



TIMBER NSW

21 June 2017

Land Management and Biodiversity Conservation Reforms
Office of Environment and Heritage
PO Box A290
Sydney South NSW 1232

Dear Sir/Madam,

Re: Submission on NATIVE PLANTS AND ANIMALS

This submission has been prepared by Timber NSW in accordance with the Native Plants and Animals Submission Guide - Part 1- Protecting threatened species and areas of outstanding biodiversity value.

Please note: no comment has been made on Part 2 – Managing interactions with plants and animals.

1. Listing criteria

Timber NSW supports the updating of the 'listing criteria' to align with IUCN standards and the Common Assessment Method.

Timber NSW believes that the framework under the existing Threatened Species Conservation (TSR) Regulation 2010 has been subject to abuse, with the inappropriate listing of many species based on limited knowledge and weak supporting evidence. This has had a number of unfortunate impacts.

With over 1,000 species now 'listed', the threatened species legislation is adversely impacting on day to day forest management decision making. The effect of having so many species listed is so great that the maintenance of overall environmental health, productivity and resilience is being sacrificed to accommodate species-specific requirements. The essence of this problem is best captured by the expression 'can't see the wood for the trees'.

Inappropriate 'listings' add cost to day to day land management activities, trigger the need for additional surveys and affect the timing of events, causing unnecessary delays.

Timber NSW notes that the Regulatory Impact Statement prepared by the Centre for International Economics (CIE) failed in its duty to both recognise and cost the impacts of threatened species management.

It is critical that the BC regulations mandate a comprehensive and systematic review of all existing 'listed species'. This approach is essential if the new BC Act and Regulation are to be seen as consistent and credible when it comes to the creation of private conservation

reserves. For example, the presence of threatened species or ecological communities' is one of the criteria that is used to determine whether an area may be declared an Area of Outstanding Biodiversity. This means that a currently listed threatened species, which does not meet the definition of a threatened species under the new criteria, could be inappropriately used to create an AOBV.

Timber NSW strongly recommends that the NSW government dedicate and budget funds for the review of existing 'listed species' and conduct the review as a government priority.

2. Areas of Outstanding Biodiversity Value (AOBV)

a. Proposed criteria

We submit that the proposed criteria for AOBVs have been written in highly descriptive terms that are not scientifically quantifiable. Using the proposed criteria, we can expect the decision to declare an AOBV to be a highly subjective one. With over 1,000 listed threatened species to choose from we think almost any native vegetation that is in the agency's interest to choose could be described in a way that will meet the AOBV criteria.

An area makes a significant contribution to the persistence of “multiple species or at least one threatened species or ecological community” if:

Timber NSW believes that no area should be declared an AOBV until the NSW government has completed its review of existing 'Listed species' using the IUCN standards and the Common Assessment Method.

a. it provides resilience under periods of environmental stress that is important for their continued existence, or

Timber NSW does not support the above criteria on the basis that it could be used to argue for the inclusion of almost any non-descript area of native vegetation.

b. it sustains adaptive capacity or evolutionary potential, because it contains high levels of unique components of genetic diversity that will enable species to adapt to changing environments or it functions as an important ecological or evolutionary refuge able to sustain viable populations of species at risk due to climate change, or other environmental stressors, or

The criterion above is overly complex and value laden. There are no existing benchmarks or standards against which the application of this criterion may be objectively assessed or compared.

An area makes a significant contribution to the persistence of “irreplaceable biological distinctiveness” if:

a. it has a very high structural, functional or compositional diversity, or

For the criterion above to be objectively assessed will require the development of agreed standards/guidelines. For example, areas can achieve biological distinctiveness simply through the spatial arrangement of their components which in themselves may be non-distinct.

A critical element that is missing from the 'listing criteria' is the recognition of existing land-use practices and the role of people in applying those practices. It should be assumed that the way people are managing and using an area may be contributing positively to its

biodiversity value. The same area may also be contributing to other important values (e.g. socio-economic or cultural heritage).

If an area meets the criteria for declaration as an AOBV and it is being actively managed using best practice, then due acknowledgement and recognition must be given to that management.

The importance of the role of people has particular relevance in relation to areas that have outstanding ecological value for education or scientific research.

An area makes a significant contribution to the persistence of “outstanding ecological value for education or scientific research” if it contains established infrastructure or data related to long-term ecological research monitoring programs that establish an irreplaceable historical baseline, being the best site anywhere in NSW for long term research on particular species or ecological communities or ecological processes.

It will be a travesty if the role of the people who manage areas declared AOBVs is ignored or dismissed as unimportant and or results in them being replaced or disenfranchised.

Additional regulatory provisions are also needed to ensure that values other than ‘outstanding biodiversity’ are considered in the assessment process. If it is apparent through assessment that other existing land-uses are not diminishing the identified biodiversity values then these existing land-uses should be allowed to continue.

In summary, Timber NSW submits that the role of people and existing land-use practices must be explicitly recognised in the AOBV listing process.

3. AOBV Declarations

The AOBV declaration process does not properly address the rights of existing landholders affected by an AOBV nomination.

The AOBV declaration process must include provisions for appeal. As a minimum, the provisions should detail the criteria that may trigger an appeal, the appeal process and the criteria to taking into account when deciding the outcome of an appeal.

4. Retaining offences for existing critical habitats

No comment.

Thank you for the opportunity to make comment.



Maree McCaskill
General Manager