

Review of the Native Vegetation Regulation and Draft Code of Practice for Northern NSW

Submission to the NSW Office of Environment and Heritage By William Nethery.

I make this submission after over 40 years experience in native forest management including some time in environmental and operational audit. During this time I have planned, supervised, measured and assessed silvicultural treatments in a broad range of NSW native forest types.

Condition 3.1. Single tree selection and thinning.

Table A specifies a minimum stand basal area for most forest types as follows:

Stand height <25m 12m²/ha. Stand height ≥ 25m 16m²/ha.

I consider that the minimum stand basal areas are far too conservative. They are obviously prescribed to emphasise forest cover rather than promote a vigorous, productive forest. These levels can stifle stand productivity and natural regeneration of less tolerant species which can lead to a progressive change in the species composition over time. When faced with the requirement to achieve the minimum basal areas prescribed, the landholder or his contractor will remove the better specimens of the higher value species, while leaving the defective and suppressed trees and the lower value species.

Where stand thinning is the silvicultural objective it is appropriate to leave the stand basal area higher. But here we are talking about the regulated minimum for all types of silviculture. This doesn't allow for a silvicultural treatment to rejuvenate the forest to the original high value species mix. This is particularly the case with North Coast moist mixed hardwood, Flooded Gum and Blackbutt. The ultimate objective must be to maintain the existing forest cover on private land in a vibrant healthy condition.

I believe the Office of Environment & Heritage should examine practical examples of silviculture with experienced practising silviculturalists, to determine more appropriate levels. I suggest the minimums should be:

Stand height <25m 8m²/ha. Stand height ≥ 25m 12m²/ha.

Condition 4.2 Protection of habitat and biodiversity.

Table D Minimum tree retention.

I believe that the number of recruitment trees should match the number of existing hollow bearing trees. If a property has a forest in essentially regrowth condition with less than 10 hollow bearing trees/2ha, the requirement to leave additional recruits to make up to 20/2ha total, will reduce the productivity of that regrowth stand, particularly when combined with high regulated minimum basal areas. I believe it is unfair to expect the landholder to convert his existing productive forest to a less productive one. The habitat value of the riparian exclusions, buffers and all the other exclusions will maintain the habitat value for biodiversity. If the forest has 10 hollow bearing trees / 2ha then leaving the same number of recruits will maintain the habitat potential of that forest.

Pre logging investigation.

It concerns me that the code of practice contains no due diligence requirements for the landholder to investigate the presence of threatened species, aboriginal sites, heritage sites, other significant landscape features and feed trees. I believe the regulation must move to correct this deficiency.

Contractor accreditation.

In my experience there is considerable variation in the ability of contractors to comply with Codes of Practice despite their universal proclamations that they care for the environment. The good contractors have a combination of experience and attitude. It usually takes a considerable period being supervised, in the field, by an experienced independent person, to train a contractor to an acceptable level. I believe the regulation must move to a system of training and accreditation of contractors with some follow up audit of their compliance.

Rejuvenating degraded forest.

In many moist forest types in coastal native forest, past harvesting practices or conditions at the time have created areas of degraded forest where the original forest tree diversity has been reduced and replaced with low value suppressed or defective trees and/or viney scrub, which in turn prevents regeneration of the diverse forest canopy. Where these gaps are less than 0.1 ha a gap can be cleared, under clause 3.2 of the Draft code, to promote natural regeneration or replanting. However if the gap is larger than 0.1 ha, it is not clear to me which is the appropriate mechanism to seek approval to clear larger areas to promote natural regeneration or replanting.

William Nethery