

# NSW SCIENTIFIC COMMITTEE

Native Vegetation Regulation Review  
Conservation Policy and Strategy Section  
Office of Environment and Heritage  
Level 12, PO Box A290  
SYDNEY SOUTH NSW 1232

Dear Sir/ Madam,

I refer to the Review of the Native Vegetation Regulation: Private Native Forestry and Koalas. The Committee apologises for not being able to provide comments within the public consultation period.

The Scientific Committee has already provided some comments on the Koala prescriptions and related matters in its submission dated 24<sup>th</sup> August 2012 on the PNF Code of Practice such as the listing or delisting of recognised feed trees; and the recognition that low levels of activity does not mean that there are no Koalas in an area. The Committee also commented on some matters that are indirectly relevant such as the change in description of land tenure that can potentially be considered for native forestry and the change of timing of notification to the EPA of forestry operations

With regard to the three suggested options for using Koala Habitat mapping in the Private Native Forestry (PNF) regulation, the Committee supports the NSW Government position as outlined on page 7 of the document i.e. "The NSW Government considers that, where possible, the most accurate and up-to-date evidence of the presence of koalas and their habitat should be used in the planning and operation of PNF".

The Committee notes, however, that the website of the Office of Environment and Heritage (OEH) provides significant caveats on information provided from the Atlas of NSW Wildlife. Specifically, OEH cautions that data from the Atlas does not provide the full distribution of a species, but rather reflects a mix of reported sightings, some of which have greater reliability than others. Consequently, current available information may not be adequate if based on Atlas data alone, and validated site-based information should also be required. The Committee considers that an appropriate standard in relation to threatened native fauna is to ensure decisions are based on up-to-date information and so, of the three options identified, supports Option C (i.e. on-ground validation of the presence or absence of Koalas required after triggering of certain mapping categories).

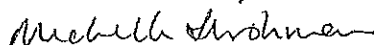
# NSW SCIENTIFIC COMMITTEE

With regard to the question of costs, it is presumed that local and state governments already contribute significant funding toward gathering and collating information on areas where the Koala occurs as well as providing mapping to enable the preparation of Koala Plans of Management. Where these data indicate that specific site-based observations are required for an area proposed for forestry operations it is recommended that this cost be met from those who will benefit financially from the proposed forestry operations.

On another matter, regarding the Draft Private Native Forestry Code of Practice, the Committee noted the provisions prohibiting forestry operations in Critically Endangered Ecological Communities. This is appropriate for the most threatened ecological community classification (i.e. Critically Endangered). However, Critically Endangered Ecological Communities also have the same "listed ecological communities" condition that applies to Endangered Ecological Communities and Vulnerable Ecological Communities: i.e. the prohibition of forestry operations would only apply to those Critically Endangered Ecological Communities that are listed in the Schedules of the Threatened Species Conservation Act at the time the Minister approves the Property Vegetation Plan (PVP).

It is noted that section 30 the *Native Vegetation Act* 2003, states that "A property vegetation plan has effect for such period as is specified in the plan, subject to a maximum period of 15 years in the case of provisions of the plan for the clearing of native vegetation". The Scientific Committee does not support this potential time delay of up to 15 years in the case of Critically Endangered Ecological Communities as it is inconsistent with the intent of the operational condition that "Forest operations may not occur in Critically Endangered Ecological Communities" and it is inappropriate that there should be any potential loophole or delay in the protection of Critically Endangered Ecological Communities listed after a PVP is approved by the Minister. The Committee considers that this proposal should not proceed unless it is accompanied by a funded program for OEHL to identify all Critically Endangered Ecological Communities in NSW and prepare nominations for listing to the Scientific Committee as a matter of priority. The Scientific Committee is a part time Committee and is unable to undertake such a task itself without considerable additional resources.

Yours sincerely



-4 OCT 2012

Associate Professor Michelle Leishman  
Chairperson  
Scientific Committee