

22 July 2007

Mr David Brewer
648 The Ridge Road
Malua Bay
NSW 2536

Dear Mr Brewer,

RE: Development at Grandfathers Gully Road

The enclosed Property Vegetation Plan (PVP) has been prepared to assess clearing of native vegetation using PVP Developer. This PVP is being provided to assist in assessment under Part 3A of the *Environmental Planning and Assessment Act 1979*. Under the *Native Vegetation Act 2003* (the Act) environmental offsets are required to balance out the impact of clearing native vegetation. The total area of clearing assessed for the development is 0.36 Hectares with an offsets area of 3.23 Hectares. This area of clearing with the offsets areas that have been proposed has met the improve or maintain test of the Act.

There are a number of Routine Agricultural Management Activities (RAMAs) available to landowners for which clearing is exempt under the NV Act including the construction of tracks up to 6 metres in width on properties over 10 Hectares. Therefore the area of clearing for the road was assessed as a 14 metre wide strip as this is in addition to the 6 metre width permitted. The revegetation and rehabilitation areas that are proposed for the development adequately balance the clearing.

Clearing is permitted under the Act of the minimum amount of native vegetation needed to comply with a current Development Consent for the construction of a single dwelling. It is proposed that clearing for the construction of a dwelling and the associated asset protection zone is undertaken by individual landholders. In this case it is permitted clearing and therefore has not been assessed. Should this clearing be required prior to subdivision or sale of the land parcels then the clearing would require assessment. The revegetation and regeneration areas set aside on the property for offsetting the road construction is not sufficient to provide an offset for any further clearing.

The table shows the relationship between the zones outlined in the PVP. The zones are shown on Map 1 attached to the PVP and coincide with the proposed areas of road construction, retained vegetation and revegetation areas. The condition column relates to the condition of the vegetation. The majority of the area to be cleared is in poor condition

as defined in the NV Act and is of lesser value than the much smaller area of moderate to good condition vegetation.

Clearing Zones	Offset Zones	Vegetation Zones	Land & Soil Capability	Area Hectares	Condition
7a		10a	12a	0.08	moderate to good
7b		10b	12b	0.28	poor
	9a	10d	12d	1.29	poor (revegetation zones)
	9f	10c	12c	1.94	moderate to good (supplementary planting)

Schedule two of the PVP – Authorised Activities and Management Actions describes the permitted clearing and actions required for the management of the offset areas.

Management actions for the offset areas include;

- retention of regrowth,
- retention of dead timber,
- retention of rocks,
- revegetation for poor condition areas, and
- supplementary planting for moderate to good condition remnants.

(There is a suggested species list attached to the PVP.)

To discuss this issue or for any further enquiries please contact Liz Clark telephone 02 6491 8214.

Yours sincerely,

Liz Clark
Catchment Officer PVP Consents



Southern Rivers Catchment Management Authority

Draft Development PROPERTY VEGETATION PLAN *Native Vegetation Act 2003*

9 GRANDFATHERS GULLY ROAD

This Property Vegetation Plan applies to the land described as 2//250984, Parish of BATEMAN, County of ST VINCENT, Eurobodalla Council, as shown on Map 1 in Schedule 1 of this agreement.

The landholder is authorised to undertake the activities set out in Schedule 2 and agrees to carry out the management actions and management action details set out in Schedule 2. The landholder agrees to comply with the requirements of Schedule 3.

Notes:

1. This PVP will commence from the date at which it is signed by the delegate of the Minister for Climate Change, Environment and Water.
2. Activities authorised by this Plan do not require any further approval under *the Threatened Species Conservation Act 1995* and the *Native Vegetation Act 2003*.
3. This Property Vegetation Plan is binding on all current and future landholders.
4. This Plan does not exempt the landholder from any Council clearing consent requirements.

..... Name of the Landholder Signature Date
..... Name of the Landholder Signature Date
..... Delegate of the Southern Rivers Catchment Management Authority Delegate of the Minister for Climate Change, Environment and Water. Signature Date

CMA File Ref: 5311

Case No: **5311**

SCHEDULE ONE — MAPS

Map 1 Boundary, Clearing & Offsets,

All maps must be printed for each PVP, unless it is not applicable to this PVP

SCHEDULE TWO — AUTHORISED ACTIVITIES AND MANAGEMENT ACTIONS

AUTHORISED CLEARING (NOT INVOLVING INVASIVE NATIVE SCRUB AND/OR THINNING)

Map Number (as per Schedule 1)	Map Unit	Clearing Type Authorised on Map Unit	Details of Authorised Clearing Type
1	7c	Other broadscale clearing	Clearing native groundcover and grasses for the construction of a road.
1	7a	Other broadscale clearing	Clearing trees, shrubs and grasses for construction of a road.

MANAGEMENT ACTIONS FOR AUTHORISED CLEARING (NOT INVOLVING INVASIVE NATIVE SCRUB AND/OR THINNING)

1. If clearing occurs in the Map Units, as identified in Authorised Clearing table, then the management actions and management action details described below must be undertaken in the specified Map Unit, as identified in Schedule 1,
2. The management actions and management action details are to be continued for, or completed within, the duration specified in the column “Duration of Management Action”.

Map Number (as per Schedule 1)	Map Unit	Management Action	Duration of Management Action	Management Action Details
1	12a	If cropping: use conservation farming practices	In perpetuity	The landholder is to control soil erosion and intercept sediment caused by any water erosion in Zone 12a.
1	12a	Use conservation farming practices	In perpetuity	The landholder is prevent wind erosion in Zone 12a.
1	12a	No concentration of surface or subsurface water flow	In perpetuity	The landholder is to prevent concentration of surface or subsurface water flow in Zone 12a following clearing of native vegetation. The landholder is to install temporary and permananet erosion and sediment control in Zone 12a at all times using Department of Housing (2004) Managing Urban Stormwater, soils and construction, volume 4.
1	12b	If cropping: use conservation farming practices		The landholder is to control soil erosion and intercept sediment caused by any water erosion in Zone 12b.

Map Number (as per Schedule 1)	Map Unit	Management Action	Duration of Management Action	Management Action Details
1	12b	Use conservation farming practices		The landholder is prevent wind erosion in Zone 12b.
1	12b	No concentration of surface or subsurface water flow		The landholder is to prevent concentration of surface or subsurface water flow in Zone 12b following clearing of native vegetation. The landholder is to install temporary and permanenet erosion and sediment control in Zone 12b at all times using Department of Housing (2004) Managing Urban Stormwater, soils and construction, volume 4.
1	10a	Development	15 Years	The landholder may clear native vegetation from Zone 10a until 15 years from the commencement of this plan.
1	10b	Development	15 Years	The landholder may clear native vegetation from Zone 10b until 15 years from the commencement of this plan.

REQUIRED OFFSETS FOR AUTHORISED CLEARING (NOT INVOLVING INVASIVE NATIVE SCRUB AND/OR THINNING)

Map Number (as per Schedule 1)	Map Unit	Offset Type Authorised on Map Unit	Details of Authorised Offset Type	Associated Clearing Map Unit
1	9a	Biodiversity		7a and 7b
1	9f	Biodiversity		7a and 7b

Management actions for offsets

1. If clearing occurs in the Map Units, as identified in Authorised Clearing table, then the management actions and management action details described below must be undertaken in the specified Map Unit, as identified in Schedule 1,
2. The management action and management action details are to be continued for, or completed within, the duration specified in the column “Duration of Management Action”.

Map Number (as per Schedule 1)	Map Unit	Management action	Duration of Management Action	Management Action Details
1	12c	If planting trees for native vegetation regeneration, all cultivation or deep ripping must follow the contour	In perpetuity	The establishment of new native plants by supplementary planting in Zone 12c will be undertaken using minimal ground disturbance. Site preparation is to be using hand tools or rubber tyre machines only. Any ripping must follow the contour.
1	12d	If planting trees for native vegetation regeneration, all cultivation or deep ripping must follow the contour	In perpetuity	Revegetation works will be undertaken using minimal ground disturbance. Site preparation is to be using hand tools or rubber tyre machines only. Any ripping must follow the contour.
1	10c	Grazing exclusion	In perpetuity	The landholder is to exclude stock from 10c at all times.
1	10c	Planting/direct seeding Supplementary planting (for use in "Moderate to good condition" vegetation)	In perpetuity	The landholder is to plant and maintain at minimum 5 species of local native shrubs (to include at least 15 <i>Allocasuarina littoralis</i>), at minimum 5 species of local native groundcover species and, at minimum 5 species of local trees in Zone 10c within 1 year of clearing commencing in Zones 10a and 10b. Including existing remnants, trees are to have a density of 700 trees per Hectare, shrubs a density of 500 shrubs per Hectare. Plants in Zone 10c are to be maintained at all times from the start of this agreement. A recommended species list is attached to this Plan.
1	10c	Weed control	In perpetuity	The landholder is not to use herbicides within Zone 10c except to spot-spray non-native weed species.
1	10c	Retain dead timber	In perpetuity	The landholder is not to remove any standing or fallen dead timber from Zone 10c at any time notwithstanding sections 11(1)(a)(i) and/or 11(1)(d) of the Native Vegetation Act 2003.
1	10c	Retain regrowth	In perpetuity	The landholder is not to clear native vegetation in Zone 10c at any time.
1	10c	Clearing not allowed	In perpetuity	The clearing of native vegetation, whether remnant or regrowth, is not permitted from Zone 10c at any time. Routine Agricultural Management Activities are not permitted in Zone 10c at any time, except for minimal disturbance required in the undertaking of the following activities that are listed under Section 11, Part 2 of the Native Vegetation Act 2003 or in Part 4 of the Native Vegetation Regulation 2005:- Pt 2(b) & (c), Pt 4 (13 & 17)

Map Number (as per Schedule 1)	Map Unit	Management action	Duration of Management Action	Management Action Details
				– control of noxious & feral weeds and noxious & pest animals; Pt 2 (h), Pt 4 (21) – maintenance of public utilities; Pt 2 (i) – removal of imminent risk of personal injury or damage to property & Pt 4 (g) traditional Aboriginal cultural activities (the PVP agreement may limit the extent of (g)).
1	10c	Retention of rocks	In perpetuity	The landowner is not to remove or disturb any rocks or rock features in Zone 10c.
1	10d	Grazing exclusion	In perpetuity	The landholder is to exclude livestock from Zone 10d at all times.
1	10d	Planting/direct seeding Replanting (for use in "Low condition" vegetation)	In perpetuity	The landholder is to plant and maintain at minimum 5 species of local native shrubs (to include a minimum of 30 <i>Allocasuarina littoralis</i>), at minimum 5 species of local native groundcover species and, at minimum 5 species of local trees in Zone 10d within 1 year of clearing commencing in Zones 10a and 10b. Including existing remnants, trees are to have a density of 700 trees per Hectare, shrubs a density of 500 shrubs per Hectare. Planting in Zone 10d is to be maintained at all times from the start of this agreement. A recommended species list is attached to this Plan.
1	10d	Weed control	In perpetuity	The landholder is not to use herbicides within Zone 10d except to spot-spray non-native weed species.
1	10d	Retain dead timber	In perpetuity	The landholder is not to remove any standing or fallen dead timber from Zone 10d at any time notwithstanding sections 11(1)(a)(i) and/or 11(1)(d) of the Native Vegetation Act 2003.
1	10d	Retain regrowth	In perpetuity	The landholder is not to clear native vegetation in Zone 10d at any time.
1	10d	Clearing not allowed	In perpetuity	The clearing of native vegetation, whether remnant or regrowth, is not permitted from Zone 10d at any time. Routine Agricultural Management Activities are not permitted in Zone 10d at any time, except for minimal disturbance required in the undertaking of the following activities that are listed under Section 11, Part 2 of the Native Vegetation Act 2003 or in Part 4 of the Native Vegetation Regulation 2005:- Pt 2(b) & (c), Pt 4 (13 & 17) – control of noxious & feral weeds and noxious & pest animals; Pt 2 (h), Pt 4 (21) – maintenance of public utilities; Pt 2 (i) – removal of imminent risk of personal injury or damage to property & Pt 4 (g) traditional Aboriginal cultural activities (the PVP agreement may limit the extent of (g)).
1	10d	Retention of rocks	In perpetuity	The landowner is not to remove or disturb any rocks or rock features in Zone 10d.

SCHEDULE THREE - STANDARD CONDITIONS

Privacy

1. The information contained in this property vegetation plan will be treated in accordance with the *Privacy and Personal Information Protection Act 1998*, under which you have rights of access and correction. The information may be disclosed to the Department of Environment and Climate Change for compliance and statistical purposes and to bona fide prospective purchasers of the land to which this property vegetation plan applies.

Public register

2. In the case of a PVP that allows broadscale clearing or that specifies a date for the definition of “regrowth”, certain information from the PVP will be included on the register of PVPs and development consents, which will be publicly available on the Internet. Certain information from such PVPs will also be available for inspection at the office of the CMA.

Words and phrases used

3. In this Schedule:

“CMA” means the Catchment Management Authority that is a party to this property vegetation plan (“PVP”)

“Landholder” means the landholder who is a party to this PVP

“the works under this PVP” means the clearing, the management actions, the mitigating actions and all other works that the Landholder is authorised or required to take under this PVP

“the Land” means the land to which this PVP applies

“incentive payments” means incentive payments to be made under this PVP by the CMA to the Landholder, in accordance with Schedule 2 of this PVP

“DECC” means the Department of Environment and Climate Change and includes its successor departments or agencies

Monitoring and auditing

4. The carrying out of any works under this PVP may be subject to auditing by officers of the CMA or DECC who are authorised officers under the *Native Vegetation Act 2003*, as set out in clauses 3 and 4.
5. Subject to reasonable notice, the Landholder will allow authorised officers of the CMA or DECC access to the Land and allow those officers to do all things reasonably necessary for the purpose of monitoring or auditing compliance with this PVP.

6. The Landholder agrees to retain receipts and records of all expenditure associated with incentive payments for a period of three years from the date of final expenditure. The Landholder agrees to provide such receipts and records to authorised officers of the CMA or DECC, if requested as part of any monitoring or audit carried out by the CMA or DECC.
7. Clauses 4, 5 and 6 do not affect the powers of authorised officers of the CMA, DECC or other government agencies to carry out investigations under the *Native Vegetation Act 2003*.

Other funding arrangements

8. The Landholder warrants that prior to the approval of this PVP, the Landholder has notified the CMA of any other funding arrangements entered into for the purpose of carrying out works under this PVP.

Registration of PVP on Title

9. If the Landholder registers this PVP on the title of the Land, the Landholder agrees to notify the CMA of such registration.

Incentive payments

10. When the Landholder has completed the works required under this PVP for which incentive payments were made, the Landholder is to submit to the Catchment Management Authority:
 - (a) a statutory declaration, stating that those works have been completed; and
 - (b) copies of all receipts and records associated with expenditure in respect of those works.

Dispute resolution

11. The parties agree to attempt to resolve any dispute in relation to this PVP by the Landholder by negotiation in the first instance. Such negotiation may involve agreeing on a variation to the PVP. However, this clause does not apply to a dispute relating to a possible breach of the *Native Vegetation Act 2003*.
12. Where appropriate, if negotiations are not successful, the CMA agrees to provide a written notice to the Landholder setting out the nature of any contravention and requesting the Landholder to take the steps specified in that notice to rectify that contravention. This clause does not apply to a possible breach of the *Native Vegetation Act 2003*.
13. If the Landholder does not comply with that notice, the CMA may consider terminating this plan, in accordance with the procedure set out in the *Native Vegetation Act 2003*. The CMA or DECC may also take other action under that Act.
14. If this property vegetation plan is terminated by the CMA, the Landholder agrees to pay back to the CMA all incentive payments received under this plan for works under this PVP that are not completed. The Landholder also agrees to provide access to the property to officers of the CMA and DECC and also to provide access for those officers to receipts and records of expenditure related to such works.

Note: The procedure for varying or terminating a PVP is set out in section 30 of the *Native Vegetation Act 2003* and clause 12 of the *Native Vegetation Regulation 2005*.

Subdivision

15. The Landholder agrees to notify the CMA of any proposal to subdivide the Land.
16. The Landholder agrees to submit to the CMA separate draft PVPs relating to the Land as subdivided, in the same or similar terms to this PVP, if so requested by the CMA.

Apportionment of risk/indemnity

17. The parties agree to apportion risk as follows:
 - (c) The CMA accepts the risk for the actions of CMA staff in entering the Land and carrying out functions associated with this PVP and for the actions of other visitors to the Land as organised by the CMA.
 - (d) All other risks associated with this PVP and the works under this PVP rest with the Landholder.

Goods and services tax

18. Unless otherwise stated, any incentive payments made by the CMA are exclusive of goods and services tax.
19. Prior to receiving any payment, the Landholder agrees to provide to the CMA a valid Australian Business Number or clear evidence as to why no Australian Business Number is required.

Other approvals

20. In order to carry out the works under this PVP, the Landholder may be required to obtain other approvals from other government agencies.

**Attachment
Development – Grandfathers Gully Road
Mr David Brewer
Case Number 5311**

Suggested Species List

Zone 10c – poor condition vegetation revegetation area.

Zone 10d – moderate to good condition vegetation supplementary planting area.

Species	Common Name	Zone Suitability
Trees		
<i>Acmena smithii</i>	Lily Pily	sheltered damp areas only
<i>Corymbia maculata</i>	Spotted gum	10d & 10c
<i>Corymbia gummifera</i>	Red bloodwood	10d & 10c
<i>Eucalyptus pilularis</i>	Blackbutt	10d & 10c
<i>Eucalyptus globoidea</i>	White stringybark	10d & 10c
<i>Eucalyptus paniculata</i>	Grey ironbark	10d & 10c
<i>Eucalyptus longifolia</i>	Woollybutt	10d & 10c (wetter areas)
<i>Livistona australis</i>	Cabbage Palm	sheltered damp areas only
Shrubs		
<i>Acacia irrorata</i>		10d & 10c
<i>Acacia longifolia</i>	Sallow wattle	10d & 10c
<i>Allocasuarina littoralis</i>	Black sheoak	10d & 10c
<i>Banksia spinulosa</i>		10d & 10c
<i>Callistemon subulatus</i>	River bottlebrush	wet areas only
<i>Hibbertia aspera</i>		10d
<i>Indigofera australis</i>	Austral indigo	10d & 10c
<i>Macrozamia communis</i>	Burrawang	10d & 10c
<i>Melaleuca ericifolia</i>		wet areas only
<i>Notelaea longifolia</i>	Native olive	10d & 10c
<i>Persoonia linearis</i>	Geebung	10d & 10c
<i>Podolobium ilicifolium</i>	Native Holly	Dry areas
Groundcover		
<i>Dianella caerulea</i>	Flax lily	10d & 10c
<i>Hardenbergia violacea</i>	False sarsaparilla	10d & 10c dry areas
<i>Lepidosperma urophorum</i>		10d & 10c
<i>Lomandra longifolia</i>	Mat rush	10d & 10c more dominant in wet areas.
<i>Poa labillardieri</i>	Poa tussock	wet areas
<i>Poa meionectes</i>	Small poa	10d & 10c dry areas
<i>Themeda australis</i>	Kangaroo grass	10d & 10c dry areas