

Native Vegetation Regulation Review

Environment Protection Authority

PO Box A290

Sydney South NSW 1232

CONFIDENTIAL

Re: Draft Private Native Forestry (PNF) Code of Practice (COP) for Southern NSW

Dear Sir/Madam,

Thank you for the opportunity to make comments. The COP for PNF in Southern NSW says that the aim "... is to ensure that a regular supply of timber products can be maintained indefinitely for present and future generations from privately owned forests and Crown land that is not Crown-timber land within the meaning of the Forestry Act 1916, while at the same time maintaining non-wood values at or above target levels considered necessary by society to prevent environmental harm and provide environmental services for the common good."

I see no prevention of environmental harm or the provision of environmental services for the common good in Mount Rae area of native forest, where PNF logging has already commenced.

My reasons for making these comments are as follows:

THREATENED SPECIES

Mount Rae forest is a known habitat to an important population of the threatened species of ground orchid *Diuris aequalis* (Buttercup doubletail). NSW and Federal advice for this orchid requires protection for this species, not logging its habitat with heavy forestry vehicles, which can have metal tracks and skid steering. Officers from the then DEC had stopped this operation in the past and stated that further operations of this kind were likely have a significant impact on this species. Also, the fact that if more orchids were not found on private lands, it was in danger of extinction. It was documented that "if this species was found on your property it was because it was currently being managed in a way that was conducive to its survival."

There is no science to support the PNF clearing and logging which has currently been approved by the NSW environment minister in this habitat. A few questions arise - *how can this warrant bio certification or meet the Threatened Species Act requirements for this species? - how can PNF meet the Native Vegetation Act requirements of improving or maintaining environmental outcomes?* Those involved in PNF in this forest denied the orchid's existence on their lands until government scientists reported they had verified them on those properties prior to these lands being sold to the current landowners.

PNF did not have any prescriptions for this orchid at the time, but in the media, locals were informed the orchids would be identified and fenced off. A one off survey in drought was organised, but this was despite departmental advice that the orchids cannot be identified in a one off survey, as they are known to go many years between flowering events and require precise environmental conditions. Not many would be

expected to flower during a severe drought. Some plants may have even come into flower the very day after the survey, or even have flowered and died off prior to the survey, because of the short flowering period window.

This orchid is listed as Endangered in NSW and is also listed federally under the EPBC Act, yet the final draft prescriptions list it with the lowest level of prescriptions. Another question arises - *how can this be adequate protection when even a National Park Schedule 13 orchid, the potato orchid, cinnamon bells, is given a higher level of protection?* Both myself, orchid experts and botanists, who have travelled from all over the state to see these orchids in flower in Mount Rae forest would respectfully like to know, what science has changed since DEC originally opposed clearing in rare orchid habitat?

Oddly enough, some of the other threatened species of fauna known to dwell in this forest (e.g. the Gang Gang cockatoo and Eastern Bentwing bat are two) are not even on this list. In local media I saw comments from Departmental spokespersons that threatened species were protected by an "extensive suite of prescriptions." A few more questions arise - *exactly how does OEH protect them, when they are not even on the list of prescriptions? - how are threatened species protected at all under PNF when there are no requirements for any environmental surveys?*

It is known that lands adjacent to those now approved for logging, have been extensively surveyed over the years, with 11 threatened species being verified by environmental consultants and government ecologists. Nearly 250 species of fauna and flora in total have been identified. The only species so far admitted to by the developer is the rare orchid, and that is only because it was recorded by DEC botanists many years ago.

I have personally witnessed these orchids in flower in this forest. The location of these orchids were identified and by yearly observation, it is a fact that many orchids will only flower only once - then not flower again for many years after. The area directly adjacent to the land for logging has seen 18 plants flower. I have also seen 20 other native orchid species in this forest, as well as the threatened squirrel glider, gang gang cockatoos and scarlet robins. None have been acknowledged under the PNF process. Self regulation can not possibly work, as it is just too hard for the layman to identify any threatened flora and fauna species.

Surrounding lands were also surveyed by Government scientists who recognised the areas vegetation profiles to match that of Endangered Ecological Communities. They recognised the values of this area for landscape scale connectivity and its central role in landcare tree planting efforts. PNF allows a full time non-resident firewood seller to claim his property is the more common Western Tablelands Dry forest, containing only a few rare orchids and nothing else. Those within the EPA and the OEH reading this submission, should recognise how they are being used to help firewood businesses in this region get around past objections to logging by their Department and immediately take action to prevent any further damage to these high conservation value forests.

FIREWOOD

The need for immediate changes to the Code of practice is evidenced by forestry networks claiming they will use PNF to likewise open up all the forest remnants of the Southern Tablelands to promote and sell commercial firewood from native forest logging on a massive scale to Canberra and Sydney. It is my understanding that governments were trying to discourage the use of firewood in cities because of the known health effects on large populations of people in these areas. I fail to see how logging native forests and then seeing them sent straight up chimneys, meets the expectations of governments in reducing carbon emissions and preventing predicted climate change?

In Mount Rae forest it is ridiculous to expect that a firewood developer, who first came to the DEC's attention for clearing in threatened species habitat, is now helped to clear for firewood on an even larger scale. Allowing this logging to continue by a full time firewood merchant while everyone else in the community is following NSW government advice to preserve these areas, protect biodiversity and plant trees is an affront to the previous recommendations for conservation that all were encouraged to be involved in. How can locals take seriously that the way to protect this forest is to send in the forestry machines and chainsaws and fell trees and that this is the new recognised way to improve threatened species habitat and treat century old trees.

This same forestry operation was opposed in the past by the Department and by local councillors and local residents and local Landcare. The Coalition had been voted in claiming they would overturn such state planning laws which saw decision taken away from local councils and communities. This is exactly what is now happening under PNF. I am sure when the current government realises this they will take suitable actions to stop the firewood logging in this area. How can PNF allow firewood loggers to fell standing trees when others in this area are asked to plant them? I would ask that the Code require all lands applying for PNF to undergo independent surveys, as anybody else would be required to do. I would also ask that PVPs for PNF be submitted to the local Catchment Management Authority as all other PVPs are. CMA's have qualified staff with local knowledge who perform vegetation assessments. It appears to some members of the public that a commercial firewood seller is being given special treatment by the Office of Environment and Heritage. I do not believe that logging native forests at a commercial scale for nothing better than firewood and causing possible biodiversity losses is "for the common good."

Landowners are allowed firewood for domestic use under the current NV Act and I believe that local landholders in the Mount Rae forest area only source wood out of windrows from a past subdivision clearing, including both road and power line easements, not from cutting down green trees which are up to 150 years old.

It does not make sense as to why native forests are being felled for commercial scale firewood for sale in towns and cities, yet at the same time Governments are implementing measures to prevent greenhouse gas emissions and telling us to take seriously possible future impacts of global warming. I believe that the logs are only good for the low value added product of firewood, because in general, not only are they the wrong species for sawmill logs, but they contain too many defects. Governments want the public to take them seriously, but how can we, when they continue to ignore these loopholes for large scale commercial firewood clearing.

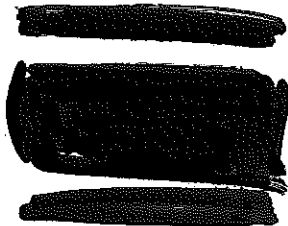
I believe the forestry group backing the developer in this forest has publicly said that PNF can be used to allow logging on over a million ha. in the Southern Tablelands to supply Canberra and Sydney with firewood.

OH & S

Mount Rae forest is bisected by Mount Rae Road, which forms part of the Bicentennial Trail (BNT) <http://www.nationaltrail.com.au/index.html> Cyclists, horse riders and bush walkers are often seen using the Trail. Logging trucks also use the Trail, but unfortunately use the wrong side of the road to turn into the narrow entrance into the developer's property (as witnessed by the tyre tracks) having to leave their trailers partially projecting out onto the public road (which is 100km/h rated). The fact that the local school buses are on the road around the same time as the trucks, but travelling in the opposite direction, I believe represents a potential safety issue. Upper Lachlan Shire Council have been previously notified of this issue.

Thank you again for the opportunity to comment and I would hope that the above points of view will be taken into consideration in the preparation of the final legislation.

Yours Sincerely

A large, dark, irregular redacted area covering the signature and possibly the first line of the address.

[I respectfully request that my name and address be withheld from publication]