

Dear Panel,

Please find my submission regarding the Independent Biodiversity Legislation Review.

I make these comments as an ecologist with experience in both the public and private sector, including experience in the Manly LGA dealing with endangered populations (little penguins and Long-nosed bandicoots) and critical habitat. These comments are made from my personal experience and express my personal opinion, the opinions expressed should not be considered the official opinion of Manly Council.

I have made comments related to the themes raised in the issue paper, with reference to the dot points in each theme. These are numbered below. I would like to thank the panel for their consideration of the below points and wish you luck during the (overdue) review of our biodiversity legislation.

Theme 4: Conservation in development approval processes

4. Does the regulatory system adequately protect listed threatened species, populations and ecological communities? Is there utility in specifically protecting these entities through the regulatory system?

The most powerful tool in legislating and motivating conservation management, within a public entity, has been the Recovery Plans (RP) and Draft Recovery Plans prepared by NPWS for threatened Species, ecological Communities and Populations. Consideration of RP's is directed through the existing planning mechanism, in particular part 5 of the EP&A act. Requirements for departures from the RP's, considerations of the RP's, reporting on RP's and the legal standing of the RP's are set out in the TSC act (including sections: 66,69,70 and 71).

Threatened species recovery programs in Australia and overseas are broadly similar and often involve mandatory preparation of species recovery plans. And this has aided the conservation efforts in NSW.

Over the past decade there has been a gradual shift by governments to remove these requirements and instead opt for programs which seek to allow greater flexibility in management approaches, coordinate data and 'encourage' rather than legislate biodiversity conservation management. This approach, is exemplified by the NSW Saving Our Species program, which sets admirable goals and is clearly scientifically rigorous, however appears to lack the legislative weight of the existing approach of mandating RP's.

I feel a combination of the RP's and SOS may be the most effective approach, and want to request from the panel very careful consideration of the implications of disbanding the existing mechanisms, in particular the RP's.

Theme 5: Wildlife management

4. Is the current framework for wildlife licensing, offences and defences, including those applying to threatened species, easily understood? Is the current licensing system too complex? How can it be improved and simplified to focus on conservation outcomes?

In relation to the s91 licences granted by the Office of Environment under the TSC Act, I feel a much higher level of flexibility should be granted to environmental works, in particular bush regeneration. A longer licence period, with a responsible agent (either individual or organization) who may be certified through the licence granting process, will cut red tape

and more importantly allow for environmental works which compliment the objectives of the TSC act to more easily take place.

Where environmental works may in the short term adversely impact a species in a minor way, but the long term is a benefit to the species, the licence protocol which currently exists is overly complex. Further, there seems to be inconsistencies between agencies and staff.

Theme 6: Information provisions

1. What information should be generated about the different kinds of value (for example, monetary and intrinsic value) of biodiversity and other natural assets in NSW?

I think a lot of work could be done in this regard, and a better understanding of ecosystem services would be hugely beneficial when proposing management actions. For example with the Grey-Headed Flying fox, the ecological services and benefits provided by their presence is not able to be quantified. Information to draw upon, which focuses on the interactions of species and communities would help justify budget allocation.

7. To what extent is the identification of critical habitat an effective tool for biodiversity conservation? Should we list critical habitat for more species where relevant and useful?

There is no doubt that the legal weight granted to critical habitat, including the associated penalties for impacting critical habitat and the requirement for concurrence for actions potentially impacting critical habitat, are effective in managing biodiversity conservation. However, whether the expansion of critical habitat for individual species or populations would a useful tool is uncertain. Critical habitat imposes a huge administrative burden and I think that whilst it may be effective in urban areas, such as the case with Manly's Little Penguins, the landscape/site management approach governed through SoS is probably more effective for the large majority of species.

When considering the Exempt & Complying Development - Codes SEPP, the important contribution of critical habitat declarations, in ensuring potential impacts are appropriately assessed, becomes obvious. As such, the existing Critical habitat Declarations should not be changed.

Regards,

Jacob Sife