

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 16231

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PVP reference number: 16231

1. SUMMARY

This accredited experts' report relates to the assessment of the clearing proposed by PVP number 16231.

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 broad scale 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 proposed 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 allow for the temporary loss of a threatened flora species. The reassessed proposal improves or maintains environmental outcomes.

Figure 1: A conceptual outline of the assessment process for PVP 16231

	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 reference number 16231.

Local data that more accurately reflects local conditions is available for the Narrow-leaved Black Peppermint (*Eucalyptus nicholii*)

2. INTRODUCTION

Legislative background

Property vegetation plan (PVP), reference number 16231 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.

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 experts' opinions formed in relation to section 2.4.3 of the EOAM when assessing PVP reference number 16231.

Initial assessment of broadscale clearing proposed by PVP 16231

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 16231 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 his 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 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 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

The proposal includes clearing of 13.5 hectares of New England Blackbutt - Youman's Stringybark grassy open forest of the Western New England Tablelands. The CMA subregion is Moredun Volcanics. The vegetation is in moderate to good condition and the total size of the remnant vegetation patch within which it sits is approx 7,700 hectares. The size of the vegetation patch within the property is approximately 310 hectares. The total number of Narrow-leaved Black Peppermints proposed to be cleared is 16.

The area proposed for offset is:

1. 128 hectares of New England Blackbutt - Youman's Stringybark grassy open forest of the Western New England Tablelands, and
2. 46.1 Ha of 'New England Peppermint grassy woodland on granitic substrates of the New England Tablelands.

The offset area is adjacent to an area under voluntary conservation agreement on a neighbouring property.

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 the Narrow-leaved Black Peppermint could not sustain any loss.

3.4 Description of the use of more appropriate local data

More appropriate local data is available that shows the local population of Narrow-leaved Black Peppermint can sustain the loss of 16 individuals.

Details on the use of more appropriate local data, in both situations, are given below.

3.4.1 Ability to sustain a temporary reduction in the population

The threatened species profile database states Narrow-leaved Black Peppermint is sparsely distributed but widespread on the New England Tablelands from Nundle to north of Tenterfield, being most common in central portions of its range. It typically grows in dry grassy woodland, on slopes and ridges comprising shallow infertile soils derived from granite or metasedimentary rock.

The default data does not allow a temporary reduction in the population of Narrow-leaved Black Peppermint because the habitat is highly fragmented, there are few populations and low numbers.

This species is listed as vulnerable under the *Threatened Species Conservation Act (1995)*.

A search of the National Parks and Wildlife Service Wildlife Atlas shows there are 146 records for the Narrow-leaved Black Peppermint in the Northern Tablelands Botanical Subdivision. A survey of the property revealed a population of approximately 3000 Narrow-leaved Black Peppermints on the property with at least 2000 within the 188 ha offset area. The property is located within a larger 7700 ha patch of vegetation of similar vegetation, condition and landform which is likely to contain more Narrow-leaved Black Peppermint.

The 16 Narrow-leaved Black Peppermint to be removed equates to 0.5 % of the Narrow-leaved Black Peppermint population on the property. The conditions in the offset area include protection from grazing and fire. These two conditions will greatly assist in the recruitment of Narrow-leaved Black Peppermint

Conclusion:

In this case it is considered the Narrow-leaved Black Peppermint can withstand a temporary reduction in its population. The reasons for this decision are:

- the number of Narrow-leaved Black Peppermint to be cleared is very small relative to the population in the offset area and on the property, and
- suitable offset of 188 ha is available which will be protected in perpetuity with management conditions that will assist Narrow-leaved Black Peppermint recruitment, and
- a large area (7,700 ha) of adjoining vegetation contains suitable habitat for this species.

3.5 Certification by the accredited expert

As 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).

3.6 Assessment of proposed clearing using more appropriate local data

The use of more appropriate local data resulted in a determination that the proposed clearing improves or maintains environmental outcomes.

4. REFERENCES:

NSW National Parks Wildlife Atlas

<http://wildlifeatlas.nationalparks.nsw.gov.au/wildlifeatlas/watlas.jsp>

Harden, G.J. (ed.) (2002) Flora of New South Wales. Volume 2, Revised Edition. UNSW, Sydney.

Threatened species profile database: - Narrow-leaved Black Peppermint - profile

<http://www.environment.nsw.gov.au/threatenedspeciesapp/profile.aspx?id=10302>