

Report under the NV Act 2003 in relation to the use of More Appropriate Local Data (part 5, clause 29 of the Native Vegetation Regulation 2005)

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PVP number: 55

I am of the opinion that:

- a) the use of the DEC revised prescription (see attached prescription) as more appropriate local data 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) that the use of this data does not lead to an alteration in the Assessment Methodology.

The proposed minor variation does not relate to 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.

Description of the proposed clearing:

*The proposal involves the clearing of 65 isolated paddock trees. According to field data, 14% of these trees are Yellow Box (*Eucalyptus melliodora*), 64% are Grey Box (*E. microcarpa*), 7% are Rosewood (*Alectryon oleifolius*), 7% are Belah (*Casuarina cristata*) and 8% are White Cypress Pine (*Callitris glaucophylla*), some of which contain hollows. The proposal involves retaining and enhancing an area of remnant native vegetation.*

Details of the proposed minor variation:

*The Threatened Species tool currently red lights the clearing of any Blakely's Red Gum (*Eucalyptus blakelyi*), Yellow Box (*E. melliodora*) Grey Box (*E. microcarpa*), Apple Box (*E. bridgesiana*) or White Box (*E. albens*) tree with a hollow over 5cm diameter in the Lower Slopes of the Lachlan Catchment. DEC have reviewed this restriction and provided the Lachlan Catchment Management Authority (CMA) with a revised prescription allowing limited clearing of hollow bearing paddock trees provided the offset meets certain criteria. This revised prescription has been adopted by the Lachlan CMA as more appropriate local data.*

Reasons for recommending the proposed minor variation:

It is considered that the use of more appropriate local data under Part 5, Clause 29 of the Native Vegetation Regulations 2005 in this case will maintain or improve environmental outcomes.

*It is the opinion of the Accredited Officer that the clearing of 65 isolated paddock trees should not be an automatic red light, as with offsets such clearing can meet the maintain or improve test. This is supported by DEC who have considered the essential habitat components required by the Superb Parrot (*Polytelis swainsonii*) and developed revised prescriptions detailing how much clearing is permissible and what offsets are required to maintain or improve Superb Parrot (*Polytelis swainsonii*) habitat.*

The revised prescription by DEC was based on information stating that isolated paddock trees are less likely to be used as nest trees than those within 50m of other trees (Manning, 2004). Favoured nest hollows are generally ≥ 6 cm entrance diameter and > 4 m above the ground (Manning, 2004).

*The Superb Parrot (*Polytelis swainsonii*) is known to prefer flying over natural or intact woodland than highly disturbed vegetation such as isolated trees in cultivated country (Webster, 1988). This is supported by survey data gathered during a fauna survey of properties in the Warren and Mount Harris District. During the survey of one property, up to 90 Superb Parrots (*Polytelis swainsonii*) were observed over a period of 6 days during which time they restricted themselves to the intact Box woodland and were not observed to fly into cultivated paddocks (Shelly, 2003).*

*The proposal concerned involves removing 65 isolated paddock trees in a highly disturbed (cropping) situation and mitigating that impact by protecting an area of Yellow Box (*Eucalyptus melliodora*) & Grey Box (*E. microcarpa*) Woodland. This offset area contains substantially more habitat features required by the Superb Parrot (*Polytelis swainsonii*) than the vegetation proposed for removal and is considered likely to improve in condition over time when the site is strategically grazed to encourage regeneration of the vegetation community's structure.*

Revised Superb Parrot Prescription

Special Clause 1: *Up to 5% loss of class one nest trees within the bounds of the property concerned. Class one nest trees are defined as Blakely's Red Gum (*Eucalyptus blakelyi*), Yellow Box (*E. melliodora*) & River Red Gum (*E. camaldulensis*) trees that are within 50m of any tree greater than 30cm DBH (Diameter at Breast Height) that contain hollows that are > 6 cm diameter and are > 4 metres above the ground.*

There are approximately 215 class one nest trees within the bounds of the property. Of these, there are 9 class one nest trees of the 65 trees to be cleared. The remaining 206 class one nest trees occur in the offset area.

5% of the total number of class one nest trees is 11 trees. As the proposal involves the removal of only 9 class one nest trees, the proposal involves the clearing of less than 5% of the total number of class one trees and meets special clause 1.

Special Clause 2: *The offset must contain 15 trees for every class one nest tree to be cleared.*

According to field data gathered, 14% of the 65 paddock trees are class one nest trees. Therefore, it is assessed that 9 trees meet this criteria and that the offset must contain 135 class one nest trees.

There are 206 class one nest trees in the offset area which is sufficient to meet special clause 2.

Special Clause 3: *The offset must contain 10 trees for every potential nest tree removed. Potential nest trees are defined as any Blakely's Red Gum (Eucalyptus blakelyi), Yellow Box (E. melliodora) & River Red Gum (E. camaldulensis) tree that contain hollows that are >6cm diameter and are >4 metres above the ground to be cleared that are not within 50m of any tree greater than 30cm DBH.*

The clearing proposal does not include any potential nest trees as defined in Special Clause 3. Therefore, no offset is required.

Standard Offset Clause: *The offset must contain a similar tree for every non-hollow bearing Blakely's Red Gum (Eucalyptus blakelyi), Yellow Box (E. melliodora), Grey Box (E. microcarpa) & River Red Gum (E. camaldulensis) tree proposed for clearing.*

The proposal includes the clearing of 48 trees that meet the above criteria. The offset area has approximately 71 hollow bearing Yellow Box (E. melliodora) that are not required for Special Clauses 1 and 2 to offset the clearing of the remaining forage trees. Therefore, the standard offset clause is met.

Conclusions

*The offset area contains sufficient trees of a suitable size, species and contain the relevant habitat features to meet the maintain or improve test in accordance with the revised DEC Guidelines for the Superb Parrot (*Polytelis swainsonii*).*

Recommendation

*The clearing proposal defined in PVP 55 meets the maintain or improve test in accordance with the revised DEC prescriptions for the Superb Parrot (*Polytelis swainsonii*) and should be approved.*

The threatened species tool is amended to incorporate the use of more appropriate local data in accordance with this accredited expert report and offset requirements.

References

Manning, A., Lindenmayer, D.B. & Barry, S.C. (2004) *The Conservation implications of bird reproduction in the agricultural "matrix": a case study of the vulnerable superb parrot of south-eastern Australia*. *Biological Conservation* 120, 363-374.

Lachlan Catchment Management Authority. (2006) *Draft Lachlan Action Plan*, Lachlan CMA, Forbes.

Shelly, D. (2003) *Flora and Fauna of the Warren / Mt. Harris District*, Department of Land and Water Conservation, Dubbo.

Webster, R. and Ahern, L. (1992). *Management for Conservation of the Superb Parrot (Polytelis swainsonii) in NSW and Victoria*. NSW National Parks and Wildlife Service and Victorian Dept of Conservation and Natural Resources.

Webster, R. (1988) *The Superb Parrot – A Survey of the Breeding Distribution and Habitat Requirements*, Australian National Parks and Wildlife Service, Canberra; Report Series No. 12.