' in *Ecology and Management of Riparian Zones in Australia*. Bunn, S.E et al (eds). Proceedings of a National Workshop on research and management needs for riparian zones in Australia, Marcoola, Southeast QLD April 13-14 1993.
- Hines H.B and the Southeast Queensland Threatened Frogs Recovery Team 2002. *Recovery plan for stream frogs of southeast Queensland 2001-2005*. Report to Environment Australia, Canberra. Queensland Parks and Wildlife Service, Brisbane.
- Jansen A. and Robertson A., 2001. 'Relationship between livestock management and the ecological condition of riparian habitats along an Australian floodplain river' in *Journal of Applied Ecology*, 38, 63-75.
- Jorgensen E. Canfield T. and Mayer P., 2002. *Research Needs in Riparian Buffer Restoration* Issue Paper Advances in Restoration Science No. 1. United States Environmental Protection Agency.
www.epa.gov/ada/download/issue/epa_600_s02_002.pdf
- Lismore City Council, 2002. *Development Control Plan No. 27 Buffer Areas*.
www.lismore.nsw.gov.au
- Lovett S. and Price P., 2001. 'Land and Water Habitats' in *Managing Riparian Lands in the Sugar Industry: a guide to principles and practices*. Sugar Research & Development Corporation/ Land & Water Australia, Brisbane.
- Lynch R.J. and Catterall C.P., 1999. 'Managing riparian land for terrestrial wildlife' in *Riparian Land Management Technical Guidelines Volume Two: On-ground Management Tools and Techniques*. Price, P. & Lovett, S. (eds) LWRRDC, Canberra.
- Munks S, 1996. *A guide to riparian vegetation and its management*. Tasmanian Department of Primary Industries and Fisheries, Hobart.
- NRE, 2002. *Victoria's Native Vegetation Management- A Framework for Action*. Department of Natural Resources and Environment. www.dse.vic.gov.au
- NRM, 2003. Nebo-Broadsound Draft Regional Vegetation Management Plan 2003. QLD Department of Natural Resources Mines and Energy.
www.nrm.qld.gov.au/vegetation/pdf/nebo_broadsound/nebo_draft_rvmp.pdf
- Prosser I. Karssies L. Ogden R. and Hairsine P., 1999. 'Using buffers to reduce sediment and nutrient delivery to streams' in *Riparian Land Management Technical Guidelines Volume Two: On-ground Management Tools and Techniques*. Price, P. & Lovett, S. (eds) LWRRDC, Canberra.
- Thompson, L. Robertson, A. Jansen, A. and Davies, P. 2003. *Identifying Best Management Practices for Riparian Habitats in Gippsland Dairy Regions: Riparian Condition and Relationships with Farm Management*. Johnstone Centre, CSU Wagga Wagga.

4 Salinity assessment

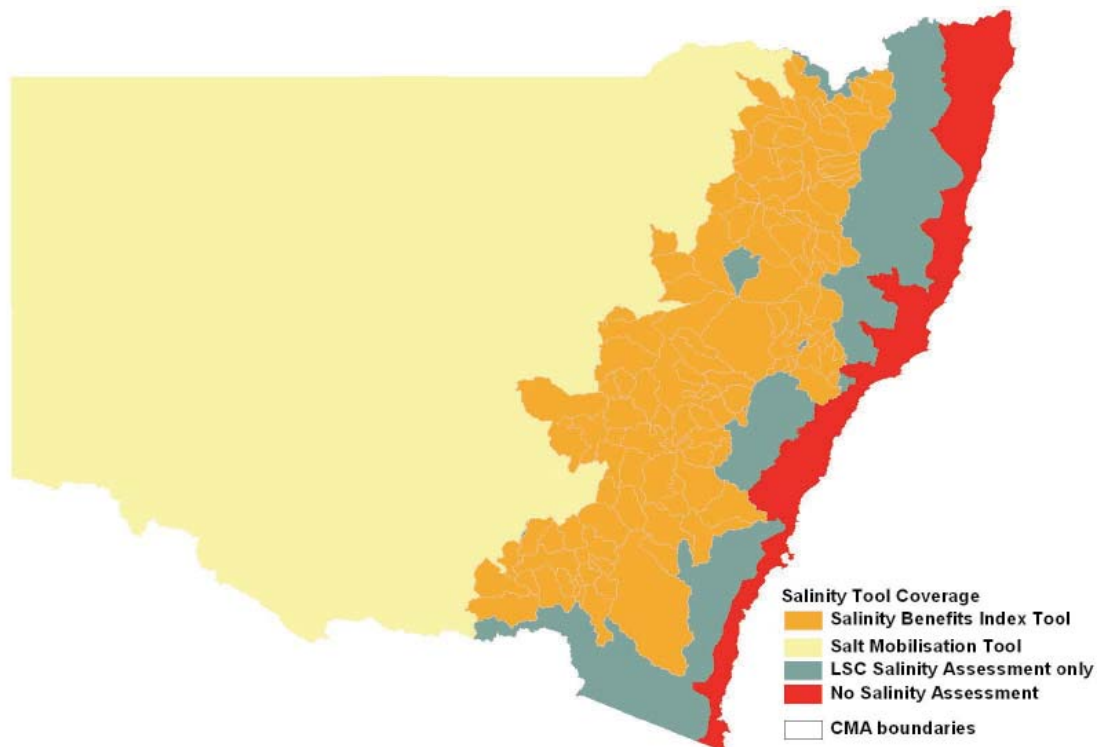
4.1 Introduction

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	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	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		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		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	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	
			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		
		Yes	6		
		No	7		
Salt outbreaks and/or scalding	Very Low; Very Low to Low	Low	Yes	3	
			No	3	
		Moderate	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	
			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		
		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:

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

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:

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

4.3.6 Local reference point

The local reference point is the nearest downstream gauging station from the list approved by the Minister. The list can be found in Tables 4.7 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 **SBI_{offset} ≥ 0** and **SBI_{offset} ≥ (SBI_{clearing} ignoring its minus sign)**, then the cumulative impact of the clearing and offset actions improve salinity outcomes;
- If **SBI_{offset} ≥ 0** and **SBI_{offset} < (SBI_{clearing} ignoring its minus sign)**, then the proposed offset provides a partial offset to the clearing impact, but the net outcome is that stream salinity is not improved or maintained. Additional or alternative salinity offsets are required;
- If **SBI_{offset} < 0**, then no salinity benefit is gained and the proposed offset does not improve or maintain stream salinity outcomes.

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

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 Minister 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:

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

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}):

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

Weighted baseflow surface

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

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

Factors Influencing salt load

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

Weighted quickflow salt load surface

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

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

Weighted baseflow salt load surface

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

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

4.4.7 Land cover change

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

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

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

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

The new exports are calculated as follows:

Quickflow

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

Baseflow

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

Quickflow Salt Load

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

Baseflow Salt Load

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

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** \geq 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 Minister 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	<i>Very High</i>	<i>High</i>
Semi arid woodlands ¹	<i>Very High</i>	<i>High</i>
Sclerophyll grassy woodlands ¹	<i>Very High</i>	<i>High</i>
Dry sclerophyll shrub/grass forest ¹	<i>Very High</i>	<i>High</i>
Dry sclerophyll shrub forest ¹	<i>Very High</i>	<i>High</i>
Forested Wetlands ¹	<i>Very High</i>	<i>High</i>
Grasslands (native) ¹	<i>High</i>	<i>Moderate</i>
Horticulture (with DIMP ²)	<i>High</i>	<i>N/A</i>
High water use pasture (e.g. lucerne)	<i>High</i>	<i>N/A</i>
Response cropping	<i>High</i>	<i>N/A</i>
Pasture with paddock trees	<i>High</i>	<i>N/A</i>
No till cropping / Deep-rooted perennial pasture rotation	<i>High</i>	<i>N/A</i>
Continuous no till cropping	<i>High</i>	<i>N/A</i>
No till winter cropping	<i>Moderate</i>	<i>N/A</i>
Crops with paddock trees	<i>Moderate</i>	<i>N/A</i>
Summer-winter cropping	<i>Moderate</i>	<i>N/A</i>
Pasture (e.g. annual grasses/medic)	<i>Moderate</i>	<i>N/A</i>
Winter cropping (with conventional fallow)	<i>Low</i>	<i>N/A</i>
Annual pasture (e.g. oats)	<i>Low</i>	<i>N/A</i>
Horticulture (with no DIMP ²)	<i>Very Low</i>	<i>N/A</i>

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:

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

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

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.

$$SMI = \Delta R * S_w$$

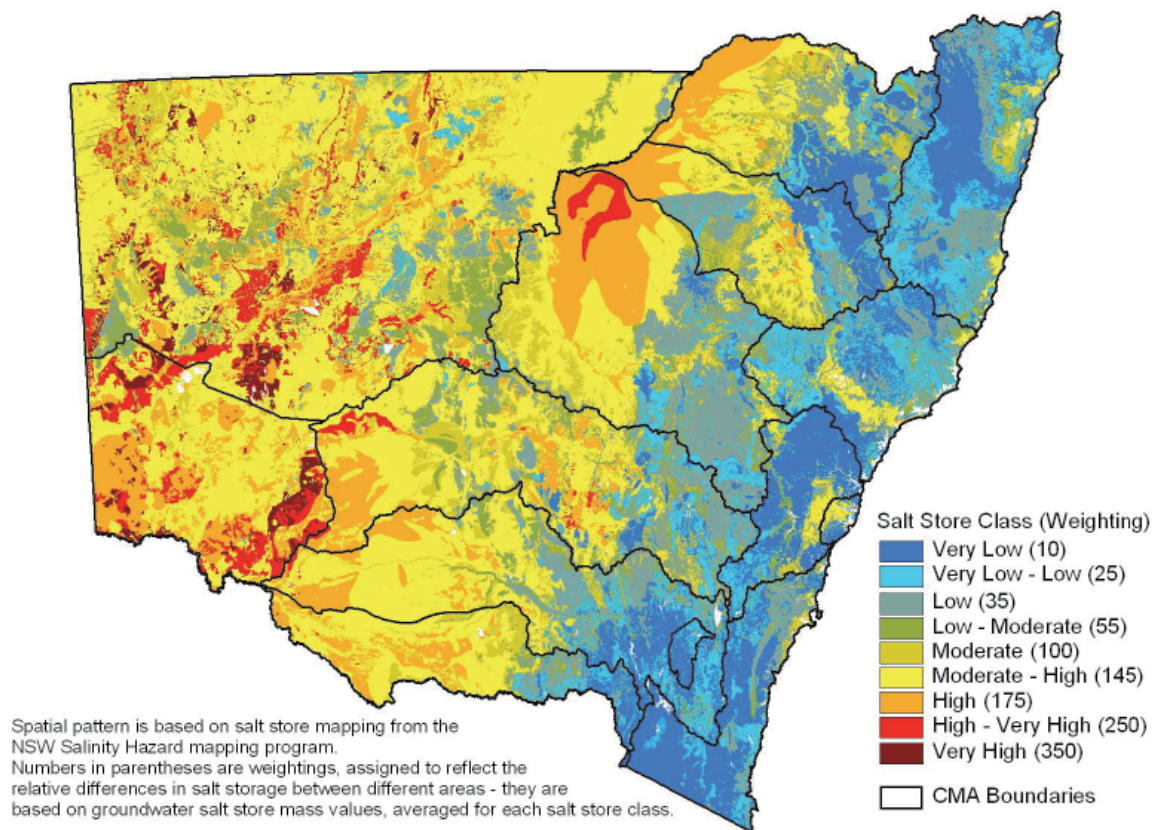
With respect to a proposal to clear native vegetation, a negative SMI value on the clearing site will indicate the need for a salt mobilisation offset and the magnitude of the SMI will indicate how large an offset is required.

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 @ Stonybattery		
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	Billabung 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)		

Note: References

- Beven, K.J. and Kirkby, M.J. (1979) A physically based, variable contributing area model of basin hydrology, *Hydrological Sciences Bulletin*, 24(1), 43-69.
- Department of Land and Water Conservation (1995) Integrated Quantity-Quality Model (IQQM) Reference Manual, NSW DLWC, Sydney
- Department of Infrastructure, Planning and Natural Resources (2005) 'NSW Salinity Hazard Assessment'. Draft Report August 2005, Sydney.
- Herron, N.F., Peterson, P. and Black, D. (2004) *The Salinity Benefits Index: A Method for Calculating the Impacts of Land Use Change on Stream Salinities*, NSW Department of Infrastructure Planning and Natural Resources, Sydney, Australia, 23pp
- Hutchinson, M.F. (1995) Interpolating mean rainfall using thin plate smoothing splines, *International Journal of Geographic Information Systems*, 9, 385-403,.
- Lyne, V.D. and M. Hollick, Stochastic time-varying rainfall-runoff modelling. Hydrology and Water Resources Symposium, Perth. Institution of Engineers, Australia, 89-92, 1979.
- Murray-Darling Basin Commission Ministerial Council (2003). Basin Salinity Management Strategy Operational Protocols. Murray-Darling Basin Commission, Canberra.
- Tuteja, N.K., Beale, G.T.H., Dawes, W., Vaze, J., Murphy, B., Barnett, P., Rancic, A., Evans, R., Geeves, G., Rassam, D.W., and Miller, M., 2003. Predicting the effects of landuse change on water and salt balance - a case study of a catchment affected by dryland salinity in NSW, Australia, *Journal of Hydrology*, Vol. 283, 1-4, pp.67-90.
- Vaze, J., Barnett, P., Beale, G.T.H., Dawes, W., Evans, R., Tuteja, N.K., Murphy, B., Geeves, G., and Miller, M., 2004. Modelling the effects of landuse change on water and salt delivery from a catchment affected by dryland salinity in south-east Australia, *Hydrological Processes*, Vol. 18, pp. 1613 - 1637.
- Zhang, L., Dawes, W. R. and Walker, G. R. (2001) The response of mean annual evapo-transpiration to vegetation changes at catchment scale, *Water Resources Research*, 37(3) 701-708.

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 Office of Environment and Heritage 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 2013 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 Office of Environment and Heritage and approved by the Director General of the Department of Premier and Cabinet (NSW).

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 Office of Environment and Heritage and approved by the Director General of the Department of Premier and Cabinet (NSW).

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 area. 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).

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

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 area. 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:

$$\text{Landscape Value}_{\text{Clearing site}} = \left(\sum_{v=a}^d (s_v w_v) \right)_{\text{Current}} - \left(\sum_{v=a}^c (s_v w_v) \right)_{\text{With proposed clearing}}$$

where:

s_v is the score for the v th variable (a - d) as defined below

w_v is the weighting for the v th 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:

$$\text{Landscape Value}_{\text{Offset site}} = \left(\sum_{v=a}^f (s_v w_v) \right)_{\text{With proposed offsets}} - \left(\sum_{v=a}^c (s_v w_v) \right)_{\text{Current}}$$

where:

s_v is the score for the v th variable (a - f) as defined below

w_v is the weighting for the v th 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 area. 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 Catchment Management Authority 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 Catchment Management Authority area, or there is no additional Site Value score.	0
Mitchell Landscape and vegetation type are both 30% or less cleared in the Catchment Management Authority 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:

$$\text{Site Value} = \sum_{z=1}^n \left(\left(\frac{\left(\sum_{v=a}^j (s_v w_v) + 5((s_a s_g) + (s_b s_i) + (s_h s_j) + (s_c s_k)) \right) \times 100}{c} \right) \times (\text{ZoneArea}) \right)_z$$

where:

z is the n th vegetation zone

s_v is the score for the v th variable (a - j) as defined in Table 5.7

w_v is the weighting for the v th 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 n th 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 <i>BioMetric</i>				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 <i>BioMetric</i> 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 Authority areas, 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 Office of Environment and Heritage and approved by the Director General of the Department of Premier and Cabinet, which includes:

- A list of genera which may be thinned in coastal Catchment Management Authority areas, and
- The maximum dbhob which may be thinned for each genus in coastal Catchment Management Authority areas.

Thinning in non-coastal Catchment Management Authority areas is not restricted by genus.

Table 5.8 Coastal Thinning Genera Database.

Genus	Maximum dbhob that may be thinned
<i>Eucalyptus</i>	30
<i>Corymbia</i>	30
<i>Angophora</i>	30
<i>Melaleuca</i>	20
<i>Casuarina</i>	20
<i>Allocasuarina</i>	20
<i>Callitris</i>	20
<i>Acacia</i>	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 (≤ 30 cm 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 Office of Environment and Heritage and approved by the Director General of the Department of Premier and Cabinet. 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 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 CMA 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'):

$$\text{Gain}^{\text{Action } i} = \text{Expected increase}^{\text{Action } i} \times \text{Amount}^{\text{Vegetation Zone } k}$$

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.

CMA sub-region. Subregion of a Catchment Management Authority area as set out in Appendix A of this Environmental Outcomes Assessment Methodology.

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 Office of Environment and Heritage 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 Office of Environment and Heritage 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.

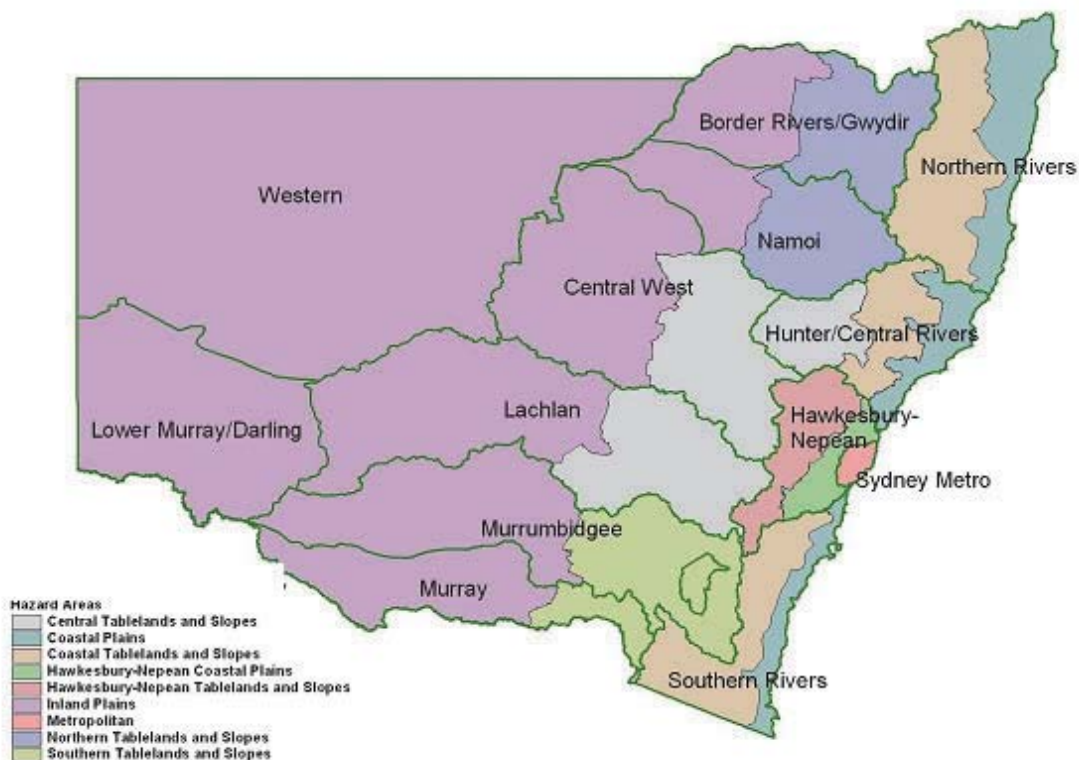
6.3.1 Identify Land and Soils Capability Zone

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 Hazard 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 Hazard 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.

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

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

6.5 Assessing water erosion hazard

- Water erosion hazard is the susceptibility of land to soil erosion by moving water.
- Rainfall erosivity and water availability for plant growth are factors that affect soil erosion. These vary significantly between different parts of the State. The Land and Soils Capability Tool uses different classes in different Catchment Hazard 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 Hazard Areas.

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

Table 6.5 Definitions of Existing Erosion Classes

Class	Definition
Nil	No sheet or gully erosion present.
Low	Minor sheet and gully erosion present.
Moderate	Moderate sheet and gully erosion present – gullies restricted to major flow lines.
High	Severe sheet and gully erosion present – rills clearly evident, subsoil and C horizons clearly exposed in many areas, clearly evident depositional areas adjacent to fences and roads - gullies are deep and active in 2 nd order streams showing branching into lower parts of 1 st order flow lines.
Very high	Severe sheet erosion present causing bare ground and scalding – subsoil and C horizons or bare rock exposed in many areas - clearly evident areas of deposition on lower slopes, adjacent to fences and roads - gullies are active and strongly branched, extending high into 1 st order flow lines – gullies often show tunnelling.
Extreme	Majority of the area is bare and scalded, usually extensive areas of active rilling and gullying present – gullies may occupy the majority of the area.

6.6 Assessing wind erosion hazard

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

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

Average annual rainfall	Wind Erodibility Class of Soil	Wind Erosive Power	Exposure to wind	Land and Soils Capability Class
> 500 mm	low	low	low	1
			moderate	1
			high	2
	moderate	low	low	1
			moderate	2
			high	3
			low	2
			moderate	3
			high	4
			high	4
	high	low	low	2
			moderate	3
			high	4
			low	2
			moderate	3
			high	4
			high	4
	moderate	low	low	3
			moderate	4
			high	5
low			2	
moderate			3	
high			4	
low			3	
moderate			4	
high			5	
high			5	
high	low	low	3	
		moderate	4	
		high	5	
		low	4	
		moderate	5	
		high	6	
		high	6	
low	low	low	2	
		moderate	2	
		high	3	
		low	2	
		moderate	3	
		high	4	
		high	3	
moderate	low	low	3	
		moderate	4	
		high	7	
300 – 500 mm	low	low	2	
		moderate	2	
		high	3	
		low	2	
		moderate	3	
		high	4	
		high	3	
moderate	low	low	3	
		moderate	4	

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

Average annual rainfall	Wind Erodibility Class of Soil	Wind Erosive Power	Exposure to wind	Land and Soils Capability Class
	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
			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 Catchment Hazard Area.
- 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 Sulphate 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

Note: References

- Gunn, R.H., Beattie, J.A., Reid, R.E. and van de Graaff, R.H.M. (Eds) 1988. *Australian Soil and Land Survey Handbook: Guidelines for Conducting Surveys*. Inkata Press, Melbourne.
- McKenzie, N.J., Coughlan, K.J. and Cresswell, H.P. (Eds) 2002. *Soil Physical Measurement and Interpretation for Land Evaluation*. Australian Soil and Land Survey Handbook Series, Vol 5. CSIRO Publishing, Collingwood.
- Charman, P.E.V. and Murphy, B.W. 2000. *Soils: Their Properties and Management*. Second Edition. Oxford University Press, Melbourne and NSW Department of Land and Water Conservation, Sydney.
- Emery, K. 1985. *Rural Land Capability*. Soil Conservation Service of NSW.
- Hannam, I.D. and Hicks, R.W. 1980. 'Soil conservation and land use planning', *Journal of Soil Conservation, NSW* 36: 135-145.
- Klingebiel, A.A. and Montgomery, P.H. 1961. *Land Capability Classification, Agriculture Handbook No. 210*. Soil Conservation Service, U.S. Department of Agriculture, Washington, DC.
- Lee, L.K. and Goebel, J. 1984. *The Use of the Land Capability Classification System to Define Erosion Potential on Cropland*. A & P Staff Report No. 85-1. Soil Conservation Service, Washington, DC.
- Leys, J.F., Craven, P., Murphy, S., Clark, P. and Anderson, R. 1994. 'Integrated resource management of the Mallee of South-Western New South Wales'. *Australian Journal of Soil and Water Conservation*, 7(3), 10-19.
- Peverill, K.I. 1999. *Soil Analysis: An Interpretation Manual*. CSIRO Publishing, Canberra.

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 Minister. 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 Minister, 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 Minister. 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 Minister).
- 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 Minister 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 Minister) and the groundcover consists of greater than 75% (or higher percentage as determined by the Minister) native groundcover.
 - c) Groundcover is maintained in perpetuity on land initially cleared by this type of clearing from the date the Minister 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 Minister must certify in writing that he or she 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 Minister 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 Minister) and the groundcover consists of greater than 75% (or higher percentage as determined by the Minister) native groundcover.
 - c) Groundcover is maintained in perpetuity on land initially cleared by this type of clearing from the date the Minister 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 Minister 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 Minister 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 Minister) and the groundcover consists of greater than 75% (or higher percentage as determined by the Minister) native groundcover.
 - c) Groundcover is maintained in perpetuity on land cleared by this type of clearing from the date the Minister 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 Minister 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 Minister 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 Minister) and the groundcover consists of greater than 75% (or higher percentage as determined by the Minister) native groundcover.
- c) Groundcover is maintained in perpetuity on land initially cleared by this type of clearing from the date the Minister 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 Minister 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 Minister 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 Minister 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 Minister 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 Minister, 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 3.1 of 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 Minister.
- 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 Minister 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 Minister may use his or her 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 Minister, 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 Minister, 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 area – 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 Hobbush)	None prescribed	No	n/a	All
Border Rivers/ Gwydir--BBS	Dodonea viscosa subsp. spatulata (Broadleaf Hobbush)	None prescribed	No	n/a	All

Catchment Management Authority area – 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	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
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 Hobbush)	None prescribed	No	n/a	All
Border Rivers/ Gwydir--DRP	Dodonea viscosa subsp. spatulata (Broadleaf Hobbush)	None prescribed	No	n/a	All

Catchment Management Authority area – 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	<i>Vachellia farnesiana</i> (Mimosa)	None prescribed	No	n/a	All
Border Rivers/ Gwydir--NAN	<i>Acacia deanei</i> (Deane's Wattle)	none prescribed	No	n/a	All
Border Rivers/ Gwydir--NAN	<i>Callitris endlicheri</i> (Black Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Border Rivers/ Gwydir--NAN	<i>Callitris glaucophylla</i> (White Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Border Rivers/ Gwydir--NAN	<i>Cassinia arcuata</i> (Sifton Bush)	none prescribed	No	n/a	All
Border Rivers/ Gwydir--NAN	<i>Leptospermum brevipes</i> (Grey Teatree, Teatree)	none prescribed	No	n/a	All
Border Rivers/ Gwydir--NAN	<i>Olearia elliptica</i> (Sticky Daisy Bush, Peach Bush)	none prescribed	No	n/a	All
Border Rivers/ Gwydir--NAN	<i>Cassinia quinquefaria</i>	None prescribed	No	n/a	All
Border Rivers/ Gwydir--NAN	<i>Cassinia laevis</i>	None prescribed	No	n/a	All
Border Rivers/ Gwydir--NAN	<i>Dodonea viscosa</i> subsp. <i>angustissima</i> (Narrowleaf Hopbush)	None prescribed	No	n/a	All
Border Rivers/ Gwydir--NAN	<i>Dodonea viscosa</i> subsp. <i>spatulata</i> (Broadleaf Hopbush)	None prescribed	No	n/a	All
Border Rivers/ Gwydir--NAN	<i>Vachellia farnesiana</i> (Mimosa)	None prescribed	No	n/a	All
Border Rivers/ Gwydir--NET	<i>Leptospermum brevipes</i> (Grey Teatree, Teatree)	none prescribed	No	n/a	All
Border Rivers/ Gwydir--NET	<i>Cassinia laevis</i>	None prescribed	No	n/a	All

Catchment Management Authority area – 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--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
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 (Eurrah)	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	Nitratia billardierei (Dillon Bush)	none prescribed	No	n/a	All
Central West--All	Senna form taxon 'artemisooides' (Silver Cassia)	none prescribed	No	n/a	All

Catchment Management Authority area – 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	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
Central West--All	Sclerolaena muricata (Black Rolypoly)	none prescribed	No	n/a	All
Central West--All	Acacia homalophylla (Yarran)	none prescribed	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

Catchment Management Authority area – 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	Cassinia arcuata (Sifton Bush)	none prescribed	No	n/a	All
Lachlan--All	Dodonea viscosa subsp angustissima (Narrowleaf Hobbush)	none prescribed	No	n/a	All
Lachlan--All	Dodonea viscosa subsp. spatulata (Broadleaf Hobbush)	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 Rollypoly)	None prescribed	No	n/a	All
Lower Murray / Darling--All	Dodonea viscosa subsp angustissima (Narrowleaf Hobbush)	none prescribed	No	n/a	All
Lower Murray / Darling--All	Dodonea viscosa subsp. spatulata (Broadleaf Hobbush)	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

Catchment Management Authority area – 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	
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
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	Nitratia 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 Hoppush)	none prescribed	No	n/a	All
Murrumbidgee--All	Dodonea viscosa subsp. spatulata (Broadleaf Hoppush)	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

Catchment Management Authority area – 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	
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
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

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		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	<i>Dodonea viscosa</i> subsp. <i>spatulata</i> (Broadleaf Hopbush)	None prescribed	No	n/a	All
Namoi--All	<i>Eremophila bignoniiflora</i> (Eurah)	None prescribed	No	n/a	All
Namoi--All	<i>Eremophila longifolia</i> (Emu Bush)	None prescribed	No	n/a	All
Namoi--All	<i>Eremophila mitchellii</i> (Budda, False Sandalwood)	None prescribed	No	n/a	All
Namoi--All	<i>Sclerolaena birchii</i> (Galvanised Burr)	None prescribed	No	n/a	All
Namoi--All	<i>Sclerolaena muricata</i> (Black Rollypoly)	None prescribed	No	n/a	All
Namoi--All	<i>Vachellia farnesiana</i> (Mimosa)	none prescribed	No	n/a	All
Southern Rivers--All	<i>Kunzea ericoides</i> (Burgan)	none prescribed	No	n/a	All
Southern Rivers--All	<i>Kunzea parvifolia</i> (Violet Kunzea)	none prescribed	No	n/a	All
Southern Rivers--All	<i>Acacia mearnsii</i> (Black Wattle)	none prescribed	No	n/a	All
Southern Rivers--All	<i>Bursaria spinosa</i> (Blackthorn)	none prescribed	No	n/a	All
Southern Rivers--All	<i>Cassinia arcuata</i>	none prescribed	No	n/a	All
Western--BBS	<i>Acacia aneura</i> (Mulga)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--BBS	<i>Callitris endlicheri</i> (Black Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Western--BBS	<i>Callitris glaucophylla</i> (White Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Western--BBS	<i>Dodonea viscosa</i> subsp. <i>angustissima</i> (Narrowleaf Hopbush)	none prescribed	No	n/a	All

Catchment Management Authority area – 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	<i>Dodonea viscosa</i> subsp. <i>spatulata</i> (Broadleaf Hobbush)	none prescribed	No	n/a	All
Western--BBS	<i>Eremophila mitchellii</i> (Budda, False Sandalwood)	none prescribed	No	n/a	All
Western--BBS	<i>Eremophila sturtii</i> (Turpentine)	none prescribed	No	n/a	All
Western--BBS	<i>Eucalyptus coolabah</i> (Coolibah)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--BBS	<i>Eucalyptus largiflorens</i> (Black Box)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--BBS	<i>Eucalyptus populnea</i> (Bimble Box, Poplar Box)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--BBS	<i>Senna</i> form taxon ' <i>artemisioides</i> ' (Silver Cassia)	none prescribed	No	n/a	All
Western--BBS	<i>Senna</i> form taxon ' <i>filifolia</i> ' (Punty Bush)	none prescribed	No	n/a	All
Western--BBS	<i>Casuarina cristata</i> (Belah)	20 (Total under 20cm dbh)	Yes	20cm	a-c
Western--BBS	<i>Eremophila bignoniiflora</i> (Eurah)	None prescribed	No	n/a	All
Western--BBS	<i>Geijera parviflora</i> (Wilga)	20 (Total under 20cm dbh)	n/a	20cm	a-c
Western--BBS	<i>Vachellia farnesiana</i> (Mimosa)	none prescribed	No	n/a	All
Western--BHC	<i>Acacia aneura</i> (Mulga)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--BHC	<i>Dodonea viscosa</i> subsp. <i>angustissima</i> (Narrowleaf Hobbush)	none prescribed	No	n/a	All
Western--BHC	<i>Eremophila sturtii</i> (Turpentine)	none prescribed	No	n/a	All
Western--BHC	<i>Senna</i> form taxon ' <i>artemisioides</i> ' (Silver Cassia)	none prescribed	No	n/a	All
Western--BHC	<i>Senna</i> form taxon ' <i>filifolia</i> ' (Punty Bush)	none prescribed	No	n/a	All
Western--BHC	<i>Dodonea viscosa</i> subsp. <i>spatulata</i> (Broadleaf Hobbush)	None prescribed	No	n/a	All

Catchment Management Authority area – 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--BHC	<i>Eremophila mitchellii</i> (Budda)	None prescribed	No	n/a	All
Western--DRP	<i>Acacia aneura</i> (Mulga)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--DRP	<i>Acacia stenophylla</i> (Black Wattle)	none prescribed	No	n/a	All
Western--DRP	<i>Callitris endlicheri</i> (Black Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Western--DRP	<i>Callitris glaucophylla</i> (White Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Western--DRP	<i>Dodonea viscosa</i> subsp. <i>angustissima</i> (Narrowleaf Hopbush)	none prescribed	No	n/a	All
Western--DRP	<i>Dodonea viscosa</i> subsp. <i>spatulata</i> (Broadleaf Hopbush)	none prescribed	No	n/a	All
Western--DRP	<i>Eremophila longifolia</i> (Emu Bush)	none prescribed	No	n/a	All
Western--DRP	<i>Eremophila mitchellii</i> (Budda, False Sandalwood)	none prescribed	No	n/a	All
Western--DRP	<i>Eremophila sturtii</i> (Turpentine)	none prescribed	No	n/a	All
Western--DRP	<i>Eucalyptus coolabah</i> (Coolibah)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--DRP	<i>Eucalyptus largiflorens</i> (Black Box)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--DRP	<i>Eucalyptus populnea</i> (Bimble Box, Poplar Box)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--DRP	Senna form taxon ' <i>artemisoides</i> ' (Silver Cassia)	none prescribed	No	n/a	All
Western--DRP	Senna form taxon ' <i>filifolia</i> ' (Punty Bush)	none prescribed	No	n/a	All
Western--DRP	<i>Casuarina cristata</i> (Belah)	20 (Total under 20cm dbh)	Yes	20cm	a-c
Western--DRP	<i>Eremophila bignoniiflora</i> (Eurah)	None prescribed	No	n/a	All
Western--DRP	<i>Muehlenbeckia cunninghamii</i> (Lignum)**	None prescribed	No	n/a	a

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		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	<i>Sclerolaena birchii</i> (Galvanised Burr)	None prescribed	No	n/a	All
Western--DRP	<i>Sclerolaena muricata</i> (Black Rolypoly)	None prescribed	No	n/a	All
Western--DRP	<i>Vachellia farnesiana</i> (Mimosa)	none prescribed	No	n/a	All
Western--CC	<i>Dodonea viscosa</i> subsp <i>angustissima</i> (Narrowleaf Hobbush)	none prescribed	No	n/a	All
Western--CC	<i>Eremophila duttonii</i> (Harlequin Fuchsia Bush)	none prescribed	No	n/a	All
Western--CC	<i>Eremophila mitchellii</i> (Budda, False Sandalwood)	none prescribed	No	n/a	All
Western--CC	<i>Eremophila sturtii</i> (Turpentine)	none prescribed	No	n/a	All
Western--CC	<i>Senna</i> form taxon 'filifolia' (Punty Bush)	none prescribed	No	n/a	All
Western--CP	<i>Acacia aneura</i> (Mulga)	20 (Total under 20cm dbh)	Yes	20cm	All
Western--CP	<i>Callitris endlicheri</i> (Black Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Western--CP	<i>Callitris glaucophylla</i> (White Cypress)	20 (Total under 20cm dbh)	No	20cm	All
Western--CP	<i>Dodonea viscosa</i> subsp <i>angustissima</i> (Narrowleaf Hobbush)	none prescribed	No	n/a	All
Western--CP	<i>Dodonea viscosa</i> subsp. <i>spatulata</i> (Broadleaf Hobbush)	none prescribed	No	n/a	All
Western--CP	<i>Eremophila longifolia</i> (Emu Bush)	none prescribed	No	n/a	All
Western--CP	<i>Eremophila mitchellii</i> (Budda, False Sandalwood)	none prescribed	No	n/a	All
Western--CP	<i>Eremophila sturtii</i> (Turpentine)	none prescribed	No	n/a	All

Catchment Management Authority area – 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	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 Hobbush)	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
Western--ML	Eremophila sturtii (Turpentine)	none prescribed	No	n/a	All

Catchment Management Authority area – 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	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
Western--MDD	Dodonea viscosa subsp. spatulata (Broadleaf Hopbush)	None prescribed	No	n/a	All

Catchment Management Authority area – 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	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
<i>Medicago sativa</i> (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.

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 -

$\{(Change\ in\ percent\ cover\ in\ 1000\ ha\ circle\ with\ clearing\ x\ 11) + (Change\ in\ percent\ cover\ in\ 100\ ha\ circle\ with\ clearing\ x\ 9) + (Change\ in\ connectivity\ value\ with\ clearing\ x\ 8) + (Change\ in\ total\ adjacent\ remnant\ area\ with\ clearing\ x\ 6)\} / maximum\ Landscape\ Value\ (ie,\ [11+9+8+6] \times 12)$, 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 Catchment Management Authority 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 Catchment Management Authority 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 Minister may use his or her judgement to vary the management actions in Appendix B of Chapter 6 to suit local conditions to prevent land degradation.

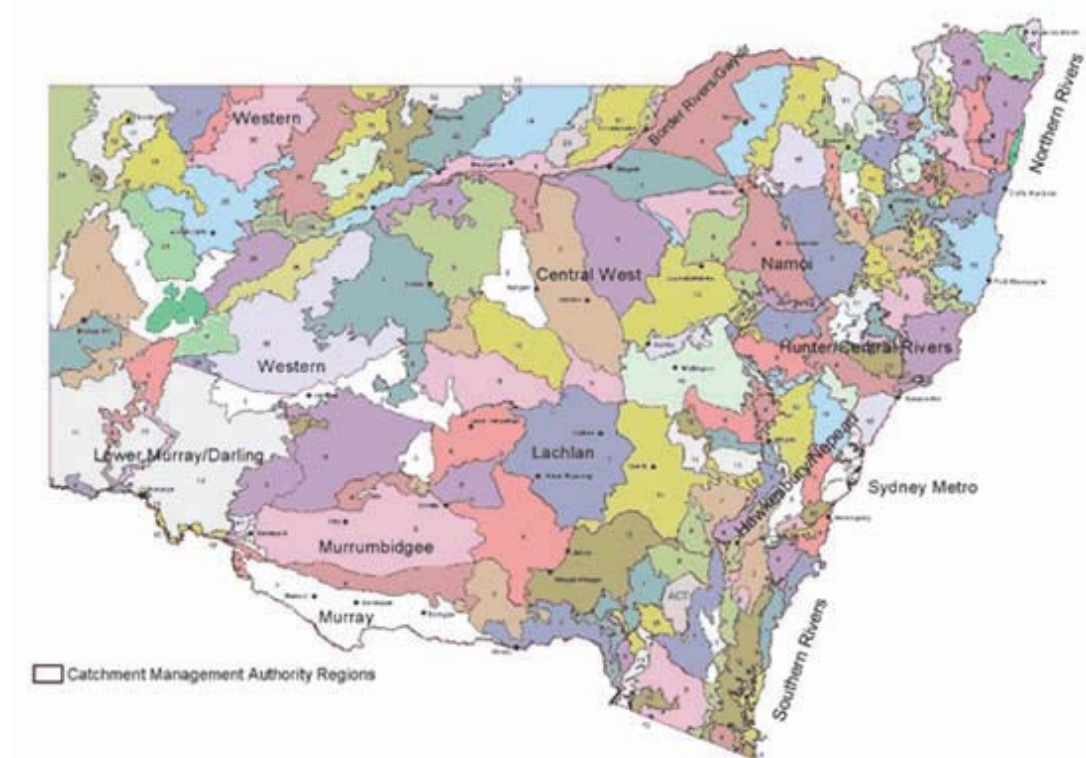
Note: (i) Under Chapter 6, where the vegetation proposed to be cleared is on land that falls within Land and Soil Capability Class 3 to 6, then the relevant management actions in Appendix B are applied to the proposed clearing.

(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 Anabranh
5	Lachlan
6	Menindee
7	Murray Scroll Belt
9	Pooncarie-Darling
10	Robinvale Plains

11	South Olary Plain, Murray Basin Sands
Murray	
1	Bondo
2	Lower Slopes
3	Murray Fans
4	Murrumbidgee
5	New South Wales Alps
6	South Olary Plain, Murray Basin Sands
7	Upper Slopes
Murrumbidgee	
1	Bondo
2	Darling Depression
3	Kybeyan - Gourrock
4	Lachlan
5	Lachlan Plains
6	Lower Slopes
7	Monaro
8	Murrumbateman
9	Murrumbidgee
10	New South Wales Alps
11	South Olary Plain, Murray Basin Sands
12	Upper Slopes
Namoi	
1	Castlereagh-Barwon
2	Eastern Nandewars
3	Kaputar
4	Liverpool Plains
5	Liverpool Range
6	Northern Basalts
7	Peel
8	Pilliga
9	Pilliga Outwash
10	Walcha Plateau
Northern Rivers	
1	Armidale Plateau
2	Carrai Plateau
3	Cataract

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

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

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

Hazard	Class	Management Action
Salinity	3	Run the Salinity Benefits Index Tool to ensure no net disbenefit
Salinity	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 Catchment Management Authority areas: 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

Hazard	Class	Management Action
Wind Erosion	3	If cropping: no burning of stubble, maintain 50% groundcover, minimal cultivation with reduced speed of implements, adequate fertiliser, direct seeding
Wind Erosion	3	If grazing: use controlled grazing, minimal cultivation to establish pasture and suitable pasture rotations
Wind Erosion	3	If cropping or grazing: install wind breaks
Wind Erosion	4	Use conservation farming practices
Wind Erosion	4	If cropping: limited to 3 years in 10
Wind Erosion	4	If cropping: no burning of stubble, maintain 50% groundcover, minimal cultivation with reduced speed of implements, adequate fertiliser, direct seeding
Wind Erosion	4	If grazing: use controlled grazing, minimal cultivation to establish pasture and suitable pasture rotations
Wind Erosion	4	If cropping or grazing: install wind breaks
Wind Erosion	5	No cultivation or cropping
Wind Erosion	5	If grazing: manage pasture to maintain groundcover, including use of adequate fertiliser
Wind Erosion	6	No cultivation or cropping
Wind Erosion	6	If grazing: manage to maintain groundcover, including use of adequate fertiliser
Soil Structure Decline	3	Use conservation farming practices
Soil Structure Decline	3	If cropping: no stubble burning (retain and incorporate stubble), and use controlled traffic, minimal cultivation, direct seeding, adequate fertiliser, adequate soil ameliorant (lime), & recommended rotation and length of pasture phases
Soil Structure Decline	3	If grazing: use controlled grazing, manage pasture to maintain groundcover and biomass to protect soil structure, adequate soil ameliorant (lime)
Soil Structure Decline	4	Use conservation farming practices
Soil Structure Decline	4	If cropping: limited to 3 years in 10
Soil Structure Decline	4	If cropping: no stubble burning (maintain 50% groundcover), controlled traffic, reduced speed of cultivation, minimal cultivation, direct seeding, adequate fertiliser, adequate soil ameliorant (lime)
Soil Structure Decline	4	If grazing: use controlled grazing, suitable pasture rotations, manage pasture to maintain groundcover and biomass to protect soil structure, use adequate fertiliser & soil ameliorant (lime)
Soil Structure Decline	5	No cultivation or cropping
Soil Structure Decline	5	If grazing: manage pasture to maintain groundcover and biomass to protect soil structure, use adequate fertiliser & soil ameliorant (lime)

Hazard	Class	Management Action
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
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

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

**TOTALIZATOR ACT 1997 (NEW SOUTH WALES)
AMENDMENTS TO TAB LIMITED TOTALIZATOR BETTING RULES**

In accordance with the provisions of section 54 of the *Totalizator Act 1997*, the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts has approved of the following TAB Limited Totalizator Betting Rules. These rules commence on and from 29 November 2013.

**Totalizator Rules
Originally gazetted 9 March 2007
Later amended by gazettal on 29 November 2013**

TABLE OF CONTENTS

1.	PRELIMINARY	1
1.1	Application	1
1.2	Commencement	2
1.3	Agreement to rules	2
1.4	Powers of TAB and determination of matters	2
1.5	Definitions	2
1.6	Interpretation	12
2.	INVESTMENTS.....	12
2.1	How to make a bet	12
2.2	Acceptance and payment for bets	13
2.3	Bets accepted after start of race or sports betting event	13
2.4	Amount of bets and minimum bet	13
2.5	Flexi bets	14
2.6	Cash bets	14
2.7	Telephone bets	18
2.8	Device bets	20
2.9	Betting accounts	21
2.10	Betting vouchers	23
2.11	Certificate as to records	24
2.12	Removal of certain persons from TAB outlets	24
2.13	Betting by minors	24
3.	RESULTS, DIVIDENDS AND REFUNDS.....	24
3.1	Result of race or sports betting event	24
3.2	Payment of dividends	24
3.3	Protests, objections and recontested events	25
3.4	Calculation of dividends	26
3.5	Dividends and refunds to be paid on presentation of tickets	26
3.6	Payment of dividends, refunds and betting account balances	27
3.7	Claims concerning dividends or refunds	28
3.8	Claims concerning records of telephone bets	29
3.9	Lost, destroyed, mutilated and stolen ticket claims	29
3.10	Information to accompany claims	30
3.11	Review of decisions on a claim	30
4.	RACING EVENT TOTALIZATORS - GENERAL RULES	31
4.1	Commission deduction	31
4.2	Refunds	31
4.3	Application of minimum dividend provisions in certain cases	33
4.4	Out of sequence races and re-runs of races	33
4.5	Declaration of Less than Three Placings	33
4.6	Pool Guarantee	33
5.	WIN AND PLACE TOTALIZATORS	34
5.1	Opening and termination of win and place totalizator pools	34
5.2	Win pool dividends	34
5.3	Place pool 2 dividend races	35
5.4	Place pool 3 dividend races	36
5.5	Deficiency in place pool	39
6.	QUINELLA TOTALIZATORS	41
6.1	Opening and termination of quinella totalizator pool	41
6.2	Quinella pool dividends	41

7.	EXACTA TOTALIZATORS	44
7.1	Opening and termination of exacta totalizator pool	44
7.2	Exacta pool dividends	44
8.	TRIFECTA TOTALIZATORS	47
8.1	Opening and termination of trifecta totalizator pool	47
8.2	Trifecta pool dividends	47
9.	FIRST 4 TOTALIZATORS	51
9.1	First 4 race	51
9.2	Opening and termination of first 4 totalizators	51
9.3	First 4 pool dividends	51
10.	DOUBLES TOTALIZATORS	55
10.1	Doubles Races	55
10.2	Opening and termination of doubles totalizator pool	55
10.3	Doubles pool dividends	55
11.	QUADDIE TOTALIZATOR	59
11.1	Quaddie	59
11.2	Opening and termination of quaddie totalizator pool	59
11.3	Quaddie pool dividends	59
12.	DUET TOTALIZATOR	63
12.1	Opening and termination of duet totalizator pool	63
12.2	Duet pool dividends	63
12.3	Deficiency in duet totalizator pool	69
13.	BIG6	70
13.1	BIG6 Totalizator	70
13.2	Opening and termination of BIG6 totalizator pool	70
13.3	BIG6 pool dividends	70
14.	PARLAY BETTING	75
14.1	Establishment of parlay betting records	75
14.2	Races to which parlay bets relate	75
14.3	Dividends and refunds on parlay bets	75
14.4	Races postponed or run out of sequence	76
15.	WAGERING ON USA RACING EVENTS	76
15.1	Application	76
15.2	Definitions for USA racing events	77
15.3	Declaration of placings	77
15.4	Bracketed contestants	78
16.	FOOTYTAB	78
16.1	Commission deduction	78
16.2	Definitions for footyTAB	79
16.3	Games, investments, refunds and results	81
17.	COMMISSION DEDUCTIONS	92
17.1	Relevant maximum percentage of commission	92
17.2	Commission Rate Table	92

RULES FOR THE CONDUCT OF TOTALIZATORS

1. PRELIMINARY

1.1 Application

1.1.1 Unless otherwise provided, these rules:

- (a) apply in respect of any totalizator conducted by TAB for betting on any racing or sports event or contingency in accordance with sections 14 or 15 of the Act; and
- (b) must, pursuant to section 58 (2) of the Act, be complied with by any racing club in respect of any on-course totalizator conducted by it (whether as a domestic totalizator or where bets are received as agent for TAB) for betting on a racing event or contingency at a racecourse in accordance with section 15 of the Act.

1.1.2 These rules:

- (a) only apply to TAB in so far as they relate to a totalizator conducted by TAB; and
- (b) do not apply to TAB to the extent the Minister approves, either under the Act or under the terms of TAB's off-course totalizator licence, that the rules of another entity conducting totalizator betting outside of New South Wales will apply.

1.1.3 Unless the context otherwise requires or, except to the extent the racing club's own rules made by the Minister under the Act specifically exclude these rules then references in these rules:

- (a) to TAB include a reference to a racing club conducting an on-course totalizator;
- (b) to the rights, powers, actions, determinations or obligations of TAB includes a reference to the rights, powers, actions, determinations or obligations of a racing club conducting an on-course totalizator; and
- (c) to an operator in a TAB outlet includes a reference to an operator at a racing club conducting a domestic totalizator.

1.1.4 Transactions conducted at or through a TAB outlet (including via a betting account) are subject where appropriate to the rules of racing, including the provisions in respect to the entry, acceptance, bracketing, withdrawal, or disqualification of persons, animals or teams or objects, to the running of races, the conduct of race meetings, to the powers of the stewards (including but not limited to the powers of stewards to request the disclosure of personal information pertaining to accounts or transactions) or any other tribunal, and to the procedures governing the operation of the totalizators.

-
- 1.1.5 If the stewards request the disclosure of personal information pertaining to accounts or transactions, the investor shall be deemed for the purposes of the Act to have consented to the TAB providing such personal information to the stewards.

1.2 Commencement

These rules commence on 15 August 2005 (as amended from time to time by notice in the Government Gazette).

1.3 Agreement to rules

Every person who makes a bet with TAB, or racing club conducting an on-course totalizator, is deemed to be acquainted with and agrees to be bound by these rules and the Act.

1.4 Powers of TAB and determination of matters

- 1.4.1 If in relation to a race or sports betting event, any circumstance should arise or event happen that is not provided for by these rules or the Act, the matter is to be dealt with in the manner as TAB, (or in the case of a domestic totalizator the committee or the stewards) may determine.

- 1.4.2 Subject to these rules, all decisions made by TAB concerning any race or sports betting event, including the declaration and payment of dividends and the interpretation of these rules, will be final and binding on all persons who make a bet on a totalizator and on every person making a claim under or in respect of these rules.

- 1.4.3 Subject to these rules, the decision of TAB on:

- (a) any question or dispute as to the amount of dividend or refund payable in respect of any bet; or
- (b) any question as to the genuineness of any betting ticket or any forgery, alteration of, or tampering with a betting ticket;

will be final and conclusive. A person may seek the advice or opinion of the NSW Office of Liquor, Gaming and Racing on any question or dispute decided upon by TAB under this rule.

- 1.4.4 A decision made under this clause by the committee of a racing club conducting a domestic totalizator (or by the stewards overseeing the relevant race meeting) into which bets are paid by another racing club is binding on the committee of that other racing club and the stewards overseeing its meeting.

1.5 Definitions

In these rules:

“**aggregate amount**” see clause 3.6.5;

- 3 -

“all-up bet” means:

- (a) a parlay bet with a formula number that is equal to the number of races within that parlay bet; or
- (b) a bet:
 - (i) made on the chance of winning a series of bets made on a series of win and place totalizators or other totalizators as determined by TAB;
 - (ii) in which the amount of the bet in respect of the second or any subsequent totalizator is the amount of the dividend or refund (if any) on the previous totalizator;

“backed” means a bet has been made on the contestant, finisher or combination as the case may be;

“bad sale” means a bet not paid for after close of betting;

“betting account” see clause 2.9;

“betting ticket” or **“ticket”** see clause 2.6.2 to 2.7;

“betting voucher” see clause 2.10;

“BIG6” means a combination of 6 races declared to be a BIG6 by an order under clause 13.1.

“BIG6 totalizator” means a totalizator for persons to bet on a BIG6 with a view to successfully predicting the contestants that will be placed first in the 6 races of the BIG6.

“cash bet” means a bet made, whether by means of cash, betting voucher or electronic funds transfer, by a person who attends at a TAB outlet or at a NSW racecourse where a domestic totalizator is conducted by a racing club;

“close of betting” means:

- (a) in relation to a race:
 - (i) the start of the race (being, in the case of a greyhound race, the start of the lure); or
 - (ii) such other time as TAB may direct in relation to a particular race or class of races or in relation to any particular circumstance or class of circumstances; and
- (b) in relation to a sports betting event:
 - (i) the start of the event; or
 - (ii) such other time as TAB may direct in relation to a particular event or class of events or in relation to any particular circumstance or class of circumstances;

“code” means Thoroughbred or Harness or Greyhound racing.

“code exclusive” means a BIG6 with races scheduled on one code only.

“Commission” means the amount the licensee may deduct, or cause to be deducted, as commission out of the total amount invested in each totalizator conducted by the licensee on one or more events or contingencies, and is an amount not exceeding the amount prescribed in the table at clause 17 of these Rules and in accordance with Part 6 of the Act, in respect of a totalizator of that class and description.

“committee” means in relation to a race meeting, the committee of the racing club holding the race meeting;

“contestant” means in relation to a race, a horse or greyhound entered for the race at the opening of betting on the race, but does not include a horse or greyhound that is subsequently scratched from the race;

“contestant number” means the number allocated by TAB, or a racing club conducting a domestic totalizator, to a contestant in respect of a race and displayed on a notice at the TAB outlet or racecourse (as the case may be);

“cross-code” means events involving more than one code.

“declaration of correct weight” includes:

- (a) the all clear signal in respect of a harness racing race; and
- (b) the payout signal in respect of a greyhound race;

“device bet” means a bet where the details of the bet are instructed by way of a device or electronic data transfer means including by:

- (a) use of a telephone and interactive voice recognition or by a telephone keypad; or
- (b) use of a computer and the Internet; or by any other technology means approved by TAB from time to time;

“distribution of investments” means the distribution of money invested in totalizators conducted by the TAB in respect of race meetings and sports betting events.

“dividend pool” means the total moneys paid into the totalizator on any race or sports betting event:

- (a) less any money to be refunded to investors pursuant to these rules;
- (b) subject to conditions related to notification to the OLGR and electronic lodgement agreed in writing between TAB and OLGR, less any money refunded to a participating jurisdiction, as a result of any communication or technical failure, which TAB may choose to either:
 - (i) exclude monies received from the guest on Trifecta, Quaddie, First4, and Big6 at its sole discretion; and,
 - (ii) retain monies received from the guest on bet types Win, Place, Quinella, Doubles, Duet, and Exacta up until the last complete progress or final transmission received from the guest.
- (c) less Commission deducted; and
- (d) after making any other adjustment required by the Act, or these rules;

“domestic totalizator” means an on-course totalizator which is conducted at a New South Wales racecourse by a racing club on an event where TAB does not conduct a totalizator in respect of the same event;

“double” means a combination of 2 races declared to be a double by an order under clause 10.1;

“double type” includes, in relation to a double, a running double, daily double and any other double declared by TAB or a racing club conducting a domestic totalizator;

“doubles totalizator” means a totalizator for persons to bet on a double with a view to successfully predicting the contestants that will be placed first in the first and second legs of the double;

“duet race” means a race on which a duet totalizator is conducted;

“duet totalizator” means a totalizator for persons to bet on a race with a view to successfully predicting, regardless of order, any two of the contestants that will place first, second and third in the race;

“exacta race” means a race on which an exacta totalizator is conducted;

“exacta totalizator” means a totalizator for persons to bet on a race with a view to successfully predicting, in the correct order, the contestants that will place first and second in the race;

“event” includes a contingency;

“flexi bet” means a bet on a type of totalizator as set out in clause 2.5 where the amount of the investment on each combination covered by the bet is not equal to a unit of investment or a whole number multiple of the unit of investment;

“finisher” means in relation to a race, a starter that completes the race, but excludes a starter that is disqualified or declared a non-starter before the declaration of correct weight for the race;

“first 4 race” means a race declared to be a first 4 race by an order under clause 9;

“first 4 totalizator” means a totalizator for persons to bet on a first 4 race with a view to successfully predicting, in the correct order, contestants that will place first, second, third and fourth in the race;

“formula number” means the number of races within the parlay bet that must result in a dividend or refund in order for the parlay bet to be successful;

“investor” means a person who pays for and makes a bet which is accepted by TAB, or a racing club conducting an on-course totalizator;

“investment pool” means the total moneys paid into a trifecta, first 4, quaddie or BIG6 totalizator less any money to be refunded to investors pursuant to these rules;

“jackpot allocation table” means the following table:

Meeting Class	Definition
NSW Metropolitan Race	A horse race held in New South Wales and conducted by a club that is licensed to conduct race meetings at one of the following racecourses: Royal Randwick; Rosehill Gardens; Warwick Farm; or Canterbury Park.
NSW/ACT Non-Metropolitan Race	A horse race held in New South Wales or Australian Capital Territory that is not defined in this table as a NSW Metropolitan Race.
VIC Metropolitan Race	A horse race held in Victoria and conducted by a club that is licensed to conduct race meetings at one of the following racecourses: Flemington; Caulfield; Sandown; or Moonee Valley.
VIC Non-Metropolitan Race	A horse race held in Victoria that is not defined in this table as a VIC Metropolitan Race.
TAS Metropolitan Race	A horse race held in Tasmania and conducted by a club that is licensed to conduct race meetings at one of the following racecourses: Hobart; or Launceston.
TAS Non-Metropolitan Race	A horse race held in Tasmania that is not defined in this table as a TAS Metropolitan Race.
QLD Metropolitan Race	A horse race held in Queensland and conducted by a club that is licensed to conduct race meetings at one of the following racecourses: Eagle Farm; or Doomben.
QLD/NT Non-Metropolitan Race	A horse race held in Queensland or Northern Territory that is not defined in this table as a QLD Metropolitan Race.
SA Metropolitan Race	A horse race held in South Australia and conducted by a club that is licensed to conduct race meetings at one of the following racecourses: Morphettville; Cheltenham; or Victoria Park.
SA Non-Metropolitan Race	A horse race held in South Australia that is not defined in this table as a SA Metropolitan Race.

- 7 -

Meeting Class	Definition
WA Metropolitan Race	A horse race held in Western Australia and conducted by a club that is licensed to conduct race meetings at one of the following racecourses: Ascot; or Belmont.
WA Non-Metropolitan Race	A horse race held in Western Australia that is not defined in this table as a WA Metropolitan Race.
International Race	A horse race held outside Australia.
NSW/ACT Harness race	A harness race held in New South Wales or Australian Capital Territory.
VIC harness race	A harness race held in Victoria.
TAS harness race	A harness race held in Tasmania.
QLD/NT harness race	A harness race held in Queensland or Northern Territory.
SA harness race	A harness race held in South Australia.
WA harness race	A harness race held in Western Australia.
International harness race	A harness race held outside Australia.
NSW/ACT greyhound race	A greyhound race held in New South Wales or Australian Capital Territory.
VIC greyhound race	A greyhound race held in Victoria.
TAS greyhound race	A greyhound race held in Tasmania.
QLD/NT greyhound race	A greyhound race held in Queensland or Northern Territory.
SA greyhound race	A greyhound race held in South Australia.
WA greyhound race	A greyhound race held in Western Australia.
International greyhound race	A greyhound race held outside Australia.

but excludes any jackpot allocation for First 4, quaddie and code exclusive BIG6 jackpots carried over from previous meetings, which TAB can exercise its discretion to allocate to any meeting class within the same code on any subsequent day but TAB must allocate any specific jackpot within a period of 2 calendar months. Any cross code BIG6 jackpots will transfer to any meeting class at TAB discretion on the code that corresponded to the first scheduled leg of that BIG6. These jackpot pools will be allocated within a period of 2 calendar months.

“**late scratching**” in relation to a race means a contestant declared a scratching after the deadline for scratchings prescribed by the controlling body or racing club responsible for the conduct of the relevant race meeting;

“major dividend” means subject to clause 13.3.2 that dividend of the BIG6 relative to a combination containing winning selections in 6 events.

“manager” of a TAB outlet means:

if the TAB outlet forms part of licensed premises, the licensee of the premises within the meaning of the Liquor Act 1982; or

if the TAB outlet forms part of registered club premises, the secretary of the club within the meaning of the Registered Clubs Act 1976; or

in any other case, the person for the time being having the control or management of the TAB outlet;

“minimum dividend” means a minimum dividend in respect of a unit of investment bet on an event. The minimum dividend provisions are set out in Appendix 1 (Determination of Dividend — Minimum & Fractions) to these rules and may be amended by TAB from time to time;

“on-course totalizator” means an on-course totalizator conducted by a New South Wales racing club in accordance with section 15 of the Act in respect of betting on an event or contingency scheduled to be held at a race meeting on any racecourse whether in or outside Australia and includes a domestic totalizator;

“operator serviced terminal” means a totalizator selling device in a TAB outlet where the terminal is operated by a TAB operator on behalf of the person making the bet but excludes any selling device operating in self service mode;

“parlay bet” means a bet in respect of which any resultant dividend or refund shall be reinvested in a subsequent totalizator or totalizators at the same meeting in accordance with the investor’s instructions given at the time of investment;

“parlay betting record” means a parlay betting record established under clause 14;

“parlay re-investment” means the amount of dividend or refund (if any) reinvested on the second or any subsequent totalizator within a parlay bet;

“participating jurisdiction” as declared by the Minister for Gaming and Racing to be a participating jurisdiction under section 71 of the Totalizator Act 1997;

“personal information” has the same meaning as in Section 6 of the Privacy Act 1988 (C’t);

“pool guarantee” means an amount to which TAB agrees to underwrite a dividend pool; at selected times at the sole discretion of TAB in accordance with clause 4.5.

“pool guarantee shortfall” means an amount (if any) TAB must contribute to a dividend pool to satisfy the difference between the dividend pool and the pool guarantee, in accordance with clause 4.5.

“quaddie” means 4 races at the same race meeting that are declared to be a quaddie by an order under clause 11.1, and may also be referred to as quadrella.

“quaddie totalizator” means a totalizator for persons to bet on a quaddie with a view to successfully predicting the contestants that will be placed first in the 4 races of the quaddie.

“quinella race” means a race on which a quinella totalizator is conducted;

“quinella totalizator” means a totalizator for persons to bet on a race with a view to successfully predicting, regardless of order, the contestants that will place first and second in the race;

“racing club” has the same meaning as in the Act;

“rules” means the rules for the conduct of totalizators as set out in this document and the appendices and as amended from time to time;

“rules of racing” means the rules of racing and rules of betting of the racing industry controlling bodies, as the case requires;

“seeded jackpots” means additional funds in certain jackpot pools, at selected times at the sole discretion of TAB in accordance with clause 4.6;

“self service terminal” means a totalizator selling device operated by the person making the bet at a TAB outlet without the assistance of a TAB operator;

“sporting event rules” means the rules constituted by the controlling body or committee under whose authority the sports betting event is decided;

“sports betting event” means a competition or event between two or more contestants declared to be a sports betting event in accordance with section 14 (1) (b) of the Act;

“starter” means a contestant who has started or been given the opportunity to start in a horse or greyhound race;

“stewards” means in relation to a race meeting:

- (a) the stewards appointed by:
 - (i) the racing club holding the race meeting; or
 - (ii) the district racing association; or
 - (iii) the Racing New South Wales; or
 - (iv) Harness Racing New South Wales; or
 - (v) Greyhound Racing New South Wales; or
- (b) the committee of the racing club holding the race meeting; or
- (c) in the case of a greyhound race meeting such member, officer or employee of the Greyhound Racing New South Wales as is

authorised by that statutory authority to act in the place of a steward at the race meeting;

“succeeding BIG6” means, in relation to a BIG6 (“initial BIG6”) the next BIG6 at a meeting selected by TAB and within the same code or, in the case of a cross code BIG6, to the code that corresponds to the first race of the BIG6’.

“succeeding double” means, in relation to a double (“initial double”):

- (a) the next double of the same double type (if any) conducted on the same day and at the same race meeting as the initial double; or if there is none,
- (b) the next double of the same double type at a meeting selected by the TAB and within the same meeting class as defined in the jackpot allocation table;

“succeeding duet race” means, in relation to a duet race (“initial duet race”):

- (a) the next duet race (if any) conducted on the same day and at the same race meeting as the initial duet race; or if there is none,
- (b) the next duet race at a meeting selected by the TAB and within the same meeting class as defined in the jackpot allocation table;

“succeeding exacta race” means, in relation to an exacta race (“initial exacta race”):

- (a) the next exacta race (if any) conducted on the same day and at the same race meeting as the initial exacta race; or if there is none,
- (b) the next exacta race at a meeting selected by the TAB and within the same meeting class as defined in the jackpot allocation table;

“succeeding first 4 race” means, in relation to a first 4 race (“initial first 4 race”):

- (a) the next first 4 race (if any) conducted on the same day and at the same race meeting as the initial first 4 race; or if there is none,
- (b) the next first 4 race at a meeting selected by the TAB and across any state or territory and within the same code;

“succeeding quaddie” means, in relation to a quaddie (“initial quaddie”) the next quaddie at a meeting selected by the TAB and across any state or territory and within the same code.

“succeeding quinella race” means, in relation to a quinella race (“initial quinella race”):

- (a) the next quinella race (if any) conducted on the same day and at the same race meeting as the initial quinella race; or if there is none,
- (b) the next quinella race at a meeting selected by the TAB and within the same meeting class as defined in the jackpot allocation table;

- 11 -

“succeeding trifecta race” means, in relation to a trifecta race (“initial trifecta race”):

- (a) the next trifecta race (if any) conducted on the same day and at the same race meeting as the initial trifecta race; or if there is none,
- (b) the next trifecta race at a meeting selected by the TAB and within the same meeting class as defined in the jackpot allocation table;

“supplementary dividend” means subject to clause 13.3.2, that dividend of the BIG6 relative to a combination containing winning selections in the first 5 scheduled events of a BIG6 and a losing selection in the remaining event of the BIG6 and excludes any investments entitled to a major dividend;

“TAB” means TAB Limited constituted by the Totalizator Agency Board Privatisation Act 1997;

“TAB outlet” means an office, branch or agency of TAB at which bets in connection with a totalizator are received from the public. Where the context permits, an agency of TAB includes a New South Wales racecourse where bets in connection with an on-course totalizator are received by the racing club as agent for TAB pursuant to section 17(3) of the Act (as the racing club and TAB are conducting a totalizator in respect of the same event or contingency);

“telephone bet” means a bet where the details of the bet are instructed by telephone to an operator at an approved TAB outlet;

“the Act” means the Totalizator Act 1997;

“trifecta race” means a race on which a trifecta totalizator is conducted;

“trifecta totalizator” means a totalizator for persons to bet on a trifecta race with a view to successfully predicting, in the correct order, the contestants that will place first, second and third in the race;

“unit of investment” means the minimum amount that can be invested on a particular totalizator as set out in clause 2.4;

“USA racing event” - see clause 15.1.1;

“walkover” means a race comprising only one starter which is subsequently declared the first placed finisher in the race;

“win and place totalizator” means totalizators for persons to bet on a race with a view to successfully predicting:

- (a) the contestant that will place first in the race; or
- (b) a contestant that will place first, second or third in a 3 dividend race; or
- (c) a contestant that will place first or second in a 2 dividend race.

1.6 Interpretation

In these rules unless the contrary intention appears:

- 1.6.1 a reference to these rules includes any variation or replacement of them;
- 1.6.2 a reference to a statute or other law includes regulations and other instruments under it and any consolidations, amendments, reenactments or replacements of it;
- 1.6.3 the singular includes the plural number and vice versa;
- 1.6.4 a reference to a gender includes a reference to each gender;
- 1.6.5 the word "person" includes a firm, corporation, body corporate, unincorporated association or a governmental authority;
- 1.6.6 a reference to a person includes a reference to the person's legal personal representatives, successors, liquidators, trustees in bankruptcy and the like, and permitted assigns;
- 1.6.7 "includes" means includes but without limitation;
- 1.6.8 where a word or phrase is given a defined meaning in these rules, any other part of speech or grammatical form in respect of such word or phrase has a corresponding meaning;
- 1.6.9 a reference to an act includes an omission and a reference to doing an act includes executing a document; and
- 1.6.10 a heading is for reference only. It does not affect the meaning or interpretation of these rules.

2. INVESTMENTS

2.1 How to make a bet

A person may make a bet with TAB, or with a racing club conducting an on-course totalizator, in one of the following ways:

- 2.1.1 by using a provided entry form to supply to TAB, or the racing club, with details of the bet the person wishes to make; or
- 2.1.2 by asking TAB, or the racing club, to enter details of the bet into the TAB or racing club computer system; or
- 2.1.3 by a telephone bet; or
- 2.1.4 by a device bet; or
- 2.1.5 by using any other method approved by TAB.

2.2 Acceptance and payment for bets

A bet will be accepted by TAB, or by a racing club conducting an on-course totalizator, if the bet is made in accordance with these rules and payment is made in one of the following ways:

- 2.2.1 by the deposit of the amount of the bet in cash (including by electronic transfer) or by use of a betting voucher; or
- 2.2.2 by debit against funds held in the betting account of the person making the bet; or
- 2.2.3 by any other method approved by TAB.

2.3 Bets accepted after start of race or sports betting event

If for any reason including a system malfunction or human error, betting is not closed at the actual start of a race or sports betting event, any bet sold or accepted after the actual start of a race or sports betting event shall be void and the investor will only be entitled to a refund of the bet amount.

2.4 Amount of bets and minimum bet

Except in the case of flexi bets:

- 2.4.1 the minimum amount that may be invested on a totalizator in a bet is the relevant single unit of investment as set out for that totalizator type in the table in clause 2.4.2 or such other amount as TAB may determine from time to time; and
- 2.4.2 any greater amounts invested on a totalizator must be a multiple of the relevant single unit of investment for that totalizator type:

Totalizator type	Unit of investment	Investment multiples
Racing	\$0.50	\$0.50
FootyTAB – AFL		
Double	\$0.50	\$0.50
Xtra Double	\$0.50	\$0.50
Half/Full Double	\$0.50	\$0.50
Half/Full Xtra Double	\$0.50	\$0.50
Quad	\$0.50	\$0.50
Quarter Quad	\$0.50	\$0.50
Win	\$0.50	\$1.00
Pick The Margins	\$0.50	\$1 .00
Pick the Score	\$0.50	\$1 .00

Totalizator type	Unit of investment	Investment multiples
Pick the Winners	\$0.50	\$1 .00
Tip7	\$0.50	\$5.00
-Tip8	\$0.50	\$5.00
Sports Betting Events other than FootyTab – AFL	\$0.50	\$1 .00

2.5 Flexi bets

2.5.1 In the case of a flexi bet, the minimum amount that may be invested on a totalizator in a single bet is the greater of:

- (a) 1 cent for each combination covered by the bet; or
- (b) \$5.00 or such other amount as TAB may determine from time to time.

2.5.2 Flexi bets are available on a quinella totalizator, exacta totalizator, duet totalizator, doubles totalizator, trifecta totalizator, first 4 totalizator, quaddie totalizator, BIG6 totalizator, FootyTAB Pick The Margins totalizator or any other totalizator as otherwise determined by TAB or the racing club conducting a domestic totalizator.

2.5.3 The amount invested on each combination covered by a flexi bet is determined by dividing the total amount of the flexi bet by the number of combinations covered by the flexi bet (with any fractions rounded down to the nearest ten-thousandth of a cent (ie. rounded down to four decimal places)).

2.5.4 Any amount resulting from rounding down the amount covered by a combination covered by a flexi bet to the nearest ten-thousandth of a cent forms part of the investment pool of the relevant totalizator upon which the flexi bet is made.

2.6 Cash bets

2.6.1 Method of making cash bets

- (a) A person who makes a cash bet must give details in the form as TAB (or the racing club conducting a domestic totalizator) may determine from time to time. This detail may include:
 - (i) the race meeting at which the race or races to which the bet relates will take place;
 - (ii) the number or numbers of the race or races to which the bet relates;

- 15 -

- (iii) the contestant number or contestant numbers to which the bet relates;
 - (iv) the sports betting event to which the bet relates and the winning teams or final score;
 - (v) the amount of the bet;
 - (vi) the type of the bet; and
 - (vii) any additional information in relation to the bet as may be required by an operator whose function it is to accept the bet at the TAB outlet or at the racecourse on behalf of the racing club, so as to identify the particular bet being made.
- (b) If in the opinion of the manager of the TAB outlet the person making the cash bet speaks in an insulting, indecent or threatening manner, or conveys any false or misleading information or incomplete or unclear instructions, or the person is intoxicated, or indecent, violent or quarrelsome in their conduct as determined by the manager, the manager may direct:
- (i) that a cash bet not be accepted;
 - (ii) that a cash bet (if accepted) be cancelled and the amount of the bet be refunded; and/or
 - (iii) that the person be removed from the TAB outlet for the period determined by the manager (not extending beyond one day).

2.6.2 Betting tickets to be issued for cash bets

- (a) If a person makes a cash bet, then the TAB outlet or the racing club conducting the domestic totalizator (as the case may be) must, while the person is at the place where the bet is made in connection with the totalizator, issue a ticket to the person who made the cash bet ("betting ticket").
- (b) The betting ticket will show complete details of the bet in the form TAB, or the racing club, may determine from time to time.
- (c) The betting ticket acknowledges receipt by TAB, or the racing club, of the bet in relation to which the betting ticket is issued.
- (d) The betting ticket may be cancelled if the amount of the bet is not paid for immediately after the betting ticket is issued.

2.6.3 Records of cash bets

- (a) Notwithstanding any other provision of these rules (including the issue of a betting ticket), a cash bet is not taken to have been accepted at a TAB outlet, or the racing club conducting the domestic totalizator, unless a record of the bet has been entered into TAB's system in the manner as TAB may determine from time to time.
- (b) TAB is not liable to any person for any losses, damages, expenses or claims suffered or incurred by, or as a result of:
 - (i) any delay, failure, malfunction or breakdown in any part of the TAB system (whether mechanical or human) which prevented a cash bet from being made by entry onto the TAB system; or
 - (ii) a malfunction with a betting ticket printer where the cash bet was made and recorded into TAB's system and the betting ticket was not printed or was printed incorrectly.

2.6.4 Details on betting tickets

- (a) Subject to clause 2.6.5, the details recorded on a betting ticket issued by TAB, or the racing club conducting an on-course totalizator, are taken to be the details of the bet for which the betting ticket is issued, even if those details differ in any respect from the details given by the person making the bet.
- (b) It is the responsibility of the person making the bet to make sure details on the betting ticket are in accordance with the bet details requested by the person.

2.6.5 Cancellation for errors on betting tickets

- (a) A person who is issued with a betting ticket that the person claims is incorrect because it does not correctly reflect the details given by the person when the bet was made is only entitled:
 - (i) to have the ticket cancelled and a new ticket reissued at the TAB outlet or racing club conducting the domestic totalizator of issue, in accordance with the details given; or
 - (ii) to have the ticket cancelled and the amount of the bet refunded by the TAB outlet or the racing club conducting the domestic totalizator of issue; where:

- 17 -

- (iii) the operator at the TAB outlet or racing club conducting the domestic totalizator who issued the ticket is satisfied that it is incorrect on the grounds so claimed; and
 - (iv) the person surrenders the ticket to the operator; and
 - (v) the claim to have the ticket cancelled and reissued or cancelled and the bet refunded is made within the time periods set out in clause 2.6.5 (b); and
 - (vi) the bet was sold through an operator serviced terminal.
- (b) The claim to the entitlement under clause 2.6.5 may only be exercised by the person making the bet:
- (i) at any time up until the actual start of the previous race on the meeting to which the bet relates; or
 - (ii) if the bet relates to the first race of a meeting, at any time up until 30 minutes prior to the advertised start of the race; or
 - (iii) when only selected events on a race meeting are covered, at any time up until 30 minutes prior to the advertised start of the race; or
 - (iv) when the previous race is abandoned, at any time up until the advertised start time of the previous race; or
 - (v) when a race is run out of order, at any time up until 30 minutes prior to the advertised start of the race; or
 - (vi) if a doubles bet, at any time up until the start of the race prior to the first leg of the double or if the double involves the first race of the meeting covered by TAB, at any time up until 30 minutes prior to the advertised start of the race; or
 - (vii) if a quaddie bet, at any time up until the start of the race prior to the first race of the quaddie or if the quaddie involves the first race of the meeting covered by TAB, at any time up until 30 minutes prior to the advertised start of the race; or
 - (viii) if a BIG6 bet, at any time up until the start of the race prior to the first race of the BIG6 or if the BIG6 involves the first race of the meeting covered by TAB, at any time up until 30 minutes prior to the advertised start of the race; or

- 18 -

- (ix) for a bet sold on a sports betting event, at any time up until 30 minutes prior to the advertised close of betting on the totalizator; or
 - (x) if the bet was sold after the time periods in paragraphs (i) to (ix) at any time within 2 minutes after the betting ticket is issued and before the close of betting for the race or sports betting event or after that time at any time during a period of grace for cancelling a bad sale as determined by the TAB from time to time. During high volume betting periods such as racing carnivals, TAB, with the approval of the regulator, may extend the 2 minute cancellation period specified above to allow cancellations for a longer period after the betting ticket is issued; or
 - (xi) at any other lesser time determined by TAB.
- (c) A betting ticket that is reissued under this clause 2.6.5 is taken, for the purposes of clause 2.6.4, to be the betting ticket for the bet for which the original betting ticket was issued.

2.7 Telephone bets

2.7.1 Method of making telephone bets

- (a) A telephone bet may only be made to a telephone number at a TAB outlet (which has been approved by TAB for the purpose of receiving telephone bets) in which the person making the bet clearly states:
 - (i) the number of the betting account against which the bet is to be debited and (if required by the TAB operator accepting the bet) the PIN allocated to that account; and
 - (ii) the details specified in clause 2.6.1 in respect of the bet.
- (b) If in the opinion of the manager of the TAB outlet the person making the telephone bet speaks in an insulting, indecent or threatening manner, or conveys any false or misleading information or incomplete or unclear instructions, as determined by the manager, the manager may direct:
 - (i) that a telephone bet not be accepted; or
 - (ii) that a telephone bet (if accepted) be cancelled and the amount of the bet be refunded; or
 - (iii) that a person's betting account be closed and any money standing to the credit of the account be refunded to the person.

2.7.2 Records of telephone bets

- (a) An operator at a TAB outlet who proposes to accept a telephone bet:
 - (i) must make a record by entry of the bet onto TAB's system, in the manner as TAB may determine from time to time, of the details as are necessary to identify the person making the bet and to describe the particular bet made; and
 - (ii) must repeat the details of the bet to the person to enable the person to correct any errors in the details. If the person does not make any corrections or the person indicates that he or she does not wish to have them repeated, the person is taken to have confirmed as correct the bet details in the record of TAB.
- (b) A telephone bet is taken not to have been accepted at a TAB outlet unless a record of the bet has been made in accordance with this clause.
- (c) The details of a telephone bet recorded in accordance with this clause are taken to be the details of the bet, even if those details differ in any respect from the details given by the person making the bet.
- (d) A record of each telephone bet made to a TAB outlet must be sent to TAB.
- (e) In addition to the other requirements of this clause, the manager of a TAB outlet must ensure that all telephone bets are tape recorded and the tape recording sent to TAB.
- (f) TAB must retain the tape recording for a period of at least 28 days from the date of the race or sports betting event to which the bet relates or, if a claim with respect to the bet is made during that period, until the claim is finally determined.

2.7.3 Cancellation of telephone bets

If, before the close of betting and during the course of the same telephone call and before the making of any further bets, the person claims that the details of the telephone bet are not as specified by the person, the operator of the TAB outlet accepting the bet:

- (a) must correct the record of the bet on TAB's system in accordance with the claim; or
- (b) if it is not practicable for that to be done before the close of betting, must reject and cancel the bet and refund the amount of the bet to the betting account.

2.7.4 Telephone system delays and failures

TAB is not liable to any person for any losses, damages, expenses or claims suffered or incurred by, or as a result of any delay, failure, malfunction or breakdown in any part of the telephone system (whether mechanical or human) which enables a telephone bet to be made.

2.8 Device bets

2.8.1 Method of making device bets

- (a) A device bet may only be made to a TAB outlet (approved by TAB for the purpose of receiving device bets) in which the person making the bet clearly gives an instruction to TAB's system of:
 - (i) the number of the betting account against which the bet is to be debited and the PIN and/or password allocated to that account; and
 - (ii) the details specified in clause 2.6.1 in respect of the bet.
- (b) If in the opinion of the manager of a TAB outlet the person's instructions are incomplete or unclear, the manager may direct:
 - (i) the device bet not be accepted; or
 - (ii) that a device bet (if accepted) be cancelled and the amount of the bet refunded.
- (c) If a person has been refused access to the means of making a device bet to TAB fixed odds betting, then TAB may refuse to accept a device bet from that person for a totalizator under these rules.
- (d) A device bet may be accepted at a TAB outlet even if any other bet to which the communication relates is not accepted.

2.8.2 Records of device bets

- (a) The TAB outlet that proposes to accept a device bet must make a record by entry of the bet onto TAB's system, in the manner as TAB may determine from time to time, of the details as are necessary to identify the person making the bet and to describe the particular bet made.
- (b) A device bet is taken not to have been accepted at a TAB outlet unless a record of the bet has been made in accordance with this clause.

- (c) The details of a device bet recorded in accordance with this clause are taken to be the details of the bet, even if those details differ in any respect from the details given by the person making the bet.
- (d) A record of each device bet made to a TAB outlet must be sent to TAB.

2.8.3 Cancellation of device bets

A device bet may not be cancelled after acceptance of the bet by the TAB outlet.

2.8.4 Telephone and computer system delays and failures

TAB is not liable to any person for any losses, damages, expenses or claims suffered or incurred by, or as a result of any delay, failure, malfunction or breakdown in any part of the telephone or computer system (whether mechanical or human) which enables a device bet to be made.

2.9 Betting accounts

2.9.1 Bets against funds in betting accounts

A person may only make a telephone or device bet against funds in a betting account, established by the person making the bet. The bet will not be accepted if the amount of the bet is greater than the amount of the cleared funds in the account.

2.9.2 Establishment of betting account

- (a) A person may apply to TAB, or a racing club conducting an on-course totalizator, for the establishment of an account ("a betting account").
- (b) An application:
 - (i) must specify the information, and be completed in the form and manner, as TAB, or racing club, may require; and
 - (ii) may be accompanied by:
 - A: a minimum deposit as determined by TAB from time to time which is to be credited to the account; or
 - B: by a guarantee for not less than the approved minimum amount from a financial institution or other security acceptable to TAB, or the racing club, and which security is in accordance with arrangements approved by the Minister under the Act.

- (c) If required by TAB, any deposit to a betting account made by way of cheque or otherwise will not be credited to the account until TAB, or the racing club, is satisfied that the deposit is cleared funds.
- (d) A person who establishes a betting account will be notified by TAB, or the racing club of the betting account number.
- (e) TAB, or the racing club, who receives a deposit for payment into a betting account must issue a receipt for the deposit to the person who made the deposit.

2.9.3 Instructions in relation to betting accounts

- (a) A person who has established a betting account may give instructions in the manner as TAB, or the racing club, may approve (including by telephone or by a device), relating to the application or disposal of any amount standing to the credit of the account.
- (b) TAB, or the racing club, must comply with any reasonable instruction given to it by a person under this clause.

2.9.4 Payment of TAB betting account guarantees

- (a) Subject to any other arrangements that may be agreed between TAB and the person establishing the betting account in relation to the enforcement of any security, if TAB sends a statement relating to a betting account to the last known address of the person who has lodged a guarantee from a financial institution with TAB in respect of the account, the person must within 14 days of the date of the statement pay to TAB any money due to TAB by the person from the operation of the account.
- (b) TAB may take action in terms of recovery under the guarantee from the financial institution as is necessary to recover any money that remains due after the expiration of the 14 day period.

2.9.5 Non-operation of TAB betting accounts and account fees

- (a) TAB may close any betting account that is not transacted on for a period exceeding 3 months and, in that event, may transfer any amount standing to the credit of the account to a dormant account operated by TAB. In this case TAB will notify the holder of the account at the last address known to TAB that the account has been closed.
- (b) TAB may reopen a betting account that has been closed under this clause and re-credit to the account any amount credited to a dormant account as a result of the closure of the account.

- 23 -

- (c) TAB may impose and debit any betting account with the following fees:
- (i) dormant account keeping fee;
 - (ii) a claim investigation fee;
 - (iii) an account administration fee for deposits to betting accounts;
 - (iv) a service fee for deposits to betting accounts made through persons other than TAB outlets. The fees will be as determined by TAB from time to time. TAB may waive any or all of the fees on a basis as it determines from time to time.

2.9.6 Credits to TAB betting accounts

If an amount has been incorrectly credited to a betting account or an incorrect amount has been credited to the account, TAB:

- (a) may adjust the account to the extent necessary to rectify the incorrect credit; and
- (b) if, as a result of such adjustment, the account is in debit, may recover from the holder of the account as a debt due, the amount of the deficiency in the account.

2.10 Betting vouchers

2.10.1 TAB, or a racing club conducting an on-course totalizator, may issue betting vouchers and may authorise any other person to issue betting vouchers.

2.10.2 A betting voucher:

- (a) will be in the form as TAB, or the racing club, determines including:
 - (i) a gift certificate;
 - (ii) a stored value card or coupon for use in a self service terminal;
 - (iii) an on-course key ticket; or
 - (iv) any other similar or like instrument to any of the above; and
- (b) is valid for the period as is specified on the betting voucher provided that if no date is specified the voucher is valid for 12 months from the date of issue. Any unused value of a betting voucher after the expiry date for its validity will be retained by TAB and treated as unclaimed dividends; and

- (c) is to be regarded as cash equal to the value of the amount represented by the voucher.

2.10.3 Betting vouchers may be accepted at any TAB outlet:

- (a) for the making of cash bets; or
- (b) for the making of deposits to a betting account maintained with TAB; or
- (c) redeemed for cash up to the available amount.

2.11 Certificate as to records

2.11.1 TAB may issue a certificate in relation to a bet stating that the details of the bet as contained in a record kept or held by TAB are as specified in the certificate.

2.11.2 In any proceedings or dispute, a certificate under this clause is evidence as to the matters stated in the certificate.

2.12 Removal of certain persons from TAB outlets

The manager of a TAB outlet may direct a person to leave the TAB outlet if the manager is of the opinion that the person is creating a public annoyance. A direction has effect for the time (not extending beyond the day on which it is given) as the manager may specify in the direction.

2.13 Betting by minors

A person under the age of 18 years must not bet on a totalizator.

3. RESULTS, DIVIDENDS AND REFUNDS

3.1 Result of race or sports betting event

3.1.1 A reference to the contestant or finisher placed first, second, third, fourth, fifth or sixth in a race is a reference to the horse or greyhound declared by the stewards to be the first, second, third, fourth, fifth or sixth finisher in the race;

3.1.2 A reference to the winning team or final score for the relevant footyTAB totalizators is as set out in clause 16.2.

3.2 Payment of dividends

- 3.2.1 (a) A dividend or refund payable in respect of a bet will be available for collection or credited to the appropriate betting account as soon as is practicable after the race or sports betting event on which the bet was made.
- (b) Immediately after the declaration of dividends, notice of the amounts will be exhibited in a place appointed for that purpose by TAB.

- 25 -

- 3.2.2 Where a totalizator is conducted by TAB, no dividend will be declared and paid except by order of TAB, in accordance with the decision of TAB as to the result of the race or event, and when TAB has ordered a dividend to be declared and paid on the race or event no investor on any other result on that race or event will be entitled to receive a dividend on that race or event.
- 3.2.3 TAB, or a racing club conducting a domestic totalizator (as the case may be), must not declare or pay a dividend on:
- (a) a race or a combination of races except following a declaration of correct weight by the stewards; or
 - (b) a sports betting event except following the announcement of official or podium positions at the conclusion of the event by the relevant controlling body or committee under whose authority the event or contest is conducted.
- 3.2.4 TAB is not liable to any person for any losses, damages, expenses or claims suffered or incurred by or as a result of any error in the declaration of correct weight by the stewards or the advice to TAB of the contestant numbers of the finishers in the race.

3.3 Protests, objections and recontested events

- 3.3.1 If a protest is lodged in accordance with the rules of racing before the declaration of correct weight in a race, a dividend for that race must not be declared or paid until the protest has been decided by the stewards. Before making a decision on a protest, the stewards (subject to the declaration of correct weight) may declare placings not affected by the protest. TAB, or a racing club conducting a domestic totalizator, may at its discretion make payment of dividends on the placings unaffected by the protest.
- 3.3.2 (a) If an objection or protest is lodged in accordance with the sporting event rules governing the sports betting event, TAB will declare the result based on the official or podium positions of the event as per the adjudication of the relevant controlling body or committee. Subsequent disqualification, promotion of contestants, or any other change is irrelevant for the purpose of determining the result of a bet on a sports betting event.
- (b) Should any sports betting event be recontested or replayed for any reason whatsoever, the replay will be treated as a separate event and will have no effect on the result of the original contest. TAB may, at its discretion treat the replay as a future contest.

3.4 Calculation of dividends

3.4.1 A dividend is calculated by TAB, or a racing club conducting a domestic totalizator, on a single unit of investment for the relevant totalizator. The dividend is calculated:

- (a) by dividing the relevant totalizator dividend pool (or part thereof where the pool is divided) by the number of units of investment on the successful winning contestant or combination. (For those totalizators where flexi bets are available, any amounts bet which are less than a single unit of investment are to be included in the calculation of the dividend payable on a single unit of investment by the division of the relevant totalizator dividend pool.)
- (b) having regard to any determinations made by TAB in respect of:
 - (i) the Commission deductions before distribution of the balance of the relevant pool as dividends to investors who select the winning contestant or combination; and
 - (ii) fractions and the rounding of any calculated amount of the dividend payable; and
 - (iii) the minimum dividend provisions.

3.4.2 The dividend payable by TAB, or the racing club, in respect of a bet will bear the same proportion to the dividend declared in respect of a single unit of investment as the amount of the bet bears to a single unit of investment.

3.4.3 Subject to the clauses regarding where the winning combination is not backed to the equivalent of a unit of investment in clause 6 (quinella totalizator), 7 (exacta totalizator), 8 (trifecta totalizator), 9 (first 4 totalizator), 10 (doubles totalizator), 11 (quaddie totalizator), 12 (duet totalizator), 13 (BIG6 totalizator), and 16 (FootyTab) the dividend calculated on a flexi bet will be the same proportion of the dividend declared for a unit of investment as the amount invested in the flexi bet on the relevant combination (as determined in accordance with clause 2.4.1 (Flexi bets)) bears to the single unit of investment.

3.5 Dividends and refunds to be paid on presentation of tickets

3.5.1 Where a betting ticket is issued for a cash bet under clause 2.6.2 (betting tickets to be issued for cash bets) a dividend or refund must not be paid except on presentation of a ticket unless otherwise approved by TAB, or the racing club conducting the domestic totalizator.

3.5.2 TAB, or a racing club, is not required to entertain a claim in respect of the short payment of a dividend or refund after the investor has left the payout window at the place where the dividend or refund was paid.

3.5.3 A ticket held in respect of a race or sports betting event that has been postponed to another date is invalid except only for the purpose of claiming a refund or as provided for in these rules.

3.5.4 A person may claim a dividend or refund for up to 12 months after the race or sports betting event on which the bet was made.

3.6 Payment of dividends, refunds and betting account balances

3.6.1 An amount to which a person is entitled:

(a) as a dividend or refund for a cash bet made at a TAB outlet or made on a racecourse with a racing club conducting a domestic totalizator; or

(b) as the credit balance of a betting account established by the person with TAB, or the racing club conducting an on-course totalizator, for the purpose of making telephone or device bets at a TAB outlet, must, on application made by the person, be paid to the person in cash or by cheque.

3.6.2 The amount may be paid at a TAB outlet or at any other place as may be designated by TAB (or the racing club conducting a domestic totalizator) for that purpose, and may be paid at the times as TAB, or the racing club, may approve for the purpose.

3.6.3 A dividend or refund to which a person is entitled in respect of a telephone or device bet that has been debited against a betting account must be paid to the person:

(a) in accordance with any reasonable written instructions received from the person; or

(b) in the absence of any instructions, by payment into the person's betting account.

3.6.4 If TAB is in doubt as to the identity of the person to whom an amount is due (whether as a dividend, refund or balance of a betting account):

(a) TAB may, in the case of presentation of a ticket for a cash bet, investigate whether the person whom presents the ticket either placed the bet or is acting with the authority of the person who placed the bet and TAB may require a statutory declaration in the form and containing the information it may require; and

(b) TAB may retain the amount and pay it to any person who establishes to TAB's satisfaction that he or she is the person to whom the amount is due; and

(c) TAB is relieved from all further liability in respect of an amount paid by it to a person under this clause 3.6.4.

- 28 -

- 3.6.5 If a dividend or a refund to which a person is entitled is for an amount of less than 5 cents:
- (a) where the person has established a betting account with TAB, the dividend or refund will be paid by TAB depositing the amount of that dividend or refund into the person's betting account; and
 - (b) where the person does not have a betting account with TAB:
 - (i) if the aggregate of all dividends or refunds to which the person is entitled on all betting tickets which that person presents for payment at the same time is 3 cents or more (**"aggregate amount"**) the aggregate amount will be rounded up or down to the nearest 5 cents as determined by TAB and paid to the person in accordance with this clause 3.6.5; and
 - (ii) otherwise, the dividend or refund will be rounded down to zero.

3.7 Claims concerning dividends or refunds

- 3.7.1 Within 14 days after a person becomes entitled to a dividend or refund for a bet or within such further time as TAB may allow, the person may lodge a written claim with TAB, or the racing club conducting a domestic totalizator as applicable, to the effect that the amount of the entitlement as calculated by TAB, or the racing club, is less than the actual amount to which the person is entitled.
- 3.7.2 After investigating the claim, TAB, or the racing club as applicable:
- (a) must notify the claimant of its decision; and
 - (b) may pay such dividend or refund to the claimant as to TAB, or the racing club, appears just and reasonable; and
 - (c) if the dividend that was calculated and declared did not include the claimant's investment, and that dividend exceeds, by more than \$1000.00, the dividend that would have been declared had the dividend be recalculated to include the claimant's investment, then the dividend that applies for the purpose of the claim will be the recalculated dividend that includes the claimant's investment; and
 - (d) such amounts that are paid to the claimant shall exclude any refund or credit given to the claimant in respect of the claimant's Investment under any other provision of these Rules.

3.8 Claims concerning records of telephone bets

3.8.1 Within 14 days after making a telephone bet or within any further time as TAB may allow, a person may lodge a written claim with TAB to the effect:

- (a) that the details of the bet given by the person when making the bet were incorrectly recorded on entry into TAB's system; and
- (b) that the person has suffered loss as a result of the error.

3.8.2 If, after investigating the claim, TAB is satisfied:

- (a) that the claim is justified; and
- (b) that the error complained of was due to the negligence or wilful default of any officer, employee or agent of TAB; TAB will make any appropriate alteration to the record and will pay such dividend or refund to the claimant as to TAB appears just and reasonable.

3.8.3 Any election by the claimant not to have the details of a telephone bet repeated, as referred to in clause 2.7.2, will be taken into account in TAB 's investigation of the claim.

3.9 Lost, destroyed, mutilated and stolen ticket claims

3.9.1 Claims for dividends or refunds in respect of lost, destroyed, mutilated or stolen betting tickets must be lodged within 14 days of the respective race meeting or sports betting event unless the claimant can provide a reason to the satisfaction of TAB for the delay in lodging the claim. Claims may be lodged at any TAB outlet. Where a claim is made:

- (a) TAB may charge the claimant a claim investigation fee, as determined by TAB from time to time, to investigate the claim; and
- (b) a statutory declaration from the claimant in the form and containing the information as TAB requires must accompany the claim; and
- (c) the claim will not be investigated prior to the occurrence of the respective race or sports betting event and the ticket becoming dividend or refund bearing unless:
 - (i) the ticket investment value exceeds \$100.00; or
 - (ii) in the case of a claim for a stolen ticket, the claimant has reported the theft to the police; and

- 30 -

(d) the claimant will receive written acknowledgment of receipt of their claim within 21 days of the claim being received by TAB; and

(e) TAB may stop payment on the ticket pending the outcome of its investigation.

3.9.2 Following investigation by TAB of the claim for the lost, destroyed, mutilated or stolen betting ticket, if TAB is satisfied that the claimant is entitled to payment of a dividend or refund on the betting ticket then:

(a) approved claims will be settled by:

(i) voucher payable at any TAB cash sales outlet, except for amounts greater than \$500 (Five Hundred Dollars);

(ii) cheque in favour of the claimant; or

(iii) deposit to the claimant's nominated betting account; and

(b) TAB will immediately record the cancellation of the ticket.

3.10 Information to accompany claims

A claim by a person under this clause 3 need not be investigated unless the claimant gives to TAB, or racing club conducting a domestic totalizator (as the case may be), the information, tickets and other documents as are in the claimant's possession, as may be necessary to facilitate investigation of the claim.

3.11 Review of decisions on a claim

3.11.1 A person who is dissatisfied with the TAB's or racing club's decision on a claim under this clause may request TAB, or racing club, as applicable to review its decision.

3.11.2 TAB or racing club will deal with a request for review in the same way as if it were a claim, except that the person who deals with the request must not be:

(a) the person who dealt with the original claim; or

(b) a person who is under the supervision of the person who dealt with the original claim.

3.11.3 This clause does not authorise more than one request for review to be made in relation to any one claim.

4. RACING EVENT TOTALIZATORS - GENERAL RULES**4.1 Commission deduction**

Money invested on a totalizator conducted by TAB, or a racing club, on one or more racing events will be subject to a Commission deduction.

4.2 Refunds**4.2.1 Termination of totalizator pool**

If any totalizator for a race event is terminated under these rules, the whole amount invested on the race must be refunded to the investors.

4.2.2 Non-starters

- (a) If:
- (i) a contestant on which money has been invested does not become a starter in a race (including a re-run race); or
 - (ii) a combination of contestants on which money has been invested includes a contestant that does not become a starter in a race (including a re-run race); the money invested on the contestant or the combination (as the case may be) must be refunded to the investors.
- (b) Subclause (a) applies unless:
- (i) the money is invested on a doubles totalizator and the relevant ticket is not presented in accordance with clause 10.3.4(a)(i) so that clause 10.3.4(a)(ii) applies; or
 - (ii) the money is invested on a quaddie totalizator and the relevant ticket is not presented in accordance with clause 11.3.4(a)(i) so that clause 11.3.4(a)(ii) applies;
 - (iii) the money is invested on a parlay bet and clause 14 applies; or
 - (iv) The money is invested on a BIG6 totalizator and the relevant ticket is not presented in accordance with clause 13.3.4(a)(i) so that clause 13.3.4(a)(ii) applies.

4.2.3 Abandonment, postpone, walkovers etc

- (a) If a race is:
- (i) abandoned; or

- 32 -

- (ii) postponed until another day; or
 - (iii) declared a no-race; or
 - (iv) a walkover, the whole amount invested on the race must be refunded to the investors.
- (b) The amount invested referred to in Rule 4.2.3(a)(iv):
- (i) shall not in respect of quinella include any amount in the quinella jackpot pool for that quinella totalizator, which shall be carried forward and paid into the quinella jackpot pool for the quinella totalizator conducted on the succeeding quinella race;
 - (ii) shall not in respect of exacta include any amount in the exacta jackpot pool for that exacta totalizator, which shall be carried forward and paid into the exacta jackpot pool for the exacta totalizator conducted on the succeeding exacta race;
 - (iii) shall not in respect of duet include any amount in the duet jackpot pool for that duet totalizator, which shall be carried forward and paid into the duet jackpot pool for the duet totalizator conducted on the succeeding duet race;
 - (iv) shall not in respect of trifecta include any amount in the trifecta jackpot pool for that trifecta totalizator, which shall be carried forward and paid into the trifecta jackpot pool for the trifecta totalizator conducted on the succeeding trifecta race;
 - (v) shall not in respect of first 4 include any amount in the first 4 jackpot pool for that first 4 totalizator, which shall be carried forward and paid into the first 4 jackpot pool for the first 4 totalizator conducted on the succeeding first 4 race;
- (c) Subclause (a) applies unless:
- (i) clause 10 applies in respect of a doubles totalizator;
 - (ii) clause 11 applies in respect of a quaddie totalizator; or.,
 - (iii) clause 13 applies in respect of a BIG6 totalizator.

4.2.4 No contestant or combination backed

If none of the contestants or combinations in respect of which dividends are payable are backed in the case of win and place totalizators, the dividend pool must be refunded to the investors.

4.3 Application of minimum dividend provisions in certain cases

TAB may determine from time to time that there is to be a minimum dividend for a racing event totalizator. If TAB has determined there will be a minimum dividend, the minimum dividend applies to all bets on a race totalizator unless a provision in Appendix 1 (Determination of Dividend — Minimums & Fractions) states that it does not apply in a particular case.

4.4 Out of sequence races and re-runs of races

- 4.4.1 If a race is run out of normal race number sequence or if a race is re-run, TAB, or the racing club conducting an on-course totalizator, may reopen the totalizator for the re-run.
- 4.4.2 The amount invested on the totalizator for the first run of the race must be dealt with in accordance with the result of the re-run or the out of sequence race.

4.5 Pool Guarantee

For the purpose of Trifecta, First 4, Quaddie or BIG6 totalizators:

- (a) TAB may apply a pool guarantee at the sole discretion of TAB. In the case of BIG6, the pool guarantee shall apply to the major dividend pool, in accordance with clause 13.3.2.
- (b) Subject to 4.5 (e), 8.2.2(b)(ii), 8.2.2(c)(ii), 9.3.2(b)(ii), 9.3.2(c)(ii), 9.3.2(d)(ii) if a pool guarantee is in place on a totalizator where there are backed combinations; TAB is liable for that portion of the pool guarantee shortfall applicable to the backed combinations.
- (c) Subject to 4.5 (e), if a pool guarantee is in place on a totalizator where there are unbacked combinations; TAB is not liable for that portion of the pool guarantee shortfall applicable to the unbacked combinations.
- (d) Subject to 4.5 (e), if a pool guarantee is in place on a totalizator where there is less than a unit of investment on backed combinations; TAB is liable for the full unit of the pool guarantee shortfall applicable to the backed combinations.
- (e) In the event that all bets from a guarantee pool are refunded to investors, the refunds will not include any part of a pool guarantee and TAB is not liable for any pool guarantee shortfall.

4.6 Seeded Jackpots

For the purpose of First4, Quaddie or BIG6 totalizators:

- (a) TAB may include a seeded jackpot amount in a jackpot pool at the sole discretion of TAB;

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- (b) Subject to 4.6(c), if a jackpot pool includes a seeded jackpot amount and there is no winner, the seeded jackpot amount remains in the jackpot pool and cannot be reclaimed by TAB;
 - (c) In the event that all bets in a totalizator investment pool, which is subject to a seeded jackpot amount, are refunded to investors, TAB will reclaim the seeded jackpot amount (if any) from the associated jackpot pool, prior to any refunds.

5. WIN AND PLACE TOTALIZATORS

5.1 Opening and termination of win and place totalizator pools

5.1.1 The win pool of a win and place totalizator:

- (a) must not be opened to accept bets for a race if the number of contestants in the race is less than 2; and
- (b) must be terminated if the number of contestants in the race falls below 2 at any time or if there are no finishers in the race.

5.1.2 The place pool of a win and place totalizator:

- (a) must not be opened for a race if the number of contestants in the race is less than 5; and
- (b) must be terminated if the number of contestants in the race falls below 5 at any time or if there are no finishers in the race.

5.2 Win pool dividends

5.2.1 Distribution of win pool dividend

- (a) Money invested on a win and place totalizator with a view to successfully predicting the contestant that places first in a race (less any other amounts deducted in accordance with the definition of 'dividend pool' in clause 1.5) is to be paid into a win dividend pool.
- (b) The win dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors on the finisher that placed first in the race.

5.2.2 Dead-heat for first place

If there is a dead-heat for first place in the race:

- (a) the win dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and
- (b) a part is allotted to each backed finisher; and

- (c) each part is to be divided among the investors on the finisher to which the part is allotted.

5.3 Place pool 2 dividend races

5.3.1 Application of rule

- (a) This clause 5.3 applies if the number of entries in a race received at the deadline for scratchings prescribed by the controlling body or a race club responsible for the conduct of the relevant race meeting is less than 8.
- (b) This clause is subject to clauses 4.3 (application of minimum dividend provisions in certain cases) and 5.5 (deficiency in place pool).

5.3.2 Distribution of place pool dividend for 2 dividend race

- (a) Money invested on a win and place totalizator with a view to successfully predicting the contestant that places first or second in a race (and less any amounts deducted in accordance with the definition of 'dividend pool' in clause 1.5) is to be paid into a place dividend pool
- (b) The place dividend pool is (except to the extent otherwise provided in these rules) to be divided into 2 equal parts, of which:
- (i) one part is to be divided among the investors on the first placed finisher in the race; and
 - (ii) the second part is to be divided among the investors on the second placed finisher in the race.

5.3.3 Unbacked winners or placegetters in a 2 dividend race

- (a) If the first placed finisher is not backed, the whole of the place dividend pool is to be divided among the investors on the second placed finisher in the race.
- (b) If the second placed finisher is not backed, the whole of the place dividend pool is to be divided among the investors on the first placed finisher in the race.

5.3.4 Dead-heat for first place in a 2 dividend race

- (a) If there is a dead-heat for first place in a 2 dividend race:
- (i) the place dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and
 - (ii) a part is allotted to each backed finisher; and

- 36 -

(iii) each part is to be divided among the investors on the finisher to which the part is allotted.

(b) This clause 5.3.4 applies to a dead-heat for second place in a 2 dividend race in the event that the place dividend pool is to be divided among the investors on the second placed finisher in accordance with clause 5.3.5.

5.3.5 Dead-heat for second place in a 2 dividend race where first place is backed

If the first placed finisher is backed and 2 or more backed finishers dead-heat for second place in a 2 dividend race:

(a) the place dividend pool is to be divided into 2 equal parts:

(i) one part is to be divided amount the investors of the first placed finisher; and

(ii) the second part is to be divided into as many equal parts as there are backed finishers in the dead-heat for second place;

(b) a part is allotted to each backed finisher that placed second in the race; and

(c) each part is to be divided among the investors on the finisher to which the part is allotted.

5.4 Place pool 3 dividend races

5.4.1 Application of rule

(a) This clause 5.4 applies if the number of entries in a race received at the deadline for scratchings prescribed by the controlling body or a race club responsible for the conduct of the relevant race meeting is 8 or more;

(b) This clause is subject to clauses 4.3 (application of minimum dividend provisions in certain cases) and 5.5 (deficiency in place pool).

5.4.2 Distribution of place pool dividends for a 3 dividend race

Money invested on a win and place totalizator with a view to successfully predicting the contestant that places first, second or third in a race (less any other amounts deducted in accordance with the definition of 'dividend pool' in clause 1.5) is to be paid into a place dividend pool.

The place dividend pool is (except to the extent otherwise provided in these rules) to be divided into 3 equal parts, of which:

- (a) one part is to be divided among the investors on the first placed finisher; and
- (b) the second part is to be divided among the investors on the second placed finisher; and
- (c) the third part is to be divided among the investors on the third placed finisher.

5.4.3 Unbacked winners or placegetters in a 3 dividend race

If a first, second or third placed finisher is not backed:

- (a) the whole of the place dividend pool is to be divided into as many equal parts as there are backed finishers who place first, second or third; and
- (b) a part is allotted to each backed finisher; and
- (c) each part is to be divided among the investors on the finisher to which the part is allotted.

5.4.4 Dead-heat for first place between 2 finishers in a 3 dividend race

- (a) If 2 finishers dead-heat for first place in a 3 dividend race and both are backed:
 - (i) two-thirds of the place dividend pool is to be divided into 2 equal parts; and
 - (ii) each part is to be divided among the investors on each backed finisher in the dead-heat; and
 - (iii) one third of the place dividend pool is to be divided among the investors on the third placed finisher.
- (b) If 2 finishers dead-heat for first place in a 3 dividend race but 1 only is backed:
 - (i) the whole of the place dividend pool is to be divided into 2 equal parts; and
 - (ii) one part is to be divided among the investors on the backed finisher in the dead-heat; and
 - (iii) the second part to be divided among the investors on the third placed finisher.

- (c) If 2 finishers dead-heat for first place in a 3 dividend race but neither is backed, the whole of the place dividend pool is to be divided among the investors on the third placed finisher.

5.4.5 Dead-heat for first place between 3 or more finishers in a 3 dividend race

If 3 or more finishers dead-heat for first place in a 3 dividend race:

- (a) the place dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and
- (b) a part is allotted to each backed finisher; and
- (c) each part is to be divided among the investors on the finisher to which the part is allotted.

5.4.6 Dead-heat for second place in a 3 dividend race where first place is backed

- (a) If the first placed finisher is backed and 2 or more backed finishers dead-heat for second place in a 3 dividend race:
- (i) one third of the place dividend pool is to be divided among the investors on the first placed finisher; and
- (ii) two-thirds of the place dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and
- (iii) a part is allotted to each backed finisher in the dead-heat for second in the race; and
- (iv) each part is to be divided among the investors on the finisher to which the part is allotted.
- (b) If 2 or more finishers dead-heat for second place but 1 only of those finishers is backed:
- (i) the whole of the place dividend pool is to be divided into 2 equal parts; and
- (ii) one part is to be divided among the investors on the first placed finisher; and
- (iii) the second part is to be divided amongst the investors on the backed second placed finisher in the dead-heat.

5.4.7 Dead-heat for third place in a 3 dividend race where first and second place are backed

- (a) If the first and second placed finishers are backed, and 2 or more backed finishers dead-heat for third place in a 3 dividend race:
- (i) one third of the place dividend pool is to be divided among the investors on the first placed finisher; and
 - (ii) one third of the place dividend pool is to be divided among the investors on the second placed finisher;
 - (iii) one-third of the place dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and
 - (iv) a part is allotted to each backed finisher in the dead-heat; and
 - (v) each part is to be divided among the investors on the finisher to which the part is allotted.
- (b) If 2 or more finishers dead-heat for third place but none of the finishers is backed:
- (i) the whole of the place dividend pool is to be divided into 2 equal parts; and
 - (ii) one part is to be divided among the investors on the first placed finisher; and
 - (iii) the second part is to be divided among the investors on the second placed finisher.

5.5 Deficiency in place pool

5.5.1 Dividend where deficiency in one part of place pool

- (a) If:
- (i) the place dividend pool is divided in accordance with clause 5.3 (place pool 2 dividend races) or clause 5.4 (place pool 3 dividend races); and
 - (ii) in not more than one part (in this clause referred to as the 'deficient part') of the place dividend pool there is insufficient money to enable a dividend equal to the unit of investment to be declared in respect of that part; and

- 40 -

- (iii) the amount of the deficiency is greater than the amount deducted as Commission;
- (b) then, there must, before any dividend is declared, be deducted:
 - (i) from the part, other than the deficient part; or
 - (ii) if there are 2 or more parts that are not deficient parts, from those parts in proportion to the amounts standing in those parts, an amount sufficient to enable a dividend equal to the unit of investment to be declared in respect of the deficient part, less the Commission.
- (c) The amount so deducted is to be added to the deficient part so that, if the Commission were also added to the deficient parts, there would be produced in each of the deficient parts an amount not greater than the amount required in each of those parts to declare a dividend equal to the unit of investment.

5.5.2 Dividend where deficiency in 2 or more parts of place pool

- (a) If:
 - (i) the place dividend pool has been divided in accordance with clause 5.3 (place pool 2 dividend races) or clause 5.4 (place pool 3 dividend races); and
 - (ii) in each of 2 or more parts (in this clause referred to as the “**deficient parts**”) of the place dividend pool there is insufficient money to enable dividends equal to the unit of investment to be declared in respect of those parts; and
 - (iii) the aggregate of the amounts of those deficiencies is greater than the amount deducted as Commission,
- (b) then, there must, before any dividend is declared, be deducted:
 - (i) from the part, other than the deficient parts; or
 - (ii) if there are 2 or more parts that are not deficient parts, from those parts in proportion to the amounts standing in those parts, an amount equal to the aggregate of the amounts of the deficiencies in the deficient parts, less the Commission.

- (c) The amount so deducted is to be added to the deficient parts so that, if the Commission were also added to the deficient parts, there would be produced in each of the deficient parts an amount not greater than the amount required in each of those parts to declare a dividend equal to the unit of investment.

6. QUINELLA TOTALIZATORS

6.1 Opening and termination of quinella totalizator pool

6.1.1 A quinella totalizator:

- (a) must not be opened to accept bets for a race if the number of contestants in the race is less than 3; and
- (b) must be terminated if the number of contestants in the race falls below 3 at any time or if there are no finishers in the race.

6.2 Quinella pool dividends

6.2.1 Investment pool, jackpot pool and quinella dividend pool

- (a) All money invested on a quinella totalizator is to be paid into an investment pool for that quinella totalizator.
- (b) For each quinella totalizator there is to be a jackpot pool into which must be paid any amounts which, under clause 6.2.2 or clause 6.2.6 are required to be carried forward to the jackpot pool of that quinella totalizator.
- (c) For each quinella totalizator there is to be a quinella dividend pool into which is to be paid:
 - (i) the money invested in the investment pool for the quinella totalizator under clause 6.2.1 (a) (less any other amounts deducted in accordance with the definition of 'dividend pool' in clause 1.5); and
 - (ii) any amount in the jackpot pool for that quinella totalizator.

6.2.2 Distribution of quinella dividend

- (a) If there are 2 or more finishers in a quinella race, the quinella dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors on the combination comprising the first and second placed finisher in a race.
- (b) If one winner only is declared, and no second or third placing is declared:

- (i) the jackpot pool for that quinella race is carried forward to the jackpot pool for the quinella totalizator conducted on the succeeding quinella race; and
- (ii) the remainder of the quinella dividend pool after carrying forward the jackpot pool in accordance with clause 6.2.2(b) (i) is to be divided among the investors on the combination of the winner and any other contestant in the event irrespective of order.

6.2.3 **Dead-heat for first place between 2 finishers**

- (a) If 2 finishers dead-heat for first place, the quinella dividend pool is to be divided among the investors on the combination comprising those finishers.
- (b) If the combination referred to in clause 6.2.3 (a) is not backed, the quinella dividend pool is to be carried forward in accordance with clause 6.2.6 (b).

6.2.4 **Dead-heat for first place between 3 or more finishers**

If 3 or more finishers dead-heat for first place:

- (a) the quinella dividend pool is to be divided into as many equal parts as there are combinations comprising 2 of those finishers in the dead-heat for first place; and
- (b) a part is allotted to each combination; and
- (c) for each backed combination, the part is to be divided among the investors on the combination to which the part is allotted; and
- (d) for each unbacked combination the part is to be carried forward in accordance with clause 6.2.6 (b).

6.2.5 **Dead-heat for second place**

If 2 or more finishers dead-heat for second place:

- (a) the quinella dividend pool is to be divided into as many equal parts as there are combinations comprising the first placed finisher and a finisher in the dead-heat for second place; and
- (b) a part is allotted to each combination; and
- (c) for each backed combination, the part is to be divided among the investors on the combination to which the part is allotted; and
- (d) for each unbacked combination the part is to be carried forward in accordance with clause 6.2.6 (b).

6.2.6 Winning combination not backed or not backed to equivalent of unit of investment

Notwithstanding anything else in these rules, where the total of all amounts invested in a quinella totalizator on a combination in respect of which a dividend is to be distributed among investors under this clause ("winning quinella combination") is less than a unit of investment for that quinella totalizator or if a winning quinella combination is not backed:

- (a) only the amount of the quinella dividend pool determined in accordance with the following formula will be distributed among the investors on the winning quinella combination:

$$da = di \times \frac{ai}{ui}$$

where:

da is the total amount of the quinella dividend pool which is to be distributed among the investors on the winning quinella combination;

di is the total amount which would be distributed to investors on the winning quinella combination under clause 6.2 if the total of all amounts invested in the quinella totalizator on the winning quinella combination was not less than a unit of investment for that quinella totalizator so that this clause 6.2.6 did not apply. Where the winning quinella combination is not backed, *di* excludes any amount in the jackpot pool for that quinella totalizator under clause 6.2.1 (c) (ii);

ai is the total of all amounts (if any) invested in the quinella totalizator on the winning quinella combination; and

ui is the unit of investment for the quinella totalizator; and

- (b) there is to be carried forward and paid into the quinella jackpot pool for the quinella totalizator conducted on the succeeding quinella race an amount calculated in accordance with the following formula:

$$cf = di - da$$

where:

cf is the amount carried forward and paid into the quinella jackpot pool for the quinella totalizator conducted on the succeeding quinella race;

di has the meaning given to that term in clause 6.2.6 (a) and

da is the total amount of the quinella dividend pool which is to be distributed among the investors on the winning quinella combination as determined in accordance with clause 6.2.6 (a).

7. EXACTA TOTALIZATORS

7.1 Opening and termination of exacta totalizator pool

7.1.1 An exacta totalizator:

- (a) must not be opened to accept bets for a race if the number of contestants in the race is less than 2; and
- (b) must be terminated if the number of contestants in the race falls below 2 at any time or if there are no finishers in the race.

7.2 Exacta pool dividends

7.2.1 Investment pool, jackpot pool and exacta dividend pool

- (a) All money invested on an exacta totalizator is to be paid into an investment pool for that exacta totalizator.
- (b) For each exacta totalizator there is to be a jackpot pool into which must be paid any amounts which, under clause 7.2.2 or clause 7.2.6 are required to be carried forward to the jackpot pool of that exacta totalizator.
- (c) For each exacta totalizator there is to be an exacta dividend pool into which is to be paid:
 - (i) the money invested in the investment pool for the exacta totalizator under clause 7.2.1 (a) (less any other amounts deducted in accordance with the definition of 'dividend pool' in clause 1.5); and
 - (ii) any amount in the jackpot pool for that exacta totalizator.

7.2.2 Distribution of exacta dividend

- (a) If there are 2 or more finishers in an exacta race, the exacta dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors on the combination comprising the first and second placed finisher in the race, in the correct order.
- (b) If one winner only is declared, and no second or third placing is declared:
 - (i) the jackpot pool for that exacta race is carried forward to the jackpot pool for the exacta totalizator conducted on the succeeding exacta race; and
 - (ii) the remainder of the exacta dividend pool after carrying forward the jackpot pool in accordance

with clause 7.2.2(b)(i) is to be divided among the investors on the combination of the winner and any other contestant in the event irrespective of order.

7.2.3 Dead-heat for first place between 2 finishers

- (a) If 2 finishers dead-heat for first place:
- (i) the exacta dividend pool is to be divided into as many equal parts as there are combinations comprising the finishers in the dead-heat for first place; and
 - (ii) a part is allotted to each combination; and
 - (iii) for each backed combination, the part is to be divided among the investors on the combination to which the part is allotted; and
 - (iv) for each unbacked combination the part is to be carried forward in accordance with clause 7.2.6 (b).

7.2.4 Dead-heat for first place between 3 or more finishers

If 3 or more finishers dead-heat for first place:

- (a) the exacta dividend pool is to be divided into as many equal parts as there are combinations comprising 2 of those finishers in the dead-heat for first place; and
- (b) a part is allotted to each combination; and
- (c) for each backed combination, the part is to be divided among the investors on the combination to which the part is allotted; and
- (d) for each unbacked combination the part is to be carried forward in accordance with clause 7.2.6 (b).

7.2.5 Dead-heat for second place

- (a) If 2 or more finishers dead-heat for second place:
- (i) the exacta dividend pool is to be divided into as many equal parts as there are combinations comprising, in the correct order, the first placed finisher and a finisher in the dead-heat for second place; and
 - (ii) a part is allotted to each combination; and

- 46 -

- (iii) for each backed combination, the part is to be divided among the investors on the combination to which the part is allotted; and
- (iv) for each unbacked combination the part is to be carried forward in accordance with clause 7.2.6 (b).

7.2.6 Winning combination not backed or not backed to equivalent of unit of investment

Notwithstanding anything else in these rules, where the total of all amounts invested in an exacta totalizator on a combination in respect of which a dividend is to be distributed among investors under this clause ("winning exacta combination") is less than a unit of investment for that exacta totalizator or if a winning exacta combination is not backed:

- (a) only the amount of the exacta dividend pool determined in accordance with the following formula will be distributed among the investors on the winning exacta combination:

$$da = di \times \frac{ai}{ui}$$

where:

da is the total amount of the exacta dividend pool which is to be distributed among the investors on the winning exacta combination;

di is the total amount which would be distributed to investors on the winning exacta combination under clause 7.2 if the total of all amounts invested in the exacta totalizator on the winning exacta combination was not less than a unit of investment for that exacta totalizator so that this clause 7.2.6 did not apply. Where the winning exacta combination is not backed, *di* excludes any amount in the jackpot pool for that exacta totalizator under clause 7.2.1 (c) (ii);

ai is the total of all amounts (if any) invested in the exacta totalizator on the winning exacta combination; and

ui is the unit of investment for the exacta totalizator; and

- (b) there is to be carried forward and paid into the exacta jackpot pool for the exacta totalizator conducted on the succeeding exacta race an amount calculated in accordance with the following formula:

$$cf = di - da$$

where:

cf is the amount carried forward and paid into the exacta jackpot pool for the exacta totalizator conducted on the succeeding exacta race;

di has the meaning given to that term in clause 7.2.6 (a) and

da is the total amount of the exacta dividend pool which is to be distributed among the investors on the winning exacta combination as determined in accordance with clause 7.2.6 (a).

8. TRIFECTA TOTALIZATORS

8.1 Opening and termination of trifecta totalizator pool

8.1.1 A trifecta totalizator:

- (a) must not be opened to accept bets for a race if the number of contestants in the race is less than 3; and
- (b) must be terminated if the number of contestants in the race falls below 3 at any time or if there are no finishers in the race.

8.2 Trifecta pool dividends

8.2.1 Investment pool, jackpot pool and trifecta dividend pool

- (a) All money invested on a trifecta totalizator is to be paid into an investment pool for that trifecta totalizator.
- (b) For each trifecta totalizator there is to be a jackpot pool into which must be paid any amounts which, under clause 8.2.2 or clause 8.2.7 are required to be carried forward to the jackpot pool of that trifecta totalizator.
- (c) For each trifecta totalizator there is to be a trifecta dividend pool into which is to be paid:
 - (i) the money invested in the investment pool for the trifecta totalizator under clause 8.2.1(a) (less any other amounts deducted in accordance with the definition of 'dividend pool' in clause 1.5); and
 - (ii) any amount in the jackpot pool for that trifecta totalizator; and
 - (iii) the pool guarantee shortfall (if any) for that trifecta totalizator.

8.2.2 Distribution of trifecta dividend

- (a) If there are 3 or more finishers in a trifecta race, the trifecta dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors who select the combination comprising the first 3 placed finishers in the race in the correct order.

- (b) Where there are 2 finishers only in a trifecta race then:
- (i) the jackpot pool for that trifecta race is carried forward to the jackpot pool for the trifecta totalizator conducted on the succeeding trifecta race; and
 - (ii) the remainder of the trifecta dividend pool after carrying forward the jackpot pool in accordance with clause 8.2.2(b)(i), and excluding any pool guarantee shortfall, is to be divided among the investors who select a combination comprising the first 2 placed finishers in the race in the correct order, together with any other starter.
- (c) Where there is one finisher only in a trifecta race then:
- (i) the jackpot pool for that trifecta race is carried forward to the jackpot pool for the trifecta totalizator conducted on the succeeding trifecta race; and
 - (ii) the remainder of the trifecta dividend pool after carrying forward the jackpot pool in accordance with clause 8.2.2(c)(i), and excluding any pool guarantee shortfall, is to be divided amongst the investors who select a combination comprising, in the correct order, the one finisher in the race together with any other starters.

8.2.3 **Dead-heat for first place between 2 finishers**

- (a) If 2 finishers dead-heat for first place:
- (i) the trifecta dividend pool is to be divided into as many equal parts as there are combinations comprising the finishers in the dead-heat for first place and the third placed finisher in the correct order; and
 - (ii) a part is allotted to each combination; and
 - (iii) for each backed combination, the part is to be divided among the investors on the combination to which the part is allotted; and
 - (iv) for each unbacked combination the part is to be carried forward in accordance with clause 8.2.7(b)

- (b) If 2 finishers dead-heat for first place and there is also a dead-heat for third place:
- (i) the trifecta dividend pool is to be divided into as many equal parts as there are combinations comprising the finishers in the dead-heat for first place and one of the finishers in the dead-heat for third place in the correct order; and
 - (ii) a part is allotted to each combination; and
 - (iii) for each backed combination, the part is to be divided among the investors on the combination to which the part is allotted; and
 - (iv) for each unbacked combination the part is to be carried forward in accordance with clause 8.2.7(b).

8.2.4 **Dead-heat for first place between 3 or more finishers**

If 3 or more finishers dead-heat for first place:

- (a) the trifecta dividend pool is to be divided into as many equal parts as there are combinations comprising 3 of the finishers in the dead-heat for first place; and
- (b) a part is allotted to each combination; and
- (c) for each backed combination the part is to be divided among the investors on the combination to which the part is allotted; and
- (d) for each unbacked combination the part is to be carried forward in accordance with 8.2.7(b).

8.2.5 **Dead-heat for second place**

If 2 or more finishers dead-heat for second place:

- (a) the trifecta dividend pool is to be divided into as many equal parts as there are combinations comprising, in the correct order, the first placed finisher and 2 of the finishers in the dead-heat for second place; and
- (b) a part is allotted to each combination; and
- (c) for each backed combination, the part is to be divided among the investors on the combination to which the part is allotted; and
- (d) for each unbacked combination the part is to be carried forward in accordance with 8.2.7(b).

8.2.6 Dead-heat for third place

- (a) If 2 or more finishers dead-heat for third place:
- (i) the trifecta dividend pool is to be divided into as many equal parts as there are combinations comprising, in the correct order, the first placed finisher, the second placed finisher and one of the finishers in the dead-heat for third place; and
 - (ii) a part is allotted to each combination; and
 - (iii) for each backed combination, the part is to be divided among the investors on the combination to which the part is allotted; and
 - (iv) for each unbacked combination the part is to be carried forward in accordance with 8.2.7(b).
- (b) This clause does not apply if there is a dead-heat for first place.

8.2.7 Winning combination not backed or not backed to equivalent of unit of investment

Notwithstanding anything else in these rules, where the total of all amounts invested in a trifecta totalizator on a combination in respect of which a dividend is to be distributed among investors under this clause ("winning trifecta combination") is less than a unit of investment for that trifecta totalizator or if a winning trifecta combination is not backed:

- (a) only the amount of the trifecta dividend pool determined in accordance with the following formula will be distributed among the investors on the winning trifecta combination:

$$da = di \times \frac{ai}{ui}$$

where:

da is the total amount of the trifecta dividend pool which is to be distributed among the investors on the winning trifecta combination;

di is the total amount which would be distributed to investors on the winning trifecta combination under clause 8.2 if the total of all amounts invested in the trifecta totalizator on the winning trifecta combination was not less than a unit of investment for that trifecta totalizator so that this clause 8.2.7 did not apply. Where the winning trifecta combination is not backed, *di* excludes any amount in the jackpot pool for that trifecta totalizator under clause 8.2.1 (c) (ii) and excludes any pool guarantee shortfall for that trifecta totalizator under clause 8.2.1(c)(iii);

- 51 -

ai is the total of all amounts (if any) invested in the trifecta totalizator on the winning trifecta combination; and

ui is the unit of investment for the trifecta totalizator; and

- (b) there is to be carried forward and paid into the trifecta jackpot pool for the trifecta totalizator conducted on the succeeding trifecta race an amount calculated in accordance with the following formula:

$$cf = di - da$$

where:

cf is the amount carried forward and paid into the trifecta jackpot pool for the trifecta totalizator conducted on the succeeding trifecta race;

di has the meaning given to that term in clause 8.2.7(a) and

da is the total amount of the trifecta dividend pool which is to be distributed among the investors on the winning trifecta combination as determined in accordance with clause 8.2.7(a).

9. FIRST 4 TOTALIZATORS

9.1 First 4 race

TAB may, by order in writing, declare a race to be a first 4 race.

9.2 Opening and termination of first 4 totalizators

A first 4 totalizator:

- (a) must not be opened for a race if the number of contestants in the race is less than 4; and
- (b) must be terminated if the number of contestants in the race falls below 4 at any time or if there are no finishers in the race.

9.3 First 4 pool dividends

9.3.1 Investment pool, jackpot pool and first 4 dividend pool

- (a) All money invested on a first 4 totalizator is to be paid into an investment pool for that first 4 totalizator.
- (b) For each first 4 totalizator there is to be a jackpot pool into which must be paid:
- (i) any amounts which, under clause 9.3.2 or clause 9.3.4, are required to be carried forward to the jackpot pool of that first 4 totalizator; and
- (ii) the seeded jackpot amount (if any) for that first 4 totalizator.

- (c) For each first 4 totalizator there is to be a dividend pool into which is to be paid:
- (i) money invested in the investment pool for the first 4 totalizator under clause 9.3.1 (a) (less any other amounts deducted in accordance with the definition of 'dividend pool' in clause 1.5); and,
 - (ii) any amount in the jackpot pool for that first 4 totalizator; and
 - (iii) the pool guarantee shortfall (if any) for that first 4 totalizator.

9.3.2 Distribution of first 4 dividend pool

- (a) If there are 4 or more finishers in a first 4 race, the first 4 dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors who select the combination comprising the first 4 placed finishers in the race in the correct order.
- (b) Where there are 3 finishers only in a first 4 race then:
- (i) the jackpot pool for that first 4 race is carried forward to the jackpot pool for the first 4 totalizator conducted on the succeeding first 4 race; and
 - (ii) the remainder of the dividend pool after carrying forward the jackpot pool in accordance with clause 9.3.2(b)(i), and excluding any pool guarantee shortfall, is to be divided among the investors who select a combination comprising the first 3 placed finishers in the race in the correct order, together with any other starter.
- (c) Where there are 2 finishers only in a first 4 race then:
- (i) the jackpot pool for that first 4 race is carried forward to the jackpot pool for the first 4 totalizator conducted on the succeeding first 4 race; and
 - (ii) the remainder of the dividend pool after carrying forward the jackpot pool in accordance with clause 9.2.3 (c) (i), and excluding any pool guarantee shortfall, is to be divided among the investors who select a combination comprising the first 2 placed finishers in the race in the correct order, together with any other 2 starters.

- (d) Where there is one finisher only in a first 4 race then:
- (i) the jackpot pool for that first 4 race is carried forward to the jackpot pool for the first 4 totalizator conducted on the succeeding first 4 race; and
 - (ii) the remainder of the dividend pool after carrying forward the jackpot pool in accordance with clause 9.2.3 (d) (i), and excluding any pool guarantee shortfall, is to be divided among the investors who select a combination comprising, in the correct order, the one finisher in the race together with any other starters.

9.3.3 Dead-heats

- (a) Subject to sub-clause (b), if 2 or more finishers in a first 4 race dead-heat for any of the first 4 places:
- (i) each of those finishers is taken to have filled that place and each subsequent place up to the number of subsequent places corresponding to one less than the number of finishers involved in the dead-heat; and
 - (ii) the first 4 dividend pool is to be divided into as many equal parts as there are combinations in respect of which a dividend is to be distributed under clause 9.3.2; and
 - (iii) a part is allotted to each combination; and
 - (iv) for each backed combination, the part is to be divided among the investors on that backed combination to which the part is allotted; and
 - (v) for each unbacked combination the part is to be carried forward in accordance with clause 9.3.4(a) or 9.3.4(b).
- (b) Where a dead-heat occurs within any of the first 4 places which results in there being more than 12 winning combinations in a first 4, for the purpose of the declaration of dividends:
- (i) that placing and any subsequent placing in that first 4 shall not be taken into account; and
 - (ii) the dividend pool is to be divided into as many equal parts as there are combinations for the placings that are being taken into account in respect of which a dividend is to be distributed under clause 9.3.2; and

- 54 -

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- (iii) a part is allotted to each combination; and
 - (iv) for each backed combination, the part is to be divided among the investors on that backed combination to which the part is allotted; and
 - (v) for each unbacked combination the part is to be carried forward in accordance with clause 9.3.4(a) or 9.3.4(b).

9.3.4 Winning combination not backed or not backed to equivalent of unit of investment

Notwithstanding anything else in these rules, where the total of all amounts invested in a first 4 totalizator on a combination in respect of which a dividend is to be distributed among investors under this clause ('winning first 4 combination') is less than a unit of investment for that first 4 totalizator or if a winning first 4 combination is not backed:

- (a) only the amount of the first 4 dividend pool determined in accordance with the following formula will be distributed among the investors on the winning first 4 combination:

$$da = di \times \frac{ai}{ui}$$

where:

da is the total amount of the dividend pool which is to be distributed among the investors on the winning first 4 combination;

di is the total amount which would be distributed to investors on the winning first 4 combination under clause 9.3.4 if the total of all amounts invested in the first 4 totalizator on the winning first 4 combination was not less than a unit of investment for that first 4 totalizator so that this clause 9.3.4 did not apply. Where the winning first 4 combination is not backed, *di* excludes any amount in the jackpot pool for that first 4 totalizator under clause 9.3.1 (c) (ii) and excludes any pool guarantee shortfall for that first 4 totalizator under clause 9.3.1(c)(iii);

ai is the total of all amounts (if any) invested in the first 4 totalizator on the winning first 4 combination; and

ui is the unit of investment for the first 4 totalizator; and

- (b) there is to be carried forward and paid into the jackpot pool for the first 4 totalizator conducted on the succeeding first 4 race an amount calculated in accordance with the following formula:

$$cf = di - da$$

- 55 -

where:

cf is the amount carried forward and paid into the jackpot pool for the first 4 totalizator conducted on the succeeding first 4 race;

di has the meaning given to that term in clause 9.3.4; and

da is the total amount of the dividend pool which is to be distributed among the investors on the winning first 4 combination as determined in accordance with clause 9.3.4.

10. DOUBLES TOTALIZATORS

10.1 Doubles Races

TAB, or a racing club conducting a domestic totalizator, may by order in writing, declare a combination of 2 races to be a double.

10.2 Opening and termination of doubles totalizator pool

A doubles totalizator:

- (a) must not be opened to accept bets if the number of contestants in either leg of the double is less than 2; and
- (b) must be terminated if the number of contestants in each leg of the double falls below 2 at any time or if there are no finishers in each leg of the double.

10.3 Doubles pool dividends

10.3.1 Investment pool, jackpot pool and doubles dividend pool

- (a) All money invested on a doubles totalizator is to be paid into an investment pool for that doubles totalizator.
- (b) For each doubles totalizator there is to be a jackpot pool into which must be paid any amounts which, under clause 10.3.7 are required to be carried forward to the jackpot pool of that doubles totalizator.
- (c) For each doubles totalizator there is to be a doubles dividend pool into which is to be paid:
 - (i) the money invested in the investment pool for the doubles totalizator under clause 10.3.1 (a) (less any other amounts deducted in accordance with the definition of 'dividend pool' in clause 1.5); and
 - (ii) any amount in the jackpot pool for that doubles totalizator.

10.3.2 Distribution of double dividend pool

The double dividend pool is to be divided among the investors who select the combination comprising the first placed finishers in the 2 races of the double.

10.3.3 Dead-heats

If, as a result of a dead-heat in any race to which the double relates, investors on 2 or more combinations of finishers become entitled to a dividend:

- (a) the doubles dividend pool is to be divided into as many equal parts as there are combinations; and
- (b) a part is allotted to each combination; and
- (c) for each backed combination, the part is to be divided among the investors on the combination to which the part is allotted; and
- (d) for each unbacked combination the part is to be carried forward in accordance with clause 10.3.7 (b).

10.3.4 Non-starters and substitutes

- (a) Any money invested on a combination in a double which includes a non-starter in any race of the double must either:
 - (i) if the relevant ticket is presented to TAB before investments have ceased to be accepted on the first leg, be refunded to the investor; or
 - (ii) if the money is not so refunded be invested in accordance with subclause (b).
- (b) If a contestant selected in a bet on a double does not become a starter in a race (including a re-run race) the bet is deemed to be invested on a substitute selection as determined under subclause (c).
- (c) Where TAB receives double bets on a contestant that is a non-starter in any race in a double, the double bets made on that non-starter will be deemed to be invested on the contestant in that same race ("the substitute") which has the greatest amount of money invested on it on TAB's win totalizator pool.
- (d) The substitute will be declared by TAB when the win dividend is declared payable on the race.
- (e) Where two or more contestants have equal win investments under the rule in sub-clause (c), the contestant with the lower contestant number will be deemed to be the substitute selection for that race.

- (f) For the purposes of this clause, any determination made by TAB as to the contestant to be substituted for a contestant which is a non-starter in a race in a double will be final and conclusive.

10.3.5 First leg abandoned or postponed

- (a) If a first leg is abandoned, postponed to another date, declared a no-race or is a walkover (whether or not it may be re-run later in a program) the doubles dividend pool is to be divided among the investors on the winner of the second leg.
- (b) If, as the result of a dead-heat, investors on 2 or more placed finishers become entitled to a dividend under this clause:
- (i) the doubles dividend pool is to be divided into as many equal parts as there are finishers in the dead-heat; and
 - (ii) a part is allotted to each finisher;
 - (iii) for each backed combination, the part is to be divided among the investors on the finisher to which the part is allotted; and
 - (iv) for each unbacked combination the part is to be carried forward in accordance with clause 10.3.7 (b).

10.3.6 Second leg abandoned or postponed

- (a) If a second leg is abandoned, postponed to another date, declared a no-race or is a walkover (whether or not it may be re-run later in a program) the doubles dividend pool is to be divided among the investors on the winner of the first leg.
- (b) If, as the result of a dead-heat, investors on 2 or more placed finishers become entitled to a dividend under this clause:
- (i) the doubles dividend pool is to be divided into as many equal parts as there are finishers in the dead-heat; and
 - (ii) a part is allotted to each finisher;
 - (iii) for each backed combination, the part is to be divided among the investors on the finisher to which the part is allotted; and

- 58 -

- (iv) for each unbacked combination the part is to be carried forward in accordance with clause 10.3.7 (b).

10.3.7 Winning combination not backed or not backed to equivalent of unit of investment

Notwithstanding anything else in these rules, where the total of all amounts invested in a doubles totalizator on a combination in respect of which a dividend is to be distributed among investors under this clause ('winning doubles combination') is less than a unit of investment for that doubles totalizator or if a winning doubles combination is not backed:

- (a) only the amount of the doubles dividend pool determined in accordance with the following formula will be distributed among the investors on the winning doubles combination:

$$da = di \times \frac{ai}{ui}$$

where:

da is the total amount of the doubles dividend pool which is to be distributed among the investors on the winning doubles combination;

di is the total amount which would be distributed to investors on the winning doubles combination under clause 10.3 if the total of all amounts invested in the doubles totalizator on the winning doubles combination was not less than a unit of investment for that doubles totalizator so that this clause 10.3.7 did not apply. Where the winning doubles combination is not backed, *di* excludes any amount in the jackpot pool for that doubles totalizator under clause 10.3.1 (c) (ii);

ai is the total of all amounts (if any) invested in the doubles totalizator on the winning doubles combination; and

ui is the unit of investment for the doubles totalizator; and

- (b) there is to be carried forward and paid into the doubles jackpot pool for the doubles totalizator conducted on the succeeding double an amount calculated in accordance with the following formula:

$$cf = di - da$$

where:

cf is the amount carried forward and paid into the doubles jackpot pool for the doubles totalizator conducted on the succeeding doubles race;

di has the meaning given to that term in clause 10.3.7 (a) and

da is the total amount of the doubles dividend pool which is to be distributed among the investors on the winning doubles combination as determined in accordance with clause 10.3.7 (a).

11. QUADDIE TOTALIZATOR

11.1 Quaddie

TAB may, by order in writing, declare a combination of 4 races at a race meeting to be a quaddie.

11.2 Opening and termination of quaddie totalizator pool

A quaddie totalizator:

- (a) must not be opened to accept bets if the number of contestants in any race of the quaddie is less than 2; and
- (b) must be terminated if the number of contestants in each race of the quaddie falls below 2 at any time or if there are no finishers in each race of the quaddie.

11.3 Quaddie pool dividends

11.3.1 Investment pool, jackpot pool and quaddie dividend pool

- (a) All money invested on a quaddie totalizator is to be paid into an investment pool for that quaddie totalizator.
- (b) For each quaddie totalizator there is to be a jackpot pool into which must be paid:
 - (i) any amounts which, under clause 11.3.6, are required to be carried forward to the jackpot pool of that quaddie totalizator; and
 - (ii) the seeded jackpot amount (if any) for that quaddie totalizator.
- (c) For each quaddie totalizator there is to be a dividend pool into which is to be paid:
 - (i) money invested in the investment pool for the quaddie totalizator under clause 11.3.1(a) (less any other amounts deducted in accordance with the definition of 'dividend pool' in clause 1.5); and
 - (ii) any amount in the jackpot pool for that quaddie totalizator; and
 - (iii) the pool guarantee shortfall (if any) for that quaddie totalizator.

11.3.2 Distribution of quaddie dividend pool

The quaddie dividend pool is to be divided among the investors who select the combination comprising the first placed finishers in the 4 races of the quaddie.

11.3.3 Dead Heats

- (a) Subject to sub-clause (b), if, as a result of a dead heat in any race to which the quaddie relates, investors on 2 or more combinations of finishers become entitled to a dividend:
 - (i) the quadrella dividend pool is to be divided into as many equal parts as there are combinations; and
 - (ii) a part is allotted to each combination; and
 - (iii) for each backed combination, the part is to be divided among the investors on that backed combination to which the part is allotted; and
 - (iv) for each unbacked combination the part is carried forward in accordance with clause 11.3.6.

- (b) Where as a result of a dead heat in any race to which the quaddie relates there are more than eight winning combinations, for the purpose of the calculation of dividends:
 - (i) that race and any subsequent race in that quaddie shall not be taken into account;
 - (ii) the quaddie dividend pool is to be divided into as many equal parts as there are combinations;
 - (iii) a part is allotted to each combination;
 - (iv) for each backed combination, the part is to be divided among the investors on that backed combination to which the part is allotted; and
 - (v) for each unbacked combination, the part is carried forward in accordance with clause 11.3.6.

11.3.4 Non-starters and substitutes

- (a) Any money invested on a combination in a quaddie which includes a non-starter in any race of the quaddie must either:
 - (i) if the relevant ticket is presented to TAB before investments have ceased to be accepted on the first race of the quaddie, be refunded to the investor; or

- 61 -

- (ii) if the money is not so refunded be invested in accordance with subclause (b).
- (b) If a contestant selected in a bet on a quaddie does not become a starter in a race (including a re-run race) the bet is deemed to be invested on a substitute selection as determined under subclause (c).
- (c) Where TAB receives quaddie bets on a contestant that is a non-starter in any race in a quaddie, the quaddie bets made on that non-starter will be deemed to be invested on the contestant in that same race ("the substitute") which has the greatest amount of money invested on it on TAB's win totalizator pool.
- (d) The substitute will be declared by TAB when the win dividend is declared payable on the race.
- (e) Where two or more contestants have equal win investments under the rule in clause 11.3.4(c) the contestant with the lower contestant number will be deemed to be the substitute selection for that race.
- (f) For the purposes of clause 11.3.4, any determination made by TAB as to the contestant to be substituted for a contestant which is a non-starter in a race in a quaddie will be final and conclusive.

11.3.5 Races abandoned or postponed

- (a) Where any race in a quaddie is abandoned, postponed until another day, declared a no-race or is a walkover (whether or not it may be re-run later in a program), all selections on that race will be deemed to be first placed finishers and the quaddie dividend pool will be divided on that basis.
- (b) Where all races in the quaddie are abandoned or postponed until another day, all bets will be refunded.
- (c) The bets referred to in Rule 11.3.5(b) shall not include any amount in the quaddie jackpot pool for that quaddie totalizator, which shall be carried forward and paid into the quaddie jackpot pool for the quaddie totalizator conducted on the succeeding quaddie.

11.3.6 Winning combination not backed or not backed to equivalent of unit of investment

Notwithstanding anything else in these rules, where the total of all amounts invested in a quaddie totalizator on a combination in respect of which a dividend is to be distributed among investors under this clause ('winning quaddie combination') is less than a unit of investment for that quaddie totalizator or if a winning quaddie combination is not backed:

- (a) only the amount of the quaddie dividend pool determined in accordance with the following formula will be distributed among the investors on the winning quaddie combination:

$$da = di \times \frac{ai}{ui}$$

where:

da is the total amount of the dividend pool which is to be distributed among the investors on the winning quaddie combination;

di is the total amount which would be distributed to investors on the winning quaddie combination under this clause if the total of all amounts invested in the quadrella totalizator on the winning quaddie combination was not less than a unit of investment for that quaddie totalizator so that this clause 11.3.6 did not apply. Where the winning quaddie combination is not backed, *di* excludes any amount in the jackpot pool for that quaddie totalizator under clause 11.3.1(c)(ii) and excludes any pool guarantee shortfall for that quaddie totalizator under clause 11.3.1(c)(iii);

ai is the total of all amounts (if any) invested in the quaddie totalizator on the winning quaddie combination; and

ui is the unit of investment for the quaddie totalizator; and

- (b) there is to be carried forward and paid into the jackpot pool for the quaddie totalizator conducted on the succeeding quaddie race an amount calculated in accordance with the following formula:

$$cf = di - da$$

where:

cf is the amount carried forward and paid into the jackpot pool for the quaddie totalizator conducted on the succeeding quaddie race;

di has the meaning given to that term in clause 11.3.6(a); and

da is the total amount of the dividend pool which is to be distributed among the investors on the winning quaddie combination as determined in accordance with clause 11.3.6(a).

12. DUET TOTALIZATOR

12.1 Opening and termination of duet totalizator pool

A duet totalizator:

- (a) must not be opened to accept bets for a race if the number of contestants in the race is less than 8; and
- (b) must be terminated if the number of contestants in the race falls below 8 prior to any late scratchings or below 5 at any time or if there are no finishers in the race.

12.2 Duet pool dividends

12.2.1 Investment pool, jackpot pool and duet dividend pool

- (a) All money invested on a duet totalizator is to be paid into an investment pool for that duet totalizator.
- (b) For each duet totalizator there is to be a jackpot pool into which must be paid any amounts which, under clause 12.2.2 or clause 12.2.8 are required to be carried forward to the jackpot pool of that duet totalizator.
- (c) For each duet totalizator there is to be a duet dividend pool into which is to be paid:
 - (i) the money invested in the investment pool for the duet totalizator under clause 12.2.1 (a) (less any other amounts deducted in accordance with the definition of 'dividend pool' in clause 1.5); and
 - (ii) any amount in the jackpot pool for that duet totalizator.

12.2.2 Distribution of duet dividend pool

- (a) The duet dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors on the combination comprising any two of the first, second and third placed finishers in a race.
- (b) If there are 3 or more finishers in a duet race, the whole of the duet dividend pool is (except to the extent otherwise provided in these rules) to be divided into three equal parts, of which:
 - (i) one part is to be dividend among the investors who select the winning combination comprising the first and second placed finishers in the race;

- 64 -

- (ii) one part is to be divided among the investors who select the winning combination comprising the first and third placed finishers in the race; and
 - (iii) one part is to be divided among the investors who select the winning combination comprising the second and third placed finishers in the race.
- (c) Where there are 2 finishers only in a duet race then:
- (i) the jackpot pool for that duet race is carried forward to the jackpot pool for the duet totalizator conducted on the succeeding duet race; and
 - (ii) the remainder of the duet dividend pool after carrying forward the jackpot pool in accordance with clause 12.2.2(c)(i) is to be divided among the investors who select the winning combination comprising the first and second placed finishers in the race.
- (d) Where there is one finisher only in a duet race then:
- (i) the jackpot pool for that duet race is carried forward to the jackpot pool for the duet totalizator conducted on the succeeding duet race; and
 - (ii) the remainder of the duet dividend pool after carrying forward the jackpot pool in accordance with clause 12.2.2(d)(i) is to be divided among the investors who select the winning combination comprising the first placed finisher in the race and any other starter. .

12.2.3 Dead-heat for first place between 2 finishers

- (a) If 2 finishers dead-heat for first place and there is no dead-heat for third place:
- (i) the whole of the duet dividend pool is to be divided into as many equal parts as there are winning combinations of:
 - (A) the 2 finishers in the dead-heat for first place; and
 - (B) one of the finishers in the dead-heat for first place and the third place finisher; and
 - (C) the other finisher in the dead-heat for first place and the third place finisher; and
 - (ii) a part is to be allotted to each winning combination; and

- 65 -

- (iii) for each backed winning combination, the part is to be divided among the investors on the winning combination to which the part is allotted; and
 - (iv) for each unbacked winning combination the part is to be carried forward in accordance with clause 12.2.8 (b).
- (b) If 2 finishers dead-heat for first place and 2 or more finishers dead-heat for third place:
- (i) the whole of the duet dividend pool is to be divided into as many equal parts as there are winning combinations of:
 - (A) the 2 finishers in the dead-heat for first place;
 - (B) one of the finishers in the dead-heat for first place and a finisher in the dead-heat for third place; and
 - (C) the other finisher in the dead heat for first place and a finisher in the dead-heat for third place; and
 - (ii) a part is to allotted to each winning combination; and
 - (iii) a part allotted to the winning combination referred to in 12.2.3(a)(i) (B) or 12.2.3(a)(i) (C) above is to be further divided into as many equal parts as there are individual winning combinations to which that part applies and allotted to that individual winning combination; and
 - (iv) for each backed winning combination or backed individual winning combination, the part is to be divided among the investors on the winning combination or individual winning combination to which the part is allotted; and
 - (v) for each unbacked winning combination or unbacked individual winning combination the part is to be carried forward in accordance with clause 12.2.8 (b).

12.2.4 **Dead-heat for first place between 3 or more finishers**

If 3 or more finishers dead-heat for first place:

- (a) the whole of the duet dividend pool is to be divided into as many equal parts as there are winning combinations comprising 2 of those finishers in the dead-heat for first place; and
- (b) a part is to be allotted to each winning combination; and
- (c) for each backed winning combination, the part is to be divided among the investors on the winning combination to which the part is allotted; and
- (d) for each unbacked winning combination the part is to be carried forward in accordance with clause 12.2.8 (b).

12.2.5 **Dead-heat for second place between 2 finishers**

If 2 finishers dead-heat for second place:

- (a) the whole of the duet dividend pool is to be divided into as many equal parts as there are winning combinations of:
 - (A) the first placed finisher and a finisher in the dead-heat for second place;
 - (B) the first placed finisher and the other finisher in the dead-heat for second place; and
 - (C) the 2 finishers in the dead-heat for second place; and
- (b) a part is to be allotted to each winning combination; and
- (c) for each backed winning combination, the part is to be divided among the investors on the winning combination to which the part is allotted; and
- (d) for each unbacked winning combination the part is to be carried forward in accordance with clause 12.2.8 (b).

12.2.6 **Dead-heat for second place between 3 or more finishers**

(a) If 3 or more finishers dead-heat for second place:

- (i) two thirds of the duet dividend pool is to be divided into as many equal parts as there are winning combinations comprising the first placed finisher and a finisher in the dead-heat for second place; and
- (ii) one third of the duet dividend pool is to be divided into as many equal parts as there are winning

- 67 -

combinations comprising any two of the finishers in the dead-heat for second place; and

- (iii) a part is to be allotted to each winning combination; and
- (iv) for each backed winning combination, the part is to be divided among the investors on the winning combination to which the part is allotted; and
- (v) for each unbacked winning combination the part is to be carried forward in accordance with clause 12.2.8 (b).

12.2.7 **Dead-heat for third place between 2 or more finishers**

If 2 or more finishers dead-heat for third place:

- (a) the whole of the duet dividend pool is to be divided into as many equal parts as there are winning combinations of:
 - (i) the first placed finisher and the second placed finisher;
 - (ii) the first placed finisher and a finisher in the dead-heat for third place; and
 - (iii) the second placed finisher and a finisher in the dead-heat for third place; and
- (b) a part is to be allotted to each winning combination; and
- (c) a part allotted to the winning combination referred to in (a) (ii) or (a) (iii) is to be further divided into as many equal parts as there are individual winning combinations to which that part applies and allotted to that individual winning combination; and
- (d) for each backed winning combination or backed individual winning combination, the part is to be divided among the investors on the winning combination or winning individual combination to which the part is allotted; and
- (e) for each unbacked winning combination or unbacked individual winning combination the part is to be carried forward in accordance with clause 12.2.8 (b).

12.2.8 **Winning combination not backed or not backed to equivalent of unit of investment**

Notwithstanding anything else in these rules, where the total of all amounts invested in a duet totalizator on a combination in respect of which a dividend is to be distributed among investors under this clause ("winning duet combination") is less than a unit of investment

for that duet totalizator or if a winning duet combination is not backed:

- (a) only the amount of the duet dividend pool determined in accordance with the following formula will be distributed among the investors on the winning duet combination:

$$da = di \times \frac{ai}{ui}$$

where:

da is the total amount of the duet dividend pool which is to be distributed among the investors on the winning duet combination;

di is the total amount which would be distributed to investors on the winning duet combination under clause 12.2 if the total of all amounts invested in the duet totalizator on the winning duet combination was not less than a unit of investment for that duet totalizator so that this clause 12.2.8 did not apply. Where the winning duet combination is not backed, *di* excludes any amount in the jackpot pool for that duet totalizator under clause 12.2.1 (c) (ii);

ai is the total of all amounts (if any) invested in the duet totalizator on the winning duet combination; and

ui is the unit of investment for the duet totalizator; and

- (b) there is to be carried forward and paid into the duet jackpot pool for the duet totalizator conducted on the succeeding duet race an amount calculated in accordance with the following formula:

$$cf = di - da$$

where:

cf is the amount carried forward and paid into the duet jackpot pool for the duet totalizator conducted on the succeeding duet race;

di has the meaning given to that term in clause 12.2.8 (a) and

da is the total amount of the duet dividend pool which is to be distributed among the investors on the winning duet combination as determined in accordance with clause 12.2.8 (a).

12.3 Deficiency in duet totalizator pool

12.3.1 Dividend where deficiency in one part of the duet totalizator pool

- (a) If:
- (i) the duet dividend pool is divided in accordance with 12.2; and
 - (ii) in not more than one part (in this clause referred to as the “deficient part”) of the duet dividend pool there is insufficient money to enable a dividend equal to the unit of investment to be declared in respect of that part; and
 - (iii) the amount of the deficiency is greater than the amount deducted as Commission; then, there must, before any dividend is declared, be deducted:
 - (iv) from the part, other than the deficient part; or
 - (v) if there are 2 or more parts that are not deficient parts, from those parts in proportion to the amounts standing in those parts; an amount sufficient to enable a dividend equal to the unit of investment to be declared in respect of the deficient part, less the Commission.
- (b) The amount so deducted is to be added to the deficient part so that, if the Commission were also added to the deficient part, there would be produced in the deficient part an amount not greater than the amount required in that part to declare a dividend equal to the unit of investment.

12.3.2 Dividend where deficiency in 2 or more parts of the duet totalizator pool

- (a) If:
- (i) the duet dividend pool is divided in accordance with 12.2; and
 - (ii) in each of 2 or more parts (in this clause referred to as the “**deficient part**”) of the duet dividend pool there is insufficient money to enable dividends equal to the unit of investment to be declared in respect of those parts; and
 - (iii) the aggregate of the amounts of those deficiencies is greater than the amount deducted as Commission; then, there must, before any dividend is declared, be deducted:

- 70 -

- (iv) from the part, other than the deficient parts; or
 - (v) if there are 2 or more parts that are not deficient parts, from those parts in proportion to the amounts standing in those parts, an amount equal to the aggregate of the amounts of the deficiencies in the deficient parts, less the Commission.
- (b) The amount so deducted is to be added to the deficient part so that, if the Commission were also added to the deficient parts, there would be produced in each of the deficient parts an amount not greater than the amount required in each of those parts to declare a dividend equal to the unit of investment.

13. BIG6

13.1 BIG6 Totalizator

TAB may by order in writing declare a combination of 6 races to be a BIG6.

13.2 Opening and termination of BIG6 totalizator pool

A BIG6 totalizator:

- (a) Must not be opened to accept bets if the number of contestants in any race of the BIG6 is less than 2; and
- (b) Must be terminated if the number of contestants in each race of the BIG6 falls below 2 at any time or if there are no finishers in each leg of the BIG6.

13.3 BIG6 pool dividends

13.3.1 Investment pool, jackpot pool and BIG6 dividend pool

- (a) All money invested on a BIG6 totalizator is to be paid into an investment pool for that BIG6 totalizator.
- (b) For each BIG6 totalizator, there is to be a jackpot pool in which must be paid:
 - (i) any amounts, which under clause 13.3.6 are required to be carried forward to the jackpot pool of that BIG6 totalizator; and
 - (ii) the seeded jackpot amount (if any) for that BIG6 totalizator.

- 71 -

- (c) For each BIG 6 totalizator, there is to be a dividend pool into which is to be paid
- (i) money invested in the investment pool for the BIG6 totalizator under clause 13.3.1(a) (less any amounts deducted as Commission), subject to clause 17 is to be paid into a BIG6 dividend pool (less any other amounts deducted in accordance with the definition of 'dividend pool' in clause 1.5); and
 - (ii) any amount in the jackpot pool for that BIG6 totalizator; and
 - (iii) the pool guarantee shortfall (if any) for that BIG6 totalizator.

13.3.2 Calculation and Distribution of BIG6 dividend pool

13.3.2.1 Distribution of BIG6 dividend pool

Notwithstanding the provisions of 13.3.2.2, the following shall apply: The BIG6 dividend pool is to be divided among investors in accordance with the percentages listed below:

- (a) 90% of the amount in the dividend pool in accordance with clause 13.3.1(c)(i) plus 100% of the jackpot pool in accordance with clause 13.3.1 (c) (ii) plus 100% of the pool guarantee shortfall (if any) in accordance with clause 13.3.1(c)(iii) shall be the major dividend pool;
- (b) 10% of the amount in the dividend pool in accordance with clause 13.3.1(c)(i) shall be the supplementary dividend pool.

13.3.2.2 BIG6 Pool Dividend Calculations

- (a) The major dividend pool is to be divided among the investors who select a combination comprising the first placed finishers in the 6 races of the BIG6.
- (b) The supplementary dividend pool is to be divided among the investors who select a combination comprising the first placed finishers in the first 5 scheduled races of the BIG6, and a losing selection in the remaining race of the BIG6.

13.3.3 Dead Heats

- (a) Where as a result of a dead heat in any race to which the BIG6 relates, investors on 2 or more combinations of first placed finishers become entitled to a major dividend:
 - (i) the major dividend pool is to be divided into as many equal parts as there are combinations; and
 - (ii) each part so determined shall be treated separately and allotted to each combination; and
 - (iii) for each backed combination, the major dividend pool part shall be divided among the investors on that backed combination to which the part is allotted; and
 - (iv) each unbacked combination part is carried forward to the BIG6 jackpot pool conducted on the succeeding BIG6 and in accordance with clause 13.3.6.
- (b) Where as the result of a dead heat in any event in a BIG6, investors on two or more combinations of first placed finishers become entitled to a supplementary dividend, the supplementary dividend shall be calculated by dividing the supplementary dividend pool as described in Rule 13.3.2.1 (b) equally amongst the Investors on each backed combination.

13.3.4 Non starters and substitutes

- (a) Any money invested on a combination in a BIG6 which includes a non starter in any race of the BIG6 must either:
 - (i) if the relevant ticket is presented to TAB before investments have ceased to be accepted on the first race of the BIG6, be refunded to the investor; or,
 - (ii) If the money is not so refunded, be invested in accordance with subclause 13.3.4 (b).
- (b) If a contestant selected in a bet on a BIG6 does not become a starter in a race (including a re-run race), the bet is deemed to be invested on a substitute selection as determined under subclause 13.3.4 (c).
- (c) Where TAB receives BIG6 bets on a contestant that is a non-starter in any race in a BIG6, the BIG6 bets made on that non-starter will be deemed to be invested on the contestant in that same race ("the substitute") which has the

- 73 -

greatest amount of money invested on it on that same race in TAB's BIG6 totalizator pool.

- (d) The substitute will be declared by TAB when the win dividend is declared payable on the race.
- (e) Where two or more contestants have equal BIG6 pool investments under the rule in clause 13.3.4 (c), the contestant with the lower contestant number will be deemed to be the substitute selection for that race.
- (f) For the purposes of this clause 13.3.4 (c), any determination made by the TAB as to the contestant to be substituted for a contestant which is a non-starter in a race in a BIG6 will be final and conclusive.

13.3.5 Races abandoned or postponed

- (a) Where any race in a BIG6 is abandoned, postponed until another day, declared a no race or is a walkover (whether or not it may be re-run later in the program), all selections on that race will be deemed to be first placed finishers and the BIG6 dividend pool will be divided on that basis.
- (b) If three or more races in a BIG6 are abandoned or postponed until another day, all bets will be refunded.
- (c) If any events selected to form part of a BIG6 are abandoned selling must cease.
- (d) If one or two races in a BIG6 are cancelled, postponed, or abandoned, 100% of the BIG6 pool shall be available for major dividends and all selections in the affected BIG6 events shall be deemed to be winners.
- (e) If the start time of the scheduled first leg of the BIG6 is delayed or that event is run out of order, the betting close time of the BIG6 shall be the betting close time of the first BIG6 event run for that BIG6.
- (f) The bets referred to in Rule 13.3.5(b) shall not include any amount in the BIG6 jackpot pool for that BIG6 totalizator, which shall be carried forward and paid into the BIG6 jackpot pool for the BIG6 totalizator conducted on the succeeding BIG6.

13.3.6 Winning combination not backed or not backed to equivalent of unit of investment

Notwithstanding anything else in the rules, where the total of all amounts invested in a BIG6 totalizator on a combination in respect of which a dividend is to be distributed among investors under this clause ("winning BIG6 combination") is less than a unit of Investment

- 74 -

for that BIG6 totalizator or if a winning BIG6 combination is not backed:

- (a) only the amount of the BIG6 dividend pool for a major or supplementary dividend as the case may be determined in accordance with the following formula, will be distributed amongst the investors on the winning BIG6 combination for the relevant major or supplementary dividend:

$$da = di \times \frac{ai}{ui}$$

where:

da is the amount of the relevant BIG6 major or supplementary dividend pool which is to be distributed among the investors on the winning BIG6 combination for the major or supplementary dividend, as the case may be;

di is the total amount which would be distributed to Investors on the winning BIG6 combination for each Dividend level if the total of BIG6 Investments for each Dividend level in respect of which a dividend is to be paid was not less than a unit of investment. Where the winning BIG6 combination for the major or supplementary dividend as the case may be is not backed, *di* excludes any amount in the jackpot pool for that BIG6 totalizator under clause 13.3.1 (c) (ii) and excludes any pool guarantee shortfall for that BIG6 totalizator under clause 13.3.1(c)(iii);

ai is in respect to a major or supplementary dividend pool, as the case may be, the total of all amounts (if any) invested in the BIG6 totalizator on the winning BIG6 combination for the relevant major or supplementary dividend.

ui is the unit of investment for the BIG6 totalizator; and

- (b) there is to be carried forward and paid into the jackpot pool for the BIG6 totalizator conducted on the succeeding BIG6 declared by TAB under clause 13.1 an amount calculated in accordance with the following formula:

$$cf = di - da$$

where:

cf is the amount transferred to the BIG6 jackpot pool on the succeeding BIG6;

di has the same meaning as in sub-rule (a) above;

da has the same meaning as in sub-rule (a) above.

13.3.7 Application of minimum dividend

Subsection (3) of Appendix 1, Determination of Dividend – Minimums and Fractions, does not apply in respect to dividends under these rules for BIG6 pools.

14. PARLAY BETTING**14.1 Establishment of parlay betting records**

On the request of a person, TAB, or on-course totalizator, may establish a parlay betting record to enable the person to make parlay cash bets, telephone bets or device bets.

14.2 Races to which parlay bets relate

14.2.1 A parlay bet may be made in respect of:

- (a) races on which a win and place totalizator or quinella totalizator is operating; or
- (b) any other race totalizators as determined by TAB from time to time.

14.2.2 At the time of placing a parlay investment, the investor will determine the formula number that is to be applied to that bet, which must be a whole number, not less than 1 and not greater than the total number of races in the bet.

14.2.3 The maximum number of races in respect of which any one parlay bet may be made is to be as determined by TAB, or racing club conducting an on-course totalizator as applicable.

14.2.4 TAB, or racing club (as applicable) may limit the races in respect of which any one parlay bet may be made to races at the same race meeting or in any other manner as they may determine.

14.3 Dividends and refunds on parlay bets

14.3.1 Money to the credit of a parlay betting record must be transmitted to the win and place totalizator, or quinella totalizator (or other class of totalizator on which the bet is required) for the next race to which the parlay bet relates.

14.3.2 Any dividend or refund for a parlay bet must be collected by TAB, or racing club, and credited to the parlay betting record for the bet.

14.3.3 After a dividend is paid in accordance with these rules on the second or any subsequent race or event to which a parlay bet relates, the amount to be credited to the parlay betting record for the bet is to be calculated as follows:

$$A = \frac{C \times D}{U}$$

where:

“A” represents the amount to be credited;

“C” represents the amount credited to the parlay betting record in respect of the previous race to which the parlay bet relates;

“D” represents the dividend declared for the minimum unit of investment in respect of the second or subsequent race;

“U” represents the minimum bet for that race.

14.3.4 In calculating the amount to be credited pursuant to clause 14.3.3 to a parlay betting record:

- (a) fractions of cents will be disregarded; and
- (b) minimum dividend provisions apply to the calculation of the amount to be credited in the same way as they apply to the calculated amount referred to in those provisions.

14.3.5 The balance standing to the credit of a parlay betting record after the last race to which the parlay bet relates:

- (a) in the case of a parlay cash betting record, must be paid to the person concerned as if the bet were a cash bet; or
- (b) in the case of a parlay telephone or device betting record, must be paid into the betting account of the person concerned.

14.3.6 Any money that is paid as a dividend or refund in accordance with the Act, and that remains unallocated after the calculation of the amounts payable under this clause 14.3, is to be allocated in accordance with Part 6 of the Act.

14.4 Races postponed or run out of sequence

In the event that a race to which a parlay bet relates is postponed or is run out of the sequence, TAB, or racing club conducting an on-course totalizator, must treat the race for the purposes of the parlay bet as an abandoned race.

15. WAGERING ON USA RACING EVENTS

15.1 Application

15.1.1 This clause applies to totalizators conducted by TAB on events scheduled to be held at a race meeting on any racecourse in the United States of America (“a USA racing event”) and does not apply to any totalizator conducted by TAB on any other event.

15.1.2 In relation to any totalizator conducted by TAB on a USA racing event, this clause prevails over any other provision of these rules to the extent of any inconsistency.

15.2 Definitions for USA racing events

In this clause:

“coupled entry” means a single wagering interest involving 2 or more contestants entered in the same USA racing event and joined for TAB totalizator betting purposes either:

- (a) because of common ties as to ownership or training; or
- (b) as a field entry in circumstances where TAB has not exercised its discretion under clause 15.3.3 to ignore field entries,

so that a wager on 1 contestant joined in a coupled entry is a wager on all contestants joined in the same coupled entry on the basis set out in these rules;

“field entry” means two or more horses coupled for the purposes of USA totalizator betting on a USA racing event as a result of the number of contestants (counting for this purpose horses in a coupled entry as a result of common ties as to ownership or training as a single contestant) exceeding the stated capacity of the relevant USA totalizator;

“official USA order of finish” means that when satisfied that the order of finish is correct, that all timely objections have been addressed, and that the race has been properly run in accordance with the rules and regulations of the applicable authority, the stewards will order that the official USA order of finish be confirmed and the official sign posted for the race;

“single wagering interest” means any one contestant in a race, or two or more contestants bracketed as a single TAB totalizator number as for a coupled entry;

“timely objections” means a claim of interference or other foul by a jockey, driver, trainer or owner of a horse who has reasonable grounds to believe that his or her horse was interfered with or impeded or otherwise hindered during the running of the race, or that any riding or driving rule was violated by any other jockey, driver or horse during the running of the race. Such objections must be made immediately with the clerk of scales, the stewards or their delegate before official USA order of finish has been declared. The stewards may thereupon hold an inquiry into the running of the race.

15.3 Declaration of placings

15.3.1 In this clause a reference to the first, second, third, fourth, fifth or sixth placed finisher in a race is a reference to the contestant declared by stewards in the official USA order of finish to be the first, second, third, fourth, fifth or sixth placed finisher in the race except as provided for in a race where field entries apply.

15.3.2 If more than one contestant in a coupled entry is placed or dead-heats in a USA racing event, only the highest placed finisher of the contestants in that coupled entry will be counted as a placing for the purposes of TAB totalizator betting and the other

contestants in that coupled entry will be disregarded for the purposes of determining other placings in that USA racing event.

- 15.3.3 TAB at its discretion may ignore field entries and treat each contestant in field entries as a separate TAB totalizator betting contingency.
- 15.3.4 Except where field entries are required, the decision of the stewards as to the official USA order of finish is final for TAB betting purposes. Where field entries apply, TAB may subject to clause 15.3.2, declare dividends based on the actual finishing order across the line.
- 15.3.5 No rulings of the stewards or controlling body regarding the order of finish or any award of prize money after the result of the race has been declared official will affect TAB totalizator payout.
- 15.3.6 The scratching or withdrawal of one or more contestants from a coupled entry will have no effect on any wagers made on a coupled entry provided that at least one contestant in the coupled entry is declared a starter in the race.

15.4 Bracketed contestants

- 15.4.1 This clause applies to win and place, quinella, exacta, trifecta, and doubles totalizators conducted on USA racing events.
- 15.4.2 If there are contestants in a coupled entry in a USA racing event, TAB may create a sufficient number of brackets to cause each of the couplings to constitute a single totalizator number.
- 15.4.3 For the purpose of apportionment of dividends, a placegetter identified on the totalizator by a bracket number as a result of a coupled entry, is to be treated as a single wagering interest.
- 15.4.4 In a USA racing event to which clause 15.4.2 applies, where two or more finishers in the coupled entry are placed or dead-heat, they are to be treated as a single finisher and only the highest placed finisher of the contestants in that coupled entry is to be counted for the purposes of TAB totalizator betting and the other contestants in that coupled entry will be disregarded for the purposes of determining other placings in that USA Racing Event.

16. FOOTYTAB

16.1 Commission deduction

Money invested on a totalizator conducted by TAB on one or more sports betting events will be subject to a Commission deduction and to the deduction of other amounts deducted in accordance with the definition of 'dividend pool' in clause 1.5. The Commission for a footyTAB totalizator is subject to clause 17.

16.2 Definitions for footyTAB

In this clause 16,

“**away team**” means the team that appears last in the match description published by the controlling body (e.g. home team vs. away team);

“**Double and Xtra Double**” consists of a schedule of two matches in which fifteen possible margins between the number of points scored by the two teams in each match are offered;

“**final score**” means the number of points scored by each team at the conclusion of normal time for a match, and will not take into account any extra time played to negate a draw;

“**forfeit**” means the term applied to an individual or team failing to either compete in or complete the contest;

“**game**” means a match, or a schedule of matches nominated by TAB for the purpose of investments and which is known as either “Pick The Winners”, “Pick The Margins”, “Pick The Score”, “Double”, “Xtra Double”, “Half/Full Double”, “Half/Full Xtra Double”, “Quad”, “Quarter Quad”, “Tip 8”, “Tip 7” or “Win”;

“**Half/Full Double and Half/Full Xtra Double**” consist of a schedule of two halves of a match in which fifteen possible margins between the number of points scored by the two teams are offered for each of the halves of that match;

“**home team**” means the team that appears first in the match description published by the controlling body (e.g. home team vs. away team);

“**leading team**” means the team that has a progressive score in excess of the opposing team;

“**losing team**” means in respect of Pick The Score, the team acquiring the lower number of points scored in each match;

“**match**” means a contest between two sporting teams where one is designated the home team and the other the away team;

“**Pick The Margins**” consists of a schedule of matches in which five possible margins between the number of points scored by the two teams in normal time in each match are offered;

“**Pick The Score**” consists of a match in which final score options are offered;

“**Pick The Winners**” consists of a schedule of matches in which one team in each match is allotted a points start;

“**points**” will also mean goals where the word “goals” is used to describe the scoring in any particular sport;

“**points start**” means the number to be added to the team’s final score for the purposes of assessing the winning team;

“**Quad**” consists of a schedule of four matches in which fifteen possible margins between the number of points scored by the two teams in each match are offered;

“**Quarter Quad**” consists of a schedule of four quarters of a match in which fifteen possible margins between the number of points scored by the two teams are offered for each of the quarters of that match;

“**score range**” means a defined range of points as shown in Appendix 3 from which the investor may make a selection for Pick the Margins, Win, Double, Xtra Double, Half/Full Double, Half/Full Xtra Double, Quad and Quarter Quad games;

“**Tip 7**” consists of a schedule of seven matches in which a home team and away team selection in each match is offered;

“**Tip 8**” consists of a schedule of eight matches in which a home team and away team selection in each match is offered;

“**Win**” consists of a match in which ten possible margins between the number of points scored by the two teams for the match are offered;

“**winning margin**” means the difference between the progressive scores of the two teams in a match at quarter time, half time, three quarter time, or the final score, as the case may be;

“**winning team**” - means:

- (a) in respect of Pick The Winners, the team acquiring the higher number of points after the addition of the points start to the number of points scored in each match; or
- (b) in respect of Pick The Margins, the team, or teams in the case of a drawn result, with the winning margin in each match; or
- (c) in respect of Pick The Score, the team acquiring the higher number of points scored in each match; or
- (d) in respect of Win, Double, Xtra Double and Quad the team, or teams in the case of a drawn result, with the winning margin in each match; or
- (e) in respect of Half/Full Double and Half/Full Xtra Double, the team, or teams in the case of a drawn result, with the winning margin at half time in the match and the winning margin at the conclusion of the match; or
- (f) in respect of Quarter Quad, the team, or teams in the case of a drawn result, with the winning margin at each respective quarter of the match and the winning margin at the conclusion of the match; or
- (g) in respect of Tip 7 or Tip 8, the team, or teams in the case of a drawn result, which is declared to be the winner of the match.

16.3 Games, investments, refunds and results

- 16.3.1 The object of the game is to select the winning teams in each of the matches which are included in that game or in the case of "Pick The Score", to select the final score for the home team and away team respectively.
- 16.3.2 To invest on the game, the investor is required to forecast the result of each of the matches in that game, marking each forecast on an entry form so that the minimum number of forecasts made by an investor corresponds with the number of matches in the game or in the case of "Pick the Score", a minimum of one final score.
- 16.3.3 TAB may include in any game the matches it considers appropriate.
- 16.3.4 TAB may appoint any persons it deems necessary to assess the points start and winning margins to be allotted for the purpose of the games.
- 16.3.5 (a) Where a match in a Pick The Winners, Pick the Margins or Pick The Score is abandoned or postponed to another date, the result of the game will be declared and the dividend calculated on those matches completed; provided however that if a match is subsequently completed prior to midnight on the date on which the last match for that round was originally scheduled, then the result of the game may be declared on that day.
- (b) A Pick The Winners, Pick The Margins or Pick The Score game will be terminated and refunds will be made to all investors where:
- (i) all the matches in the game are abandoned or postponed to another date; or
- (ii) in respect of Pick The Winners or Pick The Margins, less than three matches in the game are completed prior to midnight on the date on which the last match for that round was originally scheduled.
- 16.3.6 Where any match in a Quad, Tip 8 or Tip 7 game is cancelled, postponed or abandoned, regardless of whether the match is replayed, all selections on that match shall be deemed to be selections on the winning team, and the Quad, Tip 8 or Tip 7 pools shall be divided in accordance with clauses 16.3.25, 16.3.27 and 16.3.28 respectively.
- 16.3.7 Where all matches in a Quad, Tip 8 or Tip 7 game are cancelled, postponed or abandoned, regardless of whether the matches are re-played, all investments on the game shall be refunded. However the investments refunded will not include any money carried from a previous Quad, Tip 8 or Tip 7 game and any such

money shall be added to and form part of a subsequent Quad, Tip 8 or Tip 7 game pool.

- 16.3.8 Where the first match in a Double or Xtra Double game is cancelled, postponed or abandoned, regardless of whether the match is re-played, a dividend shall be determined on the result of the second match in the game whereby the dividend pool will be divided among investors in the following order of priority:
- (a) investors selecting any selection in the first match of that game and the winning team in the second match of that game;
 - (b) investors selecting any selection in the first match of that game and the team which is declared the winner together with the score range or ranges nearest to the winning team in the second match of that game.
- 16.3.9 Where the second match in a Double or Xtra Double game is cancelled, postponed or abandoned, regardless of whether the match is replayed, a dividend shall be determined on the result of the first match in the game whereby the dividend pool will be divided among investors in the following order of priority:
- (a) investors selecting any selection in the second match of that game and the winning team in the first match of that game;
 - (b) investors selecting any selection in the second match of that game and the team which is declared the winner together with the score range or ranges nearest to the winning team in the first match of that game.
- 16.3.10 Where both matches of a Double or Xtra Double game are cancelled, postponed or abandoned, regardless of whether any match is replayed, all investments on that Double or Xtra Double game shall be refunded to the investors.
- 16.3.11 Where the match of a Win game is cancelled, postponed or abandoned, regardless of whether the match is replayed, all investments on that Win game shall be refunded to the investors.
- 16.3.12 Where the match of a Quarter Quad, Half/Full Double or Half/Full Xtra Double game is cancelled, postponed or abandoned, regardless of whether the match is replayed, all investments on that Quarter Quad, Half/Full Double or Half/Full Xtra Double game shall be refunded to the investors.
- 16.3.13 In the event of one of the teams in a match forfeiting the match, the opposing team will be deemed the winning team encompassing all of the winning margins offered for that team. In the case of "Pick The Score" investors will be eligible for a refund in accordance with these rules.

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- 16.3.14 Subject to this clause 16, the relevant dividend pool for the game is to be divided among those investors selecting the winning team in all matches, halves or quarters in the game, as the case may be, or in the case of "Pick The Score", the final scores for both the home team and the away team.
- 16.3.15 For the purposes of clause 16, a draw is not a score range for the purpose of conducting countbacks for Double, Xtra Double, Half/Full Double, Half/Full Xtra Double, Quad and Quarter Quad.
- 16.3.16 Where as the result of a draw in the match in a Win game, investors on two selections become entitled to a dividend:
- (a) the dividend pool shall be divided into two equal parts; and
 - (b) each part will be treated separately; and
 - (c) dividends shall be calculated by dividing each part amongst the investors on each backed selection.
- 16.3.17 Where in a match a draw occurs, both competitors shall be deemed as winners for the purposes of determining which selections are the winning team. Subject to clause 16.3.18, where as a result of a draw in any match in a Tip 8 or Tip 7 game investors on two or more combinations become entitled to a dividend:
- (a) the dividend pool shall be divided into as many equal parts as there are backed combinations; and
 - (b) each part will be treated separately; and
 - (c) dividends shall be calculated by dividing each part amongst the investors on each backed combination.
- 16.3.18 Where draws occur in more than four matches resulting in there being more than sixteen potential winning combinations in a Tip 8 or Tip 7 game, for the purpose of declaration of dividends the dividend pool shall be divided equally amongst the investors on each backed combination.
- 16.3.19 In the event no investor selects the winning team in all matches in "Pick The Winners", the dividend pool will be divided among investors who select the winning team in the most number of matches in the game.
- 16.3.20 In the event no investor selects the winning team in all matches in "Pick The Margins", the relevant dividend pool will continue to carry forward to the next round of betting until:
- (a) the dividend pool can be divided among those investors selecting the winning team in all matches in the game; or
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- (b) TAB determines a schedule of matches to be the last of the season whereby payout may be divided among those investors selecting the most number of winning matches in the game.

16.3.21 In the event no investor selects the final score, not being a drawn match, in respect of "Pick The Score," the dividend pool will be divided among investors in the following order of priority:

- (a) Investors selecting the winning team's score and the losing team's score plus or minus one point.
- (b) Investors selecting the winning team's score plus or minus one point and the losing team's score.
- (c) Investors selecting the winning team's score plus or minus one point and the losing team's score plus or minus one point.
- (d) Investors selecting the winning team's score and the losing team's score plus or minus two points.
- (e) Investors selecting the winning team's score plus or minus two points and the losing team's score.
- (f) Investors selecting the winning team's score plus or minus one point and the losing team's score plus or minus two points.
- (g) Investors selecting the winning team's score plus or minus two points and the losing team's score plus or minus one point.
- (h) Investors selecting the winning team's score plus or minus two points and the losing team's score plus or minus two points.
- (i) Investors selecting the winning team's score and the losing team's score plus or minus three points.
- (j) Investors selecting the winning team's score plus or minus three points and the losing team's score.
- (k) Investors selecting the winning team's score plus or minus one point and the losing team's score plus or minus three points.
- (l) Investors selecting the winning team's score plus or minus two points and the losing team's score plus or minus three points.
- (m) Investors selecting the winning team's score plus or minus three points and the losing team's score plus or minus one point.

- 85 -

- (n) Investors selecting the winning team's score plus or minus three points and the losing team's score plus or minus two points.
- (o) Investors selecting the winning team's score plus or minus three points and the losing team's score plus or minus three points.
- (p) Investors selecting the winning team's score and any score for the losing team.
- (q) Investors selecting any score for the winning team and the losing team's score.
- (r) Investors selecting any score for either team.

16.3.22 In the event no investor selects the final score of a drawn match in respect of "Pick The Score", the dividend pool will be divided among investors in the following order of priority:

- (a) Investors selecting a drawn result being the home team's score plus or minus one point and the away team's score plus or minus one point.
- (b) Investors selecting a drawn result being the home team's score plus or minus two points and the away team's score plus or minus two points.
- (c) Investors selecting a drawn result being the home team's score plus or minus three points and the away team's score plus or minus three points.
- (d) Investors selecting the home team's score and the away team's score plus or minus one point.
- (e) Investors selecting the home team's score plus or minus one point and the away team's score.
- (f) Investors selecting the home team's score plus or minus one point and the away team's score plus or minus one point, not being a drawn result selection.
- (g) Investors selecting the home team's score and the away team's score plus or minus two points.
- (h) Investors selecting the home team's score plus or minus two points and the away team's score.
- (i) Investors selecting the home team's score plus or minus one point and the away team's score plus or minus two points.
- (j) Investors selecting the home team's score plus or minus two points and the away team's score plus or minus one point.

- (k) Investors selecting the home team's score plus or minus two points and the away team's score plus or minus two points, not being a drawn result selection.
 - (l) Investors selecting the home team's score and the away team's score plus or minus three points.
 - (m) Investors selecting the home team's score plus or minus three points and the away team's score.
 - (n) Investors selecting the home team's score plus or minus one point and the away team's score plus or minus three points.
 - (o) Investors selecting the home team's score plus or minus two points and the away team's score plus or minus three points.
 - (p) Investors selecting the home team's score plus or minus three points and the away team's score plus or minus one point.
 - (q) Investors selecting the home team's score plus or minus three points and the away team's score plus or minus two points.
 - (r) Investors selecting the home team's score plus or minus three points and the away team's score plus or minus three points, not being a drawn result selection.
 - (s) Investors selecting the home team's score and any score for the away team.
 - (t) Investors selecting any score for the home team and the away team's score.
 - (u) Investors selecting any score for either team.
- 16.3.23 Subsection (3) of the minimum dividend provisions set out in Appendix 1 does not apply in respect to dividends under these rules for sports betting events.
- 16.3.24 In the event no investor selects the winner in a Win game, the dividend pool will be refunded to investors.
- 16.3.25 In the event no investor selects the winning team in all matches in a Quad game, the dividend pool will carry forward to the next round of betting until:
- (a) the dividend pool can be divided among those investors selecting the winning team in all matches in the game; or
 - (b) TAB determines the dividend pool shall not carry forward to the next round of betting whereby the dividend pool will be dividend among investors in the following order of priority:

- 87 -

- (i) investors selecting the winning teams in any three matches in the game and the team which is declared the winner of the other match in the game irrespective of score range;
- (ii) investors selecting the winning teams in any two matches in the game and the teams which are declared the winners of the other two matches in the game irrespective of score range;
- (iii) investors selecting the winning team in any match of the game and the teams which are declared the winners of the other three matches in the game irrespective of score range;
- (iv) investors selecting the teams which are declared the winners in each of the four matches in the game, irrespective of score range;

and if none of these alternative combinations has been selected, the dividend pool shall be refunded to the investors.

16.3.26 In the event no investor selects the winning team in all four quarters of a Quarter Quad game, the dividend pool will carry forward to the next round of betting until:

- (a) the dividend pool can be divided among those investors selecting the winning team in all four quarters of the match in a game; or
- (b) TAB determines the dividend pool shall not carry forward to the next round of betting whereby the dividend pool will be divided among investors in the following order of priority:
 - (i) investors selecting the winning team at the end of each of the first three quarters of the match, and the team that is declared the winner at the end of the fourth quarter in the match, irrespective of score range;
 - (ii) investors selecting the winning team at the end of each of the first three quarters of the match, and any selection in the fourth quarter in the match;
 - (iii) investors selecting the winning team at the end of each of the first two quarters of the match, the team that is leading at the end of the third quarter of the match, irrespective of score range, and the team that is declared the winner at the end of the fourth quarter in the match, irrespective of score range;

- (iv) investors selecting the winning team at the end of the first quarter of the match, the teams that are leading at the end of the second and third quarters of the match, irrespective of score range, and the team that is declared the winner at the end of the fourth quarter in the match, irrespective of score range;

and if none of these alternative combinations has been selected, the dividend pool shall be refunded to the investors.

16.3.27 In the event no investor selects the winning team in all matches in a Tip 8 game, the dividend pool will carry forward to the next round of betting until:

- (a) the dividend pool can be divided among those investors selecting the winning team in all matches in the game; or
- (b) TAB determines the dividend pool shall not carry forward to the next round of betting whereby the dividend pool will be divided among investors in the following order of priority:
 - (i) investors selecting the winning team in any seven matches;
 - (ii) investors selecting the winning team in any six matches;
 - (iii) investors selecting the winning team in any five matches;
 - (iv) investors selecting the winning team in any four matches;
 - (v) investors selecting the winning team in any three matches;
 - (vi) investors selecting the winning team in any two matches;
 - (vii) investors selecting the winning team in any match;

and if none of these alternative combinations has been selected, the dividend pool shall be refunded to the investors. Any previously carried forward jackpot will carry forward to the next round of betting.

16.3.28 In the event no investor selects the winning team in all matches in a Tip 7 game, the dividend pool will carry forward to the next round of betting until:

- (a) the dividend pool can be divided among those investors selecting the winning team in all matches in the game; or

- 89 -

- (b) TAB determines the dividend pool shall not carry forward to the next round of betting whereby the dividend pool will be dividend among investors in the following order of priority:
- (i) investors selecting the winning team in any six matches;
 - (ii) investors selecting the winning team in any five matches;
 - (iii) investors selecting the winning team in any four matches;
 - (iv) investors selecting the winning team in any three matches;
 - (v) investors selecting the winning team in any two matches;
 - (vi) investors selecting the winning team in any match;

and if none of these alternative combinations has been selected, the dividend pool shall be refunded to the investors. Any previously carried forward jackpot will carry forward to the next round of betting.

16.3.29 In the event no investor selects the winning team in all matches in a Double or Xtra Double game, the dividend pool will carry forward to the next round of betting until:

- (a) the dividend pool can be divided among those investors selecting the winning team in all matches in the game; or
- (b) TAB determines the dividend pool shall not carry forward to the next round of betting whereby the dividend pool will be dividend among investors in the following order of priority:
 - (i) investors selecting the team which is declared the winner and the score range or ranges closest to the winning team in the match that TAB specifies to be the first match of the game, and the winning team in the match that TAB specifies to be the second match of the game;
 - (ii) investors selecting the team which is declared the winner and the score range or ranges closest to the winning team in the match that TAB specifies to be the second match of the game, and the winning team in the match that TAB specifies to be the first match of the game;

and if none of these alternative combinations has been selected, the dividend pool shall be refunded to the

investors. Any previously carried forward jackpot will carry forward to the next round of betting.

16.3.30 In the event no investor selects the winning team in both halves of a Half/Full Double or Half/Full Xtra Double game, the dividend pool will carry forward to the next round of betting until:

- (a) the dividend pool can be divided among those investors selecting the winning team in both halves of the match in a game; or
- (b) TAB determines the dividend pool shall not carry forward to the next round of betting whereby the dividend pool will be dividend among investors in the following order of priority:
 - (i) investors selecting the team that is leading and the score range or ranges closest to the winning team in the first half of the match and the winning team in the second half of the match;
 - (ii) investors selecting the team that is leading and the score range or ranges closest to the winning team in the second half of the match and the winning team in the first half of the match;

and if none of these alternative combinations has been selected, the dividend pool shall be refunded to the investors. Any previously carried forward jackpot will carry forward to the next round of betting.

16.3.31 (a) In the event of any match extending into extra time in accordance with the rules governing the particular contest, TAB will not take into account any points scored during that period for the purposes of determining the result of the match.

(b) TAB will not take into account any points scored during a penalty shoot out for the purposes of determining the result of the match.

16.3.32 In the event of any match being replayed for any reason clause 3.3.2(b) applies.

16.3.33 **Winning Combination not backed to equivalent of unit of investment.**

(a) Subject to clause 16.3.33 (b), where the total of all amounts invested in a Pick The Margins totalizator on a combination in respect of which a dividend is to be distributed among investors under this clause ("winning Pick The Margins combination") is less than a unit of investment for that Pick The Margins totalizator and TAB has declared there is a Pick The Margins totalizator scheduled on the next round of betting:

- 91 -

- (i) only the amount of the Pick The Margins dividend pool determined in accordance with the following formula will be distributed among the investors on the winning Pick The Margins combination:

$$da = di \times \frac{ai}{ui}$$

where:

da is the total amount of the dividend pool which is to be distributed among the investors on the winning Pick The Margins combination;

di is the total amount which would be distributed to investors on the winning Pick The Margins combination under this clause if the total of all amounts invested in the Pick The Margins totalizer on the winning Pick The Margins combination was not less than a unit of investment for that Pick The Margins totalizer so that this clause 16.3.33 did not apply;

ai is the total of all amounts invested in the Pick The Margins totalizer on the winning Pick The Margins combination; and

ui is the unit of investment for the Pick The Margins totalizer; and

- (ii) there is to be carried forward and paid into the jackpot pool for the Pick The Margins totalizer conducted on the next round of betting declared by TAB an amount calculated in accordance with the following formula:

$$cf = di - da$$

where:

cf is the amount carried forward and paid into the jackpot pool for the Pick The Margins totalizer conducted on the next round of betting declared by TAB;

di has the meaning given to that term in clause 16.3.33 (a) (i); and

da is the total amount of the dividend pool which is to be distributed among the investors on the winning Pick The Margins combination as determined in accordance with clause 16.3.33 (a) (i).

- (b) where the total of all amounts invested in a Pick The Margins totalizer on a combination in respect of which a dividend is to be distributed among investors under this clause ("winning Pick The Margins combination") is less than a unit of investment for that Pick The Margins totalizer and

there is no Pick The Margins totalizator scheduled on the next round of betting, the full dividend pool is to be distributed amongst the investors on the winning Pick The Margin combination.

17. COMMISSION DEDUCTIONS

17.1 Relevant maximum percentage of commission

17.1.1 The relevant maximum percentage of the Commission deducted is set out in the table below.

17.2 Commission Rate Table

17.2.1 The amounts prescribed in the table below are expressed as a percentage of the total amounts invested in the class or description of the totalizator concerned and, in accordance with Part 6 of the Act.

<u>Class/Description</u>	<u>Commission Rate</u> (when <u>not</u> hosting international pools)	<u>Commission Rate</u> (when hosting international pools)
Win	14.5%	14.5%
Place	14.25%	14.25%
Quinella	17.50%	25%
Exacta	20%	25%
Trifecta	21%	25%
Doubles	20%	25%
First 4	22.5%	25%
Quaddie	20%	25%
Duet	14.5%	25%
footyTab	25%	25%
BIG6	25%	25%

APPENDIX 1 – DETERMINATION OF DIVIDEND – MINIMUMS & FRACTIONS

- (1) In this section:
- “the calculated amount”, in relation to an event or contingency in relation to which a totalizator was used, means the amount which would, but for subsections (3), (5) and (6), be payable by way of dividend in respect of that event or contingency;
- “the payable dividend”, in relation to an event or contingency in relation to which a totalizator was used, means the amount to be paid by way of dividend in respect of that event or contingency.
- (2) Subject to subsections (3) and (5), the calculated amount in relation to an event or contingency in relation to which a totalizator was used shall, after any adjustment required to be made by subsection (6), be the payable dividend in relation to that event or contingency.
- (3) Subject to subsection (4), where the calculated amount in respect of an event or contingency in relation to which a totalizator was used is:
- (a) equal to or less than the unit of investment for that event or contingency; or
 - (b) more than that unit but less than the sum of that unit and 5 cents, the payable dividend shall be an amount equal to one hundred and four per centum of that unit (“**minimum dividend**”).
- (4) Subsection (3) does not apply:
- (a) to an event or contingency in circumstances where:
 - (i) 2 or more starters fill a place (including first place) in the event or contingency; and
 - (ii) a pool or part of a pool (ascertained in respect of that place in accordance with this Act, the regulations or the rules) is required to be divided among the starters filling that place; or
 - (b) if as a result of subsection (3) the dividend payable on a further contingency or contingencies would also be subject to subsection (3) and the total amount of dividends payable would exceed the total amount paid into the pool (less any amounts refundable); or
 - (c) to a win and place, quinella, exacta, duet, trifecta, first 4, doubles and quaddie totalizator if the total amount of the dividends payable in accordance with the rules for that type of totalizator would exceed the total amount paid into the totalizator (less any amounts refundable to investors); or
 - (d) to the place pool of a win and place totalizator:
 - (i) if the total money invested on any one of the placed contestants in respect of which a dividend is payable under clause 5.3 of the rules
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- 2 -

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- (place pool 2 dividend race) is more than 50% of the sum of the place pool and any amount deducted as Commission; or
- (ii) if the total money invested on any one of the placed contestants in respect of which a dividend is payable under clause 5.4 of the rules (place pool 3 dividend race) is more than 40% of the sum of the place pool and any amount deducted as Commission; or
- (e) to the duet pool of a duet totalizator if the total money invested on any combination in respect of which a dividend is payable under clause 12.2 of the rules is more than 40% of the sum of the duet pool and any amount deducted as Commission; or
- (f) where the Rules provide that subsection (3) of the minimum dividend provisions does not apply.
- (5) In any circumstances referred to in subsection (4), where the calculated amount in respect of an event or contingency in relation to which a totalizator was used is less than the unit of investment for that event or contingency, the payable dividend in respect of that event or contingency shall, except in respect to BIG6 dividends, be an amount equal to that unit.
- (6) If, had this subsection not been enacted, the calculated amount would have been, by reason of the operation of subsection (2), the payable dividend in relation to any event or contingency, then:
- (a) where the unit of investment for that event or contingency is fifty cents or one dollar and the calculated amount includes a number of cents that comes within a description specified in the first column of the table to this subsection, that number shall be regarded as the number of cents specified opposite that description in the second column of that table; or
- (b) where the unit of investment for that event or contingency is any other amount and the calculated amount includes a fraction of a dollar, that fraction shall be dealt with as prescribed by the rules under this Act, and the calculated amount shall be adjusted accordingly.

TABLE

First Column	Second Column
Less than 5	Nil
5 or more but less than 10	5
10 or more but less than 15	10
15 or more but less than 20	15
20 or more but less than 25	20
25 or more but less than 30	25
30 or more but less than 35	30
35 or more but less than 40	35
40 or more but less than 45	40

- 3 -

45 or more but less than 50	45
50 or more but less than 55	50
55 or more but less than 60	55
60 or more but less than 65	60
65 or more but less than 70	65
70 or more but less than 75	70
75 or more but less than 80	75
80 or more but less than 85	80
85 or more but less than 90	85
90 or more but less than 95	90
95 or more	95

- (7) Where by reason of subsection (3) there is insufficient money for payment of the dividends in respect of the event or contingency in respect of which a totalizator was used, the deficiency shall be paid by TAB.

APPENDIX 2 – BAD SALES

Determination under clause 2.6.5 (b) (iii)

Adjustment for late cancellation of bets (bad sales) made in accordance with rule 2.6.5 “Cancellation for errors on betting tickets” actioned after close of betting and transmission of final collations to TAB and up to the declaration of “all clear” or “correct weight”, will be accepted on the condition that such bad sales are not less than the following amounts for any one bet:

Win and Place – \$200.00

Quinella, Exacta, Duet & Doubles – \$ 50.00

Trifecta, First 4, Quaddie, BIG6, &, FootyTAB – No Limit

- 5 -

APPENDIX 3 – SELECTION NUMBERS AND SCORE RANGES FOR SPORTS TOTALIZATOR

NRL PICK THE MARGINS

SELECTIONS	HOME TEAM TO WIN/LEAD BY	SELECTIONS	AWAY TEAM TO WIN BY
1	Score Range 1 – 12	4	Score Range 1 – 12
2	Score Range 13+	5	Score Range 13+
3	DRAWN GAME/TIED SCORES		

AFL WIN

SELECTIONS	HOME TEAM TO WIN/LEAD BY	SELECTIONS	AWAY TEAM TO WIN BY
1	Score Range 0 – 12	6	Score Range 0 – 12
2	Score Range 13 – 24	7	Score Range 13 – 24
3	Score Range 25 – 42	8	Score Range 25 – 42
4	Score Range 43 – 60	9	Score Range 43 – 60
5	Score Range 61+	10	Score Range 61+

AFL DOUBLE, AFL XTRA DOUBLE, AFL HALF/FULL DOUBLE, AFL HALF/FULL XTRA DOUBLE, AFL QUAD AND AFL QUARTER QUAD

SELECTIONS	HOME TEAM TO WIN/LEAD BY	SELECTIONS	AWAY TEAM TO WIN BY
1	Score Range 0 – 12	9	Score Range 0 – 12
2	Score Range 13 – 24	10	Score Range 13 – 24
3	Score Range 25 – 36	11	Score Range 25 – 36
4	Score Range 37 – 48	12	Score Range 37 – 48
5	Score Range 49 – 60	13	Score Range 49 – 60
6	Score Range 61 – 72	14	Score Range 61 – 72
7	Score Range 73+	15	Score Range 73+
8	DRAWN GAME/TIED SCORES	16	

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BATHURST REGIONAL COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

THE Bathurst Regional Council hereby gives notice that pursuant to section 10 of the Roads Act 1993, the land described in the Schedule below is dedicated to the public as road. D. SHERLEY, General Manager, Bathurst Regional Council, PMB 17, Bathurst NSW 2795.

SCHEDULE

Lot 2, DP 1188741.

Laneway 6.095 wide located south east of Lot 12, DP 879441 and Lot C, DP 156185 between Blandford and Lambert Streets, Bathurst.

Laneway 6.095 wide located south west of Lots 1 and 2, DP 1061759 between Banks and Stewart Streets, Bathurst.

[7291]

GOLDENFIELDS WATER COUNTY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

GOLDENFIELDS WATER COUNTY COUNCIL declares with the approval of Her Excellency the Governor that the easements described in Schedule 1 below, excluding the interests described in Schedule 2 below and excluding any mines or deposits of minerals in the easements, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for a pipeline for water supply. Dated at Temora, this 22nd day of November 2013. ANDREW GRANT, General Manager, Goldenfields Water County Council, PO Box 220, Temora NSW 2666.

SCHEDULE 1

Easement for water supply 6 wide and variable over Lot 7308, DP 1144587 shown as 'A' in DP 1170107.

Easement for water supply 6 wide and variable over Lot 196, DP 750608 shown as 'A' in DP 1170107.

Easement for water supply 6 wide and variable over Lot 203, DP 750607 shown as 'A' in DP 1170107.

Easement for water supply 6 wide and variable over Lot 7014, DP 94538 shown as 'A' in DP 1170107.

Easement for water supply 6 wide and variable over Lot 7008, DP 1031201 shown as 'A' in DP 1170107.

Easement for water supply 6 wide and variable over Lot 7004, DP 94599 shown as 'A' in DP 1170107.

Easement for water supply 6 wide and variable over Lot 7004, DP 94595 shown as 'A' in DP 1170107.

SCHEDULE 2

Easement for pipeline 5.029 wide (per DP 218948), affecting Lot 7014, DP 94538.

[7292]

MIDCOAST COUNTY COUNCIL

Erratum

THE following notice which appeared in *New South Wales Government Gazette* No. 20 of 25 February 2011, Folios 1564-1565, was incomplete. The following notice replaces that in full and the gazettal date remains the same.

MIDCOAST COUNTY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

MIDCOAST COUNTY COUNCIL declares with the approval of Her Excellency the Governor that the land and easements described in the Schedule below, excluding any mines or deposits of minerals in the land, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for exfiltration basins and a suitable buffer zone and easements to service the Tuncurry-Hallidays Point sewage treatment plant. Dated at Taree, this 1st day of November 2010. E. N. HANINGTON, General Manager, MidCoast County Council, PO Box 671, Taree NSW 2430.

SCHEDULE

Lot 2, DP 1146904.

Easement Descriptions

Easement for sewage pipeline, access and services 20 wide and variable width shown as (B) in DP 1146904 over Lots 1 and 4, DP 1146904.

Easement for access and services variable width shown as (C) in DP 1146904 over Lot 278, DP 753207. [7293]

QUEANBEYAN CITY COUNCIL

Section 162, Roads Act 1993

Naming of Public Roads

NOTICE is hereby given pursuant to section 162 (1) of the Roads Act 1993, that Queanbeyan City Council has assigned the following street names in the suburb of Googong. The roads form part of the subdivision approved by development application 41-2011 and 233-2012 in the new Googong Township located approximately 750 metres from the western end of Googong Road.

Description:

Street Descriptor

Road Name

External Road.

Googong Road.

Streets 1, 1a and 1b.

Gorman Drive.

Street 5.

Caragh Avenue.

Street 8.

Hawke Street.

Street 15.

Mary Lane.

Street 16.

Lizzie Street.

Street 19.

Hearne Street.

Street 25.

Rosa Street.

Street 26.

Underhill Street.

Streets 27 and 90.

Rogers Road.

Street 30.	Mowle Street.	Street 87.	Nellie Street.
Street 31.	Plummer Street.	Street 89.	Kate Street.
Street 32.	Ridings Road.	Street 92.	Studdy Road.
Street 34.	McTavish Street.	Street 93.	Saphira Street.
Street 36.	Dolly Street.	Street 94 and 95.	Percival Road.
Streets 42 and 43.	McPhail Way.	Street 96.	Leon Street.
Street 44.	Wilkins Way.	Street 97.	Tyrrell Street.
Street 45.	Aitken Street.	Street 98.	Yates Way.
Street 46.	Christie Street.	Street 99.	Case Street.
Street 48.	Maxwell Street.	Street 104.	Zealie Bend.
Street 49.	Badgery Street.	Street 105.	Carew Crescent.
Street 50.	Henshaw Street.	Lane 1.	Amy Alley.
Street 51.	Aprasia Avenue.	Lane 2.	Mimie Lane.
Street 52.	Larkin Street.	Lane 3.	Jean Lane.
Street 53.	Fowlie Terrace.	Lane 4.	Ohara Lane.
Street 54.	Duncan Loop.	Lane 5.	Mabel Way.
Street 55.	Hale Street.	Lane 7.	Field Lane.
Street 56.	Daniel Street.	Lane 8.	Weldon Lane.
Street 57.	Griffiths Link.	Lane 9.	Pearl Lane.
Street 60.	Wingrave Street.	Lane 18.	Heath Lane.
Street 61.	Newton Street.	Lane 19.	Jones Lane.
Street 63.	Graziers Road.	Lane between Streets 15 and 19.	Kittie Lane.
Street 64.	Daisy Loop.	Lane between Street 44 and proposed extension to Street 45.	Ida Lane.
Street 65.	Garraway Crescent.		
Street 66.	Mimosa Way.		
Street 68.	Bramwell Bend.		
Street 77.	Helen Circuit.		
Street 86.	David Street.		

No objections to the proposed names were received within the required advertising period. GARY CHAPMAN, General Manager, Queanbeyan City Council, PO Box 90, Queanbeyan NSW 2620. [7294]

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