

Submission - January 22nd 2023

Regarding the 2023 - 5 year independent review of the native vegetation provisions of the Local Land Services Act 2013.

From - M. Hallett, resident land holder Lillian Rock, Kyogle LGA NSW 2480

I,

ask the LLs review panel to please accept my submission here, which I am also submitting on behalf a large number of other local land holders and residents including some of the small family businesses in my area also and who currently cater in accommodation to both locals and visitors who arrive in this region to view our impressive World Heritage rain forests and local wildlife of the Kyogle LGA and surrounding regions.

Some of these residents I represent in this submission and on the subjects I raise here are also artist, musicians, nurses, teachers, cafe owners, some who have lived here and known these regions for some decades such as myself, along with those residents that have also arrived more recently.

Some of us who also support our local economy, our farmers markets, our local art galleries, our CWA and our local environment groups and visitors that arrive into this region to experience the wonders of our World Heritage Parks and our local beautiful wildlife, rivers and waterfalls and the surrounding rain forests within the Kyogle LGA .

I ask for my submission to be accepted to be read by the LLs independent review panel based also on the fact, that we, the residents had no idea about this NSW LLs 5 year review was even taking place until this first week in January 2023 and I would like to try and convey to the independent panel some of the wider impact on both the local residents and their families and as land holders also that these changes to the LLs vegetation codes have had since the end of 2017 in our region of this LGA.

I believe also that some residents were also away on school holidays at the time this 5 year review notice was locally circulated between residents , however many residents also still dealing with family members who had been impacted upon in one way or another, such as teachers, nurses, those who lost everything and those still now quite homeless and or helping others, after the resulting affects of 2022 devastating floods.

***Please note** - I am retired from the workforce, I have no training in environmental law, I am qualified in social welfare, I have worked in areas of domestic violence coordinating women & children's refuge, homelessness, crisis management and referrals both here in NSW and in Victoria.

I have been a wildlife carer since I was child and have worked in the care of many animals both wildlife and domestic. And I proudly donate membership fees as a 'non active' member of various wildlife groups such as the Friends of the Koala and WIRES although I report and collect injured wildlife as many others do in our region including local environment and landcare groups.

I understand that the panel have not gathered to hear 'complaints' but rather to reflect on what has or has not been, a productive outcome from the changes to the LLs vegetation codes of 2017. I am using these following examples 'only' as a way to convey the true impact and subsequent consequences that these changes that were made in 2017 have had, on the health and wellbeing on local residents and our regions wildlife habitats and wider biodiversity, here in the Kyogle LGA.

And would also like to add that some of these issues below do not relate to the many other responsible land holders in this LGA who have undertaken great effort in sustainable farming practice and protective measures for biodiversity on their land holdings including extensive tree planting with the assistance of our local land care groups. And that some of these issues outlined below have or are still currently in the process of finding a solution for a better outcome.

Introduction - I cannot continue without first outlining our current NSW Kyogle councils intended changes to our regions LEP and how theses changes also correspond to these 2017 changes to the LLs vegetation codes and private native forestry.

One would have thought it would be a privilege and an honour to have undertaken the much needed mapping of our regions biodiversity and landscapes in this Kyogle LGA so as to clarify and define the environmentally sensitive areas for our regions for our LEP. And through this process investigate the integrity and health of our regions wonderful landscapes and our wildlife corridors also belonging to our wildlife, major river systems and streams, marine wildlife and native flora found on private lands of the LGA.

This type of proper biodiversity mapping on the ground also to as far as possible to check the health of our endangered and threatened species such as our local Koalas who reside both on public and private lands here in the regions of the World Heritage Parks and surrounding State forest of this Kyogle LGA.

Given this regions most recent history of the 8/10 year long drought leading up to the horrific fires of 2019/2020 where we witnessed our rain forests on fire and as residents we were left suspended in anxiety never knowing when we should evacuate-

then the much needed lock downs with the covid, restricting wildlife carer's and those still on the front line responding to this crisis within this region at that time and then, the 2022 devastating floods there after and these types of weather events that have also continued, to affect many other families and wildlife in the wider regions of NSW since this time. However this current Kyogle council management, does not find the mapping of these significant environmentally sensitive areas a priority, in our LGA or for our LEP. The councils agenda has spent more years finding ways to avoid the implementation of a Koala management Plan for our region for well over 12 or more years now along with deferring their responsibility for years to implement E zones & RU2 as recommended under the Northern councils E zones report leaving these areas of biodiversity now known as the 'deferred matters' of our LEP.

And most recently in June 2021 while residents were still experiencing the chaos of lock downs - the council announced a 'final draft plan' for our regions LEP, claiming they were removing the 'deferred matters' the E zones and RU2 rural landscape zones with the intention to replace these land zones instead, with a so called 'Biodiversity Overlay' plan claiming this would be much more 'robust protection' for our regions wildlife and our endangered Koala population, although the council members had yet to formulate any readable plan of action by this council outlining what role they were going to play in this, and on that note it appears the council has left these checks and balances back to the LLs.

The council also at that same time also announced the implementation of 'a single land use zone' for our entire region under RU1 - primary production; that would also replace the deferred matters.

And on August 9th 2021 at the council meeting which I also attended on my own on behalf of other residents due to covid restrictions, this 'final draft plan' was voted unanimously by this council.

This proposal for a 'single land use' zone right across the LGA is very problematic and reckless for our regions wildlife -given this council area resides in the region of the World Heritage Parks council also having responsibility alongside parks & wildlife also of the surrounding State forests and other public lands, major rivers systems and streams, wildlife habitat and rainforest areas and council within the wildlife corridors that exist mostly on the private lands here, in the lowlands of the Border ranges within this Kyogle LGA.

From my legally unqualified perspective, I am assuming that a council LGA without having already identified E conservation zones

would or could make this very difficult and confusing for land holders and the adjoining neighbours on 'what is or is not' appropriate land use, opening the doors for dispute and conflict.

From my perspective and others, that if anyone or neighbour came across destruction of environmentally sensitive areas and or of protected biodiversity habitat that situation would make it very **difficult to prove 'after the fact' without the defining E conservation and RU2 land zoning already in place** and in the event of such matters that may be in dispute and needing confirmation to be decided upon by a council, or even a court, then there might not be way possible of proving that something was 'once there' if it has already been destroyed or damaged - especially if has involved land clearing and bulldozing vegetation into dirt.

For example;

I was contacted by other residents of this Kyogle LGA that sometime in July 2022 that there was an incident that involved a Kyogle councillor 'somehow' over some illegal logging on 'private property' not far from one of the entrances to the World Heritage Border ranges and from the photos I have viewed, resulting in the destruction of the surrounding rain forest plants and extraction of large areas of stands of Flooded Gums around 80 years old and a diverse range of rain forest tree species wiped out causing erosion also with a stream running through it all according to a trusted neighbour an author of the Eastern Rain forests trees of Australia books, on his way past from the WH park.

Other residents who witnessed the same destructive scene, while walking back along the track out of the park also and had then reported this to the EPA and the Kyogle council. It was my understanding that private native forestry under our regions LEP required dual consent with the Kyogle council and the LLs.

Had these residents not witnessed this event, it could have well gone 'unnoticed' even though it would have involved heavy machinery and a large logging truck or 2 to carry these mature hardwood trees out of this region and going on for some days on this private land.

And given this example, involved a Kyogle councillor 'somehow' and a known logging contractor and that this matter is still, under investigation with the EPA now in 2023 - the land owner in the meantime has been directed to undertake urgent repair of soil erosion and repair.

This has been confirmed also, in a letter sent by the minister for environment and heritage, the Hon James Griffin in his reply on the 25/8/22 sent back to a resident who had also contacted him on this matter and this was also shared with me.

When I sent a letter asking the council mayor about this situation and my concerns over the councillor involved and about the claims made also of verbal abuse by this councillor who was 'somehow' involved in this incident towards those 3 residents at the site and who later reported the incident to both the council and the EPA. I was informed by the council mayor in writing that this has 'nothing to do with her, or the council manager or even the councillor involved and no further information.

Leaving this councillor to continue on with business as usual at the council, I now have concerns about this councillor voting on decisions for our region while this EPA is still under investigation and he being the logging contractor involved on that private land I believe there could be a breach of the NSW council codes and quite possibly even the PNF codes, but I have no stamina left to take this matter further and given the divisive nature of these concerns I am fully aware that I and others could well suffer consequences given the close community ties with local forestry and this council.

It is this example and type of dismissive behaviour and reaction by both this council and the type of confusion on just how the LLs desktop style approving land use, is taking place.

And how councils and the EPA don't seem to be involved even when they should be, until something such as this has gone terribly wrong, that has left many of us distrusting this process.

There are now numerous examples of how this type of lack of oversight from those responsible, has resulted in simply leaving the neighbours or other land holders and local residents left behind to stay vigilant or to try and sort through the bureaucratic process

on what is a very serious matter of protecting wildlife biodiversity on private lands, and in fact in some cases the serious matter of potential wildlife extinction now being left up to those residents or adjoining neighbours involved or who by chance come across this appalling lack of concern for the damage this type of unmonitored land clearing may cause.

We, the constituents are not employees of the council, or the EPA or the LLs or of any of the local ministers either, this must not and should not be left up to residents to monitor the 'fall out' with this type of desktop LLs planning decision making, the process is dangerous, it can cause major disputes between parties involved and no help from this local council on top.

These types of free for all land clearing operations are also often taking place in isolated regions leaving other residents or adjoining neighbours in a precarious situation if they feel they might need to investigate noise or machinery and trees falling on the nearby lands, so as to substantiate if anything wrong is taking place there prior to contacting either the council or EPA.

In this situation here in Kyogle if the council succeeds in forming a 'single land use zone' under RU1 primary production for our whole region, outside of the town and villages, which has the support of NSW MP MacDonald in his reply letter to me, this is only going to further divide our regions communities and quite possibly place both residents and our regions health and safety 'at risk'.

These changes to the vegetation codes need to be stronger and more decisive for the protection of biodiversity **not for the land holder, the land holder needs support in education and assistance to farm sustainably and for that to be successful requires working with the local biodiversity that is already here not the other way round and our regions landscapes be zoned accordingly - this cannot be achieved by implementing 'a single land use zone' under Ru1 - primary production**

Right now all we are witnessing increased land clearing. cash for native trees, and literally hundreds of thousands of tons of native wood chips being funnelled into the back of enclosed semi trailers carted off to the Cape Byron power plants and nothing but flattened soil left behind.

This example here and type of destruction going on with private land clearing and even on public lands is only one example as to why many residents in this region have little faith in both this council and the LLs and this type of process result left up to the residents themselves to stay vigilant and or adjoining neighbours to deal with it and it is widely known also that the EPA takes a very long time to respond and or to conclude a response.

This is a dysfunctional broken system- this situation and very stressful for residents and will only cause an 'increase in disputes and conflict' among land holders.

On November 14th 2022 - this Kyogle council voted to remove our councils 'dual consent' for a DA for private native forestry operations, removing the need for a DA approval by this council with the LLs. The Kyogle mayor and other councillors claimed at that meeting, which I and dozens of other residents opposing this reckless idea had also attended, the council management and members stated that they were confident, that the State government PNF amendment bill would pass the parliament and based on that 'presumption' this council then went ahead and voted to remove the councils dual consent for a DA from our LEP.

Even though 78 submissions from residents had opposed all of these changes to our regions LEP in August 2021 and this council dismissing those more recent submissions and only referring to the wants outlined in the 'outdated- 10 submissions from 2018' who had supported and lobbied for these changes to our regions

LEP and who were mostly land holders working in forestry & or agriculture and contractors well known to each other and this council.

Later that day on the 14th of November 2022 the same day the Kyogle council voted to remove dual consent on PNF we, the residents, heard on the news that this NSW governments PNF amendment bill had failed to pass.

So where does this now stand for our regions wildlife now ? and the expectations of the residents left to deal with any fall out from this recent council decision ? what harm may come of this and how can we as residents safely monitor this ? on the matter of Private native forestry >The mayor herself stated to the ABC on the 15th of November 2022 that she has no intention of getting in the way of forestry operations in this LGA.

I do not think I need to explain any further, the type of biodiversity we have in our region, many ecologists, marine scientists, locals, land care groups, wildlife rescue staff within our regions of the Gondwana World Heritage Parks and surrounding rain forests here, is well known to many people all over Australia and the World. And although this region has been well documented by the likes of Sir David Attenborough this region is also the well known and a spiritually connected home of our Widjabul Wia-bal Bundjalung Nation.

These landscapes of the Kyogle LGA are already deeply scarred from decades of land clearing and destroyed rain forests as far as the eye can see when looking across the region some areas no trees in sight for miles and some of these areas also supporting major river systems and streams now just left open to extreme weather events.

There has got to be a better 'protective' system in place for regeneration both on these flat lands described above and wildlife corridors on private lands. It is absurd to have tree plantation owners in forestry operations planting right up to the sides of the World heritage parks and State forests, absurd for private land holders to destroy the biodiversity on the lands they have purchased to make fast cash from the hardwood trees there and some of them being hundreds of years old.

My submission here, is intending to outline what I can see from my legally unqualified perspective and from the perspective also of other residents who I have met with and who live here and have witnessed much the same impact that these changes to the LLs codes have had now on our region from our view 'on the ground'

since 2017 and now also with the conjoined negative- impact on our region that has also been going on alongside those changes to the vegetation codes in 2017

> with the 2014 NSW governments original 5 year 'temporary exemption' that has continued past the 5 year period when it was due to expire in June 2019

this exemption allowed the Cape Byron power plant to burn native wood to generate electricity and details of this gazette can be viewed here in the NSW 2014 gazette No 52 - pages 32 to 36

https://gazette.legislation.nsw.gov.au/so/download.w3p?id=Gazette_2014_2014-52.pdf

These 2 major issues > this 5 year exemption in 2014 and the changes made in the LLs vegetation codes in 2017 have now conjoined in this region of the Kyogle LGA yet no mention of the Kyogle LGA was in that ministers gazette of 2014 and making these 2 issues very problematic for our region and the cause of great concern which I will go into further.

- Brief summary & overview - what I see has happened here in our Kyogle LGA region is a conjoined set of circumstances - resulting from poor government planning and reckless abandonment for the protection of our regions biodiversity and this poor planning a result of these legislated changes that have taken place both in 2014 and in 2017.

The wider ramifications from these NSW ministers decisions have impacted on both the health and wellbeing of our regions residents and the displacement of many of our regions local wildlife, noting also that our region has been placed under extreme weather events also.

The integrity of our landscapes still need to be properly evaluated going as far back as the long drought & fires and let alone the floods, soil erosion and our major river systems and streams contributing also to the major events taking place during the floods in Kyogle and Lismore and surrounding districts.

The integrity of our regions landscapes need proper ongoing evaluation, not a free for all in land clearing and financial gains from hardwood trees being sold off when no one is looking -

(1) - The 'negative impact' on local residents -

On the matter of extensive land clearing and the sudden increase in volume of a fleet of native wood chip fuel trucks in the form of enclosed semi trailers coming out of the Kyogle LGA and owned by a local land clearing, raking, logging, wood chipping on site, transport business.

And from what I can gather also No EIS permits on the roads being used or other and with no mention of 'the Kyogle region' in the 2014 No 52 gazette exemption above.

I strongly believe that the minister responsible for that 2014 exemption had left very crucial items off the exemption itself, as the minister did not 'include the fuel trucks' that were to be carting the estimated 320,000 tons of native wood chips estimated at that time in 2014, referred to as 'waste wood' coming off the Ballina M1 highway upgrade and the minister responsible having 'only made reference to the actual vehicles on site' at the CBPP Cape Byron power plants and did not include the fuel trucks on the roads or what roads were to be used for carting such a large sum of fuel to be burnt at the Cape Byron power plant in that EPA license exemption and so subsequently the council areas and fuel trucks and roads themselves had not been identified. Nor did the minister include the Kyogle region as 'a source' for this native wood fuel for the CBPP given the temporary exemption to burn native wood this way to generate electricity was illegal under our environment Acts, without this exemption and this arrangement also after claims also made at that same time, of financial hardship by the Cape Byron power plant the CBPPs CEO about the lack of available sugarcane for their furnaces.

And although the matter of this 2014 exemption and the Ballina upgrade would not appear to be of interest to the members of this LLS review panel, I am outlining some of these details because of the result and outcome of this 5 year exemption there after and the increased volume of a fleet of native wood chip fuel trucks in the form of enclosed semi trailers and increasing in volume at the end of 2017 which was also inline with the changes to the LLS native vegetation codes and coming out of the Kyogle regions and the source of this fuel a result, of land clearing both on private and public lands of the Kyogle LGA.

- Furthermore I was also informed by a leading ecologist based in Sydney who runs his own firm and often contracts with both councils and the State government in ecological consultancy and assessments, and although I could not afford this type of legal advice and after having also contacted the EDO office hoping to also gain their advice on what the residents could do to address these matters, I was informed that the EDO office staff were also in covid lock down in early 2020 when I had sought their assistance, and this was after having had no help at all from the Kyogle council, local MPs, RMS, EPA and the various other letters sent out as part of that complaints process about the excessive use 24/7 all through the night by this local Kyogle land clearing and transport operator and his fleet of fuel trucks of our local road, the Kyogle Rd - Touris drive that runs through the World heritage parks between Kyogle to Murwillumbah. And adding to this fact also I could not afford this Sydney based legal advice either however the principle I spoke with at that time who was also in lock down as required then in NSW kindly found enough time to at least advise on areas of the environment Acts I could look to, in regards to the increased volume of native wood chip fuel trucks on our local road 24/7 all through the night and how it would apply under this type of government temporary exemption - and I will quote that advice here;

Quote - 'Where you might have legal recourse is regarding the environmental approvals attached to the power station. I expect that the power station was approved under either Part 4 or Part 3A of the Environmental Planning and Assessment Act and the EIS should have included a consideration of sources of fuel and impacts of road haulage. Conditions of approval would have been issued and I expect some of those would have related to transport. You would need to search out the EIS and the conditions of approval. The facility has also been licensed by the EPA under the Protection of the Environment Operations Act and licence conditions imposed which the facility must abide by and some of these might relate to transport of fuel. If there is a change to the source or fuel and/or its transport then that must either be consistent with the conditions of consent and the licence. If not, then a modification to consent and/or the licence conditions must be granted. If the change is not consistent with the consent conditions and a modification has not been granted then the transport is illegal and I believe there may be grounds for an injunction. If the change is consistent with the consent, or a modification to consent has been issued, but the licence conditions have been changed then the EPA must undertake an environmental assessment under Part 5 of the EP&A Act before granting that modification. If the EPA has failed to do so then that may also be grounds for an injunction.' - **end quote.**

When I spoke with the EPA CBPP license officer also at that time in early 2020 could not help me with that information regarding any EIS that she was aware of pointing out that the ministers exemption had 'only referred to vehicles 'on site' at the plants themselves.

I then asked who has been monitoring the 'actual source' of this fuel supply then ? the officer said they did not know but thought maybe the wood chipping and transport contractor himself was doing it ? I also asked the EPA license officer then how were the Co2 & GHGs emissions also being recorded coming off these fuel trucks for the CBPP emissions count and how then would the EPA, NSW minister, tax payers and

shareholders know of the 'true' figures of these Co2 emissions of this type of operation burning extensive amounts of native wood to generate this electricity able to be provided to the public ? given the CBPP is also advertising as a clean green alternative energy provider- and the EPA officer responded with 'that would be too difficult' because these trucks would be moving all over the place impossible to monitor' - I asked isn't that why an EIS would be required on this fuel transport ?

After this phone call, I quickly googled heavy vehicle emissions & straight away many examples all over Australia came up of other transport companies already monitoring their transport emissions and logging them these heavy vehicles Co2 emissions were being calculated as per weight and per Kilometre also included the roads being used as a crucial part of those calculations.

Now the reason why I believe, this is very important and I would gladly be proven wrong, because I am not conveying this information as some sort of 'gotcha' nonsense I am only trying to provide details about why I think our regions residents had been suddenly assaulted by the increased volume of this type of large scale transport operation on what was one a peaceful road and also trying to work out why this operator chose to use this roadway 24/7 all through the night instead of taking the alternative route out of Kyogle via Lismore onto the M1 highway ? and why was this Kyogle council not responding to the concerns of the residents or taking any pro active action on this matter of increased risk to road safety and excessive noise pollution 24/7.

From 2017 and up until 2019 when I found this 2014 gazette until this point I and other residents had no idea, what was inside those enclosed semi trailers

and until I went to the transport operators own website where I found that there were 2 significant contracts on that website and coming out of this Kyogle region -170,000 tons of native wood chips for the Condong/Murwillumbah CBPP which has 'no end date'

and the further 90,000 tons from this same local contractor also delivering to the Brisbane port for the Qld commodity exports with 'no end date' I then waited until a few weeks later until June 2019 expecting that this might end if this was somehow in anyway part of that 2014 exemption agreement - this fleet of fuel trucks only increased, back and forth along our local roadway and at that time I had not personally involved myself with the other residents complaints with the Kyogle council until then by sending a letter via email - the response I received was in the form of a phone message left on my families home phone from the council employee for road management which I still have and now paraphrasing > stating that 'Your going about this all the wrong way because there is nothing this council can do and if you keep coming back to this council then we will just keep turning you away because there is nothing this council can do ' end quote.

The photo below of the red fuel truck that also left this same road in the same week I had made contact for the first time with the council and had received this phone message on this matter;

and my 2 grandsons happened to be on the school bus travelling shortly behind this crash.

The lack of evidence available to the EPA of the source of where this 260,000 tons of native wood chip product has been coming from and this local contractor also running a land clearing, raking, logging and 'on site' wood chipping business and owning this fleet of fuel trucks also working with forestry contractors, these fuel trucks suddenly increasing in volume along our local Kyogle

tourist road transporting back and forth since the end of 2017 > 24 hours a day leaving barely 40 minutes apart between each of these fuel trucks all through the night travelling back and forth;

was having an immeasurable negative impact on our lives here and from our residents perspective this had also exasperated with the newly amended vegetation land clearing codes of 2017.

Our region was in severe drought also at that time, so much so that many residents and wildlife carers were placing water sources at the base of Koala food trees it had become so dangerously dry and these fuel trucks turned our whole lives our whole region into the sounds of a 24 hour highway here, in what was once a peaceful valley of the surrounding caldera of the World heritage parks - it was a total nightmare - and extremely stressful.

This Kyogle transport and land clearing operator refused to take the alternative route out of Kyogle via Lismore onto the M1 highway and the Kyogle council did nothing to stop him.

The EPA claimed they were helpless to help in anyway advising that the council should help with the 'noise' complaints - 7 of these heavy vehicles went off the road just between 2017 to 2020 that I know of or have been reported in the news or by other residents.

Yet no action taken by this council not even on the excessive noise pollution.

And the Tweed council mayor at that time after many other residents complaints who had also called for a residents meeting in Uki / Mt Burrell under the Tweed shire, where this same road continues through from the Kyogle LGA, unable also to stop these heavy vehicles, carting this fuel 24/7 because the Kyogle council here, were the road managers and needed to redirect these heavy vehicles to go out via Lismore onto the M1 highway back out onto and along the very section of the M1 Ballina upgrade as mentioned in that 2014 gazette - a highway upgrade that had destroyed many acres of high biodiversity and Koala habitat and purposely built to get heavy vehicles of rural regional roads.

- the 'noise pollution' alone was so excruciating right across the whole caldera and valley, the increased safety risk on the road > parents expressing how stressful it had become trying to share the road with these fuel trucks when dropping their children at the local school, the school buses brought to a halt while these fuel trucks took up the whole road while they traversed the sections of this tight winding road inline with the natural terrain of the caldera on this tourist drive, these trucks simply do not fit on this road and in such volume back and forth.

The local schools lodged their concerns, people actually moved away and one of our much loved cafe's that also employed our locals and musicians shut down after many years, no longer able to compete with this onslaught of trucks, the noise and then the covid.

All caused by this lack of oversight by the minister himself and this council and the confusion also about 'who' exactly was responsible to monitor all of this? and where exactly was this fuel coming from?

I and other residents believe that the increased volume of these trucks back and forth since the end of 2017 was a direct result of these changes to the LLS codes.

For many years we have always had the odd logging truck, postal trucks, school buses, but never - have these types of heavy vehicles operated like this on such a large scale > and at night -

the general feeling from residents who have spoken with me and the response or no response they received from Kyogle council seemed to be giving many of the local land owners who were out clearing their lands and selling off mature hardwoods a sense of protection'

as if none of the usual requirements or inspections one would expect, given the type of biodiversity found in our World Heritage region that I know as a land holder myself, having walked most of these regions since I was 15 years old and now 63 years old this year, are well known to me, to exist,

on almost all of these vegetated private lands within these wildlife corridors between these parks that our biodiversity also greatly depend on, for clean water access, food, pollination, socialising and breeding.

From research and having known these regions for decades now, I have found that there has always been a very strong sense of land ownership in this Kyogle region from some of the larger land holders also supported by this council over the years, and that land holders should be able to clear what ever they want to, with one of the largest private native forestry and plantation saw mill operators here, often quoted in the Land news and also on the NSW DPE own website, this saw mill owner claiming his own right to these Kyogle lands are based on his own idea of being of a 4th or 5th generation of saw mill operators in this Kyogle region, a generational reference that could also apply anywhere else in Australia, believing this gives him the right to land clearing what he wants and to turn these once forested lands into eucalypt tree plantations and running his cattle on these same lands so as to keep any remnants of rain forest at bay. The concern I see here as a layperson, is some of these types of private plantations and wildlife corridors on private lands are also very close to both State and world heritage parks and those concerns I have, are better addressed by those qualified to comment, such as marine and ecology scientists and landcare groups and the NSW RFS who are on the ground.

My concern also is the feeling that land owners undertaking PNF have become even more confident believing the EPA would no longer 'be a problem'. As we have experienced in the example above involving a local councillor 'somehow'.

The council manager was not proactive or simply did not respond to residents complaints telling residents and myself 'there is nothing they can do' - no action at all on the noise pollution either - yet residents had even put a short video together, filming the fleet of trucks at night and the sounds they were emanating right across the caldera that could be heard up to 20 minutes each way for miles & especially in the silence at night before they passed each other back & forth every 40 minutes - **For example** - a small business operator a well loved member of this community for over 45 years who runs a little cafe and native nursery opposite the primary school and a large acreage of land also supporting many of our local Koalas, saying on this video breaking into tears, that she was so stressed by this noise she could not sleep and when she did she was woken up, she moved to the back room of her house and her husband had suddenly passed away a few months before also, she stated she felt very overwhelmed by the impact of this type of assault, on her well being and her business - saying if it continues she would have to close down yet this was her income and a business she had built up over decades.

Another resident also claimed he had to also move to the back room and wear ear plugs! his house windows have a view of the whole valley looking across to the Border ranges, the noise from these fuel trucks all through the night was so over bearing and he had to travel each day to work leaving at dawn - another a local school teacher claimed she and her children were woken constantly throughout the night it was impacting on her ability to concentrate at work - **there are way too many examples for this submission now but many residents > want it known to the panel, about what has been going on here -**

*** Conclusion - In 2020** - 2 years since these fuel trucks had literally invaded our region and after many months of trying to get some sort of help on behalf of our regions residents and everyone then in covid lockdown and these native wood chip fuel trucks still barrelling past peoples homes,

- I managed to gain an agreement with the new CEO of the CBPP Condong/Murwillumbah plant and by pure chance, I spoke with him over the phone on his very first day on the job as the new CEO - I sent him a copy of the residents video, along with some photos and a snap shot of the time table taken with a camera identifying these fuel trucks after a resident had placed the camera on another residents fence - As I said, we are well used to our local traffic such as our school buses, postal truck services, the odd logging truck and other heavy vehicles during the day but never all through the night' - This Kyogle council did nothing.

15/04/20 – 16/04/20 pen & paper + camera 23 Fuel trucks back & forth	19/04/20 –am 20/04/20 - pen & paper + camera 19 Fuel trucks back & forth	21/04/20 am & 21/4/2020 to 5:30am the 22/4/2020 camera - (17) Fuel truckss 2 every HR	22/4/2020 6.30pm to 06:35 am 23/04/2020. camera 27 fuel trucks back &forth one unknown truck	6:30pm the 23/04/2020 to 5:30 am 24/04/2020 camera 12 fuel trucks back and forth	6:30pm 24/04/2020 to 6:30 am 25/04/2020. 2 unknown trucks. 7 fuel trucks camera	26/04/2020 5:00pm – to 4 pm 27/04/2020 4:00pm camera 15 fuel Trucks camera	27/04/2020 6:00pm to 4:07 pm 28/04/2020 26 fuel trucks 3 unknown trucks camera	28/04/2020 5:00 pm to the 29/04/2020 4:15 pm 29 trucks during this time camera
AM 01:50 am – 02:55am – 03:35am – 05:45am – 06:05am – 06:32am – 07:05am 08:15am - 08:45am – 11:00 am – PM then every 2 hours apart 07: PM – to 08:40 pm – 10:20 pm – 11:00pm (slept) AM woken to trucks 01:40am – 02:50am – 04:15am – 04:30am - 05.25am – 06:20am – 07:am – 08:20am – 9:15am –	17/04/20 – 18/04/20 AM woken by trucks 01:15am – 02:45am – 03:25am – 04:20am 06: 15am – 07:05am – 09:15am – 11:10am PM 12:40pm – 01:10pm – 03:20pm 04:10pm – 06:50pm AM 06:15am – 06:30am – 07:15am – 08:10am 08:30am – 09:15am – 12pm 01 pm 3PM – 07:15pm	AM 02:45am – 04:25am – 05:10am – 05:50am – 06:20am 06:40am – 07:am – 09:am - 09:50am - PM 18:22PM - 18:32 PM – 18:55 PM 20:25 PM 20:26 PM 20:57 PM 21:49 PM 23:42 PM AM - 00:10 AM 00:13 AM 01:06 AM 1:30 AM 1:57 AM 2:02 AM 2:58 AM 3:29 AM 5:37 AM	PM 18:13 MJS trucks 18:19 18:26 18:41 19:10 20:14 20:29 unknown truck 20:54 22:14 22:42 AM 00:03am 00:15am AM 00:32am 00:33am 01:04am 02:13am 04:20am 04:22am 05:29am 06:17am 06:21am 06:23am 06:35am 22:42	PM 18:47 20:13 20:39 22:35 22:45 AM 00:34 00:47 01:07 01:13 03:03 03:30 04:50 picked up camera	PM 18:10 2 unknown trucks 20:09 22:10 MJS AM 03:05 unknown truck 03:18 04:29 06:29 AM picked up camera	PM 17:18 17:39 19:59 22:03 AM 00:04 03:11 04:19 04:25 06:08 06:20 07:03 SBA 10:46 (Overloaded query see photo ?) 11:40 12:46 12:48 truck from Kyogle to Murwillumbah overloaded see photo ?) 14:29 Unknown double trailer from Kyogle Murwillumbah 16:01 pm truck	PM 18:00 19:03 19:29 21:18 22:14 23:15 23:54 AM 00:12 01:11 01:38 01:54 03:41 04:36 06:12 06:41 08:04 10:03 Unknown double trailer 10:05 10:56 11:44 12:48 13:41 unknown red 13:42 14:04 MJS 14:40 Unknown double trailer same as 10:03 15:02 MJS 16:07 MJS	7:02 PM 18:15 18:16 20:11 21:19 NOT clear truck 20:40 AM 00:17 00:41 00:56 06:31 07:02 07:03 07:12 08:00 08:19 08:55 09:02 09:11 unknown double trailer 09:50 11:08 truck Overloaded ? 11:18 unknown double trailer 12:30 13:05 13:12 13:41 14:17 15:04 15:41 truck Very noisy) 16:13 unknown truck double trailer

I believe he was genuinely shocked at the sheer volume of fuel trucks going back and forth on this road and could not understand 'why' these fuel trucks were delivering these wood chips 'at night' ?

And thankfully between the 2 of us we made an agreement that he would no longer accept this fuel 'at night' between Dusk to Dawn and would request this owner of this fleet to downsize to 2 trucks per day back and forth,

which I also informed the CBPP EPA license officer about also.

This agreement has been upheld - however this was a very stressful period for our residents, we had all come through a drought which was going on when these LLs vegetation code changes were also made, we were then hit with the fires, the covid and all the while these fuel trucks kept operating along this road way back & forth - all through the night non stop.

None of us really know if this is going to ever start up again at anytime ? it has still left many residents in a suspended state of anxiety, myself included, when we think about it.

I and the residents want this panel to know this -

And that with these changes to the LLs this style of desk top planning approval, unchecked un monitored alongside the 2014 ministers so called 'temporary' exemption still continuing past 2019 conjoined is unfit and insufficient protection for our regions biodiversity both on public and on private lands. The LLs approval mechanism does not take into consideration of the wider ramifications of the regions involved or even the impact on the adjoining neighbours or the roads to be used, by the supporting machinery and heavy vehicles often needed for land clearing in these approved LLs DAs -

Approving plans this way is dangerous and no doubt often causing conflict, it is well known that disputes between land holders and neighbours in the past has often resulted in assault or worse.

Planning and approval of land use must be properly defined based on proper 'on the ground' mapping, proper ground observation of the wider landscapes, community consultation, and planning proposals to be unapproved at anytime when those planning approvals are not conducive to the biodiversity on the land itself and wider biodiversity on the surrounding lands and wider landscapes including roadways to be used and all of this needs to be undertaken as a process by those 'qualified' in ecology and marine science to do this.

Land holders must not and cannot, be left to make these types of decisions for themselves it is absurd, especially on such serious matters of biodiversity and how this plays out right across the landscapes as a whole.

The matter of Australian wildlife and native flora extinction must be taken seriously because it is serious, it is more important than anything else in the face of global warming.

The health and safety of our biodiversity is what we 'all' need in order to survive ourselves, and this type of 'free for all' smash and grab as a result from the type of LLs portal desk top assessment process, is only contributing to placing all of us 'at risk'. And this must stop.

> **Recommendations** from local residents would be for the LLs planning process to include the considerations and ramifications of these decisions impact on the wider landscapes, local biodiversity as a whole, neighbours other residents, road impact and future mitigation plans to combat the effects of Global warming for our future.

* a google map here, of the Kyogle road tourist drive & the wider region I am referring to,
<https://www.google.com/maps/@-28.5189913,153.1677963,12394m/data=!3m1!1e3>

I hope our thoughts will be listened to and taken into proper consideration for the future.

There are many other examples in this region that other residents and or local environment groups would be able to convey however, I am not privy to those details. I write only, on behalf of the residents in my region who I have met and spoken directly with as described above between the period of 2018 to 2022.

Kind regards,
Melissa Myles Hallett,
Lillian Rock, Kyogle LGA NSW 2480.
January 22nd 2023 .

*Disclaimer – This information is not intended to cause ‘mischief’ or deliberately ‘misleading’ information & is only for the purpose of informing or conveying educational examples or for the purpose requesting those names listed on this document that may also include NSW state services such as the RMS, EPA, local councils & local government ministers relative to information provided here by me, I take no responsibility for any inaccuracy regarding any information contained in this letter, nor is any information provided here intended to cause harm to any person listed or referred to in this letter. Dated January 25th 2023 Melissa Hallett.



photo above* taken by local school teacher on the way to Kyogle- native wood chip fuel truck on the Kyogle Rd Tourist drive, Cawongla Kyogle LGA

Below * Native wood chip fuel trucks lined up & coming out of the Kyogle region lined up at the CBPP



these heavy vehicles do not fit on this Kyogle road tourist drive.
*Photo below taken by the channel 9 news 2022.
8 trucks crashing off this roadway that we know since 2018 to this mishap Sept 2022.



***below - 2019 June my grandsons were also on the school bus following behind shortly after this incident-parents had to attend to this site to collect the school children - still no action taken by the Kyogle council.**

