REPORT UNDER THE NATIVE VEGETATION ACT 2003 IN RELATION TO:

1. ACCREDITED EXPERT'S ASSESSMENT IN ACCORDANCE WITH CLAUSE 19 OF THE NATIVE VEGETATION REGULATION 2013 FOR PVP REFERENCE NUMBER 00266

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PVP reference number: 00266

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2. EXECUTIVE SUMMARY

This Accredited Expert report relates to the assessment of the clearing proposed by PVP number 00266.

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).

Special Provisions for Minor Variation have been used to allow for the reduced long term viability of some of the vegetation to be cleared 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 PVP 00266

	Land Capability	Salinity	Water Quality	Threatened Species (TS)	BioMetric
Assessment using Assessment Methodology and default data	PASS	PASS	PASS	PASS	FAIL ↓
Assessment using Minor Variation to the Assessment Methodology in the BioMetric Assessment					PASS

This reports details the accredited expert's opinions formed in relation to section 2.4.3 of the Assessment Methodology and cl. 19 of the Native Vegetation Regulation 2013 when assessing PVP reference number 00266.

Summary of Chapter 1 – Minor variation to the Assessment Methodology

The minor variation is a variation to the definition of "vegetation in low condition" in section 5.2.2 of the Assessment Methodology. In varying the definition of the condition of the vegetation the accredited expert is required to comply with any relevant assessment protocols approved by the Minister. In this case the relevant assessment protocol is entitled *"Assessment protocol for where a minor variation is made to the* Assessment Methodology *to reclassify the condition of native vegetation"* (Relevant Assessment Protocol).

The accredited expert is 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 particular case unreasonable and unnecessary because:

i. The vegetation to be cleared is of low viability or not viable;

ii. Assessment in accordance with the Assessment Methodology (as varied) shows that the offsets proposed balance the loss of biodiversity from clearing; and

iii. The vegetation to be cleared makes a minimal contribution to regional biodiversity values, and

iv. The proposal will have additional conservation benefits at landscape scale over and above the offset requirements. These are additional management actions at landscape scale which will;

- Reconnect two isolated patches of vegetation approximately 117 ha and 395 ha in size into a regional network of connected vegetation by revegetating 68.4 ha of woodland to benchmark condition.
- Revegetate approximately 40 ha of cleared patches within and adjacent to existing woodland.
- Manage approximately 180 ha of remnant woodland for conservation.

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

3. INTRODUCTION

Legislative background

Property vegetation plan (PVP), reference number 00266 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 reports details the accredited expert's opinions formed in relation to section 2.4.3 of the Assessment Methodology and cl. 19 of the Native Vegetation Regulation 2013 when assessing PVP reference number 00266.

Initial assessment of broadscale clearing proposed by PVP 00266

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.

Final assessment of broadscale clearing proposed by PVP 00266 by an accredited expert

The broadscale clearing proposed by PVP 00266 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.

Section 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.

4. MINOR VARIATION: CLASSIFICATION OF CONDITION OF VEGETATION.

4.1 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.

Of particular relevance to this variation is Clause 19(3) of the Native Vegetation Regulation 2013 which states:

> *"..... a variation to the Assessment Methodology in relation to the following aspects of the Assessment Methodology is allowable if an accredited expert is also of the opinion that the proposed clearing will have additional conservation benefits on a landscape scale:*
>
> *a) classification of the condition of vegetation,*
> *b) classification of the vegetation type or landscape type as overcleared,*
> *c) the assessment of the regional value of vegetation."*

The minor variation made is only to:

> *"a) classification of the condition of vegetation "*

4.2 How the Assessment Methodology was varied

Chapter 5, Section 5.2.2 of the Assessment Methodology defines woody vegetation in low condition as:

> *"Vegetation in low condition is defined as follows:*
>
> • ***Native woody vegetation***
>
> *1. with an over-storey percent foliage cover that is less than 25% of the lower value of the over-storey percent foliage cover benchmark for that vegetation type; and where*
>
> *2. a) less than 50% of the groundcover vegetation is indigenous species; or*
> *b) more than 90% of the area is ploughed; or*
> *c) more than 90% of the area is fallow; or*
> *d) 90% or more of the groundcover vegetation is regrowth but not protected regrowth.*

For this assessment the definition of low condition for woody vegetation in the Assessment Methodology is now as follows:

> *"Vegetation in low condition is defined as follows:*
>
> • ***Native woody vegetation***
>
> *1. with an over-storey percent foliage cover that is less than 25% of the lower value of the over-storey percent foliage cover benchmark for that vegetation type; and where*
>
> *2. a) less than 50% of the groundcover vegetation is indigenous species; or*
> *b) more than 90% of the area is ploughed; or*
> *c) more than 90% of the area is fallow; or*
> *d) 90% or more of the groundcover vegetation is regrowth but not protected regrowth.*
>
> *OR*
>
> • ***Native woody vegetation:***
>
> *Whose viability is assessed as low or not viable."*

The minor variation to the assessment methodology results in a reclassification of the condition of native vegetation from "not in low condition" to "low condition" for the

purposes of 5.2.2 of the Assessment Methodology. The reclassification of condition of vegetation in this assessment from "not in low condition" to "low condition" complies with the *"Assessment protocol for where a minor variation is made to the Assessment Methodology to reclassify the condition of native vegetation"*. In this case the classification of the condition of vegetation was varied because of the low viability of the small patches of vegetation surrounded by cropping. This assessment protocol was approved by the Minister for Climate Change and the Environment on 16 March 2008. The assessment has complied with this protocol and determined that the proposed clearing will:

1. improve or maintain environmental outcomes (clause 19(4) of the Native Vegetation Regulation 2013); and

2. have additional conservation benefits on a landscape scale (clause 19(5)) of the Native Vegetation Regulation 2013).

Strict adherence to the Assessment Methodology (unvaried) is considered unreasonable and unnecessary because in this case:

(i) the vegetation to be cleared is of low viability because it comprises small patches of trees and peninsulas of vegetation surrounded by intense land use (cropping),

(ii) both the required offsets and the additional conservation benefits on a landscape scale will substantially improve vegetation condition and provide benefits for biodiversity, including threatened species.

4.3 Certification by the accredited expert

As an accredited expert I am of the opinion that:

a) The minor variation to the Assessment Methodology would result in a determination that the proposed clearing will improve or maintain environmental outcomes, and

b) Strict adherence to the Assessment Methodology is in this case unreasonable and unnecessary.

4.4 Description of the proposed clearing

This variation relates to the clearing of 32.5 ha of isolated small clumps in cultivation paddocks and small narrow peninsulas of native vegetation mostly surrounded by cultivation. The vegetation types within the clumps and peninsulas includes Bimble box wooland, Coolibah woodland and Carbeen woodland. Significant edge effects are impacting on the viability of the clumps and peninsulas in the long term (See figure 2). Poplar Box Grassy Woodland is an over cleared vegetation type (> 75% cleared) and the Coolibah and Carbeen Woodlands are both Endangered Ecological Communities. The clumps and peninsulas to be cleared are located in an over cleared Mitchell Landscape (McIntyre Alluvial Plains 87% cleared).

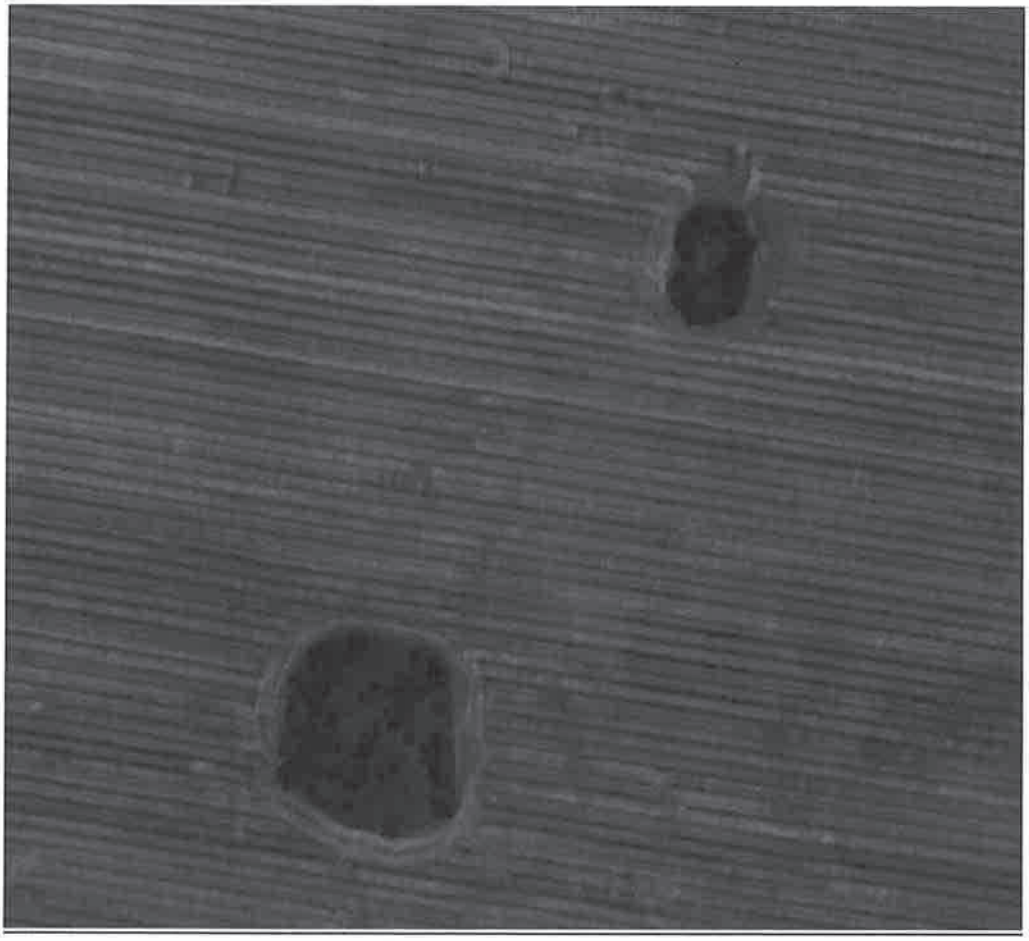
4.5 Description of the proposed offsets

A total of 821 ha will be managed as offset. This area includes 564 ha of offset area for the clearing of paddock trees in cultivation not subject to Minor Variation. The standard offset management actions for the removal of clumps and paddock trees in cultivation include;

- Retain all remnant and regrowth native vegetation

- Retention of all dead timber,
- Strategic grazing,
- Weed Control,
- Pest animal control,
- Revegetate to achieve benchmark canopy cover (only in clump offset area – 256ha).
- Exclude fertilizers,
- Do not Burn.

Figure 2: Example of the small clumps of remnant woodland surrounded by cultivation and cropping to be cleared.



4.6 Description of the proposed additional management actions

In addition to the standard offset requirements for the removal of paddock trees in cultivation and small clumps of trees in cultivation, the landholder will undertake activities that will have additional conservation benefits on a landscape scale. These activities include:

- Actively revegetate 68.4 ha of woodland to benchmark condition in order to reconnect two isolated patches of vegetation approximately 117 ha and 395 ha in size into a regional network of connected vegetation.

- Approximately 180 ha of surplus offset area within the paddock tree offset will be managed as additional management actions. The management actions include:
  - Retain all remnant and regrowth native vegetation
  - Retention of all dead timber,
  - Strategic grazing,
  - Weed Control,
  - Pest animal control,
  - Exclude fertilizers,
  - Do not Burn.
- An additional requirement within the clumps and peninsula offset (256 ha) is to revegetate derived and secondary grassland patches with trees to achieve benchmark canopy cover. The approximate area to be revegetated is approximately 39 ha.

4.7 Minister's assessment protocol

In determining that the proposed clearing improves or maintains environmental outcomes the assessment protocol referred to in Clause 19(3) of the Native Vegetation Regulation 2013 must be complied with. The specific requirements of the protocol are addressed below.

4.7.1 The proposed clearing will have additional conservation benefits on a landscape scale

The additional management actions outlined under 4.6 above will greatly improve the condition of remnant vegetation on the property and in the surrounding area and improve overall biodiversity.

The actions which have conservation benefits on a landscape scale:

1) are over and above the offset requirements under the Assessment Methodology;
2) are secured by the PVP for at least the duration of the impact (in perpetuity in this case);

4.7.2. Circumstances which must be satisfied in order to determine that the proposed clearing will improve or maintain environmental outcomes

Viability of the vegetation is assessed as low or not viable:

This variation relates to the clearing of 32.5 ha isolated small clumps in cultivation paddocks and small narrow peninsulas of native vegetation mostly surrounded by cultivation.. These patches of native vegetation are of low viability due to their small patch size and the edge effects on the patches and peninsulas due to the adjacent areas of intense land use, namely cultivation and cropping.

Assessment Methodology is complied with:

This assessment complies with the Assessment Methodology as varied by this document.

4.7.3 Additional circumstances considered when determining that the proposed clearing improved or maintained environmental outcomes

a) The percent cleared in the region of the vegetation type or threatened ecological community to be cleared.

Analysis of vegetation mapping and satellite imagery (Spot 5) shows the vegetation type to be cleared is greater than 50% cleared within the region of the proposal (200,000 ha). This suggests the contribution of the vegetation to be cleared to regional biodiversity values is moderate.

However, the vegetation to be cleared is of low viability and small in area. Additionally, the offsets and additional management actions for conservation benefit will more than mitigate the impact of the temporary loss of extent of the vegetation type in the long term.

b) The condition of the vegetation type or threatened ecological community or native vegetation in the region.

Analysis of aerial photographs, satellite imagery (Spot 5) and ground truthing shows the vegetation of the vegetation type to be cleared is mostly in moderate to good condition within the region of the proposal (200,000 ha). This suggests the contribution of the vegetation to be cleared to regional biodiversity values is relatively low.

The vegetation to be cleared is of low viability and small in area. Additionally, the offsets and additional management actions for conservation benefit will improve the condition of vegetation over a much larger area in the long term.

c) The percent cleared of all native vegetation cover in the region.

Analysis of vegetation mapping and satellite imagery (Spot 5) shows the percent cleared of all native vegetation within the region of the proposal (200,000 ha) is between 75-90%. This suggests the contribution of the vegetation to be cleared to regional biodiversity values is relatively high.

However, the vegetation to be cleared is of low viability and small in area. Additionally, the offsets and additional management actions for conservation benefit will increase the overall native vegetation cover in the region over and above the area to be cleared.

4.8 Summary of 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 patches of Woodland, to be cleared were either an over-cleared vegetation type or endangered ecological community within an over-cleared Mitchell Landscape Type (McIntyre Alluvial Plains 87%) and does not meet the Assessment Methodology definition of vegetation in low condition. This is despite being of low viability due to the small size of the clumps and peninsulas and the edge effects on the boundary with the adjacent areas of intense land use, namely cultivation and cropping.

As accredited expert I am of the opinion that minor variation to the Assessment Methodology (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:

a) The vegetation to be cleared is of low viability or not viable;

b) The offsets proposed balance the loss of biodiversity from clearing;

c) The proposal includes the following actions that will have additional conservation benefits at a landscape scale:

- Reconnect two isolated patches of vegetation approximately 117 ha and 395 ha in size into a regional network of connected vegetation by revegetating 68.4 ha of woodland to benchmark condition.
- Revegetate approximately 40 ha of cleared patches within and adjacent to existing woodland.
- Manage approximately 180 ha of remnant woodland for conservation.

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

Considerations relevant to approval of the 'Willaroo' Property Vegetation Plan - PVP Number 00266

22 June 2016

Considerations to be made prior to making a decision whether to approve the PVP

Relevant provisions of local strategic plans:

Section 27(2) of the Native Vegetation Act 2005 requires the Minister to have regard to any relevant provisions of local strategic plans under the *Local Land Services Act 2013*. One such plan is the North West Local Land Services Transitional Regional NRM Plan.

The specific targets the PVP contributes to achieving are:

a. By 2023, a 40% increase in agricultural enterprises being managed above critical thresholds for groundcover, soil organic carbon, litter, pasture biomass and native vegetation cover.

b. By 2023, 89% of land is managed within soil land capability (a 3% increase).

c. By 2023, riparian stability and in-stream habitat quality is improved in 40% of high and very high priority reaches (73km).

d. By 2023, manage, improve and consolidate native vegetation to increase extent by 2% (to 21%).

The clearing will improve or maintain environmental outcomes (NV Act s. 29):

For the purpose of section 29(2) of the Native Vegetation Act 2003, broadscale clearing proposed by the PVP improves or maintains environmental outcomes. This is based on an assessment and certification of accredited expert Dennis Boschma (Accredited Expert 30608) in accordance with clause 19 of the Native Vegetation Regulation that in the accredited expert's opinion the proposed clearing will improve or maintain environmental outcomes.

The minor variation to the Assessment Methodology made in accordance with cl. 19 is related to the classification of the condition of vegetation. The reclassification of condition of vegetation in this assessment from "not in low condition" to "low condition" also complies with the *"Assessment protocol for where a minor variation is made to the Assessment Methodology to reclassify the condition of native vegetation"*. This assessment protocol requires additional conservation benefits at a landscape scale over and above the normal offsetting requirements. Therefore, in addition to improving or maintaining environmental outcomes, the accredited expert is also of the opinion that the proposal has additional conservation benefits at a landscape scale.

The accredited expert report attached (Attachment A) outlines:

1. The use of 'Minor Variation to the Assessment Methodology' to make a variation to the classification of the condition of the vegetation and
2. How the proposal complies with the relevant Assessment Protocol.

All landholders have consented to submission of the plan NV Act s. 26(2)(a):

All landholders have signed the plan thus consenting to the submission of the plan.

PVP is in a form approved by the Minister (NV Regulation – Clause 7)

The form of the PVP is on the currently approved template.

Actions to be taken if Minister decides to approve PVP

Publish information on Public Register within 10 days of approval:

If the Minister decides to approve the PVP various information including the clearing area, offset area and location of the PVP will be published on the Public Register within 10 days of the approval of the PVP.

Make publicly available accredited expert reports:

If the Minister decides to approve the PVP, the accredited expert report will be placed on the public register within 10 days of the Minister approving the PVP. The public register is available on the Office of Environment and Heritage website - http://www.environment.nsw.gov.au/vegetation/publicregister.htm