Land and Property Management Authority

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

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.

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

SCHEDULE 1

Column 1	*Column 2*	*Column 3*
Han EBBELING (new member), Jill DUNKLEY (new member), Pamela BENNETT (new member).	Gilgai Public Hall and Recreation Reserves Trust.	Reserve No.: 89717. Public Purpose: Public recreation and public hall. Notified: 30 January 1976. Reserve No.: 77683. Public Purpose: Public recreation. Notified: 10 June 1955. Reserve No.: 37860. Public Purpose: Public recreation. Notified: 25 June 1904. File No.: AE80 R 84.

Term of Office

For a term commencing 1 January 2010 and expiring 31 December 2013.

SCHEDULE 2

Column 1	*Column 2*	*Column 3*
The person for the time being holding the office of Designated Council Representative, Armidale Dumaresq Council (ex-officio member). The person for the time being holding the office of President, New England Antique Machinery Club Inc. (ex-officio member). Allan John THOMAS (re-appointment), Michael Raymond CHERRY (re-appointment), Robert Edwin TABER (re-appointment), Lyall CAMERON (new member), Geoffrey John HAMEL (new member), Sue MILLS (new member), Peter SIMPSON (new member).	Armidale Showground Reserve Trust.	Dedication No.: 510024. Public Purpose: Showground. Notified: 30 November 1877. Reserve No.: 110029. Public Purpose: Showground. Notified: 22 December 1989. File No.: AE81 R 5.

Term of Office

For a term commencing 1 January 2011 and expiring 31 December 2013.

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

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

Road Closed: Lot 5, DP 1157524 at Yarrowyck, Parish Saltash, County Sandon.

File No.: 10/04356.

Schedule

On closing, the land within Lot 5, DP 1157524 remains vested in the State of New South Wales as Crown Land.

Description

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

Road Closed: Lot 1, DP 1159599 at Thalgarrah and Donald Creek, Parish Donald, County Sandon.

File No.: AE06 H 440.

Schedule

On closing, the land within Lot 1, DP 1159599 remains vested in the State of New South Wales as Crown Land.

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

ERRATUM

IN the notice which appeared in the *New South Wales Government Gazette* No. 81 of the 22 June 2007, Folio 3816, under the heading of "Reservation of Crown Land" the description of the land to be reserved in Column 1 of Schedule 3 should have read "Lot 0, Section 8, DP No. 758861, Parish of Mobala, County of Gregory. Area: About 2.024 hectares" in lieu of "Lot 701, DP No.96330, Parish of Mobala, County of Gregory; Lot 702, DP No.96330, Parish of Mobala, County of Gregory; Lot 0, Section 8, DP No.758861, Parish of Mobala, County of Gregory. Area: About 4.168 hectares".

File No.: DB81 H 324.

Note: Lot 0, Section 8, DP 758861 is now described as Lot 7304, DP 1160783.

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

ERRATUM

THE notice which appeared in the *New South Wales Government Gazette* No. 14 of the 11 February 2011, Folio 573, under the heading of "Erratum", is hereby withdrawn, and the following notice issued in lieu of:

IN the notice which appeared in the *New South Wales Government Gazette* No. 6 of the 21 January 2011, Folio 127, under the heading of "Notification of Closing of Roads" the notification for the LGA of Narromine, Land District of Dubbo should read "Lot 1, DP 1157933" in lieu of "Lot 2, DP 1157928".

File No.: 10/03718.

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

NOTIFICATION OF CLOSING OF ROADS

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

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

Description

Local Government Area of Narromine;
Land District of Dubbo

Lots 2 and 3, DP 1151198, Parish of Gundong, County of Narromine (not being land under the Real Property Act).

File No.: 10/02448.

Note: On closing, the titles for Lots 2 and 3 shall vest in the State of New South Wales as Crown Land.

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

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE

Column 1	*Column 2*	*Column 3*
Michael Robert Blore (re-appointment) Paul Gerald Darmody (re-appointment) Gavin Allan Cullen (re-appointment) Mark Stanley Thorek (re-appointment)	Bungendore Racecourse & Showground Trust	Reserve No. 75663 Public Purpose: Showground Racecourse Public Recreation Notified: 6 March 1953 File Reference: 11/00216

For a term commencing the date of this notice and expiring 24 February 2016.

SCHEDULE

Column 1	*Column 2*	*Column 3*
David Grant (new member) Michael Baker (new member) Michael John Timmer (new member) Michael Broers (new member) Chris Broers (new member) Con Novitski (new member) John Jeffery Walker (new member)	Marchmont Marchmont Trust	Dedication No. 530015 Public Purpose: Public Recreation Racecourse Notified: 20 August 1913 File Reference: GB80R250

For a term commencing the date of this notice and expiring 24 February 2016.

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

ASSIGNMENT OF CORPORATE NAME OF RESERVE TRUST

PURSUANT to Clause 4 (3), of Schedule 8 of the Crown Lands Act 1989, the name specified in Column 1 of the Schedule hereunder, is assigned to the reserve trust constituted as trustee for the reserve specified in Column 2 of the Schedule.

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

SCHEDULE

Column 1	*Column 2*
Yamba Homes for the Aged (R95921) Reserve Trust.	Reserve No.: 95921. For: Homes for the aged. Notified: 30 April 1982. File No.: GF83 R 17.

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

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

Road Closed: Lot 1, DP 1161550 at Lennox Head, Parish Ballina, County Rous.

File No.: 08/8912.

Schedule

On closing, the land within Lot 1, DP 1161550 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Bellingen; L.G.A. – Clarence Valley

Road Closed: Lot 1, DP 1159519 at Moonpar, Parish Moonpar, County Fitzroy.

File No.: GF06 H 406.

Schedule

On closing, the land within Lot 1, DP 1159519 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Casino; L.G.A. – Richmond Valley

Road Closed: Lot 1, DP 1159601 at Tatham, Parish Tatham, County Richmond.

File No.: GF07 H 145.

Schedule

On closing, the land within Lot 1, DP 1159601 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Casino; L.G.A. – Richmond Valley

Road Closed: Lot 1, DP 1159524 at West Coraki, Parish West Coraki, County Richmond.

File No.: GF06 H 580.

Schedule

On closing, the land within Lot 1, DP 1159524 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Grafton; L.G.A. – Coffs Harbour

Road Closed: Lots 1, 2, 3 and 4, DP 1160547 at Bucca, Parish Orara, County Fitzroy.

File Nos: 10/17432 and 10/17433.

Schedule

On closing, the land within Lots 1, 2, 3 and 4, DP 1160547 remains vested in the State of New South Wales as Crown Land.

ERRATUM

IN the notice which appeared in the New South Wales *Government Gazette* No. 145 of the 24 November, 2006, Folio 9917, under the heading of "ROADS ACT 1993 – Transfer of a Crown road to a Council" the notification for the LGA of Tenterfield Shire, Land District of Casino. In the first line the description should have read Crown Public road north, west, south & south west of Lot 12 DP 752375, not as originally stated.

File No.: GF06H111.

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

IN the notice which appeared in the New South Wales *Government Gazette* No. 90 of the 2 July, 2010, Folio 3223, under the heading of "ROADS ACT 1993 – Transfer of a Crown road to a Council" the notification for the LGA of Clarence Valley Council, Land District of Grafton. The whole description is now replaced with the following; Crown Public road separating Lot 82 DP 752810 from Lot 57 DP 752844 and Lots 110 & 111 DP 752844; road separating Lot 83 DP 752810 from Lot 111 DP 752844.

File No.: 10/09839.

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

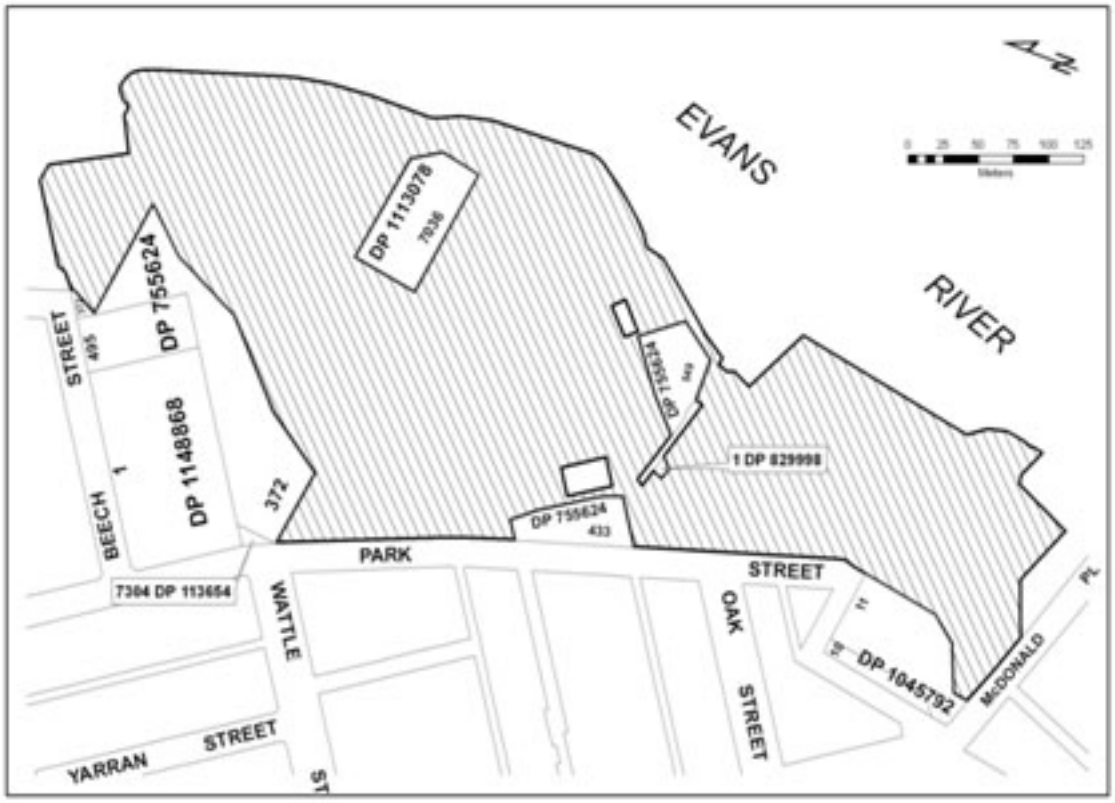
APPOINTMENT OF RESERVE TRUST

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

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

SCHEDULE

Column 1	*Column 2*
North Coast Accommodation Trust	Part Reserve No. 82910, being: Lot 549 DP 1091080, Lot 11 DP1045792, Lot 7304 DP 1136547, Lot 7036 DP 1113078, Lot 372 DP 755624, and: part Lots 550 DP 1091080, Lot 7303 DP 1136547, Lot 172 DP 755264, Lot 405 DP 755264, Lot 287 DP 755264 and Lot 281 DP 755264 (as shown by hatching on diagram hereunder). Parish: Riley County: Richmond Public Purpose: Public Recreation Notified: 4 August 1995 File No: 10/17346



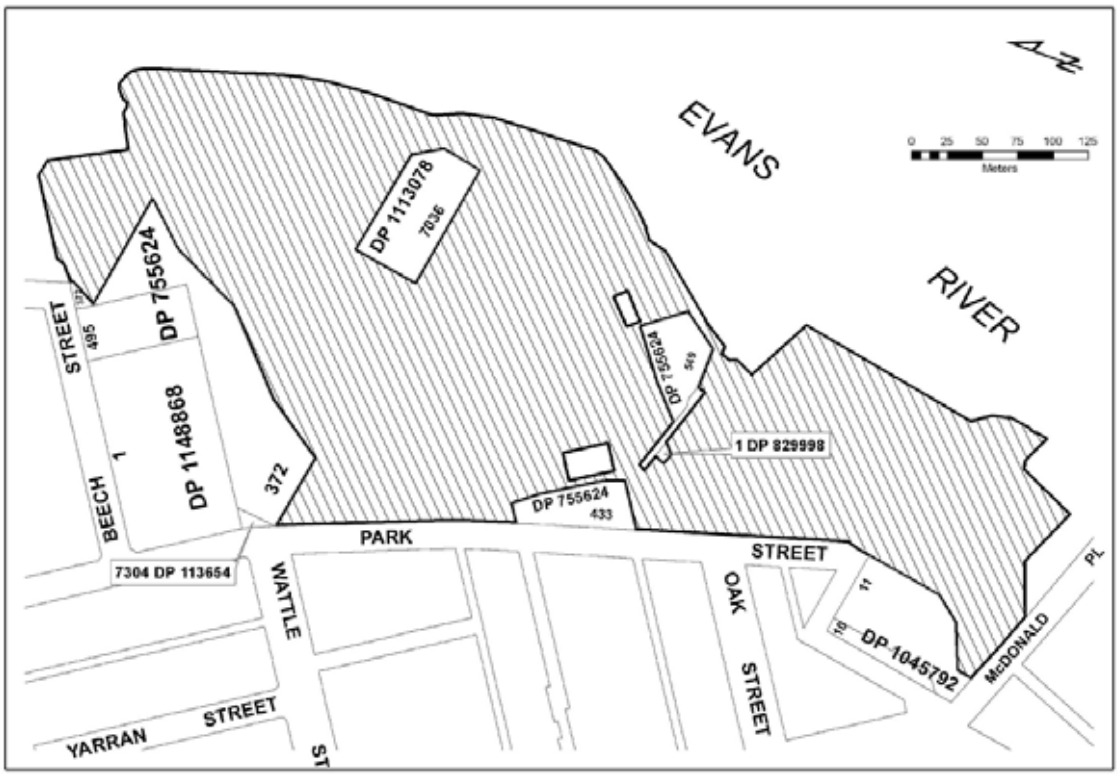
REVOCATION OF APPOINTMENT OF A RESERVE TRUST

PURSUANT to section 92(3) of the Crown Lands Act 1989, the appointment of the reserve trust specified in Column 1 of the Schedule hereunder, as trustee of the reserve, or part(s) of the reserve, specified opposite thereto in Column 2 of the Schedule, is revoked.

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

SCHEDULE

Column 1	*Column 2*
Evans Head (R82910) Recreation Reserve Trust	Part Reserve No. 82910, being: Lot 549 DP 1091080, Lot 11 DP1045792, Lot 7304 DP 1136547, Lot 7036 DP 1113078, Lot 372 DP 755624, and: part Lots 550 DP 1091080, Lot 7303 DP 1136547, Lot 172 DP 755264, Lot 405 DP 755264, Lot 287 DP 755264 and Lot 281 DP 755264 (as shown by hatching on diagram hereunder). Parish: Riley County: Richmond Public Purpose: Public Recreation Notified: 4 August 1995 File No: 10/17346



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

ERRATUM

Land District – Lismore; Council – Lismore

IN the notification appearing in the *New South Wales Government Gazette* of 16 October 2009, Folio 5418, under the heading "Assignment of Corporate Name of Reserve Trust" remove the reserve trust specified in Column 1 "Lismore Police Boy's Club Trust" and insert in lieu "Lismore Police Boys' Club Trust".

File No.: GF05 R 71.

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

ERRATUM

Land District – Lismore; Council – Ballina

IN the notification appearing in the *New South Wales Government Gazette* of 16 October 2009, Folio 5418, under the heading "Assignment of Corporate Name of Reserve Trust" remove the reserve trust specified in Column 1 "Ballina War Veteran's Home Trust" and insert in lieu "Ballina War Veterans' Home Trust".

File No.: 09/17677.

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

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

NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

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

Description

Parishes – Tangory, Glendon, St Julian and Tyraman; County – Durham; Land District – Singleton; L.G.A. – Singleton and Dungog

Road Closed: Lots 1-8 inclusive, DP 1160673 (not being land under the Real Property Act).

File No.: 09/08916.

Schedule

On closing, the land within Lot 1 to 8 inclusive, DP 1160673 remains vested in the State of New South Wales as Crown Land.

Description

Parish – Kooree; County – Northumberland; Land District – Gosford; L.G.A. – Gosford

Road Closed: Lot 1, DP 1159854 (not being land under the Real Property Act).

File No.: 10/13334.

Schedule

On closing, the land within Lot 1, DP 1159854 remains vested in the State of New South Wales as Crown Land.

PLAN OF MANAGEMENT FOR CROWN RESERVE UNDER DIVISION 6 OF PART 5 OF THE CROWN LANDS ACT 1989 AND CROWN LANDS REGULATION 2006

A Draft Plan of Management has been prepared by Lake Macquarie City Council for the Crown reserves described hereunder that are under the trusteeship of Lake Macquarie City Council that comprise Warners Bay foreshore.

Inspection of the draft plan can be made at Lake Macquarie City Council, Administration Centre, 126-138 Main Road, Street Speers Point; Speers Point Library, 139 Main Road, Speers Point; Belmont Library, 19 Ernest Street Belmont; Charlestown Library, Cnr Smith and Ridley Streets, Charlestown; Toronto Library, Cnr Brighton Avenue and Pemell Street, Toronto and the Department of Lands, Cnr Newcastle Road and Banks Street, East Maitland, during normal business hours. The plan may also be viewed at www.lands.nsw.gov.au and www.lakemac.nsw.gov.au (under public notices and exhibitions).

The Draft Plan will be on exhibition from 25 February 2011 until 28 March 2011. Comments on the draft plan are invited from the public and may be submitted in writing to The General Manager, Attention Kate Jordan, Lake Macquarie City Council, Box 1906, HRMC NSW 2310, or email mail@lakemac.nsw.gov.au.

Further inquiries may be made with Council's Community Land Planner (Sports), Kate Jordan on 4921 0599.

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

Description of Lands

Land District – Newcastle; Council Area – Lake Macquarie; Parish – Kahibah; County – Northumberland

R170171 for public recreation.

Being: Lots 2065, DP 823749, 465 The Esplanade, Warners Bay.

Location: Warners Bay foreshore Crown Land – from Fairfax Road to South Creek.

File No.: 08/10837.

ERRATUM

THE Notice which appeared in the *New South Wales Government Gazette* No. 15 of 18 February 2011, Folio 754, under the heading "ADDITION TO RESERVED CROWN LAND" Column 1, contained a printing error. The Lots added to R87452 should have read as "Lots 1-10 in DP 13692" and not as was shown.

File No.: 10/14828.

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

ESTABLISHMENT OF RESERVE TRUST

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

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

SCHEDULE

Column 1	*Column 2*
The Old Waratah Fire Station (D1001105) Reserve Trust	Dedication No. 1001105 Public Purpose: Fire Brigade Station and Community Purposes Notified: 29 December 1933 and 11 December 2009. File Reference: 09/18743

APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST

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

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

SCHEDULE

Column 1	*Column 2*	*Column 3*
Lands Administration Ministerial Corporation	The Old Waratah Fire Station (D1001105) Reserve Trust	Dedication No. 1001105 Public Purpose: Fire Brigade Station and Community Purposes Notified: 29 December 1933 and 11 December 2009. File Reference: 09/18743

For a term commencing the date of this notice.

ROADS ACT 1993

ORDER

Transfer of a Crown Road to a Council

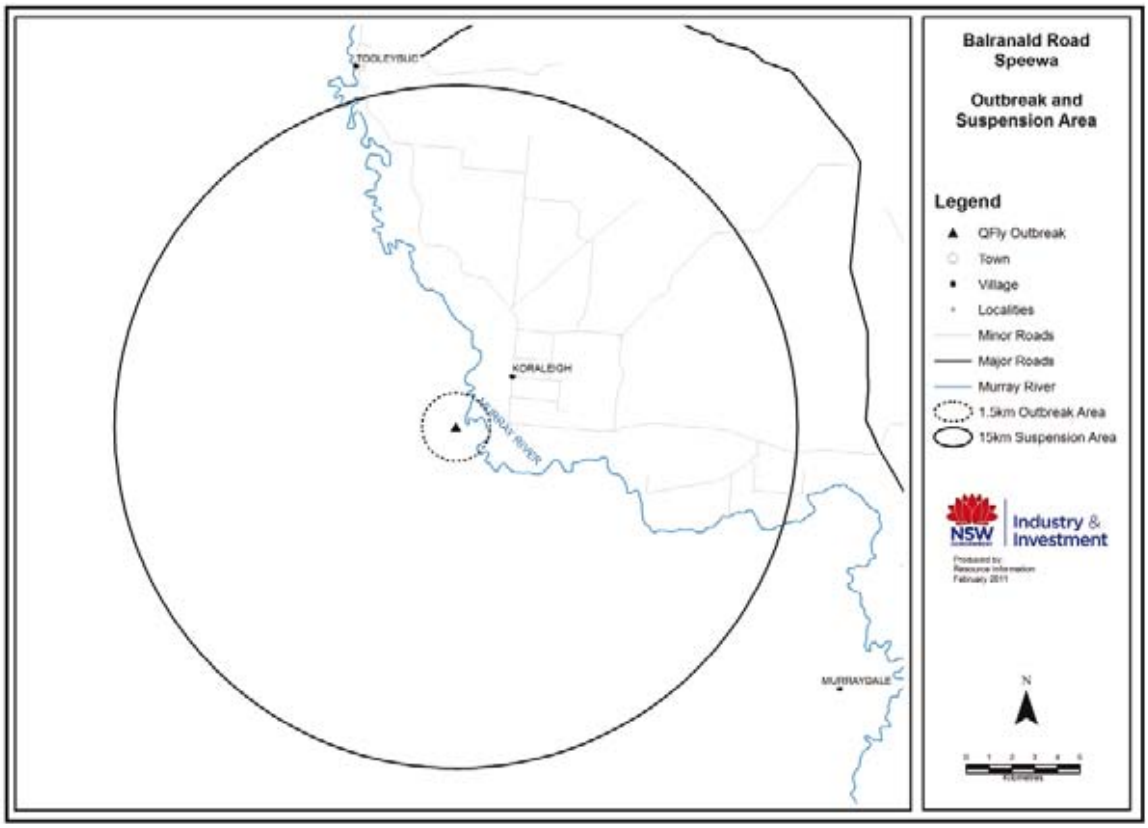
IN pursuance of the provisions of section 151, Roads Act 1993, the Crown road specified in Schedule 1 is transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the road specified in Schedule 1 ceases to be a Crown road.

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

SCHEDULE 1

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

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



SCHEDULE 2

Roads Authority: Lake Macquarie City Council.

File No.: 09/11076.

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

NOTICE OF PUBLIC PURPOSE PURSUANT TO SECTION 34A (2) (B) OF THE CROWN LANDS ACT 1989

PURSUANT to section 34A(2)(b) of the Crown Lands Act 1989, the Crown reserve specified in Column 1 of the Schedule is to be occupied for the additional purpose specified in Column 2 of the Schedule.

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

SCHEDULE

Column 1	*Column 2*
Reserve No.: 86151. Public Purpose: Reservoir. Notified: 20 January 1967. Locality: Adaminaby.	Communication facilities.

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

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

Land District – Bathurst; L.G.A. – Bathurst Regional

Road Closed: Lot 1, DP 1155226 at Freemantle, Parish Freemantle, County Bathurst.

File No.: CL/00320.

Schedule

On closing, the land within Lot 1, DP 1155226 remains vested in the State of New South Wales as Crown Land.

ERRATUM

IN the notice appearing in the *New South Wales Government Gazette* of the 11 February 2011, Folio 581, under the heading "Roads Act 1993 Transfer of Crown Road to Council", delete from Schedule 1 County - Roxburgh and replace with County - Ashburnham.

File No.: 11/01469.

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

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

ERRATUM

IN the notifications appearing in the New South Wales Government Gazette No.12 of the 4 February 2011, folio 527, under the heading of "Notification of Closing of a Road" the notification for the Parish of Maroota, Land District of Windsor and the LGA of The Hills Shire is withdrawn.

File No.: 09/07378.

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

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

Parish – Maroota;
County – Cumberland;
Land District – Windsor;
Local Government Area – The Hills Shire

Road Closed: Lot 101, DP 1158534 at Cattai.

File No: 09/07378.

Schedule

On closing, title for the land in lot 101, DP 1158534 will remain vested in the State of New South Wales as Crown Land.

ASSIGNMENT OF NAME TO A RESERVE TRUST

PURSUANT to clause 4(3) of Schedule 8 of the Crown Lands Act 1989 the name specified in Column 1 of the Schedule hereunder is assigned to the reserve trust constituted as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, MLC,
Minister for Lands

SCHEDULE

Column 1	*Column 2*
The Uniting Church in Australia Property Trust (NSW) Reserve Trust	Reserve No. 87500 Public Purpose: Charitable Organisations Notified: 14 November 1969 File No: MN89R103

DECLARATION OF LAND TO BE CROWN LAND

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

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

SCHEDULE

Land held by the Minister Administering the Environmental Planning and Assessment Act 1979.

Land District: Metropolitan;
Shire: Holroyd
Parish: St John;
County: Cumberland

5 hectares at Guildford being Lot 1 DP 183017 and Lot 1 DP 169485

File No. 10/19634

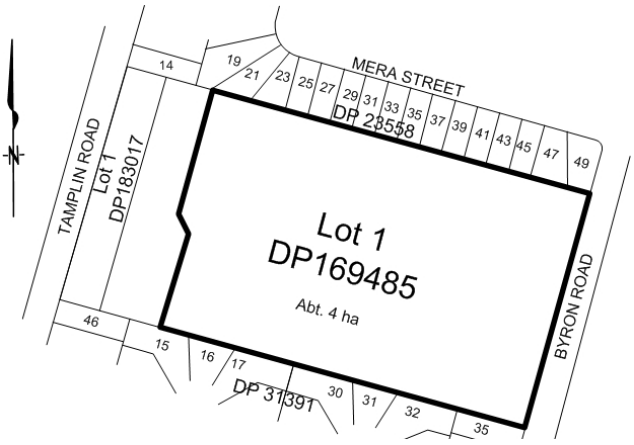
RESERVATION OF CROWN LAND

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

TONY KELLY, MLC.,
Minister for Lands.

SCHEDULE

Column 1	*Column 2*
Land District : Metropolitan LGA : Holroyd Parish : St John County : Cumberland Locality : Guildford Part Lot 1 DP 169485 as shown by black edge on diagram hereunder. Area : Approx 4 hectare Torrens Title Identifier: 1/169485	R1031568 for the public purpose of Public Recreation, Community, Heritage and Government Purposes. (File No: 10/19634)



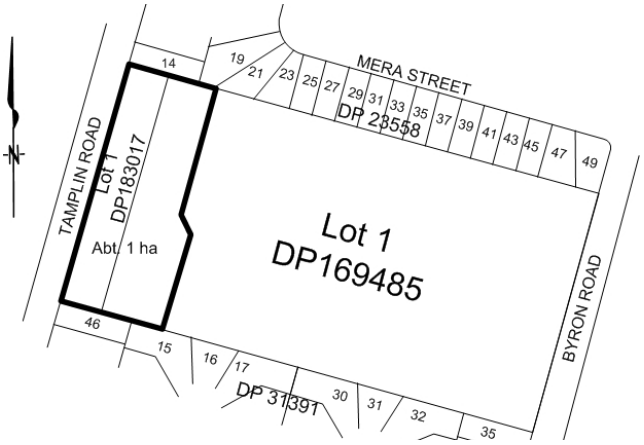
RESERVATION OF CROWN LAND

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

TONY KELLY, MLC.,
Minister for Lands.

SCHEDULE

Column 1	*Column 2*
Land District : Metropolitan LGA : Holroyd Parish : St John County : Cumberland Locality : Guildford Part Lot 1 D.P. 183017 and Part Lot 1 DP 169485 as shown by black edge on diagram hereunder. Area : Approx 1 hectare Torrens Title Identifiers: 1/183017 & 1/169485	R1031588 for the public purpose of Public Recreation, Community Purposes and Community and Sporting Club Facilities. (File No: 10/19634).



ESTABLISHMENT OF RESERVE TRUSTS

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

TONY KELLY, MLC.,
Minister for Lands.

SCHEDULE

Column 1	*Column 2*
Linnwood Estate (R1031568) Reserve Trust	Area at Guildford notified for the purpose of Public Recreation, Community, Heritage and Government Purposes this day; (File No: 10/19634)
Tamplin Road (R1031588) Reserve Trust	Area at Guildford notified for the purpose of Public Recreation, Community Purposes and Community and Sporting Club Facilities this day; (File No: 10/19634)

APPOINTMENT OF CORPORATION TO MANAGE A RESERVE TRUST

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

TONY KELLY, MLC.,
Minister for Lands.

SCHEDULE

Column 1	*Column 2*	*Column 3*
Holroyd City Council	Linnwood Estate (R1031568) Reserve Trust	Area at Guildford Notified for the purpose of Public Recreation, Community, Heritage and Government Purposes in the Gazette of this day; (File No:10/19634)
Lands Administration Ministerial Corporation	Tamplin Road (R1031588) Reserve Trust	Area at Guildford notified for the purpose of Public Recreation, Community Purposes and Community and Sporting Club Facilities, in the Gazette of this day; (File No:10/19634)

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

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance to the provisions of the Roads Act 1993, the road hereunder specified is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

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

Description

Locality – Ogunbil; Land District – Tamworth; L.G.A. – Tamworth Regional

Road Closed: Lot 1 in Deposited Plan 1160898, Parish Scott, County Parry.

File No.: 08/3628.

Note: On closing, title to the land comprised in Lot 1 will remain vested in the State of New South Wales as Crown Land.

Description

Locality – Dungowan; Land District – Tamworth; L.G.A. – Tamworth Regional

Road Closed: Lot 1 in Deposited Plan 1160897, Parish Piallamore, County Parry.

File No.: 08/3628.

Note: On closing, title to the land comprised in Lot 1 will remain vested in the State of New South Wales as Crown Land.

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

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

Road Closed: Lot 1, DP 1159530 at Gunnedah, Parish Dubbleda, County Pottinger.

File No.: 07/1621.

Schedule

On closing, the land within Lot 1, DP 1159530 remains vested in the State of New South Wales as Crown Land.

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

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 Schedules hereunder, is appointed as trustee of part of the reserve specified opposite thereto in Column 2 to the extent specified in Column 3 of the Schedules.

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

SCHEDULE 1

Column 1	*Column 2*	*Column 3*
Mid North Coast Accommodation Trust.	Reserve No.: 79681. Public Purpose: Public recreation and communication facilities.	Notified: 28 June 1957. The part being Forster Caravan Park as indicated enclosed within heavy black line on diagram below. Parish: Forster. County: Gloucester.

Forster Beach Caravan Park



SCHEDULE 2

Column 1	*Column 2*	*Column 3*
Mid North Coast Accommodation Trust.	Reserve No.: 86531. Public Purpose: Public recreation. Notified: 17 November 1967.	The part being Tuncurry Caravan Park as indicated enclosed within heavy black line on diagram below. Parish: Tuncurry. County: Gloucester.

Tuncurry Beach Caravan Park



SCHEDULE 3

Column 1	*Column 2*	*Column 3*
Mid North Coast Accommodation Trust.	Reserve No.: 53519. Public Purpose: Public recreation. Notified: 19 September 1919.	The part being Seal Rocks Caravan Park as indicated enclosed within heavy black line on diagram below. Parish: Forster. County: Gloucester.

Seal Rocks Holiday Park



SCHEDULE 4

Column 1	*Column 2*	*Column 3*
Mid North Coast Accommodation Trust.	Reserve No.: 85147. Public Purpose: Public recreation. Notified: 15 January 1965.	The part being Hawks Nest Caravan Park as indicated enclosed within heavy black line on diagram below. Parish: Fens. County: Gloucester.

Hawks Nest Caravan Park



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 reserves referred to opposite thereto in Column 3 of the Schedule.

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

SCHEDULE

Column 1	*Column 2*	*Column 3*
Craig BARNES, Karen HEMBROW, Richard DUNNING	Mid-North Coast Accommodation Trust.	Reserve No.: Part 79681. Public Purpose: Public recreation and communication facilities. Parish: Forster. County: Gloucester. Notified: 28 June 1957. Reserve No.: Part 86531. Public Purpose: Public recreation. Parish: Tuncurry. County: Gloucester. Notified: 17 November 1967. Reserve No.: Part 53519. Public Purpose: Public recreation. Parish: Forster. County: Gloucester. Notified: 19 September 1919. Reserve No.: Part 85147. Public Purpose: Public recreation. Parish: Fens. County: Gloucester. Notified: 15 January 1965. Reserve No.: Part 77312. Public Purpose: Camping and public recreation. Parish: Fens. County: Gloucester. Notified: 31 December 1954.

Term of Office

For a term commencing the date of this notice and expiring 24 February 2016.

File No.: 10/19709.

REVOCATION OF APPOINTMENT OF A RESERVE TRUST

PURSUANT to section 92(3)(c) of the Crown Lands Act 1989, the appointment of the reserve trust specified in Column 1 of the Schedules hereunder, as trustee of the reserve(s), or part(s) of the reserve(s), specified opposite thereto in Column 2 of the Schedules, is revoked.

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

SCHEDULE 1

Column 1	*Column 2*
Forster Caravan Park Reserve (R79681) Trust.	Part Reserve No. 79681, being the area developed as Forster Caravan Park as indicated enclosed within heavy black line on diagram located on file 10/19709. Public Purpose: Public recreation and communication facilities. Notified: 28 June 1957.

SCHEDULE 2

Column 1	*Column 2*
Tuncurry Caravan Park (R86531) Reserve Trust.	Part Reserve No. 86531, being the area developed as Tuncurry Caravan Park as indicated enclosed within heavy black line on diagram located on file 10/19709. Public Purpose: Public recreation. Notified: 17 November 1967.

SCHEDULE 3

Column 1	*Column 2*
Seal Rocks Camping Reserve (R53519) Trust.	Part Reserve No. 53519, being the area developed as Seal Rocks Caravan Park as indicated enclosed within heavy black line on diagram on file 10/19709. Public Purpose: Public recreation. Notified: 19 September 1919.

SCHEDULE 4

Column 1	*Column 2*
Hawks Nest Camping (R85147) Reserve Trust.	Part Reserve No. 85147, being the area developed as Hawks Nest Caravan park as indicated enclosed within heavy black line on diagram on file 10/19709. Public Purpose: Public recreation. Notified: 15 January 1965.

SCHEDULE 5

Column 1	*Column 2*
Jimmy's Beach Recreation and Camping (R77312) Reserve Trust.	Part Reserve No. 77312, being the area developed as Jimmy's Beach Caravan Park as indicated enclosed within heavy black line on diagram on file 10/19709.

Note: Any agreements granted by this Trust over the areas indicated in Column 2 above will remain in place under the Mid North Coast Accommodation Trust.

REVOCATION OF RESERVATION OF CROWN LAND

PURSUANT to section 90 of the Crown Lands Act 1989, the reservation of Crown Land specified in Column 1 of

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

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

SCHEDULE

Column 1	*Column 2*
Land District: Taree. Local Government Area: Greater Taree City Council. Locality: Taree. Reserve No.: 754449. Public Purpose: Future public requirements. Notified: 29 June 2007. File No.: 10/14226.	The part being Lot 255, DP 41241, Parish Taree, County Macquarie. Area: 4195 square metres.

WAGGA WAGGA OFFICE

Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga NSW 2650
Phone: (02) 6937 2700 Fax: (02) 6921 1851

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder specified is closed, the road ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

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

Description

Parish – Livingstone; County – Wynyard;
Land District – Wagga Wagga; L.G.A. – Wagga Wagga

Lots 1 and 2 in DP 1151012 at Big Springs.

File No.: WA05 H 455.

Note: On closing, the land within Lots 1 and 2 in DP 1151012 remains vested in the State of New South Wales as Crown Land.

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

ALTERATION OF PURPOSE/CONDITIONS OF A WESTERN LANDS LEASE

IT is hereby notified that in pursuance of the provisions of section 18J, Western Lands Act 1901, the purpose and conditions of the undermentioned Western Lands Lease have been altered as shown.

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

Administrative District – Wentworth; Shire – Wentworth; Parish – Cliffs; County – Wentworth

The purpose/conditions of Western Lands Lease 14920, being the land contained within Folio Identifiers 1/1159609 respectively have been altered from "Accommodation Paddock" to "Horticulture and Silviculture" effective from 16 February 2011.

The conditions previously annexed to Western Lands Lease 14920 have been revoked and the following conditions have been annexed thereto.

CONDITIONS AND RESERVATIONS ATTACHED TO WESTERN LANDS LEASE 14920

(1) In the conditions annexed to the leases, the expression "the minister" means the Minister administering the Western Lands Act 1901, and any power, authority, duty or function conferred or imposed upon the Minister by or under those conditions may be exercised or performed either by the Minister or by such officers of the Department of Lands as the Minister may from time to time approve.

(2) In these conditions and reservations the expression "the commissioner" means the Commissioner charged with the administration of the Western Lands Act 1901 ("the Act") in accordance with section 4(2) of the Act.

(3) (a) For the purposes of this clause the term Lessor shall include Her Majesty the Queen Her Heirs and Successors the Minister and the agents servants employees and contractors of the Lessor Her Majesty Her Majesty's Heirs and Successors and the Minister.

(b) The lessee covenants with the Lessor to indemnify and keep indemnified the Lessor from and against all claims for injury loss or damage suffered by any person or body using or being in or upon the Premises or any adjoining land or premises of the Lessor arising out of the Holder's use of the Premises and against all liabilities for costs charges and expenses incurred by the Lessor in respect of the claim of any such person or body except to the extent that any such claims and demands arise wholly from any negligence or wilful act or omission on the part of the Lessor.

(c) The indemnity contained in this clause applies notwithstanding that this Lease authorised or required the lessee to undertake or perform the activity giving rise to any claim for injury loss or damage.

(d) The lessee expressly agrees that the obligations of the Holder under this clause shall continue after the expiration or sooner determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.

(4) The rent of the lease shall be assessed in accordance with Part 6 of the Western Lands Act 1901.

(5) The rent shall be due and payable annually in advance on 1 July in each year.

(6) (a) "GST" means any tax on goods and/or services, including any value-added tax, broad-based consumption tax or other similar tax introduced in Australia.

"GST law" includes any Act, order, ruling or regulation, which imposes or otherwise deals with the administration or imposition of a GST in Australia.

(b) Notwithstanding any other provision of this Agreement:

(i) If a GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.

(ii) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause "taxes"), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.

(7) The lessee shall pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.

(8) The lessee shall hold and use the land leases bona fide for the lessee's own exclusive benefit and shall not transfer, convey or assign the land or any portion thereof without having first obtained the written consent of the Minister.

(9) The lessee shall not enter into a sublease of the land leased unless the sublease specifies the purpose for which the land may be used under the sublease, and it is a purpose which is consistent with the purpose for which the land may be used under this lease.

(10) If the lessee enters into a sublease of the land leased, the lessee must notify the Commissioner of the granting of the sublease within 28 days after it is granted.

(11) The land leased shall be used only for the purpose of Horticulture and Silviculture.

(12) The lessee shall maintain and keep in reasonable repair all improvements on the land leased during the

currency of the lease and shall permit the Minister or the Commissioner or any person authorised by the Minister or the Commissioner at all times to enter upon and examine the whole or any part of the land leased and the buildings or other improvements thereon.

(13) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee shall permit any person duly authorised in that behalf to enter upon the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.

(14) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by reason of the following acts and matters, that is to say, by reason of the Crown or any person on behalf of the Crown or any lessee or lessees, having worked now or hereafter working any mines or having carried on or now or hereafter carrying in mining operations or having searched for, worked or removed or now hereafter searching for, working, winning or removing any metals or minerals under, in or from the lands lying beneath the land leased or any part thereof, or on, in, under or from any other lands situated laterally to the land leased or any part thereof or the lands lying beneath those lands, and whether on or below the surface of those other lands and by reason of those acts and matters or in the course thereof the Crown reserves the liberty and authority for the Crown, any person on behalf of the Crown and any lessee or lessees from time to time to let down without payment of any compensation any part of the land leased or of the surface thereof.

(15) The lessee shall comply with the provisions of the Local Government Act 1993, and of the ordinances made thereunder.

(16) The lessee shall not erect or permit any person to erect any buildings or extend any existing buildings on the land leased except to the satisfaction of the commissioner.

(17) The lessee shall ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.

(18) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee shall remove any structure or material from the land at his own cost and without compensation. Where such a direction has been given the former lessee shall leave the land in a clean and tidy condition free from rubbish and debris.

(19) The less shall within 1 year from the date of commencement of the lease or such further period as the Commissioner may allow, enclose the land leased, either separately or conjointly with other lands held in the same interest, with a suitable fence to the satisfaction of the Commissioner.

(20) The lessee shall not obstruct or interfere with any reserves, roads or tracks on the land leased, or the lawful use thereof by any person.

(21) The lessee shall erect gates on roads within the land leased when and where directed by the Commissioner for public use and shall maintain those gates together with approaches thereto in good order to the satisfaction of the Commissioner.

(22) The right is reserved to the public of free access to, and passage along, the bank of any watercourse adjoining the land leased and the lessee shall not obstruct access or passage by any member of the public to or along the bank.

(23) The crown shall not be responsible to the lessee or the lessee's successors in title for the provision of access to the land.

(24) The lessee shall comply with requirements of section 18DA of the Western Lands Act 1901 which provides that except in circumstances referred to in subsection (3) of that section, cultivation of the leased or occupied may not be carried out unless the written consent of the Department has first been obtained and any condition to which the consent is subject under sub section 96) is complied with.

(25) Notwithstanding any other condition annexed to the lease, the less shall, in removing timber for the purpose of building, fencing or firewood, comply with the routine agricultural management activities listed in the Native Vegetation Act 2003.

(26) The lessee shall not interfere with the timber on any of the land leased which is within a State forest, timber reserve or flora reserve unless authorisation has been obtained under the provisions of the Forestry Act 1916 and shall not prevent any person or persons duly authorised in that behalf from taking timber on the land leased and shall not ringbark, kill, destroy or permit the killing or destruction of any timber unless authorised under the Forestry Act 1916 or unless approval has been issued in accordance with the Native Vegetation Act 2003, but the lessee may take such timber as the lessee may reasonably require for use on the land leased, or on any contiguous land held in the same interest, for building, fencing or firewood.

(27) The lessee shall undertake any fuel management and/or provision of fire trail access in accordance with fire mitigation measures to the satisfaction of the NSW Rural Fire Service.

(28) The lessee shall, as the Commissioner may from time to time direct, foster and cultivate on the land leased such edible shrubs and plants as the Commissioner may consider can be advantageously and successfully cultivated.

(29) Whenever so directed by the Commissioner, the lessee shall, on such part or parts of the land leased as shall be specified in the direction, carry out agricultural practices, or refrain from agricultural practices, of such types and for such periods as the Commissioner may in the direction specify.

(30) The lessee shall furnish such returns and statements as the Commissioner may from time to time require on any matter connected with the land leased or any other land (whether within or outside the Western Division) in which the lessee has an interest.

(31) The lessee shall, within such time as may be specified by the Commissioner take such steps and measures as the Commissioner shall direct to destroy vermin and such animals and weeds as may, under any Act, from time to time be declared (by declaration covering the land leased) noxious in the Gazette and shall keep the land free of such vermin and noxious animals and weeds during the currency of the lease to the satisfaction of the Commissioner.

(32) The lessee shall not remove or permit any person to remove gravel, stone, clay, shells or other material for the purpose of sale from the land leased unless the lessee or the person is the holder of a quarry license under regulations made under the Crown Lands Act 1989 or in respect of land in a State Forest, unless the lessee or the person is the holder of a forest materials license under the Forestry Act 1916, and has obtained special authority of the Minister to operate on the land, but the lessee may, with approval of the Commissioner, take from the land such gravel, stone, clay shells or other material for building and other purposes upon the land as may be required by the lessee.

(33) The lessee shall only use an area of 3 hectares for Horticulture as indicated by the cross-hatched area on the diagram hereunder. A further 14.02 ha has been approved for Silviculture as shown hatched on the diagram.

(34) The lessee must ensure that sandhills and other soils with a surface texture texture of loamy sand or coarser are left uncultivated unless specifically approved by the Commissioner.

(35) Texture Contrast (or Duplex) soils are soil types which have a sandy to loamy topsoil abruptly overlying a clay subsoil and are prone to scalding (producing claypans and hummocks). Land within 60 metres of any texture contrast or duplex soil area shall not be cultivated except in accordance with a plan approved by the Commissioner.

(36) Areas with a slope greater than 2% shall not be cultivated until any soil conservation measures documented in a plan approved by the Commissioner have been implemented at the lessee's expense.

(37) The lessee shall ensure that any cultivation and associated activities do not interfere with any road formation within the allowable area.

(38) Incised drainage lines, other than man-made structures, which carry water after storms shall be left uncultivated in the channels and for a distance of at least 20 metres on either side of the banks of the channels except when the Commissioner specifies otherwise.

(39) Stubble shall be retained on the soil surface and shall not be burnt, except with the approval of the Commissioner or his delegate. Where such approval is granted, stubble burning is to be carried out as per requirements of the NSW Rural Fire Service.

(40) Aboriginal sites are protected under the National Parks and Wildlife Act 1974, and are extremely vulnerable to many kinds of agricultural development. Should any Aboriginal archaeological relics or sites be uncovered during the proposed works, work is to cease immediately. The lessee must consider the requirements of the National Parks and Wildlife Act 1974, with regard to Aboriginal relics. Under section 90 it is an offence to damage or destroy relics without prior consent of the Director-General of the Department of Environmental and Climate Change. If an Aboriginal site is found in this area, the subject of this consent, the cultivation must cease until the consent holder has notified the Department of Energy and Climate Change of the existence of the Aboriginal site. Contact details are: The Manager, Cultural Heritage Unit, Department of Environmental and Climate Change, Phone 02 6883 5324 or at 58-62 Wingewarra Street, Dubbo.

(41) The lessee shall undertake any appropriate measures, at his/her own expense, ordered by the Commissioner to rehabilitate any degraded cultivated areas.

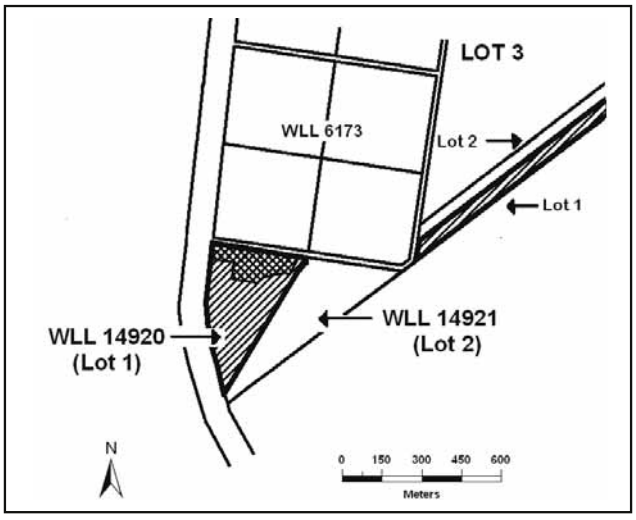
(42) The lessee shall establish windbreaks at his/her own expense as may be ordered by the Commissioner provide adequate protection of the soil.

(43) Cultivation and cropping are not to alter the natural flood regime. Crops are not to be protected by levees.

(44) Disposal of tailwater into creeks and rivers is controlled by the Department of Environment and Climate Change under the Protection of the Environment Act 2003. Before disposing of any tailwater or water which may be contaminated with fertiliser, herbicide or pesticide the Department of Environment and Climate Change must be contacted.

(45) The lessee shall ensure that no run-off will escape onto adjoining lands.

(46) In the event that cotton is to be grown, a maximum of two cotton crops may only be grown on any one area in any six consecutive years. During other years, the area may be fallowed or sown to pasture, fodder or grain crops.



ALTERATION OF PURPOSE/CONDITIONS OF A WESTERN LANDS LEASE

IT is hereby notified that in pursuance of the provisions of section 18J, Western Lands Act 1901, the purpose and conditions of the undermentioned Western Lands Lease have been altered as shown.

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

Administrative District – Wentworth; Shire – Wentworth; Parish – Cliffs; County – Wentworth

The purpose/conditions of Western Lands Lease 14921, being the land contained within Folio Identifiers 2/1159609 have been altered from "Accommodation Paddock" to "Horticulture and Silviculture" effective from 16 February 2010.

The conditions previously annexed to Western Lands Lease 14921 have been revoked and the following conditions have been annexed thereto.

CONDITIONS AND RESERVATIONS ATTACHED TO WESTERN LANDS LEASE 14921

(1) In the conditions annexed to the leases, the expression "the minister" means the Minister administering the Western Lands Act 1901, and any power, authority, duty or function conferred or imposed upon the Minister by or under those conditions may be exercised or performed either by the Minister or by such officers of the Department of Lands as the Minister may from time to time approve.

(2) In these conditions and reservations the expression "the commissioner" means the Commissioner charged with the administration of the Western Lands Act 1901 ("the Act") in accordance with section 4(2) of the Act.

(3) (a) For the purposes of this clause the term Lessor shall include Her Majesty the Queen Her Heirs and Successors the Minister and the agents servants employees and contractors of the Lessor Her Majesty Her Majesty's Heirs and Successors and the Minister.

(b) The lessee covenants with the Lessor to indemnify and keep indemnified the Lessor from and against all claims for injury loss or damage suffered by any person or body using or being in or upon the Premises or any adjoining land or premises of the Lessor arising out of the Holder's use of the Premises and against all liabilities for costs charges and expenses incurred by the Lessor in respect of the claim of any such person or body except to the extent that any such claims and demands arise wholly from any negligence or wilful act or omission on the part of the Lessor.

(c) The indemnity contained in this clause applies notwithstanding that this Lease authorised or required the lessee to undertake or perform the activity giving rise to any claim for injury loss or damage.

(d) The lessee expressly agrees that the obligations of the Holder under this clause shall continue after the expiration or sooner determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.

(4) The rent of the lease shall be assessed in accordance with Part 6 of the Western Lands Act 1901.

(5) The rent shall be due and payable annually in advance on 1 July in each year.

(6) (a) "GST" means any tax on goods and/or services, including any value-added tax, broad-based consumption tax or other similar tax introduced in Australia.

"GST law" includes any Act, order, ruling or regulation, which imposes or otherwise deals with the administration or imposition of a GST in Australia.

(b) Notwithstanding any other provision of this Agreement:

(i) If a GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.

(ii) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause "taxes"), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.

(6) The lessee shall pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.

(7) The lessee shall hold and use the land leases bona fide for the lessee's own exclusive benefit and shall not transfer, convey or assign the land or any portion thereof without having first obtained the written consent of the Minister.

(8) The lessee shall not enter into a sublease of the land leased unless the sublease specifies the purpose for which the land may be used under the sublease, and it is a purpose which is consistent with the purpose for which the land may be used under this lease.

(9) If the lessee enters into a sublease of the land leased, the lessee must notify the Commissioner of the granting of the sublease within 28 days after it is granted.

(10) The land leased shall be used only for the purpose of Horticulture and Silviculture.

(11) The lessee shall maintain and keep in reasonable repair all improvements on the land leased during the currency of the lease and shall permit the Minister or the Commissioner or any person authorised by the Minister or the Commissioner at all times to enter upon and examine the whole or any part of the land leased and the buildings or other improvements thereon.

(12) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee shall permit any person duly authorised in that behalf to enter upon

the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.

(13) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by reason of the following acts and matters, that is to say, by reason of the Crown or any person on behalf of the Crown or any lessee or lessees, having worked now or hereafter working any mines or having carried on or now or hereafter carrying in mining operations or having searched for, worked or removed or now hereafter searching for, working, winning or removing any metals or minerals under, in or from the lands lying beneath the land leased or any part thereof, or on, in, under or from any other lands situated laterally to the land leased or any part thereof or the lands lying beneath those lands, and whether on or below the surface of those other lands and by reason of those acts and matters or in the course thereof the Crown reserves the liberty and authority for the Crown, any person on behalf of the Crown and any lessee or lessees from time to time to let down without payment of any compensation any part of the land leased or of the surface thereof.

(14) The lessee shall comply with the provisions of the Local Government Act 1993, and of the ordinances made thereunder.

(15) The lessee shall not erect or permit any person to erect any buildings or extend any existing buildings on the land leased except to the satisfaction of the commissioner.

(16) The lessee shall ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.

(17) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee shall remove any structure or material from the land at his own cost and without compensation. Where such a direction has been given the former lessee shall leave the land in a clean and tidy condition free from rubbish and debris.

(18) The less shall within 1 year from the date of commencement of the lease or such further period as the Commissioner may allow, enclose the land leased, either separately or conjointly with other lands held in the same interest, with a suitable fence to the satisfaction of the Commissioner.

(19) The lessee shall not obstruct or interfere with any reserves, roads or tracks on the land leased, or the lawful use thereof by any person.

(20) The lessee shall erect gates on roads within the land leased when and where directed by the Commissioner for public use and shall maintain those gates together with approaches thereto in good order to the satisfaction of the Commissioner.

(21) The right is reserved to the public of free access to, and passage along, the bank of any watercourse adjoining the land leased and the lessee shall not obstruct access or passage by any member of the public to or along the bank.

(22) The crown shall not be responsible to the lessee or the lessee's successors in title for the provision of access to the land.

(23) The lessee shall comply with requirements of section 18DA of the Western Lands Act 1901 which provides that except in circumstances referred to in subsection (3) of that section, cultivation of the leased or occupied may not be carried out unless the written consent of the Department has first been obtained and any condition to which the consent is subject under sub section 96) is complied with.

(24) Notwithstanding any other condition annexed to the lease, the less shall, in removing timber for the purpose of building, fencing or firewood, comply with the routine agricultural management activities listed in the Native Vegetation Act 2003.

(25) The lessee shall not interfere with the timber on any of the land leased which is within a State forest, timber reserve or flora reserve unless authorisation has been obtained under the provisions of the Forestry Act 1916 and shall not prevent any person or persons duly authorised in that behalf from taking timber on the land leased and shall not ringbark, kill, destroy or permit the killing or destruction of any timber unless authorised under the Forestry Act 1916 or unless approval has been issued in accordance with the Native Vegetation Act 2003, but the lessee may take such timber as the lessee may reasonably require for use on the land leased, or on any contiguous land held in the same interest, for building, fencing or firewood.

(26) The lessee shall undertake any fuel management and/or provision of fire trail access in accordance with fire mitigation measures to the satisfaction of the NSW Rural Fire Service.

(27) The lessee shall, as the Commissioner may from time to time direct, foster and cultivate on the land leased such edible shrubs and plants as the Commissioner may consider can be advantageously and successfully cultivated.

(28) Whenever so directed by the Commissioner, the lessee shall, on such part or parts of the land leased as shall be specified in the direction, carry out agricultural practices, or refrain from agricultural practices, of such types and for such periods as the Commissioner may in the direction specify.

(29) The lessee shall furnish such returns and statements as the Commissioner may from time to time require on any matter connected with the land leased or any other land (whether within or outside the Western Division) in which the lessee has an interest.

(30) The lessee shall, within such time as may be specified by the Commissioner take such steps and measures as the Commissioner shall direct to destroy vermin and such animals and weeds as may, under any Act, from time to time be declared (by declaration covering the land leased) noxious in the Gazette and shall keep the land free of such vermin and noxious animals and weeds during the currency of the lease to the satisfaction of the Commissioner.

(31) The lessee shall not remove or permit any person to remove gravel, stone, clay, shells or other material for the purpose of sale from the land leased unless the lessee or the person is the holder of a quarry license under regulations made under the Crown Lands Act 1989 or in respect of land in a State Forest, unless the lessee or the person is the holder of a forest materials license under the Forestry Act 1916, and has obtained special authority of the Minister to operate on the land, but the lessee may, with approval of the Commissioner, take from the land such gravel, stone, clay shells or other material for building and other purposes upon the land as may be required by the lessee.

(32) The lessee shall only use an area of 3 hectares for Horticulture as indicated by the cross-hatched area on the diagram hereunder. A further 13.66 ha has been approved for Silviculture as shown hatched on the diagram.

(33) The lessee must ensure that sandhills and other soils with a surface texture texture of loamy sand or coarser are left uncultivated unless specifically approved by the Commissioner.

(34) Texture Contrast (or Duplex) soils are soil types which have a sandy to loamy topsoil abruptly overlying a clay subsoil and are prone to scalding (producing claypans and hummocks). Land within 60 metres of any texture contrast or duplex soil area shall not be cultivated except in accordance with a plan approved by the Commissioner.

(35) Areas with a slope greater than 2% shall not be cultivated until any soil conservation measures documented in a plan approved by the Commissioner have been implemented at the lessee's expense.

(36) The lessee shall ensure that any cultivation and associated activities do not interfere with any road formation within the allowable area.

(37) Incised drainage lines, other than man made structures, which carry water after storms shall be left uncultivated in the channels and for a distance of at least 20 metres on either side of the banks of the channels except when the Commissioner specifies otherwise.

(38) Stubble shall be retained on the soil surface and shall not be burnt, except with the approval of the Commissioner or his delegate. Where such approval is granted, stubble burning is to be carried out as per requirements of the NSW Rural Fire Service.

(39) Aboriginal sites are protected under the National Parks and Wildlife Act 1974, and are extremely vulnerable to many kinds of agricultural development. Should any Aboriginal archaeological relics or sites be uncovered during the proposed works, work is to cease immediately. The lessee must consider the requirements of the National Parks and Wildlife Act 1974, with regard to Aboriginal relics. Under section 90 it is an offence to damage or destroy relics without prior consent of the Director-General of the Department of Environmental and Climate Change. If an Aboriginal site is found in this area, the subject of this consent, the cultivation must cease until the consent holder has notified the Department of Energy and Climate Change of the existence of the Aboriginal site. Contact details are: The Manager, Cultural Heritage Unit, Department of Environmental and Climate Change, Phone 02 6883 5324 or at 58-62 Wingewarra Street, Dubbo.

(40) The lessee shall undertake any appropriate measures, at his/her own expense, ordered by the Commissioner to rehabilitate any degraded cultivated areas.

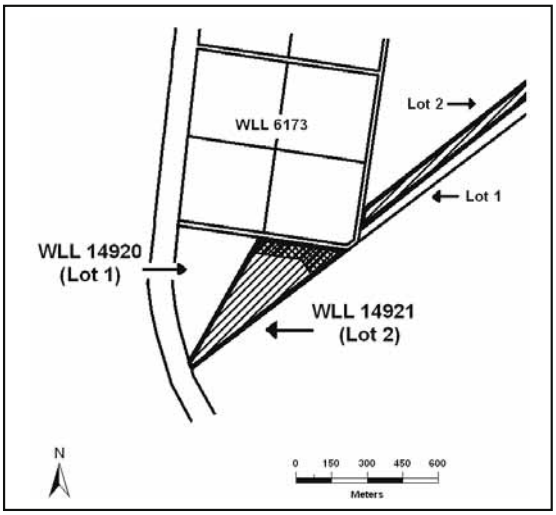
(41) The lessee shall establish windbreaks at his/her own expense as may be ordered by the Commissioner provide adequate protection of the soil.

(42) Cultivation and cropping are not to alter the natural flood regime. Crops are not to be protected by levees.

(43) Disposal of tailwater into creeks and rivers is controlled by the Department of Environment and Climate Change under the Protection of the Environment Act 2003. Before disposing of any tailwater or water which may be contaminated with fertiliser, herbicide or pesticide the Department of Environment and Climate Change must be contacted.

(44) The lessee shall ensure that no run-off will escape onto adjoining lands.

(45) In the event that cotton is to be grown, a maximum of two cotton crops may only be grown on any one area in any six consecutive years. During other years, the area may be fallowed or sown to pasture, fodder or grain crops.



ORDER – AUTHORISATION OF ADDITIONAL PURPOSE UNDER S121A

PURSUANT to s121A of the Crown Lands Act 1989, I authorise by this Order, the purpose specified in Column 1 to be an additional purpose to the declared purpose of the reserves specified opposite thereto in Column 2 of the Schedule.

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

SCHEDULE

Column 1	*Column 2*
Rural services and public recreation.	Reserve No.: 1028348. Public Purpose: Nature conservation. Notified: 2 July 2010. File No.: 10/06391.

ESTABLISHMENT OF RESERVE TRUST

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

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

SCHEDULE

Column 1	*Column 2*
Bottle Bend Reserve Trust.	Reserve No.: 1028348. Public Purpose: Nature conservation. Notified: 2 July 2010. File No.: 10/06391.

APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST

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

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

SCHEDULE

Column 1	*Column 2*	*Column 3*
Lands Administration Ministerial Corporation.	Bottle Bend Reserve Trust.	Reserve No.: 1028348. Public Purpose: Nature conservation. Notified: 2 July 2010. File No.: 10/06391.

For a term commencing the date of this notice.

Department of Planning

LOCAL GOVERNMENT ACT 1993

NOTICE

I, TONY KELLY, Minister for Planning, pursuant to section 733 (5) (b) of the Local Government Act 1993 (the Act), give notice of the publication of a manual relating to the management of the coastline, being the document entitled Guidelines for Preparing Coastal Zone Management Plans (December 2010) (the Guidelines) prepared by the Department of Environment, Climate Change and Water.

These Guidelines replace any manual relating to the management of the coastline that has previously been notified in accordance with section 733 (5) (b) of the Act.

The Guidelines are available on the Department of Environment, Climate Change and Water's website: www.environment.nsw.gov.au. Section 733 (6) of the Act also requires that a copy of the Guidelines be available for public inspection, free of charge, at the office of the council during ordinary office hours.

Dated: 22 February 2011.

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

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

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

KEMPSEY SHIRE COUNCIL in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 4.6 metre High Vehicles may be used subject to any requirements or conditions set out in the Schedule.

Dated: 28 January 2011.

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

SCHEDULE

1. Citation

This Notice may be cited as Kempsey Shire Council 4.6 Metre High Vehicle Route Notice No. 01/2011.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

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

4. Application

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

5. Routes

Type	*Road Name*	*Starting Point*	*Finishing Point*
4.6.	Great North Road, Frederickton.	Pacific Highway, Frederickton.	Collombatti Road, Frederickton.

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at Victoria Pass in the Lithgow City Council area

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

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE

ALL that piece or parcel of Crown land situated in the Lithgow City Council area, Parish of Hartley and County of Cook, shown as Lot 101 Deposited Plan 1157490, being part of the land in Reserve No 54316 from sale notified in Government Gazette No 207 of 3 December 1920, page 7225 and Reserve No 751644 for Future Public Requirements notified in Government Gazette No 83 of 29 June 2007, pages 4182 to 4213 (refer to page 4190).

(RTA Papers: 10M3350; RO 5/258.1371)

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at Ewingsdale in the Byron Shire Council area

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

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE

ALL that piece or parcel of land situated in the Byron Shire Council area, Parish of Brunswick and County of Rous, shown as Lot 8 Deposited Plan 263951, being the residue of the land in Certificate of Title Volume 5394 Folio 154.

The land is said to be in the possession of the Estate of the Late Manga Singh.

(RTA Papers: 11M727)

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of land at Aarons Pass and Cudgegong in the Mid-Western Regional Council area

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

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE

ALL those pieces or parcels of land situated in the Mid-Western Regional Council area, Parish of Bocoble and County of Roxburgh, shown as:

Lot 42 Deposited Plan 1157172, being part of the land in Certificate of Title 88/755760;

Lots 60, 61, 62 and 64 Deposited Plan 1160463, being parts of the land in Auto Consol 13479-68; and

Lot 65 Deposited Plan 1160463, being part of the land in Certificate of Title 5/823439.

The land is said to be in the possession of the Water Administration Ministerial Corporation and Gary Oakes (lessee).

(RTA Papers: 11M231; RO 18/308.159)

Office of Water

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:

Philip Milton ROBERTS and Diane Roslyn ROBERTS for a pump on the Shoalhaven River being Lot 13, DP 833704, Parish of Jerricknorra, County of St. Vincent, for water supply for the irrigation of 16.0 hetares (pasture) (new licence – Partly replacing 10SL040962 due to the permanent transfer of 5.0 megalitres – exempt from the 2003 Shoalhaven River and Tributaries embargo). (Reference: 10SL056984). (GA1813435).

Any inquiries regarding the above should be directed to the undersigned on (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 the date of this publication.

WAYNE RYAN,
Licensing Officer

WATER ACT 1912

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

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

Murray Valley

James William CROZIER and Melissa Lynette CROZIER for a pump on Lot 13/7733330, Parish of Tumbarumba, County of Selwyn, for the purpose of irrigation. This application is associated with the permanent transfer of 100ML from Lot 1/600062, Parish of Mate, County of Selwyn. (Reference: 50SL75725). (GA1813436).

Any inquiries should be directed to (02) 6024 8859.

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 829, Albury NSW 2640, within 28 days of this publication.

CLARE PURTLE,
Licensing Officer

WATER ACT 1912

APPLICATIONS for a licence under section 10 of Part 2 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:

Peter David CHRYSTAL for a pump on the Bell River on Lots 1 and 2, DP 1012352, Parish of Ironbarks, County of Wellington, for water supply for irrigation of 7.5 hectares (lucerne) (permanent transfer). (Reference: 80SL96327).

Peter David CHRYSTAL for a pump on the Bell River on Lots 1 and 2, DP 1012352, Parish of Ironbarks, County of Wellington, for water supply for irrigation of 15 hectares (lucerne) (permanent transfer). (Reference: 80SL96328).

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. (GA1813437).

VICKIE CHATFIELD,
Licensing Manager

Other Notices

ANTI-DISCRIMINATION ACT 1977

Exemption Order

UNDER the provisions of section 126 of the Anti-Discrimination Act 1977 (NSW), an exemption is given from sections 31A, 33, 51 and 53 of the Anti-Discrimination Act 1977, to the Australian Institute of Company Directors to designate, advertise and recruit women for the Australian Institute of Company Directors ASX 200 Chairmen's Mentoring Program.

This exemption will remain in force for a period of three years from the 18 February 2011.

STEPAN KERKYASHARIAN, A.O.,
President,
Anti-Discrimination Board of NSW

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Incorporation Pursuant to Section 76

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

Cancellation is effective as at the date of gazettal.

The Australian Shade Association Incorporated – INC9875939

The Bomen Action Group Incorporated – Y2655509

Casal Catala of N.S.W. Incorporated – Y1820532

The Church of the Living God Incorporated – INC9876753

Concord Jaguars Gridiron Football Incorporated – INC9875722

Coolac Social Club Incorporated – Y2659938

Doonside Senior Citizens Club Incorporated – INC9875440

Eastern Suburbs Musical Society Incorporated – Y2332737

Eco-Design Foundation Incorporated – Y1233647

Fiji Indian Youth Association of Australia (FIYAA) Incorporated – INC9876865

72 - 78 Ford V8 Club Incorporated – INC3467720

Global Village Group Incorporated – INC9874703

Golden Boomerang Landcare Association Incorporated – Y2872500

Goodooga Sports Management Committee Incorporated – INC9874766

Gordon West Public School Parents and Citizens Association Inc – Y0888441

Hope In East Timor Incorporated – INC9874881

In Transition Incorporated – INC9875818

The Institute of Plumbing Australia (N.S.W. Chapter) Incorporated – Y1986338

Jessup International Law Moot Incorporated – INC9875567

Lake Macquarie All Breeds Kennel Club Inc. – Y1930425

Lighthouse Christian Fellowship Incorporated – INC9874761

Linux Professional Institute (LPI) Incorporated – INC9876540

Lithgow Rugby Union Club Incorporated – Y0478024

Little Wishes Incorporated – INC9877018

Lower North Coast District Golf Association Inc – Y1455721

Mallawa Amateur Picnic Race Club Incorporated – Y2399300

Manly Steamers Golden Oldies Rugby Club Incorporated – INC9876148

Marlee Landcare Group Incorporated – Y2951212

Meningitis Trust of Australia Inc – INC9874847

Moama Traders Incorporated – INC3447845

Moonan Brook Tennis Club Incorporated – Y3027245

Mount Austin Cricket Club Incorporated – Y2319038

Mountain Cutting Club Inc – INC3436660

The Murrah Hall Restoration and Preservation Incorporated – Y0147103

Narrandera Hotel Sports and Social Club Incorporated – Y2522829

Pilliga Forest Heritage Centre Incorporated – INC9875127

Newcastle Timber Industry Institute Incorporated – Y1977535

Klara Maria Juchnowicz Memorial Trust Association Incorporated – INC1485102

North Coast Social Science Teachers' Association Incorporated – INC9874238

Moree Plains Gallery Society Inc – Y0894302

Grafton Mixed Touch Incorporated – Y2968040

Western Raiders Futsal Club Incorporated – INC9875198

Youth With A Mission South Sydney Incorporated – INC9878919

Junior Illawarra Dutch Association Incorporated – INC9875293

North-End Action Group Incorporated – Y2581906

Murray Research and Development Council Incorporated – INC9874503

Murray Valley Groundwater Users Association Incorporated – INC9874820

Parklea Prison Officers Social Club Incorporated – INC9876707

Deaf Sports & Recreation N.S.W. Incorporated – Y0051024

Mountain-Top Christian Life Church Incorporated – Y0514006

Dated 22nd day of February 2011.

KERRI GRANT,
Manager, Legal,
Registry of Co-operatives and Associations,
Office of Fair Trading,
Department of Services, Technology & Administration

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of Cancelled Association Pursuant to Section 84

THE incorporation of MOOREBANK SPORTS MAGPIES AUSTRALIAN FOOTBALL CLUB INCORPORATED (INC9876659) cancelled 22 August 2008 is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated 22nd day of February 2011.

KERRI GRANT,
Manager, Legal,
Registry of Co-operatives & Associations,
Office of Fair Trading,
Department of Services, Technology & Administration

CHARITABLE TRUSTS ACT 1993

Order Under Section 12

Cy-Pres Scheme Relating to
the Estate of the Late Lorna Margaret Knight

SECTION 9 (1) of the Charitable Trusts Act 1993 permits the application of property cy-pres where the spirit of the original trust can no longer be implemented.

Lorna Margaret Knight directed her estate to the Salvation Army (New South Wales) Property Trust with the express intention that the land and residence and the furniture therein should be made available for the use of senior citizens. The Salvation Army indicated that it was unable to use the property for the benefit of senior citizens as the house and furniture were in a state of disrepair.

The Salvation Army originally put forward two possible alternative cy près schemes for the application of the property. The second proposal is considered to be the more appropriate and is that the property comprising the estate should be sold and that a 'Donor Designated Reserve' (an account restricted in its application as defined by the donor) set up for the social welfare benefit of senior citizens living in the Iluka district. Such services would include vouchers for food, clothing, transport, assistance with personal needs, appliance subsidies and outings which the Salvation Army would administer in concert with other churches and community welfare service providers. The estate executor made application that a cy près scheme in these terms be established.

I have formed a view that the bequest to the Salvation Army is a gift for a charitable purpose. I consider that the original gift can no longer be implemented and that this is an appropriate matter in which the Attorney General should approve a cy-pres scheme under section 12 (1) (a) of the Charitable Trusts Act 1993.

I have therefore approved a recommendation that the Attorney General establish a cy-pres scheme pursuant to section 12 of the Charitable Trusts Act 1993 so as to permit the property (land and residence at 20 Riverview Street Iluka) and furniture comprising the estate of the late Lorna Margaret Knight to be sold and the proceeds used to establish a fund to be known as the 'Knight Legacy Reserve', to be used for the benefit of senior citizens in the Iluka area.

This Order will take effect 21 days after its publication in the *NSW Government Gazette*, in accordance with section 16 (2) of the Charitable Trusts Act 1993.

Date of Order: 22 February 2011.

LLOYD BABB, S.C.,
Deputy Acting for the Solicitor General
(under delegation of the Attorney General)

CRIMINAL PROCEDURE REGULATION 2010

ORDER

I, JOHN HATZISTERGOS, M.L.C., Attorney General, pursuant to Clause 57 of the Criminal Procedure Regulation 2010, declare the Local Court sitting at Parramatta, Ryde, Bankstown, Sutherland, Kogarah, Lismore, Ballina, Casino, Kyogle, Coffs Harbour, Grafton, Bellingen, Macksville, Maclean, the Downing Centre, Waverly, Central and Raymond Terrace to be, from 25 February 2011, places for the Forum Sentencing Intervention Program, established under Part 7 of that Regulation.

JOHN HATZISTERGOS, M.L.C.,
Attorney General

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to assign the names listed hereunder as geographical names.

Any person wishing to make comment upon these proposals may within one (1) month of the date of this notice, write to the Secretary of the Board with that comment.

Proposed Name:	Alf Read Park
Designation:	Reserve
L.G.A.:	Orange City Council
Parish:	Shadforth
County:	Bathurst
L.P.I. Map:	Millthorpe
1:100,000 Map:	Orange 8731
Reference:	GNB5470
Proposed Name:	Badu Park
Designation:	Reserve
L.G.A.:	Leichhardt Municipal Council
Parish:	Petersham
County:	Cumberland
L.P.I. Map:	Botany Bay
1:100,000 Map:	Sydney 9130
Reference:	GNB 5472
Proposed Name:	The Grange Reserve
Designation:	Reserve
L.G.A.:	Shoalhaven City Council
Parish:	Wandrawandian
County:	St Vincent
L.P.I. Map:	Huskisson
1:100,000 Map:	Jervis Bay 9027
Reference:	GNB 5474
Proposed Name:	Green Hills Parklands
Designation:	Reserve
L.G.A.:	Sutherland Shire Council
Parish:	Sutherland
County:	Cumberland

L.P.I. Map: Port Hacking
1:100,000 Map: Port Hacking 9129
Reference: GNB 5476

Proposed Name: Douglas Siding Reserve
Designation: Reserve
L.G.A.: Blacktown City Council
Parish: Gidley
County: Cumberland
L.P.I. Map: Riverstone
1:100,000 Map: Penrith 9030
Reference: GNB 5479

Proposed Name: Peridot Park
Designation: Reserve
L.G.A.: Blacktown City Council
Parish: Gidley
County: Cumberland
L.P.I. Map: Riverstone
1:100,000 Map: Penrith 9030
Reference: GNB 5479

Proposed Name: Dagara Badu Reserve
Designation: Reserve
L.G.A.: Blacktown City Council
Parish: Melville
County: Cumberland
L.P.I. Map: Prospect
1:100,000 Map: Penrith 9030
Reference: GNB 5479

Proposed Name: Birang Daruganora Park
Designation: Reserve
L.G.A.: Blacktown City Council
Parish: Gidley
County: Cumberland
L.P.I. Map: Riverstone
1:100,000 Map: Penrith 9030
Reference: GNB 5479

Proposed Name: Balcombe Park
Designation: Reserve
L.G.A.: Ku-ring-gai Council
Parish: Gordon
County: Cumberland
L.P.I. Map: Hornsby
1:100,000 Map: Sydney 9130
Reference: GNB 5473

Proposed Name: Buruwan Park
Designation: Reserve
L.G.A.: Leichhardt Municipal Council
Parish: Petersham
County: Cumberland
L.P.I. Map: Botany Bay
1:100,000 Map: Sydney 9130
Reference: GNB 5472

Proposed Name: Cameron Boyd Reserve
Designation: Reserve
L.G.A.: Kiama Municipal Council
Parish: Kiama
County: Camden
L.P.I. Map: Kiama
1:100,000 Map: Kiama 9028
Reference: GNB 5475

Proposed Name: Terry Raper Reserve
Designation: Reserve
L.G.A.: Bankstown City Council
Parish: Bankstown
County: Cumberland
L.P.I. Map: Botany Bay
1:100,000 Map: Sydney 9130
Reference: GNB 5478

Proposed Name: Kenneth Upton Reserve
Designation: Reserve
L.G.A.: Blacktown City Council
Parish: Melville
County: Cumberland
L.P.I. Map: Prospect
1:100,000 Map: Penrith 9030
Reference: GNB 5479

Proposed Name: Warmuli Reserve
Designation: Reserve
L.G.A.: Blacktown City Council
Parish: Prospect
County: Cumberland
L.P.I. Map: Prospect
1:100,000 Map: Penrith 9030
Reference: GNB 5479

Proposed Name: Bukari Reserve
Designation: Reserve
L.G.A.: Blacktown City Council
Parish: Rooty Hill
County: Cumberland
L.P.I. Map: Prospect
1:100,000 Map: Penrith 9030
Reference: GNB 5479

Proposed Name: Dairy Creek
Designation: Gully
L.G.A.: Hurstville City Council
Parish: St George
County: Cumberland
L.P.I. Map: Botany Bay
1:100,000 Map: Sydney 9130
Reference: GNB 5482

The position and the extent for these features are recorded and shown within the Geographical Names Register of New

South Wales. This information can be accessed through the Board's website at www.gnb.nsw.gov.au

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

WARWICK WATKINS, A.M.,
Chairperson

Geographical Names Board
PO Box 143
Bathurst NSW

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

NOTICE

I, the Hon Paul Lynch, M.P., Minister for Commerce, pursuant to section 60 (2) (b) of the Land Acquisition (Just Terms Compensation) Act 1991, notify the amount of $24,244.00 as the maximum amount of compensation in respect of solatium for land acquisitions taking effect on or after the 1 March 2011.

The Hon PAUL LYNCH, M.P.,
Minister for Commerce

LOCAL GOVERNMENT ACT 1993

Delay of By-Election, Palerang Council

I, the Hon. BARBARA PERRY, M.P., Minister for Local Government, in pursuance of section 293 of the Local Government Act 1993, have formed the opinion that it would be impractical or inconvenient to hold a by-election for Palerang Council by 3 May 2011, as a consequence of a casual vacancy in the civic office that was held by Councillor Terry Bransdon, and order that Saturday, 14 May 2011, be appointed as the day for that by-election instead.

Dated this 21st day of February 2011.

BARBARA PERRY, M.P.,
Minister for Local Government

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a Nature Reserve

Erratum

THE notice published in the *New South Wales Government Gazette* on 18 February 2011, folio 780, under this heading was published with an error. The following is a republication of that notice with the gazettal date remaining 18 February 2011:

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a Nature Reserve

I, Professor Marie Bashir, A.C., C.V.O., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below, part of Burrinjuck Nature Reserve, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 9th day of February 2011.

MARIE BASHIR,
Governor

By Her Excellency's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Boorowa; LGA – Yass Valley

County Harden, Parishes Childowla, 131.8 hectares, being Lot 2, DP 1137028. NPWS/07/17955.

NATIONAL PARKS AND WILDLIFE ACT 1974

Erratum

IN the proclamation appearing in the *New South Wales Government Gazette* dated 11 February 2011, folio 598, reserving part of Blue Mountains National Park, Lot 1, DP 557848 should be deleted from the Schedule.

DIRECTOR GENERAL,
Department of Environment,
Climate Change and Water

NATIONAL PARKS AND WILDLIFE ACT 1974

Erratum

IN the proclamation appearing in the *NSW Government Gazette* dated 18th February 2011, folio 780; reserving part of Wolli Creek Regional Park, 1.085 hectares should be deleted from the schedule and 1.181 hectares should be added.

DIRECTOR GENERAL,
Department of Environment,
Climate Change and Water

NATIONAL PARKS AND WILDLIFE ACT 1974

Erratum

IN the proclamation appearing in the *New South Wales Government Gazette* dated 18 February 2011, folio 780, reserving part of Darawank Nature Reserve, Lot 3, DP 1075797 and Lot 21, DP 117893 should be deleted and Lot 3, DP 1075793 and Lot 21, DP 1127893 should be inserted in the Schedule.

DIRECTOR GENERAL,
Department of Environment,
Climate Change and Water

NATIONAL PARKS AND WILDLIFE ACT 1974

PROCLAMATION

I, Professor Marie Bashir, A.C., C.V.O, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under section 68 of the National Parks and Wildlife Act 1974, with the consent of every owner and occupier do, on the recommendation of the Director-General of the Department of Environment, Climate Change and Water, by this my Proclamation declare the lands described hereunder to be a wildlife refuge for the purposes of the abovementioned Act.

To be known as "WALLABY HILL Wildlife Refuge"

Signed and sealed at Sydney this 16th day of February 2011.

MARIE BASHIR,
Governor

By Her Excellency's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

Description

Land District – Lismore; Council – Lismore

County of Rous, Parish of Tunstall, 21.12 hectares, being Lot 4 DP 792831. DECCW FIL11/619

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a State Conservation Area

I, the Honourable Justice James Allsop, Administrator of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below, as part of Livingstone State Conservation Area, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney, this 23rd day of February 2011.

JAMES ALLSOP,
Administrator

By the Administrator's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Land District and LGA – Wagga Wagga

County Mitchell, Parishes Burrandana, about 63 hectares, being Lots 48 and 61, DP 754544 and the Crown Public Roads within Lot 48, DP 754544 and separating Lot 48 from Lot 61 aforesaid. DECCW/FIL/06/07436, FIL06/07177.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a Nature Reserve

I, the Honourable Justice James Allsop, Administrator of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below, as part of Barton Nature Reserve, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney, this 23rd day of February 2011.

JAMES ALLSOP,
Administrator

By the Administrator's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Molong; LGA – Cabonne Shire

County Ashburnham, Parish Barton, about 17 hectares, being Lot 1, DP 1053133 and the Crown Public Road separating Lot 1, DP 1053133 from Barton Nature Reserve. DECCW/FIL/06/03944.

Note: This reservation is restricted to a depth of 100 metres below the surface.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a National Park

I, the Honourable Justice James Allsop, Administrator of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below, as part of the National Parks, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney, this 23rd day of February 2011.

JAMES ALLSOP,
Administrator

By the Administrator's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Blue Mountains National Park

Land District – Picton; LGA – Wollondilly

County Westmorland, Parish Jooriland, about 25 hectares, being Lots 7300 and 7301, DP 1132134 and Lot 93, DP 757057, and that part of the bed of New Yards Creek separating Lot 7300, DP 1132134 from Lot 7301, DP 1132134 and Blue Mountains National Park.: DECCW/FIL03/06788.

Nattai National Park

Land District – Moss Vale; LGA – Wingecarribee

County Camden, Parish Bullio and Wanganderry, about 78 hectares, being Lot 125, DP 723802 and Lot 7004, DP 1025849. DECCW/FIL03/06788.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a National Park

I, the Honourable Justice James Allsop, Administrator of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below, as part of Goulburn River National Park, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney, this 23rd day of February 2011.

JAMES ALLSOP,
Administrator

By the Administrator's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Mudgee; LGA – Mid Western Regional

County Phillip, Parish Wilpinjong, 203 hectares, being Lot 1, DP 1143354. DECCW/FIL10/481.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a Nature Reserve

I, the Honourable Justice James Allsop, Administrator of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below, as part of Clarence Estuary Nature Reserve, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney, this 23rd day of February 2011.

JAMES ALLSOP,
Administrator

By the Administrator's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Grafton; LGA – Clarence Valley

County Clarence, Parishes Yamba, 3326 square metres, being Lot 86, DP 801633. DECCW/FIL/07/12382.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a State Conservation Area

I, the Honourable Justice James Allsop, Administrator of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below, as Brigalow State Conservation Area, under the provisions of section 30A (1) and (2) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney, this 23rd day of February 2011.

JAMES ALLSOP,
Administrator

By the Administrator's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Land District and LGA – Narrabri

County White, Parish Bohena, 252.7 hectares, being Lot 20, DP 757084 and the remainder of Lot 26, DP 863891 not reserved as Brigalow Park Nature Reserve by notification in the *NSW Government Gazette* dated 19 December 1986. DECCW/FIL/10/14767.

Note: This reservation is restricted to a depth of 100 metres below the surface.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a National Park

I, the Honorable Justice James Allsop, Administrator of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Bongil Bongil National Park, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney, this 23rd day of February 2011.

JAMES ALLSOP,
Administrator

By the Administrator's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Bellingen; LGA – Coffs Coast

County Raleigh, Parishes Bonville and Bellingen, 83 hectares, being Lots 12 & 13, DP 1143251, Lot 14, DP 1104759 and Lot 103, DP 1011324. Papers: DECCW/FIL08/8505.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a State Conservation Area and National Park

I, the Honorable Justice James Allsop, Administrator of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney, this 23rd day of February 2011.

JAMES ALLSOP,
Administrator

By the Administrator's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Crookwell; LGA – Upper Lachlan

Keverstone State Conservation Area

County Georgiana, Parish Blackman, about 1,164 hectares, being Lot 44, DP 753014 and that part of Lot 55, DP 753014 east of the southerly prolongation of the most western boundary Lot 44 aforesaid.

Addition to Keverstone National Park

County Georgiana, Parish Blackman, about 860.7 hectares, being Lots 143 & 144, DP 724520, Lot 1, DP 724521, Lot 121, DP 753014 and that part of Lot 55, DP 753014 west of the southerly prolongation of the most western boundary Lot 44, DP 753014. Papers: DECCW/FIL08/2735;FIL07/9838.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a State Conservation Area

I, Professor Marie Bashir, A.C., C.V.O., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below under the provisions of section 30A (1) and (2) of the National Parks and Wildlife Act 1974 and assign the name Gwydir Wetlands State Conservation Area,.

Signed and sealed at Sydney this 16th day of February 2011.

MARIE BASHIR,
Governor

By Her Excellency's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Moree; LGA – Moree Plains

County Benarbo, Parishes Currygundi, Gin, Gingham, Tiela and Wandoona, 4,292 hectares, being Lot 19, DP 750455, lots 13 and 16, DP 750464, Lot 1, DP 128321, Lot 1, DP 389917, Lot 100, DP 1096765 and Lots 27, 28, 29, 31, 32, 34, 35 and 36, DP 750508: exclusive of Crown Public roads within Lots 100, 34 & 31 aforesaid. Papers: DECCW/FIL09/8058.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a State Conservation Area

I, Professor Marie Bashir, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below as Columbey State Conservation Area under the provisions of Section 30A(1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 16th day of February 2011.

MARIE BASHIR,
Governor

By Her Excellency's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Maitland; LGA – Port Stephens

County Durham, Parishes Barford and Uffington, about 250 hectares, being Lot 120, DP 752445, Lot 102, DP 1098945, Crown Public Road within Lot 120, DP 752445 and Lot 102, DP 1098945 and Crown Public Road separating Lot 120 from Lot 102 aforesaid; excluding Council Public Road within Lot 120, DP 752445. Papers: DECCW/FIL/09/4141.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of an Aboriginal Area

I, the Honorable Justice James Allsop, Administrator of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below under the provisions of section 30A (1) and (2) of the National Parks and Wildlife Act 1974 and assign the name Ukerbarley Aboriginal Area

Signed and sealed at Sydney, this 23rd day of February 2011.

JAMES ALLSOP,
Administrator

By the Administrator's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Land District and LGA – Coonabarabran

County Baradine, Parish Ukerbarley, 1483 hectares, being Lot 10 in Deposited Plan 1024313; inclusive of Crown Public road. Papers: DECCW/FIL09/3882.

PARENTS AND CITIZENS ASSOCIATIONS INCORPORATION ACT 1976

Incorporation of Parents and Citizens Associations

THE following associations are hereby incorporated under the Parents and Citizens Associations Incorporation Act 1976:

1. Binya Public School
2. Boronia Park Public School

VERITY FIRTH, M.P.,
Minister for Education and Training

PORTS AND MARITIME ADMINISTRATION REGULATION 2007

Order Amending Mandatory Standards

I, Grant Gilfillan, Chief Executive Officer of Sydney Ports Corporation, in my capacity as the delegate of the Minister for Ports and Waterways, do under authority of Part 2B of the Ports and Maritime Administration Regulation 2007, and in accordance with clause 18H (1), amend the mandatory standards that have been set in accordance with that clause as set out below, with effect from 28 February 2011:

[1] Delete the notes at the end of clause 2 (b) of the mandatory standards and insert:

(c) Clauses 18P (3), 18T (1) (c), 18T (1) (d), 18T (2), 18U (2) (c), 18U (2) (d), 18U (3), 18V (2), 18V (3) (c) and 18V (5) of the Regulation are operational from 28 February 2011.

Note: Clauses 2 (b) and 2 (c) each comprise a declaration pursuant to clause 18E of the Regulation.

Note 2: The effect of the insertion of paragraph (c) is to make operational from 28 February 2011 all remaining provisions of Divisions 2-4 which were not previously declared to be operational under clause 18E of the Regulation.

[2] Delete clause 9 (b) of the mandatory standards, substitute:

(b) For the purposes of this document, a Carrier's Truck (the affected Truck) is a Stevedore Impacted Truck in respect of a Booking for a Slot (the affected Slot) at a Stevedore's Terminal (the affected Stevedore) if the affected Truck Arrives for the affected Slot after the end of the Time Zone for that Slot, and either:

(i) (Weekday Period) all of the following conditions are satisfied:

(A) the affected Slot commences during a Weekday Period; and

(B) the affected Truck Arrives at the affected Stevedore's Terminal for one or more earlier Slots:

(1) which commenced during the same Weekday Period as the affected Slot; and

(2) in respect of which the affected Stevedore fails to perform the Truck Services within the Truck Turnaround Time;

(C) between the last to occur of the Slots referred to in clause 9 (b) (i) (B) and the affected Slot, the affected Truck has been unable to Arrive for a Slot at the Stevedore's Terminal before the end of the applicable Time Zone for that Slot; and

(D) the length of time between the end of the Time Zone of the affected Slot and the time that the affected Truck Arrives at the affected Stevedore's Terminal for the affected Slot is less than or equal to the aggregate amount of time in excess of the Truck Turnaround Time that it takes for the affected Stevedore to perform the Truck Services in respect of the Slots referred to in clause 9 (b) (i) (B); or

(ii) (Weekend Period) all of the following conditions are satisfied:

(A) the affected Slot commences during a Weekend Period;

(B) the affected Truck Arrives at the affected Stevedore's Terminal for one or more earlier Slots:

(1) which occurred in any of the 12 consecutive Time Zones immediately prior to the Time Zone in which the affected Slot occurs; and

(2) in respect of which the affected Stevedore fails to perform the Truck Services within the Truck Turnaround Time;

(C) between the last to occur of the Slots referred to in clause 9 (b) (ii) (B) and the affected Slot, the affected Truck has been unable to Arrive for a Slot at the Stevedore's Terminal before the end of the applicable Time Zone for that Slot; and

(D) the length of time between the end of the Time Zone of the affected Slot and the time that the affected Truck Arrives at the affected Stevedore's Terminal for the affected Slot is less than or equal to the aggregate amount of time in excess of the Truck Turnaround Time that it takes for the affected Stevedore to perform the Truck Services in respect of the Slots referred to in clause 9 (b) (ii) (B).

[3] Delete clause 10.4 of the mandatory standards.

[4] Delete clause 15.4 of the mandatory standards.

[5] In clause 31 (a) (ii) of the mandatory standards, delete "VBS", substitute "Stevedore".

[6] Delete clause 32.2 of the mandatory standards.

[7] Delete clause 33.2 of the mandatory standards.

[8] In Schedule 1 of the mandatory standards, delete the definition of "VBS", substitute:

VBS means a booking system provided by a Stevedore or its VBS Service Provider that is generally accessed online and used by Carriers to make, cancel or exchange Bookings or conduct other like business in respect of Bookings.

[9] In Schedule 1 of the mandatory standards, delete the definition of "Working Day", substitute:

Working Day means a day during which Truck Services were performed or available to be performed, by the relevant Stevedore for a period of 12 consecutive Time Zones or more.

[10] In Schedule 1 of the mandatory standards, deleted sub-clause 2 (f) (x), substitute:

(x) a mandatory standard, includes a reference to a mandatory standard prescribed by these mandatory standards and/or a mandatory standard prescribed by the Regulation; and

(xi) a cancelled Slot or the cancellation of a Slot, includes a reference to:

(A) in the case of a Stevedore, notice that the Stevedore will not service the Slot; and

(B) in the case of a Carrier, notice that the Carrier no longer wishes to use or hold that Slot;

[11] In Schedule 4 of the mandatory standards, delete sub-clauses 2.1 (a) (ii) and 2 (a) (iii), substitute:

(ii) 'Carrier' Australian Business Number and codes used to identify unique Booking Carriers and any restrictions of the Carrier;

(iii) 'Lloyd's ID' and 'Voyage Number' to identify Vessels visiting the Terminals;

[12] In Schedule 4 of the mandatory standards, delete the word "and" after sub-clause 2.3 (r), delete sub-clause 2.3 (s) and insert:

(s) total number of Slots not completed due to an Unforeseen Event;

(t) Time zone cancellation Flag;

(u) Time zone cancellation date and time;

(v) Time zone cancellation Noticed Issued Flag; and

(w) Time zone cancellation Noticed Issued date and time.

[13] In Schedule 4 of the mandatory standards, delete sub-clauses 2.4 (n) and 2.4 (o), substitute:

(n) original Slot Booking number to identify the original Slot Booking number that required a replacement Booking in respect of a cancelled Slot Booking or a Slot Booking in respect of which a failure to perform Truck Services occurred;

(o) 'Bulk Stack Run Slot Booking' indicator to identify whether the Slot Booking is part of a bulk stack run;

(p) 'Unforeseen Events Indicator' Slot level indication of whether this Slot was affected by an Unforeseen Event; and

(q) 'created by user' to identify the party who created the Slot Booking.

[14] In Schedule 4 of the mandatory standards, delete the word "and" after subclause 2.5 (h), delete sub-clause 2.5 (i), substitute:

(i) 'commodity' code to identify whether the Container commodity is a Red Line Hazardous Container or Out Of Gauge Container; and

(j) 'Planned versus Actual indicator to identify whether the container information is planned to occur or actually occurred.

[15] In Schedule 4 of the mandatory standards, delete the word "and" after sub-clause 2.6 (f), delete sub-clause 2.6 (g), substitute:

(g) 'Truck manifested' date and time to identify when the Slot is manifested (that is, when the registration number is associated or modified); and

(h) 'Master Slot booking number' to identify the master Slot Booking number or Carrier responsible for the Truck Trip.

[16] In Schedule 4 of the mandatory standards, delete the word "and" after sub-clause 2.7 (g), delete sub-clause 2.7 (h), substitute:

(h) Truck Gate Out time to identify when the Truck has exited the Terminal Out gates;

(i) 'Unforeseen Events Indicator Slot level indication of whether this Slot was affected by an Unforeseen Event; and

(j) 'Master Slot booking number' to identify the master Slot Booking number or Carrier responsible for the Truck Trip.

[17] In Schedule 4, sub-clause 2.13 (f) of the mandatory standards, delete "I'mport Container availability'", substitute "'Import Container availability'".

[18] In Schedule 4, sub-clause 4.1 (a) (x) of the mandatory standards, delete "points 2.2-2.8 below", substitute "clauses 4.1 to 4.8 of this section 4".

[19] In Schedule 4, sub-clause 4.1 (a) (xi) of the mandatory standards, delete "2.1 to 2.8", substitute "4.1 to 4.8".

[20] In Schedule 4, sub-clause 4.1 (a) (xii) of the mandatory standards, delete "2.1 to 2.8", substitute "4.1 to 4.8".

[21] In Schedule 4 of the mandatory standards, delete sub-clauses 4.6 (g), (h), (i) and (j):

(g) 'empty Container / full Container' information to identify and distinguish whether the Container is an empty Container or a full Container;

(h) 'gross weight of Container' to identify the weight of the Container loaded onto or unloaded from the train;

(i) 'load/unload type' code to identify if the Container was loaded onto or unloaded from the train;

(j) 'Rail Car wagon ID' that the Container was actually loaded onto or unloaded from the train; and

(k) 'Rail Car wagon Slot location' to identify where on the Rail Car the Container was actually loaded onto or unloaded from the train.

Dated: 23 February 2011.

GRANT GILFILLAN,
Chief Executive Officer, Sydney Ports Corporation
a delegate of the Minister for Ports and Waterways

RETENTION OF TITLE

HER Excellency the Governor, by deputation of Her Majesty the Queen, has been pleased to approve of the retention of the title "Honourable" by former Minister JOSEPH TRIPODI, M.P., following his resignation from office on 17 November 2009.

RURAL FIRES ACT 1997

Local Bush Fire Danger Period Variation

PURSUANT to section 82 of the Rural Fires Act 1997 as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation:

Area of Variation:

Hume Zone incorporating:
Albury City Council
Greater Hume Shire Council

The Local Bush Fire Danger Period has been revoked for the period 1 March until 31 March 2011.

During this period permits pursuant to section 87 of the Rural Fires Act 1997 as amended will not be required for the lighting of fire for the purposes of land clearance or fire breaks.

ROB ROGERS, A.F.S.M.,
Assistant Commissioner,
Director, Operational Services
Delegate

RURAL FIRES ACT 1997

Local Bush Fire Danger Period Variation

PURSUANT to section 82 of the Rural Fires Act 1997 as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation:

Area of Variation:

Corowa Berrigan Zone incorporating:
Berrigan Shire Council
Corowa Shire Council

The Local Bush Fire Danger Period has been revoked for the period 1 March until 31 March 2011.

During this period permits pursuant to section 87 of the Rural Fires Act 1997 as amended will not be required for the lighting of fire for the purposes of land clearance or fire breaks.

ROB ROGERS, A.F.S.M.,
Assistant Commissioner,
Director, Operational Services
Delegate

RURAL FIRES ACT 1997

Local Bush Fire Danger Period Variation

PURSUANT to section 82 of the Rural Fires Act 1997 as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation:

Area of Variation:

MIA Zone incorporating:

Griffith City Council
Leeton Shire Council
Murrumbidgee Shire Council
Narrandera Shire Council

The Local Bush Fire Danger Period has been revoked for the period 1 March until 31 March 2011.

During this period permits pursuant to section 87 of the Rural Fires Act 1997 as amended will not be required for the lighting of fire for the purposes of land clearance or fire breaks.

ROB ROGERS, A.F.S.M.,
Assistant Commissioner,
Director, Operational Services
Delegate

RURAL FIRES ACT 1997

Local Bush Fire Danger Period Variation

PURSUANT to section 82 of the Rural Fires Act 1997 as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation:

Area of Variation:

Riverina Highlands Zone incorporating:

Gundagai Shire Council
Tumbarumba Shire Council
Tumut Shire Council

The Local Bush Fire Danger Period has been revoked for the period 1 March until 31 March 2011.

During this period permits pursuant to section 87 of the Rural Fires Act 1997 as amended will not be required for the lighting of fire for the purposes of land clearance or fire breaks.

ROB ROGERS, A.F.S.M.,
Assistant Commissioner,
Director, Operational Services
Delegate

WILDERNESS ACT 1987

Addition to Nattai Wilderness Area

I, FRANK SARTOR, M.P., Minister for Climate Change and the Environment in the State of New South Wales, declare the land described in the Schedules 1-4 hereunder, within Nattai National Park, as part of the Nattai Wilderness, under the provisions of Section 8 (1A) of the Wilderness Act 1987.

FRANK SARTOR, M.P.,
Minister for Climate Change and the Environment

SCHEDULE 1

LGA – Wollondilly

County Camden, Parish Nattai, about 472 hectares being Lots 42, 157, 158, 159, 165 and 166 DP 751285 including the Crown Public Road within Lots 157, 158, 159, 165 and 166 DP 751285 and the Crown Public Road separating Lot 159 DP 751285 from Nattai River.

SCHEDULE 2

LGA – Wollondilly

County Camden, Parish Killawarrah, about 30 hectares being Lots 13 and 22 DP 751280 inclusive of Crown Public roads within the aforesaid Lots.

WILDERNESS ACT 1987

Addition to Byadbo Wilderness Area

I, FRANK SARTOR, M.P., Minister for Climate Change and the Environment in the State of New South Wales, declare the land described in the schedule hereunder, within Kosciuszko National Park, as part of Byadbo Wilderness under the provisions of section 8(1A) of the Wilderness Act 1987.

FRANK SARTOR, M.P.,
Minister for Climate Change and the Environment

SCHEDULE

LGA – Snowy River

County Wallace, Parish Popong, about 162 hectares, being lot 48 DP756721: NPWS/07/18419.

WILDERNESS ACT 1987

Declaration of Wilderness Area

I, FRANK SARTOR, MP, Minister for Climate Change and the Environment in the State of New South Wales, declare the land described in the Schedule hereunder to be a wilderness area under the provisions of Section 8 (1A) of the Wilderness Act 1987 and to be known as Curracabundi Wilderness.

FRANK SARTOR, M.P.,
Minister for Climate Change and the Environment

SCHEDULE

LGAs – Gloucester and Walcha

Counties Macquarie, Hawes and Richmond, Parishes Barnard, Cobb, Coolcumba, Curracabundi, Dewitt, Hall, Mernot, Mukki, Myall, Nowendoc, Togalo and Woko, about 34,000 hectares, being the area shown by hatching in the miscellaneous plans R00314 and R00315 held by the Department of Environment, Climate Change and Water.

WILDERNESS ACT 1987

Addition to Nandewar Wilderness Area

I, FRANK SARTOR M.P., Minister for Climate Change and the Environment in the State of New South Wales, declare the land described in the Schedule 1 hereunder, within Mount Kaputar National Park, as part of the Nandewar Wilderness, under the provisions of Section 8 (1A) of the Wilderness Act 1987.

FRANK SARTOR, M.P.,
Minister for Climate Change and the Environment

SCHEDULE 1

LGA – Narrabri & Gwydir

Counties Nandewar, Murchison & Jamison Parishes Cowimangarah, Paleroo, Coryah & Ningadhun being about 3550 hectares and shown by hatching in the Diagrams 1-4 following:

DIAGRAM 1 - ADDITION TO NANDEWAR WILDERNESS

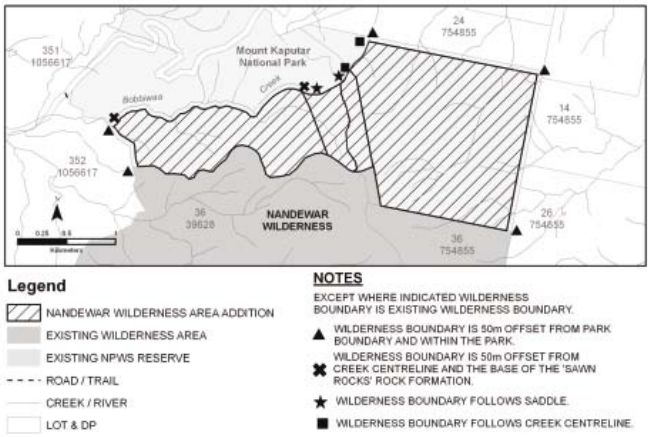


DIAGRAM 2 - ADDITION TO NANDEWAR WILDERNESS

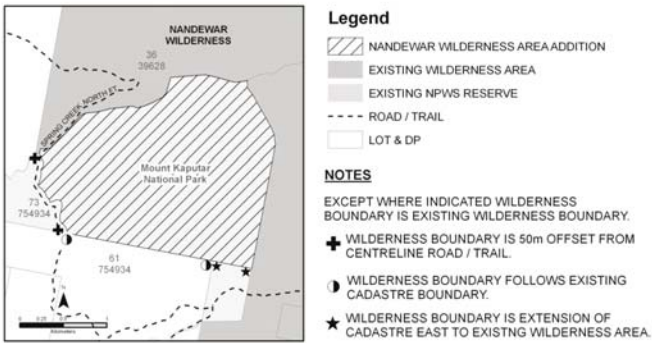


DIAGRAM 3 - ADDITION TO NANDEWAR WILDERNESS

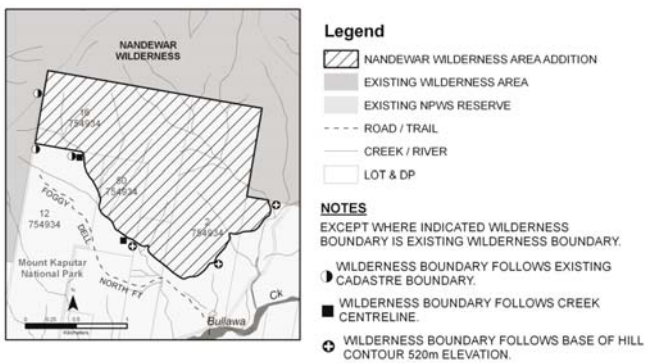
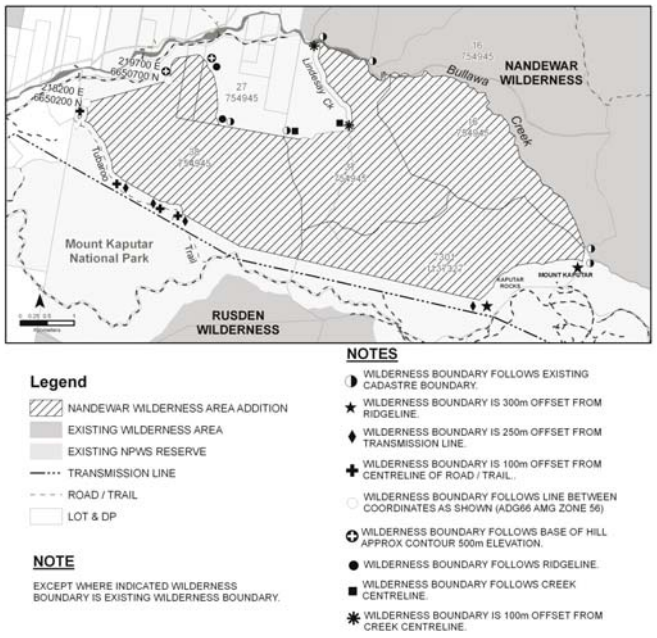


DIAGRAM 4 - ADDITION TO NANDEWAR WILDERNESS



WILDERNESS ACT 1987

Addition to Yengo Wilderness Area

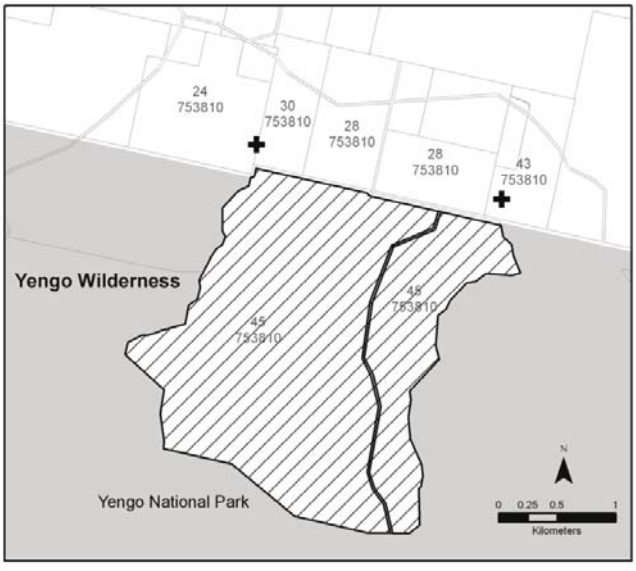
I, FRANK SARTOR, M.P., Minister for Climate Change and the Environment in the State of New South Wales, declare the land described in the Schedules 1-4 hereunder, within Yengo National Park, as part of the Yengo Wilderness, under the provisions of section 8 (1A) of the Wilderness Act 1987.

FRANK SARTOR, M.P.,
Minister for Climate Change and the Environment

SCHEDULE 1

LGA – Singleton

County Hunter, Parish Putty, being about 600 hectares and shown by the hatching in the diagram following:



SCHEDULE 2

LGA – Singleton

County Hunter, Parish Putty, about 8.8 hectares, being Lot 13, DP 753810 and Lot 7004, DP 96649.

SCHEDULE 3

LGA – Singleton

County Hunter, Parish Putty, about 9.3 hectares, being Lot 12, DP 753810 and Lot 7005, DP 96649.

SCHEDULE 4

LGA – Singleton

County Northumberland, Parish Werong, about 158 hectares, being Lots 11, 12, 23, 25. 26, 32 and 37, DP 755268, including the Crown Road within Lot 37.

WILDERNESS ACT 1987

Addition to Rusden Wilderness Area

I, FRANK SARTOR, M.P., Minister for Climate Change and the Environment in the State of New South Wales, declare the land described in the Schedule 1 hereunder, within Mount Kaputar National Park, as part of the Rusden Wilderness, under the provisions of section 8 (1A) of the Wilderness Act 1987.

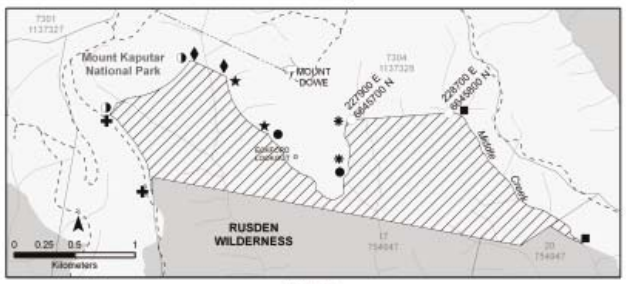
FRANK SARTOR, M.P.,
Minister for Climate Change and the Environment

SCHEDULE 1

LGA – Narrabri & Tamworth Regional

County Nandewar, Parishes Rusden, Deriah & Byar being about 6028 hectares and shown by hatching in the Diagrams 1-5 following:

DIAGRAM 1 - ADDITION TO RUSDEN WILDERNESS



Legend
- RUSDEN WILDERNESS AREA ADDITION
- EXISTING WILDERNESS AREA
- EXISTING NPWS RESERVE
- ROAD / TRAIL
- CREEK / RIVER
- LOT & DP
- TRANSMISSION LINE

NOTE
EXCEPT WHERE INDICATED WILDERNESS BOUNDARY IS EXISTING WILDERNESS BOUNDARY

NOTES
- WILDERNESS BOUNDARY IS 50m OFFSET FROM CENTRELINE OF ROAD / TRAIL.
- WILDERNESS BOUNDARY IS 500m OFFSET SOUTH EAST OF CENTRELINE OF ROAD / TRAIL.
- WILDERNESS BOUNDARY IS 250m OFFSET FROM TRANSMISSION LINE.
- WILDERNESS BOUNDARY IS 500M OFFSET FROM MOUNT DOWE.
- WILDERNESS BOUNDARY FOLLOWS RIDGELINE.
- WILDERNESS BOUNDARY IS 30m OFFSET FROM CENTRELINE OF ROAD / TRAIL.
- WILDERNESS BOUNDARY FOLLOWS LINE BETWEEN CO-ORDINATES AS SHOWN IN DIAGRAM. (Projection ADG66 / AMG zone 56)
- WILDERNESS BOUNDARY FOLLOWS CREEK CENTRELINE.

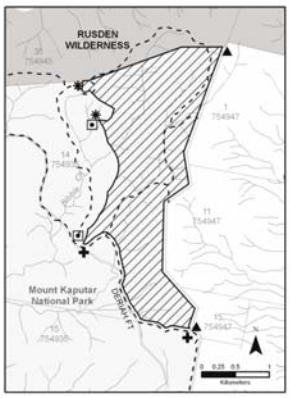
DIAGRAM 2 - ADDITION TO RUSDEN WILDERNESS



Legend
- RUSDEN WILDERNESS AREA ADDITION
- EXISTING WILDERNESS AREA
- EXISTING NPWS RESERVE
- ROAD / TRAIL
- CREEK / RIVER
- LOT & DP

NOTES
EXCEPT WHERE INDICATED WILDERNESS BOUNDARY IS EXISTING WILDERNESS BOUNDARY
- WILDERNESS BOUNDARY IS 50m OFFSET FROM PARK BOUNDARY
- WILDERNESS BOUNDARY FOLLOWS EXISTING CADASTRE BOUNDARY

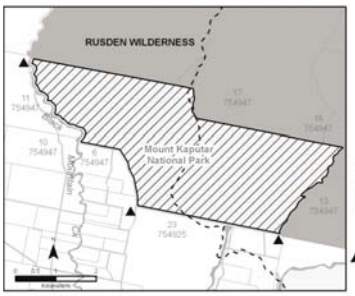
DIAGRAM 3 - ADDITION TO RUSDEN WILDERNESS



Legend
- RUSDEN WILDENESS AREA ADDITION
- EXISTING WILDERNESS AREA
- EXISTING NPWS RESERVE
- ROAD / TRAIL
- CREEK / RIVER
- LOT & DP

NOTES
EXCEPT WHERE INDICATED WILDERNESS BOUNDARY IS EXISTING WILDERNESS BOUNDARY
- WILDERNESS BOUNDARY IS 50m OFFSET FROM PARK BOUNDARY AND WITHIN THE PARK
- WILDERNESS BOUNDARY IS 50m OFFSET FROM CENTRELINE OF ROAD/TRAIL
- WILDERNESS BOUNDARY IS 400m OFFSET EAST OF CREEK CENTRELINE.
- WILDERNESS BOUNDARY FOLLOWS BOUNDARY OF THE CLEARED AREA AND THE FOREST AS SHOWN ON SPOT 5 SATELLITE IMAGERY 2009.

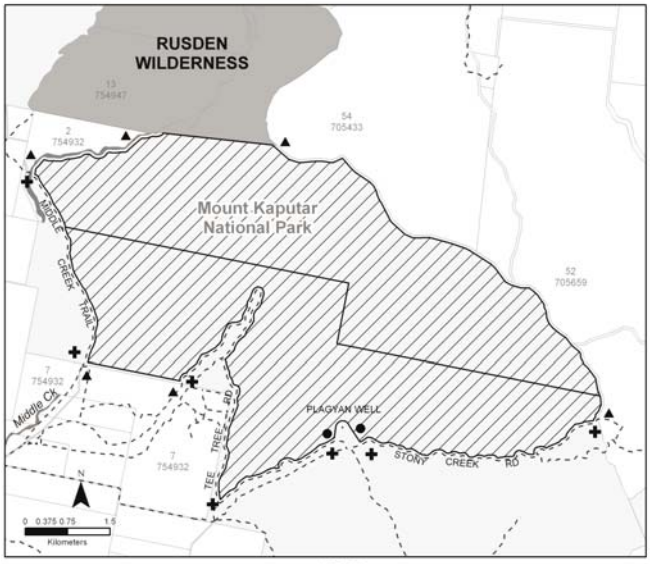
DIAGRAM 4 - ADDITION TO RUSDEN WILDERNESS



Legend
- RUSDEN WILDERNESS AREA ADDITION
- EXISTING WILDERNESS AREA
- EXISTING NPWS RESERVE
- ROADS / TRAIL
- CREEK / RIVER
- LOT & DP

NOTES
EXCEPT WHERE INDICATED WILDERNESS BOUNDARY IS EXISTING WILDERNESS BOUNDARY
- WILDERNESS BOUNDARY IS 50m OFFSET FROM PARK BOUNDARY AND WITHIN THE PARK

DIAGRAM 5 - ADDITION TO RUSDEN WILDERNESS



Legend
- RUSDEN WILDERNESS AREA ADDITION
- EXISTING WILDERNESS AREA
- EXISTING NPWS RESERVE
- CREEK / RIVER
- LOT & DP

NOTES
EXCEPT WHERE INDICATED WILDERNESS BOUNDARY IS EXISTING WILDERNESS BOUNDARY
- WILDERNESS BOUNDARY IS 50m OFFSET FROM CENTRELINE OF ROAD/TRAIL
- WILDERNESS BOUNDARY IS 50m OFFSET FROM PARK BOUNDARY AND WITHIN THE PARK
- WILDERNESS BOUNDARY IS 100M BUFFER AROUND PLAGYAN WELL

CHILDREN (CRIMINAL PROCEEDINGS) REGULATION 2005

ORDER

Issue of Youth Conduct Order Scheme Directions

PURSUANT to Clause 25 of the Regulation, the Directions issued by the Director General of the Department of Premier and Cabinet on 18 December 2009 and published in the NSW Gazette on 24 December 2009 are revoked from the date of publication of this notice.

Pursuant to Clause 25 of the Regulation, the Directions specified in Schedule 1 are issued and have effect as from the date of publication of this notice.

BRENDAN O'REILLY,
Director General
Department of Premier and Cabinet

SCHEDULE 1

Youth Conduct Orders

Scheme Directions

Children (Criminal Proceedings) Act 1987

Children (Criminal Proceedings) Regulation 2005

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Published February 2011

1 Division 2: Scheme Participation Approvals

1.1 Granting of Scheme Participation Approvals *(Clause 7)*

Once an authorised Police Officer has determined that a child/young person is eligible to participate in the Youth Conduct Orders (YCO) Scheme they must complete the attached **Form A: Youth Conduct Orders Scheme Participation Approval**.

YOUTH CONDUCT ORDERS SCHEME PARTICIPATION APPROVAL

**(Section 48G *Children (Criminal Proceedings) Act* 1987;
Division 2, Clauses 5 & 7 *Children (Criminal Proceedings) Regulation* 2005)**

Young Person Details

Name:
Address:
Date of Birth/Age:
Aboriginal/TSI
Ethnicity
Disability
Charge/Sequence:
Date of Court Listing:
Time:
Place:

An assessment must be carried out using the criteria below to ascertain whether a young person is suitable for participation in the Youth Conduct Orders Scheme.

PART A – OFFENCE CONSIDERATIONS

1. Copy of Police Facts attached.	Yes / No
2. It is appropriate for the young person to be dealt with under the Scheme having regard to: • the seriousness of the offence, • the degree of violence involved (if any), • any harm caused to any victim, • the number and nature of any previous offences, and the number of times the young person has been dealt with under the *Young Offenders Act* 1997.	Yes / No
3. If the offence is one that is capable of being dealt with under the *Young Offender's Act 1997,* provide reason/s as to why it would not be appropriate for the young person to be dealt with under the *Young Offenders Act* 1997.	
4. The young person is charged with (or has pleaded guilty to or been found guilty of) a relevant offence. (A relevant offence means any offence the proceedings for which the Children's Court has jurisdiction to hear and determine other than any of the following offences: • a prescribed sexual offence (within the meaning of the *Criminal Procedure Act 1986),* • any other serous children's indictable offence, • a traffic offence).	Yes / No
5. The Children's Court has not yet imposed a penalty on the young person concerned for the offence or the alleged offence.	Yes / No

PART B - ELIGIBILITY CRITERIA

6. The young person was 14 years old or older (but less than 18 years old) at the time the offence was committed or alleged to have been committed.	Yes / No
7. The young person is less than 19 years old at the time it is first proposed to make a Youth Conduct Order.	Yes / No
8. The young person meets either or both of the following conditions: • He or she permanently or temporarily resides in, or is an habitual visitor to the area of a participating Local Area Command • The relevant offence (or, in the case where more than one relevant offence is sought to be dealt with, at least one of the offences) was committed or alleged to have been committed, in the area of a participating Local Area Command.	Yes / No

PART C - CERTIFICATION

I am an Authorised Police Officer under the Youth Conduct Orders Scheme. I certify that all information in this form is accurate and recommend the young person for Youth Conduct Orders Scheme Participation.	I am a Senior Police Officer (Superintendent level or above). I concur that all information in this form is accurate. I hereby grant Youth Conduct Orders Scheme Participation Approval for the young person named on this form.
Signature: Name: Position: Date: Phone number: Local Area Command:	Signature: Name: Position: Date: Phone number: Local Area Command:

2 Division 3: Suitability Assessments

The *Children (Criminal Proceedings) Act* 1987 defines suitability assessment as "an assessment as to a child's capacity and prospects to participate in the (Youth Conduct Orders) Scheme".

In this context, the terms "capacity" and "prospects" relate to the ability and willingness of the child/young person (and their family/carers) to:

- engage in and understand the YCO assessment and case planning process,
- prioritise the best interests of the child/young person within the family context,
- work with agencies to identify and address the underlying causes of the offending behaviour,
- agree with conduct plan provisions in the knowledge that they are binding and court ordered,
- understand the implications of non-compliance.

Note that "Coordination Group" as established by Division 7 and as referred to in Section 4, Definitions, and in Part 2 (Youth Conduct Orders) of the Children (Criminal Proceedings)) Regulation 2005, is known as, the "Region Case Management Panel".

2.1 Applications for Suitability Assessment Orders *(Clause 8)*

The filing of the Scheme Participation Approval Form with the Court Registry shall serve as the notice of intention to make an application for a Suitability Assessment Order.

This form should be attached to the Court Attendance Notice with a copy of the Police Facts when filed with the Children's Court.

Generally the application should be listed on the same day as the child's appearance before the Court in relation to the relevant offence for which the application is sought.

2.2 Notification of Suitability Assessment Order by Children's Court *(Clause 9)*

The Magistrate may make a Suitability Assessment Order in the form prescribed by the Children's Court which will refer the child/young person to the Region Case Management Panel (RCMP) for a suitability assessment.

Copies of the Suitability Assessment Order and Scheme Participation Approval Form (Form A) must be forwarded by the Children's Court to the relevant RCMP Chairperson within 7 days after making the Order.

The documents may be faxed or scanned and emailed in the first instance but must also be forwarded by post to the Chairperson for quality assurance purposes.

2.3 Suitability assessment of referred child *(Clause 10)*

Each RCMP has the function of carrying out suitability assessments of referred children/young people and designating a Lead Agency.

The RCMP must ensure that a suitability assessment of a referred child/young person is carried out within 7 days (or such further period as the Children's Court may allow) after it is notified of the Suitability Assessment Order under clause 9.

Assessment of the suitability of children/young people to participate in the YCO Scheme for the advice of the Children's Court Magistrate is based on the best interests of the child/young person.

The designated Lead Agency with the assistance of the YCO Coordinator (if required and approved by the RCMP) conducts the assessment using an assessment model they consider best meets the needs of the young person and their family.

NB: Whilst the legislation provides for an Interim Plan and Interim Order stage, this is optional. If after carrying out the suitability assessment the child is assessed as suitable, the RCMP may submit either a final conduct plan or an interim conduct plan depending on what it considers is appropriate. The Children's Court may then make a final YCO if a final conduct plan is submitted or an interim YCO if an Interim Conduct Plan is submitted.

The report to the Children's Court must be submitted in accordance with the following attached:

- Youth Conduct Order Interim Conduct Plan (Appendix 1) or
- Youth Conduct Order Final Conduct Plan (Appendix 2)

The RCMP may determine that a referred child is not suitable to participate in the scheme as they are ineligible. If such a determination is made, the RCMP may proceed immediately to report their finding to the Children's Court (*clause 10 (3A)*).

3 Division 4: Conduct Plans

3.1 Preparation of Interim Conduct Plans *(Clause 11)*

The legislation provides for an optional Interim Conduct Plan (ICP) and Interim Order stage.

If the RCMP decides that in the first instance, the young person should be referred for development of an Interim Conduct Plan (ICP) a time -frame for completion will be stipulated by the Children's Court. The young person remains on bail conditions.

The Interim Conduct Plan is developed by the YCO Coordinator according to the content required for the ICP and using the ICP as a guiding format.

The ICP provides brief assessment information and recommends positive conduct provisions and conduct restriction provisions that the young person must comply with while the Final Conduct Plan (FCP) is being developed. The ICP also recommends a designated Lead Agency.

If the young person is assessed as suitable to participate in the YCO Scheme, the Magistrate will issue an Interim Conduct Order which replaces the ICP.

At this time bail conditions are replaced by the positive conduct provisions and conduct restriction provisions in the ICP.

The Interim Conduct Order duration is up to 2 months and covers the young person while a more comprehensive assessment is conducted to develop the Final Conduct Plan.

Service availability and capacity:

In identifying the "positive conduct provisions" and "conduct restriction provisions" for ICPs and FCPs, the assessed needs of the child/young person must be matched to service availability and capacity.

The child/young person should not be penalised for being unable to meet the conditions of a Plan where there are issues with service availability and/or capacity.

Agencies must use their best endeavours to identify a service appropriate for the young person under the YCO. This includes exploring the use of brokerage and other service provision options where there are availability or capacity issues with a particular service.

Where there may not be immediate availability, agencies should advise the YCO Coordinator / Lead Agency, including providing details of the likely waiting list, both in terms of time and numbers of other potential clients.

Where the RCMP has agreed that there is no service available and/or no capacity to deliver a service to meet the child/young person's needs, including having explored

brokerage and other options, details must be documented in a cover brief signed by the RCMP Chairperson which is attached to the Suitability Assessment Report.

The cover brief must include

- service identified and how it will meet the needs of the child/young person
- reasons why the service is unavailable and/or there is no capacity to deliver the service
- alternatives explored including brokerage; and
- recommendation for resolution

The onus is on the agency/service to justify why this service can't be provided. The RCMP, as part of the FCP, should monitor this service availability on an ongoing basis.

3.2 Preparation of Final Conduct Plans *(Clause 12)*

The Children's Court can proceed directly from a suitability assessment to a Final Youth Conduct Order, if the RCMP has made a recommendation to this effect, and a Final Conduct Plan (FCP) has been submitted. The Final Youth Conduct Order is based on the FCP, which has been developed combining the initial suitability assessment with further information gathering and assessment.

The Lead Agency agreed by the RCMP is responsible for completing the suitability assessment and developing the FCP. This can be with the assistance of the YCO Coordinator if approved by the RCMP through the Chair. The young person remains on bail conditions.

In conducting the suitability assessment and developing the FCP, the RCMP is to endeavour to ensure that a parent of the child within the meaning of *Children (Protection and Parental Responsibility) Act* 1997 is present at all times during the meeting unless:

- the child requests otherwise (S12 (3) (a)), or
- the RCMP considers that it would be inappropriate in the circumstances (S12 (3) (b)).

The RCMP must afford the child or young person an opportunity to review the proposed FCP before it is endorsed (S12 (4)). The Lead Agency will also consult face-to-face with all key agencies involved with the child or young person.

Once approved by the RCMP, the FCP is submitted to the Children's Court Magistrate. The FCP outlines the outcomes of the suitability assessment to the Children's Court and recommends positive conduct provisions and conduct restriction provisions for the Final Youth Conduct Order.

If the young person is assessed as suitable for a Youth Conduct Order the Magistrate may issue a Final Youth Conduct Order which replaces the FCP. At this time bail conditions are replaced by the positive conduct provisions and conduct restriction

provisions in the Final Youth Conduct Order. The Final Youth Conduct Order duration is up to 12 months.

3.3 Provisions in conduct plans (Clause 11)

For the purposes of the Scheme Directions, positive conduct provisions are agreed case management based activities and tasks that benefit and progress the child/young person's emotional, social and financial status while addressing the underlying causes of their offending behaviour.

Agreed means agreed between the child/young person, their family/carer and relevant agencies.

For the purposes of the Scheme Directions, conduct restriction conditions are restrictions and conditions that directly relate to the child/young person's offending behaviour and are aimed at preventing the opportunity for further offending while addressing the underlying causes of their offending behaviour. In most cases these restrictions and conditions should be agreed.

4 Division 5: Applications relating to Youth Conduct Orders

4.1 Applications for Interim Youth Conduct Orders *(Clause 13*)

An application by an authorised scheme officer for an Interim YCO under section 48L of the *Children (Criminal* Proceedings*) Act* 1987 may only be made upon the child or young person being found to be suitable to participate in the Scheme by the RCMP.

The application must be made in the form prescribed by the Children's Court.

4.2 Applications for Final Youth Conduct Orders *(Clause 14)*

An application by an authorised scheme officer for a Final YCO under section 48L of the Act may only be made upon the child being found to be suitable to participate in the Scheme by the RCMP. The application must be in the form prescribed by the Children's Court.

4.3 Applications for review of Youth Conduct Orders *(Clause 15)*

An application by an authorised scheme officer for a review of a YCO under section 48N(1)(c) of the Act should not be made unless the RCMP who prepared the FCP has approved the application.

In circumstances where it is not possible to get the approval of the RCMP prior to the application being made the authorised scheme officer should ensure that the relevant RCMP is contacted within 3 working days and informed of the application and outcome of that application.

The application must be in the form prescribed by the Children's Court.

4.4 Applications relating to non-compliance with Youth Conduct Orders *(Clause 16)*

All non-compliances relating to a YCO must be reported using the **Compliance Report** (see 5) to the Chairperson of the RCMP in the first instance so that the non-compliance can be considered in light of the child/young person's circumstances.

An application by an authorised scheme officer relating to non-compliance with a Final YCO under section 48P(1) of the Act should not be made unless the RCMP who prepared the FCP has approved the application.

In circumstances where it is not possible to get the approval of the RCMP prior to the application being made the authorised scheme officer should ensure that the relevant RCMP is contacted within 3 working days and informed of the application and outcome of that application.

4.5 Applications relating to compliance with Youth Conduct Orders *(Clause 17)*

An application by an authorised scheme officer relating to compliance with a Final YCO may only be made with the approval of the RCMP who prepared the FCP and compliance report (see 5).

5 Division 6: Reports

5.1 Compliance Reports *(Clause 18)*

All non-compliances relating to a YCO must be reported using the Compliance Report (Appendix 3) to the Chairperson of the RCMP in the first instance so that the non-compliance can be considered in light of the child/young person's circumstances.

An application by an authorised scheme officer relating to non-compliance with a Final YCO under section 48P(1) of the Act should not be made unless the RCMP who prepared the FCP has approved the application.

In circumstances where it is not possible to get the approval of the RCMP prior to the application being made the authorised scheme officer should ensure that the relevant RCMP is contacted within 3 working days and informed of the application and outcome of that application.

6 Division 7: Region Case Management Panel

6.1 Procedure (Clause 24)

All RCMP meetings should be conducted in accordance with the RCMP Meeting Guidelines (Appendix 4).

7 Division 8: Scheme Directions

7.1 Director General may issue Scheme Directions *(Clause 25)*

The Regulation specifies the instances in which the Director General of the Department of Premier and Cabinet may issue Scheme Directions. Clause 25 is as follows:

(1) The Director-General may, by order published in the Gazette, issue directions, not inconsistent with this Part or the Act, for or with respect to any or all of the following matters:

(a) the carrying out of suitability assessments,

(b) the provisions in conduct plans,

(c) the training to be undertaken by persons involved in the administration of the scheme (including authorised police officers),

(d) the granting of scheme participation approvals,

(e) the granting of approvals for the purposes of clause 28,

(f) the making of applications to the Children's Court by authorised scheme officers under Part 4A of the Act,

(g) the procedure for meetings of Coordination Groups,

(h) the functions of Coordination Groups and of members of the Groups in connection with the scheme or the carrying out of suitability assessments,

(i) any other matter in respect of which scheme directions are permitted or required by this Part.

(2) The Director-General may from time to time amend, revoke or replace the scheme directions by further order published in the Gazette.

(3) Without limiting subclause (1), the scheme directions may include provisions that:

(a) apply generally, or

(b) apply only in relation to specified persons, courts, groups or other bodies, or

(c) apply only in specified circumstances, or

(d) do a combination of the things referred to in paragraphs (a), (b) and (c).

8 Referrals to the Supporting Children, Supporting Families Program

The SCSFP Guidelines provide for the referral of children and young people under the age of 14 years and who are exhibiting anti-social behaviour. RCMPs should also be aware that Children's Courts participating in the YCO Scheme may also now refer some children to the SCSFP who appear to meet the eligibility requirements for the SCSFP as set out in Section 8.1.1 of that program's Guidelines for consideration.

Appendix 1: Youth Conduct Order Interim Conduct Plan (ICP)

Name of Child / Young Person	
YCO Case Number	
Date of birth	
Gender	
Home Address	
Date approved by RCMP	
Date approved by Magistrate	

LEAD & PARTNER AGENCIES

Name	Organisation	Role
Lead		

FAMILY COMPOSITION

Family Member	Name	Age	Address
Mother			
Father			
Child 1			
Child 2			
Child 3			
Child 4			
Other			

FAMILY SUPPORT NETWORK (Significant supports – Non agency):

Name	Relationship	Contact Details

Appendix 1: Youth Conduct Order Interim Conduct Plan (ICP)

ICP Positive Conduct Provisions	Responsibility	Timeframe Start/End

ICP Conduct Restriction Provisions	Responsibility	Timeframe Start/End

Appendix 1: Youth Conduct Order Interim Conduct Plan (ICP)

1 Accommodation

Current issues for the child or young person:

Outcomes	Actions to Achieve Outcomes	Agency Responsible	Timeframe Start/End

Appendix 1: Youth Conduct Order Interim Conduct Plan (ICP)

2 Health/ Clinical Services

Current issues for the child or young person:

Outcomes	Actions to Achieve Outcomes	Agency Responsible	Timeframe Start/End

Appendix 1: Youth Conduct Order Interim Conduct Plan (ICP)

3 Education/ Vocation

Current issues for the child or young person:

Outcomes	Actions to Achieve Outcomes	Agency Responsible	Timeframe Start/End

Appendix 1: Youth Conduct Order Interim Conduct Plan (ICP)

4 Emotional and Social Functioning

Current issues for the child or young person:

Outcomes	Actions to Achieve Outcomes	Agency Responsible	Timeframe Start/End

Appendix 1: Youth Conduct Order Interim Conduct Plan (ICP)

5 Family Relationships and Functioning

Current issues for the child or young person:

Outcomes	Actions to Achieve Outcomes	Agency Responsible	Timeframe Start/End

Appendix 1: Youth Conduct Order Interim Conduct Plan (ICP)

6 Motivation to participate in a Youth Conduct Order

Current issues for the child or young person:

Outcomes	Actions to Achieve Outcomes	Agency Responsible	Timeframe Start/End

Approved:
RCMP Chair (or delegate)
Date:

Signature:
Child/Young Person
Date:



Appendix 2: Youth Conduct Order Final Conduct Plan (FCP)

Name of Child / Young Person	
YCO Case Number	
Date of birth	
Gender	
Home Address	
Date approved by RCMP	
Date approved by Magistrate	

LEAD & PARTNER AGENCIES

Name	Organisation	Role
Lead		

FAMILY COMPOSITION

Family Member	Name	Age	Address
Mother			
Father			
Child 1			
Child 2			
Child 3			
Child 4			
Other			

FAMILY SUPPORT NETWORK (Significant supports – Non agency):

Name	Relationship	Contact Details

Appendix 2: Youth Conduct Order Final Conduct Plan (FCP)

FCP Positive Conduct Provisions	Responsibility	Timeframe Start/ End
FCP Conduct Restriction Provisions	**Responsibility**	**Timeframe Start/ End**

Appendix 2: Youth Conduct Order Final Conduct Plan (FCP)

1 Accommodation

Current issues for the child or young person:

Outcomes	Actions to Achieve Outcome	Agency Responsible	Timeframe Start/End

Appendix 2: Youth Conduct Order Final Conduct Plan (FCP)

2 Health/ Clinical Services

Current issues for the child or young person:

Outcomes	Actions to Achieve Outcome	Agency Responsible	Timeframe Start/End

Appendix 2: Youth Conduct Order Final Conduct Plan (FCP)

3 Education/ Vocation

Current issues for the child or young person:

Outcomes	Actions to Achieve Outcome	Agency Responsible	Timeframe Start/End

Appendix 2: Youth Conduct Order Final Conduct Plan (FCP)

4 Emotional and Social Functioning

Current issues for the child or young person:

Outcomes	Actions to Achieve Outcome	Agency Responsible	Timeframe Start/End

Appendix 2: Youth Conduct Order Final Conduct Plan (FCP)

5 Family Relationships and Functioning

Current issues for the child or young person:

Outcomes	Actions to Achieve Outcome	Agency Responsible	Timeframe Start/End

Appendix 2: Youth Conduct Order Final Conduct Plan (FCP)

6 Motivation to participate in a Youth Conduct Order

Current issues for the child or young person:

Outcomes	Actions to Achieve Outcomes	Agency Responsible	Timeframe Start/End

Approved:
RCMP Chair (or delegate)
Date:

Signature:
Child/Young Person
Date FCP reviewed:

Appendix 3: Youth Conduct Order Compliance Report

Name of Child / Young Person	
YCO Case Number	
Date of birth	
Gender	
Home Address	
Date approved by RCMP	
Date approved by Magistrate	

Is this Compliance Report in support of an application relating to non-compliance with a Youth Conduct Order?	Yes/No: Provide Details
Is this Compliance Report in support of an application relating to compliance with a Youth Conduct Order?	Yes/No: Provide Details
Is the recommendation that the child/young person exit the Youth Conduct Orders Scheme?	Yes: An Exit Plan must be completed – see Appendix 1: Exit Plan
Is the recommendation that the child/young person remain on the Youth Conduct Order with same and/or changed conduct provisions?	Yes: Conduct Provisions must be entered – see Appendix 2: Conduct Provisions

Appendix 3: Youth Conduct Order Compliance Report

LEAD & PARTNER AGENCIES

Name	Organisation	Role
Lead		

FAMILY COMPOSITION

Family Member	Name	Age	Address
Mother			
Father			
Child 1			
Child 2			
Child 3			
Child 4			
Other			

FAMILY SUPPORT NETWORK (Significant supports – Non agency):

Name	Relationship	Contact Details

Appendix 3: Youth Conduct Order Compliance Report

Current Youth Conduct Order Positive Conduct Provisions	Responsibility	Timeframe Start/End	Complied/Not Complied Provide Details
Current Youth Conduct Order Conduct Restriction Provisions	**Responsibility**	**Timeframe Start/End**	**Complied/Not Complied Provide Details**

Appendix 3: Youth Conduct Order Compliance Report

Compliance Report Progress Update:	Details:
Has the child/young person made progress?	This may be in relation to the positive conduct and/or conduct restriction provisions in the Youth Conduct Order and/or may be in relation to other goals and plans identified or observed by the Lead Agency? Describe.
Does the child/young person have involvement in pro social relationships? What is the assessment of these in relation to the child/young person's future?	
Is the child/young person involved in positive recreational activities and or organised community groups?	
Is the child/young person attending Education and or Training Programs? Attach Progress Report if available:	
Has the child/young person participated in counselling and/or groups?	
Please note progress around problem solving skills, self awareness, empathy and motivation.	

Appendix 3: Youth Conduct Order Compliance Report

Compliance Report Progress Update:	Details:
Has the child/young person addressed issues around health and wellbeing?	
Has the child/young person and family/significant others participated in a program or service?	
Recommendation: If recommending that the child/young person exits from the Youth Conduct Orders Scheme please complete the attached Exit Plan.	Outline the Reasons for Recommendation:
If recommending that the child/young person continue on the Youth Conduct Order please complete the Agreed Conduct Provisions.	Outline the Reasons for Recommendation:
Please note your name, service or program provider and signature.	Name: Position/program: Sign: Child/Young Person name: Sign:

Appendix 3: Youth Conduct Order Compliance Report

EXIT PLAN:

Exit Plan Strategy	Responsibility	Timeframe

Appendix 3: Youth Conduct Order Compliance Report

CONDUCT PROVISIONS:

Current Youth Conduct Order Positive Conduct Provisions	Responsibility	Timeframe Start/End
Current Youth Conduct Order Conduct Restriction Provisions	**Responsibility**	**Timeframe Start/End**

Appendix 4:

Region Case Management Panel Meeting Guidelines

Region Case Management Panel Meeting Guidelines

Introduction

The following Region Case Management Panel (RCMP) Meeting Guidelines have been developed to provide guidance and direction to RCMP members in fulfilling their role and responsibilities within the Youth Conduct Orders (YCO) Scheme and Supporting Children, Supporting Families Program (SCSFP).

Some sections of these Guidelines are based on (YCO) legislative Scheme Directions for the operations of the RCMP and therefore use the word "must". Any section that uses the word "must" is a procedure rather than a guideline and must be adhered to.

1 RCMP Membership:

1.1 For the purposes of transacting any of its business, each RCMP must be constituted as follows:

a) one Police officer nominated in writing by the Commissioner of Police (or his or her delegate) to represent the NSW Police Force (NSWPF);

b) at least two persons (but not more than 5) nominated in writing by the Director – General of the Department of Human Services (or his or her delegate) to represent the Department;

c) one person nominated in writing by the Director General of the Department of Education and Training (DET) (or his or her delegate) to represent DET;

d) one person nominated in writing by the Director-General of DET (or his or her delegate) to represent the TAFE Commission, but only if the Director-General considers it appropriate to have a representative from TAFE Commission on the particular RCMP;

e) one person nominated in writing by the Chief Executive of an area health service (or his or her delegate), being an area health service that is designated by the Director General of DPC as the appropriate area health service to make the nomination for the Group; and

f) such other persons (if any) as may be nominated in writing by the following heads of government agencies (or their delegates) to represent the agency of which they are the head:

- Director-General of Communities NSW;
- Director-General of the Department of Justice and Attorney General;
- Director-General of Premier and Cabinet;
- Director-General of the Department of Health;
- Chief Executive of Justice Health.

1.2 The Chairperson must keep copies of the written nominations of persons nominated to be members.

1.3 The Quorum for a meeting of the RCMP is at least the following five members of the group (as per 1.1)

- NSW Police Force
- Department of Education and Training
- NSW Area Health
- Two members from the Department of Human Services

2 RCMP and Case Panel Chairpersons

2.1 Meetings of the RCMP and the **Case Panel** must be chaired by the Chairperson.

2.2 The Chairperson of the RCMP is appointed by the Director-General of DPC from the members of the group. The Chairperson of the Case Panel is nominated from the Case Panel members.

2.3 If the Chairperson is unable to attend or is temporarily absent, the position of "presiding member" is nominated by the RCMP meeting members or Case Panel meeting members present and minuted.

3 Role and Functions

3.1 The role of the RCMP is to oversee the development, implementation, monitoring and review of an integrated case management response to children and young people and their families or carers who are subject to the YCO Scheme or the SCSFP. This includes managing and monitoring workload.

3.1 (a) The RCMP is responsible to monitor and manage the workload of the RCMP and the workload of the YCO Coordinator in consultation with the YCO Coordinator's Supervisor (in locations where the YCO Scheme operates concurrently with the SCSFP). This includes limiting the referrals accepted by the RCMP if the workload is considered excessive. In circumstances where this occurs, the Chair should provide formal, written advice to DPC and inform referring agencies.

3.2 The RCMP membership comprises senior officers from the relevant human services and justice agencies operating locally. Where the YCO Scheme and the SCSFP operate in the same location, they are managed by the same RCMP. The YCO Scheme focuses on

children and young people who have progressed further along the offending path than those involved in the SCSFP.

3.3 A member of an RCMP may appoint a person to be a substitute as long as they are a member of a Government Service to act in the place of a member during any absence of the member from a meeting of the RCMP. The substitute member should not attend in the member's place on an ongoing basis. The "substitute" member may exercise all of the functions of the member and is deemed to be a member for the purpose of the meeting. However, a member may not appoint another member as substitute and a substitute may not appoint another person to be a substitute.

3.4 A substitute appointed by a Chairperson does not have the function of presiding at the meeting of the RCMP.

3.5 The functions of the RCMP are to oversee:

- Preparation and approval of Assessments
- Preparation and approval of Interim Conduct Plans
- Preparation and approval of Final Conduct Plans
- Preparation and approval of Compliance Reports
- Preparation and approval of Scheme Operation Reports
- Monitoring and review of the YCO Scheme and the SCSFP
- Nomination of Case Panel representatives
- Allocation to the Case Panel of accepted SCSFP referrals
- Provision of feedback to referring agencies re cases not accepted for the SCSFP
- When nominated as Lead Agency, the progress of SCSFP's cases including the preparation and submission of Case Plans to the RCMP, convening of case conferences and any other case related activities

3.6 The Case Panel membership comprises Case Managers from participating agencies who are selected by the RCMP. The role of the Case Panel is to progress the case management of young people and their families in relation to the SCSFP.

3.7 The functions of the Case Panel are to:

- Accept cases referred by the RCMP for participation in the SCSFP
- Collaborate with the Lead Agency to develop and implement individual case plans for children and young people (and their families), tailoring services around the needs of the child or young person
- Review Case Plans regularly, jointly with Lead Agencies to ensure that critical issues and goals and objectives are being addressed
- Assist the Lead Agency to ensure that key deliverables identified in the case plan are delivered by the agencies involved
- Provide the RCMP with updated Case Plans as scheduled and advice where necessary

4 Secretariat Role

4.1 Unless otherwise determined by the RCMP, the Secretariat support to the RCMP and to the Case Panel is provided by the YCO Coordinator.

5 Convening Meetings

5.1 In relation to the YCO Scheme, the Chairperson of the RCMP must ensure that the RCMP meeting is convened as soon as is possible following notification from the Children's Court Magistrate that a Referral for a Suitability Assessment Order has been made.

5.2 The Suitability Assessment must be completed within 7 days (or such further period as the Children's Court may allow) after the RCMP is notified of the Suitability Assessment Order.

6 Suitability Assessments (YCO Scheme)

6.1 The legislation provides for an Interim Conduct Plan (ICP) and Interim Order stage, which is optional. If after carrying out the suitability assessment the child is assessed as suitable, the RCMP may submit either a final conduct plan or an interim conduct plan depending on what it considers is appropriate. The Children's Court may then make a final YCO if a final conduct plan is submitted or an interim YCO if an interim Conduct Plan is submitted.

If the RCMP decides that in the first instance, the young person should be referred for development of an Interim Conduct Plan (ICP) a time -frame for completion will be stipulated by the Children's Court. The young person remains on bail conditions.

Unless otherwise determined by the RCMP, these are prepared for the approval of the RCMP by the YCO Coordinator. They must be submitted to the RCMP within a timeframe stipulated by the RCMP and prior to the RCMP meeting.

6.2 It is the responsibility of the RCMP to identify the Lead Agency as part of the Suitability Assessment.

6.3 In relation to the development of the Final Conduct Plan, unless otherwise determined by the RCMP, the Suitability Assessment and Draft Final Conduct Plan (FCP) are prepared by the Lead Agency. The YCO Coordinator may assist the Lead Agency if approved by the RCMP. These documents must be submitted within a timeframe stipulated by the RCMP and prior to the RCMP meeting.

6.4 The RCMP agenda and briefing notes for each agenda item are prepared by the Secretariat. These briefing notes take into account all last-minute additional information and are provided to the Chairperson shortly before the RCMP meeting. It is recommended that the Chairperson and the Secretariat make arrangements to meet regularly and in particular, prior to the meeting.

6.5 RCMP members who wish to raise an issue in relation to a proposed ICP or FCP for discussion within the context of an RCMP Meeting must provide case documentation to support the discussion.

7 Preliminary procedural matters

7.1 The Chairperson, prior to the conduct of formal business, attends to the following preliminary matters:

- Opening remarks, including welcoming new members and recording apologies.
- Confirmation of the Minutes of the previous meeting and any other unconfirmed Minutes or out-of-session authorisations.
- Confirmation that all matters arising from Minutes of previous meetings have been dealt with.
- Adoption of the agenda and seeking special requests from members regarding placement of items.

8 Decision making

8.1 The preferred decision making method is that RCMP members will reach decisions by consensus. It is the role of the Chairperson to facilitate decision making by consensus where possible.

8.2 It is important to note that all decisions in relation to Interim Conduct Plans and Final Conduct Plans must be made and be justifiable as being made in the best interests and well being of the child or young person and their family, based on the evidence contained in the Stage One and Stage Two Assessment.

8.3 The RCMP must only be considered to have reached a decision if the decision is supported by the majority of the votes cast at a meeting where the Quorum (as outlined in 1.3) is present.

8.4 Where decision making by consensus is not possible, the Chairperson must have a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

9 Media

9.1 The Chairperson of the RCMP and the Case Panel and the members of both groups are not designated spokespersons for the YCO Scheme or the SCSFP. Any media related queries and/or incidents or issues with media interest must be referred to the Program Delivery Branch, Law Enforcement and Regional Coordination Division, DPC for coordination of a response.

10 Minuting and follow-up actions

10.1 The Secretariat is responsible for the production and distribution of draft Minutes to RCMP members and Case Panel members within a time-frame agreed by the RCMP.

10.2 The Chairperson must ensure that the name of each person attending the RCMP meeting is noted in the Minutes.

10.3 Comments and suggested amendments to the draft Minutes are then provided to the Secretariat. On receipt of comments and suggested amendments, the Secretariat liaises with the Chairperson regarding revised draft Minutes, which are forwarded as final Minutes to RCMP members according to the normal distribution formula.

10.4 For formal confirmation, the final version is included in the set of agenda papers for the subsequent major meeting of the RCMP.

THREATENED SPECIES CONSERVATION ACT 1995

Order Conferring Biodiversity Certification on the Albury Local Environmental Plan 2010

I, Frank Sartor, M.P., Minister for Climate Change and the Environment, being satisfied that the Albury Local Environmental Plan 2010 (the LEP), in addition to the measures set out in Schedule 2 to this order, will lead to the overall improvement or maintenance of biodiversity values, do by this order confer biodiversity certification on the LEP under the Threatened Species Conservation Act 1995 (the Act).

Pursuant to clause 25 (3) of Schedule 7 to the Act:

1. the biodiversity certification of the LEP is subject to the condition listed in Schedule 1 to this order; and
2. the measures listed in Schedule 2 to this order are specified as measures that have been taken or are to be taken within the timeframes specified.

Pursuant to clause 27 of Schedule 7 to the Act biodiversity certification of the LEP takes effect from the date of publication of this order in the Government Gazette and shall remain in force for a period of 10 years from that date.

This order is made under clause 25 (2) of Schedule 7 to the Act.

Signed at Sydney, this 16 day of February 2011.

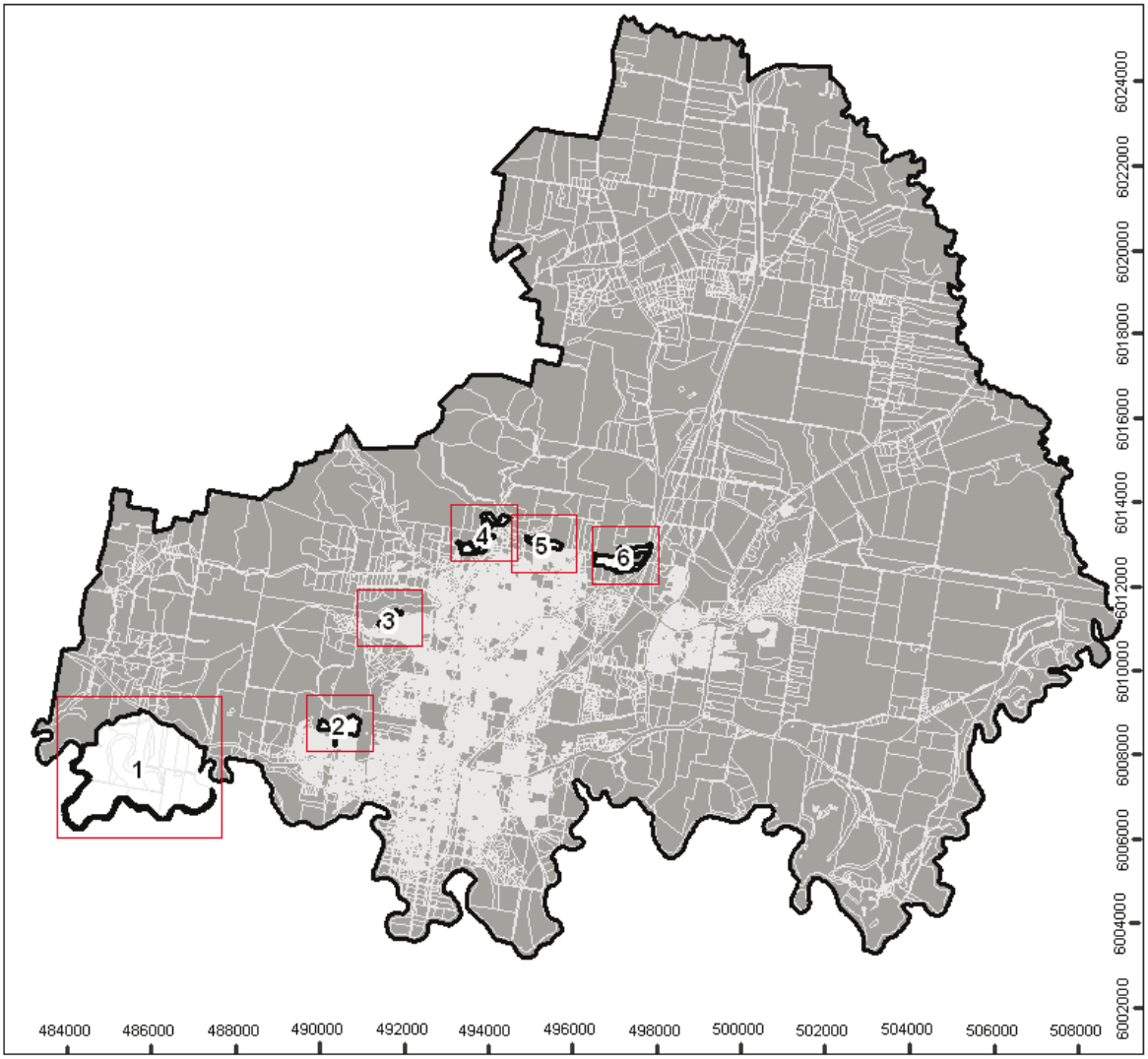
FRANK SARTOR MP
Minister for Climate Change and the Environment

SCHEDULE 1

Condition of Biodiversity Certification

Biodiversity Certification of the Albury Local Environmental Plan 2010 is limited to the area identified as the Biodiversity Certification Area on the following seven maps titled:

1. "Albury City Council Biodiversity Certification Area"
2. "Map 1 – Areas excluded from Biodiversity Certification"
3. "Map 2 – Areas excluded from Biodiversity Certification"
4. "Map 3 – Areas excluded from Biodiversity Certification"
5. "Map 4 – Areas excluded from Biodiversity Certification"
6. "Map 5 – Areas excluded from Biodiversity Certification"
7. "Map 6 – Areas excluded from Biodiversity Certification"



Albury City Council Biodiversity Certification Area

Detailed maps of areas excluded from biodiversity certification

Cadastre May 2010 © Land & Property Management Authority

Biodiversity Certification Area

Transverse Mercator Projection
Horizontal Datum: Geographic Datum of Australia 1994
Tick marks on edges of map are of 2 km intervals of the
Australian Map Grid, Zone 55

0 10 Kilometres

N



Map 1 - Areas excluded from Biodiversity Certification

Detailed maps of areas excluded from biodiversity certification

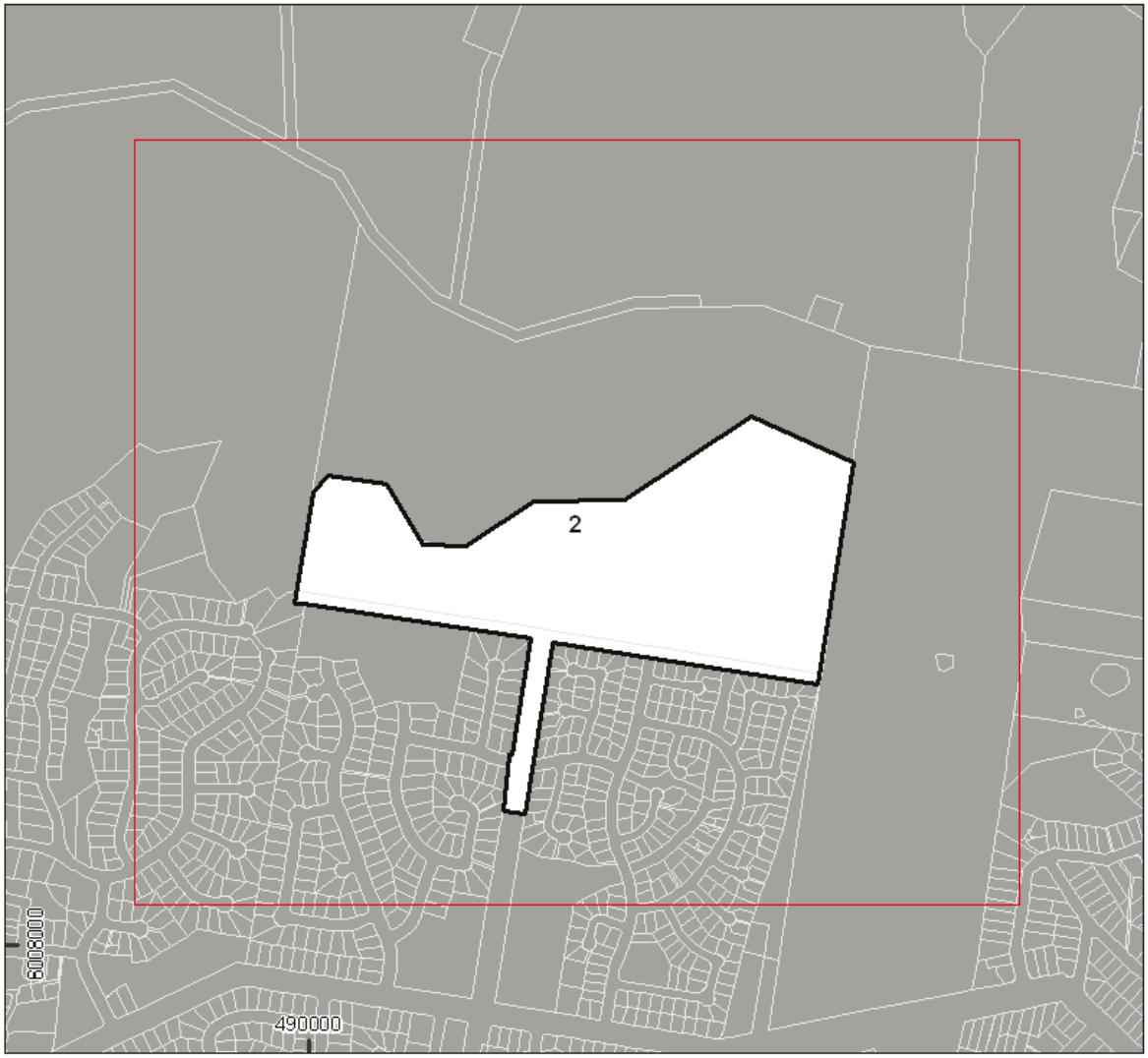
Cadastre May 2010 © Land & Property Management Authority

Biodiversity Certification Area

Transverse Mercator Projection
Horizontal Datum: Geographic Datum of Australia 1994
Tick marks on edges of map are of 5 km intervals of the
Australian Map Grid, Zone 55

0 2 Kilometres

N



Map 2 - Areas excluded from Biodiversity Certification

Detailed maps of areas excluded from biodiversity certification

Cadastre May 2010 © Land & Property Management Authority

Biodiversity Certification Area

Transverse Mercator Projection
Horizontal Datum: Geographic Datum of Australia 1994
Tick marks on edges of map are of 2 km intervals of the
Australian Map Grid, Zone 55

0 1 Kilometres

N



Map 3 - Areas excluded from Biodiversity Certification

Detailed maps of areas excluded from biodiversity certification

Cadastre May 2010 © Land & Property Management Authority

Biodiversity Certification Area

Transverse Mercator Projection
Horizontal Datum: Geographic Datum of Australia 1994
Tick marks on edges of map are of 2 km intervals of the
Australian Map Grid, Zone 55

0 1 Kilometres

N



Map 4 - Areas excluded from Biodiversity Certification

Detailed maps of areas excluded from biodiversity certification

Cadastre May 2010 © Land & Property Management Authority

Biodiversity Certification Area

Transverse Mercator Projection
Horizontal Datum: Geographic Datum of Australia 1994
Tick marks on edges of map are of 2 km intervals of the
Australian Map Grid, Zone 55

0 1 Kilometres

N



Map 5 - Areas excluded from Biodiversity Certification

Detailed maps of areas excluded from biodiversity certification

Cadastre May 2010 © Land & Property Management Authority

Biodiversity Certification Area

Transverse Mercator Projection
Horizontal Datum: Geographic Datum of Australia 1994
Tick marks on edges of map are of 2 km intervals of the
Australian Map Grid, Zone 55

0 1 Kilometres

N



Map 6 - Areas excluded from Biodiversity Certification

Detailed maps of areas excluded from biodiversity certification

Cadastre May 2010 © Land & Property Management Authority

Biodiversity Certification Area

Transverse Mercator Projection
Horizontal Datum: Geographic Datum of Australia 1994
Tick marks on edges of map are of 2 km intervals of the
Australian Map Grid, Zone 55

0 1 Kilometres

N

SCHEDULE 2

Other measures relevant to biodiversity certification

The following sets out the other relevant measures to be taken, that in addition to the Albury Local Environmental Plan 2010, will lead to the overall improvement and maintenance of biodiversity values:

1. Albury City Council will, within 12 months of the date of gazettal of this order, adopt and implement amendments to the Albury Development Control Plan 2010 (Albury DCP) to the following effect:

   (a) amend the aims of the Albury DCP so that the final dot point of Clause 1.5 reads:

   "Preserve areas of environmental significance, through the promotion of Ecologically Sustainable Development and biodiversity measures, and the implementation of the Thurgoona Threatened Species Conservation Strategy 2004, and Albury Ranges Threatened Species Conservation Strategy 2006, and the Hamilton Valley Strategy 2002".

   (b) insert as an additional Matter For Consideration in Clause 8.2:

   Whether the proposed development is consistent with the Thurgoona Threatened Species Conservation Strategy 2004, the Albury Ranges Threatened Species Conservation Strategy 2006 or the Hamilton Valley Strategy 2002.

   (c) insert the following control within Clause 8.3.7:

   Asset Protection Zones for residential developments in zones adjoining E2 or E3 zones under the LEP must not be located within those E2 and E3 Zones. Exceptions to this provision are shown in Figure 1. For other developments in zones adjoining E2 or E3 zones, bushfire protection measures will be in accordance with the policies and guidelines of the Rural Fire Service set out in document "Planning for Bushfire Protection" (as in force from time to time).

   Note: Figure 1 does not assume that LPMA as landowner have consented to this APZ.

   (d) insert the following controls into Clauses 8.3.7 and 8.4.1:

   The building envelopes and their associated Asset Protection Zone should be sited to avoid impacts on mature trees, and to avoid and minimise impacts on native vegetation generally.

   (e) insert the following controls into Clauses 10.3.1 and 10.4.2 :

   Asset Protection Zones for development in this zone must not extend into any neighbouring E2 or E3 zones, but must be fully located within the Residential zone. Exceptions to this provision are shown in Figure 1.

   Note: Figure 1 is included as Attachment 1 to this Order.

2. Albury City Council must, within 12 months of the date of gazettal of this order, develop and implement a Biodiversity Strategy for all lands owned or managed by Albury City Council including road reserves. The Strategy must include a map of Significant Environmental Areas (including areas of high conservation value as defined in the Albury Ranges and Thurgoona Threatened Species Conservation Strategies), and associated Standard Operating Procedures to be implemented by Council or their contractors that ensure these areas are protected and, where appropriate, enhanced.

3. Albury Wodonga Corporation must transfer the remaining conservation lands shown in Figure 2 of this Order to the State of New South Wales, and must make the provision of funds to manage those lands to the Crown Lands Reserve Trust, in accordance with the Deed of Transfer between those organisations dated 25 March 2008. The transfer of lands and funds under this Deed has substantially commenced and must be completed within 24 months of the date of gazettal of this order.

4. Land and Property Management Authority must publicly exhibit draft Plans of Management in accordance with Part 5 of the Crown Lands Act 1989 in respect of all lands transferred to it under the Deed of Transfer referred to in Measure 3 above within 12 months of the date of gazettal of this order.



Figure 1 - Map of Mitchell Park Estate, showing areas where Asset Protection Zones are permitted within the lands zoned as E3

Cadastre May 2010 © Land & Property Management Authority

Areas where the Asset Protection Zone is permitted within the Lands zoned as E3

Transverse Mercator Projection
Horizontal Datum: Geographic Datum of Australia 1994
Tick marks on edges of map are of 2 km intervals of the Australian Map Grid, Zone 55

0 1 Kilometres

N

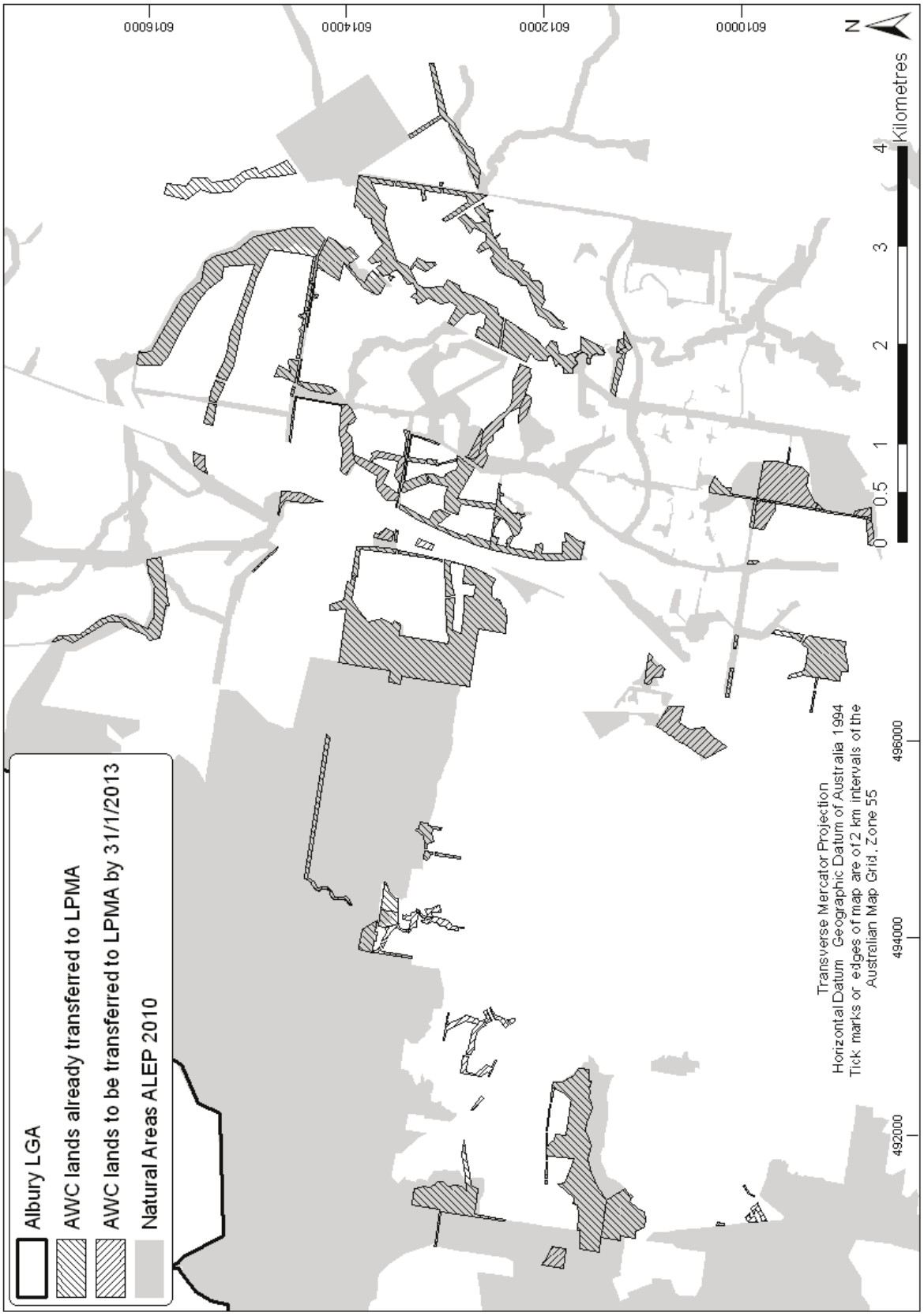


Figure 2 – Lands to be transferred from the Albury Wodonga Corporation (AWC) to the Land and Property Management Authority (LPMA)

THREATENED SPECIES CONSERVATION (BIODIVERSITY CERTIFICATION ASSESSMENT METHODOLOGY) ORDER 2011

under the

Threatened Species Conservation Act 1995

I, Frank Sartor, Minister for Climate Change and the Environment, in pursuance of section 126S(1) of the Threatened Species Conservation Act 1995, make the following Order.

Date: 14 February 2011.

FRANK SARTOR, M.P.
Minister for Climate Change and the Environment

Explanatory Note

The object of this Order is to provide for the establishment of the Biodiversity Certification Assessment Methodology. The Biodiversity Certification Assessment Methodology establishes rules with respect to the circumstances in which biodiversity certification is to be regarded as improving or maintaining biodiversity values.

The methodology will be used to assess:

(a) the loss of biodiversity values on land proposed for biodiversity certification

(b) the impact, or likely impact, of proposed conservation measures on land proposed for biodiversity conservation (including conservation measures that are proposed to be implemented in the future).

This Order is made under section 126S (1) of the Threatened Species Conservation Act 1995.

Threatened Species Conservation (Biodiversity Certification Assessment Methodology) Order 2011

under the

Threatened Species Conservation Act 1995

1. Name of Order

This order is the Threatened Species Conservation (Biodiversity Certification Assessment Methodology) Order 2011.

2. Biodiversity Certification Assessment Methodology

(1) Pursuant to section 126S (1) of the Threatened Species Conservation Act 1995, the rules establishing the matters specified in section 126S of that Act are set out in Schedule 1 to this Order.

(2) The rules referred to in subclause (1) are to be known as the Biodiversity Certification Assessment Methodology.

SCHEDULE 1

Biodiversity Certification Assessment Methodology



Biodiversity Certification Assessment Methodology

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1 Introduction

The biodiversity certification scheme is established under Part 7AA of the *Threatened Species Conservation Act 1995* (TSC Act). The Minister may confer biodiversity certification on land if satisfied that biodiversity certification will improve or maintain biodiversity values.

A central element to biodiversity certification is the establishment of the Biodiversity Certification Assessment Methodology (the methodology) under section 126S of the TSC Act. The methodology is made by order of the Minister for Climate Change and the Environment and published in the *NSW Government Gazette.*

The methodology is used to determine whether biodiversity certification will improve or maintain biodiversity values. In sum, the methodology assesses the loss of biodiversity values on land proposed for biodiversity certification and the impact, or likely impact, of proposed conservation measures on land proposed for biodiversity conservation (including conservation measures that are proposed to be implemented in the future).

For the purposes of the TSC Act, biodiversity values include (but are not limited to) threatened species, threatened populations and threatened ecological communities, and their habitats. This definition does not include fish or marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*, unless that fish or marine vegetation has been the subject of an order under section 5A of the TSC Act.

An application for biodiversity certification, prepared by a planning authority, contains the particulars of the applicant's biodiversity certification strategy. In order for biodiversity certification to be conferred on land, the application for biodiversity certification must demonstrate that the conferral of biodiversity certification will improve or maintain biodiversity values, in accordance with the rules established under the methodology.

Accordingly, the application sets out how the proposed conservation measures will be implemented to ensure that the overall outcome of biodiversity certification is to improve or maintain biodiversity values. The application for biodiversity certification also identifies the land that is proposed for biodiversity certification, the proposed conservation measures and the parties required to implement the conservation measures.

The various sections of the methodology (as outlined below), assess the biodiversity values within a biodiversity certification assessment area. The methodology describes the process for measuring the impacts that result from removing native vegetation, threatened species habitat and threatened species that are on land where biodiversity certification is conferred. The methodology also establishes the conservation measures that may be regarded as improving biodiversity values and sets out how and when different conservation measures may be applied to offset losses of biodiversity values on land subject to biodiversity certification.

Outline of the methodology

Section 2 of the methodology establishes the circumstances in which conferring biodiversity certification on land is to be regarded as improving or maintaining biodiversity values. This includes circumstances where the impact of conferring

biodiversity certification is offset by the gain in biodiversity values through undertaking conservation-based management of other land. The section also includes criteria to identify areas of land in the biodiversity certification assessment area that are regarded as having high biodiversity conservation value. These are referred to in the methodology as red flag areas.

In section 3, the methodology sets out how general biodiversity values are assessed and measured in a biodiversity certification assessment area. This includes the requirements for surveying and mapping native vegetation, measuring condition and measuring loss of biodiversity values from the impacts of conferral of biodiversity certification on land and the improvement in general biodiversity values on land subject to a conservation measure.

After completing section 3, the application for biodiversity certification will have identified and mapped the native vegetation types in the biodiversity certification assessment area, identified any red flag areas and measured the losses and improvements of general biodiversity values as a result of conferring biodiversity certification.

In section 4, the methodology sets out how biodiversity values for threatened species are assessed and measured in a biodiversity certification assessment area. This section identifies which species require ecosystem credits or species credits, how the credit profile is established for an ecosystem or species credit and steps out the habitat assessment and threatened species survey requirements. This includes threatened species that are listed under the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth) (EPBC Act).

After completing section 4, the application for biodiversity certification will have identified the threatened species that are to be assessed on land proposed for biodiversity certification or on land subject to a conservation measure and identified any areas of threatened species habitat that are red flag areas.

Other matters of national environmental significance listed on the EPBC Act that are assessed by the methodology are identified in section 5. This includes Ramsar wetlands, migratory birds, and the biodiversity values of places of National Heritage and World Heritage properties. This section is only required to be included in an application for biodiversity certification where a Strategic Assessment is sought.

In section 6, the methodology sets out the requirements for assessing the indirect impacts on biodiversity values from the conferral of biodiversity certification on land. After completing section 6, the application for biodiversity certification will include proposed conservation measures that are used to mitigate any indirect impacts on biodiversity values from development following the conferral of biodiversity certification.

In section 7, the methodology establishes the rules for calculating the number and type of ecosystem credits and species credits that are required in relation to loss of biodiversity values on the land proposed for biodiversity certification. Following the completion of section 7, the application for biodiversity certification will have determined the offset that is required to ensure that the application for biodiversity certification can improve or maintain biodiversity values. This includes identifying the amount and type of vegetation and threatened species habitat required for the offset.

Section 8 of the methodology establishes the rules for calculating the number and type of ecosystem credits and species credits for biodiversity certification that can be

generated for the range of proposed conservation measures in the biodiversity certification assessment area. This includes the minimum management standards required by the Director General for the land proposed for biodiversity conservation via conservation measures to be used to offset the impacts of the conferral of biodiversity certification on land.

Following the completion of section 8, the application for biodiversity certification will have calculated the amount of offset that is generated from the proposed conservation measures within the biodiversity certification assessment area. At this point, the applicant will be able to determine whether additional offsets are required outside the biodiversity certification assessment area in order for the conferral of certification to improve or maintain biodiversity values.

Section 9 of the methodology sets out the rules for obtaining biodiversity credits outside the biodiversity certification assessment area for circumstances where there are insufficient offsets available within the biodiversity certification assessment area. This includes the use of a financial contribution or an environmental levy that is used to fund conservation measures that improve biodiversity values.

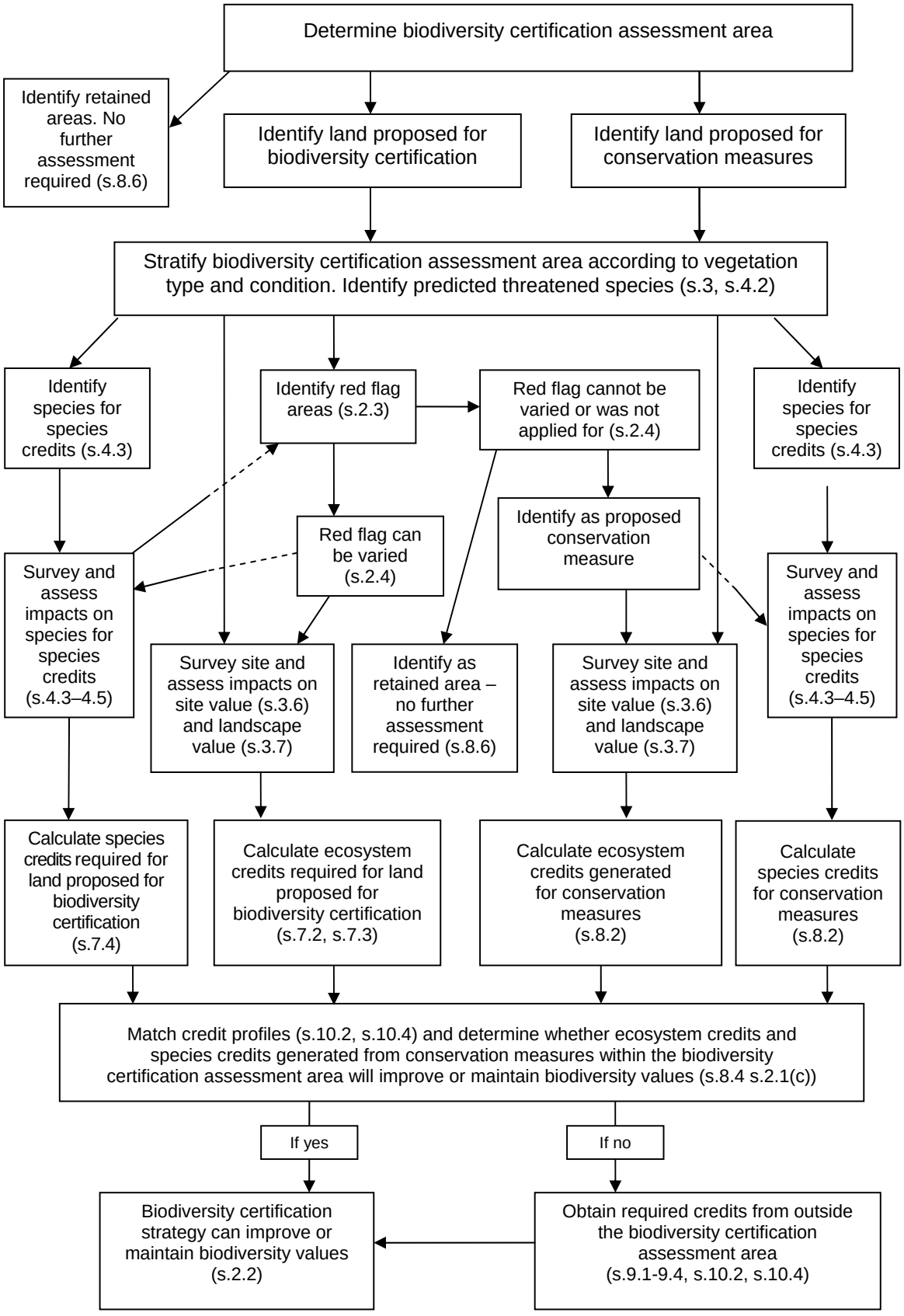
Section 10 sets out how ecosystem credits and species credits generated through proposed conservation measures can be used to match the ecosystem credit and species credit requirements of land proposed for certification using the credit profile for the credits.

A glossary of technical terms is included at the end of the methodology. Words and phrases used in the methodology have the same meaning as in the TSC Act.

A schematic overview of the methodology is provided in Figure 1 to help the user follow the assessment process required for an application for biodiversity certification. By following the methodology, and the accompanying *Biodiversity Certification Operational Manual*, applicants for biodiversity certification will be able to develop an application for biodiversity certification that can be exhibited and submitted to the Minister for consideration.

As set out in section 5 of the methodology, the information contained in an application for biodiversity certification, including the biodiversity conservation strategy, may also be used to support an application to the Department of Sustainability, Environment, Water, Populations and Communities (SEWPAC) where ‘strategic assessment’ is sought under the provisions of the EPBC Act.

Figure 1 Schematic overview of the biodiversity assessment methodology



2 Improve or maintain biodiversity values

2.1 Application of the assessment methodology

For the purpose of preparing an application for biodiversity certification, the application of the methodology to the biodiversity certification strategy must be made by a person accredited under section 142B of the TSC Act.

2.2 Conferral of biodiversity certification improves or maintains biodiversity values

Under the TSC Act, biodiversity certification may only be conferred on land where the Minister makes a determination, on the basis of a biodiversity certification assessment made in accordance with the methodology, that the conferral of biodiversity certification will improve or maintain biodiversity values. The methodology establishes the circumstances where biodiversity certification of the land is to be regarded as improving or maintaining biodiversity values.

Biodiversity values are to be regarded as being improved or maintained (as shown in the application for biodiversity certification) if:

a) the conferral of biodiversity certification on land does not directly impact on biodiversity values in a red flag area that is on land where certification is conferred

OR

b) the conferral of biodiversity certification on land does directly impact on biodiversity values in a red flag area but the Director General is satisfied, having considered the criteria in section 2.4, that impacts on the red flag area may be offset in accordance with the rules and requirements set out in section 10 of the methodology

AND

c) the direct impacts on the biodiversity values of land to which biodiversity certification is conferred are offset in accordance with the rules and requirements set out in section 10 of the methodology

AND

d) the Director General is satisfied that any indirect impacts on the biodiversity values of land to which biodiversity certification is conferred are appropriately minimised in accordance with section 6 of the methodology.

Evidence that the Director General is satisfied as to the matters set out under paragraphs (b) and (d) above will be submitted to the Minister with the application for biodiversity certification for a determination as to whether biodiversity certification improves or maintains biodiversity values.

2.3 Definition of red flag areas

A red flag area is an area regarded as having high biodiversity conservation values. An area of land is regarded as a red flag area if it contains one or more of the following:

a) a vegetation type that is greater than 70% cleared as listed in the Vegetation Types Database (that is, has 30% or less remaining of its estimated distribution in the catchment management authority (CMA) area before the year 1750), and the vegetation is not in low condition as defined in Box 1 below

b) a critically endangered or endangered ecological community listed under the TSC Act or EPBC Act, and the vegetation is not in low condition as defined in Box 1 below

c) one or more threatened species identified in the Threatened Species Profile Database that cannot withstand further loss in the CMA area because of one or both of the following:

- the species is naturally very rare, is critically endangered, has few populations or a restricted distribution
- the species or its habitat needs are poorly known

d) areas of vegetation recognised as having regional or state biodiversity conservation significance. These areas are:

- land that is mapped or defined as a state or regional biodiversity link in accordance with section 3.7.2 of the methodology
- a riparian buffer 40 m either side of a major river on the coast and tablelands or 100 m either side of a major river on the western slopes and plains
- a riparian buffer 30 m either side of a minor river or major creek on the coast and tablelands or 60 m either side of a minor river or major creek on the western slopes and plains
- a riparian buffer 20 m either side of a minor creek on the coast and tablelands or 40 m either side of a minor creek on the western slopes and plains
- areas listed as a SEPP 14 wetland.

Note: The definition of rivers and creeks is as defined in Appendix 1.

Box 1 Vegetation in low condition

Vegetation in low condition means:

a) woody native vegetation with native over-storey percent foliage cover less than 50% of the lower value of the over-storey percent foliage cover benchmark for that vegetation type, and where either:

- less than 50% of ground cover vegetation is indigenous species, or
- greater than 90% of ground cover vegetation is cleared

OR

b) native grassland, wetland or herbfield where either:

- less than 50% of ground cover vegetation is indigenous species, or
- more than 90% of ground cover vegetation is cleared

OR

c) native vegetation with a site value score of 34 or lower as determined by Equation 1 in section 3.6.2.

If native vegetation is not in low condition, it is in moderate to good condition. The percentages for the ground cover calculations must be made in a season when the proportion of native ground cover vegetation compared to non-native ground cover vegetation in the area is likely to be at its maximum.

NOTE: Clearing the habitat of threatened species, populations or communities for the purposes of reducing its condition prior to assessment under the methodology may be a breach of environmental legislation, including sections 118A and 118D of the *National Parks and Wildlife Act 1974* (NPW Act), the *Native Vegetation Act 2003* (NV Act) and/or the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2.4 Determining that impacts on red flag areas may be offset

Where biodiversity certification is proposed to be conferred on land that is, or forms part of, a red flag area, the Director General may, in certain circumstances, decide that the impacts of certification on the red flag area may be offset in accordance with the rules and requirements in section 10 of this methodology.

In order for the Director General to be satisfied that the impacts on a red flag area are able to be offset, each of the criteria set out in sections 2.4.1 to 2.4.4 (where relevant) must be met.

Accordingly, the application for biodiversity certification must address the criteria set out in sections 2.4.1 to 2.4.4, including:

- section 2.4.2 where the red flag area contains a vegetation type which is greater than 70% cleared or is a critically endangered or endangered ecological community

- section 2.4.3 where the red flag area contains habitat for a threatened species that cannot withstand further loss in the CMA area
- section 2.4.4 where the red flag area includes land with regional or state biodiversity conservation significance.

2.4.1 Feasibility of options to avoid impacts on red flag area(s) where biodiversity certification is conferred

The Director General must be satisfied that the feasibility of options to avoid impacts on red flag areas has been considered in the application for biodiversity certification. An application for biodiversity certification can address this requirement by demonstrating that:

a) all reasonable measures have been taken to avoid adverse impacts on the red flag areas and to reduce impacts of development on vegetation remaining within the biodiversity certification area

b) appropriate conservation management arrangements cannot be established over the red flag area given its current ownership, status under a regional plan and zoning and the likely costs of future management.

In addressing the criteria for a), the application for biodiversity certification may include information that demonstrates:

- how the subdivision design, (including the configuration of lots, minimum lot sizes and/or options for lot averaging and lot clustering) have been used to avoid and minimise impacts on red flag areas
- how the spatial distribution, configuration, size of patches and connectedness of the red flag areas proposed for conservation measures within the biodiversity certification assessment area have minimised the overall impacts of conferring biodiversity certification on the red flag areas.

2.4.2 Additional assessment criteria for vegetation types

Where the red flag area contains a vegetation type that is greater than 70% cleared as listed in the Vegetation Types Database or is a critically endangered or endangered ecological community as defined in section 2.3 of the methodology, the application for biodiversity certification must demonstrate that:

- viability of the red flag area is low or not viable in accordance with section 2.4.2.1
- the contribution to regional biodiversity values of the red flag area is low in accordance with section 2.4.2.2.

2.4.2.1 Viability must be low or not viable

The application for biodiversity certification must demonstrate to the satisfaction of the Director General that the viability of biodiversity values in the red flag area is low or not viable.

For the purpose of the methodology, viability is defined as the ability of biodiversity values at a site to persist for many generations or long time periods. The ecological viability of a site and its biodiversity values depend on its:

- condition
- the area of the patch of native vegetation and its isolation
- current or proposed tenure and zoning under any relevant planning instrument
- current and proposed surrounding land use
- whether mechanisms and funds are available to manage low viability sites such that their viability is improved over time.

In making an assessment that the viability of biodiversity values in the red flag area is low or not viable, the Director General must be satisfied that one of the following factors applies:

a) The current or future uses of land surrounding the red flag area where biodiversity certification is to be conferred reduce its viability or make it unviable. Relatively small areas of native vegetation surrounded or largely surrounded by intense land uses, such as urban development, can be unviable or have low viability because of disturbances from urbanisation, including edge effects.

b) The size and connectedness of the vegetation in the red flag area where biodiversity certification is to be conferred to other native vegetation is insufficient to maintain its viability. Relatively small areas of isolated native vegetation can be unviable or have low viability.

c) The condition of native vegetation in the red flag area where biodiversity certification is to be conferred is substantially degraded, resulting in loss of or reduced viability. Native vegetation in degraded condition can be unviable or have low viability. 'Degraded condition' means substantially outside benchmark for many of the vegetation condition variables as listed in Table 1 of the methodology (s.3.6.2), without the vegetation meeting the definition of low condition set out in section 2.3. Vegetation that is substantially outside benchmark due to a recent disturbance such as a fire, flood or prolonged drought is not considered degraded for the purposes of the methodology.

d) The area of a vegetation type in a red flag area on land where biodiversity certification is conferred is minor relative to the area containing that vegetation type on land subject to proposed conservation measures.

2.4.2.2 Contribution of the red flag area to regional biodiversity values is low

The application for biodiversity certification must demonstrate to the satisfaction of the Director General that the red flag area on land proposed for biodiversity certification makes a low contribution to regional biodiversity values.

In making an assessment that the contribution of the red flag area to regional biodiversity values is low, the Director General must consider the following factors for each vegetation type or critically endangered or endangered ecological community regarded as a red flag area:

a) **relative abundance**: that the vegetation type or critically endangered or endangered ecological community comprising the red flag area is relatively abundant in the region

b) **percent remaining is high**: that the percent remaining of the vegetation type or critically endangered or endangered ecological community comprising the red flag area is relatively high in the region

c) **percent native vegetation (by area) remaining is high**: that the percent remaining of all native vegetation cover in the region is relatively high.

'Region' for the purposes of section 2.4.2.2 means the CMA subregion in which the red flag area is located and any adjoining CMA subregions.

2.4.3 Additional assessment criteria for threatened species that cannot withstand further loss

Where the red flag area contains a threatened species that cannot withstand further loss as defined in section 2.3 of the methodology, the application for biodiversity certification must demonstrate to the satisfaction of the Director General that:

- the viability of the red flag area must be low or not viable in accordance with section 2.4.3.1
- the contribution to regional biodiversity values of the red flag area is low in accordance with section 2.4.3.2.

2.4.3.1 Viability must be low or not viable

The application for biodiversity certification must demonstrate to the satisfaction of the Director General that the viability of biodiversity values in the red flag area is low or not viable.

For the purpose of the methodology, viability is defined as the ability of biodiversity values at a site to persist for many generations or long time periods. The ecological viability of a site and its biodiversity values depend on its:

- condition
- the area of the patch of native vegetation and its isolation
- current or proposed tenure and zoning under any relevant planning instrument
- current and proposed surrounding land use
- whether mechanisms and funds are available to manage low viability sites such that their viability is improved over time.

In making an assessment that the viability of biodiversity values in the red flag area is low or not viable, the Director General must be satisfied that one of the following factors applies:

a) The current or future uses of land surrounding the red flag area reduce its viability or make it unviable. Relatively small areas of threatened species habitat surrounded or largely surrounded by intense land uses, such as urban development, can be unviable or have low viability because of disturbances from urbanisation, including edge effects.

b) The size and connectedness of vegetation in the red flag area to other native vegetation is insufficient to maintain its viability. Relatively small areas of isolated threatened species habitat can be unviable or have low viability.

c) The condition of native vegetation in the red flag area is substantially degraded resulting in loss of or reduced viability. Native vegetation in degraded condition can be unviable or have low viability. 'Degraded condition' means substantially outside benchmark for many of the vegetation condition variables as listed in Table 1 of the methodology (s.3.6.2), without the vegetation meeting the definition of low condition set out in section 2.3. Vegetation that is substantially outside benchmark due to a recent disturbance such as a fire, flood or prolonged drought is not considered degraded for the purposes of the methodology.

d) The area of a red flag area containing a threatened species on land where biodiversity certification is conferred is minor relative to the area containing that threatened species on land subject to proposed conservation measures.

2.4.3.2 Contribution to regional biodiversity values is low

The application for biodiversity certification must demonstrate that the threatened species habitat in a red flag area makes a low contribution to regional biodiversity values.

In making an assessment that the contribution of the red flag area to regional biodiversity values for the species is low, the Director General must be satisfied that the relative abundance of the individual threatened species, threatened population or threatened species habitat on the land proposed for biodiversity certification is low relative to its abundance in the region.

'Region' for the purposes of section 2.4.3.2 means the CMA subregion in which the red flag area is located and any adjoining CMA subregions.

2.4.4 Additional assessment criteria for areas with regional or state biodiversity conservation significance

Where the red flag area has regional or state biodiversity conservation significance as defined in section 2.3 of the methodology, the application for biodiversity certification must demonstrate that conferring biodiversity certification on the red flag area:

a) will not substantially reduce the width of a riparian buffer with regional or state biodiversity significance, or

b) will not substantially impact on the ecosystem functioning of a state biodiversity link or a regional biodiversity link. This includes considering whether the impacts of conferring biodiversity certification will substantially reduce the migration, colonisation and interbreeding of plants and animals between two or more larger areas of habitat, and

c) will not significantly impact on the water quality of a major river, minor river, major creek, minor creek or a listed SEPP 14 wetland.

3 Assessment and measurement of general biodiversity values

This section describes how general biodiversity values are assessed and measured in the biodiversity certification assessment area to determine whether the conferral of biodiversity certification on land, as demonstrated in the application for biodiversity certification, improves or maintains biodiversity values.

General biodiversity values are assessed for the conservation significance of native vegetation types, condition and the spatial configuration of native vegetation including connectivity and the extent of native vegetation cover in the biodiversity certification assessment area. The assessment of general biodiversity values includes measuring the loss of biodiversity values as a result of the conferral of biodiversity certification on land and measuring the gain in biodiversity values as a result of proposed conservation measures.

The assessment and measurement of biodiversity values of threatened species in a biodiversity certification assessment area is described in section 4.

3.1 Use of pre-existing mapping, data, studies and information

Existing data or information in ecological reports, previous survey data, species records and spatial data relevant to the assessment area may be used to apply the methodology in an application for biodiversity certification.

3.2 Native vegetation extent

All areas of native vegetation within the biodiversity certification assessment area must be mapped, based on digital aerial photography (ADS-40 imagery) or the best available imagery of the biodiversity certification assessment area. This includes the land proposed for biodiversity certification and areas which are proposed to be the subject of conservation measures and used as an offset in the biodiversity certification assessment area.

The following information must be mapped on the aerial image:

- extent of native vegetation showing the distribution of vegetation types
- vegetation zones
- CMA subregion in which the land proposed for biodiversity certification is located, or where most of the land proposed for biodiversity certification is located
- Mitchell Landscape in which the land proposed for biodiversity certification is located, or where most of the land proposed for biodiversity certification is located.

3.3 Assessing vegetation type and condition

Vegetation types are used as surrogates for assessing general ecosystem biodiversity values. A vegetation type is classified within a vegetation class, which in turn is classified within a vegetation formation.

There are approximately 1600 vegetation types, 99 vegetation classes, and 12 vegetation formations in New South Wales. The information on each vegetation type is contained within the Vegetation Types Database. This database is held by the Department of Environment, Climate Change and Water NSW (DECCW) and is publicly available on the DECCW website.

The Vegetation Types Database contains:

- a description of each vegetation type, its class and formation
- the CMA area in which the vegetation type occurs
- the percent cleared value of the vegetation type within each CMA area in which it occurs.

Some of the vegetation types contained in the Vegetation Types Database are derived or secondary vegetation communities (that is, the vegetation types have been modified substantially since 1750). Derived vegetation types must only be selected where the original vegetation type cannot be determined. Where the original vegetation type cannot be determined, the derived vegetation must be assessed against the most likely original vegetation type(s), or a benchmark for the class of the vegetation type(s).

The Vegetation Benchmarks Database identifies the range of quantitative measures that represent the benchmark condition for the vegetation type. This database is held by DECCW and is publicly available.

Benchmarks are quantitative measures that describe the range of variability in condition in vegetation with relatively little evidence of alteration, disturbance or modification by humans since European settlement (post 1750). Benchmarks are described for specified attributes by vegetation community. Vegetation with relatively little evidence of modification generally has minimal timber harvesting (few stumps, coppicing, cut logs), minimal firewood collection, minimal exotic weed cover, minimal grazing and trampling by introduced, or over-abundant native, herbivores, minimal soil disturbance, minimal canopy dieback, no evidence of recent fire or flood, is not subject to high frequency burning, and shows evidence of recruitment of native species.

Vegetation that is substantially outside benchmark due to a recent disturbance such as a fire or flood or a prolonged drought is not considered as degraded for the purposes of the methodology. Vegetation that has been recently disturbed, or is regenerating after an event such as fire or flood, must be assessed on an equivalent site that is not disturbed in these ways. The equivalent, undisturbed site must be approved by the Director General.

3.4 Use of certified local data

The Director General may certify that more appropriate local data can be used instead of the data in the Vegetation Types Database, Vegetation Benchmarks Database and the Threatened Species Profile Database. Local data may be used if the Director-General is of the opinion that the data more accurately reflects local environmental conditions. In certifying the use of local data, the Director General must provide reasons for this opinion.

Benchmark data that more accurately reflect the local environmental conditions for a vegetation type may be collected from local reference sites, or obtained from relevant published sources using the procedures set out in Appendix 2.

The certified local data can then be used in applying the methodology in accordance with any procedures outlined in the *Biodiversity Certification Operational Manual*.

3.5 Identifying vegetation zones

Prior to assessment of impact and any on-ground survey, the biodiversity certification assessment area must be divided into vegetation zones, using a digital image (such as ADS-40) or the best available aerial imagery.

Vegetation zones are delineated by identifying a vegetation type and broad condition to assess the site value (condition) of the vegetation and to survey for threatened species. Stratification of the biodiversity certification assessment area into vegetation zones must be consistent with the procedures set out in Appendix 3.

Information on vegetation type and condition is derived by interpreting digital aerial photography (ADS-40 imagery), or the best available image and any pre-existing information relevant to the biodiversity certification assessment area. Existing information on vegetation survey and mapping may also be used, particularly to inform the condition of groundcover. Visual interpretation of the aerial image must be consistent with the conditions for visual interpretation set out in Appendix 3.

The identification of vegetation type and its distribution within the biodiversity certification assessment area based on visual interpretation of an aerial image or from existing information on vegetation survey and mapping must be confirmed through on-ground assessment in accordance with the procedures set out in Appendix 3.

On-ground assessment of native vegetation is required to:

- confirm the vegetation types and the extent of vegetation types in the biodiversity certification assessment area
- collect plot/transect data to establish the site value of vegetation in accordance with section 3.6 of the methodology.

Areas of non-contiguous vegetation may be combined into a single vegetation zone where they are the same vegetation type and in similar condition.

Where the biodiversity certification assessment area extends across the border of one or more CMA subregions, the data from the Threatened Species Profile Database of the CMA subregion that contains the majority of the land proposed for biodiversity certification should be used.

The application for biodiversity certification must identify wherever a vegetation type resembles the definition of a critically endangered or endangered ecological community listed under the TSC Act or EPBC Act.

Where the extent of native vegetation within an assessment area has changed since the satellite or ortho-rectified aerial image was made, and the clearing was approved or permitted, vegetation zones are to be amended or deleted to reflect the current situation, based on a current field survey.

Note: Vegetation zones as identified under this section are later attributed with a credit profile in accordance with sections 10.1 and 10.2 of the methodology.

3.6 Assessment of site value

Site value is the quantitative measure of the condition of native vegetation and it is assessed for each vegetation zone. The site value of each vegetation zone is determined by data collected from plot and transect surveys of native vegetation in the biodiversity certification assessment area.

3.6.1 Plot and transect surveys

Plot and transect surveys are to be used to provide quantitative measures of 10 condition attributes in each vegetation zone. The 10 condition attributes listed in Table 1 are assessed to calculate the number of ecosystem credits that are required for a biodiversity certification assessment area.

Line transects must be used to assess the condition attributes that are measured by percent foliage cover. Other condition attributes are assessed by plots. The plot and transect surveys are to be conducted in the vegetation zone to sample vegetation condition. Regeneration is to be assessed for the entire vegetation zone.

The level of survey effort across the vegetation zone must be consistent with the practice of random stratified sampling as described in Appendix 3. This generally means that the number of plots and transects should account for the variation in condition that occurs in the vegetation zone, to achieve a site value score that is representative of the condition of the vegetation zone.

Plots and transects must be established randomly, or stratified randomly within a vegetation zone, accounting for the level of variation of that vegetation zone by stratifying within the vegetation zone where required This may be done by marking points randomly on the imagery within the vegetation zone and establishing plots and transects at all or some of these points. Alternatively, plots and transects can be established by pacing a random distance into the vegetation zone. The survey data is to be collected from that point, with the process repeated elsewhere within the vegetation zone.

The minimum number of transects and plots that are required for each vegetation zone must be according to Table 11 in Appendix 3. If the condition of the vegetation is more variable across the zone, additional transects and plots to the number specified in Table 11 will be required to ensure a representative sample is taken for the vegetation zone.

Plot and transect surveys required for each vegetation zone must also be conducted in accordance with any procedures set out in the *Biodiversity Certification Operational Manual*.

3.6.2 Calculate the current site value score

The current site value score is determined for each vegetation zone from the plot and transect survey data collected for the vegetation zone. Ten site (condition) attributes are to be assessed against benchmark values to determine vegetation condition and the site value score.

The benchmark range is the range of numeric values identified in the Vegetation Benchmarks Database for each condition attribute for vegetation types, vegetation classes or collected from local reference sites or obtained from published sources.

The benchmark range is the quantitative measure of the range of variability in condition attributes for the vegetation type where there is relatively little evidence of modification by humans since European settlement (post 1750). Benchmark ranges must reflect the range of variability of the vegetation type with little modification since European settlement under conditions as local as possible.

The current condition attribute score is to be assigned as 0, 1, 2 or 3 as shown in Table 1. As shown in Equation 1, the condition attribute scores are weighted and summed, then converted to a current site value score out of 100. The same equation is used to determine the current site value score before certification and after certification.

Table 1: Scoring and weighting of the condition attributes

Condition attribute		Condition attribute score (see notes below)				Weighting for condition attribute score
		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 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 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 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 as percentage of total ground and mid-storey cover)	>66%	>33 – 66%	>5 – 33%	0–5%	5
h)	Number of trees with hollows	0 (unless benchmark includes 0)	>0 – <50% of benchmark	50 – <100% of benchmark	≥ benchmark	20
i)	Proportion of 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

Notes:
The term *within benchmark* means a measurement that is within (and including) the range of measurement identified as the benchmark for that vegetation type. The term < *benchmark* means a measurement that is less than the minimum measurement in the benchmark range. The term > *benchmark* means a measurement that is greater than the maximum measurement in the benchmark range.

Equation 1: Determining the current site value score for a vegetation zone in a biodiversity certification assessment area

$$SV_c = \frac{\left(\sum_{v=a}^{j}(a_v w_v) + 5\left((a_a a_g) + (a_b a_i) + (a_h a_j) + (a_c a_k)\right)\right) \times 100}{c}$$

where:

SV_c is the current site value score of the vegetation zone

a_v is the attribute score for the *v*th *condition attribute* (a–j) as defined in Table 1

a_k is equal to (a_d + a_e + a_f)/3, the average score for attributes d, e and f

w_v is the weighting for the *v*th *condition attribute* (a–j) as defined in Table 1

c is the maximum score that can be obtained given the attributes a–j that occur in the vegetation type (the maximum score varies depending on which attributes occur in the vegetation type under assessment).

If the lower benchmark value for any condition attribute is zero, and the measure of that attribute on the site is zero, then the condition attribute score of that attribute against the benchmark is 3. If the *only* benchmark value for any condition attribute is zero then the attribute is not included in the equation and c is scaled accordingly.

The multipliers for '*native over-storey cover x proportion of over-storey species occurring as regeneration*' and '*number of trees with hollows x total length of fallen logs*' may be omitted from Equation 1 (and c recalculated accordingly) for determining site value if the vegetation type is from one of the following vegetation formations: grasslands, heathlands, alpine complex, freshwater wetlands, saline wetlands or arid shrublands.

3.6.3 Calculate the change in site value on land proposed for biodiversity certification

The change in site value on land proposed for biodiversity certification measures the impact on biodiversity values that are expected to occur following development of that land.

The change in site value on land proposed for biodiversity certification is determined as the difference between the current site value score and the site value score following certification using Equation 2.

It is assumed that land proposed for biodiversity certification will be cleared for future development and it will not contain biodiversity values.

Equation 2: Change in site value score on land proposed for biodiversity certification

$$\Delta SV_{loss} = SV_{current} - SV_{future}$$

where:

ΔSV_{loss} is the change (loss) in the site value score of a vegetation zone on land proposed for biodiversity certification

$SV_{current}$ is the current site value score, as determined by Equation 1

SV_{future} is the future site value score (following certification), as determined by Equation 1.

3.6.4 Calculate the change in site value on land proposed for conservation measures

The change in site value on land proposed for conservation measures is based on the improvement in the condition of biodiversity values on that land following implementation of the management actions listed in section 8.3 of the methodology.

The change in site value is determined as the difference in the current site value score and the predicted future site value score. The future site value score is determined by increasing the current condition attribute scores by the extent of the predicted gain for the condition attribute, according to Table 2. Any increase to the extent of improvement set out in Table 2 is limited to the additional allowable increase in Appendix 4 and must be approved by the Director General.

Where essential services such as water, sewer, power and telecommunications are likely to be required in conservation areas, the extent of gain for the condition attribute may be zero or lower than the predicted gain according to Table 2. The extent of predicted gain for each condition attribute must be based on the impact of ongoing management required to maintain the essential services on biodiversity values. All efforts must be made to avoid and minimise the impact on biodiversity values from locating essential services on land subject to conservation measures.

Equation 3: Change in site value score on land proposed for conservation measures

$$\Delta SV_{gain} = SV_{future} - SV_{current}$$

where:

ΔSV_{gain} is the change (gain) in the site value score of a vegetation zone subject to the conservation measure

SV_{future} is the future site value score (after management actions), as determined by Equation 1

$SV_{current}$ is the current site value score, as determined by Equation 1.

The assessment of the current site value score ($SV_{current}$) may allow for permitted clearing activities when assessing the condition attributes for land to which the NV Act applies. This allowance applies to private land proposed for conservation measures set out in sections 8.2.1 and 8.2.2 and is limited to:

- scoring fallen logs as zero, as fallen logs may be collected for non-commercial firewood
- scoring native ground cover that comprises less than 50% indigenous species cover as zero, because it can be cleared.

Table 2: Predicted improvement in the condition attributes score on land subject to a conservation measure

Condition attribute		Increase in current condition attribute score			
		0	1	2	3
a)	Native plant species richness	+0.5	+0.5	+ 1	No change
b)	Native over-storey cover	+1	+1	+1	No change
c)	Native mid-storey cover	+1	+1	+1	No change
d)	Native ground cover (grasses)	+1	+1	+1	No change
e)	Native ground cover (shrubs)	+1	+1	+1	No change
f)	Native ground cover (other)	+1	+1	+1	No change
g)	Exotic plant cover[1]	+0.5	+0.5	+1	No change
h)	Number of trees with hollows	0	+0.5	+0.5	No change
i)	Proportion of over-storey species occurring as regeneration	+0.5	+1	+1	No change
j)	Total length of fallen logs	0	+ 0.5	+1	No change

[1] Calculated as a percentage of total ground-storey and mid-storey cover

3.7 Assessment of landscape value

Landscape value assesses the change in native vegetation cover and connectivity as a result of conferring biodiversity certification, as well as the size of the adjacent remnant areas. Landscape value is based on the following attributes:

- **percent native vegetation cover in the landscape** assesses the change in the overall percentage of native vegetation within a 1000-ha assessment circle (or its scaled equivalent) in which the biodiversity certification assessment area is located
- **connectivity value** assesses the impact of conferral of biodiversity certification on the connectivity of the biodiversity certification assessment area regarding state, regional and local biodiversity links, as well as the impact on the riparian vegetation of major and minor rivers, creeks and minor watercourses
- **adjacent remnant area** is the area of moderate to good condition native vegetation of which the land proposed for biodiversity certification is a part. Patches of native vegetation form an adjacent remnant area where it is less than 30 m from the next area of moderate to good native vegetation. An adjacent remnant area may extend

onto adjoining land. The score for adjacent remnant area is to be determined according to the Mitchell Landscape in which most of the land proposed for biodiversity certification occurs.

3.7.1 Determining the percent native vegetation cover score

The percent native vegetation cover in the landscape is to be assessed by determining the change in the overall percentage of native vegetation within a 1000-ha assessment circle.

The 1000-ha assessment circle must contain the entire biodiversity certification assessment area. The 1000-ha assessment circle must only be scaled to increase in size where:

a) the area of the biodiversity certification assessment area exceeds 1000 ha, or

b) the spatial configuration of the biodiversity certification assessment area less than 1000 ha does not fit into a single 1000-ha assessment circle.

The 1000-ha assessment circle may be scaled down to a 100-ha assessment circle for a biodiversity certification assessment area which is less than 100 ha.

Where the land proposed for biodiversity certification is non-contiguous as detailed in the application for biodiversity certification, a separate 1000-ha assessment circle may be used for each parcel of land proposed for biodiversity certification, to create a separate biodiversity certification assessment area. An assessment to determine the landscape value score must be made for each separate biodiversity certification assessment area using Equation 4, Equation 5 and Equation 6 of the methodology.

The assessment circle must be centred over the biodiversity certification assessment area. The current percent native vegetation cover in the circle is visually estimated in increments of 10% as shown in Table 3, taking into account both extent and condition of native vegetation.

The change in percent native vegetation cover score (loss) calculated in Equation 5 is the difference between the current percent native vegetation cover score and the future percent native vegetation cover score following the conferral of biodiversity certification, using the native vegetation cover classes set out in Table 3 below.

The change in percent native vegetation cover score (gain) calculated in Equation 6 is based on the area of land subject to proposed conservation measures in the biodiversity certification assessment area.

Where an assessment circle greater or smaller than 1000 ha is used, the score for the 10% increments in native vegetation cover classes shown in Table 3 must be scaled in proportion to the increase or decrease in the size of the assessment circle. This means that where a 2000-ha assessment circle is used, the percent native vegetation cover classes shown in Table 3 are multiplied by 2. This means that where an assessment circle larger than 1000 ha is used, the landscape value will be scored out of a figure greater than 50. Where an assessment circle is used that is smaller than 100 ha, the landscape value will be scored out of a figure less than 50.

Table 3: Determining percent native vegetation cover in the landscape for a biodiversity certification assessment area

Native vegetation cover/area classes: 100 ha increment per 1000-ha assessment circles (%) (or scaled equivalent)	Score for % native vegetation cover: 1000-ha circle (loss)	Score for % native vegetation cover: 1000-ha circle (gain)
0 (or 0 ha)	0	0
≤10 (or <100 ha)	3.5	2.2
11–20 (or >100 – 200ha)	7.0	4.4
21–30 (or >200 – 300ha)	10.5	6.6
31–40 (or >300 – 400ha)	13.0	8.8
41–50 (or >400 – 500ha)	15.0	11.0
51–60 (or >500 – 600ha)	17.0	13.2
61–70 (or >600 – 700ha)	19.0	15.4
71–80 (or >700 – 800ha)	20.0	17.6
81–90 (or >800 – 900ha)	21.0	19.8
91–100 (or >900 – 1000ha)	22.0	22.0

3.7.2 Determining the connectivity value

The connectivity value is determined by assessing whether the land proposed for biodiversity certification impacts on an area that is part of a state, regional or local biodiversity link.

State and regional biodiversity links are areas that have been identified as providing important linkages in the landscape on a state or regional basis. State biodiversity links are identified in a plan approved by the Director General, or are the riparian buffer of a major river as defined in Appendix 1. State biodiversity links as defined in Table 4 have state biodiversity conservation significance and they are assessed as a red flag area in accordance with section 2.4.4 of the methodology.

Regional biodiversity links are identified in a plan approved by the Director General or are the riparian buffer of a minor river or major creek as defined in Appendix 1. Regional biodiversity links as defined in Table 4 have regional biodiversity conservation significance and they are assessed as a red flag area in accordance with section 2.4.4 of the methodology.

As well as the riparian buffer of a minor creek or minor watercourse, a local biodiversity link in a biodiversity certification assessment area is defined by native vegetation that:

- is in moderate to good condition
- has a patch size >1 ha (such as where smaller patches are linked to larger patches)
- is separated by a distance of <30 m.

The scores for the biodiversity links are in Table 4.

Table 4: Scores for biodiversity links

Connectivity value class	Defining criteria	Score
State biodiversity link	An area identified as being part of a state biodiversity corridor and in a plan approved by the Director General OR A riparian buffer 40 m either side of a major river	18
Regional biodiversity link	An area identified as being part of a regional biodiversity corridor and in a plan approved by the Director General OR A riparian buffer 30 m either side of a minor river or major creek	12
Local biodiversity link	Links areas of native vegetation in moderate to good condition greater than 30 ha AND Width of vegetation in moderate to good condition is greater than 30 m AND/OR A riparian buffer 20 m either side of a minor creek or 10 m either side of minor watercourse	6
Nil	None of the above	0

3.7.3 Determining the adjacent remnant area

The score for adjacent remnant area is to be determined according to the extent to which native vegetation has been cleared from the Mitchell Landscape in which most of the land proposed for biodiversity certification within an assessment circle occurs.

The size of the adjacent remnant area that is considered to be very large, large, medium, or small, is defined according to the percent of native vegetation cleared in the Mitchell Landscape that most of the land proposed for biodiversity certification occurs, in accordance with Table 5.

Table 5: Criteria for assessing adjacent remnant area

Adjacent remnant area*	**Percent native vegetation cleared in the Mitchell Landscape in which most of the land proposed for biodiversity certification within an assessment circle occurs**			
Score	**<30%**	**30 – 70%**	**>70 – 90%**	**>90%**
Very large (value = 10 points)	>500 ha	>100 ha	>50 ha	>20 ha
Large (value = 7.5 points)	>200 ha & ≤ 500 ha	>50 ha & ≤ 100 ha	>20 ha & ≤ 50 ha	>10 ha & ≤ 20 ha
Medium (value = 5 points)	>100 ha & ≤ 200 ha	>20 ha & ≤ 50 ha	>10 ha & ≤ 20 ha	>1 ha & ≤ 10 ha
Small (value = 2.5 points)	> 0 ha & ≤ 100 ha	> 0 ha & ≤ 20 ha	> 0 ha & ≤ 10 ha	> 0 ha & ≤ 1 ha

* Native vegetation not in low condition and linked to the vegetation on the land proposed for biodiversity certification

3.7.4 Determining the current landscape value score

Where the biodiversity certification assessment area is within a 1000-ha assessment circle as described in section 3.7.1, the landscape attributes are combined to provide a landscape value score out of 50 using Equation 4 below.

Percent native vegetation cover for the 1000-ha circle is to be scored out of 22. The score for percent native vegetation cover must be scaled relevantly when a larger or smaller circle is used, as described in section 3.7.1 of the methodology.

Connectivity value is scored out of 18 and adjacent remnant area is scored out of 10.

Equation 4: Determine landscape value score

$$LV = \{(a \times m) + b + c\}$$

where:

LV is the landscape value score of the land proposed for biodiversity certification

a is the change in percent native vegetation cover score in the 1000-ha assessment circle, or scaled equivalent (see Table 3)

m is the scaling factor applied to the percent native vegetation cover score where the assessment circle is an area larger or smaller than 1000 ha. For a 1000-ha assessment circle, m = 1

b is the change in score for the biodiversity link (see Table 4)

c is the score for the adjacent remnant area (see Table 5).

3.7.5 Change in landscape value score for land proposed for biodiversity certification

The change in landscape value score for the land proposed for biodiversity certification is calculated as the difference between the current landscape value score and the predicted landscape value score after biodiversity certification is conferred, using Equation 5.

As with change in site value, it is assumed that land proposed for biodiversity certification will be cleared for future development and it will not contain biodiversity values.

Equation 5: Ecosystem credits – change (loss) in landscape value score for the land proposed for biodiversity certification

$$\Delta LV_{loss} = (LV_{current} - LV_{with\ certification})$$

where:

ΔLV_{loss} is the change in the landscape value score after the land is biodiversity certified

$LV_{current}$ is the current landscape value score of the biodiversity certification assessment area before conferring certification

$LV_{with\ certification}$ is the future landscape value score of the biodiversity certification assessment area after conferring certification.

3.7.6 Change in landscape value score for land proposed for conservation measures

The change in landscape value score for the land proposed for conservation measures is calculated according to the predicted improvement in percent native vegetation cover, the connectivity value class and the size of the adjacent remnant area for the land subject to the conservation measure, using Equation 6.

The percent native vegetation cover score in the 1000-ha assessment circle, is based on the total area of land within the 1000-ha assessment circle that is subject to a conservation measure using the classes in Table 3. This score must be scaled where an assessment circle smaller or larger than 1000 ha is used.

Equation 6: Ecosystem credits – change (gain) in landscape value score for land subject to proposed conservation measures

$$\Delta LV_{gain} = (a \times m) + (b/2) + c$$

where:

ΔLV_{gain} is the change in landscape value score for land subject to the conservation measure

a is the percent native vegetation cover score in the 1000-ha assessment circle, determined as the total area of land within the 1000-ha assessment circle subject to a conservation measure using the classes in Table 3

m is the scaling factor applied to the percent native vegetation cover score where the assessment circle is an area larger or smaller than 1000 ha. For a 1000-ha assessment circle, m = 1

b is the score for the biodiversity link for the conservation measure with management (see Table 4)

c is the score for the adjacent remnant area for the conservation measure (see Table 5).

4 Assessment and measurement of threatened species

This section sets out how biodiversity values of threatened species are assessed and measured in a biodiversity certification assessment area. The section steps out the habitat assessment and threatened species survey requirements and identifies which threatened species require ecosystem credits or species credits. This includes threatened species that are listed under the EPBC Act.

The process for calculating the number of ecosystem credits or species credits that are required for these species is described in section 7 of the methodology.

After completing section 4, the application for biodiversity certification will have identified the threatened species that are to be assessed on land proposed for biodiversity certification or on land subject to a conservation measure, and identified any areas of threatened species habitat that are red flag areas.

4.1 Threatened Species Profile Database

Threatened species are assessed in the methodology using data in the Threatened Species Profile Database. This database is held by DECCW, is publicly available and is routinely amended to revise the data as required and include new listings of critically endangered, endangered and vulnerable threatened species under the TSC Act and the EPBC Act.

The components of the Threatened Species Profile Database that are used for all threatened species are:

- description of each threatened species, its habitat, ecology and threats, including the threatened species profile
- description of the habitat components for each species
- breeding, foraging or roosting habitat information contained in the profile for the threatened species
- CMA subregions within which the distribution of each species is associated (the distribution of a species is not associated with a CMA subregion if the species is identified by the database as being vagrant in that subregion)
- vegetation types with which each species is associated
- management actions relevant for each species
- ability of each species to respond to improvement in site value or other habitat improvement at a funded and managed offset site due to the management actions (the T_G value)
- class of credit (ecosystem credit or species credit) required for the species.

Additional components of the Threatened Species Profile Database that are used in the methodology for threatened species to which species credits apply are:

- any geographic characteristics associated with the occurrence of the species
- any specific habitat features associated with the occurrence of the species
- threatened species which cannot withstand further loss
- the unit of measurement of impact to be applied for the species (either the number of individuals or area of habitat)
- the months of the year that the species is identifiable through survey.

In some cases, the database may contain more than one set of habitat characteristics for a species to reflect the different components of the habitat for the species. For example, the database may identify that the breeding habitat for a cave roosting bat is a red flag area; however, the foraging habitat for the same species is not a red flag area and can be offset with ecosystem credits.

The Director General may certify, in accordance with section 3.4 of the methodology, that more appropriate local data can be used instead of data in the Threatened Species Profile Database if the local data more accurately reflects the local environmental conditions of the biodiversity certification assessment area.

4.2 Species that can be predicted by habitat surrogates (ecosystem credits)

Threatened species that require ecosystem credits are assessed in conjunction with general biodiversity values using data on vegetation types and the CMA subregion in the biodiversity certification assessment area.

Species requiring ecosystem credits have a high likelihood of presence in the biodiversity certification assessment area. Therefore, a threatened species survey is not required to assess threatened species that require ecosystem credits. These species are predicted to occur based on the presence of habitat surrogates in the biodiversity certification assessment area.

Species that require ecosystem credits on land proposed for biodiversity certification are assessed according to the three steps below. Species that require ecosystem credits on land proposed for conservation measures in the biodiversity certification assessment area are assessed using step 1 below.

Step 1: Identify the threatened species that are to be assessed in the biodiversity certification assessment area

A threatened species is required to be assessed for ecosystem credits in the biodiversity certification assessment area if all of the following three criteria are met:

a) the distribution of the species includes the CMA subregion in which the land proposed for biodiversity certification is located

b) the species is associated with any one or more of the vegetation types occurring on the land proposed for biodiversity certification

c) the species is classed as an ecosystem credit species according to the Threatened Species Profile Database.

The criteria a), b) and c) are applied as filters to each vegetation zone within the land proposed for biodiversity certification to predict the threatened species which will require ecosystem credits for that vegetation zone.

If any one of these criteria is not met for a particular species, no further assessment is required for the species for the purpose of calculating ecosystem credit requirements on land proposed for certification or land proposed for conservation measures.

Step 2: Assess the habitat components of the vegetation zone on land proposed for biodiversity certification (optional)

The assessor may undertake an optional assessment of the habitat components in order to refine the list of species predicted for the vegetation zone. This option is available where the criteria in Step 1 may have predicted threatened species but the assessor considers that they are unlikely to occur on land proposed for biodiversity certification.

From the list of species that is predicted for a vegetation zone using the criteria in step 1, the vegetation may be assessed for the habitat components (breeding, foraging or roosting habitat) of a species that is predicted to occur on land proposed for biodiversity certification.

Where one or more of the habitat components (breeding, foraging or roosting habitat) for the predicted species are found to be present on land proposed for biodiversity certification, that species is then assessed in accordance with step 3.

Where the habitat components (breeding, foraging or roosting habitat) for the predicted species are not found to be present on land proposed for biodiversity certification, no further assessment is required for the species.

Where an assessment of habitat components on land proposed for biodiversity certification is not made for a species, that species is then assessed in accordance with step 3.

An assessment of whether the habitat components (breeding, foraging or roosting habitat) are present on the land proposed for biodiversity certification is undertaken using the habitat information in the profile for the species and any other habitat information in the Threatened Species Profile Database.

The profiles for threatened species are part of the Threatened Species Profile Database and they contain information on the habitat and ecology of each threatened species. Further guidance on the assessment of the habitat components for species that require ecosystem credits may be included in the *Biodiversity Certification Operational Manual.*

Step 3: Calculate the landscape T_G value for land proposed for biodiversity certification

Landscape T_G is calculated for the threatened species that are predicted to occur in each vegetation zone on land proposed for biodiversity certification using step 1, or for the threatened species assessed for habitat components, using step 1 and step 2.

The landscape T_G is calculated by dividing the sum of the T_G value for each threatened species predicted to occur in a vegetation zone on land proposed for biodiversity

certification, by the number of threatened species predicted to occur in the vegetation zone using step 1 and step 2 above.

The landscape T_G for a vegetation zone on land proposed for biodiversity certification is calculated using Equation 7.

Equation 7: Determining the landscape T_G on land proposed for biodiversity certification

$$\text{Landscape } T_G = \frac{\sum \text{ of } T_G \text{ values of threatened species predicted and assessed for habitat components in the vegetation zone on land proposed for biodiversity certification}}{\text{Number of threatened species predicted and assessed for habitat components in the vegetation zone on land proposed for biodiversity certification}}$$

Once the landscape T_G value has been determined for a vegetation zone, the number of ecosystem credits required for biodiversity certification is calculated for each vegetation zone using Equation 8 in section 7.2 of the methodology.

4.3 Species that cannot be predicted by habitat surrogates (species credits)

Threatened species that cannot reliably be predicted to occur on land within the biodiversity certification assessment area through vegetation, distribution and habitat criteria as identified by the Threatened Species Profile Database are known as species credit species. Species credits can also apply to species that require protection of particular habitat elements, such as the breeding habitat of a cave roosting bat.

Species that require species credits are assessed within a species polygon. A species polygon is a contiguous area of land comprising the area of habitat for a threatened species or its location in the biodiversity certification assessment area, where that land is subject to proposed biodiversity certification, or subject to a proposed conservation measure.

Species that require species credits for the land proposed for biodiversity certification, or are being used to generate species credits for a proposed conservation measure, are identified and assessed in accordance with the seven steps below.

Step 1: Identify candidate species for initial assessment

A list of candidate threatened flora or fauna (species credit species) known or likely to occur in the biodiversity certification assessment area is developed, using data from the Threatened Species Profile Database.

Candidate species for initial assessment are those that are a species credit species according to the Threatened Species Profile Database and where:

- the geographic distribution of the species is known to include the CMA subregion in which the biodiversity certification assessment area is located

  AND

- the vegetation zone contains habitat features associated with the species, as identified in the Threatened Species Profile Database.

Step 2: Review list to include additional species

The list of candidate species identified in step 1 is reviewed to include any additional species for assessment. This list is to include:

- species or populations that have been recently listed under the TSC Act that were not assessed using the criteria in step 1
- threatened species in and nearby the biodiversity certification assessment area, including records of occurrences from the NSW Wildlife Atlas, and
- species indicated as being present or that may be present according to past survey data and other ecological reports from the site.

A species that is not identified in step 1 or step 2 is regarded as being not present in the biodiversity certification assessment area and does not require further assessment.

Step 3: Identify candidate species for further assessment

The list of candidate species is then culled to identify only those species that require further assessment in the biodiversity certification assessment area. Species that do not require further assessment are those to which one or more of the following apply:

- assessment of the habitat feature determines that the habitat in the biodiversity certification assessment area is poor quality for the particular species to utilise
- the species is only predicted (rather than known) to occur in the CMA subregion where the biodiversity certification assessment area occurs according to the Threatened Species Profile Database
- an expert report in accordance with section 4.5 of the methodology states the species is unlikely to be present in the biodiversity certification assessment area
- the species is a vagrant species and unlikely to utilise habitat in the biodiversity certification assessment area, and/or
- the records of the species presence are old or have doubtful authenticity.

Any species that meets one of more of these criteria may be removed from the candidate list and does not require further assessment. Information to support the removal of species from the candidate list according to one of more of these criteria must be provided in the application for biodiversity certification.

Step 4: Identify potential habitat for species requiring further assessment

Any known populations or potential habitat of each species that requires further assessment in the biodiversity certification assessment area must be identified as determined in step 3 above.

These areas must be mapped as species polygons. The area of the species polygon can be identified using any of the following information:

- existing information and surveys
- expert report
- known population locations
- assumed presence
- targeted survey techniques.

A targeted species survey is to be used where existing information about the species is of poor quality, or where the applicant wishes to determine that a species does or does not occur on the land proposed for biodiversity certification.

Step 5: Determine whether the species is present

A threatened species survey is a targeted survey for a species that is undertaken in accordance with any threatened species survey guidelines provided in the *Biodiversity Certification Operational Manual* or provided by DECCW.

An expert report is a report prepared by a suitably qualified expert in accordance with section 4.5 of the methodology to determine whether the species is likely or unlikely to use the potential habitat on the land proposed for biodiversity certification or on land subject to proposed conservation measures.

Where the survey or expert report confirms that the threatened species is not on or unlikely to use the potential habitat on land proposed for biodiversity certification, no further assessment is required, and the species or its habitat is assumed to not be present.

Where the survey or expert report confirms that the threatened species is likely to use the potential habitat on land in the biodiversity certification assessment area, no further assessment is required and the species or its habitat is assumed to be present.

Step 6: Identify the threatened species that trigger a red flag

Where the survey or expert report confirms that a threatened species is on land proposed for biodiversity certification, or is likely to use the potential habitat, and the threatened species triggers a red flag, consideration must be given as to whether the area of the species polygon should be classified as an area subject to a conservation measure as outlined in section 8.1.

Biodiversity certification cannot be conferred on this area unless:

- a red flag variation in accordance with section 2.4 of the methodology is approved by the Director General
- the impact of conferring biodiversity certification on the species is offset in accordance with sections 8, 9 and 10 of the methodology.

Step 7: Finalise boundary of the species polygon and area of impact

The boundary of the species polygons developed in accordance with step 6 above must be finalised on completion of the targeted survey or expert report and information from step 6 above. A species polygon is mapped using a satellite (ADS-40) or best available ortho-rectified aerial image.

The application for biodiversity certification must identify whether land in the species polygon is land proposed for biodiversity certification or proposed as a conservation measure in accordance with section 8.1 of the methodology.

The species polygon must include the locations of the species and contain the specific habitat features associated with that species in the biodiversity certification assessment area.

The species polygon is attributed with a unit of measurement that is used to determine the number of species credits that are generated or required for the species. The Threatened Species Profile Database identifies which unit of measurement of impact is applicable to a species. For flora species, the unit of measurement is the number of individuals. For fauna species, the unit of measurement is the area of habitat impacted.

A GPS must be used in the field to confirm the boundaries of the species polygon on the best available aerial image of the biodiversity certification assessment area. The *Biodiversity Certification Operational Manual* may include guidelines that assist in determining the number of individual flora species for large sites or for species with many individuals present in the biodiversity certification assessment area.

The number of species credits required for a species polygon where biodiversity certification is conferred is calculated in accordance with section 7.4 of the methodology. The number of species credits generated for a species polygon is calculated in accordance with sections 8.2.1 to 8.2.3 of the methodology.

The species polygon is also used to create the credit profile for the species credit in accordance with section 10.3 of the methodology.

4.4 Undertaking a threatened species survey

A threatened species survey is a targeted survey for a species that is undertaken in accordance with any threatened species survey guidelines provided in the *Biodiversity Certification Operational Manual* or any threatened species survey guidelines provided by DECCW. The purpose of the survey is to determine if the species is present in the biodiversity certification assessment area and if so, either:

- the area of habitat likely to be impacted by conferring biodiversity certification (for fauna species), or
- the number of individuals likely to be impacted by conferring biodiversity certification (for flora species).

The survey must be undertaken during the time of the year that is suitable for identifying the species, as identified in the Threatened Species Profile Database.

A threatened species survey is to be undertaken for all threatened species identified in step 6 in section 4.3 of the methodology. However, a threatened species survey is not required if:

- an expert report prepared in accordance with section 4.5 of the methodology has been obtained identifying that the species is likely or unlikely to be present
- the calculation of the number of credits required is based on the area of habitat or number or individuals likely to be impacted by the land proposed for biodiversity certification.

4.5 The use of expert reports instead of undertaking a survey

An expert report may be obtained instead of undertaking a threatened species survey.

An expert report must only be prepared by an expert. An expert is a person who is accredited by the Director General under section 142B(1)(b) of the TSC Act, or if arrangements for accreditation under section 142B(1)(b) are not in place, a person who, in the opinion of the Director General, possesses specialised knowledge based on training, study or experience to provide expert opinion in relation to the biodiversity values to which an expert report relates.

An expert report instead of survey can only be used for species to which species credits apply and not for any species to which ecosystem credits apply.

The purpose of an expert report instead of survey is to determine that:

- the species is unlikely to be present in the biodiversity certification assessment area – in this case no further assessment of the species is required, or
- the species is likely to be present in the biodiversity certification assessment area – in this case the expert report must provide an estimate of the number of individuals or area of habitat to be impacted by the development or the management actions (according to the unit of measurement identified for the species in the Threatened Species Profile Database). The area of the species polygon is to be determined in accordance with section 4.3 of the methodology. If an estimate of the number of individuals is required, then the estimate is based on the density of individuals in nearby populations. The number of species credits that are generated or required for the species is calculated based on this estimate.

The expert report must demonstrate what information was considered, and/or rejected or discounted in relation to the determination made in the expert report.

An expert report prepared for the purposes of this section must be prepared in accordance with any guidance provided in the *Biodiversity Certification Operational Manual*. The Director General may decide not to accept an expert report instead of a survey.

5 Matters of national environmental significance

This section of the methodology is only required to be included in an application for biodiversity certification where 'strategic assessment' under the EPBC Act is sought.

Under the EPBC Act, an 'action' (as defined under the EPBC Act) will require approval from the Federal Minister if the action will have, or is likely to have, a significant impact on a matter of national environmental significance, which includes:

- listed threatened species and ecological communities (refer to section 4)
- World Heritage properties
- National Heritage places
- Ramsar wetlands of international importance
- migratory bird species.

The EPBC Act sets out matters that the Federal Minister must take into account in deciding whether or not to approve the taking of an action or a class of actions.

As well as dealing with projects on a case-by-case basis, the Federal Minister can approve actions under the EPBC Act which relate to an endorsed policy, plan or program. These are called strategic assessments. Under a strategic assessment, the Federal Minister may approve the taking of an action, or a class of actions, in accordance with an endorsed policy, plan or program. Such a policy, plan or program can include, for example, a land-use plan, and associated conservation measures.

5.1 Addressing matters of national environmental significance

Where a strategic assessment is sought under the EPBC Act, the application for biodiversity certification must also assess the impacts on biodiversity values from the proposed biodiversity certification of land in relation to any:

- World Heritage properties or National Heritage places in accordance with section 5.2.1
- Ramsar wetlands of international importance in accordance with sections 5.3.1
- migratory bird species in accordance with section 5.4.1.

Note: An assessment of the impacts of biodiversity certification of land on any species or ecological communities listed under the EPBC Act occurs under this methodology in sections 3 and 4 and no further assessment is required to be included in the application for biodiversity certification.

The assessment provided will not be used by the Minister in determining whether to confer biodiversity certification on land. Instead, the information contained in applications for biodiversity certification, including the proposed conservation measures, may be used by the Federal Minister in carrying out a strategic assessment of an action or class of actions and form part of the endorsed policies, plans or programs.

The Commonwealth may require other conservation measures to those determined by the methodology for matters of national environmental significance set out in section 5.2 to section 5.4, and for threatened species and threatened ecological communities listed under the EPBC Act.

In a case where an action has, will have, or is likely to have an impact on matters protected under the EPBC Act that are not covered by the methodology, further offsets may be required by the Commonwealth.

A copy of the Significant Impact Guidelines for MNES is available from:
www.environment.gov.au/epbc/publications/pubs/nes-guidelines.pdf

5.2 World Heritage properties and National Heritage places

Approval under the EPBC Act is required for any action occurring within or outside a listed World Heritage property or National Heritage place that has, will have, or is likely to have a significant impact on the biodiversity values of the property or place.

Listed properties and places, and their protected values, can be viewed at:
www.environment.gov.au/epbc/protect/heritage.

5.2.1 Significant impact criteria for World Heritage properties and National Heritage places

An action is likely to have a significant impact on the biodiversity values of a declared World Heritage property or National Heritage place if there is a real chance or possibility that it will cause the biodiversity values of that property or place:

- to be lost
- to be degraded or damaged
- to be notably altered, modified, obscured or diminished.

5.3 Ramsar wetlands of international importance

A ‘declared Ramsar wetland’ is an area that has been designated under Article 2 of the Ramsar Convention or declared by the relevant Minister to be a declared Ramsar wetland under section 16 of the EPBC Act.

5.3.1 Significant impact criteria for wetlands of international importance

An action is likely to have a significant impact on the ecological character of a declared Ramsar wetland if there is a real chance or possibility that it will result in:

- areas of the wetland being destroyed or substantially modified
- a substantial and measurable change in the hydrological regime of the wetland, for example, a substantial change to the volume, timing, duration or frequency of ground and surface water flows to and within the wetland
- the habitat or lifecycle of native species, including invertebrate fauna and fish species dependent upon the wetland, being seriously affected
- a substantial and measurable change in the water quality of the wetland – for example, a substantial change in the level of salinity, pollutants or nutrients in the

wetland, or water temperature which may adversely impact on biodiversity, ecological integrity, social amenity or human health

- an invasive species that is harmful to the ecological character of the wetland being established (or an existing invasive species being spread) in the wetland.

5.4 Migratory species

Migratory species are those animals that migrate to Australia and its external territories, or pass through or over Australian waters during their annual migrations. Examples of migratory species are species of birds (e.g. albatrosses and petrels), mammals (e.g. whales) or reptiles.

Impacts on migratory birds are assessed by this methodology using data in the Threatened Species Profile Database and the significant impact criteria set out in section 5.4.1 of the methodology.

5.4.1 Significant impact criteria on migratory bird species

An action is likely to have a significant impact on a migratory species if there is a real chance or possibility that it will:

- substantially modify (including by fragmenting, altering fire regimes, altering nutrient cycles or altering hydrological cycles), destroy or isolate an area of important habitat for a migratory species
- result in an invasive species that is harmful to the migratory species becoming established in an area of important habitat for the migratory species
- seriously disrupt the lifecycle (breeding, feeding, migration or resting behaviour) of an ecologically significant proportion of the population of a migratory species.

6 Assessment of indirect impacts on biodiversity values

An application for biodiversity certification must identify and assess any relevant negative indirect impacts that biodiversity certification is likely to have on biodiversity values.

The area that is assessed for indirect impacts should extend as far as is necessary outside the land proposed for biodiversity certification, to assess any likely adverse indirect impacts on biodiversity values as a result of conferring biodiversity certification.

Where the application for biodiversity certification is also subject to a strategic assessment under the EPBC Act, the assessment of indirect impacts must include determining whether there will be any significant indirect impacts on the biodiversity values of World Heritage properties, places of National Heritage, Ramsar wetlands of international importance, or migratory birds in accordance with section 5 of the methodology.

The application for biodiversity certification must address to the satisfaction of the Director General, how the proposed ownership, management, zoning and development controls of the land proposed for biodiversity certification is intended to mitigate any indirect impacts on biodiversity values.

Where a proposed conservation measure is used to protect land that is a red flag area as defined in section 2.3, the area of the proposed conservation measure must include a buffer area to mitigate any negative indirect impacts from development following the conferral of biodiversity certification. The buffer area may be secured via a conservation measure and used to offset the impacts of biodiversity certification, or it may be a retained area in the biodiversity certification assessment area. The Director General must be satisfied that the size of the buffer area is appropriate to mitigate any negative indirect impacts from development following the conferral of biodiversity certification.

7 Calculating ecosystem credits and species credits for land where biodiversity certification is conferred

This section provides the rules for calculating the number of ecosystem credits and species credits that are required for the land proposed for biodiversity certification, where the land has been assessed for:

- ecosystem credits under section 3 and section 4.2 of the methodology
- species credits under section 4.3 of the methodology.

7.1 Ecosystem credits and species credits for biodiversity certification

Ecosystem credits and species credits are required to offset the impacts on native vegetation and threatened species habitat from the land proposed for biodiversity certification as assessed by the methodology.

Ecosystem credits and species credits are generated for the conservation measures set out in sections 8.1.1 to 8.1.3 of the methodology.

Ecosystem credits and species credits that are generated from conservation measures identified in an application for biodiversity certification can only be used to offset the impacts of the conferral of biodiversity certification on land and cannot be used to offset other development (for example, they cannot be retired in compliance with a biobanking statement under Part 7A of the TSC Act).

7.2 Calculating ecosystem credits for vegetation where threatened species are predicted

Ecosystem credits for threatened species must be calculated if a threatened species that requires ecosystem credits is likely to use land in a vegetation zone on land proposed for biodiversity certification as determined under section 4.2 of the methodology.

Ecosystem credits for a vegetation zone on land proposed for biodiversity certification are calculated using the landscape T_G value for the suite of species that are identified for that vegetation zone in accordance with section 4.2 of the methodology. The landscape T_G value is calculated in accordance with Equation 7.

Equation 8: Ecosystem credits required for threatened species (for each vegetation zone)

Number of ecosystem credits required for a vegetation zone on the land proposed for biodiversity certification

$$= \left\{ \left(\frac{\Delta SV_{loss} \times A}{\text{Landscape } T_G} \right) + \left((\%\Delta LV_{loss} \times A) \right) \right\} \times 0.25$$

where:

ΔSV_{loss}	is the change (loss) in the site value score of a vegetation zone on land proposed for biodiversity certification, as defined by Equation 2
$\%\Delta LV_{loss}$	is the proportion of the landscape change (loss) score for the land proposed for biodiversity certification as determined by Equation 5, apportioned to the vegetation zones within an assessment circle
Landscape T_G	is the average T_G value of all threatened species predicted for the vegetation zone on land proposed for biodiversity certification. Each species in the Threatened Species Profile Database has a T_G value between 0.1 and 1
A	is the area in hectares of the vegetation zone.

7.3 Calculating ecosystem credits for vegetation where no threatened species are identified

Where there are no threatened species identified for a vegetation zone in accordance with section 4.2 of the methodology, Equation 9 is used to calculate the number of ecosystem credits required for biodiversity certification.

Equation 9: Ecosystem credits required for general biodiversity values (for each vegetation zone)

Number of ecosystem credits required for a vegetation zone on the land proposed for biodiversity certification (no threatened species)

$$= \left\{ (\Delta SV_{loss} \times A) + (\%\Delta LV_{loss} \times A) \right\} \times 0.25$$

where:

ΔSV_{loss}	is the change (loss) in the site value score of a vegetation zone on the land proposed for biodiversity certification, as defined by Equation 2
A	is the area in hectares of the vegetation zone for the land proposed for biodiversity certification
$\%\Delta LV_{loss}$	is the proportion of the total landscape change (loss) score for the land proposed for biodiversity certification as determined by Equation 5, apportioned to the vegetation zones within an assessment circle.

7.4 Calculating species credits required where biodiversity certification is conferred

The species to which the calculation of species credits applies are identified through the assessment process set out in section 4.3.

The number of species credits required for the land proposed for biodiversity certification is to be calculated for individual species based on the area of habitat or number or individuals likely to be impacted by development in a species polygon using Equation 10.

The number of species credits required for biodiversity certification is to be scaled by a factor of 10. The number of credits is rounded to the nearest whole number using conventional rounding rules, except if the number being rounded is less than one, in which case the number of credits is rounded to one.

Equation 10: Species credits – number of credits required for the land proposed for biodiversity certification

$$\text{Number of species credits required for a threatened species on the land proposed for biodiversity certification} = \frac{H_{loss}}{T_{G\ spp1}} \times 10$$

Where the Threatened Species Profile Database indicates that the unit of measurement of impact for a species is the area of habitat (mostly fauna), then:

H_{loss} is the area of habitat in hectares to be lost on the land proposed for biodiversity certification, as determined in accordance with section 4.3 of the methodology

$T_{G\ spp1}$ is the ability of the species to respond to improvement in site value score with management actions at an offset site as defined in section 7 of the methodology. Each species in the Threatened Species Profile Database has a T_G value between 0.1 and 1.

Where the Threatened Species Profile Database indicates that the unit of measurement of impact for a species is the number of individuals (mostly flora), then:

H_{loss} is the number of individuals to be lost on the land proposed for biodiversity certification, as determined in accordance with section 4.3 of the methodology

$T_{G\ spp1}$ is the ability of the species to respond to improvement in site value score with management actions at an offset area as defined in section 7 of the methodology. Each species in the Threatened Species Profile Database has a T_G value between 0.1 and 1.

8 Calculating credits for conservation measures in the biodiversity certification assessment area

Conservation measures may be proposed for land within the biodiversity certification assessment area after it has been assessed for its capacity to generate:

- ecosystem credits under section 3 and section 4.2 of the methodology, and/or
- species credits under section 4.3 of the methodology.

This section sets out the types of conservation measures that may be proposed to offset the impacts on biodiversity values on land proposed for biodiversity conservation as a result of the conferral of biodiversity certification on that land. It also establishes the rules for calculating the number of credits that are generated for the proposed conservation measures on land within the biodiversity certification assessment area.

The number and type of ecosystem credits and species credits generated for the conservation measures are used to determine whether the application for biodiversity certification will improve or maintain biodiversity values in accordance with section 2.2(c) of the methodology. The conservation measures used in the proposal are to be detailed in the application for biodiversity certification.

8.1 Options for conservation measures within the biodiversity certification assessment area

Land in the biodiversity certification assessment area may be proposed for biodiversity conservation to offset the impacts of the conferral of biodiversity certification on land through the creation of ecosystem credits and species credits for biodiversity certification.

The application for biodiversity certification is to identify this land and the proposed conservation measures that are to be used to secure the land for biodiversity conservation. The ecosystem credits and species credits generated from these offset areas are to be used to contribute to the application for biodiversity certification improving or maintaining biodiversity values.

To enable land in the biodiversity certification assessment area to be used as an offset area, the land is to be primarily managed for biodiversity conservation under effective and secure long-term management arrangements via a conservation measure including appropriate development controls.

The conservation measures outlined in sections 8.1.1, 8.1.2 and 8.1.3 of the methodology set out the minimum standards for the protection and management of native vegetation and threatened species habitat, which allows them to be used to offset losses to biodiversity values from the land proposed for biodiversity certification. The number of ecosystem credits and species credits that can be generated for these conservation measures is outlined in sections 8.2.1, 8.2.2 and 8.2.3 of the methodology.

The extent to which these conservation measures provide for the security and management of biodiversity conservation, and the extent to which they are additional to existing conservation obligations, defines the extent to which each measure may be used to improve or maintain biodiversity values for the purposes of the methodology.

Conservation measures on land in the biodiversity certification assessment area that do not meet the criteria in sections 8.1.1, 8.1.2 or 8.1.3 cannot be used to contribute towards the improvement or maintenance of biodiversity values.

Parties to the conservation measure are responsible for undertaking the management actions identified in section 8.3 of the methodology.

Conservation measures in sections 8.1.1 and 8.1.2 that are proposed in the application but are not in place by the time biodiversity certification is conferred should be secured via a biodiversity certification agreement.

Proposed conservation measures that are used to mitigate any negative indirect impact and that are not in place at the time a biodiversity certification proposal is approved must be secured via a biodiversity certification agreement.

8.1.1 Permanently managed and funded conservation measures

Land may be identified as offset areas in an application for biodiversity certification where the land is proposed to be permanently set aside for conservation purposes and has a source of ongoing funding that is used to actively manage the land for biodiversity conservation outcomes.

Land subject to permanently managed and funded conservation measures can be used to create ecosystem credits and species credits to offset the impacts of the conferral of biodiversity certification on the land. These conservation measures are:

- reservation of land under the NPW Act
- entering into of a Biodiversity Banking Agreement with respect to the land under Part 7A of the TSC Act
- acquisition and retirement of biodiversity credits from the biodiversity register established under Part 7A of the TSC Act where the biobanking site is within the biodiversity certification assessment area
- dedication of land as a flora reserve under section 25A of the *Forests Act 1916* (NSW).

Note: Where an offset is proposed that includes the transfer of land to DECCW for reservation under the NPW Act, consultation must occur with the relevant Parks & Wildlife Group Branch Director in DECCW at the earliest possible stage. No commitment can be made to accept an offset that includes the transfer of land to DECCW for reservation without the written agreement of DECCW.

The number of ecosystem credits and species credits for biodiversity certification that may be generated for permanently managed and funded conservation measures is described in section 8.2.1 of the methodology.

Biodiversity credits created under Part 7A of the TSC Act from biobank sites in accordance with the Biodiversity Banking Assessment Methodology may be used as a conservation measure as part of the application for biodiversity certification. This includes the acquisition of biodiversity credits from the biodiversity register in

accordance with section 9.1 of the methodology. Biodiversity credits can be retired to provide the ecosystem credits and species credits required for biodiversity certification where they are used in accordance with the offset rules in sections 10.2 and 10.4 of this methodology.

8.1.2 Permanently managed conservation measures

Land may be identified as offset areas in an application for biodiversity certification where that land will be permanently set aside for conservation purposes, and the land will be actively managed for ongoing biodiversity conservation.

Land subject to permanently managed conservation measures can be used to create ecosystem credits and species credits to offset the impacts of the conferral of biodiversity certification on the land. These measures include agreements which are registered on the title to the land and measures which relate to public land, as outlined below.

The measures which may be regarded as permanently managed conservation measures include:

- entering into of a conservation agreement under Division 12, Part 4 of the *National Parks and Wildlife Act 1974* (NPW Act)
- entering into of a trust agreement under Part 3 of the *Nature Conservation Trust Act 2001* (NCT Act) if the agreement is registered on title
- consent to a Property Vegetation Plan for land under the *Native Vegetation Act 2003* (NV Act) that does not permit broadscale clearing (if registered on title)
- entering into of a biodiversity certification agreement under section 126ZH of the TSC Act
- entering into of a planning agreement under the EP&A Act that makes provision for development contributions to be used for or applied towards the conservation or enhancement of the natural environment, and
- entering into of a conservation agreement under the EPBC Act.

The measures with respect to public land which may be regarded as permanently managed conservation measures include:

- classification of land as community land under the *Local Government Act 1993* (LG Act), provided the land is categorised as a ‘natural area’ and is managed under a plan of management adopted under Division 2 of Part 2 of Chapter 6 of that Act primarily for nature conservation
- reservation or dedication of Crown land under Part 5 of the *Crown Lands Act 1989* (CL Act), provided the land is managed under a plan of management adopted for the primary purpose of conservation.

The number of ecosystem credits and species credits for biodiversity certification that may be generated for permanently managed conservation measures is described in section 8.2.2 of the methodology.

8.1.3 Planning instrument conservation measures

Conservation measures applied through a planning instrument are known as planning instrument conservation measures. Planning instrument conservation measures can be used to create ecosystem credits and species credits to offset the impacts of the conferral of biodiversity certification on the land.

Planning instrument conservation measures are only available to be used to offset the impacts of the proposed biodiversity certification where:

a) the land proposed as a planning instrument conservation measure adjoins or is proximate to the land proposed for biodiversity certification

OR

b) the land proposed as a planning instrument conservation measure is within the biodiversity certification assessment area

AND

c) the land proposed as a planning instrument conservation measure is identified in the application for biodiversity certification

AND

d) the land proposed as a planning instrument conservation measure is not subject to any other proposed conservation measure in the application for biodiversity certification

AND

e) the relevant planning instrument is in place at the time the application for biodiversity certification is made

OR

f) the application for biodiversity certification includes written advice from the Minister for Planning, agreeing to support the proposed changes to the relevant planning instrument, within a reasonable timeframe from the date the application for biodiversity certification is made.

Note: Where the planning instrument conservation measure is not in place at the time biodiversity certification is conferred, the Minister may, in approving the conservation measure, specify a time within which the conservation measure must be implemented. If the conservation measure is not implemented within that timeframe, the Minister may suspend certification until the conservation measure is implemented.

In addition, the following *new* provisions must be contained in the planning instrument applying to the land that is proposed as a planning instrument conservation measure:

g) the land must be zoned E2 or E3 (or, for State Forest, RU3) or another suitable zone provided that the uses permitted on the site are unlikely to compromise the biodiversity values of the land

AND

h) a local provision setting out the development controls that will apply to protect the native vegetation and any other habitat for native species on the land to the satisfaction of the Director General.

The provisions in the planning instrument relating to g) and h) will be considered 'new' if:

- they are a direct result of the preparation of the application for biodiversity certification, or
- the Director General is satisfied that *significant upgrades* have occurred or are planned to occur to existing environmental protection zoning and development controls in order to achieve improvement in existing biodiversity values as a direct result of the preparation of the application for biodiversity certification.

In determining what constitutes a 'significant upgrading' to existing zoning and development control provisions the Director General may consider:

a) the objectives of the proposed zone

b) the permissible uses in the proposed zone

c) the subdivision design, including configuration of lots, minimum lot sizes and/or options for lot averaging and lot clustering

d) the development controls that will apply to future development within the zone

e) any other matter the Director General considers relevant.

8.2 Calculating ecosystem credits and species credits for biodiversity certification from conservation measures in the biodiversity certification assessment area

This section defines the methods for calculating ecosystem credits and species credits for biodiversity certification from conservation measures implemented within the biodiversity certification assessment area. The credits are generated for the conservation measures set out in the application for biodiversity certification and they are to be used to offset the impacts of conferral of biodiversity certification on land.

Sections 8.2.1, 8.2.2 and 8.2.3 of the methodology set out the methods to calculate the ecosystem credits and species credits that are generated from each of the conservation measures set out under section 8.1 of the methodology.

8.2.1 Calculating credits for biodiversity certification from permanently managed and funded conservation measures

Permanently managed and funded conservation measures that are implemented in the biodiversity certification assessment area and identified in an application for biodiversity certification may be used to generate ecosystem credits and species credits where they are managed through a conservation measure set out in section 8.1.1 of the methodology.

Ecosystem credits are generated for the improvement in biodiversity values on land subject to permanently managed and funded conservation measures in the biodiversity certification assessment area. This is measured by the predicted improvement in biodiversity values from undertaking the management actions set out in section 8.3 on the offset site in accordance with Equation 11.

The equation is applied to each vegetation zone subject to a conservation measure in the biodiversity certification assessment area.

The number of ecosystem credits generated for permanently funded and managed conservation measures are scaled by a factor of 0.25. The number of credits is rounded to the nearest whole number using conventional rounding rules, except if the number is less than one, in which case the number of credits is one.

Equation 11: Ecosystem credits – credit calculations for permanently managed and funded conservation measures

Number of ecosystem credits generated for permanently managed and funded conservation measures in a biodiversity certification assessment area

$$= \sum_{i=1}^{n} [\{(SV_{current}/10) + \Delta SV_{gain}\} \times A] + (\%\Delta LV_{gain} \times A)$$

where:

i	is the *i* th vegetation zone to be managed as a conservation measure
$SV_{current}$	is the current site value score of the vegetation zone as defined by Equation 1
ΔSV_{gain}	is the change (gain) in the site value score as determined by Equation 3
$\%\Delta LV_{gain}$	is the proportion of the total landscape change (gain) score for the land proposed for conservation measures as determined in Equation 6, apportioned to the vegetation zones subject to the conservation measure
A	is the area in hectares of the *i* th vegetation zone.

Species credits may also be generated where land subject to permanently managed and funded conservation measures contains particular threatened species. These species credits are to be used to offset the impacts of conferral of biodiversity certification on land on particular threatened species.

The number of species credits generated for the conservation measure is calculated for individual species based on the area of habitat or number or individuals of a threatened species predicted to be impacted positively by management actions within a species polygon using Equation 12.

Equation 12: Species credits – credit calculations for permanently managed and funded conservation measures

Number of species credits generated on land subject to permanently managed and funded conservation measures = $H_{current} \times \%\Delta SV_{gain} \times 10$

Where the Threatened Species Profile Database indicates that the unit of measurement of impact for a species is the area of habitat (mostly fauna), then:

$H_{current}$ is the current area of habitat in hectares for the species that will be improved by the management actions on the offset land, as determined in accordance with section 4.3 of the methodology

$\%\Delta SV_{gain}$ is the proportional gain in habitat for the species from the management actions, usually measured as proportional gain in site value score as defined by Equation 3 for the vegetation zone that contains the species polygon. A value of 0.60 (60%) is used as the default value for $\%\Delta SV_{gain}$ where improvement in site value cannot be measured directly

$H_{current} \times \%\Delta SV_{gain}$ measures the gain in habitat in hectares on land subject to the conservation measures from the management actions.

Where the Threatened Species Profile Database indicates that the unit of measurement of impact for a species is the number of individuals (mostly flora), then:

$H_{current}$ is the current number of individuals of the species that will be increased by the management actions on the offset land, as determined in accordance with section 4.3 of the methodology

$\%\Delta SV_{gain}$ is the proportional gain in habitat for the species from the management actions, usually measured as proportional gain in site value score as defined by Equation 11 for the vegetation zone that contains the species polygon. A value of 0.60 (60%) is used as the default value for $\%\Delta SV_{gain}$ where improvement in site value cannot be measured directly

$H_{current} \times \%\Delta SV_{gain}$ measures the gain in habitat in hectares on land subject to the conservation measures from the management actions.

The scaling factor of 10 applies to the land proposed for biodiversity certification and the land proposed for biodiversity conservation via a conservation measure within the biodiversity certification assessment area.

8.2.2 Calculating credits for biodiversity certification from permanently managed conservation measures

Permanently managed conservation measures that are implemented in the biodiversity certification assessment area and identified in an application for biodiversity certification may be used to generate ecosystem credits and species credits where they are managed through a conservation measure set out in section 8.1.2 of the methodology.

Where those requirements are met, the number of biodiversity certification credits that may be generated is calculated using Equation 13.

Equation 13: Calculating ecosystem credits and species credits for permanently managed conservation measures

Number of credits for biodiversity certification generated for permanently managed conservation measures in a biodiversity certification assessment area	=	Number of credits for biodiversity certification as if the land was a permanently managed and funded conservation measure (see Equation 12)	x 0.90

8.2.3 Calculating credits for biodiversity certification from planning instrument conservation measures

Planning instrument conservation measures implemented in the biodiversity certification assessment area can generate ecosystem credits and species credits that are used to offset the impacts of the conferral of biodiversity certification on land where the existing or proposed planning instrument contains the development control provisions outlined in section 8.1.3 of the methodology.

If the development control provisions set out in section 8.1.3 are contained in the relevant planning instrument, the number of ecosystem credits and species credits for biodiversity certification that may be generated for planning instrument conservation measures is calculated using Equation 14.

Equation 14: Calculating ecosystem credits and species credits for planning instrument conservation measures

Number of credits for biodiversity certification generated for planning instrument conservation measures in a biodiversity certification assessment area	=	Number of credits for biodiversity certification as if the land was a permanently managed and funded conservation measure (see Equation 12)	X 0.25

8.3 Management actions that improve biodiversity values on land subject to conservation measures

Improvement in biodiversity values through management actions on land subject to a conservation measure is the basis for creating ecosystem credits and species credits for biodiversity certification. The management actions can apply to either or both private and public lands and must be set out in a management plan that is approved via the relevant conservation measure identified in the application for biodiversity certification. The management actions do not apply to the planning instrument conservation measures set out in section 8.1.3.

The application for biodiversity certification can identify the parties responsible for the implementation of the proposed conservation measures.

8.3.1 Management actions to create ecosystem credits and species credits for biodiversity certification

The standard management actions required for conservation measures used to generate ecosystem credits are:

- management of grazing for conservation
- weed control
- management of fire for conservation
- management of human disturbance
- retention of regrowth
- replanting or supplementary planting where natural regeneration will not be sufficient
- retention of dead timber
- erosion control
- retention of rocks.

Additional management actions may be required on land subject to a conservation measure to improve populations or habitats of particular threatened species that require ecosystem credits or species credits. These management actions are additional to the management actions required to create ecosystem credits.

Examples of the additional actions that may be required for relevant species as identified in the Threatened Species Profile Database are:

- control of feral and/or over-abundant native herbivores
- vertebrate pest management – pigs
- vertebrate pest management – foxes and/or miscellaneous species
- nutrient control
- control of exotic fish species
- maintenance or reintroduction of natural flow regimes (where possible).

Where threatened species that require additional management actions are likely to use land subject to the conservation measure, these additional management actions must be identified in the management plan for the conservation measure. The additional management actions will only be required where they are identified by the Threatened Species Profile Database as relevant for the species.

8.4 Creation of credits in respect of lands with existing conservation obligations

Ecosystem and species credits may be generated in respect of management actions carried out or proposed to be carried out as a conservation measure as set out in sections 8.1.1 and 8.1.2 of the methodology only if the management actions required by those conservation measures are additional to any existing conservation obligations that are already being carried out on the land or are required to be carried out on the land.

Existing conservation obligations are legally required management actions that must be carried out on land under any of the following:

- existing Biodiversity Banking Agreements under Part 7A of the TSC Act
- existing conservation agreements under Division 12, Part 4 of the NPW Act
- existing trust agreements under Part 3 of the NCT Act (if registered on title)
- existing Property Vegetation Plans for land under Part 4 of the *Native Vegetation Act 2003* (NSW)
- existing planning agreements under the EP&A Act, being agreements that make provision for development contributions to be used for or applied towards the conservation or enhancement of the natural environment
- existing conservation agreements under the EPBC Act
- community land under the *Local Government Act 1993* (NSW) that is categorised as a 'natural area' and is already managed under a plan of management adopted under Division 2 of Part 2 of Chapter 6 of that Act primarily for nature conservation
- existing Crown reserves within the meaning of Part 5 of the *Crown Lands Act 1989*
- existing flora reserves under section 25A of the *Forests Act 1916* (NSW)
- existing restrictions on use or public positive covenants under Part 4A of the *Crown Lands Act 1989*
- any other agreements entered into with a public authority under which the owner of the land receives funding for biodiversity conservation purposes
- in the case of publicly owned land not referred to above, any Act under which any of the management actions referred to in section 8.3.1 (or other management actions that improve or maintain biodiversity values) are specifically required to be undertaken on the land.

This section does not apply to management actions that are undertaken voluntarily and which are not secured by any legal obligation.

Where a new conservation measure is proposed on land on which there are existing conservation obligations, the credits for the proposed conservation measure are calculated in accordance with section 8.2.1 and section 8.2.2 and then discounted in accordance with this section.

The method for reducing the number of ecosystem credits and species credits generated for a conservation measure to take into account an existing conservation obligation is set out in the following steps.

Step 1: Calculate credits for the proposed conservation measure

Calculate the number of ecosystem credits and species credits that are generated for the proposed conservation measures in accordance with Equation 11 (for ecosystem credits) or Equation 12 (for species credits).

Step 2: Identify the management actions required and the duration of the existing conservation obligations

The management actions referred to in section 8.3.1 of the methodology that are required for the existing conservation obligation and the timeframe for which they are required should be identified.

Step 3: Determine the management action discount percentage required for the existing conservation obligations

The reduction of credits as determined in step 1 for the proposed conservation measure are scaled back according to the management actions that the landholder is already obliged to perform under the existing obligation and the percentage discount for each management action according to Table 7 for ecosystem credits or Table 8 for species credits.

For example, if the existing obligation specifies that weed control must be undertaken and that native vegetation regrowth must be retained, then the credit allocation for the offset land is discounted by 15% for those management actions, that is, 7.5% plus 7.5%.

Where an existing obligation only partially aligns with a management action (e.g. ‘exclusion of domestic stock’ rather than ‘management of grazing for biodiversity enhancement’), the credit allocation is discounted by 5% rather than by 7.5%.

Table 7: Percentage discount for ecosystem credits for biodiversity certification

Conservation measures or actions	Management action discount percentage in ecosystem credit allocation
Manage grazing for conservation	7.5% (5% if obligation is only for domestic stock exclusion)
Weed control	7.5%
Manage fire for conservation	7.5% (5% if obligation is only fire exclusion)
Manage human disturbance	7.5%
Retain regrowth	7.5%
Replant/supplementary planting	7.5%
Retain dead timber	7.5% (0% if obligation only excludes commercial use as this is required under the NV Act)
Nutrient control	5%
Erosion control	5%
Retention of rocks	5%
Control feral herbivores (plus over-abundant natives)	7.5%
Vertebrate pest control (pigs)	7.5%
Vertebrate pest control (foxes and/or miscellaneous spp)	7.5%
Control exotic fish species	5%
Maintain natural flow regimes	5%

Table 8: Percentage discount for species credits for biodiversity certification

Conservation measures or actions	Management action discount percentage in species credit allocation
Control feral herbivores (plus over-abundant natives)	7.5%
Vertebrate pest control (pigs)	7.5%
Vertebrate pest control (foxes and/or miscellaneous spp)	7.5%
Control exotic fish species	5%
Maintain natural flow regimes	5%
Nutrient control	5%
Any other management action for species credits	7.5% (for each additional action)

Step 4: Determine the final reduction of credits based on duration of the existing conservation obligation

The duration for which the existing conservation obligation applies must also be factored in. For example, a weed control order may specify a 10-year period to which the existing obligation applies. The additionality rate is scaled as a percentage according to the duration of the existing obligation in years as a proportion of 100 years.

Final reduction of credits (%) ={obligation years divided by 100 years} x Management action discount percentage

where:

Final reduction of credits (%)	is the proportion of ecosystem credits and species credits that are generated for the proposed conservation measure
obligation years	is the duration in years for which the conservation obligation applies
management action discount percentage	is the total percentage discount to ecosystem credits and species credits for existing conservation obligations as calculated in step 3

Step 5: Determine the final credits for the proposed conservation measure

The final reduction of credits (%) is then applied to the number of ecosystem credits or species credits that can be generated for the proposed conservation measure according to the type of conservation measure set out in sections 8.1.1 and 8.1.2.

8.5 Determining whether offsets are required outside a biodiversity certification assessment area

The conferral of biodiversity certification on land may improve or maintain biodiversity values if the number of ecosystem credits and species credits generated for conservation measures identified in the application for biodiversity certification are equal to or greater than the number of ecosystem credits and species credits required for the land proposed for biodiversity certification, and the credits are in accordance with the offset rules set out in sections 10.2 and 10.4 of the methodology.

So far, the methodology has calculated the number of ecosystem credits and species credits that can be generated from conservation measures within the biodiversity certification assessment area.

Applicants should in the first instance attempt to generate credits from conservation measures within the biodiversity certification assessment area.

If the number of credits generated within the biodiversity certification assessment area is insufficient to improve or maintain biodiversity values in the first instance, then additional ecosystem credits and species credits will need to be obtained from outside the biodiversity certification assessment area.

Conservation measures outside the biodiversity certification assessment area may also generate credits in accordance with section 9 of the methodology.

8.6 Retained areas in the biodiversity certification assessment area

Retained areas are land that is not proposed for biodiversity certification or to be used as a conservation measure, but is within the biodiversity certification assessment area. No ecosystem credits or species credits for biodiversity certification are calculated for retained areas.

It is recognised that retained areas may be land that has been considered through the planning process as land proposed for either biodiversity certification or as a conservation measure, and has therefore been subject to application to all or parts of the assessment methodology.

9 Obtaining credits outside the biodiversity certification assessment area

This section sets out the options that are available for obtaining ecosystem credits and species credits outside the biodiversity certification assessment area for land proposed for biodiversity conservation.

The following conservation measures outside the biodiversity certification assessment area are available under this section:

- retirement of existing biodiversity credits under the biodiversity banking scheme under Part 7A of the TSC Act that were generated on land outside the biodiversity certification assessment area (refer to section 9.1)
- conservation measures outlined under section 8.4 of the methodology where those measures are situated on land outside the biodiversity conservation assessment area (refer to section 9.2)
- financial contributions (refer to section 9.3 and section 9.4).

As specified throughout this section, any credits obtained for conservation measures outside the biodiversity certification assessment area available under this section must satisfy the offset rules set out in section 10 of the methodology.

9.1 Retiring biodiversity credits under the biodiversity banking scheme

The acquisition and retirement of biodiversity credits made under Part 7A of the TSC Act on land outside the biodiversity certification assessment area may be identified as a conservation measure in the application for biodiversity certification.

Biodiversity credits acquired and retired from the biodiversity register established under Part 7A of the TSC Act are equivalent to the ecosystem credits and species credits for biodiversity certification. Therefore, they can be used to contribute to a determination that the conferral of biodiversity certification on land improves or maintains biodiversity values.

The biodiversity credits register lists the number and type of biodiversity credits currently available. The register can be accessed at www.environment.nsw.gov.au/bimsprapp/BiobankingPR.aspx.

Biodiversity credits purchased from the biodiversity credits register and identified in an application for biodiversity certification must be used in accordance with the offset rules set out in sections 10.2 and 10.4 of this methodology.

9.2 Creating credits for biodiversity certification on land managed for biodiversity values

The conservation measures set out in sections 8.1.1 and 8.1.2 of the methodology may be used outside the biodiversity certification assessment area to obtain biodiversity

certification credits that will contribute to a determination that the conferral of biodiversity certification on land improves or maintains biodiversity values.

The number of ecosystem credits and species credits for biodiversity certification generated in respect of a conservation measure outside the biodiversity certification assessment area must be calculated in accordance with the Biodiversity Banking Assessment Methodology established under Part 7A of the TSC Act as if the conservation measure was to be established under a BioBanking Agreement.

For conservation measures other than a Biodiversity Banking agreement under Part 7A of the TSC Act, the Director General may give approval to vary the intensity of survey that is required to determine the number and type of biodiversity certification credits using the Biodiversity Banking Assessment Methodology.

For the purposes of this methodology, biodiversity credits calculated using the Biodiversity Banking Assessment Methodology are equivalent to biodiversity certification credits under this methodology. The biodiversity credits must be retired in accordance with section 10.2 and section 10.4 of the methodology.

Further information on the Biodiversity Banking and Offsets Scheme is available from the DECCW website at www.environment.nsw.gov.au/biobanking/index.htm.

9.3 Using financial contributions as a conservation measure

Where ecosystem credits or species credits for biodiversity certification are required from outside the biodiversity certification assessment area, a financial contribution may be identified as a conservation measure in the application for biodiversity certification.

The financial contribution can then be used to fund other conservation measures set out in sections 8.1.1, 8.1.2 and 9.1 of the methodology.

Where a proposed conservation measure is in the form of a financial contribution, the application for biodiversity certification must identify:

- the proposed provider(s) of the financial contribution
- the timing of the provision of the financial contribution
- the method by which the financial contribution is to be made
- the conservation measures to be funded by the financial contribution and how the proposed financial contribution will be used to ensure the conferral of biodiversity certification on land will improve or maintain biodiversity values. These measures may include, for example:
  - payment to a third-party offset provider to secure appropriate offset sites
  - payment to the Minister to acquire and dedicate land as a park or reserve under the NPW Act
  - funds to purchase and retire biodiversity credits.

Where a financial contribution is proposed as a conservation measure, the financial contribution must be used to fund conservation measures that generate credits which meet the requirements of the offset rules set out in sections 10.2 and 10.4 of this methodology.

The arrangements for making a financial contribution, as identified in the application in accordance with this section, will need to be secured in a Biodiversity Certification Agreement. In particular, the Biodiversity Certification Agreement will need to ensure that:

- all relevant parties are party to the Biodiversity Certification Agreement, for example, the relevant third party where the financial contribution is to be paid to a third party to secure offset sites
- the financial contribution is only applied towards conservation measures which will generate credits which meet the requirements of the offset rules in section 10 of the methodology.

The arrangements for making a financial contribution may also be in the form of an environment levy (see section 9.4 below).

9.3.1 Translating financial contributions into credits

Any outstanding credit requirements may be converted to a monetary value for the purpose of estimating an appropriate financial contribution to ensure that the conferral of biodiversity certification will improve or maintain biodiversity values.

To estimate an appropriate financial contribution the steps set out below are required.

To assist this process the Director General will publish a 'Credit Converter' on the DECCW website. The Credit Converter can be used to assist applicants determine the monetary value of outstanding credits by providing:

- assumptions about the number of ecosystem credits that can be generated for a 1 hectare area of native vegetation
- assumptions about the number of species credits for fauna that can be generated for a 1 hectare area of native vegetation
- assumptions used to determine the opportunity costs and management costs of predicted conservation measures.

Once approved by the Director General the credit converter may be downloaded from the biodiversity certification website at www.environment.nsw.gov.au/biocertification/index.htm.

The calculations used to estimate the monetary value of any outstanding credit requirement are to be set out in the biodiversity certification strategy.

Step 1: Estimate the area of land required for the outstanding species credits

An estimation of the area of land (in hectares) required to provide for the outstanding species credits will need to be made.

This estimation is made by dividing the number of outstanding credits for each species by the average number of credits for that species that can be generated per hectare.

For threatened flora species, the estimated area may be based on either the area of the species polygon on the land to be certified, or by selecting the number of species credits that can be generated for a 1 hectare area from the Credit Converter.

The number of species credits for threatened fauna that can be generated for a 1 hectare area of native vegetation must be selected from the Credit Converter.

Separate calculations are required to be made for species credits relating to each flora and fauna species. The estimation of land for species is then added together to form a total area of land required for all outstanding species credits.

Step 2: Estimate the area of land required for the outstanding ecosystem credits

An estimation of the area of land (in hectares) required to provide for the outstanding ecosystem credits for each vegetation type will need to be made.

This estimation is made by dividing the number of outstanding credits for each vegetation type by the average number of credits that can be generated per hectare.

The number of ecosystem credits that can be generated from a 1 hectare area of native vegetation must be selected from the Credit Converter.

Where an area of land has been estimated in step 1, consideration may be given to determining the number of ecosystem credits that can be created for this area of land, using information from the Credit Converter.

Separate calculations are required to be made for ecosystem credits relating to each vegetation type. The estimation of land for each vegetation type is then added together to form a total area of land required for all outstanding ecosystem credits.

Step 3: Estimate the overall area of land (in hectares)

The combined area arising from steps 1 and 2 is then combined into a total area of land.

The application for biodiversity certification must state the number of hectares that are required.

Step 4: Determine the conservation measures used to secure the land

The next step is to identify which conservation measure(s) will be used to deliver the offset. The conservation measure(s) that will be used to deliver the offset must be stated in the application for biodiversity certification.

Only those measures set out in sections 8.1.1 and 8.1.2 of the methodology can be used to deliver offsets under this section.

Step 5: Estimate the opportunity costs and management costs of providing conservation measures

The next step is to estimate the likely costs of providing those conservation measures identified in step 4 across the total area of land estimated in step 3. The costs of providing the conservation measures consist of opportunity costs and management costs.

The management costs per hectare are set out in the Credit Converter. The Credit Converter may set out different management costs per hectare for the offset area, depending on the condition of the native vegetation.

The opportunity cost per hectare is determined in accordance with the Credit Converter. In order to apply the Credit Converter, the applicant will need to identify the location(s) in which the conservation measures identified in step 4 are likely to occur and also to apportion those conservation measures across the total area of land identified in step 3.

The location(s) in which the conservation measures are identified must be stated in the application for biodiversity certification.

The opportunity costs and management costs are expressed per hectare and are added together to provide the estimated total cost per hectare of providing the conservation measures.

Step 6: Calculate an appropriate financial contribution

The total cost per hectare identified in step 5 is then multiplied by the total area of land identified in step 3 to produce an amount that represents an appropriate financial contribution for the purpose of ensuring that the conferral of biodiversity certification will improve or maintain biodiversity values.

This step must be performed for each area of land that has a different condition class of native vegetation, management costs or opportunity costs.

9.4 Special Infrastructure Contributions (environmental levy)

A Special Infrastructure Contribution (SIC) under the EP&A Act may be used to raise a financial contribution through the establishment of an environmental levy on the land proposed for biodiversity certification within the biodiversity certification assessment area. This may only apply to areas which have been designated as a Special Contributions Area under the EP&A Act.

Under a SIC, the sum of the capital amount calculated from the Credit Converter and the administration fee (as described in Section 9.3 above) is divided by the number of lots to be developed on the land proposed for biodiversity certification.

The SIC must be supported by the Director General of the Department of Planning, and NSW Treasury, and evidence of this must be provided in the application for biodiversity certification. The amount of the environmental levy must be clearly set out in the application for biodiversity certification, together with the time frame in which it is anticipated that the environmental levy would be collected.

In accordance with section 9.3 of the methodology, arrangements for the collection, management and expenditure of levy funds must be set out in the application for biodiversity certification. The application for biodiversity certification must state how the funds will be used, which may be either:

- payment to a third-party offset provider to secure offset sites
- payment to the Minister to acquire and dedicate land as a park or reserve under the NPW Act
- funds to purchase and retire biodiversity credits.

10 Credit profile and offset rules for an application for biodiversity certification

This section sets out the rules which govern how direct impacts on the biodiversity values of land on which biodiversity conservation is conferred are offset by the improvements in biodiversity values of land where conservation measures are proposed.

As set out in section 2.2(c) of the methodology, biodiversity values are to be regarded as being improved or maintained, as shown in an application for biodiversity certification if, amongst other matters, the direct impacts on the biodiversity values of land on which biodiversity conservation is conferred are offset in accordance with the rules and requirements of section 10 of the methodology.

Previous sections of the methodology have set out the methods for measuring the impacts on biodiversity values from the proposed biodiversity certification of land (section 7) and from proposed conservation measures (sections 8 and 9) based on the number of ecosystem credits and species credits that are required and generated.

This section sets out how ecosystem credits and species credits generated through proposed conservation measures can be used to meet the ecosystem credit and species credit requirements of land proposed for certification.

Under the offsetting rules established in this section, the credit profiles for credits generated for a proposed conservation measure are ‘matched’ against the credits required for biodiversity certification in order to determine whether they can be used to offset the impacts of conferral of biodiversity certification on land.

The purpose of these offset rules is to ensure that losses of particular biodiversity values are offset by improvements on land with the same or similar biodiversity values.

10.1 Credit profile of ecosystem credits

A credit profile for an ecosystem credit required for land proposed for biodiversity certification and created for conservation measures consists of the following two attributes:

- CMA subregion
- vegetation type

as set out in Table 9 below.

Table 9: Attributes of the credit profile for ecosystem credits

Credit profile attribute	Credit profile for ecosystem credits required for biodiversity certification	Credit profile for ecosystem credits generated for conservation measures
Attribute 1: CMA subregions	a) CMA subregion in which the land proposed for biodiversity certification occurs b) Adjoining CMA subregions within the same IBRA region as identified in a) c) Any other CMA subregions that have the same geographic distribution of the threatened species assessed for the ecosystem credit in accordance with section 4.2	a) CMA subregion in which the land proposed for the conservation measure occurs
Attribute 2: Vegetation type	a) The vegetation type for which the ecosystem credit is required for the proposed biodiversity certification of land b) Any other vegetation types that: • are identified in the Threatened Species Profile Database as providing habitat for the threatened species that are assessed for the ecosystem credit in accordance with section 4.2, and • have a percent cleared value of the vegetation type in the CMA equal to or greater than the percent cleared of the vegetation type in the CMA specified in a), and • are in the same vegetation formation as the vegetation type specified in a)	a) The vegetation type in which the ecosystem credit is generated for the conservation measure

If the ecosystem credits do not relate to any threatened species as assessed in accordance with section 4.2, then the ecosystem credits may be obtained:

- in any CMA subregion within the CMA boundary or IBRA region in which the land proposed for biodiversity certification is located, and
- in any vegetation type that is in the same formation and is equally or more cleared than the vegetation type for which the ecosystem credit is required.

10.2 Offset rules for using ecosystem credits generated for biodiversity certification

The ecosystem credits generated for conservation measures may be used to offset the ecosystem credits required for the impacts of biodiversity certification on the land proposed for biodiversity certification in accordance with section 2.2(c) of the methodology, if all of the following conditions are met:

a) the CMA subregion identified in attribute 1 of the credit profile for the conservation measure in section 10.1 is the same as the subregion(s) identified in attribute 1 of the credit required for the land proposed for biodiversity certification in section 10.1

AND

b) the vegetation type identified in attribute 2 of the credit profile for the conservation measure in section 10.1 is the same as the vegetation type(s) identified in attribute 2 of the credit required for the land proposed for biodiversity certification in section 10.1.

10.2.1 Variation of the offset rules for using ecosystem credits generated for biodiversity certification

The Director General may approve a variation of the offset rules set out in section 10.2. Before varying the offset rules for using ecosystem credits, the Director General must be satisfied as to the matters set out in A and B below.

A. Firstly, before varying the offset rules for using ecosystem credits, the Director General must be satisfied that:

a) all reasonable steps have been taken to secure conservation measures that generate credits that match the credit profile specified for ecosystem credits required for biodiversity certification in section 10.1 of the methodology

OR

b) the cost of securing a conservation measure capable of generating credits to match the credit profile specified for ecosystem credits required for biodiversity certification in section 10.1 of the methodology is disproportionate to the overall cost of the conservation measures identified in the application for biodiversity certification

AND

c) the list of threatened species predicted to occur at the offset site is not significantly different to the list of threatened species that are assessed on land where biodiversity certification is proposed when assessed in accordance with section 4.2 of the methodology.

B. Secondly, in order to approve a variation of the offset rule in section 10.2, the Director General must also be satisfied that the alternate ecosystem credits are generated from conservation measures:

a) located on land within the same IBRA region as the land proposed for biodiversity certification, regardless of the CMA subregions identified in attribute 1

AND

b) on land containing a vegetation type of the same vegetation class as the vegetation type specified in attribute 2 of the credit required for the land proposed for biodiversity certification as set out in section 10.1 of the methodology

OR

c) if paragraph (b) cannot be complied with, on land containing a vegetation type from the same vegetation formation as the vegetation type specified in attribute 3 of the credit required for the land proposed for biodiversity certification as set out in section 10.1 of the methodology.

Note: An application for a variation of the offset rules for using ecosystem credits for biodiversity certification must be included in the application for biodiversity certification.

10.3 Credit profile for species credits for biodiversity certification

A credit profile for a species credit required for land proposed for biodiversity certification or generated by a proposed conservation measure consists of the following two attributes:

- the name of the species
- the number of species credits required.

The credit profile for species credits is determined using the species polygon in accordance with section 4.3 of the methodology. The credit profile also contains the number of species credits that are required for biodiversity certification as calculated in accordance with section 7.4, or generated for a proposed conservation measure as calculated in accordance with sections 8.2.1 to 8.2.3 of the methodology.

The credit profile of a species credit relates only to the threatened species or population for which the credit is required or generated for proposed conservation measures.

The credit profile for a species credit generated for a proposed conservation measure is ‘matched’ against the species credits required for biodiversity certification to offset the impacts of the conferral of biodiversity certification on land in accordance with the offset rules set out in section 10.4 of the methodology.

10.4 Offset rules for using species credits for biodiversity certification

The species credits generated for conservation measures may be used to offset the species credits required for the impacts of the conferral of biodiversity certification on the land in accordance with section 2.2(c) of the methodology, if both the following conditions are met:

a) the species credits generated for a conservation measure must relate to the same species or population as the species credits required for land proposed for certification

AND

b) the number of species credits required for a species impacted by the proposed biodiversity certification of land must be matched by the number of species credits for the species generated for a conservation measure.

10.4.1 Variation of the offset rules for using species credits for biodiversity certification

The Director General may approve a variation of the offset rules for using species credits set out in section 10.4, when satisfied as to the matters set out in both A and B below.

A. The Director General may only approve a variation of the offset rules for using species credits for biodiversity certification, by allowing the species credits generated for a conservation measure for another species to be used to offset the impacts of the conferral of biodiversity certification on land when satisfied that:

a) all reasonable steps have been taken to secure the number and types of species credits

AND

b) the species to which the species credit relates is not listed as critically endangered on the TSC Act

AND

c) a conservation measure in the form of a financial contribution for the value of the species credits in line with sections 9.3 and 9.3.1 of the methodology is not an appropriate conservation measure for this species.

Note: Where a financial contribution has been made in this situation, the financial contribution must be used for activities related to the ongoing conservation of the species.

B. In addition, the variation must only be approved where the Director General is satisfied that the alternate species credits:

a) relate to a species or population from the same kingdom as the species identified in the credit profile in accordance with section 10.3 of the methodology

AND

b) are generated from conservation measures located on land within the same IBRA region as the land proposed for biodiversity certification

AND

c) where the species credit required for land proposed for biodiversity certification relates to a species or population listed in Schedule 1 of the TSC Act, it relates to a species or population listed in either Schedule 1 or 1A of the TSC Act

OR

d) where the species credit required for land proposed for biodiversity certification relates to a species or population listed in Schedule 2 of the TSC Act, it relates to a species or population listed in either Schedule 1, 1A or 2 of the TSC Act.

Note: An application for a variation of the offset rules for using species credits for biodiversity certification must be included in the application for biodiversity certification.

Glossary

Where the methodology uses words and phrases used in the TSC Act, those words and phrases have the same meaning as in the TSC Act, unless defined differently below.

In the methodology:

adjacent remnant area means the area of moderate to good condition native vegetation of which the biodiversity certification assessment area is a part, which is less than 30 m from the next area of native vegetation. Adjacent remnant area provides landscape context to the biodiversity certification assessment area, and may extend onto adjoining land.

assessment circle means a circle of 1000 ha in which percent native vegetation cover in the landscape is assessed, taking into account both cover and condition of vegetation, for credit profiles and for landscape value score. The assessment circle may be scaled in size where the biodiversity certification assessment area is greater than 1000 ha or the configuration of the assessment area(s) does not fit within a 1000-ha circle. Where the assessment area is less than 100 ha, a 100-ha circle may be used.

benchmarks (vegetation benchmarks) means quantitative measures of the range of variability in vegetation condition where there is relatively little evidence of modification by humans since European (post 1750) settlement. Benchmarks are defined for specified variables for vegetation communities. Vegetation with relatively little evidence of modification generally has minimal timber harvesting (few stumps, coppicing, cut logs), minimal firewood collection, minimal exotic weed cover, minimal grazing and trampling by introduced or over-abundant native herbivores, minimal soil disturbance, minimal canopy dieback, no evidence of recent fire or flood, not subject to high frequency burning, and evidence of recruitment of native species. Benchmarks are available by vegetation class (*sensu* Keith 2004) at http://www.environment.nsw.gov.au/projects/BiometricTool.htm. Benchmarks can be obtained from reference sites or from published sources.

biodiversity certification is as defined by section 126G of the TSC Act.

biodiversity certification assessment area is to be identified in the application for biodiversity certification and includes land where certification is proposed to be conferred, and any surrounding or adjacent land. The adjacent and surrounding land may be proposed for biodiversity conservation via conservation measures to offset the impact of conferring certification.

biodiversity certification strategy is as defined by section 126K(2) of the TSC Act.

biodiversity banking agreement means an agreement between the landowner and the Minister for Climate Change and the Environment (under Part 7A of the TSC Act) for the purpose of establishing a biobank site.

biodiversity certification credits means ecosystem credits or species credits that are generated for conservation measures or required for the land proposed for biodiversity certification for the purpose of this methodology. Biodiversity certification credits are distinguishable from biodiversity credits referred to in Part 7A of the TSC Act.

biodiversity credits has the same meaning as in section 127 of the TSC Act.

biodiversity values include composition, structure and function of ecosystems, and include (but are not limited to) threatened species, populations and ecological communities and their habitats, as defined by the TSC Act, and exclude fish or marine vegetation unless that fish or marine vegetation has been the subject of an order under section 5A of the TSC Act.

CL Act means *Crown Lands Act 1989* (NSW).

CMA area means the area of operation of a Catchment Management Authority, as described in Schedule 2 to the *Catchment Management Authorities Act 2003*.

CMA subregion means the subregions of CMA areas as set out in the Environmental Outcomes Assessment Methodology, established under the Native Vegetation Regulation 2005.

condition attributes are used to assess site value and threatened species habitat. The ten condition attributes are native plant species richness, native over-storey cover, native mid-storey cover, native ground cover (grasses), native ground cover (shrubs), native ground cover (other), exotic plant cover (as a percentage of total ground and mid-storey cover), number of trees with hollows, proportion of over-storey species occurring as regeneration, and total length of fallen logs.

connectivity means a measure of the degree to which an area(s) of native vegetation is linked with other areas of native vegetation.

credit converter means the program published by the Director General, based on the rules in this methodology, that is used to determine the monetary value of outstanding ecosystem credits and species credits required to ensure that the conferral of biodiversity certification on land improves or maintains biodiversity values.

credit profile means the set of attributes that are used to characterise ecosystem credits or species credits that are required for the land proposed for biodiversity certification, or are generated for conservation measures, as set out in section 10 of the methodology.

critically endangered ecological community *see* **threatened ecological community**

Director General means the Director General of the Department of Environment, Climate Change and Water NSW (DECCW).

ecosystem credits means the class of credits for biodiversity certification that are generated for conservation measures or required for the land proposed for biodiversity certification. Ecosystem credits are used for offsetting the impacts on general biodiversity values and some threatened species from future clearing on the land proposed for biodiversity certification.

endangered ecological community *see* **threatened ecological community**

EP&A Act means the *Environmental Planning and Assessment Act 1979* (NSW).

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

expert means a person who is accredited by the Director General under section 142B(1)(b) of the TSC Act, or if arrangements for accreditation under section 142B(1)(b) are not in place, a person who, in the opinion of the Director General, has the relevant experience and/or qualifications to provide expert opinion in relation to the biodiversity values to which an expert report relates.

expert report means a report prepared by an expert in relation to biodiversity values or a threatened species.

general biodiversity values means biodiversity values assessed in the methodology excluding assessment of values represented by threatened species and populations.

grassland means native vegetation classified in the vegetation formation Grasslands in 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. Grasslands are generally dominated by large perennial tussock grasses, a lack of woody plants, the presence of broad-leaved herbs in inter-tussock spaces, and their ecological association with fertile, heavy clay soils on flat topography in regions with low to moderate rainfall.

habitat means an area or areas occupied, or periodically or occasionally occupied, by a species, population or ecological community, including any biotic or abiotic component.

habitat component means the component of habitat that is used by threatened species (fauna) for the purposes of breeding, foraging or shelter.

habitat surrogates means measures of habitat for threatened species, populations and communities, including CMA subregion and vegetation type.

herbfield means native vegetation which predominantly does not contain an over-storey or mid-storey and where the ground cover is dominated by non-grass species.

impacts on biodiversity values refers to the loss in biodiversity values on the land proposed for biodiversity certification as a result of the conferral of biodiversity certification on that land.

individual means a single, mature organism.

landscape T_G value is the average T_G value of all the threatened species predicted for a vegetation zone on land proposed for biodiversity certification. A T_G value is identified for each species in the Threatened Species Profile Database and has a value between 0.1 and 1.

landscape value is a measure of fragmentation, connectivity and adjacency of native vegetation at a site. Landscape value comprises: 1) percent native vegetation cover in the 1000-ha assessment circle(s) in which the biodiversity certification assessment area is located, 2) connectivity with surrounding vegetation', and 3) total adjacent remnant area.

LG Act means the *Local Government Act 1993* (NSW).

local provision means the development controls in an environmental planning instrument that protect native vegetation and any other habitat for native species on land subject to planning instrument conservation measures.

major creek, minor creek, major river, minor river, major watercourse are as defined in Appendix 1 of the methodology.

Major Rivers Database means the database containing the prescribed watercourses in New South Wales for determining riparian buffer strip widths. The Major Rivers Database can be accessed from www.environment.nsw.gov.au/vegetation/MajorRivers.htm

methodology means the Biodiversity Certification Assessment Methodology made under s.126S of the TSC Act.

Minister means the Minister administering the TSC Act.

Mitchell Landscape means landscapes with relatively homogeneous geomorphology, soils and broad vegetation types, mapped at a scale of 1:250,000.

moderate to good condition vegetation means native vegetation that is not in low condition, as defined in section 2.3 of the methodology.

more appropriate local data means data that more accurately reflects local environmental conditions as certified by the Director General in accordance with section 3.4 of the methodology in relation to data in the Vegetation Benchmarks Database, the Vegetation Types Database and the Threatened Species Profile Database.

native vegetation has the same meaning as in section 6 of the NV Act. Native vegetation is used as a surrogate for general biodiversity values in the methodology.

NPW Act means the *National Parks & Wildlife Act 1974* (NSW).

NV Act means the *Native Vegetation Act 2003* (NSW).

offset area means an area of land that is subject to a proposed conservation measure in an application for biodiversity certification to offset the impacts of the conferral of biodiversity certification on land.

offset rules means the circumstances in which ecosystem credits and species credits generated for conservation measures are allowed to offset the impacts of the conferral of biodiversity certification on land.

Operational Manual means the *Biodiversity Certification Operational Manual* as in force from time to time.

percent cleared means the percentage of a vegetation type that has been cleared within a CMA area as a proportion of its pre-1750 extent, as identified in the Vegetation Types Database.

percent foliage cover means the percentage of ground that would be covered by a vertical projection of the foliage and branches and trunk of a plant or plants.

percent vegetation cover (percent native vegetation cover in the landscape, surrounding vegetation cover) means the percentage of native vegetation cover in the 1000-ha assessment circles in which the vegetation zone is located. The percent native vegetation cover within the assessment circles is visually estimated from aerial or satellite imagery, taking into account both cover and condition of vegetation.

planning instrument means an environmental planning instrument made under the EP&A Act.

plot means an area in which some of the 10 condition attributes that make up the site value score are assessed in a vegetation zone.

red flag area means an area of land that contains high biodiversity conservation values as defined in section 2.3 of the methodology. Land containing a red flag area can only be biodiversity certified if the Director General is satisfied that the criteria in section 2.4 of the methodology have been met.

reference sites means relatively unmodified sites used to obtain local benchmark information when benchmarks in the Vegetation Benchmark Database are too broad or otherwise incorrect for the vegetation type and/or local situation. Benchmarks can also be obtained from published sources.

regional plans means any regional planning strategy or plan approved by the Minister for Planning.

retained area means land within a biodiversity certification assessment area that is not land proposed for biodiversity certification or subject to a proposed conservation measure.

retirement of biodiversity credits refers to biodiversity credits that were created under Part 7A of the TSC Act and retired under that Part. Under this methodology, biodiversity credits are considered equivalent to biodiversity certification credits and their retirement may be considered a conservation measure in accordance with section 8.1 of this methodology

SEPP 14 wetland means a wetland to which *State Environmental Planning Policy No. 14 – Coastal Wetlands* applies.

site value is a quantitative measure of structural, compositional and functional condition of native vegetation, measured by condition attributes against a benchmark.

special infrastructure contribution means an environmental levy on the land proposed for biodiversity certification for the purpose of funding the proposed conservation measures contained in the application for biodiversity certification determined by the Minister for Planning pursuant to either:

- section 94EE of the EP&A Act, or
- section 116O of the EP&A Act (once commenced).

species that cannot withstand any loss means a species that is identified as not being able to withstand any loss within a CMA area if the species is known to occur in less than three populations within that CMA area (also see section 2.3 of the methodology).

species credits means the class of credits for biodiversity certification that are generated for a conservation measure or are required for the land proposed for biodiversity certification. Species credits are used for offsetting the impacts of biodiversity certification on threatened species that cannot be reliably predicted to use an area of land based on habitat surrogates.

species polygon means the actual area of habitat, or number of individuals of a threatened species, impacted by conferring biodiversity certification or used as a conservation measure.

T_G value means the ability of a species to respond to improvement in site value or other habitat improvement through management actions undertaken at an offset site subject to a conservation measure. T_G is based on the lowest value of: effectiveness of management actions, life history characteristics, naturally very rare species, and very poorly known species.

threatened ecological community includes threatened ecological communities as defined in section 4(1) of the TSC Act or any additional threatened ecological communities listed under Part 13 of the EPBC Act.

threatened population means endangered population as defined in section 4(1) of the TSC Act.

threatened species means critically endangered, endangered or vulnerable threatened species and populations as defined in section 4(1) of the TSC Act or any additional threatened species listed under Part 13 of the EPBC Act as critically endangered, endangered or vulnerable.

TSC Act means the *Threatened Species Conservation Act 1995* (NSW).

Threatened Species Profile Database is the database containing information on habitat characteristics, range, response to management actions, survey requirements, and the class of credit (ecosystem or species) required for the species. It is used for calculation of ecosystem or species credits, filtering to determine the likely presence of threatened species, information on threatened species' ability to withstand loss, and threatened species' response to management.

threatened species survey means a targeted survey for a threatened species undertaken in accordance with DECCW guidelines to determine if the species is present.

transect means a line or narrow belt along which environmental data are collected.

Vegetation Benchmarks Database is a database of benchmarks for vegetation classes and some vegetation types. Vegetation benchmarks can also be collected from reference sites. The Vegetation Benchmarks Database is publicly available from www.environment.nsw.gov.au/resources/biobanking/BioMBenchOct08.xls

vegetation class means a level of classification of vegetation communities defined in 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. There are 99 vegetation classes in NSW.

vegetation formation means a broad level of vegetation classification as defined in 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. There are 12 vegetation formations in NSW.

vegetation in low condition is as defined in Box 1, section 2.3 of the methodology.

vegetation type means the finest level of classification of native vegetation used in the methodology. Vegetation types are assigned to vegetation classes, which in turn are assigned to vegetation formations. There are approximately 1600 vegetation types within NSW.

Vegetation Types Database is a database which contains information on each vegetation type used in the methodology and comprises a description of each vegetation type, its class and formation; the CMA area within which the vegetation type occurs; the percent cleared value of the vegetation type; and the source of the information. The Vegetation Types Database can be accessed from www.environment.nsw.gov.au/resources/nature/BioMetric_Vegetation_Type_CMA.xls

vegetation zone means a relatively homogenous area in a biodiversity certification assessment area consisting of a single vegetation type in the same broad condition state. A single zone must not contain a mix of vegetation in low condition and vegetation not in low condition. A zone may comprise one or more discontinuous areas.

viability means the ability of biodiversity values in an area to persist for many generations or long time periods.

wetland means native vegetation classified in the vegetation formation defined as Freshwater Wetland in 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.

woody native vegetation means native vegetation that contains an over-storey and/or mid-storey that predominantly consists of trees and/or shrubs.

Appendix 1: Definition of water courses and riparian buffer distances

The definition of major rivers, minor rivers, major creeks, minor creeks and minor watercourses and their riparian buffer distances are as defined by the Environmental Outcomes Assessment Methodology adopted under Clause 24 of the Native Vegetation Regulation 2005. The riparian buffer distances set out below apply to all land in New South Wales including the urban areas listed in Schedule 1, Part 3 clause 13–14 of the NV Act.

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 must be used, to protect vegetation on and within the stream banks.

The riparian buffer distances for rivers, creeks and watercourses are set out in Table 10.

Table 10: Riparian buffer distances

Location	Size of stream/wetland			
	Minor watercourses, flood runners & 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

Further information on the Major Rivers Database is available from the DECCW website at www.environment.nsw.gov.au/vegetation/MajorRivers.htm.

Definitions of rivers, creeks and watercourses

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

a) downstream of the most upstream tributary listed in the Major Rivers Database, or

b) downstream of another stream that is listed as a 'major river' in the Major Rivers Database.

Minor river means any part of a stream that is:

a) listed as a tributary or effluent in the Major Rivers Database, and has one or more upstream tributaries that are second-order based on the topographic map in the Property Vegetation Plan (PVP) Developer, or

b) listed as a 'major river' in the Major Rivers Database, and is:

(i) above the highest tributary listed in the Major Rivers Database, and

(ii) does not have another stream upstream of it that is listed as a ‘major river’ in the Major Rivers Database, and

(iii) has one or more upstream tributaries that are second-order based on the topographic map in the PVP Developer.

Major creek has the same meaning as ‘Minor river’ in the context of the PVP Developer.

Minor creek means any part of a stream that is:

a) not listed in the Major Rivers Database, is not an effluent or flood runner, and the topographic map in the PVP Developer shows it has tributaries upstream of it, or

b) a listed tributary or effluent of a ‘major river’ in the Major Rivers Database, and the stream section is above the highest second-order tributary marked on the topographic map in the PVP Developer, or

c) listed as a ‘major river’ in the Major Rivers Database, and the stream section is above the highest second-order tributary marked on the topographic map in the PVP Developer.

Minor watercourse means any part of a stream:

a) that is not listed in the Major Rivers Database and the topographic map in the PVP Developer shows it has no tributaries upstream of it, and

b) for which there is a visible path where water flows intermittently, ephemerally.

Appendix 2: Guidelines for the use of benchmark data from local reference sites or published sources

Benchmark data from local reference sites may be used where that data more accurately reflects the local environmental conditions and condition attributes for a vegetation type. Where local benchmark data is developed, they must be derived from measurements taken in reference sites that measure the same vegetation type in a relatively unmodified condition or from published sources. The Director General must approve the use of benchmark data from local reference sites or published sources.

Locating reference sites

Reference sites are required to have little modification relative to other vegetation in the region as indicated by: minimal timber harvesting (few stumps, coppicing, cut logs), minimal firewood collection, minimal exotic weed cover, minimal grazing and trampling by introduced or over-abundant native herbivores, minimal soil disturbance, dieback not in excess of normal senescence, no evidence of very recent major perturbation such as fire or flood, not subject to high frequency burning, and evidence of recruitment of native plant species.

It may be difficult to find totally unmodified sites in a landscape, particularly in highly cleared regions. Vegetation in relatively unmodified condition can be found in some travelling stock routes and reserves, national parks and nature reserves, state forests (especially Flora Reserves), cemeteries, roadsides and commons. Appropriate reference sites may also exist on the development site. Reference sites can occur in small remnants, such as narrow roadsides and cemeteries.

Numbers of reference plots

To obtain a reasonable composite picture that encompasses the variation in condition variables, a minimum of three reference plots for each variable must be measured for each vegetation type, with more plots being desirable.

Published sources

Benchmarks may also be obtained from published sources such as journals.

Appendix 3: Survey design – stratification and survey effort

Information on survey design and the visual and computer-based interpretation of remotely sensed imagery for biodiversity certification is adapted from section 3, section 4 and Appendix 2C of the *Native Vegetation Interim Type Standard*. The *Native Vegetation Interim Type Standard* addresses the nature and quality of the scientific process for native vegetation type activities including remote sensing interpretation, field survey, data manipulation, data management and mapping.

In the context of the biodiversity certification methodology, the stratification of the biodiversity certification assessment area relates to the mapping of vegetation zones based on correctly identifying vegetation types and condition in accordance with sections 3.3 and 3.4 of the methodology. The survey relates to collection of the condition attribute data from plots and transects to determine the site value score of the vegetation zone in accordance with section 3.6 of the methodology.

The *Native Vegetation Type Interim Standard* is available from the DECCW website at www.environment.nsw.gov.au/resources/nativeveg/10060nvinttypestand.pdf

Survey design

Rigorous survey design (stratification and survey effort) ensures field-based vegetation activities are efficient, which ensures maximum return on investment.

The required outcomes for the mapping of vegetation types from the Vegetation Types Database, and collection of vegetation zone condition data, are:

1 field-based vegetation activities are conducted systematically using explicit and repeatable processes

2 data are collected with minimum bias and are compatible amongst activities

3 field effort is commensurate with the spatial and thematic scales of the project

4 field-based activities yield verifiable data which facilitates multiple uses.

Stratification and survey effort

Field survey based on an explicit (fully and clearly described; leaving nothing merely implied) survey design is essential for vegetation field sampling or systematic landscape assessment. Unambiguous design and execution of field sampling reduces bias in both sampling and results.

Field survey provides one of the main types of vegetation data from which native vegetation products are derived. Absolute numbers of plots are not stipulated in the *Native Vegetation Type Interim Standard* as survey effort is determined by a variety of factors that will vary widely across the state.

Random stratified sampling is adopted as best practice for the *Native Vegetation Type Interim Standard*.

Three important principles underpin determination of stratification, survey design and survey effort in the *Native Vegetation Interim Type Standard* which is adopted for this methodology. These include:

- **representation**: vegetation zones represent unique combinations of environmental and biotic factors. By sampling each vegetation zone across its geographic range in the biodiversity certification assessment area and in proportion to its total area, a representative sample can be compiled
- **randomisation**: sites are located randomly within the vegetation zone but may be subject to rules regarding relationships with boundaries, clumping, and access (see Appendix 3 of the Standard)
- **replication**: as a general rule each vegetation zone is sampled at multiple locations (see Appendix 4 of the Standard).

Minimum numbers of transects and plots

Transects and plots are established in each vegetation zone. Vegetation zones are relatively homogeneous units within the proposal. However, given there is always variation in native vegetation, transects and plots should be established in each vegetation zone in approximate proportion to any different habitat types that occur in that zone, to achieve a representative sample.

Table 11 sets the minimum number of plots/transects that are required in each vegetation zone. If the condition of the vegetation is more variable across the zone, additional transects and plots to the number specified in Table 11 will be required to ensure a representative sample is taken for the vegetation zone to meet the principles of stratification and survey design specified above.

Table 11: Minimum number of transects/plots required per zone area

Vegetation zone area (ha)	Minimum number of transects/plots
0 – 10	1 transect/plot
> 10 – 25	2 transects/plots
> 25 – 50	3 transects/plots or 2 transects/plots if vegetation is in low condition
> 50 – 100	4 transects/plots or 3 transects/plots if vegetation is in low condition
> 100 – 250	5 transects/plots or 4 transects/plots if vegetation is in low condition
> 250 – 1000	6 transects/plots or 5 transects/plots if vegetation is in low condition More transects/plots may be needed if the condition of the vegetation is variable across the zone.

Visual interpretation of imagery

Interpretation of remote-sensed imagery can provide a primary spatial data layer and define the spatial extent of patterns in native vegetation through expert systems or computer modelling. This is true for mapping where stratification and GIS-based modelling tools have been difficult to implement due to lack of environmental data of a suitable scale and quality.

The primary function of Remote Image Interpretation (RII) in an integrated program of survey and mapping is recognising and delineating spatial patterns in native vegetation that can be used to delineate vegetation zones.

In the context of biodiversity certification, it is assumed that an appropriate set of vegetation types exists for the biodiversity certification assessment area. Therefore, vegetation zones are attributed with existing vegetation types. Polygons are attributed with existing vegetation types. Remotely observed patterns are linked to types based on:

a) prior knowledge of the regional vegetation

b) linkage of plot data, used in defining the types, with remotely observed patterns

c) direct field observation from rapid survey.

This process often requires application of all of the above and close interaction between experts in interpretation of remote imagery and ecologists with knowledge of the area.

Further information on the visual interpretation of remote or aerial imagery can be found in Appendix 2, Part C of the Standard.

Appendix 4: Guidelines for varying the increase in Site Value with additional management actions

An additional increase in condition attribute score on land subject to a conservation measure may be permitted where additional and/or more tailored management actions are being undertaken at an offset site that is likely to provide a greater increase in the condition attribute score than that predicted in Table 2 of the methodology.

An additional increase in the condition attribute score is limited to the increase specified in Table 12 for the condition attribute. Any increase in the condition attribute score greater than that predicted in Table 2 of the methodology must be approved by the Director General.

Table 12: Allowable increases in predicted improvement in site attribute scores under certain circumstances

Condition attribute	Increase in condition attribute score from current condition			
	0	1	2	Example of required management actions
Species richness	Increase by 1 rather than 0.5	Increase by 1 rather than 0.5	No extra increase (i.e. increase by 1)	Where strategic replanting is undertaken using seed sourced from vegetation on or adjacent to the site, a diverse range of species from different strata is used.
Over-storey cover	Increase by 1.5 rather than by 1	Increase by 1.5 rather than by 1	No extra increase (i.e. increase by 1)	Appropriate site preparation is undertaken prior to planting/seeding. Planting is restricted to indigenous local species relevant to vegetation type, landscape position and over-storey structural class. Seeds and seedlings sourced from local provenance. Planting configuration reflects natural density and patchiness. Grazing exclusion applies until seedlings are established. Follow-up management must include watering, grazing management, and control of weeds and other competing species.
Mid-storey cover	Increase by 1.5 rather than by 1	Increase by 1.5 rather than by 1	No extra increase (i.e. increase by 1)	Appropriate site preparation is undertaken prior to planting/seeding. Planting is restricted to indigenous local species relevant to vegetation type, landscape position and mid-storey structural class. Seeds and seedlings sourced from local provenance. Planting configuration reflects natural density and patchiness. Grazing exclusion until seedlings are established. Follow-up management must include watering, grazing management, and control of weeds and other competing species.

Condition attribute	Increase in condition attribute score from current condition			
	0	1	2	Example of required management actions
Native ground cover (grasses)	Increase by 1.5 rather than by 1	Increase by 2 rather than by 1	No extra increase (i.e. increase by 1)	Appropriate site preparation is undertaken prior to planting/seeding. Planting is restricted to indigenous local species relevant to vegetation type, landscape position and ground cover structural class. Seeds and seedlings sourced from local provenance. Planting configuration reflects natural density and patchiness. Grazing exclusion until seedlings are established. Follow-up management must include grazing management, and control of weeds and other competing species.
Native ground cover (shrubs)	No extra increase	Increase by 1.5 rather than by 1	No extra increase (i.e. increase by 1)	Appropriate site preparation is undertaken prior to planting/seeding. Planting is restricted to indigenous local species relevant to vegetation type, landscape position and ground cover structural class. Seeds and seedlings sourced from local provenance. Planting configuration reflects natural density and patchiness. Grazing exclusion until seedlings are established. Follow-up management must include grazing management, control of weeds and other competing species.
Native ground cover (other)	No extra increase (i.e. increase by 1)	No extra increase (i.e. increase by 1)	No extra increase (i.e. increase by 1)	No change from the default is permitted.
Exotic plant cover	No extra increase (i.e. increase by 0.5)	Increase by 1 rather than 0.5	No extra increase (i.e. increase by 1)	Where an integrated weed management plan is implemented. Plan includes monitoring of exotic species and action if cover increases.
Number of trees with hollows	No extra increase (i.e. 0 increase)	No extra increase (i.e. increase by 0.5)	No extra increase (i.e. increase by 0.5)	No change from the default is permitted.
Over-storey regeneration	Increase by 1 rather than 0.5	No extra increase (i.e. increase by 1)	No extra increase (i.e. increase by 1)	Appropriate site preparation is undertaken prior to planting/seeding. Planting is restricted to indigenous local species relevant to vegetation type, landscape position and ground cover structural class. Seeds and seedlings sourced from local provenance. Planting configuration reflects natural density and patchiness and should augment any natural regeneration occurring on the site. Grazing exclusion applies until seedlings are established. Follow-up management must include grazing management, and control of weeds and other competing species.
Total length of fallen logs	Increase by 0.5 rather than 0 increase	Increase by 1 rather than by 0.5	No extra increase (i.e. increase by 1)	Where hollow logs are brought onto the site from an adjoining development area and are placed in a configuration that reflects natural systems. An increase may also apply where the site contains some scattered mature or senescent trees.

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

ALBURY CITY COUNCIL

Roads Act 1993, Section 162

NOTICE is hereby given that Albury City Council, pursuant to section 162 of the Roads Act 1993, has named the following roads:

Location	*Road Name*
Proposed road off the eastern side of a proposed southern extension of Featherstone Avenue, Glenroy.	Par Street.
Proposed road at the southern extension of Featherstone Avenue, Glenroy. This proposed road meets the proposed southern end of Featherstone Avenue at a T intersection.	Driver Terrace.

L. G. TOMICH, General Manager, Albury City Council, 553 Kiewa Street, Albury NSW 2640. [5729]

BATHURST REGIONAL COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that Bathurst Regional Council at its meeting of 9 December 2009, resolved to dedicate land in Lot 16, DP 1138897 to the public as road to be known as Sallys Flat Road, Sallys Flat. The land described in the Schedule below is hereby dedicated as Council Public Road pursuant to section 10 of the Roads Act 1993. D. J. SHERLEY, General Manager, Bathurst Regional Council, PMB 17, Bathurst NSW 2795.

SCHEDULE

Lot 16, DP 1138897, Parish of Cunningham, County of Wellington. [5730]

BATHURST REGIONAL COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that Bathurst Regional Council at its meeting of 2 February 2011, resolved to dedicate land in Lot 31, DP 748459 to the public as road to be known as Turondale Road, Millah Murrah. The land described in the Schedule below is hereby dedicated as Council Public Road pursuant to section 10 of the Roads Act 1993. D. J. SHERLEY, General Manager, Bathurst Regional Council, PMB 17, Bathurst NSW 2795.

SCHEDULE

Lot 31, DP 748459, Parish of Millah Murrah, County of Roxburgh. [5731]

BELLINGEN SHIRE COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that the Bellingen Shire Council, by resolution of Council dated 22 July 2009 has resolved to dedicate the land described hereunder as public road pursuant to section 10 of the Roads Act 1993. LIZ JEREMY, General Manager, Bellingen Shire Council, PO Box 117, Bellingen NSW 2454.

SCHEDULE 1

Lot 1, DP 1147631 [5732]

BYRON SHIRE COUNCIL

Notification of Naming of Laneways
Station Lane and Cavvanbah Lane

THIS is to advise that Byron Shire Council resolved –

09-1093, Part 1:

That Council endorse and sign the name of the laneway immediately east and parallel to Station Street, Bangalow as Station Lane and advise the appropriate authorities of the adopted name.

09-556, Part 2:

That the laneway that runs parallel to Shirley Street and Cavvanbah Street and between Kendall Street and Dryden Street, Byron Bay be endorsed as Cavvanbah Lane and registered with the required authorities.

Notice of the proposal to name Station Lane (Bangalow) and Cavvanbah Lane (Byron Bay) has been published in local newspapers and sent to the relevant state authorities. Local residents were also consulted. No objections have been received. GENERAL MANAGER, Byron Shire Council, 70-90 Station Street (PO Box 219), Mullumbimby NSW 2482. [5733]

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.

SCHEDULE

Lot 2, DP 1146904

Easement Descriptions: Easement for sewage pipeline, access and services 20 wide and variable width shown as (B) in DP1146904

Easement for access and services variable width shown as (C) in DP1146904 [5734]

SHOALHAVEN CITY COUNCIL

Naming of Roads

SHOALHAVEN CITY COUNCIL advises that in accordance with section 162.1 of the Roads Act 1993 and Part 2, Division 2, Clause 9, Road Regulations 2008, it has named the following road:

Location	*Road Name*
Subdivision of Lot 14, DP 16346 and Lot 19, DP 18110, off Denbigh Place, South Nowra.	Elian Court.

No objections to the proposed name were received within the advertising period. R. PIGG, General Manager, Bridge Road, Nowra NSW 2541. File SF10192. [5735]

WOOLLAHRA MUNICIPAL COUNCIL

Notification of Dedication as a Public Road

ON 15 November 2010, Woollahra Municipal Council resolved to dedicate the land as a public road in accordance with section 16 of the Roads Act 1993.

Description

Part of the residue land comprised in Certificate of Title Volume 1730, Folio 42, at Wentworth Road, Vaucluse, Parish of Alexandria and County of Cumberland.

Note: On dedication, title for the land will remain vested in Woollahra Municipal Council as operational land.

Dated: 17 February 2011.

GARY LEONARD JAMES, General Manager, Woollahra Municipal Council, PO Box 61, Double Bay NSW 1360. [5736]

WOOLLAHRA MUNICIPAL COUNCIL

Notification of Dedication as a Public Road

ON 15 November 2010, Woollahra Municipal Council resolved to dedicate the land as a public road in accordance with section 16 of the Roads Act 1993.

Description

Part of the residue land comprised in Certificate of Title Volume 1774, Folio 57, at Queens Avenue and Little Queens Lane, Vaucluse, Parish of Alexandria and County of Cumberland.

Note: On dedication, title for the land will remain vested in Woollahra Municipal Council as operational land.

Dated: 9 February 2011. GARY JAMES, General Manager, Woollahra Municipal Council, PO Box 61, Double Bay NSW 1360. [5737]

WOOLLAHRA MUNICIPAL COUNCIL

Notification of Dedication as a Public Road

ON 15 November 2010, Woollahra Municipal Council resolved to dedicate the land as a public road in accordance with section 16 of the Roads Act 1993.

Description

Part of the residue land comprised in Certificate of Title Volume 2874, Folio 224, at Burrabirra Avenue, Vaucluse, Parish of Alexandria and County of Cumberland.

Note: On dedication, title for the land will remain vested in Woollahra Municipal Council as operational land.

Dated: 9 February 2011. GARY JAMES, General Manager, Woollahra Municipal Council, PO Box 61, Double Bay NSW 1360. [5738]

WOOLLAHRA MUNICIPAL COUNCIL

Notification of Dedication as a Public Road

ON 13 December 2010, Woollahra Municipal Council resolved to dedicate the land as a public road in accordance with section 16 of the Roads Act 1993.

Description

Part of the residue land comprised in Conveyance Book 44, No. 496 and Deed of Confirmation Book 44, No. 497 at Victoria Street, Watsons Bay, Parish of Alexandria and County of Cumberland.

Note: On dedication, title for the land will remain vested in Woollahra Municipal Council as operational land.

Dated: 17 February 2011. GARY LEONARD JAMES, General Manager, Woollahra Municipal Council, PO Box 61, Double Bay NSW 1360. [5739]

KYOGLE COUNCIL

Local Government Act 1993, Section 713

Sale of Land for Unpaid Rates and Charges

NOTICE is hereby given to the persons named hereunder, that Kyogle Council has resolved, in pursuance of section 713 of the Local Government Act 1993, to sell the land described hereunder of which the persons named appear to be the owners or in which they appear to have an interest in the land, and on which the amount of Rates and Charges outstanding is due:

Owners or person having interest in land (a)	*Description of land* (b)	*Amount of Rates overdue for more than 5 years (Dwelling) or 12mths (Vacant Land)* (c)	*Amount of all liable Rates and Charges due in arrears* (d)	*Total Outstanding at 31 August 2010* (e)
James Martin JOHNSON.	Lot 1, DP 724154, Parish of Fairy Mount.	$8,337.40	$8,917.39	$8,917.29

In default of payment to the Council of the amount in column (e) above and any other rates (including charges) becoming due and payable after publication of this Notice. The only acceptable payment arrangement for withdrawal from sale is payment of all Rates and Charges and that if all outstanding moneys are paid in full and to Council's satisfaction, this will be the only reason for withdrawing a property from the sale. That personal cheque payment for any of the listed properties will not be accepted five (5) working days prior to the sale. If full payment has not been received before the time fixed for the sale, the said land will be offered for sale by public auction at the office of John F. Gibson, Solicitor, 82 Summerland Way, Kyogle, at 11:00 a.m. sharp on 6 May 2011. The Kyogle Council, Stratheden Street, Kyogle NSW 2474. [5740]

WAKOOL SHIRE COUNCIL

Under the Road Act 1993 – Section 162

NAMING of Public Roads and Roads (General) Regulation 2008 wish to notify the following listing of Road Names has been adopted within the Wakool Shire area. MIKE COLREAVY, Acting General Manager, Wakool Shire Council, Private Bag 40, Moulamein NSW 2733. [5741]

Locality	*Road Name*	*Starting Point*	*Finishing Point*
Barham:	Beet Lane	MR 319 (Moulamein Road)	Dead end
	Boord Lane	East Barham Road	Dead end (Boord Lane)
	Booth Road	MR 319 (Moulamein Road)	Dead end (Booths Road)
	Cappiello Lane	North Barham Road	State Forest Entrance
	GreenHill Lane	MR 341 (Barham Road)	Dead end (Greenhill Lane)
	Lace Road	Gonn Road	Dead end (Lace Road)
	Le Plastrie Access	East Barham Road	Dead end (Access Road to O'Neills Property)
	Lilford Lane	MR 319 (Moulamein Road)	Dead end (Lilford Lane)
	McDougal Lane	North Barham Road	Dead end
	Muir Lane	North Barham Road	Penglase Lane
	Penglase Lane	Cappiello Lane	Muir Lane
	Woodards Lane	Gonn Road	Dead end
	Sandy Bridge Road	Gonn Road	Dead end
	Bookit Island Lane	MR 341 (Barham Road)	Dead end
	Colenso Park Road	MR 319 (Moulamein Road)	Dead end
	East Barham Road	Murray Street	Le Plastrie Lane
	Little Forest Lane	East Barham Road	Dead end (state forest)
	Lower Thule Road	MR 341 (Barham Road)	Shire boundary (Murray)
	North Barham Road	Cobwell Street	Gonn Road
	Vinecombe Lane	Lawson Road	Dead end
	Glenview Road	North Barham Road	Dead end
Burraboi:	Adam Road	Whelans Lane	Dead end
	Canning Road	Burraboi Road	Tulla Road
	Dean Lane	Jimaringle Road	Dead end

	Hollin Lane	Burraboi Road	Tulla Road
	Jerry Road	Burraboi Road	Dead end after crosses over Merriginnie Road
	Scott Lane	Burraboi Road	Dead end
	Beemelon Road	Merriginnie Road	Rangemore Road
	Burraboi Road	MR 319 (Moulamein Road)	MR 94 (Wakool Road)
	Chowar Lane	Rangemore Road	Dead end
	Jimaringle Road	Rangemore Road	Burraboi Road
	Merriginnie Road	Burraboi Road	Dead end
	Newholme Road	Rangemore Road	Niemur River
	Rangemore Road	MR 319 (Moulamein Road)	Shire boundary (Murray)
Cobramunga:	Murrabit Road	Noorong Road	Shire boundary (Ganawarra)
	Nacurrie Road South	Noorong Road	Murrabit Road
	Cobramunga Road	Murrabit Road (south)	Murrabit Road (north)
	Murra Lane	Murrabit Road (north)	Dead end
Cunninyeuk:	Wood Lane	Mathiesons Lane	Dead end
	Chilvers Lane	Nacurrie Road North	Dead end
	Evans Lane	Cunninyeuk Road	Dead end
	Nacurrie Road North	MR 319 (Moulamein Road)	Noorong Road
	Wyoming Lane	Nacurrie Road North	Dead end
Dilpurra:	Coobool Siding Road	MR 386 (Swan Hill Road)	Dead end
	Marunda Road	MR 386 (Swan Hill Road)	Dead end
	Tueloga Road	MR 67 (Stony Crossing Rd)	MR 386 (Swan Hill Road)
Locality	*Road Name*	*Starting Point*	*Finishing Point*
Dhuragoon:	Craigieman Lane	MR 319 (Moulamein Road)	Dead end
	Gorey Road	MR 319 (Moulamein Road)	Balpool Road
	Nesbitt Road	Frasers Road	Dead end
	Balpool Road	MR 319 (Moulamein Road)	Shire boundary (conargo)
	Dhuragoon Road	MR 319 (Moulamein Road)	Balpool Road
	Waterfield Lane	MR 319 (Moulamein Road)	Dead end
	Balpool Lane	Balpool Road	Dead end
Goodnight:	Lockhart Road	MR 694 (Yanga Way)	Goodnight/Wakool Junction Roads Intersection
	Arbuthnot Lane	Wakool Junction Road	Dead end
	Cannally Road	Lockhart Road	Goodnight Road
	Etona Lane	Lockhart Road	Dead end
	Goodnight Road	MR 694 (Yanga Way)	Lockhart/Wakool Junction Roads Intersection
	Pevensey Lane	Wakool Junction Road	Dead end
	Wakool Junction Road	Lockhart/Goodnight Roads Intersection	Dead end
	Wanera Lane	Lockhart Road	Dead end
Gonn:	Neil Lane	Murrabit Road	Dead end
	Blain Lane	Murrabit Road	Dead end
	Drysdale Lane	Gonn Road	Dead end
	Ficken Road	Murrabit Road	Dead end
	Sandy Bridge Road	Gonn Road	Dead end
	Colenso Park Road	MR 319 (Moulamein Road)	Dead end
	Murrabit Road	Noorong Road	shire boundary (ganawarra)
	Widderin Park Road	Gonn Road	Dead end
Keri Keri:	Robb Road	Baldon Road	Dead end
	Kia-Parker Road	Loorica Road	Nap Nap Road
	Loorica Road	Sturt Highway	Dead end
	Lintara Road	Keri East Road	Sturt Highway

	Keri East Road	Baldon Road	Shire boundary (Hay)
	Keri Keri Road	Berambong Road	Sturt Highway
Koraleigh:	Brown Road	Tooley Landing Road	Angle Road
	Eagle Lane	Koraleigh Road	Dead end
	Louttits Lane	Koraleigh Road	Lakeview Road
	Prentice Road	Speewa Road	Lake Poomah Road
	Sherriff Road	Lake Poomah Road	Angle Road
	Toll Lane	Koraleigh Road	Cox Road
	Angle Road	Koraleigh Road	Poon Boon
	Cox Road	Eagles Lane	Dead end
	Koraleigh Road	Speewa Road	Cadell Street (Tooleybuc)
	Speewa Road	shire boundary (swan hill) – Nyah Bridge	MR 67 (Stony Crossing Rd)
	Lakeview Road	Eagles Lane	Lake Poomah Road
	Tooley Landing Road	Koraleigh Road	Dead end
Kyalite:	Richardson Road	MR 694 (Yanga Way)	Dead end
	Wakool Junction Road	Lockhart/Goodnight Roads Intersection	Dead end – does split into T intersection – one leads to Murray River & other a dead end
	Kyalite Road	MR 694 (Yanga Way)	MR 296 (Balranald Road)
	Impimi Road	MR 296 (Balranald Rd)	Sturt Highway
	Goodnight Road	MR 694 (Yanga Way)	Lockhart Road
	Arundel Road	Kyalite Road	MR 296 (Balranald Road)
	Condoulpe Lake Road	MR 296 (Balranald Rd)	Dead end
Locality	*Road Name*	*Starting Point*	*Finishing Point*
Mallan:	Maddy Road	MR 386 (Swan Hill Rd)	Kaylocks Road
	Mathieson Lane	Cunninyeuk Road	Dead end
	Wood Lane	Mathieson Lane	Dead end
	Liewah Road	Kaylocks Road	Dead end (property gates)
	Cunninyeuk Road	MR 386 (Swan Hill Rd)	Nacurrie Road North
	Frantz Lane	Cunninyeuk Road	Dead end
	Nangtree Lane	Cunninyeuk Road	Dead end (property ramp/gate)
	Pine Point Lane	MR 386 (Swan Hill Rd)	Dead end
	Tooranie Road	MR 386 (Swan Hill Rd)	Kaylocks Road
	Willox Lane	Cunninyeuk Road	Dead end
	Coobool Island Road	MR 386 (Swan Hill Rd)	Dead end
Mellool:	Fisher Lane	Noorong Road	Dead end
	Fountain Road	Noorong Road	Dead end
	Moar Road	Noorong Road	Dead end
	Officer Road	Noorong Road	Dead end
	Noorong Road	MR 386 (Swan Hill Road)	MR 319 (Moulamein Road)
Moolpa:	Big Sandhill Road	MR 296 (Balranald Rd)	Dead end
	Impimi Road	MR 296 (Balranald Rd)	Sturt Highway
	Keri Keri Road	Berambong Road	Sturt Highway
	Kyalite Road	MR 296 (Balranald Rd)	MR 694 (Yanga Way)
	Lintot Road	Sturt Highway	Dead end
	Perekerton Road	MR 296 (Balranald Rd)	Keri Keri Road
Moulamein:	Windarra Lane	Nacurrie Road North	Dead end
	Morton Lake Lane	Morton Road	Dead end
	Morton Road	MR 386 (Swan Hill Rd)	Dead end (Niemur River xing)
	Robb Road	Baldon Road	Dead end
	Shady Acres Lane	MR 386 (Swan Hill Rd)	Dead end
	Agnes Lane	Windarra Lane	Dead end
	Balpool Road	MR 319 (Moulamein Rd)	shire boundary (conargo)

	Berambong Railway Road	MR 296 (Balranald Rd)	Keri Keri Road
	Binbinette Road	MR 296 (Balranald Rd)	Keri Keri Road
	Keri East Road	Baldon Road	Shire boundary (Hay)
	Pike Pike Lane	MR 386 (Swan Hill Rd)	Dead end
	Tchelery Road	MR 319 (Maude Road) Intersection	Paterson Street Intersection
	Baldon Road	Paterson Street	Shire boundary (Conargo)
Murray Downs:	Merran Lane	MR 386 (Swan Hill Rd)	Dead end
	Cygnet Lane	MR 386 (Swan Hill Rd)	Dead end
	Felton Drive	Noorong Road	Dead end
	Noorong Road	MR 386 (Swan Hill Road)	MR 319 (Moulamein Road)
Niemur:	Amor Road	Fraser Road	Lowing Road
	Fraser Road	Balpool Road	MR 319 (Moulamein Road)
	Lowing Road	Balpool Road	Amor Road
	Nesbitt Road	Fraser Road	Dead end
	Balpool Lane	Balpool Road	Dead end
	Balpool Road	MR 319 (Moulamein Rd)	Shire Boundary (Conargo)
Noorong:	Talakaborong Lane	Noorong Road	Dead end
	Wyoming Lane	Nacurrie Road North	Dead end
	Martin Lane	Noorong Road	Dead end
	Grimer Downs Lane	Noorong Road	Dead end
	La Rose Lane	Noorong Road	Dead end
	Noorong Road	MR 386 (Swan Hill Road)	MR 319 (Moulamein Road)
Speewa:	Davidson Lane	MR 67 (Stony Crossing Rd)	Dead end
	Greenfield Lane	MR 67 (Stony Crossing Rd)	Dead end
Locality	*Road Name*	*Starting Point*	*Finishing Point*
	McCalman Lane	MR 67 (Stony Crossing Rd)	Dead end
	Fred Lane	Speewa Island Lane	Dead end
	Speewa Road	MR 67 (Stony Crossing Rd)	Shire boundary (swan hill) – Murray river
	Pickering Lane	Speewa Ferry Road	Dead end
	Speewa Ferry Road	Speewa Road	Shire boundary (swan hill) – Murray river
	Speewa Island Lane	Speewa Ferry Road	Dead end
	Tueloga Road	MR 67 (Stony Crossing Rd)	MR 386 (Swan Hill Road)
	Puah Lane		
Stony Crossing:	McCalman Lane	MR 67 (Stony Crossing Rd)	Dead end
	Tueloga Road	MR 67 (Stony Crossing Rd)	MR 386 (Swan Hill Rd)
	Lake Poomah Road	Koraleigh Road	MR 67 (Stony Crossing Rd)
	Speewa Road	MR 67 (Stony Crossing Rd)	Shire Boundary (swan hill) – nyah bridge
Tooleybuc:	Glen Innes Lane	Poon Boon Road	Dead end
	Lacy Road	Koraleigh Road	Brown Road
	Lockhart Road	MR 694 (Yanga Way)	Wakool Junction Road
	Sharrock Lane	Lockhart Road	Dead end
	Coomaroop Road	Koraleigh Road	MR 694 (Yanga Way)
	Koraleigh Road	Speewa Road	Cadell Street (tooleybuc)
	Poon Boon Road	Coomaroop Road	Lake Poomah Road
Tooranie:	Balshaw Road	MR 386 (Swan Hill Road)	Kaylocks Road
	Kaylock Road	MR 386 (Swan Hill Road)	Liewah Road
	Tooranie Road	MR 386 (Swan Hill Road)	Kaylocks Road
	Liewah Road	Kaylocks Road	Dead end
Tullakool:	Adam Road	Whelans Lane	Dead end
	Canning Road	Tulla Road	Burraboi Road

	Lolicato Lane	MR 319 (Moulamein Road)	Dead end
	Miller Road	MR 319 (Moulamein Road)	Thomas/Steilston Roads Intersection
	Rawling Road	Tulla Road	Burraboi Road
	Whelan Lane	Burraboi Road	Adam Road
	Burraboi Road	MR 319 (Moulamein Road)	Flinders Street (wakool)
	Rangemore Road	Shire boundary (Murray)	MR 319 (Moulamein Road)
	Steilston Road	Noorong Road	Miller/Thomas Roads Intersection
	Thomas Road	Noorong Road	Miller/Steilston Roads Intersection
	Tulla Road	MR 319 (Moulamein Road)	MR 94 (Wakool Road)
	Noorong Road	MR 386 (Swan Hill Road)	MR 319 (Moulamein Road)
Wakool:	Canning Road	Tulla Road	Burraboi Road
	Hamilton Lane	Tulla Road	Dead end
	Jerry Road	Burraboi Road	Dead end after crossing merriginnie road
	McLay Lane	MR 94 (Wakool Road)	Dead end
	McCready Lane	MR 94 (Wakool Road)	Dead end
	Murdock Lane	MR 94 (Wakool Road)	Dead end
	Murray Lane	MR 94 (Wakool Road)	Dead end
	Shuter Lane	MR 94 (Wakool Road)	Dead end
	Troy Road	MR 94 (Wakool Road)	Jerry Road
	Walker Lane	Tulla Road	Dead end
	Palmer Lane	Werai Lane	Dead end
	Brassi Road	MR 94 (Wakool Road)	Dead end
	Forrestal Lane	McClay Lane	Dead end
Locality	*Road Name*	*Starting Point*	*Finishing Point*
	Merriginnie Road	Burraboi Road	Dead end
	Nullabooma Road	Hollins road	Burraboi Road
	Rangemore Road	Shire boundary (murray)	MR 319 (Moulamein Road)
	Splendida Lane	Troys Road	Dead end
	Tulla Road	MR 319 (Moulamein Road)	MR 94 (Wakool Road)
	Burraboi Road	MR 319 (Moulamein Road)	Flinders Street (Wakool)
	Werai Lane	MR 94 (Wakool Road)	Shire boundary (murray)
	Wakool Road	Shire boundary (murray)	MR 319 (Moulamein Road)
Waugorah:	Coates Road	Waugorah Road	Dead end
	Nap Nap Road	Waugorah Road	Dead end
	Tala Road	Waugorah Road	Dead end
	Waugorah Road	Sturt Highway	Dead end shire boundary
	Wendouree Lane	Waugorah Road	Dead end
Wetuppa:	Fisher Lane	Noorong Road	Dead end
	Fountain Road	Noorong Road	Dead end
	Nacurrie Road South	Noorong Road	Murrabit Road
	Noorong Road	MR 386 (Swan Hill Road)	MR 319 (Moulamein Road)
Yanga:	Kia-Parker Road	Nap Nap	Dead end
	Yanga Siding Lane	Sturt Highway	entrance Yanga National Park
	Impimi Road	MR 296 (Balranald Road)	Sturt Highway
	Keri Keri Road	Berambong Road	Sturt Highway
	Lintot Road	Sturt Highway	Dead end
	Nap Nap Road	Waugorah Road	Dead end
	Waugorah Road	Sturt Highway	Dead end – shire boundary
	Loorica Road	Sturt Highway	Dead end – shire boundary

Main Roads

MR 319	(South) Moulamein Road	Paterson/Tallow Streets Intersection Moulamein	Gonn Street Barham
	(North) Maude Road	Tallow St/Tchelery Road Intersection Moulamein	Shire Boundary (Conargo)
MR 67	Stony Crossing Road	MR 386 (Moulamein Road) Intersection	MR 694 (Yanga Way)
MR 386	Swan Hill Road	Bridge at Swan Hill (M/Downs)	MR 319 (Moulamein Road)
MR 296	Balranald Road	Moulamein – Cedar Avenue	MR 694 (Yanga Way)
	Pretty Pine Road	Pretty Pine – Intersection (cont Conargo number)	Barratta Street – Moulamein
MR 94	Wakool Road	Shire Boundary – Murray	MR 319 (Moulamein Road)
MR 694 (222)	Yanga Way	Shire boundary – S/Hill T'buc Bridge	Shire boundary -Balranald

ESTATE NOTICES

NOTICE of intended distribution of estate. – Any person having any claim upon the estate of the late GLADYS ASHCROFT, late of Uralla in the state of New South Wales, widow, deceased, who died on 16 November 2010, must send particulars of their claim to the executor, David M. Carson, Level 10, 99 Elizabeth Street, Sydney NSW 2000, within one calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 1 February 2011. DAVID M. CARSON, Level 10, 99 Elizabeth Street, Sydney NSW 2000 (DX 1027 Sydney), tel.: (02) 9222 1033, fax (02) 9222 1044. [5742]

NOTICE of intended distribution of estate. – Any person having any claim upon the estate of MARION JOY HAYES late of Killarney Vale in the state of New South Wales, seamstress, who died on 7 November 2010 must send particulars of their claim to the executor, Gerald Lee Williams care of Truman Hoyle Lawyers, Level 11, 68 Pitt Street, Sydney NSW 2000, within 31 days from the publication of this notice. After that time and after six months from the date of the death of the deceased the assets of the estate and the property may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executors have notice. Probate was granted in New South Wales on 16 February 2011. TRUMAN HOYLE Lawyers, Level 11, 68 Pitt Street, Sydney NSW 2000 (DX 263 Sydney), ref: SR 92315. [5743]

NOTICE of intended distribution of estate. – Any person having any claim upon the estate of LEONARD RAYMOND SLADE, blacksmith, late of Oatley, in the state of New South Wales, who died on 10 July 2010, must send particulars of his claim to the executor, Graeme Philip Slade, c.o. Colin J. Duff, Solicitor, 7 Morts Road, Mortdale NSW 2223, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 10 January 2011. COLIN J. DUFF, Solicitor, 7 Morts Road, Mortdale NSW 2223 (DX11307, Hurstville), tel.: (02) 9570 2022 (ref CJD:IG:2104761). [5744]

OTHER NOTICES

COUNTRY ENERGY

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement for Electricity Purposes at Surfside and Long Beach

COUNTRY ENERGY declares, with the approval of Her Excellency the Governor, with the advice of the Executive Council, that the Interest in Land described in Schedule 1 to this notice the terms of which are described in Schedule 2 to this notice is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995.

Dated at Port Macquarie, this 25th day of February 2011.

TERRI BENSON,
Managing Director

Country Energy,
PO Box 718, Queanbeyan NSW 2620.

SCHEDULE 1

Localities: Surfside and Long Beach.

L.G.A.: Eurobodalla.

Land: Crown Land (being the Crown road on the eastern side of Cullendulla Creek and the bed of Cullendulla Creek).

Interest in Land: Easement for underground powerlines 2 wide affecting Crown Land shown as "Proposed Easement for Underground Powerlines 2 wide" in registered plan DP 1148273.

Parishes: East Nelligen and Benandarah.

County: St Vincent.

SCHEDULE 2

Easement for underground powerlines 2 wide upon the terms set out in Part B of Memorandum No. AA26009 registered at Land and Property Management Authority.

In so far as any Native Title rights and interests may exist over any of the Land in Schedule 1, the "non-extinguishment principle" as defined in section 238, Native Title Act 1993 (Cth), applies to this easement acquisition. [5745]

COUNTRY ENERGY

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easements for Electricity Transmission Line at Chambigne

COUNTRY ENERGY declares, with the approval of Her Excellency the Governor and the Executive Council that the interests in Land described in Schedule 1 to this notice the terms of which are described in Schedule 2 to this notice are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995.

Dated at Port Macquarie, this 25th day of February 2011.

TERRI BENSON,
Managing Director

Country Energy,
PO Box 718, Queanbeyan NSW 2620.

SCHEDULE 1

No.	*Interests in Land*	*Locality*	*L.G.A.*	*Parish*	*County*
1.	Easement for overhead powerlines 20 wide affecting Crown public road dissecting Lot 13, DP 707305 shown as ""A" proposed easement for over head powerline 20 wide" in, DP 1133603	Olivedale	Clarence Valley	Rushforth	Clarence
2.	Easement for overhead powerlines 20 wide & variable affecting Crown public road west of Lot 13, DP 707305 shown as ""B" proposed easement for overhead powerline 20 wide and variable" in, DP 1133603	Olivedale	Clarence Valley	Rushforth	Clarence
3.	Easement for overhead powerlines 20 wide affecting Crown public road dissecting east to west Lot 262, DP 751383 shown as ""C" proposed easement for overhead powerline 20 wide" in, DP 1133603	Olivedale	Clarence Valley	Rushforth	Clarence
4.	Easement for overhead powerlines variable width affecting Crown public road east of Lot 262, DP 751383 shown as ""D" proposed easement for overhead powerline variable width" in, DP 1133603	Olivedale	Clarence Valley	Rushforth	Clarence
5.	Easement for overhead powerlines 20 wide affecting Crown public road dissecting east to west Lot 262, DP 751383 shown as ""E" proposed easement for overhead powerline 20 wide" in, DP 1133603	Olivedale	Clarence Valley	Rushforth	Clarence
6.	Easement for overhead powerlines variable 20 wide & variable affecting bed of Orara River adjoining Lot 44 in, DP 752816 shown as ""F" proposed easement for overhead powerline variable 20 wide and variable" in, DP 1133603	Olivedale	Clarence Valley	Rushforth	Clarence

No.	*Interests in Land*	*Locality*	*L.G.A.*	*Parish*	*County*
7.	Easement for overhead powerlines 20 wide & variable affecting Lot 4, DP 752816 comprising Reserve 86973 for Travelling Stock and affecting Lot 7004 in, DP 1054643 comprising Reserve 86973 for Travelling Stock and affecting bed Chambigne Creek and affecting Lot 7003, DP 1055540 comprising Reserve 86973 for Travelling Stock shown as ““A” proposed easement for overhead powerline 20 wide and variable” in, DP 1133616	Chambigne	Clarence Valley	Toothill (Lot 7003, DP 1055540) Chambigne (Lot 4, DP 752816) Chambigne (Lot 7004, DP 1054643) Chambigne (Bed Chambigne Ck)	Fitzroy Fitzroy Fitzroy Fitzroy
8.	Easement for overhead powerlines variable width affecting Crown public road between Lot 4, DP 752822 and Lot 1, DP 214465 and shown as ““A” proposed easement for overhead powerline variable width” in, DP 1133622	Chambigne	Clarence Valley	Ermington	Fitzroy
9.	Easement for overhead powerlines 20 wide over bed Obx Creek and shown as ““B” proposed easement for overhead powerline 20 wide over bed Obx Creek” in, DP 1133622	Chambigne	Clarence Valley	Ermington	Fitzroy
10.	Easement for overhead powerlines 20 wide affecting Crown public road dissecting Lot 67, DP 752822 and shown as ““C” proposed easement for overhead powerline 20 wide over Crown road” in, DP 1133622	Chambigne	Clarence Valley	Ermington	Fitzroy
11.	Easement for overhead powerlines 20 wide over bed Chambigne Creek and shown as ““D” proposed easement for overhead powerline 20 wide over bed Chambigne Creek” in, DP 1133622	Chambigne	Clarence Valley	Ermington	Fitzroy
12.	Easement for overhead powerlines 20 wide affecting Crown public road diagonally dissecting Lot 48, DP 752816 and shown as ““E” proposed easement for overhead powerline 20 wide over Crown road” in, DP 1133622	Chambigne	Clarence Valley	Ermington	Fitzroy
13.	Easement for overhead powerlines 20 wide over bed Cobie Creek and shown as ““F” proposed easement for overhead powerline 20 wide over bed Cobie Creek” in, DP 1133622	Chambigne	Clarence Valley	Chambigne	Fitzroy
14.	Easement for overhead powerlines 20 wide affecting Crown public road dissecting Lot 47, DP 752816 and shown as ““G” proposed easement for overhead powerline 20 wide over Crown road” in, DP 1133622	Chambigne	Clarence Valley	Chambigne	Fitzroy

No.	*Interests in Land*	*Locality*	*L.G.A.*	*Parish*	*County*
15.	Easement for overhead powerlines 20 wide & variable affecting Lot 7018, DP 1120788 comprising Reserve 43164 for Travelling Stock and shown as ““A” proposed easement for overhead powerline 20 wide and variable” in, DP 1133613	Chambigne	Clarence Valley	Ermington	Fitzroy
16.	Easement for overhead powerlines 20 wide affecting Lot 7004, DP 1109292 comprising Reserve 43164 for Travelling Stock and affecting Lot 7018, DP 1120788 comprising Reserve 43164 for Travelling Stock and shown as ““A” proposed easement for overhead powerline 20 wide” in, DP 1133626	Chambigne	Clarence Valley	Ermington	Fitzroy
17.	Easement for overhead powerlines 20 wide affecting Crown public road dissecting Lot 84, DP 752822 and shown as ““A” proposed easement for overhead powerline 20 wide” in, DP 1133618	Chambigne	Clarence Valley	Ermington	Fitzroy
18.	Easement for overhead powerlines 20 wide & variable affecting road to east of Lot 1, DP 632103 comprising Reserve R46709 for Travelling Stock and affecting Lot 7005, DP 92955 comprising Reserve 43164 for Travelling Stock and shown as ““A” proposed easement for overhead powerline 20 wide and variable” in, DP 1133627	Chambigne	Clarence Valley	Ermington	Fitzroy
19.	Easement for overhead powerlines 20 wide & variable affecting Lot 7017, DP 1109291 comprising Reserve 53437 for Travelling Stock and affecting Lot 7008, DP 1115205 comprising Reserve 53437 for Travelling Stock and shown as ““A” proposed easement for overhead powerline 20 wide and variable” in, DP 1133628	Chambigne	Clarence Valley	Ermington	Fitzroy

SCHEDULE 2

Terms of Easements (numbers corresponding with Schedule 1):

1. Easement for overhead powerlines 20 wide on the terms set out in Part A of Memorandum No. AA26009 registered at the Land and Property Management Authority.
2. Easement for overhead powerlines 20 wide & variable on the terms set out in Part A of Memorandum No. AA26009 registered at the Land and Property Management Authority.
3. Easement for overhead powerlines 20 wide on the terms set out in Part A of Memorandum No. AA26009 registered at the Land and Property Management Authority.
4. Easement for overhead powerlines variable width on the terms set out in Part A of Memorandum No. AA26009 registered at the Land and Property Management Authority.
5. Easement for overhead powerlines 20 wide on the terms set out in Part A of Memorandum No. AA26009 registered at the Land and Property Management Authority.
6. Easement for overhead powerlines variable 20 wide & variable on the terms set out in Part A of Memorandum No. AA26009 registered at the Land and Property Management Authority.
7. Easement for overhead powerlines 20 wide & variable on the terms set out in Part A of Memorandum No. AA26009 registered at the Land and Property Management Authority.

8. Easement for overhead powerlines variable width on the terms set out in Part A of Memorandum No. AA26009 registered at the Land and Property Management Authority.

9. Easement for overhead powerlines 20 wide on the terms set out in Part A of Memorandum No. AA26009 registered at the Land and Property Management Authority.

10. Easement for overhead powerlines 20 wide on the terms set out in Part A of Memorandum No. AA26009 registered at the Land and Property Management Authority.

11. Easement for overhead powerlines 20 wide on the terms set out in Part A of Memorandum No. AA26009 registered at the Land and Property Management Authority.

12. Easement for overhead powerlines 20 wide on the terms set out in Part A of Memorandum No. AA26009 registered at the Land and Property Management Authority.

13. Easement for overhead powerlines 20 wide on the terms set out in Part A of Memorandum No. AA26009 registered at the Land and Property Management Authority.

14. Easement for overhead powerlines 20 wide on the terms set out in Part A of Memorandum No. AA26009 registered at the Land and Property Management Authority.

15. Easement for overhead powerlines 20 wide & variable on the terms set out in Part A of Memorandum No. AA26009 registered at the Land and Property Management Authority.

16. Easement for overhead powerlines 20 wide on the terms set out in Part A of Memorandum No. AA26009 registered at the Land and Property Management Authority.

17. Easement for overhead powerlines 20 wide on the terms set out in Part A of Memorandum No. AA26009 registered at the Land and Property Management Authority.

18. Easement for overhead powerlines 20 wide & variable on the terms set out in Part A of Memorandum No. AA26009 registered at the Land and Property Management Authority.

19. Easement for overhead powerlines 20 wide & variable on the terms set out in Part A of Memorandum No. AA26009 registered at the Land and Property Management Authority.

In so far as any Native Title rights and interests may exist over any of the Land in Schedule 1, the "non-extinguishment principle" as defined in section 238 of the Native Title Act 1993 (Cth) applies to this acquisition. [5746]

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