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2338 G 39 29 September 1994

Victoria Government Gazette

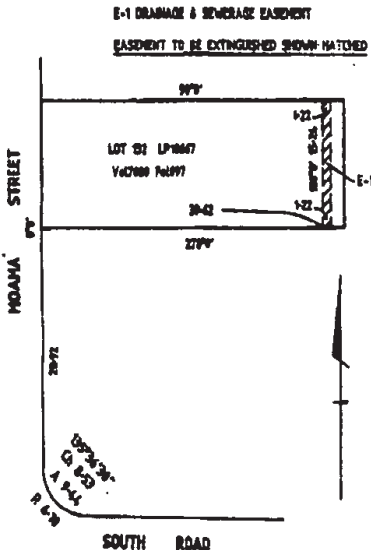
ORDERS IN COUNCIL

Housing Act 1983
CITY OF SUNSHINE
Extinguishment of an Easement

The Governor in Council under section 16 of the Housing Act 1983 extinguishes the easement indicated by hatching on the plan hereunder.

PLAN FOR EXTINGUISHMENT OF EASEMENT

PART OF CROWN PORTION 17
PARISH OF CUT PAW PAW
COUNTY OF BOURKE



Dated 3 May 1994
Responsible Minister:
ROB KNOWLES
Minister for Housing

KATHY WILSON
Acting Clerk of the Executive Council

Flora and Fauna Guarantee Act 1988
The Governor in Council makes the following Order:

Dated 20 September 1994

Responsible Minister:

C. G. COLEMAN

Minister for Natural Resources

KATHY WILSON
Acting Clerk of the Executive Council

FLORA AND FAUNA GUARANTEE
(MINERAL RESOURCES DEVELOPMENT)
ORDER 1994

Title

1. This Order may be cited as the Flora and Fauna Guarantee (Mineral Resources Development) Order 1994.

Purpose

2. The purpose of this Order is to—

- (a) authorise the taking of protected flora where that taking is a result of or incidental to exploration or mining works authorised by an Exploration or a Mining licence issued under the Mineral Resources Development Act 1990; and
- (b) specify terms and conditions to apply to the taking of flora in the course of authorised mining works to ensure that the taking is ecologically sustainable.

Authorising provision

3. This Order is made under section 48 (3) of the Flora and Fauna Guarantee Act 1988.

Definitions

4. In this Order—

“authorised mining works” means any works or incidental operations which may be lawfully carried out under the terms and conditions of an exploration licence or a mining licence issued under the Mineral Resources Development Act 1990.

“forest block” means the primary territorial subdivision of a forest management area, and is used for broad scale planning, reference and mapping (CNR Standing Instruction M-104 3/10/1980).

"grasstrees" means plants of the taxon *Xanthorrhoea*.

"landholder" is defined as the owner of the land or a person who has been granted a lease by the owner of the land.

"private land" means land held under freehold title by anyone other than a public authority.

"rehabilitation work" means action that is carried out in disturbed areas so as to ensure that the conservation objectives of this Order are achieved.

"restricted Crown land" has the same meaning as in the **Mineral Resources Development Act 1990**.

"roadmaking" means the construction or maintenance of a road or track.

"sphagnum moss" means plants of the taxon *Sphagnum*.

"the Act" means the **Flora and Fauna Guarantee Act 1988**.

"tree-ferns, means plants of the taxa *Dicksonia antarctica*, *Cyathea* and *Todea barbara*.

"unrestricted Crown land" has the same meaning as in the **Mineral Resources Development Act 1990**.

"worksites" has the same meaning as in the **Mineral Resources Development Act 1990**.

Conservation objectives

5. (1) The general conservation objectives of this Order are—

- (a) the objectives in section 4 (1) (a) to (e) of the **Flora and Fauna Guarantee Act 1988**; and
- (b) to ensure that, across the forest block, each species and sub-species of protected flora that is taken under this Order and the community of which the flora is a member or part is retained in a state that is no less viable at the end of the taking and any related rehabilitation work than it was before the taking occurred.

(2) The specific conservation objectives of this Order are to ensure that, beyond the short-term changes associated with the taking and any related rehabilitation work—

- (a) at each point of disturbance including each individual worksite and access route but not including permanent clearings such as permanent roads, the species mix that occurred there prior to the taking is retained or restored; and

- (b) across the forest block, the taking and any related rehabilitation work result in no decrease in the abundance of any rare or threatened flora; and
- (c) across the forest block, there is no decrease in the genetic diversity of any species indigenous to the area; and
- (d) there is no increase in the distribution or abundance of organisms, including plants animals and pathogens, that are not indigenous to the area; and
- (e) across the forest block, the habitat characteristics that existed prior to the commencement of the taking are maintained by ensuring that factors such as the hydrological conditions, soil and geomorphological conditions and vegetation structure are not materially altered; and
- (f) animals that are part of the community of which the protected flora is a member or part are not disturbed in a way which could threaten their reproduction or long term presence in the area.

Authority to take protected flora where mining is the subject of an EES

6. The Governor in Council authorises any person who undertakes authorised mining works which have been the subject of an Environment Effects Statement to take protected flora other than tree-ferns, grasstrees and sphagnum moss for sale, if the taking is as a result of or incidental to the carrying out of those works, and if—

- (a) the Environment Effects Statement has been carried out under any directions of and guidelines for the preparation of such statements issued by the Minister administering the **Environment Effects Act 1978**; and
- (b) any matters required to be investigated were so investigated and the Minister administering the **Flora and Fauna Guarantee Act 1988** had the opportunity to comment on any matters investigated including making submissions to a panel (if any) appointed under section 9 of the **Environment Effects Act 1978**; and
- (c) the views of the Minister administering the **Flora and Fauna Guarantee Act 1988** are considered by the Minister administering the **Mineral Resources Development Act 1990** prior to

2340 G 39 29 September 1994

Victoria Government Gazette

approving any authority to commence work under the **Mineral Resources Development Act 1990**.

Authority to take protected flora—private land

7. (1) The Governor in Council authorises any person who undertakes authorised mining works on private land to take protected flora from that land as a result of or incidental to the carrying out of those works, except as provided for in sub-clauses (2) and (3).

(2) Sub-clause (1) does not authorise a person to take protected flora if that flora is tree-ferns, grasstrees or sphagnum moss taken for sale.

(3) Sub-clause (1) does not authorise a person to take protected flora if the flora is—

- (a) taken from a critical habitat declared under section 20 of the Act; or
- (b) a member of a species or community listed in Schedule 2 of the Act and if the activity is mining, drilling, trenching, costeaning, bulk sampling or roadmaking and if the landholder objects to the taking;

unless the works have been the subject of an Environment Effects Statement in accordance with Clause 6.

Authority to take protected flora—restricted Crown land

8. (1) The Governor in Council authorises any person who undertakes authorised mining works on restricted Crown land to take protected flora from that land as a result of or incidental to the carrying out of those works, if the Minister administering the **Crown Land (Reserves) Act 1978** or the Minister administering the **Forests Act 1958** has given consent to access the restricted Crown land (as required under section 44 of the **Mineral Resources Development Act 1990**), and before giving that consent has considered the objectives of this Order and section 48 (4) of the Act, except as provided for in sub-clauses (2) and (3).

(2) Sub-clause (1) does not authorise a person to take protected flora if that flora is tree-ferns, grasstrees, or sphagnum moss taken for sale.

(3) Sub-clause (1) does not authorise a person to take protected flora if the flora is taken from a critical habitat declared under section 20 of the Act, unless the works have been the subject of an Environment Effects Statement in accordance with Clause 6.

Authority to take protected flora—unrestricted Crown land and freehold land owned by a public authority

9. (1) The Governor in Council authorises any person who undertakes authorised mining works on unrestricted Crown land or freehold land owned by a public authority to take protected flora from that land as a result of or incidental to the carrying out of those works, except as provided for in sub-clauses (2) and (3).

(2) Sub-clause (1) does not authorise a person to take protected flora if that flora is tree-ferns, grasstrees, or sphagnum moss taken for sale.

(3) Sub-clause (1) does not authorise a person to take protected flora if the flora is—

- (a) taken from a critical habitat declared under section 20 of the Act; or
- (b) a member of a species or community listed in Schedule 2 of the Act, and if the activity is mining, drilling, trenching, costeaning, bulk sampling or roadmaking;

unless the works have been the subject of an Environment Effects Statement in accordance with Clause 6.

Terms and conditions

10. A person authorised under clauses 6, 7, 8 or 9 to take protected flora must—

- (a) plan and execute the taking and any related rehabilitation work in such a way that it is reasonable to expect that the conservation objectives of this Order will be achieved; and
- (b) undertake rehabilitation work in accordance with licence conditions.

Note: Where the taking of flora requires an authorisation under the Act but is not authorised by this Order, the taking may be authorised by a permit or licence under section 48 of the Act.

**ADMINISTRATOR TO WANDIN SPRINGS
INC. KNOWN AS WANDIN SPRINGS
PRIVATE TRAINING CENTRE**

Whereas—

1. By Order in Council dated 5 October 1993, published in the Government Gazette on 7 October 1993 and made pursuant to section 25 of the **Intellectually Disabled Persons' Services Act 1986** ("the Act"), the Governor in Council appointed David Leonard Hampel as part-time Administrator of Wandin Springs Private Training Centre for a period of six months from the date of the Order in Council.