



**Report under the *Native Vegetation Act 2003* in relation to:**

Accredited expert's assessment in accordance with Clause 27 of the *Native Vegetation Regulation 2005*.

Report prepared by: Accredited Expert 30642

PVP request number: 12024



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**EXECUTIVE SUMMARY:**

This Accredited Expert report relates to the assessment of clearing proposed by Property Vegetation Plan (PVP) request number 12024.

Under Section 29(2) of the *Native Vegetation Act 2003* a PVP cannot be approved unless the clearing concerned will improve or maintain environmental outcomes.

Clause 26 of the *Native Vegetation Regulation 2005* prescribes the circumstances in which approval of a PVP that proposes broadscale clearing can be granted. In most cases, an assessment and determination of whether the clearing will improve or maintain environmental outcomes is conducted in accordance with the Environmental Outcomes Assessment Methodology (EOAM).

In some circumstances the EOAM does not adequately allow for the specific and unique circumstances associated with a proposal. In these circumstances the assessment can use More Appropriate Local Data (Section 2.4.3 of the EOAM) and/or Special Provisions for Minor Variation (Clause 27 of *Native Vegetation Regulation 2005*).

In this instance, special provisions for Minor Variation have been used to alter the specified Land and Soil Capability (LSC) management action detail where the proposed clearing with the minor variation will improve or maintain environmental outcomes and strict adherence to the Assessment Methodology is unreasonable and unnecessary.

**Figure 1: A conceptual outline of the assessment process for PVP 12024**

	Land Capability	Salinity	Water Quality	Threatened Species (TS)	BioMetric
Assessment using EOAM and default data	FAIL	N/A	N/A	PASS	PASS
Assessment using EOAM and some More Appropriate Local Data in TS Assessment					
Assessment using Minor Variation to the EOAM, Appendix B: specified LSC Management Actions	PASS				

This report details the accredited expert's opinions formed in relation to Section 2.4.3 of the EOAM and Clause 27 of the *Native Vegetation Regulation 2005* when assessing PVP reference number 12024.



## **INTRODUCTION:**

### **Legislative Background**

PVP request number 12024 proposes clearing within the definition of the *Native Vegetation Act 2003*.

Under Section 29(2) of the *Native Vegetation Act 2003*, the Minister is not to approve a PVP that proposes broadscale clearing unless the clearing concerned will improve or maintain environmental outcomes.

Clause 26 of the *Native Vegetation Regulation 2005* prescribes the circumstances in which approval of a PVP that proposes broadscale clearing can be granted. Normally, such a PVP can only be granted where there has been an assessment and determination in accordance with the EOAM that the proposed clearing will improve or maintain environmental outcomes. However, a PVP can also be granted where an accredited expert has assessed and certified, in accordance with Clause 27 of the *Native Vegetation Regulation 2005*, that the proposed clearing will improve or maintain environmental outcomes.

This report details the accredited expert's opinions formed in relation to Section 2.4.3 of the EOAM and Clause 27 of the *Native Vegetation Regulation 2005* when assessing PVP request number 12024.

### **Initial assessment of broadscale clearing proposed by PVP 12024**

The broadscale clearing proposed by this PVP was initially assessed and an agreement drafted in accordance with the EOAM using the management actions outlined in Appendix B of the EOAM. In this case, the landholder refused to sign the agreement with a management action stating that, in perpetuity, the landholder is not to burn stubble. Without this clause the PVP could not be approved as it did not result in a determination that the clearing and subsequent land management improved or maintained environmental outcomes.

### **Final assessment of broadscale clearing proposed by PVP 12024 by an accredited expert**

The broadscale clearing proposed by PVP 12024 was then assessed and certified by an accredited expert. In the accredited expert's opinion, the proposed clearing and ongoing land management will improve or maintain environmental outcomes.

PVPs that are approved on the basis that an accredited expert has assessed and certified that the proposed clearing will improve or maintain environmental outcomes, in accordance with Clause 27 of the *Native Vegetation Regulation 2005*, must comply with Clause 29 of the *Native Vegetation Regulation 2005*.

**Section 1** of this document provides detail of the accredited expert's assessment and certification in accordance with Clause 27 of the *Native Vegetation Regulation 2005* and contains the information required in order to comply with Clause 29 of the *Native Vegetation Regulation 2005*.



## Section 1: Minor variation

### 1. Legal provision for minor variation

The legal provision for this minor variation is in Clause 27(1) 'Special provisions for minor variation' of the *Native Vegetation Regulation 2005* which states:

#### *27 Special provisions for minor variation*

*(1) An accredited expert may make an assessment that proposed clearing will improve or maintain environmental outcomes only if there has been an assessment in accordance with the Assessment Methodology of whether the proposed clearing will improve or maintain environmental outcomes (not resulting in a determination that the proposed clearing will improve or maintain environmental outcomes) and the accredited expert is of the opinion that:*

*(a) a minor variation to the Assessment Methodology would result in a determination that the proposed clearing will improve or maintain environmental outcomes (other than a variation that is not allowable under this clause), and*

*(b) strict adherence to the Assessment Methodology is in the particular case unreasonable and unnecessary.*

*(2) A variation to the Assessment Methodology is not allowable under this clause if it is a variation of any of the following aspects of the Assessment Methodology:*

*(a) riparian buffer distances or associated offset requirements,*

*(b) classification of vegetation as likely habitat for threatened species,*

*(c) classification of a plant species as a threatened species or a component of an endangered ecological community,*

*(d) classification of the condition of vegetation,*

*(e) classification of the vegetation type or landscape type as overcleared,*

*(f) the assessment of the regional value of vegetation.*

### 2. How the EOAM was varied

To allow for greater flexibility for landholders experiencing difficulty in controlling identified agronomic problems such as weeds, pests and diseases, the Murrumbidgee Catchment Management Authority (CMA) has introduced a change to the wording of the management action detail in association with hazards of soil structure decline (class 3) and water erosion (class 3), requiring no stubble burning, as specified in Appendix B of the EOAM. The new management action allows the landholder to burn crop stubble in autumn, twice (2) in ten (10) years.

While allowing flexibility in this area, the Murrumbidgee CMA has taken measures to ensure the proposal still maintains or improves the outcome in other ways by incorporating the following management actions that will maintain or improve soil health:

- Minimum tillage cropping practices;
- Retain stubble eight (8) in every ten (10) years to achieve total groundcover above a minimum of 70% at sowing;
- Maintain essential nutrient levels to improve soil organic matter levels;
- Rotational grazing; and
- Maintain total groundcover above a minimum of 70% at all times during pasture phases.

### 3. Certification by the accredited expert

As an accredited expert I am of the opinion that:

- a) The minor variation to the EOAM would result in a determination that the proposed clearing will improve or maintain environmental outcomes; and
- b) Strict adherence to the Assessment Methodology is in this case unreasonable and unnecessary.

### 4. Description of the proposed clearing

The proposed clearing for which this variation applies includes the removal of 56 scattered paddock trees, with an effective clearing area of 5.4 hectares. Tree species to be cleared include White Cypress Pine (*Callitris glaucophylla*).

### 5. Description of the revised management action

EOAM Appendix B outlines that if the LSC tool generates management actions associated with hazards of soil structure decline (class 3), then the following prescribed management actions must be included in the PVP agreement:

The landholder is to protect and manage soil structure in Map Unit 4A by:

Using conservation farming practices.

If grazing: Use controlled grazing, manage pasture to maintain groundcover and biomass to protect soil structure, adequate soil ameliorant (lime).

If cropping: No stubble burning (retain and incorporate stubble), and use controlled traffic, minimal cultivation, direct seeding, adequate fertiliser, adequate soil ameliorant (lime), and recommended rotation and length of pasture phases.

The landholder is to prevent water erosion in Map Unit 4A by:

Using conservation farming practices and/or erosion control earthworks.

If grazing: Use suitable pasture rotations and manage grazing to maintain groundcover and pasture composition.

If cropping: No burning of stubble, use controlled traffic, minimal cultivation, adequate fertiliser, and direct seeding.

### Revised LSC Management Action detail

#### Cropping:

- (1) If cropping, the Landholder is to carry out the following management actions to prevent soil structure decline and water erosion in Map Unit 4A:
  - (a) Use minimum tillage cropping practices to establish crops;
  - (b) Take all reasonable steps to maintain a minimum level of 70% total groundcover prior to sowing, except as permitted in Clause 2;
  - (c) No burning of crop stubbles at any time, except as permitted in Clause 2; and
  - (d) Take all reasonable steps to maintain essential nutrient levels for crop growth.
- (2) The Landholder may burn crop stubble in Map Unit 4A twice (2) in ten (10) years following the commencement of this plan, if the burning of crop stubble:
  - (a) Is for an agronomic purpose;
  - (b) Is carried out in Autumn; and
  - (c) Is reported by the landholder, in writing, to the Murrumbidgee CMA within 7 days, with the agronomic purpose for burning stated.

(3) In this management action ***agronomic purpose, essential nutrient levels, minimum tillage*** have the meaning as set out in Attachment 1.

Grazing:

- (1) If grazing, the Landholder must carry out the following management actions to prevent soil structure decline and water erosion in Map Unit 4A:
- Use minimum tillage cropping practices to establish pastures;
  - Rotational grazing practices; and
  - Take all reasonable steps to maintain a minimum level of 70% total groundcover at all times.

(2) In this management action minimum tillage has the meaning as set out in Attachment 1.

**6. Summary of reasons for recommending the proposed minor variation**

The landholder is concerned that the inability to use fire as a management tool for crop stubble may reduce their ability to utilise a low-cost management tool to deal with a range of agronomic problems such as weeds, pests and diseases as well as the 'unknown' in the future. Whilst there are alternative solutions to deal with the above issues (Anderson, 2009), it requires time and fine-tuning to achieve a system that eliminates the need for stubble burning altogether (Lachlan CMA, 2009). Other factors, such as financial constraints, may also affect a landholders' ability to adhere strictly to the condition of 'no burning of stubble' in perpetuity.

Whilst burning crop stubble may challenge current conservation farming principles (RocheCouste, 2010; Anderson, 2009), it has also been shown that, in some circumstances, the retention of stubble can have negative impacts (Scott et al., 2010) and the cost, effectiveness and availability of alternative methods to control agronomic problems such as weeds, pests and diseases is not always practical (Anderson, 2009).

Stubble burning is a tool commonly used for the control of crop weeds, pests and diseases within the catchment and, when used in conjunction with other weed and disease control management strategies, can be an effective method of addressing these problems (CRC, 2006; Johnson and Thompson, 2006; Wallace, 2001). In some cases, the burning of stubble can have benefits such as:

- Reduce weed seed bank (e.g. annual ryegrass);
- Reduce herbicide resistance in weeds;
- Reduce root and foliar disease carryover;
- Reduce interference with machinery;
- Reduce harbour for pests (mice and snails);
- Reduce efficacy of herbicides;
- Reduce immobilisation of nitrogen; and
- Reduce allelopathy of wheat stubble (CRC, 2006).

However, burning stubble must be weighed against the increased risk of soil and nutrient loss and damage to soil structure (CRC, 2006; Johnson and Thompson, 2006; Walsh and Newman, 2007). Burning must therefore be practical and timely if it is to be effective and minimise the impacts on soil health. If burning is left until Autumn or just prior to sowing, maximum benefits can be gained from the stubble in terms of contributions to soil organic matter and groundcover protection from erosion (Anderson, 2009; CRC, 2006). It is therefore recommended in this minor variation that landholders wishing to use stubble burning as a component of their integrated crop disease and weed management system do so in a manner that will minimise soil structure decline and erosion risks. It has been specified that burning may only occur twice (2) in ten (10) years and must be carried out in autumn, prior to sowing, to reduce the erosion risk and damage



to soil health. In order to compensate for the fact that stubble may be burnt twice in ten years, it is recommended that restrictions be placed on the tillage/cropping systems (minimum tillage) and grazing systems (rotational grazing) to minimise risk of erosion and soil structural decline (Rochecouste, 2010; Anderson, 2009; NSW DPI). A minimum groundcover level of 70% has also been specified to reduce the risk of erosion and soil structural decline (Lang, 1991).

Prior to this minor variation the determination was that the proposed clearing did not improve or maintain environmental outcomes because:

- The landholders will not agree to submit a clearing proposal that includes the prescribed management action of "The landholder is not to burn crop stubble in Map Unit 4A at any time"; and
- A clearing proposal without this management action, when assessed in accordance with the EOAM, will result in a determination that clearing will not improve or maintain environmental outcomes (i.e. it will red light).

As an accredited expert, I am of the opinion that minor variation to the EOAM will result in a determination that the proposed clearing will improve or maintain environmental outcomes and strict adherence to the EOAM is unreasonable and unnecessary in this particular case because:

- The variation to the EOAM (substitution of the prescribed management action with the revised management action) is minor;
- The *Native Vegetation Regulation 2005* does not contain any relevant definition as to what constitutes "minor variation", however it is the opinion of the accredited expert that the variation is likely to fall within the scope of this phrase. This is because, although the varied management actions would allow some stubble burning (whereas no burning is allowed under the prescribed management actions), this burning would only be permitted in Autumn, twice (2) in ten (10) years and tighter restrictions have been placed on the cropping systems that can be used;
- An 'improve or maintain' determination would be obtained as the revised management action will result in substantially the same outcome as the prescribed management action. The removal of existing scattered paddock trees, at low densities, associated with this PVP will have minimal impact on soil structure, water erosion or wind erosion. Whilst retaining stubble is acknowledged in improving each of these conditions, removing trees allows for the efficient application of conservation farming techniques, which has equal benefits in maintaining soil structure; and
- Strict adherence to the EOAM in the circumstances is unreasonable and unnecessary due to the inflexible nature of the current prescribed management actions in perpetuity.

The biodiversity and other environmental gains from the proposal far outweigh the loss and as a result the clearing improves or maintains environmental outcomes.





## 7. References

- Anderson, G. (2009). *The impact of tillage practices and crop residue (stubble) retention in the cropping system of Western Australia*. Department of Agriculture and Food Bulletin No. 4786.
- Cooperative Research Centre (CRC) for Australian Weed Management, (2006). *Integrated weed management in Australian cropping systems*. CRC for Australian Weed Management.
- Johnson, A. and Thompson, R. (2006), Chapter 5: Fallows, in *Weed Control: For cropping and pastures in Central West NSW*, NSW Department of Primary Industries.
- Lachlan Catchment Management Authority (CMA) (2009). *Managing crop stubble Landholders Manual*, Lachlan CMA Conservation Farming Workshop notes.
- Lang, R.D. (1991). *Runoff estimation from small grazed catchments at Scone NSW*. Department of Conservation and Land Management Technical Report No. 26.
- NSW Department of Primary Industries (DPI). *Grazing Management for Native Pastures on the North West Slopes of NSW*. Available at [http://www.dpi.nsw.gov.au/data/assets/pdf\\_file/0018/162252/grazing-native.pdf](http://www.dpi.nsw.gov.au/data/assets/pdf_file/0018/162252/grazing-native.pdf)
- Rochecoste, J. (2010). *Conservation agriculture practices in Australia*. Conservation Agriculture Alliance of Australia and New Zealand.
- Scott B.J., Eberbach P.L., Evans J. and Wade L.J. (2010). *Stubble Retention in Cropping Systems in Southern Australia: Benefits and Challenges*. EH Graham Centre Monograph No. 1. Ed by E.H. Clayton and H.M. Burns. Industry & Investment NSW, Orange.
- Wallace A. (2001), *Integrated weed management: Katanning*. Department of Agriculture and Food Crop Updates 2001, Perth.
- Walsh, M. and Newman, P. (2007). *Burning narrow windrows for seed destruction*. Field Crops Research, Oct 2007, Vol 104, Issue 1-3, p24-30

## Attachment 1

Term	Definition
<b>Minimum tillage</b>	<p>Minimum tillage involves three or less tillage passes (including seeding). The following four practices can be used in carrying out minimum tillage:</p> <p><u>Reduced tillage</u> - Involves one or two cultivations before seeding and can still contribute significant damage compared to direct-drill, no-till and zero-till, it is convenient to call this reduced tillage to separate it from the fully minimized forms of tillage.</p> <p><u>Direct-drill</u> - Crop or pasture is sown directly into an untilled soil. The level of disturbance is variable.</p> <p><u>No-till</u> - Crop is sown into an untilled soil but using narrow or knife points to minimise disturbance (&lt;30%) to soil</p> <p><u>Zero-till</u> - Crop is sown with one pass with a disc seeder</p> <p>Department of Primary Industries (DPI). 2010. <i>Cultivation/tillage for broadacre cropping</i>. Available at: <a href="http://www.dpi.vic.gov.au/dpi/vro/vrosite.nsf/pages/soilhealth_cultivation">http://www.dpi.vic.gov.au/dpi/vro/vrosite.nsf/pages/soilhealth_cultivation</a>.</p>
<b>Agronomic purpose</b>	<ol style="list-style-type: none"> <li>1. Reduce weed seed bank (e.g. annual ryegrass);</li> <li>2. Reduce herbicide resistance in weeds;</li> <li>3. Reduce root and foliar disease carryover;</li> <li>4. Reduce interference with machinery;</li> <li>5. Reduce harbour for pests (mice and snails);</li> <li>6. Reduce efficacy of herbicides;</li> <li>7. Reduce immobilisation of nitrogen; and</li> <li>8. Reduce allelopathy of wheat stubble.</li> </ol>
<b>Essential Nutrient Levels</b>	<p>The minimum levels of Nitrogen, Phosphorus, Potassium, Sulphur and other trace elements as required for crop growth, based on average cropping standards specified by a NATA Accredited Soil analysis for levels required.</p>
<b>Rotational Grazing</b>	<p>A grazing system in which stock are rotated from paddock to paddock to maintain the integrity of the pasture. Rotational grazing does not include set stocking.</p>

# MURRUMBIDGEE

## Catchment Management Authority

### Clearing

### PROPERTY VEGETATION PLAN

*Native Vegetation Act 2003*

C.K., M.J. & D.G. Kohlhagen,

'Granville'

**The Rock, Collingullie Road - Wagga Wagga, NSW, 2650**

This Property Vegetation Plan applies to the land described in Schedule 1, as shown on Map 1A in Schedule 4 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. The Director-General of DECCW (or delegate) will notify the Registrar-General once all landholders and parties with a prescribed interest have consented to the registration of this PVP. Once notified by the Director-General, the Registrar-General is required to register this PVP. This PVP will then be binding on all current and future landholders.
2. This Plan does not exempt the landholder from any Council clearing consent requirements.
3. In order to carry out the works under this PVP, the Landholder may be required to obtain other approvals from other government agencies.

Signature <i>C K Kohlhagen</i> <b>Cheryl Karen Kohlhagen</b>	Date <i>11/9/2011</i>
Signature <i>MJ Kohlhagen</i> <b>Malcolm John Kohlhagen</b>	Date <i>11/9/2011</i>
Signature <i>D Kohlhagen</i> <b>Desmond Graeme Kohlhagen</b>	Date <i>11/9/2011</i>
Signature <i>[Signature]</i> <b>Greg Bugden JOHN FRANCIS</b>	Date <i>20.9.2011</i>
General Manager of the Murrumbidgee Catchment Management Authority Delegate of the Minister for Climate Change and the Environment and Water	

**SCHEDULE ONE — DESCRIPTION OF LAND TO WHICH THIS PVP APPLIES**

<b>Lot</b>	<b>DP</b>	<b>LGA</b>	<b>Parish</b>	<b>County</b>
93	754561	WAGGA WAGGA	MUNDOWY	MITCHELL
94	754561	WAGGA WAGGA	MUNDOWY	MITCHELL
95	754561	LOCKHART	LEITCH	MITCHELL
6	754555	LOCKHART	LEITCH	MITCHELL

**SCHEDULE TWO — AUTHORISED ACTIVITIES AND MANAGEMENT ACTIONS  
AUTHORISED CLEARING (NOT INVOLVING INVASIVE NATIVE SCRUB AND/OR THINNING)**

Map Number (as per Schedule 4)	Map Unit	Clearing Type Authorised on Map Unit	Details of Authorised Clearing Type
Map 1B	4A	Clearing	The Landholder is authorised to clear 56 Scattered Paddock trees comprised of <i>Callitris glaucophylla</i> (White Cypress Pine), outlined in Map 1B as Scattered Paddock Trees that may be cleared in accordance with PVP Agreement. The total effective clearing area is 5.4ha, and is for the purpose of improved access for cropping activity.


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

- 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 4.
- 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 4)	Map Unit	Management Action	Duration of Management Action	Management Action Details
Map 1B	4A	Clearing	15 years from date contract is signed	The Landholder is authorised to clear 56 Scattered Paddock trees comprised of <i>Callitris glaucophylla</i> (White Cypress Pine), outlined in Map 1B as Scattered Paddock Trees that may be cleared in accordance with PVP Agreement. The total effective clearing area is 5.4ha, and is for the purpose of improved access for cropping activity. Use conservation farming practices
Map 1B	4A	Soil Structure: Conservation farming	In perpetuity	<u>Grazing:</u> (1) If grazing, the Landholder must carry out the following management actions to prevent soil structure decline and water erosion in Map Unit 4A: (a) Use minimum tillage cropping practices to establish pastures; (b) Rotational grazing practices; and (c) Take all reasonable steps to maintain a minimum level of 70% total groundcover at all times.
Map 1B	4A	Soil Structure: Grazing	In perpetuity	

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Initials

Map Number (as per Schedule 4)	Map Unit	Management Action	Duration of Management Action	Management Action Details
Map 1B	4A	Soil Structure: Cropping	In perpetuity	<p>(2) In this management action minimum tillage has the meaning as set out in Attachment 1.</p> <p><u>Cropping:</u></p> <p>(1) If cropping, the Landholder is to carry out the following management actions to prevent soil structure decline and water erosion in Map Unit 4a:            Use minimum tillage cropping practices to establish crops;            Take all reasonable steps to maintain a minimum level of 70% total groundcover prior to sowing, except as permitted in Clause 2;            No burning of crop stubbles at any time, except as permitted in Clause 2; and            Take all reasonable steps to maintain essential nutrient levels for crop growth.</p> <p>(2) The Landholder may burn crop stubble in Map Unit 4a twice (2) in ten (10) years following the commencement of this plan, if the burning of crop stubble:            Is for an agronomic purpose;            Is carried out in Autumn; and            Is reported by the landholder, in writing, to the Murrumbidgee CMA within 7 days, with the agronomic purpose for burning stated.</p> <p>(3) In this management action agronomic purpose, essential nutrient levels, minimum tillage have the meaning as set out in Attachment 1.</p>

  
 Initials

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

Map Number (as per Schedule 4)	Map Unit	Offset on Map Unit	Details of Authorised Offset Type
Map 1C	10B	Offset	Biodiversity – The Landholder is to manage the Offset Area, Map Unit Area 10B (17.54ha) for conservation, in perpetuity.

**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 4.
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 4)	Map Unit	Management Action	Duration of Management Action	Management Action Details
Map 1C	10B	Fencing	In perpetuity	The landholder is to erect and maintain a stock-proof fence to exclude stock from Offset Area 10B within 12 months of clearing the trees in Map Unit 4A. The fence is to be maintained in a stock proof condition for the duration of the agreement.
Map 1C	10B	Weed control	In perpetuity	The landholder is required to make all reasonable attempts to suppress and control weed growth and spread within Map Unit 10B. This includes both noxious and environmental weeds for perpetuity. The landholder will not plant any non-local (exotic or non-indigenous) tree, shrubs, grass, groundcover or any other plant.
Map 1C	10B	Strategic Grazing	In perpetuity	The landholder may strategically graze Map Unit 10B for no longer than 4 weeks per year between 1st May to the 1st October and provided 70% groundcover is maintained.
Map 1C	10B	Retain regrowth	In perpetuity	The landholder is to exclude stock if sites are below these levels. The landholder is not to clear native vegetation, whether remnant or regrowth from Map Unit 10B, at any time, notwithstanding the following sections in the Native Vegetation Act 2003. 11(1)(a) – the operation and maintenance of rural infrastructure, 11(1)(i) – any activity reasonably considered necessary to remove or reduce and imminent risk of serious personal injury or damage to property

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Initials

Management Action Details				
Map Number (as per Schedule 4)	Map Unit	Management Action	Duration of Management Action	
Map 1C	10B	Biodiversity - Retain all hollow-bearing trees	In perpetuity	The landholder will retain all hollow-bearing trees within Map Unit 10B.
Map 1C	10B	Biodiversity - Retention of rocks	In perpetuity	The landholder will retain all rocks within Map Unit 10B.
Map 1C	10B	Permitted use of Routine Agricultural Management Activities (RAMAS)	In perpetuity	<p>The following Routine Agricultural Management Activities (RAMAs) under Section 11 of the Native Vegetation Act 2003 and Clause 22 of the Native Vegetation Regulations 2005, are permitted in Map Unit 10B:</p> <ul style="list-style-type: none"> <li>the maintenance of existing rural infrastructure i.e. fences and tracks;</li> <li>the removal of noxious weeds under the Noxious Weeds Act 1993;</li> <li>the control of noxious animals under the Rural Lands Protection Act 1998;</li> <li>traditional Aboriginal cultural activities (except commercial activities);</li> <li>the maintenance of public utilities (such as those associated with the transmission of electricity, the supply of water, the supply of gas and electronic communication) and</li> <li>any activity reasonably considered necessary to remove or reduce an imminent risk of serious personal injury or damage to property.</li> </ul> <p>All other RAMA's are not permitted in this area.</p>

  
 Initials



## SCHEDULE THREE - STANDARD CONDITIONS

### Commencement

1. This PVP will commence from the date at which it is signed by the Minister for Climate Change and the Environment (or delegate).

### Words and phrases used

2. 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 and once this PVP is registered all future landholders;

"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; and

"DECCW" means the Department of Environment, Climate Change and Water and includes its successor departments or agencies.

### Monitoring and auditing

3. The carrying out of any works under this PVP may be subject to auditing by officers of the CMA or DECCW who are authorised officers under the *Native Vegetation Act 2003*, as set out in sections 34 and 35.
4. Subject to reasonable notice, the Landholder will allow authorised officers of the CMA or DECCW 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.
5. Clauses 3 and 4 do not affect the powers of authorised officers of the CMA, DECCW or other government agencies to carry out investigations under the *Native Vegetation Act 2003*.

### Registration of PVP on Title

6. For the purpose of sections 31(1) and 31(2) of the *Native Vegetation Act 2003*, the Landholder consents to the registration of this PVP in accordance with section 31 of the *Native Vegetation Act 2003*.

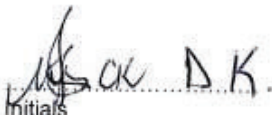
### Dispute resolution

7. The parties agree to attempt to resolve any dispute in relation to this PVP 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*.
8. 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, in the time specified in that notice, to rectify that contravention. This clause does not apply to a possible breach of the *Native Vegetation Act 2003*.
9. The Landholder agrees to comply with that notice in the time specified in the notice. Failure to comply with that notice is a breach of this plan. If the Landholder does not comply with the notice, the Minister (or delegate) may consider terminating this plan, in accordance with the procedure set out in section 30 of the *Native Vegetation Act 2003*. The CMA or DECCW may also take other action under that Act.
10. The landholder also agrees to provide access to the property to officers of the CMA and DECCW.

**Note:** The procedure for varying or terminating a PVP is set out in section 30 of the *Native Vegetation Act 2003* and clause 11 of the *Native Vegetation Regulation 2005*.

### Subdivision

11. The Landholder agrees to notify the CMA of any proposal to subdivide the Land.

  
Initials

12. The Landholder agrees to submit to the CMA an application to vary this PVP to divide it into separate 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**

13. The parties agree to apportion risk as follows:

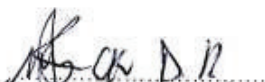
- (i) The CMA accepts the risk for the actions of CMA staff in entering the Land and carrying out functions associated with this PVP and for the actions of other visitors to the Land as organised by the CMA.
- (ii) All other risks associated with this PVP and the works under this PVP rest with the Landholder.

**Disclosure of Information**

14. Subject to clause 15, personal information contained in this PVP will be treated in accordance with the *Privacy and Personal Information Protection Act 1998*, under which you have rights of access and correction.

15. Information contained in this PVP may be disclosed:

- (i) 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 and available for inspection at the office of the CMA.
- (ii) to DECCW for compliance and statistical purposes.
- (iii) in circumstances where disclosure is otherwise required or authorised by law, including the Government Information (Public Access) Act 2009.


  
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## SCHEDULE FOUR — MAPS

Map 1A PVP Property Boundary Map Area and Activities authorised by this PVP.

Map 1B PVP Authorised Clearing Map.

Map 1C PVP Offset Map.

  
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**Map 1A - 'Granville' - Property Boundary Map**

**Request No: 12024**



**Landholder Name(s):**  
Malcolm Kohlhagen, Cheryl Kohlhagen,  
& Desmond Kohlhagen,  
**Property Name:**  
'Granville'  
**Parish:** Leitch & Mundowry  
**County:** Mitchell  
**LGA:** Lockhart & Wagga Wagga



**LEGEND**

Lot

Property Boundary

**SOURCES:**  
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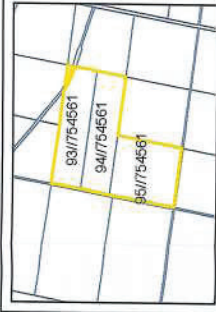
**Date Prepared:** November, 2010  
**Contact Name:** Sally Keane  
**Contact Number:** (02) 6932 3280



*Sally Keane*  
Initials: SK, DK

# Map 1B - 'Granville' - Authorised Clearing Map

Request No: 12024



**Landholder Name(s):**  
Malcolm Kohlhagen, Cheryl Kohlhagen,  
& Desmond Kohlhagen,  
**Property Name:**  
'Granville'  
**Parish:** Leitch & Murrumbidgee  
**County:** Mitchell  
**LGA:** Lockhart & Wagga Wagga



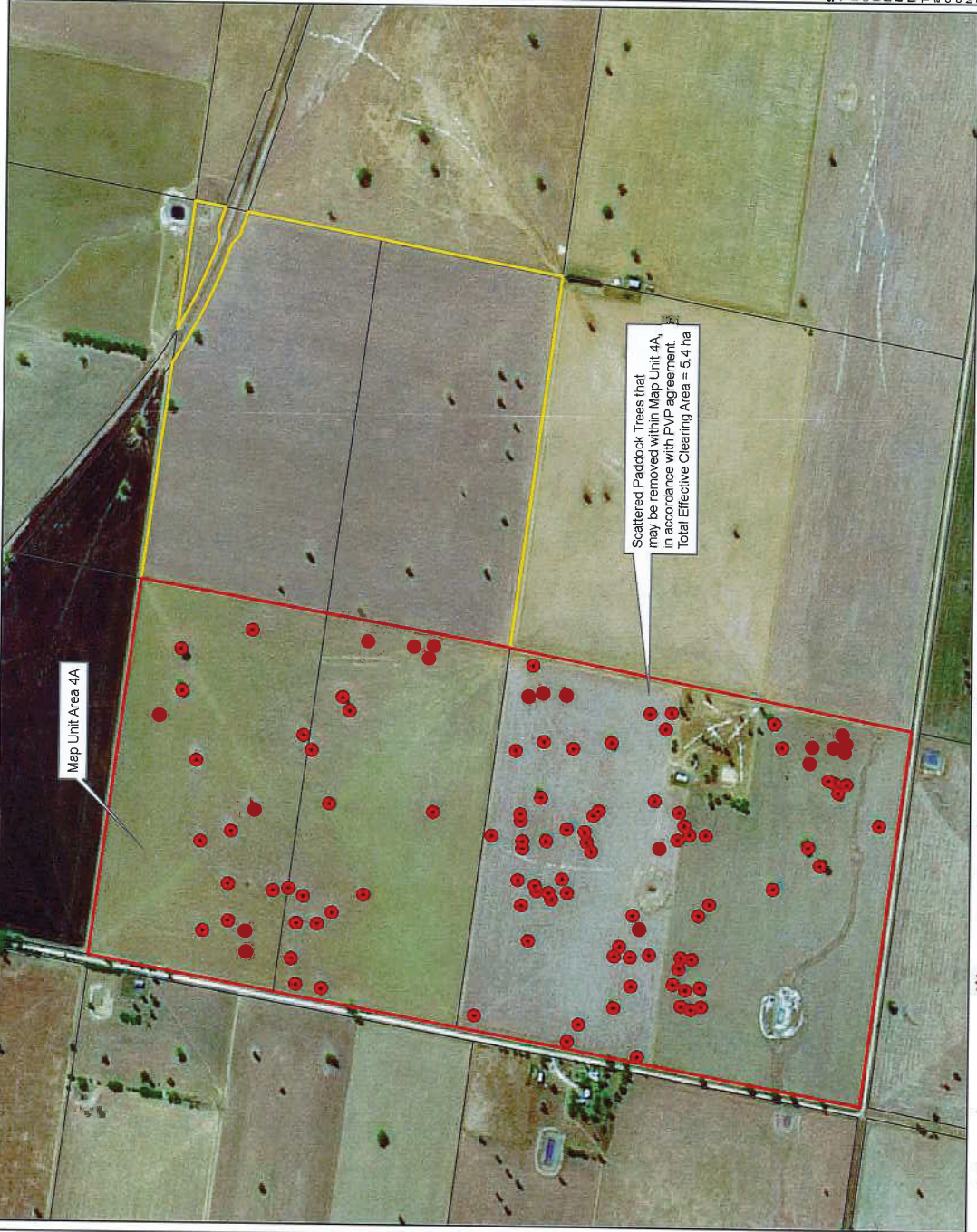
## LEGEND

- Scattered Paddock Tree that may be Cleared in accordance with PVP agreement
- Lot
- Clearing Area
- Map Unit Area 4A
- Property Boundary

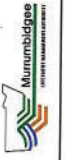
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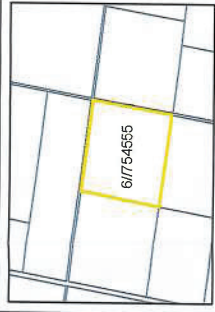
Date Prepared: November, 2010  
Contact Name: Sally Keane  
Contact Number: (02) 6932 3280



Initials: *CK DK*

**Map 1C - 'Granville' - Offset Area Map**

**Request No: 12024**



**Landholder Name(s):**  
Malcolm Kohlhagen, Cheryl Kohlhagen,  
& Desmond Kohlhagen,  
**Property Name:**  
'Granville'  
**Parish:** Leitch & Munday  
**County:** Mitchell  
**LGA:** Lockhart & Wagga Wagga



**LEGEND**

- Lot
- Offset Area
- Map Unit Area 10B
- Property Boundary

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**Date Prepared:** November, 2010  
**Contact Name:** Sally Kearne  
**Contact Number:** (02) 6932 3280



Initials  
CK DK