

**REPORT UNDER THE NATIVE VEGETATION ACT 2003 IN RELATION TO USE OF
MORE APPROPRIATE LOCAL DATA UNDER SECTION 2.4.3 OF THE
ENVIRONMENTAL OUTCOMES ASSESSMENT METHODOLOGY FOR PVP
REFERENCE NUMBER NR18042**

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PVP reference number: NR18042

Date: 10 July 2013.

Summary

This Accredited Expert report relates to the assessment of the clearing proposed by PVP number NR18042.

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 data in the approved databases do not accurately reflect local environmental conditions. In these circumstances the assessment can use More Appropriate Local Data (Section 2.4.3 of the EOAM).

In assessing NR18042 More Appropriate Local Data has been used to render the assessment consistent with the 2009 Department of Environment, Climate Change and Water updated threatened species response to management actions percentages contained in the Threatened Species Profile Database.

The Threatened Species Profile Database is updated in response to increasing knowledge about the environment and changes in the environment itself. Prior to updating the databases the Director General of the Department responsible for that database must consult the Natural Resources Commission, the Catchment Management Authorities and any other public authorities, bodies or persons that are, in the opinion of the Director General, likely to be affected by the proposal.

The revised updated data used in assessment NR18042 is available for use in assessments under the Native Vegetation Act, 2003, but has, at this date, yet to be loaded into the approved databases. The database is to be upgraded during the next scheduled upgrade. Until the upgrade is performed, this new, more appropriate data must be manually applied to threatened species assessments, and a More Appropriate Local Data Minor Variation Report produced. This document is also the Minor Variation Report for PVP case NR18042.

Introduction

Legislative background

Property vegetation plan (PVP), reference number NR18042 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.

The EOAM assesses proposed broadscale clearing using data in approved databases. Section 2.4.3 of the EOAM allows for the utilisation of more appropriate data (instead of data in the approved databases) in certain circumstances in the assessment of proposed broadscale clearing if an accredited expert certifies that the data more accurately reflects local environmental conditions.

This reports details the accredited expert's opinions formed in relation to section 2.4.3 of the EOAM when assessing PVP reference number NR18042.

Initial assessment of broadscale clearing proposed by PVP NR18042

When the broadscale clearing proposed by this PVP was initially assessed in accordance with the EOAM using the default data in the approved databases, it did not result in a determination that clearing improved or maintained environmental outcomes.

Subsequent assessment of broadscale clearing proposed by PVP NR18042 using more appropriate local data

After the initial assessment, the broadscale clearing was subsequently assessed in accordance with the EOAM, using more appropriate local data under section 2.4.3 of the EOAM. If a PVP is approved on the basis of the use of more appropriate local data in the assessment, then clause 29 of the Native Vegetation Regulation 2005 must be complied with.

The next section of this document provides information on the use of more appropriate local data under section 2.4.3 of the EOAM in assessing broadscale clearing proposed by this PVP in accordance with clause 29 of the Native Vegetation Regulation 2005.

Use of more appropriate local data

1.1 Legal provision for the use of more appropriate local data

The legal provision for using more appropriate local data is EOAM section **2.4.3 Using more appropriate local data**. It states:

“Where an assessment of proposed broadscale clearing using the approved databases indicates that the proposal does not improve or maintain environmental outcomes, it may be possible to utilise more appropriate local data.

If an accredited expert certifies that data is available that more accurately reflects local environmental conditions (compared to the data in the approved databases) in relation to:

- vegetation benchmarks;*
- whether threatened animal species are likely to occur on the land in that vegetation type or habitat feature in the sub region; or*
- the estimated percentage increase in population that can be expected in response to a proposed management action, as measured by either an increase in the number of individuals, or habitat amount or key habitat feature.*

The Catchment Management Authority Board or General Manager (exercising power delegated by the Minister) may authorise the replacement of the approved data with data that the accredited expert advises is more appropriate”.

After the data is varied the proposal may be reassessed in accordance with clause 26(1)(a) of the Native Vegetation Regulation 2005.

1.2 Assessment with default data did not improve or maintain environmental outcomes

The assessment of this broadscale clearing in accordance with the EOAM using data in the approved databases (default data) did not result in a determination that the clearing improved or maintained environmental outcomes. Barred Cuckoo-shrike and Regent Honey-eater required an Offset greater than available.

More appropriate local data - management responses

Management responses percentages are one component of the calculation to estimate the size of offset required to satisfy improve or maintain environmental outcomes. Management response percentages are a reflection of the beneficial gain to a species or its habitat by applying specific management actions to an offset site.

1.3 Description of the use of more appropriate local data

In 2009, threatened species experts from the Department of Environment, Climate Change and Water reviewed the default management response percentages in the Threatened Species Profile Database and updated the percentages to better reflect the positive impacts of management actions. This updated data is to be loaded into the approved Threatened Species Profile Database during the next scheduled upgrade.

The management response percentages from this new dataset have been used in this proposal as more appropriate local data (see Table 1 in Appendix 1).

1.4 Reason for the use of more appropriate local data

To reflect updated and revised threatened species responses to management actions developed by the Department of Environment, Climate Change and Water in 2009, but which have not as yet been entered in to the Threatened Species Profile Database.

1.5 Certification by the accredited expert

As the accredited expert* I certify that data is available that more accurately reflects local environmental conditions (compared to the data in the approved database, in this case, the Threatened Species Profile Database).

* **Accredited expert** means a person accredited by the Minister for Climate Change and the Environment as an expert for the purposes of this Chapter Section, being accreditation on the basis of criteria approved by the Minister for Climate Change and the Environment (in relation to aspects of assessment concerned with salinity, soil, water quality, biodiversity and threatened species) and the Minister for Primary Industries (in relation to aspects of assessment concerned with fish and marine vegetation).

1.6 Assessment of proposed clearing using more appropriate local data

The use of more appropriate local data resulted in a determination that the proposed clearing now improves or maintains environmental outcomes because the updated revised data indicates sufficient available offset exists under the proposal to balance the impact of the clearing.

John Barlow
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Northern Rivers Catchment Management Authority

Signed:
Ian Simpson
A/General Manager
Northern Rivers Catchment Management Authority

Date:

Appendix 1:

Table 1: Threatened species response to proposed management actions undertaken in the offset area. The default percent responses to management actions and the management responses used to determine whether the proposal maintain or improved environmental outcomes for these threatened species are also shown. More Appropriate Local Data was used to change the default percentage response based DECCW Threatened species expert review of management responses.

Species - Common Name	Feral and/or native herbivore control/exclusion (eg rabbit, goats, deer etc)	Retain Dead Timber	Exclude Grazing	Strategic grazing	Supplementary planting	Retain Rocks	Control feral pigs	Apply Ecological fire M'ment	Do Not Burn	Exclude miscellaneous feral species	Weed Control	Exclude Commercial Apiaries
Barred Cuckoo-Shrike	0	0	7	0	0	0	0	0	7	0	7	0
Default data												
Black Flying-fox	0	0	19	5	5	0	0	0	16	0	5	0
Default data												
Brown tree creeper – revised data	3	12	10	1	1	0	0	0	1	0	0	0
Default data												
Brush-tailed Phascogale – revised data	0	9	3	0	6	0	0	0	3	0	0	0
Default data												
Bush Stone-curlew – revised data	1	10	5	2	0	0	0	0	0	0	0	0
Default data												
Common planigale – revised data	2	0	4	0	0	0	0	0	2	0	0	0
Default data												
Eastern Bent-wing bat – revised data	2	0	7	0	4	0	0	0	17	0	4	0
Default data		2	2	1	5	1		5				1
Eastern False Pipistrelle - revised data	0	8	3	0	3	0	0	0	12	0	0	0
Default data		2	5	1	5				1			1
Eastern free-tail bat – revised data	0	8	3	0	3	0	0	0	10	0	0	0
Default data		10	5	1	5				5			1
Eastern pigmy possum –	0	9	3	0	6	0	0	0	6	0	0	0

revised data												
Default data		1	10		5			5	10			1
Glossy black cockatoo – revised data	0	10	8	0	6	0	0	0	6	0	0	0
Default data		2	2	10	1			5				1
Greater broad-nosed bat – revised data	0	8	3	0	3	0	0	0	12	0	0	0
Default data		2	5	1	5							1
Grey headed flying-fox – revised data	0	0	16	5	5	0	0	0	16	0	5	0
Default data			27	5	5				16		5	
Hoary wattled bat – revised data	0	8	4	0	0	0	0	0	12	0	3	0
Default data		10	5		5			5				1
Koala – revised data	0	0	10	0	10	0	0	0	14	5	0	0
Default data			5		5			1	1			
Little bentwing bat – revised data	2	0	9	0	4	0	0	0	20	0	4	0
Default data		2	2		5	1						1
Pale-headed snake – revised data	0	4	2	0	0	0	0	0	6	2	0	0
Default data		10	5	5			1		1			
Regent Honey eater – revised data	4	0	20	0	5	0	0	0	0	2	0	0
Default data			5	10	5			1	1			1
Ruffous Bettong- revised data	2	0	2	0	0	0	2	0	2	0	0	0
Default data			5	5			1					
Spotted tail quoll – revised data	2	3	2	0	0	0	0	0	3	0	0	0
Default data		1	5	5	5	2	1					
Square-tailed kite – revised data	0	0	17	17	8	0	0	11	0	0	0	0
Default data	7	7	18	15	4							
Squirrel Glider – revised data	0	10	5	0	3	0	0	0	3	0	0	0
Default data		1	10		5			10	5			1
Stephens Banded snake – revised data	0	3	2	0	0	3	0	0	3	0	0	0
Default data		2	2	5		1		5				

Stuttering Barred Frog – revised data	2	2	2	0	1	2	0	0	4	0	4	0
Default data		1	5		5				5			
Yellow-bellied Sheath-tailed bat – revised data	0	12	0	0	0	0	0	0	9	0	0	0
Default data												

NOTE: When revising a species response to a Management Action using More Appropriate Local Data, where the default data indicated no response by that species but the MALD indicated a response, that response was added to existing Threatened Species Tool fields as follows:

Barred cuckoo-shrike - the response of +7 for "weed control" has been added to the "exclude grazing" cell;

Bush-stone curlew - the response of +10 for "retain dead timber" has been added to the "exclude grazing" cell;

Eastern Bent-wing bat - the response of +4 for "weed control" has been added to the "exclude grazing" cell;

Hoary Wattled Bat - the response of +3 for "weed control" has been added to the "exclude grazing" cell;

Koala - the response of +5 for "weed control" has been added to the "exclude grazing" cell;

Little Bentwing Bat - the response of +4 for "weed control" has been added to the "exclude grazing" cell;

Square-tailed kite - the response of +11 for "ecological fire" has been added to the "exclude grazing" cell;

Stuttering Barred Frog - the responses of +2 for "retain rocks" and +4 for "weed control" have been added to the "exclude grazing" cell.

Note: In the Offsets assessment the More Appropriate Local Data (August 2010) was used for Threatened Species responses to Management Actions and all species achieved green flag status. However, problems occurred when uploading to PADACs and the PVPSC (Erica Hansch) spent time on the case. It was found that the request would not upload if all MALD changes were made. So Erica only updated the management action responses for necessary species (Barred Cuckoo-shrike, Black Flying-fox, Brown Treecreeper, Brush-tailed Phascogale, Regent Honey-eater). With this MALD entered the minimum Offset required is 5.8ha. However, when the assessment was done initially with all MALD entered the minimum offset was 7.25ha (Common Planigale and Ruffous Betong).