

Report under the Native Vegetation Act 2003 in relation to Accredited expert's assessment in accordance with clause 19 of the Native Vegetation Regulation 2013 for PVP reference number 18582

Report prepared by: Accredited Expert 30617

PVP reference number: 18582

**SUMMARY**

This Accredited Expert report relates to the assessment of the clearing proposed by PVP request number 18582.

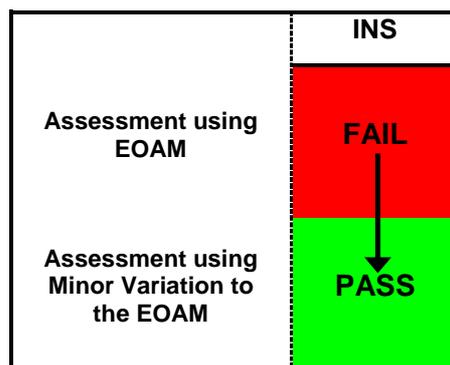
Under s. 29(2) of the *Native Vegetation Act 2003* a PVP cannot be approved unless the clearing concerned will improve or maintain environmental outcomes.

Clause 18 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 the specific and unique circumstances associated with the proposal. In these circumstances, the assessment can use Special Provisions for Minor Variation (Clause 19 of *Native Vegetation Regulation 2013*).

In this assessment Special Provisions for Minor Variation is used to allow the variation of the EOAM to not require the 100ha radii to be considered in the landscape value calculation, where the proposed clearing with the minor variation will improve or maintain environmental outcomes and strict adherence to the Assessment Methodology is unreasonable and unnecessary.

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



This reports details the accredited expert's opinions formed in relation to cl. 19 of the *Native Vegetation Regulation 2013* when assessing the PVP.

The minor variation is a variation to the Table 7.1 of the EOAM.

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 the overall environmental outcome balances the removal of the 100 ha radii.

Thus the biodiversity and other environmental gains from the proposal far outweigh the losses and as a result the clearing improves or maintains 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 18 of the *Native Vegetation Regulation 2013* 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 19 of the *Native Vegetation Regulation 2013* that the accredited expert is of the opinion that the proposed clearing will improve or maintain environmental outcomes.

This reports details the accredited expert's opinions formed in relation to cl. 19 of the *Native Vegetation Regulation 2013* when assessing the PVP reference number.

### **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 19 of the *Native Vegetation Regulation 2013* and contains the information required in order to comply with the *Native Vegetation Regulation 2013*.

### **Subsequent (change subsequent to "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 19 of the *Native Vegetation Regulation 2013* assessed and certified that in the accredited expert's opinion the proposed clearing will improve or maintain environmental outcomes must comply with the *Native Vegetation Regulation 2013*.

Section 2 of this document provides detail of the accredited expert's assessment and certification in accordance with clause 19 of the *Native Vegetation Regulation 2013* and contains the information required in order to comply with the *Native Vegetation Regulation 2013*.

## **2. MINOR VARIATION.**

The Environmental Outcomes Assessment Methodology (EAOM) contains the following in relation to landscape value.

Landscape Value encompasses fragmentation, connectivity and adjacency of native vegetation around the clearing and offset sites as well as contributions from riparian areas and Site Value from offset sites. The assessor determines change in landscape value using the following variables:

- Percent cover of native vegetation in the landscape. This is current vegetation cover and future vegetation cover (with proposed clearing at the site and with proposed management actions at the offset site) within radii of 1.79 km (1000 ha) and 0.55 km (100 ha). Each circle is placed to encompass the maximum loss of native vegetation cover from clearing and the maximum gain in native vegetation cover from the management actions. The clearing and offset sites may be within different circles. Percent cover of native woody vegetation is assessed as a combination of extent and over-storey percent cover relative to benchmark cover for that vegetation type. Percent cover of native nonwoody vegetation is assessed as a combination of extent and percent cover of native groundcover relative to benchmark cover for those vegetation types. The relevant scores are shown in Table 5.2;
- Connectivity. The loss in connectivity at a clearing site and gain in connectivity at an offset site are determined according to changes to linkage width classes and linkage condition classes and scored as shown in Table 5.3.3;
- Total adjacent remnant area. This is the total remnant area of which the clearing site is a part. It is recorded as extra large, very large, large, medium or small and scored as shown in Table 5.4;
- Percentage within riparian area (offset site(s) only). Additional points are awarded on the offset site if part or all of the site includes riparian area. Riparian area is defined in Chapter 3. The scores for percentage within riparian area are determined according to Table 5.5;
- Contribution of Site Value offsets to Landscape Value (offset site(s) only). Additional Site Value offsets may contribute to Landscape Value in Mitchell Landscapes and vegetation types that are less than or equal to 30% cleared in the Catchment Management Authority area. Where the Site Value score on the offset site is more than the Site Value offset requirements the additional Site Value score may contribute to offsets for Landscape Value, as defined in Table 5.6.

### **2.1 Legal provision for minor variation**

The legal provision for this minor variation is in Clause 19(1) 'Special provisions for minor variation' of the Native Vegetation Regulation 2013 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 to remove the 100ha radii as part of the landscape value calculations.

## **2.3 Description of the proposed clearing**

The proposed clearing is 1063.63 hectares of native vegetation with 4705.45 hectares of biodiversity offset adding to an existing conservation area of 3425 hectares.

## **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 the clearing could not be offset at the 100 ha radii due to the scale of the landscape.

Therefore:

The proposed minor variation improves or maintains environmental outcomes because:

1. The proposed clearing is located in largely intact landscape with large adjacent remnants.
2. The Mitchell landscape in which the proposed clearing is located is not overcleared.
3. The vegetation communities to be cleared are not overcleared.
4. There is no adversely impact on connectivity value.
5. The offset of 4705.45 hectares add to an existing conservation area of 3425 hectares.
6. The loss of cover in the 100ha radii is negated by the outcomes at a landscape scale that is appropriate for far west NSW.

## **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:

Thus the biodiversity and other environmental gains from the proposal far outweigh the losses and as a result the clearing improves or maintains environmental outcomes.