

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 8605

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PVP reference number: 8605

1. SUMMARY

This Accredited Expert report relates to the assessment of the clearing proposed by PVP number 8605.

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

Change the percent response to Management Action "domestic stock grazing exclusion" from 2% to 7% for Masked Owl (*Tyto novaehollandiae*). This change has been made based on the current profile data for Masked Owl from the Bionet-Atlas Threatened Species Profile Database.

Masked Owl appears to show a preference for coastal and sub-coastal open forest and woodlands and adjacent clearings (Kavanagh 1996). Maintaining groundcover through restrictions to grazing ensures suitable habitat for Masked Owl prey including small ground dwelling mammals.

Figure 1: A conceptual outline of the assessment process for PVP 8605

	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	PASS

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 8605 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 18 of the *Native Vegetation Regulation 2013* 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 8605.

Initial assessment of broadscale clearing proposed by PVP 8605

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 for threatened species.

Subsequent assessment of broadscale clearing proposed by PVP 8605 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.

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 18 of the *Native Vegetation Regulation 2013*.

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 of the *Native Vegetation Regulation 2013*

3.2 Description of clearing

The proposal involves clearing 0.62 hectares of native groundcover and midstorey and the clearing of 6 native trees. No hollow bearing trees will be cleared.

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 response to the Management Action, "domestic livestock grazing exclusion" did not adequately account for the substantial improvements to foraging habitat for Masked Owl (*Tyto novaehollandiae*) that can be achieved in the offset areas through the removal of grazing pressure.*

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 the anticipated response due to an increase in foraging habitat for *Masked Owl (Tyto novaehollandiae)* resulting from the removal of domestic livestock grazing pressure in the offset areas.

3.5 Reason for the use of more appropriate local data

The more appropriate local data more accurately reflects the population responses of *Masked Owl (Tyto novaehollandiae)* to an increase in foraging habitat within the offset area.

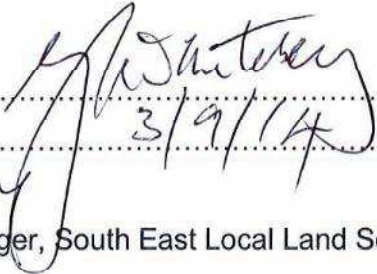
This data was sourced from the current profile for Masked Owl from the NSW Bionet-Atlas Threatened Species Profile Database and is the standard management action data used across NSW. This data has not been entered into the Threatened Species Database for use in PVP assessments, however this data has been endorsed by OEH threatened species experts.

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. Sufficient offset is available on the property to balance the impact of the clearing.

Signed 
 Date: 3/9/14
 Gavin White
 General Manager, South East Local Land Services

APPENDIX 1: EXPLANATION OF DATA USE – NSW BIONET-ATLAS, THREATENED SPECIES PROFILES – RESPONSE TO MANAGEMENT ACTIONS

Common name	Scientific name	Management Action	Default response to management action	New response to management action
Masked Owl	<i>Tyto novaehollandiae</i>	Domestic stock grazing exclusion	2	7