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Submission

to

Department of Environment, Climate Change and Water

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on

Draft New South Wales Biodiversity Strategy, 2010–2015

Compiled for Clarence Environment Centre
by John Edwards
Honorary Secretary

Submission on Draft New South Wales Biodiversity Strategy, 2010–2015

Foreword

The plethora of biodiversity strategies and plans that have been released over the past 15 years since the Federal Government released its first national strategy in 1996 is a gratifying indication of the increased awareness in the general community about the importance of biodiversity protection.

The current “Draft NSW Biodiversity Strategy, 2010-2015 (The Strategy), follows hard on the heels of, and is closely aligned to, the updated Federal Government's 2010 “Australia’s Biodiversity Conservation Strategy, 2010–2020. This submission will therefore refer to both documents.

The Consultation Draft of the Federal Biodiversity Strategy was released in 2009. Its summary admits that: “*Despite efforts to manage threats, put in place conservation programs, and integrate biodiversity considerations into other natural resource management processes, **biodiversity in Australia is still in decline***”. Clearly the 1996 strategy failed to meet the its stated objectives, i.e:

- “***Conservation and protection of biological diversity.***
- *to follow a path of economic development **that safeguards the welfare of future generations;***
- *or **to provide for equity within and between generations;** and to protect biological diversity and maintain essential ecological processes and life-support systems”.*

Comparing the current Federal Strategy with that of 1996, we find many of the targets for 2015, are the same, albeit skillfully reworded and rehashed, as those that were originally set for 2000. For example there is strong emphasis on public involvement. In 1996 it came under the heading: “**Involving the community**”, explaining that, “*the involvement of all Australians is vital to the conservation of biodiversity*”. This time around the heading is “**Engaging all Australians**”, with an increase in public awareness and participation listed as desired outcomes. In reality, Landcare was just one area which has been starved of funding in the interim.

The latest Strategy's 2015 targets includes the “*establishment of a national long-term biodiversity monitoring and reporting system*”. However, the 1996 National Strategy assured us that there would be “*a nationally coordinated program for long-term monitoring of the state of Australia's biological diversity and the impact of threatening processes*” in place by 2000.

It is clear that successive governments, State and Federal, have marked time for 15 years, something that comes as no surprise considering the ongoing destruction of native bushland that is occurring all around us.

This NSW Strategy informs us that: “*Biodiversity contributes to providing the ecosystem services that form our natural capital: fresh water, clean air, soil fertility and biological pest control. It is fundamental to our physical, social, cultural and economic wellbeing*”. The latest Federal Government’s Strategy (2010–2030) tells us that: “*Biodiversity is essential for our existence*”. In short an admission that **without biodiversity, the human race would cease to exist.**

Despite this indisputable fact, the Strategy's opening paragraph(Page 1) places the entire document into perspective by stating: “*Scarce funds must be targeted to areas where conservation efforts will achieve the greatest biodiversity benefit.*” The very fact that Governments are not prepared to adequately fund an issue so critical to the survival of the human race, is seriously disturbing. While environmental works are continually starved of funding, more and more public money is channeled into subsidising coal fired electricity production, increasing coal, gas and oil production, and building new motorways, for more vehicles to pump out even more climate changing pollution.

In a world where non-renewable natural resources are rapidly running out, our government's "drunken sailor" policy is to accelerate the mining boom to ensure economic and population growth, both here and overseas.

We believe there needs to be a radical change of direction that cannot be achieved at a Departmental level, and can only be led through the upper echelons of government. Marking time is something we can no longer afford, we must have action.

While admitting to a highly cynical view as to the real value of this latest Strategy, we nevertheless thank the Department for its highlighting of the values of Australia's biodiversity and its thorough analysis of the current threats facing that biodiversity, and for the opportunity to comment. It is our fervent hope that some of our comments will be noted.

Getting serious about protecting biodiversity

If the Government is serious about protecting biodiversity, it needs to stop destroying it in the first place, or at least **minimise** the destruction. Right now this is not happening, and the Pacific Highway upgrade is a good example. For over 500km between Kempsey and the Queensland border, huge tracts of mainly native forests are being bulldozed to a width of 150m and more (120m average) to construct motorways with an average footprint of just 60m (refer RTA figures presented for the Wells Crossing to Iluka Road upgrade).

We have The Plantations and Reafforestation Act that allows any native vegetation less than 20 years old to be bulldozed, along with mature remnant forests of less than one hectare, and unspecified amounts of irregular projections (up to 10%) from adjoining forests.

We have Forests Agreements that allow virtual clear felling to occur (refer Steve Hartley, DECCW's Forests Investigation Unit, in relation to Bellangary State Forest, December 2010), and allows up to 10% of most threatened flora to be destroyed during each harvest cycle (on average every 10 years).

Then we have biobanking which allows any amount of destruction of native vegetation as long as there are offsets, but which always results in a net loss of biodiversity.

Summary

Four main threats to biodiversity in New South Wales are identified (page 5):

loss, fragmentation and degradation of habitat
competition, predation and infestation (e.g. by invasive species, disease and pathogens)
unsustainable use of natural resources
human-induced climate change.

1. loss, fragmentation and degradation of habitat

We have already mentioned the admission by the Strategy that ***biodiversity in Australia is still in decline***. Every day across Australia, bulldozers rip relentlessly at the landscape, removing mature forests that will take in excess of 200 years to replace. This is happening for mining, agriculture, infrastructure provision, residential and industrial development, and by those who simply buy large blocks of bushland and 'underscrub' it to create open parkland. Government policy is to log State Forests above sustainable levels, something that has been happening for more than 20 years. Clearly, the all current environmental protection, including the previous federal and state biodiversity strategies have failed to halt the decline.

2. competition, predation and infestation by invasive species, disease and pathogens.

Weeds: The reality is that the list of noxious weeds continues to grow relentlessly, and no problem weed species, with the exception of Prickly Pear, has ever been eradicated. In fact no weed species, as far as we are aware, are even in decline at the present time.

Weed managers point to the lack of government funding as the main problem, often seeing areas cleaned up only to become reinfested when funding for critical follow-up work is not provided. Some of the worst weed infestations occur on public land where, control work seldom, if ever, extends beyond roadsides. At the same time, the Government has failed to put any enforceable protocols in place to ensure machines are washed down to prevent spread of seeds.

Vertebrate pests: Likewise, feral animals of all species are currently on the rise, with insufficient funding again a major contributor to the problem. Incredibly, the NSW Government actually maintains the NSW Game Council, at the cost of millions of dollars to tax-payers, to ensure that no introduced deer or other game species is ever eradicated, despite deer being acknowledged as a threat to native flora.

Diseases and pathogens: *Phytophthora* and Myrtle Rust are just two such diseases spreading unchecked across the landscape. In the case of the Shannon Creek dam project, in an area infected with *Phytophthora cinnamomi*, DECCW approved the 'tossing out' of the pathogen's Plan of Management, allowing the project to proceed without wash-down or other hygiene requirements. Clearly the *Noxious Weeds Act* and other legislation controlling feral species, which are lauded by the Strategy as positive tools, are not adequately addressing the problems.

3. unsustainable use of natural resources

Non-renewable resources: No mining of a non-renewable resource can be sustained. However, the NSW Government has had a policy aimed at doubling coal exports and is currently encouraging widespread gas exploration with potential for catastrophic degradation of soil and water through 'fracking'. Those resources will run out.

Renewable resources: Australia's potential to provide renewable products through agriculture is being diminished year by year as unsustainable practices continue unchecked, causing erosion, polluted or salinated soils. Government policy is now actually placing prime agricultural land on the Liverpool Plains under threat from coal mining, and placing prime sugar cane and other crop growing land under concrete in our region to build a new motorway masquerading as a Pacific Highway upgrade.

Another renewable resource, timber, is under threat from current government policy to log above sustainable levels. Diseases such as Bell Miner Associated Dieback (BMAD) are decimating native forests and seriously threatening timber resources. BMAD is of particular concern, yet Forests NSW is being allowed to log forests and remove more than 40% of the canopy, an action which the NSW Scientific Committee has identified as a trigger for the disease. Clearly, the threat of unsustainable use of resources is accelerating, despite the Strategy's policy.

4. human-induced climate change. It should be remembered that NSW is one of the world's largest producers of coal, the burning of which is the primary cause of climate change, while the Government makes no attempt to replace coal-fired power generators with renewable energy.

Feed-in tariff for the supply of renewable energy has been cut, and there are current moves to approve the burning of native forest timber to produce electricity. The continued loss of vegetation across the country, all combine to prove that the NSW Government is not remotely serious about addressing the causes of climate change.

Analysis of the Strategy

Preview.

Something that must be considered, but is usually overlooked, is the fact that we cannot magically conjure up replacement ecosystems overnight. A vital component in maintaining Australia's biodiversity are tree hollows, critical nesting and roosting sites for a range of wildlife. Australia's Eucalypts, which provide the majority of those hollows, require more than 200 years for them to develop. That means that trees with significant hollows today were, in all likelihood, already standing when the First Fleet arrived in 1888.

Unfortunately, the arrival of the First Fleet saw the start of the timber industry in Australia, and in many parts of the State all healthy mature trees have been logged for more than 150 years, resulting in a 150 year gap in the development of hollow-bearing trees. With every passing year, the old trees are succumbing to fire, storm, and bulldozers, leading to a critical shortage that is only going to worsen. As a result, it has long been advocated that the best way to conserve biodiversity, is to stop destroying it in the first place.

Past Legislative Reforms

The Strategy proudly claims (page 81) that the Government has delivered significant legislative reforms to laws governing environmental protection over the past decade, citing a range of initiatives such as the *Threatened Species Conservation Act*, and the *Native Vegetation Act*, Private Native Forestry Code of Practice, and BioBanking, which have supposedly lessened the impacts on biodiversity. This claim needs closer scrutiny:

- ***The Native Vegetation Act*** has, we are assured, brought, “*an end to broad-scale clearing unless approved actions improve or maintain environmental outcomes.*”

The Act may have been responsible for reducing the rate of land-clearing, but to intimate that it has “maintained or improved” vegetation across the state is simple fantasy! Across all regions of NSW native vegetation continues to decline, particularly in coastal regions. The Clarence Valley was recently identified by DECCW as having the greatest reduction, mostly blamed on illegal clearing activities that are mostly ignored by regulatory authorities.

- ***Property Vegetation Plans (PVPs)*** allow “*voluntary agreements between landholders and CMAs which allow the landholder to negotiate appropriate management actions that can offset the negative impacts of proposed clearing*”.

PVPs are similar to biobanking, providing offsets for clearing vegetation elsewhere. This is simply a trade off that invariably leads to a net loss of biodiversity on a promise to enhance vegetation elsewhere. However, there appears to be no follow-up to ensure that enhancement has taken place.

- ***Voluntary PVPs between landholders and DECCW for Private Native Forestry (PNF)*** that ensure all forestry activities comply with a code of practice ensuring the sustainability of forestry and environmental outcomes.”

Improving or maintaining environmental values is the declared cornerstone of the Private Native Forestry Code of Practice (PNF). While we acknowledge that the PNF Code has improved an industry that was previously unregulated, it has to be asked how can it be judged that environmental values have been maintained, if no flora and fauna surveys are required to be undertaken in the first instance? Neither the Native Vegetation Act, or the PNF Code of Practice require any baseline assessment of ecological values prior to the approval of clearing or logging operations.

It has recently been revealed that DECCW's PNF section has reclassified thousands of hectares of mapped old-growth forest to allow logging to occur. This is another instance where the PNF Code is failing to protect biodiversity. No logging operation, particularly of old growth forest, can possibly achieve a 'maintain or improve environmental outcome'.

Recent legislative changes that allow logging to occur in Endangered Ecological Communities (EEC), and on previously Protected Lands (steep slopes), are also recent changes that lessen protection for biodiversity. .

However, while the Strategy has listed the above legislative changes that are supposed to protect biodiversity, there is no mention in of other legislation that has been introduced in the past decade that has eroded environmental protection, such as the **Part 3A Amendments to the EP&A Act** that places the decision on development applications solely in the hands of the Planning Minister with discretionary power to overlook environmental considerations. Then there are laws introduced in respect to **Critical Infrastructure**, and last year's **Special Events legislation**, all of which override existing environmental laws.

Other legislation that has highly negative impacts on biodiversity are the ***Plantations and Reafforestation Act (P&RA)*** and the ***Integrated Forests Operations Approval (IFOA)***, both administered by another Government Department, and negate much of the protection offered by other legislation.

The **IFOA** allows the removal of any hollow-bearing tree considered to be dangerous, and all habitat trees in excess of 8 in any 2 hectares of the 'harvest area'. It also allows contractors to destroy up to 10% of a wide range of threatened flora species within each compartment, during each logging operation, which can occur every 10 years (more frequently if thinning is required).

Meanwhile, as recently highlighted by a series of post-logging audits by conservation groups in northern NSW, the level of compliance monitoring by DECCW is so abysmal, that Forests NSW now appears to enjoy open slather to log whatever and wherever it wants. As a result, rainforest, old-growth forest and EECs have all been logged in the past 12 months.

The claim that the: "*Government remains committed to building a comprehensive, adequate and representative (CAR) terrestrial reserve system*", is also put forward as a positive initiative, but despite the Government failing to fully honour its 1995 commitment. The CAR reserve system still falls far short of what was promised.

Secure Water Act which was supposed to see Macro Water Sharing Plans introduced to all rivers in NSW, appears to have stalled altogether. The over-allocation of water licences to irrigators in central NSW will haunt the government for decades to come.

Great Eastern Ranges Initiative, another project pointed to as a positive environmental achievement, has been seriously downgraded in the past year by the Government's decision to allow logging on steep land along the eastern 'falls' where most remaining old-growth forests have survived. This has taken much of the gloss off this initiative

The release of Regional Strategies, also put forward as a positive achievement, were unfortunately released 2 years before the **Regional Conservation Plans** which identified the ecological values of each region. In the Clarence Valley this has seen Gulmarrad, identified as a growth area, despite its having high conservation value forest in the middle of mapped wildlife movement corridors. As well an 1100 home residential subdivision has been approved on flood-prone land at West Yamba, which stands just one metre above sea level, and in close proximity to threatened estuarine habitats.

Importance of science – We are told that “*Science underpins, and will continue to be essential to the development of programs to conserve biodiversity*”. However, if the government believes science to be so important, why is there no requirement for ecological assessments for PNF? We are told that 60% of the State's biodiversity is privately owned, and all managed without any requirement to use science to identify what they are managing. The same goes for State forests and to a lesser extent, national parks, where Plans of Management are frequently compiled in the complete absence of any formal flora and fauna surveys or reports. The success of this scientific based strategy, which has taken 12 years to emerge, will only be as good as its implementation.

We are told about DECCW's “Knowledge Strategy 2010–2015”, which is still being developed so no details are provided. Therefore we cannot comment on the value of that strategy. Likewise we are unable to comment on the research being undertaken by Industry and Investment NSW (previously Primary Industry), other than to question its relevance as, despite many impressive looking titles, that research appears to be aimed at agricultural production, something that traditionally has not favoured biodiversity.

BioBanking

Biobanking is presented as the saviour (page 10), claiming it, “*can be funded by developers who, in exchange for clearing vegetation as a consequence of development, pay for the equivalent improvement in biodiversity values by a private landholder elsewhere, by purchasing credits.*”

We believe this statement to be misleading. Our understanding is that, developers buy credits from landowners on whose land the biodiversity values already exist, of equal value to those being destroyed, not for the landowner to undertake “improvement in biodiversity values”. Landowners are only required to “maintain or improve” biodiversity values on the BioBank site, an impossible task with climate change predicted to result in the extinction of up to 30% of all species. Even the peer review of the Biobanking methodology found that it will lead to a reduction in biodiversity over the short to medium term, with a possible leveling out over the long term. At no stage did the peer review identify any possibility of biobanking being able to increase biodiversity.

The term offset, implies that habitat will be created of equal value to that being destroyed. In the case of Biobanking, the “offset” already exists, and is merely protected. However, one question that should be considered is: – In the event of a biobank property standing in the way of a highway upgrade, will it survive? The answer will be NO! It too will be destroyed with another offset site provided, and so it will go on.

In 50 or 100 years time, with possibly thousands of BioBank properties dotted across the state, many of them having changed hands several times over, who will be monitoring whether biodiversity values are being maintained or not. It is our honest belief that the scheme simply will not be managed effectively.

BioBanking should be seen for what it is, a short-term funding opportunity to protect areas of biodiversity by selling off other valuable ecosystems, crucial wildlife habitat, and irreplaceable threatened species, to facilitate development, and therefore should be scrapped.

Conflict of Interests

There are distinct conflicts of interests within the DECCW that are a threat to biodiversity, with some departments devoted to protecting biodiversity (National Parks and Wildlife, and the Environmental Protection and Regulation sections, to name just two). However, others are working to introduce tourist development into national parks, a move that can have nothing but a detrimental effect on biodiversity, or act as revenue collectors with responsibility for granting licences to industry to pollute air and water, or for landowners to kill wildlife.

There is also conflict resulting from previous restructuring which led to staff from the former primary producer supporting Department of Land and Water Conservation being taken into the current DECCW, where a strong anti-'greenie' element has prospered, reportedly assisting primary producers with advice on how to circumvent environmental laws, rather than encouraging them to adhere to the new requirements.

Funding

As already mentioned, it is unfortunate that funding, sufficient to at least halt declines in biodiversity, will not be forthcoming. However, that fact has led to a significant reliance on “forming partnerships” with indigenous groups and non-government organisations, to achieve the limited outcomes that have been identified.

We do not wish to downplay the importance of NGO contribution, but point out the need for a greater involvement by all governments to tackle what is a critical problem. As it is the Strategy announces the particularly depressing fact (page 10) that, in relation to threatened species: *“The aim of this work is to maximise the number of species recovered for the funds available”*. The percentage of threatened species that will be left to fend for themselves through this starvation of funding, cannot be quantified.

In relation to volunteer land care volunteers, it can be truly demoralising to arrive at a work site, after spending weeks, sometimes years, rehabilitating a river bank, to find broad-acre clearing occurring on the other side of the fence which has been approved by a DECCW Property Vegetation Plan. Likewise those involved in tree-planting programs find it depressing to see millions of trees unnecessarily bulldozed nearby to build a new motorway. Both these scenarios are currently being experienced in the Clarence Valley, and does little encourage community involvement.

Some solutions.

1. A large percentage of rural landowners are struggling to survive on marginal agricultural land, particularly in semi arid areas, and large areas of the western slopes. These battlers suffer depression and high rates of suicide, and are often dependent on special circumstances funding and other social security payments when, as is often the case, employment is not available.

These landowners should be given the option, where appropriate, to remove all livestock, and receive payment to manage the property for biodiversity values. This would entail addressing weeds and vertebrate pests, some regeneration works to address matters such as erosion (nature is a great healer and in most cases regeneration will happen automatically).

In return the landowner would receive sufficient payment to enable them to live with dignity. Many of these properties will be heavily mortgaged and the Government may need to consider taking on a banking role.

2. **Climate Change** must be taken seriously, with less expenditure on developing fossil fuel related projects and a focus on renewable energy. That way Australia might be able to make its non renewable resources last beyond 2050.

We are told that: *“Significant funds have been directed to examining the impacts of climate change on biodiversity through the Climate Change Impacts and Adaptation Research Program”*. While adaptation is now unavoidable, and that funding is probably well spent, It is time to stop “considering” and begin actually “doing something” about climate change. The Government must focus on reducing greenhouse gas emissions. We need baseline power from renewable sources. The technology is available.

We also believe the Strategy should focus more on revegetation and developing carbon sinks

3. **The Government needs to get serious about funding.** Biodiversity supports us and without it we will not survive. The recent floods, heat waves, and catastrophic fires have taught us that we are now paying a high price for past inaction on climate change. Delaying action on all four threats detailed above will simply escalate the cost. Top economists here and overseas have already identified that fact.
4. Little or no **compliance monitoring** is undertaken, with the Environmental Protection and Regulation section of DECCW seemingly reliant on members of the public to report breaches of land clearing laws, illegal rubbish dumping and littering, and logging breaches in State forests. There is no real assessment of Species Impact Statements presented by developers for approval, and never any follow-up to ensure compliance with consent conditions, and when breaches are reported, the penalties are frequently so paltry, that they act as no deterrent at all.
DECCW must get serious about regulation.
5. Government must put an end to native forest logging on public land, we can no longer afford the biodiversity loss this industry continues to cause, much less the economic losses that have occurred in recent years. Logging on private land should also be discouraged through the greater use of stewardship payments.
6. Finally, and most importantly, all legislation must be geared to protecting native vegetation. As pointed out earlier, the best way to improve biodiversity is to stop destroying it in the first place. Offsets should be a last resort solution, and should not simply be a matter of protecting other vegetation of equal value, there should also be an added requirement to rehabilitate cleared degraded land (i.e. not suitable for agriculture) of an equal size. Biobanking in its current form must go.

In conclusion

We believe the Strategy does an excellent job highlighting the importance of protecting the State's remarkable biodiversity, and identifying the threats it faces. However, we believe the actions fall far short of what is required.

Unfortunately, as described in some detail above, on the basis of past experience we have little faith that this Strategy will make any difference, and that biodiversity will continue its spiraling decline as a direct result of a lack of funding and political will. We urge the NSW Government to lift the profile of biodiversity protection to a level that will make a difference.

We thank the DECCW for this opportunity to comment.

John Edwards
Honorary Secretary.

Have your say

Written comments are requested by Friday 21 January 2011, addressed to:

Draft NSW Biodiversity Strategy 2010–2015 Comments

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