

CATCHMENT AREAS PROTECTION BOARD
AND

FORESTRY COMMISSION, NEW SOUTH WALES

AMENDED STANDARD EROSION MITIGATION CONDITIONS
FOR LOGGING AND CLEARING IN NEW SOUTH WALES -
JUNE, 1984

1. GENERAL

- (i) These Conditions for mitigation of erosion shall apply to all landclearing, logging and forest operations controlled by the Catchment Areas Protection Board and the Forestry Commission of New South Wales. The Catchment Areas Protection Board authorizes these operations under provisions of Section 21 of the Soil Conservation Act, 1983. The Forestry Commission of New South Wales exercises control of these operations on Crown timber lands under provisions of the Forestry Act, 1916.
- (ii) The person authorized by the Catchment Areas Protection Board shall ensure that all activities connected with the clearing and/or logging operations on the authorized area shall be conducted in such a manner that erosion is not aggravated and shall carry out any instructions given by the Catchment Areas Protection Board or its nominee with a view to minimizing or preventing erosion.
- (iii) Notwithstanding the following Conditions, in catchments of major water storages and in areas where the erosion hazard so warrants, restrictions on the method and intensity of all forest operations may be imposed by the Catchment Areas Protection Board or the Forestry Commission of New South Wales within the provisions of their respective authorities.
- (iv) No logging or clearing operations shall take place within 100 metres of the top water level of any major water storage.
- (v) No tree shall be destroyed, lopped or topped within 20 metres of a prescribed stream as defined under the Water Act, 1912, without prior authority of the Catchment Areas Protection Board.
- (vi) Any burning associated with logging or clearing operations shall be carried out only in accordance with the provisions of the Bush Fires Act, 1949.
- (vii) Any poisoning associated with the destruction of trees shall be carried out only in accordance with the Pesticides Act, 1978, or any other legislation governing the use of pesticides within the area of operations of this Permit/Authority.
- (viii) These Conditions shall apply to the use and construction of roads and tracks on any land adjacent to, and for the purpose of activity on, land on which the landclearing, logging or forest operations are controlled by the Catchment Areas Protection Board or the Forestry Commission of New South Wales, subject to the agreement of the holder of that adjacent land.
- (ix) If in the application or interpretation of these Conditions there is any doubt or confusion as to either compliance with the terms

and revegetated where necessary following construction. Culvert outlets should be located or designed to minimize scour and erosion.

- (vii) Immediately after operations have ceased on roads which have been damaged and on which use is to be permanently or temporarily discontinued, the damage shall be repaired by re-grading, or if conditions are too wet for this to occur, temporary cross banks shall be constructed. In this latter instance, regrading shall occur as soon as conditions allow.
- (viii) Maintenance grading shall be carried out only where necessary and disturbance to vegetation should be minimized.

2.1.2 Minor Roads

- (i) Operations shall be planned systematically so that the number of roads open at any one time will be kept to a minimum.
- (ii) Wherever the type of operations permit and as far as practicable, minor roads should be constructed with cross fall drainage.
- (iii) Immediately after the logging operation has ceased in any section (even if it is planned to use the road at any time in the future) the road shall be drained by cross banks unless otherwise specified. The channels of these banks must be constructed with a minimum gradient sufficient to ensure that there is adequate lateral drainage onto the surrounding vegetation. Cross banks must not direct water

directly onto other tracks or roads. The exits of these banks must allow water to escape readily from the road. The spacing of these banks will depend on the grade of the road and on the erosion hazard. Unless otherwise specified, bank spacings to be employed are those in the Table under 2.4(ii).

For any operation the height of the cross banks shall be specified.

- (iv) Immediately after operations have ceased on minor roads the surface material shall be replaced as far as practicable, and the roads shall be drained by banks unless otherwise specified. Seeding and/or fertilizing of minor roads shall be specified where necessary.

- (v) The use of borrow pits should be kept to an absolute minimum, and if employed, should be dealt with as under 2.1.1 (iv).
- (vi) Minor roads shall not cross streams which are running unless a causeway, bridge or pipe culvert designed to transmit peak flows has been provided. They may cross stream beds which are dry via causeways, temporary culverts or temporary log crossings provided there is minimal disturbance to the surrounds. At the completion of operations, the sites of temporary crossings shall be restored as closely as possible to their original condition.
- (vii) "Blading-off" on minor roads shall be permitted only where damage is minimal and subsequent drainage and repair is possible. Each "blading-off" operation must be specifically approved.
- (viii) The use of minor roads shall be minimized during wet weather. They should carry no traffic at times when there is runoff from the road surface.

2.2 Filter Strips

A filter strip shall be retained on a stream or drainage line where its catchment area exceeds (at most) 100 hectares. Both the width of filter strip and the catchment area may be varied if, in the opinion of the Forestry Commission, shape, erosion hazard or stream conditions so warrant, in which case width and area shall be specified.

2.3 Felling

- (i) No tree shall be deliberately or negligently felled into a stream within a filter strip, except as provided in 2.3 (ii).
- (ii) In conifer filter strips, trees may be felled into a stream when approved by the supervising officer, so as to avoid possible later windthrow. Approval will only be given where the tree can be removed with minimal disturbance to the stream.
- (iii) Crowns of conifer trees felled into streams must be removed and such removal must result in minimal disturbance to the bed and banks of the stream.
- (iv) Trees may be felled into or within a filter strip, with the exception of those planted within the filter strip after 25th May, 1983. Extraction machinery shall not enter a filter strip to remove logs, except that in conifer plantations with conifer filter strips, extraction machinery may enter the filter strip to within 5 metres of the bank of the stream with the authorization of the supervising officer. This authorization shall only be given where machinery is not

likely to cause damage to the soil surface of the filter strip and the bed and bank of the stream.

- (v) Logging operations shall be carried out so that there is minimal disturbance within any drainage line.
- (vi) In conifer plantations, wherever possible slash shall be retained on extraction tracks and harvesting machinery shall operate over it.

2.4 Snigging and Timber Extraction

- (i) As far as practicable snigging and timber extraction shall be uphill. In any event, downhill movement of timber shall not be practised in areas with high erosion hazard or as specified.
- (ii) The drainage of snig or timber extraction tracks shall be carried out in the same way as for minor roads. The height and spacing of the cross banks shall be specified. The following table shows the maximum bank spacing required for each grade and degree of erosion hazard. These maximum spacings may be varied where difficult or inappropriate drainage disposal areas are encountered. Any variation requires the concurrence of the Regional Director of Soil Conservation or his/her representative, or the Regional Forester or his representative as provided for in Condition 1 (ix).

Grade of Snig Track, Extraction Track or Minor Road (Degrees)	Maximum Spacing of Banks along Track or Road	
	Average Erosion Hazard	High Erosion Hazard
Less than 15	60 metres	50 metres
15 - 20	40 metres	30 metres
20 - 25	20 metres	15 metres
25 - 30	15 metres	

Where there is a high erosion hazard, the grades of snig tracks, extraction tracks and minor roads shall be limited and shall be specified according to the erosion hazard, and in any event shall not exceed 25 degrees. Where the erosion hazard is less, the grade shall exceed 25 degrees only where specified.

- (iii) As far as is practicable, slash shall be retained on extraction tracks, timber extraction by walk-over techniques shall be used, and the construction of snig tracks shall be minimized. In any event the use of a blade shall only be permitted for removal of soil from a snig or timber extraction track during initial track construction and during track drainage. "Blading-off" shall be permitted only where track damage is minimal and subsequent drainage and repair is possible. Each "blading-off" operation must be specifically approved.

- (iv) Where there is high erosion hazard, snigging and extraction of timber from areas with slopes over 30 degrees shall not be permitted if track construction is required. Where there is less erosion hazard, snigging and extraction of timber from areas with slopes over 35 degrees shall not be permitted if track construction is required. Where specifically approved by the supervising officer, tracks may be constructed on slopes in excess of these limits where it is necessary to traverse these slopes for short distances to enable timber to be extracted from areas of lesser slope.
- (v) Snig or timber extraction tracks shall not cross the beds of streams without application of the same conditions which apply to minor roads.
- (vi) Snig or timber extraction tracks shall not intrude into filter strips, except as provided for in 2.3 (iii), 2.3 (iv), and 2.4 (v).
- (vii) The use of snig or timber extraction tracks in wet conditions shall be minimized.
- (viii) As far as practicable surface material shall be returned to the track immediately after logging ceases on that track to aid in revegetation, and at the same time crossfall drainage shall be re-established. In circumstances where it is considered necessary the method of revegetation shall be specified.
- (ix) In the case of "outrow" extraction tracks in plantations, drainage shall be carried out when necessary and as specified.

2.5 Log dumps

- (i) Log dumps shall be located as far as practicable in accordance with an uphill extraction pattern. They shall not be located closer than 10 metres from a filter strip or drainage line.
- (ii) When ungravelled dumps are constructed and unless otherwise specified, topsoil is to be stockpiled in a recoverable position, and either -
 - (a) upon temporary termination of logging, where further logging is contemplated in the near future, the dumps are to be levelled unless otherwise authorized, drained so that runoff is directed onto surrounding vegetation and ripped where specified, or
 - (b) upon completion of logging the dumps are to be levelled unless otherwise authorized, drained so that runoff is directed onto surrounding vegetation, and the topsoil spread evenly over the dump. The dump shall be revegetated and/or ripped where specified.

- (iii) Gravelled dumps shall be drained during and upon completion of logging so that runoff is directed onto surrounding vegetation.

3. CONDITIONS FOR CLEARING

3.1 Permanent Clearing

3.1.1 Roading

Conditions will be applied in the same way as for logging.

3.1.2 Filter Strip

The requirements for a filter strip are as in 2.2.

3.1.3 Clearing Operations

- (i) Destruction of timber by ringbarking, felling or poisoning shall be limited to areas with slopes not exceeding 25 degrees unless otherwise specified.
- (ii) Destruction of timber by the use of a bulldozer or tractor shall be limited to areas with slopes not exceeding 18 degrees unless otherwise specified.
- (iii) Retention of trees may be required, and where required this shall be specified.
- (iv) Clearing shall not be carried out within filter strips and where specified.
- (v) Clearing operations in drainage lines above filter strips shall be carried out so that there is minimal disturbance within drainage lines.
- (vi) In areas with risk of mass movement of soil or where there is a high erosion hazard, Conditions for clearing shall be specified.

3.1.4 Windrowing and Stacking

- (i) Windrows shall be located on the contour unless otherwise specified.
- (ii) Timber shall not be stacked or burned within 20 metres of a drainage line, stream or standing green timber unless otherwise specified.

3.1.5 Land Preparation

Cultivation (including ripping) shall not be carried out on slopes in excess of 18 degrees unless otherwise specified.

3.1.6 Revegetation

Immediately on completion of operations disturbed ground and other bare areas shall be sown with seed and fertilized or otherwise vegetated. Where necessary the method of revegetation shall be specified.

3.2 Temporary Clearing

3.2.1 Roading

Conditions will be applied in the same way as for logging.

3.2.2 Filter Strip

The requirements for a filter strip are as in 2.2.

3.2.3 Clearing Operations

- (i) In areas where there is a high erosion hazard, clearing shall not be carried out on slopes in excess of 18 degrees.
- (ii) Clearing for planting of commercial timber shall generally be restricted to slopes of 18 degrees or less, and only in exceptional circumstances should exceed 25 degrees. The method of clearing slopes over 18 degrees shall be specified.
- (iii) Clearing for banana growing and orchards shall not be carried out on slopes in excess of 30 degrees unless otherwise specified. The method of clearing slopes over 18 degrees shall be specified.
- (iv) Clearing shall not be carried out within filter strips and where specified.
- (v) Clearing operations in drainage lines above filter strips shall be carried out so that there is minimal disturbance within the drainage lines.

3.2.4 Windrowing and Stacking

- (i) Windrows shall be located on the contour where the degree of erosion hazard dictates, and where this is specified.
- (ii) Timber shall not be stacked or burned within 20 metres of a drainage line, stream or standing green timber unless otherwise specified. Where access is required, gaps shall be left in windrows, where possible on ridges.

3.2.5 Land Preparation

- (i) Cultivation (including ripping) shall not be carried out in the beds of drainage lines.

- (ii) Where there is a high erosion hazard, the slopes on which ploughing can be carried out shall be limited and shall be specified according to the erosion hazard, and in any event shall not exceed 18 degrees. Where the erosion hazard is less, ploughing shall not be carried out on slopes over 18 degrees, unless otherwise specified.
- (iii) In areas with a high erosion hazard, the Conditions for cultivation and planting shall be specified.
- (iv) Ripping for bananas and orchards shall be confined to slopes of less than 30 degrees unless otherwise specified.

STANDARD EROSION MITIGATION CONDITIONS
GLOSSARY OF TERMS

MAY, 1983

BLADING OFF

The removal of surface soil from a snig track or road in order to expose a drier and/or firmer surface to allow its use by machinery.

CROSS BANK

A hump of earth constructed across a snig track, outrow, log dump or road so that water is effectively diverted from it. Waste material such as bark should not be used.

DRAINAGE LINE

A passage along which water concentrates and flows towards a stream, drainage plain or swamp intermittently during or following rain.

EROSION

In this document refers to accelerated erosion due to forest operations. These conditions aim at minimizing any acceleration of natural erosion.

EROSION HAZARD

The susceptibility of an area of land to the prevailing agents of erosion. It is dependent on a combination of climate, landform, soil erodibility, land use and land management factors. The ranking of low to high erosion hazard depends on the degree of susceptibility to these prevailing agents of erosion. Within protected lands, there is a high degree of consistency within each of the factors of climate, landform, land use and land management. The factor which is the most variable and has the greatest effect on erosion hazard within protected lands is soil erodibility, which is related to parent material.

FILTER STRIP

Strip of permanent vegetation at least 20 m wide along each side of a drainage line or banks of a stream to retard the lateral flow of runoff water, causing deposition of transported material and thereby reducing sediment movement.

FORWARDING

The carrying of logs fully supported off the ground by vehicles, from the point of felling to the log dumps.

LOG DUMP

Areas where forest products are assembled prior to loading on truck.

MAJOR WATER STORAGE

A dam constructed for public irrigation or town water supply or of a size of that order.

MINOR ROAD

In this document refers to a discontinuously trafficable route that is constructed for a short term specific purpose, e.g. for timber haulage from log dump or for access during clearing, and is used at most intermittently.

OUTROW OR STRIPROW

A corridor of trees felled in plantations in order to allow travel, processing, snagging or forwarding functions.

PERMANENT CLEARING

The destruction of trees for a land use other than commercial timber, banana growing or orchards, such as pasture or agriculture.

PRESCRIBED STREAMS

Rivers, creeks, effluents or lakes which are listed as 'prescribed' within the provisions of Section 26D of the Water Act, 1912.

ROAD

In this document refers to a permanently trafficable route which is maintained on some regular basis so that it is generally available for use.

RUNOFF

That portion of the precipitation on a catchment area that flows from the catchment past a specified point.

SNIGGING

The pulling of logs, either wholly or partly supported on the ground, from the point of felling to the log dump. Wheeled or tracked vehicles are the most common form of traction.

SNIG TRACK

A track along which timber is snigged.

STREAM

A defined route, with clearly identified bed and banks, along which water flows continuously or intermittently towards another (normally larger) stream, river, lake, sea, drainage plain or other outlet.

TEMPORARY CLEARING

The destruction of trees for the planting of commercial timber, bananas or orchards.

TIMBER EXTRACTION TRACK

A route used for transport of logs from the point of felling to the log dump where no part of the log is in contact with the ground.

TREE

A perennial plant having a self-supporting woody main stem or trunk which usually develops woody branches. Tree, in Section 26D of the Water Act, 1912, includes sapling, shrub and scrub in this definition.

WINDTHROW

A tree which has fallen as a result of natural forces.

New South Wales Government



Forestry Commission of N.S.W.

Head Office: 6th Flr. 95-99 York St, Sydney, N.S.W. 2000
Postal Address: G.P.O. Box 2667, Sydney, N.S.W. 2001
Telephone: 234 1567



With Compliments

John,

*I checked with Soil Con. today
and they confirmed that this document
is current as at 17/7/90*

*J. Yarwood
Secretary*

Per [Signature]

4 JUL 1990

New South Wales Government



Forestry Commission of N.S.W.



Messrs Hillman & Woolf
Solicitors
DX 1558
SYDNEY

Forestry House
35-39 York Street
Sydney, N.S.W.
Box 2637 G.P.O. Sydney
N.S.W. 2001
Fax No. (02) 290 2299
Telex. Forcom 21657

Your reference, BSW 2413/90

Our reference, (Legal)
Mr. A. Ireland:ima
Telephone 2341 596

13th July, 1990.

Dear Sirs,

CORRECTION - ROADING IN BOCCOOK STATE FOREST DRAINAGE OF EXISTING ROAD IN BOCCOOK STATE FOREST

I refer to your letter dated 28th July, 1990.

The Commission is agreeable in principle to your client's suggestion, however it is suggested that Mr. Pugh should in the first instance contact the Regional Forester, Glen Innes, Mr. Brian Munro, on telephone number (067) 82 2121.

Yours faithfully,

J. P. Yarwood,
Secretary.

[Handwritten signature]

ROSE & WOOLF
SOLICITORS

OUR REF BSW 2413/0

YOUR REF

DATE
20 July 1990

10 FL, 62 ELIZABETH STREET
SYDNEY NSW 2000
TELEPHONE (02) 271 8522
FACSIMILE (02) 271 3100
DX 1558 SYDNEY

BRUCE WOOLF
BA LLB Dip GRP

BRIAN HILLMAN
LLB Dip B Adm
Dip S de Pt des Aff
Accredited Migration
Consultant

Mr J. Corkill
c/ Nature Conservation Council
39 George Street
SYDNEY NSW 2000

FACSIMILE: 247 5945

Dear John

JOHN CORKILL v FORESTRY COMMISSION OF NEW SOUTH WALES
BOOROOK STATE FOREST

I enclose letter dated 13 July, 1990 which we have received from the Forestry Commission of NSW, the contents of which are self-explanatory.

Yours sincerely


Bruce Stephen Woolf

Encl.

HILLMAN & WOOLF SOLICITORS

OUR REF BSW 2413/90

YOUR REF 73861 (Legal)
Mr J. Lander:IMH

DATE 5 July 1990

The Forestry Commission of
New South Wales
Box 2667 GPO
SYDNEY NSW 2001

Dear Sir

CORKILL, J - ROADING IN BOOROOK STATE FOREST
DRAINAGE OF EXISTING ROAD IN BOOROOK STATE FOREST

We refer to your letter of 20 June, 1990.

Our client has concerns as to the effect of the works (outlined in your letter of 20 June, 1990) on the environment of the forest.

Accordingly, our client has suggested that it would be of mutual benefit if the District Forester, Mr Cooper, could meet with Mr Corkill's associate, Mr Dailan Pugh, to discuss the proposed works with a view to mutually satisfactory arrangements.

Please let us know whether you agree to this suggestion so that we may have Mr Pugh contact the District Forester.

Yours faithfully

10 FL, 82 ELIZABETH STREET
SYDNEY NSW 2000
TELEPHONE (02) 221 8522
FACSIMILE (02) 223 3530
DX 1558 SYDNEY

BRUCE WOOLF
BA LLB Dip URP

BRIAN HILLMAN
LLB, Dip B Admin.
Dip S de Fr des Aff
Accredited Migration
Consultant

**HILLMAN
& WOOLF
SOLICITORS**

OUR REF BSW 2413/90

10 FL, 82 ELIZABETH STREET
SYDNEY NSW 2000
TELEPHONE (02) 221 8522
FACSIMILE (02) 223 3530
DX 1558 SYDNEY

YOUR REF

BRUCE WOOLF
BA LLB Dip URP

DATE 21st June 1990

BRIAN HILLMAN
LLB. Dip B Admin.
Dip S de Fr des Aff
Accredited Migration
Consultant

Mr J. Corkill
3 Albert Street
FOREST LODGE NSW 2037

Dear John

FORESTRY COMMISSION OF NSW - BOOROOK STATE FOREST

I enclose copy letter dated 20th June 1990 which we received from the Forestry Commission of NSW. Please let me have your instructions.

Yours sincerely,



Bruce Stephen Woolf



Forestry Commission of N.S.W.



Messrs Hillman & Woolf
Solicitors
DX 1558
SYDNEY

Forestry House
95-99 York Street
Sydney, N.S.W.
Box 2667 G.P.O. Sydney
N.S.W. 2001
Fax No. (02) 290 1299
Telex: Forcom 21657

Your reference:

Our reference: 73861 (Legal)
Mr. J. Lander:imh
Telephone: 234 1 594

20th June, 1990.

Dear Sirs,

Corkhill, J. -
Drainage of Existing Road in Boorook State Forest

I refer to your letter dated 8th May, 1990.

The Commission considers that construction of simple cross drains in accordance with Standard Erosion Mitigation Conditions would not effectively drain and stabilise the road works.

The unfinished road surface is currently very uneven, inadequately drained and in places very wet. To effectively direct water off the road surface into properly spaced drains and pipes and allow pavement consolidation, a certain amount of road grading and shaping is essential. The installation of two additional road drainage pipes is also required.

Failure to undertake these works could lead to accelerated erosion through inadequate drainage and delayed consolidation of the road surface.

On completion of the work traffic which might damage the road surface will be actively discouraged by advice to local grazing permittees and appropriate sign posting at the beginning of the new work.

This road replaces in part an existing fire trail and will be required for forest protection purposes later this year.

Yours faithfully,

J. F. Yarwood,
Secretary.

Per:

New South Wales Government

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

Messrs Hillman & Woolf
Solicitors
DX 1558
SYDNEY

Forestry House
95-99 York Street
Sydney, N.S.W.
Box 2667 G.P.O. Sydney
N.S.W. 2001
Fax No. (02) 290 1299
Telex: Forcom 21867

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Mr. J. Lander:imh
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On completion of the work traffic which might damage the road surface will be actively discouraged by advice to local grazing permittees and appropriate sign posting at the beginning of the new work.

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Yours faithfully,

J. F. Yarwood,
Secretary.

Per: 

HILLMAN & WOOLF SOLICITORS

OUR REF BSW 2413/90

10 Fl, 82 ELIZABETH STREET
SYDNEY NSW 2000
TELEPHONE (02) 221 8522
FACSIMILE (02) 223 3530
DX 1558 SYDNEY

YOUR REF

BRUCE WOOLF
BA LLB Dip URP

DATE 8th May 1990

BRIAN HILLMAN
LLB, Dip B Admin.
Dip S de Fr des Aff
Accredited Migration
Consultant

J. Lander
Forestry Commission of NSW
Fax : 290 1299

Dear Sir

Corkill J. - Roading in Boorook State Forest

We refer to your letter of 26th April 1990.

Our client is concerned at the further roadworks proposed in your letter of 26th April 1990 which appear to our client to permit the substantial completion of roadworks commenced in breach of The Environmental Planning & Assessment Act, 1979.

In relation to item 1 of your letter please advise whether the further pipes are additional to the two pipes already in the road.

In relation to item 2, we are instructed the works should only be standard road closure works in accordance with the procedure for soil erosion prevention consistent with standard soil erosion mitigation guidelines being the construction of spoon drains and other minor works.

Please let us have your replies on the above matters.

Yours faithfully,



New South Wales Government



Forestry Commission of N.S.W.



Messrs Hillman and Woolf
Solicitors
82 Elizabeth Street
SYDNEY

Forestry House
95-99 York Street
Sydney, N.S.W.
Box 2667 G.P.O. Sydney
N.S.W. 2001

Telex: Forcom 21657
Fax No. (02) 290 1299
Your reference: **BSW 2413/90**
Our reference: **2032-JL**
J LANDER:NP
Telephone: 234 1**594**

26th April 1990

Mr J. Corkill - Roding in Boorook State Forest

I refer to your letter dated 19th April 1990.

The Commission undertakes not to carry out any further roading or other forestry activities in compartments 80-84 of Boorook State Forest until such time as it has examined and considered an Environmental Impact Statement in respect of such operations.

There are currently no roading and other forestry activities in compartments 80 to 84 of Boorook State Forest and none will be recommenced subject only to completion of stabilisation works which are required as soon as possible to minimise soil erosion where road construction works were commenced but are incomplete.

The remedial works required are:

- 1) Completion of earthworks over 2.1 km and installation of two road drainage pipes. The estimated completion time is five days.
- 2) Road grading of the 2.1 kilometres already commenced to ensure a properly shaped road surface which will direct water from the road and into the drainage pipes.

The estimated time for completion of this operation is four days.

The abovementioned stabilisation works cannot be presently undertaken as the forest is still too wet, but will recommence as weather conditions permit.


J.F. Yarwood

Secretary

**HILLMAN
& WOOLF
SOLICITORS**

OUR REF BSW 2413/90

YOUR REF 2032-JL
J Lander: NP

DATE 27 April 1990

10 FL, 82 ELIZABETH STREET
SYDNEY NSW 2000
TELEPHONE (02) 221 8522
FACSIMILE (02) 223 3530
DX 1558 SYDNEY

BRUCE WOOLF
BA LLB Dip URP

BRIAN HILLMAN
LLB, Dip B Admin.
Dip S de Fr des Aff
Accredited Migration
Consultant

Forestry Commission of NSW
Fax (02) 290 1299

Dear Sir

Corkill - Boorook State Forest

We refer to your letter of 27 April 1990.

We note your undertaking.

Mr Corkill and his consultant would wish to discuss the extent of the roadwork to which you refer with the District Forester; however, subject to being satisfied in that regard our client would not be taking any further action in this matter.

Yours faithfully



Mike Cooper - Asst Reg For G.I Region.
+ Acting Dist Forester.

Boorook S.F.

- Management Plan (Tentertfield)
- Copies of papers to T. Robertson.

^{adequate}
No records of logging list

No forest type map

No fauna survey

logging into creek

burning.

id. damaged sites in Boorook → damaged sites

Celia Smith

Glen Innes 7% of forest in NP + Reserves.

dieback but still being managed

new sp. of eucalypts

"Xmas Bells"

Gibraltar Range

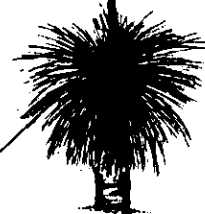
Yellow Bellied Glider

Powerful Owl.

NATURE CONSERVATION COUNCIL OF NSW

THE NATURE CONSERVATION COUNCIL OF NSW
39 GEORGE STREET,
SYDNEY, NSW 2000.
PHONE: (02) 27 2228/27 4206.

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



10 April 1990

Dear Executive Member,

Please note that the next meeting of the Executive will be held on Friday 20 April at 6pm.

As resolved at the last meeting, the Staff Association concerns are to be the focus of this meeting, with the first half and hour of Special Items being given to matters of urgency.

In order to cover all formal reports, the agenda has been rearranged with the aim to have all matters other than the Staff Association concerns completed by 7.30pm.

Yours sincerely,

Judy Messer
Chairperson

Tel: (02) 229 7337
Fax: (02) 221 6036
DX 450 SYDNEY

TIM ROBERTSON
Frederick Jordan Chambers
233 Macquarie Street
Sydney N.S.W. 2000

DRAFT 1

Bruce Woolf,
Hillman & Woolf,
Solicitors,
FAX 223 3530

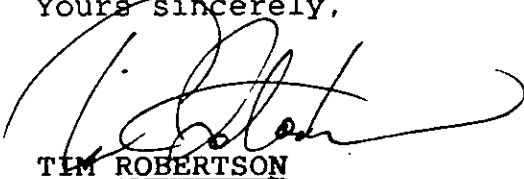
18 April 1990

Dear Bruce,

CORKILL RE: BOOROOK STATE FOREST

I am faxing herewith the affidavit of Harry Hines which I have settled in anticipation of the commencement of interlocutory proceedings. I am also faxing draft letters to the Forestry Commission and the Minister for Local Government and Planning which I advise should be sent in anticipation of legal proceedings.

Yours sincerely,



TIM ROBERTSON

DRAFT LETTER

Acting Commissioner,
Forestry Commission of New South Wales,
95 York Street,
Sydney NSW 2000.

HAND DELIVERY

Dear Sir,

JOHN CORKILL - BREACHES OF LAW BY THE FORESTRY COMMISSION

As you know, we act for John Corkill.

We refer to our letter of 19 March, 1990 to which we have had no response. Our client has evidence that once again the Forestry Commission is acting in breach of the law by carrying out roading works and other activities in compartments 80-84 of the Boorook State Forest. This was one of the 9 forests listed in our letter of 19 March 1990 in relation to which we requested an undertaking from you that an environmental impact statement would be prepared and section 111 of the Environmental Planning and Assessment Act 1979 would be otherwise complied with before any forestry activities were undertaken. *refer H. Hines*

We require you to cease immediately any roading or other activities in the said compartments of this Forest. Unless you undertake in writing to us by 4pm ~~23 April 1990~~ to cease all such activities (with the exception of minor stabilisation works) until an environmental impact statement has been prepared, we shall ~~commence~~ proceedings for interlocutory relief in the Land and Environment Court without further notice to you. *27*

We propose to tender this letter on an application that you pay our solicitor and client costs, having regard to the fact that your breaches of the environmental laws of this State appear to be wilful, contumacious and continuing.

Yours faithfully,

** all require reply to earlier letters
separate letter*



DRAFT LETTER

The Hon. David Hay, MP,
Minister for Local Government and Planning,
Level 37, Legal and General Building,
8-18 Bent Street
Sydney, NSW 2000

HAND DELIVERY

Dear Sir,

JOHN CORKILL v. FORESTRY COMMISSION OF NEW SOUTH WALES

As you know, we act for John Corkill.

We refer to our letter of 19 March 1990 to which we have had no reply.

We hereby notify you that the Forestry Commission of New South Wales is once again in breach of the Environmental Planning and Assessment Act 1979 by conducting roading works and other activities preparatory to logging old-growth forest in compartments 80-84 of the Boorook State Forest. We request that you immediately commence proceedings in the Land and Environment Court to prevent any further environmental damage to this Forest and to compel the Forestry Commission of New South Wales to prepare an environmental impact statement on its proposed and current activities as it is required to do by Section 112 of the said Act.

You will note that this State Forest is one of the 9 forests nominated by us in our letter of 19 March 1990. We then requested you to commence proceedings against the Forestry Commission to compel it to obey the Act in the absence of an undertaking to comply with it from the Commission. It is now a month since that undertaking was sought and it has not been given. Indeed, we are aware that Mr Causley, who has Ministerial responsibility for the Forestry Commission has made statements which may be construed as instructions to the Forestry Commission not to prepare environmental impact statements on the logging of old-growth forests notwithstanding his recognition of a legal obligation to do so (see. eg. Hansard, Legislative Assembly, Questions without Notice, 27 March 1990).

refer
Harry's
affidavit
→
Andy the 2nd
5/11?

Counselling or procuring a breach of the law is itself a criminal offence. We request that you also investigate the conduct of Mr Causley in relation to this matter to ascertain whether a breach of Section 125 of the Act has occurred. ☒ We also draw to your attention the provisions of the Independent Commission Against Corruption Act 1989, which require you to notify the Commission of this matter.

In the light of the urgency of this matter, we request that you notify us by ~~4.00pm Monday, 23 April 1990~~ of the steps that you propose to take to prevent these breaches of the planning laws.

27

Yours faithfully,

A handwritten signature, possibly 'B', is located at the bottom of the page.

IN THE LAND AND ENVIRONMENT COURT
OF NEW SOUTH WALES

No. of 1990

JOHN ROBERT CORKILL

Applicant

FORESTRY COMMISSION OF
NEW SOUTH WALES

Respondent

AFFIDAVIT

HILLMAN & WOOLF
SOLICITORS
10th FLOOR
82 ELIZABETH STREET
SYDNEY N.S.W.2000

TEL: 221 8522

DX: 1558

TEL: Bruce Woolf

I, HARRY BRYAN HINES of 1/196
Rusden St, Armidale in the
State of New South Wales do
solemnly sincerely and truly
affirm and declare as follows
:-

1. I am a Bachelor of
Natural Resources, University
of New England, and a research
fellow and part-time
consultant specialising in
wildlife survey and
management. I have
participated in fauna surveys
at Limeburners Creek Nature
Reserve in 1986 and 1989,
Mt. Royal State Forest 1989
and Chaelundi State Forest
1989 and 1990 and I was the
principal field zoologist
during the rare rainforest
fauna surveys of the Mount
Warning Caldera and Focal Peak

Regions of northern New South Wales (1988 - 1989).

2. I inspected an area of Boorook State Forest that falls to the north and east of Boonoo Boonoo National Park comprising compartments 80-84 inclusive from 25 January to 27th January 1990, during which time I conducted a preliminary survey of fauna.
3. A number of methods were employed to determine the presence of fauna in the Forest. Elliot traps were used to survey for small terrestrial mammals, wire cage traps for larger carnivores, spotlighting for nocturnal birds, mammals, amphibians and reptiles, substrata searches for reptiles and amphibians and opportunistic surveys for diurnal bird species. I have compiled a full list of fauna detected and I am in the process of preparing a detailed report.
4. I detected 4 species of amphibians, 9 species of reptiles, 11 species of mammals and 44 species of birds during my survey. During this short survey it was apparent that the area supported high densities of arboreal hollow dependent fauna. Of the species detected the following are classed as endangered species under the National Parks and Wildlife Act 1974 schedule 12:-

Fauna of Special Concern

Glossy-black Cockatoo

Cicadabird

White's Thrush

Rufous Fantail

Spotted Quail Thrush

Vulnerable and Rare Fauna

Powerful Owl

Another species, Fawn-footed Melomys, is considered as threatened by Kennedy and Burton 1986, A Threatened Species Conservation Strategy for Australia, Ecofund Australia, Sydney.

In addition to these species I located a population of the recently described skink Egernia mopheei. This species is only found in coastal northern New South Wales and the far southeast of Queensland.

5. The survey I carried out was conducted over a very short period of time and so can only be viewed as a preliminary survey. I am not aware of any extensive fauna surveys having been conducted in the area. Based on my experience I am of the opinion that my preliminary survey does not disclose the full range of species present in the forest and that a further comprehensive fauna survey is necessary with emphasis on the following :-
- i) a comprehensive bat survey, and
 - ii) a trapping survey of all areas of suitable habitat

for the Hastings River Rat,

to understand fully the impact of logging and roading upon the fauna populations.

6. Based on discussions with professional colleagues, reviews of current literature and my knowledge of the Forest, I am of the opinion the proposed roading, logging and burning activities which are integral to the forestry management practices in the area will have a highly significant impact on the faunal communities, by way of direct injury or death, habitat destruction, habitat alteration, or changes to the floristic composition of the forest and its understorey as a result of the spread of weeds and changes in fire regimes. Until extensive surveys of all faunal groups are completed it is difficult to determine the full extent of the impacts of the proposed operations.

Affirmed by me)
at)
this day of April 1990)

.....

Solicitor/ Justice of the Peace