

**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 REQUEST NUMBER 18,365**

Obj Ref (A1544677)

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PVP Request Number: 18,365

**1. SUMMARY**

This Accredited Expert report relates to the assessment of the clearing proposed by PVP Request Number 18,365.

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 this assessment More Appropriate Local Data has been used to make the assessment consistent with the 2009 Office of Environment and Heritage updated Threatened Species Profile Database, and in particular the revisions to the threatened species percentage responses to management actions contained in this.

**Figure 1: A conceptual outline of the assessment process for PVP 18,365**

	Land Capability	Salinity	Water Quality	Threatened Species (TS)	BioMetric
Assessment using EOAM and default data	PASS	PASS	PASS	FAIL	PASS
Assessment using EOAM and More Appropriate Local Data in TS Assessment				PASS	

This reports details the accredited expert's opinions formed in relation to section 2.4.3 of the EOAM when assessing PVP Request Number 18,365.

In 2009 the Office of Environment and Heritage updated the Threatened Species Profile Database is in order to include increased knowledge on a wide range of threatened species resulting in improved data for a number of species that more accurately reflects local condition.

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.

Although this has occurred and the revised data is available for use in assessments under the *Native Vegetation Act 2003*, it has yet not been loaded into the approved databases.

Until the revised data is uploaded into the approved databases, the new and more appropriate data must be manually applied to threatened species assessments, and a More Appropriate Local Data (MALD) Report produced.

The accredited expert therefore certifies that data is available that more accurately reflects local environmental conditions (compared to the data in the approved database).

## **2. INTRODUCTION**

### **2.1 Legislative background**

Property Vegetation Plan (PVP) Request Number 18,365 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 Request Number 14893.

### **2.2 Initial assessment of broadscale clearing proposed by PVP 18,365**

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

### **2.3 Subsequent assessment of broadscale clearing proposed by PVP 18,365 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*.

### **3. USE OF MORE APPROPRIATE LOCAL DATA**

#### **3.1. 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;*
- *overcleared landscapes;*
- *overcleared vegetation types;*
- *coastal thinning genera; and*
- *threatened species profile data, including (but not limited to) whether threatened animal species are likely to occur on the land in that vegetation type or key habitat feature in the subregion and 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 area of habitat component 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.

#### **3.2. Description of clearing**

The clearing proposed on this property involves the clearing of two hundred and sixty four hectares of Sandplain Chenopod Mallee remnant to facilitate conservation farming and precision agriculture. The major part of the remnant had previously been chained. As this occurred prior to 1983 it could not be classed as regrowth.

#### **3.3. 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 (current EOAM data) did not result in a determination that the clearing improved or maintained environmental outcomes.

Management action responses are one component of the calculation used to estimate the size of offset required to satisfy improve or maintain environmental outcomes for a threatened species.

Expert panels of threatened species experts are used to determine 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 area of habitat component or key habitat feature.

These management response percentages are thus a reflection of the beneficial gain to a species or its habitat by applying specific management actions to an offset site.

In this particular case the management responses for some of the threatened species were significantly different from those determined using the best available science and did not

adequately account for the substantial improvements to habitat that can be achieved in the offset areas for these species.”

### **3.4. Description of the use of more appropriate local data**

Local data that more accurately reflects local environmental conditions compared with data in the approved databases (default data) is available in relation to management action responses in the Threatened Species Profile Database.

In 2009, threatened species experts from the Office of Environment and Heritage 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.

Whilst the revised data is available for use in assessments under the *Native Vegetation Act 2003*, it has not yet been uploaded into the approved databases. The management response percentages from this new dataset have therefore been used in this proposal as more appropriate local data (see Table 1 in Appendix 1).

### **3.5. Reason for the use of more appropriate local data**

The updated and revised threatened species responses to management actions developed by the Office of Environment and Heritage in 2009 more accurately reflect local environmental conditions and are considered to provide more appropriate local data.

Prior to this use of more appropriate local data, the determination was the proposed clearing did not improve or maintain environmental outcomes as the lower percentage responses for a number of threatened species meant there was insufficient available offset on the property to balance the impact of the clearing.

### **3.6. 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*)

### **3.7 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 there are now sufficient available offset on the property to balance the impact of the clearing.

**APPENDIX 1:**

**Table 1:** Threatened species response to proposed management actions undertaken in the offset area. The current EOAM 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 shown. More Appropriate Local Data was used to change the default percentage response based on the OEH Threatened species expert review of management responses.

Species Common Name	Feral and/or native herbivore control/exclusion.	Retain Dead Timber	Exclude Grazing	Strategic grazing	Supplementary planting or Replanting	Retain Rocks	Control feral pigs	Apply Ecological fire M'nt	Do Not Burn	Exclude miscellaneous feral species	Weed Control	Exclude Commercial Apiaries	Maintain or re-introduce natural flow regimes	Sum of Management actions Used
<b>Inland Forest Bat / Greater Long Eared Bat</b>														
Current EOAM data		15	5	2	10									20
Revised TSPD Data	3	8	5	0					10					26
<b>Pied Honeyeater</b>														
Current EOAM data	2	1	10	5	5							1		13
Revised TSPD Data	17		24											41
<b>Regent Parrot</b>														
Current EOAM data	2	5	5	2	10					2				16
Revised TSPD Data	7	5	13	0				2		2			3	29
<b>Scarlet Chested Parrot</b>														
Current EOAM data	5		5	2										7
Revised TSPD Data	12	3	12					7						34
<b>Jewelled Gecko</b>														
Current EOAM data	5	3	10			3								21
Revised ISPU Data	7	0	1311	5					20					40
<b>Mallee worm Lizard</b>														
Current EOAM data	5	3	10			3								21
Revised TSPD Data	0	11	17	4					4					39

Species Common Name	Feral and/or native herbivore control/ exclusion.	Retain Dead Timber	Exclude Grazing	Strategic grazing	Supplementary planting or Replanting	Retain Rocks	Control feral pigs	Apply Ecological fire M'nt	Do Not Burn	Exclude miscellaneous feral species	Weed Control	Exclude Commercial Apianes	Maintain or re-introduce natural flow regimes	Sum of Management actions Used
<b>Purple-gaped Honeyeater</b>														
Current EOAM data	2		2							1		1		6
Revised TSPD Data	15	0	20	0					4					41
<b>Yellow-bellied Sheathtail Bat</b>														
Current EOAM data		15	5			3							5	20
Revised TSPD Data		12	5						9					26