

# 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 18956

Report prepared by: Accredited Expert No. 30602

PVP reference number: 18956

## 1. SUMMARY

This Accredited Expert report relates to the assessment of the clearing proposed in PVP number 18956.

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).

More Appropriate Local Data has been used in this assessment to change the habitat descriptions and ability to sustain loss prescriptions in the Threatened Species Database for two species: the Eastern Bentwing Bat and the Large-eared Pied Bat. This data came from OEH tool developers and threatened species experts. More appropriate data has also been used to change the management responses of four threatened species; Masked Owl, Eastern Bentwing Bat, Regent Honeyeater and Large-eared Pied Bat. This change has been made based on the current profile data for these species from the Bionet Atlas Threatened Species Profile database.

The re-assessed proposal improves or maintains environmental outcomes.

Figure 1: A conceptual outline of the assessment process for PVP 18956

	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 18956.

## ***INTRODUCTION***

### **Legislative background**

Property vegetation plan (PVP), reference number 18956 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.

**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 re-assessed in accordance with clause 18 of the *Native Vegetation Regulation 2013*.

#### **3.2 Description of clearing**

The proposal involves clearing 0.87 ha of native vegetation. 0.72 ha of this total will be partially cleared. No hollow bearing trees will be removed.

#### **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:

1. The Eastern Bent Wing Bat and the Large-eared Pied Bat could not sustain any loss to foraging habitat within 500 metres of breeding habitat. Refer to Table 1 in Appendix 1 for more details on current prescriptions within the Threatened Species database and proposed prescriptions advised by experts from the Office of Environment and Heritage via email to the accredited expert on 6/5/2011.

2. The management responses of the following species based on the proposed offset were insufficient to maintain or improve environmental outcomes: Masked Owl, Eastern Bent Wing Bat, Regent Honeyeater, Large eared Pied Bat.

Note: management response percentages are one component of the calculation to estimate the size of offset required to satisfy improve or maintain 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.

**3.4 Description of the use of more appropriate local data**

More appropriate local data is available that shows:

1. The Eastern Bentwing Bat and the Large eared Pied Bat can withstand the temporary loss of foraging habitat within 500 metres of breeding habitat. OEH experts provided this data to the accredited expert in an email dated 6/5/2011 with the intention that this data be permanently added to the Threatened Species Profile Database once formally approved by the Natural Resources Commission (NRC).
2. The default percent responses to the proposed management actions have underestimated the benefit of the management actions in the offset area for the four threatened species listed above. Updated data was provided to Catchment Management Authorities (CMAs) by threatened species experts from the former Department of Environment, Climate Change and Water in 2009 following a review of the default management response percentages in the Threatened Species Profile Database. The management response percentages from this new dataset have been used in this proposal as more appropriate local data.

These changes have not been incorporated into the Threatened Species Database however the accredited expert is of the opinion that they apply to the current situation and provide the most up to date data for use in assessment.

**3.5 Reason for the use of more appropriate local data**

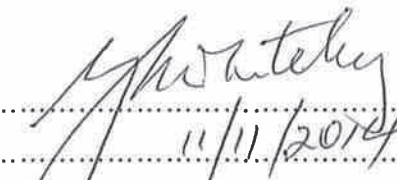
To reflect updated and revised threatened species data provided by the Office of Environment and Heritage, but which has not yet been entered into the Threatened Species Profile Database.

**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 improves or maintains environmental outcomes .

Signed .....  .....

Date:..... 11/11/2014 .....

Gavin Whiteley

General Manager, South East Local Land Services

## Appendix 1

Table 1 Current (default) and new prescriptions for threatened species habitat and ability to sustain a temporary reduction in habitat.

Species	Current prescriptions for breeding habitat	New prescriptions for breeding habitat	Current TSPD: Ability to sustain temporary reduction in habitat	New TSPD ability to sustain a temporary reduction in habitat
Eastern Bent Wing Bat	Caves including known maternity colony at Bungonia	Karst caves including the known breeding colony at Bungonia	No loss of breeding or roosting habitat. Up to 10% loss of foraging habitat greater than 500 m from breeding or roosting habitat.	No loss of natural breeding or roosting habitat. No more than 10% loss of foraging habitat within 500 m of breeding habitat (Karst caves). No capping of loss of foraging habitat elsewhere.
Large-eared Pied Bat	Roof domes in sandstone caves	No change	No loss of breeding habitat. No loss of foraging habitat within 500 m of breeding habitat. Up to 10% loss of foraging habitat greater than 500m from breeding habitat.	No loss of breeding habitat. No more than 10% loss of foraging habitat within 500m from breeding or Shelter/Roosting/Refuge habitat. No capping of loss of foraging habitat elsewhere.

Table 2: Threatened species response to proposed management actions undertaken in the offset area. More Appropriate Local Data was used to change the default percentage response based on DECCW Threatened species expert review of management responses. Revised data is in red, default data is in black. Note, only the management actions used in this PVP are included in the table below.

Species	Retain Dead Timber	Exclude grazing	Supplementary planting	Retain Rocks	Do not burn	Weed control	Exclude commercial apiaries	Total
<b>Eastern Bent Wing Bat</b> Revised data	0	7	4	0	17	4	0	32
Default data	3	3	3	1	0	0	0	10
<b>Large eared Pied Bat</b> Revised data	0	8	4	0	19	0	0	31
Default data	5	10	5	0	0	0	0	20
<b>Masked Owl</b> Revised data	6	6	0	0	0	0	0	12
Default data	5	2	0	0	0	0	0	7
<b>Regent Honeyeater</b> Revised data	0	20	5	0	0	0	0	25
Default data	0	5	10	0	0	0	2	17