

Date 28-3-11 1410
Location s78B(2) - Personal Information

s78B(2) - Personal Information

Name?

s78B(2) - Personal Information

owners of property

Q. Is this your place

A. Yes.

s78B(2)

Saida when arrived
this morning.

Q. What time this
morning

A. 0530.

Q. What happened
when you arrived

A. Search for any
hoala.

Q. Did you spot any
hoala?

RTI DL RELEASE - EIR

Compliance and Investigations

Proposed Compliance Action Report

This form is to be completed in order to request proposed action for regulatory non-compliance. Approval will refer the matter to the investigations team for action. Guidance for inserting the required information is provided in italics; please delete these prior to producing a final documents for signature. Please contact the Investigations Team for further advice.

Date Report Prepared: 5.04.2011

Name and contact details of officer preparing this report: Melissa Whitby Ph 5520 9636

Relevant sections of the legislation:

1) Name and full details of the person/entity that is the subject of this report:

- Pacific View Estate, PO Box 1051, Nerang

Persons Interviewed:

- s78B(2) (Property Owner) – Phone: s78B(2) - Personal Information
- s78B(2) Phone: s78B(2) - Personal Information

2) Details of the incident or information received; including how the matter came to notice:

- This matter relates to the clearing of vegetation in which one koala was involved at a site located along s78B(2) - Personal Information within the Gold Coast City Council locality. The site is Lot 10 SP229681.
- On the 28th March 2011, Conservation Officer Melissa Whitby received a phone call from the DERM Customer Referral Centre who transferred a call from a s78B(2) - Confidential information to South Coast Office at 1:42pm. s78B(2) advised that s78B(2) had just seen a koala clinging to a branch amongst fallen vegetation being cleared along Hinkler Drive, Worongary.
- Miss Whitby attended the site with Conservation Officer Craig Boxer. At 2:10pm, an informal interview was conducted with the owner of the site s78B(2) and s78B(2). The notes of this interview were recorded in the official notebook of Craig Boxer. During this interview, s78B(2) provided QPWS officers with Statements of Attendance to DERM Koala Conservation Training for s78B(2) and s78B(2). s78B(2) stated that s78B(2) had seen the koala on the ground and it had climbed into the dead branches of the fallen tree. s78B(2) advised that s78B(2) was worried that the Koala would go onto Hinkler Drive and thought that it would be safe on s78B(2) property. s78B(2) stated that the koala had been relocated approximately 1.5kms away on the property. Miss Whitby requested she be shown the location of the koala. s78B(2) refused this request by stating that the koala had been moved into thick bushland on the property.
- Channel Nine media arrived at the site during the interview. The media was not spoken too by QPWS staff or the property owner.

Proposed Compliance Action Report

- e) Conservation Officer Veron Hansen contacted the witness [redacted] on the 29th March 2011. [redacted] stated that [redacted] had been driving past and saw a dozer and men with chainsaws working. [redacted] stopped to look and spoke to other onlookers who passed. [redacted] phone camera was any good as [redacted] might be able to take photos of the koala in the tree. It was [redacted] who saw the koala in the branch of a very large gum tree approximately 2 metres above the ground that had been pushed over by a dozer. Whilst ringing the EPA [redacted] was approached by three men at the site and a heated discussion occurred. At one point the men accused [redacted] of having trespassed onto the property and planting the koala in the fallen tree. These [redacted] proceeded to take photos of [redacted] and it was at this stage that [redacted] decided to leave.
- f) Conservation Officers Kate Markham & Jamie Taylor met with [redacted] on the 1st April 2011 to obtain a witness statement of the event. The witness statement is attached.

.....
(Signature of person making report)
 Name:
 Designation:
 Section/Unit/Division:

.....
(Date)

Recommendation of the **(Relevant Manager)**

.....
(Name)

.....
(Date)

Recommendation of the **(Relevant Director)**

.....
(Name)

.....
(Date)

Recommendation of the Manager, Investigations

Proposed Compliance Action Report

.....
(Name)

.....
(Date)

Recommendation of the Director, Compliance & Investigations

.....
(Name)

.....
(Date)

RTI DL RELEASE - EHP





Subject: Koala Incident at Hinkler Dr

Today I spoke to CTPI 49-Sch4 - Confidential information

- Yesterday 28/7/2019, [redacted] - Confidential information saw a dozer and men with chainsaws working.
- Stopped to look and spoke to other onlookers who asked if [redacted] phone camera was any good as [redacted] might be able to take photos of the koala in the tree.
- It was then that [redacted] saw the koala in the very large gum tree that had been pushed over by the dozer.
- The Koala was in branches 2 metres above ground and a person with a chainsaw was cutting the branches off the tree.
- [redacted] CTPI 49-Sch4 - Confidential information tried to phone the EPA and was on the phone some time and realized that [redacted] CTPI 49-Sch4 was partly blocking the driveway to the property.
- [redacted] CTPI 49-Sch4 shifted the vehicle while [redacted] CTPI 49-Sch4 was on the phone.
- [redacted] CTPI 49-Sch4 was approached by 3 male persons who said "Who are you phoning"
- [redacted] CTPI 49-Sch4 said, "The EPA"
- They said, "That's not your job mate".
- Heated conversation continued in which the 3 men accused [redacted] CTPI 49-Sch4 - Confidential information of cutting the fence and putting the koala in the tree.
- They later changed the story to say they saw the koala come across the ground to the fallen tree.
- One of the men said, "you have taken photos so you won't mind if we take photos of you"
- They took photos of [redacted] CTPI 49-Sch4 - Confidential information vehicle.
- At this stage [redacted] CTPI 49-Sch4 - Confidential information

Senior Ranger
Wildlife Branch
Conservation, Strategy and Planning
Queensland Parks and Wildlife Service
Department of Environment and Resource Management
Ph: 07 3202 0240
Or
Ph: 07 3330 6321
Mob: 07 3330 6321
Fax: 07 3202 6844







RTI DL RELEASE - EHP














pacificviewestate
a new relationship between natural and human habitats

For information & enquiries visit

www.pacificviewestate.com.au

APPLICATION FOR PRELIMINARY APPROVAL LODGED







Burleigh Heads QLD 4220

From: Clynton Wells
Sent: Wednesday, 28 April 2010 3:37 PM
To: Amber Cameron
Subject: RE: Forestry Clearing at Worongary FH property ***Enquiry**

Amber,

I did an inspection on the Worongary native forest practice on 25 March as part of a compliance inspection. We applied the requirements of the Code applying to a native forest practice on freehold land and assessed the area using an audit system we have developed. We found that the practice was compliant and had a productive discussion with the owners, consultants and millers to ensure the requirements of the Code were quite clear - the owner/manager was very open and cooperative. The harvesting involved selective logging using existing roads, that were constructed for firebreak purposes a couple of years ago.

A native forest practice is a conditional "exemption" under the SPA (formerly IPA) and requires that landholders notify, act in accord with the Code and manage the area such that it either remains remnant vegetation or is capable of returning to remnant status within 20 years of the operation.

The dept has gone to considerable effort to introduce the Code producing a Field Guide (see web site) and conducting training for industry and landholders. We are about to survey native forest practices across Qld to assess the degree of compliance as a further educational step.

As a Vegetation management officer my concern is adherence to the Code/VMA and we do not assess compliance with the NCA , EPBC or any other legislation. However in the Field Guide we make it quite clear that use of a native forest practice does not exclude requirements to conform with all other legislation including, NCA, Koala requirements and EPBC. There is special notice of the requirements of the Koala Plan - Worongary is not included in this plan, as far as I can see, and the requirements for spotters etc would not apply. Please note that the more recent provision for koala planning does not apply to a native forest practice. During the inspection we were shown documents management plans that suggested the owner via consultants had taken steps to abide by EPBC and other wildlife requirements.

I can't answer your other questions and you would need to contact the owner/manager - Mr Ross Atkins at Kincaid Drive Worongary - don't have a phone number

Regards

Clynt Wells

From: Cameron Amber
Sent: Tuesday, 27 April 2010 4:25 PM

To: Wells Clynton
Cc: Hansen Veron; Walker Craig
Subject: Forestry Clearing at Worongary FH property ***Enquiry**

Hi Clynton,

Stuart Henry advised that you have been involved in assessing the clearing of vegetation within Lot 28 Sp189559 Worongary, which I believe has a Forest Practice Notification issued over it. As the local office, I have received numerous calls from concerned landholders about the clearing operation, specifically in regard to the impact on local fauna. I have been advised that as no authority is required under the NCA, then there is also no requirement for a spotter catcher or Koala Spotter. However, I noted in Stuarts email that apparently two consultants are involved with the site and I am also aware that Spotter Catcher Michael Dickinson was working on the site (though now he has apparently resigned).

Can you confirm if the 'two' consultants are undertaking 'spotter catcher' activities during the works and provide their names and contact details. Also could you please provide the landholder/developers name and contact details if you have them.

In addition, I was hoping you could provide some details on the extent of the clearing that is to be undertaken. Does it involve selective clearing and/or full scale clearing for roads and fire breaks. Do you know how long the clearing activities will last?

At present I am documenting all complaints received regarding the clearing in case I receive evidence of a breach of the NCA that may need further investigation.

Your assistance with this enquiry would be greatly appreciated.

Amber Cameron
Ranger in Charge (Wildlife)
Southern Management Area Kincaid
Wildlife Branch
Conservation, Strategy & Planning
Queensland Parks and Wildlife
Department of Environment & Resource Management
Phone: (07) 5520 9637
Fax: (07) 5576 3975
Email: amber.cameron@derm.qld.gov.au
www.derm.qld.gov.au
Address: South Coast District Office
PO Box 3454
Burleigh Town LPO
Burleigh Heads QLD 4220

From: Stuart Henry
Sent: Friday, 16 April 2010 11:06 AM
To: Amber Cameron
Subject: FW: Forestry Clearing at Worongary FH property ***Request for information**

Hi Amber,

73(2)Irrelevant

73(2)Irrelevant

73(2)Irrelevant

73(2)Irrelevant

73(2)Irrelevant

73(2)Irrelevant

73(2)Irrelevant

73(2)Irrelevant

73(2)Irrelevant

73(2)Irrelevant

73(2)Irrelevant

73(2)Irrelevant

73(2)Irrelevant

73(2)Irrelevant

73(2)Irrelevant

73(2)Irrelevant

73(2)Irrelevant

73(2)Irrelevant

73(2)Irrelevant

73(2)Irrelevant

73(2)Irrelevant

Amber Cameron

Ranger in Charge (Wildlife)

Southern Management Area

Wildlife Branch

Conservation, Strategy & Planning

Queensland Parks and Wildlife

Department of Environment & Resource Management

Phone: (07) 5520 9637

Fax: (07) 5576 3975

Email: amber.cameron@derm.qld.gov.au

www.derm.qld.gov.au

Address: South Coast District Office

PO Box 3454

Burleigh Town LPO

Burleigh Heads QLD 4220

RTI DL RELEASE - EHP

From: Devery Michael
Sent: Friday, 20 August 2010 8:38 AM
To: Walker Craig; Cameron Amber; Savoca Rosie
Subject: FW: Clearing without a spotter/catcher

All, FYI.

I referred this to Jamie McMullin in Veg. Management (native forest practices management area) yesterday for his attention.

Cheers

mike

Michael Devery
A/Director, Wildlife Management
Department of Environment and Resource Management

Ph (07)33305274

CTPI 49-Sch4 - Personal information

From: Devery Michael
Sent: Thursday, 19 August 2010 2:25 PM
To: McMullen Jamie
Cc: Flynn Sarah
Subject: FW: Clearing without a spotter/catcher

Hi Jamie,
As per our discussion. Start from the bottom.

Cheers

mike

Michael Devery
A/Director, Wildlife Management
Department of Environment and Resource Management

Ph (07)33305274

CTPI 49-Sch4

From: Walker Craig
Sent: Thursday, 19 August 2010 2:00 PM
To: Hueston John; Devery Michael

FW: Clearing without a spotter/catcher

Guys

FYI. This was sent through yesterday.

Craig

Craig Walker
Operations Manager
Southern Management Area
Wildlife Operations
Wildlife Branch
Conservation, Strategy & Planning
Queensland Parks and Wildlife
Department of Environment & Resource Management

Ph: (07) 5520 9620

Fax: (07) 5576 3975

Mobile CIP 49-Sch4 - Personal information

E-mail: craig.walker@derm.qld.gov.au

Visit us online at www.derm.qld.gov.au

From: Cameron Amber

Sent: Wednesday, 18 August 2010 4:44 PM

To: Northam Adam

Cc: Hansen Veron; Walker Craig

Subject: RE: Clearing without a spotter/catcher

Hi Adam,

South Coast office has had numerous calls/complaints/concerns about the activities occurring on Lot 28 SP189559 s78B(2) - Personal Information going back to March 2010. These calls/complaints/concerns have come from members of the public, IC 49-Sch 4, provisions and life care groups and Local Council. As a result, I made numerous enquires with the relevant sections of DERM to try and identify what authority had been granted for the vegetation clearing and what/if any provisions may be breached under the NCA 1992.

I was advised by Vegetation Management that a Forest Practice Notification had been issued over the property and that an inspection by the DERM vegetation management unit was undertaken in March 2010, which identified the landowner was adhering to the forestry code. I have attached the email for your perusal.

I discussed this issue at length also with Veron Hansen, and it was identified that Wildlife Branch is limited in its ability to address the concerns regarding the tree clearing, displacement of wildlife and presence/absence of spotter catchers/koala spotter based on the following;

- No clearing permit is required under the NCA
- No development approval was required through council – hence no requirement for a koala spotter to be present as per development approval.

- The area is NOT mapped under the NC (Koala) Conservation Plan as a Koala Suitability, Conservation or Urban Area – so there is no requirement for a koala spotter to be present

It was acknowledged however, that the clearing would need to be undertaken in accordance with Policy 6 of the Koala Mgt Program 2006 -2016 whereby it states;

1. Koala Spotters

"It is strongly recommended that, as a best practice approach, a koala spotter be engaged at any sites where there is a known or likely koala presence.

It is therefore my understanding that unless we receive evidence of a tree being felled containing a koala and are able to substantiate that fact, then we really have no grounds to approach the landholder about their practices under the Forest Practice Notification. In the event that we did receive evidence that a tree with a koala in it was cut down and the koala died/was injured, then we could investigate it under section 88, and the landholder would need to prove that 'it could not have been reasonably avoided' – which is where there adherence to Policy 6 could be argued.

My additional action in regards to this 'ongoing' issue apart from the above has been to document all calls/ concerns that this office receives in relation to the site.

I will forward through all email correspondence on this issue for your perusal and consideration,

I am in the field most of Thursday and Friday, but will be contactable on mobile if you would like to discuss this further.

Regards,

Amber Cameron

Ranger in Charge (Wildlife)

Southern Management Area

Wildlife Branch

Conservation, Strategy & Planning

Queensland Parks and Wildlife

Department of Environment & Resource Management

Phone: (07) 5520 9637

Fax: (07) 5576 3975

Email: amber.cameron@derm.qld.gov.au

www.derm.qld.gov.au

Address: South Coast District Office

PO Box 3454

Burleigh Town LPO

Burleigh Heads QLD 4220

From: Northam Adam

Sent: Wednesday, 18 August 2010 3:25 PM

To: Cameron Amber

Subject: FW: Clearing without a spotter/catcher

FYI

Adam Northam

A/Manager- Wildlife Operations

Queensland Parks and Wildlife Service

Department of Environment and Resource Management

Ph: (07) 3330 5257

CTPI 49-Sch4 - Personal information

Visit us online at: www.derm.qld.gov.au

From: Devery Michael

Sent: Wednesday, 18 August 2010 3:24 PM

To: Northam Adam

Subject: FW: Clearing without a spotter/catcher

Michael Devery

A/Director, Wildlife Management

Department of Environment and Resource Management

Ph (07)33305274

CTPI 49-Sch4 - Personal information

From: Flynn Sarah

Sent: Wednesday, 18 August 2010 3:22 PM

To: Devery Michael

Subject: RE: Clearing without a spotter/catcher

Ok thanks Mike

CTPI 49-Sch4 - Personal information

Sarah Flynn

Project Officer

koala Operations Unit

Koala Policy and Operations Branch

Sustainable Communities and Landscapes Division

Department of Environment and Resource Management

Floor 6 | 400 George Street | Brisbane QLD

PO Box 2454 | City East | Queensland 4002

T | 3330 5826

E | sarah.flynn@derm.qld.gov.au

From: Devery Michael

Sent: Wednesday, 18 August 2010 3:17 PM

To: Flynn Sarah; Northam Adam

Subject: RE: Clearing without a spotter/catcher

Hi Sarah,

The spotter and sequential clearing requirements should apply. I'll ask local wildlife to contact [redacted] and respond directly if there is a possibility of non-compliance.

CTPI 49-Sch4 - Personal information

Cheers

mike

Michael Devery
A/Director, Wildlife Management
Department of Environment and Resource Management

Ph (07)33305274

CTPI 49-Sch4 - Personal information

From: Flynn Sarah
Sent: Wednesday, 18 August 2010 3:11 PM
To: Devery Michael
Subject: FW: Clearing without a spotter/catcher

Hi Mike,

I have been contacted by GCCC in relation to the issue below, I have advised [redacted] that I will follow up with [redacted] today, so could you give me some feedback as to what steps are to be taken?

Cheers,

Sarah Flynn
Project Officer
koala Operations Unit
Koala Policy and Operations Branch
Sustainable Communities and Landscapes Division
Department of Environment and Resource Management
Floor 6 | 400 George Street | Brisbane QLD
PO Box 2454 | City East | Queensland 4002
T | 3330 5826
E | sarah.flynn@derm.qld.gov.au

From: Baker David
Sent: Wednesday, 18 August 2010 2:01 PM
To: Flynn Sarah
Subject: RE: Clearing without a spotter/catcher

Pls refer this to Mike Devery for action.

David Baker
Manager, Koala Operations

Koala Policy and Operations Branch
Sustainable Communities and Landscapes Division
Department of Environment and Resource Management
GPO Box 2454
Floor 6, 400 George Street
BRISBANE Qld 4001
Phone 07 3330 5501
Mobile [redacted] 49-Sch4 - Personal information
Fax 07 3330 5515
Email david.baker@derm.qld.gov.au
Visit us at www.derm.qld.gov.au

The factual information contained in this email is provided in good faith but no undertaking is given that it is accurate and no liability is accepted for any injury, damage or loss that results from use of the information. Information provided by the DERM is subject to change without notice. The DERM does not provide legal advice and all persons should be guided by their own legal advisors on all matters of law.

From: Flynn Sarah
Sent: Wednesday, 18 August 2010 11:15 AM
To: Baker David
Cc: Oestreich Wade; Hansen Veron
Subject: Clearing without a spotter/catcher

David,

I've just received a call from a [redacted] 49-Sch4 - Personal information to GOC who has received several reports from [redacted] 49-Sch4 - Confidential information regarding koalas that have been seen moving off a property, Pacific View Farm, where clearing for 'Forestry practices' is being undertaken. We have been told about this property previously and it is understood that the [redacted] CTPI 49-Sch4 - Personal information

[redacted] CTPI 49-Sch4 - Personal information
[redacted] CTPI 49-Sch4 - Personal information to call us and report that there is allegedly no spotter/catcher on site and they are not waiting for the koalas to move offsite. They didn't have details (names addresses photos) but are able to chase these up if we are interested,

What should we do on this one?
Cheers,

Sarah Flynn
Project Officer
koala Operations Unit
Koala Policy and Operations Branch
Sustainable Communities and Landscapes Division
Department of Environment and Resource Management
Floor 6 | 400 George Street | Brisbane QLD
PO Box 2454 | City East | Queensland 4002
T | 3330 5826
E | sarah.flynn@derm.qld.gov.au

A) No: Not before we started.

Q who is your wildlife warden

s78B(2) - Personal Information

Q. Does [redacted] have [redacted] permit on site.

A. Yes at home, which is on site.

Q. We had a report of a koala in a tree you were passing down what can you say about this.

A. Absolutely wrong.

Q. Did you see

a koala.

A) Yes. It climbed into a dead limb on the fallen tree.

Q Did you see.

~~which koala tree was.~~

Q. Did you see where koala came from.

A. No he was on the ground when I seen him.

Q. where is the koala now.

A. Up the centre of our property.

Q. How did the koala relocate.

A. [REDACTED] and I
in my vehicle
and he is safe
and well.

Q. Melissa - Q. How did
you relocate.

A. Towel, Bris

Q. Have you got
more clearing to do
today

A. Yes.

Q. Do you mind
if we take some
photos.

A. No.

Q. What is your
best contact number

A. [REDACTED] CTPI 49-Sch4 - Personal information

[REDACTED] CTPI 49-Sch4 - Personal information

14302 person arrived
with certificate
of koala conservation
training.

Q. Why did you relocate
into your property

A. I was worried
he was going to
get on [REDACTED] s78B(2) - Personal Information

s78B(2) - Personal Information and I think
he was safe on
my property.

Q. Melissa - Asked
if he would.

Sign notes
A. NO.

s78B(2)

said this is
under a logging
permit.

Question for

s78B(2)

Q. what is your
full name

A.

s78B(2) - Personal Information

Q. your contact
number

A.

s78B(2) - Personal Information

Q. Did you see a
koala on this
property today.

A. Yes.

Q. where abouts

A. Yes.

Q. Was it in
that fallen tree.

A. Yes.

Q. where abouts
in the fallen tree.

A. in a dead part
of the tree.

Q. is this where
you first seen
the koala.

A. Yes.

Q. What did you
do when you seen
the koala.

A. We relocated
it to the 1.5
km into our property.

Q. What were you
doing when you
first seen the koala.

A) in the car
at the front gate
Q) You can read
over my note
if you wish.

A No.

Notes taken after
interview 1540

28-3-11 Before I
started taking notes
I asked [REDACTED] if
[REDACTED] would mind
if I take some
notes of our
conversation in my
note book [REDACTED] said
yes no worries.
Half way through
the interview

~~a~~ a second
person arrived, who
I ~~know~~ know
as [REDACTED] s78B(2) - Personal Information

[REDACTED] s78B(2) - Personal Information asked
if [REDACTED] could stay
whilst [REDACTED] was
being interviewed.
I said its ok.
When Melissa
Whitby and I first
arrived at the

[REDACTED] s78B(2) - Personal Information said,
Melissa introduced
both of us to

[REDACTED] s78B(2) - Personal Information



**FIREWOOD
FOR
SALE**

s.B(2) Personal Information

PACIFIC VIEW FARM
FOR ENTRY PHONE

s.B(2) Personal Information

**ENTRY PROHIBITED
PRIVATE PROPERTY
KEEP OUT**







