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Attn Mr Rod Wright
Clarence Valley Council (CVC).

Submission to Clarence Valley Council on the Draft Biodiversity DCP

Dear Rod

I'm afraid the Clarence Environment Centre has 'dropped the ball' on the Draft DCP, and recognise that the exhibition period has now elapsed. However, we learned through Valley Watch that Council is still happy to receive comments.

Because of time constraints, a comprehensive assessment of the 'Draft' has not been possible, nevertheless, there are a couple of matters we would like to comment on.

Vegetation mapping.

Section 2.3 "*Vegetation mapping of the site and context in the landscape*", suggests: "*The vegetation mapping should include:*

- *The distribution of various vegetation communities on and adjacent to the site; and*
- *A description of the structure, floristics and condition of each mapped area within the Development Site.*

We suggest a third dot point should include "**a history of recent disturbance of vegetation**". This could include fire, grazing, logging, etc. We believe there is a need for some mechanism to identify and perhaps prevent pre-emptive clearing or other deliberate attempts to diminish the condition and structure (value) of the vegetation on the site prior to its assessment for development.

As a general comment, we are concerned that the current focus on listed threatened species and communities when assessing the value of native vegetation, may result in the value of some quality habitat being diminished. i.e. currently, if there are resident threatened species, then somehow the habitat value is increased, while a failure to find threatened species invariably results in a development being approved with little requirement for offsetting or amelioration.

No flora and fauna survey can ever guarantee that all threatened species occurring at a site will be identified, or that the site does not provide critical habitat to migratory species at other times of the year. An example of this is the original survey of regional water supply's Shannon Creek dam property, which cast doubt on whether the property supported Quolls, despite significant anecdotal evidence that they were there. It took almost a decade before a motion sensor camera, set up by North Coast Water, confirmed that Quolls were indeed present.

Flora and fauna surveys are no guarantee that a threatened species is not present, no matter how good the surveyor, so we believe there should be much greater value placed on habitat, rather than what species are found to be using that habitat. If there are old-growth trees present, or even mature trees with hollows, that community should be protected regardless of whether the species they support are threatened or not.

Off-setting

The off-setting proposals appear good – i.e. the option for requiring regeneration of degraded and cleared land, not just placing a conservation covenant on existing habitat which, under Biobanking for example, is not even protected against CSG mining. The offset ratios also appear to be sufficiently generous, but we would like to see more detail on how compliance will be monitored and enforced after the developer has gone. We note the legally binding management agreements are only valid for 10 to 15 years anyway, and wonder why “in perpetuity” protection appears to have been dropped.

The reality is that developers may be tempted to take the easy option, sign a cheque for Council's “Offset Trust”, although the “\$50 000/Ha maximum restoration cost”, might prove to be a stumbling block! Again, we are concerned that “Contributions to CVC Biodiversity Offset Trust Fund”, that “can deliver direct offsets through a consolidation of funds and investment in priority areas”, will be eroded by office management and administration fees, including planning 'junkets' at expensive resorts.

The transfer of lands to Clarence Valley Council option is also questionable with Councils regularly using their lands for amenities other than for biodiversity protection, such as sporting fields, car parks, sewerage works etc, or even be sold for housing developments at the whim of the councillors of the day.

Therefore we would like to see more details of the proposed management of these off-set proposals.

Having said that, we always seem to lose sight of the fact that many of the old growth trees that have survived in the landscape to this point, and are crucial to the survival of so much of our native fauna (owls, microbats, possums and gliders, parrots and cockatoos, as well as a range of other birds, reptiles and invertebrates), were already mature trees when Arthur Phillip started the rot 225 years ago.

It is the enormous time frames involved in establishing a fully operative ecosystem that is often ignored, and which makes a mockery of the concept that if we plant 10 hectares of forest to replace the one hectare of forest we destroy for a development, that somehow nature is fully compensated. Perhaps it will be compensated eventually, in about 100 years time. In the meantime it is highly likely that some ill-informed politician or bureaucrat will see the newly planted forest as an ideal logging asset, which will again prevent the forest from reaching its full potential as a fully functional ecosystem, and the slide of all species towards extinction will continue.

As we see it we have reached the point when destruction of mature forest vegetation, even small remnants, has to stop and only occur when absolutely unavoidable, and only then should offsets come into play.

Compliance monitoring

We have in the past made the point that any legislation is only as good as its implementation and enforcement, and while the Draft contains promising measures to protect habitat and threatened

species, nowhere in the draft could we find where or how this will occur, with a word search failing to find monitor, compliance, or enforce.

We believe that too many of Council's great initiatives, plans, strategies, recommendations and guidelines have, in the past, been left to gather dust and been forgotten because no one has followed through and ensured their implementation. That successful implementation can only be ensured through a robust compliance monitoring and enforcement policy.

Yours sincerely

John Edwards
Honorary Secretary
Clarence Environment Centre