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Australian Forest Growers

Submission to the Review of the Codes of Practice for Private Native Forestry under the Native Vegetation Act.

Australian Forest Growers (AFG) is the national association representing private forest growers. In New South Wales, AFG represents growers who manage private native forests (PNF) and plantation woodlots. These growers contribute about half of the commercial resource to industry and are stewards of over 8 million hectares of forest.

The PNF codes of practice have been in place now for some five years. On the whole they are serving the sector reasonably well, although compliance burdens especially in relation to ‘protection’ of, apparently, high value environmental assets such as koalas and endangered ecological communities (EECs) remain of serious concern to landholders generally and AFG members particularly. AFG membership remains mystified as to how they are expected to carry the burden of environmental protection when a robust process of reserves under the CAR assessment process has been implemented. In the case of koalas it is clear that displacement by fire, development for roads and housing; and disease are the major contributors to their population decline. Private forest growers, by their stewardship, are contributors to the welfare and population expansion of koalas.

Industry has broadly agreed its response to the table of changes which has been annotated and forms the second part of this submission. Equally it has agreed a position on koala management which is included herein and will be the subject of direct correspondence to the appropriate Minister. Other areas of specific interest for AFG are EECs and the 10% trigger, dual consent and accredited officers. Lastly, AFG has had the opportunity to consider the submission of the NSW Forest Products Association and supports its content.

AFG Submission to:

The review of the Private Native Forestry Codes of Practice 23 August 2012

1] Koalas

AFG is very concerned that the response to koalas is more motivated by it being a charismatic taxa rather than by any reliable science on deleterious impacts from sustainable forest management as practised by the AFG membership. Even in the latest expose of the plight of the koala (Four Corners ABC TV, 20/8/2012), forest management was not included (and nor should it have been) as a significant contributor to population decline. Minister for the Environment, Robyn Parker, has acknowledged the protection of koalas in forestry operations and that their presence is more common in managed regrowth forests. Urban development (clearing), roads, dogs, lack of genetic diversity, disease susceptibility and drought are the recognised threats to koalas, none of which is affected by sustainable forest management as practised by the private sector. It is also worthy to consider that the supposed koala capital of the world, the Pilliga, has seen a significant decline in koala numbers which seems mostly attributable to drought and wildfire in the now reserved and unproductive Brigalow forests. Interestingly there are a wide range of barely believable numbers thrown about for this region in terms of population. RACD estimated some 22,000 koalas; National Parks estimated some 15,000 (but were not confident of the methodology) and post drought and the last Pilliga fire, estimates are about 2,200. While it is accepted that there can be impacts on populations, the rapid decline in an area where there is little urban development or land clearing seems difficult to rationalise. With such widely divergent koala estimates it is difficult to reconcile any claim of population changes over time.

Nevertheless, the PNF sector recognises that koalas are an important target species for preservationists and is pleased to participate (but not necessarily to be the sole saviour) in koala recovery. There are some major difficulties likely to be experienced by the sector given the scattergun and punitive approach that is evident in the Local Government responses to the issue to date, as well as the triggers for protection outlined in the Codes of Practice.

AFG recommends that:

1] Local Government be required to categorise core koala habitat against a set of robust and scientific criteria noting that core koala habitat is specifically defined in SEPP 44 as: *'an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population'*. It is also noted that the SEPP requires an appropriately qualified person to determine this status. **Only where these provisions have been adhered to can the PNF operative be bound to the protections listed in the Codes of Practice (requirement (a)).**

2] Managed production forests are increasingly recognised as attractive to koalas. This is for a range of reasons that include better capacity to move across the forest floor and healthier more attractive feed trees being available. For this reason it is unreasonable and excessive then necessarily to require areas into which koalas have moved as a consequence of production forestry to implement higher levels of protection than would otherwise have been

required. AFG advocates a separation of koala habitat from koala zones of activity. **Unless an area has been formally codified as core koala habitat then it can remain an active and ongoing production forest subject to the levels of protection provided in the codes of practice on the basis that the requirement is varied to require that there is actual spotting of an animal AND evidence of 20 or more koala faecal pellets.** This allows a higher level of certainty that it is a koala zone not simply a corridor, which in any case is available as a consequence of the broader retention provisions of the codes of practice. Koala faecal pellets are readily recoverable from the forest floor and have been mischievously spread in non koala areas to create obstruction to forest management; they must not be used as a single point of evidence.

3] Beyond the above, the NSW Government must conduct a robust audit process to ensure those areas which are to be designated as core koala habitat have been done so scientifically rather than on a political whim. The evidence needs at least to be an appropriately qualified consultant's report. In addition, Local Government must be required to categorise their koala zones in a manner that is consistent and able to be understood and relied upon by landowners, forest managers and operators.

4] Recognition must continue to be given to sustainable forest management as a land management process that assists koalas by providing acceptable passage through the forest and by reducing fire hazard and thus lessening the threat of catastrophic fire.

2] Endangered Ecological Communities and the 10% trigger

AFG has long been a critic of particularly the landscape scale EECs and the unfair and indefinite burden they place on an individual landholder. That the entire CAR process of reserves (including serious compensation to processors) which led to substantial reservation to protect species seems to be largely ignored in this process continues to weigh on and antagonise the sector. The concept of contributing to public good conservation as part of being a member of society, while admirable, also has to have limits. These limits have been identified, for example in Finland, at 10% - beyond that the 'duty of care' ceases and further protection provided by a landholder is fully compensated (funded) by government on behalf of the community. A similar recognition is the case in NSW, in the form of the 10% trigger for ecological harvesting plans (EHP), yet it has been poorly (and perhaps even unenthusiastically) implemented in NSW. AFG's position is abundantly clear about this: the 10% trigger is an agreed outcome that allowed the codes of practice to be agreed between the then Minister for Environment and the then Minister for Forests, it was not a back room construct of industry nor the bureaucracy. AFG expects this to be delivered willingly by the government of the day, and in full. The option promoted in this review further waters down the process and this is unacceptable.

In the broader case of landscape scale EECs AFG retains its view that the materiality of effect of PNF operations on the particular EEC, scattered throughout the landscape, is negligible and therefore unnecessary. When the difficulty in identifying such EECs in the landscape and on the ground (by poor definition and an unwilling bureaucracy) is added this creates some

real difficulties in the confidence of compliance by a landholder. Further, the identification of logging and/or timber harvesting as a threatening is a mechanism that appears not to exist in the framework applied by the NSW scientific committee. This needs substantial justification and probably independent review as it seems the rules are applied in an *ad hoc* manner.

AFG recommends that:

A robust mechanism be developed that offers economic outcomes or financial relief to private growers for dealing with lands impacted by greater than 10% by EECs.

In the absence of these outcomes being available, **AFG further recommends:**

a landholder compensation scheme focused on denied access to PNF resource be created and any land encumbered by EECs be immediately eligible for one off compensation for the standing timber value and a perpetual annual management fee benchmarked to the per hectare management fee used by the NSW National Parks and Wildlife Service.

3] Dual Consent

This needs to be resolved once and for all. The strong and consistent advice to AFG from government is that a PNF PVP is the appropriate and ultimate approval mechanism for PNF management. The continuing ludicrous impediments of Local Environmental Plans and other such instruments, largely compiled by ignorant local government planning officers, make it increasingly difficult for landholders to maintain confidence in the primacy of state government legislation. The nature of the PNF PVP is to give confidence that in compliance with the PVP there is compliance with the law. Added overlays of LEP provisions or environmental layers over land that is otherwise appropriate for PNF are unacceptable and the state must act overtly to resolve these anomalies to give landholders confidence.

AFG recommends that:

For areas above 2 hectares where a PVP is approved other related local government provisions do not apply.

4] Accredited Officers

This is an area of opportunity but perhaps more concern. The fundamental concerns include: that the cost of the accredited officer is likely to be an additional and unnecessary burden on the landholder; that the pool of accredited officers will be too small to offer either diversity or adequacy; the principal purpose for accredited officers seems for the purpose of environmental harvesting plan approval, of which the broader issue needs to be resolved prior to concentrating on accrediting officers.

AFG recommends that:

The issue of 'Accredited Officers' be the subject of further discussion with industry especially in the context of the 10% trigger and EHPs.

PROPOSED CHANGES TO THE PRIVATE NATIVE FORESTRY CODE OF PRACTICE –

The clause numbers below refer to the Draft Private Native Forestry Code of Practice release for public consultation in June 2012.

Code	Clause	Proposed change	Notes AFG response
All Codes	Introduction	Amends the object of the Code to include Crown land that is not Crown-timber land within the meaning of the <i>Forestry Act 1916</i> .	<p>Some landholders have Crown leases over land that is not Crown timber-lands. This land is subject to the <i>Native Vegetation Act 2003</i> yet these landholders are not able to obtain PNF PVPs, only normal clearing PVPs. These Crown leases also do not fall under the <i>Forestry Act 1916</i>.</p> <p>The proposed change will address this unintended gap by allowing these land holders to apply for a PNF PVP rather than a normal clearing PVP. This will give these Crown lease landholders better equity with other landholders and greater flexibility in how they manage their land.</p> <p>Not opposed</p>
All Codes	Assessment of broadscale clearing for private native forestry	Minor wording changes.	<p>The changes clarify that the approval for clearing is given under the <i>Native Vegetation Act 2003</i>, not the Code of Practice.</p> <p>AFG is concerned about this proposal from two perspectives. Firstly we would want to see the actual wording, secondly that the terms broad scale clearing and PNF are mentioned together is anathema to the forestry sector PNF is about sustainable forest management not clearing.</p>
All Codes	Minor variation of Code	<p>Deletes clause.</p> <p>Inserts new clause:</p> <p>A landowner can apply for a minor variation of the Code in accordance with Clause 22 of the Native Vegetation Regulation 2012.</p>	<p>Currently landowners can apply for a minor variation if more than 10% of the forestry approval area (PNF PVP area) is unable to be harvested – this has been difficult to calculate. This is a negotiated commitment and if it is to be replaced must be at least as robust as this provision</p> <p>Arrangements for minor variations to Private Native Forestry PVPs are now proposed to be set out in clause 22 of the (draft) <i>Native Vegetation Regulation 2012</i>. AFG interprets this as a massive claw back of right to</p>

			<p>negotiate on the basis of impact, further discussion is required especially as to the triggers for establishing that a minor variation can be sought. Assurance is also sought that where EECs, especially landscape scale EECs, impact on PNF operations this process can be used as a tool to resolve that deleterious impact on reasonable access to resource.</p> <p>Under the proposed change, accredited experts can approve a minor variation for a specific PNF PVP if the variation improves or maintains environmental outcomes. This change will make the rules for minor variations under the PNF Code consistent with the rules for other PVPs and remove difficulties in calculating the 10% impact. The qualifications for accredited experts will be published on the EPA website, together with the reports prepared by accredited experts on minor variations. This proposed change makes it clear that forest operations may operate in accordance with minor variations approved under clause 22 of the of the (draft) <i>Native Vegetation Regulation 2012</i> and that the EPA may or may not already be aware of all landscape features that the landholder is required to protect under clause 4.1 of the Code. AFG supports the concept of accredited experts, however if there are no accredited experts available then this whole process halts, this is not supported. At the very least a transitional arrangement for at least five years is required while accredited experts are accredited. Further we remain opposed to the removal of the 10% trigger without an understandable and similarly robust replacement. Nevertheless it is acknowledged that the 10% trigger has not worked because it is not a hard limit for action, it is better described as a trigger for review which has proven disappointing in achieving intended outcomes. There is also a concern that this will provide an additional cost burden on forest growers.</p>
All Codes	1	<p>Amends clause (c):</p> <p>For the purpose of preparing a PVP and assisting the landowner in preparing the Forest Operation Plan in clause 2 below, the Environment Protection Authority (EPA) will provide the landowner with any available digital information it has in its</p>	<p>The proposed change expands on the nature of the information provided by the EPA. Whilst mainly administrative in nature, the change clarifies that the information provided by the EPA is for information purposes only, and should not be considered to be a complete survey of the features present on the landholder's land.</p>

		possession on landscape features (as identified in Table C in section 4.1) and any drainage features (as identified in Table F in section 4.4 of this Code).	AFG supports the increased availability of information. However inherent in this explanation seems to be that EPA do not now absolve the landholder of seeking further information in areas where EPA have provided information. This is unacceptable and contrary to the negotiated framework of information provision and ability of the landholder to rely on such information.
All Codes	2.1(5)(a)(ii)	Amends sub-clause to: recorded locations of any endangered populations or threatened (vulnerable, endangered and critically endangered) communities listed under the schedules of the <i>Threatened Species Conservation Act 1995</i> and species in the Listed Species Ecological Prescriptions for Northern NSW Forests / Southern NSW Forests / River Red Gum Forests / Cypress and Western Hardwood Forests, which are set out in the Appendix to this Code.	The proposed change aligns the Code with the <i>Threatened Species Conservation Act 1995</i> . Under the Act, threatened ecological communities fall into three categories – Critically Endangered Ecological Communities, Endangered Ecological Communities and Vulnerable Ecological Communities. When the Code was gazetted in August 2007, only Endangered Ecological Communities were listed. The current Code allows Forestry operations in Endangered Ecological Communities (with an Ecological Harvesting Plan approved by the Chief Regulator EPA), prohibits Forestry operations in Vulnerable Ecological Communities and is silent on Critically Endangered Ecological Communities. Not opposed
Northern Southern Cypress	2.1(5)(b)(ii)	Amends sub-clause to: a description of the forest, including its disturbance history and current condition	The proposed change simplifies the written Forest Operation Plan by deleting the requirement to describe forest types and overstorey species composition. The change is consistent with the current wording of the River Red Gums Code of Practice. Not opposed
All Codes	2.1(6)	Inserts new sub-clause: The provision of available digital information by the EPA on landscape features (as identified in Table C in section 4.1) and drainage features (as identified in Table F in section 4.4) does not reduce the landowner's obligation to independently identify and map in the Forest Operations Plan additional relevant landscape and drainage features that may be present on the land. The EPA does not guarantee that the digital information it provides is a complete list of these features on the land.	The proposed change clarifies landholder responsibilities to identify and protect landscape features on their property by making it clear that information provided by the EPA does not indemnify the landholder from exercising due diligence in relation to all landscape features identified in Table C in section 4.1. Again this is an area of concern, it is simply too broad to 'remove the EPAs obligation' across the whole range of landscape features. A key component of the code process is for the government to provide the information in a range of areas. By removing the capacity for a

			landholder to rely on such information legal uncertainty is created where it ought not exist. AFG seeks further discussion on these issues to clearly identify what is and isn't the landholders responsibility. The initial concerns of landholder capacity to either identify these features on their own or afford the appropriately qualified consultant to identify them remain in place. There seems to be no recognition of the scale or materiality of the impact of PNF operations.
All Codes	2.1(7)	<p>Inserts new sub-clause:</p> <p>The landowner must have the Forest Operation Plan approved by an 'accredited expert' where it relates to forest operations in a vulnerable ecological community (see Table C in section 4.1).</p>	<p>The proposed change clarifies that where landholder plans to conduct forestry operations in a vulnerable ecological community the Forest Operations Plan must be approved by an accredited expert. See Section 4.1 - Table C for more information.</p> <p>Whilst this is not opposed <i>per se</i> there are two comments to make, firstly that the wording of the operational conditions for vulnerable ecological communities should be consistent and AFG contends should say "may only occur" rather than 'must not occur' (see the operational conditions for critically and endangered ecological communities the second issue is what is the option where no 'accredited expert' exists as discussed above.</p>
All Codes	2.2	<p>Deletes current clause.</p> <p>Inserts new clause:</p> <p>(1) The landowner must notify the EPA of the commencement or cessation of the following forest operations:</p> <ul style="list-style-type: none"> (a) any activity carried out under clauses 3.1 or 3.2 of the Code or; (b) any activity carried out under clause 5.2 of the Code; or (c) any activity carried out under clause 5.1 that is for the purpose of carrying out activities under clauses 3.1, 3.2 or 5.2 of the Code. 	<p>The proposed change cuts red-tape for landowners by removing the current requirement to provide the EPA with an annual report on logging operations.</p> <p>Landowners will now be required to notify the EPA of the commencement and finalisation of forestry operations. Notification will be possible up to 14 days before or up to three days after a forestry operation is due to take place and again within two weeks after a forestry operation is completed. If a landholder does not carry out any forest operations in a given year, they will not need to notify the EPA at all.</p> <p>Landowners will be given a range of flexible options for notification</p>

	<p>(2) In respect of commencement of forest operations, notification must be provided to the EPA within the period starting 14 days before commencement of the relevant forest operation and 3 days after commencement of that operation.</p> <p>(3) In respect of cessation of forest operations, notification must be provided within 14 days after the relevant forest operation ceases. A forest operation is deemed to cease if no further forest operations are planned for a period of three months or more.</p> <p>(4) Notification is to be provided by the landowner in one of the following approved formats:</p> <ul style="list-style-type: none"> (a) Provision of notification information in a phone-call to the Environment Line (131 555) or the local EPA office during standard office hours. (b) Provision of notification information in person at the EPA office during standard office hours. (c) Provision of notification information on a form approved by the EPA and submitted by fax, mail or email to a location specified on the form. The EPA will acknowledge the receipt of this notification within one working week of its receipt. (d) Provision of notification information using the web-based form available on the EPA website. The EPA will provide an electronic receipt to the landowner acknowledging that notification has been received. <p>(5) The following information must be included in any commencement notification to the EPA:</p> <ul style="list-style-type: none"> (a) the PNF PVP number (b) the proposed or actual commencement date of the relevant forest operation (c) the type and location of the forest operation being commenced (d) the estimated time the forest operation will take to 	<p>including: phoning Environment Line including notifying in person at the local EPA Office; by fax, email, or mail or on the web using a form which the EPA will develop.</p> <p>The clause specifies the information a landholder will be required to provide at the time of notification including the PNF PVP number, proposed dates of forest operations, the type of operation, and contact details for any contractors. This is less than the information currently required to be provided in an annual report.</p> <p>The proposed change will also provide EPA with more up-to-date information to assist with targeting compliance and regulatory activities.</p> <p>AFG regards this as an ill considered change, while the intent of reducing compliance on those that do not undertake a forest activity (it looks the same for those that do) seems laudable the replacement process appears more onerous.</p> <p>There is a <i>prima facie</i> case that this is no more than a compliance measure, and as such destroys the good faith that has heretofore existed. This reporting process now requires activities that do not necessarily yield harvest product (eg thinning under 3.1 or construction or cross banks under 5.2) which were previously not necessary to be captured by the annual reporting. It is therefore as a further invasion of government monitoring and audit into an approved practice against an agreed code of practice on privately held land.</p> <p>As seems to actually increase the compliance burden (red tape) AFG expresses grave concerns about, and opposes, this change.</p>
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		<p>complete</p> <p>(e) name and contact details of the principal contractor (if any) who will be undertaking the forest operation.</p> <p>(6) The following information must be included in any cessation notification to the EPA:</p> <p>(a) the PNF PVP number</p> <p>(b) the type and location of the forest operations that are ceasing</p> <p>(c) the date the forest operation ceased.</p>	
Northern Southern River Red Gum	3.1(2)	<p>Amends sub-clause to:</p> <p>The minimum stand basal areas are to be calculated in accordance with the <i>Techniques for measuring stand basal area</i>, available at www.environment.nsw.gov.au/pnf.</p>	The proposed change updates the name of the reference document that should be used to measure stand basal area, available on the EPA website. Not opposed, but it is noted that AFG consider that the tree height criteria need to be changed and understand there has been independent advice provided to EPA on this matter
Northern	3.1 Note	Moves the stand basal area note from the end of clause 3.2 to a more appropriate position in the Code (at the end of clause 3.1).	The proposed change is administrative in nature. Not opposed
Northern Southern River Red Gum	3.2 Note	<p>Amends note to:</p> <p>For the purposes of selecting an appropriate silvicultural management regime, reference should be made to the Silvicultural guidelines: Private Native Forestry Code of Practice, available at www.environment.nsw.gov.au/pnf.</p>	The proposed change updates the name of the reference document that should be used for selecting an appropriate silvicultural management regime, available on the EPA website. Not opposed
All Codes	3.3 Note	<p>Amends note to include a reference to the document that explains the methodology for assessing regeneration and stocking in a representative number of plots.</p> <p>Deletes text:</p>	The proposed changes clarify the reference document available on the EPA website that should be used when assessing regeneration and stocking, and removes repetition and ambiguity. Not opposed on the presumption that the guidelines have not changed.

		Plots will be found to be either stocked or unstocked.					
All Codes	4.1	<p>Replaces current sub-clause (2):</p> <p>Old growth and rainforest will be identified according to the protocol approved by the Minister for the Environment available at www.environment.nsw.gov.au/pnf.</p> <p>Replaces current sub-clause (3):</p> <p>Before forestry operations can commence landowners must exercise ‘due diligence’ in relation to Aboriginal objects, in accordance with the <i>Due diligence code of practice for protection of Aboriginal objects</i>, available at www.environment.nsw.gov.au/conservation/aboriginalculture.htm.</p>	<p>The proposed change is administrative in nature.</p> <p>The proposed change requires landowners to exercise ‘due diligence’ in relation to Aboriginal objects. This due diligence must be exercised in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal objects. This document can be found at http://www.environment.nsw.gov.au/resources/cultureheritage/ddcop/ddcop-DII.pdf</p> <p>Opposed, this is an unfair burden on individual landholders and it clearly a political outcome of an unrelated process which the burden of ought not be also placed on private landholders to identify what government can't otherwise provide guidance on. It should be that the Department provide the information (records) that it holds and requires that information to be included within the plan.</p>				
All Codes	Table C	<p>Inserts new row:</p> <table><tr><th>Landscape feature</th><th>Operational Condition</th></tr><tr><td>Critically endangered ecological communities listed in the <i>Threatened Species Conservation Act 1995</i> at the date the private native forestry PVP is approved by the Minister</td><td>Forest operations may not occur, except that existing roads may be maintained.</td></tr></table> <p>Amends operation prescription for vulnerable ecological communities:</p>	Landscape feature	Operational Condition	Critically endangered ecological communities listed in the <i>Threatened Species Conservation Act 1995</i> at the date the private native forestry PVP is approved by the Minister	Forest operations may not occur, except that existing roads may be maintained.	<p>The proposed change aligns protection for critically endangered communities to align with <i>Threatened Species Conservation Act 1995</i>. Critically endangered ecological communities were not listed in the <i>Threatened Species Conservation Act 1995</i> at the time the PNF Code was gazetted in August 2007.</p> <p>The proposed changes also align the treatment of threatened ecological communities to the potential risks. Forestry operations are not allowed in Critically Endangered Ecological Communities, the status quo remains for Endangered Ecological Communities and forestry operations are permitted in Vulnerable Ecological Communities with a Forestry Operation Plan approved by an accredited expert (see Clause 22 of the (draft) <i>Native Vegetation Regulation 2012</i>).</p>
Landscape feature	Operational Condition						
Critically endangered ecological communities listed in the <i>Threatened Species Conservation Act 1995</i> at the date the private native forestry PVP is approved by the Minister	Forest operations may not occur, except that existing roads may be maintained.						

		<table><tr><th>Landscape feature</th><th>Operational Condition</th></tr><tr><td>Vulnerable ecological communities listed in the <i>Threatened Species Conservation Act 1995</i> at the date the private native forestry PVP is approved by the Minister</td><td>Forest operations <u>must</u>may not occur in vulnerable ecological communities, except under a Forest Operation Plan approved by an accredited expert and that existing roads may be maintained.</td></tr></table>	Landscape feature	Operational Condition	Vulnerable ecological communities listed in the <i>Threatened Species Conservation Act 1995</i> at the date the private native forestry PVP is approved by the Minister	Forest operations <u>must</u> may not occur in vulnerable ecological communities, except under a Forest Operation Plan approved by an accredited expert and that existing roads may be maintained.	<p>Accredited experts will be required to prepare reports assessing the impact of forestry in a Vulnerable Ecological Community. These reports will be made available on the EPA website as well as the qualification standards for accredited experts.</p> <p>Not opposed except to the extent that AFG have previously expressed concerns about the immediate availability of accredited experts, and with the suggested word change tracked into the adjacent text which would provide consistency with the rest of the document</p>
Landscape feature	Operational Condition						
Vulnerable ecological communities listed in the <i>Threatened Species Conservation Act 1995</i> at the date the private native forestry PVP is approved by the Minister	Forest operations <u>must</u> may not occur in vulnerable ecological communities, except under a Forest Operation Plan approved by an accredited expert and that existing roads may be maintained.						
Cypress	Table C	<p>Inserts new row:</p> <table><tr><th>Landscape feature</th><th>Operational Condition</th></tr><tr><td>Steep slopes</td><td>Forest operations must not occur on slopes greater than 30 degrees, except that:<ul style="list-style-type: none">existing roads and tracks may be maintainednew roads and tracks may be constructed subject to conditions in clause 5.1(18) of the Code.</td></tr></table>	Landscape feature	Operational Condition	Steep slopes	Forest operations must not occur on slopes greater than 30 degrees, except that: <ul style="list-style-type: none">existing roads and tracks may be maintainednew roads and tracks may be constructed subject to conditions in clause 5.1(18) of the Code.	<p>The proposed change standardises the provisions for Cypress and Western Hardwood Code with the other Codes. Some Western Hardwood Forests occur on ground with a slope greater than 30 degrees.</p> <p>AFG are not clear what the impact of this change might be and if any other limits are affected. <i>Prima facie</i> it is not opposed but seeks further clarification</p>
Landscape feature	Operational Condition						
Steep slopes	Forest operations must not occur on slopes greater than 30 degrees, except that: <ul style="list-style-type: none">existing roads and tracks may be maintainednew roads and tracks may be constructed subject to conditions in clause 5.1(18) of the Code.						
Cypress	Table C	<p>Deletes point:</p> <p>Aboriginal scarred or carved tree</p>	<p>The proposed change removes unnecessary text in the clause in the clause as forestry operations around Aboriginal scarred or carved trees are already proscribed in the following point. Not opposed</p>				
Cypress	Table D	<p>Inserts new operational condition</p> <table><tr><th>Broad forest types</th><th>Operational Condition</th></tr><tr><td>Western hardwood</td><td>A minimum of six feed trees per two hectares</td></tr></table>	Broad forest types	Operational Condition	Western hardwood	A minimum of six feed trees per two hectares	<p>The proposed change standardises the provisions for the Cypress and Western Hardwood Code into line with the other Codes. Western Hardwood forests provide critical habitat for animals which contribute to positive biodiversity outcomes such pest control, pollination and seed</p>
Broad forest types	Operational Condition						
Western hardwood	A minimum of six feed trees per two hectares						

			<div>should be retained where available. All feed trees that have marks or 'V' notches from sap-feeding mammals must be retained.</div>	<div>dispersal.</div> <div>Not opposed, though there is an underlying concern that the cohort of feed trees will be so low in the landscape that they will all get retained which may mean this is a de facto lock up. AFG do not have adequate resource information available to determine this.</div>
All Codes	Table D and 4.3(3)(b)	<div>Inserts new operational condition for Cypress and Western Hardwoods:</div> <div>Five mature female and five mature male trees of the genus <i>Allocasuarina</i> (forest oak) every two hectares, where available, plus any <i>Allocasuarina</i> that has crushed cones beneath it.</div>	<div>Under the current Code, <i>Allocasuarina</i> spp. (forest oak) is classified as a protected tree (clause 4.3(3)(b), that must be protected from forestry operations.</div> <div>The proposed change aligns the standards for protection of forest oak with those that apply on the Crown forestry estate. Forest oak is now proposed to be subject to a tree retention provision to allow for more flexible harvesting for cottage industries whilst maintaining an appropriate number of the trees as feed trees.</div> <div>By retaining all <i>Allocasuarina</i> spp. with crushed cones beneath them, high quality feed trees for birds such as the glossy black cockatoo are more likely to be retained. The glossy black cockatoo is listed as a vulnerable species under the <i>Threatened Species Conservation Act 2005</i>.Not opposed</div>	
Northern Southern Cypress	Table F	Amends the reference to the stream order figure, which has been moved from the Appendix to Section 4.4 (Drainage feature protection).	The proposed change is administrative in nature. Not opposed	
Northern Southern River Red Gum	4.4(2)	Deletes the word “limited” from the second sentence.	The proposed change is administrative in nature. The sub-clause sets out the limitations that apply to forest operations carried out in riparian buffer zones ((a) to (g)), so the term 'limited' is superfluous. Not opposed	
Northern	4.4(3)	Amends the reference to the stream order figure, which has been moved from the Appendix to Section 4.4 (Drainage feature	The proposed change is administrative in nature. Not opposed	

Southern	[4.4(2) in Cypress and Western Hardwood Forests Code]	protection).	
Cypress	4.4(7)	<p>Deletes sub-clause,</p> <p>Inserts new sub-clause:</p> <p>Drainage line buffer zones must be applied to all unmapped drainage lines. For the purposes of this clause, drainage line buffer zones are areas within, and under ten metres of, the top edge of the bank of any unmapped drainage line.</p>	<p>The proposed change standardises the provisions for drainage line buffer zones in the Cypress Code with the other three Codes. No substantive change is proposed to what can be done in drainage line buffer zones. Not opposed</p> <p>References to “walkover techniques” moved to sub-clause (8). The terminology for “machinery exclusion zone” has been changed to “drainage line buffer zone”. Not opposed</p>
Northern Southern	4.4(8)	<p>Deletes current sub-clause.</p> <p>Inserts new sub-clause:</p> <p>Drainage line buffer zones as specified in the Glossary to this Code must be applied to all unmapped drainage lines.</p>	<p>The proposed change rephrases the sub-clause for improved clarity. No substantive change is proposed to what can be done in drainage line buffer zones. Not opposed</p> <p>The proposed change updates the terminology from “machinery exclusion zone” to “drainage line buffer zone” and refers landholders to the Glossary for the relevant drainage line buffer zones. Not opposed</p>
Northern Southern Cypress	4.4(9) and (10) [4.4(8) in Cypress and Western Hardwood Forests Code]	<p>Deletes sub-clauses (9) and (10).</p> <p>Inserts new sub-clause (9):</p> <p>Forest operations may occur in drainage line buffer zones subject to the following limitations:</p> <p>(a) machinery, using walkover techniques, may extract logs from any area within a drainage line buffer zone</p> <p>(b) felling is directed away from the drainage line</p> <p>(c) any furrows resulting from log removal are treated to prevent concentration of water flow</p>	<p>The proposed change rephrases the sub-clause for improved clarity. No substantive change is proposed to what can be done in drainage line buffer zones. Not opposed</p>

		(d) groundcover (including grasses, herbs, and forest litter) is retained or groundcover similar to groundcover in the surrounding area is artificially reinstated.	
Northern Southern Cypress	4.4(11) (d) [4.4(10) in Cypress and Western Hardwood Forests Code]	Inserts new sub-clause: (d) the new roads and re-opened old roads comply with conditions set out in section 5 of this Code	The proposed change makes it clear that the provisions of Section 5 of the Code (Construction and maintenance of forest infrastructure) apply to constructing new roads and re-opening roads in riparian buffer zones. Not opposed
Northern Southern	4.4(12)	Deletes sub-clause.	The proposed change is administrative in nature as these specifications are now covered in clause 4.4(7). Not opposed
Northern Southern Cypress	5.1(4)	Deletes the words “must be to the minimum extent necessary”	The proposed change removes unnecessary repetition. Not opposed
Northern Southern Cypress	5.1(5)	Adds references to Table C in Section 4.1 and Table F in Section 4.4	The proposed change is administrative in nature. Not opposed
APPENDIX			
All Codes		The stream order schematic diagram has been moved from the Appendix to Section 4.4 Drainage Feature Protection.	The proposed change is administrative in nature. Not opposed
APPENDIX: LISTED SPECIES ECOLOGICAL PRESCRIPTIONS AFG will make specific comments on the individual ecological prescriptions where it has a view. It			

will not express a view on the other individual prescriptions. However attention is drawn to the specific sections of this submission that deal with two key areas of broad concern, the treatment of koalas under the code, and related to the PNF and koalas white paper response. Secondly the industry continues to express grave concern that the scientific committee has confused the terms ‘sustainable forest management’ and ‘clearing’ and further, regards forestry practice, however sustainable as logging. This is of particular concern in landscape scale ecological communities.

Northern	Amphibians	<p>Inserts new listed species:</p> <p>Yellow-spotted frog (<i>Litoria castanea</i>)</p> <p>CMAs for application of prescription Border Rivers/Gwydir, Central West, Lachlan, Murrumbidgee, Northern Rivers and Southern Rivers</p> <p>Prescription Where there is a record of the yellow-spotted tree frog in an area to be harvested or within 200 metres outside the boundary of the area to be harvested, the following must apply:</p> <p>(a) An exclusion zone of 30 metres wide must be implemented on both sides of all streams (including first-order, second-order and above streams – see Figure 1) in the forested area within 200 metres of the record.</p> <p>(b) The width of the exclusion zone must be measured from the top of the bank of the incised channel, or, where there is no defined bank, from the edge of the channel.</p>	<p>The proposed change includes appropriate prescriptions for the yellow-spotted tree frog (<i>Litoria castanea</i>) which was listed as critically endangered in 2009 under the <i>Threatened Species Conservation Act 2005</i>.</p> <p>AFG are concerned that the exclusion zones are unnecessary and unable to be substantiated in the context of sustainable forest management. This is an example of where the determinations of the scientific committee that refer to logging are inappropriate and the test applied in the PNF codes should be the impact of sustainable forest management.</p>
	Mammals	<p>Species removed from prescription:</p> <p>Large-footed myotis (<i>Myotis adversus</i>)</p>	<p>The proposed change removed the large-footed myotis (<i>Myotis adversus</i>) from the Appendix.</p> <p>The large-footed myotis's habitat is strictly bounded by proximity to permanent water. As such, the bat is considered to be sufficiently protected by the prescriptions already in place for protection of streams under Section 4.4 of the Code.</p>

	Mammals – Table I: Koala food trees	<p>Inserts new listed species:</p> <p>River red gum (<i>Eucalyptus camadulensis</i>)</p>	<p>The proposed change adds appropriate prescriptions for river red gum (<i>Eucalyptus camadulensis</i>) which is a primary food tree in Koala Management Area 5: Central and Southern Tablelands in the Recovery Plan for the Koala 2008 available at http://www.environment.nsw.gov.au/resources/threatenedspecies/08450krp.pdf</p> <p>See koalas discussion elsewhere in submission. It may be that this provision is not necessary here as neither the southern or central tablelands are covered by the Northern CoP?</p>
		<p>Species name corrected:</p> <p>Western grey box (<i>Eucalyptus macrocarpa</i>) [<i>E. microcarpa</i>]</p>	<p>The proposed change is administrative in nature.</p>
	Birds	<p>Prescription has been limited to two subspecies:</p> <p>Red-tailed black-cockatoo (<i>Calyptorhynchus banksii samueli</i>, <i>C. banksii banksii</i>)</p>	<p>The proposed change includes appropriate prescriptions for the red-tailed black-cockatoo (inland subspecies) (<i>Calyptorhynchus banksii samueli</i>) which was listed as vulnerable in 2009, and the red-tailed black-cockatoo (coastal subspecies) (<i>Calyptorhynchus banksii banksii</i>) which was listed as critically endangered under the <i>Threatened Species Conservation Act 2005</i>.</p>

		<p>Inserts three new listed species:</p> <p>Flame robin (<i>Petroica phoenicea</i>), scarlet robin (<i>Petroica boodang</i>) and hooded robin (<i>Melanodryas cucullata cucullata</i>)</p> <p>CMAs for application of prescription All except for Western</p> <p>Prescription No forest operations are permitted within a 50-metre radius of all flame, scarlet and hooded robin nests.</p>	<p>The proposed change includes appropriate prescriptions for the flame robin (<i>Petroica phoenicea</i>) which was listed as vulnerable in 2010, the scarlet robin (<i>Petroica boodang</i>) which was listed as vulnerable in 2010, and the hooded robin (<i>Melanodryas cucullata cucullata</i>) which was listed as vulnerable in 2001 under the <i>Threatened Species Conservation Act 2005</i>. AFG needs to consider the listing whether it regards these limitations as appropriate to the circumstances. In any event such provisions ought only apply where there is a recording or discovery of the species during the operations.</p>
		<p>Inserts new listed species:</p> <p>Red goshawk (<i>Erythrorhynchus radiatus</i>)</p> <p>CMAs for application of prescription All</p> <p>Prescription No harvesting within a 100 metres radius exclusion zone around all red goshawk nests.</p>	<p>The proposed change includes appropriate prescriptions for the red goshawk (<i>Erythrorhynchus radiatus</i>) which was listed as critically endangered in 2009 under the <i>Threatened Species Conservation Act 2005</i>.</p>
	Threatened Flora – specific prescriptions Table J	<p>Conditioned changed:</p> <p>MacNutt’s wattle (<i>Acacia macnuttiana</i>)</p> <p>CMA Border Rivers–Gwydir, Northern Rivers</p> <p>Condition Updated from B (20 m exclusion zone around all individuals) to E (90% of individuals must be protected from damage by use of techniques such as directional felling).</p>	<p>The proposed change is a more practical approach to facilitate cooperation with the Code.</p> <p>Protection of 90% of individual species is considered to be a more appropriate given the semi-prolific nature of regeneration of this species.</p>
		<p>Updated to reflect new species name, updated condition:</p> <p><i>Bertya opposens</i> [<i>Bertya</i> sp. Cobar-Coolabah]</p> <p>Condition Updated from A (50 m exclusion zone around all individuals) to B (20 m exclusion zone around all individuals).</p>	<p>The proposed change is a more practical approach to facilitate cooperation with the Code.</p>

		<p>Condition changed:</p> <p>Slaty red gum (<i>Eucalyptus glaucina</i>), northern population</p> <p>CMA Northern Rivers</p> <p>Condition Updated from G (exclusion of forestry activities from 100% of individuals) to E (90% of individuals must be protected from damage by use of techniques such as directional felling).</p>		<p>The proposed change is a more practical approach to facilitate cooperation with the Code.</p> <p>Protection of 90% of individual species is considered to be a more appropriate given the northern meta population (as opposed to the southern and central meta populations) is typically a larger and healthier stand that regenerates easily in disturbed areas. This is still too high a level of protection. <i>E. glaucina</i> is strongly and vibrantly represented in the northern metapopulation area and this is still a consequence of the merging and demerging of the CMA regions which applied the southern metapopulation provisions to the northern rivers CMA region. The provision demonstrates an incomprehension of forest species dynamics. Retention of a high proportion of a single species in a mixed species stand will, within as few as two cutting or silvicultural cycles, skew the species composition away from the forest tree species normally present and dominant. This provision is bad science.</p>
		<p>Inserts new listed species:</p>	<p><i>Banksia conferta</i> subsp. <i>conferta</i></p> <p>CMA Northern Rivers</p> <p>Condition H</p>	<p>The proposed change includes appropriate prescriptions for <i>Banksia conferta</i> A.S.George subsp. <i>conferta</i> which was listed as critically endangered in 2007 under the <i>Threatened Species Conservation Act 2005</i>.</p>

			Red helmet orchid (<i>Corybas dowlingii</i>) CMA Hunter–Central Rivers Condition E	The proposed change includes appropriate prescriptions for the red helmet orchid (<i>Corybas dowlingii</i>) which was listed as endangered in 2007 under the <i>Threatened Species Conservation Act 2005</i> .
			Pale yellow doubletail (<i>Diuris flavescens</i>) CMA Hunter–Central Rivers Condition B	The proposed change includes appropriate prescriptions for the pale yellow doubletail (<i>Diuris flavescens</i>) which was listed as critically endangered in 2008 under the <i>Threatened Species Conservation Act 2005</i> .
			Black gum (<i>Eucalyptus aggregata</i>) CMA Central West, Hawkesbury/Nepean, Lachlan, Murrumbidgee, Southern Rivers Condition E	The proposed change includes appropriate prescriptions for black gum (<i>Eucalyptus aggregata</i>) which was listed as vulnerable in 2010 under the <i>Threatened Species Conservation Act 2005</i> .
			Delicate pomaderris (<i>Pomaderris delicata</i>) CMA Hawkesbury–Nepean, Southern Rivers Condition B	The proposed change includes appropriate prescriptions for delicate pomaderris (<i>Pomaderris delicata</i>) which was listed as endangered in 2002 under the <i>Threatened Species Conservation Act 2005</i> .
			Denman pomaderris (<i>Pomaderris reperta</i>) CMA Hunter–Central Rivers Condition B	The proposed change includes appropriate prescriptions for denman pomaderris (<i>Pomaderris reperta</i>) which was listed as critically endangered in 2010 under the <i>Threatened Species Conservation Act 2005</i> .

			Slaty leek orchid (<i>Prasophyllum fuscum</i>) CMA Hawkesbury–Nepean, Hunter–Central Rivers, Sydney Metro Condition B	The proposed change includes appropriate prescriptions for the slaty leek orchid (<i>Prasophyllum fuscum</i> R.Br. sens. str.) which was listed as critically endangered in 2009 under the <i>Threatened Species Conservation Act 2005</i> .
			<i>Tephrosia filipes</i> CMA Northern Rivers Condition E	The proposed change includes appropriate prescriptions for <i>Tephrosia filipes</i> which was listed as vulnerable in 2009 under the <i>Threatened Species Conservation Act 2005</i> .
			Wyong sun orchid (<i>Thelymitra</i> sp. <i>Adorata</i>) CMA Hunter–Central Rivers Condition E	The proposed change includes appropriate prescriptions for the Wyong sun orchid (<i>Thelymitra</i> sp. ' <i>Adorata</i> ') which was listed as critically endangered in 2008 under the <i>Threatened Species Conservation Act 2005</i> .
			<i>Tylophora linearis</i> CMA Border Rivers–Gwydir, Central West, Namoi Condition E	The proposed change includes appropriate prescriptions for <i>Tylophora linearis</i> which was listed as vulnerable in 2008 under the <i>Threatened Species Conservation Act 2005</i> .

Southern	Amphibians	<p>Inserts new listed species:</p> <p>Spotted tree frog (<i>Litoria spenceri</i>)</p> <p>CMAs for application of prescription Murray</p> <p>Prescription Where there is a record of the spotted frog in an area to be harvested or within 200 metres outside the boundary of the area to be harvested, the following must apply:</p> <p>An exclusion zone of 30 metres wide must be implemented on both sides of all streams (including 1st and 2nd order and above streams – see Figure 1) within the forested area within 200 metres of the record.</p> <p>The width of exclusion zone must be measured from the top of the bank of the incised channel, or, where there is no defined bank, from the edge of the channel.</p>	<p>The proposed change includes appropriate prescriptions for the spotted tree frog (<i>Litoria spenceri</i>) which was listed as critically endangered in 2009 under the <i>Threatened Species Conservation Act 2005</i>.</p> <p>AFG regard these prescriptions as too onerous and no more than a land grab. There needs to be greater explanation as to the necessity of these limitations in sustainable forest management zones.</p>
		<p>Inserts new listed species:</p> <p>Yellow-spotted tree frog (<i>Litoria castanea</i>)</p> <p>CMAs for application of prescription Border Rivers/Gwydir, Central West, Lachlan, Murrumbidgee, Northern Rivers and Southern Rivers</p> <p>Prescription Where there is a record of the yellow-spotted tree frog in an area to be harvested or within 200 metres outside the boundary of the area to be harvested, the following must apply:</p> <p>An exclusion zone of 30 metres wide must be implemented on both sides of all streams (including 1st and 2nd order and above streams – see Figure 1) within the forested area within 200 metres of the record.</p> <p>The width of exclusion zone must be measured from the top of the bank of the incised channel, or, where there is no defined bank, from the edge of the channel.</p>	<p>The proposed change includes appropriate prescriptions for the yellow-spotted tree frog (<i>Litoria castanea</i>) which was listed as critically endangered in 2009 under the <i>Threatened Species Conservation Act 2005</i>.</p> <p>See above</p>

	Mammals	<p>Species removed from prescription:</p> <p>Large-footed myotis (<i>Myotis adversus</i>)</p>	<p>The proposed change removed the large-footed myotis (<i>Myotis adversus</i>) from the Appendix.</p> <p>The large-footed myotis's habitat is strictly bounded by proximity to permanent water. As such, the bat is considered to be sufficiently protected by the prescriptions already in place for protection of streams under Section 4.4 of the Code.</p>
		<p>Inserts note:</p> <p>Koala (<i>Phascolarctos cinereus</i>)</p> <p>Koala populations are generally sparse or of low density in the South Coast, Central and Southern Tablelands and Western Koala Management Areas (Koala Management Areas 3, 5, 6 and 7; see Figure 4) and, as a result, scats are rarely encountered. Therefore, recording of any scat or a sighting of a koala in these areas should be considered significant.</p>	<p>The proposed change clarifies that while there are active populations in Southern NSW, they are sparse and rarely seen. A lack of obvious evidence should not be taken to mean that there are not active populations in the immediate area.</p> <p>See koala discussion</p>
	Mammals – Table I: Koala food trees	<p>Inserts new listed species:</p> <p>River red gum (<i>Eucalyptus camadulensis</i>)</p>	<p>The proposed change adds appropriate prescriptions for river red gum (<i>Eucalyptus camadulensis</i>) which is a primary food tree in Koala Management Area 5: Central and Southern Tablelands in the Recovery Plan for the Koala 2008.see koala discussion</p>
		<p>Common name corrected:</p> <p>Eurabbie [Eurabble] (<i>Eucalyptus bicostata</i>)</p>	<p>The proposed change is administrative in nature.</p>
		<p>Species name corrected:</p> <p>Western grey box (<i>Eucalyptus macrocarpa</i>) [<i>E. macrocarpa</i>]</p>	<p>The proposed change is administrative in nature.</p>

		Species removed from listing: Candlebark (<i>Eucalyptus rubida</i>)	The proposed change removes prescriptions for candlebark (<i>Eucalyptus rubida</i>) as it is not a primary food tree in the <i>Recovery Plan for the Koala</i> (2008).
	Birds	Inserts three new listed species: Flame robin (<i>Petroica phoenicea</i>), scarlet robin (<i>Petroica boodang</i>) and hooded robin (<i>Melanodryas cucullata cucullata</i>) CMAs for application of prescription All except for Western Prescription No forest operations are permitted within a 50-metre radius of all flame, scarlet and hooded robin nests.	The proposed change includes appropriate prescriptions for the flame robin (<i>Petroica phoenicea</i>) which was listed as vulnerable in 2010, the scarlet robin (<i>Petroica boodang</i>) which was listed as vulnerable in 2010, and the hooded robin (<i>Melanodryas cucullata cucullata</i>) which was listed as vulnerable in 2001 under the <i>Threatened Species Conservation Act 2005</i> . AFG needs to consider the listing and whether it regards these limitations as appropriate to the circumstances
Threatened species – specific prescriptions Table J	Inserts new listed species:	Merimbula star-hair (<i>Astrotricha</i> sp. Wallagaraugh) CMA Southern Rivers Condition H	The proposed change includes appropriate prescriptions for the Merimbula star-hair (<i>Astrotricha</i> sp. Wallagaraugh) which was listed as endangered in 2007 under the <i>Threatened Species Conservation Act 2005</i> .
		Pretty beard orchid (<i>Calochilus pulchellus</i>) CMA Southern Rivers Condition B	The proposed change includes appropriate prescriptions for the pretty beard orchid (<i>Calochilus pulchellus</i>) which was listed as endangered in 2008 under the <i>Threatened Species Conservation Act 2005</i> .
		Black gum (<i>Eucalyptus aggregata</i>) CMA Central West, Hawkesbury/Nepean, Lachlan, Murrumbidgee, Southern Rivers Condition E	The proposed change includes appropriate prescriptions for black gum (<i>Eucalyptus aggregata</i>) which was listed as vulnerable in 2010 under the <i>Threatened Species Conservation Act 2005</i> .

			Delicate pomaderris (<i>Pomaderris delicata</i>) CMA Hawkesbury–Nepean, Southern Rivers Condition B	The proposed change includes appropriate prescriptions for delicate pomaderris (<i>Pomaderris delicata</i>) which was listed as endangered in 2002 under the <i>Threatened Species Conservation Act 2005</i> .
			Summer leek orchid (<i>Prasophyllum canaliculatum</i>) CMA Southern Rivers Condition B	The proposed change includes appropriate prescriptions for the summer leek orchid (<i>Prasophyllum canaliculatum</i>) which was listed as critically endangered in 2007 under the <i>Threatened Species Conservation Act 2005</i> .
			Slaty leek orchid (<i>Prasophyllum fuscum</i>) CMA Hawkesbury–Nepean, Hunter–Central Rivers, Sydney Metro Condition B	The proposed change includes appropriate prescriptions for the slaty leek orchid (<i>Prasophyllum fuscum</i> R.Br. sens. str.) which was listed as critically endangered in 2009 under the <i>Threatened Species Conservation Act 2005</i> .
			<i>Prasophyllum innubum</i> CMA Murray, Murrumbidgee Condition B	The proposed change includes appropriate prescriptions for <i>Prasophyllum innubum</i> which was listed as critically endangered in 2008 under the <i>Threatened Species Conservation Act 2005</i> .
			Blue-tongued greenhood (<i>Pterostylis oreophila</i>) CMA Murray, Southern Rivers Condition B	The proposed change includes appropriate prescriptions for the Blue-tongued greenhood (<i>Pterostylis oreophila</i>) which was listed as critically endangered in 2007 under the <i>Threatened Species Conservation Act 2005</i> .
			<i>Pterostylis ventricosa</i> CMA Southern Rivers Condition B	The proposed change includes appropriate prescriptions for <i>Pterostylis ventricosa</i> which was listed as critically endangered in 2011 under the <i>Threatened Species Conservation Act 2005</i> .

			Dwarf bush-pea (<i>Pultenaea humilis</i>) CMA Murray, Murrumbidgee Condition E	The proposed change includes appropriate prescriptions for the dwarf bush-pea (<i>Pultenaea humilis</i>) which was listed as vulnerable in 2008 under the <i>Threatened Species Conservation Act 2005</i> .
Cypress	Mammals	Species removed from prescription: Large-footed myotis (<i>Myotis adversus</i>)		The proposed change removed the large-footed myotis (<i>Myotis adversus</i>) from the Appendix. The large-footed myotis's habitat is strictly bounded by proximity to permanent water. As such, the bat is considered to be sufficiently protected by the prescriptions already in place for protection of streams under Section 4.4 of the Code.
	Mammals – Table H: Koala food trees	Inserts new listed species: Monkey gum (<i>Eucalyptus cypellocarpa</i>)		The proposed change adds appropriate prescriptions for monkey gum (<i>Eucalyptus cypellocarpa</i>) which is a primary food tree in Koala Management Area 4: Northern Tablelands in the Recovery Plan for the Koala (2008). see koala commentary
		Species name corrected: Western grey box (<i>Eucalyptus macrocarpa</i>) [<i>E. macrocarpa</i>]		The proposed change is administrative in nature.
		Inserts new listed species: Swamp gum (<i>Eucalyptus ovata</i>)		The proposed change adds appropriate prescriptions for swamp gum (<i>Eucalyptus ovata</i>) which is a primary food tree in Koala Management Area 5: Central and Southern Tablelands in the Recovery Plan for the Koala (2008).

	Birds	<p>Inserts new listed species:</p> <p>Superb parrot (<i>Polytelis swainsonii</i>)</p> <p>CMAs for application of prescription Central West, Lachlan, Murray, Murrumbidgee, Namoi, Western</p> <p>Prescription No forest operations are permitted within a 100-metre radius of all superb parrot known nest trees.</p>	<p>The proposed change includes appropriate prescriptions for the superb parrot (<i>Polytelis swainsonii</i>) which was listed as vulnerable under the <i>Threatened Species Conservation Act 2005</i>.</p>
		<p>Inserts three new listed species:</p> <p>Flame robin (<i>Petroica phoenicea</i>), scarlet robin (<i>Petroica boodang</i>) and hooded robin (<i>Melanodryas cucullata cucullata</i>)</p> <p>CMAs for application of prescription All except for Western</p> <p>Prescription No forest operations are permitted within a 50-metre radius of all flame, scarlet and hooded robin nests.</p>	<p>The proposed change includes appropriate prescriptions for the flame robin (<i>Petroica phoenicea</i>) which was listed as vulnerable in 2010, the scarlet robin (<i>Petroica boodang</i>) which was listed as vulnerable in 2010, and the hooded robin (<i>Melanodryas cucullata cucullata</i>) which was listed as vulnerable in 2001 under the <i>Threatened Species Conservation Act 2005</i>.</p> <p>AFG considers the prescriptions may too onerous, there are mechanisms elsewhere that allow for protection of nesting trees without exclusion zones.</p>
		<p>Inserts new listed species:</p> <p>Red goshawk (<i>Erythroriorchis radiatus</i>)</p> <p>CMAs for application of prescription Namoi and Northern Rivers</p> <p>Prescription No harvesting within a 100 metres radius exclusion zone around all red goshawk nests.</p>	<p>The proposed change includes appropriate prescriptions for the red goshawk (<i>Erythroriorchis radiatus</i>) which was listed as critically endangered in 2009 under the <i>Threatened Species Conservation Act 2005</i>.</p> <p>AFG considers the prescriptions may too onerous, there are mechanisms elsewhere that allow for protection of nesting trees without exclusion zones.</p>

	Threatened flora – specific prescriptions Table I	<p>Updated to reflect new species name, updated condition:</p> <p><i>Bertya opponens</i> [<i>Bertya</i> sp. Cobar-Coolabah]</p> <p>Condition Updated from A (50 m exclusion zone around all individuals) to B (20 m exclusion zone around all individuals).</p>		<p>The proposed change is administrative in nature.</p> <p>The proposed change is a more practical approach to facilitate cooperation with the Code, given the small size of the plant.</p>
	Inserts new listed species:	<p>Desert hopbush (<i>Dodonaea stenozyga</i>)</p> <p>CMA Lower Murray–Darling</p> <p>Condition E</p>		<p>The proposed change includes appropriate prescriptions for desert hopbush (<i>Dodonaea stenozyga</i>) which was listed as critically endangered in 2009 under the <i>Threatened Species Conservation Act 2005</i>.</p>
		<p>Black gum (<i>Eucalyptus aggregata</i>)</p> <p>CMA Central West, Hawkesbury/Nepean, Lachlan, Murrumbidgee, Southern Rivers</p> <p>Condition E</p>		<p>The proposed change includes appropriate prescriptions for black gum (<i>Eucalyptus aggregata</i>) which was listed as vulnerable in 2010 under the <i>Threatened Species Conservation Act 2005</i>.</p>
		<p>Yellow gum (<i>Eucalyptus leucoxylon</i> subsp. <i>pruinosa</i>)</p> <p>CMA Central West, Hawkesbury–Nepean, Lachlan, Murrumbidgee, Southern Rivers</p> <p>Condition H</p>		<p>The proposed change includes appropriate prescriptions for yellow gum (<i>Eucalyptus leucoxylon</i> subsp. <i>pruinosa</i>) which was listed as vulnerable in 2007 under the <i>Threatened Species Conservation Act 2005</i>.</p>
		<p><i>Tylophora linearis</i></p> <p>CMA Border Rivers–Gwydir, Central West, Namoi</p> <p>Condition E</p>		<p>The proposed change includes appropriate prescriptions for <i>Tylophora linearis</i> which was listed as vulnerable in 2008 under the <i>Threatened Species Conservation Act 2005</i>.</p>

River Red Gum	Mammals	Species removed from prescription: Large-footed (<i>Myotis adversus</i>)	The proposed change removes the large-footed myotis (<i>Myotis adversus</i>) from the Appendix. The large-footed myotis's habitat is strictly bounded by proximity to permanent water. As such, the bat is considered to be sufficiently protected by the prescriptions already in place for protection of streams under Section 4.4 of the Code.
	Mammals – Table E: Koala food trees	Species name corrected: Western grey box (<i>Eucalyptus macrocarpa</i>) [<i>E. macrocarpa</i>]	The proposed change is administrative in nature.
		Inserts new listed species: Swamp gum (<i>Eucalyptus ovata</i>)	The proposed change adds appropriate prescriptions for swamp gum (<i>Eucalyptus ovata</i>) which is a primary food tree in Koala Management Area 5: Central and Southern Tablelands in the Recovery Plan for the Koala 2008. See koala commentary
	Birds	Inserts new listed species: Superb parrot (<i>Polytelis swainsonii</i>) CMAs for application of prescription Central West, Lachlan, Murray, Murrumbidgee, Namoi, Western Prescription No forest operations are permitted within a 100-metre radius of all superb parrot known nest trees.	The proposed change includes appropriate prescriptions for the superb parrot (<i>Polytelis swainsonii</i>) which was listed as vulnerable under the <i>Threatened Species Conservation Act 2005</i> .

		<p>Inserts three new listed species:</p> <p>Flame robin (<i>Petroica phoenicea</i>), scarlet robin (<i>Petroica boodang</i>) and hooded robin (<i>Melanodryas cucullata cucullata</i>)</p> <p>CMAs for application of prescription All except for Western</p> <p>Prescription No forest operations are permitted within a 50-metre radius of all flame, scarlet and hooded robin nests.</p>		<p>The proposed change includes appropriate prescriptions for the flame robin (<i>Petroica phoenicea</i>) which was listed as vulnerable in 2010, the scarlet robin (<i>Petroica boodang</i>) which was listed as vulnerable in 2010, and the hooded robin (<i>Melanodryas cucullata cucullata</i>) which was listed as vulnerable in 2001 under the <i>Threatened Species Conservation Act 2005</i>. AFG considers the prescriptions may too onerous, there are mechanisms elsewhere that allow for protection of nesting trees without exclusion zones.</p>
	Threatened flora – specific prescriptions Table F	Inserts new listed species:	<p>Small scurf-pea (<i>Cullen parvum</i>)</p> <p>CMA Murray, Murrumbidgee</p> <p>Condition H</p>	<p>The proposed change includes appropriate prescriptions for the Small scurf-pea (<i>Cullen parvum</i>) which was listed as endangered under the <i>Threatened Species Conservation Act 2005</i>.</p>
			<p>Austral pillwort (<i>Pilularia novae-hollandiae</i>)</p> <p>CMA Lachlan, Murray, Murrumbidgee</p> <p>Condition H</p>	<p>The proposed change includes appropriate prescriptions for austral pillwort (<i>Pilularia novae-hollandiae</i>) which was listed under the <i>Threatened Species Conservation Act 2005</i>.</p>

GLOSSARY			
All Codes	Appendix - Glossary	<p>Definition of “accredited expert” added:</p> <p>A person accredited by the Minister as an expert for the purposes of this Code, the accreditation being on the basis of criteria approved by the Minister for the Environment and the</p>	<p>See Minor variation of Code above for further information.</p> <p>This is too broad. AFG would like to see what the criteria might be before agreeing to this addition.</p>

		Minister for Primary Industries.	
All Codes	Appendix - Glossary	Definition for “ Crown-timber lands ” added: As defined in the <i>Forestry Act 1916</i> .	The proposed change is administrative in nature. Not opposed
Northern Southern Cypress	Appendix - Glossary	Definition for “ drainage line buffer zone ” added: Land within ten metres of the top edge of the bank of any unmapped drainage line.	See 4.4. (7) above for further information. Not opposed
All Codes	Appendix - Glossary	Definition for EPA added: Environment Protection Authority in NSW. The EPA is an independent statutory authority constituted under the <i>Protection of the Environment Administration Act 1991</i> .	The proposed change is administrative in nature. Not opposed
All Codes	Appendix - Glossary	The term “ machinery exclusion zone ” has been removed. Land within 10 metres of the top edge of the bank of any unmapped drainage line.	See 4.4. (7) above for further information. Not opposed
All Codes	Appendix - Glossary	Definition of “ protected trees ” amended: <i>Allocasuarina</i> removed from protected trees	See Table D and 4.3(3)(b) above for further information. Not opposed
All Codes	Appendix - Glossary	Definition of “ recruitment tree ” amended: A large, vigorous tree capable of developing hollows to provide habitat for wildlife.	The proposed change removes the words “and which comes from the next smaller cohort than habitat tree” which is already described in the 4.2(6)(d). Not opposed

OTHER MISCELLANEOUS CHANGES			
Uniformly throughout all Codes	Multiple locations	Terminology throughout has been changed from “log landings” to “log dumps”.	The proposed change updates the Code to reflect the current terminology. Not opposed
Uniformly throughout all Codes	Multiple locations	Terminology throughout has been changed from “the Department of Environment and Climate Change” to “EPA”.	The proposed change is administrative in nature. Not opposed
Uniformly throughout all Codes	Multiple locations	Terminology throughout has been changed from “the Director General of DECC” to “the Chief Environmental Regulator of the EPA”.	The proposed change is administrative in nature. Not opposed
Uniformly throughout all Codes	Multiple locations	Terminology throughout has been changed from “net logging area” to “net harvesting area”.	The proposed change clarifies that the area in question is the area of harvesting only, and not of all forestry operations. Not opposed
Uniformly throughout all Codes	Multiple locations	Terminology throughout has been changed from “machinery exclusion zones” to “drainage line buffer zones”.	The proposed change updates the Code to reflect the current terminology. Not opposed
Uniformly throughout all Codes	Multiple locations	Terminology throughout has been changed from “spoil and fill” to “fill”.	The proposed change updates the Code to reflect the current terminology. Not opposed
Uniformly	Multiple	The Minister’s title, the name of the regulating authority, and	The proposed change is administrative in nature.

throughout all Codes	locations	references to clauses in this Code have been updated throughout	Not opposed
Uniformly throughout all Codes	Multiple locations	Terminology throughout has been changed from “bat” to “flying fox”.	The proposed change clarifies the animal in question. Not opposed

Acronyms

PNF Private Native Forestry

PVP Property Vegetation Plan