



Office of
Environment
& Heritage

Our reference: ED11/347
Contact: Linda Bell, 02 9995 6735

Mr Stephen Palethorpe
Committee Secretary
Senate Environment and Communications References
Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

- 8 APR 2011



Dear Mr Palethorpe

I am writing to you in relation to your letter dated 8 March 2011 inviting the Department of Environment, Climate Change and Water to respond to a submission to your inquiry into the status, health and sustainability of Australia's koala population. The NSW Government has recently transferred the functions undertaken by that Department to the new Office of Environment and Heritage (OEH).

We are committed strongly to efficient and effective environmental regulation and have a solid reputation for doing so across the wide range of regulatory responsibilities. In this case, a regulatory framework is in place designed to protect threatened species, such as koalas, in forestry situations on both public and private lands.

Under the NSW Forest Agreements, OEH is charged with actively regulating forestry activities on public land in accordance with Integrated Forestry Operations Approvals (IFOAs). The IFOA's provide an integrated landscape management approach for regulating timber harvesting in six regions in NSW, by bringing together legislative and best practice operational planning, environment protection and threatened species requirements. There are specific conditions to protect koalas within each applicable IFOA. These spell out particular protective actions that Forests NSW must take to protect koalas and their habitats when they are planning and conducting forestry operations. OEH has an active audit program to ensure that these conditions are adhered to. Where breaches are detected, a regulatory response and possible enforcement action (which can include prosecution) is taken. We report in annual reports tabled in the NSW Parliament on the results of our regulatory activities on forestry.

The comprehensive regulation of logging on private property commenced in August 2007, with the passage of the *Native Vegetation Act 2003*, and subsequent adoption of the PNF Code of Practice. Prior to that, 80 per cent of the area of private native forests was unregulated.

In relation to private native forestry (PNF), the Code of Practice has general prescriptions that provide an overall level of protection for native flora and fauna, including koalas. Where there is a known record (in the NSW Wildlife Atlas) or there is site evidence of koalas being present, additional specific prescriptions, such as retention of additional feed and habitat trees, are imposed. In some cases these prescriptions prohibit forestry operations completely.

To ensure its regulatory approach remains efficient and effective, OEH regularly reviews all its policies and processes. As we are also committed to transparency, the results of these reviews and OEH's response are made public. As PNF regulation had been in place for 3 years, OEH commissioned a review of its operation. This review is available on the website listed below. It showed areas of good practice and areas needing improvement. As a result, OEH has determined to enhance the regulation of forestry related matters including:

- implementation of the four recommendations from the *Independent Quality Assurance review of OEH's Old Growth and Rainforest Private Native Forestry assessment protocols interpretation and implementation* (available on the OEH website: <http://www.environment.nsw.gov.au/pnf/index.htm>);
- the establishment of a dedicated private native forestry compliance team to review and revise compliance policies and procedures;
- targeted auditing of private native forestry activities to focus on operations in areas of highest environmental risk, including koala habitat;
- ongoing monitoring in collaboration with scientists from the Australian National University to identify key koala areas, including a recent three-year intensive survey program for koalas in the Eden crown forestry management area;
- working closely with Forests NSW to review the koala conditions within the IFOAs to ensure koala management prescriptions represent best practice under the Crown Forestry licensing regime; and
- an examination of options for on-site threatened species assessment as recommended by the Natural Resources Advisory Council, a key stakeholder advisory body to the NSW Government.

As our previous submission showed NSW has a multi-strand program in place to protect the koala including a Koala Recovery Plan, active establishment and management of protected areas and proactive regulatory programs which are kept under regular review for improvement.

Yours sincerely

LISA CORBYN
Chief Executive