# 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 *00228*

Report prepared by:  Accredited Expert 30633

PVP reference number:  ***00228***

## 1. EXECUTIVE SUMMARY

This accredited experts' report relates to the assessment of the clearing proposed by PVP number *00228*.

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).

Where an assessment of proposal 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 modify the sustain loss in paddock tree (offset) requirements of three threatened bird species. The reassessed proposal improves or maintains environmental outcomes.

**Figure 1: A conceptual outline of the assessment process for PVP 00228**

| | Land Capability | Salinity | Water Quality | Threatened Species (TS) | BioMetric |
|---|---|---|---|---|---|
| **Assessment using EOAM and default data** | **PASS** | **PASS** | **PASS** | **FAIL** | **PASS** |
| **Assessment using EOAM and some 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 and cl. 19 of the Native Vegetation Regulation 2013 when assessing PVP reference number 00228.

Local data that more accurately reflects local conditions, is available for the Regent Honeyeater (*Anthochaera phrygia*), Swift Parrot (*Lathamus discolor*) and Superb Parrot (*Polytelis swainsonii*)

## 2. INTRODUCTION

**Legislative background**

Property vegetation plan (PVP), reference number 00228 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. However, a PVP can also be granted where an accredited expert has assessed and certified in accordance with Clause 19 of the *Native Vegetation Regulation 2013* 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 00228.

### *Initial assessment of broadscale clearing proposed by PVP 00228*

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 00228 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 this 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 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 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

This PVP proposes clearing 14 Yellow Box paddock trees in low condition. Six of these are large paddock trees with hollows.

The areas proposed for offset include small remnant patches containing 30 equivalent trees with hollows, together with a 1.7ha patch of Blakely's Red Gum. This provides required offset for 3 large trees with hollows and the 8 remaining smaller trees when assessed using the default data in accordance with the EOAM

In addition to this, offset areas also contain 10 large trees without hollows and 25 medium size trees (65cm DBH) without hollows together with extensive revegetation proposed including 3,800 trees and shrubs from the same Plant Community Type.

### 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 sustain loss in paddock tree requirements for Regent Honeyeater, Swift Parrot and Superb Parrot could not be met as the available offset areas don't contain the required number of equivalent sized trees or trees with hollows. 60 equivalent habitat trees are required as offsets, however only 30 equivalent habitat trees are available as offsets on the property.

   The threatened species profile database indicates that the <u>Swift Parrot</u> can sustain loss, but offsets established for this species "*must include 10x the number of equivalent habitat trees if the species cleared is Mugga Ironbark, Yellow Box, White Box, Inland Grey Box and Blakely's Red Gum. Each offset tree must have a dbh that is >= 80% of the dbh of the tree to be cleared*"

   The threatened species profile database indicates that the <u>Regent Honeyeater</u> can sustain loss, but offsets established for this species "*must include ten times the number of equivalent habitat trees for each tree cleared. For each tree cleared, each equiv. tree must be a sp. known to provide similar habitat attributes & must have a dbh that is >= 80% of the dbh of tree to be cleared*".

   The <u>Superb Parrot</u> PVP Threatened Species Tool lengthy text details (October 2007) – Murrumbidgee CMA states: "*up to 5% loss allowable of the total number of Class 1 trees on property. Up to 10% loss of total number of nest trees on property (total includes both Class 1 nest trees and other nest trees) allowable of other live nest trees and dead trees with hollows $\geq$6 cm diameter that are >4 m above the ground, and the offset must contain 10 equivalent trees for each nest tree cleared. Equivalent trees must be one of the species listed as nest trees and contain hollows $\geq$6 cm diameter that are >4 m above the ground. For each nest tree to be cleared, each of the required number of equivalent trees must have a dbh that is not less than 80% of the dbh of the nest tree being cleared. Equivalent trees must be one of the species listed as nest trees.*"

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

More appropriate local data is available that shows the three listed threatened bird species can sustain loss of 3 additional scattered trees with modified offsets.

Details on the use of more appropriate local data are given below.

1. The clearing of 3 additional habitat trees is minor relative to the species home range. This equates to an effective clearing area of 1.27 ha or <0.2% of the 1,000 ha nominal home range of the Regent Honeyeater and Swift Parrot, and <2% of the 100 ha nominal home range of the Superb Parrot.

2. Both the Regent Honeyeater and Swift Parrot are more likely to use surrounding preferred habitat in the region, and therefore are not likely to be significantly impacted by the proposed clearing. The Regent Honeyeater particularly inhabits box-ironbark woodland and riparian forests of river sheoak (NSW OEH 2015) while favoured feed trees for Swift Parrot include Mugga Ironbark, White Box or commonly used lerp infestation trees such as Grey Box (NSW OEH 2014a). This is supported by an Atlas of NSW Wildlife search (NSW OEH 2016) which reveals 5 of 6 total records of both species within Cootamundra Shire occurring within large box-ironbark remnants to the north of the proposal area.

3. The loss of any foraging habitat for these birds through proposed clearing of mature trees is temporary as additional younger trees are present in offset areas providing an alternate feed resource on the property and several hundred feed trees (including Yellow Box, Blakely's Red Gum and White Box) are to be planted as part of offsets.

4. The Superb Parrot is commonly found in the area with 66 records spread throughout the Cootamundra Shire (NSW OEH 2016). The clearing site is on the western edge of the Superb Parrot south-west slopes breeding area (Webster & Ahern 1992) and Yellow Box proposed for clearing provides suitable breeding habitat for this species. However in the south-west slopes, Superb Parrots have a strong preference for nesting in Blakely's Red Gum and dead trees (Manning et al. 2004). On this property the superb parrot is considered more likely to prefer and use the Blakely's Red Gum trees with hollows surrounding the clearing area for breeding. Blakely's Red Gum hollow trees form part of the offset areas with a majority of the remaining potential nest trees on the property protected in perpetuity in offset areas and enhanced by planting with locally native trees and shrubs.

5. Offsets contain trees with a range of age classes which will help to maintain a continuous population of tree hollows on the property over time. This includes an additional 10 large trees (average 93cm DBH) that have the potential to develop hollows and additional breeding habitat for the Superb Parrot in the near future. Additional management actions including installation of nest boxes will also provide a temporary breeding resource until younger trees within offset areas develop suitable hollows.

6. The total offset area (19.9 ha) will provide a significant area of additional habitat for the Regent Honeyeater, Swift Parrot and Superb Parrot in the long-term. This includes revegetation with 3,800 native trees and shrubs from the same Plant Community Type. Strategic location of the offsets will also offer additional benefits by providing connectivity and enhancing species movement through the landscape.

**Conclusion:**

In this case it is considered the Regent Honeyeater, Swift Parrot and Superb Parrot can withstand a temporary loss of potential habitat with modified offsets in place. The reasons for this decision are:

- the area to be cleared is minor,

- management of offset areas will protect and enhance preferred Superb Parrot nest trees on the property

- extensive revegetation, as part of offsets, will provide significant area of additional habitat in the long-term.

## 3.5 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 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 now improves or maintains environmental outcomes.

# 4    REFERENCES:

Manning, A.D., D.B. Lindenmayer & S.C. Barry (2004). The conservation implications of bird reproduction in the agricultural "matrix": a case study of the vulnerable Superb Parrot of south-eastern Australia. Biological Conservation. 120:363-374.

NSW Office of Environment and Heritage (2016) Atlas of NSW wildlife:
http://www.environment.nsw.gov.au/atlaspublicapp/UI_Modules/ATLAS_/AtlasSearch.aspx

NSW Office of Environment and Heritage (2015) Threatened Species Profile Database:
Regent Honeyeater – profile
http://www.environment.nsw.gov.au/threatenedSpeciesApp/profile.aspx?id=10841

NSW Office of Environment and Heritage (2014a) Threatened Species Profile Database:
Swift Parrot – profile
http://www.environment.nsw.gov.au/threatenedspeciesapp/profile.aspx?id=10455

NSW Office of Environment and Heritage (2014b) Threatened Species Profile Database:
Superb Parrot –profile
http://www.environment.nsw.gov.au/threatenedspeciesapp/profile.aspx?id=10645

Webster, R. & L. Ahern (1992). Management for the conservation of the Superb Parrot Polytelis swainsonii in New South Wales and Victoria. Report to New South Wales National Parks and Wildlife Service and Department of Conservation and Natural Resources. NSW National Parks & Wildlife Service and Vic. Dept Conservation & Natural Resources.