

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 10115

Report prepared by Accredited Expert: 30604

PVP reference number: **10115**

SUMMARY

This Accredited Expert report relates to the assessment of the clearing proposed by PVP request number 10115.

Under s. 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 specific and unique circumstances that can be associated with a clearing proposal. In these circumstances the assessment can use Special Provisions for Minor Variation [Clause 27 of Native Vegetation (NV) Regulation 2005].

In this assessment a Minor Variation (Cl.27 of the NV Regulation) is used to include Belah (*Casuarina cristata*) in the Central West CMA/Darling Riverine Plains (DRP) IBRA¹ region, in Table 7.1 of the EOAM with clearing types a - d. Belah is currently listed as an INS species in the entire area of the neighbouring Namoi CMA area and in Western - DRP in Table 7.1.

Strict adherence to the Assessment Methodology in this particular case is unreasonable and unnecessary because: (i) Belah (*Casuarina cristata*) is listed in similar areas in Namoi and Western CMA areas, (ii) dense regeneration of Belah has resulted in change to the structure of the vegetation community in the area to be managed; and (iii) the outcome of the clearing will be areas of open Belah woodland with improved native groundcover interspersed with retained dense areas of Belah.

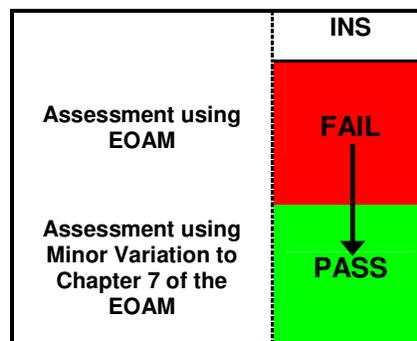


Figure 1: A conceptual outline of the assessment process for PVP 10115

¹ Interim Biogeographic Regionalisation of Australia

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

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 environmental outcomes assessment methodology (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 accredited expert is of the opinion that the proposed clearing will improve or maintain environmental outcomes.

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 10115.

Initial assessment of broadscale clearing proposed by the PVP

When the broadscale 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.

The following section 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.

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

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

Section 2 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, to comply with clause 29 of the Native Vegetation 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

The EOAM was varied by adding Belah (*Casuarina cristata*) as an Invasive Native Species in the Central West - DRP (CMA-IBRA region) to Table 7.1 - Invasive Native Species Database, with the conditions shown in the table below. No other aspect of the Environmental Outcomes Assessment Methodology has been varied.

Catchment Management Authority - IBRA region	Invasive Native Species	Number of plants per hectare to be retained	Retention required by criterion 18A (clearing types d-f) only	Maximum dbh allowed to be cleared	INS type of clearing permitted
Central West - DRP	<i>Casuarina cristata</i> (Belah)	20 (Total under 20cm dbh)	Yes	20cm	a-d

2.3 Description of the clearing

The total area of land in Zone 14a where Belah is behaving invasively is 112.6 hectares. Twenty percent of the invasive native scrub area (22.5 hectares) in Zone 14a will be retained as per the EOAM. The INS in Zone 14a will be managed by clearing type d) clearing of plants at paddock scale with nil to minimal disturbance to soil and groundcover (for example, chaining, slashing or roping) and this area amounts to 81.1 hectares. Belah trees up to 20 cm diameter at breast height (dbh) can be cleared (noting the EOAM allows this to be varied by up to 5 cm). An additional 10% (9 hectares) of the area of INS to be managed using clearing type d will be retained in patches. Hence, a total of 31.5 hectares of Belah INS out of 112.6 hectares will be retained in its current dense state and 81.1 hectares will be managed as Belah open woodland.

The clearing of plants at a paddock scale with nil to minimal disturbance to soil and groundcover (clearing type d) requires that: a) disturbance to soil surface is to the minimum extent necessary; and b) non-invasive trees and shrubs comprise less than 10% of the total number of individual trees and shrubs cleared; and c) the clearing of groundcover is to the minimum extent necessary.

2.4 Reasons for recommending the proposed minor variation

Prior to this minor variation the determination was that the proposed clearing did not improve or maintain environmental outcomes because Belah is not listed as an INS species in the CWCMA in Table 7.1 of the EOAM. The minor variation is to add Belah to the Central West - DRP (CMA-IBRA region) of Table 7.1 - Invasive Native Species Database, with 20 (total under 20cm dbh) plants per hectare, retention required by criterion 18A, a maximum dbh to be cleared of 20cm, and INS type of clearing permitted a-d. Belah is listed as an INS species in the adjoining Namoi CMA area and Western CMA - DRP region with clearing type a-c. Allowing Belah to be managed as an INS species in this situation where it is acting invasively improves or maintains environmental outcomes because native ground cover will be improved, and open woodland intermixed with dense areas of Belah will be created with resulting heterogeneity of vegetation structure across Zone 14a. Domestic livestock will be excluded from the managed areas of INS (ie, where clearing type d is undertaken) until the groundcover is greater than 50% and the groundcover consists of greater than 75% native groundcover.

The accredited expert is 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:

- (i) Belah (*Casuarina cristata*) is listed in similar areas in Namoi and Western CMA areas,
- (ii) dense regeneration of Belah has resulted in change to the structure of the vegetation community in the area to be managed; and
- (iii) the outcome of the clearing will be areas of open Belah woodland with improved native groundcover interspersed with retained dense areas of Belah.

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:

Belah open woodland will be created in the 81.1 hectares to be managed for INS, with an average of at least 106 stems per hectare remaining post clearing (refer to Table 1). The creation of the open woodland, together with the retention of dense patches (31.5 hectares) will result in heterogeneity of structure in the Belah vegetation community across Zone 14a. Excluding grazing until the groundcover is greater than 50% and the groundcover consists of greater than 75% native groundcover will substantially improve the groundcover and associated soil health.

The clearing types permitted are: a) burning; b) clearing of individual plants with no disturbance to groundcover; c) clearing of individual plants with minimal disturbance to groundcover; and d) clearing of plants at paddock scale with nil to minimal disturbance to soil and groundcover (for example, chaining, slashing or roping).

All other conditions listed under the EOAM apply. The biodiversity and other environmental gains outweigh the losses and as a result the clearing improves or maintains environmental outcomes.

Table 1: Stem density data for Belah (*Casuarina cristata*) in Zone 14a

Site	Species	Stems per Ha 0-10 cm	Stems per Ha 11-15 cm	Stems per Ha 16-20 cm	Stems per Ha 21-25 cm	Stems per Ha 26-30 cm	Stems per Ha 31-35 cm	Stems per Ha > 35 cm	Total Stems per Ha	After treatment stems/ha up to/including 25 cm dbh
1	Belah	380	120	150	100	50	40	20	860	110
2	Belah	500	360	130	100	60	0	30	1180	90
3	Belah	450	300	110	90	50	30	40	1070	120
4	Belah	560	180	90	60	30	10	20	950	60
5	Belah	350	260	210	130	60	40	50	1100	150
	Av per size class	448	244	138	96	50	24	32	1032	106
Total Average stems =									1032	106