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Native Vegetation Regulation Review
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Submission to the draft *Native Vegetation Regulation 2012*

As a biologist, and having worked on large and small scale vegetation restoration and regeneration projects, I am aware that one of the key threatening processes in Australia today is the clearing of native vegetation, and that any such clearing further degrades the quality of our remaining native vegetation, thus reducing habitat for our fauna species. I am therefore pleased to have the opportunity of commenting on a review of the NSW Native Vegetation Regulation, and sincerely hope that it will further protect our remaining native vegetation rather than make it more vulnerable to clearing.

1. In general, I welcome the changes to the Biodiversity Values in the Environmental Outcomes Assessment Methodology (EOAM), with the provisos that the mapping database for vegetation types and habitat descriptions are thorough and transparent, and that there is a physical assessment conducted by a accredited professional to back up the vegetation mapping and database, and to look for threatened species or their preferred habitat. I believe that a scientifically based, logical prescription along with a step by step procedure when properly conducted is

more objective than sending out consultants to conduct transects in on-site assessments, has advantages in remote areas where accredited consultants may be thin on the ground. A well-prepared database is essential in making accurate predictions about the presence/absence of threatened species rather than having to actually find these often elusive birds/animals. It also implies that one central database is being used around the state, rather than many smaller databases that may or may not be similar and/or comprehensive. It also implies that the database contains a thorough and comprehensive description of every vegetation type that occurs in the state of NSW. The prescriptions for site value, riparian zones, connectivity and linkage condition within the EOAM, I believe are all positive additions to the site assessment for clearing applications.

2. It seems an apparent conclusion from the above paragraph that the database used for all environmental assessments (including private forestry) in New South Wales should be the same and be up-to-date and of the highest quality, so that the EOAM will have the greatest meaning. I have worked in an environmental state department and I am well aware that in the absence of any meaningful data, management decisions (always accompanied by deadlines) are made on the basis of figures plucked from the air. It also stands to reason that all these government departments should be legally bound to use and consider the information within the database. At present it could be argued that pertinent information is being ignored when it suits certain interests (eg Royal Camp State Forest, northern NSW – see below).

3. The Draft Private Native Forestry Code of Practice for Northern NSW (DPNFCP) I found far more problematic as an acceptable guideline for protecting biodiversity, riparian zones and erosion control. It has many serious shortcomings, and bodes ill for the healthy future of privately owned native forests in NSW. My first and still my strongest reaction is why private forestry is not subject to the EOAM, as are other types of clearing. Logging is clearing, similar to other forms of clearing but possibly in many more, smaller patches, thus affecting connectivity of forest patches most of all. Forest patches are a vital part of our biodiversity whether on private or public land, and contain threatened species as every other vegetation remnant. Paddock trees can also be important for connectivity, particular for tree dwelling mammals and small birds as a means for more safely crossing open ground. Thus they should

have protection along with other small patches of vegetation. Privately owned forests contain a valuable resource, not only in timber, but in biodiversity. The only reason that I can deduce that private forestry is being dealt with less scrutiny than other forms of clearing is political. There is also less protection for biodiversity and other natural assets than there is even for logging in public land. There is also no mention of how any assessment of private logging areas will be monitored by any government department. The Act will be made far more consistent by making all forms of clearing, thinning and logging subject to the EOAM assessment procedure, all using the same comprehensive and up-to-date database, and will also simplify regulation of the Act.

4. Regulation of any clearing or logging activities is only lightly touched upon within the 'Proposed Native Vegetation Act 2012'. Obviously this is an issue since it is unknown how many past clearing and logging activities have been illegal. It appears to me that this issue not only must be addressed, but must be consistent in it's practice. This would be far more easily done if the native forestry and clearing, as well as forestry on public lands were all subject to the same assessment rules and methods, that is, the EOAM. In the interests of regulation and transparency all the accredited expert assessments of clearing and thinning proposals should be available for public viewing on the OEH website.

More specific responses are as follows:

- In the Riparian assessment of the EOAM I could not find a definition of Zones A and B.
- I spoke to Mr Morgan Roach of NSW Forestry regarding the use of databases when assessing sites to be logged in State Forests. He said that a check with ATLAS (Wildlife Atlas) as well as an on-site survey by a qualified ecologist was mandatory before logging could proceed. However, recent logging at Royal Camp State Forest in northern NSW was revealed to be in the middle of a large koala population, and also contained other threatened tree dwelling mammals such as Yellow-Bellied Gliders. A document produced by North East Forest Alliance (NEFA) indicates that a map survey was completed, but showed only a fraction of the koala scats found by the NEFA survey. If a survey by a Forestry ecologist was undertaken, the information was either not used, or many koala scats under trees, and scratch

marks on the trunks of trees that have now been felled were not found by the ecologist, and the ecologist's report has not been made available. There was also a document produced in 1998 by a Forestry employee on a rare eucalypt. This report was ignored by Forestry in the latest logging operation and as a result, some of the rare trees have been felled. It appears that the practice of biodiversity assessment is quite different to what I have been told is being practised by Mr Roach. It is also frightening to see what sometimes happens in a forest where there is clearly a Key Threatening Process, that is, clearing of koala habitat. I also noticed that Mr Roach made a distinction between clearing and logging, however, as a biologist that really the only distinction between the two activities is a financial one. If we are really going to do anything about protecting biodiversity then clearing, logging and thinning must be considered as similar activities (according to their effects on connectivity, resilience of remaining plants, opportunities for exotic weed infestations, etc) and be assessed using the same methods.

- Other comments regarding the DPNFCP pertain to the reduced protection of habitat and diversity. Why are not ALL habitat and hollow-bearing trees being retained, rather than the 10 hollow-bearing trees per two hectares, as an obvious protection for biodiversity? A clear distinction must be defined between hollow-bearing trees and recruitment trees, so that there can be no confusion during the assessment process. The maximum slope is 30°, however the soils of north-eastern New South Wales are subject to massive erosion if slopes of a 30° incline are severely disturbed, as most residents in the area are all too aware. I recall that the slope for clearing and planting banana crops was 25° and that it was the same for logging. Even then, some severe erosional impact was often noted. Riparian and exclusion zones for third order streams should be at least 10 metres, rather than the five metres stated. When considering damage to the ground vegetation layer during logging operations, perhaps it should be referred to as the native herb layer, rather than the 'grass' layer. Endangered ecological communities should not be subject to any kind of clearing or logging or thinning. The clearing of planted native vegetation should be subject to the same restrictions as clearing remnant vegetation.
- Thinning vegetation will always decrease the quality of the vegetation and affects connectivity, as does logging. Thinning in areas of bell miner dieback (which is increasing rapidly) will increase the severity of the dieback and increase the concentration of lantana, and is recognised as a Key Threatening Process within

the Act. Clearing or thinning of any local native species should also not be allowed in riparian zones, in either Zone A or B. The removal of some plants will negatively affect the resilience of the remaining plants in unknown ways, since forest plants depend on the close proximity of other plants for their continued good condition. Thus thinning activities should also be subject to the EOAM assessment process as above.

I hope that you find the above relevant. If you wish to contact me for further information, my contact details are at the top of this letter.

Yours sincerely

Maggie Wheeler