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 21056

Report prepared by: Accredited Expert 30628

PVP reference number: 21056

1. SUMMARY

This Accredited Expert report relates to the assessment of the clearing proposed by PVP number 21056.

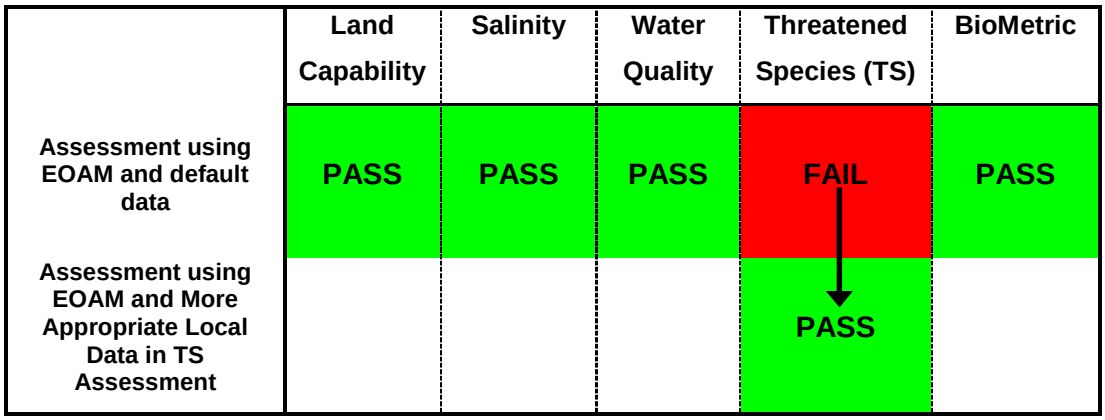
Under s. 29(2) of the *Native Vegetation Act 2003* a PVP cannot be approved unless the clearing concerned will improve or maintain environmental outcomes.

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).

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 assess the calculated values for response to management actions in the Threatened Species Tool.

Figure 1: A conceptual outline of the assessment process for PVP 20073



This reports details the accredited expert's opinions formed in relation to section 2.4.3 of the EOAM when assessing PVP reference number 21056.

Local data that more accurately reflects local conditions is available in relation to the calculated value of response to management actions for the threatened species likely to occur within the habitat concerning the Property Vegetation Plan offset areas.

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*

Legislative background

Property vegetation plan (PVP), reference number 21056 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 21056.

Initial assessment of broadscale clearing proposed by PVP 21056

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 21056 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 19 of the *Native Vegetation Regulation 2013* 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 19 of the *Native Vegetation Regulation 2013*.

3. 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:

2.4.3 Using more appropriate local data
Where an assessment of proposed broadscale clearing using the approved database(s) 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 Minister may authorise the replacement of the approved data with data that the accredited expert advises is more appropriate. [note: this is usually via Local Land Service Board or General Manager exercising power delegated by the Minister]

After the data is varied the proposal may be reassessed in accordance with clause 18(1)(a) of the *Native Vegetation Regulation 2013*.

1.2 Description of clearing

The clearing proposed on this property involves the removal of 9.1 ha of remnant native vegetation at one locality for the construction of a rifle range.

The proposed offset site extent is 82.6 ha containing the same vegetation type as those to be cleared (identified as Benson veg ID 59 – Belah/Black Oak – Western Rosewood - Leopardwood low open woodland on sandplain and sandy flats in semi arid (hot) and arid climate zones). The offset area is located within 500m of the area to be cleared. The offset area is to be managed for conservation in perpetuity.

1.3 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 use of the Threatened Species Tool in the EOAM gave the result that four species (Greater Long-eared Bat (Southern form) (*Nyctophilus corbeni*), Stripe-faced Dunnart (*Sminthopsis macroura*), Ringed Brown Snake (*Pseudonaja modesta*), Stimson's Python (*Antaresia stimsoni*) failed in that their calculated value of responses to management actions was not enough to maintain or improve the environmental impacts of the clearing proposed.

1.4 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 responses to management actions for threatened species within the Western Local Land Service.

1.5 Reason for the use of more appropriate local data

The more appropriate local data more accurately reflects local environmental conditions in relation to the calculated value for responses to management actions in the Threatened Species Tool in the EOAM. Responses to management actions for threatened species in the Western LLS region have been recently revised but they have not yet been updated into the Threatened Species Profile Database to make them the appropriate data to use.

Prior to this use of more appropriate local data, the determination was the proposed clearing did not improve or maintain environmental outcomes for four threatened species involved in this PVP (Greater Long-eared Bat (Southern form), Stripe-faced Dunnart, Ringed Brown Snake, Stimson's Python). However, using the revised data which will eventually be incorporated into the database for PVP use, the species subsequently pass allowing the PVP to be approved with appropriate offset and management actions.

It is my opinion that it is unfair to use the existing data within the EOAM threatened species database as more current data is now available which can be applied. The only reason the more appropriate data was not used initially is due to an administrative lag in updating the existing database with the new revised information [Clause 17 of the *Native Vegetation Regulations 2013* states that changes to the EOAM require gazettal and public exhibition of the changes, plus obtaining advice from the Natural Resources Council as well as concurrence from the Minister for Primary Industries].

1.6 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 current approved database, in this case the Threatened Species Profile Database).

1.7 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 for threatened species as there are now sufficient available offset on the property to balance the impact of the clearing for all the threatened species concerned.