

**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 13421**

Report prepared by: 30604

PVP reference number: **13421**

**SUMMARY**

This Accredited Expert report relates to the assessment of the clearing proposed by PVP request number 13421.

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

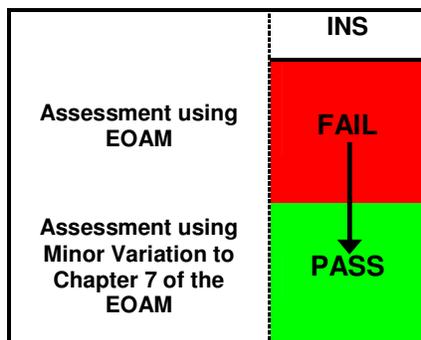
The extent of Invasive Native Scrub (INS) is 48.8 hectares. Of this, 15.2 hectares is in the riparian area (Zone 14b), and 33.6 hectares is not in the riparian area (Zone 14a).

The amount of INS to be retained throughout the extent of INS in both zones following clearing equals 12.4 hectares in total; this area equals 28% of the INS extent that is outside the riparian area [9.4 ha], and 20% of the INS extent in the riparian area [3.0 ha], ie, the percentages as required by the EOAM. The retained areas of INS can be in either zone, providing a total of 12.4 ha of INS is retained in Zone 14a and/or in Zone 14b.

In this assessment, the Provision for a Minor Variation is 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 (*Eucalyptus camaldulensis*) that is behaving invasively throughout the INS extent.

Cooba (*Acacia salicina*) is also acting invasively throughout the zone and will be cleared using clearing type d, in accordance with the EOAM.

Clearing type d is not to take place within 20 metres from both sides of the centre of the bed of the cowl (riparian zone).



**Figure 1: A conceptual outline of the assessment process for PVP 13421**

This report 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) improved groundcover will assist in reducing soil erosion, and (iii) a range of vegetation states including open woodland and more dense vegetation will be created.

The environmental gains from the proposal, including the ability to improve native groundcover and soil stabilisation, as well as creating varied vegetation states throughout the treatment area, 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 13421.

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

When the clearing proposed by this PVP was initially assessed in accordance with the EOAM, the method in which River Red Gum (*Eucalyptus camaldulensis*) was proposed for removal did not result in a determination that clearing would improve or maintain 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 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 in Zone 14a of PVP 13421 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) in Zone 14a is 33.6 hectares. Two INS species including River Red Gum (*Eucalyptus camaldulensis*) and Cooba (*Acacia salicina*) are behaving invasively throughout the extent of INS. This Report applies only to River Red Gum, as clearing type d is available to Cooba under the EOAM.

In this assessment Special Provisions for a 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 20 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 more dense vegetation will be created by the clearing activity. The use of clearing type d will promote native groundcover, which will assist to stabilise soil and mitigate bank erosion.

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 for River Red Gum. River Red Gum trees up to 20 cm dbh are permitted to be cleared within Zone 14a using clearing type d, with the following provisions:

- a) Native vegetation within 20 metres on both sides of the centre of the bed of the cowl (ie, Zone 14b, the riparian zone) is not to be cleared with treatment type d, and
- b) At least 9.4 ha, plus 3.0 ha of INS is retained (total retention of 12.4 ha). The retained areas of INS can be in either or both zones, providing a total of 12.4 ha of INS is retained in Zone a and/or in Zone b; and
- d) All River Red Gum trees greater than 20 cm dbh will be retained; and
- e) All hollow bearing River Red Gum trees will be retained.

Vegetation states including open woodland and areas of dense vegetation in the retained areas will be created through:

- (i) retention of all River Red Gum trees above 20 cm dbh in Zone 14a;
- (ii) retention of all non-INS species of trees and shrubs in Zone 14a;
- (iii) retention of at least 28% (9.4 ha) of the INS extent in Zone 14a (this retained INS can be in both Zone 14a and Zone 14b);
- (iv) retention of all other native vegetation as required by the EOAM for the clearing type.

After the INS is cleared, the resultant vegetation structure will be an open woodland with an approximate average of 65 stems of River Red Gum trees per hectare above 20 cm dbh (ranging from 10 stems to 130 stems per ha), plus more dense retained areas. Refer to Table 1 at the end of this document for figures on stem density from sample plots.

The environmental gains from the proposal, including the encouragement of native groundcover, 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:

Vegetation states including open woodland and more dense patches of River Red Gum will be created. The clearing process will improve native groundcover. All other conditions listed under the EOAM apply, namely a minimum of 28% of the area of INS in Zone 14a will be retained (this area of retained INS can be across the total INS extent, that being Zone 14a and Zone 14b); all River Red Gum trees over 20 cm dbh will be retained, and clearing type d will not occur 20 metres either side from the centre of the flowline of the cowl.

**Table 1: Plot data on stem densities in Zone 14a and 14b**

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 greater than 20 cm dbh
1	Red River Gum	320	160	30	10	30	10	20	580	70
2	Red River Gum	200	50	50	30	30	30	10	400	100
3	Red River Gum	720	160	10	0	0	0	10	900	10
4	Red River Gum	730	110	10	0	10	10	10	880	30
5	Red River Gum	530	30	10	70	20	20	20	700	130
6	Red River Gum	630	30	180	30	0	10	10	890	50
	Av per size class	522	90	48	23	15	13	13	725	65