

## NEWSLETTER 2 – AUTUMN 2011



### CLARENCE ENVIRONMENT CENTRE

31 Skinner St, South Grafton 2460

Phone / Fax 66 43 1863 Email [admin@cec.org.au](mailto:admin@cec.org.au)

Website [www.cec.org.au](http://www.cec.org.au)

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### Government inaction on Biodiversity Protection

It is appropriate that, in the International Year of Biodiversity (2010), the Federal Government released “Australia’s Biodiversity Conservation Strategy 2010 – 2030”, claiming it to be a blueprint for long-term action to protect our biodiversity.

The document provides a comprehensive summary of the threats facing Australia’s biodiversity, and lists priority targets and actions to achieve desired outcomes. However, a brief history needs to be considered before the reader experiences any possible surge of optimism or euphoria.

In 2009 a Consultation Draft Strategy was released, part of a 5 yearly review of the 1996 “National Strategy for the Conservation of Australia’s Biological Diversity”. 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 original strategy had failed to meet any of its stated core objectives:

- “*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”.*

Reading the 2010 Strategy one experiences a feeling of dé-jà vu. Have we read all this before? Return to the 1996 Strategy, and sure enough it's all there, the same targets and initiatives, now skilfully re-worded and rehashed.

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. And don't forget, land care funding was cut significantly in the interim.

The latest Strategy's 2015 targets include 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. Whatever happened to that?

Various governments have marked time for 15 years, coming as no surprise seeing the ongoing destruction of native bushland currently occurring all around us.

We cannot afford to mark time any more, we must have action.

*John Edwards*

### **“Caught in the Act”**

**M**any of Australia's unique plants are protected by law in one way or another. All plants are protected in national parks and conservation reserves, and it is an offence under the Threatened Species Conservation Act to knowingly pick or damage any plant species that is listed as threatened, regardless of where it is growing.

Then there is a separate category of plants that are not listed as threatened but are under threat from collection by members of the public who see them as desirable for a variety of reasons - as garden plants, for cut flower arrangements, or other decorative purposes.

This category includes the obvious cycads; epiphytes, such as Elk and Stag Horns, orchids, some ferns; and attractive flowering plants such as *Boronias*. There are also other decorative plants prized for their foliage such as some reeds and of course, Christmas Bush, much sought after during the festive season. Because of the devastation they suffer at the hands of thousands of people who tell themselves that their small collection will have no detrimental impact, all these species have been given formal protection under the National Parks Act, and can only be taken by licensed operators.

This last Christmas, spurred on by the widespread abuse of the law in relation to illegal Christmas Bush collection for use as Christmas decoration, a National Parks authorised monitoring program was undertaken at key points which caught numerous people in the act.

Surprisingly, the culprits come from all walks of life, not only from disadvantaged groups that cannot afford to go to a florist or other licensed retailer, with the list of offenders including a well-known local dental surgeon, a retired Maclean High School teacher, and a well respected building contractor.

When confronted, these culprits appear to be well aware that what they are doing is illegal, but that fact doesn't seem to bother them.

One other disappointing aspect is that, while approving this surveillance effort, the Department of Environment, Climate Change and Water was unwilling to erect signs or, judging by the lack of any public awareness campaign on the subject, wanted to get involved.

*John Edwards*



*Smooth Cage Fungi – photo John Edwards*

### **Update on our alleged illegal logging of endangered communities at Grange and Doubleduke State Forests**

**I**n our last newsletter I promised to keep members informed about any progress in the Department of Environment's (DECCW) investigations into our allegations of illegal logging in rainforest and endangered ecological communities (EECs) by Forests NSW at Doubleduke and Grange State Forests.

This entire process has been drawn out for far

too long, but bureaucracy cannot be rushed. Nevertheless, I thought I'd get you up to speed with what has happened so far. Dailan Pugh and his NEFA team undertook further audits in Doubleduke last November and discovered other areas of EEC which had been logged. His complaint, made through the Environmental Defenders Office, received a reply signed by Minister Sartor assuring us that the additional EEC logging had in fact been found by DECCW's investigators before Dailan's team had. This was the first admission, albeit indirectly, that the investigations had possibly supported our assertions.

Two days before Christmas I, along with the President and Secretary of the North Coast Environment Council, was invited to meet with the DECCW Director General, Lisa Corbyn, and two departmental heads, including Greg Sullivan, head of the Forestry section.

We were there to discuss problems with the way DECCW was dealing with forestry issues on both public and private lands, so I pointedly asked Mr Sullivan if their investigations had confirmed our allegations. At first he stuck to the official line, something that we had been given every time we inquired for the past 6 months, that the investigations were ongoing and as yet there had been no final determination.

However, after I explained that I personally knew, and had worked with one of the ecologists they had employed to undertake their investigations, and that I was aware they had completed their reports several months earlier, he admitted that their findings fully supported my allegations, but added that Forests NSW, not surprisingly, still disputed those findings.

In relation to the Doubleduke logging, proving the occurrence of protected Subtropical Coastal Floodplain Forest will be a complex issue, and one that Forests NSW might be able to argue that it was caused by incompetence. However, at Grange where the rainforest was mapped incorrectly on the Harvest Plan as Blackbutt - Scribbly Gum forest, when neither species was present, the

defense of incompetence is completely out of the question, and with deliberate collusion between Forests NSW staff and logging contractors likely to be much easier to prove.

At this stage it looks as though it may all end up in court, and DECCW claims the lengthy process of dotting I's and crossing T's is necessary to ensure a successful outcome. As a result I doubt if there is any immediate chance that DECCW will make any comment to the media other than "the investigation is ongoing".

We, on the other hand, intend to keep the pressure on Forests NSW and DECCW by undertaking further monitoring where appropriate, and will no doubt continue to receive abuse from extremist groups like Timber Communities Australia and The Forest Products Association, claiming we are making unfounded and trivial accusations against honest hard-working timber workers.

I should explain that under the law it is illegal to pick or harm any plant in protected rainforest or endangered communities, each event incurring fines up to 4 figures. As Dailan Pugh points out, if DECCW follows the letter of the law in respect of the logging of these protected forests, the maximum fines that could be imposed run into many millions of dollars.

I'll certainly let you all know what eventuates (Sullivan did mention that any charges must be brought within 2 years of the event, so we might have to wait another 12 months); most likely another slap on the wrist is all that will result.



*Fungi - Photo John Edwards*



*Grey-Headed Flying Fox*

### Trying to raise the profile of Flying-foxes

There is a clear need to reverse public perception (hopefully only among a minority) that Flying-foxes are an evil entity. One only has to look at children's fairy tales where wicked witches and human vampires like Count Dracula are associated with bats, to realise why there is this perception.



*Little Red Flying Fox*

As a result, the Clarence Environment Centre is currently working on putting together a documentary film to show the Flying-fox for what it really is, a highly intelligent, social

animal that is a critical link in the biodiversity's chain upon which we humans depend.

As part of the project the Clarence Environment Centre's production team spent a morning filming at the Maclean High School late last year familiarising themselves with the issues that have divided the community in recent years.

Grey-headed Flying-foxes are a threatened species listed under both the NSW Threatened Species Conservation Act and the Federal Environmental Protection and Biodiversity Conservation Act, and are known to have utilised the rainforest habitat adjacent to the Clarence River at Maclean since white settlers first arrived in the 1830's and preceded to clear the land.

Today it is estimated that some 95% of the original vegetation has been cleared from the massive Clarence River floodplain, leaving only small remnants including the rainforest along the riverbank adjacent to the Maclean High School. This is also an important traditional maternity roosting site for Grey-headed Flying-foxes, with pregnant females arriving to give birth between August and October each year to coincide with the spring Eucalypt flowering across the Valley.

Historically the colony has consisted predominately of Grey-headed Flying-foxes, but these have shared their habitat with varying numbers of Little Red Flying-foxes, and, increasingly over the past two decades, with Black Flying-foxes, which have extended their previous range across the northern regions of Australia southward into NSW, and are now regularly found roosting at Maclean.

Black Flying-foxes were once also listed as threatened in NSW, however their increasing numbers and competition for food and habitat, exacerbating problems associated with shortages experienced by Flying-foxes generally, have caused them to be delisted.



Flying-foxes forage at night, travelling as much as 50 kilometres to feed off nectar and pollen, and occasionally forest fruits, which they chew to extract the juice before spitting out the leftover fibrous material.

During early maternity the females carry their babies with them while foraging, but as they grow the pups are left overnight at the roost site before being reunited in the early dawn.



*Maclean Flying Foxes at Substation Gully*

Over the past 40 years the Maclean High School has expanded its sporting fields, which entailed extensive clearing of the remnant rainforest. Then, around the turn of this century, extensions to the tuition buildings encroached still further into the Flying-foxes' habitat.

This move sparked serious conflict. Flying-foxes are noisy, and have an odour that is offensive to some people. The situation was not helped by an outbreak of deadly Hendra Virus in Queensland, which, without any firm scientific evidence, was blamed on Flying-foxes. This, coupled with the knowledge that Flying-foxes can also carry another potentially fatal pathogen, *Lissavirus*, resulted in concern by some members of the school community which verged on paranoia.

This then led to attempts to relocate the animals using noise and disturbance, something that cost the local council hundreds of thousands of dollars over the past few years. Not only was this disastrous for the Flying-foxes, which were unable to rest

during the day, resulting in many dying from starvation, abortion of foetuses and death of pups by separation from their mother, but it also shifted the problem from one side of the school grounds to the other and into neighbouring residential areas of Maclean, into a small forest remnant known as "The Gully".

In about 2008, as the relocation strategy had clearly failed, the NSW Department of Education, Climate Change and Water (DECCW) refused to renew the Education Department's licence to continue its disturbance program, resulting in near riots among the school community and the entire issue becoming highly politicised.

Despite the health risks being declared minimal by the NSW health authority, the Government was accused of placing children's lives at risk. The local newspaper jumped on the band-wagon and printed a series of highly emotive articles, including one based around a horse breeder who feared for her life because the Flying-foxes flew over her property. The entire matter was out of hand.

Finally though, sanity prevailed, and a working group was set up, made up of stakeholders from both sides of the argument. This resulted in a sensible, workable management plan with revegetation and regeneration as its focus.

At the southern end of the school grounds, along the riverbank adjoining the rainforest remnant, is a small triangular piece of cleared land which comprises the school's 'agricultural' plot. There is also a power line and road reserve easement across the area immediately adjacent to the rainforest.

The plan, at this point in time, is to put the power line underground and to largely revegetate the easement, with some planting already taken place.

It was seen that part of the currently disused, weed-infested, agricultural plot should also be planted to rainforest trees. However, some in

the school community vehemently oppose this plan, which, we suspect, has more to do with not wanting to accept any Flying-fox presence, rather than a real need for the plot for agricultural education purposes. Hopefully this can be resolved in the not too distant future.

However, with habitat destruction continuing across the landscape, and the authorities either unwilling or unable to stop it, the future for Flying-foxes, and most other fauna species, does not look good.

## **Putting the cart before the horse in relation to urban development**

**I**mmediately before Christmas, the Department of Environment, Climate Change and Water (DECCW) placed its Draft Mid North Coast Regional Conservation Plan (the Plan) on public exhibition, calling for public comment.

In its summary, the Plan identifies the fact that it is a “partner document” to the Mid North Coast Regional Strategy (MNCRS) which was finalised about two years ago, predicting population growth for the region and identifying future growth areas to satisfy demand for residential and industrial growth to the year 2031.

The current Plan identifies the region's “High Conservation Value Biodiversity Assets”, along with “Habitat Networks”, and “Priority Conservation and Restore areas”, all critical information that should be considered when identifying future growth areas. **So why on earth has this document been formulated two years after the locations of new growth areas were decided?**

Any sensible Strategy would have ensured that a conservation plan was in place **before** deciding where the growth areas should be, and the failure to do so in this instance has had major detrimental consequences for the Clarence Valley's biodiversity.

The Clarence Valley LGA is the largest on the Mid North Coast. Its huge floodplain and adjoining foothills have also seen some of the worst instances of habitat loss over time with 95% now cleared. As such there is ample scope for growth using degraded, flood-free areas such as Junction Hill and Clarenza. However, the MNCRS also identifies two other growth areas, West Yamba, a proposed new suburb with a 'use-by date', and forested Gulmarrad that clearly do not fit these criteria.

But first, the real “elephant in the room”! Masquerading under the term “upgrade” is a monstrous plan by the Roads and Traffic Authority (RTA) to construct a new separate motorway through the Clarence Valley which will cater for just 30% of the traffic currently using the Pacific Highway.

While confirming the fact the MNCRS had identified a population increase of some 19,000 for the Clarence Valley by 2031, and that this would require 592 hectares of land, and a further 23 hectares for industrial estates, there isn't even a hint of the estimated 1500 hectares that will be cleared of vegetation to construct the motorway.

Worse is to come when we consider that only an estimated 15% of the land lost to population increases is currently forested, while more than 50% of the motorway route goes through native forests, much of it identified as having high conservation value or listed as endangered ecological communities (EECs). The balance of the route comprises prime agricultural land and grazing properties.

With Federal, State, Regional, and Local Government Biodiversity Plans and Strategies now in place, all espousing the need to minimise impacts to biodiversity (although not one strategy mentions the Pacific Highway), 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). No way can this be described as “minimising” impacts.

At the same time, because the existing highway will still 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.

In its wisdom, the Plan makes the following sensible comment: *“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, and (assuming that Department takes notice of advice of an environmental nature, historically not its strong suit), Gulmarrad, with its high conservation value forests and EECs, which form part of critical north-south and east-west wildlife movement corridors, would never have been identified as a growth area.

As a result, we are presented with what can only be described as a sick joke, with the Plan including Gulmarrad as an area: *“Where it can be demonstrated that opportunities to avoid impacts on biodiversity have been exhausted and (where) mitigation and offsetting are required.”*

To this end the area surrounding Gulmarrad, which the Plan identifies as “Shark Creek”, is identified as the offset area. Bordered by Lake Wooloweyah in the east, Yaegl Nature Reserve in the North, the Clarence South Arm in the west, and Boundary Flat in the south, the Plan describes it 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 joke becomes even sicker. The originally announced preferred route for the new motorway ran adjacent, and parallel to the existing highway, which closely 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, but that is not all: The motorway will use almost all the lands identified by the Plan as suitable for offsetting “adjacent to the Yaegl Nature Reserve.

Despite plainly identifying its main Planning Principle as being to: *“Protect high value environments by avoiding direct impacts on biodiversity”*, the Plan fails to even mention this major contribution to biodiversity loss. When will the State Government rein in the RTA? That agency appears completely unregulated, massively funded without question, and seemingly free to destroy the environment at will.

The Plan's to avoid direct impacts on biodiversity could well be achieved by scrapping the motorway and instead upgrading the existing highway to a 4 lane divided road, as it has in many other areas. The Coffs Harbour to Ballina section of highway carries by far the least volume of traffic of any section between Brisbane and Sydney, so there is clearly no justification for the massively expensive motorway option preferred by the 'empire building' RTA.

## **Response to Inquiry into the provisions of the Water Act 2007**

**17 March 2011 Submission by Clarence Environment Centre**

### **Introduction**

**T**he Water Act 2007 was the result of the awareness of the continuing degradation of the Murray Darling Basin and the then ten year drought.

The Murray Darling Basin has been developed as an irrigation area since the early 1920's and has been very successful.

Unfortunately the waters were over-allocated as major developments occurred during years when there was greater than average rainfall. During the 1980s it became obvious that degradation was happening, but further allocations were still made.

In 1991 we created a world record when we had the largest river toxic bloom in history on a 1000-kilometre stretch of the Barwon and Darling Rivers.

In 1997 the Murray Darling Basin Cap was agreed to; this did nothing to address the existing over-allocations. It did however recognise that further growth in water diversions would hasten the decline in river health, as well as to further adversely affect water quality and to reduce the reliability of the water supply for existing water users.

The 10-year drought, the worst in our recorded history exacerbated the situation and in the 2003 CSIRO report “What is the Status of River Health in the Murray-Darling Basin?” by Dr Peter Gehrke, Dr Ben Gawne, and Dr Peter Cullen ([http://www.clw.csiro.au/issues/salinity/documents/murrayriver\\_health.pdf](http://www.clw.csiro.au/issues/salinity/documents/murrayriver_health.pdf)) the following is stated:

*There is compelling evidence that the condition of the river environment in the Murray-Darling River system is declining as a result of development of the land and water resources in the Basin. Existing levels of development are clearly unsustainable, and current usage patterns need to be re-evaluated to establish targets that allow the environment to be rebuilt to an acceptable condition that in turn sustains viable social and economic systems.*

Many other reports made similar statements and this, with the worsening problems caused by the drought, resulted in the Water Act 2007 and the establishment of the Murray Darling Basin Authority as the problems could no longer be ignored.

It is important to note that during the 10-year drought, water allocations for agriculture

were reduced by at least 70% and in some areas up to 100% at times. That this could be done with no major long term economic impact shows the resilience of the sector and the significance of the remedial works already undertaken.

Although the drought is over, further droughts will happen. The need is to establish sustainable limits on water extraction so that sustainable agriculture can flourish in the Murray Darling Basin (MDB).

The world population is still growing, so we can expect increased demand and prices for agricultural products. The predicted climate change for the area is less rainfall and higher temperatures, the agricultural sector has already shown it can adapt to long term drought conditions, it now needs to adapt so that the MDB river system becomes sustainable and can support agriculture well into the future.

## Interpretation of the Act

The Act was written after seven years of drought and continuing deteriorating environmental conditions in the MDB. The legal basis for the act is to implement relevant international agreements (RAMSAR Convention etc), so the act was an environmental act.

In Section 20, *Purpose of Basin Plan*, the strongest clause is:

(b) the establishment and **enforcement** of environmentally sustainable limits on the quantities of surface water and ground water that may be taken from the Basin water resources (including by interception activities);

While the “economic, social and environmental outcomes” is mentioned in clause (d) in Section 20, when we look at Section 21, *General basis on which Basin Plan to be developed*, only “critical human water needs” are mentioned in the first three subsections. All the other subsections are subject to these first three subsections.

Given the above, we believe that the Water Act 2007 correctly recognises the need to return extraction to long-term sustainable

levels to bring the MDB back to better health so that it can sustainably support agriculture in the region.

Hence we believe there is no need to amend the act as it already has the right balance.

We believe that the act requires the management of the environmentally sustainable extraction of water from the Basin water resources in a way that optimises the economic, social and environmental outcomes.

This way we support the long-term viability of the MDB agricultural sector. Environmentally **unsustainable** water extraction will result in an **unsustainable** agricultural sector. This will require change, but it has already been shown that this is possible during the ten-year drought.

*Robert Hinterding*

## **The truth about old-growth logging revealed**

**F**ollowing complaints from the North East Forest Alliance (NEFA) about the widespread reclassification of previously mapped old-growth forests to allow logging of those forests on private land, a Department of Environment, Climate Change, and Water (DECCW) investigation confirmed that more than 8,400 hectares of old-growth forest had received approval for logging in breach of the Native Vegetation Act since the Private Native Forestry Code of Practice had been introduced.

Carmel Flint, spokesperson for NEFA points out that *"For three years environment groups have been raising concerns about DECCW issuing approvals to log old growth forests across large areas of northern NSW"*.

DECCW ignored those concerns and fought through the courts to prevent the North Coast Environment Council getting access to details through Freedom of Information. Then having lost the case, DECCW placed a prohibitively high \$16,000 charge to provide the

information. Then the long-promised review was delayed by a year while logging approvals went full-steam ahead.

A report in the Sydney Morning Herald, which followed the release of the independent report, claimed the reclassification was accidental, something we (CEC) do not believe having had several Departmental insiders expressing concerns to us over what they saw as irregularities. However, an official investigation of DECCW's PNF branch that resulted from our complaint, could find no 'impropriety'.

Nevertheless, as Pepe Clarke, Chief Executive Officer of the Nature Conservation Council of NSW pointed out: *"The impacts of old growth logging are severe and long-lasting -- it destroys large old trees and the hollows they provide for birds, bats and gliders to make their nests and take shelter; it leads to invasion by weeds and feral animals; and it pollutes creeks and rivers"*.

Unfortunately, the NCEC, and other organisations consider that the changes that DECCW have made in response to the report are completely inadequate, and are exploring legal avenues that are available to redress what they describe as *"appalling environmental mismanagement"*.

The debacle over old-growth logging is not the only scandal to emerge in recent weeks. Just before Christmas it was revealed by the NCEC, that DECCW's PNF cowboys have issued illegal logging approvals for at least 60 separate logging applications, amounting to some 2,000 hectares, on private land containing "core koala habitat" around Coffs Harbour.

The Department does not dispute the council's figures, but claimed the Coffs Harbour Koala Plan of Management, which identifies the vulnerable species' local habitats, is not officially gazetted. Their claim that this meant *"the prohibition on logging that normally applies to important koala habitats under state environmental planning policies could*

not be enforced in that council area” is pathetic, and a clear indication that the restructuring some years ago that saw the former Land and Water Conservation Department absorbed into DECCW as its PNF administrators, has proved a disaster for the environment.

### **Department of Environment's Private Native Forestry (PNF) Cowboys strike again**

In early January we received a letter from Lisa Corbyn, the Director General of the Department of Environment, Climate Change and Water, reporting that a recent independent investigation into allegations that PNF officers were advising landowners on ways to circumvent threatened species legislation, had found no evidence of impropriety.

That letter was written before the report was released about the 'accidental' reclassification of old-growth forests to allow them to be logged. However, during January a story broke that the very same PNF Department had also approved logging of thousands of hectares of mapped Koala habitat in the Coffs Harbour shire, where a Koala Plan of Management is in place. The PNF cowboys denied knowing anything about the Plan of Management, claiming it had not been gazetted.

*Environment groups have obtained three explosive letters sent from Coffs Harbour City Council (CHCC) to the Department of Environment, Climate Change and Water (DECCW) which show the environment department has been lying about logging in core koala habitat.*

*"These letters expose the environment department in a deceitful double game about koala habitat" said Jim Morrison, President of the North Coast Environment Council.*

*"DECCW has repeatedly claimed in the media that it was not aware of any advice from the council that logging approvals it has issued may have been illegal. The letters reveal this claim to be patently false.*

*The letters show clearly that CHCC has been raising concerns about approval of logging in core koala habitat for 16 months. The concerns have been ignored by the environment department, who have not*

*even bothered to respond in writing or to meet commitments made in meetings.*

*Urgent requests from CHCC to DECCW demanding that DECCW explain their legal position have not even been answered.*

*Recent news of plans for a meeting between CHCC, DECCW and the Department of Planning in mid-February to discuss this issue further gives us no confidence whatsoever.*

*Given the explosive contents of these letters we do not believe that DECCW has any commitment to koala conservation, and we are now asking the Minister for Environment to urgently step in and protect koalas where his department will not.*

*There should be no further delay on this issue -- koala habitat is being destroyed illegally and it should end now" Mr Morrison said.*

Then, on January 31, the North Coast Environment Council released the following story to the media:

#### **\*Key quotes from the letters:\***

**29th September 2009** "Multiple Agreements have been issued by DECCW for properties containing Primary, Secondary or Tertiary Koala Habitat as mapped by the Coffs Harbour Koala Plan of Management (KpoM)".

**17th August 2010** "At that meeting you gave a verbal commitment to provide legal advice from your Department regarding the various concerns Council had raised...That advice to Council remains outstanding".

**17th August 2010** "The concerns expressed by Council have not abated as DECCW continues to issue approvals for logging over legally defined and mapped 'core koala habitat'.

**6th January 2010** "It is therefore perplexing to see that the NSW Government and in particular DECCW which has carriage to protect koalas as a vulnerable species, is causing the destruction of large tracts of core Koala Habitat and their consequent demise".

We wrote to Ms Corbyn asking if she still believed there was nothing improper going on in the PNF section – her reply accepted no blame whatever, and blamed it all on mapping faults which her department were working to overcome !!!!



## Clouds Creek Forestry Training Day

**D**epartment of Environment (DECCW) Forestry Regulation Department have refused to allow us, or any members of the public, to accompany their inspectors to show them where we allege breaches have occurred. As a result of our complaints the Department tried to compromise by offering to undertake a training day on how forests are assessed by their inspectors.

It took over 6 months but finally it happened in mid February. I suppose it is indicative of the level of concern among the public that community representatives from as far afield as Glen Innes, Whipporie, Maclean, Grafton and Coffs Harbour, descended on Clouds Creek State Forest to attend the information day.

The exploitation of our State forests is controlled by a complex mix of legislation administered by several government agencies Unfortunately, while the legislation is in place, and based on our own audits over the last 12 months, nobody appears to be monitoring what is happening on the ground.

The field day was not as productive as we had hoped, and one thing that did emerge was that there are major differences in the interpretation of the IFOA depending on which side of the environmental fence one happens to be standing, and that the DECCW is standing firmly on the side of Forests NSW and the timber industry

One glaring example of this is the retention of habitat tree and recruitment habitat tree requirements. The IFOA explains that: “A minimum of ten hollow-bearing trees must be retained per two hectares of net logging area” where available, and the same for recruitment habitat trees.

Further there is the requirement that “*Hollow-bearing trees must be scattered throughout the net logging area.*”

Within the isolated 5 hectare piece of logged forest where the field inspection was held,

there were only two retained habitat trees and one recruitment habitat tree, where we believe there should have been at least 23 of each. At the same time, at least 30 large trees measuring up to a metre in diameter, and most likely containing hollows, had been logged from the area.

However, despite the “*trees must be scattered throughout*” clause, DECCW's investigators excused the failure to retain the required number, by asserting that the total number is averaged out across the whole of the harvest area, and the rest of the habitat trees could be elsewhere in the compartment. There was no time to check the entire area, and needless to say we have pursued this and other anomalies identified on the day. However, so far (a month later) we are just not getting any response at all.

## Coal seam gas mining. Landowners' rights under the spotlight

**L**andowners and residents from Coaldale and surrounding areas gathered at their local hall on Saturday March 12 to air their concerns over proposed plans by mining company, Metgasco, to mine for coal seam gas in the Coaldale valley, and listen to a number of speakers outlining the associated problems.



The Environment Centre had been able to obtain an advanced copy of the documentary; “Gas Land” for them, which exposed the horrors of what coal seam gas mining has done in the USA. An ABC 4 Corners report on very similar occurrences here in Australia has added to concerns, not only for affected landowners, but also across the wider community.

Local resident, Brian Winter explained to the meeting that, when it comes to mining, landowners have very few rights and ultimately cannot stop mining companies from setting up operations on their land. He explained the various processes involved, including “fracking” which uses a combination of water pressure and chemicals to break open underground rock strata where the gas has been trapped for eons, allowing it to be forced to the surface by pumping in millions of litres of water.

I was invited to address the meeting to represent the Environment Centre, as was Janet Cavanagh as The Greens' candidate. I acknowledged that mining regulations were heavily skewed in favour of the miners, but pointed out that these companies had to comply with the Environmental Planning and Assessment Act, that invoked threatened species legislation and the need to prepare an Environmental Impact Assessment. This in turn allows for public comment to be made, and an opportunity, to some extent, to keep them honest. I expressed the belief that there are some dodgy laws out there, but these laws, where they apply to coal seam gas extraction, are just plain bad on every level of irresponsibility.

On an environmental level, no one can guarantee that the “fracking” process will not poison or otherwise pollute the groundwater, or that it will not drain underground aquifers. Nor can they guarantee that they can seal the wells so they will not leak methane for years to come.

I explained that on a social level, landowners would likely see a drop in the value of their assets. They are powerless to stop the mining, and their once peaceful lifestyles will be impacted by heavy vehicle traffic, noise, dust and odours. The community will likely be divided, and stress levels will rise, and all to exploit a resource which in all probability will be exported at give-away prices with little or no benefit to Australians other than a short-term boost to the economy, while the resource is gone forever.

A recent editorial in the Daily Examiner on the proposed mining at Coaldale, quoted an industry spokesperson as saying the Greens were trying to make coal seam gas mining an election issue. Certainly it was reported at the meeting that local Nationals MP, Steve Cansdell gave the mining his whole-hearted support. I believe it is high time someone did make this a political issue, and applaud the Greens for doing so.

In that respect Janet, with her usual thorough research, was impressive in being able to answer residents' concerns with factual information on a range of matters. However, at this stage the prospects of preventing this industry from setting up business all across the Clarence Valley, where they already hold exploration licenses, is remote. Nevertheless, the Environmental Defenders Office is looking closely at legal options, and the North Coast Environment Council is keen to take on any case that may halt this industry in its tracks.

The meeting resolved to join with other organisations around Australia opposed to coal seam gas mining, and raise awareness with other Clarence Valley communities such as Nymboida and Kangaroo Creek where exploration licenses already exist, and to continue lobbying for a moratorium on all coal seam gas mining until environmental safeguards can be guaranteed.

## **World Forestry Day protest action in Grafton**

**T**he North Coast Environment Council (NCEC) together with the North East Forest Alliance (NEFA) held a protest outside the Grafton Offices of the Department of Environment, Climate Change and Water (DECCW) on 21<sup>st</sup> March 2011 to highlight the lack of progress in the resolution of problems with forestry regulation on both public and private land.

The protest organisers were encouraged by the sizable crowd that arrived from all over

the north coast from as far afield as the upper Hastings, Byron Bay, Lismore, Ballina, Glen Innes, Clouds Creek, Port Macquarie, the Lower Clarence and all points in between. One person, complete with Koala suit travelled all the way from Crookwell southwest of Sydney, to join with the “Friends of the Koala” mascot in adding a threatened species perspective.



After acknowledging the traditional owners, the NCEC's Honorary Secretary, John Jeayes, addressed the crowd, explaining that it was appropriate, on this the World Forests Day, to highlight the failure by DECCW to monitor the actions of the timber industry on both public and private land, where old-growth forests, rainforest, endangered ecological communities (EEC), and core koala habitat were still being subjected to logging.

John Jeayes then introduced the NCEC President, Jim Morrison, who made an impassioned speech highlighting the unacceptable changes the Private Native Forestry (PNF) Unit of DECCW has introduced to the PNF Code of Practice. These include the logging of EECs, and previously 'protected land' (steep slopes), under the claim that it maintains or improves ecological values.

Jim Morrison warned about the current push by the PNF Unit to grant “bio-certification” to logging under the Code of Practice, which would allow any logging approval on private land to proceed without any need for flora and fauna assessment, or regard for threatened species legislation, under the 'assumption' that

logging under the Code maintained or improved ecological values.

Mr Morrison lamented that the most damaging of all actions currently being undertaken by the PNF Unit was the reclassification of mapped old-growth forests, protected under the Code, to a lesser value thus allowing them to be logged. To date, he explained, more than 8,000 hectares of mapped old-growth forest had been so treated, with contracts granted to landowners to log those forests over the next 15 years.

Add to this scandal, Mr Morrison explained that the PNF Unit had also granted licences to landowners to log almost 2,500 hectares of mapped Koala habitat in the Coffs Harbour district in contravention of the Council's Koala Plan of Management, and failed to respond to Council's letters of concern for 16 months.

Jim Morrison's speech was followed by renowned forest campaigner and artist, Dailan Pugh, who was heavily involved in the drafting of the historic Regional Forest Agreements in the late 1990s, and is now appalled at the systemic widespread breaching of the agreement that he has found to be occurring, and being condoned by an ineffective forests investigation unit, another section under the DECCW.

Acknowledging the work of the Clarence Environment Centre in exposing the logging of supposedly protected Endangered Subtropical Coastal Floodplain Forest at Doubleduke, and Lowland Rainforest at Grange State Forest, Mr Pugh detailed a horror story of breaches his NEFA team had previously uncovered at Yabbra State Forest where their report of logging a protected rainforest resulted in Forests NSW being fined a paltry \$300.



Mr Pugh also referred to the unacceptable situation where DECCW's forest inspectors are not qualified to identify threatened plants or endangered communities, which means that, unless private citizens are prepared to risk arrest and prosecution by entering a logging site, and do DECCW's work for them, these infringements would never be identified.

Applause and unanimous approval was given at the protest's close with the reading of a list of demands made to the Director General of DECCW, Lisa Corbyn, which are as follows:

On Private Native Forestry the demands are:

- Trigger an immediate investigation by the NSW Auditor General into the maladministration of logging approvals over the last 3 years by the PNF Unit of DECCW.
- Remove Bio-certification for Private Native Forestry as the Code of Practice has failed to protect the high conservation values of forests including most threatened species habitat.
- Return to the requirements of the 7 Part Test before granting Property Vegetation Plan approvals for logging.
- Require independent pre-logging surveys to determine site-specific requirements for threatened species.
- Cease all logging in core koala habitat.
- Revoke all "old growth" reassessments which have recently released over 8000 ha from protection through incorrect declassification.
- Make all PNF property vegetation plans available to the public on a website.
- Ban all logging in Endangered Ecological Communities.

In order to better protect threatened species and water quality during logging on public lands DECCW must:

- Clarify, improve and monitor licence conditions;
- Audit at least 10% of plans and operations;
- Ensure that Foresters tasked with undertaking pre-logging assessments are adequately trained and mark all required trees and exclusion areas before logging starts;
- Ensure that Bell Miner Associated Dieback areas are identified and rehabilitated;
- Ensure that all stream banks are duly and adequately identified and protected;
- Fine Forests NSW for each breach, rather than counting multiple breaches of a licence condition as a single breach;
- Require the protection of equivalent compensatory habitat and trees for each area and tree illegally logged.
- Require the rehabilitation of all areas illegally logged and;
- Make all relevant documents publicly available on the Internet.

A group, including both Koalas then entered the DECCW offices and handed the letter of demands to DECCW's regional head of the PNF Unit, Greg Lollback.

On behalf of the Clarence Environment Centre, I would like to say a special thank you to members of the public who have conveyed information to us, and pay especial tribute to those who, by their vigilance in monitoring logging operations in our public forests, have made the public aware of what is really going on. Even though many would, and already have, put their hands up, it is unfortunate that, in the current climate, I am unable to identify all those who have helped in this campaign.



I also extend our sincere thanks to all who answered the NCEC's call for action and attended Monday's protest, especially the Greens candidates who added their considerable support, our own Janet Cavanagh for the seat of Clarence, and Jeremy Bradley from the seat of Oxley, who travelled all the way from the Hastings district to attend. I also thank all those who phoned or sent letters and emails of support, but who could not make it on the day.

Finally, my appreciation to Robert who loaned us his PA system and to Jay, Simon and Jimmy who set everything up, and provided their considerable filming and editing expertise, which will soon allow the world to witness the day's events on this web-site.

*John Edwards*

### **Proposed weed control program at Mororo Creek Nature Reserve**

**I**n early April, the Environment Centre was approached by the National Parks Service to tender for a proposed flora survey and weed mapping project at the Mororo Creek Nature Reserve near Iluka.

The main reason for this approach was that, in July 2009, Patricia Edwards made a submission on behalf of the Centre to the reserve's Draft Plan of Management. We undertook a partial assessment of the reserve as part of that submission and found it to contain some significant floristic values

Possibly the most significant was a community we believed met the criteria for Littoral Rainforest and Coastal Vine Thickets of Eastern Australia, a community listed as Critically Endangered under the Commonwealth EPBC Act. Our submission described it as follows:

Floristically the criteria for the EEC are that ... *"Of the native plant species present in the patch, at least 25 per cent of these must occur*

*on the indicative plant Species Lists for the associated bioregion of this ecological community (found on SPRAT) OR - At least 30 per cent of the canopy cover in the patch must be from one or more of the rainforest canopy species (either a tree or shrub) that are on the indicative bioregional plant Species Lists (found on SPRAT) excluding Banksia or Eucalyptus species."*

Of 165 species listed as indicative of the community in the North Coast bioregion (*Flora species of Littoral Rainforest and Coastal Vine Thickets of Eastern Australia by Bioregion - Southern South Eastern Queensland and NSW North Coast*), 42 species (25%) are known within the Mororo Creek NR. At this stage only 10% of tree species common to the indicative species have been identified, however the greater part of the reserve has yet to be surveyed.

The Mororo NR vine thicket community also includes *Coelospermum paniculatum*, an uncommon vine that occurs within the reserve at the southern limit of its range, and *Lygodium microphyllum*, a climbing fern, which is also uncommon and at its southern range limit.

### ***Well done Janet!***

***D****espite the depressing overall outcome of the NSW State election, the message from the electorate came through loud and clear with a significant increase in Green votes, and the result takes nothing away from the efforts of our local candidate, Janet.*

*Faced with an electorate focused on dumping an appalling, scandal-ridden Labor Government, and the involvement of a high profile Independent, Janet worked like a trooper. Apart from crisscrossing the electorate to attend functions and "meet the candidate sessions", she also spent hours behind the scenes helping organise the*

volunteers and booths. She impressed everyone with her thorough grasp of the issues, and all who saw her in action agreed she was the standout performer.

Janet. You're a champion. We thank you sincerely for your inspiring efforts, and hope you can muster the strength to stand again at the next election.

\* \* \* \* \*

## Re-Weavers Dinner 2011

*The Re-Weavers are "individual Australians who have greatly enhanced the tapestry of our Earth Community by re-weaving green threads of sustainability back into its living fabric."*



To :

### Advanced Notice

The sixth annual Re-Weavers' dinner will be held on Friday 3 June (6 pm for 6.30 pm) at the Masonic Centre in Bacon Street, Grafton.

Those being honoured this year are Joan O'Shea of Grafton, Jim Morrison of Mallanganee and John Seed formerly of the Lismore area.

For more information contact Leonie Blain ([lblain@optusnet.com.au](mailto:lblain@optusnet.com.au))

Organised by  
The Clarence Valley Branch of the National Parks  
Association  
The Clarence Valley Conservation Coalition

\* \* \* \* \*

*We are always looking for suitable material to include in the Newsletter, so if you have anything that you can contribute - an article, poem, photo, cartoon or story, please feel free to send it to the Clarence Environment Centre for inclusion. There is a pigeonhole at the Environment Centre where you can leave your contribution. The Editor*