

NVCA News

www.nvca.org.au ~ nvca@nvca.org.au ~ PO Box 123, Bowraville NSW 2449 ~ #2.10

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Annual General Meeting and Ordinary Meeting

On Thursday 25th February, the NVCA's AGM, followed by the February General Meeting, took place at The Pioneer Community Centre in Bowraville.

At the AGM all positions were declared vacant and a new executive committee for 2010 elected. The new executive consists of President - Georgette Allen, Vice President - Philip Margolis, Secretary - Karen Caves, Treasurer - Carol Margolis and Committee Members - Maureen Gallagher, Lyn Orrego and Wendy Wedge.

Georgette in her President's Report (see page 4), says it all when she acknowledges the small but dedicated team who continue to "wave the banner in defence of fellow species, and overall sanity in environmental conservation".

Court rules Nambucca Shire Council's development approval illegal . . .

A successful Land and Environment Court challenge has vindicated the Nambucca Valley Conservation Association's (NVCA) concerns that Nambucca Shire Council (NSC) failed to follow due process in 2008 when it approved a seven lot rural residential subdivision, in prime koala habitat at Valla.

With the assistance of the Environmental Defender's Office and Legal Aid, the NVCA successfully put to the Court that NSC had failed to consider Clause 13 of its own Local Environment Plan, which requires Council to consider amongst other things, environmental impacts on water quality, wildlife habitat, corridors and native vegetation.

This legal challenge was about NSC's unacceptable process in considering and determining a controversial development application which had been significantly amended over the five years it was with council.

The Court also found that NSC had not advertised the development application as it was legally required to, nor had it considered all submissions regarding the proposal before approving it.

This was the first legal action the NVCA has undertaken in its 27 year history and not one that was taken lightly. It is a bittersweet victory, in that we are aware taking such action has had a financial impact on council and ratepayers, however the Land and Environment Court ruling has shown that our action was indeed warranted.

It is hoped that council will now ensure that it meets all legal requirements with regard to advertising of development applications and consideration of public submissions.

Council must not ignore the public's right to have its opinion considered in the development approval process - this is an important opportunity for the public to seek improved environmental outcomes.

- Georgette Allen (NVCA President).

and that Community Opinion does matter

On 18 March 2010 Mr Justice Biscoe of the NSW Land and Environment Court found that Nambucca Shire Council's (NSC) decision to grant development consent to a seven lot subdivision in Valla, was invalid.

The Court agreed that the NSC's decision was flawed because it failed to consider the terms of its own Local Environmental Plan, as well as public submissions made about the proposed development. The Court also found that the NSC had failed to properly notify the community of the final version of the proposed development.

"This case shows how important it is for councils to treat local environmental groups and other objectors and their concerns seriously" said Ian Ratcliff, Senior Solicitor at the EDO. "The decision also reflects what will happen if councils fail to properly assess developments against planning controls".

The Court's decision emphasises that councils cannot afford to ignore public participation rights where proposed developments change over time. - Ian Ratcliff, Senior Solicitor, Environmental Defender's Office - 19 March 2010

Council to proceed with draft LEP, but no TPO!

Council will proceed with its draft Local Environment Plan 2009 after considering the 88 recommendations put to it from staff on 17 March.

NVCA's submission was one of a total of 60 public submissions and 11 submissions from Government authorities. NVCA has major concerns that council has chosen to adopt for a "best fit" transfer from the current NLEP 1995 to the new Standard Instrument format, in effect carrying over poor planning decisions of the past. This has meant that new information available in the form of scientific reports relating to environmental values had no effect and did not change anything. Extremely disappointing but perhaps not surprising, is the glaring fact that council failed to take this significant opportunity to improve environmental management and protection in the valley in terms of zoning, zone objectives, and buffers.

Even though council staff recommended that a Tree Preservation Cause be put in the draft, council opted to ignore

them and the 21 submissions which specifically asked for a Tree Preservation Order (TPO) clause. Only one submission opposed a TPO clause. Councillors opposing the recommendation for a TPO clause, three being farmers, did so on the basis that farmers have enough restrictions on their ability to do what they want on their land in terms of tree clearing and that people should be allowed to cut down trees in their own backyard if they want to. Those opposing, conveniently ignored the fact that a TPO clause inserted into the LEP would not tie council into actually having a TPO, instead it would enable it to introduce one at a later stage without the cost of re-exhibiting the LEP if it, or a future council decided to. Doing this would have potentially saved ratepayers considerable future exhibition costs – such is the fear and loathing of a TPO by the majority of our elected representatives!

Many councils have a TPO. Our community clearly wants a TPO. Council's dogged resistance to the growing requests for a TPO and for council to take responsibility for native vegetation management is clearly out of step with public opinion and desire. NVCA's primary concern relates to those areas of remnant native vegetation which exists in residential zoned land which is vulnerable to pre-emptive clearing by unscrupulous developers before lodging a DA. We have witnessed plenty of this and developers do it to avoid having to consider environmental impacts and just because they can! Council has the power to stop this unsustainable and irresponsible practice by introducing a TPO, but it has chosen to continue to turn a blind eye. This proves that council's own Mission Statement "to value and protect its natural environment" is nothing more than rhetoric.

NVCA was ably represented by its new secretary Ms Karen Caves at the council meeting where she spoke to our extensive submission. An NVCA member also stayed for the duration of the LEP discussion. Disappointingly NONE of the many changes NVCA requested to improve the environmental outcomes were included in the final draft. - *Compiled from the notes of avid council watchers.*

State Government backflips on Red Gum National Parks

The NSW Government has reversed its decision for the immediate creation of new Red Gum National Parks along the Murray and other south-western rivers, recently announcing logging will continue in some areas for up to five years. The move jeopardises the protection of globally significant wetlands and threatened species that are facing severe long-term threats to their survival. The National Parks Association of NSW has indicated the decision will "not leave a forest worth protecting". - *Sydney Morning Herald 02.03.10*

Conservation groups condemn Red Gum backdown

Seven environment groups from across two States condemned the decision made recently by the NSW Government to back down on the protection of River Red Gum wetlands.

"Despite rhetoric of new national park protection for Red Gum, the State Government has kept the best areas open to logging for five years" said Peter Cooper, a campaigner for The Wilderness Society Sydney.

"This is disastrous - these forests cannot sustain another five years of intensive logging damage."

"This was the decision to judge Premier Keneally's environmental credentials and she has clearly failed. We are still to see any serious environmental outcomes in this term of Government and Premier Keneally has reversed the promises made for these forests."

The weakness of the NSW red gum decision compares starkly against a similar decision to protect River Red Gum forests made by the Victorian Government in Dec 2008," said Jonathan La Nauze of Friends of the Earth.

"When Victoria protected 91,000 hectares of Red Gum it was described by environment groups as 'one of the most significant conservation decisions in the state's history'. The NSW decision today was described by the groups as an 'empty shell'."

"The Victorian Government delivered world class National Parks, including the full protection of the Barmah forest. The NSW Government delivered a compromised outcome on the other side of the Murray River, by opening up half the Millewa to logging for the next five years, before making it national park."

"The Victorian Government delivered a jobs positive outcome which saw a net increase in employment for the region. The NSW Government has condemned the region to remaining stuck in the past by a protracted phase-out of industrial-scale logging and delaying the opportunity for new jobs creation", said Mr La Nauze.

- *Joint Media Release from Nature Conservation Council of NSW, Wilderness Society Sydney, Friends of the Earth, National Parks Association, Colong Foundation for Wilderness, North Coast Environment Council and Victorian National Parks Assoc.*

Study finds . . . Logging makes forests more flammable

Commercial logging of moist native forests creates conditions that increase the severity and frequency of bushfires, an international study claims. The finding by Australian, Canadian and US researchers is based on a review of previous studies and is published in the latest issue of the journal, *Conservation Letters*.

Professor David Lindenmayer of the Fenner School of the Environment and Society at the Australian National University says the team focused on how industrial logging practices in native forests might change fire loads, fire frequency and susceptibility to ignition. "The evidence from rainforests is unequivocal, the evidence from the wet forests in North America is unequivocal and the evidence is starting to build in Australia as well. When you mess with [native wet] forests they become more flammable."

Researchers found the removal of trees by logging creates canopy openings and this in turn alters microclimatic conditions, especially increased drying of understory vegetation and the forest floor, Lindenmayer says. "Work in tropical rainforests suggests that when microclimatic conditions are altered by selective logging, the number of dry,

days needed to make a forest combustible is reduced," he says.

In one study, uncut native forest generally, would not burn in less than 30 rainless days, but selectively logged forest would burn after just six to eight days without rain.

These findings throw doubt on calls by some politicians and the National Association of Forest Industries to log forests to prevent major wildfires, made in the wake of the 2009 Black Saturday wildfires, which claimed 173 lives in southeastern Australia.

Professor Lindenmayer says logging also influences the fire regime by changing the density and pattern of trees, altering the spacing between tree crowns and the composition of plants. According to Lindenmayer, logging in the moist eucalypt forests of East Gippsland in southeastern Australia "has shifted the vegetation composition toward one more characteristic of drier forests that tend to be more fire prone".

He says clear-felling of moist forests in southern Australia can create more fire fuel because it leads to the development of dense stands of regrowth saplings, and these young forests are more flammable, which often lead to older, less flammable forests abutting them to burn.

He adds, "logging slash" - the debris left by logging - can also sustain fires for longer than fuels in unlogged forests and can harbour fires when wind conditions are not suitable to spread the blaze.

Professor Lindenmayer says the industry needs to think strategically about where they log and rethink buffer zones and how big they might need to be.

- North Coast Environment Council

Burning native forest for electricity?

Japanese paper giant, Nippon Paper has a proposal to build a power station at the Eden Chip Mill that will be fueled by NSW South East native forests. They're even branding it as 'green power'. Already the Eden Chip Mill chops up thousands of trees from the beautiful South-East forests to be shipped to Japan and pulped into paper. Now they want to burn the 'waste' to generate electricity.

A decision on whether to approve the forest furnace will be made by the NSW government in the near future. If approved, it will provide Nippon Paper with another justification to continue to log native forests.

Studies have shown that native forest stores a vast amount of carbon in its trees and soils. A study by the Australian National University estimates that 640 tonnes of carbon are stored in every hectare of the South East forest. The re-growth of forest can take up to 80 years to replace the carbon lost when it is initially logged. Logging and burning native forests for woodchips and electricity is not sustainable and has a negative impact on climate change, and the wildlife living in these forests, including the last known colony of koalas on the far South Coast.

Up to 20 other forest burning furnaces are planned in Australia. If the Eden Chip Mill furnace is approved it will set a disastrous precedent. To help save the South East forests from the furnace go to nccnsw.org.au and send an email to the Premier and the Planning Minister asking them to reject the proposal to burn native forests for electricity. - Nature Conservation Council

EDO Native Vegetation Act workshop at Nambucca

The Environmental Defenders Office is presenting a workshop on Understanding Native Vegetation Legislation and how it affects you. This is a free workshop and will be conducted by Sue Higgins of the EDO. Details of the Native Vegetation Act 2003 will be explained, including land clearing, property vegetation plans, development consent, voluntary agreements, private native forestry and plantations.

The workshop will be at the Nambucca Entertainment Centre on Sat. 17th April, 10am-3pm and lunch is provided. Registration is necessary (for catering) so call NV Landcare on 6564 7838 or email tryan@nvlandcare.org.au

Chinese Year of the Tiger, but will China's tigers roar again?

February 14 marks the beginning of the Chinese New Year, and the start of the traditional "Year of the Tiger."

The people of China though, might be celebrating future Years of the Tigers without their native and critically endangered South China Tiger if not for the efforts of Save China's Tigers (SCT), a grassroots conservation effort headed by former businesswoman Li Quan and her husband Stuart Bray who, after enjoying success in the corporate world, have decided to give something back by helping the Chinese people restore some of their lost natural and cultural heritage. For more information and amazing tiger pictures go to www.savechinastigers.org

- Mark Szotek and Bhalin Singh (mongabay.com) February 14, 2010

To Members . . . young and younger

Thank you to those members who have sent in their renewal forms accompanied by generous donations, articles of interest and encouraging messages. One member even included his age - 91 years, good for you Hugh!

On the subject of age, we'd love to have some enthusiastic and environmentally conscious younger people join the NVCA. If there's someone you think may be interested, encourage them to look at our web site to find out more about this dynamic group and some of the things that have been achieved to better our local environment, they'll also find a Membership Form on the web site!

Two younger members who are making a difference are Ben by creating and managing our website, and Karen by becoming a major submission writer (lessening the load on our president), as well as being our new secretary.

Give it some thought, for planet Earth - Wendy (Memberships)

President's Report for 2009 as presented at the AGM on 25th February 2010

I stepped into the seat as NVCA President in February, 2009, at the last Annual General Meeting. The year 2009 has been hectic for me, to say the least. With increased family responsibilities and pressures, I have not been in a position to devote as much time and energy to NVCA as I would have liked. Nevertheless our small committee has once again come through our year of challenges and achievements, and continued to wave the banner in defence of fellow species, and overall sanity in environmental conservation governance.

During the year we finally received approval of the acquittal report on the Sustainable Integrated Growing Systems (SIGS) Project. In particular, my thanks go to Lyn Orrego, for seeing this project through to completion – printing, publishing etc., and to all committee members for putting up with my tantrums about the inordinate work which eventuated, for the final acquittal report to be accepted by Envirofund, the funding body. Thanks also, to David McCormack, and Richard Laxton, for addressing the problems of audit requirements for that report.

We also took on our esteemed Council in the Land and Environment Court. As far as I am aware, we still do not have the final outcome of the Court's ruling, and, we are quietly confident of a positive finding in the case regarding the DA approval while Council was in 'caretaker mode' just prior to the last Council election, and the fact that the approval meant the destruction of many core koala habitat trees on site.

We are indebted to the Environmental Defender's Office's Ian Ratcliff, the koalas' hero, Stephen Phillips, our enthusiastic barrister, Mark Seymour, and to Wendy and Paul, who travelled to Sydney for the Court case, to be our representatives there.

During this year NVCA succeeded in 'launching' its new website, finally achieved after bringing in a professional, Ben. Thanks go to Ben, and huge appreciation to those executive members and others, who worked alongside Ben to bring this project to fruition.

The following submissions were dispatched from NVCA:

Draft Growth Areas for Regional Strategy (Feb. '09)

Community Land Link Road (May '09)

Draft Rural Residential Land Release Strategy (June '09)

Submission re proposal to GDH (August '09)

EIS on the off-river storage proposal, Integrated Water Catchment Management Project (August, September, November '09, January '10)

State of the Environment Report (September '09, October '09)

Draft LEP (Dec. '09)

River Red Gums

The NVCA also commented formally on: RDM's Nambucca River Master Plan (May '09) and Proposed roading through SEPP 14 wetland at Bellwood (August '09).

My deep appreciation goes wholeheartedly to those who contributed so very much to the formulation of all those extensive documents, and, as well, to Karen Caves who has come on board during these last few months, with wonderful input based on rigorous scientific research, adding immensely to the substance of our submissions.

Carol Margolis has sustained us throughout another year as our patient and thorough Treasurer – Thank you Carol, who also stepped in and took on the agenda and minutes tasks, when I was no longer able to do so.

Wendy the wonder woman of the publishing world, produced our regular Newsletters throughout this year, as well as working in co-operation with Lyn, and Ben, our new website design and service person. Thank you wondrous, calm, Wendy.

My deep appreciation goes to our esteemed Vice President, Phil Margolis, for being available at all times, especially during Court hearings.

Also NVCA's sincere thanks go to John Craven for his expertise and input on matters of water quality and work on Scotts Head Master Plan, and his ongoing general planning advice.

Our meetings have been greatly enhanced by the presence on many occasions, of guest Councillors, Paula Flack, and Anne Smyth, whose comprehensive Council reports have always been enlightening. The support of these two Councillors is greatly appreciated by all of NVCA.

Our stalwart member Maureen has continued to be a beautiful inspiring presence in our midst, who regularly surprises us with amazing art works, donated to our cause. You are a treasure to us all, Maureen.

Our ongoing presence on the Reference Group for the Integrated Water Catchment Management Project 'fizzled out', due to the inept way in the which the whole dam proposal has been presented and handled. Let us hope that the exorbitant costs, and the excellent submission we lodged, may in the end, lead our Council to seek more sustainable ways to secure our water futures.

I thank you all, for the support, understanding and 'shoulders', throughout this last year, during which my family commitments have certainly tested my endurance!

Thank you all, Georgette Allen, President (2009).

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 website www.nvca.org.au or email The Secretary at nvca@nvca.org.au