



Together We're Making a Difference

LACHLAN CATCHMENT
MANAGEMENT AUTHORITY

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BOARD MEETING 72
ITEM #

SUBJECT HEADING

Adoption of Minor Variation to Land and Soil Capability Management Actions of Property Vegetation Plans

PURPOSE:

1. For Decision
-

ISSUE

Two landholders, with a total of five (5) Draft Property Vegetation Plans (PVP) and one (1) incomplete assessment for clearing paddock trees has indicated a reluctance to sign off on any PVP agreement that does not allow the in perpetuity management practice of stubble burning to control agronomic problems within existing farming systems.

BACKGROUND

The Lachlan CMA currently has four (4) Draft PVPs that have been rejected by one landholder due to the restriction of 'no burning of stubble' and a Draft PVP rejected by another landholder due to the restriction of 'no burning of stubble' and the requirement to install wind breaks in the proposed clearing areas. These Draft PVPs propose clearing (paddock trees) in paddocks currently used for cropping. The PVPs have been assessed by Lachlan CMA PVP staff in accordance with the environmental outcomes assessment methodology (EOAM), under the *Native Vegetation Regulation 2005*. All of the Draft PVPs have been given a 'green light', with offsets and management conditions. The restriction of 'no burning of stubble' and 'install wind breaks' has been included as a management action for the clearing areas due to the outcome of the Land and Soil Capability (LSC) assessment, which forms part of the EOAM. The duration of these management actions is 'in perpetuity' and would be registered on the title of the properties, if the PVP is approved.

Under s.29(2) of the *Native Vegetation Act 2003*, a property vegetation plan (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 clearing will improve or maintain environmental outcomes is conducted in accordance with the EOAM. However, in some cases the EOAM does not adequately allow for the specific and unique circumstances associated with the proposal. In these circumstances, the assessment can use More Appropriate Local Data (s.2.4.3 of the EOAM) and/or Special Provisions for Minor Variation (Clause 27 of the *Native Vegetation Regulation 2005*).

Due to the number of draft PVPs being rejected by the landholders because of the management actions in perpetuity, the Lachlan CMA needed to determine whether the landholders had a valid argument. Following on from a previous investigation into the impacts done in July 2010 and the resulting outcomes approved by the Board, the PVP staff decided to revisit the original CMA position and establish whether those conditions still applied. Again, the strategy of using a Minor Variation was investigated, to satisfy the needs of the landholder in terms of future management options, while not



compromising the overall integrity of the Lachlan CMA's commitment to maintaining and improving the soils within the catchment.

Consultation with a number of experts in the field of soil science and management provided the PVP staff with sufficient evidence to establish that burning of crop stubbles to control specific agronomic problems, while not desirable, was still being considered and recommended as a legitimate best management practice to landholders by agricultural experts. Additionally, for those landholders currently practicing, or moving toward the practice of conservation farming, the need to install wind breaks was seen as unnecessary. On this basis, an accredited expert under the *Native Vegetation Act 2003* was engaged to provide a minor variation report outlining how the CMA could approve a PVP subject to certain changes in the management conditions for Land and Soil Capability.

Below are the available options on which the CMA can act.

OPTIONS

Option 1: No change. 'No burning of stubble' and/or 'Install wind breaks' management action to remain in PVP.

This option is **not recommended** as the landholders have already indicated their concern with this action. Additionally, the current best management practice being advised by agricultural experts to control agronomic problems includes the use of fire, making compliance with this condition in perpetuity difficult for the landholder.

Option 2: Approve the implementation of a Minor Variation (see attached) approved by an accredited expert that alters the current 'no burning of stubble' and/or 'install wind breaks' management conditions.

This option is **recommended** as it allows flexibility for management over the longer term. It would alter the current management conditions, where requested by the landholders, by utilising special provision for a Minor Variation (Clause 27 of the *Native Vegetation Regulation 2005*) to:

- Allow for stubble to be burnt provided it is carried out in autumn and is for an agronomic purpose; and
- Tightens the management action to ensure landholders are restricted to no till/zero till systems to maximise soil health benefits (currently only 'minimal cultivation is required);
- Support the above by providing clear definitions within the PVP of terminology such as 'essential nutrients', 'rotational grazing', 'no-till' and 'zero-till' systems; and
- Removes the need to install unnecessary and costly wind breaks.

RECOMMENDED OPTIONS

The Board endorses Option 2 to enable the finalisation of the PVPs.

BUDGET IMPACTS

The budget impacts of this issue are minimal to the Lachlan CMA.

STRATEGIC CONTEXT

Identify relationship of recommendation to

1. LCMA Strategy – Not applicable
2. Lachlan CAP – Not Applicable
3. State Plan / C4OC Business Plan Target – Not Applicable



RISK

The level of risk for non-action on this issue will be a moderate risk to Lachlan CMA. The longer this current situation remains unresolved, the greater the impacts on the budget will be due to the additional work for the PVP unit. The frustration level of the landholder may result in them seeking to resolve the issue politically.

RESOLUTION

Adoption of the above recommendation will ensure an outcome that satisfies the needs of the landholder and does not breach the terms of the *Native Vegetation Act 2003*. The proposed alterations will also ensure that the integrity of the Lachlan CMA land management targets are maintained.

Author: Paul Nicholls - PVP Officer

Recommended: David Creeper - PVP Coordinator

Approved Outcome:

~~OPTION 1~~

OR

OPTION 2

G.M
CMA Chair: C.D.G

Date: 12th December 2011

on behalf of the
Board resolved
meeting number 721

