

**MEDIA RELEASE:
ANOTHER WIN PENDING FOR SOUTH EAST FOREST RESCUE
23.09.2021**

In the Land and Environment Court conservation group South East Forest Rescue represented by the Environmental Defenders Office, is again challenging the lawfulness of a development consent granted by Bega Valley Shire Council on Tuesday last week (14 September) to Allied Natural Wood Enterprises (ANWE) which owns the Eden woodchip mill.

In an extraordinary general meeting, Council voted 4-3 to grant consent for the Eden woodchip mill's proposal to build a briquette factory, a small sawlog mill, and a pallet factory using native forest. This was despite almost total opposition from those who made submissions about the proposal.

ANWE is an exporter of woodchips, and receives whole logs taken from the native forests of Nowra, out to Tumut, and down to East Gippsland in Victoria and turns these into woodchips for export. The development is proposed to be located at the existing woodchip mill near Eden.

At the first directions hearing in the matter and in response to a ground of SEFR's challenge, ANWE conceded that the development consent is invalid because Council cannot retrospectively approve the construction works already done.

Her Honour Justice Duggan also asked if ANWE could give an undertaking that work in reliance of the consent would cease, but ANWE's barrister was unable to give that undertaking without further instructions.

On 24 August 2021, in SEFR's initial challenge, Justice Robson granted an injunction to stop the work. This was due to an invalid delegation of power to the relevant Council officer who made the decision. The injunction was due to begin on 15 September to allow any remediation works to be undertaken. But the Council held the extraordinary meeting only 7 days after the Court decision and the day before the injunction was due to start. SEFR has obtained photos which suggest the work was not remedial.

The 2020 bushfires burned more forest than any other fire season recorded. The disaster was clearly a climate change event; but what is now known is that logging dramatically makes forest more vulnerable to bushfires. And, crucially logged forests are more likely to burn out of control.

"80% of our state forests in the region were burned, and we have a long recovery still underway," said Mr Daines. "It is extraordinary that ANWE and the Forestry Corporation is continuing with a business as usual approach with what we now know. At least this decision might give our forests some breathing room."

The Court made directions for the matter to return on 7 October 2021, and otherwise listed it for hearing on 3 & 4 November if required.