



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

### PERMIT DETAILS

Area Permit Number: 1198/1

File Number: DEC 188

Duration of Permit: From 18 June 2007 to 18 June 2012

### PERMIT HOLDER

B & J Catalano Pty Ltd on behalf of C & S Catalano Pty Ltd

### LAND ON WHICH CLEARING IS TO BE DONE

LOT 520 ON DIAGRAM 98279 (STRATHAM 6237)

### AUTHORISED ACTIVITY

- 1 Clearing of up to 3.1 hectares of native vegetation within the area cross-hatched yellow on attached Plan 1198/1.

### CONDITIONS

#### 1 Revegetation

- (a) The Permit Holder shall retain the vegetative material and topsoil removed by clearing authorised under this Permit.
- (b) Within six months of the area no longer being required for the purpose of sand extraction the Permit Holder must *revegetate* the area permitted to be cleared on attached Plan 1198/1 by:
  - (i) Deliberately planting and/or seeding *native vegetation* that will result in a similar species composition, structure and density of native vegetation to pre-clearing vegetation types in that area;
  - (ii) Ensuring only local provenance seeds and propagating material from within 10km of the area cleared are used to *revegetate* the area;
  - (iii) Laying vegetative material and topsoil retained in accordance with condition 1(a) on the area.
- (c) Within one year of undertaking *revegetation* in accordance with condition 1(b), the Permit Holder must:
  - (i) Determine the species composition, structure and density of the area revegetated; and
  - (ii) Where, in the opinion of an *environmental specialist*, the composition structure and density determined under condition 1(c)(i) will not result in a similar species composition, structure and density to pre-clearing vegetation types in that area the Permit Holder must undertake additional planting or seeding of *native vegetation* in accordance with the requirements of condition 1(b)(i) and (ii).

## 2 Offsets

### (a) Determination of offsets

- (i) If part or all of the clearing to be done is or may be at variance with one or more of the clearing principles, then the permit holder must implement an offset in accordance with Conditions 2(a) and 2(b) of this Permit with respect to that native vegetation.
- (ii) In determining the offset to be implemented with respect to a particular area of native vegetation proposed to be cleared under this Permit, the permit holder must have regard to the offset principles contained in Condition 2(b) of this Permit.
- (iii) Once the permit holder has developed an offset proposal, the permit holder must provide that offset proposal to the CEO for the CEO's approval in accordance, prior to undertaking any clearing to which the offset relates, and prior to implementing the offset.
- (iv) Clearing may not commence until and unless the CEO has approved the offset proposal.
- (v) The permit holder shall implement the offset proposal approved under condition 2(a)(iii).
- (vi) Each offset proposal shall include a direct offset, timing for implementation of the offset proposal and may additionally include contributing offsets.

### (b) Offset principles

For the purpose of this Part, the offset principles are as follows:

- (i) direct offsets should directly counterbalance the loss of the native vegetation;
- (ii) contributing offsets should complement and enhance the direct offset;
- (iii) offsets are implemented only once all avenues to avoid, minimise, rectify or reduce environmental impacts have been exhausted;
- (iv) the environmental values, habitat, species, ecological community, physical area, ecosystem, landscape, and hydrology of the offset should be the same as, or better than, that of the area of native vegetation being offset;
- (v) a ratio greater than 1:1 should be applied to the size of the area of native vegetation that is offset to compensate for the risk that the offset may fail;
- (vi) offsets must entail a robust and consistent assessment process;
- (vii) in determining an appropriate offset, consideration should be given to ecosystem function, rarity and type of ecological community, vegetation condition, habitat quality and area of native vegetation cleared;
- (viii) the offset should either result in no net loss of native vegetation, or lead to a net gain in native vegetation and improve the condition of the natural environment;
- (ix) offsets must satisfy all statutory requirements;
- (x) offsets must be clearly defined, documented and audited;
- (xi) offsets must ensure a long-term (10-30 year) benefit; and
- (xii) an environmental specialist must be involved in the design, assessment and monitoring of offsets.

## 3 Dieback control

When undertaking any clearing and *revegetation*, or other activity pursuant to this Permit the Permit Holder must take the following steps to minimise the risk of introduction and spread of *dieback*:

- (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (ii) avoid the movement of soil in wet conditions;
- (iii) ensure that no dieback-affected road building materials, mulches or fill are brought into an area that is not affected by dieback; and
- (iv) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

#### 4 Weed control

When undertaking any *clearing* and *revegetation*, or other activity pursuant to this Permit the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds*:

- (i) Clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (ii) Ensure that no weed-affected *road building materials, mulch, fill* are brought into the area to be cleared; and
- (iii) Restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

#### 5 Records to be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit, as relevant:

- (a) In relation to the *revegetation* of areas pursuant to condition 1:
  - (i) The commencement date of *revegetation*;
  - (ii) The location of any area *revegetated* recorded using Geocentric Datum Australia 1994;
  - (iii) A description of the *revegetation* activities undertaken;
  - (iv) The size of the area *revegetated* (in hectares); and
  - (v) The species, structure and composition of *revegetation* measured.
- (b) In relation to the offsets of areas pursuant to condition 2:
  - (i) The location of any area of offsets recorded using Geocentric Datum Australia 1994;
  - (ii) A description of the offset activities undertaken; and
  - (iii) The size of the offset area (in hectares).

#### 6 Reporting

The Permit Holder must provide to the *CEO*, on or before 30 June of each year, a written report of records requested under condition 5 and activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.

#### 7 Definitions

The following meanings are given to terms used in this Permit:

*CEO* means the Chief Executive Officer of the Department of Environment and Conservation;

*dieback* means the effect of *Phytophthora* species on *native vegetation*;

*Environmental Specialist* means a person who is engaged by the permit holder for the purpose of providing environmental advice, who holds a tertiary qualification in environmental science or equivalent, and has experience relevant to the type of environmental advice that an environmental specialist is required to provide under this Permit;

*fill* means material used to increase the ground level, or fill a hollow;

*mulch* means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation;

***revegetate, revegetated and revegetation*** means the re-establishment of a cover of *native vegetation* in an area such that the species composition, structure and density is similar to pre-clearing vegetation types in that area, and can involve regeneration, direct seeding and/or planting;

***road building materials*** means rock, gravel, soil, stone, timber, boulders and water;

***term*** means the duration of this Permit, including as amended or renewed;

***weed*** means a species listed in Appendix 3 of the "Environmental Weed Strategy" published by the Department of Conservation and Land Management (1999), and plants declared under section 37 of the Agricultural and Related Resources Protection Act 1976.

A handwritten signature in black ink, appearing to read 'Kim Taylor', written over a horizontal line.

Kim Taylor  
A/Deputy Director General, Environment  
Department of Environment and Conservation.  
Officer delegated under Section 20  
of the Environmental Protection Act 1986

18 May 2007