

August 2023

NSW plantation owner/manager's guide

Unique or Special Wildlife Values

This document outlines the obligations of plantation owner/ manager's relating to unique or special wildlife values under the Plantations and Reafforestation Act 1999

Plantation owners and managers responsibilities

Plantation owners or managers have a statutory responsibility to notify the Department of Primary Industries (DPI) Plantation Regulation Unit as soon as they become aware that plantation operations have or are likely to have an impact on unique or special wildlife values (USWV) within an authorised plantation.

Part 4 of the *Plantations and Reafforestation Act 1999* (the Act) contains provisions to protect USWV on an authorised plantation and sets out the matters to be dealt with in the evaluation and reporting relating to the likely impact on unique or special wildlife posed by plantation operations.

Definitions

USWV are defined as any endangered species, endangered ecological community or species presumed extinct that **is or is likely to grow on or inhabit the authorised plantation.**

For the purposes of the Act, land has **unique or special wildlife values** if:

- (a) any unique or special wildlife grows on or inhabits the land, or
- (b) any such wildlife is likely to grow on or inhabit the land.

Unique or special wildlife is:

- (a) any endangered species, endangered ecological community, or extinct species, within the meaning of the *Biodiversity Conservation Act 2016*, being a species of (or ecological community that includes) a vascular plant, amphibian, bird, mammal, or reptile, or
- (b) any endangered species, endangered ecological community or species presumed extinct (within the meaning of Part 7A of the *Fisheries Management Act 1994*), being a species of (or ecological community that includes) fish.

Unique or special wildlife does not include any tree or shrub that is planted on an authorised plantation in the course of establishment or other operations on the plantation.

Plantation operations means any or all of the following:

- a) establishment operations - activities carried out for the purpose of establishing a plantation, for example, the clearing of land, the use of pesticides, herbicides and fertilisers and the provision of access roads in establishing a plantation, and the planting of trees or shrubs,

- b) management operations - the carrying out of activities relating to the on-going management of a plantation (for example, silvicultural thinning, weed control, grazing, the maintenance of access roads and similar maintenance operations). Management operations includes any harvesting of timber that does not exceed the maximum amount of harvesting permitted by the Code for management operations,
- c) harvesting operations - the cutting and removal of timber from a plantation for the purpose of timber production, including the provision of access roads after establishment of a plantation to enable or assist the cutting and removal of timber or the carrying out of such other activities as are necessary for the efficient cutting and removal of timber.

Plantation operations do not include the demolition or erection of buildings (within the meaning of the *Environmental Planning and Assessment Act 1979*), or the building of dams, weirs or reservoirs.

Impact or likely impact

To be “likely,” the impact on the USWV can be real or not remote chance or possibility of happening. Note, a “likely” impact does not need to have a greater than 50% chance of happening.

For a plantation operation to have an impact or likely impact on USWV, the values must be present within the authorised plantation area. If the unique or special wildlife (endangered species or community) is not likely to occur or not known to occur within the plantation, an impact is not likely.

When to notify of impact or likely impact of plantation operations

Plantation owners or managers have a statutory responsibility to notify the Department of Primary Industries (DPI) Plantation Regulation Unit as soon as they become aware that plantation operations have or are likely to have an impact on unique or special wildlife values within an authorised plantation.

Notification of unique or special wildlife values under Part 4 of the Act, would be required when there is:

- the presence of the unique or special wildlife values on the plantation, and
- impact or likely impact on those values by a specific planned operation.

If the plantation owner or manager makes adjustments to plantation operations and puts in place actions that they are confident will avoid impact or likely impact of plantation operations on USWV, a notification is not required. For example, if the plantation owner considers that measures such as increased riparian buffers, sediment fencing, temporary suspension of harvest or modified establishment methods will remove any likelihood of any adverse impact on USWV then there is no requirement to notify DPI.

If adjustments to a planned plantation operation cannot be made so as to avoid impact or likely impact on known USWV in the authorised plantation and the plantation owner/manager wishes to proceed with the operation, notification is required.

If the plantation owner or manager is uncertain of the presence of unique or special wildlife values and/or the likelihood of impact, it is recommended they seek advice from a suitably qualified person/s.

Notification can be made by using the [Notification of USWV Form](#).

What happens if there is impact or likely impact on unique or special wildlife values?

The Minister (in practice DPI under delegation) is required to arrange an evaluation of the specified impact or likely impact of plantation operations on USWV and for a report to be prepared on the matters specified in 34(2) of the Act when:

- The Minister or DPI is notified by the owner or manager that plantation operations on the plantation have or are likely to have an impact on USWV, or
- The Minister or DPI otherwise become aware that plantation operations have or are likely to have an impact on USWV.

DPI will arrange for:

- an evaluation of the impact or likely impact on USWV of the land concerned, and
- a report that details the following matters:
 - the existence and extent of USWV,
 - the extent to which plantation operations are likely to have an adverse impact on those values,
 - whether plantation operations in all or part of the authorised plantation must be prevented, suspended for a period or modified so as to minimise the adverse impact, and
 - in the case of an authorised timber plantation – the extent of the direct financial loss, if any, arising from harvesting operations on the plantation being delayed, restricted or prevented altogether in order to USWV.

The Minister administering *the Biodiversity Conservation Act 2016* will be notified of the arrangements. DPI may by notice to the plantation owner or manager, direct plantation operations to be suspended in all or part of the plantation for a specified period or pending determination of the matter.

On consideration of the completed report, DPI may direct that plantation operations are not to be carried out in part or all of the plantation, be suspended for specified periods or place restrictions on plantation operations in all or part of the authorised plantation. Any such direction becomes a condition of the authorisation.

The *Plantations and Reafforestation Act 1999* sets circumstances in which compensation may be payable to the owner of an authorised timber plantation if plantation operations are directed to be delayed, restricted or precluded altogether.

Information that may be provided for evaluation of impacts or likely impacts

Listed below are some of types of information that may be able to be provided by the plantation owner or manager to DPI to assist in and expedite the evaluation of impacts or likely impacts.

The existence and extent of unique or special wildlife values

- Endangered species, populations or ecological communities known or likely to be found in the area of operation – this could include habitat requirements, estimates of abundance, key threatening processes, whether there are threat abatement or recovery plans available.
- A description of the location, type, size and condition of the habitats (including critical habitat) of endangered species, populations and ecological communities – this description should include details of the distribution and condition of similar habitats in the area likely to be affected.

The extent to which plantations operations are likely to have an adverse impact on USWV

- A description of the nature, extent, location, timing and layout of the proposed plantation operations.
- A description of how the specified plantation operations have, will or are likely to impact on the unique or special wildlife values of the plantation.

It would further assist DPI in evaluating any such information provided if the qualifications and experience of the individuals involved in preparing the unique or special wildlife information was also provided.

Getting help

For further information or to notify of USWV please contact your local [DPI Plantation Officer](#).

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