

Notes on conversation  $\frac{1}{2}$  Stephen Davies  
National Trust members at NSN Heritage Council.

20/5/94.

12.29 pm  
→ 12.45 pm

taken v. seriously by Rob Power  
long discussion at last meeting but no written report.  
Verbal report only.

Rob Power said particularly concerned about NOS. All HC members  
saw the Coxes  
1 video

No new policy approach after Chaelundi?

HC minutes available next ~~week~~ week from last ~~March~~ mtg. will  
record any decision made.

28 Feb: 2nd March:  
3rd March:  
April:  
Dof. report next mtg. March:  
verbal

Marens Rolfe.

R. Power said 'on site' mtg proposed with all interested parties  
no date proposed. Meanwhile developer does more clearing in  
with answer BSC + SScarla

Thursday

1st Th in June

2nd



NEFA is disappointed that there is no explicit statement of policy which requires States to perform to agreed standards, or which points to actions the Commonwealth would take if wood production and harvesting threatened other forest values and uses. Why are these policies omitted?

NEFA disputes the Discussion Paper's claim that integrated harvesting of sawlogs and pulplogs can be done in an ecologically sustainable manner. In order to support such a claim, it is the responsibility of the industry to provide evidence of the ecological sustainability of its activities, and to subject its activities to public scrutiny and scientific peer review.

No claim to ecological sustainability can be made without considerable supporting evidence. None is presented, nor referenced. Government's should exercise great care before accepting industry claims as a basis for the operation of their statutory functions.

The appropriate application of the 'precautionary' principle by Governments is required, and ought to prevent any resource management decision being made on the basis of unverified, undemonstrated claim.

NEFA is disappointed that the Commonwealth appears to have adopted a position on the use of 'old growth' timber which pre-empt the very process - comprehensive regional assessment - the subject of the Discussion Paper.

The assertion that Australia "will continue to use 'old growth' timber for many years" repeats an industry demand without any supporting information, apparently in contradiction of the national agreed National Forest Policy Statement (NFPS). Such an assertion ignores the possibility that all remaining, loggable 'old growth' forest might be required for a comprehensive, adequate and representative conservation reserve system. It also appears to assume that all 'old growth' trees in (unspecified level of) disturbed forests have no conservation significance which might require their protection and conservation.

Both these assumptions ignore the emerging market realities which include:

- \* customer opposition & resistance to timber from OG forests and trees;
- \* a huge growth in the softwood and plantation timbers markets with increased profitability;
- \* the lack of profitability in continued OG timber milling compared with softwood timber production.

These assumptions also ignore the Resource Assessment Commission's finding that the logging of 'old growth' forests is inconsistent with the principles of ecologically sustainable development. Compliance with ESD principles is a requirement of government which appears to have been overlooked in formulating these assumptions.



Subject: Urgent Request for an Interim Conservation Order to be placed over land of high cultural and natural conservation value at North Ocean Shores.

From: CONOS (Conservation of North Ocean Shores) c/- P.O. Box 343  
Brunswick Heads 2483. NSW.

## Introduction

North Ocean Shores is a remnant area of undeveloped land, approximately 850ha in area, located in the north east of Byron Shire and the south east of Tweed Shire, on the far north coast of NSW. It is situated on the coast between Byron Bay and the Gold Coast (Qld), in a region undergoing rapid population growth and urban expansion. The NOS land occupies the floodplain of Billinudgel and Yelgun Cks and low ridges which form the immediate catchment of the floodplain to the north and south.

## History

### 1965-1980

The southern part of Ocean Shores developed by American companies Wendall West (Pat Boone) and Princess Properties (Daniel K. Ludwig). Water-based subdivisions planned for North Ocean Shores abandoned due to engineering and environmental problems.

### 1981-3

Bond Corporation took possession of North Ocean Shores and unveiled plans for an artificial harbour and town of 40,000 people.

### 1985

SEPP NO.14 identified much of the site as designated wetland.

Two year Interim Conservation Order placed over the land to stop clearing of significant vegetation and wildlife habitat.

### 1990

North Ocean Shores referenced as a Nature Reserve Proposal by the NSW National Parks and Wildlife Service (NPWS, 1990a).

Public Hearing conducted by Commissioner Simpson for Byron Shire LEP Nos 13 and 14, covering North Ocean Shores; Commissioner Simpson recommended that nearly all of NOS be conserved and that environmental protection zoning and special provision buffer zones be put into place, as recommended by BSC and the NPWS (Simpson, 1990).

### 1992

Bond Corporation mortgagee, the Overseas Trust Bank of Hong Kong took possession of the land from their bankrupt client.

LEP No. 14 covering North Ocean Shores gazetted; five areas deferred for further consideration following pressure from the Overseas Trust Bank of Hong Kong and contrary to Commissioner Simpson's recommendations.

### 1993

Portions of NOS land sold to Sanctuary Beach P/L (Tweed Shire), Donnas Beach P/L (Byron Shire) with the major portions still in the ownership of the Overseas Trust Bank of Hong Kong.



## Natural Heritage Significance

The high conservation value of the flora and fauna of North Ocean Shores has been demonstrated in a number of studies (Gilmore et al, 1986; Broadbent and Stewart, 1986; Hogg, 1989; Wrigley 1990; NPWS, 1990b). The NOS land contains a rich and varied flora of over 400 plant species, 11 rare and endangered plant species and a wide diversity of vegetation types including several poorly conserved associations (Broadbent & Stewart, 1986; Benwell, 1990; Griffith, 1993)).

Poorly conserved associations include-:

1. Paperbark, Casuarina and Swamp Mahogany wetlands including unique old, very tall Paperbark swamp forest.
2. Coastal Cypress Pine forest; probably the only opportunity for conserving this distinctive plant association in NSW.
3. Scribbly Gum/Wallum Banksia woodland.
4. Littoral Rainforest
5. Bangalow Palm- Paperbark Swamp Rainforest; again, probably the only opportunity for conserving this beautiful plant association in NSW.

The diversity of vegetation supports a corresponding diverse array of vertebrate fauna. A total of 18 species of vertebrates (2 frogs, 11 birds and 5 mammals ) classed as vulnerable or rare (Schedule 12, NPW Act, 18.12.92). are recorded from the site (Gilmore et al, 1986. S. Debus 1993)

Wildlife habitat at North Ocean Shores is linked via wildlife corridors to significant wildlife habitat to the north along the Mooball Ck estuary (protected under the Tweed Shire LEP) and south along the Marshall's Ck estuary and lower Brunswick River (protected in the Brunswick Hds Nature Reserve). The continuity and habitat values of the three areas reinforce the effectiveness of each area in conserving particular species and regional biotic diversity (NPWS, 1990c)

## Cultural Heritage Significance

The land contains a number of different archaeological site types including middens, camp sites, work areas, scarred trees and a ceremonial earth ring or Bora Ground (Navin, 1989 and 1990). In the only archaeological survey to be undertaken in the area, Navin identified 22 archaeological sites in less than a week and concluded that much of the land was of high archaeological significance.

The site complex associated with the Bora Ground is of outstanding cultural significance as it contains the only surviving double bora in coastal northern NSW and it exists in an original, intact coastal environment (NPWS, pers comm.)

North Ocean Shores has special conservation significance because it contains cultural relicts of pre-European, hunter-gather society in a sizeable remnant of the original environment which Aboriginal people once inhabited, rather than in a cleared paddock or tiny bushland remnant. The NPWS has drawn attention to the systemic preservational values of the cultural and natural environmental attributes of the NOS land (NPWS, 1989). The potential value of this heritage resource to science, education and the eco-tourism industry is probably very high, yet the land is still under threat from development.



## Recent Damage and Immediate Threats

July '93. The landowner/applicant carried out illegal clearing in a 7K HabitatZone without development consent from BSC. At least 2 rare and endangered plant species were affected (Black Walnut-*Endiandra globosa* and Davidsons Plum-*Davidsonia pruriens*)) and a track was cleared under the nesting tree of a pair of Osprey, a Schedule 12 species.

The Long-Leafed Tucker (Cupaniopsis Newmanii) a new species listed as Rare or Endangered is located in this same area.

Aboriginal Heritage Site 12 is located in this same area, and requires further investigation.

Empty drums of herbicide were irresponsibly dumped by contractors in this same area, with the potential danger of seepage into fragile estuarine and ecosystems at N.O.S.

Aug '93. A D.A. (lodged by Donnas Beach P/L) was passed by BSC for a subdivision of 120ha of mostly 7K and 7A land containing Coastal Cypress Pine Forest, littoral rainforest, rare plants, Schedule 12 fauna and aboriginal heritage sites. The D.A was modified following objections from NPWS and is now for approval to build one house, but it is positioned only 25 meters from 7K land containing sensitive aboriginal heritage sites, in deferred 1A zoning recommended to become a special provisions buffer to the 7K land by Commissioner Simpson. The D.A. was passed subject to a Conservation Agreement being entered into between the landowner and NPWS. This agreement has not been finalised.

Clearing continued in the northern section under the guise of noxious weed eradication and approximately 35 species of native trees, shrubs and vines were slashed and cleared.

Sept '93. Contractors continued to push tracks through areas of significant habitat with a heavy duty tractor and blade. The loss of native flora and significant habitat was slowly being degraded and would bias the findings of any future environmental studies.

Oct '93. Bulldozing of 7K Habitat took place without Council consent. This area is part of the wildlife corridor that extends from NOS to the Border Ranges and is Koala Habitat, a Schedule 12 Species. Further native flora has collapsed as a result of soil disturbance and weed infestation is now prolific.

The landowner gave his word to Council that no further clearing would take place, yet on the following Saturday clearing again took place in 7A SEPP 14 Wetland and 7K Habitat without Council consent. These areas are long-nosed potoroo, bush hen, black bittern and koala habitat, all Schedule 12 species. These areas also include the Marblewood, Corokia, and Black Walnut (Briggs & Leigh 1988 flora listings, rare or threatened).

Council requests a stop-work order, and indicates it will be initiating legal action.

Nov '93 Applicant submits a D.A. for all retrospective clearing.

Herbicides continue to be applied in areas of high sensitivity.



Dec '93. Constant use of heavy machinery e.g. tractors and bulldozers over aboriginal archaeological site 16 has disturbed surface material. This site is repeatedly used as one of the access points to the adjoining properties. Fence posts were erected on this same site early in the year by the landowner.

Jan '94. Bulldozing of 7a Wetlands and 7f Coastal Habitat commenced at North Ocean Shores in the Tweed Shire without Council consent. Stands of Melaleuca, Banksia and Eucalypt species were destroyed.  
This area also contains littoral rainforest and Cypress Pine forest, which is now extremely rare.  
The highly significant double bora-ring (ceremonial ground) is located in this area of N.O.S. It is regarded as the only one of its kind left in coastal N.S.W.

Trapping of native wildlife was discovered on the portion of Donnas Beach P/L which is subject to a Conservation Agreement with NPWS. A dead marsupial was found in a trap which could have only occurred through negligence from that of the person/s responsible.

Feb. '94 The landowner has erected a barbed-wire fence across a public road preventing residents access to the east. Byron Council did not give consent to this action.

Herbicides continue to be applied on a regular basis at N.O.S. and in areas of high conservation value. The continued use of such poisons can only contribute to the slow degradation of this high conservation area and the flora and fauna that inhabit it.

#### FUEL REDUCTION BURNING.

The ecological effects of significant flora and fauna need to be properly assessed in a plan of management.

#### Summary.

C.O.N.O.S. requests that the N.S.W. Heritage Council place an Interim Conservation Order over the land at North Ocean Shores to stop the activities described above and to allow the management of this area to be resolved, to be resolved so as to ensure its future protection.

Only by appropriate protection can N.O.S. be allowed to continue functioning as a flora and fauna refuge and corridor of state-wide significance. Without this protection it is predicted that there will be a major loss of overall biological diversity and localised extinctions of endangered plants and animals.



Mar/Apr. '94. The landowner/applicant has and is carrying out illegal clearing in a 7k Habitat zone, documented as a Koala corridor, without Byron Shire Council consent.

Apr. '94. The landowner is proposing to fence 160 hectares, as Stage 1, for a wildlife compound, fragmenting and isolating the area, which is already a refuge for many species of wildlife, endangered and otherwise.

The proposed fence is made of chained-wire, will stand 8' high and will be connected to 5,000 plus volts.

This fence would not only block the movement of those species that depend on corridors, but could also cause the breakdown of genetic viability by the isolating of wildlife population.

The concept of exploitation of wildlife, a publically owned resource, is contrary to the specific aims of legislation (NPW Act 1974) which was to prevent private ownership and control.

There is NO Development Application required for the fence as the necessary clearing has taken place without council consent. The fencing can therefore commence at any time.



ADDENDUM

(2)

May. '94. Clearing and slashing in 7k Habitat and 1a cross-hatched zones, has and is presently taking place. Fencing is about to commence and the landowner intends to have cattle grazing on this area within 3 weeks. Byron Council has not given consent to this type of agriculture and such an activity (grazing) has not occurred on this same area of land for over 16 years.

This is part of the Koala corridor that connects to the west and links up with the Inner Pocket Nature Reserve, The Nightcap National Park and finally on to the Border Ranges National Park.

This fencing is not associated with the proposed sanctuary and is occurring along the entire length of Jones Rd, ( Marshall's Ridge) north.

*ABORIGINAL CULTURAL HERITAGE SITES ARE ALSO BEING  
Disturbed.*



## References

- Benwell, A. 1990. Botanical Survey of the Billinudgel Nature Reserve Proposal. Unpublished Report to the NSW NPWS.
- Broadbent, J. and Stewart, R. 1986. North Ocean Shores Regional Environmental Study. JTCW Planning.
- Gilmore, A., Milledge, D. and Mackey, D. 1986. Vertebrate Fauna of the Undeveloped Land, North Ocean Shores. JTCW Planning.
- Griffith, S. 1993. Conservation Status of Coastal Plant Communities in Northern NSW - A Review. Draft Report to the NSW NPWS.
- Hogg, D. 1989. A Supplementary Report - Review of Environmental Issues North Ocean Shores Development. Rice Daubney Rezoning Application.
- Naven, K (1990). Archaeological Survey of North Ocean Shores Development Area, NSW. Report to Bond Corporation
- New South Wales National Parks and Wildlife Service, 1989. The North Ocean Shores-New Brighton Holiday Village Site: CRM issues and the Naven Draft Archaeological Report.
- New South Wales National Parks and Wildlife Service, 1990a. Reference Statement - Billinudgel Nature Reserve Proposal. Unpublished Report.
- New South Wales National Parks and Wildlife Service, 1990b. Proposed Billinudgel Nature Reserve. Unpublished Report.
- New South Wales National Parks and Wildlife Service, 1990c. Submission to Public Hearing Local Environmental Plan Nos 13&14 Byron Shire Council.
- Simpson, W. 1990. Report to Council of the Shire of Byron - Draft Local Environment Plans 13 & 14 Ocean Shores.
- Wrigly, J. 1990. Assessment of Effect on Vegetation of Proposed 16 Hectare Lake. Report to Webb, McKeon and Associates.



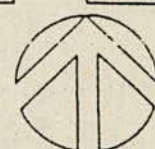
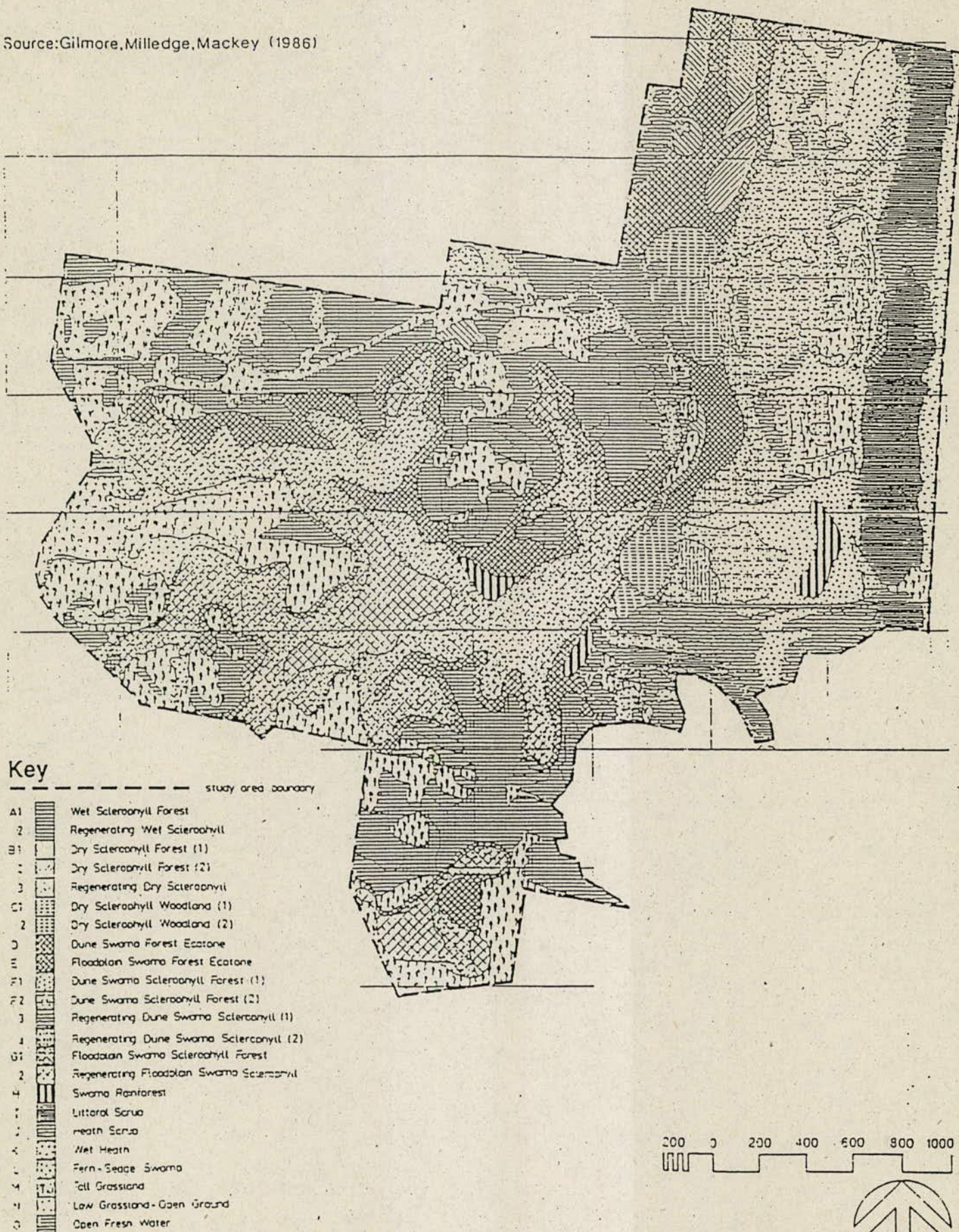


Figure 8

# NORTH OCEAN SHORES LOCAL ENVIRONMENTAL STUDY

EXTRACT FROM 1987 ENVIRONMENTAL STUDY.

Distribution of Habitats





# CONSERVATION OF NORTH OCEAN SHORES

P.O. Box 343, Brunswick Heads, N.S.W. 2483. Phone (066) 801276

11TH February 1994.

Mr. K. Gollan  
N.P.W.S.  
49 Victoria St.  
Grafton.2460.N.S.W.

Dear Mr. Gollan,

C.O.N.O.S. wishes to express its concern about recent land clearing activities at North Ocean Shores, and the effect of such near registered, and as yet unregistered, Aboriginal Cultural Heritage Sites located in this area.

A brief outline as to the damage that has occurred to some of these sites since 1985 is as follows.....

- 1985...Site 21... The clearing, by bulldozer, for survey lines damaged the larger of ~~the larger of~~ the two Bora Rings which were in pristine condition.
- 1992...Site 18... This site was bulldozed without consent. Shale and shell deposit was confirmed by N.P.W.S. following an inspection in 1993.  
This site could also contain burial sites. (refer K. Navin 1990)  
C.O.N.O.S. requests further studies to ensue.
- 1993...Site 19... Nearly destroyed by bulldozing activity for survey lines.
- 1993... Site 20... Optus supposedly bored under this site, however, several months later heavy duty machinery compacted the full length of Optus' activity.
- 1993...Site 16 ... Fence posts erected on this site. Constant use of heavy machinery e.g. tractors and bulldozers over this site has disturbed surface material. This site is repeatedly used as one of the access points to the adjoining properties.
- 1993... Site 12... Investigation of any damage, as a result of clearing activities in this location is requested.
- 1993... Site 14... This site is located near a proposed D.A. This D.A. is for the demolition of an old building and a construction of a new one. (ref. Byron Council)  
C.O.N.O.S. is concerned that associated earth works could interfere with this site.

Sites 15 & 16... Located on Jones Rd, these sites are constantly subject to grading activity. 54 artefacts were found on Site 15 alone.(refer K.Navin)



Sites 5.6.7.8.9.10..... C.O.N.O.S. requests further investigation for damage that could have occurred during recent clearing activities in this area.

The issue raised for your investigation is regarded as most serious, especially areas that are subject for further studies and assessment.

Clearing of land that contains Sites 5. 6. 7. 8. 9. 10. 21. & 22., has occurred throughout January 1994.

The Tweed Council has been notified as to this activity within its boundary of North Ocean Shores, regarding the above.

The Byron Council has also been notified as to the remaining sites within its boundary of same.

In summary C.O.N.O.S. requests N.P.W.S. to

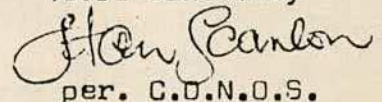
- (a) fully investigate the sites at N.O.S. to assess any damage incurred during recent clearing activities.
- (b) A carefully controlled management plan for the ongoing protection of all sites must be put into place as soon as possible.
- \* (c) C.O.N.O.S. requests that a representative of the Narkbul tribe (the rightful aboriginal custodians of North Ocean Shores) be consulted and included in any further involvement with the N.O.S. sites.

- (d) As already recommended by your dept. C.O.N.O.S. requests a further comprehensive Archaeological study to commence at N.O.S. as Kerry Navin's study was limited to only 3 days. It was personally expressed by Ms. Navin, at the time of her study, that further studies were imperative. e.g. There is a significant site that is yet to be registered and C.O.N.O.S. is concerned about further interference in this area.

- (e) Because of the above C.O.N.O.S. requests your support in placing an I.C.O. on North Ocean Shores allowing further investigations to ensue.

We trust you share our concerns regarding this most sensitive and unique piece of Australia's natural and cultural heritage.

Yours Sincerely

  
per. C.O.N.O.S.

- \* N.B. Any further information required regarding custodianship, please contact C.O.N.O.S.

Refs.. "An Archaeological Survey of North Ocean Shores Development Area, N.S.W. " by Kerry Navin. Aug.1990. ( Canberra.)  
"North Ocean Shores...Wooyung Bora Ground" by Trevor Donnelly 1991.  
( Grafton.)





Mr James LO Tedder,  
Hon. Secretary,  
Pavans Road, Grassy Hd,  
Yarrahappini, via  
Stuart's Point. 2441.

The General Manager,  
Byron Council,  
Lawson Street,  
Byron Bay. 2481.

20/11/1993

Dear Sir,

Re: Protection of natural and cultural heritage values  
North Ocean Shores

The North Coast Environment Council Inc has acted as the regional umbrella organisation for north coast conservation and environment groups since it was formed 18 years ago. Over that time this Council has followed various attempts at development of the North Ocaen Shores area very closely and has assisted local environment groups in their campaigns to protect this unique coastal environment from inappropriate development.

The assistance by this Council to its local member bodies including B.E.A.C.O.N., culminated in 1990 following Commissioner William Simpson's hearings into the then Byron Shire Council's draft Shire-wide Local Environment Plan (LEP).

As you would be aware Commissioner Simpson recommended the Council's amended proposal for the zoning of North Ocean Shores for environmental protection habitat (7k), and wetlands (7a) due to the significance of some 22 aboriginal cultural heritage sites in the area and the presence of a range of endangered species of plants and animals. That these values exist and are of state and regional significance has been plainly established beyond doubt.

It deeply disturbed North Coast Environment Council to be advised that the Byron Council elected subsequently decided, despite the lengthy public participation process and the involvement from a broad range of government departments, including the National Parks and Wildlife Service, that they would entertain major development in the North Ocean Shores area.

Recently the Environment Council has been made aware that a new landholder (a Mr Chum Vidgen) has on several occasions conducted unlawful work of an environmentally destructive nature within the areas of conservation significance, apparently in support of his ambition to open the NOS area to development of a nature rejected by the LEP hearing process.

Council is disturbed that the new owner purchased the property for development purposes in the knowledge that these values existed on the site, posed significance constraints to development.



Council is further disturbed to learn that Byron Council, instead of quashing ambitions for inappropriate development in the NOS area, has instead fostered such ambitions by deleting areas of high conservation significance in NOS from the proposed LEP, and is now seeking the Minister's approval for rezoning to permit development.

This council is aware that a variety of ruses have been used to explain this unlawful activity including noxious weed eradication and fire management. This council believes that both these legitimate activities should only be pursued in the context of the acknowledged natural and cultural heritage significance of the NOS area. Work to control groundsel and other weeds, and to provide safety from fire should not be conducted in ways which threaten the conservation significance of the area.

It is our understanding that activities which pose threats to these natural and cultural heritage values, which are carried on in deliberate ignorance of, with a failure to have proper regard to these values, or without a demonstrable basis 'in good faith' are actionable in the Land and Environment Court. It is our understanding that these activities cannot be successfully defended on the basis that they are for weed eradication or fire management alone.

We believe that NOS represents a challenge to Byron Council and the landholder Mr Vidgen to determine and implement effective, lawful methods which recognise and accommodate the heritage significance of the area.

This council therefore requests that Byron Council write to Mr Vidgen, requiring that he carry out in NOS, or permit to be carried out, only lawful approved work to a required environmental standard. NCEC requests that Byron Council assist Mr Vidgen to design appropriate landuse techniques for weed and fire control consistent with the NOS sites' values and constraints. This council believes assistance in this task could be obtained from NPWS and other relevant agencies.

This council further requests that the Byron Council rescind its motion to reconsider the rezonings of the North Ocean Shores area; adopt the NOS zoning boundaries developed during the LEP hearing process and as recommended by Commission William Simpson in 1990 instead; and forward these zone boundaries to the Minister for Planning for signature and gazettal as part of the Byron LEP.

Given the significance of the site, in the event that the landholder continues to carry out unlawful work in the North Ocean Shores area, this council requests that the Byron Council enforce its planning code and prosecute any and all breaches of the EP & Act 1979, Local Government Act 1993 or other relevant legislation under its jurisdiction.



There may be a case of having live loads — when I talk about live loads, on a building site you are liable to find loads which are approaching maximum or near maximum which I wouldn't like so much to see in a test set up or in a set up in the back of a constructor's premises.

He added, 'As I say to my riggers that I teach, "I have taught you all about rigging; go out in the field and really learn to be a rigger".' (t/s H3821/23-33).

Counsel for the BTG indicated in his submissions that the FEDFA considered on-site practical training to be 'critical'. He pointed out that as far back as 1987 the Lofty Crane Drivers' Group had put a written submission to the Division of Inspection Services of DIRE, urging acceptance of a concept of a building industry endorsement being made to certificates of competency issued to crane drivers for the operation of cranes in the building industry as distinct from their operation in other industries. This submission pointed out the need for specific instruction in a whole range of matters relating to the types of cranes currently in use in the building industry, covering all aspects of installation, erection and climbing procedures as well as rigging, servicing, control and operating systems. It was submitted that workers who held a crane driver's certificate or were presenting themselves for examination by the Department for a certificate to operate a crane in the building industry should be required to produce a reference from the industry committee of the union (presumably the Lofty Crane Drivers' Group) that they had practical experience of all of those areas while under instruction of a driver already holding a certificate of competence with a building industry endorsement (presumably also a member of that Group) (Exhibit HR43). In the same submission, the drivers' group offered to participate in a working program to give effect to its proposal and to seek support from groups representing dogmen and riggers for the adoption of a similar system. It appears that, although not taken up, the Department agreed with the desirability of adequate practical 'on the job experience' and proposed that, from 1 January 1988, at least twelve months of such experience must be gained before certificates of competency could be issued to persons completing TAFE (Technical and Further Education) rigging courses (Exhibit HR43).

It can be readily accepted that crane crews and the drivers' and dogmen's groups on which they are represented within the FEDFA have a genuine interest in competency and responsibility as regards safety on the part of workers who would seek to become drivers and dogmen. Mr Haynes' view was that the Lofty Crane Group was 'dedicated to safety' (t/s H3854/9) and he said further that crane crews were performing their tasks safely and that he could not recall any accidents attributable to a crane driver (t/s H3840/1, 13). Mr Stanley of John Holland Constructions said:

The job of a crane driver and dogman is one of high and constant pressure requiring long hours of concentration. Attached to their job is a high level of responsibility. (Exhibit HR46, para 10)

Mr Stanley's observation as to the high level of responsibility attaching to a crane crew's job gathers force from actually viewing the operation of a tower crane from the vantage point of the driver's cabin on a functioning high-rise building site. This was an experience which I was able to have on 6 August 1991 following a suggestion made by a member of the Lofty Crane Drivers' Group who gave evidence before the Commission, and with the subsequent cooperation of officials of the FEDFA and Multiplex Constructions at the Metroplaza project site at North Sydney. The event is recorded in Exhibit HR63.

If there is any issue as to the role that ought to be permitted to the Lofty Crane Drivers' Group in the admission of new drivers to the industry, it does not lie in the direction of a genuine concern for, or participation in, the monitoring of levels of competency, responsibility and safety, but in the direction of controlling the numbers to be permitted to enter the industry, an issue to be mentioned later in this report.

As to the training of dogmen, the practical operation of the Construction Safety Act and regulations referred to above is that there are two avenues to obtaining a certificate of competency: firstly, obtaining a learner's permit under the Act and following it up by practical experience working with certificated dogmen until qualified for the issue of a certificate of competency; secondly, applicants may undertake a special course for riggers conducted by TAFE, from which successful candidates will emerge with a rigger's certificate, a dogman's certificate, a crane chaser's certificate and a scaffolder's special class certificate, provided that they have also had adequate on the job practical experience (Haynes t/s H3822/8-42).



North Coast Environment Council has written to relevant Ministers also requesting that they take urgent action under their relevant legislation to protect the environment and prosecute breaches of law.

The Ministers were reminded, as you are, of the judgement of Mr Justice Stein in the Land and Environment Court, in the case of Corkill vs Hope, Webster and Ors, where His Honour said that the performance (or nonperformance) of an obligation conferred by one Act does not remove separate and binding obligations conferred under other legislation.

This council wishes to make it plain that a failure by Byron Council to meet its own legal obligations to protect the environment, particularly North Ocean Shores, is itself likely to attract legal action to require Byron Council's compliance with law. This letter will be relied on in such an eventuality as proof of due notice having been served on Council as to the need for vigilance and action to ensure the protection of Byron shire's natural and cultural heritage.

This council wishes Byron Council well in its administration of important obligations to protect the environment required under both recent and longstanding legislation.

If it will assist Byron Council, a delegate from the North Coast Environment Council would gladly attend a Byron Council meeting to address these matters.

Thank you for your attention to this important matter. We look forward to your advice on an address to Council and to your responses to the requests made above.

Yours sincerely,

Mr Terry Parkhouse  
President NCEC Inc.



experience in the driving and operating of a power crane.

Section 17A of the Act makes equivalent provisions for the issue of certificates of competency to dogmen, including the issue of learner's permits: subs(5B).

Apart from agreements for restructuring within the industry, there is no system of training available to lofty crane drivers or dogmen other than on the job training undertaken for the purpose of obtaining an appropriate certificate under the above Act and regulations. The WorkCover Authority of New South Wales publishes a guide for the information and instruction of crane and hoist drivers (Exhibit HR6).

Mr Haynes described the way the statutory system works in practice in his evidence at t/s H3812 et seq. In substance there are two routes for obtaining a certificate of competency as a crane driver and as a dogman. The first is by way of obtaining a learner's permit as a crane driver from the Chief Inspector pursuant to s17(10) or the equivalent for a dogman pursuant to s17A(5B), thereafter undergoing the required period and type of practical experience as a driver in the crane cabin working under the supervision of a certificated crane driver or, equivalently, by working as a dogman under the appropriate supervision and in due time presenting for the required examination and, if successful, obtaining the issue of a certificate of competency under s17 or s17A.

The only other available route is pursuant to regulation 159G whereunder the Chief Inspector has authority to recognise a person's qualifications from interstate or overseas as being adequate and to issue a certificate of competency without requiring the applicant to undertake the prescribed examination. In practice, the holders of certificates of competency from other Australian States are regarded as being qualified subject to satisfying a 'reciprocal panel' of the Department by answering enough questions to demonstrate that the applicant does have the appropriate knowledge and experience to hold the certificate. The same approach is made to the holders of certificates from New Zealand, but holders of certificates or the equivalent from other countries are treated as fresh applicants (t/s H3814/50).

Those applicants who are required to present themselves for an examination are subjected to a searching oral examination with a long series of questions in a test which may last for several hours (t/s H3815/3). The testing is done by one of the inspectors from the WorkCover Authority who will conduct it according to the apparent competency disclosed by the applicant. One applicant may demonstrate a need for only a reduced examination while another about whom there may be doubts will be given a much more searching test.

It seems that there is no technical course for crane drivers in Australia (t/s H3815/39). Most applicants presenting for the test have done work, off and on, in the cabin of a crane with a certificated driver for up to twelve months, that being generally the length of a permit, although some will take out a second permit and train for more than twelve months to attain the required hours and the level of experience and competency required by the regulations and the Department. The applicants come from a variety of backgrounds but most of them have come from the ranks of the dogmen (t/s H3816/55). The vast majority of permit holders gain their experience on building sites, although some may be able to obtain it in the yard of a crane manufacturer (t/s H3817/39-3818/14).

Mr Haynes held the view that the system would be improved by a course of theoretical and practical instruction at a technical college of about six months duration, similar to a rigger's course. Mr Haynes considered it also to be quite feasible for the necessary practical experience to be gained otherwise than by operating a crane on a building site (t/s H3821).

It does not appear from the evidence that the FEDFA or the Lofty Crane Drivers' Group would be opposed to a course of such instruction at a technical college but it does appear that they would be strongly opposed to employees going straight on to lofty cranes on a building site from such a course without the FEDFA crane crews on the site being satisfied as to their level of practical skills and appreciation of safe practices in the operation of lofty cranes.

The only instance Mr Haynes was able to give of off-site practical training up of crane drivers was a training system used by Civil & Civic (t/s H3818/21) and Mr Haynes, although conceding the feasibility of off-site training, believed that trainees should still have practical experience on a job site before getting a full certificate (t/s H3821/35). When asked which he believed to be the better means of practical training he said:



draft only - to go on Council's letterhead if aproved -

Mr Chris Hartcher,  
Minister for the Environment,  
Parliament House, Macquarie Street,  
Sydney. 2000.

Dear Minister,

Re: Request for Interim Protection Order (IPO) under  
NPWA for North Ocean Shores

The North Coast Environment Council Inc has acted as the regional umbrella organisation for north coast conservation and environment groups since it was formed 18 years ago. Over that time this Council has followed various attempts at development of the North Ocaen Shores area very carefully and has assisted local environemtn groups in their campaigns to protect this exquisite area from inappropriate development.

The involvement by this Council and local member bodies culminated in 1990 following Commissioner William Simpson's hearings into the Byron Shire Council's draft Shire-wide Local Environment Plan (LEP).

Commissioner Simpson's report of those hearings recommended the Council's amended proposal for the zoning of North Ocean Shores for environmental protection habitat (7k) due to the significance of some 22 aboriginal cultural heritage sites in the area and the presence of a range of endangered species of plants and animal.

The Byron Shire Council subsequently elected decided, notwithstanding the lengthy public participation process and the involvement from a broad range of government department, including the National Parks and Wildlife Service, that they would entertain major development in the North Ocean Shores area after all and deleted from the proposed LEP forwarded to the Minister for Planning for signature, the areas of high conservation significance.

Recently the Environment Council has been made aware that a new landholder (a Mr Chum Vidgen) has on several ocaasions conducted illegal work of an environmentally destructive nature within the areas of conservation significance, in support of his ambition to open the NOS area to intensive development of a nature rejected by the LEP hearing process.

In response, the North Coast Environment Council has repeatedly requested the Natiional Party Minister for Planning and Housing, Mr Webster, to impose a Interim Conservation Order (ICO) under the Heritage Act 1977, over the site, pending the investigation and recommendation of a Permanent Conservation Order (PCO) by the Heritage Council of NSW, to protect North Ocean Shores' identified natural and cultural heritage values from ongoing pressure for development.



## SCHEDULE 2 ♦ SELECTED AWARD RATES OF PAY

### SCHEDULE 2.1 ♦ Selected Award Rates of Pay 21.4.88–14.9.89 (Report section 6.1)

	Base rate				Supplementary payment				Other payment				Total all-purpose			
	(1)	(2)	(3)	(4)												
Hoist Driver	294.40	303.20	313.20	325.70	49.30	50.80	50.80	50.80	21.70	22.10	22.10	22.50	365.40 9.32	376.10 10.21	386.10 10.48	399.00/wk 10.83/hr
Rigger/Dogman	304.40	313.50	323.50	338.50	*	*	*	*	*	*	*	*	375.40 10.19	386.40 10.49	396.40 10.76	411.80/wk 11.18/hr
Carpenter	307.10	316.30	326.30	341.30	*	*	*	*	35.50	35.90	35.90	37.00	391.90 10.64	403.00 10.94	413.00 11.21	429.10/wk 11.65/hr
Tower Crane Driver (NSW Federal Award)	315.20	324.70	334.70	407.20	*	*	*	*	21.25	21.65	21.65	22.05	385.75 10.15	397.15 10.45	407.15 10.71	480.05/wk 12.63/hr
Tower Crane Driver (NSW Federal Award) (In charge of plant)	*	*	*	*	*	*	*	*	39.45	39.85	39.85	41.35	403.45 10.63	415.35 10.93	425.85 11.19	499.35/wk 13.14/hr
Tab	1	2	2	3	1	2	2	3	1	2	2	3				
Reference for Crane Drivers Rates	P7 Item 31/ii(1) 2nd Item	Page3 Item 15 (a)(ii) 2nd Item	Page3 Item 15 (a)(ii) 2nd Item	Page3 Item 4 (a) Group H	Page 10 Item 33 (b) Addtl. Payments	Page 7 Item 31 Addtl. Payment (b)	Page 7 Item 31 Addtl. Payment (b)	Page 3 Item 4(a) Group H (b)	Page 12 Item 33 (d)(which should read \$7.25) and P.13 Item33(h)	Refer Previous Refere. plus P.7 Item 18	As Previous Refere.	Page 4 Para 8				

Hoist driver and rigger dogmen rates from National Building and Construction Industry Labourers (On Site) Award 1986. Carpenter rates from National Building Trades Construction Award 1975, as varied.

Notes: (1) from 21/4/88 (3) from 1/3/89  
(2) from 1/9/88 (4) from 14/9/89



Those requests for action to protect areas of natural and cultural heritage significance have fallen on deaf ears and no action has been forthcoming from the Minister for Planning.

This inaction is hardly surprising since the Minister was found by the Land and Environment Court in 1991 to have failed to operate the Heritage Act in accordance with the legislation (Corkill vs Hope, Webster & Ors). The National Party's opposition to the Heritage Act is well known, of long standing, and had its most recent expression in the failed Natural Resources (Mis)Management Package - later dropped by government.

Mr Justice Stein in the case referred to above made it plain that the actions (or inactions) to meet obligations under one Act do not remove obligations which exist separately under other legislation. Thus powers under your Act may be invoked regardless of actions, or inactions, undertaken under other laws.

Consequently the North Coast Environment Council makes a formal request for you to issue an Interim Protection Order (IPO) under the NPWA for the North Ocean Shores area to ensure no further work is undertaken illegally by the developer Mr Vidgen, and to protect the identified conservation significance of the area for a period of 12 months pending the consideration of the Byron Shire LEP, the proposed rezoning, and any development application which may emerge.

We believe that your credibility as Minister for the Environment rests on your ability to act to protect this area and its values, by independently exercising your own powers under the legislation you administer. That the area is of significance is beyond question. That the area is under considerable continuing pressure which threatens these values is also beyond doubt.

Please act now to protect the North Ocean Shores area under the relevant provisions of your legislation.

Thank you for action on this important matter. We look forward to your response at your earliest opportunity.

Yours sincerely,

Mr Terry Parkhouse,  
President NCEC Inc.



4. The ability to restrict and control the labour market both as to supply and price which has been attained by the drivers' and dogmen's groups together with the placing of restrictions upon training and new recruitment.

As to (3) above, the policies and practices of the drivers' and dogmen's groups have been and are currently aided and abetted by the actions of the crane erection riggers' group within the same union, which, as well as adding to the high costs of tower crane usage by securing substantially over-award conditions for themselves, have imposed upon crane erection specialist subcontractors acceptance of the practice of employment of crane crews to attend on crane erection and dismantling and crane climbs, when there is nothing for the crane crews to do.

It was apparent from the evidence that the groups are not solely to blame for the situation that has arisen. Part of the responsibility must be accepted by the employers and their organisations for having allowed the situation to develop. They have submitted to excessive demands by the groups. They have been willing participants in allowing the award system to be virtually ignored and have failed to utilise the AIRC or support it in its efforts to contain labour costs and practices within acceptable limits. They have agreed to conditions, some of which they themselves regard as wrong or as insupportable on grounds of safety or efficiency. They have bypassed the officials of the union, who may have been able to exercise some control against excessive demands, by dealing directly with crews who were known to be members of groups endeavouring to operate as a 'closed shop'.

The major contractors, the most common users of tower cranes, are most blameworthy. In the past, most of them, presumably in their own individual commercial interests, have conceded gains to their crane crews which they must have known would, if they agreed to them, be forced or pressed upon their fellow contractors as 'current market' or 'industry standard' rates and conditions.

The critical point of public interest in all this is that in the end it is the principal and, through the principal, the general public and, finally, the national economy that has to bear and suffer from the excesses accepted by the building contractors. It may fairly be said that the community is entitled to expect some coordinated resistance by the contractors to extravagant demands by labour groups, the costs of which they expect ultimately to pass on to the community.

The union must also be held partly responsible as it has provided the facilities within which the groups have been able to flourish and has directly assisted them in organising themselves to do so. In particular, the union has condoned their restrictive policies on admission to membership of the groups in apparent disregard of the inconsistency of such restrictions with the legal right of any qualified worker to be admitted to membership of a registered union covering his or her calling and to the enjoyment of all of the benefits of such membership. Operating virtually as unregistered unions within the FEDFA, the groups have been safe from the controls that may be exercised over registered unions, their rules and activities. The FEDFA has acquiesced if not connived in this situation.

## 23.2 POSSIBLE SOLUTIONS

There does not appear to be any 'quick-fix' solution to the problems for the industry generated by the groups that have been described in this report. So far as flexibility and optimum use of the workforce, recruitment and training are concerned, there may be some hope of improvement coming out of the AIRC award restructuring programs and the Federal Government's reform mechanisms, but there are formidable obstacles yet to be overcome and the solutions hoped for are distant goals at present. It would appear that for more speedy reforms to occur, the solutions would have to come either from voluntary action taken by the parties within the building industry itself or by compulsory measures imposed from outside the industry.

Voluntary action, or 'self regulation', to change established and hard won benefits requires adequate motivation. The only effective motivation in present circumstances may be the fear or threat of outside compulsion if voluntary measures are not undertaken. Such compulsion, by legislative or executive action, may be the least desirable method of reform but may become necessary as a matter of giving effect to the public interest in the matter.

As to the obvious need for relief from the high costs of tower crane usage, the choice would appear to lie between taking steps to promote the opportunity for market forces to operate, on the one hand, or



draft one: 16/11/93 - on NCEC letterhead if approved  
[Ff:NOSbyron.let]

The General Manager,  
Byron Council, is it still?  
Lawson Street, Byron Bay. 2481.

Dear Sir,

Re: Protection of natural and cultural heritage values  
North Ocean Shores

The North Coast Environment Council Inc has acted as the regional umbrella organisation for north coast conservation and environment groups since it was formed 18 years ago. Over that time this Council has followed various attempts at development of the North Ocaen Shores area very closely and has assisted local environment groups in their campaigns to protect this unique coastal environment from inappropriate development.

The involvement by this Council and its local member bodies including B.E.A.C.O.N., culminated in 1990 following Commissioner William Simpson's hearings into the then Byron Shire Council's draft Shire-wide Local Environment Plan (LEP).

As you would be aware Commissioner Simpson's report of those hearings recommended the Council's amended proposal for the zoning of North Ocean Shores for environmental protection habitat (7k), and wetlands (7a) due to the significance of some 22 aboriginal cultural heritage sites in the area and the presence of a range of endangered species of plants and animals. That these values exist and are of state and regional significance has been plainly established beyond doubt.

It deeply disturbed North Coast Environment Council to be advised that the Byron Council elected subsequently decided, despite the lengthy public participation process and the involvement from a broad range of government departments, including the National Parks and Wildlife Service, that they would entertain major development in the North Ocean Shores area.

Recently the Environment Council has been made aware that a new landholder (a Mr Chum Vidgen) has on several occasions conducted unlawful work of an environmentally destructive nature within the areas of conservation significance, apparently in support of his ambition to open the NOS area to development of a nature rejected by the LEP hearing process.

Council is disturbed that the new owner purchased the property for development purposes subsequent to the Simpson Report, in the knowledge that these values existed on the site, posing significance constraints to development, such that the land was substantially zoned for environmental protection and unavailable for development.



Another obstacle recognised by Mr Gartrell was a perception by the members that they could be risking the loss of conditions which had been won by them as the result of some often bitter industrial campaigns. He was asked, 'Are the members in those circumstances inclined easily to give up those conditions that they have won?' and he answered, 'No, they are not, and there is great suspicion for motivation for attempting to change them' (t/s H4113/48-55).

The foregoing is enough to raise considerable doubts as to the possibility of achieving in the short term reforms of the policies and practices followed by the Lofty Crane Drivers' Group, the Tower Crane Dogmen's Group and the Hoist Drivers' Group within the FEDFA. Even those officials, like Mr Peel and Mr Gartrell, who profess support for restructuring and some reform in the areas with which the present inquiry is concerned and are endeavouring to advance along that road, appear to be bound to encounter severe obstacles from a traditionalist membership, some of whom look upon their officials' efforts with distrust, suspicion and fear. Even without such obstacles, reform, as they see it, will necessarily be a slow process involving the overcoming of many other obstacles such as union demarcations and questions of amalgamation of employer organisations as well as unions to make the passage across rigidly defined work classifications easier (Gartrell t/s H4103/18-31; H4107/51-4108/41; H4113/57-4114/43).

## 23 GENERAL CONCLUSIONS

### 23.1 TOWER CRANES

In considering the large body of evidence and information received by this Commission and the multitude of problems and issues for the building industry which has been exposed by it, attention needs to remain focused upon the terms of reference to which the various inquiries undertaken must in the end relate.

The subject matter of my present inquiry, in brief, practices and conduct in relation to the use of cranes and hoists, relates directly to the first of the terms of the reference to this Commission, namely, the nature, extent and effects of practices and conduct in relation to the building industry in New South Wales which may significantly affect efficiency and productivity within that industry.

The principal problems for the industry identified by the evidence received on the present inquiry are:

- a. The excessively high cost of operating tower cranes in Sydney;
- b. Unproductive and restrictive work practices indulged in by tower crane crews;
- c. The 'closed shop' control of the supply of crane crews exercised by the drivers' and dogmen's groups within the FEDFA; and
- d. The potential for disruption of job programming by industrial action on the part of crane crews by reason of the pivotal position occupied by tower cranes in the handling of materials in the construction of a high-rise building.

All of these problems are intimately related and complementary to one another in their effects.

The fact that the costs of operating tower cranes are excessively high, far higher in Sydney than elsewhere in Australia, and that the supply of crane crews has come to rest in the hands of tightly controlled self interested groups, are matters of serious concern for the welfare of the industry as they directly and substantially affect efficiency and productivity.

Remembering that their interaction is not to be overlooked, the individual factors mainly responsible for the present state of affairs is demonstrated by the evidence to be:

1. Greatly over-award rates of pay and conditions, including payment for false overtime and excessive redundancy payments;
2. Excessive, wasteful and inflexible manning levels accompanied by such practices as self rostering off by crane crews with full pay;
3. Unproductive work practices, such as unnecessary paid attendance by crew members at testing of footings, erection and dismantling of cranes, crane climbs and crane maintenance; and



Council was further disturbed to learn that Byron Council, instead of quashing ambitions for inappropriate development in the NOS area, has instead fostered such ambitions by deleting areas of high conservation significance in NOS from the proposed LEP, forwarded for the Minister's signature, for further investigation for rezoning to permit development.

This council is aware that a variety of ruses have been used to explain this unlawful activity including noxious weed eradication and fire management. This council believes that both these legitimate activities should only be pursued in the context of the acknowledged natural and cultural heritage significance of the NOS area. Work to control groundsel and other weeds, and to provide safety from fire should not be conducted in ways which threaten the conservation significance of the area.

It is our understanding that activities which pose threats to these natural and cultural heritage values, which are carried on in deliberate ignorance of, with a failure to have proper regard to these values, or without a demonstrable basis 'in good faith' are actionable in the Land and Environment Court. It is our understanding that these activities cannot be successfully defended on the basis that they are for weed eradication or fire management alone.

We believe that NOS represents a challenge to Byron Council and the landholder Mr Vidgen to determine and implement effective, lawful methods which recognise and accommodate the heritage significance of the area.

This council therefore requests that Byron Council write to Mr Vidgen, requiring that he carry out in NOS, or permit to be carried out, only lawful approved work to the required environmental standard. NCEC requests that Byron Council assist Mr Vidgen to design appropriate landuse techniques for weed and fire control consistent with the NOS sites' values and constraints. This council believes assistance in this task could be obtained from NPWS and other relevant agencies.

This council further requests that the Byron Council rescind its motion to reconsider the rezonings of the North Ocean Shores area; adopt the NOS zoning boundaries developed during the LEP hearing process and as recommended by Commission William Simpson in 1990 instead; and forward these zone boundaries to the Minister for Planning for signature and gazettal as part of the Byron LEP.

Given the significance of the site, in the event that the landholder continues to carry out unlawful work in the North Ocean Shores area, this council requests that the Byron Council enforce its planning code and prosecute any and all breaches of the EP & Act 1979, Local Government Act 1993 or other relevant legislation under its jurisdiction.



to qualify for the alternative classification, and then waiting another two years as a spare before attaining full qualification. Point five is designed to restrict the number of new drivers training up from the dogmen by imposing a maximum of one trainee driver per crane, and point four is designed to keep control by requiring all trainees of either classification to obtain the approval of the joint committee before training up.

The resolution of the drivers on 11 April 1991, expressing the belief that the skills to fulfil the union's restructuring obligations already exist in the industry, reflects the 'closed shop' mentality of the group, the continuing existence of which was fully reinforced by the evidence of Mr Kelly, who considered that restructuring in the building industry was 'a bit of a joke' (t/s H4443/17). According to him, in consequence of the eight point plan, the dogmen put it to the drivers to train up a dozen or so of the dogmen but, 'for reasons best known to themselves, we just haven't made any headway with the drivers, I am afraid' (t/s H4443/29). Mr Kelly said he knew all about the plans for obtaining agreement, company by company, to a scheme for training materials handling people, including crane crews and hoist drivers, with incentives to progress through the various classifications until they became multiskilled. When asked whether, as a member of the dogmen's committee, he would have any objection to such a scheme, Mr Kelly answered, 'I have got objection, Commissioner, to one man doing more than one job, you know, at one time' (t/s H4443/37-58). Mr Kelly made it clear that he was against restructuring because he believed that it would lead to a loss of jobs and also because he believed that all the necessary skills already existed within the present drivers' and dogmen's groups so that, as far as crane crews were concerned, 'We are already restructured and hold these multiskills'. He believed that there was no-one better equipped than his own dogmen's committee to sit in judgment on the competency of a dogman and, generally, he was adamant that there was no reason to change the present system as operated by the existing groups (t/s H4444/1-4448/58).

Mr Owens, also a dogman as mentioned earlier, expressed great concern that restructuring appeared to be proceeding without the details being discussed with members of the union, with the result that he and other members were fearful that the end result might mean a loss of jobs. His evidence on that matter was:

- Q. It may help me if you could explain what you understand restructuring to be all about?
- A. Well, in actual fact, I can't because I have some queries myself about what restructuring means. I think that quite frankly inside of this industry, Mr Commissioner, there is a strong feeling or a strong fear that restructuring, rather than create work, might lose work in the form of multiskilling. That's a fear that is widely held, not only by members of the FEDFA, but members of other unions, and it is not fully understood. (t/s H4350/8-17)

According to Mr Owens, he and four of his fellow members were authorised by a meeting of between 150 and 170 rank and file members of the union to produce and circulate a leaflet on restructuring which was published in July 1991. A copy of the leaflet is Exhibit HR68. Its principal themes are fears of job losses and lack of communication between officials of the union and its members as to what is involved and what effects restructuring might have on existing classifications and 'work rights' of members.

Mr Gartrell, as assistant state secretary of the FEDFA and much involved with restructuring negotiations on behalf of the union, whilst a strong and able supporter of the scheme, was fully alive to the concerns felt by his members, particularly the older ones. He said:

There are some individuals who will find it difficult. Those older workers in the workforce will find it difficult to change things that they have been used to over their entire working life. I am opposed to the view that they be thrown on the scrap heap simply because they have reached that stage, or they have some difficulty in adapting. (t/s H4107/15-20)

Mr Gartrell was asked to speak of some of the barriers to speedy implementation of structural efficiency in the building industry and he said:

The size of the task is the first barrier. It is an enormous task to change, as I said before, very highly defined rigid classification structures. In fact, I think it is the most sophisticated of all the models in terms of the demarcations and so on that exist between classifications within unions and between unions. I think the other area that indicates the difficulty is in educating both management and workers about the need to change the existing system and what we should change. (t/s H4113/33-41)



North Coast Environment Council has written to relevant Ministers also requesting that they take urgent action under their relevant legislation to protect the environment and prosecute breaches of law.

The Ministers were reminded, as you are, of the judgement of Mr Justice Stein in the Land and Environment Court, in the case of Corkill vs Hope, Webster and Ors, where His Honour said that the performance (or nonperformance) of an obligation conferred by one Act does not remove separate and binding obligations conferred under other legislation.

This council wishes to make it plain that a failure by Byron Council to meet its own legal obligations to protect the environment, particularly North Ocean Shores, is itself likely to attract legal action to require Byron Council's compliance with law. This letter will be relied on in such an eventuality as proof of due notice having been served on Council as to the need for vigilance and action to ensure the protection of Byron shire's natural and cultural heritage.

This council wishes Byron Council well in its administration of important obligations to protect the environment required under both recent and longstanding legislation.

If it will assist Byron Council, a delegate from the North Coast Environment Council would gladly attend a Byron Council meeting to address councillors and staff on the protection of natural and cultural heritage and to answer any relevant questions. Please let us know when such an address might be appropriate.

Thank you for your attention to this important matter. We look forward to your advice on an address to Council and to your responses to the requests made above.

[You've been warned!]

Yours sincerely,

Mr Terry Parkhouse  
President NCEC Inc.



that is to say, crews whose members had the dual qualification of crane driver and dogman and could be used in either capacity. The meeting decided that, if that should come about, all new crane drivers had to come from the dogmen's group but no dogman was to be forced to train up to crane driver, and the dogmen's committee would select which dogmen should train up (Exhibit HR21, barcode numbers 292723, 292802).

On 23 January 1991 a joint meeting of the drivers' and dogmen's committees took place at which Mr Gartrell informed the meeting that the divisional committee of the union had endorsed the idea of composite crews being used by Grocon. On 24 January 1991 Mr Peel advised another joint meeting of the drivers' and dogmen's committees that the FEDFA and 'Grollo' (Grocon) had reached agreement on that matter whereupon, it appears, a vote was taken and the meeting 'by majority' endorsed the concept of composite crews (Exhibit HR21, barcode numbers 292690, 292691).

On 31 January 1991 a meeting of a liaison committee of the drivers and the dogmen reached agreement in principle as to the manner in which they would deal with the proposal to have composite crane crews, namely, that a dogman would have to serve five years as a Class 1 dogman before training up to be a crane driver, and then would have to serve another two years as a spare driver before becoming a solo driver; that there would be a joint committee of drivers and dogmen whose task it would be, as mentioned earlier in this report, to 'retain control of recruitment and regulation of industry'; and that future crane drivers be recruited from the dogmen's group. The meeting resolved to put this agreement to the Construction Division of the union for consideration and then to put it to meetings of the members of the groups.

Subsequently there was a joint meeting of the committees of the two groups held on 6 February 1991 which resolved on the following proposal:

Proposal for introduction of training procedures relating to composite crane crews:

1. Dogman must hold a class 1 dogman's ticket for five years before training to be a driver. Driver to hold ticket for five years before training as class 1 dogman.
2. Spare driver-dogman to hold position for two years before taking position as solo driver or driver to dogman.
3. A twelve month moratorium during which traditional functions to be followed, i.e. Status Quo, but training program be instituted immediately.
4. All trainees (dogman and/driver) to make application to joint committee to train up.
5. A maximum of one trainee driver per crane at any given time.
6. During the 12 month moratorium joint committee shall meet on a regular basis at least once per month.
7. Five man crew be pursued.
8. Equal voting rights at joint committee meeting regardless of numbers. (Exhibit HR20)

On 7 February 1991 a general meeting of the members of the dogmen's group was held at which Mr Peel addressed the meeting on the issue of 'composite crane crews'. The meeting resolved that the dogmen's and drivers' joint agreement be 'accepted in its entirety' (Exhibit HR21, barcode numbers 292805, 292807).

On 11 April 1991, a meeting of the crane drivers' group passed a resolution 'Re restructuring' to the effect that they agreed with the union being involved in restructuring, that the training of members in the materials handling stream be determined by the union's restructuring program, that 'the concept of composite crews is inevitable and we can live with full interchangeability between classifications', that 'the manning of cranes and the introduction of composite crewing be done by restructuring agreements company by company with officials of the group and union officials being involved in the negotiations and that they believed that the skills to fulfil this obligation already exist in the industry' (Exhibit HR20).

It may be presumed that the eight point proposal adopted on 6 and 7 February 1991 represents the present official policy of the two groups with respect to restructuring to the extent to which it deals with training and qualifying dogmen as drivers and drivers as dogmen, because counsel for the BTG relied upon Exhibit HR20 as indicating that the groups were already undergoing a process of change as a result of restructuring (Gartrell t/s H4115/46). If that be the case, it is clear from the eight point policy that the groups are not looking forward to any rapid change with a twelve month moratorium to preserve the status quo, a five year delay between acquiring a driver's or a Class 1 dogmen's ticket before training



Draft one: 15/11/93  
[F:\NCS Byron.let]

letterhead if approved

The General Manager,  
Byron Council, ~~1000~~  
Lawson Street, Byron Bay, 2481.

Dear Sir,

Re: Protection of natural and cultural heritage values  
North Ocean Shores

The North Coast Environment Council Inc has acted as the regional umbrella organisation for north coast conservation and environment groups since it was formed 18 years ago. Over that time this Council has followed various attempts at development of the North Ocean Shores area very closely and has assisted local environment groups in their campaigns to protect this unique coastal environment from inappropriate development.

7/1 The involvement by this Council and its local member bodies including B.E.A.C.O.N. culminated in 1990 following Commissioner William Simpson's hearings into the then Byron Shire Council's draft Shire-wide Local Environment Plan (LEP).

As you would be aware, Commissioner Simpson's ~~report of these~~ ~~hearings recommended~~ the Council's ~~amended proposal for~~ the zoning of North Ocean Shores for environmental protection habitat (7k), and wetlands (7a) due to the significance of some 22 aboriginal cultural heritage sites in the area and the presence of a range of endangered species of plants and animals. That these values exist and are of state and regional significance has been plainly established beyond doubt.

It deeply disturbed North Coast Environment Council to be advised that the Byron Council elected subsequently decided, despite the lengthy public participation process and the involvement from a broad range of government departments, including the National Parks and Wildlife Service, that they would entertain major development in the North Ocean Shores area.

Recently the Environment Council has been made aware that a new landholder (a Mr Chum Vidgen) has on several occasions conducted unlawful work of an environmentally destructive nature within the areas of conservation significance, apparently in support of his ambition to open the NCS area to development of a nature rejected by the LEP hearing process.

Council is disturbed that the new owner purchased the property for development purposes ~~subsequent to the Simpson Report~~, in the knowledge that these values existed on the site, ~~posed~~ ~~significance constraints to development such that the land was~~ ~~substantially zoned for environmental protection and unavailable~~ ~~for development.~~



20  
Council ~~was further~~ disturbed to learn that Byron Council, instead of quashing ambitions for inappropriate development in the NOS area, has instead fostered such ambitions by deleting areas of high conservation significance in NOS from the proposed LEP, ~~forwarded for the Minister's signature, for further investigation for rezoning to permit development.~~

This council is aware that a variety of excuses have been used to explain this unlawful activity including noxious weed eradication and fire management. This council believes that both these legitimate activities should only be pursued in the context of the acknowledged natural and cultural heritage significance of the NOS area. Work to control groundsel and other weeds, and to provide safety from fire should not be conducted in ways which threaten the conservation significance of the area.

It is our understanding that activities which pose threats to these natural and cultural heritage values, which are carried on in deliberate ignorance of, with a failure to have proper regard to these values, or without a demonstrable basis 'in good faith' are actionable in the Land and Environment Court. It is our understanding that these activities cannot be successfully defended on the basis that they are for weed eradication or fire management alone.

We believe that NOS represents a challenge to Byron Council and the landholder Mr Vidgen to determine and implement effective, lawful methods which recognise and accommodate the heritage significance of the area.

This council therefore requests that Byron Council write to Mr Vidgen, requiring that he carry out in NOS, or permit to be carried out, only lawful approved work to meet required environmental standard. WeEC requests that Byron Council assist Mr Vidgen to design appropriate land use techniques for weed and fire control consistent with the NOS sites' values and constraints. This council believes assistance in this task could be obtained from NPWS and other relevant agencies.

This council further requests that the Byron Council rescind its motion to reconsider the rezoning of the North Ocean Shores area; adopt the NOS zoning boundaries developed during the LEP hearing process and as recommended by Commissioner William Simpson in 1990 instead; and forward these zone boundaries to the Minister for Planning for signature and gazettal as part of the Byron LEP.

Given the significance of the site, in the event that the landholder continues to carry out unlawful work in the North Ocean Shores area, this council requests that the Byron Council enforce its planning code and prosecute any and all breaches of the EP & Act 1979, Local Government Act 1993 or other relevant legislation under its jurisdiction.



North Coast Environment Council has written to relevant Ministers also requesting that they take urgent action under their relevant legislation to protect the environment and prosecute breaches of law.

The Ministers were reminded, as you are, of the judgement of Mr Justice Stein in the Land and Environment Court, in the case of *Corkill vs Hope, Webster and Ors*, where His Honour said that the performance (or nonperformance) of an obligation conferred by one Act does not remove separate and binding obligations conferred under other legislation.

This council wishes to make it plain that a failure by Byron Council to meet its own legal obligations to protect the environment, particularly North Ocean Shores, is itself likely to attract legal action to require Byron Council's compliance with law. This letter will be relied on in such an eventuality as proof of due notice having been served on Council as to the need for vigilance and action to ensure the protection of Byron shire's natural and cultural heritage.

This council wishes Byron Council well in its administration of important obligations to protect the environment required under both recent and longstanding legislation.

If it will assist Byron Council, a delegate from the North Coast Environment Council would gladly attend a Byron Council meeting to address councillors and staff on the protection of natural and cultural heritage and to answer any relevant questions. Please let us know when such an address might be appropriate.

Thank you for your attention to this important matter. We look forward to your advice on an address to Council and to your responses to the requests made above.

~~[You've been warned!]~~

Yours sincerely,

Mr Terry Parkhouse  
President NCEC Inc.

To John Kirkill

3 pages of page 10 Byron Council. Have written to  
Gordon & David about 10/10/88. go to  
John for TCM material. David checked yet









THE UNIVERSITY OF CHICAGO



066801468  
(Silent)

John.

Enclosed is the photo at NOS  
& negative as promised!

As you probably know -  
no P.CO & no I.C.O was granted by  
the Heritage Commission, but Council  
"getting aggressive" with the Developers  
clearing of 1A & 7K! (Echo Nov 10 Page 3)

Don't forget to call when  
you are out there swimming at  
glorious North Wall.

Kind Regards.

 Susan Finn.





RTW  
21





# CONSERVATION OF NORTH OCEAN SHORES

P.O. Box 343, Brunswick Heads, N.S.W. 2483. Phone (066) 801276

14. 3. 94

REQUEST FOR AN INTERIM CONSERVATION ORDER  
FOR NORTH OCEAN SHORES.

THE HERITAGE COUNCIL MEETS AGAIN ON THE 7<sup>TH</sup> APRIL '94  
\* CONOS REQUESTS YOU TO REQUEST AN I.C.O.  
FOR NORTH OCEAN SHORES.

THE ATTACHED IS AN EXAMPLE OF CONOS'  
REQUEST.

SINCERE THANKS FOR YOUR SUPPORT.

PLEASE SEND YOUR I.C.O. REQUEST TO THE  
HERITAGE COUNCIL BY THE 28<sup>TH</sup> MARCH '94.

Sincerely,

Steve Scanlon  
(S. Scanlon)  
for CONOS

John.

\* PLEASE FIND UPDATES OF DESTRUCTION & THREAT TO ABORIGINAL  
SITES.  
S





# CONSERVATION OF NORTH OCEAN SHORES

P.O. Box 343, Brunswick Heads, N.S.W. 2483. Phone (066) 801276

25th February 1994.

THE HERITAGE COUNCIL OF NEW SOUTH WALES  
175 LIVERPOOL ST, SYDNEY 2000.

Attention; Mr.M. Rolfe.

Ref: S90/06466/003  
MR:VA

Dear Mr Rolfe,

C.O.N.O.S. requests the Heritage Council, at its next meeting on Thursday 3rd March, review an urgent request for an Interim Conservation Order be placed over the land at North Ocean Shores.

Much correspondence has been received up to date from different State Ministers and Government Departments, stating that the Byron Council, as the local planning authority, is responsible for any proposal for development of land in the Byron local government area.

However, it is quite apparent that it is an impossible task for both the Byron Council and N.P.W.S. to monitor N.O.S. due to the large and sometimes inaccessible areas of land involved.

It is also apparent ( refer to attached information) that the applicant/landowner is not complying with Council's regulations under the L.E.P. and T.P.O. which have been breached on a number of occasions.

C.O.N.O.S. would like to emphasize that the applicant/landowner seems intent to continually degrade this land known for its high natural and cultural heritage, making the job of Council and that of N.P.W.S. a very difficult one.

An I.C.O. is urgently requested to stop the continued degradation of North Ocean Shores and to allow the following studies to take place.....

- (a) Draft Study Brief..... Assessment of 7K Habitat Zones and Adjacent Areas (including those Deferred)..... Byron Council.
- (b) Nomination and Protection of 5 areas of Littoral Rainforest at North Ocean Shores.  
This study commenced in Dec 1993 with several more sites yet to be investigated in Feb. or March.  
Dept. of Planning. (regional office)
- (c) An updated comprehensive Archaeological Study of Aboriginal Cultural Heritage Sites at N.O.S.  
Ref..Mr.K. Gollan.....N.P.W.S.
- (d) Further studies of Endangered Fauna are required as 2



additional Schedule 12 Species were confirmed within recent months.

Ref..... S.Debus University of Armidale (zoology Dept.)

An Interim Conservation Order would allow the State and Federal governments time to acquire necessary funds needed to purchase this land, which has been referenced by the National Parks and Wildlife Service as a Nature Reserve (1990).

North Ocean Shores can be acquired under both

- (a) The Coastal Land Acquisition Scheme under the State Government. It meets the requirements of Coastal land and is zoned non-development. North Ocean Shores has high natural and cultural values.

The N.S.W. Dept. of Planning stated in the North Coast Urban Planning Strategy recently released, that the North Coast of N.S.W. is sadly lacking in areas set aside as National Parks and Nature Reserves. They quoted that the Coastal area from Tweed heads to Brunswick Heads lack significant permanent public reservations. They also mention in their strategy that "unfortunately the importance of many of the natural areas is not currently able to be identified and the boundaries are difficult to define." (p13) I would like to point out that N.O.S. is one of the most intensively studied areas in Australia, with 20 years of documented studies including a Public Commission of Inquiry.

- (b) The National Reserve System under the Commonwealth Government. The high natural and cultural heritage values at north Ocean Shores are relevant to the nation as a whole, not just local and regional significance.

\* C.O.N.O.S. would like to point out that had the Heritage Council placed an I.C.O. on North Ocean Shores, when first requested in Sept. 1993, the degradation that took place in Sept., Oct., Nov., Dec., Jan., and Feb., could have been prevented.

C.O.N.O.S. trusts that you review this urgent request and that you include North Ocean Shores on the Council's agenda, when it convenes this Thursday 3rd March.

Would you kindly notify C.O.N.O.S. of the outcome of Council's meeting of 3rd March.

Yours Sincerely

Val Scanlon  
per. C.O.N.O.S.



Subject: Urgent Request for an Interim Conservation Order to be placed over land of high cultural and natural conservation value at North Ocean Shores.

From: CONOS (Conservation of North Ocean Shores) c/- P.O. Box 343  
Brunswick Heads 2483. NSW.

## Introduction

North Ocean Shores is a remnant area of undeveloped land, approximately 850ha in area, located in the north east of Byron Shire and the south east of Tweed Shire, on the far north coast of NSW. It is situated on the coast between Byron Bay and the Gold Coast (Qld), in a region undergoing rapid population growth and urban expansion. The NOS land occupies the floodplain of Billinudgel and Yelgun Cks and low ridges which form the immediate catchment of the floodplain to the north and south.

## History

### 1965-1980

The southern part of Ocean Shores developed by American companies Wendall West (Pat Boone) and Princess Properties (Daniel K. Ludwig). Water-based subdivisions planned for North Ocean Shores abandoned due to engineering and environmental problems.

### 1981-3

Bond Corporation took possession of North Ocean Shores and unveiled plans for an artificial harbour and town of 40,000 people.

### 1985

SEPP NO.14 identified much of the site as designated wetland.

Two year Interim Conservation Order placed over the land to stop clearing of significant vegetation and wildlife habitat.

### 1990

North Ocean Shores referenced as a Nature Reserve Proposal by the NSW National Parks and Wildlife Service (NPWS, 1990a).

Public Hearing conducted by Commissioner Simpson for Byron Shire LEP Nos 13 and 14, covering North Ocean Shores; Commissioner Simpson recommended that nearly all of NOS be conserved and that environmental protection zoning and special provision buffer zones be put into place, as recommended by BSC and the NPWS (Simpson, 1990).

### 1992

Bond Corporation mortgagee, the Overseas Trust Bank of Hong Kong took possession of the land from their bankrupt client.

LEP No. 14 covering North Ocean Shores gazetted; five areas deferred for further consideration following pressure from the Overseas Trust Bank of Hong Kong and contrary to Commissioner Simpson's recommendations.

### 1993

Portions of NOS land sold to Sanctuary Beach P/L (Tweed Shire), Donnas Beach P/L (Byron Shire) with the major portions still in the ownership of the Overseas Trust Bank of Hong Kong.



## Natural Heritage Significance

The high conservation value of the flora and fauna of North Ocean Shores has been demonstrated in a number of studies (Gilmore et al, 1986; Broadbent and Stewart, 1986; Hogg, 1989; Wrigley 1990; NPWS, 1990b). The NOS land contains a rich and varied flora of over 400 plant species, 11 rare and endangered plant species and a wide diversity of vegetation types including several poorly conserved associations (Broadbent & Stewart, 1986; Benwell, 1990; Griffith, 1993)).

Poorly conserved associations include:-

1. Paperbark, Casuarina and Swamp Mahogany wetlands including unique old, very tall Paperbark swamp forest.
2. Coastal Cypress Pine forest; probably the only opportunity for conserving this distinctive plant association in NSW.
3. Scribbly Gum/Wallum Banksia woodland.
4. Littoral Rainforest
5. Bangalow Palm- Paperbark Swamp Rainforest; again, probably the only opportunity for conserving this beautiful plant association in NSW.

The diversity of vegetation supports a corresponding diverse array of vertebrate fauna. A total of 18 species of vertebrates (2 frogs, 11 birds and 5 mammals) classed as vulnerable or rare (Schedule 12, NPW Act, 18.12.92). are recorded from the site (Gilmore et al, 1986. S. Debus 1993)

Wildlife habitat at North Ocean Shores is linked via wildlife corridors to significant wildlife habitat to the north along the Mooball Ck estuary (protected under the Tweed Shire LEP) and south along the Marshall's Ck estuary and lower Brunswick River (protected in the Brunswick Hds Nature Reserve). The continuity and habitat values of the three areas reinforce the effectiveness of each area in conserving particular species and regional biotic diversity (NPWS, 1990c).

## Cultural Heritage Significance

The land contains a number of different archaeological site types including middens, camp sites, work areas, scarred trees and a ceremonial earth ring or Bora Ground (Navin, 1989 and 1990). In the only archaeological survey to be undertaken in the area, Navin identified 22 archaeological sites in less than a week and concluded that much of the land was of high archaeological significance.

The site complex associated with the Bora Ground is of outstanding cultural significance as it contains the only surviving double bora in coastal northern NSW and it exists in an original, intact coastal environment (NPWS, pers comm.)

North Ocean Shores has special conservation significance because it contains cultural relicts of pre-European, hunter-gather society in a sizeable remnant of the original environment which Aboriginal people once inhabited, rather than in a cleared paddock or tiny bushland remnant. The NPWS has drawn attention to the systemic preservational values of the cultural and natural environmental attributes of the NOS land (NPWS, 1989). The potential value of this heritage resource to science, education and the eco-tourism industry is probably very high, yet the land is still under threat from development.



## Recent Damage and Immediate Threats

July '93. The landowner/applicant carried out illegal clearing in a 7K HabitatZone without development consent from BSC. At least 2 rare and endangered plant species were affected (Black Walnut-*Endiandra globosa* and Davidsons Plum-*Davidsonia pruriens*)) and a track was cleared under the nesting tree of a pair of Osprey, a Schedule 12 species.

The Long-Leafed Tuckerroo (*Cupaniopsis Newmanii*) a new species listed as Rare or Endangered is located in this same area.

Aboriginal Heritage Site 12 is located in this same area, and requires further investigation.

Empty drums of herbicide were irresponsibly dumped by contractors in this same area, with the potential danger of seepage into fragile estuarine and ecosystems at N.O.S.

Aug '93. A D.A. (lodged by Donnas Beach P/L) was passed by BSC for a subdivision of 120ha of mostly 7K and 7A land containing Coastal Cypress Pine Forest, littoral rainforest, rare plants, Schedule 12 fauna and aboriginal heritage sites. The D.A. was modified following objections from NPWS and is now for approval to build one house, but it is positioned only 25 meters from 7K land containing sensitive aboriginal heritage sites, in deferred 1A zoning recommended to become a special provisions buffer to the 7K land by Commissioner Simpson. The D.A. was passed subject to a Conservation Agreement being entered into between the landowner and NPWS. This agreement has not been finalised.

Clearing continued in the northern section under the guise of noxious weed eradication and approximately 35 species of native trees, shrubs and vines were slashed and cleared.

Sept '93. Contractors continued to push tracks through areas of significant habitat with a heavy duty tractor and blade. The loss of native flora and significant habitat was slowly being degraded and would bias the findings of any future environmental studies.

Oct '93. Bulldozing of 7K Habitat took place without Council consent. This area is part of the wildlife corridor that extends from NOS to the Border Ranges and is Koala Habitat, a Schedule 12 Species. Further native flora has collapsed as a result of soil disturbance and weed infestation is now prolific.

The landowner gave his word to Council that no further clearing would take place, yet on the following Saturday clearing again took place in 7A SEPP 14 Wetland and 7K Habitat without Council consent. These areas are long-nosed potoroo, bush hen, black bittern and koala habitat, all Schedule 12 species. These areas also include the Marblewood, Corokia, and Black Walnut (Briggs & Leigh 1988 flora listings, rare or threatened).

Council requests a stop-work order, and indicates it will be initiating legal action.

Nov '93 Applicant submits a D.A. for all retrospective clearing.

Herbicides continue to be applied in areas of high sensitivity.



Dec '93. Constant use of heavy machinery e.g. tractors and bulldozers over aboriginal archaeological site 16 has disturbed surface material. This site is repeatedly used as one of the access points to the adjoining properties. Fence posts were erected on this same site early in the year by the landowner.

Jan '94. Bulldozing of 7a Wetlands and 7f Coastal Habitat commenced at North Ocean Shores in the Tweed Shire without Council consent. Stands of Melaleuca, Banksia and Eucalypt species were destroyed.  
This area also contains littoral rainforest and Cypress Pine forest, which is now extremely rare.  
The highly significant double bora-ring (ceremonial ground) is located in this area of N.O.S. It is regarded as the only one of its kind left in coastal N.S.W.

Trapping of native wildlife was discovered on the portion of Donnas Beach P/L which is subject to a Conservation Agreement with NPWS. A dead marsupial was found in a trap which could have only occurred through negligence from that of the person/s responsible.

Feb. '94 The landowner has erected a barbed-wire fence across a public road preventing residents access to the east. Byron Council did not give consent to this action.

Herbicides continue to be applied on a regular basis at N.O.S. and in areas of high conservation value. The continued use of such poisons can only contribute to the slow degradation of this high conservation area and the flora and fauna that inhabit it.

#### FUEL REDUCTION BURNING.

The ecological effects of significant flora and fauna need to be properly assessed in a plan of management.

#### Summary.

C.O.N.O.S. requests that the N.S.W. Heritage Council place an Interim Conservation Order over the land at North Ocean Shores to stop the activities described above and to allow the management of this area to be resolved, to be resolved so as to ensure its future protection.

Only by appropriate protection can N.O.S. be allowed to continue functioning as a flora and fauna refuge and corridor of state-wide significance. Without this protection it is predicted that there will be a major loss of overall biological diversity and localised extinctions of endangered plants and animals.



## References

Benwell, A. 1990. Botanical Survey of the Billinudgel Nature Reserve Proposal. Unpublished Report to the NSW NPWS.

Broadbent, J. and Stewart, R. 1986. North Ocean Shores Regional Environmental Study. JTCW Planning.

Gilmore, A., Milledge, D. and Mackey, D. 1986. Vertebrate Fauna of the Undeveloped Land, North Ocean Shores. JTCW Planning.

Griffith, S. 1993. Conservation Status of Coastal Plant Communities in Northern NSW - A Review. Draft Report to the NSW NPWS.

Hogg, D. 1989. A Supplementary Report - Review of Environmental Issues North Ocean Shores Development. Rice Daubney Rezoning Application.

Naven, K (1990). Archaeological Survey of North Ocean Shores Development Area, NSW. Report to Bond Corporatation

New South Wales National Parks and Wildlife Service, 1989. The North Ocean Shores-New Brighton Holiday Village Site: CRM issues and the Naven Draft Archaeological Report.

New South Wales National Parks and Wildlife Service, 1990a. Reference Statement - Billinudgel Nature Reserve Proposal. Unpublished Report.

New South Wales National Parks and Wildlife Service, 1990b. Proposed Billinudgel Nature Reserve. Unpublished Report.

New South Wales National Parks and Wildlife Service, 1990c. Submission to Public Hearing Local Environmental Plan Nos 13&14 Byron Shire Council.

Simpson, W. 1990. Report to Council of the Shire of Byron - Draft Local Environment Plans 13 & 14 Ocean Shores.

Wrigly, J. 1990. Assessment of Effect on Vegetation of Proposed 16 Hectare Lake. Report to Webb, McKeon and Associates.



Source: Gilmore, Milledge, Mackey (1986)

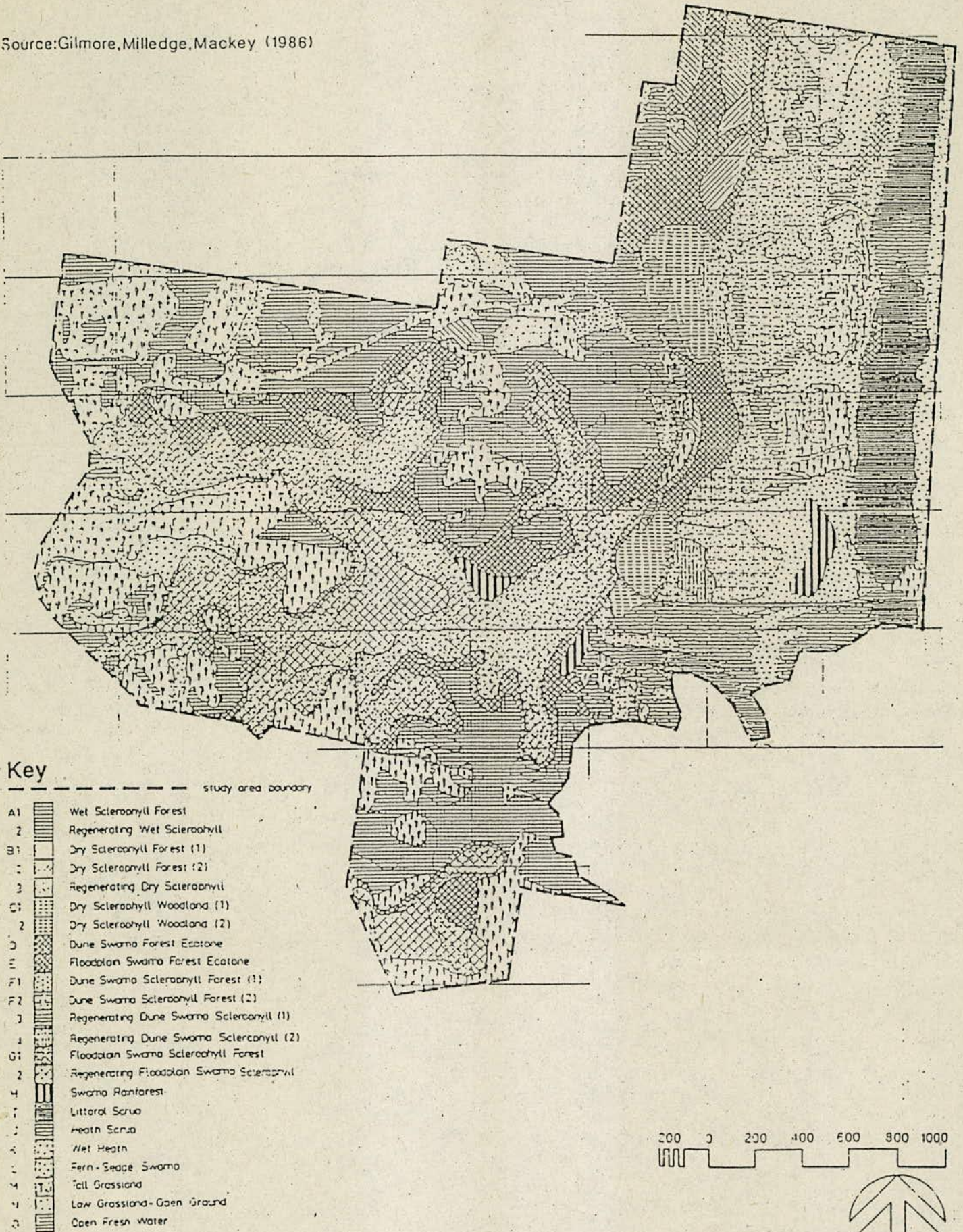


Figure 8

# NORTH OCEAN SHORES LOCAL ENVIRONMENTAL STUDY

Distribution of Habitats

EXTRACT FROM 1987 ENVIRONMENTAL STUDY.





# CONSERVATION OF NORTH OCEAN SHORES

P.O. Box 343, Brunswick Heads, N.S.W. 2483. Phone (066) 801276

11TH February 1994.

Mr. K. Gollan  
N.P.W.S.  
49 Victoria St.  
Grafton.2460.N.S.W.

Dear Mr. Gollan,

C.O.N.O.S. wishes to express its concern about recent land clearing activities at North Ocean Shores, and the effect of such near registered, and as yet unregistered, Aboriginal Cultural Heritage Sites located in this area.

A brief outline as to the damage that has occurred to some of these sites since 1985 is as follows.....

- 1985...Site 21... The clearing, by bulldozer, for survey lines damaged the larger of ~~the larger~~ of the two Bora Rings which were in pristine condition.
- 1992...Site 18... This site was bulldozed without consent. Shale and shell deposit was confirmed by N.P.W.S. following an inspection in 1993.  
This site could also contain burial sites. (refer K. Navin 1990)  
C.O.N.O.S. requests further studies to ensue.
- 1993...Site 19... Nearly destroyed by bulldozing activity for survey lines.
- 1993... Site 20... Optus supposedly bored under this site, however, several months later heavy duty machinery compacted the full length of Optus' activity.
- 1993...Site 16 ... Fence posts erected on this site. Constant use of heavy machinery e.g. tractors and bulldozers over this site has disturbed surface material. This site is repeatedly used as one of the access points to the adjoining properties.
- 1993... Site 12... Investigation of any damage, as a result of clearing activities in this location is requested.
- 1993... Site 14... This site is located near a proposed D.A. This D.A. is for the demolition of an old building and a construction of a new one. (ref. Byron Council)  
C.O.N.O.S. is concerned that associated earth works could interfere with this site.

Sites 15 & 16... Located on Jones Rd, these sites are constantly subject to grading activity. 54 artefacts were found on Site 15 alone.(refer K.Navin)



Sites 5.6.7.8.9.10..... C.O.N.O.S. requests further investigation for damage that could have occurred during recent clearing activities in this area.

The issue raised for your investigation is regarded as most serious, especially areas that are subject for further studies and assessment.

Clearing of land that contains Sites 5. 6. 7. 8. 9. 10. 21. & 22., has occurred throughout January 1994.

The Tweed Council has been notified as to this activity within its boundary of North Ocean Shores, regarding the above.

The Byron Council has also been notified as to the remaining sites within its boundary of same.

In summary C.O.N.O.S. requests N.P.W.S. to

(a) fully investigate the sites at N.O.S. to assess any damage incurred during recent clearing activities.

(b) A carefully controlled management plan for the ongoing protection of all sites must be put into place as soon as possible.

\* (c) C.O.N.O.S. requests that a representative of the Ngarakbul tribe (the rightful aboriginal custodians of North Ocean Shores) be consulted and included in any further involvement with the N.O.S. sites.

(d) As already recommended by your dept. C.O.N.O.S. requests a further comprehensive Archaeological study to commence at N.O.S. as Kerry Navin's study was limited to only 3 days. It was personally expressed by Ms. Navin, at the time of her study, that further studies were imperative. e.g. There is a significant site that is yet to be registered and C.O.N.O.S. is concerned about further interference in this area.

(e) Because of the above C.O.N.O.S. requests your support in placing an I.C.O. on North Ocean Shores allowing further investigations to ensue.

We trust you share our concerns regarding this most sensitive and unique piece of Australia's natural and cultural heritage.

Yours Sincerely

  
per. C.O.N.O.S.

\* N.B. Any further information required regarding custodianship, please contact C.O.N.O.S.

Refs.. "An Archaeological Survey of North Ocean Shores Development Area, N.S.W. " by Kerry Navin. Aug.1990. ( Canberra.)  
"North Ocean Shores...Wooyung Bora Ground" by Trevor Donnelly 1991.  
( Grafton.)



MR. JOHN CORRHILL  
N.C.C.C. of N.S.W.  
39 GEORGE ST.  
THE ROCKS, 2000, N.S.W.

066 801276  
CONSERVATION OF  
NORTH OCEAN SHORES  
P.O. Box 343  
BRUNSWICK HEADS  
N.S.W. 2483

DEAR JOHN,

REF: NORTH OCEAN SHORES.

CONOS URGENTLY REQUESTS YOU FORWARD  
A LETTER TO THE HON. ROS KELLY MP, FEDERAL  
MINISTER FOR THE ENVIRONMENT, ASKING THAT NORTH  
OCEAN SHORES IN ITS ENTIRETY BE PURCHASED  
THROUGH THE NATIONAL RESERVES SYSTEM, AS  
MENTIONED IN THE ATTACHED LETTER, ATTENTION MARK O'NEILL

THE HERITAGE COUNCIL OF N.S.W. IS NOT PROTECTING  
NORTH OCEAN SHORES FROM DESTRUCTION, NOR IS THE  
MINISTER FOR PLANNING, MR. R. WEBSTER.

TWO REQUESTS FOR INTERIM AND PERMANENT  
PROTECTION ORDERS ON THE 3/8/93 AND 4/11/93  
HAVE BEEN DENIED, THIS IS AN OUTRAGE.

A REQUEST THAT NORTH OCEAN SHORES BE PURCHASED  
THROUGH THE N.S.W. COASTAL LANDS ACQUISITION  
SCHEME HAS SEEMINGLY ALSO FALLEN ON DEAF EARS.

CLEARING OF HABITAT ZONES, WETLAND SEPP 14.  
ZONES AND OTHER AREAS OF HIGH SENSITIVITY ARE  
STILL BEING DESTROYED AT NORTH OCEAN SHORES.

YOUR ASSISTANCE AND HELP IS GRATEFULLY APPRECIATED.

Yours Sincerely,

MR. S. Scanlon P.O. CONOS (S. Scanlon)



149  
Hon Ros Kelly MP

12 AUG 1993

Mr James Tedder  
Hon Secretary  
North Coast Environment Council Inc  
Pavans Road Grassy Head  
via STUARTS POINT NSW 2441

Dear Mr Tedder

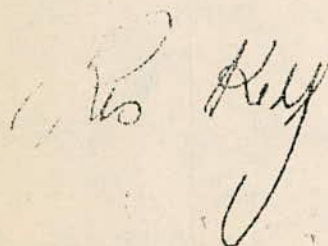
Thank you for your letter of 1 July 1993 concerning establishment of the proposed Bongil Bongil National Park.

In his Statement on the Environment made in December last year, the Prime Minister announced establishment of a National Reserves System. Under this Program the Commonwealth Government, in cooperation with the States and Territories is aiming to develop a comprehensive system of protected areas as a means to conserve biological diversity. Consultation with the States and Territories to determine administrative arrangements and funding priorities under the Program is intended to commence shortly.

In recognition of the importance of the coastal zone to the nation, the Commonwealth, State and Northern Territory Governments are currently discussing the development of a National Coastal Zone Strategy. Acquisition of land for conservation is one of the important issues under consideration in these discussions. The Commonwealth believes that the question of acquisition of further coastal areas is best considered in light of a national strategy. Such a strategy would provide a framework for identifying areas of highest priority and for considering the Bongil Bongil area along with other competing claims for Commonwealth assistance.

Thank you for your interest in this important matter.

Yours sincerely



ROS KELLY



Ros Kelly  
Parliament House  
Canberra.  
A.C.T. 2601.

Personal Attention....Ros Kelly

Dear Ros,

I am writing to you regarding the area known as North Ocean Shores, located in the Byron Shire. I believe you viewed the video of this area, which was documented by David Bradbury. No doubt, this would have given you an idea of the importance of North Ocean Shores, as a priceless and unique part of our natural and cultural heritage.

It was brought to my attention that the Prime Minister intends to establish a National Reserve System. Under this program, the Commonwealth Government, in cooperation with the States and Territories is aiming to develop a comprehensive system of protected areas as a means to conserve biological diversity.

In recognition of the importance of the coastal zone to the nation, the Commonwealth, State and Northern Territory Governments are currently discussing the development of a National Coastal Zone Strategy. Acquisition of land for conservation is one of the important issues under consideration in these discussions. The Commonwealth believes that the question of acquisition of further coastal areas is best considered in light of a national strategy. Such a strategy would provide a framework for identifying areas of highest priority.

Are you considering North Ocean Shores as one of the areas of highest priority???

It is obvious that the State Ministers of Planning and Environment have no intention to act on N.O.S., even with the latest bulldozing that has taken place in 7k Habitat and now 7a wetlands(S.E.P.P.14) This bulldozing took place in late October. As a result the Heritage Council called a special meeting. Still there was no I.C.O. placed on North Ocean Shores. The Planning Minister, Mr. Webster, is to be held responsible i.e. had he placed an I.C.O. on N.O.S. after illegal clearing took place in July, this latest environmental degradation could not have occurred.

Back in 1985 the then Minister of Environment, MR. Bob Carr, slapped an I.C.O. on North Ocean Shores within 24 hrs. of being notified of similar bulldozing activities.

Why isn't Mr. Webster protecting these Wetlands (S.E.P.P.14) ????????

Why hasn't anything been done about the destruction of habitat of Rare and Endangered fauna, also the destruction of the Black Walnut and Davidson's Plum, both listed as rare species, the latter, protected under the Commonwealth Endangered Species Act 1993.

The developer was not prosecuted over this, in fact, the local Councils allowing the developer to put in a Development Application for this continuing destruction.

Ros you have just allocated 6 million dollars to Greening Australia for reafforesting areas such as this. I applaud the grant and I believe that Greening Australia is doing a wonderful job, however, it seems ironic when such a unique ecosystem such as this one (N.O.S.) is being presently bulldozed and nobody seems to care.

North Ocean Shores is referenced by National Parks and Wildlife. I request that this area be purchased by the State and Federal Governments while the zoning is still rural, Habitat, Wetlands etc. The developer now wants to re-zone (against the recommendations of the Simpson Public Hearing 1990). If this re-zoning takes place it would make the acquisition price, somewhat exorbitant.

Thankyou Ros, I look forward to your reply on this most urgent matter.

8





# National Parks and Wildlife Service

NORTHERN REGION



The Shire Clerk/General Manager  
Byron Shire Council  
P.O. Box 159  
BYRON BAY 2481

N.S.W. Government Offices  
49 Victoria Street  
P.O. Box 97  
Grafton, N.S.W. 2460

Our reference: NR10-120 AL:DE  
Your reference: IMP/JEK 51220

Telephone: 42 0593  
STD: 066  
Telex: NSWGOGRAA66966

22nd February, 1990

Dear Sir

Draft Local Environmental Plan 1988 (Amendment No. 14)  
Relating to Ocean Shores North

Attached is a response to the Draft Local Environmental Plan. The Service apologises for the late lodgement of the response and looks forward to participating in the hearing.

Yours faithfully

*Ashley Love*  
Ashley Love  
for Director.





# NATIONAL PARKS AND WILDLIFE SERVICE

NORTHERN REGION  
AL:DE

## BYRON BAY LOCAL ENVIRONMENTAL PLAN 1988 (AMENDMENT NO. 14)

This submission summarises the National Parks and Wildlife Service response to Amendment No. 14 (referred to hereafter as the plan).

The Service commends Council on production of the plan and on instituting a hearing on submissions in accordance with Sect. 68 of The Environment and Planning Act, 1979. The Service will participate in the hearing and elaborate on this submission.

The Service's response to the plan is strongly influenced by the presence within and nearby the planning area of three significant areas of natural vegetation and wildlife habitat and the wildlife corridors linking those areas. The three areas and existing wildlife corridors are illustrated on Map 1 and described below.

The Service's response to the plan is also strongly influenced by the existence within the planning area of areas of high cultural resource value and the system i.e. preservation values of both the material culture and environment. The areas of high cultural resource value within the planning area (from Navin 1989) are also indicated on Map I.

### 1. Significant Areas of Natural Vegetation, Wildlife Habitat

#### 1.1 Mooball Area

An area of Wetland (State Environmental Planning Policy No. 14 Area No. 56) Littoral Rainforest (SEPP No. 26 Area 11) and Littoral Scrub. The Service is proceeding to protect much of this area through the establishment of a nature reserve.

#### 1.2 Billinudgel Area

This area has been the subject of a number of studies of flora and fauna resulting in the identification of an area of high conservation value. A number of distinct vegetation types exist within the Billinudgel area including:-

- Dune and floodplain swamp sclerophyll forest (SEPP No.1A Area No. 57.
- Littoral rainforest



- Lowland subtropical rainforest
- Wet sclerophyll forest
- Dry sclerophyll forest
- Dry sclerophyll woodland
- Littoral scrub
- Heath
- Fern/sedge swamp
- Tall and low grassland
- Aquatic plants of open water

### 1.3 Marshalls Creek - North Brunswick Area

An area including Wetlands (SEPP No. 14 Area Nos. 58, 59, 60, 61, 62, 63, 64, 65). Littoral Rainforest, (SEPP 26 Area Nos.

Littoral Scrub

Swamp Forest and Wet Sclerophyll

Mangrove communities.

Part of the Marshalls Creek - North Brunswick area is currently protected within Brunswick Heads Nature Reserve and additional areas are being considered for addition to the Reserve.

## 2. Wildlife Corridors

### 2.1 Billinudgel to Mooball Corridor

Narrow corridor adjacent to frontal dune and including SEPP No. 26 Littoral Rainforest areas No. 12 & 13.

### 2.2 Billinudgel to Marshalls Creek - North Brunswick Corridor

Apart from the substantially disturbed or cleared areas, the vegetation ranges from mixed swamp forest on Marshalls Creek to wet sclerophyll forest on the ridgetop to the north.

## 3. Planning Requirements for Significant Areas of Natural Vegetation, Wildlife Habitat and Wildlife Corridors

The North Coast Regional Environment Plan 1988 identifies clear objectives for protection of natural vegetation, wildlife and wildlife corridors viz. Sect. 28:

"The Objectives of this Plan in relation to the natural environment are:-

- (a) to protect areas of natural vegetation and wildlife from destruction and to provide corridors between significant areas.



(b) ....."

Furthermore Section 29 states: "A Local Environmental Plan shall:

(c) Include significant areas of natural vegetation including rainforest and littoral rainforest, wetlands, wildlife habitat, scenic areas and potential wildlife corridors in environmental protection zones".

The Service believes the majority of the Billinudgel area fulfils the criteria for inclusion as environmental protection zones in accordance with Section 29(c) of the North Coast Regional Environmental Plan. Furthermore the wildlife corridor identified by both Holmes 1989 and Murray 1984, linking Marshalls Creek with the forested areas to the north should, also in accordance with Section 29(c), be included in environmental protection zonings.

Table 1 summarises the environmental conservation values of areas proposed for environmental protection zoning by the Service. The areas are illustrated on Map 2.



TABLE 1. Additional Areas Proposed for Environmental Protection Zoning

Area No.	LEP Zoning	NPWS Proposed Zoning	Environmental Values and Constraints
1	1(a)	7(k) or 7(b)	<ul style="list-style-type: none"> <li>1) Eastern Grass Owl habitat.</li> <li>2) Complex of vegetation types including wetlands, swamp forest and sedgeland.</li> <li>3) lowlying with acid-sulphate soils</li> </ul>
2	1(a)	7(k)	<ul style="list-style-type: none"> <li>1) Black Walnut habitat</li> <li>2) Adjacent to habitat for Major Skink and Long-nosed Potoroo.</li> <li>3) Low-lying with acid sulphate soils.</li> </ul>
3	1(a)	7(k)	<ul style="list-style-type: none"> <li>1) Koala habitat</li> <li>2) Adjacent to Long-nosed Potoroo habitat</li> <li>3) Habitat for rare and endangered plants:- <ul style="list-style-type: none"> <li>a) marblewood. <u>Acacia bakeri</u></li> <li>b) laceflower (<u>Archidendron muellerianum</u>)</li> </ul> </li> <li>4) High cultural resource values.</li> </ul>
4	1(a)	7(k)	<ul style="list-style-type: none"> <li>1) Koala habitat in the wet sclerophyll forest to north.</li> <li>2) Jones Road provides an appropriate northern boundary to the 7(k) zone.</li> <li>3) Buffer zone should be provided for wetland area adjacent to dirty flat. Adequate wetland buffer would not leave a practical boundary area for 1(a) zoning.</li> </ul>
5	1(a)	7(k)	Adequate buffer required for adjacent SEPP wetland.
6	1(a)	7(k)	<ul style="list-style-type: none"> <li>1) Close to Osprey nest site and feeding trees.</li> <li>2) Koala habitat.</li> <li>3) High scenic values.</li> <li>4) Habitat for Black Walnut (<u>Endiandra globosa</u>).</li> <li>5) Adequate buffer not provided for SEPP Wetland.</li> </ul>



Table 1 cont.

Area No.	LEP Zoning	NPWS Proposed Zoning	Environmental Values and Constraints
7	2(a)	7(k)	<ul style="list-style-type: none"> <li>1) Habitat for <ul style="list-style-type: none"> <li>(a) Bush hen</li> <li>(b) Grassland melomys.</li> </ul> </li> <li>2) No provision for buffer to SEPP wetland.</li> <li>3) Lowlying acid sulphate soils</li> <li>4) Contains regnerating littoral rainforest.</li> <li>5) Near to habitat for Scented Acronychia (<u>Acronychia littoralis</u>).</li> </ul>
8	1(a) 2(a) 5(a) 6(a)	7(k)	<ul style="list-style-type: none"> <li>1) Identified wildlife corridor requires protection through Environmental Protection Zoning.</li> </ul>
9	5(b)	7(b) or 7(k)	<ul style="list-style-type: none"> <li>1) Apart from disturbed area consists of mixed swamp forest with varied understorey of palms and rainforest species.</li> </ul>

Ashley Love  
Acting Assistant  
Regional Manager.

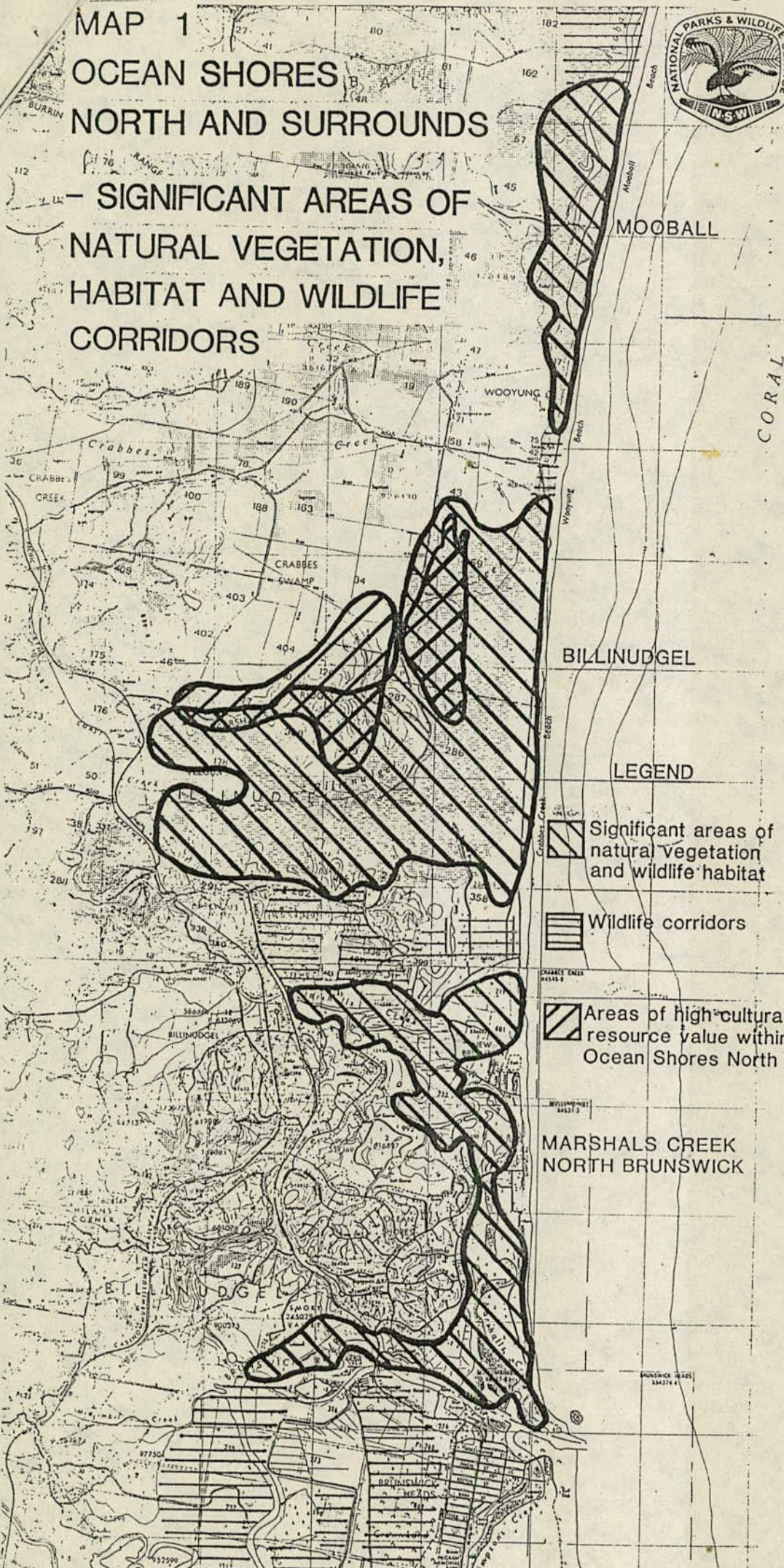
22nd February, 1990






# MAP 1 OCEAN SHORES NORTH AND SURROUNDS



- SIGNIFICANT AREAS OF  
NATURAL VEGETATION,  
HABITAT AND WILDLIFE  
CORRIDORS



## LEGEND

-  Significant areas of natural vegetation and wildlife habitat
-  Wildlife corridors
-  Areas of high cultural resource value within Ocean Shores North

MARSHALS CREEK  
NORTH BRUNSWICK





# N.P.W.S.

Submission to Byron L.E.P.

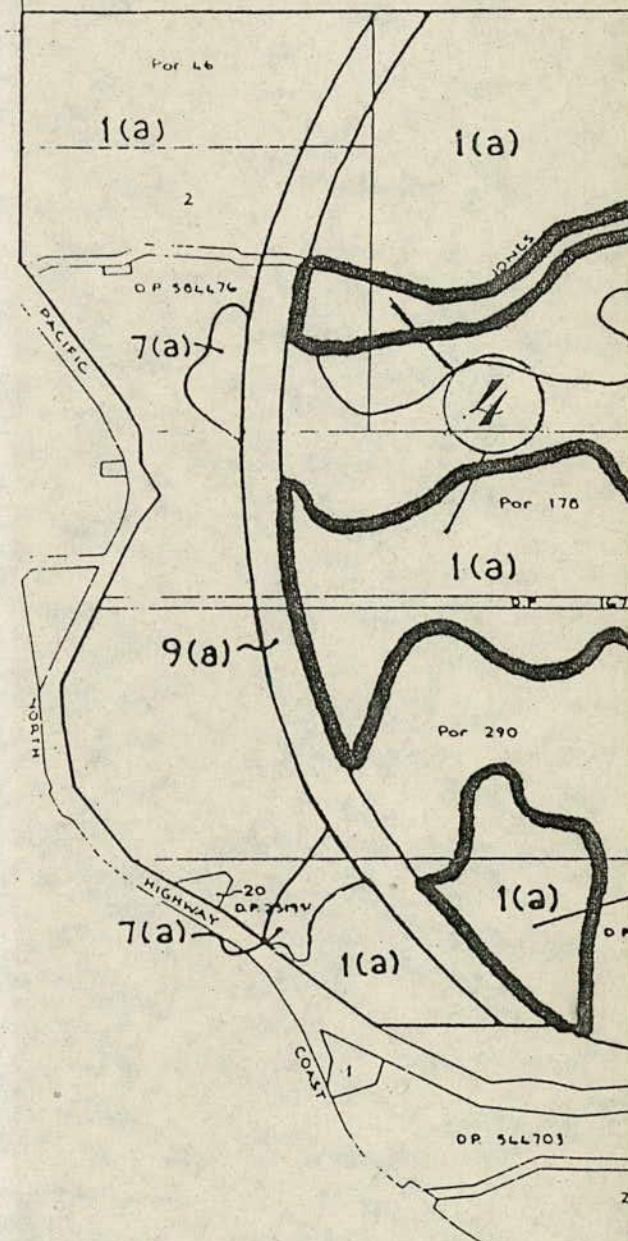
22 Feb '90

## Recommended Zoning Changes

TABLE 1. Additional Areas Proposed for Environmental Protection Zoning

Area No.	LEP Zoning	NPWS Proposed Zoning	Environmental Values and Constraints
1	1(a)	7(k) or 7(b)	1) Eastern Grass Owl habitat. 2) Complex of vegetation types including wetlands, swamp forest and sedgeland. 3) lowlying with acid-sulphate soils
2	1(a)	7(k)	1) Black Walnut habitat 2) Adjacent to habitat for Major Skink and Long-nosed Potoroo. 3) Low-lying with acid sulphate soils.
3	1(a)	7(k)	1) Koala habitat 2) Adjacent to Long-nosed Potoroo habitat 3) Habitat for rare and endangered plants:- a) marblewood, <u>Acacia bakeri</u> b) laceflower ( <u>Archidendron muellerianum</u> ) 4) High cultural resource values.
4	1(a)	7(k)	1) Koala habitat in the wet sclerophyll forest to north. 2) Jones Road provides an appropriate northern boundary to the 7(k) zone. 3) Buffer zone should be provided for wetland area adjacent to dirty flat. Adequate wetland buffer would not leave a practical boundary area for 1(a) zoning.
5	1(a)	7(k)	Adequate buffer required for adjacent SEPP wetland.
6	1(a)	7(k)	1) Close to Osprey nest site and feeding trees. 2) Koala habitat. 3) High scenic values. 4) Habitat for Black Walnut ( <u>Endiandra globosa</u> ). 5) Adequate buffer not provided for SEPP Wetland.
7	2(a)	7(k)	1) Habitat for (a) Bush hen (b) Grassland melomys. 2) No provision for buffer to SEPP wetland. 3) Lowlying acid sulphate soils 4) Contains regenerating littoral rainforest. 5) Near to habitat for Scented Acronychia ( <u>Acronychia littoralis</u> ).
8	1(a) 2(a) 5(a) 6(a)	7(k)	1) Identified wildlife corridor requires protection through Environmental Protection Zoning.
9	5(b)	7(b) or 7(k)	1) Apart from disturbed area consists of mixed swamp forest with varied understorey of palms and rainforest species.

## MAP 2



DRAWN BY L M DATE: 21.11.89

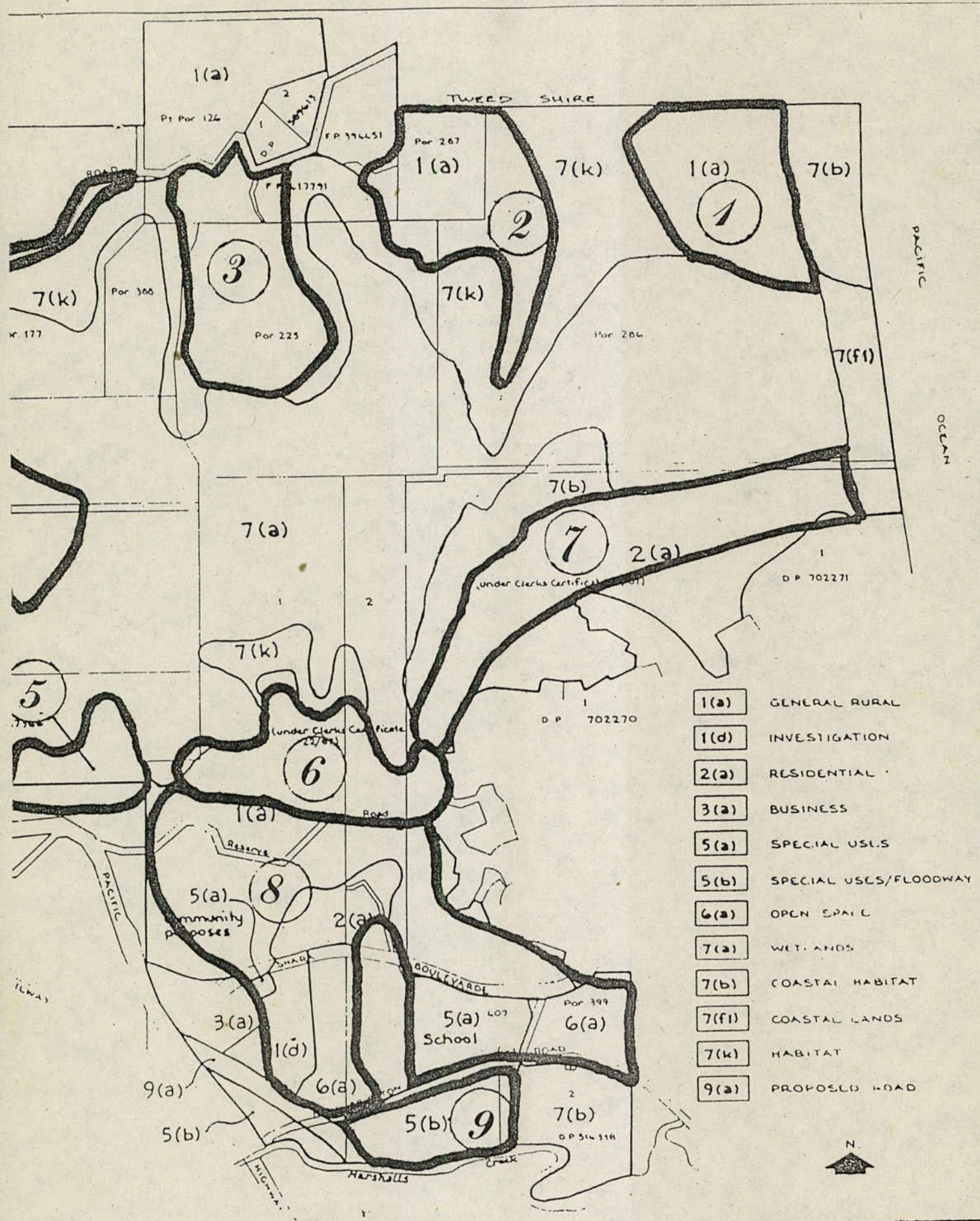
PLANNING OFFICER: I.M.P.

COUNCIL FILE NO. 51220

DEPT FILE NO. 83/1216

GOVT. GAZETTE





- 1(a) GENERAL RURAL
- 1(d) INVESTIGATION
- 2(a) RESIDENTIAL
- 3(a) BUSINESS
- 5(a) SPECIAL USES
- 5(b) SPECIAL USES/FLOODWAY
- 6(a) OPEN SPACE
- 7(a) WETLANDS
- 7(b) COASTAL HABITAT
- 7(f) COASTAL LANDS
- 7(k) HABITAT
- 9(a) PROPOSED ROAD

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

DRAFT

BYRON LOCAL ENVIRONMENTAL PLAN 1988

(AMENDMENT NO 14)

STATEMENT OF RELATIONSHIP WITH OTHER PLANS  
 REPLACES INTERIM DEVELOPMENT ORDER NO. 1 - SHIRE OF BYRON  
 AMENDS BYRON LOCAL ENVIRONMENTAL PLAN 1988

CERTIFIED IN ACCORDANCE  
 WITH THE ENVIRONMENTAL  
 PLANNING & ASSESSMENT  
 ACT 1979, AND REGULATIONS

DATE:

SHIRE CLERK





# GREENFIELDS MOUNTAIN

GREENFIELDS MOUNTAIN (NSW) PTY LTD

1 Jacaranda Close, Fitzgibbon, Q4304

Telephone: (07) 265 2966 FAX: 865 1609

## PROTECTING THE ENVIRONMENT & CREATING HIGH QUALITY EMPLOYMENT AND OPPORTUNITY IN THE BYRON SHIRE

### 10 YEARS COMMITMENT TO THE BYRON SHIRE

Greenfields Mountain (NSW) Pty Ltd is a small, independently owned Australian company, owned by Mr. Chum Vidgen. Mr. Vidgen has a ten (10) year track record of responsibly investing and developing businesses and land in the Byron Shire. During this time, Mr. Vidgen has developed the Ocean Village Tavern and Arcade at Ocean Shores, and refurbished the newsagency and store at Billinudgel.

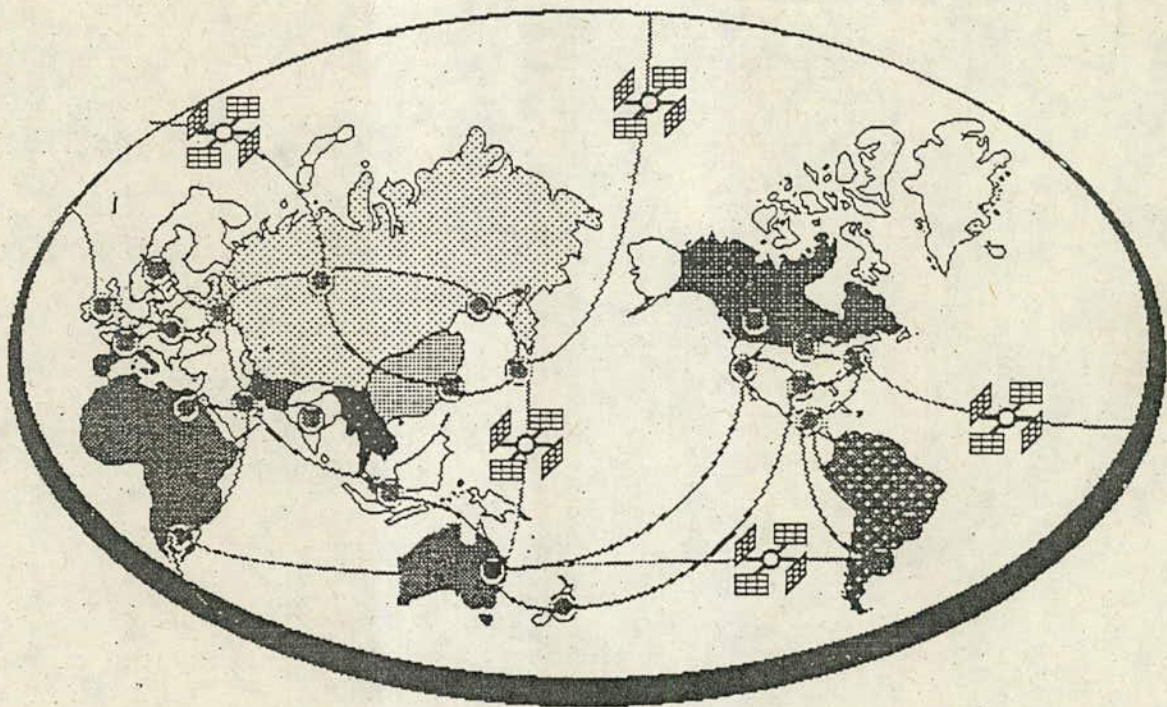
Mr. Vidgen recently entered into agreement to purchase the land to the north of Ocean Shores known as Ocean Shores North, and, in keeping with his concern and interest in the Byron Shire, he has come up with a most interesting, environmentally friendly development plan that will create some 600 new, interesting, high technology jobs over the next five (5) years, as well as providing a self-funding protection program for hundreds of acres of natural habitat. It is not a program to rape the area for short term profit.

This brief submission outlines Greenfield Mountain's development concept for the area. It is a staged program that is in keeping with existing zoning and Council's plans for this important part of the Shire.



# OCEAN SHORES NORTH

*A Communications and Spiritual Gateway  
to the World*



**PROTECTING THE ENVIRONMENT  
& CREATING JOBS**

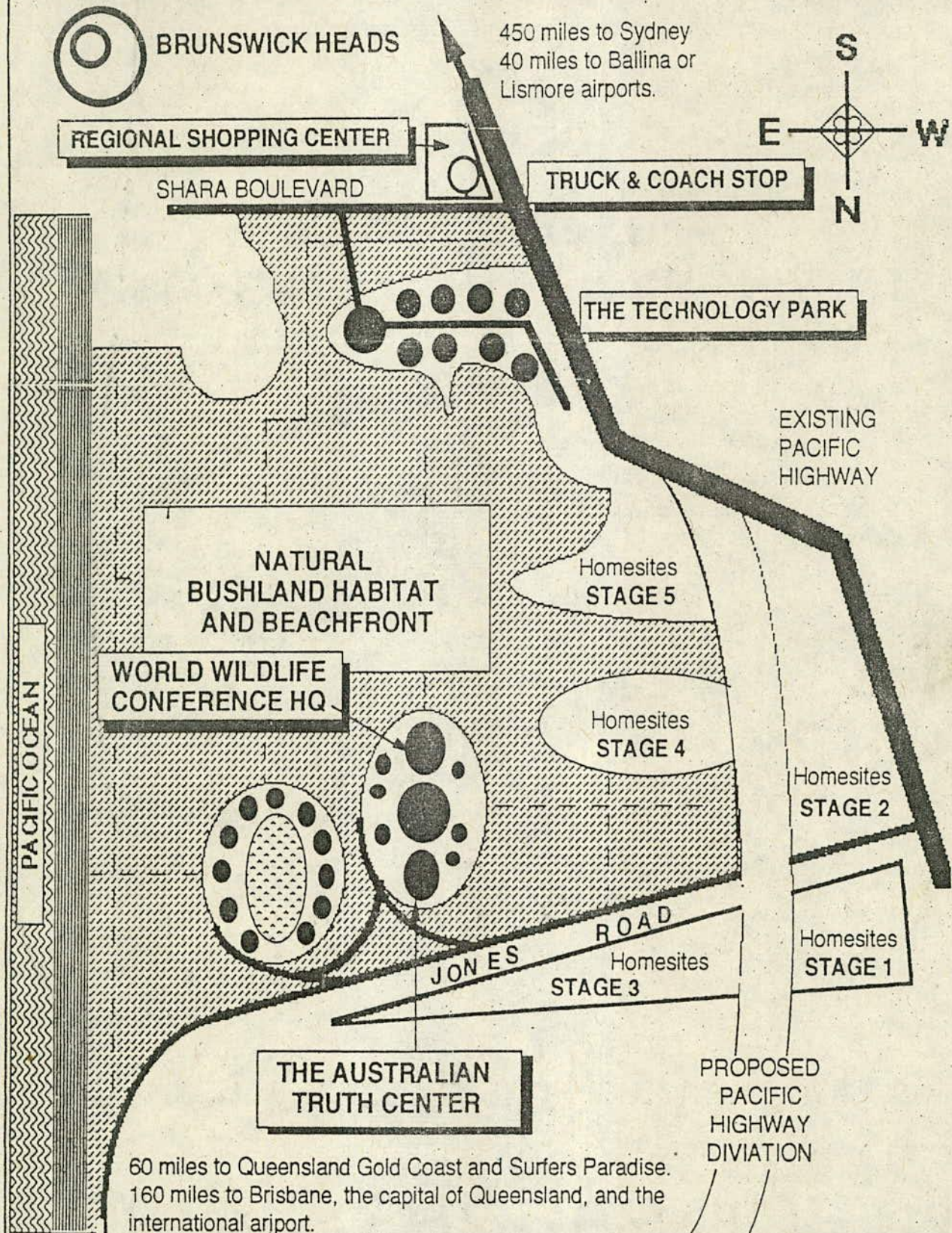


A Greenfields Mountain Development Project



# OCEAN SHORES NORTH

## The Overall Concept





A Brief Description of  
**THE OCEAN SHORES NORTH**  
**Development Concept**

Ocean Shores North is a unique piece of real estate that demands a particular development plan.

Mr. Chum Vidgen, the owner and developer of Ocean Shores Shopping Village has entered into an agreement with The Harp International Business Exchange of Mesa, Arizona ("Harp"), to produce such a plan (the "OSN Development Plan"), that will provide for the self-funding management of the natural habitat; environmentally friendly development and the creation of hundreds of new jobs and business opportunities in the Byron Shire. The Plan is based on the Australian establishment requirements and the spin-off benefits of Harp. It is focused on making Ocean Shores North the Australian headquarters for Harp and its associated enterprises which are closely linked to quality lifestyle and the preservation of the environment.

### **Harp**

Harp is the product of an Australian effort to develop and establish a computer software program and a networking system that will enable non-profit organizations and sporting bodies to more profitably organize their efforts, and independent and small business people to communicate between themselves, and participate in the world of international business. It is the way most people will do business and high level communication in the Twenty-first Century.

### **The Need**

Millions of people all over the world, particularly in middle and upper management, are losing their jobs because of one-sided computerization of industry and commerce. In the past 10 years in the United States, 8,000,000 executives lost their jobs because of the advances of such automation of the traditional workplace. This trend is also visible in Australia and elsewhere throughout the developed world. By the early years of the Twenty-first Century, experts predict that 20% of the workforce will have to be self employed, and working from home, as a result. Harp has developed a telecomputer networking system to help people adjust to this dynamic transformation of society.



A Greenfields Mountain Development Project



## The Harp System

The Harp system has been under development for the past seven years. It was beta tested in the United States in 1992. It works on ordinary computers and laptops and can be accessed from anywhere access can be gained to a telephone. The successful 1992 test program involved systems in Australia, the United States, Germany, and Moscow.

## Establishing the High Tech Park

The establishment of the Harp System's network center at Ocean Shores North will provide the catalyst for the development of the proposed small business high technology park. Harp requires such a center to control the start-up and expansion of its worldwide network.

From this site, Harp will connect to the US market and universities around the world to create an international marketplace for technology transfer. Harp will also network non-profit organizations such as sporting bodies and churches as part of its program. The Christian Church in America will be involved because of its charitable work with displaced executives and the increasing importance of spirituality in helping people adjust to current changes. The Church and the numerous para-church organizations provide an ideal point of market entry for the introduction of Harp in America. The Church is expected to be a major beneficiary and user of the Harp System. The Church also has a requirement for international telecomputer communication because of its increasing involvement in the business of reestablishing the countries of the former USSR and the Third World, after the fall of the Berlin Wall.

Harp has been working with leading para-Church organizations in the United States, for the past two years to develop an integrated program that will provide Harp with an effective, worldwide establishment program.

## The Truth Center

The bringing together of people affected by the change that is occurring throughout the world will create a demand for communication. These people need to communicate with each other. The Harp System will provide for this. They also have the need to meet together. The proposed Truth Center will provide a meeting place and conference center in Australia, for these people.



A Greenfields Mountain Development Project



It is planned to open the Truth Center in March, 1995. During 1994, the concept of the center will be promoted to church and para-church organizations through Australia and the United States, to fund the construction of the center. Major international bodies who fit into the qualifying criteria of the Center will be offered the opportunity to purchase participation in the Center, which will be equipped with international communications capabilities; film and television studios; libraries; conference hall; and environmentally compatible accommodation and work areas.

## The World Wildlife and Environment Conference

The World Wildlife and Environment Conference is an integral part of the Truth Center complex. Connected to the Truth Center, and serviced by the worldwide Harp Network, it will share common facilities and provide an international forum for discussion on issues of the environment and to illuminate Australia's particular concerns.

The large area of natural habitat that is to be preserved at Ocean Shores North will provide a backyard workshop for this program and assist to focus the attention of all who visit the center on the peculiarities of Australia. The World Wildlife and Environment Center will appoint rangers to monitor this area and to develop walking tracks through it that will allow people to share the environment with nature.

The first meeting of the World Wildlife and Environmental Conference will be held immediately after the opening of the Truth Center in 1995. This will be an international event featuring leading speakers on wildlife and the environment. The Conference is planned to be an annual event televised worldwide.

The work of the World Wildlife and Environment Conference between conferences, will be to establish an international network of concerned persons, and to market and prepare for the next conference. This will require staff and local rangers for the adjoining habitat, that will be a feature of the Conference.

## Cooperation

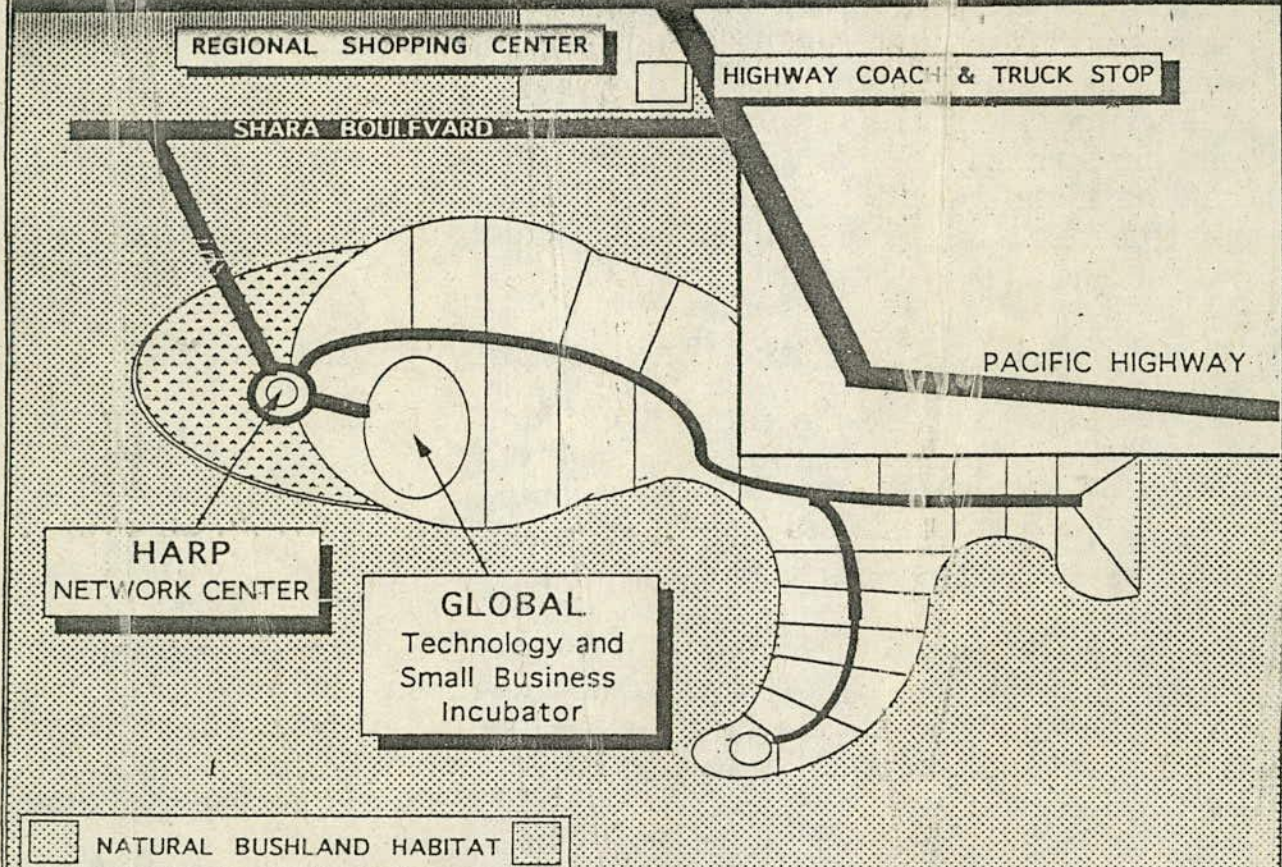
The Truth Center and the World Wildlife and Environmental Conference will provide a non-sectarian platform and environment for those working in these areas of international concern, to come together for the betterment of the nation and the world.



A Greenfields Mountain Development Project

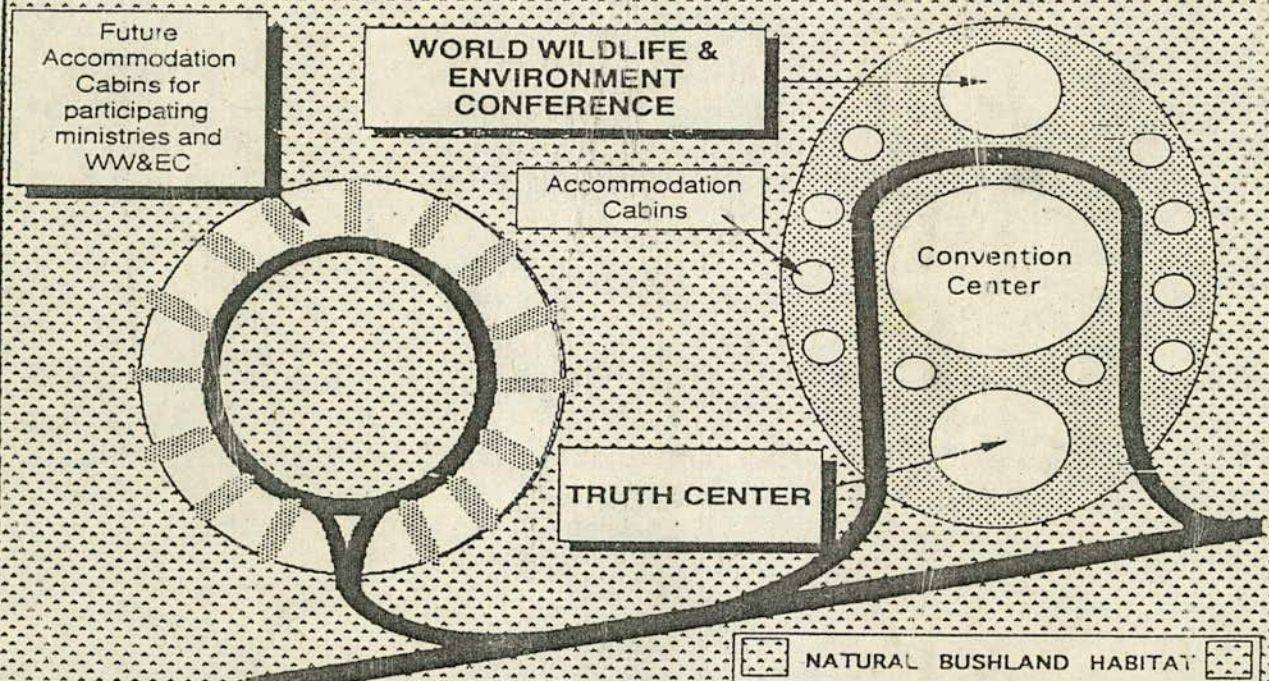


# THE SMALL BUSINESS TECHNOLOGY PARK



## THE AUSTRALIAN TRUTH & ENVIRONMENT CENTER

"The Spiritual Heart of Australia"



CONCEPT ONLY



## Development

It is planned to progressively bring the Technology Park, the Truth Center, and the World Wildlife and Environment Conference into existence during 1993-94. In conjunction with this, it is proposed to stage develop homesites for persons attracted to these projects. The whole program is expected to take 4-5 years to establish.

### Development Projections

- 1993-1994: Establishment of the Network and the Exchange. This will initially involve the erection of a building similar to a television studio at the Technology Park, that will serve as a network center and an educational facility. It is expected that it will be an important new attraction in the area for business and visitors from all over Australia, particularly important to schools and their efforts to educate children to the new world of international telecomputer communications.
- 1995-2000: This period will be expansionary, based on the foundations that are laid in 1994. Rapid growth of business and job opportunities should be expected at this time, as the Harp Network and the Exchange are established and integrated with programs around the world and people become aware of the power and availability of the Harp technology.

### Population Expansion and Job Creation

Beginning in 1994, it is expected that Ocean Shores North will begin to attract new residents from all over the world, directly and indirectly associated with this program. Most will want to live near, or on-site. A number will be transients associated with the development of the area, and the construction works. However, many will be new permanent residents who will bring in the needed skills, and represent the organizations that will be involved. Most will be managers or top level executives or scientists who will create job opportunities for others living locally.

The following is an estimate of how their numbers can be expected to grow over the next five (5) years, and the new jobs they will create for residents of the Byron Shire.



A Greenfields Mountain Development Project



Year	New People	Local Jobs
1994:	110	45
1995:	197	142
1996:	200	125
1997:	120	70
1998:	120	70
1999:	120	70
2000:	120	70
Total projected population increase	987	
New employment opportunities created		591

## Environmentally Compatible

The success of this program demands an environmentally compatible development plan be established and maintained for Ocean Shores North. The Truth Center and the World Wildlife and Environment Conference will attract worldwide attention. However, it will be low key traffic that will be wanting to see a well managed, environmentally acceptable program. The small business Technology Park will also attract and create business. However, the people who will work there will be predominantly environmentally aware people who will want to live and work in an environmentally friendly atmosphere.

## Summary

This development will bring major, long term benefits to the Byron Shire, by creating quality, interesting, long term job opportunities. A 1000 new residents and some 600 new jobs could be created in the Byron Shire by this environmentally friendly development that will also preserve the quality of the local environment that is so highly cherished by the local population.

## Support Required

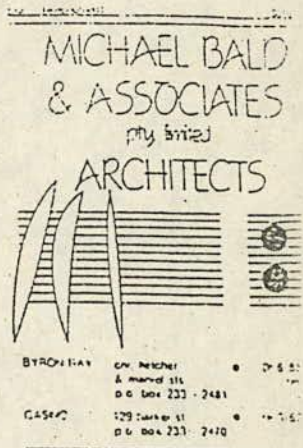
The support of the Byron Shire Council is required to achieve this program. The developers believe that this project is of such importance and benefit to the Shire, that it warrants special consideration.

Yours faithfully,

Chum Vidgen - Greenfields Mountain (NSW) Pty Ltd







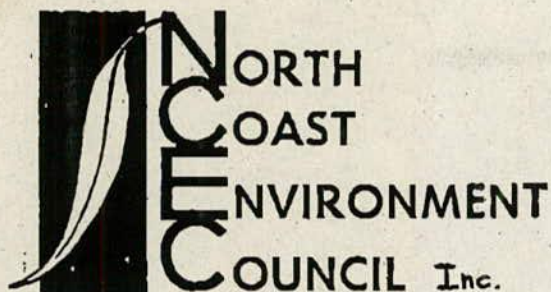
# ZONING

[illegible]









The Hon. Secretary,  
Mr James L.O. Tedder,  
Pavan's Road, Grassy Head,  
Yarrahappini  
via Stuart's Point. 2441.

Ph / Fax 065 690 802

Mr Robert Webster, M.L.C.,  
Minister for Planning and  
Minister for Heritage,  
175 Liverpool Street, SYDNEY. 2000.

21 May 1993

Dear Mr Webster,

Re: Request for use of s.136 emergency stop works order,  
Interim Conservation Order and Permanent Conservation Order  
North Ocean Shores, Byron Shire

We write to request your urgent intervention under the Heritage Act 1997 to conserve and protect a very important area of natural and cultural heritage on the NSW north coast.

The area concerned is within the 850 hectare North Ocean Shores estate, and comprises five 'deferred zones' deleted from the recently completed Byron Shire Local Environment Plan Amendment No. 14. The Council understands the total area is approx 250 ha.

The natural and cultural heritage significance of this area is well documented and widely recognised. We refer to numerous reports on the sites natural values, especially the complex mosaics of wet and dry heaths, the presence of endangered species of both flora and fauna, littoral rainforest and SEPP 14 wetlands. e.g. NPWS 1990; BEACON, 1990; Gilmore et al, 1986; Broadbent and Stewart, 1986; etc. No doubt the Department of Planning is aware of these reports.

The aboriginal cultural heritage significance of the area has been documented by K. Navin in 'An Archaeological Report of North Ocean Shores Development Area, NSW' (1990) and by the National Parks and Wildlife Service. In 1986, the Land and Environment Court found previous landholders, Bond Corporation, guilty of destroying identified site no.21: a bora ring in the North Ocean Shores area.

The National Parks and Wildlife Service have repeatedly expressed interest in acquiring a significant proportion of the North Ocean Shores estate for inclusion within a Nature Reserve in order to achieve long term protection and appropriate management of the heritage values inherent in the area.

(See 'NPWS Submission to Public Hearings on Byron Shire Councils Ocean Shores Golf Course and Ocean Shores North, Local Environmental Plans No. 13 & 14' 1990)



The 1990 Public Hearings into the LEP's chaired by Commissioner Simpson recommended that the North Ocean Shores estate be zoned to permit limited development (1(a), 1(d) with large areas excluded from then proposed residential and tourist development and zoned for environmental protection as 7(k) Habitat, 7(a) Wetlands, 7(b) Coastal habitat, 7(f) Coastal Lands, 6(a) Open space etc.

The Byron Shire Council recently voted to overturn the recommendations of the Commissioner and has deferred these 5 crucial areas and removed them from the Local Environment Plan to be shortly, if not already, forwarded to the Department for the Ministers approval.

The removal of these areas and the failure to accept the Commissioner's recommendation and the overwhelming public submissions has undermined community confidence in the Byron Shire Council. Their resolution to again consider rezoning to permit development within these five areas compromises over a decade of public processes and professional planning recommendations.

Late last month the Far North Coast County Council (FNCCC), the local noxious weeds authority, issued the new land holders, a notice under the Noxious Weeds Act, requiring the owners action to control, remove or destroy groundsel growing on the property.

[The new owners are said to be 'Ocean Village P/L, 378 Roghan Road, Fitzgibbon. Brisbane. 4034, and one of the principals is said to be a Mr Chum Vidgin. The Overseas Trust Bank of Hong Kong is also said to be substantially involved.]

Such notices are fairly commonplace, and a landholders failure to act empowers the FNCCC to pursue its own action to control the nominated noxious weed. This it usually does by the highly controversial method of aerial spraying with the chemical 24D.

Instead of undertaking labour intensive weed control consistent with the areas recognised high conservation value, such as a 'cut paste' method, the landholders employed a local plant hire contractor, Bashford and Sons, of Brunswick Heads. Council is advised than when queried as to what they were engaged to do with their bulldozer on the site, the contractors replied that they had been hired to doze survey lines! This new threat to site 19 follows damage to Site 18 by a bulldozer in late 1992 (October / November).

Clearly either, the lines of communication from the owners to their contractors are in disarray, they are not being truthful, or the company has decided that 'groundsel clearance' provides the perfect excuse for making serious environmental impacts on the site. That there has been a history of landholders deliberately damaging the values of the area cannot be gainsaid.



Such action is consistent with an intent to diminish NPWS interest in acquisition of the area and to maximise the development opportunities on a site severely constrained by flooding, aboriginal cultural heritage and rare and important associations of endangered plants and animals.

In the last two years Byron Shire Council has contributed to damage to the values of the area, emboldening the landholders to risk further damage to the site with impunity, grading for road construction on and adjacent to aboriginal sites 15 and 16 as recorded by Navin. Thus Council has ignored expert archaeological advice in carrying out its own operations.

In July 1991, perhaps while the sites' ownership was in transition, an earlier notice under the Noxious Weeds Act was issued by FNCCC but was not acted upon by the then landholders. Consequently, FNCCC undertook its own action and sprayed very large areas of North Ocean Shores with a toxic substance 24D. Thus an otherwise natural environment was contaminated by a dangerous chemical.

As a result of this aerial spraying, people living in the area have suffered ill-effects and a colony of flying foxes, including the rare Queensland Blossom Bat, were so disturbed that they abandoned their long term 'camp' adjacent to Jones' Road.

The full environmental impacts of such spraying on the natural values of the area, particularly on water quality and the endangered species such as the Long Nosed Potoroo, Koalas etc and their habitats have never been assessed.

That there co-exists within the North Ocean Shores area very important areas of remnant and regenerating native vegetation (wetlands, heaths, littoral rainforest) and an aggressive invasive weed such as groundsel is perhaps surprising. Yet the area is not covered in widespread groundsel bush, rather this weed has successfully colonised areas of disturbance, forming a patchwork of weeds within the complex mosaic of vegetation types.

The North Coast Environment Council supports the control and where possible, the removal, of noxious weeds, but insists that particularly in such an area of high conservation significance as North Ocean Shores, the method of control or eradication must be appropriate and pose no threat to the values inherent on the site.

Clearly, in such a site, with coastal topography which includes hills and floodplains, and fresh coastal breezes, 24D spray drift is inevitable. The inter-meshing, in some areas of the groundsel weed with important vegetation, also means that inevitably, non-target vegetation is also sprayed.



Council has grave reservations about the cost-effectiveness of aerial spraying for weed control, in addition to concerns about the input of large volumes of toxic substances into any environment.

Last October, during a dry period, North Ocean Shores was set ablaze, producing unassessed impacts on the natural values of the area. The origin of these fires is apparently an arsonist or arsonists. Such fires have been lit in many previous years, sometimes 'requiring' the local Bush Fire Brigade to undertake more burning: fire breaks, back burns etc. Thus the failure to conclude crucial decisions about the use of these important areas, continues the management vacuum, and allows for abuses of all kinds.

Threats to the heritage values of site are in several forms:

- \* Byron Shire Council's deferral for further investigation for development zonings will continue to deny the area the protection and appropriate management that the natural and cultural heritage significance of the area clearly warrant;

- \* arsonists continue to burn North Ocean Shores because there are no secure boundaries nor is there competent active management. Thus important areas of native vegetation, including habitat for endangered species are repeatedly incinerated, and disturbed;

- \* Byron Shire Council road works continue to damage and denigrate identified aboriginal cultural heritage values;

- \* the landholders proposal to control groundsel, or construct survey lines, using a bulldozer, directly threatens identified aboriginal cultural heritage sites with massive disturbance;

- \* Far North Coast County Council's previous and threatened aerial spraying of 24D threatens the uncontaminated quality of important natural areas, water quality in the catchment and poses real threats to wildlife, especially endangered species.

All these threats are real and immediate. They require intervention by the Minister for Planning and Minister for Heritage in order to safeguard the documented heritage values of the North Ocean Shores.

North Coast Environment Council Inc therefore requests that you:

- \* reject the deferral of the five nominated areas from the Byron Shire Council's submitted LEP for North Ocean Shores and amend the Plan in accordance with the recommendations of Commissioner Simpson and the findings of the Public Inquiry;

- \* use your powers under s.136 to place an emergency stop work order over the site, to prevent bulldozer clearance of groundsel, and aerial spraying of 24D by FNCCC;



\* direct Byron Shire Council to immediately develop and implement a new road strategy to re-route or modify Jones' Road's alignment to prevent further damage to sites nos. 15 & 16 in Navin 1990;

\* direct your Department to convene a meeting with FNCCC, Byron Shire Council, NPWS, a nominee of the NCECouncil Inc and the landholders to design and implement:

- + a groundsel control and eradication program;

- + a fire prevention and management program;

which are appropriate and compatible with the area's natural and cultural heritage values;

\* request the NSW Heritage Council to furnish a recommendation for

- + an interim conservation order (ICO) with 40 days and

- + a permanent conservation order (PCO) within 12 months.

The Council would be pleased to liaise with Staff of the Department of Planning to further any investigations or actions relevant to the complaints and requests made above.

Council request the opportunity for its members to accompany Heritage Council members or staff of the Department on any field excursion associated with this application.

Council further requests the opportunity to be heard by the Heritage Council in its consideration of any recommendation for an ICO or PCO over the North Ocean Shores area.

In any event, the Council requests that you advise, at your earliest opportunity, what action you will take relevant to each request.

Thank you for your attention to this important matter.

Yours sincerely

*J.M. Woods for*

Terry Parkhouse  
President NCEC Inc.



Notes on phone call to STAN SCANLON 5/5/93

Bulldozer survey line!  
(groundsel + lantana)

driver

850<sup>ha</sup> = NOS

~~250 = ~~that~~~~

(13) Bashford + Sans Brumavick → patches

Long Nosed Potaroo, Bush Hen  
Satin Bowerbird Pied, Rocky Oyst. Cathe

600 ha

fires last October

102  
Bora Ring  
Bnd Corp. (21)

large wide  
midden destroyed — designated Ab. site (No 18)  
22 sites overall

15 + 16 Midden (19)

'Overseas Trust Bank - Hong Kong'

Jnes R. BSC Byra SC  
grading.

Chum Vidgen ~~is~~ Duncan McKeller.

LEP →

July 1991 Aerial Spraying  
Bats Flying Fox

5 areas = 250 ha removed from LEP '92

were buffer areas to protect core  
against Simpson Inq. 1990

NPWS Submission

Mosadon

Burning.  
Bulldozing  
Spraying 24D.

7K  
7(a) → SEPP.  
Koara  
Bush Hen Potaroo

FRI 7.5.93 noon!



461 1.2.23 Voor  
DISCUSSION WITH E.P.A. 29.4.1993

been given to implications of ss.111 & 112  
's issue of 'pollution control licences'?  
Impact Statement have been prepared?

a complete moratorium on logging on slopes  
s and advocates very close monitoring of  
en 20 and 25 degrees.  
suing 'pollution control licences' to FCNSW  
for any logging or road construction  
eater than 25 degrees?

atchments which produce high water quality  
d to permit 'legal' pollution within them;

sideration of 1993 applications for renewal  
control licences' should allow:  
on;

other public authorities including, NSW  
ter Resources Commission, Soil Conservation  
nt of CaLM, etc; and  
ion and validation of any conditions and  
res by relevant practising scientists;

s functions under s.17D of the Pollution  
ransparent and publicly accountable manner  
ublic interest in the protection of the  
c authority?

SW has demonstrated that it is unable to be  
fy and report pollution incidences? What  
ied to licences relating to enforcement of  
ons? Monitoring?

SW's 'pollution control licences' should be  
one month and the views of members of the  
ies and relevant scientists be sought in the  
ill these submissions then be taken into  
eration of the licence renewal applications?

red, as a matter of Policy, the broader  
of public participation, public authority  
ific validation in the activities of the  
ollution licensing?

Statement requires that in the review of  
ce community views be actively sought. Will  
w/redraft the Code? Is compliance with Code  
in to be a condition of the licence?

SW over Oakes SF. Why is expert evidence  
ake-up within Department of C&LM affect the  
evidence?



13

LNPA

Sat Swallow

Kooka

Bush Hen

Osprey

Sooty > Oyster Catchers.  
Pied

Superb Fruit Dove

Black Bittern

Glossy Black Cock

Eastern Grass Owl

White Eared Manarch

Milledge

885

Queensland Blossum Bat

Carpet + Diamond Pythia

8

Scented *Argemone*.

Black Walnut

450 vascular plant sp

Vieny Lake Flaver

Dorroughday, Smooth scrub Turpentine

Marble wood - FNCC - Jace Rd

Silver Leaf

Corokia

Davidson's Plum

Acianthus



DISCUSSION WITH E.P.A. 29.4.1993

been given to implications of ss.111 & 112  
s issue of 'pollution control licences'?  
Impact Statement have been prepared?

a complete moratorium on logging on slopes  
s and advocates very close monitoring of  
en 20 and 25 degrees.  
suing 'pollution control licences' to FCNSW  
for any logging or road construction  
eater than 25 degrees?

atchments which produce high water quality  
d to permit 'legal' pollution within them;

sideration of 1993 applications for renewal  
control licences' should allow:  
on;

other public authorities including, NSW  
ter Resources Commission, Soil Conservation

compliance with conditions? MONITORING?

Does EPA agree that FCNSW's 'pollution control licences' should be  
~~the only authority to issue licences~~  
public, public authorities and relevant scientists be sought in the  
form of submissions? Will these submissions then be taken into  
account in EPA's consideration of the licence renewal applications?

Has EPA Board considered, as a matter of Policy, the broader  
question of the role of public participation, public authority  
consultation and scientific validation in the activities of the  
Authority relating to pollution licensing?

National Forest Policy Statement requires that in the review of  
Codes of Logging Practice community views be actively sought. Will  
EPA participate in review/redraft the Code? Is compliance with Code  
of Logging Practice again to be a condition of the licence?

EPA prosecution of FCNSW over Oakes SF. Why is expert evidence  
being rejected? Will shake-up within Department of C&LM affect the  
strength of prosecution evidence?



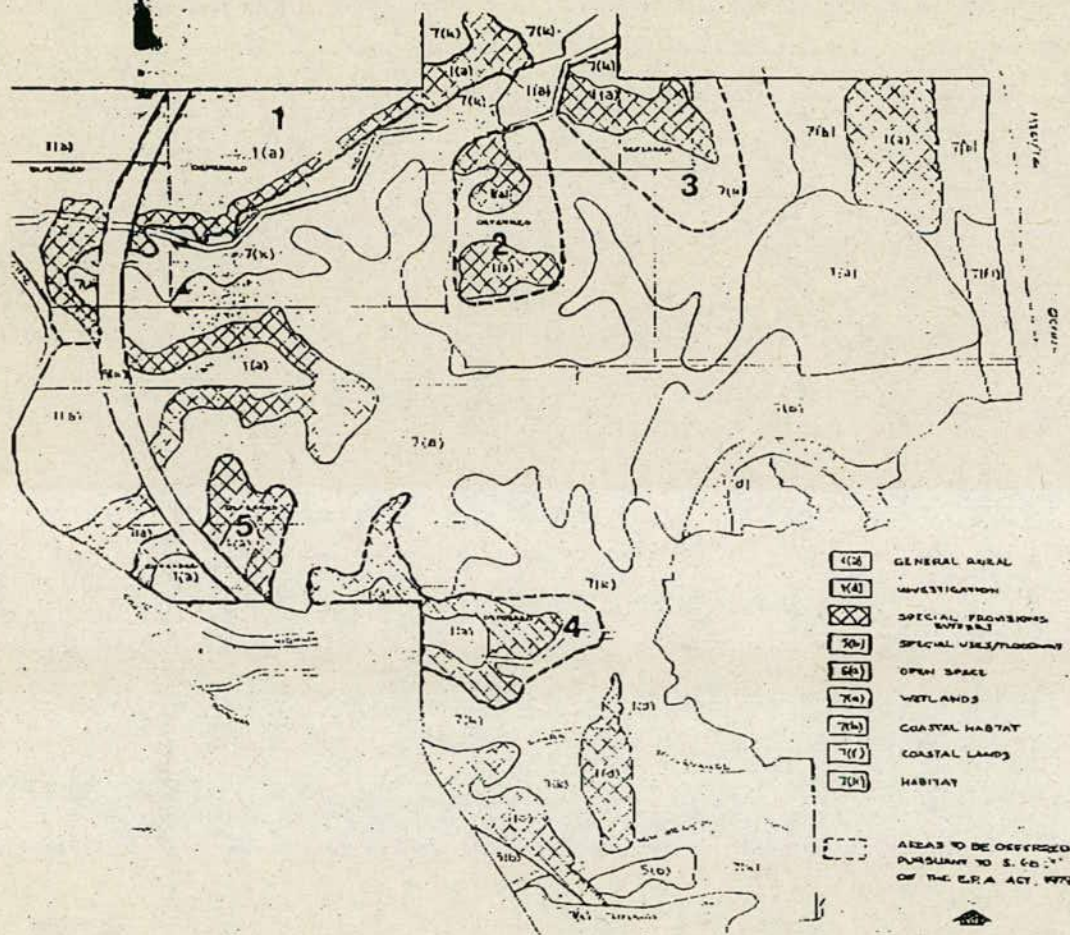


FIG 1: CONSERVATION VALUES IDENTIFIED IN DEFERRED AREAS AT NORTH OCEAN SHORES

Endangered Flora and Fauna and Environmental Constraints  
(source NPWS, 1990; BEACON, 1990; Gilmore et al, 1986; Broadbent and Stewart, 1986).

- Area 1: Koala habitat  
Wildlife corridor to hinterland habitats  
Archaeological sites along Jones Rd.
- Area 2: Bush Hen habitat (breeding)  
Marblewood (*Acacia bakeri*)  
Black bittern  
Long-nosed Potaroo
- Area 3: Corokia (*Corokia whiteana*)  
Black Walnut (*Endiandra globosa*)  
Littoral rainforest  
Adjacent to aboriginal heritage area and wetlands
- Area 4: Koala habitat  
Silverleaf (*Argyrophylum nullumense*)  
Close to Osprey nest site and feeding trees  
Buffer required for wetlands  
Wildlife corridor to Marshall's Ck and Brunswick Hds R.W.
- Area 5: Buffer required for wetlands

Other undesirable impacts if deferred areas are developed:

The viability of remaining natural habitats will be reduced through loss of buffers, habitat size and fragmentation.

Future management of the areas natural assets will be more difficult because of adjacent development and development within catchment boundaries (eg pollution from run-off, dogs and cats, fire, weeds)

The holistic value of aboriginal heritage sites preserved in an undeveloped natural setting unique in northern coastal NSW will be greatly lessened.

#### References:

NPWS (1990). Submission to Public Hearing - Byron Shire Council, Ocean Shores Golf Course and Ocean Shores North (Local Environmental Plans Nos. 13&14).

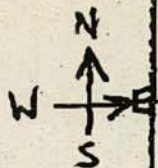
BEACON (1990). Submissions to the Commission of Inquiry into North Ocean Shores.

Gilmore, A.M., Milledge, D.R. and Mackey, D. (1986). Vertebrate Fauna of the Undeveloped Land, North Ocean Shores. J.T.C.W. Planning.

Broadbent, J.A. and Stewart, R. (1986). North Ocean Shores Regional Environmental Study, J.T.C.W. Planning.

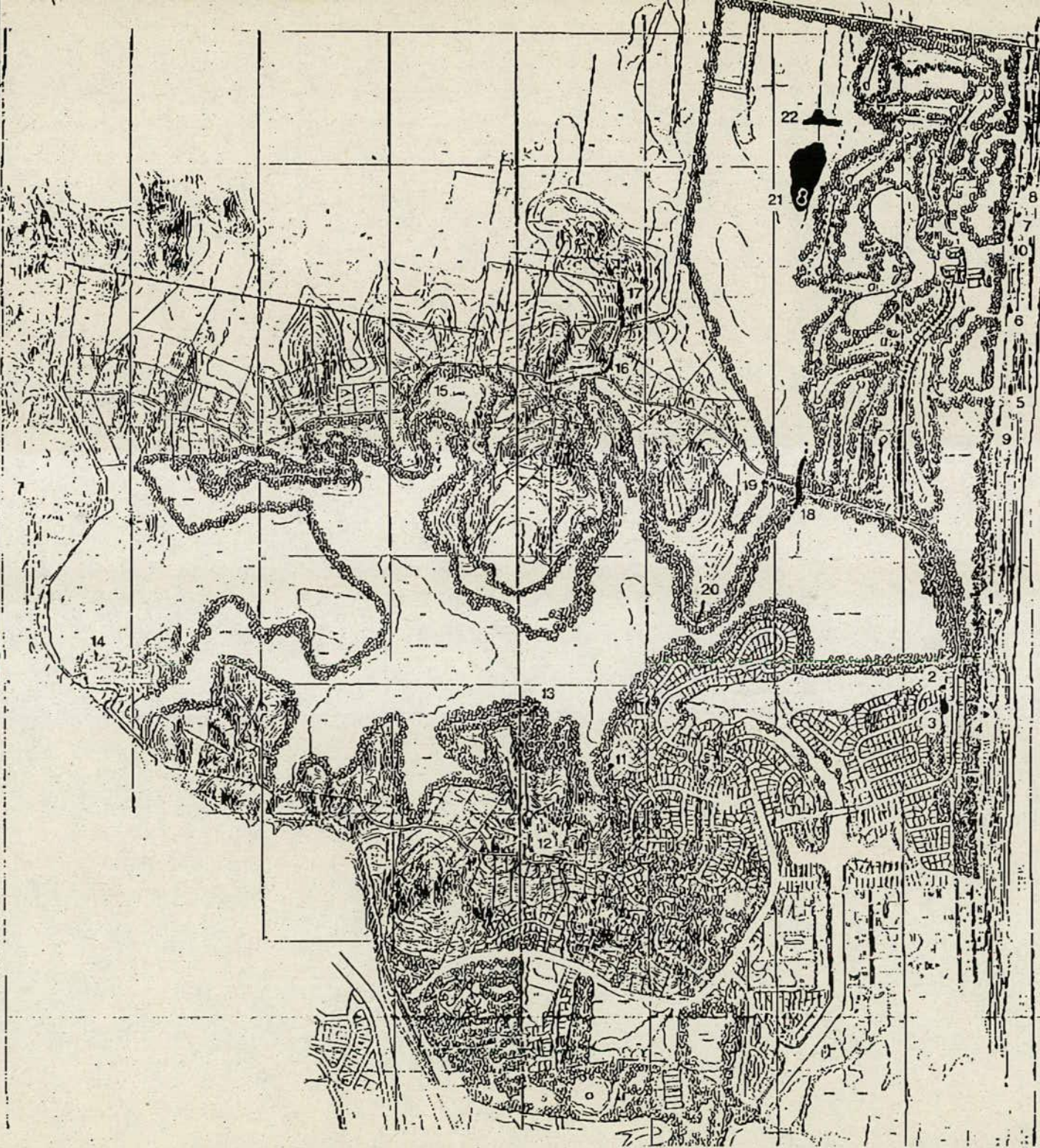


①



JOHN  
CORKILL

FAX 022475945  
022475945



K. NAVIN

1990: "AN  
ARCHAEOLOGICAL  
REPORT OF  
NORTH OCEAN SHORES  
DEVELOPMENT AREA,  
N.S.W."

PLEASE NOTE:

- \* SITE 21 - BORA  
RINGS, LARGER RING  
INTERFERED WITH BY  
BULL DOZER EARLY  
80'S BONCORP.
- \* SITE 18 - LARGE,  
WIDE MIDDEN, BULL-  
DOZED THROUGH IN  
OCTOBER/NOVEMBER  
1992.
- \* SITE 19 - THREATENED  
BY PENDING BULL-  
DOZING AS FROM  
29 APRIL 1993.
- SITES 15 & 16 - JONES  
ROAD, GRADED BY  
ATKINSON SHORES COUNCIL

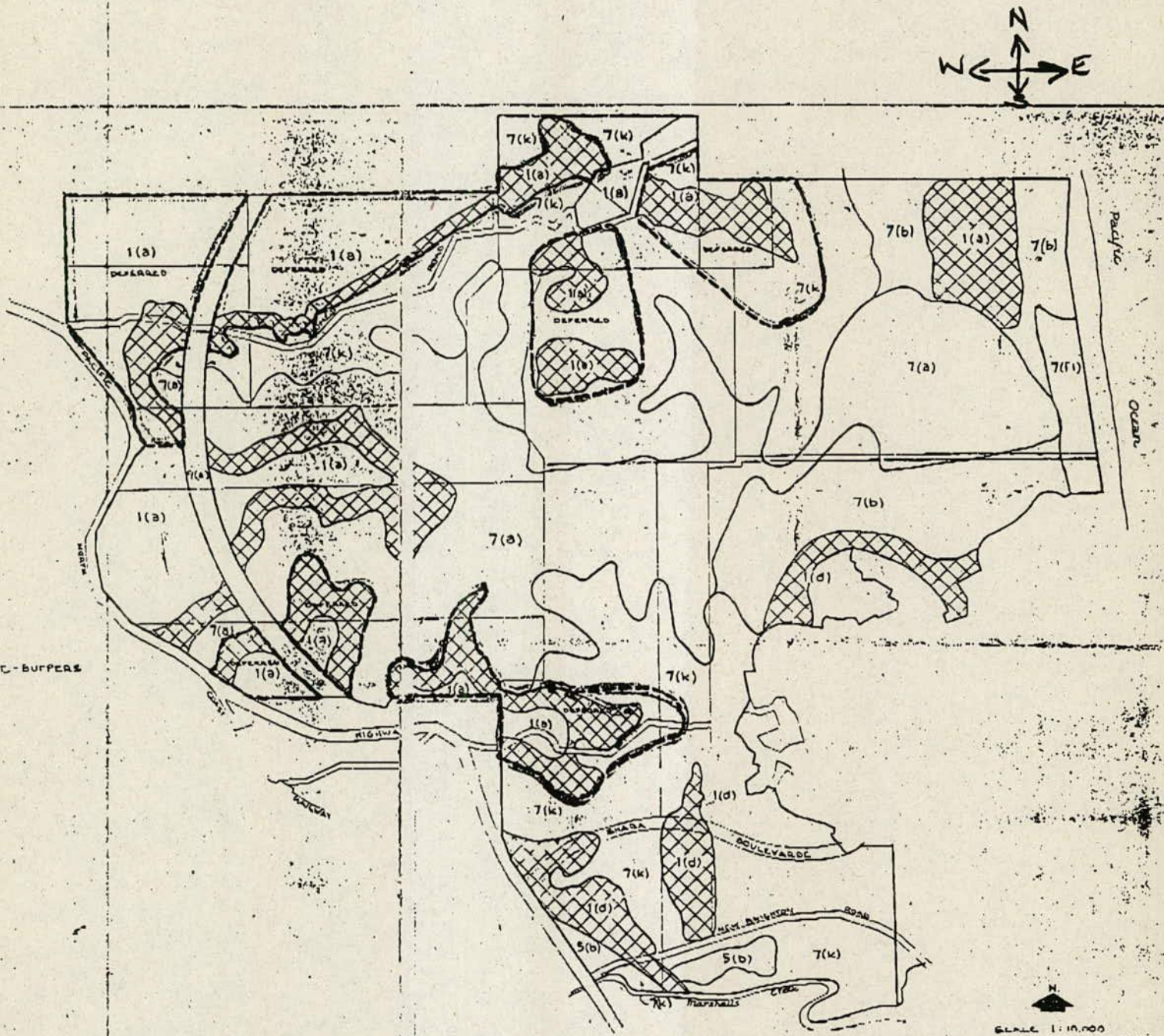
PLEASE NOTE -

HOUSE LOTS ETC  
WAS BOND CORP'S

GRASSED DEVELOPMENT

✓ N.O. SITES  
RELEVANT.





DRAWN BY: LM DATE: 26.3.92

PLANNING OFFICER: MPA

COUNCIL FILE NO. 1681

DEPT FILE NO.

GOVT GAZETTE OF

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979  
YRON LOCAL ENVIRONMENTAL PLAN 1989  
AMENDMENT NO. 14

STATEMENT OF RELATIONSHIP WITH OTHER PLANS  
REPEALS INTERIM DEVELOPMENT ORDER NO. 1  
SHIRE OF BYRON  
AMENDS BYRON LOCAL ENVIRONMENTAL PLAN 1988

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL  
PLANNING & ASSESSMENT ACT, 1979 AND REGULATIONS

*Barry J. Pugh*  
SHIRE CLERK

DATE: 7.5.92

1(a) GENERAL RURAL

1(b) INVESTIGATION

SPECIAL PROVISIONS CLAUSE-BUFFERS

5(b) SPECIAL USES/FLOODWAY

6(a) OPEN SPACE

7(a) WETLANDS

7(b) COASTAL HABITAT

7(f) COASTAL LANDS (TF)

7(k) HABITAT



## North Ocean Shores

The assessment of Aboriginal sites located within North Ocean Shores is at present generally limited to archaeological criteria. Aboriginal significance, except in the case of the bora ground site (Site 21) is, as yet, undetermined.

Midden sites 1, 2, 3, 4, 5, 6, 7 and 8 are generally small in area, although site 3 is widely dispersed, display a low density of artefactual material and have been considerably disturbed. The degraded state of these small sites considerably prejudices their scientific significance. Other than to record their geographical location and site contents they hold little archaeological significance.

In-situ midden sites 9 and 10 represent a uncommon site type both locally and regionally. However it is probable that other similar, but as yet unlocated, sites exist in the wider area. Consequently these sites are of moderate archaeological significance, both locally and regionally.

Scarred trees are a rare site type, both locally and regionally. Site 11 is therefore considered to be of high archaeological significance, within both a local and regional context.

Site 12 is a low density surface midden scatter. The site is very disturbed and there is little chance of sub-surface material being present. Consequently the site holds little archaeological significance.

Site 13 is a low density open artefact scatter located on a ridge spur associated with a paperbark forest wetland. This is the only site so far located in this geographical context and consequently it is considered to be of moderate archaeological significance within a local context.

Site 14 is a small artefact scatter. The degraded and disturbed state of the site indicate that it retains little archaeological potential and is consequently of low archaeological significance.

Sites 15, 16 and 17 are artefact scatters located along Jones Road, Marshalls Ridge. All the sites have been disturbed by road construction and maintenance practices. Sites 15 and 17 may be more extensive than presently indicated and the possibility of sub-surface material existing at these sites is unknown. It is probable that Sites 15, 16 and 17 are associated with the Wooyung Bora Ground site complex to the east of Marshalls Ridge. These sites are considered to have moderate archaeological significance within a local and possibly regional context.

\* Midden Site 18 is located on the old beach and dune deposit. Surface indications suggest that there is a good probability of sub-surface and in-situ deposits being present at this site. The site may be much larger than presently indicated, as the northern and southern extent of the site are, as yet, undetermined. On surface indications, this site is moderately archaeologically significant in a local and possibly regional context.

\* Site 19 is a disturbed, low density shell and artefact scatter. The site holds little archaeological significance.

Site 20 is a low density surface scatter of shell. The site may be larger than presently indicated and there is a reasonable chance of undisturbed subsurface material existing at the site. On present indications, the site is of moderate archaeological significance within a local context.



\* Site 21 comprises two bora rings and an associated midden. This site type is very rare and Site 21 represents the only extant double-ring bora ground remaining in the local and wider regional area. Consequently this site is highly significant within a local and regional context. The site is very important to the local Aboriginal community.

Site 22 is a low to medium density midden surface scatter and an associated in-situ lens of midden material located in steep, sandy stream bank. This site type is uncommon, both locally and regionally, and consequently this site is moderately archaeologically significant in a local and regional context.



Conservation of North Ocean Shores (CONOS)

c/- The Scanlon Residence  
Jones Rd  
Yelgun 2483  
NSW

MR. J. CORKHILL

NATURE CONSERVATION COUNCIL

39 GEORGE STREET

SYDNEY, 2000, N.S.W

30<sup>th</sup> OCTOBER 1992

Dear SIR

Conservation of North Ocean Shores (CONOS) comprises individuals concerned about the future of the National Parks and Wildlife Service Nature Reserve, planned for undeveloped lands at North Ocean Shores.

Controversy again arises regarding North Ocean Shores, in reference to environmentally sensitive areas which were to be zoned 7(k) and 7(b), but have now been deferred by Byron Shire Council for possible 1(c1) rural residential zoning.

CONOS is in no doubt that should such rezoning occur the situation would be catastrophic for the Nature Reserve proposal. Figure 1 attached indicates some of the rare and endangered flora and fauna and other conservation values identified in the deferred areas, which would be threatened or destroyed by rural residential development. This information is drawn from numerous environmental studies carried out by former owners of the land and submissions to the 1990 Public Hearing into land-use at North Ocean Shores presided over by Commissioner Simpson. CONOS notes that areas which may be deferred from the Nature Reserve proposal are centred on (draft) special provision buffer zones, but also take in large areas of (draft) habitat zones. Has new information come to light changing Council's evaluation of these areas?

Rezoning of the deferred areas to rural residential would be contrary to the recommendations of the Simpson Public Hearing, conducted at considerable public expense to determine appropriate land use in the North Ocean Shores area. Some of Commissioner Simpson's recommendations (Simpson, 1990), which relate directly to the deferred areas are listed below :

\* there is a need to constrain development within SEPP 14 wetland catchments and that accordingly Council's recommended 7(k) and 7(b) zones were appropriate (p29).

\* for Marshall's ridge south and the area along and adjacent to Marshall's Ridge North (Jones Rd), a change to more intensive use was not warranted on the evidence before him (visual, ecological and habitat value, landslope characteristics, and access ) (p30).



\* regrowth areas should be given as much weight as older areas and (Commissioner Simpson) acknowledged the NPWS view that regrowth areas with weed intrusion have habitat value (pp32,33).

\* the evidence presented indicates the desirability of most, if not all, of the area being conserved despite partial degradation (p33).

\* activities along Marshall's Ridge North may be inhibited by areas of "high cultural resource value" said to have "aboriginal heritage significance" and that this should be fully resolved before an LEP was made (p36).

\* Commissioner Simpson also confirmed the exclusion of rural residential zones from DLEP 14 and recommended it be prepared in accordance with Council's amended zoning plan as presented to the hearing and his remarks contained in the report (pp44,50).

CONOS would also like to point out that the North Coast Regional Environment Plan (1988), Clause 29(c), states that "an LEP shall - include significant areas of natural vegetation including rainforest and littoral rainforest, wetlands, wildlife habitat, scenic areas and potential wildlife corridors in environmental protection zones". In view of the findings of numerous independent environmental studies at North Ocean Shores and the recommendations of the Simpson Hearing, CONOS feels Byron Shire Council would be acting with gross irresponsibility, if this Clause were ignored and the deferred areas were rezoned rural residential, thus effectively withdrawing them from the NPWS Nature Reserve proposal.

CONOS looks forward to your concern and significant contribution in preserving this unique and valuable part of our natural and cultural heritage. We would appreciate any comments you might have in relation to the points and issues raised above.

yours sincerely

S. Scanlon

(per CONOS)

Amongst the natural assets of the area are 450 species of native plants including 8 rare and endangered species, 13 species of vulnerable and rare fauna, and numerous aboriginal cultural relicts including the only surviving double bora ring (initiation ground) in NSW. The Nature Reserve proposal contains a wide range of habitat types all contained within natural catchment boundaries, allowing optimal future management for nature conservation. Perhaps the most important feature of the area is that it preserves a wide range of aboriginal cultural relicts within their natural context, the various habitats in which the aboriginal people hunted, collected, celebrated and generally lived their everyday lives. This is of immense educational and spiritual value to both aboriginals and white people.

ON FRIDAY THE 23<sup>RD</sup> OCTOBER 1992 FIRES WERE DELIBERATELY LIT AT NORTH OCEAN SHORES, 600 HECTARES OF THE 880 HECTARES HAVE BEEN BURNT. AGENT ORANGE HAS BE APPLIED IN THIS AREA UNTIL 1985; 2,4-D AND GLYPHOSATE ARE STILL BEING APPLIED AND WILL AGAIN SOON, A WEED SPRAYER WAS RESPONSIBLE FOR THE FIRE.  
YOUR HELP IS NEEDED AS SOON AS POSSIBLE.

S. Scanlon,



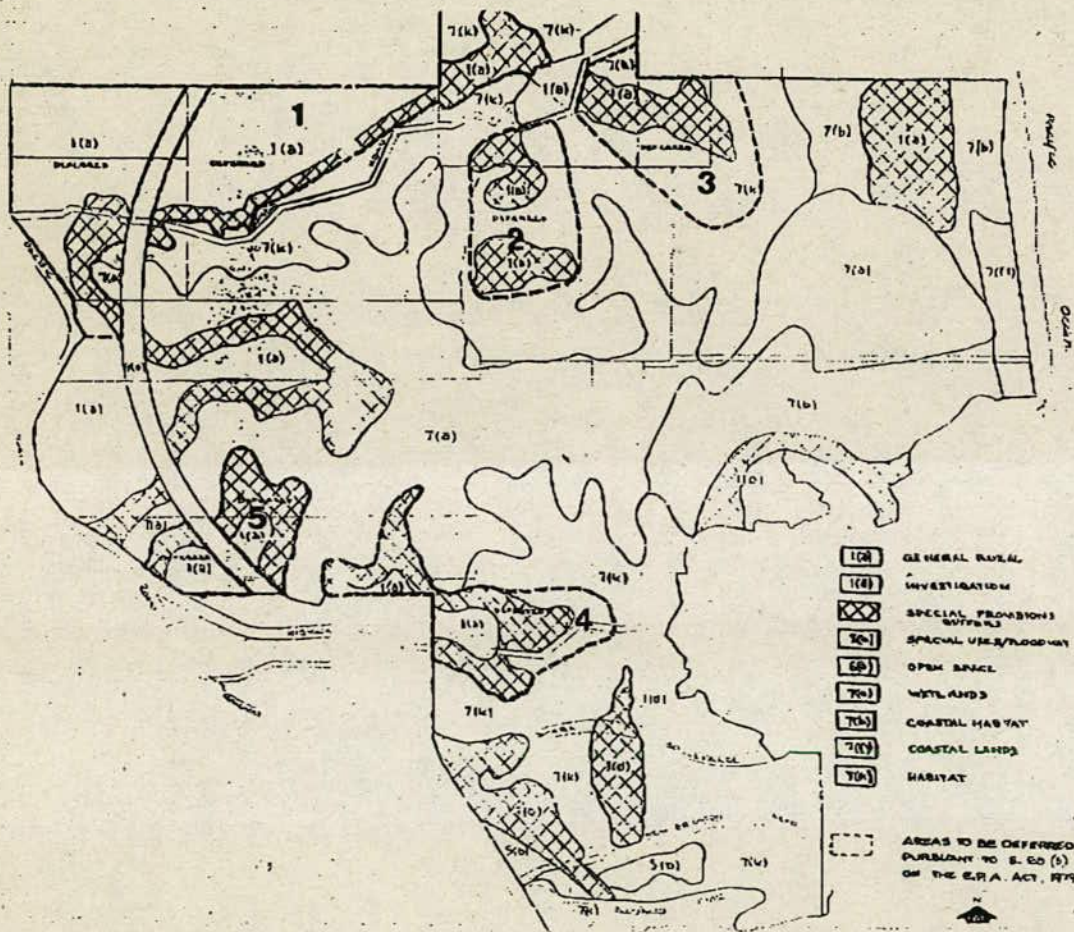


FIG 1: CONSERVATION VALUES IDENTIFIED IN DEFERRED AREAS AT NORTH OCEAN SHORES

Endangered Flora and Fauna and Environmental Constraints  
(source NPWS,1990; BEACON,1990; Gilmore et al,1986; Broadbent and Stewart,1986).

- Area 1: Koala habitat  
Wildlife corridor to hinterland habitats  
Archaeological sites along Jones Rd.
- Area 2: Bush Hen habitat (breeding)  
Marblewood (*Acacia bakeri*)  
Black bittern  
Long-nosed Potaroo
- Area 3: Corokia (*Corokia whiteana*)  
Black Walnut (*Endiandra globosa*)  
Littoral rainforest  
Adjacent to aboriginal heritage area and wetlands
- Area 4: Koala habitat  
Silverleaf (*Argyrophylum nullumense*)  
Close to Osprey nest site and feeding trees  
Buffer required for wetlands  
Wildlife corridor to Marshalls Ck and Brunswick Hds N.R.
- Area 5: Buffer required for wetlands

Other undesirable impacts if deferred areas are developed:

The viability of remaining natural habitats will be reduced through loss of buffers, habitat size and fragmentation.

Future management of the areas natural assets will be more difficult because of adjacent development and development within catchment boundaries (eg pollution from run-off, dogs and cats, fire, weeds)

The holistic value of aboriginal heritage sites preserved in an undeveloped natural setting (unique in northern coastal NSW) will be greatly lessened.

#### References:

- NPWS (1990). Submission to Public Hearing - Byron Shire Council, Ocean Shores Golf Course and Ocean Shores North (Local Environmental Plans Nos.13&14).
- BEACON (1990). Submissions to the Commission of Inquiry into North Ocean Shores.
- Gilmore, A.M., Milledge, D.R. and Mackey, D. (1986). Vertebrate Fauna of the Undeveloped Land, North Ocean Shores. J.T.C.W. Planning.
- Broadbent, J.A. and Stewart, R. (1986). North Ocean Shores Regional Environmental Study, J.T.C.W. Planning.



MR. JOHN CORKHILL  
NATURE CONSERVATION COUNCIL  
39 GEORGE STREET,  
SYDNEY, 2000, N.S.W.

JONES ROAD  
VERGUN 2483  
VIA BRUNSWICK HEADS  
N.S.W.  
10.11.1992

DEAR SIR,

ON FRIDAY THE 23<sup>RD</sup> OCTOBER 1992 FIRES WERE DELIBERATELY LIT ON LAND KNOWN AS NORTH OCEAN SHORES. OF 880 HECTARES COMPRISING OF SUCH, 600 HECTARES HAVE BEEN AFFECTED BY FIRE.

FAMILIES HAD TO BE EVACUATED, HOMES AND AGRICULTURAL PRODUCTION WERE THREATENED. AN \$80,000 TRACTOR WAS DESTROYED AS ITS OWNER, ATTEMPTED TO ASSIST WITH THE FIRE'S CONTROL.

DAYS WERE SPENT IN CONTROLLING AND EXTINGUISHING FIRES BY LAND OWNERS, BUSH FIRE PERSONNEL, POLICE, STATE EMERGENCY SERVICE OFFICERS AND INDIVIDUALS INVOLVED WITH SUCH.

SPOT-FIRES ARE STILL BEING ATTENDED TO.

AMONGST THE NATURAL ASSETS OF NORTH OCEAN SHORES WERE /ARE 450 SPECIES OF NATIVE PLANTS INCLUDING 8 RARE AND ENDANGERED SPECIES AND 13 SPECIES OF VULNERABLE AND RARE FAUNA. A WIDE RANGE OF HABITAT TYPES ALL CONTAINED WITHIN NATURAL CATCHMENT BOUNDARIES ALLOWED FOR OPTIMAL FUTURE MANAGEMENT FOR NATURE CONSERVATION.

HIGH CULTURAL RESOURCE VALUE REGARDING ABORIGINAL HERITAGE SIGNIFICANCE ALSO EXISTS.

\* A- WITNESSES HAVE STATED THAT A TRUCK WITH AGRICULTURAL SPRAY EQUIPMENT WAS VIEWED AND THAT A STRONG SMOELL EMANATED FROM SUCH TRUCK IN THE AREA OF WHERE THE FIRE STARTED ON FRIDAY THE 23<sup>RD</sup> OCTOBER 1992.

THE DEPUTY FIRE CONTROL OFFICER OF THE BYRON SHIRE STATED THAT A NOXIOUS-PLANT CONTRACTOR WAS RESPONSIBLE



2  
FOR LIGHTING THE FIRE ON THE 23<sup>RD</sup> OCTOBER 1992 AND THAT HE WAS HANDLED - OVER TO POLICE.

NO CHARGES HAVE BEEN LAID AGAINST THIS PERSON BY POLICE TO THIS DATE.

NO FIRE PERMIT WAS ISSUED BY BYRON SHIRE FIRE PERSONNEL, THE BYRON SHIRE HAD A TOTAL FIRE BAN ISSUED UPON IT AT THAT TIME.

\*B.- THE NOXIOUS PLANT AUTHORITY FOR THE FAR NORTH COAST OF N.S.W. IS THE FAR NORTH COAST COUNTY COUNCIL, CASINO, N.S.W., ITS ACTIVITIES IN THIS AREA HAVE BEEN QUESTIONABLE FOR SOME TIME.

I WAS INFORMED BY THE NATIONAL PARKS AND WILDLIFE SERVICE THAT A FAUNA IMPACT STUDY WAS TO BE UNDERTAKEN BEFORE AGRICULTURAL CHEMICALS WERE APPLIED IN NORTH OCEAN SHORES AFTER NOVEMBER, 1991 BECAUSE OF THE AREA'S SENSITIVITY.

PERMISSION WAS GIVEN TO THE FAR NORTH COAST COUNTY COUNCIL TO ENTER NORTH OCEAN SHORES AND APPLY AGRICULTURAL CHEMICALS BY THE NATIONAL PARKS AND WILDLIFE SERVICE OFFICE, AUSTONVILLE, N.S.W.

NO FAUNA IMPACT STUDY HAS BEEN UNDERTAKEN.

\*C.- NORTH OCEAN SHORES IS MANAGED AND OWNED BY THE OVERSEAS TRUST BANK, OF HONG KONG LIMITED. THIS OWNERSHIP HAS BE VERIFIED BY THE BYRON SHIRE COUNCIL AND THE TRUST BANK'S REPRESENTATIVE IN MULLUMBIMBY, N.S.W.

A PERSON STATING THAT HE IS THE OWNER OF NORTH OCEAN SHORES AND THAT HE IS A LAND DEVELOPER HAD MADE HIMSELF KNOWN TO THE BYRON SHIRE FIRE CONTROL OFFICER, ON DAYS AFTER THE 23<sup>RD</sup> OCTOBER 1992.

FIVE AREAS OF NORTH OCEAN SHORES ARE CURRENTLY BEING CONSIDERED FOR RURAL RESIDENTIAL REZONING BY THE BYRON SHIRE COUNCIL CONTRARY TO THE SIMPSON PUBLIC INQUIRY AND NATIONAL PARKS AND WILDLIFE SERVICE RECOMMENDATIONS OF 1990.

TWO OF THESE FIVE AREAS HAVE BEEN SIGNIFICIENTLY AFFECTED



BY FIRE, THEY WOULD NOW BE IN SUCH A CONDITION AS TO BE VIEWED AS HAVING LESS AN ENVIRONMENTAL SIGNIFICANCE AS BEFORE SUCH FIRE DAMAGE.

FAUNA HAS HAD TO REESTABLISH IN THE REMAINING 280 HECTARE OF NORTH OCEAN SHORES.

RAINFOREST SPECIES HAS BEEN DESTROYED, FORESTS OF CASUARINA AND MELALEUCA HAVE BEEN SEVERELY EFFECTED AND CYPRESS PINK STANDS MAY NOT SURVIVE.

I REQUEST YOU INVESTIGATE THESE MATTERS AT YOUR EARLIEST POSSIBLE CONVENIENCE AS I BELIEVE THAT A PUBLIC DUTY WILL BE BREACHED SHOULD SUCH MATTERS NOT BE PURSUED.

YOURS SINCERELY,  
MR. J. J. Scanlon  
(S. SCANLON)

BULDOZING HAS TAKEN PLACE TO SECURE A FIRE BREAK. I BELIEVE THAT A LARGE MIDDEN HAS BEEN AFFECTED AND I HAVE NOTIFIED N. P. W. S. AND THE LISMORE ABORIGINAL LAND COUNCIL.

I AM CONCERNED THAT IF DEPARTMENTS DO NOT LIAISE, THEN FURTHER DAMAGE TO ABORIGINAL SITES AND ARTIFACTS MAY OCCUR.

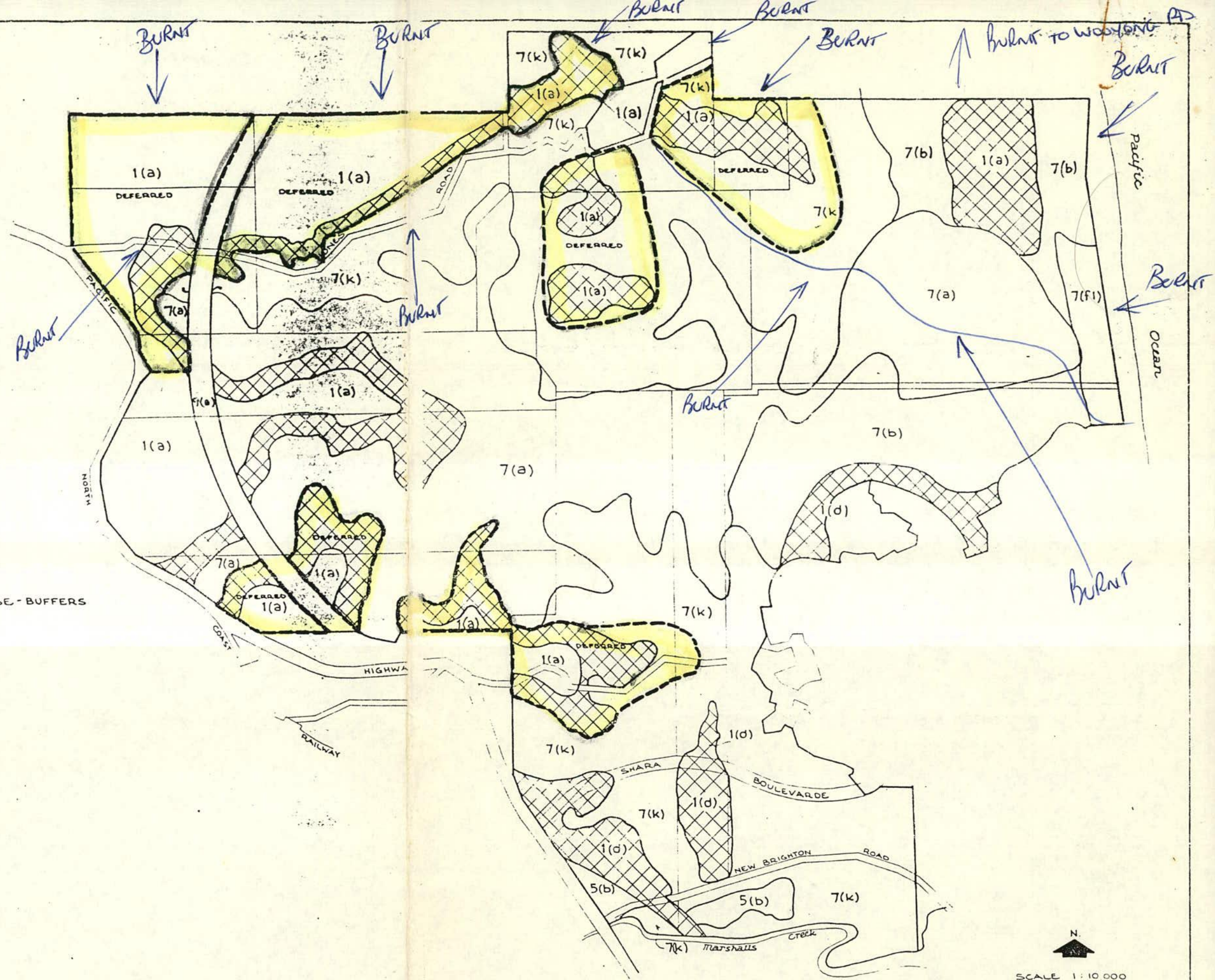
DEAD BIRDS HAVE BEEN FOUND ON THE BEACH BETWEEN SOUTH GOLDEN BEACH AND WOORYONG. (KURRAJONG & MAGPIE).



AREAS BEING CONSIDERED FOR RURAL  
RESIDENTIAL CONTRARY TO SIMPSON  
PUBLIC INQUIRY & NPWS. 1990

- 1(a) GENERAL RURAL
- 1(d) INVESTIGATION
- 7(a) SPECIAL PROVISIONS CLAUSE - BUFFERS
- 5(b) SPECIAL USES/FLOODWAY
- 6(a) OPEN SPACE
- 7(a) WETLANDS
- 7(b) COASTAL HABITAT
- 7(f1) COASTAL LANDS
- 7(k) HABITAT

AREAS TO BE DEFERRED  
PURSUANT TO S. 68 (5)  
OF THE E.P.A. ACT, 1979.



SCALE 1:10,000

DRAWN BY: LM DATE: 25.3.92  
PLANNING OFFICER: MPR  
COUNCIL FILE NO. 1651  
DEPT FILE NO.  
GOVT. GAZETTE OF

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979  
BYRON LOCAL ENVIRONMENTAL PLAN 1988  
AMENDMENT NO. 14

STATEMENT OF RELATIONSHIP WITH OTHER PLANS  
REPEALS INTERIM DEVELOPMENT ORDER NO.1  
SHIRE OF BYRON  
AMENDS BYRON LOCAL ENVIRONMENTAL PLAN 1988  
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL  
PLANNING & ASSESSMENT ACT, 1979 AND REGULATIONS  
Shire Clerk *Bary F. Pelly* DATE: 7.5.92



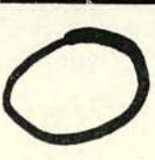


Moofone Rd

Byron Shire Boundary

South Golden Beach

New Brighton



Areas deferred from LEP No 14 for possible 1(c) rural residential zoning.



The Hon. Secretary,  
Mr James L.O. Tedder,  
Pavan's Road, Grassy Head,  
Yarrahappini  
via Stuart's Point. 2441.

Ph / Fax 065 690 802

draft 2 - 18.5.1993

Mr Robert Webster, M.L.C.,  
Minister for Planning and  
Minister for Heritage,  
175 Liverpool Street, SYDNEY. 2000.

18 May 1993

Dear Mr Webster,

Re: Request for use of s.136 emergency stop works order,  
Interim Conservation Order and Permanent Conservation Order  
North Ocean Shores, Byron Shire

*We* I write to request your urgent intervention under the Heritage Act 1977 to conserve and protect a very important area of natural and cultural heritage on the NSW north coast.

The area concerned is within the 850 hectare North Ocean Shores estate, and comprises five 'deferred zones' deleted from the recently completed Byron Shire Local Environment Plan Amendment No. 14. I understand the total area is approx 250 ha.

*The Coast* The natural and cultural heritage significance of this area is well documented and widely recognised. *We* I refer to numerous reports on the sites natural values, especially the complex mosaics of wet and dry heaths, the presence of endangered species of both flora and fauna, littoral rainforest and SEPP 14 wetlands. e.g. NPWS 1990; BEACON, 1990; Gilmore et al, 1986; Broadbent and Stewart, 1986; etc. No doubt the Department of Planning is aware of these reports.

The aboriginal cultural heritage significance of the area has been documented by K. Navin in 'An Archaeological Report of North Ocean Shores Development Area, NSW' (1990) and by the National Parks and Wildlife Service. In 1986, the Land and Environment Court found previous landholders, Bond Corporation, guilty of destroying identified site no.21: a bora ring in the North Ocean Shores area.

The National Parks and Wildlife Service have repeatedly expressed interest in acquiring a significant proportion of the North Ocean Shores estate for inclusion within an Nature Reserve in order to achieve long term protection and appropriate management of the heritage values inherent in the area.

(See 'NPWS Submission to Public Hearings on Byron Shire Councils Ocean Shores Golf Course and Ocean Shores North, Local Environmental Plans No. 13 & 14' 1990)



The 1990 Public Hearings into the LEP's chaired by Commissioner Simpson recommended that the North Ocean Shores estate be zoned to permit limited development (1(a), 1(d) with large areas excluded from then proposed residential and tourist development and zoned for environmental protection as 7(k) Habitat, 7(a) Wetlands, 7(b) Coastal habitat, 7(f) Coastal Lands, 6(a) Open space etc.

The Byron Shire Council recently voted to overturn the recommendations of the Commissioner and has deferred these 5 crucial areas and removed them from the Local Environment Plan to be shortly, if not already, forwarded to the Department for the Ministers approval.

The removal of these areas and the failure to accept the Commissioner's recommendation and the overwhelming public submissions has undermined community confidence in the Byron Shire Council. Their resolution to again consider rezoning to permit development within these five areas compromises over a decade of public processes and professional planning recommendations.

Late last month the Far North Coast County Council (FNCCC), the local noxious weeds authority, issued the new land holders, a notice under the Noxious Weeds Act, requiring the owners action to control, remove or destroy groundsel growing on the property. [The new owners are said to be 'Ocean Village P/L, 378 Roghan Road, Fitzgibbon. Brisbane. 4034, and one of the principals is said to be a Mr Chum Vidgin. The Overseas Trust Bank of Hong Kong is also said to be substantially involved.]

Such notices are fairly commonplace, and a landholders failure to act empowers the FNCCC to pursue its own action to control the nominated noxious weed. This it usually does by the highly controversial method of aerial spraying with the chemical 24D.

Instead of undertaking labour intensive weed control consistent with the areas recognised high conservation value, such as a 'cut paste' method, the landholders employed a local plant hire contractor, Bashford and Sons, of Brunswick Heads. Council is advised than when queried as to what they were engaged to do with their bulldozer on the site, the contractors replied that they had been hired to doze survey lines! This new threat to site 19 follows damage to Site 18 by a bulldozer in late 1992 (October / November).

Clearly either, the lines of communication from the owners to their contractors are in disarray, they are not being truthful, or the company has decided that 'groundsel clearance' provides the perfect excuse for making serious environmental impacts on the site. That there has been a history of landholders deliberately damaging the values of the area cannot be gainsaid.

Such action is consistent with an intent to diminish NPWS interest in acquisition of the area and to maximise the development



opportunities on a site severely constrained by flooding, aboriginal cultural heritage and rare and important associations of endangered plants and animals.

In the last two years Byron Shire Council has contributed to damage to the values of the area, emboldening the landholders to risk further damage to the site with impunity, grading for road construction on and adjacent to aboriginal sites 15 and 16 as recorded by Navin. Thus Council has ignored expert archaeological advice in carrying out its own operations.

In July 1991, perhaps while the sites' ownership was in transition, an earlier notice under the Noxious Weeds Act was issued by FNCCC but was not acted upon by the then landholders. Consequently, FNCCC undertook its own action and sprayed very large areas of North Ocean Shores with a toxic substance 24D. Thus an otherwise natural environment was contaminated by a dangerous chemical.

As a result of this aerial spraying, people living in the area have suffered ill-effects and a colony of flying foxes, including the rare Queensland Blossom Bat, were so disturbed that they abandoned their long term 'camp' adjacent to Jones' Road.

The full environmental impacts of such spraying on the natural values of the area, particularly on water quality and the endangered species such as the Long Nosed Potoroo, Koalas etc and their habitats have never been assessed.

That there co-exists within the North Ocean Shores area very important areas of remnant and regenerating native vegetation (wetlands, heaths, littoral rainforest) and an aggressive invasive weed such as groundsel is perhaps surprising. Yet the area is not covered in widespread groundsel bush, rather this weed has successfully colonised areas of disturbance, forming a patchwork of weeds within the complex mosaic of vegetation types.

The North Coast Environment Council supports the control and where possible, the removal, of noxious weeds, but insists that particularly in such an area of high conservation significance as North Ocean Shores, the method of control or eradication must be appropriate and pose no threat to the values inherent on the site.

Clearly, in such a site, with coastal topography which includes hills and floodplains, and fresh coastal breezes, 24D spray drift is inevitable. The inter-meshing, in some areas of the groundsel weed with important vegetation, also means that inevitably, non-target vegetation is also sprayed. Council has grave reservations about the cost-effectiveness of aerial spraying for weed control, in addition to concerns about the input of large volumes of toxic substances into any environment.



Last October, during a dry period, North Ocean Shores was set ablaze, producing unassessed impacts on the natural values of the area. The origin of these fires is apparently an arsonist or arsonists. Such fires have been lit in many previous years, sometimes 'requiring' the local Bush Fire Brigade to undertake more burning: fire breaks, back burns etc. Thus the failure to conclude crucial decisions about the use of these important areas, continues the management vacuum, and allows for abuses of all kinds.

Threats to the heritage values of site are in several forms:

- \* Byron Shire Council's deferral for further investigation for development zonings will continue to deny the area the protection and appropriate management that the natural and cultural heritage significance of the area clearly warrant;

- \* arsonists continue to burn North Ocean Shores because there are no secure boundaries nor is there competent active management. Thus important areas of native vegetation, including habitat for endangered species are repeatedly incinerated, and disturbed;

- \* Byron Shire Council road works continue to damage and denigrate identified aboriginal cultural heritage values;

- \* the landholders proposal to control groundsel, or construct survey lines, using a bulldozer, directly threatens identified aboriginal cultural heritage sites with massive disturbance;

- \* Far North Coast County Council's previous and threatened aerial spraying of 24D threatens the uncontaminated quality of important natural areas, water quality in the catchment and poses real threats to wildlife, especially endangered species.

All these threats are real and immediate. They require intervention by the Minister for Planning and Minister for Heritage in order to safeguard the documented heritage values of the North Ocean Shores.

North Coast Environment Council Inc therefore requests that you:

- \* reject the deferral of the five nominated areas from the Byron Shire Council's submitted LEP for North Ocean Shores and amend the Plan in accordance with the recommendations of Commissioner Simpson and the findings of the Public Inquiry;

- \* use your powers under s.136 to place an emergency stop work order over the site, to prevent bulldozer clearance of groundsel, and aerial spraying of 24D by FNCCC;

- \* direct Byron Shire Council to immediately develop and implement a new road strategy to re-route or modify Jones' Road's alignment to prevent further damage to sites nos. 15 & 16 in Navin 1990;



+ NCECs  
+ a nominee

\* direct your Department to convene a meeting with FNCCC, Byron Shire Council, NPWS and the landholders to design and implement:

- + a groundsel control and eradication program;
- + a fire prevention and management program;

which are appropriate and compatible with the area's natural and cultural heritage values;

\* request the NSW Heritage Council to furnish a recommendation for

- + an interim conservation order (ICO) with 40 days and
- + a permanent conservation order (PCO) within 12 months.

The Council would be pleased to liaise with Staff of the Department of Planning to further any investigations or actions relevant to the complaints and requests made above.

Council request the opportunity for its members to accompany Heritage Council members or staff of the Department on any field excursion associated with this application.

Council further requests the opportunity to be heard by the Heritage Council in its consideration of any recommendation for an ICO or PCO over the North Ocean Shores area.

In any event, the Council requests that you advise, at your earliest opportunity, what action you will take relevant to each request.

Thank you for your attention to this important matter.

Yours sincerely



Stan Scanlan =

Jimmy Budd

draining wetlands!

will build wall around property



# NATURE CONSERVATION COUNCIL OF NSW

THE NATURE CONSERVATION COUNCIL OF NSW  
39 GEORGE STREET  
SYDNEY, NSW 2000.

PHONE: (02) 247 4206/247 2228  
FAX: (02) 247 5945



TO: TERRY PARKHOUSE Please hand to Mr Parkhouse  
FROM: John Conkill

IF YOU DO NOT RECEIVE 6 PAGES INCLUDING THIS ONE PLEASE  
CALL (02) 247 4206 / 247 2228

## COMMENTS:

This draft is based on information supplied to me by Stan Scanlan who lives in Jones Rd. Please forward this draft to BEACON for comment or correction (including additions!). If I can have comments back by Thursday 20 afternoon evening I will complete this on Friday & send it in! Who will sign? You? Jim T?

Fax changes to (02) 2475945



# NATURE CONSERVATION COUNCIL OF NSW

THE NATURE CONSERVATION COUNCIL OF NSW  
39 GEORGE STREET,  
SYDNEY, NSW 2000.

~~PHONE: (02) 247 4206 / 247 2228~~  
PHONE: (02) 247 4206 / 247 2228  
FAX: (02) 247 5945



TO:

FROM:

IF YOU DO NOT RECEIVE \_\_\_\_\_ PAGES INCLUDING THIS ONE PLEASE  
CALL (02) 247 4206 / 247 2228

COMMENTS: