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 13039

Report prepared by: Accredited Expert 30617

PVP reference number: 13039

SUMMARY

This Accredited Expert report relates to the assessment of the clearing proposed by PVP request number 13039.

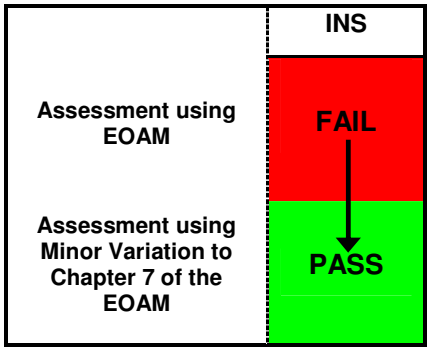
Under s. 29(2) of the *Native Vegetation Act 2003* a PVP cannot be approved unless the clearing concerned will improve or maintain environmental outcomes.

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

In this assessment Special Provisions for Minor Variation have been used to allow for inclusion of clearing types d) and e) in Table 7.1 of the EOAM for *Geijera parviflora* (Wilga) for Western CMA - BBS (Brigalow Belt South), 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. 27 of the Native Vegetation Regulation 2005 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 variaion to the EOAM (Environmental Outcomes 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) the landform and vegetation in the area to be managed is similar to the landforms and vegetation in other areas where Wilga (*Geijera parviflora*) is listed as an Invasive Native Scrub Species in Table 7.1 in the EOAM with clearing types d) and e); and (ii) managing Wilga with clearing types d) and e) in the area to be managed will improve native groundcover, and create a mosiac landscape at a paddock scale.
At least 20 stems per hectare under 20cm dbh (or patches of 10% of the area per 100 hectare area) and all stems above 20cm dbh will be retained.

The biodiversity and other environmental gains from the proposal thus 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 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 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 reports provides the accredited expert's opinions formed in relation to cl. 27 of the Native Vegetation Regulation 2005 when assessing the PVP reference number.

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 with the minor variation to the EOAM 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 assessed and certified that in the accredited expert's opinion the proposed clearing will improve or maintain environmental outcomes in accordance with clause 27 of the Native Vegetation Regulation 2005 must also 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 in order to comply with clause 29 of the Native Vegetation Regulation 2005.

2. MINOR VARIATION.

The Environmental Outcomes Assessment Methodology (EAOM) defines invasive native species as follows:

Invasive native species for the purposes of this Chapter means a plant species that satisfies the following criteria:
1) The species is listed in Table 7.1 in respect of the Catchment Management Authority Area or the Catchment Management Authority Area and IBRA region to which the clearing proposal relates; and
2) In the opinion of the relevant Catchment Management Authority (or an officer of that Authority who is responsible for making this assessment), the species satisfies the following criteria for acting invasively:
(a) the species is invading plant communities where it has not been known to occur previously, or
the species is regenerating densely following natural or artificial disturbance, and
(b) the invasion and/ or dense regeneration of the species is resulting in change of structure and/ or composition of a vegetation community, and
(c) the species is within its natural geographic range.

Species listed in Table 7.1 meet the following criteria:

(a) the species invades plant communities where it has not been known to occur previously, or the species regenerates densely following natural or artificial disturbance, and
(b) the invasion and/ or dense regeneration of the species results in change of structure and/ or composition of a vegetation community, and
(c) the species is within its natural geographic range.

The Minor Variation for this PVP is to allow for inclusion of clearing types d) and e) in Table 7.1 of the EOAM for Wilga *(Geijera parviflora*) for Western CMA - BBS (Brigalow Belt South)

3.1 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.

3.2 How the EOAM was varied

The EOAM was varied as follows. In the row "Western-BBS *Geijera parviflora"* in Table 7.1 – (i) change "n/a" in the column headed **"Retention required by criterion 18A (clearing types d-f only)"** to "Yes"; and (ii) change"a-c" in the column headed "**INS type of clearing permitted"** to "a-e".

3.3 Description of the proposed clearing

The proposed clearing involves the management of Wilga that is acting invasively on a property in the Brigalow Belt South IBRA region in Western CMA. Wilga is invasive in the region, and the species is acting invasively at the site. Zone 14a of the proposed clearing site is 3,494 ha and is part of the Araluen Land System. The landform is slightly undulating round ridges with shallow to deep red earths. The vegetation is Wilga (*Geijera parviflora)*, Bimble box (*Eucalyptus populnea*), and White Cypress Pine (*Callitris glaucophylla*) with Budda (*Eremophila mitchellii*), Warrior bush (*Apophyllum anomalum*), Wire grasses (*Aristidas*) and Copperburrs (*Bassias*).

The proposed clearing involves management of INS using the following clearing types in the Environmental Outcomes Assessment Methodology

a) burning;

b) clearing of individual plants with no disturbance to groundcover;

c) clearing of individual plants with minimal disturbance to groundcover;

d) clearing of plants at paddock scale with nil to minimal disturbance to soil and groundcover;

e) clearing of plants at paddock scale with temporary disturbance to soil and groundcover

All Wilga plants over 20cm dbh will be retained, with additional retention of patches of Wilga INS as required under criterion 18A (for clearing types d-f). All other requirements of the EOAM will be met.

3.5 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 clearing types d) and e) are not listed in Table 7.1 of the EOAM for Wilga in the BBS IBRA region for the Western CMA.

The Wilga on the property has regenerated densely, causing a change in vegetation structure, which has resulted in a dense, homogenous habitat that does not provide the

range of habitats required for native biodiversity. Flora and fauna require a range of densities to provide a diversity of habitats they require. The density of Wilga at the site is more than180 stems per hectare. Managing the Wilga in this case provides beneficial environmental outcomes by creating a mosaic of vegetation types across the landscape, and improving vegetation structure and composition, including improving ground cover.

The clearing site 14a has similar soil and vegetation as the Cobar Peneplain. The Cobar Land System has loamy soils graduating to deeper acid neutral red earths. The vegetation is White Cypress Pine, Bimble Box, Wilga, Mulga (Acacia aneura), with Budda, Turpentine (Eremophila sturtii), Wire grasses and Speargrassas (Stipas)

Wilga is listed in Table 7.1 in the EOAM as an invasive native species for the Cobar Peneplain IBRA region in the Western CMA where all clearing types, ie. a) – f), can be used. Wilga is also listed for the Central West CMA where all clearing types can be used. The property where Wilga will be managed is located in the Brigalow Belt South IBRA region in Western CMA. The zone 14a on the property where Wilga will be managed has similar soil and vegetation as Wilga that is acting invasively in the Cobar Peneplain IBRA region where Wilga is listed as an invasive native species with all clearing types allowed.

4. Supplementary information

The table below describes how Wilga is acting invasively in the area to be managed..

SPECIES	***GEIJERA PARVIFLORA* (WILGA) FOR BRIGALOW BELT SOUTH**
The species is invading plant communities where it has not been known to occur previously OR the species is regenerating densely following natural or artificial disturbance	• The area proposed to be cleared has regenerated densely with over 180 stems per hectare of Wilga with other invasive species at similar densities. The area was originally woodland with sparse Wilga trees. The Wilga is now very dense and most plants have not matured due to the density of stems. • The Wilga at the site is in a dense stand of uniform age.
the invasion and/ or dense regeneration of the species is resulting in change of structure and/ or composition of a vegetation community	• The area proposed for management was once open woodland and is now a thick shrubland with a high density of small stems of Wilga and Bimble Box. • The dense stand of Wilga at the site has resulted in substantial changes in structure (loss of structural diversity) and composition (loss of groundcover) of the vegetation community.
the species is within its natural range or distribution	• Wilga occurs throughout the region, except for the far northwest; very infrequent in the south (Cunningham et al., 1981). The area of the PVP is in the north of the region (Western Catchment Management Authority area) and

SPECIES	*GEIJERA PARVIFLORA* (WILGA) FOR BRIGALOW BELT SOUTH
	not the far northwest of the region.

5. Certification by the accredited expert

As accredited expert I am 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 is in this particular case unreasonable and unnecessary because:

(i) the landform, soils and vegetation in the area to be managed is similar to the landform and vegetation in other areas where all clearing types, ie, clearing types a) – f) are listed for Wilga in Table 7.1 of the EOAM; The inclusion of clearing types d) & e) will create a mosaic landscape with open woodland and denser areas of vegetation, and improve native groundcover

At least 20 stems per hectare under 20cm dbh (or patches of 10% of the area per 100 hectare area) and all stems above 20cm dbh will be retained in the managed areas as required by the EOAM.

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