

Dr John Williams
Commissioner
Natural Resources Commission
GPO Box 4206
SYDNEY NSW 2001

25 May 2009

Dear Dr Williams,

Hunter-Central Rivers Catchment Management Authority Submission on Proposed Amendments to the Environmental Outcomes Assessment Methodology

The Hunter-Central Rivers Catchment Management Authority (HCRCMA) has reviewed the proposed amendments to the Native Vegetation Regulation 2005 (NVA) Environment Outcomes Assessment Methodology (EOAM) and provides the following comments.

Generally the CMA supports the proposed changes to the EOAM but submits that further changes are required to provide a more streamlined and robust process by:

1. Introducing a triage system which would rationalise the administrative effort required for assessing clearing of vegetation at different scales, including a more flexible approach to assessing improve or maintain outcomes for clearing of small areas (less than 2 ha).
2. A commitment from DECC to address data issues.
3. A revised definition of low condition vegetation.

Lack of flexibility for clearing of small areas (less than 2ha)

Remnant vegetation that occurs in an overcleared landscape, is an overcleared vegetation type, or is an Endangered Ecological Community that is not in low condition, is currently deemed to be unable to be offset and cannot be cleared. While the HCRCMA supports that ideally this vegetation should not be cleared under these circumstances, the assessment rule set is too rigid.

Specific circumstances are likely to arise where it may be appropriate to allow clearing of small areas of vegetation that occurs in an overcleared landscape, is an overcleared vegetation type, or is an Endangered Ecological Community that is not in low condition, where significant offsets are available that would meet the improve or maintain principle.

The HCRCMA submits that a triage approach which determines the level of assessment to be applied according to the level of clearing and offsetting proposed would be a more reasonable approach than one size fits all, and would temper the administrative effort required according to the significance of potential impacts.

Data issues and the definition of low condition

The HCRCMA has extensive areas defined as overcleared landscapes and overcleared vegetation types which overlap significantly. For example, the Central Hunter Foothills (75% cleared) and adjacent Scone-Gloucester Foothills Mitchell Landscapes are defined as overcleared (both are 75% cleared according to the data set) and have a combined area of 632,000 ha. In these landscape areas it should be relatively straightforward to locate a clearing proposal so that no remnant vegetation or only remnant vegetation in low condition was affected.

However, as the data informing the percentage cleared estimates is primarily based on woody vegetation cover, extensive areas that are assumed from the data to be “cleared” actually support derived native grasslands which do not fit the low condition definition, and under the EOAM cannot be offset and cannot be cleared. This problem also applies to overcleared vegetation types.

This problem is partly dealt with by proposed amendments to clause 2.4.3 of the EOAM to allow use of more appropriate local data for overcleared landscapes and overcleared vegetation types. While this solution acknowledges the data issues, it defers the data problem to the CMAs to address on a case by case basis, and does not address the fundamental problem which lies in the definition of “low condition”.

The problem is also partly dealt with by clause 27(2A) of the Native Vegetation Regulation 2005 which allows a variation to the EOAM where viability of vegetation is assessed to be low or not viable according to the Minister’s protocol. However, the protocol is very specific about the circumstances where clause 27(2A) can be applied and includes the requirement for additional offsets (over and above the usual required offsets) that have a conservation benefit at a landscape scale.

The HCRCMA submits that the proposed changes to the EOAM do not address the fundamental problem of the low condition definition and proposes the following amendment to the groundcover component of the low condition definition for woody vegetation, to be reviewed after twelve months of operation:

- a) <50% projected foliage cover of vegetation in ground cover is indigenous species;
OR either of the following conditions is met:*
- b) Native plant species richness is <25% of the benchmark for native plant species richness
AND/OR*
- c) Native ground cover is >200% of the upper benchmark for native ground cover.*

Landscape value assessment

The HCRCMA supports the proposed changes to the connectivity assessment which is a more objective and repeatable method.

The HCRCMA acknowledges the removal of the 10ha circle from the assessment is an improvement to the landscape assessment. However, the HCRCMA has concerns that the approach of conserving all biota at all scales is not necessarily conducive to conserving biodiversity at a broader landscape scale due to the interaction in practice of other factors such as development pressures and adoption of improved cultivation practices.

Thinning

The HCRCMA supports changes to the thinning tool and in particular its application to the coastal CMAs. The HCRCMA submits that an average stem spacing approach would be preferable over the use of thinning benchmarks that use stem size class distribution because a stem spacing approach is

simpler to apply, stem diameter is a poor surrogate for age and in coastal forests, the vast majority of regrowth stands are single aged cohorts.

Threatened Species Tool

Species prediction

The very generalised habitat profiles in the data set result in over-prediction of species, requiring considerable judgement to be applied to habitat filters. This can be formally addressed through clause 2.4.3 of the EOAM that allows use of more appropriate local data. While this solution acknowledges the data issues, it defers the data problem to the CMAs to address on a case by case basis, and does not address the fundamental data issue of over-generalised habitat profiles.

Sustainable temporary loss rules

The HCRCMA supports changes to sustainable temporary loss rules with qualifications. In particular, the HCRCMA has concerns that this test may not validly apply to highly mobile species (such as migratory and nomadic species) and species with large home ranges (such as large predators) at the proposed scales.

Offset determination

The HCRCMA supports the changes with qualifications discussed under the “General comments” heading which follows. The HCRCMA supports the use of habitat area over other variables (such as number of trees) for offset assessment.

General comments

The HCRCMA has general concerns about the threatened species assessment method that are not, or not adequately, addressed in the proposed changes.

1. The *generalised threatened species habitat profiles* in the data set.
2. The *habitat quality* of proposed clearing and offset vegetation for threatened species is not taken into account in any aspect of the assessment method.
3. The *likelihood of a species occurrence* is not taken into account (for example, is the species known to occur on the site, does the species have a high potential or a low potential to occur) in any aspect of the assessment method.
4. The *offset rules do not adequately reward retaining regrowth* which can otherwise be cleared under the permitted clearing provisions of the *Native Vegetation Act 2003*.
5. While the HCRCMA supports that a smaller suite of species will utilise isolated paddock trees, the *paddock trees offset assessment* is difficult to apply in coastal forests scenarios and may result in more onerous offsets than would be required if the loss were instead assessed using area of habitat. The current method assumes tree size is a surrogate for habitat value which is likely to be incorrect in some circumstances (for example, a healthy and vigorous but smaller tree may be higher quality forage value and have longer term value than a larger but moribund tree).

Yours faithfully,

Glenn Evans
General Manager