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Y06/793

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

- 2 NOV 2006

Dear Dr Williams

I am writing to seek the advice of the Natural Resources Commission on amendments to the Environmental Outcomes Assessment Methodology that have been proposed by the Department of Natural Resources. I am seeking the Commission's advice in accordance with clause 25(1)(a) of the *Native Vegetation Regulation 2005*.

The proposed amendments recommended by my Department consist of a number of changes to the Environmental Outcomes Assessment Methodology as contained in the attached copy (Attachment 1). (Please note that if the proposed changes are to proceed, it may be necessary to slightly modify the format of Attachment 1 in order for it to be published in the Government Gazette).

In accordance with clause 25(1)(c) of the *Native Vegetation Regulation 2005*, please provide your advice in the form of a formal recommendation to me. This advice may be provided up to 30 days from the date on which you receive this letter but I would be grateful if you could provide your recommendation as soon as possible. Please note that as required by the *Native Vegetation Regulation 2005*, your advice on this matter is required to be made public.

Thank you for your assistance in this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Macdonald'.

IAN MACDONALD MLC

Page Number	Chapter Section and/or Paragraph (if applicable)	Current wording	Suggested Changes	Basis for Changes
1		[Not applicable]	Below the words "Date: 14 th November 2005", add the words "This version incorporates amendments published in the NSW Government Gazette on 21 July 2006 and [date]". [Date to be added following gazettal of the relevant amendments.]	To clarify that the Methodology includes the amendments made in respect of the Salt Mobilisation Tool and the amendments set out in this table.
5		Native Vegetation Reform Implementation Group, 2003 Final Report. Department of Infrastructure, Planning and Natural Resources www.dipnr.nsw.gov.au/nvrig/pdf/sinclairreport.pdf	Delete and replace with: Native Vegetation Reform Implementation Group, 2003 Final Report. Department of Infrastructure, Planning and Natural Resources http://www.nativevegetation.nsw.gov.au/methodology/index.shtml	New website information needs updating.
5		Department of Infrastructure, Planning and Natural Resources (DIPNR), 2003 A New Approach to Natural Resource Management. www.dipnr.nsw.gov.au/nvrig/pdf/finalnvrig.pdf	Delete and replace with; Department of Natural Resources (DNR), 2003 A New Approach to Natural Resource Management.	New website information needs updating.
6	Section 2.1 3 rd paragraph	[In second line] "clause 25"	Delete and replace with "clause 24"	Incorrect reference to clause of the <i>Native Vegetation Regulation 2005</i> .
6	Section 2.1 3 rd paragraph	[In fourth line] "Clause 26"	Delete and replace with "clause 25"	Incorrect reference to clause of the <i>Native Vegetation Regulation 2005</i> .
6	Section 2.1 3 rd paragraph	[In sixth line] "clause 25(2))"	Delete and replace with "clause 25(1)(g)"	Incorrect reference to clause of the <i>Native Vegetation Regulation 2005</i> .
6	Section 2.1 6 th paragraph	[In second line] "in accordance amendments approved by clause 26"	Delete and replace with "in accordance with amendments made under clause 25"	Incorrect reference to clause of the <i>Native Vegetation Regulation 2005</i> and

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				typographical errors.
8	Section 2.3, Note, dot point B	"the benefits of the offset occur in the same area as the impacts of the proposed clearing"	Delete and replace with "benefits from any offset whether the same property or elsewhere will improve or maintain environmental outcomes for each relevant environmental value".	The current wording is incorrect and is also inconsistent with text that appears elsewhere in the EOAM (the words "benefits from any offset whether the same property or elsewhere" appear in Section 2.2, on page 7).
9	Section 2.4.3	[Second paragraph, first dot point] "vegetation density benchmarks"	Delete and replace with "vegetation benchmarks"	The terminology for Vegetation Benchmarks should be used consistently in the EOAM. The correct terminology is Vegetation Benchmarks Database.
9	Section 2.4.3 2 nd paragraph	[second dot point] "habit feature".	Delete and replace with "habitat feature"	Typographical error.
9	Section 2.4.3 4 th paragraph	"in accordance with clause 27(1)(a)"	Delete and replace with "in accordance with clause 26(1)(a)"	Incorrect reference to clause of the <i>Native Vegetation Regulation 2005</i> .
9	Section 2.4.3 7 th paragraph	"the requirements of clause 30"	Delete and replace with "the requirements of clause 29"	Incorrect reference to clause of the <i>Native Vegetation Regulation 2005</i> .
17	Section 4.2	[Not applicable]	Insert new paragraph after paragraph 2, "A salinity hazard assessment is not required where the proposal to clear native vegetation involves the removal of paddock trees, as defined for the BioMetric Tool".	There is no current provision for clearing paddock trees in the LSC/Salinity Tools. Add a question relating to the presence of paddock trees in the LSC zone and change the decision logic in LSC as a consequence of approval to Y06/103.
17	Section 4.2 Table 4.1	[Current wording is set out in the "Salt Store Class" column in existing Table 4.1 – see Attachment B]	[Delete current Table 4.1 and replace with revised Table 4.1 – see Attachment C.]	The LSC needs to be updated to better reflect additional Salt Store Classes.

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33 and 45	Sections 5.2.3 and 5.2.4 and 5.7 (4)	<p>[Section 5.2,3, second dot point] “the Minister for the Environment will consult with the Minister for Natural Resources”</p> <p>[Section 5.2,4, second dot point] “the Minister for the Environment will consult with the Minister for Natural Resources”</p> <p>[Section 5.7, dot point 4] “approved by the Minister for the Environment” [The section states that prior to any changes being made the Minister for the Environment must consult with the Minister for Natural Resources.]</p>	<p>For Sections 5.2.3, 5.2.4 and 5.7 (dot point 4), delete “Minister for the Environment” wherever it appears and replace with “Director General, Department of Environment and Conservation”</p>	<p>Sections 5.2.3 and 5.2.4, in regards to the the overcleared landscapes and overcleared vegetation types, state that prior to any changes being made the Minister for the Environment must consult with the Minister for Natural Resources.</p> <p>However, section 2.4.2 (Changing the databases) states that: prior to updating the databases the Director General of the Department responsible for the database must consult with NRC, the CMA and other public authorities or interested parties that are in the opinion of the Director General, likely to be affected by the proposal.</p> <p>The sections (2.4.2 compared to 5.2.3 and 5.2.4) in the EOAM are therefore currently contradictory about the protocol for changes to these datasets. The desired process for change needs to be clearly stated with no ambiguity. Director General consultation was intended, as the decision to modify databases should be based on improved data.</p> <p>Similarly, the reference to the Minister in Section 5.7 needs to be changed to make the Section consistent with Section 2.4.2.</p>
35	Section 5.3.3	Under the heading “ Change in landscape value from clearing ”:	Under the heading “ Change in landscape value from clearing ”:	This paragraph refers to the method for placing (concentric circles) radii to

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		<p>“Landscape value encompasses fragmentation, connectivity and adjacency of native vegetation up to 1000 ha around the clearing proposal. The assessor determines change in landscape value from clearing using the following measures:</p> <ul style="list-style-type: none"> • percent native vegetation cover in the landscape. This is current vegetation cover and future vegetation cover (with proposed clearing) within radii of 1.75 km (1000 ha), 0.55 km (100 ha) and 0.2 km (10 ha) from the centre of the proposal site, estimated in categories of 0-10%, 11-30%, 31-70%, or >70% cover; • connectivity. The current and future (with proposed clearing) connectivity values are assessed as high, moderate, low, or nil using criteria in the Biometric to determine the change in connectivity value with clearing; • total adjacent remnant area. This is the total remnant area of which the clearing proposal is a part recorded as large, medium, small, or zero. This is assessed for current landscape value only, as adjacent remnant area is lost with clearing. <p>Landscape value is assessed separately for each of the proposed offset and the proposed clearing once only, regardless</p>	<p>In the first dot point, delete the words, “from the centre of the proposed site” and replace with “with the centre of the radii placed to cover the maximum loss of vegetation from clearing”.</p> <p>In the third dot point, delete the words “This is assessed for current landscape value only, as adjacent remnant is lost with clearing”.</p> <p>Delete the following sentences “Landscape value is assessed separately for each of the proposed offset and the proposed clearing once only, regardless of the number of vegetation zones proposed for clearing and offsets. The centre of the radii is the approximate centre of the vegetation zone if one zone is involved, and is the centre of the vegetation that loses the most landscape value from clearing if more than one vegetation zone is proposed for clearing”. Leave the last sentence “Biometric calculates change in landscape value with clearing using the equations below”.</p>	<p>assess landscape value. The intention was to place the circles so they captured the maximum amount of the proposal and both the manual and EOAM should express this. The refinement will better reflect the operation of the tool in the field.</p>

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		<p>of the number of vegetation zones proposed for clearing and offsets. The centre of the radii is the approximate centre of the vegetation zone if one zone is involved, and is the centre of the vegetation zone which loses the most landscape value from clearing if more than one vegetation zone is proposed for clearing. BiMetric calculates change in landscape value with clearing using the equations below.”</p> <p>Under the heading “Change in landscape value with offset(s)”:</p> <p>Change in landscape value with the offset(s) is calculated as the difference between current landscape value in the offset zone(s) and landscape value in the offset zone(s) with the management actions for the offset, using the equations below.</p>	<p>Under the heading “Change in landscape value with offset(s)”:</p> <p>Delete sentence, “Change in landscape value with the offset(s) is calculated as the difference between current landscape value in the offset zone(s) and landscape value in the offset zone(s) with the management actions for the offset, using the equations below.</p> <p>Replace with, “Change in landscape value with the offset(s) is calculated as the difference between current landscape value in the offset with clearing and landscape value in the offset with clearing with the management actions for the offset, using the equations below.”</p>	
35, 36 and 37	Section 5.3.3 and 5.3.2 [5.3.2 incorrectly numbered]	<p>[In Section 5.3.3 (pages 35 to 36):]</p> <p>The words “The <i>Landscape Value</i> formulae are:” and the formulae, number and text following those words, up to and</p>	<p>In Section 5.3.3 (pages 35 to 36), delete the text described in the column “Current wording” and replace with the formulae and text set out under the headings “The Landscape Value formulae for the</p>	<p>The formula and equations on pages 35, 36 and 37 contain errors.</p>

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		<p>including the words “<i>f</i> = % within riparian area”</p> <p>[In Section 5.3.2 (page 37):]</p> <p>The formula and text immediately following the words “Site Value is calculated as;”, up to and including the words “Zone Area is the total area of the <i>i</i>th Zone in hectares”</p>	<p>clearing site are;” and “The Landscape Value formulae for the offsets site are;” (including the text of those headings), in Attachment “A”.</p> <p>In Section 5.3.4 (page 37), delete the text described in “Current Wording” and replace with the formula and text set out under the heading “Site Value is calculated as;” (including the text of that heading), in Attachment “A”.</p>	
35 and 37	Sections 5.3.4 (page 35) and 5.3.2 (page 37)	<p>“5.3.4 Assessing change in landscape value” [page 35]</p> <p>“5.3.2 Assessing site value” [page 37]”</p>	<p>On page 35, delete the text set out in the “Current Wording” column and replace with “5.3.3 Assessing change in landscape value”</p> <p>On page 37, delete the text set out in the “Current Wording” column and replace with “5.3.4 Assessing site value”</p>	Typographical error – incorrect numbering of headings/Chapter Sections.
36	Table 5.1	<p>Numbers in column headed “Relative Weighting” in Table 5.1 – Table shows:</p> <p>Relative Weighting</p> <p>1 0.66 0.33 0.66 0.66 0.66</p>	<p>Delete all numbers in column headed “Relative Weighting” and replace them with the following numbers:</p> <p>10 6.66 3.33 6.66 6.66 6.66</p>	The weightings in Table 5.1 contain errors. These errors are the result of translation from tool operating parameters into the EOAM. It is necessary to ensure that the EOAM accurately reflects the decision criteria within the PVP developer.

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36	Table 5.2	[Not applicable – see “Suggested Changes”]	<p>Immediately above Table 5.2, insert the following text box:</p> <div data-bbox="1066 379 1576 639" style="border: 1px solid black; padding: 5px;"> <p>Note: Vegetation is linked to surrounding native vegetation if it is <100 metres from native vegetation that is, in turn, linked to surrounding native vegetation not in low condition and greater than one hectare.</p> </div>	Table 5.2 of the EOAM contains the connectivity categories and specifications for values before and after the proposal. The EOAM needs to include more detail on how to measure connectivity. Although the EOAM is not intended to provide operational detail, it is important to specify how to measure connectivity, otherwise alternative measures may be adopted and consequently change the landscape value in the BioMetric.
38	Table 5.4	Rows b-f percentages in Column 1 (100-150%) and column 2 (150-200%).	<p>In rows b-f in Column 1, delete “100-150%” wherever it appears and replace with “151-199%”. In rows b-f in Column 2, delete “150-200%” wherever it appears and replace with “100-150%”.</p> <p>For all rows in Table 5.4, delete “150-200%” wherever it appears and replace it with “151-199%”.</p> <p>For all rows in Table 5.4, delete “50-100%” wherever it appears and replace it with “51-99%”</p> <p>[Attachment “D” shows Table 5.4 as it appears after the changes set out above].</p>	Typographical errors
39	Section 5.3.2	<p>[First dot point under the words “Current site condition is measured as follows”]</p> <p>“establish plots in each vegetation zone in approximate proportion to the area of the zone. Randomly place one plot every</p>	Delete the words “Randomly place one plot every two hectares, with a minimum of one plot and a maximum of 10 plots per vegetation zone”. and replace them with “Plots should be placed randomly with a minimum of one plot and a	<p>The EOAM states that plots should be placed randomly every two hectares with a minimum of one plot and a maximum of ten plots per vegetation zone.</p> <p>The EOAM should reflect the correct</p>

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		two hectares, with a minimum of one plot and a maximum of 10 plots per vegetation zone."	maximum of ten plots within a zone".	methodology for field assessment. The manual states that plots should be established randomly within a zone (or within different habitat types within a zone). This refinement will remove confusion about field methodology and remove the need to place one plot every two hectares in large homogenous vegetation zones that would not require a plot every two hectares.
39	Section 5.3.2 2 nd , 3 rd , 4 th , 5 th and 6 th paragraphs (on page 39)	[See "Suggested Changes" column.]	<p>In the 5th paragraph, delete second dot point "multiplying the predicted condition in the vegetation zone(s) with clearing by the area of zones(s)".</p> <p>In the 6th, immediately after the words "using the above equations for calculating site value", add the following sentence: "The change in site value with clearing is calculated as the difference between the current site value and site value with clearing".</p> <p>Delete "current site condition" wherever it appears, and replace it with "current site value" (such references occur in the 2nd, 3rd, and 4th Paragraphs).</p> <p>In the 6th paragraph, delete "site condition" and replace with "site value".</p>	Some wording changes are required in relation to site value and condition to correct wording errors and clarify the intent of the Section.
40	Section 5.4 2 nd Paragraph	"This Chapter Section does not apply to coastal Catchment Management Authorities other than the following parts of the Northern Rivers Catchment	Delete the text set out in the "Current wording" column and replace it with the following text:	Enabling Southern Rivers Catchment Management Authority to use Thinning Module as per PVP Service Centre Job 611 request. Both DNR and DEC agree

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		<p>Management Authority; on grazing properties within Tenterfield, Kyogle and the former Copmanhurst and Nymboida local government council areas within the Northern Rivers CMA. In these areas its use is limited to eucalypt and acacia species (not in rainforest) only."</p>	<p>"This Chapter Section does not apply to:</p> <ul style="list-style-type: none"> the area of operations of the Hunter Central Rivers Catchment Management Authority or the area of operations of the Northern Rivers Catchment Authority (except as set out below). <p>In the area of operations of the Northern Rivers Catchment Management Authority, this Chapter Section applies only to grazing properties within Tenterfield, Kyogle and the former Copmanhurst and Nymboida local government areas. In these areas the use of this Chapter Section is limited to eucalypt and acacia species (not in rainforest) only."</p>	<p>to propose wording.</p>
41	Section 5.4.2	<p>[In 2nd paragraph] "Within each vegetation zone, 0.1 hectare plots must be randomly placed every two hectares with a minimum of one plot and a maximum of ten plots per vegetation zone".</p> <p>[In 8th paragraph]:</p>	<p>In 2nd paragraph, delete the text set out in the "Current wording" column and replace it with "In each vegetation zone plots must be randomly placed".</p> <p>Insert the following at the end of the 7th paragraph, immediately after the words "benchmark stem densities by diameter class.":</p> <p>"The stems to be removed from each stem diameter class for the vegetation type do not exceed benchmark densities for that vegetation type".</p> <p>In 8th paragraph, delete the text set out in the "Current wording" column" and replace it with:</p>	<p>Clarify wording and intent.</p>

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		<p>“Stems can be thinned to the benchmark values of stem densities for each diameter class. That is:</p> <ul style="list-style-type: none"> • thinning is permitted WHILE <i>Observed stems_{ij} > Benchmark stems_j</i> ELSE • thinning proposals must be assessed as for other clearing proposals; where • <i>observed stems_{ij}</i> is the median number of stems observed in the <i>j</i>th diameter class within the <i>i</i>th vegetation Zone.” <p>[In the 9th paragraph;]</p> <p>“Benchmark stems_j is the benchmark number of stems for the vegetation type observed on the site for the <i>j</i>th diameter class.”</p> 	<p>“Stems can be thinned to the benchmark values of stem densities for each diameter class. That is:</p> <ul style="list-style-type: none"> • Thinning is permitted while <i>retained stems_{ij}</i> are greater than or equal to <i>benchmark stems_j</i> • Thinning proposals must be assessed as for other clearing proposals where retained stems_{ij} are less than benchmark stems_j <p>Where:</p> <ul style="list-style-type: none"> • <i>retained stems_{ij}</i> is the median number of stems retained in the <i>j</i>th diameter class within the <i>i</i>th vegetation zone • <i>benchmark stems_j</i> is the benchmark number of stems for the vegetation type observed within the vegetation zone on the site for the <i>j</i>th diameter class.” <p>In the 9th paragraph, delete the text set out in the “Current Wording” column.</p> 	
42	Section 5.5	<p>“Stem density. Number of stems per hectare, measured in plots as number of stems per 0.1 hectare.”</p> <p>“Plot. Area in which condition assessment is undertaken, usually 0.1 hectare or 0.04 hectare depending on the condition variable being measured.”</p>	<p>In “Stem density” definition, delete the words, “as number of stems per 0.1 hectare”.</p> <p>In the “Plot” definition, delete the words “,usually 0.1 hectare or 0.04 hectares depending on the condition variable being measured”.</p>	The wording needs to include full references for vegetation formation and the size of the plots for condition and stem densities needs to be removed.
44	Sections 5.7.1(c)	[See “Suggested Changes” column.]	In subparagraphs i), ii) and iii) in dot point	The EOAM refers to projected foliage

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			(c) in Section 5.7.1, delete "projected foliage cover" wherever it appears and replace it with "per cent foliage cover".	<p>cover in the definition of condition. The wording should be consistent and refer to per cent foliage cover in every condition definition.</p> <p>There is a difference between measuring projected foliage cover and percent foliage cover and therefore it should be made consistent and also to be consistent with the definitions in the BioMetric manual. Per cent foliage cover is correct.</p>
67	Table 7.1	[See "Suggested Changes" column.]	In the first column delete "Central West—CP" wherever it appears and replace it with "Central West--All"	Typographical error.