

# 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 request number 17561

Report prepared by: 30619

PVP request number: 17561 (formerly 10899 in Western CMA)

## 1. Summary

This Accredited Expert report is for an Invasive Native Scrub (INS) PVP (Request Number 10899) on a property located in Central West CMA in the Cobar Penneplain IBRA.

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 and unique 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 change Table 7.1 of the EOAM by adding Red Box (*Eucalyptus intertexta*) to the Central West – Cobar Penneplain IBRA and increase the diameter at breast height (dbh) of the INS species. The clearing allowed with the minor variation will improve or maintain environmental outcomes and strict adherence to the Assessment Methodology is unreasonable and unnecessary.

The extent of Invasive Native Scrub (INS) on the property is 2589.5 ha hectares, and comprises three INS Zones; 14a (1025.5 ha, area of minor variation), Zone 14b (1404.7 ha) and Zone 14c (159.4 ha). This Report applies only to Zone 14a.

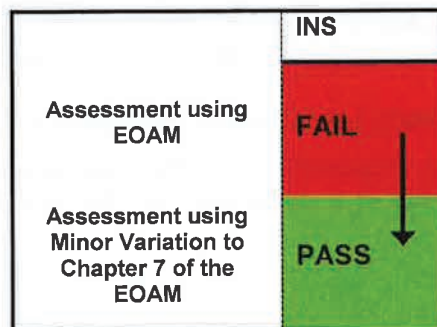


Figure 1: A conceptual outline of the assessment process for PVP 17561

This report 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 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:

An open woodland structure will be created by clearing the INS in Zone 14a to retain an average of approximately 19 stems greater than 35 cm dbh per hectare, which is characteristic of an open woodland community. Dense areas of INS will be retained in Zone 14a, as required by the EOAM. All hollow bearing trees will be retained.

Clearing the INS will create a mosaic landscape, and allow the groundcover to improve and reduce the potential for soil erosion. Thus the biodiversity and other environmental gains from the proposal outweigh the losses and as a result the clearing improves or maintains environmental outcomes.

## 2. Background

### 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 reports details the accredited expert's opinions formed in relation to cl. 27 of the Native Vegetation Regulation 2005 when assessing the PVP with request number 17561.

### 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.

## FINAL ASSESSMENT OF BROADSCALE CLEARING PROPOSED BY THE PVP WITH A MINOR VARIATION

The broadscale clearing proposed by this PVP was assessed and certified by an accredited expert, who determined that 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 in order to comply with clause 29 of the Native Vegetation Regulation 2005.

### 3. Minor Variation

#### 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 2005m 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.*

### How the EOAM was varied

The EOAM was varied by (i) adding Red Box (*Eucalyptus intertexta*) as an INS species for the Central West CMA – Cobar Penneplain IBRA region, with a maximum diameter allowed to be cleared of 35cm dbh, to Table 7.1 of the EOAM, (ii) changing the maximum dbh allowed to be cleared for White Cypress Pine (*Callitris glaucophylla*) and Bimble Box (*Eucalyptus populnea* subsp. *bimbi*) in Central West CMA from 20cm to 35cm in Table 7.1 of the EOAM (variations shown in bold below), and (iii) deleting "13A) The relevant Catchment Management Authority may vary the measurement in the column "Maximum dbh allowed to be cleared" in Table 7.1 by up to 5 centimetres if, in the judgment of the Catchment Management Authority, the variation is appropriate for the land to be cleared" from the EOAM.

No other variations were made to the EOAM.

**Table 1: INS species subject to clearing and the maximum dbh allowed to be cleared**

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 - All	<i>Callitris glaucophylla</i> (White Cypress)	20 (Total under 20cm dbh)	No	<b>35cm</b>	All
Central West - All	<i>Eucalyptus populnea</i> (Bimble Box, Poplar Box)	20 (Total under 20cm dbh)	Yes	<b>35cm</b>	All
Central West - Cobar Penneplain (CP)	<i>Eucalyptus intertexta</i> (Red Box)	20 (Total under 20cm dbh)	Yes	<b>35cm</b>	All

### Description of the proposed clearing

The land owner proposes to clear INS and improve groundcover on the property which is located on the Cobar Penneplain IBRA region. The property contains Bimble Box (*Eucalyptus populnea*), Red Box (*Eucalyptus intertexta*), White Cypress Pine (*Callitris glaucophylla*), Wilga (*Geijera parviflora*) and Turpentine (*Eremophila sturtii*). These species were determined to be behaving invasively in Zone 14A by CW CMA.

## 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 dbh limit for clearing the INS species was 20 cm dbh and Red Box was not listed as an INS species for Central West CMA, in Table 7.1 of the EOAM.

The reasons for the minor variation are as follows:

(i) The property is very close to Western CMA, (within 6 kilometres of the boundary). Red Box is listed as an INS species for Western CMA in Table 7.1 of the EOAM. The property is in the Cobar Penneplain IBRA region, with the same landforms, soil, vegetation and climate as the Cobar Penneplain IBRA region in Western CMA.

(ii) Maximum dbh limits for clearing Bimble Box (*Eucalyptus populnea*), Red Box (*Eucalyptus intertexta*) and White Cypress Pine (*Callitris glaucophylla*) of 35 cm will result in an open woodland, with an average of approximately 19 stems per hectare (see Appendix 1). Open woodland has a foliage projective cover of <10% (Specht and Specht 1999). This is equivalent to 15-25 trees with greater than 35 dbh per hectare.

(iii) The clearing will result in open woodland, with improved native ground cover, interspersed with retained areas of dense INS (as required by the EOAM). This will create a mosaic of vegetation states across the landscape, with open woodland interspersed with retained areas of dense native vegetation.

(iv) All hollow bearing trees will be retained.

An open woodland vegetation structure interspersed with dense retained areas of INS will be created by applying the minor variation in Zone 14a. Clearing the INS will create a mosaic landscape, and allow the groundcover to improve and reduce the potential for soil erosion. The biodiversity and other environmental gains from the proposal thus outweigh the losses and as a result the clearing improves or maintains environmental outcomes.

## Reference

R. L. Specht and A. Specht. 1999. Australian Plant Communities. Dynamics of Structure, Growth and Biodiversity. Oxford University Press, Melbourne, Australia.

## 4. 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: an open woodland vegetation structure will be created by clearing the INS in Zone 14a, the groundcover will improve and the potential for soil erosion be reduced. Dense patches of INS will be retained, comprising 28% of the INS extent as per the EOAM. Hence a mosaic of native vegetation states will result throughout the property, which is the objective of the Invasive Native Scrub Assessment (Chapter 7) in the EOAM.

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

## Appendix 1: Average Stem Densities in Zone 14a

Data were collected from 27 sites (for Bimble Box, White Cypress Pine, Red Box), and 9 sites (for Wilga).

Tree/Stem Information	AV # of Stems/ Ha
Average # of Bimble Box stems/ha >35 cm DBH	4.1
Av. # of White Cypress Pine stems/ha >35 cm DBH	5.4
Av. # of Red Box stems/ha >35 cm DBH	9.7
Av. # Wilga stems/ha >35 cm DBH	1.7

Note: Central West does not have an upper limit on the clearing of Wilga (*Geijera parviflora*).