

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 20012**

Report prepared by: Accredited Expert 30609

PVP reference number: 20012

2. EXECUTIVE SUMMARY

This Accredited Expert report relates to the assessment of the clearing proposed by PVP number 20012.

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 2013 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 (Assessment Methodology).

In some circumstances the EOAM does not adequately account for specific or unique circumstances which have been encountered during the assessment of a clearing proposal. In these circumstances the assessment may use Special Provisions for Minor Variation (Clause 19 of the Native Vegetation Regulations 2013).

In this instance the Special Provisions for Minor Variation have been used to modify table 7.1 (Invasive Native Scrub Species Database) of the EOAM to include Bull Oak (*Allocasuarina luehmannii*) as an Invasive Native Species (INS). The inclusion of this species as a minor variation and subsequent treatment as Invasive Native Scrub (INS) 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 PVP 20012

	INS Tool
Assessment using EAOM	FAIL
Assessment using Minor Variation to the Chapter 7 of the EOAM	PASS

This report details the accredited expert's opinions formed in relation to Table 7.1 of the Assessment Methodology and cl. 19 of the Native Vegetation Regulation 2013 when assessing PVP reference number 20012.

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

The accredited expert is of the opinion that a minor variation to the EAOM (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 Bull Oak (*Allocasuarina luehmannii*) found on this property has;

- (a) Regenerated densely following natural or artificial disturbance, and
- (b) The dense regeneration of the species has resulted in change of structure and/ or composition of a vegetation community, and
- (c) The species is within its natural geographic range.

Following treatment as an INS species, the species composition of the site will reflect the composition expected from a White Cypress Pine – Narrow-leaved Iron Bark – Buloke - grassy Open Forest of the Dubbo Region (Benson Veg Type 470) vegetation community and will comprise an open woodland structure (apart from untreated areas required by the EOAM).

Clearing of this INS will create a mosaic landscape, and allow the groundcover to improve, reducing the potential for soil erosion. Accordingly the biodiversity and environmental gains from this proposal will outweigh the losses and as a result the clearing will improve environmental outcomes.

2. Background

Legislative background

Property vegetation plan (PVP), reference number 20012 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 Assessment Methodology 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 report details the accredited expert's opinions formed in relation to Table 7.1 of the Assessment Methodology and cl. 19 of the Native Vegetation Regulation 2013 when assessing PVP reference number 20012.

Initial assessment of broadscale clearing proposed by PVP 20012

When the broadscale clearing proposed by this PVP was initially assessed in accordance with the Assessment Methodology using the data in the approved databases, it did not result in a determination that clearing improved or maintained environmental outcomes. This was because Bull Oak (*Allocasuarina luehmannii*) is not listed as an INS species in table 7.1 of the EAOM.

Final assessment of broadscale clearing proposed by PVP 20012 by an accredited expert

The broadscale clearing proposed by PVP 20012 was then assessed and certified by an accredited expert in accordance with clause 19 of the Native Vegetation Regulation 2013. In the accredited expert's opinion, the proposed clearing will improve or maintain environmental outcomes.

Sections 3 and 4 of this document provides detail of the accredited expert's assessment and certification in accordance with clause 19 of the Native Vegetation Regulation 2013.

3. MINOR VARIATION:

3.1 Legal provision for minor variation

The legal provision for this minor variation is in Clause 19 ‘Special provisions for minor variation’ of the Native Vegetation Regulation 2013 which states:

(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.

3.2 How the Assessment Methodology was varied

The EAOM was varied by adding Bull Oak (*Allocasuarina luehmannii*) as an INS species for the Briaglow Belt South IBRA region (Central West CMA area) to table 7.1 of the EAOM as per Table 1 below.

Table1: INS Species and conditions for variation of Table 7.1 of EOAM

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 - Briaglow Belt South	<i>Allocasuarina luehmannii</i> (Bull Oak)	20 (Total under 20cm DBH)	Yes	20cm	a-c

3.3 Description of the proposed clearing

This variation relates to the proposed clearing of White Cypress Pine (*Callitris Glaucophylla*) and Bull Oak (*Allocasuarina luehmannii*) within White Cypress Pine – Narrow-leaved Iron Bark – Buloke - grassy Open Forest of the Dubbo Region (Benson Veg Type 470) which is located in the Brigalow Belt South IBRA region of the Central West CMA catchment (now covered by the Central West Local Land Services).

3. 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 Bull Oak (*Allocasuarina luehmannii*) is not listed as an INS species in table 7.1 of the EAOM.

In considering the species listing for variation to Table 7.1 of the EAOM the following criteria were assessed;

- (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.



Image1. Example of Bulloak observed on site (Note cut stump and fire scarring in right foreground)

Both species were determined to have been behaving invasively in this location following past disturbance, by both staff of the former Central West CMA and Central West Local Land Services. Data derived from Bionet (NSW OEH) demonstrates that both species are within their natural range Whilst a comparison with Benchmark Data shows that these species have changed the structure of the vegetation community on this site. Accordingly, the reasons for listing Bull Oak (*Allocasuarina luehmannii*) given these reasons along with a review of historical aerial imagery (from 1968 till the current date) and direct field observation, are as follows;

- (a) The species has regenerated densely following natural or artificial disturbance.
- (b) The dense regeneration of the species has resulted in change of structure and composition of a vegetation community, and
- (c) The species is within its natural geographic range.

In addition, an open woodland vegetation structure with considerably enhanced groundcover, will be created by applying this minor variation and allowing the treatment of the area using the INS conditions of the EAOM. The clearing will also create a mosaic of vegetation structures through the retention of dense areas of INS amongst open woodland, which will improve the composition of vegetation on site and reduce the potential for soil erosion.

Thus the biodiversity and other environmental gains from the proposal outweigh the loss and as a result the clearing will improve or maintain environmental outcomes.



Image1. Example of Bullock & Cypress Pine observed on site (Note absence of groundcover species)

4. Certification by the accredited expert

As an accredited expert I am of the opinion that minor variation to the 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 case unreasonable and unnecessary because:

1. The Species fits the criteria for listing as an INS Species as follows;
 - (a) The species has regenerated densely following natural or artificial disturbance and,
 - (b) The dense regeneration of the species has resulted in change of structure and composition of a vegetation community, and
 - (c) The species is within its natural geographic range
2. The clearing will create an open woodland vegetation structure with considerably enhanced groundcover will be created which will improve the composition of species found on this site.
3. The clearing will enhance groundcover which will reduce the risk of soil erosion occurring
4. Dense areas/patches of INS will be retained over a minimum of 20% of the INS extent (as per the EAOM, ensuring that a range of vegetation structure are present on this site.