

Assessment protocol for where a minor variation is made to the EOAM to reclassify the condition of native vegetation

Assessment protocol under clause 27(3)(b) and clause 27(3A)(b) of the *Native Vegetation Regulation 2005* for where a minor variation is made to the Environmental Outcomes Assessment Methodology (EOAM) to vary the classification of condition of vegetation from “not of low condition” to “low condition”.

Clause 27 of the *Native Vegetation Regulation 2005* allows an accredited expert to make an assessment that proposed clearing will improve or maintain environmental outcomes if there has been an assessment in accordance with the EOAM which does not result in a determination that the proposed clearing will improve or maintain environmental outcomes, and the accredited expert is of the opinion that:

- a 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, in the particular case, unreasonable and unnecessary.

Clause 27(2A) of the *Native Vegetation Regulation 2005* provides that a variation in relation to the following aspects of the EOAM is only allowable if an accredited expert is also of the opinion that the proposed clearing will have additional conservation benefits on a landscape scale:

- classification of the condition of vegetation,
- classification of the vegetation type or landscape type as overcleared,
- assessment of the regional value of vegetation.

In determining that the proposed clearing will improve or maintain environmental outcomes, the accredited expert must comply with this protocol (cl.27(3)). In determining that the proposed clearing will have additional conservation benefits on a landscape scale, an accredited expert must comply with this protocol (cl.27(3A)). For the purposes of this protocol, landscape scale is defined as approximately 1,000 hectares (10 square kilometres) up to approximately 200,000 hectares (2,000 square kilometres) in area.

This protocol does not apply where a minor variation is made to the EOAM to vary the classification of the condition of marine vegetation.

1. Determining whether the proposed clearing will have additional conservation benefits on a landscape scale

An accredited expert must be satisfied that actions which have conservation benefits on a landscape scale and which are additional to those required as offsets under the EOAM will be undertaken in order to determine that the proposed clearing will have additional conservation benefits on a landscape scale.

Additional actions are over and above the offset requirements as specified in the EOAM. Areas managed to offset losses due to the clearing of native vegetation plus the additional actions must be secured by the PVP for at least the duration of the negative impact of the proposed clearing (usually in perpetuity). In order to provide additional conservation benefits on a landscape scale, additional actions will usually:

- improve connectivity; and/or
- improve riparian areas; and/or
- enhance vegetation of a type(s) that is highly cleared and in moderate-good condition that provides conservation benefits on a landscape scale; and/or
- improve groundcover (including in grazing and cropping areas) on a landscape scale.

Additional conservation benefits on a landscape scale should be of sufficient quality and/or size to provide a contribution at that scale. Additional actions should contribute to meeting conservation priorities or catchment targets on a landscape scale in a relevant Catchment Action Plan. Results of the additional actions and their conservation benefits on a landscape scale should be monitored as part of the monitoring and evaluation program of the relevant CMA.

2. Circumstances which must be satisfied in order for the accredited expert to determine that the proposed clearing will improve or maintain environmental outcomes

The accredited expert must be satisfied of the following circumstances in order to determine that the proposed clearing will improve or maintain environmental outcomes.

(2.1) The viability of the vegetation is assessed as low or not viable

Viability of native vegetation is its ability to support biodiversity values that persist for many generations or long time periods. The viability of an area of native vegetation depends on its condition, patch area and isolation, and surrounding land use(s). To have low viability or be unviable, areas of vegetation that are small, isolated or surrounded by intense land uses would generally be in a degraded condition. The accredited expert must be satisfied that the viability of the vegetation on the clearing site is low or not viable according to one or more of the following factors:

- a) **The current or known future land uses surrounding the vegetation to be cleared reduce its viability or make it unviable.** Relatively small areas of native vegetation (eg patches of a few hectares or less) surrounded or largely surrounded by intense land uses such as intense cropping can be unviable or have low viability because of disturbances from the cropping including edge effects, and/or
- b) **The size and connectedness (with other native vegetation) of the vegetation to be cleared is insufficient to maintain its viability.** Relatively small areas of isolated native vegetation (eg patches of a few hectares or less that are more than several hundred metres from the next patch of native vegetation) can be unviable or have low viability, and/or
- c) **The condition of native vegetation to be cleared is substantially degraded resulting in loss of or reduced viability.** Native vegetation in degraded condition can be unviable or have low viability. Degraded condition means substantially outside benchmark in the majority of vegetation condition variables as listed in the EOAM, but does not necessarily meet the strict definition of "low condition". Note: vegetation that is substantially outside benchmark due to a recent disturbance such as a fire or flood or a prolonged drought is not considered as degraded.

AND

(2.2) The EOAM is complied with (other than the minor variation(s))

The accredited expert must be satisfied that, other than this minor variation which results in the vegetation being reclassified from "not of low condition" to "low condition" and any other permitted minor variations, the proposed clearing will improve or maintain environmental outcomes as assessed in accordance with the EOAM, including offsets required by the EOAM.

3. Additional circumstances which the accredited expert must consider when determining whether the proposed clearing will improve or maintain environmental outcomes

The accredited expert must consider the contribution of the vegetation to be cleared to regional biodiversity values in determining whether the proposed clearing will improve or maintain environmental outcomes. In order to do so, the accredited expert must consider the factors listed

below. For the purposes of this protocol, 'region' is defined as an area from 2,000 square kilometres up to approximately 20,000 square kilometres.

Factors to consider -

- a) **The percent cleared in the region of the vegetation type or threatened ecological community to be cleared.** Where the percent cleared in the region of the vegetation type or threatened ecological community to be cleared is less than 50% cleared this suggests that the contribution of the vegetation to be cleared to regional biodiversity values is relatively low.
- b) **The condition of the vegetation type or threatened ecological community or native vegetation in the region.** Where the vegetation type or threatened ecological community or native vegetation is largely in moderate-good condition in the region, this suggests that the contribution of the vegetation to be cleared to regional biodiversity values is relatively low.
- c) **The percent cleared of all native vegetation cover in the region.** Where the percent cleared of all native vegetation cover in the region is less than 50% cleared, this suggests that the contribution of the vegetation to be cleared to regional biodiversity values is relatively low.

Note: This Protocol will be reviewed following the 2007/08 review of Chapter 5 of the EOAM.

Approved .



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VERITY FIRTH MP

Minister for Climate Change and the Environment

Date 16/3/08