



**NSW
NATIONAL
PARKS AND
WILDLIFE
SERVICE**

Mr John Corkill
Coordinator
North East Forest Alliance
C/- Big Scrub Environment Centre Inc.
123 Keen Street
Lismore 2480

Dear Mr Corkill,

Timbarra Plateau Wilderness Proposal

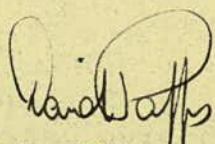
Thank you for your letter dated 17 August 1998 in which you propose the Timbarra Plateau for identification and declaration as wilderness and request I restrain activities undertaken in the area by other government agencies, lessees and private landholders

I am currently considering your proposal made under section 7 of the *Wilderness Act 1987* (the Act) and will advise you shortly on the matter.

If accepted for assessment, relevant stakeholders including government agencies, lessees and private landholders will be notified of the assessment and invited to provide comment. While I can request that stakeholders refrain from undertaking activities which may affect wilderness values of the area, the Act has no provisions to legally restrain activities in areas subject to a wilderness proposal.

If you require any further information, please contact Mr Alan Feely, Manager, Zone on (02) 6651 5946.

Yours sincerely,


8 Brian Gilligan 16/10/98
Director-General

Head Office
43 Bridge Street
Hurstville NSW
Australia
PO Box 1967
Hurstville 2220
Fax: (02) 585 6555
Tel: (02) 585 6444



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If you require any further information, please contact Mr ~~Robert Bennett~~,
~~Acting Manager, Wilderness Conservation Unit on (02) 9585 6833.~~

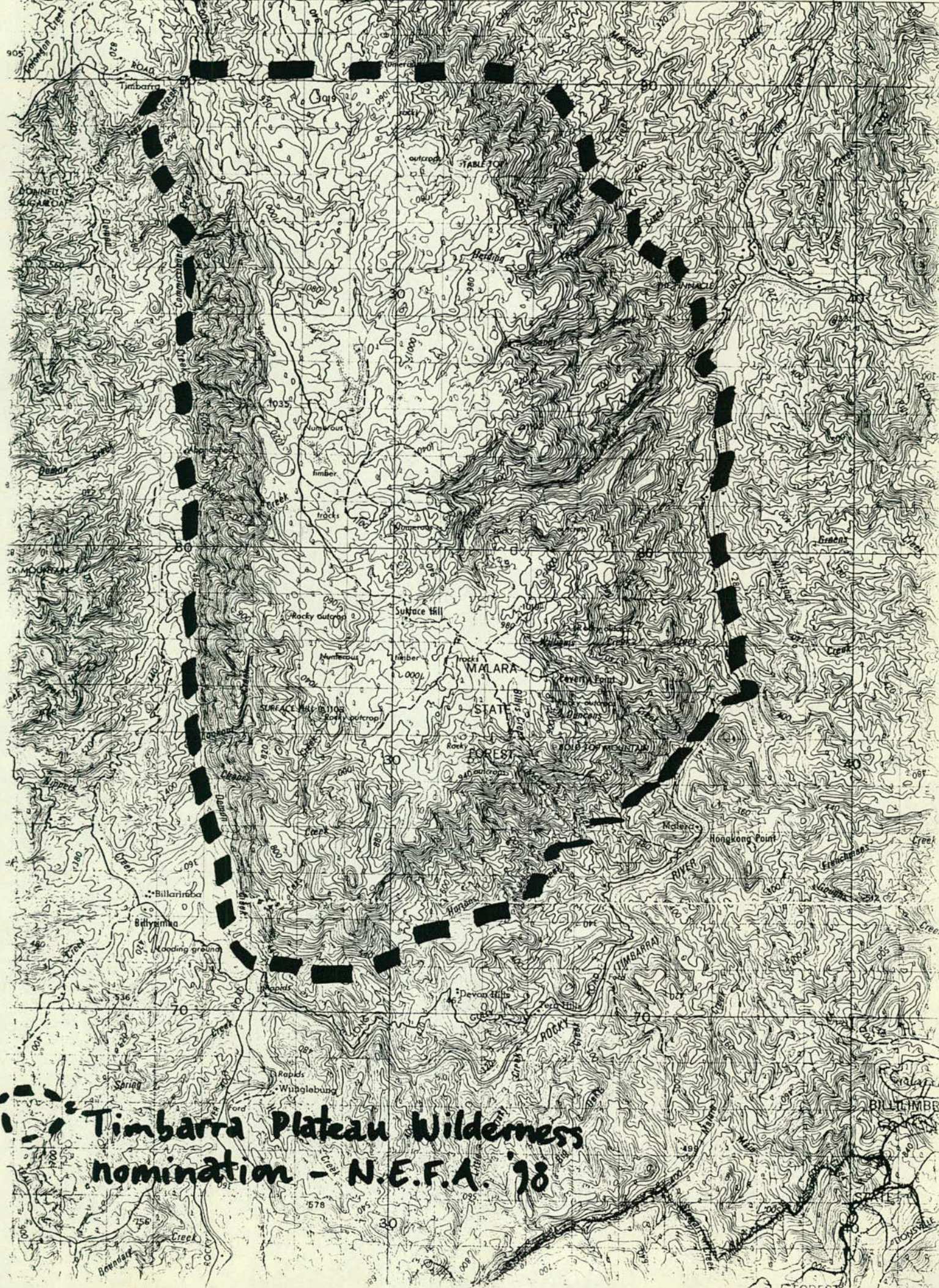
Alan Foley
↳ Northern Zone on (02) - (X)

Yours sincerely,

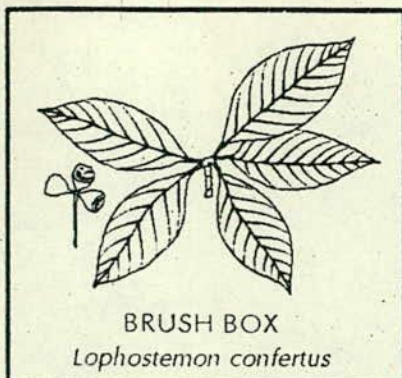
Brian Gilligan
10.9.98.

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Director-General

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Timbarra Plateau Wilderness
nomination - N.E.F.A. '98



N.E.F.A.

North East Forest Alliance

C/- Big Scrub Environment Centre Inc. 123 Keen St, Lismore 2480
Ph 0266 213 123; Fax 0266 222 676

The Director General,
National Parks and Wildlife Service,
PO Box 1967 HURSTVILLE 2220

17 August 1998

Timbarra Plateau Wilderness Nomination

Dear Director,

The North East Forest Alliance wishes to nominate the Timbarra Plateau for identification and dedication as wilderness in accordance with section 7 of the Wilderness Act 1987.

The area nominated is shown on the attached map. The boundaries broadly follow the base of the escarpment of the Timbarra Plateau to the west, south and east. The northern boundary is a line due east of Timbarra Homestead, joining western and eastern escarpments of the Plateau.

The Timbarra Plateau forms a natural physiographic and biogeographic unit. The Plateau contains a diverse array of vegetation types ranging from wetland communities, dry heath forest, dry sclerophyll forest and woodlands, wet sclerophyll forest and rainforest. The area is known to contain a high number of species listed as Threatened or Vulnerable on the Threatened Species Conservation Act 1995 and a significant proportion of the Plateau, especially the western, southern and eastern areas, contain significant stands of old growth forest.

The basis for this proposal, which relate to section 6 of the Wilderness Act, are:

1. the majority of the area, including the animal and plant communities of the Plateau, is in a state that has not been substantially modified by humans [s.6(1)a].
2. Parts of the central and northern area of the Plateau, and Malara State Forest, have been disturbed by human activity. However, such areas could reasonably be restored to a substantially unmodified state [s.6(1)a] within ecological time frames [s.6(2)a]. Further, the disturbed areas, especially those of the central Plateau, are needed to retain the integrity of the Plateau [s.6(2)b], particularly in view of its significance as a natural ecological and physiographic unit.
3. The Plateau is of sufficient size to make its maintenance in a substantially unmodified state feasible [s.6(1)b]. The area of the Plateau included in this nomination is approximately 16 000 ha. The area of central and northern disturbed areas is approximately 5 000 ha.
4. The approximately 11 000 ha of undisturbed area is capable of providing opportunities for solitude and appropriate self-reliant recreation [s.6(1)c].

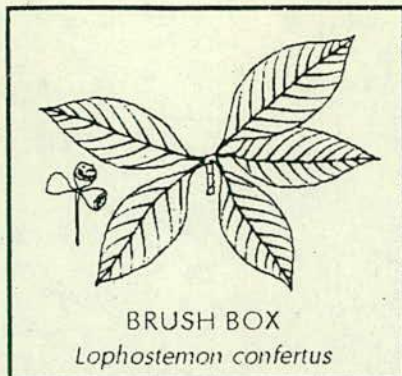
In our view all activities which may significantly affect or degrade the wilderness qualities of the areas should cease until the proposal has been assessed and a decision made by the Minister.

The North East Forest Alliance accordingly seeks your agreement to immediately request NPWS and other relevant Government authorities, lessees and private land holders to refrain from such activities within the nominated area.

Please acknowledge receipt of this nomination and advise me how it will be dealt with by NPWS.

Yours sincerely,

John Corkill
Co-ordinator



N.E.F.A.

North East Forest Alliance

C/- Big Scrub Environment Centre Inc. 123 Keen St, Lismore 2480
Ph 0266 213 123; Fax 0266 222 676

Mr Alan Feely,
Manager, Northern Zone,
National Parks and Wildlife Service,
PO Box 914 Coffs Harbour 2450

17 August 1998

Timbarra Plateau Wilderness Nomination

Dear Alan,

I refer to my earlier letter on this matter dated 25 June 1998, addressed to the Manager Natural Heritage Unit.

As you know, the North East Forest Alliance wishes to nominate the Timbarra Plateau for identification and dedication as wilderness in accordance with s.7 of the Wilderness Act 1987.

I enclose for your information a copy of a further version of this nomination addressed to the Director- General of NPWS.

Further, I advise that it is my intention to write to Ms Bronwyn Petrie and provide to her a copy of this nomination proposal.

While NEFA acknowledges that the Act provides that no private land may be acquired for, or dedicated as, wilderness without the consent of landholders, it is not NEFA's understanding of the Act's operation, that landholders have a power of veto over a wilderness assessment by NPWS.

I request that NPWS carry out the necessary work to assess this nomination and identify what lands meet the criteria for wilderness contained in the Act, irrespective of the views of any private landholders. NEFA rejects the idea that at the preliminary identification stage, private landholders can frustrate the Act's requirement for wilderness assessments to be carried out.

It is our understanding of the Act provisions, that following the identification of the lands which meet the wilderness criteria, the public exhibition of the assessment report and the receipt of the views of any affected landholders the Service should then consider private landholders comments and determine what sub-set of the identified wilderness areas should proceed to the next stage: a proposal to the Minister for the Environment for dedication as wilderness.

If there is an intention within NPWS to not assess this nominated wilderness area, due to anticipated private landholders' objections, I wish to advise that NEFA would oppose such a procedure, since it is not in accordance with the Wilderness Act.

Please acknowledge receipt of this nomination and advise me how it will be dealt with by NPWS.

Yours sincerely,

John Corkill
Co-ordinator

N.E.F.A.

North East Forest Alliance

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Ph 0266 213 123; Fax 0266 222 676

Mrs Bronwyn Petrie,
PO Box 359, Tenterfield 2372.

17 August 1998

Timbarra Plateau Wilderness Nomination

Dear Bronwyn,

I refer to your comments at our recent Upper North East Regional Forest Forum regarding the nominations of proposed wilderness areas.

I write to advise you that I have, on behalf of the North East Forest Alliance, nominated the Timbarra Plateau for identification and dedication as wilderness in accordance with s.7 of the Wilderness Act 1987.

I enclose for your information a copy of this nomination and the accompanying map.

I know that you will not be pleased with this nomination, but I forward a copy to you as a courtesy, since I am not required under the Act to formally advise you of the nomination.

While NEFA acknowledges that the Act provides that no private land may be acquired for, or dedicated as, wilderness without the consent of landholders, it is not NEFA's understanding of the Act's operation, that landholders have a power of veto over a wilderness assessment by NPWS.

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In relation to your statements at the RFF, that "anyone with a 45c stamp can make a wilderness nomination etc" I advise that this has been the case since the Act was passed over a decade ago, with Liberal and National Party support. This ability in law, for any person to seek the protection of wilderness quality (& endangered species habitat) on lands which may include private interests (such as leasehold and freehold lands) is very similar in some ways to the ability of any person or company to seek to explore for minerals or to mine on lands with private interests.

These situations arise since the Crown retains ownership of minerals below all private lands, and all native fauna wherever they occur, also remain the property of the Crown. One major difference between these two Acts is that under the Mining Act the private landholder has limited rights to prevent mining from proceeding; while under the Wilderness Act no freehold lands can be gazetted as wilderness unless the landholder agrees. Another major difference is that mining is usually pursued for private profit with a limited royalty paid to the Crown, while the protection of wilderness and endangered species habitat is not undertaken for profit, but as a 'public good' and as a matter of considerable interest to the public at large.

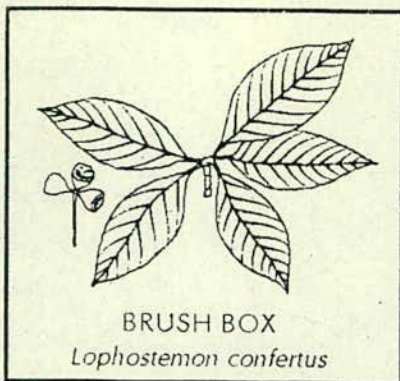
Given that you didn't raise any 'in principle' objections to mining on private lands at the RFF, am I right in concluding that your objection is not to the pursuit, by third parties, of retained Crown interests on private lands, but to the protection of wilderness and endangered species habitat *per se*?

If this conclusion is not accurate, perhaps you could advise me what your concerns actually are?

Please do not hesitate to contact me at the above phone no. if you require further information.

Yours sincerely,

John Corkill
Co-ordinator



N.E.F.A.

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