

**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 00203**

Report prepared by: Accredited Expert 30615

PVP reference number: **00203**

**1. EXECUTIVE SUMMARY**

This accredited experts' report relates to the assessment of the clearing proposed by PVP number 00203.

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 (EOAM).

Where an assessment of proposal broadscale clearing using the approved database(s) indicates that a proposal does not improve or maintain environmental outcomes, it may be possible to utilise more appropriate local data (Section 2.4.3 of the EOAM).

More appropriate local data has been used in this assessment to modify the sustain loss in paddock tree (offset) requirements of three threatened bird species. The reassessed proposal improves or maintains environmental outcomes.

**Figure 1: A conceptual outline of the assessment process for PVP 00203**

	Land Capability	Salinity	Water Quality	Threatened Species (TS)	BioMetric
Assessment using EOAM and default data	PASS	PASS	PASS	FAIL	PASS
Assessment using EOAM and some 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 and cl. 27 of the Native Vegetation's Regulation 2013 when assessing PVP reference number 00203.

Local data that more accurately reflects local conditions, is available for the Little Eagle (*Hieraaetus morphnoides*), Scarlet Robin (*Petroica boodang*) and Flame Robin (*Petroica phoenicea*)

## **2. INTRODUCTION**

### **Legislative background**

Property vegetation plan (PVP), reference number 00203 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 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 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.

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 00203.

#### **Initial assessment of broadscale clearing proposed by PVP 00203**

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.

#### **Subsequent assessment of broadscale clearing proposed by PVP 00203 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. In certifying that data is available that more accurately reflects local environmental conditions (compared to the data in the approved databases), the accredited expert must provide reasons for this opinion.

**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.

### **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;*
- 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 Local Land Services 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 18(1) (a) of the Native Vegetation Regulation 2013.*

*In certifying that data is available that more accurately reflects local environmental conditions (compared to the data in the approved databases), the accredited expert must:*

- Provide reasons for this opinion; and*
- Comply with any assessment protocols 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).”*

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

This PVP proposes clearing 14 scattered White Cypress Pine (*Callitris glaucophylla*). The vegetation is classified as low (paddock tree) condition and none of the trees were observed to contain hollows or nests. The trees are, on average, 82cm DBHOB.

The area proposed for offset includes a small (0.6 ha) remnant patch containing 70 White Cypress Pine (average 41cm DBHOB) and 1.2 ha which will be revegetated with 360 trees and shrubs from the same Plant Community Type.

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

The reason the proposal did not improve or maintain environmental outcomes is because when assessed with the default data:

1. The sustain loss in paddock tree requirements for Little Eagle, Scarlet Robin and Flame Robin could not be met as the available offset areas don't contain equivalent sized trees.

The threatened species profile database indicates that these species can sustain loss, but offsets established for these species “*must include five times the number of*

*equivalent habitat trees for each tree cleared, and each required equivalent tree must be a species known to provide similar habitat attributes and must have a dbh that is = or >80% of the dbh of the tree to be cleared”*

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

More appropriate local data is available that shows the three listed threatened bird species can sustain loss of 14 scattered trees with modified offsets.

Details on the use of more appropriate local data are given below.

1. The clearing of 14 scattered trees is minor within the local landscape context. Vegetation cover within 1.79km radius of the site is variegated (between 31 and 70% habitat retained). The Little Eagle, Scarlet Robin and Flame Robin are all mobile species, with a large (1000 ha) home range, and use a variety of vegetation types (NSW OEH 2015a,b,c). Therefore they are not likely to significantly use, or solely rely on, the habitat provided by these 14 trees considering the large amount of surrounding habitat available. An Atlas of NSW Wildlife search of the site (NSW OEH 2016) reveals all three species have been recorded outside of the site in the nearby The Rock Nature Reserve, also suggesting they are more likely to use this surrounding better quality and preferred habitat.
2. The pine trees proposed for clearing don't contain breeding habitat features such as hollows or don't contain stick/twig or cup nests. The Little Eagle is likely to use tall trees in a remnant patch for nesting (NSW OEH 2015c) and pine trees aren't specifically listed as nest trees used by Scarlet Robins in studies undertaken (Debus 2006). These species are therefore more likely to use surrounding eucalypt trees for breeding habitat.
3. Revegetation proposed will provide a higher offset ratio than the prescribed 5:1 ratio. A minimum of 140 trees will be planted which, together with the existing remnant, will give an overall higher offset ratio of 15:1. A mixture of shrub species planted together with trees will also provide additional habitat and potential nesting sites for the Scarlet Robin (NSW OEH 2015a, Debus 2006) and other species. Revegetation at an appropriate location at the site will also offer additional benefits by providing connectivity and enhancing species movement through the surrounding landscape.
4. Many of the trees proposed for clearing are stressed or already in poor health. The trees are under heavy impact from surrounding intensive landuse, which is likely to result in a limited remaining lifespan for the isolated trees. Therefore offsetting with younger existing trees, together with revegetation, at more appropriate locations within the site, will help ensure habitat is retained for longer into the future.

### **Conclusion:**

In this case it is considered the Little Eagle, Scarlet Robin and Flame Robin can withstand a temporary loss of potential habitat with modified offsets in place. The reasons for this decision are:

- the area of potential habitat to be cleared is very small relative to the home range of these species and within the context of the local landscape,

- the trees proposed for clearing don't contain significant habitat features for these species, and
- the proposed offsets will provide improved habitat values in the long-term

### **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 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.

## **4 REFERENCES:**

Debus SJS (2006) Breeding biology and behaviour of the Scarlet Robin *Petroica multicolor* and Eastern Yellow Robin *Eopsaltria australis* in remnant woodland near Armidale, New South Wales. *Corella* 30, 59-65.

NSW Office of Environment and Heritage (2016) Atlas of NSW wildlife:  
[http://www.environment.nsw.gov.au/atlaspublicapp/UI\\_Modules/ATLAS\\_/AtlasSearch.aspx](http://www.environment.nsw.gov.au/atlaspublicapp/UI_Modules/ATLAS_/AtlasSearch.aspx)

NSW Office of Environment and Heritage (2015a) Threatened Species Profile Database:  
Scarlet Robin – profile  
<http://www.environment.nsw.gov.au/threatenedSpeciesApp/profile.aspx?id=20133>

NSW Office of Environment and Heritage (2015b) Threatened Species Profile Database:  
Flame Robin – profile  
<http://www.environment.nsw.gov.au/threatenedspeciesapp/profile.aspx?id=20129>

NSW Office of Environment and Heritage (2015c) Threatened Species Profile Database:  
Little Eagle – profile  
<http://www.environment.nsw.gov.au/threatenedSpeciesApp/profile.aspx?id=20131>