

## Murray CMA Response to Draft changes to Amendments to the Environmental Outcomes Assessment Methodology (EOAM)

Comments below fall broadly into two categories:

1. Where the proposed changes are not consistent with the current NVA or the Vegetation Regulations.
2. General comments (methods and terminology)

### 1. Response to Items with inconsistencies regarding current legislation

Item/Section	Proposed Change to EOAM	Issue – comment
Item 3 2.4.3	Additional dot points/circumstances where an accredited expert can write a minor variation: <ul style="list-style-type: none"> <li>• <i>Over cleared landscapes</i></li> <li>• <i>Over cleared vegetation types</i></li> </ul>	The proposed writing of minor variations under these circumstances may contradict the NV Regulation section 27 (2): <p style="text-align: center;"><i>A variation of the Assessment Methodology is not allowable under this clause if it is a variation of any of the following aspects of the Assessment Methodology:</i></p> <p style="text-align: center;"><i>e) classification of the vegetation type or landscape type as over cleared</i></p>
Items 11 & 12 5.2.2	Addition of dot points to clarify definition of “low condition” ground-cover: <p><i>a) Less than 50% of the vegetation is indigenous species; or</i></p> <p><i>b) More than 90% of the area is ploughed; or</i></p> <p><i>c) More than 90% of the area is bare fallow; or</i></p> <p><i>d) 90% of the groundcover vegetation is regrowth but not protected regrowth</i></p>	It is not consistent with the current NV Act, i.e. <p><i>a) The vegetation comprises less than 50% of indigenous species of vegetation, and</i></p> <p><i>b) Not less than 10% of the area is covered with vegetation (whether dead or alive), and</i></p> <p><i>c) Those percentages are calculated in accordance with the regulations</i></p> <p>i.e. the purpose of the EOAM is to outline assessment methodology, it is not supposed to redefine what is already written in the act.</p>
Item 77 5.4.2	Changes to the “Paddock Tree” definition. <p><i>“Paddock trees condition defined as:.....and the groundcover is either crop, ploughed bare fallow or almost exclusively perennial or annual exotic pasture (90% or more of cover is exotic species)”</i></p>	The proposed definition for ground-cover surrounding paddock trees contradicts the definition in the NV Act. <p>i.e. the NV Act specifies a figure of 50% for low condition ground-cover, whilst the proposed paddock tree definition specifies 90%. The proposed change is not consistent and may be open to legal challenge. The term “bare fallow” is ambiguous (see response to Item 108 below).</p>
Item 108 Definitions	Bare Fallow – <i>“Ground that has been ploughed (either mechanically or treated with herbicides) but not sown with a crop or pasture for one or more growing seasons”</i>	As mentioned in response to Items 11 and 12, any reference to ground-cover needs to be completely consistent with the definition within the NV Act. The term “Bare Fallow” is not used in the Act.

## 2. General responses – methods and terminology

Item/Section	Proposed Change to EOAM	Issue- comment
Item 13 5.2.2	Remove the word “ <i>shrubland</i> ” (re: assessment of ground-cover).	Disagree with the removal of this term. Many woody shrublands are around or less than 1m in height (e.g. Bladder salt-bush, Dillon bush). A specific method to assess each individual species of low woody shrublands would be more appropriate.
Item 20 5.3.1	5.3.1: new paragraph: <i>2. Where the vegetation type proposed for clearing is more than 70% cleared in the Catchment Management Authority area; offsets are in vegetation types of equal to or greater regional value to the vegetation proposed for clearing, or are in vegetation types with regional values up to 10% lower than the vegetation proposed for clearing;</i>	According to section 5.2.1 vegetation types more than 70% cleared cannot be offset, unless they are in low condition. This is not made clear in the proposed paragraph.
Items 21 - 44 5.3.3 (all)	Major changes to the way that Landscape Value/Connectivity/Linkages are assessed.	Due to the large and varied changes in this section, CMA staff will need further opportunity to test the changes on-ground before being able to provide effective comment. NRAT tools will need to be adjusted to allow for these new calculations and categories. The opportunity to workshop the changes prior to decision would allow CMA's to provide more specific comment.
Item 45 5.3.4.	Remove the term “ <i>feral herbivore control</i> ” and replace with “ <i>feral and/or <u>over-abundant</u> native herbivore control</i> ”	The term “ <i>over-abundant</i> ” may be open to interpretation. It may be difficult to apply/explain to a landholder on the ground.  It is currently required that for a landholder to cull over-abundant native species they must apply to NPWS/DECC for a special licence and tags so they can carry out this cull. It needs to be clearly explained in the EOAM and written into the management action within a PVP.
Item 72 5.4	New paragraph – thinning age cohorts  <i>“If two or more stem diameter classes (&lt;30cm dboh) are in the same age cohort, then one density benchmark for the combined stem density classes in that age cohort can be calculated from the sum of the density benchmark for the stem diameter classes in the age cohort”</i>	The new paragraph is extremely difficult to read. Good concept, poor explanation.
Item 100 5.9	Change in definition for “ <i>local population</i> ” of threatened species to include areas outside the property on which the PVP is being assessed.	The proposed change is not equitable because there is no guarantee that the surrounding properties will remain uncleared. It may dis-advantage surrounding properties for future clearing applications

Item/Section	Proposed Change to EOAM	Issue-comments
Item 106  5.9	New paragraph to clarify of paddock tree offset area.  ..... <i>“The additional offset required in such cases must be of sufficient area to enable the recruitment and growth to maturity of the number of paddock trees that are to be cleared”</i>	While allowing more flexibility, the proposed term <i>“of sufficient area”</i> is open to interpretation and may lead to inconsistent implementation of offset sizes.

In relation to legislative inconsistencies, could you please confirm the proposed timetable of changes to EOAM, NVAT and Native Vegetation Act 2003. It would be desirable to have them all coincide as decisions made based on changes to the EOAM that are not consistent with the NVA may be open to legal challenge.

Please address follow-up correspondence to:

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