

Native Vegetation Regulation 2005 Clause 29 Minor Variation Report **Case 1332 Reasons for Minor Variation**

An assessment of the proposal has been carried out using the EOAM methodology.

Aspect of the Assessment Methodology to vary.

Variations are made with respect to the Environmental Outcomes Assessment Methodology clause 2.4.3 Using more appropriate local data.

A. Threatened species tool: predicted species and habitat filters. Data is available in relation to seven bird species that more accurately reflects local environmental conditions (compared to data in the approved databases) in relation to whether threatened fauna species are likely to occur on the land in a particular vegetation type or habitat feature in the sub-region.

B. Threatened species tool: response to management actions (RMAs). The RMA rules for the species Grey-headed Flying Fox have been reviewed by Department of Environment and Conservation (DEC). To date the changes have not been incorporated into the operational version of the Threatened species (TS) tool.

The reasons why,

- (a) a minor variation to the Assessment Methodology would result in a determination that the proposed clearing will improve or maintain environmental outcomes (other than a variation that is not allowable under this clause), and**
- (b) strict adherence to the Assessment Methodology is in the particular case is unreasonable and unnecessary, are as follows.**

A. EOAM CLAUSE 2.4.3 USING MORE APPROPRIATE LOCAL DATA. THREATENED SPECIES TOOL: PREDICTED SPECIES AND HABITAT FILTERS.

***Melithreptus gularis gularis* Black-chinned Honeyeater (eastern subspecies)**

Distribution: Widespread honeyeater of northern and eastern Australia. In NSW populations have declined since 1981 attributed to clearing of box woodlands which are favoured by this species.

Preferred habitat: Ironbark/box woodlands of eastern NSW, particularly Yellow Box, White Box, Pilliga Box, Grey Box and Mugga Ironbark. Feeds on nectar and insects.

Occurrence in Wyong subIBRA:

- According to Wildlife Atlas data available under licence to the HCRCMA:
 - within the HCRCMA area, the majority of records are in the southern half of the Hunter Valley floor with no records within 15-20km of the coast
 - there is a cluster of five records on the northern boundary of the Wyong subIBRA (one in 1991 and four in 1997) three kilometres north of Mount Sugarloaf
 - the habitat in the area of these five records is similar to habitat in an area of a large cluster of more recent records (2001-2005) six to ten kilometres to the west in the Hunter subIBRA
 - other than these five records there are no records in the Wyong subIBRA or Wyong LGA
 - these five records are 42 km north of the subject site which is seven kilometres from the coast
- According to other data available to the HCRCMA:
 - within the Wyong LGA a small flock was seen irregularly near Kulnura in 1993-1995, 25km west of the subject site
 - this record is well outside the more general distribution of this species and is considered to be a vagrant record

Discussion:

1. Known records suggest this species is unlikely to occur in the Wyong subIBRA except possibly along the northern fringes or as a rare visitor.
2. The habitat on the site (Scribbly Gum woodland) is not the preferred habitat type for this species.

Conclusion:

Having regard to more appropriate local data, the accredited expert is of the opinion of that the subject land is not potential habitat for the fauna species Black-chinned Honeyeater (eastern subspecies)

References:

- Department of Environment and Conservation (2006) Threatened species profile: Black-chinned Honeyeater (eastern subspecies). <http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/profile.aspx?id=10171>
- Morris, A (2006) *Threatened birds of Wyong Shire: their status and management*. Unpublished report to Wyong Shire Council.
- Payne, R (2006) *Woongarah Sports Field, Harkone Road: flora and fauna survey*. Unpublished report to Wyong Shire Council.

***Climacteris picumnus victoriae* Brown Treecreeper**

Distribution: A bird of eastern Australian woodlands more common in the west and rare in most coastal areas.

Preferred habitat: Eucalypt box woodland. Requires rough barked trees such as ironbarks for insect foraging. Also foraging on fallen timber. Favours open grassy understorey and not usually found in woodlands with a dense shrub layer.

Ecology: a sedentary species considered to be resident and present all year round in many sites but some birds may disperse locally.

Occurrence in Wyong subIBRA: According to information available to the HCRCMA:

- According to Wildlife Atlas data available under licence to the HCRCMA:
 - within the HCRCMA area, the majority of records are in the southern half of the Hunter Valley floor
 - there is a small cluster of records on the northern boundary of the Wyong subIBRA (between 1991 and 1997) three kilometres north of Mount Sugarloaf
 - the habitat in the area of this small cluster of records is similar to habitat in an area of a large cluster of more recent records (2001-2005) six to ten kilometres to the west in the Hunter subIBRA
 - other than this small cluster of records on the northern boundary of the Wyong subIBRA, there is a few records between 1986 and 1997, all in the northern half of the Wyong subIBRA
 - the species is not known to occur in the Wyong LGA.
 - the closest record to the subject site is 15 km to the north

Discussion:

1. The scarcity, lack of recent, and distribution of records within the Wyong subIBRA suggest this species is unlikely to occur in the Wyong area.
2. The habitat on the site is unsuitable as it lacks rough barked tree species. The understorey on this site is highly modified but in benchmark condition would have a dense shrub layer whereas this species prefers an open grassy understorey, avoiding woodlands with a dense shrub layer.

Conclusion:

Having regard to more appropriate local data, the accredited expert is of the opinion of that the subject land is not potential habitat for the fauna species Brown Treecreeper.

References:

- Department of Environment and Conservation (2006) Threatened species profile: Black-chinned Honeyeater (eastern subspecies). <http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/profile.aspx?id=10171>
- Morris, A (2006) *Threatened birds of Wyong Shire: their status and management*. Unpublished report to

Wyong Shire Council.

- Payne, R (2006) *Woongarah Sports Field, Harkone Road: flora and fauna survey*. Unpublished report to Wyong Shire Council.

***Burhinus grallarius* Bush Stone-curlew**

Distribution: Widespread bird of northern and north-eastern Australia. Uncommon in NSW, mostly absent from the coast and tablelands but locally numerous in the Port Stephens and Brisbane Waters areas.

Preferred habitat: Open woodlands with sparse grassy layer and fallen timber. In coastal areas this species is associated with swamp oak, saltmarsh, mangroves and Broad-leaved Paperbark.

Occurrence in Wyong subIBRA:

- According to information available to the HCRCMA, within the Wyong subIBRA all reliable records are in foreshore areas of Brisbane Water in estuarine habitats
- The subject land supports Scribbly Gum woodland with a shrubby to dense grassy understorey.
- In its benchmark state this vegetation type has a dense shrub understorey.

Discussion:

The vegetation type on the subject site (Scribbly Gum woodland) does not meet the more general preferred habitat type of this species (open woodlands with sparse grassy layer) nor the more specific habitat type associated with his species in coastal areas (paperbark/swamp oak, saltmarsh, mangroves).

Conclusion:

Having regard to more appropriate local data, the accredited expert is of the opinion of that the subject land is not potential habitat for the fauna species Bush Stone-curlew.

References:

- Department of Environment and Conservation (2006) Threatened species profile: Black-chinned Honeyeater (eastern subspecies). <http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/profile.aspx?id=10171>
- Morris, A (2006) *Threatened birds of Wyong Shire: their status and management*. Unpublished report to Wyong Shire Council.
- Payne, R (2006) *Woongarah Sports Field, Harkone Road: flora and fauna survey*. Unpublished report to Wyong Shire Council.

***Pomatostomus temporalis temporalis* Grey-crowned Babbler (eastern subspecies)**

Distribution: A widespread bird of Australia woodlands and shrub lands declining in numbers due to clearing of woodland habitats. In NSW this species occurs mainly on the western slopes and plains, but also in the Hunter Valley and some other coastal valleys.

Preferred habitat: Box – Ironbark woodlands and acacia shrub lands.

Ecology:

- Lives in family groups of up to fifteen birds. All members of the family group remain close to each other when foraging. A soft ‘chuck’ call is made by all birds as a way of keeping in contact with other group members
- Feeds on invertebrates, either by foraging on the trunks and branches of eucalypts and other woodland trees or on the ground, digging and probing amongst litter and tussock grasses. In the Hunter Valley this species appears to be associated with rough barked species such as Ironbarks and Bulloak (personal observation).

Occurrence in Wyong subIBRA:

- According to Wildlife Atlas data available under licence to the HCRCMA:
 - within the HCRCMA area, the majority of records are in the Hunter Valley floor with a smaller cluster in the open valley of the Gloucester River.

- within the Wyong subIBRA, there are three records (1970, 1990 and 2003) near the northern boundary in the Quorrobolong – Mulbring area
- the habitat in the area of these three records is similar to habitat in an area of a large cluster of more recent records (1999-2005) three to twelve kilometres to the north in the Hunter subIBRA
- other than these three records, there is one on the coastline near Munmorah (1986), an unusual occurrence, and one record in an urbanised area between Gosford and Ourimbah (2004). The reliability of these records is not known.
- According to other data available to the HCRCMA:
 - within the Wyong LGA, a family group was established in the Kulnura area just west of the Wyong subIBRA and 25km west of the subject site in the period 1978-1982 but has not been sighted since.

Discussion:

1. This is a conspicuous species and there has been substantial survey effort in the region due to a high level of development activity. Consequently, the scarcity and distribution of records within the Wyong subIBRA suggest this species is unlikely to occur in the Wyong area.
2. The habitat on the site is not particularly favourable as it lacks rough barked tree species for foraging. In addition, the understorey on this site is highly modified but in benchmark condition would have a dense shrub layer which would not favour ground foraging for this species.

Conclusion:

Having regard to more appropriate local data, the accredited expert is of the opinion of that the subject land is not potential habitat for the fauna species Grey-crowned Babbler.

References:

- Department of Environment and Conservation (2006) Threatened species profile: Black-chinned Honeyeater (eastern subspecies). <http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/profile.aspx?id=10171>
- Morris, A (2006) *Threatened birds of Wyong Shire: their status and management*. Unpublished report to Wyong Shire Council.
- Payne, R (2006) *Woongarah Sports Field, Harkone Road: flora and fauna survey*. Unpublished report to Wyong Shire Council.

***Lophoictinia isura* Square-tailed Kite**

Distribution: A widespread but sparsely distributed endemic Australian raptor. This species has, up to 1980, been recorded in all regions of NSW except the Central Coast, Mid North Coast and the Illawarra. Only recorded in the Central Coast since 2002. It is not known whether this reflects a change in distribution or is due to greater survey effort.

Preferred habitat: Eucalypt woodlands, particularly box woodlands. In the Central Coast all records are from Spotted Gum open forests.

Ecology: this species forages over very large home ranges exceeding 100 square kilometres

Occurrence in Wyong subIBRA:

- According to Wildlife Atlas data available under licence to the HCRCMA:
 - there are 20 records for this species in the HCRCMA area
 - within the HCRCMA area, the records are concentrated in two clusters, in or near the Kerrabee subIBRA and the Mid North Coast Region (Karuah Manning and Macleay Hastings sub IBRAs)
 - there are no records within the Wyong subIBRA, and two records seven to eight kilometres north of the Wyong subIBRA northern boundary.
- According to other data (Morris (2006):
 - there are 8 records in the Central Cost area between 2002 and 2006
 - all records of this species in the Central Coast area are in Spotted Gum forests.
 - a breeding pair appears to have become established in the Mardi-Wyong-Wadalba area (5-10km south of the subject land) between 2002-2004 but has not been sighted since

Other relevant information:

- There are approximately 25,614 ha of Spotted Gum forests in the Wyong subIBRA (NPWS, 2000)
- The habitat on the subject site is Scribbly gum woodland

Discussion:

This species was not recorded in Wyong subIBRA prior to 2002 and is very sparsely distributed, all reliable records being in Spotted Gum forests. Consequently, based on local data it is not reasonable to assume that Scribbly gum woodland constitutes potential habitat for this species, particularly given the extensive occurrence of the clearly preferred Spotted Gum forest habitat.

Conclusion:

Having regard to more appropriate local data, the accredited expert is of the opinion of that the subject land is not potential habitat for the fauna species Square-tailed Kite.

References:

- Department of Environment and Conservation (2006) Threatened species profile: Black-chinned Honeyeater (eastern subspecies). <http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/profile.aspx?id=10171>
- Morris, A (2006) *Threatened birds of Wyong Shire: their status and management*. Unpublished report to Wyong Shire Council.
- Payne, R (2006) *Woongarah Sports Field, Harkone Road: flora and fauna survey*. Unpublished report to Wyong Shire Council.
- NPWS (2000) *Vegetation Survey, Classification and Mapping: Lower Hunter and Central Coast Region*. Report for project undertaken for the Lower Hunter and Central coast Regional Environment Management Strategy.

***Neophema pulchella* Turquoise Parrot**

Distribution: An endemic parrot ranging from central Queensland through NSW to Victoria. This species occurs from the coastal plains to the western slopes avoiding heavily forested country and the arid interior.

Preferred habitat: Eucalypt box and ironbark woodlands, also in Cypress Pine where there is a grassy understorey. More common on the slopes and tablelands than on the coast.

Ecology: forages on the ground for seeds and grass, requires hollows for nesting.

Occurrence in Wyong subIBRA:

- According to Wildlife Atlas data available under licence to the HCRCMA:
 - within the HCRCMA area, the majority of records are in the Upper Hunter Valley floor , with 18 records in the Lower Hunter Valley (1982-2004) and few records in the Port Stephens area.
 - within the Wyong subIBRA there are eight records – four in the north (1980-1991), three records 2 km west of the Wyong subIBRA boundary at Bucketty (1991-1993), and four in the far southern boundary which include one record just outside the Wyong subIBRA (1984-1995)
 - the species is not known to occur in the Wyong LGA.
 - the closest record to the subject site is 20 km north-north-east in 1980.

Discussion:

1. As there has been substantial survey effort in the region due to a high level of development activity, the scarcity, lack of recent, and distribution of records within the Wyong subIBRA suggest this species is a rare visitor to the region and is unlikely to occur in the Wyong area.
2. The understorey on this site is highly modified but in benchmark condition would have a dense shrub layer which is not suitable habitat for this species as it prefers a grassy understorey.

Conclusion:

Having regard to more appropriate local data, the accredited expert is of the opinion of that the subject land is not potential habitat for the fauna species Turquoise Parrot.

References:

- Department of Environment and Conservation (2006) Threatened species profile: Black-chinned Honeyeater (eastern subspecies). <http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/profile.aspx?id=10171>
- Morris, A (2006) *Threatened birds of Wyong Shire: their status and management*. Unpublished report to Wyong Shire Council.
- Payne, R (2006) *Woongarah Sports Field, Harkone Road: flora and fauna survey*. Unpublished report to Wyong Shire Council.

B. THREATENED SPECIES TOOL: RESPONSE TO MANAGEMENT ACTIONS (RMA).***Pteropus poliocephalus* Grey-headed Flying-fox**

1. In the assessment of this PVP the current version of the Threatened Species tool (TS tool) allowed only one RMA, being a response of 2% to the exclusion of fire.
2. The reason for this RMA is to protect rainforest species which may be existing or potential camp sites for the species.
3. In this PVP, rainforest species do not occur and there are no existing or potential camp sites affected in either the proposed clearing or offset sites.
4. This management action is mutually exclusive to the management action “ecological fire regime” which has higher responses for other species being assessed in this PVP.
5. The DEC has carried out an interim review of RMAs for this species.
6. To date, the interim review of RMAs for this species has not been incorporated into the operational version of the TS tool.
7. The interim RMAs include a 5% response to grazing exclusion and a 2% response to weed control.
8. The reasons for these interim RMAs is to encourage canopy regeneration.
9. The vegetation types on the subject sites are fire adapted and fire exclusion is impractical and extremely difficult to achieve.
10. The RMAs available in the interim RMAs are more appropriate for these vegetation types.

Conclusion:

Under the particular circumstances of this PVP the interim RMAs are considered to be more appropriate. Consequently, it is the considered opinion of the accredited expert that a minor variation to the Assessment Methodology, that is, using the interim revised RMAs, would maintain or improve environmental outcomes for the threatened species Grey-headed Flying-fox, and that strict adherence to the Assessment Methodology in this particular case is considered unreasonable and unnecessary.

Accredited expert No: 30625

Date: 30 April 2007