

NSW Threatened Species Scientific Committee

Response to a Question from the Regulation Committee Inquiry into Local Land Services Regulations

QUESTION:

What are the issues with the mapping [advisory layer depicting the distribution of Monaro Tableland Cool Temperate Grassy Woodland (MTCTGW) and Werriwa Tablelands Cool Temperate Grassy Woodland (WTCTGW)]?

ANSWER:

The NSW TSSC is unable to advise whether the advisory layer is an accurate representation of the distributions of MTCTGW and WTCTGW because the Department of Planning, Industry and Environment has not provided a description of the methods used to compile the map or the spatial data layer for analysis.

Based on a qualitative appraisal of the map, the TSSC can advise that:

- the distribution of MTCTGW appears to be represented more widely than was understood by the TSSC at the time the conservation risk assessment was undertaken;
- the distribution of WTCTGW appears to be represented less widely than was understood by the TSSC at the time the conservation risk assessment was undertaken;

Depending on the methods used in the compilation of the advisory layer, these qualitative differences may indicate:

- a revision of the conservation status of MTCTGW is required;
- parts of the distribution of WTCTGW are not represented in the advisory layer and may therefore be affected by native vegetation clearing carried out under the LLS Act according to Land Management (native vegetation) Code.

QUESTION (extract from Transcript):

Ms CATE FAEHRMANN: I am trying to get a sense of the time line of this determination. I have a publication date in the submission of 28 June. Is that roughly the time that you submitted that to government? Is the publication date determined by government or is that when the scientific committee puts it on the website, for example?

Mr TOZER: No, there is a process. The committee advises the Minister—and I am not exactly sure of the process—prior to making a final determination. In this case, there was a delay because of the novelty of the situation, which I believe derived from the fact that under the new legislation this was the first listing for critically endangered community and the implications in terms of providing advice about the location and other matters had not been finalised.

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Ms CATE FAEHRMANN: It is the first listing of the critically endangered community under the new—

Mr TOZER: Technically I think it would be on land subject to the Local Land Services Act. There are some other critically endangered communities that are not covered by that Act.

The Hon. NIALL BLAIR: But you do not know the process. Could you take that on notice and give us the process?

ANSWER:

I believe this question relates to the listing process and timeline for the Final Determinations for

- Werriwa Tablelands Cool Temperate Grassy Woodland in the South Eastern Highlands and South East Corner Bioregions, and
- Monaro Tableland Cool Temperate Grassy Woodland in the South Eastern Highlands.

The Preliminary Determinations were placed on public exhibition on the Environment website from 24th August 2018 until 19th October 2018. Statutory advice on the Preliminary Determinations was also provided to the Chief Executive of the Office of Environment and Heritage.

The public exhibition of a Preliminary Determination provides an opportunity for comment on the Determination and for any further information relevant to the assessment of the ecological community to be provided to the Committee. The Committee must consider any submissions received during the exhibition period.

The Final Determinations were published on the Legislation website on 28 June 2019. This is the date the ecological communities were listed as Critically Endangered in Schedule 2 of the Biodiversity Conservation Act 2016. The Notice and reasons for the Final Determinations are published on the Committee's webpages on the Environment website.

<https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations>

Statutory advice on the Final Determinations was also provided to the Chief Executive of the Office of Environment and Heritage.