

# NVCA News

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JANUARY/FEBRUARY 2010 ~ Produced by the Nambucca Valley Conservation Association Inc.

## Annual General Meeting rescheduled to Thursday, 25th February at 10.30am

Due to the threat of flooding, the planned 7th Feb AGM/picnic was cancelled and a new date set. The AGM will now be held on Thursday, 25th February starting at 10.30am sharp, and will be followed by the general meeting. The venue for the AGM and general meeting is The Pioneer Community Centre in Bowraville. If you like time to chat and get settled with a cuppa before the meeting, you can be there from 10am. Look forward to seeing you.

- Wendy Wedge

## It's Membership Renewal time again!

NVCA Membership for 2010 is now due. For your convenience a 2010 renewal form is printed on the last page, please fill in your particulars and return it to the Secretary at the address above.

New members are always welcome, so make a copy of the form and invite a like-minded friend to join the NVCA. The more NVCA members we have, the more clout we wield when it comes to taking action to defend our local environment, and the better the outcome for our environment.

To those members who have already sent in their membership fees, and for the kind donations, thank you for your promptness and generosity. - Wendy Wedge.

## 2010 International Year of Biodiversity

The United Nations has proclaimed 2010 to be the International Year of Biodiversity, providing a much needed opportunity to increase worldwide understanding of the vital role biodiversity plays in sustaining life on Earth.

People all over the globe are working to safeguard this irreplaceable natural wealth and reduce biodiversity loss which is vital for current and future human wellbeing. To find out more, visit <http://www.cbd.int/2010/about/>

## Council Matters

Council still awaits legal advice regarding an **intensive piggery** on rural land immediately adjacent to rural residential housing at **Tewinga**. This unresolved issue has outraged nearby residents concerned about high levels of odour and untreated pollution runoff directly into a wetland which enters a SEPP 14 wetland 900m downstream. Piggery owners claim no smell or pollution despite ample evidence and deny their operation is 'intensive' thereby avoiding the requirement for a Development Application. Council have sought clarification on earlier legal advice regarding the matter of intensive livestock keeping. In the meantime Council continues to ignore its responsibility to enforce compliance of pollution control requirements under the POEO Act, despite requests by the opponent's legal representative and residents. Efforts by Cirs Flack and Smyth for immediate action to be taken to protect the environment, in particular water quality in the SEPP 14 wetland, have so far been unsupported by the majority of Councillors.

**Bowra flying foxes** are again on the agenda with nearby residents complaining about odour and noise. Council heard a very emotive and inaccurate delegation regarding flying fox numbers, behaviour, feeding habits and health risks. Some residents want them "moved on" and believe they should live in National Parks, however no suggestion was offered as to how they might be 'relocated' to a park, let alone be made to stay in one! Flying fox camps and temporary roost sites are smelly, noisy places especially when the foxes return to camp in early hours of the morning after feeding. Residents have a right to be angry that Council has failed to undertake work at the roost site proposed in 2005 however their demand that the flying foxes be removed is unreasonable and unrealistic as history shows relocations are unsuccessful and do not address the long term issue. Cr Flack submitted a late notice of motion calling for a report on the Bowraville Flying Fox Working Group, its plan of action and work done to date. Also that Council seek NPWS's policy on flying fox roost sites and Coffs Harbour City Council's recently completed and well received Flying Fox Management Plan. Cr Ainsworth attempted to derail this motion by moving that instead, Council write to the NSW Scientific committee outlining the large numbers of flying foxes causing problems in the Shire and requesting they be removed from the threatened species list. This nonsensical motion which lacked any evidence of flying fox numbers or presence of a flying fox issue anywhere else in the Shire was passed. Fortunately Council saw sense in also supporting Cr Flack's motion.

The current 5 year **Environment Levy** (EL) concludes on June 2010 and raises important revenue for environmental projects each year. This year's EL budget is approximately \$307,000. Problem is that the majority of councillors believe the 'environment' includes built environment and hence is happy to see funds go to such things as pontoons and river viewing platforms while pollution bobs around on the river and the banks cave in! Last year Council called for suggested EL projects and NVCA submitted an extensive list of 17 projects:

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Environmental staff, Vegetation Management Plan, Register of land clearing, Ground truthing vegetation mapping, Tree vandalism strategy, Koala Plan of Management, Stormwater pollution traps, Water reclamation projects, Expand slope mower program, Sustainability overhaul of council chambers, Rainwater tanks and solar or passive lighting for all councils toilets blocks, Expand tree planting budget, Register of significant urban trees, Regular estuary pollution removal, Stormwater capture, Wetland establishment, Expand rainwater tank rebate scheme and Small projects grants to local groups.

Staff have included several of our suggestions in their list for Council to consider. Given that the majority of the EL will be taken up with ongoing projects such as compliance officer wages, implementation of the Estuary Management Plan, water quality monitoring and foreshore and coastal hazard management plans, only \$50,000 per year will be available for new projects over the next 2 years. Council voted that its #1 priority would be the \$100,000 redevelopment of the Macksville foreshore park, a site where no environmental issues exist ie the banks are stable and trees happily growing. This project will take up ALL available EL money for the next two years! This proposal will now go on display for public comment so please take the time to enlighten council that our EL contributions should be spent on the NATURAL environment which is in desperate need of assistance in the valley and that council should source grant and other funding opportunities for infrastructure!

- *Compiled from the notes of avid council watchers.*

## Legal costs for environmental law being reviewed

A courtroom battle with government should be less financially daunting for grassroots environmental activists, a Federal Government adviser has recommended. In a call which is likely to embolden protest groups, the Federal Government has been urged to change environment laws so that legal costs pose less of a barrier to legitimate public challenges to controversial projects. Dr. Allan Hawke was hired to review environment laws for the Environment Minister, Peter Garrett, and said the threat of paying costs was one of the most significant barriers to public-interest litigation.

Among recommendations to improve public access to the courts, Dr Hawke said those seeking an injunction should not have to first prove they can cover the costs of the delays their action may cause. This concept, known as "undertakings as to damages", has been in place since the Howard government altered the laws in 2006. Injunctions can cost millions of dollars a day on large projects as hired equipment lies idle. Those seeking lengthy injunctions often have to offer a virtual bond before having their request heard.

He also called for the abolition of another major obstacle faced by community groups, known as "security for costs" which forces a plaintiff to prove they can cover the legal bills of their opponents before starting a trial. Environmentalists have long accused the Government of using the threat of costs to silence grassroots protesters. A Federal Court justice, Tony North, accused state and federal governments last year of seeking "scalps to hang on the fence" after costs were sought from an unsuccessful community group with less than \$3000 in the bank. Jenny Warfe, an anti-dredging campaigner was pleasantly surprised by Dr Hawke's calls and hoped that Mr Garrett would adopt them. John Wright, who led anti-desalination campaigners, was also heartened by Dr Hawke's calls.

- [www.GoToCourt.com.au/Lawyer](http://www.GoToCourt.com.au/Lawyer)

## A message from Green Senator Bob Brown

On 21<sup>st</sup> January 2010, Christine Milne and I moved to break the political deadlock on climate action.

We have written to the Prime Minister, Leader of Opposition and the key Senators proposing that we adopt Professor Garnaut's suggestion of a two year interim scheme with a fixed carbon price with no trading and no offsets. Our proposal is a building block for future climate action that has real teeth. If adopted, it paves the way for a much better climate change outcome.

The proposal gives half its revenue back to Australia's householders and is still in the black. Mr Rudd's Carbon Pollution Reduction Scheme (CPRS) pays polluters to keep polluting and ends up deep in debt.

The Greens are putting forward a constructive proposal to get Australia moving towards a zero carbon future and you can see all the details on our website - <http://greensmps.org.au/civicrm/mailling/forward?>

By passing this message on to your friends you can help build the public support we will need to convince Mr Rudd's government and two more Senators to embrace this interim solution and get Australia moving.

On our website you will find all the details on this proposal and resources to email the Minister, send letters to the editor and help out in other vital ways. This solution isn't perfect, but, unlike the CPRS, there is no way it can hold back climate action. It can only help get Australia moving towards a zero carbon future.

By passing on this message you can help break the CPRS deadlock. - *Senator Bob Brown*, Leader of Aust. Greens.

## Test your Eco footprint . . . if you're game

Members may like to try a much better eco footprint survey than the one in a previous newsletter. We've checked it out and it does make the first one look pretty basic. For Mid North Coast dwellers, travel distances with no public transport and limited possibility of cycling or walking to work or the shops etc will have bumped up scores - as the survey is skewed toward city dwellers, but it gives a very interesting result just the same..

Have a go at <http://www.epa.vic.gov.au/ecologicalfootprint/globalfootprint/index.asp> If your results find you need two and a bit planets to survive, rest assured you are not alone!!!

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## Membership email list stolen by scammers

As the Membership and Newsletter person for NVCA it's my job to maintain the email contact list which I have done from my own email account. Unfortunately my email account was hijacked earlier this month and my contact list was used by scammers to send pleading emails asking for money to get me out of a difficult situation.

That was sickening in itself but now the nuisance value has to be dealt with. As a consequence of the hijacking my email account is no longer accessible by me and so I have lost the NVCA membership email contact list which, by the way, only contained names and email addresses, no other details. I do have a hard copy of the list but unfortunately I hadn't updated it for a while.

So please, when you fill in your Membership Renewal Form be sure to include your email address as I will be starting the new list from scratch.

I'd like thank those people who contacted others closer to me, to find out if I was in need of assistance, and to those who expressed their willingness to help if I really was in dire straights - you are an amazing bunch.

*Thank You - Wendy Wedge*

## Humiliating backdown by Gunns

On January 29, woodchipping giant Gunns Limited dropped its law suits against the last four defendants in the "Gunns 20" case and agreed to pay the four \$155,088 for legal costs.

This ends a legal saga that began in December 2004, when Gunns sued 20 individuals and organisations for involvement in a variety of protest actions and campaigns, which the company claimed had harmed their reputation and therefore their profits.

Gunns claimed \$6.9 million damages from the defendants. The original 20 defendants included Greens politicians, Senator Bob Brown and member of the Tasmanian parliament Peg Putt and others, such as 60-year-old grandmother Lou Geraghty, sued for their involvement in local protest actions. Organisations sued included the Wilderness Society (TWS), Doctors for Forests and the Huon Environment Centre. The lawsuit failed to gain traction in court and Gunns reached settlements with most of the defendants. In March 2009, Gunns paid TWS \$350,000 and dropped the proceedings against it.

The case against the remaining four defendants was due to go to trial in the Victorian Supreme Court on February 1st., but last week the company withdrew the suit and agreed to pay costs. Gunns has had to pay more than \$1.3 million in settlements and costs to the 20 defendants. - *John Jeayes, NCEC*

## Forests NSW accused of breaching licence 50 times

The State Government is investigating a logging operation overseen by its own authority, Forests NSW, that allegedly involved the destruction of native animal habitat and more than 50 breaches of its licence conditions.

Timber harvesting in Yabbra Forest near Casino late last year damaged areas used by the highly endangered black-striped wallaby, koalas and yellow-bellied gliders, among several other protected native species, according to an independent report.

Forests NSW said its investigations showed minor breaches had resulted from the logging and would be remedied, while other breaches had resulted from hazard reduction burning after the area had been logged.

An environment group, the North East Forest Alliance, took ecological consultants into the forest and documented wide-scale damage in December. The logging operation was supposed to leave half the tree canopy intact but in some places less than one-tenth remained, according to observations from a consulting ecologist, David Milledge.

A high proportion of trees used by koalas and gliders had been felled and some buffer zones around waterways had been ignored, the report said. It identified alleged breaches of the National Parks and Wildlife Act of 1974, Protection of the Environment Operations Act of 1997, and the Fisheries Management Act of 1994.

The findings were handed to the Environmental Defender's Office in Lismore, which wrote to the Government urging it to prosecute. A spokeswoman for the Environment Department said the reports were under investigation.

The NSW Greens MP Ian Cohen said such breaches during logging were widespread. "The department doesn't have the resources to check out these areas, yet we know that these sort of breaches go on all the time because Forests NSW and industry can get away with whatever they want," Mr Cohen said.

- *Ben Cubby, Sydney Morning Herald, January 13, 2010*

## Windmills and renewable energy talk

The Nambucca Valley Philosopher's Café is presenting Darren Fitzgerald, owner and operator of Comet Windmills. Darren has a fascinating story to tell of the long history of his company, their recent move to Macksville and their links with Lloyd Energy and High Performance Wind Turbines to produce chrystalline graphite blocks with a wind turbine on top to provide electricity to communities in the Nambucca Valley.

Darren will be give his talk at Scotts Head Public School at 7pm on Thursday 11<sup>th</sup> February 2010.

## NVCA Meeting Time and Venue

The venue for the next meeting is usually decided at the end of each meeting.

For the next meeting date and the venue go to our new website [www.nvca.org.au](http://www.nvca.org.au)

<b>Membership Renewal Form on next page.</b>
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## 2010 NVCA MEMBERSHIP RENEWAL FORM

### **Member Details:**

Name/s:.....

Address:.....

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Phone No: .....

Email Address: .....

Your area of Expertise or Interest: .....

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I would like to be on the e-list:  YES  NO

*The e-list enables members to become more personally involved in local conservation matters by receiving information on upcoming submissions and petitions.*

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### **Membership Options:**

Single \$8  Family \$12  Group \$18  Donation \$.....

I/We enclose the following amount: \$.....

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**To assist the NVCA in its work, please tick one or more of the boxes below.**

*The more of us sharing the load, the lighter it is for us all, the more fun we have, and the better the environmental outcomes.*

I/We would like to volunteer for **occasional** assistance with:

#### **The Serious Stuff:**

Submissions  Campaigns  Surveys  Surprise Me!

I am very busy but please put me on the "Ring and Ask Me At The Time" List.

#### **The Fun Stuff:**

Market Stall  Garage Sale  Annual Dinner  Food Fair  Cooking

I am very busy but please put me on the "Ring and Ask Me At The Time" List.

I/We would like to volunteer skills in: .....

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I have read **The Aims and Objectives** of the NVCA (see Home page)

and I agree to abide by them..... (please sign)

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Please mail to: The Secretary,  
Nambucca Valley Conservation Association Inc.  
PO Box 123, Bowraville, NSW, 2449