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# **SUBMISSION**

To

**Office of Environment and Heritage**

<[biobanking@environment.nsw.gov.au](mailto:biobanking@environment.nsw.gov.au)>

on

**The five year BioBanking Scheme Review**

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# Submission to the five year review of the BioBanking Scheme

## Introduction

The Clarence Environment Centre has maintained a shop-front in Grafton for over 22 years, and has a proud record of environmental advocacy. In 2007 we made a number of submissions to various components of the the proposed Biobanking scheme that were highly critical of that proposal based on the fact that, while it had to potential to protect biodiversity in some areas, it simply allowed biodiversity in other areas to be destroyed. Which ever way it is looked at, the end result is a net reduction in native vegetation and biodiversity.

## Overview

As an environment group, the Clarence Environment Centre has always had serious reservations over the BioBanking proposal, seeing it essentially as providing developers with a 'licence to kill' threatened species, destroy their habitat, and eliminate biodiversity.

We acknowledge the shortcomings of the Environmental Planning and Assessment Act (EP&A Act), and its associated Threatened Species Conservation Act (TSC Act), that probably led to the development of the BioBanking scheme. That system was time consuming, and expensive for developers, forcing them into costly assessments of the impacts on threatened species and communities, but worst of all it generally failed to protect those species it was designed to conserve.

Clearly there needed to be something better, something that would prevent the slow, inexorable slide of species into extinction. The one positive aspect of BioBanking that previous legislation did not provide, and one that should be applauded, is that it seeks to provide a financial incentive to landowners wishing to protect their own patch of biodiversity “in perpetuity”.

However, that landowner's dream of protecting the natural environment which some have spent a lifetime conserving at their own expense, is often only a mirage that can be shattered in an instant by a mega-rich, money-grubbing, mining conglomerate.

That fact is made clear in the first paragraph on page 13 which explains that a BioBanking agreement, which is supposed to protect the biodiversity of the site for ever more, can be overturned by the stroke of a pen “***if a mining lease or critical infrastructure is imposed on the site***”.

Our organisation operates in a region where virtually all private property, and most public land outside of national parks, although under the current government that could change, is covered by existing mining leases for coal seam gas, antimony, gold, copper, and other minerals. Therefore, it is clear that BioBanking, as a tool to conserve biodiversity, is completely worthless.

Also, there is a current plan to build a motorway, which is deemed to be “critical infrastructure”, across approximately 100km of the Clarence Valley local government area. That motorway, under the guise of a Pacific Highway upgrade, will destroy hundreds of hectares of high conservation value forests, including endangered ecological communities, national parks and nature reserves, and simply adds to the overall futility of trying to con the public into believing that a Biobank site is protected in perpetuity.

The fact also, that the entire BioBanking scheme can be cancelled by any future government, is just another reason to doubt whether the “in perpetuity” promises have any real meaning.

## The scope of the review

We are told the scope of the review includes an assessment of:

### 1. the performance and cost effectiveness of the scheme;

Having been informed that after 5 years only,

- seven landowners have established nine conservation or ‘biobank’ sites by signing biobanking agreements,
- four urban development proposals have gained biodiversity approval through biobanking statements, and
- five credit sales for development offsetting have taken place on three biobank sites,

it is pretty clear that BioBanking has not been an outstanding success.

Add to that the reality that only about “450 hectares of bushland are now protected in perpetuity” (or until a coal miner decides it wants the site), which has generated almost \$3 million, and the cost effectiveness of the scheme has to be seriously questioned.

What we are not told is how much the scheme has cost over that period. Certainly a great deal more than 3 million dollars.

### 2. the extent to which the scheme is achieving the goal of maintaining or improving biodiversity conservation;

The Discussion Paper provides 2 case studies relating to the Waste Assets and Management Corporation wanting to modify the Northern Extension Landfill at Eastern Creek which involved the clearing of three hectares of Cumberland Plain Woodland, an endangered ecological community.

To attain consent, the company was required to deal with the owners of Brownlow Hill, a farm in south-west Sydney, which contained a 24-hectare biobank site, and purchase and retire biodiversity credits representing the same type of vegetation on an area of 15 hectares of Brownlow Hill.

Brownlow Hill's owners are paid to maintain **or** improve their 15 hectares of Cumberland Plain Woodland in perpetuity (or until a mining company or critical infrastructure project needs the land), which allowed Waste Assets and Management Corporation to bulldoze its 3 hectares.

However, there is some very tricky wording involved in this section of the review. Note the question asks if “biodiversity conservation” has been maintained or improved. As the 15 hectares of Brownlow Hill's woodland is now conserved, the answer is undoubtedly – yes.

**Nevertheless, whichever way we look at it, there is still a net loss of 3 hectares of Cumberland Plain Woodland, pushing that community ever closer to extinction, so while the scheme can claim to have increased “conservation” levels of that endangered community, it most certainly cannot claim to be “maintaining” much less “improving” biodiversity “levels”.**

### 3. the operation and use of the BioBanking Assessment Methodology and its relationship with similar methodologies; and

### 4. the scheme framework including matters associated with biobanking agreements, statements and transactions, the BioBanking Trust Fund and assessor accreditation.

With only a handful of transactions in place, a constructive assessment of these last two components cannot be made objectively. However, the question must be asked – Who is paying for the running costs that are clearly greater than accumulated revenue, and how much longer will this continue?

## **Our view**

The Clarence Environment Centre has always had concerns over the BioBank scheme and its unavoidable net loss of native vegetation, and with it, biodiversity. Therefore, rather than attempting to answer the 67 specific questions posed in the discussion paper, the majority of which we are unqualified to answer, we will simply provide the following statement.

The Clarence Environment Centre does not support the offsetting of ecological destruction for development by simply conserving already existing vegetation elsewhere.

As already stated, that can only result in a net loss of native vegetation and biodiversity; which is compounded by the fact that that conservation can, as has likewise already been highlighted, be canceled through a variety of common scenarios, such as the need to construct critical infrastructure or dig a coal mine.

Therefore, we strongly believe that all surviving native vegetation should be protected wherever possible, and only destroyed when absolutely necessary, for truly critical infrastructure.

Where unavoidable destruction of vegetation is required, then it should be mandatory that an equivalent area of like vegetation be placed under conservation, plus an additional area of cleared or badly degraded land to be revegetated and also conserved in perpetuity. At the same time that conservation covenant should be made totally off-limits to mining and critical infrastructure.

Given the percentage of threatened fauna that are tree hollow dependent, we believe that where hollow-bearing trees are removed, the equivalent number of fire proof nest boxes should be installed on the rehabilitated offset site.

Also where vegetation destruction cannot be avoided, damage should be minimised. Practices such as those employed by contractors involved in the Pacific Highway upgrade for example, which sees corridors in excess of 120 metres cleared for a road with a footprint no more than 40 metres wide, must be stopped.

If, as we suspect, BioBanking will continue in much the same form into the future, then we urge the Department to remove the focus on the health of the vegetation communities when undertaking assessment of proposed development sites. The reason for this is that it encourages developers to ensure the health of the vegetation community is as low as possible to reduce offset costs.

This can be done quite legally on the majority of land where vegetation still exists, through routine agricultural management activities, or RAMAS. 6 metres of bush, including threatened species, can be cleared either side of a fence line for example, with no restriction on the numbers, or alignment, of fences. And then there are building envelopes, road and track maintenance, fire breaks, occupational health and safety, and a myriad other excuses that can be used to legally knock over trees. And finally, to ensure total devastation, a herd of goats can be introduced to destroy all vegetation within reach, and ring bark the remainder. These practices are already being widely used for land-clearing purposes which continues unabated across our region in particular.

Therefore we believe extensive review of aerial photography, satellite images, and vegetation mapping should be used to determine the previous values of the site, to ensure offsets are adequate.

We thank the Government for this opportunity to comment

Yours sincerely

John Edwards, Honorary Secretary, Clarence Environment Centre.