

**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 NR13316**

Report prepared by: Accredited Expert 30603

PVP reference number: NR13316

Date: 1/7/11

**1. SUMMARY**

This Accredited Expert report relates to the assessment of the clearing proposed by PVP number NR13316.

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 26 of the Native Vegetation Regulation 2005 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 assessing NR13316 More Appropriate Local Data has been used to render the assessment consistent with the 2009 Department of Environment, Climate Change and Water updated threatened species response to management actions percentages contained in the Threatened Species Profile Database.

The Threatened Species Profile Database is updated in response to increasing knowledge about the environment and changes in the environment itself. Prior to updating the databases the Director General of the Department responsible for that database must consult the Natural Resources Commission, the Catchment Management Authorities and any other public authorities, bodies or persons that are, in the opinion of the Director General, likely to be affected by the proposal.

The revised updated data used in assessment NR13316 is available for use in assessments under the Native Vegetation Act, 2003, but has, at this date, yet to be loaded into the approved databases. The database is to be upgraded during the next scheduled upgrade later in 2011. Until the upgrade is performed, this new, more appropriate data must be manually applied to threatened species assessments, and a More Appropriate Local Data Minor Variation Report produced. This document is also the Minor Variation Report for PVP case NR13316.

## **2. INTRODUCTION**

### **Legislative background**

Property vegetation plan (PVP), reference number NR13316 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 26 of the *Native Vegetation Regulation 2005* 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 27 of the *Native Vegetation Regulation 2005* 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 NR13316.

#### *Initial assessment of broadscale clearing proposed by PVP NR13316*

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 NR13316 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 29 of the *Native Vegetation Regulation 2005* 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 29 of the *Native Vegetation Regulation 2005*.

### **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:

*“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 Catchment Management Authority 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 26(1)(a) of the Native Vegetation Regulation 2005.

#### **1.2 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.

##### *More appropriate local data - management responses*

Management responses percentages are one component of the calculation to estimate the size of offset required to satisfy improve or maintain environmental outcomes. Management response percentages are a reflection of the beneficial gain to a species or its habitat by applying specific management actions to an offset site.

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

In 2009, threatened species experts from the Department of Environment, Climate Change and Water reviewed the default management response percentages in the Threatened Species Profile Database and updated the percentages to better reflect the positive impacts of management actions. This updated data is to be loaded into the approved Threatened Species Profile Database during the next scheduled upgrade.

The management response percentages from this new dataset have been used in this proposal as more appropriate local data (see Table 1 in Appendix 1).

#### **1.4 Reason for the use of more appropriate local data**

To reflect updated and revised threatened species responses to management actions developed by the Department of Environment, Climate Change and Water in 2009, but which have not as yet been entered in to the Threatened Species Profile Database.

#### **1.5 Certification by the accredited expert**

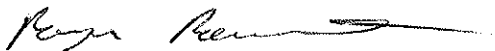
As the accredited expert\* I certify that data is available that more accurately reflects local environmental conditions (compared to the data in the approved database, in this case, the Threatened Species Profile Database).

\* **Accredited expert** means a person accredited by the Minister for Climate Change and the Environment as an expert for the purposes of this Chapter Section, being accreditation on the basis of criteria 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).

#### **1.6 Assessment of proposed clearing using more appropriate local data**

The use of more appropriate local data resulted in a determination that the proposed clearing now improves or maintains environmental outcomes because the updated revised data indicates sufficient available offset exists under the proposal to balance the impact of the clearing.

Royce Bennett



A/General Manager

Northern Rivers Catchment Management Authority

4/7/11

## Appendix 1:

**Table 1:** Threatened species response to proposed management actions undertaken in the offset area. The default percent responses to management actions and the management responses used to determine whether the proposal maintain or improved environmental outcomes for these threatened species are also shown. More Appropriate Local Data was used to change the default percentage response based on DECCW Threatened species expert review of management responses.

<b>Species 1 – Koala</b>		
<b>Action</b>	<b>Default Data</b>	<b>Revised Data (Low condition)</b>
Exclude stock	5	19
Do not burn	1	0
Exclude feral herbs	0	0
Weed control	0	10
Add Plantings	0	38

<b>Species 2 – Swift Parrot</b>		
<b>Action</b>	<b>Default Data</b>	<b>Revised Data (Low condition)</b>
Exclude stock	2	42
Do not burn	1	0
Exclude feral preds	0	4
Exclude Apanies	1	0
Exclude feral Herbs	0	8
Add Plantings	0	23

