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Anniversary and Birthday Gift Idea

For a romantic and secluded getaway see *Rose Lindsay Cottage, in the Blue Mountains near the Norman Lindsay Gallery.*

www.roselindsay.com.au

Threatened Communities News

Cumberland Plain Woodland nomination

The Cumberland Plain Woodland endangered ecological community has been nominated under the Environment Protection and Biodiversity Conservation Act 1999 to be up-listed to a critically endangered ecological community. The

Threatened Species Scientific Committee has welcomed the views of experts, stakeholders and the general public on this nomination. The public comment period closed on 18 May 2009.

For more information, visit <http://www.environment.gov.au/biodiversity/threatened/communities/cumberland-plain-woodlands.html>

EPBC Act News

Senate Committee's first report on the EPBC Act review

The first report of the Senate Standing Committee on Environment, Communications and the Arts on the operation of the *Environment Protection and Biodiversity Conservation Act 1999* has been released. The report covers several key issues, including the scope of the Act; the referral, assessment and

approval process; the agreements and coordination between governments and agencies; threatened species and ecological communities; and community and stakeholder engagement.

The committee makes 10 recommendations in the report. Most importantly, the committee calls for a greenhouse and land clearing trigger and an expansion of the merits review process currently available under the Act.

Abel Ecology Product News

Radiant Heat Calculator

Our calculator is now live on our web site, with a button on our home page. You are able to use it for free. We invite users from any area to send us local input values so that we can make it functional for any country or state. It is a tool with global application. Many countries with extensive Eucalypt forests, such as Brazil, South Africa, Spain and USA are expected to find the calculator helpful.



Plant Identification Service

For a very reasonable fee Abel Ecology can identify your unknown or troublesome plants, even if you don't have ideal specimens. Our resources include over 30 years of combined experience in identifying plants, an extensive herbarium collection (approx 10,000 specimens), magnification equipment and an extensive reference library.

Guidelines for packaging and posting and the current price list are available on the Abel Ecology website: www.abelecolgy.com.au

BioBanking

The new list of “wanted ecosystem and species credits” on the Department of Environment and Climate Change website allows prospective buyers of biodiversity credits (such as developers and philanthropic organisations) to inform current and future credit holders (such as landowners and local councils) of the type, location and number of credits that they require.

See the link to access the list of “wanted ecosystem and species credits”:

<http://www.environment.nsw.gov.au/biobanking/listwantedcredits.htm>

There are none there as yet but watch that space! There are also still other empty pages on the web site.

If you wish to display the credits

that you want to buy, download the [Credits Wanted Form](#) (09238bbcwf.pdf, 79KB) and submit the completed form to DECC. The details of the credits that you require will be placed on the BioBanking website within 1-2 working days of submitting the form.

For inquiries relating to the BioBanking Scheme, email:

biobanking@environment.nsw.gov.au

New Australian Standard 3959-2009

Construction of buildings in bushfire-prone area

The 2009 edition of AS 3959 has been published by Standards Australia as an Australian Standard on 10th March 2009, replacing the previous version of 1999. It sets out requirements for the construction of buildings in bushfire-prone areas in order to improve their performance when they are subjected to burning debris, radiant heat or flame contact generated from a bushfire. Also includes a methodology for assessing categories of bushfire attack in respect of a site situated in an area that has been designated by a relevant authority as bushfire-prone.

Scope

This Standard specifies requirements for the construction of buildings in bushfire-prone areas in order to improve their resistance to bushfire attack from burning embers, radiant heat, flame contact and combinations of the three attack forms.

Although this Standard is designed to improve the performance of buildings when subjected to bushfire attack in designated bushfire-prone areas there can be no guarantee that a building will survive a bushfire event on every occasion. This is substantially due to the unpredictable nature and behaviour of fire and the difficulties associated with extreme weather conditions.

Application

The intended use of this Standard is as follows:

This Standard is limited to those sites where the Bushfire Attack Level (BAL) has been determined as BAL-LOW, BAL-12.5, BAL-19, BAL-29, BAL-40 or BAL-FZ and sets out construction requirements for each level.

The Building Code of Australia and NSW Planning for Bushfire Protection 2006 is expected to ultimately be amended as a result of the new AS3959.

Removal of a threatened ecological community proves costly: *Pittwater Council v Scahill [2009] NSW LEC*

In this recent Land and Environment Court case, a North Sydney arborist pleaded guilty to the removal of two trees from a property on the northern beaches. The trees were part of the Pittwater Spotted Gum Forest community, which occurs on the Barrenjoey Peninsula and western Pittwater foreshores.

The forest has been extensively cleared and the continued threat of further clearing has seen the ecological community placed under the protection of the *Threatened Species Conservation Act 1995* (NSW). Removing the trees was a

breach of the Pittwater Council's Tree Preservation Order and Management Order. The removal of the trees also constituted a breach of s 125(1) of the *Environmental Planning and Assessment Act 1979*.

In determining the appropriate sentence for the defendant the court considered the ecological and amenity value that the trees had within the endangered Pittwater Spotted Gum Forest community. The Court also took into account the occupation of the defendant and the need for a greater level of knowledge and therefore culpability from an

individual in the defendant's trade. The court ordered the defendant to pay a fine of \$11,000 and the council's costs of proceedings.

The case serves as a warning to all people involved in tree removal and pruning. Arborists must ensure that all requirements under the current environmental planning instruments are met before commencing work for a prospective client within NSW.

The full decision of the Land and Environment Court can be found at <http://www.lawlink.nsw.gov.au/lecjudgments/2009nswlec.nsf/61f584670edbfba2ca2570d40081f438/efcd00dcb5daa488ca2575860016b75c?OpenDocument>

Wetland clearing prosecution under NVA case

<http://www.abc.net.au/news/stories/2009/02/11/2488334.htm>

One of Australia's biggest cases of illegal land clearing has resulted in a \$408,000 fine for a

New South Wales landowner who bulldozed 450 hectares of wetlands that are important breeding grounds for migratory birds on the Gwydir River in

north-west NSW.

In the largest successful prosecution for illegal land clearing in NSW history, the Land and Environment Court convicted John Ross Hudson on two counts of breaching the Native Vegetation Act.

New infrastructure laws for NSW

The *Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009* has passed through NSW parliament. The implications of this Act are very significant. The Act applies to infrastructure projects identified as critical through the COAG (Council of Australian Governments) funding process.

Part 5 of the Act allows the new Coordinator General to make an order by writing that the *Environmental Planning and Assessment*

Act (EPA Act) does NOT apply to such projects. Additionally, the Act cannot be prohibited by a Local Environment Plan, it cannot be assessed under Part 5 of the EPA Act and it cannot be declared as a Part 3A project. Alternatively, authorisation is sought from the Coordinator-General who may, upon approval of the project, attach conditions (including environmental protection). He/She may specify public notification requirements once authorisation is given.

There is no scope for public submissions or public participation prior to an authorisation being granted and there are no appeal rights to authorisation.

The full *Nation Building and Jobs Plan (State Infrastructure Delivery) Act* can be viewed here:

[http://www.legislation.nsw.gov.au/sessionalview/sessional/TITLE/Nation%20Building%20and%20Jobs%20Plan%20\(State%20Infrastructure%20Delivery\)%20Act%202009%20No%201.pdf](http://www.legislation.nsw.gov.au/sessionalview/sessional/TITLE/Nation%20Building%20and%20Jobs%20Plan%20(State%20Infrastructure%20Delivery)%20Act%202009%20No%201.pdf)

University appointment

Dr Danny Wotherspoon has been appointed as an adjunct research fellow to the University of Western Sydney. His research interests include plant and animal species diversity in Littoral Rainforest, Blue Gum High Forest and

Eastern Suburbs Banksia Scrub, genetic provenance for bush regeneration, road design and impact of roadkill on fauna, BioBanking and offset strategies, animal home range, cane toad invasion and control, impact of habitat

fragmentation on flora and fauna, use of artificial water storages by international migratory wading birds, and golf course management. He has had four papers published already in 2009 and there are more in the pipeline.

Sustainability Planning

Graham Dowden (BSc, MAppSc (Biochem, UTS), MAppSc (Env Sci, Sydney), Cert. III Conservation and Land Management) has joined our team as a sustainability

expert. Graham's expertise in sustainability in both energy and ecology enables him to bring a strategic approach to planning significant developments. His background is

botany, landscape scale GIS mapping and biochemistry, with a particular interest in "green" technology.

Conference News

A conference on ecology and engineering of roads and other linear infrastructure was held in Brisbane on 6th-8th May, hosted by the Environment Institute of Australia and New Zealand, of which Dr Wotherspoon is a member. A great deal of research literature and experience in

construction and monitoring is available to guide planners and engineers. We presented two posters and met with a range of academics and practitioners involved in ecological management for roads. People from all Australian States, Europe and United States were present.

A field trip was made to two highly successful, innovative fauna management construction and management projects around Brisbane City. The issue is a research interest for us and is relevant to some of our current projects.



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