

# colong bulletin

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## Will Warragamba be Sydney's Lake Pedder?

BY KEITH MUIR

IMAGINE THE EFFECT of raising the Warragamba Dam wall on the three million tourists who visit Echo Point, Katoomba. No longer spellbound by wilderness, those who look out see a scarred Kedumba Valley and dead trees, formerly a forest of nationally endangered Camden White Gums. Degraded World Heritage sites are not on the tourist bucket list.

THESE WERE MY thoughts on hearing former Premier Mike Baird announce that the Warragamba Dam wall was to be raised 14 metres, despite the fact that the 2013 Hawkesbury Nepean Flood Management Review found that evacuation is the only mitigation measure that can guarantee to reduce risk to life.

A bigger dam will not eliminate flooding. High level evacuation routes costing half a billion dollars will be still required for those who live on the floodplain, and this cost will increase with population growth.

The need for the dam is justified on the so-called 1867 reference flood that is now actually much rarer because of the existing dams; and not

just Warragamba, but also the Avon, Cordeaux, Cataract and Nepean Dams. Flood risk has already been almost halved, so the proposed dam wall raising can only be a marginal improvement, and it can't eliminate floods.

The existing dam has 13 metres of airspace between the Full Storage Level (FSL) and the dam crest. This airspace can store a 1:50 flood event, equivalent to 50% of the 1867 flood volume. Lowering the full supply level by five metres would increase that airspace and store a further 20% of the 1867 flood volume. There is no need for the spillway crest to be raised as the dam is rarely full and to assume flood risk on the basis of a full dam is a faulty modelling method.

*If the wall is raised 14m, both the Nattai and Little river junction, and Coxs and Kowmung river junction will be submerged 10 metres by floodwaters. Trees will die and stream bank will become a mess of dead native vegetation taken over by weeds. Photo: H. Gold*



Raising the Warragamba Dam wall can only be a half measure. Floods will occur in the other half of the catchment below the dam, and come down the Nepean, Colo and Macdonald rivers, and that means community flood preparedness and high level escape routes are essential. It is also necessary that dwellings at low levels on the floodplain are relocated, and that the floodplains are retained for agricultural purposes (and floods).

### EIS in preparation

Last December, WaterNSW applied for directions from the NSW Department of Planning and Environment to prepare an environmental impact statement for a proposal to raise the spillway crest of Warragamba Dam by 14 metres. By May 2017 it had made a referral under the *Environment Protection and Biodiversity Conservation Act, 1999* on specific matters of national environmental significance to be addressed in the impact statement.

In its application to the Federal Department of Environment and Energy, WaterNSW stated:

*"There is no simple solution or single infrastructure option that can address all of the flood risk in the Hawkesbury-Nepean Valley. This risk will continue to increase with projected population growth. However, it is possible to reduce and manage the risks through a combination of flood prevention, preparedness, response and recovery."*

It would be far better if urban expansion was to avoid flood prone areas of the Cumberland Plain to keep people out of harms way, rather than raising the dam wall and creating a false sense of flood security reinforcing urban sprawl on the floodplain. Unless the Hawkesbury-Nepean Valley is made an exceptional case, the 1:100 year flood level will move further onto the floodplain and another 100,000 people will be placed in harms way.

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**Monthly General Meetings** will be held at our office at Level 2, Fortuna House, 332 Pitt Street, at 6.00pm on the second Thursday of the month on July 13th, August 10th, September 14th and October 12th. Members and visitors are welcome.

## Dn't Raise The Dam!

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Practical alternatives, such as lowering the full supply level and downstream floodplain management to prevent floodplain sprawl, all avoid damage to national parks upstream and may even produce a net benefit to ecosystems and species if presently inundated habitat could be restored. Levees at McGraths Hill and Peachtree Creek are also cost effective solutions so why does WaterNSW insist on its concrete solution? An administrative battle is necessary to ensure alternatives to raising the dam wall by 14 metres that will also reduce risk to life are adopted.

The primary problem is that EIS consultants are not independent or objective, otherwise a number of EIS reports would recommend against developments and of course they never do. Yet EIS independence and objectivity are two unstated assumptions made by government agencies and decision-makers in the planning process. Old hands know the process is a charade in which all are reluctant players. We are damned if we engage in the public review and damned if we don't.

To make matters worse, raising Warragamba Dam Wall is a *critical state significant infrastructure* proposal, so environmentally sustainable development considerations and climate change impacts can be ignored. There will be no public hearing and this higher dam wall will be decided by either the Minister for Planning or his department.

The irony of this process is that the current dam, if properly managed, can hold back 70% of the 1867 reference

flood, so the proposed dam wall raising isn't really about storing water temporarily, but ultimately increased storage on a permanent basis. Even the preliminary environmental assessment discusses environmental flows of up to 6,750ML/day which means the raised wall must be able to store floodwaters to provide these flows.

The upstream flooding which will impact on the Kedumba and Colong divisions of World Heritage listed wilderness national parks will strike at the Blue Mountains heartland. Due to the 14 metre raising level a further 1800 hectares can be flooded and another 33 kilometres of rivers inundated. Many more kilometres and hectares will be inundated during rarer flood events when water will back up for weeks as floodwaters push up towards the top of the dam.

The scarring of the World Heritage landscape will be distressing to visitors and conservationists. Even the flooding from a 1 in 50 year flood will extend 5 kilometres into the Kedumba Valley and cause the death of 40% of the Camden White Gum forest.

The environmental assessment seeks to trivialise this disgraceful World Heritage damage by presenting it as a very small fraction of the million hectare property. All infrastructure projects, such as roads, powerlines, pipelines and stored waters, have high perimeter to area ratios. They have large linear environmental impacts relative to the area in hectares impacted. Warragamba Dam flood inundation impacts are no different. Significant future flood impacts on wilderness,

## Feral Deer remain 'game animals'

The NSW Biosecurity Act which will commence in July this year is a missed opportunity as the government has caved into the hunting lobby. Under the new law feral deer remain classified as 'protected game'. This ignores the growing impacts of feral deer on farm productivity and the natural environment.

Last year the Natural Resource Commission (NRC) recommended deer be declared a pest species and to scrap their protection as a game animal for hunters. New distribution maps released in June show feral deer have expanded their range by 60% in just six years and now occur over almost half of eastern NSW.

Andrew Cox, CEO of the Invasive Species Council said: "Deer are causing havoc for farming communities and wrecking our bushland and will become a major traffic hazard, and yet the Berejiklian Government has given priority to the hunting lobby by continuing to protect deer as a hunting resource rather than declaring them a pest species."

The deer's game status for the exclusive benefit of hunters, with restrictions in place like night time shooting bans and seasonal closures during the breeding season, will continue to hamper control efforts.

Last year's review of pest management conducted by the NSW Natural Resources Commission made 33 recommendations, however only 10 were supported in full by the NSW Government.

One of the biggest issues identified during the state-wide NRC review was the growing impact of feral deer on primary producers and the environment. Only in the nine of the worst affected local government areas will landholders be allowed to use contractors, volunteers and neighbours to shoot feral deer on their properties at night and with spotlights. A hunting licence and membership with a hunting club will be required by these shooters. This policy increases the power and influence of the shooter lobby to make pro-gun laws.

Mr Cox believes that the proposed deer controls may ultimately improve, but it's likely to be too little, too late and the game status of feral deer will continue to stymie reform. New regional pest committees will be created to prepare regional pest plans in 2018 and a state-wide deer plan has been promised by the end of 2017.

Wild dogs in contrast will now be baited at double the rate, and lip service paid to the ecological function of dingos in wilderness. Essentially the only good dingo in NSW will still be a dead one.

on the wild Kowmung and five other rivers will be in core parts of the Greater Blue Mountains World Heritage Area and be significant relative to the totality of the property.

The scarring damage and loss of ecological function of riparian communities will have a perimeter of hundreds of kilometres and be visually prominent. Park visitors will lose their favoured camp sites and be blocked in their travels by floodwaters. Many beautiful banks of the Nattai, Coxs, Kowmung, Nattai, Wollondilly and Kedumba rivers will be covered with unsightly

sediment and weeds. Rare river bank vegetation communities will be killed. Beauty will be replaced by blight.

Flooding impacts will also extend downstream from the raised dam wall. Instead of spreading out across the floodplain, regulated floods will scour the banks of the Hawkesbury-Nepean River, undermining rare riparian vegetation and overtopping low-lying bridges for weeks. Fisheries on the Hawkesbury, particularly the oyster fishery, will be impacted by the extended periods of low salinity. Oyster farms will die.

Even if environmental assessment requires specific consideration of suitable alternatives, the EIS will not adequately investigate alternatives that can save the nationally threatened White Gum Forest or other Box Gum woodlands, and protect the wilderness and wild rivers of the southern Blue Mountains. It will be environment groups that will get this work done and raise the people power to convince decision-makers not to repeat dreadful example of flooding Lake Pedder in Tasmania. ■

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# Pillaging the Pilliga—Again!

BY KEITH MUIR

A PROPOSED SANTOS coal seam gas (CSG) project in the Pilliga forest which will extend over 95,000 hectares and threaten the Pilliga's renowned biodiversity is currently progressing through the state's environmental assessment process.

CSG extraction requires a vast array of pipeline infrastructure, generates significant toxic groundwater and tens of thousands of tonnes of salt a year.

The Lock the Gate Alliance found that this CSG project will risk drawdown and contamination of productive aquifers that supply whole communities and industries. The project also risks releasing large volumes of methane, a potent greenhouse gas, that once released cannot be controlled. The thousands of tonnes of salt contained in the brine from the gas wells (which will be buried at unspecified locations) is effectively hazardous waste. Lock the Gate leads the opposition to this industrial gasfield



Storage of produced water from earlier CSG gas mining in Bibblewindi State Forest.

development that if approved, will leave a legacy of severe and irreversible degradation in this biodiversity icon.

The fate of the Santos proposal now rests with the NSW Planning Assessment Commission and the NSW

Department of Planning and Environment.

## The biological impact

The environmental impact statement (EIS) consultants regarded the clearing of 1,700 hectares as a negligible

impact, being less than two per cent of the project area. They did not consider that habitat fragmentation, a key threatening process for many threatened animals under state and federal threatened species laws, would cause significant

damage.

Veteran National Parks Association campaigner Beth Williams, from Armidale, states that the proposed 25 year operation would "irreversibly fragment the Pilliga forests, an effect that cannot be mitigated or offset." The project would clear 430 well pads, a hectare each in size, and be connected by a reticular network of 446 kilometres of infrastructure corridors cleared for pipelines and connecting tracks.

One telling fragmentation impact Beth cites is invasion by Noisy Miner birds who will move in from the edges of disturbed forest and dominate the much smaller patches of remaining woodland by disturbing and excluding other native birds. Based on CSG experience near Chinchilla in Queensland, Noisy Miners will completely displace other birds and dominate the forest following road development.

Foxes and dogs will use these corridors as foraging runways and reduce the numbers of threatened ground dwelling

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## FEATURED WILDERNESS

# The Pilliga –

THE PILLIGA REGION just north of Coonabarabran in NSW is a vast woodland expanse of flat to undulating alluvial plains with occasional outcrops of Triassic and Jurassic sandstones and conglomerates. In its south, the landscape rises towards the volcanic features of the Warrumbungle Range and becomes more characterised by low escarpments and ridge mosaics. The area forms a major aquifer recharge for the Great Artesian Basin. Creeks drain north or north-west to eventually join the Namoi River.

The Pilliga 'Scrub' extends over 840,000 hectares and is the largest remaining area of continuous semi-arid woodland in temperate eastern Australia.

It's a region of biogeographic overlap where coastal fauna species are found at the western limit of their distribution and arid land species are found at their eastern limit. The most notable feature of the area's fauna, the rare Pilliga Mouse (*Pseudomys pilligaensis*) was only discovered in 1975 and as with the Eastern Pygmy-possum utilises woodland areas with dense shrub layers. The Pilliga is also home to the Brush-tailed Rock-wallaby, Rufous Bettong, Black-striped Wallaby and Pale Headed Snake. A once healthy large Koala population is now in rapid decline, and the state of its threatened Squirrel Glider populations is poorly known. Four threatened bat species and over 200 bird species have been recorded in the Pilliga forests, including

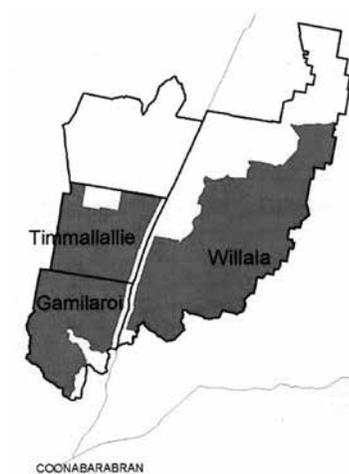
the Swift Parrot, Mallee Fowl, Glossy Black Cockatoo, Turquoise Parrot and Regent Honeyeater. Almost a third of all Australian parrot and cockatoo species and 22 threatened fauna species have also been recorded.

The Pilliga is also home to more than 800 native vascular plants. Of those, 269 species are endemic to the Brigalow Belt South Bioregion.

In 2009 the Federal Government's environment department identified the Pilliga as a Biodiversity Hotspot, one of only fifteen in Australia. The Pilliga Scrub also provides an intact link between the Warrumbungle and Mt Kaputar National Parks.

The woodlands are dominated by stands of Black

Cypress (*Callitris endlicheri*) and Narrow-leaved Iron Bark (*E. creba*), with some representation of boxes, gums, angophoras and bloodwoods. On stony ridges Broad-leaved Ironbark (*E. fibrosa*) becomes dominant, along with *E. dealbata* and Cypress, while creeklines feature a dominance of angophoras. The woodlands are interspersed with heathlands dominated by *Melaleuca uncinata* with coastal and arid zone elements. Research in 1991 by Norris *et al.* indicated that the area's woodland associations and canopy densities had not changed substantially since European settlement until the onset of intensive forestry in the last 20 years, with much of Pilliga Nature Reserve in old growth condition.



There are three potential wilderness areas in the Pilliga.

In the late 1990s the Pilliga was threatened by a proposed Boral Mineral Industries and Portman Mining charcoal plant at Dubbo, part of the Lithgow Silicon Project Joint Venture. This would have consumed up to 150,000 tonnes of ironbark eucalypts a year from the Pilliga

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### Pillaging the Pilliga

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wildlife in the more accessible and fragmented woodland left after CSG development.

To protect wildlife, Santos has presented "Field Protocol" criteria to avoid high conservation value areas and protect key habitat features. On the basis of information elsewhere in the EIS, Santos must be refused consent through application of these criteria. The relevant data is buried, but Beth Williams found it, and quotes appendix J1 of the EIS that "up to 10,143 hollow-bearing trees would be removed during construction of the project". The loss of hollow-bearing trees means a loss of nesting habitat for birds, possums, gliders and bats. Lock the Gate further reports that clearing will include 796

hectares of Regent Honeyeater habitat, 449 hectares of koala habitat and 135 hectares of breeding habitat for the Pilliga Mouse.

The Pilliga is a high conservation area and its precious wildlife must be protected from industrial CSG development!

#### Willala Wilderness would be lost

There are three wilderness areas in the Pilliga: The Timmallallie Wilderness of 26,082 hectares; the Gamilaroi Wilderness of 30,088 hectares; and the Willala Wilderness of 73,734 hectares. About 12,000 hectares of the CSG project area is in the northern end of Willala Wilderness, (see *The Pilliga - Featured Wilderness in this edition*).

Wilderness areas are characterised by natural

vegetation, including few introduced plant species, a lack of permanent human settlement and development, and a lack of, or only low levels of human utilisation. Previous borehole development in the 1990s by Eastern Star Gas, an exploration company partly owned by Santos, was found by the NPWS to have destroyed wilderness values of a nearby part of the Pilliga. If developed for CSG, Willala Wilderness in Bibblewindi State Forest would be wilderness no more.

#### Great Artesian Basin impacts

The Great Artesian Basin overlies coal seams and includes Pilliga Sandstone beds. The Pilliga forests and areas to the south are regarded as very important recharge zones for the whole Basin. Rainwater falling in the forest

is thought to spread westwards underground and feed much of the Basin. Pollution or lowering the water table under this model would have a very severe effect over the surrounding district.

Given the extent of dewatering to produce coal seam gas, it seems likely that the overlying strata of Pilliga Sandstone beds will be depressurised and Basin recharge compromised in the adjoining western district. Lock the Gate believe Santos cannot effectively predict the effects of CSG dewatering in the key portion of the Basin recharge area, because they do not have monitoring data for drought periods.

When groundwater systems are interfered with, large impacts are usually not reported by the company, even if obvious. Often they

are only reported once the aquifer 'bleeds out', following complaints. As with Thirlmere Lakes and mine water problems on Newnes Plateau, regulators are also slow to respond to community complaints. On past experience it may take them decades to discover blindingly obvious groundwater damage from CSG mining, and by then it will be too late.

A simple regulatory solution would be to hold Santos and indeed all mine companies to their negligible impact assertions as published in almost every environmental impact statement. Once impacts become more than negligible, development consent should be void. Of course monitoring consultants are expert at reporting negligible impacts, but that's a story for another day. ■

### Featured Wilderness: The Pilliga

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State Forests and elsewhere. Shortly after this proposal, the NSW Government announced that trees were to be burnt in the state's power stations for the generation of so-called 'green energy'. The first 12 months of the scheme would have sourced Pilliga Cypress Pine logs from Baradine sawmills. Both schemes were defeated in 1999 but the latter has again become NSW Government policy.

#### Conservation Progress

There has been considerable progress towards protecting the Pilliga wilderness. It started in 1968 when Pilliga Nature Reserve was dedicated. In 1994, following environment groups' objection to Coonabarabran Shire Council's plan to subdivide a 4,500 hectare property within the wilderness, the NSW Government acquired the freehold and added it to the Nature Reserve expanding it to 80,627 hectares in 2005.

In 1995 the Carr Government promised to declare the Pilliga and fifteen other wilderness areas in its first term in office. Unfortunately the Pilliga proved to be the only exception. It took a decade

before further reservation occurred in the Pilliga, when 352,000 hectares were reserved by then Environment Minister Bob Debus, including 60,000 hectares of endangered ecological communities. These reservations were coupled with a very generous \$41 million compensation and restructure package for the logging industry.

The NPWS prepared a wilderness assessment report in 2003 to coincide with the above reserves but the Carr Government chose to create a new range of reserve types, called community conservation zones. An assessment report obtained by the Colong Foundation revealed that 129,904 hectares of the Pilliga were capable of being formally identified as wilderness.

The NPWS detailed three wilderness areas in the Pilliga:

■ The **Timmallallie Wilderness** of 26,082 hectares lies to the west of the Newell Highway, half being in the Pilliga Nature Reserve. Another quarter is in a national park equivalent community conservation zone and the rest is Aboriginal land.

■ The **Gamilaroi Wilderness** sits to the south of the Timmallallie area and is slightly larger at 30,088 hectares and mostly nature

reserve or national park equivalent reserve, with less than 3,000 hectares being private land.

■ The **Willala Wilderness** at 73,734 hectares is the largest Pilliga wilderness and situated to the east of the Newell Highway with over 40,000 hectares in the nature reserve. Another 14,000 hectares is in a state conservation area equivalent reserve that permits mining activities. Another 12,000 hectares in the Bibblewindi State Forest is threatened by a double whammy of coal seam gas development and logging.

In 2013, following an Upper House Inquiry into public land management chaired by the Hon. Robert Brown of the Shooters, Fishers and Farmers Party, former Premier, Barry O'Farrell, commissioned the Natural Resources Commission to undertake a study of the Pilliga's 195,095 hectares of conservation reserves.

The Commission recommended logging to "restore" the forest, even though the reserves prohibit commercial logging. This proposal would have allowed native white cypress pines to be used to generate 'green' electricity. Timber industry restructuring money spent in 2005 would have been wasted with taxpayers slugged another \$3.5million/year for

the privilege of having their reserves logged.

As things stand, over half the community conservation areas reserved in 2005 are at now risk of being devastated by

a combination of coal seam gas extraction, logging and even cattle grazing. Fortunately the NSW Government seems to have shelved the NRC report. ■



# Clearfelling the Coast

THE NORTH EAST Forest Alliance (NEFA) has revealed that the Forestry Corporation of NSW plans to increase the clearfelling our north east forests and turn large areas into 'pseudo-plantations'. NEFA has also maintained for many years that contractors are frequently and systematically breaching logging rules.

Back in 2009 the NSW Auditor General warned the NSW Government that "native forests managed by Forests NSW on the north coast are being cut faster than it is growing back."

The Forestry Corporation has stretched the definition of selective logging for over decade. Now NEFA has obtained proposed logging plans under freedom of information laws, that seek to legitimise and expand intensive logging throughout the coastal forests of NSW. On the North Coast, forests will be divided into three zones:

- Intensive Zones of 140,000ha that will allow alternate coupe clearfell logging from Taree to Grafton, with clearfells from 50ha to 80ha in size (Note: the current clearfell coupe size limit in northern NSW is 0.25 ha);
- Regrowth Zones that will also allow intensive logging but with some tree retention across the logging area; and
- Non-Regrowth Zones, with slightly less intensive logging and a few extra retained trees.

North-East Forest Alliance spokesman Dailan Pugh said he believed it would create "quasi-plantations" as each



logging cycle will see the number of remnant old-growth trees retained decline along with wildlife habitat.

Under the proposed logging plans, most areas protected over the last 20 years because of the presence of a threatened species will be opened up for logging. Legal protection is proposed to be removed from 326 threatened plant species and another 32 species will have protection areas significantly reduced. Only 77 species and populations of threatened plants will retain their current protections.

Only 14 native animal species will retain their current specific protections, with 23 species having their protection areas removed and another 26 having theirs significantly reduced.

Surveys before logging for most threatened animal species will be scrapped, so "If you don't look, you don't find and if you don't find you don't protect," Dailan said.

Areas with active koala populations will be logged. It will no longer be required to search for koalas prior to logging and logging won't be excluded from areas koalas are actually using. The greatest logging intensity will coincide with the best koala habitat.

The documents obtained by NEFA reveal that streamside protection in the upper catchment headwaters will be more than halved (from 10m to less than 5m). Current streamside logging exclusion buffers are measured from the top of the stream bank but under the proposed new rules, buffers will be measured from centre stream. For many streams this means logging will be permitted to the edge of the bank.

Meanwhile wood supply contract negotiations with logging companies based on these new logging rules are in progress. The NSW Government is committed to drawing up new wood contracts by 'the middle of 2017'. The proposed conditions would then become enshrined in Integrated Forestry Operations Approvals (IOFA) with final details announced later this year.

All of these contract negotiations and proposed approvals are occurring while the Government promises 'no erosion of environmental values'. In 2013 former NSW Environment Minister, Robyn Parker assured conservation groups of the NSW Government's commitment to "maintaining or improving environmental values through the remake of the coastal IOFAs", advising that there would be "no erosion of environmental outcomes". In 2014 then NSW Environment Minister, Rob Stokes reiterated: "the Government is committed to ensuring the IOFA is remade with no erosion of environmental values". In 2016 Environment Minister, Mark Speakman stated that he was "advocating strongly to ensure that there is no erosion of environmental values".

This month the new Environment Minister Gabrielle Upton said her

Government needed to balance timber-workers' jobs while "preserving the environment", and yet she had full confidence that new regulations would continue to protect flora and fauna.

Minister Upton also said that the proposal for a Great Koala National Park was a "political gimmick", while NEFA has

reported a 50% decline in north coast Koala populations over the past 15-20 years.

NSW Forestry's logging abuse must stop! Our irreplaceable public forest estate is being ruined by their intensive logging operations that destroy habitat, spread lantana and encourage Bell Miner dieback. ■

## *Alps feral horse control at risk*

Last August, Colong supporters wrote in support of the NPWS draft wild horse management plan for Kosciuszko National Park that is proposed a reduction in feral horse numbers from 6,000 to 600.

In its June 2017 response to the current Natural Resources Council (NRC) review of pest management in the lead up to enabling the *Biosecurity Act, 2015*, the NSW Government has 'recognised the heritage value of wild horses in Kosciusko National Park.' This is exactly what Peter Cochran of the Snowy Mountains Bush Users Group wanted, protection of feral horses through cultural recognition.

Horses do not have "cultural value" by being located in the park and the damage they cause to wilderness, wildflowers, waterways and wildlife in the Alps can be extreme. When the Government released the Kosciusko National Park Wild Horse Management Plan for comment it ruled out aerial shooting as one of the control techniques to be utilised.

Current ineffective trapping has seen feral horse numbers grow to 6,000. Trapping is also expensive. Regardless of the target number set in the new horse management plan, numbers will balloon beyond 10,000 in less than a decade unless the horses in the park are culled.

No effective feral horse control can be expected if ground shooting is ruled out as suggested by Bush Users Group in the *Sunday Telegraph* on June 4th. The Government has yet to make its decision, but no one in government, including Environment Minister Gabrielle Upton, is talking up NPWS's wild horse management position.

Instead Nationals Leader and local member for Monaro, the Hon. John Barilaro, a critic of the horse management plan, appears to speak for the Government on the matter, and according to the *Telegraph* is drafting legislation to recognise the wild horses' cultural significance.

The Snowy Mountains Bush Users Group is behind the "brumby bill" that seeks legal protection for feral horses. Under the *National Parks and Wildlife Act, 1974* the National Parks and Wildlife Service is currently required to control feral horses as designated feral pests. The proposed new bill will replace control with protection, similar to feral deer, a designated a game species protected for hunters.

The feral horse madness may only stop when horse numbers grow so large that populations spread out from national parks forcing local farmers complain or when there are a number of road fatalities from horse collisions and the Coroner hands down findings that require decisive population control.

Hopefully sanity will prevail before then and one day soon park rangers will be allowed to control all feral animals by scientific, best practice methods as recommended by the conservative government agency, the Natural Resources Council.



# Biodiversity Conservation or Land Clearing?

THIS AUGUST TWO pieces of legislation will replace proven, effective land clearing and threatened species laws. When turned on, the Biodiversity Conservation Act 2016 will replace the Threatened Species Conservation Act, Nature Conservation Trust Act, and parts of the National Parks and Wildlife Act 1974 to do with wildlife licensing and offences.

The Local Land Services Amendment Act 2016 will replace the Native Vegetation Act and its regulations and assessment methods that operate to maintain or improve biodiversity, soil, water, and salinity on private land.

To accompany these new laws, the NSW Government released the following draft Regulations and Codes:

- Biodiversity Conservation Regulation and Draft Local Land Services Amendment Regulation.

- Environmental Planning and Assessment Amendment (Biodiversity Conservation) Regulation.

- Explanation of Intended Effect for the State Environmental Planning Policy (Vegetation) [but not the actual policy].

- A Land Management (Native Vegetation) Code.

- Biodiversity Assessment Method (BAM) and BAM tool.

- Accreditation requirements for those who apply the BAM.

- Draft Sensitive Biodiversity Values Land Map.

- Guidance on serious and irreversible impacts on native plants and animals.

- Tools for the calculation of biodiversity offsets payments.

The farmers are unhappy, they want a simple system. These rules also have major environmental weaknesses:

- Environmental standards for land clearing are replaced with flexible self-assessment codes.

- Biodiversity offsets, heralded as a mainstay for conservation, actually reduce the area available for threatened species and communities and again “flexible rules” will operate.

- Conservation gains aren't guaranteed in law as before, but will be contingent on funding, that is likely to diminish over time.

- Decision-makers have more discretion, which means more land clearing and policy failures.

## What can be cleared?

The draft regulations suggest a decision-maker might identify ‘serious and irreversible impacts’ when a development is ‘...likely to contribute significantly to the risk of a threatened species or ecological community becoming extinct...’ due to further rapid decline. Local extinctions and irreversible impacts on threatened wildlife and plants, however, are permissible.

The draft Regulations and Codes allow:

- Endangered ecosystems, koala habitat, important grasslands and wildlife corridors to be bulldozed with little or no oversight from government or ecologists.

- Developers to clear important habitat as long as they protect other land, or pay money into a fund.

- Soil erosion and salinity to go unchecked as the new laws don't adequately consider the impacts that tree clearing has on soil or water.

- Increased carbon pollution.

## How habitat can be offset?

Draft Regulation Offset rules to compensate for impacts on native plants and animals include:

- Buying another identical or somewhat similar area to the habitat to be cleared.

- Funding conservation management in an identical or similar area to the habitat the development will destroy.

- Rehabilitation of a mine sites.

- Cash contributions to the Biodiversity Conservation Fund.

## What's the Rural Native Vegetation Management Code?

This code authorises farmers to self-assess land clearing and



will allow for:

- Invasive Native Species (i.e. regrowth).

- Pasture expansion.

- Stock fodder – mulga species.

- Continuing use.

- Transition Private Property Vegetation Plans under the old scheme.

- A perceived disadvantage where an Equity Code allows clearing of bushland remnants of up to 625 hectares in any three-year period.

- Bush clearing under a Farm Plan Code that covers a broad range of operations.

## Clearing is not just an issue in the bush

A proposed Vegetation State Environmental Planning Policy allows for clearing in urban areas without development consent, and even on environmental protection zoned land. Again, offset rules allow cash payments for clearing. As suitable offsets are limited in urban environments, this policy will only accelerate clearing of rare bushland and trees.

## Why strong clearing laws are important

- **FOR WILDLIFE** – laws should protect important wildlife habitat and ecosystems as clearing is the primary reason many plants and animals are being pushed to extinction. A 100 native plant and animal species have become extinct in NSW, and another 1000 are on the ‘waiting list’, including 60% of native mammals.

- **FOR OUR CLIMATE** – trees in NSW store gigatonnes of CO<sub>2</sub> and clearing releases it.

- **FOR SUSTAINABLE FARMING** – over-clearing causes soil erosion, dryland salinity and denies stock shade and shelter.

## Last ditch bid to limit legislative damage

The draft Regulations and farmer self-regulation Codes must be amended to:

- Ban koala habitat clearing under the self-assessment Codes, and ensure koala habitat is comprehensively identified before the laws are activated.

- Ban self-assessment Code clearing in vulnerable and endangered ecological communities and on Crown land, including Travelling Stock Routes.

- Consider clearing impacts on soils, water, salinity and carbon.

- Ban cash payments as a substitute for genuine vegetation offsets.

- Require like for like offsets so at least the same plant community is protected for the one destroyed.

- Ensure all the mapping and rules are completed and made public before the new land clearing regime is operational.

## A small win for conservation

‘Areas of Outstanding Biodiversity Values’ are to be mapped and these areas can't be assessed for clearing by farmers under the self-

assessment rules but through a development application.

Farmer self-assessment for land clearing is also not permitted where core koala habitat is mapped, but the mapping is incomplete and pre-clearing surveys are out of the question. Other lands that should be protected from self-assessed land clearing are known areas of high conservation grassland, areas that contain matters of National Environmental Significance, including nationally listed threatened species, and the coastal zone. None are protected unless mapped.

For example, ephemeral wetlands in the Riverina that are part of a Commonwealth-listed critically endangered ecological community are not protected under the Code. ‘Sustainable grazing’ practices under the Farm Plan Code, include over-sowing and fertilisation of grasslands, that destroy rare native grasslands. Protection depends on inadequate and highly variable mapping and limited compliance monitoring.

## Where to now?

Conservation on private land involves a combination of legal prescriptions and financial incentives. Those who live in the city accept strict limits on development rights to protect neighbourhood amenity and the rights of others. In the bush it's another world.

The Biodiversity Conservation Act will conflict with the Local Land Services Act which places threatened species under greater extinction risk. The government's solution to this dilemma relies on \$240 million in government funding over five years for private land conservation, but this is no substitute for permanent species and habitat protection enshrined in law.

Like the clean energy fund without a carbon tax, this new regime funds conservation management on private land but enables more land clearing. Another decade-long political mess due to these unresolved tensions is almost certain. ■

# 4nature takes Centennial Coal to Supreme Court

IN MAY, THE 4nature environment group was at the NSW Supreme Court challenging the Land and Environment Court's decision to allow Springvale Mine to continue discharging polluted mine water into Sydney's drinking water supply. Three Appeal Court judges will now review the lower court decision.

Under their existing approval, Centennial Coal is permitted to release up to 30 million of litres a day of mine water containing salts, metals and other materials into the Coxs River. 4nature initiated legal action in late 2015 arguing the NSW Government failed to properly consider a legal requirement that developments can be approved only if they have a "neutral or beneficial effect" (the NorBe test).

In September last year, the Land and Environment Court upheld the Planning Assessment Commission's decision that Centennial's discharge was allowed under the NorBe test, and this



Seeking to protect Sydney's drinking water supplies 4nature took Centennial Coal to the NSW Court of Appeal.

decision is what 4nature has appealed.

In 2006, Centennial Coal transferred its mine water pollution from the headwaters of the Wolgan River to the Coxs River and thus Sydney's drinking water supply. The initiative was awarded a Water Recycling and Conservation

Leadership Award, but the transfer became such an environmental mess that it prompted the Blue Mountains Conservation Society to initiate an earlier court action.

Last year as a result of continued pressure, Centennial Coal proposed to build a treatment plant for up

to 42ML/day of mine water for reuse in the Mt Piper Power Plant. An effective water treatment plant should have been a part of the 2006 mine water transfer scheme for which the company received a green gong. The decade long delay Centennial has perhaps saved tens of millions by avoiding the water treatment needed to protect Sydney's drinking water supplies.

4nature is continuing legal action to prevent a precedent that would allow millions of litres of polluted mine water to be dumped into the Coxs River, a major tributary of Warragamba Dam, Sydney's main water supply. 4nature spokesman Andrew Cox said: "We are appealing the decision to restore some sanity to the situation. If we fail, we will be calling for the laws to be strengthened to ensure Sydney's drinking water supplies cannot be compromised in this way."

Lithgow Environment Group spokesperson Chris Jonkers said: "The Land and

Environment Court's ruling basically concluded that pumping that much waste water [up to 30ML/day] into the Coxs River has a 'neutral or beneficial effect'. That water is acutely and chronically toxic to all aquatic life, so it defies common sense to say this will have no effect. The approval is not in line with community expectations."

Blue Mountains Conservation Society President Madi MacLean said: "For years community monitoring has recorded high levels of salts and other contaminants in the Coxs River downstream of Springvale and other underground coal mines. The government can no longer ignore this serious problem."

Tireless efforts by 4nature, the Lithgow Environment Group and Blue Mountains Conservation Society may eventually see the Coxs River cleaned up. The Appeal Court judgement on the case is expected to be handed down sometime in the next three months. ■

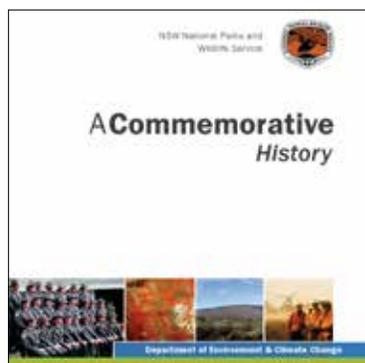
## Slow to Celebrate Parks' Golden Anniversary

BY CHRIS GROUNDS

2017 IS A significant watershed in environment circles as it marks the 50th anniversary of the NSW National Parks and Wildlife Service (NPWS).

The NPWS was created in 1967 from the integration of the Fauna Protection Panel and Reserves Branch of the Lands Department and today functions as part of the Office of Environment and Heritage (OEH).

The Minister at the time, Tom Lewis, also established the Foundation for National Parks and Wildlife as an independent organisation, which would be involved with fund raising. The Foundation also administers the \$5 million Commonwealth Grant provided for the HELP or Heritage Estate Voluntary Land Project. Land purchased through the HELP project will be reserved as part of Jervis



The 50 year history of our wonderful National Parks has been suppressed.

Bay National Park.

It could be thought that the responsible Minister and state government would be there, front and centre, in a year long campaign to acknowledge the tremendous, long-term, sustained work of NPWS staff, their staff, our staff.

You haven't noticed anything? Perhaps the focus on a questionable NPWS restructuring has them distracted. The NSW

Government's management formula is reflected in the reduction of state regions, and thus directors from thirteen to eight, with tourism and business management seeming to have a new priority. With a continuing loss of corporate memory, little can be learnt from Parks' history so mistakes will follow.

Perhaps this state government is still laying low after their 'Shooters in National Parks' fiasco or perhaps their greater plan is to downgrade the NPWS further. The government, however, is not under enough pressure from political opponents and park supporters.

The current executive of OEH has refused a proposal to update a 2006, 40th Anniversary document, still in draft form, that was made available through Freedom of Information, to mark the 50th Anniversary. The document is

'NSW NPWS Commemorative History 1967-2007'. This 176 page document was prepared under contract by two qualified 'public historians' and on the face of it is an excellent, thorough, in-depth and candid portrayal of the development of the Service through the first 40 years.

It was withheld, effectively suppressed, by the then Department of Environment and Climate Change executive when the authors refused to make requested changes. It has remained in draft form under copyright ever since.

It shows what can be done with honesty and integrity when the writing of history is out of government hands!

Australia's first National Park, known today as the Royal National Park, originally called the 'National Park', was formally proclaimed on 26 April 1879.

The NPWS operates under

the National Parks and Wildlife Act 1974 and is responsible for management of National Parks, Wilderness, Historic Sites, State Conservation Areas, Regional Parks, Karst Conservation Reserves, Nature Reserves and Aboriginal Areas. Today, the NPWS manages 203 National Park properties, but with a total of over 886 Parks and Reserves, Nature Reserves and 7 million hectares across a huge range of environments, including two million hectares under wilderness management in 51 areas, it is responsible for the greatest amount of community heritage in our state.

*The Colong Foundation congratulates and wishes a happy 50th birthday to all prior and current NPWS staff.*

## SUPPORT THE COLONG FOUNDATION!

To: The Treasurer, Colong Foundation for Wilderness Ltd., Level 2, 332 Pitt Street, Sydney NSW 2000  
The enclosed remittance or advice covers the item(s) indicated by a tick. (One cheque payable to the Colong Foundation is sufficient to cover subscription and donation.)

- Membership application for individuals or households (\$30) to 31 December 2017  
(NB Membership application covers *Bulletin subscription*)
- Colong Bulletin Subscription (\$15) to 31 December 2017 (non members only)
- Membership renewal to 31 December 2017 (\$30)       Life Membership (\$550)
- Tax deductible donation of \$\_\_\_\_\_ to the Colong Wilderness Fund
- PLUS \$\_\_\_\_\_ being for publications as indicated on the reverse side of this form.

NAME (Mr, Ms, Mrs, Miss) .....

ADDRESS.....

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..... DATE.....

PHONE..... EMAIL:.....

SIGNED..... AMOUNT.....

**Payment by credit card.** Mastercard  Visa  Expiry date \_\_\_\_-\_\_\_\_-\_\_\_\_

Card # \_\_\_\_\_

**Payment by EFT procedure.** Account name: The Colong Foundation for Wilderness Ltd.

Bank: Westpac Mordale, BSB: 032 268 Account number: 11 7302

Please add your full name in the Reference Field so that we may trace your contribution and also inform the Colong Foundation by email immediately after you have made a payment. Email [foundation@colongwilderness.org.au](mailto:foundation@colongwilderness.org.au) with your name and address details, so we can mail to you an official tax deductible receipt. We also need notification so as to track all contributions to those who have provided them for our accounting purposes.

### MEMBERSHIP APPLICATION Why not join or invite a friend to join?

Yes, I wish to become a member of the Colong Foundation for Wilderness Ltd. I subscribe to the Foundation's aim of preserving Australia's wilderness remnants. I accept the liability provided in the Colong Foundation's Articles of Association to guaranteee \$20 should it be needed in the event of the winding up of the Foundation. Signed .....



### A BEQUEST

**Please remember us in your Will.**

The Law Society of NSW recommends the following wording... "I bequeath the sum of \$... to the Colong Foundation for Wilderness Ltd.

for its general purposes and declare that the receipt of the treasurer for the time being of the Colong Foundation for Wilderness Ltd. shall be complete discharge to my executors in respect of any sum paid to the Colong Foundation for Wilderness Ltd."



### ABOUT THE COLONG FOUNDATION

The Colong Foundation, the successor to Myles Dunphy's National Parks and Primitive Areas Council, is Australia's longest-serving community advocate for wilderness. Its proposal for a Wilderness Act was accepted in 1987. To supplement this legislation, our Red Index, audits NSW wilderness areas, identifies threats and formulates site specific protection remedies. There are now 2,100,000 ha of protected wilderness in NSW. However, many beautiful and environmentally highly significant wilderness areas are not protected, such as the Pilliga and Goonoo on the north west slopes, the Deua Valley on the South Coast and the Tabletop and Main Range in the Snowy Mountains.

The Colong Foundation for Wilderness has had a long and successful history. From its foundation in 1968 until 1975 it was the fighting force that prevented limestone mining and the destruction of native forest for pine plantations in the southern Blue Mountains. The Foundation not only played a leading role in realising Myles Dunphy's plan for a Greater Blue Mountains National Park, it pushed for its World Heritage listing, as well as the reservation of a Border Ranges National Park and Kakadu National Park. It has initiated successful campaigns for the protection of over a million hectares of wilderness in NSW. The realisation of Myles Dunphy's vision of a comprehensive system of national parks with protected wilderness areas remains the primary objective of the Colong Foundation.

Now, more than ever, the Foundation needs your support. Well financed and powerful rural interests, miners, loggers, resort developers, as well as four wheel drive enthusiasts, horse riders and others, have greatly increased the threats facing Australia's wild places. Only with your help, through continued membership and donations, can the Foundation continue its campaigns for the preservation of the natural environment and effective nature-based national park management, and by concentrating on wilderness, these rare areas can be kept safe from development and misuse.

## THE COLONG FOUNDATION

SENDER: THE COLONG FOUNDATION FOR  
WILDERNESS  
Level 2, 332 Pitt Street, Sydney NSW 2000



### PUBLICATIONS AVAILABLE FROM THE COLONG FOUNDATION

**CELEBRATING WILDERNESS** 60.00

*Edited by Ian Brown, this spectacularly illustrated book with 46 full-page colour wilderness photographs by Rob Jung, David Neilson, Rob Bakers and Ian Brown is essential reading for wilderness supporters (120pp)*

**WILD PLACES** 27.50

*The meticulously researched, beautifully written book on wilderness by Peter Pirneas with photographs by Henry Gold (285pp)*

**BLUE MOUNTAINS WORLD HERITAGE** 50.00

*Alex Colley and Henry Gold's description of the 67 year campaign culminating in World Heritage listing. (136pp)*

**SUSTAINABILITY** 20.00

*Alex Colley provides his vision on a sustainable future. (90pp)*

**REPAYING MY DEBT** 30.00

**A Conservationist's Tale.** Geoff Mosley's memoir

**THE GARDENS OF STONE VISITORS MAP** 10.00   
*A full colour double sided touring map and guide to the attractions of the Gardens of Stone reserve proposal*

**THE BATTLE FOR THE BUSH** 27.50

*Geoff Mosley's account of the genesis of the nature conservation movement and saving of the Blue Mountains environment (174pp)*

**MYLES DUNPHY (SELECTED WRITINGS)** 39.95

**CLASSIC BUSHWALKING MAPS** by Myles Dunphy (Gangerang and Kowmung Maps) 10.00ea

**LIVING WITH THE DINGO** 19.00

*by Adam O'Neill (107pp)*