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* FOR PVP REFERENCE NUMBER 12026

Report prepared by: 30604

PVP reference number: **12026**

SUMMARY

This Accredited Expert report relates to the assessment of the clearing proposed by PVP request number 12026.

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 (NV) 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 circumstances associated with the proposal. In these circumstances the assessment can use Special Provisions for Minor Variation (Clause 27 of the *Native Vegetation Regulation 2005*).

In this assessment Special Provisions for Minor Variation are to enable the use of clearing type d (paddock scale treatment with nil to minimal disturbance to soil and groundcover) in INS Zone 14a, to clear River Red Gum that is acting invasively.

The extent of Invasive Native Scrub (INS) on the property is approximately 3666 hectares, and comprises two INS Zones; 14a River Red Gum (*Eucalyptus camaldulensis*) INS [2603 ha] and, 14b Black Roly Poly (*Sclerolaena muricata*) INS [1063 ha]. This Report applies only to Zone 14a.

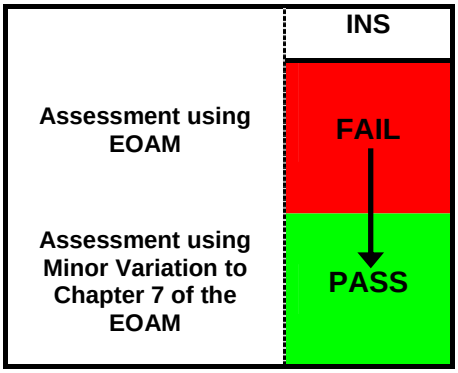

Figure 1: A conceptual outline of the assessment process for PVP 12026

This reports details the accredited expert's opinion formed in relation to Clause 27 of the *Native Vegetation Regulation 2005* when assessing the PVP. The minor variation is a variation to Table 7.1 of the EOAM to include clearing type d for River Red Gum in Central West CMA.

The accredited expert is of the opinion that a minor variation to the EOAM (Assessment Methodology) will result in a determination that the proposed clearing will improve or maintain environmental outcomes and strict adherence to the Assessment Methodology in this particular case is unreasonable and unnecessary because applying the minor variation will: (i) improve native groundcover; and (ii) create a mosaic of vegetation states with open woodland and areas of dense vegetation in the retained areas at paddock scale.

The biodiversity and other environmental gains from the proposal, including the ability to treat environmental weeds such as Lippia (*Phyla canescens*) that exclude native groundcover at paddock scale, thus outweigh the environmental loss and as a result the clearing will improve or maintain environmental outcomes.

1. INTRODUCTION

Legislative background

The Property Vegetation Plan (PVP) proposes broadscale clearing within the definition of the *Native Vegetation Act 2003*. Under s. 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 is of the opinion that the proposed clearing will improve or maintain environmental outcomes in accordance with clause 27 of the *Native Vegetation Regulation 2005.*

This report details the accredited expert's opinions formed in relation to cl. 27 of the *Native Vegetation Regulation 2005* when assessing the PVP with reference number 12026.

Initial assessment of broadscale clearing proposed by the PVP

When the clearing proposed by this PVP was initially assessed in accordance with the EOAM it did not result in a determination that clearing improved or maintained environmental outcomes.

Final assessment of broadscale clearing proposed by the PVP with a minor variation

The clearing proposed by this PVP was then assessed and certified by an accredited expert that, in the accredited expert's opinion, the proposed clearing will improve or maintain environmental outcomes. Section 2 of this document provides detail of the accredited expert's assessment and certification in accordance with clause 27 of the *NV Regulation 2005* and contains the information required to comply with clause 29 of the *NV Regulation 2005*.

2. MINOR VARIATION

2.1 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.*

2.2 How the EOAM was varied

Prior to the minor variation, the determination was that the proposed clearing did not improve or maintain environmental outcomes because clearing type d (paddock scale treatment with nil to minimal disturbance to soil and groundcover) is not available in Table 7.1 of the EOAM for River Red Gum in the Central West CMA.

The EOAM was varied by adding clearing type d (paddock scale treatment with nil to minimal disturbance to soil and groundcover) to Table 7.1 for River Red Gum (*Eucalyptus camaldulensis)* that is acting invasively in Central West CMA. The accredited expert is of the opinion that a minor variation to allow clearing type d to be applied to clearing River Red Gum that is acting invasively within Zone 14a of PVP 12026 in Central West CMA will: (i) improve or maintain environmental outcomes, and (ii) strict adherence to the Assessment Methodology is unreasonable and unnecessary in this particular case.

2.3 Description of the proposed clearing

The extent of Invasive Native Scrub (INS) on the property is approximately 3666 hectares and comprises two INS Zones; 14a River Red Gum (*Eucalyptus camaldulensis*) INS [2603 ha], and 14b Black Roly Poly (*Sclerolaena muricata*) INS [1063 ha]. This Report applies only to Zone 14a.

In this assessment Special Provisions for Minor Variation enable the use of clearing type d (paddock scale treatment with nil to minimal disturbance to soil and groundcover) in INS Zone 14a, to clear River Red Gum that is acting invasively. The clearing conforms to the provisions of the EOAM, other than the minor variation. All River Red Gum trees over 25 cm dbh will be retained.

2.4 Reasons for recommending the proposed minor variation

The minor variation will improve or maintain environmental outcomes because open woodland with patches of dense vegetation, resulting in a mosaic of vegetation states at paddock scale will be created by the clearing activity. The use of clearing type d will also promote native groundcover, which will assist to suppress the exotic weed Lippia.

Prior to the minor variation the determination was that the proposed clearing did not improve or maintain environmental outcomes because clearing type d (paddock scale treatment with nil to minimal disturbance to soil and groundcover) is not available in the Central West CMA for River Red Gum that is acting invasively.

The minor variation is to allow for INS clearing type d (paddock scale treatment with nil to minimal disturbance to soil and groundcover) to be utilised in INS Zone 14a on the property for River Red Gum. River Red Gum trees up to 25 cm dbh are permitted to be cleared within Zone 14a using clearing type d, with the following provisions:

a) the initial clearing of INS in Zone 14a does not exceed 520 ha (20% of the extent of invasive native species in Zone 14 a), and

b) additional areas of 20% (or less) of Zone 14a, up to a maximum of 80% (2082 ha) of Zone 14a, may be cleared if the CMA is satisfied that land that has been cleared by this method has achieved a groundcover of greater than 50% of which more than 75% is native vegetation; and

c) patches of 10 ha of INS per 100 ha of INS will be retained across the area of Zone 14a that is cleared of INS; and

d) at least 20% of native vegetation (INS and/or non-INS) will be retained on or between every 500 ha area (ie: 100 ha of native vegetation every 500 ha will be retained). This can include the areas of INS retained in b) and c) above.

e) all River Red Gum trees greater than 25 cm dbh will be retained; and

f) all hollow bearing River Red Gum trees will be retained; and

g) appropriate herbicide will be spot sprayed and targeted to control Lippia; and

h) the machinery used to treat the INS will be washed down with appropriate chemical to manage Lippia and prevent it spreading elsewhere on or off the property.

Note: The combination of b) and c) above retains an overall percentage of 28% of INS in Zone 14a.

Thus a mosaic of vegetation states including open woodland and areas of dense vegetation in the retained areas will be created at paddock scale through:

(i) retention of all River Red Gum trees above 25 cm dbh in Zone 14a;

(ii) retention of all other species of trees in Zone 14a;

(iii) retention of at least 20% (520 ha) of the total INS extent in Zone 14a;

(iv) additional retention of 10 ha per 100 ha of River Red Gum INS in patches throughout the entirety of Zone 14a [up to a maximum of 208 ha ie:10% of 80% of 2603 ha of River Red Gum INS] is retained; and

(v) retention of all other native vegetation as required by the EOAM for the clearing type.

Zone 14a is on a flat plain which is surrounded by open woodland vegetation; therefore the risk of soil erosion is minimal.

After the INS is cleared, the resultant vegetation structure will be an open woodland with an approximate average of 46 stems of River Red Gum trees per hectare above 25 cm dbh, plus more dense retained areas. This will create a mosaic of vegetation states at paddock scale. Refer to Table 1 at the end of this document for figures on stem density from sample plots.

The biodiversity and other environmental gains from the proposal, including the ability to suppress environmental weeds such as Lippia (*Phyla canescens*) that excludes native groundcover, thus outweigh the environmental loss, and as a result the clearing will improve or maintain environmental outcomes.

3. Certification by the accredited expert

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

By utilising clearing type d, a mosaic of vegetation states including open woodland and more dense patches of River Red Gum will be created and native groundcover will be improved, at paddock scale. All other conditions listed under the EOAM apply: a minimum of 20% of the native vegetation on the area to be cleared is retained, additional areas of 10% per 100 ha will be retained in patches, if more than 500 hectares is to be cleared, then a minimum of 20% of the native vegetation must be retained on each 500 hectare area within or between cleared areas, and all river Red Gum trees over 25 cm dbh will be retained.