

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 18320**

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PVP reference number: 18320

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2. EXECUTIVE SUMMARY

This Accredited Expert report relates to the assessment of the clearing proposed by PVP number 18320.

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 18320

	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 18320.

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. These are additional management actions at landscape scale which will;
 - Improve water quality,
 - Improve riparian habitat,
 - Maintain groundcover above 70%,
 - Bring canopy cover within benchmark over an area of 300 ha,
 - Revegetate 17.5 ha White Box Woodland (Threatened Ecological Community) and 3.5 ha of Poplar Box Grassy Woodland for conservation purposes

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 18320 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 18320.

Initial assessment of broadscale clearing proposed by PVP 18320

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 18320 by an accredited expert

The broadscale clearing proposed by PVP 18320 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 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 6 isolated small clumps of Poplar Box Grassy Woodland totalling 12.7 ha that are completely surrounded by cultivation. Significant edge effects are impacting on the viability of these clumps in the long term (See figure 2)

4.5 Description of the proposed offsets

A total of 327 ha will be managed as offsets. This area includes a 160 ha offset for the clearing of paddock trees in cultivation not subject to Minor Variation. The offset management actions include;

- Retain all remnant and regrowth native vegetation
- Retention of all dead timber,
- Strategic grazing,
- Weed Control, and
- Pest animal control.

Figure 2: Example of a small clump of remnant Poplar Box Grassy woodland surrounded by cultivation and cropping.



4.6 Description of the proposed additional management actions

In addition to the offset requirements, the landholder will undertake activities that will have additional conservation benefits on a landscape scale. These activities include;

1. Restoration and management of 17.5 ha White Box Woodland (Threatened Ecological Community) and 3.5 ha of Poplar Box Grassy Woodland for conservation.
2. Improving the water quality and riparian habitat by improving the condition of native vegetation in 300 ha of riparian zone and adjacent remnant area along approximately 6 km of the Namoi River (Figure 3), and
3. Improving the ground cover for erosion prevention and increasing canopy cover over approximately 300 ha of remnant native vegetation to bring it within benchmark.

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);
- 3) will improve groundcover for erosion prevention and habitat for threatened and protected species on a landscape scale through supplementary planting of trees (to bring within benchmark) and grazing management;
- 4) contribute to meeting the conservation priorities and the targets in the Namoi Catchment Management Authority (CMA) Catchment Action Plan. The specific CAP targets covered by the additional management actions are:
 - a. By 2020 there is an increase in native vegetation extent and vegetation does not decrease to less than 70% in less cleared subcatchments and 30% in over cleared subcatchments and no further Regional Vegetation Community decreases to less than 30% extent as identified by 2010 baseline.
 - b. By 2020 maintain sustainable populations of a range of native fauna species by ensuring that no further Regional Vegetation Community decreases to less than 30% extent as identified by 2010 baseline.
 - c. By 2020 there is an improvement in soil health as measured by an increase in groundcover at the paddock, subcatchment and Catchment scales.
 - d. By 2020 there is an improvement in condition of those riverine ecosystems that have not crossed defined geomorphic thresholds as at the 2010 baseline
 - e. Natural resource management decisions contribute to social wellbeing.
- 5) will be monitored as a part of the monitoring and evaluation program of the Namoi CMA.

Figure 3: An example of a riparian corridor that will be restored as part of the offset actions



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:

The vegetation to be cleared comprises 6 small patches of Poplar Box Grassy Woodland surrounded by cultivation and cropping (Figure 4). The total area of the patches is 12.7 ha with the largest patch approximately 5 ha. These patches of native vegetation are of low viability due to their small patch size and the edge effects on the patch due to the adjacent areas of intense land use, namely cultivation and cropping. Many of the patches are long and narrow and have in a high perimeter to area ratio thus exposing the remnant to the negative effects of the surrounding land use.

Figure 4: Photo of small clump of remnant Poplar Box Grassy Woodland (same clump shown in Fig. 2) that is surrounded by 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 low to moderate 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 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 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 approximately 80%. 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 6 patches of Poplar Box Grassy Woodland, is an over-cleared vegetation type and an over-cleared Mitchell Landscape 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 patches 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:
 - i. enhancement planting of 300ha of habitat to bring canopy cover within benchmark,

- ii. revegetate 17.5 ha White Box Woodland (Threatened Ecological Community), and
- iii. 3.5 ha of Poplar Box Grassy 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.