



Wollemi pine

W. Jones/DEC

While there will be an ongoing role for recovery and threat abatement plans, in many cases recovery outcomes can be achieved by integrating actions with the mainstream processes that have an impact on the habitat of threatened species, populations and communities.

### Scientific Committee and the listing process

Listing of threatened species continues to be undertaken by the independent Scientific Committee.

The Scientific Committee will base listing decisions on prescribed criteria. These criteria will be consistent with those used by the Commonwealth Government.

Additionally, the Scientific Committee may identify species and communities as 'critically endangered'.

### Accreditation of environmental consultants

A new accreditation scheme for consultants will ensure unbiased and objective information is available for use in biodiversity certification, assessments of significance and species impact statements. Initial accreditation will be based on knowledge and experience.

Poor performance will result in withdrawal of accreditation based on a demerit point system.

### Advisory councils

Expert advisory councils will be established to advise the Minister and the Department of Environment and Conservation (DEC) on social and economic matters and in connection with biodiversity conservation.

### Third party appeals

Anyone may bring proceedings in the Land and Environment Court for an order to remedy or restrain a breach of the Threatened Species Conservation Act.

### Commencement

The *Threatened Species Legislation Amendment Act 2004* will come into force in 2005 along with the uncommenced amendments from 2002.

### Further information

For more information on the Threatened Species Conservation Act and the Amendment Act, please contact:

#### Biodiversity Conservation

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Regent bowerbird

P.Green/DEC

# Conserving Biodiversity



## Threatened Species Legislation Amendment Act 2004



DEC 2005 /14 /Mar 2005



Department of  
Environment and Conservation (NSW)

# Conserving Biodiversity



Green and golden bell frog

A. White

## Introduction

The NSW *Threatened Species Conservation Act 1995* identifies and protects native plants and animals in danger of becoming extinct. The Act also provides for species recovery and threat abatement programs.

More than 80 species of native plants and animals have recently become extinct in NSW and around 1000 more are threatened with extinction.

The *Threatened Species Legislation Amendment Act 2004* signals the NSW Government's commitment to integrating conservation into decisions about how we use land and build our economy.

## The Amendment Act in brief

The key areas covered in the Amendment Act are:

- in urban and coastal areas – the integration of biodiversity into strategic land-use planning, improvements to the development assessment process, and the accreditation of flora and fauna consultants
- in rural areas – threatened species conservation embedded within native vegetation protection and incentives for landholders
- the listing of threatened species maintained as a scientific process and based on defined criteria

- transparent prioritisation of recovery and threat abatement actions
- upgraded enforcement and compliance provisions
- expert advisory councils to advise the Minister for the Environment on social, economic and biodiversity implications.

## Urban and coastal areas

The Amendment Act enables the Minister for the Environment to certify Environmental Planning Instruments (EPIs) if satisfied that they will bring an overall improvement or maintenance in biodiversity values. This new scheme will encourage councils to address biodiversity and threatened species in the strategic planning stage. A separate threatened species assessment will not be needed for development applications in areas that have certified EPIs.

Biodiversity certification will be most relevant to local government areas with high development pressure and high biodiversity. A cooperative program between State and local government will be established to facilitate the certification of new EPIs for priority areas including the Far North Coast and the Lower Hunter.



Yellow-footed rock wallaby

DEC

## Rural areas

The Minister for the Environment may grant 'biodiversity certification' on the native vegetation reform package. This will allow farmers to undertake activities without the need for a separate threatened species licence. The reform package is defined as:

- the *Native Vegetation Act 2003* and the regulations under that Act
- statewide standards and targets for natural resource management issues recommended under the *Natural Resources Commission Act 2003* and adopted by the Government
- catchment action plans under the *Catchment Management Authorities Act 2003*
- protocols and guidelines adopted or made under the regulations of the above Acts.

Following certification, approved property vegetation plans or development consents under the Native Vegetation Act will not require a separate threatened species licence. Catchment Management Authorities will be the main point of contact for farmers in relation to native vegetation and threatened species conservation.

## Farming activities

A threatened species licence is not required for most everyday farming activities. However, specific activities with an unacceptable impact on threatened species, such as the shooting of eagles and culling of flying foxes, will be excluded from this exemption and will require a licence if they are to be carried out.

## Action on recovery

A new Threatened Species Priorities Action Statement is being developed. This will set:

- strategies to promote the recovery of each threatened species, population and ecological community
- a clear timetable for recovery and threat abatement
- performance indicators to gauge the effectiveness of recovery and threat abatement plans.