

25/5/09

Dr John Williams
Natural Resources Commission,
GPO Box 4206, Sydney
NSW 2001

Dear Dr Williams,

RE: NRC invitation to submit comments on the proposed amendments to the Environmental Outcomes Assessment Methodology (EOAM)

Please find below Southern Rivers CMA comments on the proposed EOAM changes. Where possible we have linked these comments to the NRC's topics for review, which have been numbered. Southern Rivers CMA recognise there are many changes proposed that will improve the operational and functional aspects of the assessment tools. However, there are a range of proposed changes outlined below which require further explanation and/or consideration in order to uphold the intent of the NV Act and ensure unintended outcomes do not result.

Comments on proposed EOAM amendments

1) *Are the proposed changes based on sound scientific concepts and the most recent information regarding the subject matter?*

Item 45 and 46

The addition of "exclusion of fertiliser" as a management action is a positive outcome as research has clearly shown this action can improve conservation value of grassy ecosystems. It is important that this action is only made available for appropriate vegetation communities (ie. grasslands, grassy woodlands and any others for which scientific evidence exists).

Southern Rivers is unfamiliar with the scientific literature which demonstrates environmental benefits of artificial hollows. We would therefore encourage the NRC to consider the following:

- This management action should only improve the habitat score for those hollow bearing species where there is sound scientific evidence that the species will benefit from artificial hollows. There should not be an automatic improvement in habitat value for all hollow bearing species when artificial hollows are provided.
- Information will be required on necessary size of cavity and size of hollow entrance to ensure the hollow is suitable for the intended species.
- Artificial hollows may attract undesirable occupants such as feral bees and starlings. Use of this additional management action should be coupled with the requirement that any artificial hollows are checked regularly for non-native species and that, if present, these species are destroyed.

2) *Will the proposed changes deliver their intended outcomes, which are to: ensure biodiversity assessment is meeting the intent and objectives of the NV Act, incorporate new science, and improve operational and functional aspects of the assessment tools?*

Item 3

Expansion of the use of more appropriate local data to include over cleared landscapes and over cleared vegetation types is a major improvement in the operations of the assessment. Estimates of percent cleared of vegetation types can be flawed, particularly in relation to open grassy woodlands that have been inaccurately mapped as cleared in areas where the ground cover component of this community remains.

Item 100.

Many PVP assessments within Southern Rivers CMA do not proceed beyond consideration of impacts on local threatened species populations, due to small property size. Extension of this consideration beyond property boundaries will substantially increase the number of assessments that can proceed to the consideration of offsets.

It is important to note, however, that property size varies enormously both across the State and within a region. One should not assume that the property will always be smaller than the home range of a threatened species. When the property is larger than 100 ha or 1000 ha it is important that the assessment does not automatically default to the property scale. The assessment should be limited to the scale most appropriate to the expected home range of species. This is not currently reflected in the proposed changes to the EOAM.

Item 72

The thinning methodology should recognise when the stem diameter class above that class which is proposed to be thinned is below benchmark. In such cases the shortfall from the next stem diameter class should be considered in the density to which the lower class is thinned. For example, if the stem diameter class >10-20 dbhob is below benchmark by 10 stems then the 0-10cm dbhob stem diameter class should not be thinned below benchmark + 10 stems. This consideration appeared in a draft EOAM made available to Southern Rivers CMA in February 2008 but appears to have been removed:

- If the number of plants present of any stem diameter class are less than *benchmark plants* for that class and vegetation type, then the number of plants to be retained in the next smaller stem diameter class must be greater than or equal to the benchmark number of plants for that stem diameter class PLUS the shortfall in number of plants from the stem diameter class/es above. This includes where the number of plants >30cm dbh present is less than benchmark for this stem diameter class
Where:
 - *retained plants_j* is the number of plants retained in the *j*th stem diameter class within the *i*th vegetation zone;
 - *benchmark plants_j* is the benchmark number of plants for the vegetation type identified within the *i*th vegetation zone on the site for the *j*th stem diameter class;ELSE
- thinning proposals must be assessed as for other clearing proposals.

Item 108

The current EOAM does not define the term **fallow**. In the low condition definition this term has been replaced with **bare fallow** and has now been defined. Advice received from DECC is that this change is for clarification only but it appears to have introduced (or at least made more explicit) intent which is not consistent with the NV Act. If 90% of the area in question is **bare fallow** then the vegetation is considered to be in low condition. Within the proposed changes **bare fallow** is defined as:

"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."

There is no time frame specified for when the ploughing occurred or if it needs to have been a repeated event. It therefore appears that if a landholder has sufficient evidence that they ploughed an area at any point in time it would be defined as **bare fallow**. The implications of this are concerning. For example, if a landholder could demonstrate that they ploughed an area in 1980 and did nothing further to it, the vegetation supported in this area would be considered in low condition. The vegetation could be diverse, natural temperate grassland, which is an endangered ecological community. If not in low condition any proposal to clear such vegetation would receive an instant red light. If the same vegetation was defined as low condition (which is what would result with the proposed **bare fallow** definition) the same clearing proposal would result in an amber light that could proceed to consideration of offsets.

There needs to be further discussion as to whether it is appropriate or necessary for reference to be made to **bare fallow** in the low condition definition and if so how the definition needs to be changed in order to maintain the intent of the Act (that is - protection of endangered ecological communities). This definition for bare fallow also has implications for the outcome of the threatened species assessment (Item 78).

3) Will the proposed changes promote convergence between like-NRM decisions made under the Native Vegetation Act and the Environmental Planning and Assessment Act?

Item 23

It is unclear if the modifications to the connectivity assessment proposed will ensure the same level of consideration for loss of connectivity as the existing methodology. Case study comparisons were not possible within the review timeframe provided. Consistency with Biobanking is appropriate but not at the cost of lowering environmental outcomes. It is not clear if this has occurred or not. The basis for the proposed change was to introduce a simpler, more repeatable method for assessing connectivity. Southern Rivers CMA staff exposed to the Biobanking connectivity methodology disagree that this is simpler than the current Biometric methodology.

Comments on the EOAM review process

While many of the issues raised by Southern Rivers CMA staff during the review have been considered one of our key concerns has not been addressed. This concern relates to the low condition definition and perverse outcomes in vegetation communities that have only a native grassy ground layer remaining. In certain circumstances such vegetation should meet the low condition definition but this does not currently occur with the existing low condition definition. Several case studies were discussed with DECC in relation to how the low condition definition could be altered to more appropriately consider derived grasslands and native pastures. Low diversity in ground cover vegetation was discussed as an appropriate indicator for low condition that would resolve such cases. There have been no proposed changes to the low condition definition that resolve this issue.

Southern Rivers CMA appreciated the opportunity to have input in the early stages of the review process (almost eighteen months ago) through participation in review workshops. Unfortunately there has been little feedback on the progress of the review since that time. No summary of CMA issues has been provided. Recommendations from the scientific panel were never released. The lack of transparency throughout the review process has impeded the delivery of satisfactory outcomes. Time provided to comment on the proposed changes is extremely disappointing. CMAs have responsibility for administering the EOAM and should be provided with sufficient time to thoroughly review the proposed changes in order to identify unintended outcomes.

Southern Rivers CMA hope that this lack of feedback and engagement is not repeated in the review of the NV Act, which is due to be completed in December 2009.

Yours Sincerely,

A handwritten signature in black ink that reads "Noel Kesby". The signature is written in a cursive, slightly slanted style.

Noel Kesby
General Manager
Southern Rivers Catchment Management Authority