

ORIGINAL

20385.
1 AUG 2003
\$ 574—

IN THE FEDERAL COURT OF AUSTRALIA)
NEW SOUTH WALES DISTRICT REGISTRY)

No. of 2003

BETWEEN

N = 914 - , 2003

**MINISTER FOR THE ENVIRONMENT
AND HERITAGE**
Applicant

AND

RONALD GREENTREE
First Respondent

MARIE GREENTREE
Second Respondent

MERRYWINEBONE PTY LTD
Third Respondent

ADAM NORRIE
Fourth Respondent

AMY MAREE GREENTREE
Fifth Respondent

KENNETH BRUCE HARRIS
Sixth Respondent

ROBERT HAROLD HARRIS
Seventh Respondent



APPLICATION

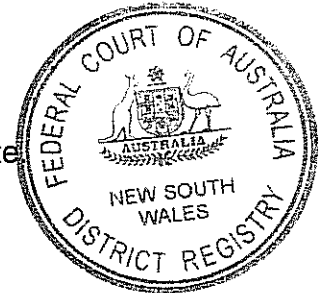
This is an application for injunctions under s 475 of the **Environment Protection and Biodiversity Conservation Act 1999** (Cth). The Court has jurisdiction under both the **Environment Protection and Biodiversity Conservation Act 1999** and under s 39B(1A)(c) of the **Judiciary Act 1903** (Cth) to hear and determine the application and to make the orders sought.

The Applicant has standing to seek the orders under s 475(1) of the **Environment Protection and Biodiversity Conservation Act 1999**.

AUSTRALIAN GOVERNMENT SOLICITOR
Piccadilly of Sydney
133 Castlereagh Street
SYDNEY NSW 2000
G.P.O. Box 2727 SYDNEY 2001
DX 444 SYDNEY

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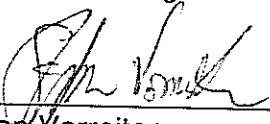
1. Each of the Respondents is restrained from engaging in the following conduct, either directly, or through his, her or its agents or servants:
 - a) land clearing, ploughing or cropping activities (including the planting of seeds), and any other activities disturbing or otherwise affecting the soil inside and up to 40 metres outside of that portion of the declared Ramsar wetlands known as Gwydir Wetlands (a photograph depicting the boundaries of which portion is attached to these orders) which is located within two lots of the property known as "Windella", in particular Lot 8 in DP 750461 in the Parish of Dundunga and Lot 9 in DP 750444 in the Parish of Collyu, County of Benarba, Local Government Area of Moree Plains (this portion of the Gwydir Wetlands is referred to as "the Windella component of the Gwydir Wetlands");
 - b) land clearing, ploughing or cropping activities (including the planting of seeds), and any other activities disturbing or otherwise affecting the soil within 40 metres on either side of the entire length of the watercourse on the property known as "Windella" in and leading into the Windella component of the Gwydir Wetlands;
 - c) any work designed to alter, or which is reasonably likely to have the effect of altering, the flow regime of waters into and out of the Windella component of the Gwydir Wetlands.
2. Costs
3. Such further orders as the Court considers appropriate



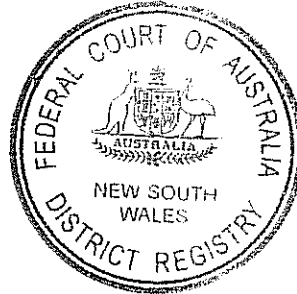
The grounds of the application are:

1. Conduct of the kind which is sought to be restrained has had or will have a significant impact on the ecological character of the Gwydir Wetlands in contravention of s 16(1)(a) of **Environment Protection and Biodiversity Conservation Act 1999**.
2. Conduct of the kind which is sought to be restrained is likely to have a significant impact on the ecological character of the Gwydir Wetlands in contravention of s 16(1)(b) of **Environment Protection and Biodiversity Conservation Act 1999**.
3. Each of the respondents has engaged, engages or proposes to engage in the conduct sought to be restrained and such conduct has constituted, is constituting or will constitute a contravention of the **Environment Protection and Biodiversity Conservation Act 1999**.

Date: 1 August 2003


Stephen Vorreiter

A solicitor employed by the Australian Government Solicitor
Solicitor for the Applicant



NOTICE TO THE RESPONDENT

To the First Respondent

RONALD GREENTREE

"Oreel"

Rowena NSW 2387

To the Second Respondent

MARIE GREENTREE

c/o "Oreel"

Rowena NSW 2387

To the Third Respondent

MERRYWINEBONE PTY LTD

43 Auburn Street

Moree. NSW 2400

To the Fourth Respondent

ADAM NORRIE

Yarrawa Homestead

Yarrawa via Moree NSW 2400

To the Fifth Respondent

AMY MAREE GREENTREE

Lyndon Hill

905 Mitchell Highway

Orange NSW 2800

To the Sixth Respondent

KENNETH BRUCE HARRIS

"Oreel"

Rowena NSW 2387

To the Seventh Respondent

ROBERT HAROLD HARRIS

"Myralaga"

Rowena NSW 2387

If there is no attendance before the Court by you or by your counsel or solicitor at the time and place specified below, the application may be dealt with and you will be liable to suffer judgment or an order against you in your absence.

Before any attendance at Court, you must file an appearance in the Registry.

Appointment for directions hearing:

Time: 9.30 am

— 8. August. 2003

Place: The Federal Court of Australia
Law Courts Building
Queens Square
SYDNEY NSW 2000

Date: Friday, 8 August 2003



Registrar acting with the
Authority of the District Registrar

1 AUG 2003

The Applicant's address for service is:

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Piccadilly of Sydney
133 Castlereagh Street
Sydney NSW 2000
GPO Box 2727 Sydney 2001
DX 444 Sydney