



Environmental Outcomes Assessment Methodology
Natural Resources Commission
GPO Box 4206
Sydney NSW 2001

By email: nrc@nrc.nsw.gov.au

24 January 2011

Dear Sir/Madam

Proposed amendments to the assessment process for clearing native vegetation

The Nature Conservation Council, National Parks Association, Total Environment Centre, Colong Foundation for Wilderness, North Coast Environment Council and the Wilderness Society welcome the opportunity to comment on the proposed amendments to the Environmental Outcomes Assessment Methodology ('methodology') under the *Native Vegetation Act 2003*.

We are opposed to the proposed amendments on the following grounds:

- the proposed amendments will not maintain or improve environmental outcomes; and
- the proposed amendments will not significantly reduce administrative processing times.

Policy Context

In 2001, Australia's federal, state and territory governments committed to the introduction of clearing controls that have the effect of reducing the national net rate of land clearance to zero. The NSW *State Plan* commits the government to action to increase the extent and improve the condition of native vegetation by 2015.

The *Native Vegetation Act 2003* has played a critical role in stabilising the extent of native vegetation in NSW.¹ The integrity of the legislative scheme is underpinned by the application of a rigorous methodology for the assessment of environmental outcomes. Any amendments to the methodology must be carefully considered in the context of the Act's primary policy intent: 'to prevent broadscale clearing unless it improves or maintains environmental outcomes'.²

Environmental Outcomes

The proposed 'streamlined assessment' process will reduce the quality of decision-making under the Act, while delivering limited improvements in administrative efficiency.

Vegetation categories for streamlined assessment

In our view, the vegetation categories covered by the 'streamlined assessment' process are defined far too broadly. In particular:

1. We strongly oppose the application of the streamlined methodology to '**clumps of native trees**' up to 10 hectares in area. This amendment will allow broadscale clearing of good condition vegetation without adequate assessment, and may result in clearing of endangered ecological communities, if they exist in small patches or 'clumps'.
2. Facilitating clearing of '**scattered native trees**' and '**paddock trees**' by applying the streamlined assessment methodology will reduce the potential for natural regeneration across the landscape.
3. The offset methodology for paddock trees allows **hollow bearing trees** to be offset by new plantings; this may mean replacing a 100 year old tree with plantings that will not produce hollows for decades.
4. The broad definition of '**not viable or low viability**' vegetation is likely to facilitate the clearing of significant areas of vegetation, including endangered vegetation types that only exist in less viable patches due to historical clearing.
5. The application of the streamlined methodology to vegetation where the Mitchell landscape and vegetation type are **10% or less cleared** will expose large areas of vegetation to clearing without adequate assessment. Decisions to allow clearing of large areas of native vegetation in good condition should only be made in the context of broader landscape-scale planning, not on a site-by-site basis. This allows consideration of the cumulative impacts on the vegetation type, and management and monitoring to ensure that its abundance is actually maintained and improved as required by the Act, and not incrementally reduced under the streamlined approval option.

¹ NSW Government (2010) NSW State Plan: Annual Performance Report, www.stateplan.nsw.gov.au.

² *Native Vegetation Act 2003*, s3.

6. The application of the streamlined process to areas of native vegetation up to two hectares that are **contiguous with larger areas of vegetation** is entirely inappropriate. This amendment will facilitate incremental clearing of large areas of native vegetation in good condition without adequate assessment.

Filter criteria

The current 'filter criteria' for biodiversity are wholly inadequate and will not ensure proper assessment or protection of biodiversity values, including endangered ecological communities. The streamlined process should not be available for proposals that involve endangered species, endangered ecological communities or critical habitat.

At a minimum, the following filter criteria must be retained:

- clearing within riparian buffer zones;
- clearing land with moderate to very high outbreaks of salt scalding;
- clearing land with species that can withstand no further loss;
- clearing vegetation types with less than 1,000 hectares remaining in the CMA area; and
- clearing steep and erodible land, sensitive terrain and acid sulphate soils.

The streamlined process should not be available for land with wilderness capacity.

Offset requirements

We are concerned that the simplified offset requirements under the streamlined process will not maintain or improve environmental outcomes. The proposed offset requirements do not: require 'like for like' offsetting of species, ecological communities or vegetation types; specify the location of offsets; or, apply a multi-variate process for determining the appropriate offset ratio. As noted above, it is inappropriate to allow mature hollow bearing trees to be offset with plantings.

Field surveys

The draft chapter states that 'the presence or predicted presence of threatened species (fauna) may be assessed from vegetation type, low or moderate-good condition of the vegetation, CMA subregion and habitat components, rather than undertaking the full assessment in 5.6'.

Removing the requirement to undertake field surveys will allow clearing of large areas without an adequate understanding of the species using that area. We do not support removing the need for field surveys, particularly in large areas of vegetation in good condition.

Processing Times

The stated aim of the proposed amendments is 'to reduce administrative processing times for property vegetation plans and development consents'. In our view, the reduction in processing times achieved by the proposed amendments will be very limited, and do not justify weakening the protection afforded to native vegetation, species and ecological communities under the Act.

We note that the submission to the Natural Resources Commission from the Namoi Catchment Management Authority (14 January 2011) states 'it is difficult to see where these time savings are' and 'many of the processes involved that can take a lot of time during the assessment process will not be fixed by the proposed EOAM amendments'.

The time savings associated with the proposed amendments should be carefully assessed before supporting any changes to the methodology. The wide variation in average PVP processing times between CMAs strongly suggests that delays may be reduced by implementing administrative changes and increasing the relative priority native vegetation approvals in CMA investment decisions.

Recommendation

In our view, the proposed amendments will not maintain or improve environmental outcomes and will not significantly reduce administrative processing times. The amendments should be withdrawn in their entirety until such time as a more thorough assessment of PVP processing times is undertaken. This assessment should explore opportunities for improving processing times without weakening protection for native vegetation, species and ecological communities.

Thank you for taking the time to consider our submission. If you require any further information, please contact the undersigned on 02 9516 1488 or via email: pclarke@nccnsw.org.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Clarke', with a stylized flourish at the end.

Pepe Clarke
Chief Executive Officer
Nature Conservation Council of NSW