

Form B

Use of more appropriate local data

in accordance with section 2.4.3 of the Environmental Outcomes Assessment Methodology

Case Number: 16587

PVP type : Development

Proposed development: Music pavilion and associated asset protection zone

Use of more appropriate local data

Made on (28/9/12) The date of the signature below. 1/5/13

The accredited expert recommends that more appropriate local data be substituted for the data in the PVP Developer in relation to:

The estimated percentage increase in population that can be expected in response to a proposed management actions, as measured by either an increase in the number of individuals, or habitat amount or key habitat feature.

Use of more appropriate local data made to the following Assessment Methodology:

- Biodiversity and Threatened Species***
- Salinity
- Land and Soil
- Water Quality

Reasons for use of more appropriate local data: See Attachment 1

Assessment Protocols Not applicable

Accredited Expert Vanessa Allen (Biodiversity and Threatened Species)

Signed



Date 1/5/2013

**Acting General Manager
Southern Rivers Catchment
Management Authority**

Brett Miners

Signed



8/5/2013

Note 1. Details of the use of more appropriate local data are required by Clause 29 Regulations to be published and any reports made publicly available.

ATTACHMENT 1

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 16587

Report prepared by: Accredited Expert Vanessa Allen

PVP reference number: 16587

1. SUMMARY

This Accredited Expert report relates to the assessment of the clearing proposed in PVP number 16587.

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 this assessment More Appropriate Local Data has been used to ensure the latest data available from Office of Environment and Heritage (OEH) is utilised. The dataset used was from the following excel spreadsheet provided to CMAs (3) *PVP Fauna Assignment of Mgt Actions Master Aug 10_1.xls*

Figure 1: A conceptual outline of the assessment process for PVP 16587

	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 Threatened Species 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 16587.

Local data that more accurately reflects local conditions is available in relation to following species;

Eastern Bentwing Bat
Giant Burrowing Frog
Masked Owl
Swift Parrot

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 16587 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 16587.

Initial assessment of broadscale clearing proposed by PVP 16587

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 16587 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 Description of clearing

The clearing proposed on this property involves partial clearing of native vegetation for a music pavillion. The proposed area of native vegetation to be cleared is 0.4 hectares.

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 management actions in the Threatened Species Profile Database (TSPD) and their associated management responses did not adequately account for the substantial improvements to habitat that can be achieved in the offset areas for some of the threatened species.

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) has been supplied by OEH in relation to species listed in table below. The table shows new responses to management actions for each of the species.

Table 1

Species	Map zones modified	New response to management action		
		Retain Dead Timber	Exclude Grazing	Maintain or reintroduce flow regimes (aquatic flora)
Eastern Bentwing Bat (foraging)	10b		7	
Giant Burrowing Frog	10c			26
Masked Owl	10b, 10c	6	6	
Swift Parrot	10b		24	

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 species response to management actions as listed in Table 1 above.

Prior to the use of more appropriate local data, the proposed clearing did not improve or maintain environmental outcomes. This was because there was insufficient offset area to balance the impact of the clearing based on response to management actions currently listed in the Threatened Species Profile Database.

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 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.

The reason the proposed clearing now improves or maintains environmental outcomes for threatened species is because sufficient offsets are available on the property to balance the impact of the clearing.

