

Submission to the Independent review of the *Environment Protection and Biodiversity Conservation Act 1999*

**Ourimbah Community Incorporated
December 2008**

Who are we?

Ourimbah Community Inc. is an independent group of local citizens who (in addition to being involved with more prosaic local issues) have for many years taken a proactive role in securing local populations of threatened species.

We endorse the submission from Ourimbah Precinct Committee. Because of the similarity of names, and the overlapping nature of our concerns, we stress that these two organisations are quite separate and distinct. There is some overlap of membership but the Precinct Committee is a sub-committee of Wyong Shire Council (and a quite balanced demographic mix) whilst Ourimbah Community Inc is an independent incorporated community organisation formed to address local issues not permitted (by Council rules) for consideration by the Precinct Committee. The demographic mix of Ourimbah Community Inc. is not so balanced, being skewed towards more long-term rural residents, more people of aboriginal descent, more of the very old and the quite young, but with a big gap amongst the newly-arrived suburban adults, who are mostly commuters.

Our place

Ourimbah is a remarkably diverse landscape. For perhaps two hundred generations the area has supported large numbers of people—just like today, a few locals, and periodically huge numbers of outsiders who come for ceremony; family gatherings, education, community celebration—to holiday and feast on the natural abundance of the local creeks and rainforests, rivers, wetlands and lake system. The place takes its name from this ancient pattern. *Ourimbah* – a place to dance, a place to learn.

Ourimbah has much more than its fair share of biodiversity. Appendix 1 lists 85 species that are listed as threatened and are recorded from the Ourimbah area, but this list excludes a dozen species from the nearby coastline. The diversity within the landscape supported many varied ecosystems, but because logging and clearing started here in the *eighteenth century* the landscape has been much simplified, many species lost from the area, and many species pushed into small rugged refugia that remained inaccessible until twenty first century earth moving technology could be applied.



Figure 1: Map of SE Aust Rainforests, highlighting Ourimbah

Our threatened species problems are really urgent

The 85 local species listed as threatened are threatened because most of their habitat has been destroyed, and their population size and range has diminished. We know that diversity (as measured by the presence/absence of particular species) can stay relatively constant, even as 90% of habitat is destroyed. But then, by destroying the last 10%, one destroys all the species in one fell swoop.

In Ourimbah, we have many endangered ecological communities (as defined by NSW) that represent just a small proportion of their original extent. We have a landscape where only small patches of habitat now support once common, now threatened, species.

These small refugia are being destroyed, one at a time, with the resultant extirpation of listed species. This is the end game for diversity in Ourimbah. Unless action is taken immediately to protect these refugia (actually protect, not just to have the objective to protect), it will be too late. Extinction is forever.

All paths cross at Ourimbah—roads, freeway, highway, railway, oil and gas pipelines, communications lines—and if we discount Putty Road, there is no way to head north out of Sydney without passing through. The local community has no control over local resources. The community and the environment have been overwhelmed by the voracity of recent development. It does not occur to some – no planet – no profit

Some good news

There is a great deal of expertise and goodwill within the local community towards threatened species and the protection and re-establishment of their habitat. Truly positive results are possible when the local community is given custodianship of natural areas of special significance to them.

Ourimbah Primary School gully provides an example of a local project which has had a positive impact on threatened frogs. From 1992, the Ourimbah School and Community Environment Group (a subcommittee of the school's P&C), gained funding from various 'Bushcare' and 'NHT' programmes for their Rainforest Access Project (RAP). RAP was to restore a small remnant rainforest gully through Council reserve above the school, from a spring high in the catchment at an aboriginal site down to the Pacific Highway (and into RTA pipes). Five bridges, a viewing platform above the aboriginal site and about 1.5km of track have been constructed, and over 5000 local provenance native plants established. The project won a number of regional, state and national awards, the most important (because of the \$\$) being a national Readers Digest / Taronga Zoo prize which allowed major reconstruction of the creek line through school property, and the establishment of a number of ponds and other diverse wet habitats. From 1992 until 2002, the number of species of frogs increased from nine species to 24 species (three threatened). The riparian repair project most certainly had an impact on this increase in diversity because it provided appropriate habitat for a number of frog species, but given that this was a decade of unprecedented drought, the increase could have been fuelled by frogs made homeless because many poorly vegetated/shaded creeks dried up.

The resultant school grounds and adjoining bushland reserve have become an important natural asset for the community and students of all ages. The Head of the Shanghai's Landscape Bureau and his entourage visited the project in about 2001, as part of a pre-olympic greening fact finding tour in the lead up to the Beijing Olympics¹. He said that a child from Shanghai would think that they had 'died and gone to heaven' if they arrived at such a school "so many happy, healthy children laughing, skipping, so much green space, and birds, what a wonderful school". Morris Iemma shamefully took all the credit for the place when he chose to announce the most recent NSW election with the RAP project as a wonderful green backdrop, to show how environmentally friendly his state government was! There are other characteristics of this school – students consistently perform at above average rates in basic skills tests, it has few problems with security and vandalism, it has been able to attract a much more gender balanced staff than the average regional primary school, and there is usually a waiting list for out-of-area children who want to attend. Many on the RAP team are firmly convinced that the personal experience of bio-diversity in the place is felt as 'good vibes' in a psychological way, and that the physical surroundings have a substantial positive impact on the life of the school², as well as the threatened creatures in the gully.

As the new canopy matures (replacing the old canopy which was substantially camphor laurel and privet), a diverse assemblage of birds, bats and reptiles is re-establishing. Unfortunately, since the advent of the new catchment management regime (Hunter & Central Rivers, in our case), it has proved impossible for this small, independent group with a very specific area of focus, to obtain any funding

¹ A study tour specifically developed by Hunter Inst of TAFE, Conservation and Environment Section for the Shang-ai Landscape Bureau, with the author as one of the teachers.

² Nadia Lalak, *Restorative powers of the natural Environment* PhD thesis submitted Dec 2008 to Faculty of Architecture, Sydney Uni.

from either state or federal sources. Although there are no funds for further restoration—primary weeding and establishing a canopy of local provenance plants along small tributaries off the main creek line; for example—the group is continuing to maintain the current tracks and weed-free areas and to hope for a change in the political regime which would make funding once again possible for this sort of project.

Waiting for a Regime change

We do hope that this review will prompt a regime change which will result in a system that will act in the best interests of threatened species and ecosystems that have been listed as needing assistance to survive. We also hope that all the old, retired, union mates and the mining and power engineers who have dominated regional environmental funding for more than a decade, can at last be put out to pasture, so that funding can flow right down to ground level, and make a difference to the species for which it is intended.

Most Commonwealth support for endangered species is filtered through the states, a hungry bureaucracy and long established 'mates' networks. Open competitions for funding (like CERF – Commonwealth Environment Research Facility) have such a small amount of money and so many top quality academic applicants from established research centres that small applications arising from community concern have no chance of success, even if an academic institution is prepared to support the research.

It would be very cost effective to embrace the expertise and passion of local people for their special local place and, given clear guidelines and appropriate minimum standards for technical expertise and reporting mechanisms, to fund these groups directly. If the commonwealth has truly decided that a particular place, species, ecosystem or whatever, is to be protected, then the local people are the most likely to have a day-to-day understanding of the threats, and if they are the recognised custodians, to fight for it more ferociously than any remote bureaucrat ever will.

This direct funding may require greater resources for the Commonwealth to assess and review projects, but after that, most money would hit the ground directly, in the form of weeds pulled, walking tracks formalised and so on—instead of disappearing into layers of 'co-ordination costs' at state, regional, and local government level, within CMAs and regional 'umbrella' NGOs. And in all of these places, the money is used to buy computers and GIS software and networks with wonderful printers and so on, so they can put together really professional applications for the next funding round. Then there is management and meetings and training for all of that lot, with lots of staff courses, conference and vehicle expenses. Money is even used to set up plant nurseries using work-for-the-dole or similar participants to staff them. Only the easiest, simplest plants are ever produced (if any at all) whilst established local provenance nurseries, long term employers of local people, are sent out of business because there is no market – none of the agencies actually buy and plant local provenance plants, they have spent all the money on the nursery shade houses and co-ordinator, after all.

Sometimes, a local landcare or similar group will receive a bag of tools or equivalent, in exchange for a set of photographs that the generous benefactor then uses to claim responsibility for the group's efforts, and co-opt volunteer group's time records (costed at the standard rate) to offset the \$cost to 'administer and support' the project. Audits are rarely performed, when 'umbrella' groups are found to have used money for things other than those for which they were supposedly funded, they can easily retrospectively change the description of their project, and the list of deliverables, once money has been spent. Another trick, once auditors start to ask difficult questions, is to change the name of the organisation, and to carry on as before, in the same office, with the same staff and equipment, to the next funding round.

The current systems have proved to be ineffective in providing protection to threatened species that the EPBC Act says are to be protected. It has been ineffective in engaging and supporting the local community who would assist with the Act's objectives. Tim Flannery warns us that action is required 'Now or Never'³ to avoid catastrophic extinction levels. If a regime change—a broad sweeping change to the implementation and the implementers of the Act—does not occur as a result of this enquiry, then by the next ten-year review in 2018 it will be too late for effective action.

Unsustainable population levels

For at least the last generation, every summer people have flooded our area for holidays, but they seem not go home again. Every summer the traffic suddenly gets much worse, the queues longer, the appointment with the doctor more difficult, parking at the beach impossible. The problem eases a little each February, but each year the population pressure on ageing infrastructure becomes more acute. Local people have no influences on the amount of land released for new suburbs. Many new residents commute long distances to work, and cannot participate in community life. Many move from the city, and have no eye for the beauty of our natural bushland. Developers are still trashing creeks and clearing land. The central coast has begun to source town water from out of their water catchment, now that the local basal stream flows have been reduced by forestry clearing. Much productive agricultural land has disappeared under houses. Current levels of population growth cannot be sustained in our area, if we wish to retain some wild areas and our current biological diversity.

Some bad news

Whilst there are endless examples of destruction of threatened species and ecological communities by random acts of violence by agency staff or developers—as a result of ignorance or lack of thought or even malicious bloody-mindedness—our most pressing concern is for the health of our forests, the systematic destruction of their creeks and the extirpation of their threatened species by logging operations and the resultant continuing degradation. The local forest

³ Tim Flannery *Now or Never*, Quarterly Essay, current edition, 2008

types are massively under-represented in the NSW National Park system; National Parks, after all, are only ever given land that forestry has rejected or exhausted. Small corridors of outstanding ecological significance had been identified and mapped as part of the RFA process—including the major creeks in Ourimbah State Forest—and become part of Australia’s National *Comprehensive, Adequate and Representative* Reserve System, unavailable for forestry operations, but still in the custodianship of Forests NSW who were substantially constrained in their behaviour by the conditions of their Threatened Species Licence under the IFOA Act.

In order to be pro-actively consultative and non-confrontational (as opposed to the terrible conflict and violence the media showed us from Wishing Well in the Watagan Mountains, just 45 minutes to our north) a number of local organisations initiated a dialogue with Forests NSW when Ourimbah State Forest appeared on the forward logging schedules in about 2001. We knew that a number of threatened frogs, bats, birds, gliders and reptiles still existed in these logging compartments. TAFE and university students had long used the area for field studies. The vegetation in the narrow gully along Toobys Creek fitted the description for *Lowland Rainforest from Sydney and North Coast Bioregions* and the Scientific Committee had made a preliminary determination that it should be listed as an Endangered Ecological Community in NSW. Initially rebuffed, a newly appointed regional manager (from well out of area) embraced the concept of dialogue with the community and he had the support of the then State Manager, the CEO and the Minister.

Forests PR made much of the ‘historic agreement’ which made community concerns explicit (concern that logging was occurring in inappropriate areas, and that creeks were not being given due respect) and specified the way forward (basically a trial community forest management project, a step towards obtaining credible sustainable timber certification).



Figure 2. Minister Costa’s PR team used the agreement to show how forward-looking and community-friendly his department had become.

The agreement was broken by Forests almost immediately; screaming chaos was avoided only because Forests apologised quickly, in writing, and promised to work with the community to solve problems caused by the pre-emptive logging in Ourimbah, problems with the forestry constructed detour and gates, and to support the establishment of a 'forest care' group to monitor weed incursion.

We discovered that large high quality saw logs were shipped by road more than seven hundred kilometres north to Uki for milling, where the demand and equipment exists for rainforest timbers. Small high quality saw logs (anything over 20cm dbh) went as chip logs. Piles of small logs were left around log dumps, and removed by persons unknown in mid-2004. FNSW made a monetary loss on the Ourimbah operation, partly due to the high cost of subsidised shipment to the mill gate.

Unexpectedly, Forests Regional Manager, State Manager, CEO and every regional Aboriginal Officer resigned, all in the space of just a few weeks. The Minister moved on to more important things. The attitude of Forestry hardened, they went on the attack, retreated behind lies, and civil communication ceased.

The impacts of the Ourimbah logging operation on threatened species and their habitat have been devastating, the indifference of the authorities perverse. Logging has allowed the establishment of a host of new threatening processes that the mature forest could withstand, but the recently logged forest cannot.

More bad news

Not counting Forests NSW, there were four Ourimbah Protocol partners. Two of these entities did not survive the Ourimbah logging debacle, the other two were cut off from all communications with Forests. None-the-less, Forests still manufactured 'Ourimbah Protocol' documents and made a submission under that name to the five year RFA review. Despite our complaints, these documents were never withdrawn.

When no consequences were forthcoming as a result of the Ourimbah logging operation, Forests turned their eyes on Warre Warren, an Aboriginal Place in Macpherson State Forest, part of the town water supply catchment.

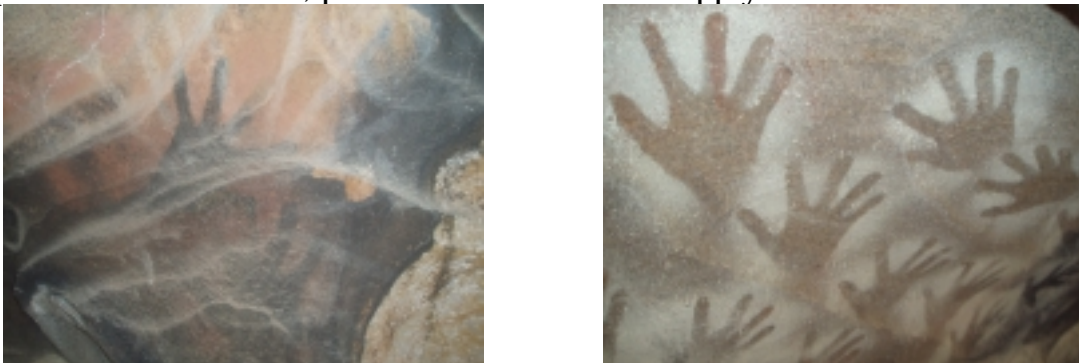


Figure 3: Art from the Warre Warren

A joint management plan for the Warre Warren had been agreed between Forests, NPWS and the Darkinjung Local Aboriginal Land Council which precluded logging activities. The ten year life of the plan expired in 2004 and was not renewed, despite Darkinjung protest.

Warre Warren Aboriginal Place is of national significance. Spread over two hundred hectares are more than two hundred mapped sites of cave paintings, rock engravings, grinding grooves, and so on. The Warre Warren was covered by a management plan, jointly agreed by Darkinjung LALC, NSW National Parks, and State Forests of NSW, which prohibited any logging activities. The area was also part of the 'Ourimbah Protocol' land management agreement that was negotiated between DLALC, FNSW, and other local community organisations in 2003, and is listed as an indigenous land agreement on the ASTC database. The hope was that the Warre Warren would become a protected indigenous area.

However, when the ten year management plan expired in 2003, and without any consultation, or warning, the area was logged. National Parks were not informed, nor were permits or licences sought as required. Darkinjung LALC, and many individuals in the local community made a number of complaints. Some started talking to the media. To silence the land council, and to remove them entirely from the forest debate, they were sacked and replaced by an administrator. The Minister for Aboriginal Affairs took legal action against the land council, there were serious accusations of fraud and 'missing millions'. After years in the court system, and devastating personal implications for those involved, there was no missing money, but DLALC were found to be not permitted to set up funeral and education trust accounts with Macquarie Bank without the minister's permission, which he hadn't given, so they were technically at fault. Despite the outcome of the legal action, the reputation and continuing contribution of a generation of indigenous community leaders has been destroyed, and the Land Council has been warned off from any further comments on forestry. Warre Warren has been logged, but no surveys have been possible. The area has been locked off by Forests, even from Darkinjung, in the cynically stated intention of protecting the Aboriginal heritage.

Poor governance

Historically, Australia has been seen to have been well governed, with an honest public service with low levels of corruption, and a healthy respect for scientific findings, as opposed to adopting ideologically pre-determined positions. Unfortunately, and much to our dismay, this has all changed over the last few years (or is it that we have just noticed?). To our horror, we have seen how laws and compliance checks are arbitrarily applied at local, state and federal level, and how industries and developers have captured the ear of governments to make a mockery of our democratic traditions. We have seen how public resources have been given over for private profit, and watched, helpless, whilst the country became a global environmental pariah, at the same time as its internal infrastructure crumbled for lack of investment. We have witnessed first hand and many times, blatant dishonesty in our elected officials and public servants.

The former NSW Minister for Aboriginal Affairs, Milton Orkopoulos was found to be a paedophile and he is now in gaol for various child sex and drug charges. This group met with Minister Orkopoulos many times, from about 2004 to 2006, to enlist his help to resolve problems between Darkinjung and Forests. He always seemed to be sympathetic and everyone was really taken by surprise when he suddenly sacked the land council. It seemed to us a totally inappropriate over-reaction to the problem; a more measured response would have been to discuss and review the land council's investment strategies and to offer administrative assistance to help with the onerous reporting requirements.

Because the decision to fire the land council came about within the context of an increasingly vocal dispute with Forests, many people within this organisation honestly believe that Darkinjung was silenced by Mr Orkopoulos for a powerful mate, who in return turned a blind eye to Orkopoulos' penchant for taking children away on tour and to conferences.

Premier Rees, quite understandably, has no desire to revisit any of the circumstances of his time as Office manager for Mr Orkopoulos, so Warre Warren and the old land council have been substantially damaged, and it seems that there is no redress.

Now or Never

We need to do something now, or we needn't bother. If the government insists on 'business as usual' (and a 5% carbon cut with free carbon permits to the biggest polluters sounds to us like there will be no change), the only option will be for community members to withdraw to safe places where they can sustain themselves and their local creatures, and protect themselves from the starving hordes fleeing from what Tim Flannery has called the human feedlots in the cities.

Summary of supporting documents on the accompanying DVD

The DVD, sent separately by post contains detailed documents:

A number of hyperlinked documents

These documents were sent between about 2004 and 2006 variously to the Department of Environment and Heritage (as they then were), to the Commonwealth Ombudsman, the NSW Ombudsman and the Senate EPBC enquiry.

The Commonwealth Ombudsman's investigator treated us with courtesy and respect and we thankfully acknowledge his efforts on our behalf.

The State Ombudsman refused to even accept our problem until it was forced upon him by the Commonwealth Ombudsman. Our threatened species complaints were dismissed, ignominiously.

Results of FOI requests

to Forests NSW, to the EPA and to NPWS

These documents show that Forests NSW is running two sets of books (harvest plans), one set of plans is sent to the EPA for licensing and compliance assessment under the IFOA Act (the NSW implementation of the RFAs). A second set of harvest plans is for the logging contractors, which guide on-ground activity. The contractors logging plans escape the conditions of the Threatened Species licence, because they are not a licensed activity. If it was licensed under the IFOA, then the EPA would have a copy of the harvest plan. But when the logging plan detail is checked in the field, the contractors harvest plans are not accurate either, various roads, creeks and buffers have been moved around on the forestry maps to give the false appearance that the roads are not within reserves. So, logging activity neatly sidesteps NSW legislative environmental constraints when necessary—that is, where there are threatened species logging exclusions—and the commonwealth EPBC compliance team is of the opinion that it has nothing to do with them, because it is happening in an area for which there exists an RFA. NPWS has no input into any of this activity, it never hears anything of logging in sensitive areas. Complaints from the community about logging threatened species habitat made to the EPA (the so-called appropriate authority) are not passed on to NPSW, nor do NPWS staff have the resources, the knowledge of where in the forest to look, or the authority to wander into a logging operation, to see how threatened species proscriptions are being applied.

It is bizarre that there is no 'logging without a licence' offence in the IFOA. Compare this with the driving rules – would it be reasonable for someone's dangerous driving to be ignored because they don't have a drivers licence? With no licence, how can you possibly be breaking your licence conditions? The EPBC Act could introduce a 'logging without a licence' offence to overcome this shortcoming in the NSW system.

Details of a Federal Court action

Phoenix v NSW Minister for Primary Industries & Ors commenced in 2007 and was to rely upon documentation from Forests NSW and the EPA where Forests claimed that their activities in Ourimbah State Forest were outside of the IFOA, outside of the RFA and Threatened Species Licence conditions, to argue that the EPBC Act should apply when all other environmental controls are so heroically avoided. After surviving a few legal skirmishes where Forests tried to have the matter thrown out for being trivial and so on, Phoenix died suddenly, entirely unexpectedly in January 2008, so the matter collapsed and the legality of extirpating the Stuttering Frog by knowingly destroying its clearly-mapped habitat in Ourimbah was never tested.

Details of a local court action,

This presents the documents from a bid to obtain an AVO to restrain a landholder with a gun licence and a rifle collection from threatened violence against TAFE classes who wished to travel along a crown road reserve adjacent to her property into Ourimbah State Forest.

There had been a lead up to this, with individuals suffering vandalised cars and multiple let-down tyres. There were written complaints about TAFE teachers – which were all dismissed after much angst, and time justifying field work areas, and learning outcomes and personal behaviour, but remain as a pile of ugly

documentation on personal files. Police were called to arrest a class of students going into the forest, because they were reported to be 'going in to tend their dope plantation'. But threatening to shoot people to ensure no-one would walk past into the forest was just too much.

It seemed to us that the Council supported the landowner. A council worker told us that his boss had explicitly instructed him not to become involved in anything related to certain properties or landholders. A Wyong Councillor represented the landholder in Wyong court and organised for the matter to be moved from the Local Court to the Community Justice Centre, where the matter was resolved by the offending land owner signing a statement guaranteeing that she would not interfere with passers-by on the road. The same Wyong Councillor later argued in the local court that a Community Justice Agreement removed the dispute from the jurisdiction of the local court; whether the agreement had been kept or not was a matter for a different court and a different action. The magistrate was convinced and the road remains effectively closed both by physical barriers, and by the threat of violence from an unsympathetic, gun-owning landowner who will not allow people to pass by on the road outside of her property. This effectively alienates seven square kilometres of public land for a single landholders own personal use. Never again will we be conned by Community Justice solutions.

Privacy and the ADT

To our (naïve) amazement, Forests NSW proved to be practised manipulators of community groups, and demonstrated no hesitation in attempting to destroy the credibility and the livelihood of their detractors, by whatever creative means they could. Evidence of subtle but sustained harassment by a government body is most difficult to show. However, when absolutely bullet-proof evidence that would stand up in court became available, and an internal Forests review could not see the problem, one of our members took a privacy complaint to the Administrative Decisions Tribunal (ADT). They won a pyrrhic victory, as it turned out, the ADT-ordered apology was mealy-mouthed, even mis-spelling the complainant's name. It has not been possible to obtain a copy of the ADT-ordered revised Forests privacy policy and staff training manual. We have not been able to obtain evidence that photograph collections by individual forestry employees have been reviewed and culled in light of the Privacy legislation.

Correspondence between Forests NSW and Ourimbah Protocol partners

Including:

In January 2004, apologising for the breach of trust that led to logging in Ourimbah without the knowledge of the community (as promised by Minister Costa)

In June 2004, apologising that Toobys Creek Road had still not been reopened, even to pedestrians, after private locks had been used to lock a forestry-installed gate across the road reserve, denying access to all, including forestry, (or so they claimed at the time). We offered Forests bolt-cutters. Police were called when we used them ourselves. Unfortunately, the local Police did not have the expertise to understand the survey

documents and topographic maps, they had little knowledge of or interest in the crown road laws, nor did they display any willingness to engage a politically well-connected landholder.

Correspondence regarding creek crossing

In summary: For logging equipment to gain access to the gullies in Ourimbah State Forest, Forests NSW needed to drive along Toobys Creek Road, an 1860s crown road that had evolved into a walking, horse riding and cycling path. A low-level causeway across Toobys Creek was not suitable for modern equipment, so Forests rebuilt the creek crossing, forming a high causeway right on the downstream road boundary. Although the structure in the creek was entirely within the road reserve (see survey) the southern approach to the causeway detoured onto private land for a few metres. Forests installed a gate on this small detour, and the road reserve was entirely closed by a barbed-wire fence. The new, high causeway acted like a dam wall about 2.5m high, and flooded the entire road reserve to a depth that has never been less than 1m, even during drought. Correspondence with the Office of Local Government forced the Council to acknowledge the existence of Toobys Creek Road, and to accept that they were the responsible road authority. They put up a 'pedestrians only' sign. It came to our attention that the adjoining landowner (same individual of community justice infamy) had engaged heavy machinery to partly remove the forests-built causeway, and use the spoil to block access from the creek bank to the causeway, except via her private detour. We contacted the Council, the EPA and NSW Dept of Land and Water Conservation, telling them of the risk of unauthorised excavation in a creek, sending pictures of the creek crossing's current condition, and seeking their intervention. There was no response. The earthworks happened, as predicted. No erosion or siltation measures were employed. The resultant pollution event was photographed and more letters sent. There was no response. Nor was there any action, none at all, from anybody. The causeway, although it has been lowered, has stopped the flow of Toobys Creek for over 300m, there is no flowing water unless rain overtops the remaining causeway structure, which is still a good metre higher than the structure that existed in 2003. (Stuttering Frogs won't breed in still water, they need gently flowing creeks or ponds, so this still water has ruined much frog habitat).

After much correspondence between the Precinct Committee and Wyong Council, the Council constructed steps down the creek bank to allow pedestrian access along the road (if they care to wade across the dam, which is the sole water supply for the property's horses). In late 2008, Council informed the committee that they would 'no longer maintain' Toobys Creek Road into the forest, but only to the entry to the last residence.

We have learned from this example that in Wyong Shire different rules apply to different people, and compliance with the law seems to be optional for the well-connected. We would never have believed it possible that someone could destroy public infrastructure (a creek crossing) and cause such environmental damage to a river (erosion, siltation, excavation within protected lands), close a public road, and be rewarded by exclusive access to a valuable and special public resource.

Belatedly, in 2008, a Wyong Councillor announced that he had a conflict of interest in the Toobys Creek Road 'situation'.

Other media

There are also a number of animations, movie files and powerpoint slideshows by various artists, mainly students. Note that the logging issue in Ourimbah motivated the creation of an artistic display for the regional Art Gallery, now available to other Regional Galleries for display.

Lots of maps and photos

More maps and photographs of Ourimbah State Forest,