

Overview – new arrangements for private native forestry

In August 2007, changes were made to NSW legislation regarding private native forestry meaning that it is now regulated by the Private Native Forestry Code of Practice (the Code). The changes meant that landholders need to obtain a property vegetation plan to carry out forestry operations on their land and those operations now need to be done in accordance with the Code.

Private native forestry

Private native forestry is the management of native vegetation on privately-owned land for the purpose of obtaining, on a sustainable basis, forest products including sawlogs, veneer logs, poles, girders, piles and pulp logs.

In NSW alone, the private native forestry industry employs approximately 1800 people and is valued at between \$160 million and \$250 million per year. Private native forestry provides over 50% of the State's hardwood. This hardwood is used extensively in the building and housing industries, and by tradespeople, including furniture manufacturers and arts and craft suppliers.

Private native forests are important for timber production, biodiversity conservation, water quality and yield, enhanced greenhouse gas abatement and their contribution to local economies.

Private native forestry property vegetation plans

A private native forestry property vegetation plan (PNF PVP) is a legally binding agreement between a landowner and the Department of Environment and Climate Change (DECC).

Benefits of PNF PVPs are:

- they provide landowners with security to plan and invest
- they provide certainty against any future changes to environmental planning instruments and avoid the need for separate approvals under the *Threatened Species Conservation Act 1995*.

A PNF PVP comprises a satellite image or aerial photograph of the property, identifying that part of the property subject to the PVP. The map identifies areas that cannot be logged, such as rainforest, old growth forest, steep land and riparian exclusion zones. The PNF PVP also includes a declaration that the forests identified in the PVP will be managed according to the Code.

The process is free. DECC does not charge landowners for helping them to prepare a PVP.

Approval to conduct forestry operations under a PNF PVP can be granted for up to 15 years, giving landholders security for planning and investment. A PNF PVP can be issued for a shorter period on request.

Further details about PNF PVPs can be obtained from *Private Native Forestry Code of Practice Fact Sheet No. 2: How to obtain a private native forestry property vegetation plan*, which is available on <http://www.environment.nsw.gov.au/pnf/index.htm>.

Code of Practice

The Code of Practice, which is part of the amended regulation, provides operational guidelines for carrying out PNF. It outlines the activities that can be undertaken to ensure the supply of forest products from privately-owned lands is consistent with ecologically sustainable forest management. The Code was updated in February 2008 to clarify specific clauses, terminology and references.

The Private Native Forestry Code of Practice is in four parts. Each part applies to a particular area within the state, as described below.

- Northern NSW (land north of the Sydney CBD, latitude 33 degrees 52'02.71 S)
- Southern NSW (land south of the Sydney CBD latitude 33 degrees 52'02.71 S)
- River Red Gum Forests (those dominated by *Eucalyptus camaldulensis*)
- Cypress and Western Hardwood Forests. (Cypress Forests are forests dominated by white cypress pine (*Callistis glaucophylla*). Western Hardwood Forests are predominantly eucalypt woodlands and forests of the western plains and western slopes of NSW and typically include box woodlands, box-ironbark woodlands, black cypress and eucalypt woodlands, western red gum woodlands and white box stringybark woodlands.)

The relevant part of the Code can be downloaded from the DECC website at www.environment.nsw.gov.au/pnf/index.htm.

What does the Code of Practice include?

The Code guides operators on private lands to ensure that practices are consistent with ecologically sustainable forest management. For example, the Code:

- specifies effective silvicultural practices in different forest ecosystems
- establishes minimum basal area thresholds and retention rates
- sets targets for regenerating or re-establishing forests
- requires forward planning and documentation of harvesting operations
- identifies important landscape features which may provide habitat for threatened species
- limits harvesting operations in areas that may affect soil stability, erosion or water quality, including the establishment of exclusion zones along watercourses
- requires protection of Aboriginal heritage features, such as scarred or carved trees and bora rings.

The Code also contains long-term provisions for:

- maintaining the forest structure
- protecting catchments by minimising soil erosion and reducing contamination of waterways
- protecting habitat and biodiversity values
- protecting Aboriginal and cultural heritage values.

How will the Code improve the management of native forests?

The new system recognises that forest management is a long-term process. Approval to conduct forestry operations can be granted for up to 15 years under a private native forestry property vegetation plan (PNF PVP), giving landholders security for planning and investment.

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- protecting habitat and biodiversity
- protecting catchments by minimising soil erosion and reducing contamination of waterways
- maintaining the forest structure
- protecting Aboriginal and cultural heritage values.

What are the benefits of the Code compared with the previous system?

Private native forestry operates in ecologically and culturally sensitive environments. The industry relies heavily on sustainable silvicultural practices to ensure supply of marketable forest products into the future as well as the protection of environmental and cultural values.

The Code establishes a uniform regulatory approach for all forestry activities on private land that represent sound industry practice and ensures the protection of these important values.

Approval to conduct forestry operations under a PNF PVP can be granted for up to 15 years, giving landholders security for planning and investment. A PNF PVP can be issued for a shorter period on request.

The Minister for Climate Change, Environment and Water has certified that the Code satisfies the requirements of the *Threatened Species Conservation Act 1995*. This means that operations carried out under a PNF PVP will not need a separate assessment and approval under the *Threatened Species Conservation Act 1995*. The code has built-in requirements to protect biodiversity including threatened species.

Biodiversity certification of private native forestry

The Minister for Climate Change, Environment and Water has certified that the Code satisfies the requirements of the *Threatened Species Conservation Act 1995*. This means that operations carried out under a PVP will not need a separate assessment and approval under the *Threatened Species Conservation Act 1995*.

The Code has built-in requirements to protect biodiversity, including threatened species. For some threatened species, there are additional requirements. These are contained in the Listed Species Ecological Prescriptions which form the Appendix to each part of the Code. To view the part of the Code relevant for a particular operation, visit www.environment.nsw.gov.au/pnf/index.htm.

Reporting required by landholders

The Code requires landholders to report to DECC if they have carried out PNF operations in the previous year, or if they plan to undertake PNF operations in the coming year.

Landholders do not need to provide a report if they have not carried out any PNF operations in the past year, and have no intention of carrying out any PNF operations in the coming year.

A sample report is available at www.environment.nsw.gov.au/pnf/index.htm

The PNF Information Kit contains a sample report. Reports may be submitted by post, via email or online to DECC, and are due at the end of March in each calendar year. See 'PNF Information Kit' below for more information.

Auditing of private native forestry operations

An audit is a planned activity involving staff from DECC and the landholder or their representative. DECC will contact the landholder or their representative and arrange a suitable time for the audit. Audits will be conducted by trained and experienced DECC PNF Officers, who will discuss the landholder's operations and inspect the property to examine aspects of the forest operations being conducted. Aspects to be examined may include the protection of environmental values, retention of residual basal area and regeneration. The results of the audit will be discussed with the landholder.

The aim of the audit is to:

- ensure the landholder's compliance with the Code
- gather information to support any audit findings
- provide the landholder with a report including any follow-up actions required.

By being involved in the audit, the landholder can develop ways of improving their forest management.

When will the Code apply for existing operations covered by an existing consent?

All PNF operations now need to have a PNF PVP and to be operating in accordance with the Code of Practice, except for those operations that still have an existing consent under different legislation.

Previously, private native forestry on State protected land required consent under the *Native Vegetation Conservation Act 1997* and before that the *Soil Conservation Act 1938*. All other operations on private land did not require consent. However, they were subject to various other regulations including the *Threatened Species Conservation Act 1995* and the *Protection of the Environment Operations Act 1997*.

The timing of when a PNF will be required for these operations is as follows:

- Landholders with existing development consents under the *Native Vegetation Conservation Act 1997* that have an expiry date can continue operations up to that date.
- Landholders with existing development consents under the *Native Vegetation Conservation Act 1997* that have **no expiry date** can continue operations until they receive a letter from DECC giving them 12 months notice before a PNF PVP will be required.
- Existing development consents under the *Soil Conservation Act 1938* will cease on **1 October 2008**.

In all these cases, landholders will need to obtain a PNF PVP for harvesting to continue on their property after that date.

If you have any inquiries regarding the regulatory requirements date for your PNF operation, please call your PNF officer or DECC on 131 555.

DECC aims to minimise disruption to the industry from the introduction of the Code by providing adequate resources to meet industry demand for information and PVP development services. By contacting DECC as soon as possible, operators can help DECC devote resources to areas of greatest need and minimise any effect on industry.

Sustainable Farming Grants for landholders

Landholders and forest growers affected by the Code are also eligible for assistance. The NSW Government has established a \$37 million Native Vegetation Assistance Package to help landholders who are affected by the new native vegetation laws. Under this package, Sustainable Farming Grants of up to \$80,000 are available to private native forestry landholders. The grants are designed to assist landholders to invest in other income-generating activities on their property. A Native Vegetation Assistance Package Fact Sheet and a Native Vegetation Assistance Package Application Form is available at www.environment.nsw.gov.au/pnf/index.htm.

Contact your nearest PNF officer or call DECC on 131 555 for further information on how to apply.

Structural adjustment, training and accreditation for the private native forestry industry

The NSW Government is aware of the impact the Code of Practice may have on regional communities and has allocated a \$29.3 million private native forestry structural adjustment package to ease any adverse impact. The package is based on existing successful forestry structural adjustment packages, and will be available for industry members including sawmill owners, contractors, transport workers and timber workers. Landholders and forest growers affected by the Code will also be eligible for assistance. The package will commence in the second half of 2008. More information about this package will be available in mid-2008 at www.environment.nsw.gov.au/pnf/index.htm.

Four million dollars is also being provided for training and accrediting forest growers and private forestry operators. Training will improve occupational health and safety standards and introduce the latest forestry harvesting techniques, to promote sustainable forestry operations, including lessening impacts on soil erosion, and creek and river health. More information will be available in mid-2008 at www.environment.nsw.gov.au/pnf/index.htm.

Future private native forestry legislation

The Code of Practice for private native forestry is a transitional arrangement until new legislation covering private native forests is developed. This new legislation will aim to promote the sustainable management of private native forests, while ensuring that the environmental values of those forests are maintained. More information on the development of the legislation will be available in 2009.

PNF Information Kit

Landholders will be provided with a PNF Information Kit to help them plan the management of their forests. DECC Officers will give landholders the information kit when they are preparing their PVPs.

The PNF Information Kit contains the following:

- The PNF Code of Practice and Listed Species Ecological Prescriptions for the appropriate forest type
- Silvicultural guidelines for private native forests in NSW
- Guidelines for assessing regeneration and stocking
- Techniques for measuring stand height
- Techniques for measuring basal area
- A sample PNF reporting template
- *Private Native Forestry Code of Practice Fact Sheet No. 1: Overview – new arrangements for private native forestry*
- *Private Native Forestry Code of Practice Fact Sheet No. 2: How to obtain a private native forestry property vegetation plan.*

More information

For more information:

- **phone** DECC on 131 555
- **email** pnf@environment.nsw.gov.au
- **fax** (02) 6641 6643
- **visit** www.environment.nsw.gov.au/pnf/index.htm.

Note: This information does not constitute formal legal advice. Please seek specific advice from the Department of Environment and Climate Change before undertaking any forestry activity.

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