



## OFFICE OF THE OMBUDSMAN

3RD FLOOR 580 GEORGE STREET, SYDNEY 2000  
TELEPHONE: 286 1000

Our reference: C274

David Watson  
286 1000

Your reference:

- 9 NOV 1993

Mr J R Corkill  
NSW Environment Centre  
39 George St  
THE ROCKS NSW 2000

Dear Mr Corkill

**Re: Your Freedom of Information complaint about the Department of Planning**

I refer to the above complaint and apologise for the delay in replying.

It is my understanding that this matter was resolved in August, by way of the Department releasing to you all documents subject of your FOI application. I enclose a letter to this Office from Ms Gabrielle Kibble to this effect.

On the basis that this is the case I have decided not to pursue your complaint, as I do not believe there would be any utility in doing so. If you have not received the documents you should of course be in touch with me as soon as possible.

Please do not hesitate to ring me if you have any questions about my decision.

Yours sincerely

David Watson  
Investigation Officer  
for the Ombudsman



## Department of Planning

Mr J Corkill  
Suite 313  
375 George Street  
SYDNEY NSW 2001

Remington Centre  
175 Liverpool Street, Sydney 2000  
Box 3927 G.P.O. Sydney 2001  
DX. 15 Sydney

Telephone : (02) 391 2000 Ext:

Fax No. : (02) 391 2111 2117

Contact : N. Stephens

Our Reference : FOI 93/25

Your Reference :

Dear Mr Corkill,


24 NOV 1993

Reference is made to your application of 9 August 1993 under the Freedom of Information Act relating to the forestry operations in Dorrig and Glen Innes Management Areas.

Following your recent inspection of the documents, photocopying of those parts requested has now been completed. In accordance with the charges outlined in the Department's letter of 7 September 1993, a further fee of \$106.75 is now due. This fee comprises \$24.25, being for a total of 485 copies and \$82.50, being for 5 hours and thirty minutes involved in copying and collation

This fee may be paid at time of collection of the documents.

Yours sincerely,

  
R. Bowen

Manager

Natural Resources Branch

100611 4080 FOI

FOI





## Department of Planning

Mr John Corkill  
Suite 313  
375 George Street  
SYDNEY NSW 2001

Remington Centre  
175 Liverpool Street, Sydney 2000  
Box 3927 G.P.O. Sydney 2001  
DX. 15 Sydney

Telephone : (02) 391 2000 Ext:

Fax No. : (02) 391 2111

Contact :

Our Reference : FOI 93/25

Your Reference :

7.9.93

Dear Mr Corkill,

I refer to your Freedom of Information request of 9 August, 1993 concerning documents relating to the assessment of the environmental impact statements (EISs) for forestry operations in the Dorriggo and Glen Innes Management Areas.

On 1 September, 1993, I determined that you may have access to the documents, subject to the exemptions set out below. I have arranged for you to inspect the records at the Department's Head Office located at 75 Liverpool Street, Sydney. Please contact Mr Rex Bowen (ph: 391-2022) or Mr Ian Cranwell (ph: 391-2038) to arrange a suitable time.

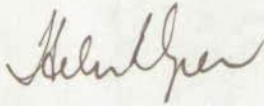
You are advised that I have approved your request for 50% reduction in the statutory fee relating to this application, on the basis of public interest. This works out to a fee of \$90 for access, based on 50% of the processing costs of \$30 per hour for 6 hours work by officers of the Department in locating the documents, examining this according to the requirement of the Act and necessary inter office consultations. A further charge of \$30 per hour representing costs for supervising your viewing of the files is also payable together with 10c per page if you wish to photocopy any documents.

I have also determined that some documents are exempt from access in terms of clause 10 to Schedule 1 of the Freedom of Information Act in that they are legal documents and subject to legal professional privilege.

If you are not satisfied with the determination to grant access in the manner suggested, or the costs incurred, you are entitled to exercise rights of review to appeal and rights of complaint to the Ombudsman as conferred by the Freedom of Information Act and the Ombudsman Act. These rights and procedures to be followed as detailed on the attached document.

Please do not hesitate to contact Mr Rex Bowen or Mr Ian Cranwell on the abovementioned telephone numbers should you have any further questions regarding this approval.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Helen Green', with a stylized, cursive script.

Helen Green  
Division Head  
Heritage, Assessments & Resources Division





## Department of Planning

Mr John Corkill  
Suite 313  
375 George Street  
SYDNEY 2001

Remington Centre  
175 Liverpool Street, Sydney 2000  
Box 3927 G.P.O. Sydney 2001  
DX . 15 Sydney

Telephone : (02) 391 2000 Ext:  
Fax No : (02) 391 2111

Contact :

Our reference : FOI 93/25

Your reference :

Dear Mr Corkill

Reference is made to your application for access to documents under the Freedom of Information Act relating to the forestry operations in Dorrig and Glen Innes Management Areas.

Your request is at present receiving attention. The Department will contact you again shortly.

Please find enclosed a receipt in the amount of \$30.00 representing the lodgement fee for your application.

Yours sincerely

C. Williams  
FOI COORDINATOR

16.8.93.

Encl.

# Department of Planning

## RECEIPT

Remington Centre:  
175 Liverpool Street, Sydney 2000  
Box 3927 G.P.O. Sydney 2001  
DX. 15 Sydney

Telephone: (02) 391 2000  
Fax: (02) 391 2111

RECEIPT NO.: 163304

DATE: 11/08/93

CASH/CHEQUE: CHEQUE

RECEIVED FROM: JK CORKILL

DETAILS: FOI FK CORKILL

THE SUM OF: \$\*\*\*\*\*30.00

IF PAYMENT HAS BEEN MADE BY CHEQUE THIS  
RECEIPT IS ISSUED SUBJECT TO THE CHEQUE ON  
ACCOUNT OF WHICH IT IS GIVEN BEING DULY CLEARED.



file copy -

-----+  
**JOHN R. CORKILL**  
**PUBLIC INTEREST ADVOCATE,**  
**ENVIRONMENTAL EDUCATOR, PLANNER,**  
**POLICY ADVISER**

Suite 313, 375 George St, Sydney. 2001. Ph & Fx 02 299 2541  
'The Big Scrub' Environment Centre, 149 Keen Street, Lismore. 2480 Ph 066 21 3278; Fx 066 222 676  
-----+

The Freedom of Information Officer,  
Department of Planning,  
175 Liverpool Street, Sydney. 2000.  
Attention: Mr Rex Bowen,

9th August 1993

Dear Sir,

Re: FOI request for documents relating to  
the assessment of the environmental impact statements (EISs) for  
forestry operations in the Dorrigo and Glen Innes Management Areas.

I apply under the Freedom of Information Act 1989 for access to and liberty to make copies of all documents relating to the Departments preparation of reports to the Minister pursuant to the Timber Industry (Interim Protection) Act 1992, on the environmental impact statements (EISs) prepared by NSW Forestry Commission for proposed forestry operations in Dorrigo and Glen Innes Management Areas.

A Schedule of documents, to which I seek access and for which I seek liberty to copy, is overleaf. I have obtained the report and determination for Glen Innes published under s.9 of the TIIP Act.

I apply for a 50% reduction in fees since I am of the opinion that the release of the requested information is in the public interest. I am of the view that the requested documents relate to decisions for the management of public lands by public authorities. The activities proposed have generated considerable public interest across a broad range of the public. The proper management of public resources such as state forests is in the public interest. That the preservation of wilderness and the recovery of threatened or endangered species is in the public interest is beyond doubt. That conservation of soil and protection of water quality is in the public interest is also beyond doubt. It is in the public interest that decision making processes of public authorities for public resources be open or transparent. The disclosure of the requested documents would assist the public in understanding matters of public interest, and would provide public accountability for public authorities.

I enclose a cheque for \$30.00 being application fee.  
Thank you for your attention to this matter.

Yours sincerely,

*J. R. Corkill*



F.O.I. APPLICATION by J.R. CORKILL to Dep't of PLANNING 9/8/1993  
SCHEDULE OF DOCUMENTS SOUGHT UNDER THE FREEDOM OF INFORMATION ACT  
Documents for which access, inspection and copying, is sought:

1. All documents obtained or created by the Department of Planning including studies, reports, notes, maps, correspondence, minutes, memoranda, other records and drafts thereof relating to the Departments'
  - (a) examination of the exhibited EISs and any supplementary comments or reports supplied by Forestry Commission of NSW or its consultants;
  - (b) consideration and assessment of public submissions and representations made by public authorities;
  - (c) evaluation of the environmental impacts statements' compliance with statutory requirements for Part V EISs;
  - (d) meetings, discussions or conversations held with other NSW public authorities, scientific or educational institutions, Members of Parliament, Forestry Commission or its consultants;

in the preparation of reports or draft reports on the Dorriggo and Glen Innes Management Area environmental impact statements EISs, pursuant to s.9.(4) of the TIIP Act 1992.
2. All documents obtained or created by the Department of Planning including studies, reports, notes, maps, correspondence, minutes, memoranda, other records and drafts thereof relating to the Departments' consideration of the:
  - (a) effectiveness and the suitability for application of the Standard Erosion Mitigation Conditions for Logging (SEMGLs) to forestry operations proposed in the EISs;
  - (b) socio-economic impacts of options proposed in the EISs;
  - (c) fauna assessments and/or evaluation of proposed mitigation measures;
  - (d) reserve systems proposed in the EISs;
  - (e) consequences of the predicted climate changes, especially global warming and ozone layer depletion;
  - (f) descriptions of aquatic ecosystems and invertebrates in forests the subject of the EISs and impacts on these;
  - (g) impacts of forestry activities on local council roads, bridges and road safety;
  - (h) definition of 'rainforest' and appropriate buffer zones.



SCHEDULE OF DOCUMENTS SOUGHT UNDER THE FREEDOM OF INFORMATION ACT

Documents for which access, by way of inspection and copying, is sought:

1. All documents obtained or created by the Department of Planning including studies, reports, notes, maps, correspondence, minutes, memoranda, other records and drafts thereof relating to the Departments'

- (a) examination of the exhibited EISs and any supplementary comments or reports supplied by Forestry Commission of NSW or its consultants;
- (b) consideration and assessment of public submissions and representations made to the Department by public authorities;
- (c) evaluation of the environmental impacts statements' compliance with statutory requirements for Part V EISs;
- (d) meetings, discussions or conversations held with other NSW public authorities, scientific or educational institutions, Members of Parliament, Forestry Commission or its consultants;

in the preparation of reports or draft reports on the Dorrigo and Glen Innes Management Area environmental impact statements EISs, pursuant to s.9.(4) of the TIIP Act 1992.

2. All documents obtained or created by the Department of Planning including studies, reports, notes, maps, correspondence, minutes, memoranda, other records and drafts thereof relating to the Departments'

- (a) consideration of the effectiveness and the suitability for application of the Standard Erosion Mitigation Conditions for Logging (SEMGLs) to forestry operations proposed for the Dorrigo and Glen Innes Management Areas.
- (b) *considerations of the socio-economic impacts and mitigation of proposed options proposed in the EIS*
- (c) *consideration of the fauna assessments and evaluation of proposed mitigation measures*
- (d) *consideration of the proposed reserve systems proposed in the EIS*
- (e) *consideration of <sup>the consequences of</sup> global warming and ozone depletion*
- (f) *consideration of aquatic ecosystems*
- (g) *consideration of invertebrates*

- (h) *consideration of <sup>the consequences of</sup> local council roads, bridges and road safety*

(1) consideration of rainforest definition and rainforest buffers zones

+-----+  
**JOHN R. CORKILL**  
**PUBLIC INTEREST ADVOCATE,**  
**ENVIRONMENTAL EDUCATOR, PLANNER,**  
**POLICY ADVISER**

Suite 313, 375 George St, Sydney. 2001. Ph & Fx 02 299 2541  
'The Big Scrub' Environment Centre, 149 Keen Street, Lismore. 2480 Ph 066 21 3278; Fx 066 222 676  
+-----+

The Freedom of Information Officer,  
Department of Planning,  
175 Liverpool Street, Sydney. 2000.  
Attention: Mr Rex Bowen,

9th August 1993

Dear Sir,

Re: FOI request for documents relating to  
the assessment of the environmental impact statements (EISs) for  
forestry operations in the Dorriggo and Glen Innes Management Areas.

I apply under the Freedom of Information Act 1989 for access to and liberty to make copies of all documents relating to the Departments preparation of reports to the Minister pursuant to the Timber Industry (Interim Protection) Act 1992, on the environmental impact statements (EISs) prepared by NSW Forestry Commission for proposed forestry operations in Dorriggo and Glen Innes Management Areas.

A Schedule of documents, to which I seek access and for which I seek liberty to copy, is overleaf. I have obtained the report and determination for Glen Innes published under s.9 of the TIIP Act.

I apply for a 50% reduction in fees since I am of the opinion that the release of the requested information is in the public interest. I am of the view that the requested documents relate to decisions for the management of public lands by public authorities. The activities proposed have generated considerable public interest across a broad range of the public. The proper management of public resources such as state forests is in the public interest. That the preservation of wilderness and the recovery of threatened or endangered species is in the public interest is beyond doubt. That conservation of soil and protection of water quality is in the public interest is also beyond doubt. It is in the public interest that decision making processes of public authorities for public resources be open or transparent. The disclosure of the requested documents would assist the public in understanding matters of public interest, and would provide public accountability for public authorities.

I enclose a cheque for \$30.00 being application fee.  
Thank you for your attention to this matter.

Yours sincerely,

*J.R. Corkill.*

*Cheque No. 288 498 402 000 270 14981*



F.O.I. APPLICATION by JOHN R. CORKILL to DEPARTMENT OF PLANNING  
9 August 1993

SCHEDULE OF DOCUMENTS SOUGHT UNDER THE FREEDOM OF INFORMATION ACT

Documents for which access, by way of inspection and copying, is sought:

1. All documents obtained or created by the Department of Planning including studies, reports, notes, maps, correspondence, minutes, memoranda, other records and drafts thereof relating to the Departments'
  - (a) examination of the exhibited EISs and any supplementary comments or reports supplied by Forestry Commission of NSW or its consultants;
  - (b) consideration and assessment of public submissions and representations made to the Department by public authorities;
  - (c) evaluation of the environmental impacts statements' compliance with statutory requirements for Part V EISs;
  - (d) meetings, discussions or conversations held with other NSW public authorities, scientific or educational institutions, Members of Parliament, Forestry Commission or its consultants;

in the preparation of reports or draft reports on the Dorrigo and Glen Innes Management Area environmental impact statements EISs, pursuant to s.9.(4) of the TIIP Act 1992.
2. All documents obtained or created by the Department of Planning including studies, reports, notes, maps, correspondence, minutes, memoranda, other records and drafts thereof relating to the Departments'
  - (a) consideration of the effectiveness and the suitability for application of the Standard Erosion Mitigation Conditions for Logging (SEMGLs) to forestry operations proposed for the Dorrigo and Glen Innes Management Areas.

*draft 1*

F.O.I. APPLICATION by JOHN R. CORKILL to DEPARTMENT OF PLANNING  
9 August 1993

SCHEDULE OF DOCUMENTS SOUGHT UNDER THE FREEDOM OF INFORMATION ACT

Documents for which access, by way of inspection and copying, is sought:

1. All documents obtained or created by the Department of Planning including studies, reports, notes, maps, correspondence, minutes, memoranda, other records and drafts thereof relating to the Departments'

- (a) examination of the exhibited EISs and any supplementary comments of reports supplied by Forestry Commission; *af NSW*
- (b) consideration and assessment of public submissions and representations made to the Department by public authorities;
- (c) meetings, discussions or conversations held with other NSW public authorities, scientific or educational institutions, Members of Parliament, Forestry Commission or its consultants;

*the* in its preparation of reports or draft reports on the Dorrigo and Glen Innes Management Area environmental impact statements EISs pursuant to s.9.(4) of the TIIP Act 1992.

2. All documents obtained or created by the Department of Planning including studies, reports, notes, maps, correspondence, minutes, memoranda, other records and drafts thereof relating to the Departments'

- (a) consideration of the effectiveness and the suitability for application of the Standard Erosion Mitigation Conditions for Logging (SEMGLs) to forestry operations proposed for the Dorrigo and Glen Innes Management Areas.

[FF: \dma\foi\ dop appln. aug]



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- \* Weight Gain
- \* Fitness Assessment
- \* Circuit Training
- \* Individualised Programs
- \* Contest Preparations
- \* Dietary Guidance

FOR MORE INFORMATION CONTACT

ALISON C. DAWSON

Phone: 264-1861

Page: 016-020 #239400



Dept of Planning FOI No 1 Dorrigo MA EIS's sub+com<sup>2</sup>  
FOI document referred to NPWS for approval to release

Aboriginal + Historical Archaeological  
Survey of the Dorrigo Forestry MA.  
by Jillian Canber

Report to Sinclair Knight. on behalf FCNSW

fieldwork August 91

Report Sept. 92

78 pages

(+) Figures (Maps 1-17)  
Photographs 96-125

Appendices.

A Ab Land Canats. Repts 126-127

B Pres. areas under PMD 128

C Artifact recording forms 129-13

D s. 170 HAct Reg. 138-144

E Glossary 145

References (3.5 pp) starts @ 149

per conversation: Ray Giddings DOP NatRes Branch

## DEPARTMENT OF PLANNING

NATURAL RESOURCES BRANCH

## FAX TRANSMISSION

To: John Corkhill FAX No. 291 7037

From: Ray Giddins FAX No. (02) 391-2235  
(02) 391-2151

Telephone contact No. (02) 391-2263

Number of pages to follow 1 DATE 11-8-93

## Message

As discussed, here is list of papers you may already have or may be able to obtain at lower cost through other sources:

- X 1. Report on allegations of breaches of logging prescriptions in Chaelundi State Forest
- X 2. Cornish (1991) Some effects of logging on water quality and water yield in the Karuah Hydrology research catchment - Presented at IFA conference.
3. Cornish (1990) Water quality studies in NSW State Forests # 1. Aust. For. 43(2) 105-110
4. Cornish (1989) Water quality in unlogged + logged eucalypt forests near Bega, NSW, during a nine year period Aust. For. 54: 276-285
5. Cornish-Baines (1987) Streamwater quality following logging and wild fire in a dry sclerophyll forest in SE Aust Forest Ecology and Management 22: 1-28
- X 6. McStorrs (1992) The effects of logging on aquatic fauna: The Black Scrub Logging area - UNE Thesis, bond, Gopp

7. Edwards (1983) Estuarine Aquatic Insects - Microflora and Microfauna of Yambulla SF catchments. FRSIS Res. Paper #9 - Bound 25pp

Andrew Smith's report on habitat trees





15 JUL 1993

**OFFICE OF THE OMBUDSMAN**

3RD FLOOR 580 GEORGE STREET, SYDNEY 2000  
TELEPHONE: 286 1000

Our reference:

Your reference **C274:JW**

13 July 1993

**FAXED**  
15/7

Mr J.R. Corkill  
NSW Environment Centre  
39 George Street  
THE ROCKS 2000

Dear Mr Corkill,

**Re: Your complaint about the Department of Planning.**

---

Your complaint has been received and will be assessed as soon as practicable.

Further advice will be sent to you as soon as a decision in the matter has been made.

Yours sincerely,

Jan Weller  
Senior Investigative Assistant  
for the Ombudsman

+-----+  
**JOHN R. CORKILL**  
**ENVIRONMENTAL EDUCATOR, PLANNER,**  
**POLICY ADVISER**

NSW Environment Centre, 39 George St, The Rocks. 2000. Ph 02 2474 206; Fx 02 2475 945;  
'The Big Scrub' Environment Centre, 149 Keen Street, Lismore. 2480 Ph 066 21 3278; Fx 066 222 676;  
+-----+

The Office of the Ombudsman,  
3rd Floor, 580 George Street, Sydney. 2000.

5 July 1993

Dear Sir,

Re: Request for External review under s.52 of the FOI Act 1989  
Application No. 93/09 made to Department of Planning  
on 11 March 1993 viz Submissions made on Dorrig Management Area  
Environmental Impact Statement.

On 11 March 1993 I applied to the Department of Planning for access to and liberty to copy submissions made on the Dorrig MA EIS, by private individuals and public authorities. The initial decision on this request was the subject of an Internal Review completed by Mr Neville Apitz and advised to me in a letter dated 18 May 1993.

I request an External Review by the Ombudsman of decisions by the Department of Planning to refuse me access to 5 submissions (nos. 72, 74, 78, 115, and 141) by Department of Conservation and Land Management, NSW Fisheries, Environment Protection Authority, Australian Museum and National Parks and Wildlife Service.

You will note from the attached correspondence that I have asserted that the release of the documents involved would be in the public interest and assist public accountability of the agencies.

I do not accept that the sought documents are 'internal working documents'. I further reject the claim that the release of the documents would, on balance, be contrary to the public interest.

Nor do I accept the assertions in items a) to d) of Mr Apitz's letter of 18 May 1993. In my request for an internal review I specifically alerted the Department to the irrelevance of any consideration of the purposes to which the documents might be put, or possible embarrassment. These are clearly irrelevant considerations having regard to s. 59A of the FOI Act.

The with-holding of these documents is due, in my opinion, to the political intervention of Minister(s) of the Crown who were embarrassed by my colleagues', Mr Barrie Griffith's and Mr Chris Sheed's, public use of and quoting from EIS submissions made by public authorities on the Mount Royal and Wingham MA EIS.



Mr Griffith's was granted access by the Department of Planning to all submissions in an identical application for earlier EIS's. Thus the Department's decision is clearly inconsistent and unjust.

On 8 February 1993 the then Minister for Conservation and Land Management, Mr Garry West wrote to the Federal Minister for the Environment, Mrs Kelly, claiming that the environmental impacts statements for Mount Royal, Wingham, Glen Innes and Dorrigo, met all the requirements of the National Forest Policy Statement, then recently co-signed by the Commonwealth and NSW Governments. The NFPS requires that "comprehensive regional assessments" be undertaken for forests in each state.

Mr West endorsed the Mount Royal and Wingham EIS's in the media hailing them as 'state of the art', pre-empting the purpose of the DoP review, apparently to influence the EIS determination process.

Subsequently, Mr West was severely embarrassed when the Department of Planning and the Minister for Planning refused the Mount Royal EIS as "inadequate" and "containing inconsistencies and confused analysis". Mr West was further embarrassed when the Minister for Planning imposed numerous additional conditions to the Wingham EIS. So much for the brave claims of the EIS's satisfaction of NFPS requirements - they did not even meet NSW legal requirements! Following these decisions the Commonwealth government declined to accept the Forestry Commission's EIS process as constituting "comprehensive regional assessment".

I believe that the Department of Planning has made decisions to with-hold these submissions following these events, to prevent me or any others from commenting on the Dorrigo MA EIS having regard to the submissions made by the public authorities.

The FOI Act is thus being politically manipulated to ensure a lack of public access to and knowledge of relevant and important documents prepared by public authorities; and to prevent the public's understanding of the weaknesses and inadequacies of the Dorrigo MA EIS. The FOI Act is being used to prevent further embarrassment to Ministers and the Forestry Commission of NSW.

I am concerned that the lack of access to these documents will permit the Department of Planning to make a decision on the Dorrigo MA EIS which is covert, politically driven, contrary to the public interest and the stated intent of the NFPS, and which does not properly address the serious concerns of other public authorities.

I request that, if your review under the FOI Act discovers wrong or improper conduct by officers of the Department of Planning, you consider an investigation and a report under the Ombudsman Act. I attach all correspondence on this matter for your assistance.

Yours sincerely,

*J.R. Corkill*





## Department of Planning

Mr J.R. Corkill  
NSW Environment Centre  
39 George Street  
THE ROCKS NSW 2000

Remington Centre  
175 Liverpool Street, Sydney 2000  
Box 3927 G.P.O. Sydney 2001  
DX . 15 Sydney

Telephone : (02) 391 2000 Ext:  
Fax No : (02) 391 2111

Contact :

Our reference : FOI 93/09

Your reference :

Dear Mr Corkill,

18 MAY 1993

I refer to your application of 11 March, 1993 under the Freedom of Information Act, 1989 for access to and liberty to make copies of all submissions made on the recently exhibited Dorrig Management Area EIS. I refer also to the determination made by H. Green on 27 April 1993 in which your application was denied and your further request for an internal review under Section 34 of the FOI Act received on 29 April 1993.

An internal review has been undertaken of the previous determination. During this review all 154 submissions received in response to the public exhibition of the Dorrig Management Area EIS were individually examined. As a consequence I have concluded that access to submissions numbered 72, 74, 78, 115 and 141, viz: the submissions of the Department of Conservation and Land Management, NSW Fisheries, the Environment Protection Authority, the Australian Museum and the National Parks and Wildlife Service should be refused. I regard these documents as being internal working documents whose release would not be in the public interest of the proper working of government and its agencies in that:

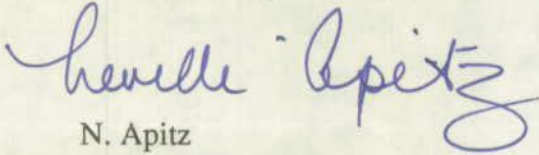
- (a) premature disclosure may reveal sensitive information that may be "misunderstood or misapplied by an ill-informed public";
- (b) disclosure would lead to confusion and unnecessary debate resulting from disclosure of possibilities considered;
- (c) disclosure of documents which do not fairly disclose the reasons for a decision specifically taken may be unfair to a decision maker and may prejudice the integrity of the decision making process;
- (d) disclosure will inhibit frankness and candour in future pre-decisional communications.

I have however additionally concluded that access to all other submissions should be allowed.



You may care to make arrangements with Mr Rex Bowen, Manager, Natural Resources Branch to gain access to those submissions which I have determined as being available under the internal review just completed.

Yours sincerely



N. Apitz  
Assistant Director



## Department of Planning

Mr J Corkill  
Environmental Educator,  
Planner, Policy Advisor  
NSW Environment Centre  
39 George Street  
THE ROCKS NSW 2000

Remington Centre  
175 Liverpool Street, Sydney 2000  
Box 3927 G.P.O. Sydney 2001  
DX . 15 Sydney

Telephone : (02) 391 2000 Ext:  
Fax No : (02) 391 2111

Contact :

Our reference :  
FOI 93/09

Your reference :

27.4.93

Dear Mr Corkill

I am writing further to earlier correspondence regarding your application under the provisions of the Freedom of Information Act for access to documents on the Dorrig Management Area Environmental Impact Statement.

On 27 April I determined that your request for access be refused as the documents are exempt according to Schedule 1, part 3 of the Act, in that they are internal working documents used in the course of the decision-making functions of the Minister for Planning and their release would, on balance, be contrary to the public interest.

I have enclosed information relating to your rights to a review of this determination and appeal procedures should you be dissatisfied with my determination.

Should you require any further assistance please contact Philip Pick on telephone number 391 2257.

Yours sincerely

H Green  
Head  
Heritage, Assessments and Resources Division



## YOUR RIGHTS TO REVIEW AND APPEAL

### 1. INTERNAL REVIEW

Under s.34 and s.47 of the Freedom of Information Act (NSW), 1989, if you are dissatisfied or "aggrieved" with certain decisions or "determinations" of an agency you can apply to the agency concerned for an internal review of its determination.

A person is aggrieved by a determination on an application for access to records if any of the following apply:

- i) an agency refuses to give the applicant access to a document; or
- ii) access to a document is to be given to the applicant subject to deferral; or
- iii) access to a copy of a document from which exempt matter has been deleted is to be given to the applicant; or
- iv) access to a document is to be given to the applicant subject to a charge for dealing with the application, or for giving access to a document, that the applicant considers to be unreasonable; or
- v) a charge for dealing with the application is payable by the applicant, being a charge that the applicant considers to have been unreasonably incurred; or
- vi) (Compulsory consultation) an agency should have, and has not, taken such steps as are reasonably practicable to obtain with the views of the person as to whether or not the document is an exempt document ... ; or
- vii) (Compulsory consultation) an agency should have, and has, taken such steps, but the determination is not in accordance with the views of the person; (s.34) or
- viii) ... an agency refuses to amend its records in accordance with the application." [s.47]

To apply for an internal review of a determination you must write a letter or lodge an internal review application form with the same agency as made the determination within 28 days of being given the determination. If the determination has been posted, it is deemed to have been given to you on the fifth day after the letter was posted.

**There is no right to an internal review of a determination regarding a Minister's document.**

### 2. INVESTIGATION BY THE OMBUDSMAN

If, after an internal review has been completed, you are still dissatisfied with the agency's determination you can request an investigation by the Ombudsman of the determination. The Ombudsman is empowered to investigate the conduct of any person or body in relation to a determination made by an agency under this Act.

Provided you have had an internal review, you can apply for an investigation by the Ombudsman at any time. However, if you wish to keep open the option of later appealing to the District Court, you must apply to the Ombudsman within 60 days of receiving the determination from your internal review.

Requests to the Ombudsman must be in writing, an application form is not required. Investigations by the Ombudsman are free. Further information is available from the Office of the Ombudsman, phone (02) 286 1000.

**There is no right to an investigation by the Ombudsman of a Minister's determination under the Freedom of Information Act or in relation to the issue of a Ministerial certificate.**

### 3. APPEAL TO THE DISTRICT COURT

If you are dissatisfied with a determination by an agency or a Minister after internal review or after review by the Ombudsman, you can appeal to the District Court. The definitions of what "aggrieved" means under the FOI Act are the same as those which allow you to apply for an internal review (see above i - viii).

Applications must be made within 60 days after the relevant determination was given to the you or, if you have sought an investigation by the Ombudsman, within 60 days after the results of the Ombudsman's investigation of the complaint were reported to you.

The procedures relating to applications to the District Court are established by the Court, phone (02) 228 7777.



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**JOHN R. CORKILL**  
**ENVIRONMENTAL EDUCATOR, PLANNER,**  
**POLICY ADVISER**

NSW Environment Centre, 39 George St, The Rocks. 2000. Ph 02 2474 206; Fx 02 2475 945;  
'The Big Scrub' Environment Centre, 149 Keen Street, Lismore. 2480 Ph 066 21 3278; Fx 066 222 676;  
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Mrs Gabrielle Kibble,  
Director, Department of Planning,  
175 Liverpool Street, Sydney. 2000.

17 May 1993

Dear Mrs Kibble,

Re: Query on action on request for internal review  
FOI request for submissions made on Dorrigu MA EIS

I refer to my application, dated 11 March 1993, under the Freedom of Information Act 1989 for access to and liberty to make copies of all submissions made on the recently exhibited Dorrigu Management Area EIS. I refer also to a determination made by H. Green, Head Heritage, Assessments and Resources Division, dated 27 April 1993, where-in I was advised that my request has been denied.

I further refer to my request for an Internal Review under s.34 of the FOI Act made in correspondence addressed to you dated 28 April 1993 and hand delivered to your office on 29 April 1993.

To date I have received no advice as to progress on or a determination of my request of 28 April 1993. Under s.34(6) of the FOI Act, a failure to respond to such a request within 14 days shall be taken as a determination to refuse access to the documents to which the application relates.

I understand that the expiry of this 14 day period may be a simple oversight within the Department, rather than a refusal to deal with my request for internal review. I trust that there has been no intentional delay in processing this matter.

While it appears that I have the opportunity to now approach the District Court to seek an external review of this application, I would prefer to avoid the costs and effort inevitably involved in pursuing the matter before the court. If the review could be swiftly completed and advice of a determination provided I would be grateful and could see little use in commencing proceedings.

Consequently, I request advice of your determination of my request for an internal review by 4.00 pm Thursday 20 May 1993. For these purposes I would be content to receive a fax message at the NSW Environment Centre per 02 2475 945 (fax).

Yours sincerely,

*J.R. Corkill.*



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**JOHN R. CORKILL**  
**ENVIRONMENTAL EDUCATOR, PLANNER,**  
**POLICY ADVISER**

NSW Environment Centre, 39 George St, The Rocks. 2000. Ph 02 2474 206; Fx 02 2475 945;  
'The Big Scrub' Environment Centre, 149 Keen Street, Lismore. 2480 Ph 066 21 3278; Fx 066 222 676;  
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Mrs Gabrielle Kibble,  
Director, Department of Planning,  
175 Liverpool Street, Sydney. 2000.

28 April 1993

Dear Mrs Kibble,

Re: Request for internal review of determination of  
FOI request for submissions made on Dorriggo MA EIS

I refer to my application, dated 11 March 1993, under the Freedom of Information Act 1989 for access to and liberty to make copies of all submissions made on the recently exhibited Dorriggo Management Area EIS.

I refer also to a notice of determination made by H. Green, Head Heritage, Assessments and Resources Division, dated 27 April 1993, where-in I am advised that my request has been denied...

"as the documents are exempt according to Schedule 1, Part 3 of the Act, in that they are internal working documents used in the course of decision making functions of the Minister for Planning and their release would, on balance be contrary to the public interest."

I hereby apply for an internal review of this decision. I enclose a cheque for \$40.00 being application fee for this review.

I query the determination that the documents are 'internal working documents'. Plainly the material for which access was requested are public submissions, made by a range of persons, individuals, corporations and public authorities external to the Department of Planning. I have not sought access to the Director's Report to the Minister for the purpose of his determination of the EIS, since this would clearly be an 'internal working document'.

Schedule 3 requires that documents are only exempt where they are 'internal working documents' AND their release 'would, on balance, be contrary to the public interest'.

In the Department's letter of determination, no evidence is provided to support the finding that the release of these reports 'would, on balance, be contrary to the public interest'.



In my application I set out my reasons for asserting that the release of the documents would be in the public interest. Those reasons are not referred to in the determination and it appears no consideration was made as to these reasons. I request, that in your internal review, you address these reasons directly.

I request that you advise me of what considerations were taken into account by the Department of Planning, in determining my application, to swing the balance of public interest towards exemption?

I draw to your attention s.59A of the FOI Act inserted by the FOI (Amendment) Act 1992 where-in "embarrassment to the Government or a loss of confidence in the Government" are explicitly cited as being irrelevant for the purposes of determining the public interest.

Given this, I request clear and unequivocal advice as to how the release of these public submissions could be deemed to be "on balance, contrary to the public interest".

Further, I refer to a Freedom of Information application made by my colleague Mr Barrie Griffith, who applied on December 22 1992, in very similar (if not identical) terms for access to and liberty to copy submissions made to the Department of Planning on both the Mt Royal and Wingham MA EIS's.

Mr Griffiths' application was granted and he obtained access on 18 February 1993 to documents of an identical nature to those for which I have now been refused access. Thus the recent refusal of my application is inconsistent with previous decisions made by the Department under the FOI Act.

Finally, I request advice in your internal review, of the responses received by the Department of Planning from the various submitters, following the request in my FOI application, that the Department now contact these third parties to seek their approval to the release of their submissions.

I look forward to your reply.

Yours sincerely,

John R. Corkill.





# Department of Planning

Mr John R Corkill  
Environmental Educator  
Planner Policy Adviser  
NSW Environment Centre  
39 George Street  
THE ROCKS 2000

Remington Centre  
175 Liverpool Street, Sydney 2000  
Box 3927 G.P.O. Sydney 2001  
DX. 15 Sydney

Telephone : (02) 391 2000 Ext: 2257  
Fax No : (02) 391 2111

Contact :

Our reference : FOI 93/09

Your reference :

*FAILED to NERA  
1/4/93*

29 MAR 1993

Dear Sir

I am writing further to my letter of 16 March 1993 regarding your application under the provisions of the Freedom of Information Act for access to documents on the Dorrig Management Area Environmental Impact Statement.

Submitters to the EIS are being contacted and I shall write to you again when I have further advice.

Yours faithfully

*Philip Pick*  
Philip Pick  
for Secretary

*Phone call 27/4/93 11.35am.*

*P.Pick advised will write to me formally soon - hopefully by 30/4/93 to advise determination. DoP still awaiting replies from old parties? I advised desire to access copy into early week beginning 3/5/93. Pick invited phone call @ any time. F.*



# Department of Planning

Mr John R Corkill  
Environmental Educator Planner  
& Policy Advisor  
39 George Street  
THE ROCKS 2000

Remington Centre  
175 Liverpool Street, Sydney 2000  
Box 3927 G.P.O. Sydney 2001  
DX 15 Sydney

Telephone : (02) 391 2000 Ext: 2257  
Fax No : (02) 391 2111

Contact :

Our reference : FOI 93/09

Your reference :

Dear Sir

I acknowledge receipt of your request under the provisions of the Freedom of Information Act seeking access to copies of submissions made on the Dorriggo Management Area Environmental Impact Statement.

Your request was received on 15 March and is at present receiving attention. I shall write to you again shortly.

A receipt for \$30.00 is enclosed and your request for a reduction in fees has been noted.

Yours faithfully

Philip Pick  
FOI COORDINATOR

Encl.

16/  
3/93



+-----+  
**JOHN R. CORKILL**  
**ENVIRONMENTAL EDUCATOR, PLANNER,**  
**POLICY ADVISER**

NSW Environment Centre, 39 George St, The Rocks. 2000. Ph 02 2474 206; Fx 02 2475 945;  
'The Big Scrub' Environment Centre, 149 Keen Street, Lismore. 2480 Ph 066 21 3278; Fx 066 222 676;  
+-----+

The Freedom of Information Officer,  
Department of Planning,  
175 Liverpool Street, Sydney. 2000.

11.3.1993

Dear Sir/Madam,

Re: FOI request for submissions made on Dorriggo MA EIS

I apply under the Freedom of Information At 1989 for access to and liberty to make copies of all submissions made on the recently exhibited Dorriggo Management Area Environmental Impact Statement (EIS).

While I am interested in all submissions, even from private individuals, I am particularly interested to view and obtain the submissions of NSW government agencies including the Environment Protection Authority, Department of Conservation and Land Management and National Parks and Wildlife Service.

I am especially concerned to obtain access to all Forestry Commission submissions made on the EIS and/or any FCNSW comments made on submissions made by others. However, I do not wish to be limited to these agencies only. Although it is impossible to say so definitely now, it's likely I'll only seek to obtain copies of only some submissions.

I request that you now seek the views of the authors of these documents, on the release of their Dorriggo EIS submissions.

I apply for a 50% reduction in fees and charges for this FOI request since I am of the opinion that the release of the requested information is in the public interest.

I am of the view that these submissions relate to decisions for the management of public lands by a public agency. That the management of state forests is in the public interest is beyond doubt. That the Dorriggo (Chaelundi) area is of public interest is also beyond doubt. The disclosure of these submissions would assist in the public in understanding a matter of public interest, and would provide public accountability of the various NSW agencies.

I enclose a cheque for \$30.00 being application fee.

Yours sincerely,

*J.R. Corkill*



Dr H Drielsma  
Commissioner  
Forestry Commission  
Locked Bag 23  
Pennant Hills 2120

File: G90/00228/001

123 MAR 1993

Dear Dr Drielsma

I refer to our meeting on 22 March 1993 about the environmental impact statement for the Dorrig Management Area. The meeting was attended by Messrs J Halkett, R. Bowen, I. Cranwell and ourselves.

I agreed to send you a list of aspects on which the Commission may wish to provide further information to assist the Department in its assessment of the proposal. The list is attached. It is drawn from the Department's preliminary analysis and from submissions made to the EIS. While the Department may identify further areas in which extra information would be warranted, the present list covers the major likely areas.

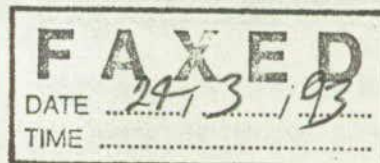
I note that the Commission has begun additional work on roading and rainforests, and has begun to analyse the major submissions. The Commission expects to have a draft analysis of two of the major submissions by the middle of this week and will forward this to the Department as soon as practicable after that. I confirm that it is acceptable to the Department to receive analyses of submissions and additional information sequentially, as they become available.

As we discussed, the scope and amount of extra information will have a considerable bearing on the options open to the Department in proceeding with its assessment.

Yours sincerely,

GK

G Kibble  
Director





## DORRIGO MANAGEMENT AREA EIS

### ATTACHMENT

The following points highlight major concerns raised in submissions and by the Department of Planning about the Dorrigo Management Area (DMA) EIS.

#### Director's Requirements

\* Concerns have been raised about several Director's requirements. These are:

1. "A survey of the flora and fauna including aquatic fauna and migratory species and in particular indicating the presence of any rare or endangered species." (Raised by EPA and NPWS).

The NPWS has stated "of serious concern is the lack of systematic fauna surveys and the poor sample effort for flora and archaeological surveys". Both the EPA and the NPWS have noted aquatic fauna were not surveyed.

2. "An assessment of the water quality in the catchment(s) affected by the Management Plan." (Raised by EPA).

No site specific information was obtained. Assessment was purely derived from a literature survey. The EPA considers this as unsatisfactory. NEFA comment that the hydrology section of the EIS was not properly referenced.

3. "The impact on the water quality of the catchment(s) and any proposed mitigation measures." (Raised by EPA).

(See 2 above).

4. "Operations over the next five years will be considered in more depth, including operations in unlogged old growth areas in Chaelundi State Forest." (Raised by NPWS).

It appears that this has not been done.

5. "The relationship of the Management Area to adjoining and nearby National Parks and an assessment of whether community requirements for wilderness and old growth forest areas for recreational purposes are met by existing National Parks". (Raised by NPWS).

The NPWS considers that the issue of wilderness conservation is poorly addressed by the EIS, noting that there appears to be a lack of understanding of the aims, criteria for identification, management principles and processes of the Wilderness Act 1987. The NPWS states: "The Dorrigo Management Area EIS has devoted a limited amount of attention to the recreation aspects of wilderness conservation, but has largely ignored all

other aspects of wilderness conservation and the majority of the recognized values of identified and declared wilderness areas".

6. "The impact of continued grazing in the area on nature conservation values." (Raised by NPWS).

The NPWS considers that the EIS gives only a general discussion of the impact of grazing on the vegetation. The NPWS notes that the EIS does not undertake surveys and impact assessment of grazing. The Service also states that the EIS provides no information on the stocking rates in specific areas, Crown leases or occupation permits.

7. "Consideration of alternative timber sources." (Raised by NPWS).

The EIS has given consideration to alternative products (e.g. softwoods) but alternative timber sources do not appear to be identified.

8. "Provisions for monitoring the implementation of recommendations made in the EIS." (Raised by NPWS).

The EIS contains no monitoring provisions except for those associated with permanent growth plots and yield monitoring. CaLM makes the comment that the EIS does not provide for the regular monitoring of the implementation of erosion mitigation conditions by Forestry Commission staff. There also appears to be no provisions for the monitoring of water quality or the effectiveness of soil erosion mitigation measures.

## Flora

### Vegetation Mapping

- \* The accuracy of the forest type maps for the DMA has been questioned by both the NPWS and NEFA (pages 41 and 10-12 of these submissions, respectively). The NPWS considers that forest type maps should have been presented in the EIS and that mapping must be reviewed within a year. The NEFA submission indicated that areas within the DMA have been erroneously typed. This has direct implications for vegetation, reserves, fauna and yield assessment.
- \* The EIS (page 8-3) noted that some type maps for the DMA had been revised and edited in the past six years. Details of this were not provided. Specifically:
  - a) the title, date and number of maps were not given;
  - b) the area which these maps cover was not given;
  - c) it is unknown if these maps have been upgraded from earlier type maps or if they have been derived directly from aerial photographs;
  - d) the degree to which this retyping has been supported by ground-truthing is not known.



## Flora Survey

- \* The NPWS notes that "flora surveys were very limited and did not sample many old-growth forests. Moreover, the results of the flora surveys were not presented in the EIS to allow a full assessment of the conservation significance". The NPWS has also commented on the low sample effort of the flora surveys. NEFA also notes: "inadequate flora surveys were carried out in most unlogged areas and only token surveys were undertaken in other forests".

More specifically the following issues need consideration:

- a) Survey objectives were not provided.
- b) The basis for plot selection for the two Flora Surveys is not apparent.
- c) The structural information has not been applied.
- d) Plant communities of unlogged and logged areas were not compared.
- e) Plant species identified by the Flora Survey were allocated to the plant communities they were found in. These plant communities appear to be forest types and have not been derived from the analysis of the flora (floristic and structural) information obtained. Hence rare or unusual plant communities have not been identified by the surveys.
- f) Flora sampling intensity outside of Chaelundi State Forest is very low.
- g) For Chaelundi State Forest there are only 24 sites of detailed flora information (floristic and structure). Previous surveys in Chaelundi only gathered species lists.
- h) Plot sizes and transect lengths are not given.
- i) Dates, year and season of the survey are not given.
- j) No statistical analysis of flora information has been conducted nor is this justified.

## Conservation Strategy

- \* The EIS does not provide the total area of each forest type for the DMA nor the area and percentage of each type reserved under the Conservation Strategy.
- \* The NPWS identifies that in the estimation of conserved areas, Table 8.18 includes large areas that fall outside of existing reserves or proposed additions to the reserve system. These areas in question are classified as "other" and "PMP". It is not clear what "other" is, and Figure 8.4 does not fully set out the allocation to "PMPs".

## Rare Plant Species

- \* The NPWS has commented that substantial populations of rare or threatened plant species (EIS 8.1.3) have occurrences outside the conservation areas proposed and in Rainforest and non Rainforest communities. Of particular concern to the NPWS are species which have confirmed population records but which have not been afforded reserve protection. These species include:

Bulbophyllum argyropus  
 B. weinthalii  
 Callitris oblonga  
 Cryptocarya floydii  
 Hibbertia villosa  
 Kunzea bracteolata  
 Papillilabium beckleri  
 Parsonsia tenuis

- \* The NPWS has commented that many records of rare plant species appear to be indicative only and apparently lack any reliable locational details.
- \* The NPWS considers that surveys should have been conducted for:

Calitris oblonga  
 Kunzea bracteolata  
 Muellerina myrtifolia  
 Schistotylus purpuratus  
 Callistemon acuminatus  
 Eucalyptus nicholii  
 Hibbertia villosa  
 Bulbophyllum weinthalii  
 Gingidia montana

## Rainforest

- \* Areas of logged and unlogged Rainforest, particularly in terms of different Rainforest types, were not provided in the EIS. Road locations in relation to these areas are also unknown.

## Wilderness

The NPWS has commented that the issue of wilderness conservation is poorly addressed by the EIS, noting that there appears to be a lack of understanding of the aims, criteria for identification, management principles and processes of the Wilderness Act 1987. The NPWS has stated: "The Dorrig Management Area EIS has devoted a limited amount of attention to the recreation aspects of wilderness conservation, but has largely ignored all other aspects of wilderness conservation and the majority of the recognized values of identified and declared wilderness areas".

## Archaeology

- \* The NPWS considers that the working paper by Comber (1992) should have been included as a supplementary document to the EIS. The Service commented that Appendix G did not provide



enough information, e.g. it did not include a description of the artefacts found. The NPWS stated that "Comparisons of Appendix G and Combers (1992) paper show that the consultant's recommendations have not been endorsed by the Forestry Commission and there is no firm commitment to future work".

- \* The NPWS has also commented on the low sample effort for the archaeological survey.

### Hydrology and Water Quality

- \* The EPA considered that the EIS provided insufficient detail to allow assessment of the impacts on water quality and the impact of potentially degraded waters on the environment. The EPA also noted that more specificity in the description of the existing water quality and potential changes would be desirable.
- \* The EPA noted that the assessment of potential effects on water quality was based entirely on a literature survey, and considered that this was not satisfactory for the purposes of an EIS. Further, NEFA has noted that none of the 13 listed hydrological references were properly referenced in the EIS.
- \* No survey of aquatic fauna was conducted. This was requested in the Director's Requirements. The EPA considers that aquatic fauna have only been considered in terms of broad estimations with little or no reliable data provided for the specific area being assessed.
- \* No provisions for water quality monitoring were given in the EIS. The EIS (page 5-13) stated that a literature review provided baseline data to establish areas requiring further detailed investigation. It appears that these areas have not been identified and no monitoring provisions were given. The EPA noted that even considering the limited time-frame of the study, some water quality monitoring is needed.
- \* The EPA stated that throughout the EIS, water quality and soil erosion are presented as synonymous issues; other aspects of water quality (e.g. biological oxygen demand and dissolved oxygen) have not been canvassed.
- \* Both CaLM and NEFA have criticized the usefulness of, and reliance of the EIS upon, visual observations of compartments to examine hydrology impacts. CaLM has noted, for example, that the steep slopes and armoured gravel beds mentioned on page 5-18 indicate rapid transport of debris/sediment, but do not indicate anything about the existence or quantity of the material transported/eroded.
- \* CaLM has criticized the EIS for not attempting to assess the importance of extreme erosion events to hillslope runoff and erosion, and streambank erosion.
- \* CaLM has noted that the EIS has not considered the effect of erosive rains. Pages 5-15 and 5-16 of the EIS describe the effectiveness of SEMCs (CaLM says "poorly applied") on an area that has experienced little rain since logging ceased.



This would indicate that significant erosion might occur after a period of heavy rainfall.

- \* No details are provided as to the total catchment area of the main streams of the DMA and the area of these catchments lying within the DMA's State Forests. There is also no information on the physiographic characteristics of these various catchments.

### Soils

Note: It is noted that subsequently to the references to SEMCs being made in the EIS, the SEMGLs have been developed. Any changes to the proposal as a result should be documented.

- \* CaLM has identified that there has been an oversight of available information. "Approximately one-third of the DMA, including most of the Dundurrabin and Cascade groups of forests, is contained within the CMA Dorriggo 1:100,000 map sheet, and has been mapped by CaLM as part of the Dorriggo 1:100,000 Soil Landscapes Map (Milford in press)". This map sheet includes areas covered by the Moombil, Brooklana, Coramba, Granite and Basalt 'soil mapping units'. It appears that none of this information was used in the preparation of the Soil Survey.
- \* CaLM and NEFA both considered that the 'soil mapping units' identified in the Soil Survey are based almost completely on geology. CaLM has commented that this may reflect the scale of mapping. However, CaLM considers that it would not be unreasonable to expect several soil landscape units, with different limitations, to occur within each geological unit.
- \* CaLM has commented that the 'soil mapping units' are of little practical use, as no physiographic or climatic qualities influencing soil erosion hazard, and thus the environmental impacts of the proposed operations, appeared to be considered in their formulation.
- \* The Soils Study examined erosion in terms of the physical testing of soil units and field observation rather than actually trying to quantify soil loss.
- \* The EIS concludes that the soils in the study area do not have a high erosion hazard. This was only derived from physical testing of the soils. CaLM has commented that the factors of climate, landform, land-use and land management have not been taken into account. CaLM has also noted that the distinct terms "erosion potential" and "erosion hazard" have been used interchangeably.
- \* The applicability of the SEMC's to the study area were derived "from observations made within the study area". There was no quantitative assessment of the suitability of these conditions. CaLM does not consider that the SEMCs "are adequate to mitigate against the onset and development of erosion, providing they are satisfactorily adhered to".
- \* Eight sites were given full soil profile descriptions. An additional 55 sites were partially described. CaLM noted:



"There is insufficient quantity and quality of soil data, such that only eight soil descriptions existed for over 95,600 ha of forest, with no physiographic data to locate or relate them. Further, those descriptions that are provided are considered incomplete and fail to provide the full data required to assess their capability".

- \* CaLM notes that the C horizon of the soil profiles has not been examined at all. It considers that this is of particular concern due to the highly erodible nature of the C horizon observed in parts of the forest. CaLM concluded that there is "no soil data of an acceptable standard pertaining to the DMA EIS".
- \* Changes to the SEMC guidelines as suggested in the EIS (page 5-23) were not carried through to Chapter 13 (Environmental Safeguards).
- \* There are no soil erosion or safeguard monitoring provisions. CaLM noted that the EIS does not provide for regular monitoring of the implementation of erosion mitigation conditions by Forestry Commission staff.
- \* CaLM noted that the EIS does not recognise the importance of extreme erosion events when considering erosion potential.

#### New Roads

- \* The NPWS expressed concern that the EIS provided no details of roading plans, noting that it is likely that many roads will be constructed through Rainforest. The Service states: "the impact of operations on Rainforest cannot be properly assessed given the deficiencies in the information provided".
- \* The NPWS considered that as road construction will involve significant habitat clearing further details concerning surveys for habitat features important for fauna as well as rare plant communities and Aboriginal sites should have been given.
- \* It is unknown if and where new roads cross steep sideslopes because no slope map was provided in the EIS.
- \* CaLM has commented that tighter controls are required for the use of forestry roads during wet conditions, and particularly during periods when high intensity storms are likely (January to March).

#### Grazing

The NPWS considered that the EIS gave only a general discussion of the impact of grazing on the vegetation. According to the NPWS the EIS did not undertake surveys and impact assessment of grazing. The Service also raised the point that the EIS provides no information on the stocking rates in specific areas, Crown leases or occupation permits.



## Socio Economics

- \* NEFA (page 116-117) has raised a number of concerns regarding the estimate provided in the EIS of the value of output of \$17.5m. Namely:
  - that it is confusing whether this figure relates to output from the three mills that receive a quota or all operations that obtain some timber from the Management Area and whether the figure relates to all output from the mills or that part attributable to the resource from State forests (and other Crown timber land) in the DMA;
  - there appears to be some inconsistency with the value of output estimated for the EIS for the three Chaelundi compartments (extracts from a letter from the District Forester are provided to support these claims);
  - the value of output given does not appear to correspond to the methodology that has been used (refer to "Promises and Realities" page 13, footnote 2).
- \* Figures given in the EIS regarding the direct employment reliant on timber in the DMA appear to be overestimated. These figures provide average employment levels well in excess of average employment figures for both the Wingham Management Area, and the Mount Royal Management Area. They are also at variance with employment figures in the EIS for the three Chaelundi compartments. The concern that direct employment figures in the EIS are an overestimation appears to be borne out by information provided in NEFA's submission (page 117) including an extract from a letter from Dorriggo District Forester, John Murray.
- \* NEFA (page 119) has also pointed out apparent discrepancies between information in the EIS and that provided to it by the Forestry Commission with regard to the place of residence of people directly dependent on the DMA timber resource.
- \* Clarification is needed on whether employment figures relate only to the three mills with quotas, or all mills that obtain some resource from the DMA and whether these figures relate to all employment in these mills or that part attributable to the resource from State forests (and Crown land) in the DMA.
- \* NEFA (page 121) has identified that employment and output multipliers used for the DMA are different to those applied in the EIS for the three Chaelundi compartments and those that have been applied in the WMA EIS, GIMA EIS and MRMA EIS. While it is acknowledged that multipliers vary according to regional structure, size etc the variation in the multipliers used has not been explained. This is particularly so invariably no specific analysis (input-output analysis) has been undertaken for each region (with the exception of the Glen Innes Management Area).
- \* The output and employment multipliers used in the DMA EIS are obtained from consideration of a number of other studies which in turn did not undertake any input/output



analysis. Most of the Department's concerns with the application of multipliers in the Wingham EIS are valid for the Dorrig EIS.

- \* The impact of quota reductions on unemployment appear to be overestimated i.e. the marginal employment coefficient for a 1000m<sup>3</sup> quota reduction is calculated as 7.3 jobs. This is considerably larger than the marginal employment coefficients in the "Economic Analysis of the Forests of South Eastern Australia" (Streeter and Hamilton 1991) i.e. 3.1/1000m<sup>3</sup> sawlogs for Eden and 1.8/1000m<sup>3</sup> for East Gippsland, and 1.68/1000m<sup>3</sup> for the Glen Innes Management Area. The marginal employment coefficient is also larger than the average employment coefficient in the EIS i.e. 5.8 jobs per 1000m<sup>3</sup> which itself is considerably larger than the average employment coefficient for the WMA (i.e. 3.6 jobs/1000m<sup>3</sup> sawlogs) and MRMA (i.e. 3.1 jobs/1000<sup>3</sup> sawlogs).
- \* NEFA (page 151) also question the information in the EIS regarding the effect of quota reductions on employment.
- \* NEFA (page 112) has identified that the quota reduction as a result of the adoption of Option 2 would be minimal as 7.4% of the proposed 9.4% quota reductions is as a result of revised resource estimations identified by the Commission in 1987.
- \* NEFA (pages 152-153) has also stated that based on the Commission's own figures in Appendix L of the EIS the impact of Option 3 appears to be overestimated.
- \* Assessment of socio economic impacts is based on quota reductions being shared equally (refer to page 12-4). The EIS recognises that preferential treatment may be given to holders of existing Wood Supply Agreements, however, it states that "analysis has indicated that an equal sharing of resource loss (ignoring the Wood Supply Agreements that exist) would not reduce the impacts significantly". The Forest Products Association considers the EIS to be unclear as to the level of quota reductions to be applied to the local timber industry due to the fact that the Bostobrik Sawmill has a long term wood agreement. The FPA considers that this will lead to a 16% decrease in annual volumes supplied to G.L. Briggs & Sons and Boral Timber at Grafton. This is a considerably more serious situation for these two mills (than represented in the EIS) and according to the FPA one mill has indicated that this level of reduction would result in the operation falling below a viable level and resulting in closure, with retrenchment of 60 workers.

#### Impact of Proposal on Timber Yield

There appears to be some confusion whether the proposed additional conservation areas and other logging prescriptions are wholly responsible to the expected 9.4% reduction in yield. The following points need to be clarified:

- \* Comparison of Figures 3.4 and 8.4 give the impression that the majority of the additional conservation resources have been previously logged. This could usefully be clarified.



- \* The NEFA submission (pages 111-112) indicated that there have been downward revisions of yield estimates subsequent to the production of the 1985 Plan of Management. The estimates given in that document are still used as a starting point in the EIS, however. Have the downward revisions made in the late eighties been discounted on further analysis or have they been included in the 9.4% reduction in yield?
- \* Are any other harvesting prescriptions (e.g. habitat tree retention, filter strips etc) responsible for reductions in timber yield? What volumes are involved?

### Conservation Reserves

There is some dispute as to how much assessment of the conservation value of existing and proposed reserves has been possible given the existing data. The following points could be clarified:

- \* The NEFA submission (pages 160-3) suggested that the Chaelundi Mountain, Blicks River Forest Reserve extension, Korore Creek, Bielsdown and Briggsdale Blackbutt proposed conservation resources and the Nymboida River wildlife corridor have had no fauna surveys. Also, some of the existing conservation reserves have had no survey data presented in the EIS or FIS (NEFA pages 158-160). Have surveys been conducted in these areas or were other criteria used to determine that these areas would be sufficient to fulfill conservation objectives? Any additional surveys in works in the bibliography could usefully be identified.
- \* Both the Browns Camp Creek and Hyland/Marengo State Forest corridors are noted in the EIS as "key areas" but were alleged by the NEFA submission to have had only one survey each. Have other surveys been conducted or is there other information upon which this assessment has been based?
- \* What are the PMP classifications of the unlabelled existing conservation resources shown on Figure 8.4?
- \* Can estimates be made of the expected intensities of harvesting from areas classified as PMP 1.2, 1.3 and 1.1.7 on Figure 8.4?

### Fauna

Many submissions have argued that the lack of systematic fauna survey has compromised the ability of the EIS to identify areas of high conservation value. Specific issues have included the lack of comparability of different surveys using different methods during different seasons, the age of the surveys and the lack of surveys for herpetofauna and bats.

### General Issues

- \* Page 3-18 noted that sawlog resource will be reduced in the second cutting cycle but page 4-3 says it will be maintained at 40,000m<sup>3</sup>. This could usefully be clarified and if it is the former, what is the expected reduction in annual yield due in the second cutting cycle?



- \* How much of the 100m streamline wildlife corridors is Rainforest? Are there any areas where greater than 50% of this width is Rainforest?
- \* How many years timber (at the proposed logging rate) is left in the non-moratorium old growth forests in the Management Area? Does this have the mix of timbers and dimensions required by the mills?
- \* How many years supply of Tallowwood (at the proposed harvesting rate) are available?

DORRIGO MANAGEMENT AREA EIS

SUBMISSIONS

1. Marie Timms
2. Ku-ring-gai Bat Colony Committee Inc
3. L.E.H. Timms
4. C.D. MacCrae
5. Greg & Tracey Everingham
6. Mrs J. Bennett
7. R.B. Ogilvie
8. Cathy Willett
9. F. Winkel
10. Gwen and Allen Turner
11. Robert Coward
12. Bill Mark
13. Alex A. McRae
14. V. Whellin
15. **Nymboida Shire Council**
16. Cheryl Jones
17. Mrs F. D. Atkins
18. Carol Greenstreet
19. Carl Greenstreet
20. Theo Jongen
21. Phil Gilmour
22. Stephen & Jayne Matterson
23. R.L. & T.G. Denner
24. Mr and Mrs R. Taylor
25. B. & R. Aitkin
26. Mrs B. Perkins
27. The Aitken Family
28. Peter Murden
29. Ian Cohen
30. **Roads and Traffic Authority** \*
31. Diana Oliver
32. M.R. Taylor
33. Ulitarra Society
34. P.J. Innes
35. NSW Farmers' Association
36. Don Ferguson
37. Employees of Bostobrick Mill, Dorriggo (petition - 21 signatures)
38. J. Taylor
39. K.M. MacIndoe
40. One Tree Arboriculture, Coffs Harbour
41. Mary & James Kell
42. Ken Bamber
43. Elleen English
44. Donald M. Pitkin
45. J. McNellie
46. G. Sutton
47. W.G. Price
48. National Federation of...



49. Mrs D. J. Hollingworth
50. S. Briggs
51. Mr C. England
52. H. N. Hollis
53. Mr W.A. Morgan
54. P. & T. Corfe Sawmillers and Timber Merchants
55. Employees of G.L. Briggs and Sons Sawmillers and Veneermillers, Briggsvale (petition - 46 signatures)
56. Employees of Mitchell's Sawmill, Dorrigo (petition - 23 signatures)
57. Kerrie MacCormick
58. Arthur B. Gray
59. John & Patricia Owen
60. Byron Environment Centre Inc
61. Residents of Dorrigo and district (petition - 281 signatures)
62. North Coast Environment Council Inc
63. B. Engel-Jones
64. Staff of Doust & Fitzgerald Pty Ltd (petition - 24 signatures)
65. J. Woolley
66. Doust & Fitzgerald Pty Ltd
67. Fred Wilson
68. Nambucca Valley Conservation Association Inc
69. Ella Nixon
70. Mrs Kath Harris and family
71. David Scotts
72. Department of Conservation and Land Management ✓
73. Alexander M. Gilmore
74. NSW Fisheries ✓
75. Colong Foundation for Wilderness
76. Andrew Fraser MP, Member for Coffs Harbour
77. The Dorrigo Hospital
78. Environment Protection Authority ✓
79. Ms C. Wills
80. Cath Eaglesham
81. Max Hickey
82. Dumaresq Shire Council
83. Mrs J.M. Cunningham
84. Terry and June Corfe
85. D. Timms
86. Mrs R. Fredericks
87. Department of Water Resources ✓
88. Vanessa Fenton (*same as No. 94*)
89. Coffs Harbour Environment Centre Inc
90. S. Graham-Taylor
91. Shop and business owners of Dorrigo (petition - 42 signatures)
92. Andrew Fraser MP, Member for Coffs Harbour (Additional to submission 76)
93. Mr G.P. Fenton
94. Vanessa Fenton (*same as No. 88*)
95. Greensill Bros Pty Ltd
96. National Parks Association of NSW, Armidale Branch
97. NSW Forest Products Association Ltd
98. Damon Pearson

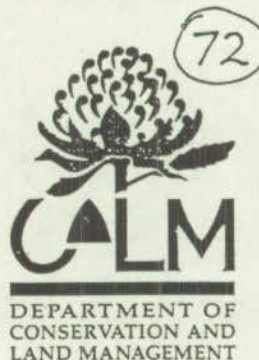
100. Northern Rivers Electricity
101. Barbara & Peter Carter
102. H.P. & F.N. Winkel for Tramline Haulage Pty Ltd Hauline-Line Pty Ltd
103. J. Phillips Trading Company Pty Ltd
104. The Council of the City of Grafton
105. J. Notaras & Sons Pty Ltd, Sawmillers - Timber Merchants
106. Business Owners and/or Managers of Grafton (petition - 36 signatures)
107. Employees & customers of Notaras Timbers, Grafton (petition - 40 signatures)
108. Residents of Grafton (petition - 16 signatures)
109. A.C. McCauley
110. Mr B.R.T. Faithfull
111. Forest Protection Society Ltd
112. Bellingen Environment Centre
113. The Wilderness Society
114. Mitsubishi Australia Ltd
115. Australian Museum ✓
116. Australian Deer Association
117. Border Australia Pty Ltd
118. Armidale Wilderness Society and Environment Centre
119. Megan Edwards
120. Allen Talor & Co Ltd, Boral Timber Division
121. Clarence Environment Centre
122. L. Paige Barlow
123. Employees of Calstar - L.G. Caldwell & Sons (petition - 11 signatures)
124. Employees of Skipper Australian Pty Ltd (petition - 6 signatures)
125. Glynne Tosh
126. G.L. Briggs & Sons Pty Ltd
127. Residents of Dorriggo and district (petition - 167 signatures)
128. Forest Protection Society - Dorriggo Branch
129. Mrs Ann Gough
130. Owners and/or Managers of Grafton (petition - 11 signatures)
131. Marie Timms
132. Beryl Wyatt
133. D.C. Hayes
134. North East Forest Alliance
135. Residents of Dorriggo and district (petition - 58 signatures)
136. John R. Corkill
137. Armstrong Timbers
138. Jim Lemon
139. Mrs Patricia Pitkin
140. Chiswell Furniture Pty Ltd
141. National Parks and Wildlife Service ✓
142. J. Phillips Trading Company Pty Ltd
143. Returned Services League, Dorriggo Branch
144. Department of Mineral Resources ✓
145. Total Environment Centre
146. Residents of Dorriggo and district (petition - 210 signatures)
147. Parochial Council of the Parish of Dorriggo



- 148. Andrew Fraser MP (including Dorriggo resident petition - 5 signatures)
- 149. Feros Riley & Associates via Cabinet Office
- 150. Copmanhurst Shire Council
- 151. Bellingen Shire Council
- 152\* Green Alliance Network, Barrie Griffiths
- 153\* Green Alliance Network, Marg McLean
- 154 \* *Grafton City Chamber of Commerce*

\* These are our numbers, not FC's.

18 FEB 1993  
RHS



Mr John Halkett  
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29 January 1993

as 2/2  
Dear John,

I enclose our formal submission on the Environmental Impact Statement completed for Dorrigo Forest Management Area. A working group has prepared this review in a similar way as for the Wingham and made comment on a similar range of matters.

A copy of these comments has been sent directly to the Department of Planning

Should you require to discuss the matter further, please contact me direct at 228 6482.

Yours sincerely,

GRAEME WICKHAM  
Director, Conservation

→ Peter Smith



## REVIEW OF FORESTRY COMMISSION EIS

DORRIGO MANAGEMENT AREA

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The Department of Conservation and Land Management (CaLM) has a wide range of land use management responsibilities including the general administration of Crown Lands and the protection and conservation of the State's soil resources from degradation. In this regard, a number of aspects in the above EIS fall within the responsibilities and interests of the CaLM administration. Specifically, it is appropriate that CaLM comment on the various aspects outlined in its "Guidelines for ... the review of EIS's prepared by the Forestry Commission as part of its Forest Management Planning Program". In particular the following bio-physical aspects need to be addressed: soils, hydrology and potential for soil erosion, soil instability and sedimentation associated with the proposed logging process. In addition, measures need to be taken to protect Crown Lands.

The Dorrigo Management Area (DMA) EIS has been reviewed by a number of CaLM officers representing a range of skills, including: soil survey, geomorphology, land evaluation, hydrology and land use management.

This review indicates that the EIS is deficient in many biophysical aspects of concern to the Department, including methodology, depth and range of data, data presentation and interpretation.

While the EIS has gathered together a large amount of data it fails to pull this data together to determine such important issues as erosion hazard, forestry capability and specific management practices to ensure the long term stability of the areas to be logged, and to minimise the potential environmental impact.

SIZE OF AREA

The area of State Forest in the DMA is approximately 83,000 ha, in addition the scheduled EIS area includes approximately 12,000 ha of Crown-timber land. Because of its size, and for ease of presentation, maps reproduced in the EIS are at a scale in excess of 1:250,000. Maps produced at this scale are only useful for broad scale regional planning and as such, present very serious limitations for assessing the potential environmental impact of proposals of the nature set out in the EIS.

Given the size of the area and the limitation to information imposed by the scale of maps it is not reasonable to expect authorities such as CaLM to fully review the effects of the proposal in the time span available.



### CROWN LAND

Under the Forestry Act, 1916, the Forestry Commission has rights to timber on Crown-timber land. It is noted that the Forestry Commission considers most of this area unsuitable for timber harvesting. However in those areas that the Commission does intend to log, the following should be noted. In circumstances where the Crown-timber land is mapped as protected land under the Soil Conservation Act, 1938, the Commission will require an authority from the Commissioner for Soil Conservation, prior to logging.

Irrespective of what determination the Forestry Commission or the Department of Planning make regarding the EIS, CaLM retains the right to assess any vacant Crown Land within the provisions of Part 3 of the Crown Lands Act, 1989.

### SOILS

The main reason for carrying out a soil survey for an EIS is to determine the limitations that the soil may present to the proposed operations. CaLM is of the opinion that the soil survey for this EIS has not met this basic criteria.

A review of the Soils section of the EIS indicates that a number of issues should be addressed. These are;

- i) the inadequacy of the Soil Survey - in that insufficient data is presented to enable the likely environmental effects to be determined;
- ii) oversight of available information; and
- iii) various omissions in the Soil Survey which restricts a determination of erosion hazard.

### Insufficient Data in the Soils Survey

There is insufficient quantity and quality of soil data, such that only 8 soil descriptions existed for over 95,600 ha of forest, with no physiographic data to locate or relate them. Further those descriptions that are provided are considered incomplete and fail to provide the full data required to assess their capability.

Guidelines exist which outline recommended sampling densities for soil survey. Gunn et al (1988) state that "many instigators and users of soil surveys regard density of ground observations as an indicator of survey quality". The Soil Survey Unit of the Department of Conservation and Land Management has adopted, as a guideline, a sampling density of 0.125 observations (i.e. full profile descriptions)  $\text{cm}^{-2}$  for the 1:100,000 soil landscape series.

In comparison, the DMA Soil Survey has a sampling density of 0.0083 soil descriptions  $\text{cm}^{-2}$ . Using the CaLM standards, 120 full soil profile descriptions would have been required for 1:100,000 scale of mapping (a scale considered suitable to assess 96,000 ha) whereas only 8 were carried out.



CaLM Soil Survey Unit specifications require that "sufficient field sampling be undertaken within each soil landscape to identify the range of soil materials present and to enable their occurrence and relationships within the landscape to be described" (Chapman and Murphy, 1989). This is of practical importance to identify areas of uniformity and similar types of constraints which impact on forestry management and logging operations.

This involves a minimum of three complete soil descriptions for each "soil constraint mapping unit" (as defined by Morse et al. 1991, p 16). Where soil mapping units become complex more soil observations should be undertaken until a predictable pattern of soil types occurs within the soil mapping unit.

The Soil Survey for the DMA fails to meet the minimum requirement as four out of the six units have only one full soil profile description, and the remaining two have two full profile descriptions. At the sampling density undertaken for the EIS Soils Survey, doubts must be raised about the adequacy of the survey as regards its ability to present a reliable explanation of soil variation.

In addition, the full soil profile descriptions presented on soil data cards in Appendix D cannot be considered complete profile descriptions as they do not contain physiographic data, and the C horizon does not appear to have been examined at all. The fact that the C horizon does not appear to have been sampled is of particular concern due to the highly erodible nature of the C horizon observed in parts of the forest. This means that none of the soil descriptions used for the DMA Soil Survey qualify as Level B profile descriptions (McKenzie, 1991), and thus there is, by CSIRO's nationally-recognised standards, no soil data of an acceptable standard pertaining to the Dorrig Management Area EIS. Therefore, in qualitative as well as quantitative terms, the DMA Soil Survey's soil data is deficient for the purpose of assessing the environmental impact of proposed operations.

#### Oversight of Available Information

Approximately one-third of the DMA, including most of the Dundurrabin and Cascade groups of forests, is contained within the CMA Dorrig 1:100 000 map sheet, and has been mapped by CaLM as part of the Dorrig 1:100 000 Soil Landscapes map (Milford, in preparation). The Dorrig map sheet extends east from 152° 2' 00"E, and thus includes areas covered by the Moombil, Brooklana, Coramba, Granite and Basalt 'soil mapping units'. It appears that none of this information was used in the preparation of the Soil Survey. It also appears that the 'soil mapping units' identified in the Soil Survey are based almost completely on geology. This may reflect the scale of mapping. However, it is not unreasonable to expect several soil landscape units, with different limitations, to occur within each geological unit, e.g. for the same geology, soils on sideslopes can be expected to be shallower and have a different erosion hazard than soils on the footslopes. The "Soil mapping units" are of little practical use, as no physiographic or climatic qualities influencing soil erosion hazard, and thus the environmental impacts of the proposed operations, appeared to be considered in their formulation.



### Determination of Erosion Hazard

Section 5.2.6 on page 5-8 states that "with reference to the SEMC guidelines all the soil units in the study area can be considered of moderate erosion potential, with the exception of the Granite Soil Unit which is considered high". However, in Section 5.2.6, page 5-10, it is stated that the soils throughout the study area have a "low erosion potential" and "do not have a high erosion hazard". Regardless of this apparent confusion, the concepts of 'erosion potential' (or 'soil erodibility') and 'erosion hazard', have been used interchangeably.

'Erosion potential' is "a function of the mechanical, chemical and physical characteristics of the soil" (Charman and Murphy, 1991, page 348). It is independent of all other factors influencing soil erosion, such as slope gradient, rainfall erosivity, land-use or ground cover.

Three physical tests were undertaken to determine the erosion potential of the soils. These were Particle Size Analysis, Dispersion Percentage and Emerson Aggregate Test. Other important properties influencing erosion potential that have not been measured are Soil Organic Matter Content, Soil Structure and Sodidity. While physical soil tests are useful in determining soil erosion potential they are inadequate for determining erosion hazard.

To explain, 'erosion hazard' is defined as "the susceptibility of a parcel of land to the prevailing agents of erosion. It is dependent on a combination of climate, landform, soil, land-use and land management factors" (Houghton and Charman, 1986, page 51); i.e. this term includes all of the prevailing agents of erosion, including erosion potential, and when making an assessment of erosion hazard all of these factors must be taken into consideration.

It is evident that, in considering erosion hazard (in the EIS), four of the five determining variables have been ignored.

### HYDROLOGY

Whilst it is understood that the hydrology study undertaken for the EIS was constrained by time, there appears to be a lack of data or evidence to support the statements made. For example, there is reliance on inference (e.g. Figure 5.4) and visual observations (for example, the steep slopes and armoured gravel beds mentioned on page 5-18 indicate rapid transport of debris/sediment, but do not indicate anything about the existence or quantity of the material transported/eroded). In addition the need for a distinction between the effect of management (i.e. application of SEMC's) and the effect of erosive rains has been ignored. For example, pages 5-15 and 5-16 describe the effectiveness of poorly applied SEMC's (para 9, page 5-16) on an area that has experienced little rain since the logging operations ceased (para 6, page 5-15). Erosion will not occur without rain, regardless of the standard of management.



### Extreme Erosion Events

The EIS does not recognise the importance of extreme erosion events when considering erosion potential.

It is an accepted geomorphic principle that most soil erosion damage occurs from extreme erosion events which are assumed to be relatively rare (Edwards, 1991). The once in five year storm is considered to have significant geomorphic consequences. The time frame for logging as set out in the EIS is of sufficient duration to contain many important runoff and soil erosion events that should be taken into account in the long term planning of the DMA.

This fact, which is not acknowledged or considered, must be part of forest planning philosophy and is particularly important in relation to a reasonable assessment of environmental impact.

No attempt is made to assess the importance of these extreme erosion events to hillslope runoff and erosion, and streambank erosion. For example, Megahan (1975) quotes the results of two storms in December 1964 and 1965 in the U.S. which caused such serious erosion in a logged forest area that the "deposition of sand throughout much of the river system created such concern for fishery values that the forest service declared a moratorium on logging and road construction in the drainage basin." In this instance the moratorium lasted for at least 10 years.

No attempt is made to assess the relevance of the Greenhouse effect to the potential occurrence of extreme rainfall events and then to runoff and erosion.

### LAND CAPABILITY

The Department of Conservation and Land Management promotes the principle that all land in NSW should be used within its physical capability. Forestry is a recognised land use and different parcels of land have differing capabilities for forestry use. Land with a lower capability can support less intensive forest activities and requires more intensive protection measures. This approach to forest land evaluation in NSW would be consistent with other major forms of land use management (see Hannam and Hicks, 1978; Emery, 1987; and Charman and Murphy, 1991, Part V) and in fact, would be consistent with global recommendations (FAO, 1976).

Bio-physical factors that determine land capability for forestry use are geology, slope gradient and length, topographic location, soils, climate, soil erosion hazard, existing soil erosion and rock outcrop. Two factors critical to the determination of forestry capability, which are not included in the EIS, are slope length and erosion hazard. Without these it is difficult to determine the physical impact that logging will have on the DMA.

No systematic attempt has been made in the EIS to assess the physical capability of the landscape to support various intensities of logging practises. The intensity of logging proposed by the EIS has been determined by the volume of timber available and the methods employed to harvest the timber, rather than on any biophysical limitations (i.e. land capability).



When land is used beyond its inherent capability, soil and land degradation result. This may result in long term biophysical damage and a lowering of the future potential of the land.

A forestry land capability classification system needs to be developed as an integral part of the land assessment and land use decision making process for forestry land use. This system must be used to "classify" forests prior to determining harvesting operations. One of the significant benefits of this approach is that it identifies the physical constraints and limitations to land use. These constraints can be effectively used to develop special erosion mitigation conditions to be applied to each land capability class during harvesting and to protect the soil following harvesting.

#### ROADS

Forest roads have long been identified as the areas most susceptible to erosion and as one of the major sources of sediment.

The Forestry Commission classifies roads according to their expected usage. This approach does not adequately consider the terrain through which the roads may be constructed or the degree of soil disturbance or erosion hazard. For this reason erosion problems can be and often are greater on minor roads than on major roads.

A forestry road classification system must be developed which classifies roads in terms of soil disturbance, erosion hazard and sediment yield as well as on expected usage.

Erosion control condition should then be developed specifically for each forestry road class for use in planning and implementation of forestry logging operations. Tighter controls are also required for the use of forestry roads during wet conditions, and particularly during periods when high intensity storms are likely (i.e. January to March).

#### STANDARD EROSION MITIGATION CONDITIONS

In *Bailey v Forestry Commission of New South Wales* [(1989) 67 LGRA 200] Hemmings J. commented that the "premise that the imposition of the Standard Erosion Mitigation Conditions on licence would be appropriate under all circumstances" was erroneous.

CaLM agrees that the Standard Erosion Mitigation Conditions for Logging (1990) (SEMCL) are not adequate on their own. CaLM supplements the SEMCL with special conditions when approving logging operations on Protected Land as mapped under the Soil Conservation Act, 1938.

The topography section of the EIS (page 5-1) states that 20% of the area has a slope between 20° and 30° and a further 5% has a slope in excess of 30°. All of these lands can be likened to "protected land" on the basis of slope and would be therefore subject to a range of special conditions in addition to SEMC's if treated as "protected land".

CaLM disputes the statement in the EIS the SEMC's "are adequate to mitigate against the onset and development of erosion, providing they are satisfactory adhered to" (page 5-9).



One major area in which the SEMC's are inadequate is that they don't take account of the seasonal nature of extreme erosion events. High intensity (erosive) rainfall occurs in the DMA as acknowledged in the EIS on page 5-12. Rainfall erosivity (the ability of rain to cause erosion) at Dorriggo is highest in January (Rosewell and Turner, 1992).

The use of predictive models to determine whether proposed operations are sustainable with regard to soil loss/soil formation is recommended. This would help to indicate where site-specific changes need to be made to the SEMC's.

The Universal Soil Loss Equation (USLE) is one such predictive model that could be used, in spite of its limitations (Mitchell and Bubenzer, 1980). It has been modified for forest sites (Dissmeyer and Foster, 1980), and adapted for Australian conditions (Rosewell and Edwards, 1988). In particular the rainfall erosivity factor (R) and soil erodibility (K) has been examined in detail and modified where necessary (Rosewell and Turner, 1992).

This model, or another better model if one can be identified, should be applied to the DMA to predict potential erosion, from a range of different soil types, on all areas subject to disturbance, including roads, snig tracks and the harvesting coupes. It would help in planning and management decisions relating to road location, etc. It would also help in regard to modifying operations to avoid potentially high erosion activities during periods of high rainfall erosivity.

The SEMCL can be made more site specific by the inclusion of special conditions which relate to the site and which provide the required standards for field operations. Special issues that should be investigated include:-

- \* Conditions that consider the seasonal nature of high intensity (erosive) rainfall eg. progressive draining of snig tracks during logging operations and/or draining of snig tracks at the end of each days work.
- \* Absolute maximum hillslope gradient on which logging will be allowed on each soil type.
- \* Absolute maximum grade of snig tracks for each soil type.
- \* The USLE should be used to determine maximum spacing between cross banks. This should be set with regard to predicted average annual soil loss.
- \* A road classification system based on erosion potential as well as usage. Erosion control conditions could be applied to each road class.

#### Implementation

CaLM is also concerned with the implementation of the SEMC's and special conditions. Comments are made below relating to training and monitoring, which will help to improve the standard of implementation of SEMC's. Particular attention in DMA needs to be directed towards conditions relating to road and snig track drainage and erosion control.



### HARVESTING PLANS

As indicated throughout this review of the DMA EIS, the scale at which investigations have been carried out is generally not adequate to address issues of concern to CaLM. However, the harvesting plans involve a more detailed evaluation of the site and the proposed operations. It is at this scale that our concerns can be addressed.

The design and effective implementation of harvesting plans are the basis of sound erosion and sediment control in forestry operations.

The presentation and interpretation of data in the EIS should be aimed at providing basic information to allow management decisions to be effectively made during the formation and implementation of the harvesting plans. This includes the identification of soils and soil constraints.

The harvesting plan should be an operating set of standard and site specific conditions together with a code of logging practice and a topographic/cadastral map. If possible a 1:25,000 TM image (Thematic Map from Landsat 5 imagery) should be used as the minimum base map to define:

- (i) the soils present, where they occur, as well as soils limitations and the standard and specific management practices to minimise erosion and sedimentation.
- (ii) the forest capability classes within the harvesting coupe and the management practices required to minimise erosion and sedimentation and to ensure sustainability of forestry operations.
- (iii) the areas which should not be logged due to slope, erosion hazard etc.
- (iv) areas which cannot be disturbed i.e. fauna and flora protection strips, filter strips or areas of severe erosion hazard (mass movement areas etc.).
- (v) drainage lines and catchment areas.
- (vi) road/access track locations, track grades, drainage line and creek crossings and methods of standard and specific erosion and sediment controls for each defined road class depending on the erosion hazard and degree of soil disturbance. Similar consideration should be given to snig track location, direction of logging etc to minimise soil disturbance, erosion and sedimentation.
- (vii) location and width of each filter strip and conditions associated with each filter strip.
- (viii) the maximum slope on which logging or snigging can be carried out, and the related site specific and standard conditions for erosion and sediment control on snig tracks.
- (ix) the location of log dumps including wet weather log dumps.
- (x) conditions of logging practices and penalties for non compliance.



- (xi) methods of rehabilitation of all disturbed areas such as roads, log dumps etc.
- (xii) logging coupe boundary.
- (xiii) conditions relating to burning operations to protect filter strips and drainage lines.
- (xiv) felling and snigging operations to minimise erosion and sedimentation.
- (xv) restrictions on wet weather logging operations and conditions on wet weather road closure.
- (xvi) the intensity of logging and order of working of areas within the coupe.

Where there are severe site limitations or constraints and site specific conditions are required, CaLM should be consulted in the preparation of the harvesting plan.

#### TRAINING

It is noted that EIS allows for training of Forestry Commission and industry staff in order to achieve a high standard of implementation of soil erosion mitigation and sediment control techniques.

This training program is commended. Training needs to be held on a regular basis during the term of any approval. This is necessary to train new staff and to ensure that existing staff maintain a high level of competence with soil erosion and sediment control techniques. Some form of accreditation for logging contractors may help to ensure that a high standard of implementation of soil erosion mitigation and sediment techniques is maintained. In addition there should be some form of penalty for contractors who do not implement these techniques adequately.

#### MONITORING

The EIS does not provide for regular monitoring of the implementation of erosion mitigation conditions by Forestry Commission staff.

A monitoring program should be implemented. It should include a least:-

- \* an assessment of the effectiveness of the soil erosion and sediment control techniques applied, and
- \* regular spot audit monitoring designed by an independent body to ensure quality assurance by the Forestry Commission and the contractor in the implementation and effectiveness of soil erosion and sediment control techniques.

This monitoring program will identify deficiencies in the erosion mitigation conditions in time to allow improvements and remedial measures to be undertaken. The regular independent spot audit should be undertaken in addition to auditing undertaken by the Forestry Commission. This would help to alleviate criticism of the Forestry Commission regarding implementation of soil erosion control and mitigation measures.

TIME SPAN AND SIZE OF STUDY AREA

The time span of operations outlined by the EIS is in excess of 17 years. The area covered by the EIS is over 95,000 ha.

The granting of approval for such a long time period and over such a large area without a mechanism for continual review is considered inappropriate, given the current pace at which society is requesting change to environmental standards. In addition, climatic changes which may occur as a result of the greenhouse effect would necessitate additional erosion mitigation measures (see various papers in Pearman, 1988). Periodic reviews are required to ensure that the environmental impacts are minimised over the long term.



# REFERENCES

- Chapman, G.A. and Murphy, C.L. (1989) Soil Landscapes of the Sydney 1:100 000 sheet. Soil Conservation Service of NSW, Sydney
- Charman, P.E.V., and Murphy, B.W. (1991) Soils, Their Properties and Management, A Soil Conservation Handbook for New South Wales, Sydney University Press.
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18 FEB 1993  
RHS

Received  
1.2.93

Dear Sir,

**RE: PROPOSED FORESTRY OPERATIONS IN THE DORRIGO MANAGEMENT  
AREA ENVIRONMENTAL IMPACT STATEMENT**

The Environment Protection Authority (EPA) has reviewed the above Environmental Impact Statement (EIS), prepared for the Forestry Commission of New South Wales by consultants Sinclair Knight, given the EPA's responsibilities under the environment protection legislation as defined in the Protection of the Environment Administration Act 1991.

**Water**

The Director of the Department of Planning's requirements relating to water quality (EIS - Appendix A) for preparing the EIS are:

- an assessment of the water quality in the catchment(s) affected by the management plan; and
- consideration of the likely environmental impacts, including the impact on the water quality of the catchments(s) and any proposed mitigation measures.

It is possible that these requirements may not have been satisfactorily met. The statement in the Executive Summary (page vi) that the proposed activities are not expected to affect the groundwater or surface water in terms of quality of water or quantum flow in the river system needs further justification. Proposed mitigation measures for any impact should also be included.



It is also possible that the Director of Planning's requirements relating to flora and fauna, through omission in the EIS of adequate reference to the aquatic ecosystem, may be similarly unmet.

#### *Water Quality:*

The EIS provides insufficient detail to allow assessment of the impacts on water quality and the impact of potentially degraded waters on the environment. The description of the existing water quality and potential changes need to be more specific if a critical assessment is to be completed.

The EIS states on page E-1 (last paragraph):

"There is little real water resources data for this area. There was insufficient time during the study to collect meaningful long term base data."

The assessment of the potential for the effects on water quality are based entirely, therefore, on a literature survey. Whilst this may be the "best available background data" it is not a satisfactory estimation of the potential effects on water quality for the purposes of an EIS. Comprehensive information including both temporal and spatial considerations on a case-by-case basis is critical if meaningful assessments of environmental effects are to be made.

Under Section 5.4.4 - Field Investigations, it is stated that "the short period of the study made it statistically invalid to undertake extensive water quality analysis over a short period". Even considering the limited time-frame, some water quality monitoring is needed. This could have occurred on the "detailed field trip of the Management Area" (Page E-2). Statistically valid data can be collected so long as the limitations are acknowledged. The collection of data on sediment loading, particle size distribution and nutrient inputs would provide useful information for the assessment of the effectiveness of the forestry management practices.

Throughout the EIS (Executive Summary; Section 5.4; Appendix E), water quality and soil erosion are presented as synonymous issues. Whilst the issues of reduced water quality and soil erosion are related, they should be treated separately. Water quality can be significantly reduced by very fine sediment whose loss from the catchment areas may be negligible from the perspective of soil erosion. It is unclear what the sediment yield will be when it is stated that the "sediment yield would be expected to remain at a static level" (page 5-24). Indeed, many aspects of water quality, such as biological oxygen demand and dissolved oxygen, are not, or are only partially, related to soil erosion, or more correctly, turbidity. The EIS has not canvassed these other aspects of water quality.

The inclusion in the document on Page 5-20 of Figure 5.4 - "Changing sediment yield patterns from crops with time", is grossly misleading and irrelevant as there is no proposal to clear this area for agricultural purposes. Standard practice is to compare the proposed activity to the *status quo*. Its relevance to forestry practices and the Forestry Management Plan EIS requires further explanation. In addition, it is implied that the only uses for the forest area would be agriculture or forestry.



That "any increase in the sustained base yield will have a net effect within the creek system, although this may take many decades or centuries to become evident" (page 5-21, para 1) implies that there is no concern about the long term effects. From an environment protection perspective, it is important that the immediate, medium term and long term effects are considered. To omit long term considerations is not consistent with one of the other major principles of ESD - intergenerational equity.

Figure 5.1 - Topography (page 5-2) is difficult to read. The river systems are almost impossible to identify. The figure requires legible labelling so that effective assessment can occur.

On page 8-63 (last para), the EIS states that "the effects of forestry operations on hydrology are not straightforward, but will vary with type of operation and the nature of the catchment". It would have been of use if the EIS was to state the "nature" of the catchments and provide a map showing where the catchments are.

On page 8-67 (para 2), the EIS states "Forestry Operations will not affect water flow along waterways in the Dorrig MA". It is difficult to comprehend this claim considering statements made on page 9-10 (SCS, 1983) which refers to changes in hydrology due to logging. Various published works by the Forestry Commission (in particular work by Cornish) also refer to changes in water quantity due to logging.

The section on "Consequences of Not Proceeding" (page 15-1) has detailed coverage of the economic and associated social costs of not proceeding with the proposed logging activities. There needs to be further coverage of the environmental effects of not proceeding with the proposed logging activities, such as reduced habitat destruction and reduced potential for water quality impacts. The inclusion of the discussion on the detrimental effect to the environment if roads were not maintained is of questionable significance and accuracy, particularly from a water quality perspective; it requires expansion since the roads may, or may not, have water quality impacts.

#### *Aquatic Ecosystems:*

Although the EIS covers impacts on certain flora and fauna, it appears that the flora and fauna of the waterways within the Management Area have only been addressed partially. Whilst birds "associated with open water or the margins of waterbodies" are listed under aquatic habitat (page 8-49) and there is coverage of the platypus (page 8-42), all other information provided consists of broad estimations with little or no reliable data provided on the specific areas being assessed. These areas may be affected by the proposed logging activities and further consideration of any potential impact is required. This could involve data collection on aquatic habitat types and a survey of the associated flora and fauna.

It is also important that the recommendations for establishment of programs by the Forestry Commission include surveying and monitoring of the instream flora and fauna. For instance, fish should be mentioned in Table 8.12 - Summary of Effects from Forestry Operations Upon Native Fauna. Table 8.8a - Native Fish Fauna Known or Expected in Dorrig Management Area, would be more useful if data of fish populations before logging, as well as the frequency in different parts of the catchment, had been given.



### *National Forest Policy Statement:*

The goal of the *National Forest Policy Statement (1992)* for water supply and catchment management is:

"to ensure the availability of reliable, high-quality water supplies from forested land and to protect catchment values".

It is important that all future EISs reflect this goal and fully consider the effects of proposed activities on water quality and the aquatic ecosystem.

### **Flora and Fauna**

#### *The Precautionary Principle:*

The precautionary principle is listed under the second objective of the Protection of the Environment Administration Act 1991 as significant in the achievement of ecologically sustainable development:

" - namely, that if there are threats of serious or irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation".

The EPA is therefore concerned about the statement on page viii of the EIS:

"There is increasing, although not conclusive evidence that selective logging may not significantly affect the population status of the majority of native fauna living in the forest. With sensitive planning it may be possible not to adversely affect the overall status of any species using the State Forest".

Provision of scientific evidence in support of this statement should be presented within the EIS, particularly in relation to endangered species and the national commitment through the *Intergovernmental Agreement on the Environment 1992* to achieve ecologically sustainable development.

#### *General Comments:*

##### *Page 8-40 (Table 8.3):*

The EIS draws the readers attention to results in Table 8.3 but fails to make any conclusion. It is difficult to comprehend why the EIS includes data which it does not use to reach any conclusions. It is suggested that the value of the table, without the inclusion of discussion and conclusion, is questionable.

It should be added that, in the table, the number of introduced mammals has been included in the total number of mammals. The table currently gives the impression that the Management Area has the greatest species richness. If the number of introduced mammal species is removed from the total number of mammal species, it becomes

clear that the Washpool Gibraltar National Park in fact has the greatest richness in terms of native species. It should also be noted that it is unclear in any case as to the distribution of species in the Management Area; are they found evenly throughout the Management Area, within different forest types, or concentrated in logged or unlogged areas? It is further noted that prelogging species richness for the Management Area is not known.

It is also unclear if the table is based on the work by Adam (referenced as Adam, 1987 in para 1) or if it is based on another, unattributed, source.

*Pages 8-40 - 8-41:*

The reasons for the inclusion of the "similarity index" argument are unclear. Finding that fauna in one part of a region are similar to another part of the same region is not all that surprising. If the point being made is that the Dorrig Management Area has been logged and the other areas have not, this should be made clear. The concentration of species within the Dorrig Management Area also needs to be clarified. From the discussion, it is unclear *where* the "number of species" in the Dorrig Management Area actually are; are they concentrated in unlogged areas, found throughout the area, or elsewhere?

What may be of more interest is "similarity" between logged and unlogged areas *within* the Management Area. The "similarity index" may also be of use in assessing the long term impacts of logging.

It should be noted that the EPA has not had access to the original reference and it is unclear whether the "similarity index" used in Woynarski, 1992 is a "general use" equation or if it was developed specifically for Woynarski's Bungle Bungle study, i.e. for northern Western Australia.

*Page 8-63, para 4:*

It is of concern that, based on the information provided in the EIS, that little is known about fauna and its occurrence in the Management Area. The EIS notes a "paucity of information" on the impacts on reptiles and amphibians due to logging and the associated fire regime. It is also noted that there has been no study or impact assessment regarding invertebrates. On page 8-67 (last para) the EIS notes the lack of accurate data concerning the distribution and abundance of animal species within the management area.

## Air and Noise

The EIS does not canvass the issues of air quality or noise.

As this is the case, it is not possible to consider the impact of the proposed activity with regard to noise or its impact on air quality.



The EPA, due to this paucity of data, is not prepared to commit itself to any statement regarding likely impacts of the activity with regard to noise and air quality as to do so would be to rely on generalities and not on any knowledge of the site or information provided by the proponent.

### Enhanced Greenhouse Effect (page 11-8, 11-9)

Previous forestry EISs have provided a more comprehensive coverage of Greenhouse issues. The discussion of Greenhouse issues in this EIS is poor and in some respects inaccurate. For example, the reference to the reflection of "incoming solar radiation" is incorrect and comments regarding carbon uptake "within 10 to 30 years" are not referenced and are considered inaccurate in any case.

### Legal Requirements

The Pollution Control Licence (copy attached) issued to the Forestry Commission for the Coffs Harbour Region comes up for renewal on 7 May 1993. The licence binds the Forestry Commission to operate in accord with the Code of Logging Practices under the Forestry Act and the Standard Erosion Mitigation Conditions for Logging in NSW, as developed by the former Soil Conservation Service and the Forestry Commission, as well as other specific conditions.

For the purpose of clarification, the following should be noted:

- Page 1-3, section 1.2.5: the heading should be "Pollution Control Licences". Pollution Control Licences are not the same as Pollution Control Approvals and serve different purposes. To date, the EPA has not issued Pollution Control Approvals to the Forestry Commission.
- Page 13-2, dot point 2: refers to *Pollution Control Legislation*; the legislation administered by the EPA (as listed in the Protection of the Environment Administration Act), are now be referred to as *Environment Protection Legislation*.
- The letter from the State Pollution Control Commission (Appendix B) is out of date in that the EPA has statutory responsibilities with regard to the proposed activity.

### Alternatives

The EIS lists a number of alternative management strategies which were considered in the study. As with previous EISs, there is no attempt to objectively arrive at the optimal trade-off between socio-economic impacts and damage to the environment. It is acknowledged, however, that putting a value on environmental "goods" is a contentious area from a technical/economic stance.

The EPA notes one "base-case" scenario that was not considered is the *no logging in moratorium old-growth forests that have also been nominated as wilderness areas* option. The EPA has not been in a position to consider this option in any detail but would



consider it worthy of investigation in future EISs where wilderness nominated areas and moratorium old-growth forest overlap.

It noted that Option 3 (page v) "is not justified on a conservation basis". It would have been useful if the EIS explained how increasing the area reserved for conservation cannot be justified on a "conservation basis".

### Other Comments

#### *Page v, para 6:*

The EIS states that if compartments 180, 198 and 200 are not available for logging, that the Forestry Commission will reduce the area reserved for conservation purposes to account for the shortfall in timber resources. The EIS does not detail what components of the conservation strategy will be removed from conservation strategy if this situation arises. If areas identified for conservation purposes are to be removed in a foreseeable scenario, then the EIS should have detailed these changes.

#### *Page 3-9, Last Para:*

While the EPA does wish to enter into a detailed discussion about Ecologically Sustainable Development (ESD) and Sustained Yield Management in this response, it is of the opinion, however, that ESD should not be considered as a "dimension" of Sustained Yield Management as suggested in the EIS, and, if they should be linked at all, that the reverse is in fact the case.

#### *Page 3-11:*

The EIS should detail the kinds of "incidental arising" that would permit the harvesting of rainforest trees for sawlogs.

#### *Page 3-11:*

The EIS tends to use the terms mature forest and old-growth forest synonymously. Using the definition in the *National Forest Policy Statement*, old-growth forest is defined as forest which is both "ecologically mature and has been subjected to negligible unnatural disturbance. It should be made clear that a mature forest is not necessarily an old-growth forest.

#### *Page 3-12:*

The EIS states that at present that 50 per cent of sawlogs come from regrowth and 50 per cent from old-growth forest. It continues to state that in 20-30 years time 100 per cent of sawlogs will come from regrowth forest. What is not made clear in this section of the EIS is whether this means that the current 50 per cent of old-growth will be converted to regrowth in the next 20-30 years or whether operations will be modified to draw upon previously logged areas. On page 4-5 the EIS indicates that the former will be the case. It is of concern then that the EIS does not mention monitoring programs or performance



indicators that will assess environmental impact, especially when one aspect of that impact will be the conversion of all unprotected old-growth forest to regrowth forest.

*Figure 5.2 and 5.3:*

It would be more useful if the EIS included geology and soil maps for the entire Management Area and not just the area of State Forest within the Management Area.

*Page 5-14, Total Catchment Management:*

The section on TCM tends to display a general lack of understanding of TCM. Looking holistically at a catchment, while a component of TCM, is not the same as TCM. TCM is a government policy that involves Government working with the community, catchment planning, etc. The EIS does not mention catchment planning (as opposed to Management Area planning), or community involvement (beyond the EIS process), or the relationship between the Forestry Commission and any existing or future Catchment Management Committee or any other community group.

*Page 5.25, Fire:*

This section is inadequate in that it provides no detail or discussion on the effects of fire associated with grazing and simply states that "fires associated with grazing should be more effectively controlled".

*Table 8.12:*

Table 8.12 should **not** be considered to be a "summary of effects from forestry operations upon native fauna" as it is only based on the conclusions of the three previous forestry EISs; this seems a very selective and limited source of information. It is suggested that such a table would be better based on widely available published scientific references rather than solely on limited, and in some cases possibly inadequate, studies carried out for the purposes of an EIS.

*Page 13-2:*

It is suggested that the list of measures for forest and management operations should be expanded to ensure that such operations are consistent with other state policies, e.g. Total Catchment Management and the Rivers and Estuaries Policy (and its component policies), etc.

## Conclusion

A fundamental issue with the entire forestry EIS process is the lack on an overall Statewide policy guiding the *spatial development* of the forestry industry. The EIS specifically notes that the overall process of assessing all the forest areas scheduled in the Timber Industry (Interim Protection) Act is to be completed area by area, each one being done in isolation (Executive Summary, page ii). It will be most difficult for the Minister for Planning to determine whether the ecological significance of one forest in one area



(such as Dorrigo) warrant protection from logging without having information of the comparable resources in other forests.

Despite this general concern, the EPA has reached the following conclusions:

1. Due to the lack of detail provided in the EIS regarding water quality of the Dorrigo Management Area, the EPA is unable to provide specific comments on the effects of the proposed activity on water quality or on the effects of potentially degraded waters on the environment. Whilst the EPA is generally satisfied that the proper application of best management practices may prevent or minimise the discharge of pollutants to waters, the information provided in the EIS is not sufficient to allow the EPA to apply this general conclusion to the specific proposals for the Glen Innes Management Area. It is possible that the Director's requirements with regard to water quality may not have been met by the EIS.

It should be noted that in May 1992 the EPA granted pollution control licences to the Forestry Commission. The licenses require the application of BMPs (Standard Erosion Mitigation Conditions and Codes of Logging Practice) to prevent water pollution. The EPA is currently undertaking a review of BMPs with the aim of incorporating the findings of the review into EPA licence conditions. Breaches of licence conditions may make the Forestry Commission liable for prosecution by the EPA.

2. With regard to air pollution, noise and contamination of the environment, the lack of consideration of these issues in the EIS means that the EPA is unable to comment on these issues. While it may generally be expected that the discharge of pollutants to the air, noise and the contamination of the environment due to normal forestry operations, being conducted within existing best management practices, should not be such as to warrant development consent being withheld on these grounds, the EPA is not prepared to commit itself to such a conclusion based on the evidence presented in the EIS.
3. The EPA notes the "rare and endangered" status of some of the regions flora and fauna and recognises the need to protect such species and their habitats. It is recommended that, as a minimum, all the environmental safeguards and the various conservation reserves suggested in the EIS are adopted by the Forestry Commission. If the conservation strategy recommended in the EIS is a true reflection of what is required to meet conservation needs of the management area, any suggestion that areas reserved for conservation purposes will be withdrawn from such purposes should not be considered without the provision of details of the alterations and the impacts of such alterations. Such alterations and impacts have not been assessed as part of the current EIS.
4. Due to both the lack of detail and the incomplete nature of the coverage regarding aquatic ecosystems, and in particular aquatic flora and fauna in the EIS, the EPA is unable to provide specific comments on the effects of the proposed activity on aquatic flora or fauna. Due to the omission of adequate consideration of aquatic



flora and fauna, however, it is possible that the Director's requirements with regard to flora and fauna may not have been completely met by the EIS.

5. The EPA is not in a position to comment on the appropriateness of the wilderness nominations for various parts of the Management Area. In preparing these comments the EPA has not had access to the nominations and supporting documentation. As such it is considered inappropriate for the EPA to comment on the issue of wilderness based on the EIS alone, other than to note that the Resources Assessment Commission's Forest & Timber Inquiry concluded that the logging of old-growth forest potentially violated the precautionary principle of ecologically sustainable development in that an irreplaceable resource is being destroyed. The EPA recommends that when considering alternatives in future EISs, that the Forestry Commission should seek to arrive at the optimal balance of socio-economic impact and environmental damage. The Forestry Commission should also consider including an analysis of an option that would exclude logging from old-growth forest that are common to a wilderness nomination and a moratorium area, as part of any "base case" option analysis.

The EPA trusts that the comments provided will be of use in the determination process for the EIS.

Yours faithfully

*F.R. Higgins*

**ROSS HIGGINSON**  
Manager Catchments and Groundwaters  
for Director-General

1/2/93

Copy: Department of Planning

Incl: Pollution Control Licence

[C&G#671 CNDCFORDEIS.LTR]

# POLLUTION CONTROL LICENCE

POLLUTION CONTROL ACT 1970

Licence in respect of section 17A(b)

In pursuance of section 17D of the Pollution Control Act 1970, the Environment Protection Authority grants the Licence set out below.

Licensee: The Forestry Commission of New South Wales

Land covered by Licence: Land in the Coffs Harbour Region, being the land described at the end of this Licence.

Activity covered by Licence: Logging operations as defined at the end of this Licence.

Date of Licence:

Duration of Licence: 1 year from date of Licence.

## CONDITIONS OF LICENCE

1. (1) The Forestry Commission must carry out logging operations covered by this Licence in accordance with the relevant provisions of the Code of Logging Practices prepared under the Forestry Act 1916 applying, as at the date of this Licence, to the land. A Code which applies is the "Code of Logging Practices - State Forests - Coffs Harbour Region" and the relevant provisions are those which will prevent or minimise the pollution of waters..
- (2) If no Code of Logging Practices applies to any of the land, the Forestry Commission must not carry out logging operations on the land except in a manner generally in accordance with the relevant provisions of a Code of Logging Practices under the Forestry



POLLUTION CONTROL LICENCE - COFFS HARBOUR REGION

Act 1916 approved by the EPA as appropriate for application to the land. The Forestry Commission must not carry out logging operations on the land until the EPA approves a Code for application to the land.

2. (1) The Forestry Commission must carry out logging operations on the land in accordance with the "Standard Erosion Mitigation Conditions for Logging in NSW July 1990", as amended from time to time, published jointly by the former Soil Conservation Service of NSW and the Forestry Commission.
- (2) The Forestry Commission must notify the EPA about any proposed amendments to that document.
- (3) Those amendments do not have any effect for the purposes of this condition until they are approved by the EPA in writing.
3. The Forestry Commission must comply with any special site specific conditions agreed to by the Forestry Commission and the Director-General of the Department of Conservation and Land Management concerning additional soil conservation works to be undertaken in carrying out logging operations on the land.
4. All matter and substances on the site of logging operations must be handled, moved and stored in a proper and efficient manner for the purpose of preventing the pollution of waters.
5. The transport and storage of fuel and the re-fuelling of equipment must be carried out in a manner to prevent the pollution of waters as a result of spillage.
6. All servicing and repairs of equipment must be carried out in a manner to prevent the pollution of waters.
7. Hazard reduction burning must be carried out in a manner which preserves all filter strips to the greatest extent practicable.
8. Bark removal operations must not be carried out within, or within 10 metres of, any filter strip.
9. Stripped bark must not be placed within, or within 10 metres of any filter strip.
10. (1) The Forestry Commission must notify the closest Regional Office of the EPA if it becomes aware of any pollution of waters which may have been caused by logging operations and the pollution:



POLLUTION CONTROL LICENCE - COFFS HARBOUR REGION

- (a) makes, or may be reasonably expected to make, those waters noxious or poisonous; or
  - (b) makes, or may be reasonably expected to make, those waters harmful or potentially harmful to the health, welfare, safety or property of human beings; or
  - (c) makes, or may be reasonably expected to make, those waters poisonous, harmful or potentially harmful to animals, birds, wildlife, fish or other aquatic life; or
  - (d) makes, or may be reasonably expected to make, those waters poisonous, harmful or potentially harmful to plants or other vegetation.
- (2) The Forestry Commission must notify the EPA not later than 24 hours of becoming aware of the pollution, or if this is not practicable, as soon as practicable after that time.
- (3) The Forestry Commission is to be taken to be aware of the pollution of waters if an employee of the Commission at or above the rank of District Forester is aware of the pollution.
11. If the EPA so requests, the Forestry Commission must provide a written report to the EPA about pollution notified to the EPA under Condition No. 10. The written report must be provided not later than 21 days after the request.
12. Any licence issued by the Forestry Commission under the Forestry Act 1916 which authorises the holder to carry out any logging operations covered by this Licence must be issued subject to conditions which require the holder of the licence to comply with Condition Nos. 1-9 of this Licence in the same way as the Forestry Commission must comply with those conditions.
13. The Forestry Commission must monitor compliance with the conditions referred to in Condition No. 12.
14. Copies of the following documents must be made available at all district offices of the Forestry Commission within the Coffs Harbour Region for inspection by any person and must be produced on demand to an officer of the EPA:

- this Licence;
- the Codes of Logging Practices referred to in



POLLUTION CONTROL LICENCE - COFFS HARBOUR REGION

Condition No. 1;

- any approval given by the EPA under Condition No. 1(2);
- the document entitled "Standard Erosion Mitigation Conditions for Logging in NSW July 1990" as amended by amendments to that document approved by the EPA.

Nothing in this Licence permits logging operations in contravention of the Timber Industry (Interim Protection) Act 1992.

Definitions:

"EPA" means the Environment Protection Authority.

"land in the Coffs Harbour Region" means the land designated as being within the Coffs Harbour Region under the Forestry Regulation 1983 as at 18 March 1992.

"logging operations" means:

- (a) the cutting and removal of timber from land;
- (b) the provision of access roads necessary to enable or assist the cutting and removal of the timber; and
- (c) hazard reduction burning carried out on Crown-timber lands within the meaning of the Forestry Act 1916.

"pollution" has the same meaning as under the Clean Waters Act 1970.

NEIL SHEPHERD  
Director-General  
Environment Protection Authority



# Department of Water Resources

87



Manager, Environmental Assessment  
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Contact name:  
Our reference: **A. Raine**  
Your reference:

18 FEB 1993  
RL

Dear Sir

**Re: Dorrig Management Area EIS**

Thankyou for the opportunity to comment on the Environmental Impact Statement. The following comments and matters to be addressed are provided by the Department.

- 1) Wild and Scenic Rivers. The State Forests of the Management Area contain a number of rivers which the Department has identified as having Wild & Scenic values (see attached sheet). Management of such areas should be consistent with the Wild & Scenic River Strategy to ensure the maintenance of the wild and scenic values of these streams.
- 2) To ensure turbidity levels in water courses are kept at a minimum, drainage from access roads should be directed where practicable into vegetated areas where water cannot channel. This will allow a substantial proportion of sediment to be deposited prior to water reaching any rills or minor drainage lines. The EIS states that, in some previous operations, some contour banks have discharged into disturbed areas and that flow concentration problems have arisen around fallen logs.
- 3) Filter Strips. Increases in suspended sediment loads have the potential to effect instream fauna and their habitat. Increases in bed loads of small streams may substantially increase erosion risks and changes to stream flow. The Department suggests that filter strips be managed on a case by case basis to ensure that they function adequately. This may involve increasing the width of strips near environmentally sensitive riparian areas or where catchment conditions (eg. slope and soil type) warrant an increased width. Run-off from highly disturbed sites should not, where practicable, be channelised when passing through filter strips.

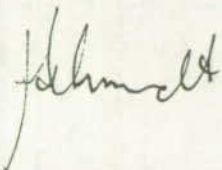


The EIS recommends tighter controls on fire. The Department discourages regular "burning-off", as well as cattle grazing, in and near filter strips. Such activities increase the potential for diffuse pollution and changes in run-off characteristics, as well as reducing the effectiveness of filter strips by effecting changes to filter strip understorey and ground litter.

- 4) Any fuels or chemicals stored on site should be stored in bunded areas capable of holding 110% of the stored fluid, to prevent any spills from entering watercourses or drainage lines.

I hope this information is of assistance to you.

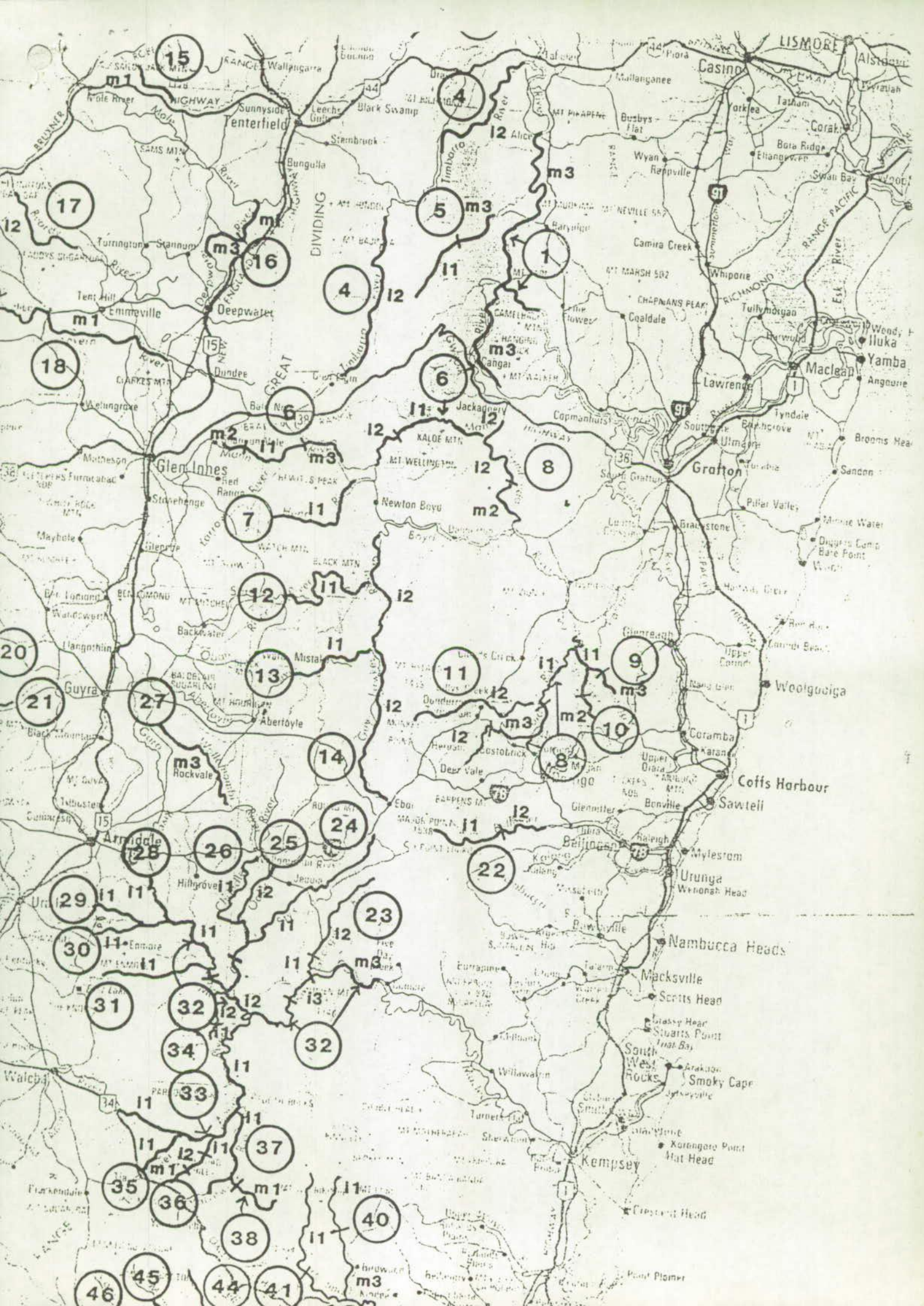
Yours faithfully



J. Schmidt  
Regional Environmental Officer  
North Coast Region  
9/2/93

Encl.







92/M.4187R;1  
1712BKA.K.DOC

Your letter dated 20 November 1992

20 November  
18 FEB  
RZ



2nd Floor, CML House  
51-55 Bolton Street  
Newcastle  
New South Wales 2300  
Telephone (049)-27 2202  
Facsimile (049) 29 7140  
Locked Bag 30  
Newcastle NSW 2300  
DX 7813

Included as a submission  
to the Domingo EIS at the  
request of the RTA.

Donnigo

GLEN INNES FOREST MANAGEMENT AREA

I refer to your letter dated 20 November 1992 concerning the Environmental Impact Statement for the Glen Innes Forest Management Area and offer the following comments.

The Authority's Northern Region is planning to conduct a study of road building materials to identify future needs and available resources. This study will include timber bridge maintenance requirements. In this regard the Authority is vitally interested in securing an on going supply of quality timber. It is envisaged that old growth forest timber in the Glen Innes Forest Maintenance Area would significantly contribute to our on going needs. The following information indicates the magnitude of our requirements.

The Authority has a significant timber bridge asset in the Northern Region and state-wide. There are about 950 timber bridges state-wide on classified roads about half of these would be in the Northern Region. The replacement value of the asset state-wide is about \$1 billion and in the Northern Region about \$500 million. Ultimately the Authority proposes to replace it's timber bridge inventory in alternative materials. This is seen as being a long term objective due to the costs involved and necessitates using timber into the foreseeable future.

The timber needed to maintain the bridges includes royal species for key structural components and is obtained from old growth forests. Whilst the volume used is small, it is critical, because the strength and durability requirements cannot be met by other sources. Most bridge timber demands for Northern Region and those for much of the state are met from the sawmills within Northern Region.

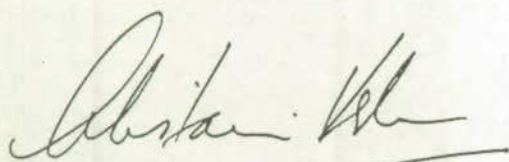
There is also a significant demand from councils for timber to maintain bridges on local roads. There are about 5000 such bridges state-wide and at least half of these would be in the Northern Region.

Research into the use of alternative materials, such as laminated timber members is currently being conducted by the Authority. Such members may prove useful for replacing truss and some other sawn members. However, the need for round girders will remain, as will the need for amounts of sawn timber.

2 21/12 → Peter Smith JE ...12  
M. J. McHale → Gordon Potter 23/12/12

2.

In regard to access onto the Gwydir Highway for forest operations, the Authority would expect normal consultations to occur to ensure road safety and traffic efficiency is maintained.

A handwritten signature in dark ink, appearing to read 'A A Kerle', with a horizontal line drawn underneath it.

A A Kerle  
Director  
Northern Region

18/12/92





F93\0061  
JJB:MH

Forestry Commission of NSW  
423 Pennant Hills Road  
PENNANT HILLS NSW 2120

18 FEB 1993  
RLJ

Dear Sir/Madam,

ENVIRONMENTAL IMPACT STATEMENT – DORRIGO MANAGEMENT AREA

Thank you for your correspondence of 1 December 1992, requesting advice from NSW Fisheries in regard to the above proposal. It is pleasing to note the inclusion of an examination of fish resources within the EIS. A number of issues, however, remain of concern to NSW Fisheries.

Our correspondence to you (dated 29 August 1992) requested an assessment of the types and extent of fisheries' habitat in the area, yet this has not been carried out. This is of concern because, as stated on p.8-67, logging does have marked effects on benthic invertebrate fauna, ceasing when logging finishes.

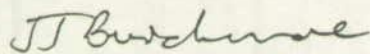
There is no assessment within the EIS of the extent of this effect, the impact on higher-order consumers, nor the time over which this effect may last in a particular watercourse. Even if the effect is temporary, a problem still obviously exists and measures which aim to ameliorate any impacts should have been considered. The EIS states that the Standard Erosion Mitigation Conditions Manual should be followed but this is of concern as this publication apparently requires revision.

Also of particular concern is that fact that insufficient information is provided on existing and proposed stream crossings and their impact on downstream habitats and fish passage. Details of these crossings and how they are to be constructed to allow fish passage should have been included. It must be remembered that under Section 29 of the Fisheries and Oyster Farms Act it is an offence to block the free passage of fish.

It would be appreciated if information on methods to reduce the impact of logging on benthic invertebrates and fish could be provided. This should include monitoring of invertebrate and fish populations etc during forestry operations. Information on stream crossings, such as number, size and method to allow fish passage, should also be provided.

Should you wish to discuss any of the above comments, please do not hesitate to contact the Habitat Biologist (Northern Region), Mr Craig Copeland, on (066) 240 0394.

Yours sincerely



J J BURCHMORE  
for R A CLAXTON  
Director of Fisheries

1/2/93





## OFFICE OF THE OMBUDSMAN

3RD FLOOR 580 GEORGE STREET, SYDNEY 2000  
TELEPHONE: 286 1000

Our reference:

Your reference: C274:JW

13 July 1993

Mr J.R. Corkill  
NSW Environment Centre  
39 George Street  
THE ROCKS 2000

Dear Mr Corkill,

**Re: Your complaint about the Department of Planning.**

---

Your complaint has been received and will be assessed as soon as practicable.

Further advice will be sent to you as soon as a decision in the matter has been made.

Yours sincerely,

Jan Weller  
Senior Investigative Assistant  
for the Ombudsman

New South Wales Government  
**Department of Planning**  
Remington Centre 175 Liverpool Street Sydney 2000  
Box 3927 G.P.O. Sydney 2001 DX. 15 Sydney  
Telephone (02) 391 2000 Fax (02) 3912336

HERITAGE, ASSESSMENTS AND  
RESOURCES DIVISION

**FAX MESSAGE**

<b>TO</b>  J CORKILL	<b>FAX NUMBER</b>  2475 945
----------------------------	-----------------------------------

<b>FROM</b>  H GREEN	<b>FAX NUMBER</b>  (02) 391 2336
<b>TELEPHONE CONTACT NUMBER</b>  391 2086	<b>DATE</b>  28/4/93

PLEASE CONTACT (02)  
IF THERE IS A TRANSMISSION FAULT

SHEETS  
TO FOLLOW 2

COMMENTS

4

Dec 22 '92

access 14/1/93 March 11

Reg. 18/2/93 Reg. 23rd - Dr Rpt

2/4/93

Baven: couldn't see  
any grounds for refusing access. 14/4/93



Executive Officer

# NATURE CONSERVATION COUNCIL OF NSW

THE NATURE CONSERVATION COUNCIL OF NSW  
39 GEORGE ST  
THE ROCKS NSW 2000  
PHONE: (02) 247 4206/247 2228  
FAX: (02) 247 5945



faxed  
8.40pm  
17/5/93

TO: Mrs G. KIBBLE - DIRECTOR DoP

FROM: JOHN CORRIE

IF YOU DO NOT RECEIVE 2 PAGES INCLUDING THIS ONE PLEASE PHONE  
(02) 247 4206.

## COMMENTS:

**URGENT - Please  
forward to the Director  
Thanks.**



# NATURE CONSERVATION COUNCIL OF NSW

THE NATURE CONSERVATION COUNCIL OF NSW  
39 GEORGE ST  
THE ROCKS NSW 2000  
PHONE: (02) 247 4206/247 2228  
FAX: (02) 247 5945



TO: Mike Hickman

FROM: John Cantrell

IF YOU DO NOT RECEIVE 3 PAGES INCLUDING THIS ONE PLEASE PHONE  
(02) 247 4206.

COMMENTS:

Re: FOI xx 65

URGENT  
forward to the Director  
Thanks

# 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: TIM ROBERTSON

FROM: JOHN CORKILL

IF YOU DO NOT RECEIVE 3 PAGES INCLUDING THIS ONE PLEASE  
CALL (02) 247 4206 / 247 2228

## COMMENTS:

DoP's decision on internal review of my FOI request for  
submissions on Dorrigo MA EIS is to refuse the documents  
for which I specifically sought access!  
Can we get into the District Court a.s.a.p.? F



# 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:

# 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: MRS G. KIBBLE

FROM: JOHN CORKILL

IF YOU DO NOT RECEIVE 2 PAGES INCLUDING THIS ONE PLEASE  
CALL (02) 247 4206 / 247 2228

COMMENTS: URGENT Please forward to the Director.

NB: I request advice by Thursday 20 May 1993 4pm  
not Thursday 19 as earlier advised.



re faxed

8-52pm

17/5/93

J



# NATURE CONSERVATION COUNCIL OF NSW

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

~~(02) 247 4206 / 247 2228~~

PHONE: (02) 247 4206/247 2228

FAX: (02) 247 5945



TO:

PENNY

FROM:

Bruce

IF YOU DO NOT RECEIVE 3 PAGES INCLUDING THIS ONE PLEASE  
CALL (02) 247 4206 / 247 2228

COMMENTS:

COPY FINAL KHAP'GAT  
letter to all FED ALP.  
Caucas

draft 2 - 21.5.1993 [Ee:\nefa\dmaeis-a.ffi]

---

I, John Robert Corkill, environmentalist, of 1 Oliver Place, Lismore, in the State of New South Wales do solemnly affirm and say:

1. I am applicant in these proceedings. I make the following affidavit of my own knowledge.

On 15 February 1992, I made a submission on the Dorriggo Management Area Environmental Impact Statement (Dorriggo MA EIS) by way objection in which I set out the grounds for my objection.

On 11 March 1993 I made an application under the Freedom of Information Act, 1989 to the Department of planning 'for access to and liberty to make copies of all submissions made on the recently exhibited Dorriggo Management Area Environmental Impact Statement (EIS)'. Annexed hereto and marked with the letter " A " is a true copy of the said FOI application.

About a week later I received a letter dated 16 March 1993 from Mr Philip Pick, Department of Planning FOI Co-ordinator, acknowledging receipt of my FOI application and \$30.00 cheque, noting my request for a reduction in fees and advising that he would write again after the application had received attention. Annexed hereto and marked with the letter " B " is a true copy of the said letter.

On 1 April I received via fax, a copy of a letter dated 29 March 1993 from Mr Pick, advising on progress in the processing of my FOI application. Annexed hereto and marked with the letter " C " is a true copy of the said letter.

On 27 April 1993 I spoke to Mr Pick on the telephone regarding further progress on answering my FOI application. Immediately after our telephone call I made a brief note of the conversation on the foot of Mr Pick's letter of 29 March 1993.

On 28 April 1993 I received via fax copy of a letter dated 27 April 1993, from H. Green, Head, Heritage, Assessments and Resources Division, Department of Planning advising that my FOI request for access had been refused as the documents were exempt according to Schedule 1, part 3 of the FOI Act, in that they are internal working documents and that their release would, on balance, be contrary to the public interest. Annexed hereto and marked with the letter " D " is a true copy of the said letter of determination.

On 29 March 1993 I hand-delivered to the office of Director of the Department of Planning, a letter from me to the Director dated 28 March 1993, requesting an internal review of the determination of

Affidavit of John Robert Corkill 21.5.1993



my FOI application. That letter also requested that in the review, consideration be given to reasons, set out in my application as to why in my view the release of these documents would be in the public interest. Annexed hereto and marked with the letter " E " is a true copy of the said letter requesting an internal review.

On 17 May 1993, I wrote to the Director of the Department of Planning to query the Department's action in processing my request for an internal review of the refusal to grant access to any submissions made on the Dorriggo MA EIS. I requested advice of the determination of the internal review by 4.00pm Thursday 20 May 1993. I faxed this letter to the Department of Planning at 8.52pm on 17 May. Annexed hereto and marked with the letter " F " is a true copy of the said letter.

On 19 May 1993 I received via fax a copy of a letter from Neville Apitz, Assistant Director, Department of Planning advising of his determination of the internal review of my FOI application. Mr Apitz advised that access to 5 submissions (no.s 72, 74, 78, 115, & 141) on the Dorriggo MA EIS made by public authorities and the Australian Museum would be refused. He advised that access would be allowed to all other submissions. Annexed hereto and marked with the letter " G " is a true copy of the said letter of determination of the internal review.

The documents for which I requested access and liberty to copy were

" all submissions made on the recently exhibited Dorriggo Management Area EIS... particularly ... the submissions of NSW government agencies including the Environment Protection Authority, Department of Conservation and Land Management and National Parks and Wildlife Service... all Forestry Commission submissions made on the EIS and/or any FCNSW comments made on submissions made by other submitters..."

This Environmental Impact Statement (EIS) was exhibited pursuant to the Environmental Planning and Assessment Act, 1979.

Unlike other Environmental Impact Statements prepared under Part V of the EPA Act, this EIS was required under s.6 of the Timber Industry (Interim Protection) Act 1992.

The usual procedure for Part V EIS's is for the proponent to determine the EIS it has prepared and exhibited.

In March 1992 through the passage of the TI(IP) Act, the NSW Parliament decided that the determining authority for a specified number of Environmental Impact Statements would be the Minister for Planning.

Affidavit of John Robert Corkill 21.5.1993



The Act has a schedule 1 which identifies areas of old-growth forest on which no logging operations may be carried out until an EIS is obtained. These are 'moratorium forests'.

The Act has a schedule 3 which sets out the timetable for the preparation of EIS's by certain dates to be then determined by the Minister for Planning.

A further schedule 4 identifies other forest areas in which logging operations may be carried out pending the obtaining of an EIS. These are 'non moratorium forests'

The submissions on the Dorrigo MA EIS refer to land in the Dorrigo Management Area of the Forestry Commission of NSW. For administrative purposes, NSW forestry lands are divided into Management Areas. Management Areas comprise numerous named and numbered State Forests and each State Forest is divided into compartments. For administrative purposes, these compartments are also numbered. Most forestry activity approvals (permits, licences etc) are granted with reference to numbered compartments within named State Forests, with a Management Area.

The Dorrigo MA contains certain lands which include 'moratorium forests' and 'non-moratorium forests'. Part of Dorrigo MA is Chaelundi State Forest No. 996, which has a total area of 35,000 hectares. Part of the Chaelundi SF has been the subject of extensive legal proceedings by me in the Land and Environment Court since 1990.

Undertakings have been granted to me before the Land and Environment Court by the Forestry Commission of NSW in relation to the preparation of an EIS for logging, roading and burning of 33 compartments, approximately 7,000 hectares, of old growth forest which lie within the boundary of the proposed Guy Fawkes River Wilderness area.

Annexed hereto and marked with the letter " H " is a true copy of the said undertakings given to me in proceedings no. 40052/90.

The area said to have been studied in the Dorrigo MA EIS includes those 33 compartments the subject of the earlier proceedings.

In October 1990 an earlier EIS for part of the Dorrigo MA was prepared and exhibited for 3 compartments of Chaelundi SF, (the 3 compartment EIS) being 3 compartments of the 33 compartments for which they had given undertakings.

\* In proceedings no. I challenged the legal validity of the 3 compartment EIS. Annexed hereto and marked with the letter " I " is a true copy of the application in those proceedings. Those

Affidavit of John Robert Corkill 21.5.1993



proceedings were discontinued with leave to restore on two days notice.

\*\* In proceedings no. I challenged the lawfulness of Forestry Commission authorising and / or carrying out logging in these three compartment without first have sought and obtained a licence to take or kill endangered fauna as required under s. 99 of the National Parks and Wildlife Act 1974. In preliminary hearings before the Land and Environment Court, counsel for the Forestry Commission sought to reserve as a defence to the proceedings, reliance on the assessment of impacts on fauna contained in the 3 compartment EIS.

Consequently, I requested various wildlife scientists who were consultants to me as expert witnesses on the impacts of logging on fauna, including endangered fauna, to prepare affidavits commenting on the adequacy of the assessment of impacts of logging on fauna, particularly endangered fauna. These affidavits from expert witnesses described the 3 compartment EIS assessments of fauna as inadequate. In addition a consultant economist also prepared on my request an affidavit on the adequacy of the assessment of economic impacts of logging or the considered options of not undertaking the proposed activity. That affidavit stated that the economic analysis was inadequate and misleading.

When these affidavits in reply were filed with the Court and copies provided to the Forestry Commission, the defence dropped any reference to the 3 compartment EIS and did not seek further to rely on the adequacy of its assessments. Annexed hereto and marked with the letter " I " is a true copy of the application in those proceedings. Those proceedings were discontinued with leave to restore on two days notice.

The 3 compartment EIS was determined by the Forestry Commission on ?? before the passage of the Timber Industry (Interim Protection) Act 1992, and logging and roading work in the 3 compartments commenced on 8 August 1991. On the following day, the Land and Environment Court granted an interlocutory injunction.

Proceeding no. 40169 of 1991 (the National Parks and Wildlife Act (NPWA) proceeding) was heard and determined by Stein, J. This judgement is reported in 73LGRA. The Forestry Commission of NSW appealed to the Court of Appeal which varied Stein J.'s orders but otherwise dismissed the Appeal. The Court of Appeal's judgement is also recorded in 73LGRA.

In the course of the proceedings in the Land and Environment Court many thousands of documents, in scores of files, kept by the Department of Planning, Forestry Commission and other statutory authorities and persons were produced to the Court in answer to

Affidavit of John Robert Corkill 21.5.1993



subpoenas issued on my request. Included amongst these files were all the submissions to the Forestry Commission on the 3 compartment EIS by individuals, organisations and the National Parks and Wildlife Service (NPWS).

No application was made by Forestry Commission or the NPWS to suppress the documents on the grounds of 'public interest privilege' or 'confidentiality'. Some of these submissions including the NPWS submission, were tendered in the proceedings, and became exhibits, as were numerous internal working documents of the Forestry Commission which related to these submissions.

I have had 10 years experience as an officer and / or employee of various environment groups and am familiar with planning and development decision making in NSW.

I am aware that the objects of the Environmental Planning and Assessment Act 1979 contained in s.5 of the Act includes the object  
 "(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment".

I have constantly sought to exercise my rights to such involvement and participation in environmental planning and assessment through a range of mechanisms available to me under the Act, in the 10 years I have been an active environmentalist.

I held the position of Secretary of The Big Scrub Environment Centre Inc for 2 years and was later employed by the Centre as a Project Officer. During my time as Secretary and later Project Officer I actively participated in the public processes leading to the adoption of the Ballina and Byron Shire Council's Local Environment Plan (LEP's) and the Lismore City Council's LEP.

In these roles I also prepared reports and submissions which commented on draft plans of management, development applications, environmental impact statements, LEP amendments, proposed or draft government planning and / or policy documents and legislation under review. I attended public hearings and inquiries on behalf of the Centre and participated in negotiations with developers, public authorities, local government staff and councillors. I also made applications for heritage protection orders, and for government intervention in the affairs of the Tweed Shire Council following the compilation of evidence of breaches of the EPA Act.

I have held the position of Vice President of the North Coast Environment Council Inc, a regional umbrella body, since 1984/85 and was its delegate to the Northern Rivers Regional Planning Advisory Committee (NORPAC) from 1985 - 1989. This is a ministerial advisory committee established under s.22 of the EPA Act and

Affidavit of John Robert Corkill 21.5.1993



convened by the Department of Planning. During this time the principal work of the committee was the preparation, public exhibition and finalisation of the North Coast Regional Environment Plan (NCREP).

From 1987 to 1989 I was an elected member of the executive of the state peak conservation organisation the Nature Conservation Council of NSW (the NCC) and from 1987 to 1989 I was its Vice Chairperson. In 1987 I was appointed as NCC's delegate to another s.22 advisory committee on the Implementation of the National Conservation Strategy for Australia, convened by the Department of Planning.

In 1989 I was appointed as the NCC's delegate to the Coastal Committee of NSW, another ministerial advisory committee, convened by the Department of Planning under s.22 of the EPA Act. At present, I am in my second term on this Committee. The principal work of this committee has been the co-ordination of coastal management in NSW, the implementation of the Government Policy on the NSW Coast announced by the then Premier in 1990, and more recently the review of this policy.

In 1989 I was appointed by the NCC to act as its liaison officer in NSW Parliament House, with a specific brief to focus on legislation affecting the environment. In this role I drafted submissions and amendments on several Bills including the Crown Lands Bills which were enacted in 1989.

Since 1989 I have acted as the Sydney Co-ordinator of the North East Forest Alliance (NEFA), a network of pre-existing groups and individuals committed to protecting high conservation value forest areas. Since 1990 I have commenced court proceedings over the Mount Royal, Chaelundi, Washpool and Billilimbra, and Yarrahappini State Forests.

I am aware that the development planning and approval decision making system in NSW is divided into 2 mutually exclusive statutory processes under the EPA Act.

The first process affects development proposals which require local government consent. Those proposals are dealt with under Part IV of the EPA Act.

The second process applies to development by a public authority, where no consent is required from the local government. Proposed development in these cases are processed under Part V of the EPA Act. Under Part IV, where the development proposal is 'designated' (i.e. it meets the description of development listed in Schedule 3 of the EPA Act Regulations) an Environmental Impact Statement must be prepared. Where the development relates to an area of

Affidavit of John Robert Corkill 21.5.1993



coastal wetland or littoral rainforest, classified under SEPP 14 or 26 respectively, and involves the clearing of native vegetation, filling or draining, an EIS is also required to be prepared.

EIS's are produced to consent authorities (usually local government councils) for consideration, and must be publicly exhibited. An opportunity must also be given to allow public authorities, organisations, corporations, members of the public etc, to make submissions on the EIS to the consent authority.

These submissions, on EIS's prepared under Part IV, are public documents and in my experience are invariably considered in open meetings of the local council. Often local councils make copies of submissions available for inspection at the counter of the relevant department within the council.

Where a Commission of Inquiry into a development application is held, the submissions on the development proposal are provided to the Commissioner(s) who, together with specific submissions to the Inquiry, usually consider these documents as public documents.

Under Part V, an EIS must be prepared where the development activity proposed is likely to have a significant affect on the environment. This obligation only extends to development which may be the carried on without development consent under Part IV, where either:

- a) the development proponent is a public authority; or
- b) a public authority must approve (e.g. licence) the development activity, whether or not it is to be carried on by a public authority.

Before an EIS is prepared under either Part IV or Part V, the EPA Act Regulations require the development proponent to approach the Director of the Department of Planning for advice of any special requirements for the preparation of the EIS (Director's requirements). A proponent must have regard to any such requirements.

In my experience, the Director issues requirements for EIS's which are in standard form for particular industries. In the past, such Director's requirements have required the proponent to consult with public authorities prior to the preparation of the EIS.

In more recent times, the proponents of development which require an EIS, prior to the commencement of the statutory processes of EIS preparation, often consult public authorities and interested parties for their views on the scope and content of the EIS proposed to be prepared. Where this has already been done the Director does not require an additional statutory round of

Affidavit of John Robert Corkill 21.5.1993



consultation with public authorities.

It is usual, in my experience, for the proponent to include within the EIS, as appendices, copies of the Director's requirements and the responses, on the scope and content of the EIS, made by public authorities consulted by the proponent in non-statutory preliminary discussions. These responses thus become public documents when the EIS is exhibited.

In my experience the requirements for the contents of EIS's under Parts IV and V of the EPA Act, as set out in Clauses 34 and 57 of the EPA Act Regulations are identical, as are the requirements relating to seeking of Director's requirements, obligations for public exhibition and duties to allow and take into account public submissions on the EIS.

In my experience, submissions by public authorities on an EIS exhibited under Part V have never been suppressed, either by the requirement of the submitter or a decision of the consent authority.

I am aware that my friend and colleague Mr Barrie Griffiths made an application in very similar terms as mine, to the Department of Planning on 22 December 1992, seeking access to and liberty to copy submissions made on the Wingham Management Area Environmental Impact Statement.

Mr Griffiths application was granted and on 18 February 1993 Mr Griffiths had access to the documents he sought, making copies of many of the submissions, particularly those of public authorities.

Mr Griffiths subsequently published news releases and otherwise made public comments quoting from these public authorities' submissions. In particular, Mr Griffiths used these submissions to highlight the inadequacies of the exhibited Mount Royal and Wingham EIS's.

I am concerned that the Department of Planning's decision, to refuse me access to public authorities' submissions on the Dorrego MA EIS, is inconsistent with its determination of Mr Griffiths' application. I raised this issue in my request for internal review but Mr Apitz's determination did not refer to this matter.

I am further concerned that the reason for this refusal is to prevent the public disclosure of the views of these public authorities, so as to prevent the embarrassment of the Forestry Commission and the Department of Planning.

I am concerned that if these documents are not released immediately into the public domain, there will be a significant diminution of the accountability of these authorities and the Department of

Affidavit of John Robert Corkill 21.5.1993

Planning.

I request this Honourable Court's adjudication as to whether the documents refused, submissions 72, 74 78 115 and 141 on the Dorrigo MA EIS are internal working documents whose release would on balance be contrary to the public interest.

Affirmed before me at Sydney in  
the State of New South Wales,  
this .....day of May, 1993.

)  
)  
)  
)  
)

.....

Deponent

Before me:

.....

Justice of the Peace / Solicitor





# JOHN CORKILL

DIPLOMA IN TEACHING

ENVIRONMENTAL EDUCATOR, PLANNER, POLICY ADVISOR

Executive Officer - GREEN APPEAL Inc;

Member, Coastal Committee of NSW;

Vice President, North Coast Environment Council Inc; Sydney Co-ordinator, North East Forest Alliance.

SYDNEY: NSW Environment Centre, 39 George St, The Rocks. 2000. Ph. 02 2474 206, Fx 02 2475 945

LISMORE: The Big Scrub Environment Centre Inc, 88A Keen St, Lismore. 2480. Ph 066 213 278, Fx 066 219 420

## FAX COVER SHEET

TO: BRUCE WOOLF

FAX No. 22 23 530

PH No. 221 8522

No. of Pages following 9

DATE SENT 21.15.93.

MESSAGE:

Draft of my affidavit requested by TFR to challenge DoP refusal of access to submissions on Dorrigo MA EIS - Please comment. NB. Which of the two scenarios @ foot of p3 + top p4 is correct?

IF TRANSMISSION FAILS OR IMPERFECT, PLEASE PHONE: 2474206



# JOHN CORKILL

DIPLOMA IN TEACHING

ENVIRONMENTAL EDUCATOR, PLANNER, POLICY ADVISOR

Executive Officer GREEN APPEAL Inc;

Member, Coastal Committee of NSW;

Vice President, North Coast Environment Council Inc; Sydney Co-ordinator, North East Forest Alliance.

SYDNEY: NSW Environment Centre, 39 George St, The Rocks. 2000. Ph. 02 2474 206, Fx 02 2475 945

LISMORE: The Big Scrub Environment Centre Inc, 88A Keen St, Lismore. 2480. Ph 066 213 278, Fx 066 219 420

## FAX COVER SHEET

TO: TIM ROBERTSON

FAX No. 221 6944

PH No. 229 7537

No. of Pages following 9

DATE SENT 21/5/93

MESSAGE:

draft 2 of my affidavit in Damigo MA EIS FOI  
matter - please advise changes, additions re-ordering of  
paragraphs required.

IF TRANSMISSION FAILS OR IMPERFECT, PLEASE PHONE: 2474206



draft 2 - 21.5.1993 [Ee:\nefs\dmaeis-a.fff]

I, John Robert Corkill, environmentalist, of 1 Oliver Place, Lismore, in the State of New South Wales do solemnly affirm and say:

1. I am applicant in these proceedings. I make the following affidavit of my own knowledge.

On 15 February 1992, I made a submission on the Dorriggo Management Area Environmental Impact Statement (Dorriggo MA EIS) by way objection in which I set out the grounds for my objection.

On 11 March 1993 I made an application under the Freedom of Information Act, 1989 to the Department of planning 'for access to and liberty to make copies of all submissions made on the recently exhibited Dorriggo Management Area Environmental Impact Statement (EIS)'. Annexed hereto and marked with the letter " A " is a true copy of the said FOI application.

About a week later I received a letter dated 16 March 1993 from Mr Philip Pick, Department of Planning FOI Co-ordinator, acknowledging receipt of my FOI application and \$30.00 cheque, noting my request for a reduction in fees and advising that he would write again after the application had received attention. Annexed hereto and marked with the letter " B " is a true copy of the said letter.

On 1 April I received via fax, a copy of a letter dated 29 March 1993 from Mr Pick, advising on progress in the processing of my FOI application. Annexed hereto and marked with the letter " C " is a true copy of the said letter.

On 27 April 1993 I spoke to Mr Pick on the telephone regarding further progress on answering my FOI application. Immediately after our telephone call I made a brief note of the conversation on the foot of Mr Pick's letter of 29 March 1993.

On 28 April 1993 I received via fax copy of a letter dated 27 April 1993, from H. Green, Head, Heritage, Assessments and Resources Division, Department of Planning advising that my FOI request for access had been refused as the documents were exempt according to Schedule 1, part 3 of the FOI Act, in that they are internal working documents and that their release would, on balance, be contrary to the public interest. Annexed hereto and marked with the letter " D " is a true copy of the said letter of determination.

On 29 March 1993 I hand-delivered to the office of Director of the Department of Planning, a letter from me to the Director dated 28 March 1993, requesting an internal review of the determination of

Affidavit of John Robert Corkill 21.5.1993

my FOI application. That letter also requested that in the review, consideration be given to reasons, set out in my application as to why in my view the release of these documents would be in the public interest. Annexed hereto and marked with the letter " E " is a true copy of the said letter requesting an internal review.

On 17 May 1993, I wrote to the Director of the Department of Planning to query the Department's action in processing my request for an internal review of the refusal to grant access to any submissions made on the Dorrigo MA EIS. I requested advice of the determination of the internal review by 4.00pm Thursday 20 May 1993. I faxed this letter to the Department of Planning at 8.52pm on 17 May. Annexed hereto and marked with the letter " F " is a true copy of the said letter.

On 19 May 1993 I received via fax a copy of a letter from Neville Apits, Assistant Director, Department of Planning advising of his determination of the internal review of my FOI application. Mr Apits advised that access to 5 submissions (no.s 72, 74, 78, 115, & 141) on the Dorrigo MA EIS made by public authorities and the Australian Museum would be refused. He advised that access would be allowed to all other submissions. Annexed hereto and marked with the letter " G " is a true copy of the said letter of determination of the internal review.

The documents for which I requested access and liberty to copy were

" all submissions made on the recently exhibited Dorrigo Management Area EIS... particularly ... the submissions of NSW government agencies including the Environment Protection Authority, Department of Conservation and Land Management and National Parks and Wildlife Service... all Forestry Commission submissions made on the EIS and/or any FCNSW comments made on submissions made by other submitters..."

This Environmental Impact Statement (EIS) was exhibited pursuant to the Environmental Planning and Assessment Act, 1979.

Unlike other Environmental Impact Statements prepared under Part V of the EPA Act, this EIS was required under s.6 of the Timber Industry (Interim Protection) Act 1992.

The usual procedure for Part V EIS's is for the proponent to determine the EIS it has prepared and exhibited.

In March 1992 through the passage of the TI(IP) Act, the NSW Parliament decided that the determining authority for a specified number of Environmental Impact Statements would be the Minister for Planning.

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The Act has a schedule 1 which identifies areas of old-growth forest on which no logging operations may be carried out until an EIS is obtained. These are 'moratorium forests'.

The Act has a schedule 3 which sets out the timetable for the preparation of EIS's by certain dates to be then determined by the Minister for Planning.

A further schedule 4 identifies other forest areas in which logging operations may be carried out pending the obtaining of an EIS. These are 'non moratorium forests'.

The submissions on the Dorrigo MA EIS refer to land in the Dorrigo Management Area of the Forestry Commission of NSW. For administrative purposes, NSW forestry lands are divided into Management Areas. Management Areas comprise numerous named and numbered State Forests and each State Forest is divided into compartments. For administrative purposes, these compartments are also numbered. Most forestry activity approvals (permits, licences etc) are granted with reference to numbered compartments within named State Forests, with a Management Area.

The Dorrigo MA contains certain lands which include 'moratorium forests' and 'non-moratorium forests'. Part of Dorrigo MA is Chaelundi State Forest No. 996, which has a total area of 35,000 hectares. Part of the Chaelundi SF has been the subject of extensive legal proceedings by me in the Land and Environment Court since 1990.

Undertakings have been granted to me before the Land and Environment Court by the Forestry Commission of NSW in relation to the preparation of an EIS for logging, roading and burning of 33 compartments, approximately 7,000 hectares, of old growth forest which lie within the boundary of the proposed Guy Fawkes River Wilderness area.

Annexed hereto and marked with the letter " H " is a true copy of the said undertakings given to me in proceedings no. 40052/90.

The area said to have been studied in the Dorrigo MA EIS includes those 33 compartments the subject of the earlier proceedings.

In October 1990 an earlier EIS for part of the Dorrigo MA was prepared and exhibited for 3 compartments of Chaelundi SF, (the 3 compartment EIS) being 3 compartments of the 33 compartments for which they had given undertakings.

\* In proceedings no. 1 challenged the legal validity of the 3 compartment EIS. Annexed hereto and marked with the letter " I " is a true copy of the application in those proceedings. Those

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proceedings were discontinued with leave to restore on two days notice.

\*\* In proceedings no. 1 challenged the lawfulness of Forestry Commission authorising and / or carrying out logging in these three compartment without first have sought and obtained a licence to take or kill endangered fauna as required under s. 99 of the National Parks and Wildlife Act 1974. In preliminary hearings before the Land and Environment Court, counsel for the Forestry Commission sought to reserve as a defence to the proceedings, reliance on the assessment of impacts on fauna contained in the 3 compartment EIS.

Consequently, I requested various wildlife scientists who were consultants to me as expert witnesses on the impacts of logging on fauna, including endangered fauna, to prepare affidavits commenting on the adequacy of the assessment of impacts of logging on fauna, particularly endangered fauna. These affidavits from expert witnesses described the 3 compartment EIS assessments of fauna as inadequate. In addition a consultant economist also prepared on my request an affidavit on the adequacy of the assessment of economic impacts of logging or the considered options of not undertaking the proposed activity. That affidavit stated that the economic analysis was inadequate and misleading.

When these affidavits in reply were filed with the Court and copies provided to the Forestry Commission, the defence dropped any reference to the 3 compartment EIS and did not seek further to rely on the adequacy of its assessments. Annexed hereto and marked with the letter " I " is a true copy of the application in those proceedings. Those proceedings were discontinued with leave to restore on two days notice.

The 3 compartment EIS was determined by the Forestry Commission on ?? before the passage of the Timber Industry (Interim Protection) Act 1992, and logging and roading work in the 3 compartments commenced on 8 August 1991. On the following day, the Land and Environment Court granted an interlocutory injunction.

Proceeding no. 40169 of 1991 (the National Parks and Wildlife Act (NPWA) proceeding) was heard and determined by Stein, J. This judgement is reported in 73LGRA. The Forestry Commission of NSW appealed to the Court of Appeal which varied Stein J.'s orders but otherwise dismissed the Appeal. The Court of Appeal's judgement is also recorded in 73LGRA.

In the course of the proceedings in the Land and Environment Court many thousands of documents, in scores of files, kept by the Department of Planning, Forestry Commission and other statutory authorities and persons were produced to the Court in answer to

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subpoenas issued on my request. Included amongst these files were all the submissions to the Forestry Commission on the 3 compartment EIS by individuals, organisations and the National Parks and Wildlife Service (NPWS).

No application was made by Forestry Commission or the NPWS to suppress the documents on the grounds of 'public interest privilege' or 'confidentiality'. Some of these submissions including the NPWS submission, were tendered in the proceedings, and became exhibits, as were numerous internal working documents of the Forestry Commission which related to these submissions.

I have had 10 years experience as an officer and / or employee of various environment groups and am familiar with planning and development decision making in NSW.

I am aware that the objects of the Environmental Planning and Assessment Act 1979 contained in s.5 of the Act includes the object "(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment".

I have constantly sought to exercise my rights to such involvement and participation in environmental planning and assessment through a range of mechanisms available to me under the Act, in the 10 years I have been an active environmentalist.

I held the position of Secretary of The Big Scrub Environment Centre Inc for 2 years and was later employed by the Centre as a Project Officer. During my time as Secretary and later Project Officer I actively participated in the public processes leading to the adoption of the Ballina and Byron Shire Council's Local Environment Plan (LEP's) and the Lismore City Council's LEP.

In these roles I also prepared reports and submissions which commented on draft plans of management, development applications, environmental impact statements, LEP amendments, proposed or draft government planning and / or policy documents and legislation under review. I attended public hearings and inquiries on behalf of the Centre and participated in negotiations with developers, public authorities, local government staff and councillors. I also made applications for heritage protection orders, and for government intervention in the affairs of the Tweed Shire Council following the compilation of evidence of breaches of the EPA Act.

I have held the position of Vice President of the North Coast Environment Council Inc, a regional umbrella body, since 1984/85 and was its delegate to the Northern Rivers Regional Planning Advisory Committee (NORPAC) from 1985 - 1989. This is a ministerial advisory committee established under s.22 of the EPA Act and

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convened by the Department of Planning. During this time the principal work of the committee was the preparation, public exhibition and finalisation of the North Coast Regional Environment Plan (NCREP).

From 1987 to 1989 I was an elected member of the executive of the state peak conservation organisation the Nature Conservation Council of NSW (the NCC) and from 1987 to 1989 I was its Vice Chairperson. In 1987 I was appointed as NCC's delegate to another s.22 advisory committee on the Implementation of the National Conservation Strategy for Australia, convened by the Department of Planning.

In 1989 I was appointed as the NCC's delegate to the Coastal Committee of NSW, another ministerial advisory committee, convened by the Department of Planning under s.22 of the EPA Act. At present, I am in my second term on this Committee. The principal work of this committee has been the co-ordination of coastal management in NSW, the implementation of the Government Policy on the NSW Coast announced by the then Premier in 1990, and more recently the review of this policy.

In 1989 I was appointed by the NCC to act as its liaison officer in NSW Parliament House, with a specific brief to focus on legislation affecting the environment. In this role I drafted submissions and amendments on several Bills including the Crown Lands Bills which were enacted in 1989.

Since 1989 I have acted as the Sydney Co-ordinator of the North East Forest Alliance (NEFA), a network of pre-existing groups and individuals committed to protecting high conservation value forest areas. Since 1990 I have commenced court proceedings over the Mount Royal, Chaelundi, Washpool and Billilimba, and Yarrahappini State Forests.

I am aware that the development planning and approval decision making system in NSW is divided into 2 mutually exclusive statutory processes under the EPA Act.

The first process affects development proposals which require local government consent. Those proposals are dealt with under Part IV of the EPA Act.

The second process applies to development by a public authority, where no consent is required from the local government. Proposed development in these cases are processed under Part V of the EPA Act. Under Part IV, where the development proposal is 'designated' (i.e. it meets the description of development listed in Schedule 3 of the EPA Act Regulations) an Environmental Impact Statement must be prepared. Where the development relates to an area of

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coastal wetland or littoral rainforest, classified under SEPP 14 or 26 respectively, and involves the clearing of native vegetation, filling or draining, an EIS is also required to be prepared.

EIS's are produced to consent authorities (usually local government councils) for consideration, and must be publicly exhibited. An opportunity must also be given to allow public authorities, organisations, corporations, members of the public etc, to make submissions on the EIS to the consent authority.

These submissions, on EIS's prepared under Part IV, are public documents and in my experience are invariably considered in open meetings of the local council. Often local councils make copies of submissions available for inspection at the counter of the relevant department within the council.

Where a Commission of Inquiry into a development application is held, the submissions on the development proposal are provided to the Commissioner(s) who, together with specific submissions to the Inquiry, usually consider these documents as public documents.

Under Part V, an EIS must be prepared where the development activity proposed is likely to have a significant affect on the environment. This obligation only extends to development which may be the carried on without development consent under Part IV, where either:

- a) the development proponent is a public authority; or
- b) a public authority must approve (e.g. licence) the development activity, whether or not it is to be carried on by a public authority.

Before an EIS is prepared under either Part IV or Part V, the EPA Act Regulations require the development proponent to approach the Director of the Department of Planning for advice of any special requirements for the preparation of the EIS (Director's requirements). A proponent must have regard to any such requirements.

In my experience, the Director issues requirements for EIS's which are in standard form for particular industries. In the past, such Director's requirements have required the proponent to consult with public authorities prior to the preparation of the EIS.

In more recent times, the proponents of development which require an EIS, prior to the commencement of the statutory processes of EIS preparation, often consult public authorities and interested parties for their views on the scope and content of the EIS proposed to be prepared. Where this has already been done the Director does not require an additional statutory round of

Affidavit of John Robert Corkill 21.5.1993

consultation with public authorities.

It is usual, in my experience, for the proponent to include within the EIS, as appendices, copies of the Director's requirements and the responses, on the scope and content of the EIS, made by public authorities consulted by the proponent in non-statutory preliminary discussions. These responses thus become public documents when the EIS is exhibited.

In my experience the requirements for the contents of EIS's under Parts IV and V of the EPA Act, as set out in Clauses 34 and 57 of the EPA Act Regulations are identical, as are the requirements relating to seeking of Director's requirements, obligations for public exhibition and duties to allow and take into account public submissions on the EIS.

In my experience, submissions by public authorities on an EIS exhibited under Part V have never been suppressed, either by the requirement of the submitter or a decision of the consent authority.

I am aware that my friend and colleague Mr Barrie Griffiths made an application in very similar terms as mine, to the Department of Planning on 22 December 1992, seeking access to and liberty to copy submissions made on the Wingham Management Area Environmental Impact Statement.

Mr Griffiths application was granted and on 18 February 1993 Mr Griffiths had access to the documents he sought, making copies of many of the submissions, particularly those of public authorities.

Mr Griffith subsequently published news releases and otherwise made public comments quoting from these public authorities' submissions. In particular, Mr Griffith used these submissions to highlight the inadequacies of the exhibited Mount Royal and Wingham EIS's.

I am concerned that the Department of Planning's decision, to refuse me access to public authorities' submissions on the Dorrigo MA EIS, is inconsistent with its determination of Mr Griffith's application. I raised this issue in my request for internal review but Mr Apitz's determination did not refer to this matter.

I am further concerned that the reason for this refusal is to prevent the public disclosure of the views of these public authorities, so as to prevent the embarrassment of the Forestry Commission and the Department of Planning.

I am concerned that if these documents are not released immediately into the public domain, there will be a significant diminution of the accountability of these authorities and the Department of

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## Planning.

I request this Honourable Court's adjudication as to whether the documents refused, submissions 72, 74 78 115 and 141 on the Dorrigo MA EIS are internal working documents whose release would on balance be contrary to the public interest.

Affirmed before me at Sydney in )  
 the State of New South Wales, )  
 this .....day of May, 1993. )

.....  
 Deponent

Before me:

.....  
 Justice of the Peace / Solicitor

Affidavit of John Robert Corkill 21.5.1993

Dorrigo  
EIS/FOI

Dailan Pugh  
Big Scrub Environment Centre  
149 Keen St. Lismore 2480  
25 February 1993

RE: REQUEST FOR REVIEW OF DECISION TO REFUSE ACCESS TO DOCUMENTS  
UNDER FOI.

Dear Dr. Drielsma,

I request a review of the decision to refuse access to documents requested under FOI's XX41, XX42 and XX61. The \$40 review application fee is included. Specifically the documents to which access has been refused to date are:

1. Yield information.

(a) Copies of any yield reviews, and all correspondence, notes and memos relating to yield reviews since 1987 for the Grafton MA (FOI XX41, access refused in letter of 9 February 1993)

(b) 1983 smallwood yield assessment in the Dorrigo MA, which is referenced in the Dorrigo MP (FOI XX42, access refused in letter of 2 February 1993).

(c) reports that provide the rationale behind the adoption of calibration factors for the 1982 FORINS data in the Dorrigo MA, which are referenced in the Dorrigo MP (FOI XX61, access refused in letter of 2 February 1993).

(d) growth plot data for stands that have been remeasured since their establishment for the Dorrigo MA (FOI XX42, access refused in letter of 2 February 1993).

(e) growth plot data for stands that have been remeasured since their establishment for the Grafton MA (FOI XX41, access refused in letter of 9 February 1993).

These documents have apparently been refused under the Forestry Commission's general policy of refusing access to any documents relating to yield assessments. (i) Could you please specify for each of these requests how the provision of such information "could reasonably be expected to destroy or diminish that [commercial] value to the detriment of the Commission's financial viability". (ii) Given that summaries of the results of such yield assessments have been published in Management Plans in the past could you please explain how the publication of such data has in the past destroyed or diminished the Commission's financial viability? (iii) Why now will the provision of such data destroy the Commission's financial viability if it didn't in the past? (iv) Why won't you provide the 1983 yield assessment and reports that provide the rationale behind the adoption of calibration factors for the 1982 FORINS data when their results have already been summarised in the Dorrigo M.P.?

2. Research information



(a) Forestry Commission Owl and Glider Survey of Northern NSW (FOI XX61, access refused in letter of 2 February 1993).

(b) Field notes for Earthwatch programmes numbers 2, 3 and 4 (FOI XX61, access refused in letter of 2 February 1993).

Both these documents are referenced in the Dorrigo EIS and are thus required to be provided under the NPWS Director's requirements. They are required to enable a proper evaluation of the Dorrigo EIS and the refusal to provide them has greatly hampered NEFA's ability to make a comprehensive submission to the EIS.

Mr. Kavanagh has since made the owl and glider results for the Chaelundi group of forests available as he could see no problem with providing partial results. Access to results for the rest of the Dorrigo MA is still requested. The form the results for the Chaelundi Group of forests were provided was on a 1:125000 map base showing sites with the numbers of records for all Schedule 12 species and Greater Gliders for each site listed next to each site (a process undertaken by me from the full data provided by Mr. Kavanagh). Access to the results for the rest of the MA are still being sought (Mr. Kavanagh didn't have them with him at the time so was unable to supply them). The Commission's refusal to at least provide partial access to the results is considered unreasonable and thus a review of the decision is still sought.

Mr. Read's results are considered to contain information on species distribution and densities of vital importance in assessing the adequacy of the EIS. Thus copies of such documents is still sought. If there is a valid reason for not providing these documents then access to the documents is sought so as to be able to extract information pertinent to the EIS. If this is still considered to have an "unreasonable adverse effect on Mr. Read" then specific reasons are requested.

(c) 1989 Survey of Hyland State Forest (FOI XX42, access refused in letter of 2 February 1993)

This information contains data omitted from the EIS, presumably because it shows that logging has had a significant impact on arboreal mammals. The release of this information is in the public interest and the withholding of it has caused the EIS to mislead the public and misrepresent the facts. Could you please detail your reasons for claiming that its release would have an "unreasonable adverse effect on the Commission".

### 3. Logging breaches report

(a) Report on Stockyard Creek prepared by Forestry Commission and NPWS.

This report resulted from a complaint made by me and a joint field inspection held with me where I pointed out all the breaches I was aware of in the area. I was promised a copy of the



report on numerous occasions by the Forests Inspector and later Regional Manager Mr. King and it was on this understanding that I took part (at my own expense) in the field inspection. The claim for Ministerial confidentiality and the claim that its release "would on balance be contrary to the public interest" are untenable. If you wish to continue with these lame excuses could you please be more specific and provide justification for your refusal to provide this information.

Yours sincerely,

Dailan Pugh  
Nominee of Big Scrub Environment Centre.



**NORTH EAST FOREST ALLIANCE  
SUBMISSION ON "PROPOSED FORESTRY  
OPERATIONS - DORRIGO MANAGEMENT  
AREA, ENVIRONMENTAL IMPACT  
STATEMENT OCTOBER 1992."**

Prepared by Dailan Pugh



Building 2  
423 Pennant Hills Road  
Pennant Hills, N.S.W. 2120  
DX 4713 PENNANT HILLS  
FAX: (02) 484 5346

Your reference:

Our reference: XX65  
M Hickman:dj  
(02) 980 4168

Mr J R Corkill  
Environmental Educator, Planner and Policy Advisor  
c/- NSW Environment Centre  
39 George Street  
THE ROCKS NSW 2000

3 June 1993

Dear Mr Corkill

**RE: XX65 CHAELUNDI 3 COMPARTMENT EIS**

I refer to your letter of 17 May 1993 concerning the subject Freedom of Information (FOI) application.

In your earlier letter of 28 April 1993 you sought access to and liberty to make copies of all submissions made on the 1990 Environment Impact Statement ("EIS") for compartments 180, 198 and 200 at Chaelundi State Forest. Information relating to that was contained in my letter of 11 April 1993 in which I indicated the information would be available if you so desired. I also forwarded an index of the representations made so that you could determine which ones you needed to sight. In response to your request that the Commission now seek the advice of those parties upon the release of those documents I advise again that these documents are public documents and are therefore available for release.

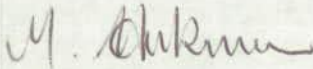
I have had the documents examined to determine if any submission contains a requirement that the author be contacted prior to release. No document was found to contain such a clause and therefore these documents as listed are available for your perusal and release. Likewise the Commission's comments on submissions to the EIS prepared pursuant to Clause 64 of the Environmental Planning and Assessment Act, 1980 are available for perusal and release.

In your letter of 17 May you indicate that you now seek access to all documents as opposed to your earlier request seeking access to submissions in relation to Chaelundi EIS. As you would be aware the amount of documentation that is contained in respect of Chaelundi is massive and the impact upon the Commission's resources would be considerable. If that is the intent I will arrange a preliminary investigation to be carried out to determine time involved.



To resolve this matter quickly it might be appropriate if you contacted me on  
(02) 980 4168.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'M. Hickman', with a stylized, cursive script.

**M HICKMAN**  
**FOI Co-ordinator**

OFFICIAL RECEIPT of FORESTRY COMMISSION OF NSW  
BUILDING 2  
423 PENNANT HILLS ROAD  
PENNANT HILLS NSW  
2120

Page: 1

Date: 29 Apr 93

Receipt Number: 511

Cust#	Customer	Account #	Amount
	J R CORKILL	625 G95796 FREEDOM OF INFORMATION	30.00

30.00

Accounting Officer . . . *Baldwin H.*

This receipt is issued subject only to any cheque on account of which it is given being duly cleared. Any receipt issued for a license fee is not to be accepted as an authority to commence operations.



+-----+  
**JOHN R. CORKILL**  
**ENVIRONMENTAL EDUCATOR, PLANNER,**  
**POLICY ADVISER**

Executive Officer: Green Appeal Inc.; Sydney Co-ordinator: North East Forest Alliance (NEFA);  
Vice President: North Coast Environment Council Inc.; Environment representative: Coastal Committee of NSW.

NSW Environment Centre, 39 George St, The Rocks. 2000. Ph 02 2474 206; Fx 02 2475 945;  
'The Big Scrub' Environment Centre, 149 Keen Street, Lismore. 2480 Ph 066 21 3278; Fx 066 222 676;  
+-----+

Mr Mike Hickman,  
FOI Co-ordinator,  
Forestry Commission of NSW  
2/423 Pennant Hills Road,  
Pennant Hills. 2120.

17 May 1993

Dear Mike,

Re: XX65 - Chaelundi 3 Compartment EIS

I advise that I have not sought copies of submissions in the first instance but rather "access to and liberty to make copies of submissions". Hence I decline at this time, to nominate specific documents for which I may after inspection, seek copies. The purpose of my application is to seek access to documents relating to the Chaelundi 3 compartment EIS, originating either from outside or inside the Commission. Once I've had access to view the documents I'll be able to advise which documents I seek copies of.

Since I seek access to all documents and liberty to copy any or all of the documents, I reiterate the request made in my application that you now contact the authors of any documents affected by third party provisions, such as an explicit request for contact and approval for release, prior to release, and seek their views."

I am concerned that despite the explicit intent of my application, you have not advised which submitters are affected by such a specific request. I again ask that you proceed to contact any and all persons who have made such a "specific request" and seek their views on the release of their submission, prior to forming your own view as to whether the submissions ought to be released.

I note your your reference to the published Clause 64 Report. In order to assist you, I ask again that you identify all documents where-in officers of the FCNSW comment on submissions made on the EIS. There is no doubt a Head Office file exists on this matter, and possibly Regional and District Office files also, which contain(s) relevant documents. I ask that you identify those documents and provide me with access to documents which contain these comments with liberty to copy them.



I understand that some of these documents may contain draft comments which later appeared within the body of the C1 64 Report. I believe that there may well be comments by FCNSW personnel on submissions made on the EIS which were not subsequently included in this C1 64 Report. Access to and liberty to copy these documents is also sought in this application.

To date I have not received a receipt for my cheque for this application.

Yours sincerely

*J. R. Corkill*



# Forestry Commission of N.S.W.



Building 2  
423 Pennant Hills Road  
Pennant Hills, N.S.W. 2120

Mr J R Corkill  
Environmental Educator, Planner, Policy Adviser  
c/- NSW Environment Centre  
39 George Street  
THE ROCKS NSW 2000

Fax: (02) 484.3976

Your reference:

Our reference:

7384

M Hickman:amd  
980.4168

11 May, 1993

Dear Mr Corkill

I refer to your Freedom of Information (FOI) application XX65 requesting information in respect of Chaelundi State Forest for compartments 180, 198 and 200.

Attached is a list of submissions received in respect of the Chaelundi Environmental Impact Statement (EIS). It is suggested that after reviewing the list you advise me of the submissions required and I will advise you of the cost of copying those documents. It should be noted that as these documents have been part of an EIS which is now in the public domain, there is no requirement on the Commission to contact those individuals or organisations to seek their advice on release of those submissions. It may be however, that within those submissions is a specific request to contact the individual or organisation prior to the release of the document. If that is the case and that will be checked after you advise me of which documents you require then the Commission will honour that request.

It is not clear what is required by the first part of the first sentence of paragraph 3 of your letter but the Commission did not prepare any submission on its own EIS. However, attached is the Contents page of the Commission's report which was prepared pursuant to Clause 64 of the Environmental Planning and Assessment Act 1980 in which responses to the EIS submissions were detailed. This contains the Commission's comments on submissions made by others. If you require any of that information, you might advise me and I will advise you of the cost of copying those details.

Should you require further information I can be contacted on 980.4168.

Yours sincerely

**M Hickman**  
FOI CO-ORDINATOR



## *Forestry Commission of N.S.W.*

H.O.2115D EAB

sub-ef-21    2115d-gp    G.Potter:ef x4284

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### CHAE LUNDI EIS REPRESENTATIONS

#### Received during the exhibition period

1. Marcia Ritchie, Addington
2. F. Winkel, Hon. Sec. Forest Protection Society, Dorrigo
3. Carol Cochrane, President, Forest Protection Society, Grafton Branch
4. Jill Want, Secretary, Forest Protection Society, Upper Clarence Branch
5. Peter Carter, Dorrigo
6. BRT Faithfull, Lismore
7. Dailan Pugh, North East Forest Alliance, Lismore
8. Stuart Sutton, Darlinghurst
9. A M Gedye, Dorrigo
10. Rod Ritchie, Addington
11. Director, National Parks and Wildlife Service, Hurstville
12. Wingham Forest Action
13. Ross Macleay, President, Bellinger & Plateau Conservation Soc., Bellinger
14. Phil Gilmour, Thora
15. Kim Rooke, Clarence Environment Centre, Grafton
16. Clarence Valley Conservation Coalition, Grafton
17. H. B. Hines, Orbost
18. F. R. Aylott, Dorrigo
19. Andrew Steed, Information Officer, The Big Scrub Environment Centre, Lismore
20. Neil Liddell, Heritage Officer, Far North Coast Regional Aboriginal Land Council, Lismore
21. Byron Environment Centre, Byron Bay
22. R S Boyd, Vice-President, National Parks Association, Armidale Branch, Armidale
23. K. Batchelor, Secretary, UCARE, Old Bonalbo
24. Richard Staples, Byron Rainforest Action Group
25. Lyndall McCormack, Lismore Green Alliance, North Lismore
26. B. Keane & J. Revington, Directors, Rainforest Information Centre, Lismore.

#### Received after the exhibition period

27. Charles England, Secretary, Ulitarra Society, Coffs Harbour
28. Kenneth Pitt, The Wilderness Society, Armidale Branch, Armidale



**EIS Report**  
**Hardwood Operations**  
**Compartments 180, 198 and 200**  
**CHAE LUNDI STATE FOREST**

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# Forestry Commission of N.S.W.



Building 2  
423 Pennant Hills Road  
Pennant Hills, N.S.W. 2120

Mr J R Corkill  
NSW Environment Centre  
39 George Street  
THE ROCKS NSW 2000

Your reference:

Our reference: 7384  
D G Muller:dj  
02) 980 4514

3 May 1993

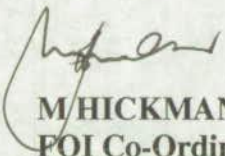
Dear Mr Corkill

I refer to your application requesting access to documents under the Freedom of Information Act.

This request was received on 29 April 1993 and is receiving attention. The Commission will notify you of its determination within the next twenty-one (21) days. In any further correspondence please quote FOI Reference Number XX65.

Yours faithfully

Fol

  
M HICKMAN  
FOI Co-Ordinator



-----+  
**JOHN R. CORKILL**  
**ENVIRONMENTAL EDUCATOR, PLANNER,**  
**POLICY ADVISER**

NSW Environment Centre, 39 George St, The Rocks, 2000. Ph 02 2474 206; Fx 02 2475 945;  
'The Big Scrub' Environment Centre, 149 Keen Street, Lismore. 2480 Ph 066 21 3278; Fx 066 222 676;  
-----+

Mr Mike Hickman,  
The Freedom of Information Officer,  
Forestry Commission of NSW,  
2/423 Pennant Hills Road, Pennant Hills. 2120.

28/4  
11.3.1993

Dear Mr Hickman,

Re: FOI request for submissions made on  
Chaelundi 3 Compartment EIS 1990

I apply under the Freedom of Information At 1989 for access to and liberty to make copies of all submissions made on the 1990 Environmental Impact Statement (EIS) for Compartments 180, 198 and 200 of Chaelundi SF.

While I am interested in all submissions, even from private individuals, I am particularly interested to view and obtain the submissions of NSW government agencies including the Environment Protection Authority, Department of Conservation and Land Management and National Parks and Wildlife Service.

I am especially concerned to obtain access to all Forestry Commission submissions made on the exhibited EIS and/or any FCNSW comments made on submissions made by others. However, I do not wish to be limited to these agencies only. Although it is impossible to say so definitely now, it's likely I'll only seek to obtain copies of only some submissions.

I request that you now seek the views of the respective authors on the release of their submissions on Chaelundi 3 Compartment EIS.

I apply for a 50% reduction in fees and charges for this FOI request since I am of the opinion that the release of the requested information is in the public interest.

I am of the view that these submissions relate to decisions for the management of public lands by a public agency. That the management of state forests is in the public interest is beyond doubt. That the Dorriggo (Chaelundi) area is of public interest is also beyond doubt. The disclosure of these submissions would assist in the public in understanding a matter of public interest, and would provide public accountability of the various NSW agencies.

I enclose a cheque for \$30.00 being application fee.

Yours sincerely,

*Phoned. 27/4/93. Hickman not available. Left message requesting he return my phone call (+ ph no.)*

*Chq. No. 288 493.*