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# **Submission**

to

## **Department of Environment, Climate Change and Water**

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on

## **Draft Mid North Coast Regional Conservation Plan**

Compiled January 2011  
for Clarence Environment Centre  
by John Edwards  
Honorary Secretary

# Submission on Draft Mid North Coast Regional Conservation Plan

## Introduction

The Clarence Environment Centre has maintained a shop-front in Grafton for over 20 years, and has been closely involved with environmental issues, particularly those resulting from inappropriate development. As a result we have followed the various Regional Development Strategies with considerable interest and ever-increasing concern.

Almost exactly a year ago, despite our organisation not being situated within that region, we presented a submission to the Far North Coast Regional Conservation Plan. This was because we held concerns for the unique biodiversity of the entire North Coast, and the failure of existing legislation to halt the decline of that biodiversity.

We are not fully conversant with the specific issues affecting other Mid North Coast communities, so this submission generally restricts its comments to matters affecting the Clarence Valley.

## General Comment

Unfortunately, our main concern with this Mid North Coast Regional Conservation Plan (hereafter referred to as the Plan), is identical to that voiced in our submission to the Far North Coast Regional Conservation Plan. Specifically, given the Plan identifies the region's **High Conservation Value Biodiversity Assets, Habitat Networks, and Priority Conservation and Restore areas**, we question why the Plan was not released **before** the Mid North Coast Regional Strategy identified the principal growth areas.

We strongly believe that a conservation plan should have been available to planners **before** deciding where the growth areas should be placed. The failure to do so has resulted in seriously detrimental consequences for the Clarence Valley's biodiversity which will be explored in more detail below.

The Plan (Figure 1) shows the Local Government Areas, identifying the Clarence Valley as by far the largest on the Mid North Coast. Its huge floodplain and surrounding foothills have also seen significant habitat loss over time, with 95% of the original vegetation now cleared. As such there is ample scope for residential growth using flood-free areas on already degraded land. Despite this, the Mid North Coast Regional Strategy (MNCRS) identifies two areas, West Yamba and Gulmarrad that clearly do not fit these criteria (more below).

Figure 1 also identifies, by way of a red line, an area that appears to cover all freehold land in the Clarence Valley LGA, describing it as identifying "Interim Biogeographic Regionalisation for Australia". We could find no explanation as to the significance or meaning of this zoning, and strongly feel that one should be given. But first, the real "elephant in the room"!

## The Pacific Highway upgrade

Masquerading under the term "upgrade" is a monstrous plan by the Roads and Traffic Authority (RTA) to construct a new motorway through the Clarence Valley which will cater for just 30% of the traffic currently using the Pacific Highway.

The Plan confirms the MNCRS's prediction of a population increase in the Clarence Valley of some 19,000 by 2031, and that this would require 615 hectares for residential and employment lands. However, there is no mention of the estimated 1500 hectares across the valley that will be cleared of vegetation in one fell swoop to construct the motorway.

This omission is even more inexplicable when we consider the Plan's stated objective (Section 1.3) that it, *“seeks to guide future land use in a manner which protects the Mid North Coast Region's biodiversity”*, and that more than 50% of the motorway route goes through native forests, and will destroy large areas of high conservation value forest and endangered ecological communities.

We now have Federal, State, Regional, and Local Government Biodiversity Plans and Strategies in place, all espousing the need to **minimise** impacts on biodiversity (although not one strategy mentions the Pacific Highway), yet we still have a proposal to clear vegetation from a corridor averaging 120m wide, to accommodate the motorway which has a footprint averaging just 60m wide (RTA's own figures).

At the same time, because the existing highway will carry 70% of the traffic which, by the time the motorway is completed, will equal the amount of traffic currently using the highway, upgrading of that road is also planned, adding further to the destruction of native vegetation. How can this be considered to be minimising impacts on the environment?

### **Priority Restore area**

Page 59 of the Plan makes the following sensible comment in relation to its 25 year conservation strategy, claiming: *“There is a preference for protection and enhancement of high conservation value biodiversity assets, rather than restoration, in the first instance”*. Had the Plan been in place 4 years ago when the Department of Planning was working on its MNCRS (assuming the Planning Department takes notice of advice of an environmental nature, historically not its strong suit), Gulmarrad on the Lower Clarence, with its high conservation value forests and endangered ecological communities EECs, which form critical north-south and east-west wildlife movement corridors, would never have been identified as a growth area.

Now that Gulmarrad has been identified as a growth area however, the Plan has had to include that community with those areas: *“Where it can be demonstrated that opportunities to avoid impacts on biodiversity have been exhausted and (where) mitigation and offsetting are required.”* Clearly, those impacts could have been avoided, and still could be, if Department of Planning had the political will to change its mind.

As it is the Plan identifies the area surrounding Gulmarrad, “Shark Creek”, as the offset area (page 61). Bordered by Lake Wooloweya in the east, Yaegl Nature Reserve in the North, the Clarence South Arm in the west, and Boundary Flat to the south, the Plan describes the area as containing *“some wetland areas and also some lands adjacent to the Yaegl NR, supporting nine key vegetation communities including 4 EECs”*.

This is where the entire proposal becomes something of a sick joke. The originally announced preferred route for the new motorway closely paralleled the existing highway which in turn follows the Clarence River (South Arm) along the entire 10km section bordering the proposed Shark Creek Restore Area. However, in 2010 a delegation of cane farmers persuaded the Roads Minister to move the preferred route some 700m to the east into bushland, and across a part of the Shark Creek wetland. So much for important wetlands, key vegetation communities and EECs, all of which will now be directly impacted. But that is not all, the motorway will also use almost all the lands identified by the Plan as suitable for offsetting “adjacent to the Yaegl Nature Reserve.

When will the State Government rein in the RTA? That agency appears free to destroy biodiversity at will. The Plan's failure to even mention this major contribution to biodiversity loss, despite identifying its main Planning Principle (Table 1) as being to: *“Protect high value environments by avoiding direct impacts on biodiversity”*, is inexplicable. This is a major concern. The offsets do not require the RTA to replace these forest ecosystems, and even if it did it would take 250 years.

The principle to protect high value environments could well be achieved in this instance by scrapping the motorway proposal in favour of upgrading the existing highway to a 4 lane divided road, as has been done in many other areas. The Coffs Harbour to Ballina section of highway carries by far the lowest volume of traffic of any section between Brisbane and Sydney, and there is clearly no justification for the massively expensive motorway option preferred by the RTA.

### **West Yamba, a residential suburb with a use-by date.**

We have written several submissions on the proposed highly inappropriate residential development of West Yamba, all to no avail it seems. The Plan devotes almost two pages to climate change, undoubtedly the worst environmental threat in the history of mankind, and should have advised strongly against developing land just a metre above sea level.

As it is the Planning Department gave approval for the rezoning of West Yamba in 2010, before the Plan was released, to allow construction of 1,100 homes. The Plan's advice, given 'conservatively' (Table 2), is that sea levels of close to one metre can be expected this century, along with increased extreme weather events and storm surges. Clearly this construction of a suburb with a "use-by date" is more evidence that the cart has been placed well before the horse!

The fact that West Yamba is bordered by coastal lakes, and estuaries, complete with mangroves and sea grass beds which cannot avoid run-off impacts from the proposed suburb, also makes a nonsense of the Plan's Biodiversity aim to protect high value environments (page 2).

### **Translating the Plan's recommendations to Local Environment Plans (LEP).**

There is an action (perhaps this should be identified as a 'wish' rather than an action) that "*LEPs will protect and zone land with high environmental, vegetation, habitat, riparian, aquatic, coastal or corridor values for environmental values*". The newly released Clarence Valley LEP fails to identify any of the habitats around West Yamba as 'Environmental Protection'.

Nor are any of the mapped wildlife corridors, identified in the many biodiversity strategies, provided with Environmental Protection zoning. In fact, in recent months (since the LEP's completion) a number of rural residential developments have been approved by Clarence Valley Council despite their being within mapped wildlife movement corridors. A letter of protest from the Clarence Environment Centre to the Planning Minister, received a response promising the Department would write to the Council, **asking** it to consider protection for the area in future. We remind that the Planning Department recently overturned a decision by Coffs Harbour City Council to reject a development application for Hearn's Lake, another low-lying coastal area. It seems Planning does not accept climate change as a reality.

### **The Native Vegetation Act**

The Native Veg Act is listed as a tool for the protection of biodiversity. This would be laughable if it was not so tragic. We ask how is it possible for broad scale clearing to provide positive outcomes for the environment? Yet the Plan accepts this possibility, claiming (page 10) that the Act "*prevents broadscale clearing **unless it improves or maintains environmental outcomes***".

The fact that DECCW has now admitted its Private Native Forestry Section has been downgrading thousands of hectares of mapped old-growth forests to allow logging in our region, not to mention the logging approvals given for thousands of hectares of core Koala habitat in the Coffs Harbour area, are further fodder for skepticism.

Recent legislative changes allowing logging of previously Protected Land (steep slopes) and in listed EECs, all provide evidence that biodiversity protection is not a government priority.

## **Forestry and Timber assessment**

The mention of the fact (page 28) that: “*Old-growth forest was identified as irreplaceable by the Resource Assessment Commission – Forest and Timber Inquiry, 1992*”, and the follow-up comment that: “*Mapped old-growth is protected on private land...*”, and “*is also protected in State Forests*”, must surely be the greatest irony of them all.

In early 2011 it was revealed by DECCW that its PNF staff had reclassified some 8,400 hectares of mapped old-growth forests on private land on the NSW North Coast, to allow it to be logged.

In the same paragraph (page 28) there is the proud announcement that: “*Old-growth forest was identified by the Resource Assessment Commission – Forest and Timber Industry – Final Report (RAC 1992)*. Compartment 68 in the Clouds Creek State Forest is an example of what happened to much of that identified old-growth. In 1998-9, just months before the historic forests agreements were signed, Forests NSW heavily logged and absolutely trashed the entire compartment. By 2009, when the next round of logging was scheduled, the Operational Harvest Plan reported that the area was a mess of Acacia regrowth with little evidence of any other regeneration, yet it remains an exclusion zone, still mapped as High Conservation Value Old Growth Forest.

It is an absolute scandal that the Regional Conservation Plan should now attempt to mislead the public into believing that those forests were protected.

In late 2010, an audit of logging in the Doubleduke State Forest by a team of scientists employed by the North East Forest Alliance, found that previously mapped old-growth in Compartment 144 had mysteriously been eliminated from a current harvest plan. Subsequent protest action resulted in logging being suspended in that forest pending an investigation.

Also in 2010, two separate audits of logging operations at Doubleduke and Grange State Forests by the Clarence Environment Centre, revealed that endangered ecological communities had been logged at both forests. In both cases, the forest in question had been incorrectly mapped in the harvest plans, specifying tree species that did not even occur there. To suggest that these errors were inadvertent or accidental, would be stretching the limits of credibility.

At Grange in particular, where old-growth Lowland Rainforest was logged, having been mapped as Scribbly Gum, not only was the mapping wrong, but the foresters involved in marking-up, the logging contractors, the transport company, and the receiving mill owners, must all have known that the operation was not legal.

## **Estuaries and Coastal Lagoons**

The Plan identifies the importance of the above habitats, and lists a few instances where these are protected. There is also the claim (page 57) that: “*The emphasis is on protection of existing habitats in the catchment... particularly riparian and wetland vegetation.*” However, in parallel with these grand statements, we have the State Planning Minister approving large scale residential development at Hearne's Lake, near Coffs Harbour, and West Yamba, which adjoins the important Oyster Channel mangrove habitat. At the present time, the Planning minister is also said to be considering allowing similar developments in estuarine habitats at Moonee and Emerald Beaches near Coffs Harbour.

With such blatant examples of environmental planning recommendations being cast aside at every turn, how can we have any faith that the Plan is anything more than a window dressing exercise, and a very transparent one at that?

## **In conclusion**

The Clarence Environment Centre believes that if government wishes to provide protection for biodiversity, there needs to be changes to a range of current legislation, bringing all into line. For example, it is pointless having The Native Vegetation Act in place to discourage land clearing, when landowners are simply bypassing the Act by applying for logging permits (PVPs) under the Private Native Forestry Code of Practice.

Another example of contradictory legislation is the TSC Act that protects habitat trees, versus the Plantations and Reafforestation Act, and the Integrated Forest Operations Agreement that allows these trees to be destroyed across the board. Also, under the plantations legislation, large areas of remnant native forest can be removed without any requirement to undertake a survey for threatened species.

In another example, we have critical infrastructure and special events legislation in place that override all existing environmental protection.

As it exists the Plan is not a statutory document, and as such it has little value and biodiversity will continue to be destroyed courtesy of existing contradictory legislation that encourages it.

The Plan, and all current biodiversity management strategies, rightly identify the fact that the best way of protecting biodiversity, is to stop chopping it down in the first place. What is needed is a statutory document that ensures that happens and truly protects biodiversity across the board.

We thank the Department for the opportunity to express our concerns.

Yours sincerely  
John Edwards  
Honorary Secretary.