

## **SUBMISSION TO PRIVATE NATIVE FORESTRY REVIEW**

I have had personal experience with Private Native Forestry being undertaken on an adjoining property and in my experience Private Native is destroying the environment and needs a drastic change. This experience was and is still not a good one for myself, local residents, the wildlife and our creeks and their inhabitants. Koala habitat and an ecological zone were logged. There were numerous and repeat offences by the logger and contractors and there was no due diligence by authorities to either enforce the laws or give any incentive for the landowner to not continue with wilful acts of environmental damage.

In fact I had not seen koalas on my property in the 25 years that I have lived here until the logging operation started and I saw koalas fleeing from the logging. There was unauthorised clearing of native vegetation including on the riparian zone. There was significant pollution of 2 water catchments from severe erosion and sediment laden run-off from the logging access roads which were very poorly built. The experience was one of absolute disbelief that the NSW Government and every agency involved with compliance issues to do with this Private Native Forestry Agreement cared very little about the environment and the wildlife that called this forest their home.

Koala habitat was logged, roads were built without drains resulting in significant pollution to creeks, platypus habitat destroyed, 3 crown roads were bulldozed without approval, watercourses buried, extensive damage done to numerous adjoining properties and an environmental zone logged without approval.

The Private Native Forestry Agreement was issued to an adjoining property landholder for part of a large property in Tyalgum, in the Tweed Valley, in 2013. The contents of the Property Vegetation Plan (PVP) and Forest Operation Plan (FOP) were not made available to the public or to Tweed Shire Council, despite the fact that the Forestry operations would have a significant negative impact on the community. There was no consideration given to the access to the property, which heavily impacted on the subsequent pollution events. The local road infrastructure had not been taken into account at all and there was stress in the community from the danger caused by large logging trucks driving along narrow winding country roads. Areas of logging were even kept secret from Tweed Shire Council the local consent authority for the Ecological Zones on the property.

Works on the property involved unauthorised clearing of native vegetation during construction of a road on a Crown Road Reserve and in part of a Council 7(d) Environmental Protection Zone without consent, causing significant and ongoing pollution of a creek and Hopping Dicks Creek. There was also clearing of riparian vegetation along 5 mapped streams and Hopping Dicks Creek. In the process a stream and spring fed dam was filled in to create a house site. There was progressive clearing of native vegetation for roadworks to access the logging site.

The Forest Operation Plan which was obtained under a GIPA request failed to recognise the Endangered Ecological Community Lowland Rainforest. Proposed roads and creek crossings were not identified, which had significant consequences. And 2 large areas of Tweed Shire Councils Environmental Zones were not delineated. The EPA did not identify Heritage sites, threatened species records, broad forest types, highly erodible soils or rock outcrops.

I originally reported the clearing of the riparian zone of Hopping Dicks Creek by [REDACTED] to the EPA Hotline on 11 September, 2013. No immediate action was taken and clearing and filling of a mapped drainage line continued after this complaint. 2 months later on 11 December

2013 Office of Water visited the site and on 18 December I was told that the landowner had been given a verbal Stop Work Order and it was referred to Office of Environment and Heritage (OEH). There was no regulatory action or consequences.

On 17 March 2014 I reported the beginning of the pollution into Hopping Dicks Creek from the poorly constructed road to both the Office of Water and to Tweed Shire Council.

On 20 March 2014 I reported extensive clearing for roadworks and other activities to the EPA.

On 24 March 2014 I was told by OEH that the property had a PNFA and was also told that the Environmental Zones 7 (d) and 7 (h) were exempt from the PNF approval. I found out much later that this was not the case. However the consent authority for these areas is Tweed Shire Council and they were not aware of where the logging was taking place on the property, so how on earth could they enforce any regulatory action. Despite extensive clearing having been undertaken unlawfully within the Crown Road Reserve, and a 7 (d) Environmental Zone, and riparian buffers along mapped streams, investigations were closed and no regulatory action was taken by OEH. There was ongoing and significant water pollution which I continued to report to the EPA Hotline.

On 16 April 2014 Tweed Shire Council issued 2 Penalty Infringement Notices of \$1500 each. One for filling in a stream and house pad and one for pollution of Hopping Dicks Creek. Tweed Shire Council also issued a Clean Up Notice on 16 April to remove sediment from a mapped stream, which extends onto my property and was filled with in excess of 1 metre deep sediment. On 22 August 2014 a second Clean Up Notice was issued. On 20 April 2015 Office Of Water issued a Sediment Clean-Up Closeout Report, without the sediment removal having taken place.

During the time that I repeatedly reported significant pollution events, each Government Department I spoke to, and I was having to deal with 5 Government agencies, lay the responsibility and blame on another one, there was only ever substandard and inadequate remedial works undertaken, failure to hold the landowner to account and eventually the Government signing off which made it difficult for Council to continue with legal action.

On 7 August 2014 Tweed Shire Council voted in favour of taking legal action but this was subsequently dropped as the state agencies had signed off on the clean-up notice making it difficult for the council to revisit. To this day it is difficult to access my property as the entrance is still filled with sediment which continues to pollute Hopping Dicks Creek with each rainfall event and blocks my driveway turning it into a watercourse.

In Marh 2017 the landowner again cleared vegetation and constructed another access road on a Crown Road Reserve again without approval and this time through 3 adjoining properties, again causing significant damage and resulting in huge movement of sediment into 2 water catchments Despite Tweed Shire Council and Department of Lands attempting to stop works, they apparently continued. It is my belief that to this day there has not been any remediation work carried out. Neighbours who have had their property damaged are still waiting for any action to be taken or an outcome.

There was a belated response to my ongoing complaints with an EPA inspection being undertaken on 9 May 2017 where it was found that the primary access road had poor drainage, there was evidence of recent soil erosion. Other breaches were found in the PNF area with tracks not having proper drainage. Even though there was a requirement to rectify these issued on 24 May 2017 it was found on a visit by EPA 2 months later on 26 July 2017 that this had still not been rectified. On this visit more shoddy work was found with unstable crossings and undrained tracks and potential pollution sources. On 4 August 2017 EPA issued another Corrective Action Request, with numerous

requests but also noted EPA has decided not to take enforcement action yet again.

North East Forest Alliance did an assessment of the property in September 2017 from a Crown Road Reserve and found evidence of key koala feed trees with damage being done to them from earthworks. As there is no requirement to look for koala scats before logging it is basically the case of 'if we don't look we don't find and we can carry on and log koala habitat even when koalas are present' This in effect means the Private Native Forestry is actively allowing the destruction of koala habitat and the demise of our iconic koalas. Apart from koala food trees the presence of Marbled Frogmouths and also the Masked Owl was established. At this same time it was found that roads inspected were inappropriately drained and also too steep and also that extensive logging, and roadworks had taken place in the Tweed Shire Councils Zone 7 (d) and 7 (l) Environmental Protection Zones. It was later discovered that extensive roads, logging and log dumps were all built in these Environmental Zones without any approvals. And yet again another road on a Crown Road Reserve had also been built without any approvals ( a third similar offence). This landowner was consistently and repeatedly flouting the law and the Government Agencies who are responsible for compliance were just letting them carry on unabated.

The EPA undertook an inspection on 19 September 2017 but limited it to the small area assessed by NEFA. This affectively left the majority of the logging area without scrutiny, action or remediation and no doubt a huge negative impact on the environment.

The EPA did identify alleged breaches of 5 conditions of the PNF Code in this small area yet astoundingly also claimed that "there was no harm to the environment" and only gave formal warning letters to the landowner and the contractor.

On 20 September 2017 the EPA again decided not to take regulatory action but instead issued another Corrective Action Request.

On 21 September 2017 Tweed Shire Council unanimously resolved that council engage its solicitors to provide advice re the unauthorised logging. They also requested in the strongest terms to make representations in person to the State Government to revoke this Private Native Forestry Licence due to Tweeds World Heritage Values, threatened species, waterway pollution, safety issues, the unsuitability of the external road network, the significant costs of the extensive compliance actions required, the distress caused in the community, and the ongoing risks of further compliances breaches as evidenced by the significance and similarity of repeat offences.

A meeting was held with the EPA on 4 October 2017 where we were informed that the EPA had not inspected the Environmental Zone on their visit a few days before NEFA and had failed to inspect active logging and roading in the Environmental Zones.

On 4 October 2017 the EPA said they had told the landowner 4 times that he needed permission for forestry activities in the Environmental Zones. Tweed Shire Council also advised that they had given extensive briefing of the LEP consent requirements on multiple occasions. So the landowner knowingly breached the regulations despite being told by EPA 4 times and Tweed Shire Council on multiple occasions.

Despite having approved the PVP and FOP , and refusing to provide these to Tweed Shire Council the EPA refused to take any responsibility for the logging and roading in the Environmental Zones. And they also agreed to the landowner profiting from his offences by allowing them to take up to 8 x truckloads of timber from the Environmental Zones.

There was a community assessment done in December 2017 which identified a rainforest stand as

qualifying as the Endangered Ecological Community Lowland Rainforest with numerous Vulnerable *Syzygium moorei* and also *Endiandra muelleri* subsp. *Bracteata* located in or nearby. These reports should be recorded although there seems to be no will for the EPA to investigate the presence of endangered ecological communities, or flora and fauna species for themselves sadly.

Even 3 months after NEFA's complaints, they identified that the required drainage had still not been adequately implemented on part of the main access road and that significant erosion was occurring and polluting the creek through the rainforest.

The EPA again decided not to take regulatory action but issued another Corrective Action Request on 23 February 2018. This related to the main access road through the PNF area that had begun being constructed in 2013 without adequate drainage and where on 26 July 2017 the EPA identified inadequate drainage and stream crossings on a new section, and on a different section had identified inadequate drainage on 9 September 2017. Had the EPA done their job properly in the first place and undertaken a comprehensive assessment the road wouldn't have been left to erode and continue to pollute the water catchment.

This whole PNF operation saw significant compliance breaches being repeated over and over again. The similarity of these repeat offences beggars belief that the EPA also repeatedly refused to take appropriate action or to even take these matters seriously or that of the subsequent pollution, the threat to koalas and other endangered species and to the environment. As well as koala habitat platypus habitat was also destroyed in the process and Hopping Dicks Creek (downstream of the subject property ) which was once a creek with crystal clear waters and you could see Platypus almost on a daily basis, has now been turned into a murky brown creek full of sediment and devoid of life. The EPA should hang their heads in shame as in this instance they did anything but protect the environment.

This Private Native Forestry Agreement also caused a lot of anxiety and angst in the community.

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We need to protect our forests and conserve biodiversity and protect our endangered flora and fauna species and ecological communities so I would rather see an end to Private Native Forestry but if it is to continue the following are my recommendations to improve Private Native Forestry:

As part of the application and approval process for Private Native Forestry there needs to be a full assessment of the environmental values and constraints on the land proposed for the forestry. There needs to be on ground surveys undertaken by qualified and experienced botanists and ecologists to assess presence of threatened ecological communities, threatened flora and fauna species, old growth forest and old growth trees, location of any environmental zones, wildlife and habitat corridors and waterways of all stream orders. No exemptions to full assessment should be granted on any different scale and intensity of logging.

Aboriginal cultural heritage should also be protected, and surveys undertaken to investigate cultural heritage objects and sites on the land and specify means to avoid damage to these objects and sites.

Waterways should be protected through buffers implemented on unmapped streams , and logging exclusion areas of at least 20 metres implemented on all unmapped ,1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> order streams. Waterway buffer widths should progressively increase in steeper and more erosion prone country.

Monitoring needs to include photographs before during and after the logging, the number of

monitoring points dependant on the size of the subject land.

Site visits should be undertaken by NSW Government staff administering the PNF agreement at quarterly intervals or at designated project milestones.

Before work commences logging contractors need to be informed of the environmental values and constraints of the land and conduct their work accordingly. Contractors should be provided with ecological assessments, mapping, and monitoring points and meet with NSW government staff before works commence.

A timely response is needed from NSW government staff to questions or complaints from the community as well as staff site inspections immediately following complaints of any environmental damage.

Penalties for breaches of PNF agreements should be increased to give incentive to landholders to adhere to their agreements and better understand the importance of protecting the environment. And these penalties need to be enforced.

The public should have access to the details of the approved PNF agreements so community can know where works are being undertaken and that environmental values have been considered and protected prior to approval and during works. This same information should be shared with Councils who are employed by community to represent our interests and protect our assets.

As part of the application to conduct PNF the NSW Government needs to inform landholders of the biodiversity values of the land and the options for their land other than logging, such as private land conservation, conservation grants, stewardship payments and funding for avoided carbon emissions etc. This advice is best given at an initial site visit to the property by NSW Government staff.

Training for landholders is available via Landcare, Council and Local Land Services. Training on environmentally sustainable operation for contractors working in the logging industry needs to be mandatory and a course developed that issues a qualification valid for a certain period and updated regularly as a requirement to continue work in this field. NSW Government staff working in PNF must have natural resource management knowledge and training adequate to help landholders understand the environmental values of their land.

I also fully support the submissions to this Private Native Forestry Review by the North East Forest Alliance and the NSW Environmental Defenders Office.

Yours sincerely  
Susie Header

  
February 2019