

Land Management and Biodiversity Conservation Reforms

Office of Environment and Heritage

PO Box A290

Sydney South NSW 1232

25 July 2018

Submission on the proposed changes to licence classes under the *Biodiversity Conservation Act 2016*

Sydney Olympic Park has very high biodiversity values, being ranked as one to the ten most significant areas of fauna habitat in the Sydney metropolitan catchment area (DECC 2001), as well as supporting three endangered ecological communities and extensive mangrove forest. Highly degraded remnant vegetation has been restored to good condition over the past 20 years, and this is now supplemented by extensive areas of constructed habitats built in the 1990s on remediated lands and constructed soils. The Park supports one of the largest remaining populations of the endangered Green and Golden Bell Frog in NSW and the Park is identified as a Priority Managed Site for the species under the Government’s Saving Our Species program. Exotic grassland and constructed wetlands are a large component of this frog’s core habitat at the Park.

Sydney Olympic Park Authority seeks to appropriately conserve and enhance wildlife habitat with general vegetation management and a habitat enhancement program. In order to do so, the Authority holds a section 132C licence under the *National Parks and Wildlife Act 1974* to undertake management of threatened species habitat within Sydney Olympic Park. The Authority has also held licences for harm to Australian White Ibis and possession of taxidermied animals.

As such, we welcome the opportunity to provide input to changes to wildlife licencing under the *Biodiversity Conservation Act 2016* and Regulations..

Section	Comment
General	<p>The Authority is in favour of online lodgement of all licence applications and data returns. Ideally, applicants should have an online account that</p> <ul style="list-style-type: none">• lists all applications, licences granted current or past, along with data entered;• application renewals should be streamlined. At the moment, the s121 occupier’s licence for ibis management lasts only 3 months. To renew, the Authority is required to fill out the same form with the same details. Online lodgement should allow applicants to renew a licence with existing details, where those details have not changed (e.g methodology, species and numbers to be harmed, location and licence holder). <p>The codes of practice should:</p> <ul style="list-style-type: none">• include a mix of mandatory (enforceable) standards supported by practical guidance material• where appropriate, are also incorporated into the conditions of BC Act licences for related activities.

It should be noted that much of the public is unaware that native animals and plants are protected in any way let alone that licences are required for the keeping or moving of native species. Any changes to licencing/codes of conduct should include a supporting education campaign.

4.2 Landholder's licence to harm

The Authority employs a feral and pest animal management company to carry out activities that may harm protected wildlife during control activities. This company also works for several local government agencies across Sydney. The company holds a general licence and it is the company's responsibility to ensure all staff are listed on the licence. At the moment, the company would notify OEH of any changes in staff. If the general licence is replaced by each landholder listing each and every shooter under their landholder's licence, then OEH would receive multiple requests to update existing licence from various agencies, which would only add to their administrative burden.

Improvements to standard conditions of a landholder's licence to harm could include an appropriate time frame for licensee to submit data record sheet of all animals harmed in licence conditions e.g. within 2 months.

4.2.2 – Protected birds

The Authority currently applies for a licence to harm Australian White Ibis for the purposes of controlling nesting in areas of food production and event spaces. The Australian White Ibis is seen as a valuable component of the Parks biodiversity and nesting is uncontrolled in the majority of the precinct.

The Authority supports the continuation of licences for harm to protected birds as this could accumulatively become a high risk activity in terms of welfare concerns, and should only be carried out by reputable, licenced and experienced persons. Codes of practice are valuable guidelines, however, without licencing requirements, OEH would have no understanding of the extent of harm being carried out. It would also be a lost opportunity to provide information to licence applicants e.g. on non-lethal management, change in species population and listing under the BC Act etc.

An example code of practice would reduce administration for OEH and provide applicants with clear guidelines on how birds should be managed to reduce the need to kill individuals. This should not be a substitute for licencing but an additional tool to ensure works are carried out to best practice. Licencing ensures that applicants first seek to control birds via a non-lethal method, for example tree pruning or nest removal prior to egg laying.

Under current conditions, licences for harming Ibis are available for three months only, increasing administration load on applicants and OEH. The Australian White Ibis can breed year-round depending on conditions. A 3-month licence may impede with prompt action required for management, or prevent ongoing management (e.g. removal of nests). In order to be prepared to respond quickly to Ibis nesting in inappropriate areas, applicants need to be pro-active and apply for license during the window of opportunity – between the construction of nests and the

	<p>production of eggs. The expected response from OEH is 28 days (Div 2.3, s2.29 of the BCA Regulations). The Authority recommends that licences be issued for a minimum of one year and the application form should include questions on the proposed period of activity and justifications so that the approved licence period reflects management needs.</p>
<p>4.3 Catch and release possums</p>	<p>The Authority supports the retention of licencing under an approved code of practice for the removal of possums by professional operators as it is unclear how a code of practice would have enforceable standards and how OEH would audit possum relocation.</p> <p>The removal of licencing for the activity may increase the number of possums removed from private and public areas and released into public spaces such as Sydney Olympic Park with consequences to the health of both the introduced possum and the resident animals.</p> <p>The Authority supports the removal of landholder’s licence requirement to harm for this activity. It would greatly reduce administrative burden on landholders and the OEH. The OEH would still receive data on possum relocation activities through licensing requirements for the capture and release of possums.</p> <p>Any licencing requirements must include the landholder’s consent to release a possum.</p>
<p>4.4 Catch and release reptiles</p>	<p>The Authority supports the retention of a licence for this activity.</p> <p>There have been situations where non-dangerous and dangerous reptiles have been released into the Park without landowners consent.</p> <p>A code of practice must emphasise that the landowners consent is required for the release of any reptile. Under the current requirements, consent is identified as required only from the local NPWS officer.</p>
<p>5.1 Animal keeper licences</p>	<p>The Authority recognises that the administration load for this category of licence is high however as stated above, the reduction in overview, auditing and control for wildlife through the replacement of licences with codes of practice may lead to increased dumping of unwanted pets and potential theft of species from the park. Codes of practices are valuable guidelines, however, without licencing requirements, OEH would have no understanding of the number of animals in care/plants being harvested or their source.</p> <p>As stated in section 5.1.2, the Authority is concerned that the removal of a need for licence will increase the impulsive purchase of animals leading to increased dumping of unwanted pets in public spaces and parks. There is also the risk of new genetic material being introduced into the Park as subspecies or animals sourced from other states may be released and breed with local species.</p>
<p>6 Scientific licences</p>	<p>The Authority currently holds a section 132C licence under the <i>National Parks and Wildlife Act 1974</i> to undertake management of threatened species habitat within Sydney Olympic Park based on a Biodiversity Management Plan. This licence includes bush regeneration activities and</p>

habitat management for the Green and Golden Bell Frog among other activities.

From the information supplied in the discussion paper, it is assumed that the Authority will continue to require a licence to manage threatened species habitats at Sydney Olympic Park.

As stated in previous sections, the move from licencing to codes of practice reduces screening of potential operators where activities should only be carried out by reputable, licenced and experienced persons. The move from licencing to a code of practice for bush regeneration may increase the potential of inexperienced landscape companies undertaking bush regeneration activities in threatened communities. This increases the onus on landowners to have enough knowledge to understand/ensure codes are adhered to. If a code of practice is introduced, annual reporting to the OEH should occur to ensure that management is improving/maintaining community condition.

The Authority supports the retention of licencing for seed and/or propagule collection for threatened species and communities. If a code of practice is adopted for seed collection of protected plants, the code must include a requirement to obtain landowners consent prior to collection.