



North Coast Environment Council Inc.

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Native Vegetation Regulation Review
Conservation Policy and Strategy Section
Office of Environment and Heritage
Level 12, PO Box A290
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Dear Sir/Madam,

Submission on the Native Vegetation Regulation Review, August 2012

Preamble

The Review of the Native Vegetation Regulation has become a political exercise aimed at removing restrictions on landowners, primarily farmers, who resent restrictions on their right to farm as they see fit on their own land.

The displays by the vociferous audiences at Grafton, Kempsey and Tenterfield and elsewhere showed almost a complete antipathy towards environmental protection and an orchestrated move to present a motion to scrap the Native Vegetation Act (NVA).

Conservationists who were prepared to attend were appalled by the aggressive nature of the participants which has become common place with this sort of “community” consultation which is not true consultation anymore when a biased result is guaranteed.

A shorter meeting of a few conservationists from the North Coast Environment Council with the Catchment Management Authority (CMA) and Office of Environment and heritage (OEH) held at Coffs Harbour came up with a completely different point of view on the need to protect native vegetation and the ecosystems which depend on it.

The politicised nature of this review has now reached farcical stage with the Shooters and Fishers announcing they will move a Bill to scrap the NVA.

As pointed out by the NSW NCC the Native Vegetation Act 2003 has played a critical role in stabilising the extent of native vegetation in New South Wales. The integrity of the legislative scheme is underpinned by the application of detailed regulations and a robust methodology for the assessment of environmental outcomes.

Despite the continued loss of important vegetation and constant allegations of breaches of the Native Vegetation Act Regulations in the past the response from Government has been to remove responsibility for assessment of vegetation and type, threatened species, cumulative impact, EECs and conservation management practices from the CMAs and hand it to the very people who have caused the need for the NVA (2003/5) in the first place.

Although determination of breaches was very difficult for the public and often unseen, there were still 22 successful prosecutions under the NVA from 2007 to May, 2012 with fines ranging from zero to \$400,000.

To now promote a scheme which depends in some considerable part upon self-assessment and self-education by the practitioners is fraught with danger and leaves the popular defence of ignorance of the CoP and vegetation status and condition open to abuse.

The commitment to more user friendly compliance enforcement is a further green light for consistent breaches and cumulative erosion of environmental values.

RAMAs

Under the proposed changes, landholders will be able to clear for a range of activities without needing approval from the local Catchment Management Authority.

A revitalised extension and education campaign from the CMAs will make sure that landholders have the information and support they need to understand what is required under the codes of practice (CoPs) before they begin clearing.

Currently the NR CMA has 3.2 officers to service all the landholders from Port Macquarie in the south to Tweed Heads in the north and west to Armidale. The Australian Bureau of Statistics states that there 8000 registered primary producers in the NR CMA, the most of any CMA in Australia with the Central West second with 5000 registered primary producers. As well it is noted that the NR CMA (pop. 500,000) is the fastest growing CMA area with 40 ha. the average size of farms.

The CoPs will be made by the Minister in ministerial orders which will be formed with consultation with the community. In the NR CMA it seems there are 500,000 local stakeholders to decide practices in vegetation that belongs, it could be argued, to Australia..

From past experience these consultations will be dominated by a small loud section of the 5000 landowners, a process which might be compared to foxes designing a henhouse.

The RAMAs for which approval will no longer be required include:

- *clearing of native invasive plant species through burning, chemical spot treatment or grubbing, if these things are done in accordance with a code of practice*
The issue here will be the determination of "invasive" as one man's invasive species might be a scientist's EEC. In many species it will be regrowth in any case (e.g. SSF)
- *thinning of native vegetation, if done in accordance with a CoP*
There is a potential here for a financial incentive to stimulate excessive thinning "help" to the native species.

- *clearing of planted native vegetation, unless it was planted using funds provided for biodiversity conservation, improving water quality, reducing soil salinity, preventing land degradation, or carbon sequestration*

Some planted native vegetation will have been planted for habitat or corridor and may be serving exactly that purpose and should be also protected. There needs to be environmental assessment before vegetation can be cleared.

- *clearing for environmental works (for example , ecological fire management or revegetation and rehabilitation activities) if done in accordance with a CoP*

At the time of writing the local news has reported over 100 escaped fires from landowners (tip of the iceberg). It is disingenuous to allow every landowner in NSW to claim environmental works, and use fire to do so, when there are so many cases of irresponsible behaviour.

- *clearing done under “conservation-related agreements’ such as conservation agreements under the National Parks and Wildlife Act 1974 or BioBanking agreements under the Threatened Species Conservation Act 1995*

Clearing under conservation agreements should rightly be approved by the NPWS and BioBanking is not seen to be able to consistently supply like for like offsets.

- *clearing for construction, operation and maintenance of sheds, permanent boundary fences, dwellings, or telecommunications infrastructure on private land.*

This RAMA appears a very dangerous example of a method of clearing whole blocks of land by multiple dwellings ,sheds, fences and so that buffers or APZs will eventually denude the block of any and all vegetation no matter what its environmental value.

Red tape is further reduced through the creation of the new streamlined assessment process in the EOAM (Environmental Outcomes Assessment Methodology). Under existing arrangements , landholders can experience delays in getting approval for certain types of clearing. New streamlined assessments for PVPs means certain types of clearing can be assessed more quickly. These are:

- *Clearing paddock trees or small clumps in cultivation*

Often these paddock trees and small clumps were required under previous conditions of clearing. They can often constitute stepping stones and the only way for migration and genepool exchange for threatened species. Many of these paddock trees are also hollow-bearing trees. The removal of hollow-bearing trees is a Key Threatening Process. A hollow-bearing tree could be providing nesting hollows for several species of birds and small mammals, such as bats.

There have been examples where paddock trees have been removed and grain crops have been over-run by rodents that were being kept in check by owls, that were using the hollows in the paddock trees. Artificial hollows in the form of nesting boxes were then used to try and tempt the birds back.

- *Pasture cropping*
- *Clearing very small areas.*

These changes will allow farmers to clear without delay, giving them the opportunity to take advantage of seasonal conditions to act and thus saving them time and money.

Without delay implies something that was not there for the previous 25 years just sprang up. The very small areas may be remnant EEC or threatened species.

The NVA has attempted to conserve, maintain or improve environmental outcomes at a time when there was enormous community alarm at the rate at which we were losing vegetation, habitat and the fauna species which depend upon it.

The Review now sets the scene for broadscale clearing by a thousand cuts, a cumulative consequence of thousands of small to medium clearances at the whim of thousands of landowners. This is at a time when we should be conserving not only high conservation value vegetation but also even important low quality native vegetation which could be rehabilitated and linked to form the corridors we will need under the effects of global warming with the predicted need for species migration.

Service Delivery

The fact Sheet 1 claims there will be improved service delivery from the implementation of the proposed changes which will no doubt speed up time for the clearing of vegetation by landholders. That is undoubtedly true considering the removal of qualified assessment and compliance checks together with greater flexibility in rules and voluntary compliance.

The other certainty flowing from the “New approach to native vegetation management” is increased clearing of native vegetation and the abandonment of the “maintain or improve” outcomes of the Native Vegetation Act.

Conclusion

The only way this system has any chance of working is greatly enhanced personnel resourcing of the CMAs to carry out extension (whatever that means) and education of every landowner in NSW.

There needs to be a clear explanation of how the greatly increased rate of clearing which is anticipated will be assessed to see if it was done under the Codes of Practice. Surely the honesty system is not enough in such a serious situation of enforcement of an Act.

Codes of Practice with integrity must be developed in cooperation of the NSW Scientific Committee and the NRC.

Consultation in a safe atmosphere with more than just one vociferous segment of the community participating must be provided. Separate meetings given more equal value will be essential.

Much greater attention to the environmental principles of the original NVA and less attention to the servicing of the landowner community will be necessary.



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Submission on the Review of Private Native Forestry, August 2012

The North Coast Environment Council was formed in 1976. We are the peak umbrella environment group in northern NSW. We cover the area from the Hunter to the Tweed and west to the New England Highway. We also actively support other campaigns further afield. We receive no government funding and have no paid staff or central office. Our members and office-bearers work around the region, often travelling large distances to assist others as we organise in our defence of the environment and the communities it sustains. We rely on donations and the efforts of our members and volunteers, to remain effective.

We have actively campaigned for the regulation of Private Native Forestry for twenty years. Despite the veneer of regulation, the results are a great disappointment.

The management and regulation of PNF in NSW has been an expensive failure. More than \$37m was provided to the industry. \$29.3m for industry assistance, \$4m for training and \$3.7m for program delivery. At least \$10m of these funds came from the NSW Environmental Trust. Despite this massive investment there is no information to suggest that PNF is maintaining or improving environmental values as required under the Native Vegetation Act 2003 and there is no meaningful information about the size of the industry and its impact.

The greatest failings of the current Code are not addressed in the proposed changes. They are:

- 1. No scientific evidence has been gathered to test the assertion that PNF conducted under the Code is maintaining or improving environmental outcomes. We assert that it is not.**
- 2. No surveys are required for threatened species or cultural heritage values prior to logging and thus no protection provided for these values.**
- 3. The prescriptions for the protection of threatened species are virtually never applied as there is no requirement to look for such species, most foresters and contractors don't know how to identify them and it is not in their interest to do so.**
- 4. The prescription for the koala was meaningless given the number of SEPP 44 Koalas Plans of Management in existence, the suggestions in the discussion document fail to address the key problems.**
- 5. The Biodiversity Certification awarded to logging under the PNF CoP is a monumental abuse of a legal instrument.**
- 6. There is no requirement to register threatened species sightings on the Wildlife Atlas, thus there is no information collected about such species on private land and whether**

or not they are being identified in logging operations. It is our assertion that they are not.

7. The minimum standards for tree retention (Table D) are unauditable and are thus easily thwarted.
8. High conservation value areas are available for logging, with only a 5m logging exclusion on most streams and no protection for refugia or corridors.
9. Steep lands (those greater than 18 degrees) that were previously Protected Lands under the Soil Conservation Act are available for logging without site inspection. Considering the estimates of soil loss due to disturbances such as vegetation removal on steep slopes, logging on these slopes is highly likely to be causing significant downstream sedimentation and turbidity, and there is no monitoring being conducted to check this.
10. There are loopholes that allow extensive logging of Oldgrowth Forests (OG) and Rainforests (RF).
11. Endangered Ecological Communities (EECs) and now Vulnerable Ecological Communities can be logged under certain circumstances.
12. There is no requirement for an assessment of sustained yield prior to logging and no constraints on return times or cutting cycles.
13. The few areas from which logging is excluded are given no permanent security and some can be cleared via RAMAs.
14. PNF Property Vegetation Plans are not available to the public like all other PVPs.
15. The data collected via annual returns fails to capture the true scale of the logging.
16. It sets a limit of 10% of any property to be excluded from logging, after which landholders can apply for a variation to access high conservation value areas- and this is now to be changed so that potentially even more of the HCV areas can be logged if an 'expert' (forester?) says so.
17. Most of the Department (taxpayer) resources goes on promoting PNF and very little on auditing.
18. While significant public funds are expended on trying to encourage landholders to protect native vegetation, replant riparian area and habitat corridors, the PNF CoP facilitates the destruction of mature vegetation of high conservation value.
19. The PNF Register is not properly maintained. At the time of writing in August 2012, the last PVP registered is for February 2012. There are thus some 6 months worth of approvals that have not been added.
20. Bell Miner Associated Dieback is an extremely significant threat to the health of the most productive, moist coastal eucalypt forests. More than 100,000 hectares are presently affected and expert modelling predicts that some two and a half million hectares are at risk of BMAD. BMAD was declared a Key Threatening Process by the NSW Scientific Committee in 2008. There is sufficient evidence to show that unmitigated forest disturbance is a primary causal factor in initiating BMAD, yet there is no mention of BMAD in the review document or requirement for effective post logging rehabilitation to reduce the risk of BMAD development.

Each of these are expanded below, before specific comments are made about each proposed clause.

1. No scientific evidence has been gathered to test the assertion that PNF conducted under the Code is maintaining or improving environmental outcomes. We assert that it is not.

On almost every environmental value: biodiversity, retention of hollow-bearing trees, recruitment of trees for future hollows, water quality, stored carbon in vegetation, to name but a few, there is a decline. Many of these would be measurable should the Government decide to take its obligations to protect the environment seriously. Private Native Forestry sees the removal of the larger trees, destruction of hollow-bearing trees (through logging, fire, windthrow, felling for OH&S). It sees the degradation of threatened species habitat, inevitably leading to the loss of individuals and in some cases of populations. The habitat requirements are clearly identified but there is no requirement for them to be protected. Steep slope logging is leading to erosion and problems with water quality. Where are the peer-reviewed and independent studies that show that logging is improving the environment or at least not degrading it? There are none.

2. No surveys are required for threatened species or cultural heritage values prior to logging and thus no protection provided for these values.

The greatest failing of the Code is with respect to Threatened Species. We have outlined below how one of the main 'surrogates' for threatened species habitat, ie oldgrowth forest, has been 're-assessed' off the map and therefore those areas of forest are not being protected. We ask: is the dataset for oldgrowth forest being adjusted accordingly to that when the State is required to report on areas of forest protected, these areas made available for logging are not included? Or is the State still using the data layer to give figures about protected forest areas that bear no relation to reality on the ground?

Under the previous legislative regime that required pre-logging assessment before logging could be carried out on steep slopes, or where there was known evidence of threatened species, there was more protection than under the PNF CoP.

It is nothing short of outrageous that the Government is prepared to provide a whole raft of expertise and information to facilitate logging while completely abrogating its responsibility to threatened fauna and flora. The only way to determine whether threatened fauna and flora are present is to survey.

The NCEC was involved in a case where the landholders wanted to 'do the right thing', and agreed to a pre-logging survey at our suggestion. They were of the view that the forest had previously been heavily logged and there were no high conservation values present on their 1000 ha block. A survey by qualified ecologists found an EEC, and several threatened species including one of the largest aggregations of yellow-bellied glider feed trees they had seen. These values could then be protected. The cost of the survey was a legitimate business cost and tax deductible. This example clearly demonstrated the point that even those with the best intentions can't necessarily identify threatened species or EECs, it takes an expert. It also showed that the costs are not significant compared to the profits gained from the timber, nor is the survey processing time-consuming. It also demonstrates the likelihood that threatened species and their habitats are being destroyed and trashed by PNF because no-one is looking for them, and they thus go unprotected.

The PNF CoP both current and proposed, completely fails to provide protection for threatened species. It should not be given Biodiversity Certification by the Minister for the Environment.

Many of the species listed on threatened species schedules have among their threats : degradation and fragmentation of habitat due to logging and clearing; inappropriate fire regimes; loss of oldgrowth habitat elements such hollow-bearing trees, stags etc. Because of the exceptional biodiversity of Australian forests, particularly that of Northern NSW which is recognised as a Global Biodiversity Hotspot (and which is where the overwhelming majority of PNF occurs), many forests still provide some habitat elements for at least one threatened species. In order to know how to 'maintain' the element for the species present, it is absolutely fundamental that a search for threatened species be carried out.

The suggestion that threatened species are protected by surrogates such as oldgrowth, rainforest and riparian areas is false, as in practice these are not being protected. Similarly there are numerous outs for not maintaining the minimum specified number of habitat trees such as OH&S. Furthermore there is no evidence that these minimums are actually sufficient. On the contrary, a new study by Ross Goldingay suggests that species using hollows need multiple hollows.

He asks “Why do individual animals need more than one tree hollow? A set of hypotheses have been advanced to explain this: to minimise predation risk; to minimise foraging costs – moving hollows may reduce distances required to travel to sources of food; to provide home-range defence – shifting of den sites may more readily advertise that an area is occupied, pre-empting the incursion of trespassers; to optimise thermal buffering – den sites vary in their thermal properties, which may require changing dens on a seasonal basis to ensure exposure to an optimal microclimate in the nest; to reduce the parasite load – fleas, ticks and lice, for example, build up in shelter sites. These hypotheses are not mutually exclusive, with several potentially applying to a given species.”

The same problems arise with the issue of cultural heritage -both indigenous and non-indigenous. Without someone who knows what they are looking for doing a pre-logging survey, it cannot be assumed that sites will be identified and protected by contractors.

3. The prescriptions for the protection of threatened species are virtually never applied as there is no requirement to look for such species, most foresters and contractors don't know how to identify them and it is not in their interest to do so..

The Codes contain a set of 'Listed Species Ecological Prescriptions' that are supposed to provide protection from logging for some threatened species. However, these prescriptions are only triggered where there are known records of a threatened species and there is no requirement to do any survey for threatened species. Since there are few or no existing records for threatened species on private land, these prescriptions will very rarely, if ever, be triggered and so won't provide any protection for threatened species on the ground.

It is not in landholders interest to identify threatened species. If they do so, and put them on their Forest Operations Plan, they are then required to abide by the prescription, and they can be audited on their implementation. If they don't identify the species, don't put it on the FOP, then there is nothing to implement or audit. Thus there is a perverse incentive to keep threatened species out of the picture.

The only way the CoP can protect threatened species is by requiring accredited surveyors to survey and recommend appropriate prescriptions for the protecting of those species they identify.

Can the Department tell us, of all the FOPs audited... how many included threatened species sightings that had been made in the field?

4. The prescription for the koala was meaningless given the number of SEPP 44 Koalas Plans of Management in existence, the suggestions in the discussion document fail to address the key problems.

The PNF CoP has particularly failed the koala.

The PNF CoP for Northern NSW states that “*Forest operations are not permitted within any area identified as ‘core koala habitat’ within the meaning of State Environmental Planning Policy No. 44 – Koala Habitat Protection*”. Despite SEPP 44 being in existence for almost 20 years there are still only three LGAs that have KPOMs under the SEPP. This has meant that NO koala habitat has been protected in logging operations despite them occurring in areas known to be high quality habitat.

Coffs Harbour LGA was keen to ensure that their koala populations were protected and they worked collaboratively with the NSW Environment Department (then NPWS) to get their Koala Plan of Management approved in 1999. Coffs Harbour is a stronghold for the koala, and much of the remaining forest in the LGA is 'core koala habitat' as defined by the SEPP. In fact the Coffs Harbour KPOM, makes a clear reference to the fact that ‘core koala habitat’ constitutes all three habitat categories delineated on the Koala Habitat Planning map. It states that:

“The Koala Habitat Planning Map forms the basis for the identification of areas of core koala habitat meriting protection through the planning provisions of the Coffs Harbour City Council Local Environmental Plan (LEP) 1999. Clause 12 of LEP 2000 requires that the consent authority shall not grant consent to any development on lands mapped as Primary, Secondary or Tertiary Koala Habitat or on lands adjoining Primary Koala Habitat unless the development is in accordance with this KPOM”.

However, in 2010 it became clear that DECCW had issued 60 PNF PVPs over core koala habitat as delineated on the Koala Habitat Planning Map in the Coffs Harbour Koala Plan of Management Those PVPs cover approximately 1,890 hectares of mapped core koala habitat.

Since then the Environment Department, in all its various iterations, has steadfastly refused to accept the definition of core koala habitat in the KPOM. Logging has been allowed to continue in areas where there are known koala populations and the Department has not only done nothing about it, it has sanctioned it, encouraged it and played hard ball with Coffs Harbour City Council. The suggestion for example, that koala records in the CHCC KPOM don't count because they are not contemporaneous is absolutely outrageous. This from a mob who refuse to recommend contemporaneous looking for anything!

Now the Department has produced a discussion paper to “generate input from the community on how to identify and protect important koala habitat under the PNF Code of Practice.”

We suggest that the Department would be well advised to go and read the NSW Koala Recovery Plan. We include some salient quotes here:

“As more information is gathered, it is clear that the definitions of koala habitat in SEPP 44... are not able to identify all habitat of importance to koalas. Currently, the list of koala food trees in Schedule 2 which are used to identify potential koala habitat comprises only 10 species. Given the considerably greater variety of food tree species used by koalas across the state, the current

Schedule 2 does not list all of the koala food trees which are important for the survival of koalas throughout NSW. Consequently, habitat of importance to koalas will not always be identified and adequate protection and management of koala habitat does not always occur.”

Current work is showing that koalas are concentrated on flat, fertile, low-elevation soils and are not widely found in public forests, particularly national parks. The implication from this finding is that although pockets of koalas are conserved in parks and reserves, the bulk of the population resides outside these parks, reserves and state forests.

Koala populations on the NSW North Coast are scattered, of medium density and predominantly occupy secondary (class A) habitat.

Similarly, other studies in north-eastern NSW (Phillips 1994; Callaghan and Phillips 1998) have established home ranges for individual koalas of 13–15 ha. Studies in Port Stephens have established home ranges of 0.2– 500 ha, with an average of 80–90 ha (D. Lunney, NPWS, pers. comm.).

Smith and Andrews (1997) found that koala activity was greater in structurally diverse forest with the majority of trees 50–80 cm diameter at breast height (dbh). White (1999) found that koalas preferentially utilise trees between 25.5–80 cm dbh, with under-utilisation of trees less than 25.5 cm dbh. Lunney et al. (2000a) found that the koalas in the Coffs Harbour area favoured trees of 50–60 cm dbh and greater than 120 cm dbh.

Areas which support koala habitat but do not currently support koalas are important for the future recovery of the species by providing habitat into which recovering populations can disperse. Furthermore, native vegetation which does not necessarily support koala food trees but which forms a buffer between primary or secondary habitat and urban and/or rural development (to reduce edge effects), a corridor or link between areas of primary or secondary habitat (see Scotts and Drielsma 2003), or a refuge from fire, should be categorised as tertiary koala habitat. Such habitat may not provide important foraging resources and therefore may not necessarily support resident koala populations, but may still provide resources important to the survival of koala populations.

Monitoring of the effectiveness of the PNF codes of practice and specifically the prescriptions to protect koalas and their habitat, needs to be undertaken...

Performance criteria of Recovery Plan

Criteria to indicate that the health and viability of koala populations in NSW is improving will be:

- maintenance of existing populations (i.e. no local extinctions)*
- improvement of the extent and quality of habitat and protection of priority habitats and sites*
- an increase in the numbers of breeding females, together with a corresponding decrease in records of juvenile mortality*
- an increase in the general health of animals in the wild (e.g. less overt signs of Chlamydia infection or other illness)*
- an expansion in distribution and the presence of koalas in all areas of primary koala habitat*
- an increase in community reports of koala sightings.*

And finally Action 1.8 from the Koala Recovery Plan is “DECC will identify important koala populations in NSW for active management, monitoring and conservation.”

- ◆ The EPA needs to immediately incorporate the Koala Recovery Plan information into the*

PNF CoP.

- ◆ Important koala populations need to be identified. It is unbelievable that almost four years after the KRP was approved, this action has still not been done!
- ◆ The home ranges of these populations need to be mapped as a matter of urgency -across tenure- and those home ranges protected from logging and clearing.
- ◆ Schedule 2 of koala feed trees needs to be immediately updated with the regionally specific information available in the Koala Recovery Plan. It should include all koala feed trees.
- ◆ Koalas prefer larger trees... logging takes the largest trees. There is a clear incompatibility with logging in koala habitat. Large trees must be protected in potential koala habitat.
- ◆ Koalas also use a range of other trees for different purposes. Trees should be retained for koala usage as well as koala feed trees. The list of preferred species by region is in the Koala Recovery Plan.
- ◆ The recommendation that there needs to be monitoring of the effectiveness of the PNF CoP, specifically its prescriptions that are meant to protect koalas and their habitat, should be immediately acted upon. Given the Department issues the logging approvals, this work should be commissioned from independent fauna surveyors.

The Koala Recovery Plan refers to habitat which is important to koalas. What is 'important koala habitat'. We think it is koala habitat that is being used by koalas or is near other habitat being used by koalas and is thus likely to be used, or could potentially be used, should a population grow. It is important to remember that koalas are under threat and the species has just been listed under the Federal EPBC Act. This means we have a responsibility to not just protect existing koalas, but to provide for their population expansion.

The options suggested in the discussion paper will not protect koalas or their habitat. Firstly they only refer to areas that have a KPoM, many LGAs with important koala habitat still don't have a KPoM. Secondly it tends towards a minimalist view of core koala habitat (as evidenced by departmental negotiations with Coffs Harbour City Council), thirdly it contemplates the status quo which is clearly not protecting koalas or their habitat.

The NSW Government has flagged that it intends to abolish the SEPPs under its proposed changes to the planning system. **It is therefore vital that the EPA develop a koala conservation strategy that is not dependent on or linked to SEPP 44. We believe that the SEPP provision could be replaced by multi-tenure plans covering individual LGAs or regional Koala populations.**

Our view as to how this can be done is:

i) Where there is an existing KPoM that identifies 'important koala habitat'.. regardless of whether it is called 'core', 'primary, secondary, tertiary', 'preferred, supplementary' etc this habitat should be excluded from logging. Where a landholder objects, they could pay the Council to organise a koala habitat assessment to determine if any areas of their property are not koala habitat and could therefore be made available for logging. This work should be commissioned and overseen by the Council rather than the landholder to ensure that it is done without fear or favour. Logging should be excluded from all areas found to be koala habitat. This is not dissimilar to the 8 part test that applied to logging in koala habitat under the previous legislative framework. Landholders were

prepared to pay then for the necessary work. It is outrageous that the Department appears not to contemplate any situation which doesn't allow logging 'as of right'. There is no other development that can kill threatened species that can occur 'as of right'.

ii) For all those areas without a KPoM the precautionary principle needs to be applied. That is all koala preferred food trees (and the list needs to be updated and made specific to each LGA) should be off-limits to logging. This would no doubt lead to encouragement from the logging industry for local governments to finalise their KPoMs. This system could be replaced if the Environment Department or a local government were to undertake fine scale habitat mapping (preferred forest types, koala habitat and corridors). Where such mapping exists, 'important' habitat should be identified and no logging allowed. Such mapping could also be carried out at a property scale, but there needs to be a separation between the landholder and those undertaking the work, to ensure it is genuinely independent.

iii) Across the entire PNF estate, all trees with evidence of koala usage ie scats, scratches, should be retained and appropriately buffered.

iv) Where there is a possibility of koala usage of an area, koala feed trees must be left from the largest size cohort of available food trees. Other tree species that koalas use should also be retained.

It is important to remember that logging is a primary threat to koalas. It destroys, fragments and degrades koala habitat, it removes canopy connection forcing the animals to the ground in order to move from tree to tree, making them vulnerable to dog attack, attacks by cattle, and vehicle strike. Logging debris increases fuel load that contribute to dangerous fires, another major threat to koalas, and it is well established that physical disturbance and habitat loss through logging, causes stress that leads to deadly diseases such as chlamydia.

5. The Biodiversity Certification awarded to logging under the PNF CoP is a monumental abuse of a legal instrument.

The PNF CoP overrides the provisions of the 1938 Soil Conservation Act and allows private land on up to thirty degree slopes to be logged with minimal generic standards for erosion mitigation and biodiversity protection. There are no requirements for pre-logging biodiversity surveys even in areas where modelling strongly suggests the occurrence of threatened species. The PNF CoP has been given 'biodiversity certification' which exempts operations from threatened species legislation, additionally all logging carried out under the PNF CoP has been 'deemed' (by an act of parliament) to improve or maintain environmental outcomes.

The PNF CoP thus promotes ignorance as an excuse to destroy threatened species and their habitat.

The granting of Biodiversity Certification by EPA (formerly DECCW) was supposedly influenced by a number of 'surrogates' which were considered to mitigate the impact of logging, at least at larger, more regional scales. These included things such as minimal requirements of basal area and habitat tree retention and minimal buffers on riparian and other landscape features. However a major component of the surrogate measures was the Old Growth and Rainforest protocols which protected extensive areas of these features which had been mapped on private land from logging, particularly in steep upper catchments. This would ensure that at least some significant Threatened species habitat would be given protection and offset some of the expected losses of biodiversity due to forestry. (Additionally, endangered ecological communities were likewise considered to be excluded from logging).

6. There is no requirement to register threatened species sightings on the Wildlife Atlas, thus there is no information collected about such species on private land and whether or not they are being identified in logging operations. It is our assertion that they are not.

A review of additions to the Wildlife Atlas shows that almost none have come from private forestry land. It should be a requirement that where (and in the unlikely event given the CoP) a threatened species is identified in the field, it should also be registered in the NSW Wildlife Atlas. Then the public and the custodians of threatened species- the Environment Department- could have a picture of threatened species across the landscape. Even the koala, which is not nocturnal and is probably one of the easier species for the lay person to identify has not been the subject of any listing resulting from PNF that we could ascertain. A template for registration of threatened species with the Wildlife Atlas could be included as part of the FOP template.

7. The minimum standards for tree retention (Table D) are unauditible and are thus easily thwarted.

There is no evidence that the tree retention levels required in Table D are sufficient habitat to ensure that the species which depend on them will survive into the future. In fact there is a growing body of evidence which suggests they are unlikely to be sufficient (see work of Ross Goldingay). Given that it is absolutely vital that this prescription be strictly enforced in the field and a key focus of auditing. Unfortunately the wording of the prescription which mirrors that on public land is unenforceable. The Department seems to be of the view, that the prescription is an average across the entire net logging area. Clearly the work involved in finding and counting habitat and recruitment trees across tens of hectares is not feasible -particularly given the difficulties of large amounts of logging debris making movement on the ground extremely slow.

There are two solutions to make this prescription meaningful: either H and R trees are permanently marked on a GPS and their locations can then be easily checked and the numbers verified OR the required number of trees must be retained in any 2 Hectares. That is, only 2 hectares would need to be sampled where it appeared there might be a problem. Without one or other of these mechanisms there is no possibility of the Department claiming that the requirement is being met.

The requirement that roost, nest or food resource trees must be retained is well meaning... but who is to identify them. Again, don't look, don't find.

8. High conservation value areas are available for logging, with only a 5m logging exclusion on most streams and no protection for refugia or corridors.

Riparian areas are one of the few features and potential habitat 'surrogates' that can be accurately mapped, measured and monitored. As well, they have the potential to form one of the few integral corridors across a catchment and their role in protecting water quality is vital to catchment health. For the PNF CoP to provide only a 5m logging exclusion zone is shameful. Riparian areas are often rainforest. There is a species gradient from the gullies to the ridges of rainforest species to drier eucalyptus species. Rainforest riparian areas are key to slowing wildfire. It is not possible to log in an area and retain all rainforest species. Apart from the damage caused by logging machinery, the light and thus heat that enters those areas after logging favours species such as eucalypts. One of the long-term effects of this is to make the overall landscape more fireprone.

9. Steep lands (those greater than 18 degrees) that were previously Protected Lands under the

Soil Conservation Act are available for logging without site inspection. Considering the estimates of soil loss due to disturbances such as vegetation removal on steep slopes, logging on these slopes is highly likely to be causing significant downstream sedimentation and turbidity, and there is no monitoring being conducted to check this.

Much of the land now being logged is coming from the steep upper catchments of the north coast and tablelands. Previously logging was restricted by protected land legislation under the 1938 Soil Conservation Act.

State Protected Land (Category A) applied to most land with slopes greater than 18 degrees and formerly required consent for logging from State Government authorities. The consent process required on site inspection by departmental staff who could refuse the application or approve it with conditions. The process would identify the need for more detailed biodiversity surveys (at the landholders expense) and set site specific conditions to protect the environment prior to any tree removal being approved. This process alone was a disincentive for many landholders to even consider logging these areas and is the reason that they contain the last significant stands of large trees on private land.

10. There are loopholes that allow extensive logging of Oldgrowth Forests (OG) and Rainforests (RF).

To qualify for protection under PNF CoP, Old Growth needs to be at least five hectares in size and have minimal signs of disturbance. After making a number of FOI requests for PNF PVPs NCEC was able to determine that there appeared to be considerable bias by DECCW PNF staff in the re assessment process regarding the measurement of disturbance, where a couple of very old cut stumps or an old fence was enough to disqualify the area from protection as OG and allow logging without any requirement for threatened species survey. Yet it is known, irrespective of the minimal disturbance these areas of over mature forests are biodiversity hotspots and critical habitat for a raft of threatened species.

Old Growth forests on private land have been reassessed at landholders request with little justification and free for all. There is no cost for PNF PVPs, the maps and air photos, or site inspections and surveys as part of the re assessment process. This is a large cost to tax payers which allows landholders to reap the very lucrative timber royalties at the expense of the environment. (Most other forms of development have to pay their own way)

It was never intended that a low level of disturbance which does not affect the structure or ecological function of Old Growth would be used to declassify and make it available for logging. We know that prior to 2010 some 8,000 ha of oldgrowth had been wiped off the map following 'reassessment'.

PNF approvals are legal contracts for fifteen years and are now so extensive on the North Coast that there will soon be very few forested areas of private land not covered. The process effectively quarantines these areas from other conservation initiatives, including areas that have been mapped and identified in other government funded projects aimed at identifying and protecting HCV land.

The NCEC complained for over a year that Oldgrowth and Rainforest was being made available for logging due to a bias in PNF staff. Eventually the Department commissioned an independent Quality Assurance assessment. The results revealed as serious case of maladministration of a legal instrument and demonstrated a disturbing mix of incompetence and disdain for the rule of law. The

assessment found that there were major problems with the way the Department were applying particularly the oldgrowth protocol. For more than a year we have been told we would be informed as to how these problems would be rectified. There has been a deafening silence from the Department. The initial suggestion from the Deputy Director-General that there would be some sort of 'compensatory habitat' in recognition of the error, has failed to materialise.

11. Endangered Ecological Communities (EECs) and now Vulnerable Ecological Communities can be logged under certain circumstances.

The CoP allows for logging in EEC where there is an Ecological Harvest Plan. It seems where industry needs timber from an EEC, it can be made available via this mechanism. This has been the case with the Raymond Terrace Masonite Plant which uses *Melaleuca* spp for its processing. The EEC is the Swamp Sclerophyll Forest on Coastal Floodplains. Threats to the EEC include clearing, fragmentation, changed drainage patterns, weed invasion, frequent burning.

Logging of *melaleuca* spp is likely to result in cleared areas, greater fragmentation, soil compression due to machinery and thus changed drainage patterns, increased disturbance resulting in greater weed invasion and the canopy reduction is likely to lead to drier areas which are more vulnerable to fire. It is irresponsible to allow logging of this EEC. The company in question needs to find an alternative.

Furthermore it is clear that PNF PVPs are being given for areas where there are EECs and there are no Ecological Harvest Plans in place. This is the case for the coastal floodplains of NSW, where dozens of PVPs have been issued encompassing areas that would be expected to be dominated by a suite of floodplain EECs. We have been informed by residents in the Clarence Valley that EECs are being logged and there is no Ecological Harvest Plan for those EECs.

It has been several years since we raised this problem. The Department has failed to investigate or act on this.

The proposed Code will allow VECs to be logged if recommended by an 'accredited expert'. Will the expert have expertise in ecology or forestry? It is clear from our experience looking at logging operations on public land that FNSW staff do not have the expertise to identify EECs. Where a botanist (employed by us) was able to quickly identify the key species that qualify the vegetation as an EEC, foresters were unable to do. Any accredited experts must have demonstrable botanical expertise.

12. There is no requirement for an assessment of sustained yield prior to logging and no constraints on return times or cutting cycles.

Forest Operation Plans and PVPs should require an assessment of timber volumes, taking into account basal area retention requirements. The definitions of 'private native forestry' in the Regulation includes a reference to timber being obtained on a sustainable basis, yet there is absolutely no requirement to assess what timber yields can be taken sustainably on any given property, and no mechanism for this to be ascertained across a region.

This information applied cumulatively across the PNF estate would enable some estimates to be made of the sustainability of the industry. Without this, and given the lack of constraints on return times or cutting cycles, we could be witnessing the last gasp of PNF, where in a decade or so there are no large sawlogs left, and consequently, the chances of developing key habitats that depend on

large, old trees will also have disappeared.

13. The few areas from which logging is excluded are given no permanent security and some can be cleared via RAMAs.

Areas excluded from logging because of their conservation value can still be degraded by a variety of other means. These included hazard reduction burning, feral plant control, track maintenance etc. High conservation value areas should be given some additional recognition and security to ensure their ongoing survival.

14. PNF Property Vegetation Plans are not available to the public.

NCEC has had to go to extraordinary lengths to obtain access to PVPs for the purpose of checking whether the oldgrowth and rainforest protocols were being adhered to. Expensive FOI applications were needed, months passed in the negotiations for ridiculous departmental quotes – in one case for \$16,000 for this information. Eventually as the result of an Administrative Decisions Tribunal hearing, PVPs were provided with personal details removed. (we had never sought personal details). It was only our persistence in this matter that identified the abuse of process and led to reform of the system (although we have still not received confirmation of exactly which of the proposed reforms have been implemented). As with all PVPs, PNF PVPs should be available to be viewed by the public at CMA offices. Where copies are requested, these can be made available with personal details removed. The right of groups such as ours to this information has now been established.

One of the reforms proposed in this CoP review, says that where 'accredited experts' recommend 'minor' variations of the CoP, their reasons for doing so should be made public. We support this. But their reasons will make no sense if the PVP itself is not a public document.

15. The data collected via annual returns fails to capture the true scale of the logging.

Up to February 2012 there were some 2020 PVPs issued. The real figure is likely to be more than 2,500. It is a major flaw that PVPs are not appearing on the website for many months after they have been approved. In what other area of the law would this be acceptable. Perhaps a clause should be added that the PVP can not become operational until it appears on the public register. These PVPs cover 391,887 hectares of forest. This figure is probably now over 400,000 hectares. These figures suggest that more wood may be coming from private forests than from public land. However due to the failure to collect meaningful statistics it is not possible to determine the extent of the industry and its contribution to the State or regional economies. The opportunity to collect this information is completely lost by the proposed amendments to the CoP which require even less information to be supplied than under the previous CoP.

Annual returns should cover volumes of wood extracted, and approximate area logged. This information is fundamental to determining whether or not the industry and cumulative logging events are ecologically sustainable. Without gathering this information the likely crash in the industry that results from unsustainable practices will be unforeseen, and thus unplanned for.

16. It sets a limit of 10% of any property to be excluded from logging, after which landholders can apply for a variation to access high conservation value areas- and this is now to be changed so that potentially even more of the HCV areas can be logged if an 'expert' (forester?) says so.

Once again this is an example of how the few so-called 'surrogates' for threatened species, ie areas which are off-limits for logging, can be short-circuited. The suggestion is that only 10% of any landholding, regardless of its conservation value, should be off-limits. Under the new scenario proposed an 'accredited expert' can recommend changes. Does the accredited expert have to visit the site? Who pays for the 'accredited expert?' Does the 'accredited expert' base their recommendations on ecological knowledge or will an understanding of timber species prices be considered adequate expertise?

17. Most of the Department (taxpayer) resources goes on promoting PNF and very little on auditing.

More than \$10m in funds from the NSW Environmental Trust have been used on PNF. \$1.2 million was made available for industry assistance, \$4.2 million for training and accreditation and \$4.6 million for program delivery, administration etc. There has been little accountability about the spending of this money. While coming from the Environmental Trust it cannot be said to have delivered environmental outcomes. Of the more than 2000 PVPs issued, how many have been audited? How many staff are working on compliance compared to those working on PR or facilitating logging? It seems extraordinary effort goes in to spoon-feeding landholders to enable logging, and yet there is no program of environmental education that should have resulted in a spate of listings on the Wildlife Atlas from environmentally aware landholders.

18. While significant public funds are expended on trying to encourage landholders to protect native vegetation, replant riparian area and habitat corridors, the PNF CoP facilitates the destruction of mature vegetation of high conservation value.

The Northern Rivers Biodiversity Management Plan 2010 (which '*constitutes the national regional recovery plan under the EPBC Act 1999 for threatened species and ecological communities principally distributed in the Northern Rivers Region of NSW*') identifies most mapped old growth as high conservation value within defined conserve and repair priority areas. It seems ironic that the NR BMP prepared by DECCW identifies forestry as a high threat to biodiversity values in the midlands and escarpment landscapes of the Northern Rivers, while the same state government department removes old growth protection with the stroke of a pen and claims that logging under the PNF CoP improves or maintains environmental outcomes! Clearly our State Conservation Agency has been captured by the dark forces of the timber industry.

Additionally much of the PNF PVP areas are also included in the High Conservation Value layer derived by DECCW for local government to use in their LEP reviews and also similarly used in the North Coast and Mid North Coast Regional Planning Strategies. It is now unlikely however due to PNF approvals that much of this HCV area will be available for other conservation land use such as bio banking offsetting, CMA incentive funding or inclusion in the GER corridor initiative.

It should be noted that CMA and Caring for Country taxpayer funds are presently being used to rehabilitate and restore lands (to meet State and Federal NRM Targets) that have previously been degraded by commercial logging. The PNF PVP approvals will be an ongoing legacy for large amounts of taxpayers money to be used for future environmental restoration.

19. The PNF Register is not properly maintained. At the time of writing in August 2012, the last PVP registered is for February 2012. There are thus some 6 months worth of approvals that have not been added.

One of the few mechanisms available to the public interest groups such as environmental organisations, to monitor the extent and approximate location of PNF is via the public register for PVPs. It is appalling that there is no system for updating the PNF PVP register say, at the end of each month. That 6 months should pass without an update is inexcusable, and suggests either complete disdain for transparency, incompetence or some intent at cover-up. Please explain.

20. Bell Miner Associated Dieback is an extremely significant threat to the health of the most productive, moist coastal eucalypt forests. More than 100,000 hectares are presently affected and expert modelling predicts that some two and a half million hectares are at risk of BMAD. BMAD was declared a Key Threatening Process by the NSW Scientific Committee in 2008. There is sufficient evidence to show that unmitigated forest disturbance is a primary causal factor in initiating BMAD, yet there is no mention of BMAD in the review document or requirement for effective post logging rehabilitation to reduce the risk of BMAD development.

In 2008 the NSW Scientific Committee, established by the Threatened Species Conservation Act, made a Final Determination to list 'Forest eucalypt dieback associated with over-abundant psyllids and Bell Miners' as a Key Threatening Process in Schedule 3 of the Act.

This determination requires that a 'Statement of Intent' be developed by OEH to address the KTP and we understand that the SOI applies to all areas of OEH's responsibility. We assert that one such area of OEH responsibility is to ensure that any logging carried out under the PNF CoP improves or maintains environmental outcomes. Given that the fundamental causal link between unmitigated disturbance, weed invasion and the development of BMAD in susceptible or at risk forests is well established, we believe OEH is failing in its legislative responsibility by not including provisions to require effective post logging weed control as part of this review. This should be a mandatory requirement for logging operations undertaken in BMAD at risk forests. These forests are easily identified and are defined as containing susceptible eucalypt species and existing populations of Bell Miners. Evidence shows that lantana invasion following logging disturbance in these areas has a very high risk of initiating the development of BMAD. Under these circumstances any claims that logging improves or maintains environmental outcomes are ludicrous.

At the 25th NRAC meeting in May 2010 a presentation on BMAD was given by the Chair of the BMAD Working Group. The diverse NRAC stakeholders were shocked by the seriousness of the BMAD problem and agreed that attempts to assist in addressing BMAD should be undertaken. Further discussion was had with the PNF Sub Group regarding the need for effective post logging weed control. Senior DECC staff associated with the PNF Group indicated at the time that it would be best addressed through the review of PNF CoP in 2012. We are thus appalled that this KTP which identifies an extremely serious threat to forest health at a landscape scale has not even been mentioned in the review background papers. We believe that OEH is failing in its legislative responsibility in not dealing with this aspect of BMAD prevention and control so fundamental to the sustainable management of our forested landscapes.

Protected Regrowth:

We support the proposed change that will give regrowth created via PNF some measure of protection, so it cannot be cleared as post 1994 regrowth.

Code	Clause	Proposed change	NCEC Comment
All	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>We do not support this change. No information is given as to the scale of the proposal ie how many hectares will be affected by this change.</p> <p>It would seem to apply to all of the following: “<i>Conditional Lease, Conditional Purchase Lease, Special Conditional Purchase Lease, Settlement Lease, Crown-lease, Residential Lease, Special Lease, Annual Lease, Occupation Licence, Preferential Occupation Licence, Permissive Occupancy, Western Lands Lease, Special Western Lands Lease, Prickly-pear Lease, lease or licence granted under the Crown Lands Act 1989 , whether or not the land the subject of any such lease has been brought under the provisions of the Real Property Act 1900 .”</i> Including Crown Lands the subject of an Annual Lease. A leaseholder should not have the right to gain profit from logging Crown lands.</p>
All	Assessment of broadscale clearing for PNF	Minor wording changes	<p>We do not accept that PNF carried out under the CoP 'maintains or improves environmental outcomes'. Quite the opposite. It is clear that the majority of PNF is damaging environmental outcomes.</p>
All	Minor variation of Code	Deletes clause. Inserts new clause: A landowner can apply for a minor variation of the Code in accordance with Clause 22 of the Native Vegetation Regulation 2012.	<p>Disagree. There is no definition of 'minor'. Accredited experts could turn out to be foresters or contractors with a vested interest and no ecological experience. It could apply to any of the landscape features of environmental and cultural significance. However we do support the clause that any accredited expert reports should be made publicly available. Where would they be available?</p>

All	1	Amends clause (c): 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 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).	Agree
All	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.	Agree
Northern Southern Cypress	2.1(5)(b)(ii)	Amends sub-clause to: a description of the forest, including its disturbance history and current condition	Disagree. The CoP requires a written component estimating stand height and basal area for each broad forest type- in order to to this some sort of mapping is required anyway. Furthermore Table A requires particular basal areas be applied to broad forest types. In order to monitor or audit adherence to this in the field the forest types need to be part of a harvest plan map. To suggest that it is consistent with the Red Gum CoP is disingenuous.. there are basically only two main forest types in the RRG, not seven as listed on the North Coast for example.
All	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	Agree

		complete list of these features on the land.	
All	2.1(7)	<p>Inserts new sub-clause: 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>	The FOP should be approved by an accredited expert with no vested interest regardless. Forestry operations should not be allowed in vulnerable ecological communities.
All	2.2	<p>Deletes current clause. Inserts new clause: (1) The landowner must notify the EPA of the commencement or cessation of the following forest operations: (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. (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. (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 3 months or more. (4) Notification is to be provided by the landowner in one of the following approved formats: (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. The following information must be included in any commencement notification to the EPA:</p>	<p>Strongly disagree that the amendment removes the requirement for volume reporting and the area that has been logged. There are claims made by many about the size and significance of the PNF industry. It is not possible to get any indication of its size and value to regional economies, without collecting some information about the volumes of wood removed. Large PNF operations have significant impacts on regional roads and bridges. Local governments require information about the scale of operations in order to be able to undertake proper planning. The existing data collection is inadequate because it fails to include upper limits to capture the scale of some operations ie it is greater than 2000m³/annum. This could be anything, it could be 10,000m³/annum. It is in no-ones interest to obscure the size of the industry. It is either providing a significant volume of timber products or is isn't. Similarly, collecting information about the area (ha) logged enables governments to determine whether at a regional scale there is anything approximating a sustainable industry or whether it will be logged out in a decade or two. Surely this information is fundamental to determining whether PNF is maintaining or improving environmental values across the landscape. (Perhaps you don't want to</p>

		<p>(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 complete (e) name and contact details of the principal contractor (if any) who will be undertaking the forest operation. The following information must be included in any cessation notification to the EPA: (a) the PNF PVP number (b) the type and location of the forest operations that are ceasing (c) the date the forest operation ceased.</p>	know?)
Northern Southern River Red Gum	3.1(2)	<p>Amends sub-clause to: 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>	Agree
Northern	3.1 Note	<p>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)</p>	Agree
Northern Southern River Red Gum	3.2 Note	<p>Amends note to: 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>	Agree
All	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. Deletes text: Plots will be found to be either stocked or unstocked.</p>	Agree
All	4.1	<p>Replaces current sub-clause (2): 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. Replaces current sub-clause (3): Before forestry operations can commence landowners must exercise 'due diligence' in relation to Aboriginal objects, in</p>	<p>(2) Agree (3) Agree</p>

		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									
All	Table C	<p>Inserts new row:</p> <table border="1"> <thead> <tr> <th>Landscape feature</th> <th>Operational Condition</th> </tr> </thead> <tbody> <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> </tbody> </table> <p>Amends operation prescription for vulnerable ecological communities</p> <table border="1"> <thead> <tr> <th>Landscape feature</th> <th>Operational Condition</th> </tr> </thead> <tbody> <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 must not occur in vulnerable ecological communities, except under a Forest Operation Plan approved by an accredited expert and that existing roads may be</td> </tr> </tbody> </table>	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.	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 must not occur in vulnerable ecological communities, except under a Forest Operation Plan approved by an accredited expert and that existing roads may be	<p>Agree</p> <p>Do not support forestry operations in Vulnerable Ecological Communities. No detail as to what will constitute an 'accredited expert'.</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.										
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Cypress	Table C	<p>Inserts new row:</p> <table border="1"> <thead> <tr> <th>Landscape feature</th> <th>Operational Condition</th> </tr> </thead> <tbody> <tr> <td>Steep slopes</td> <td>Forest operations must not occur on slopes greater than 30 degrees, except that: * existing roads and tracks may be maintained * new roads and tracks may be constructed subject to conditions in clause 5.1(18) of the Code.</td> </tr> </tbody> </table>	Landscape feature	Operational Condition	Steep slopes	Forest operations must not occur on slopes greater than 30 degrees, except that: * existing roads and tracks may be maintained * new roads and tracks may be constructed subject to conditions in clause 5.1(18) of the Code.	<p>We do not support any forestry operations on steep slopes. Before the PNF CoP forestry operations on private land were usually limited to lands with slopes of less than 18 degrees.</p> <p>Slopes of 30 degrees should have their vegetation remain intact. The cost of erosion to downstream users and the community is enormous.</p> <p>Western hardwoods are slow growing species. What</p>				
Landscape feature	Operational Condition										
Steep slopes	Forest operations must not occur on slopes greater than 30 degrees, except that: * existing roads and tracks may be maintained * new roads and tracks may be constructed subject to conditions in clause 5.1(18) of the Code.										

			evidence has been gathered of regeneration and erosion on slopes of say 25-30 degrees?				
Cypress	Table C	Deletes point: Aboriginal scarred or carved tree	Disagree. The explanatory notes for this point are dishonest. Yes there is duplication, but the current Code requires a 50m exclusion zone for Aboriginal scarred or carved trees. This is to be replaced by a 20m exclusion zone. This should have been made clear.				
Cypress	Table D	<p>Inserts new operational condition</p> <table border="1"> <thead> <tr> <th>Broad forest types</th> <th>Operational Condition</th> </tr> </thead> <tbody> <tr> <td>Western hardwood</td> <td> <p>A minimum of 6 feed trees per 2 hectares should be retained where available.</p> <p>All feed trees that have marks or 'V' notches from sap-feeding mammals must be retained.</p> </td> </tr> </tbody> </table>	Broad forest types	Operational Condition	Western hardwood	<p>A minimum of 6 feed trees per 2 hectares should be retained where available.</p> <p>All feed trees that have marks or 'V' notches from sap-feeding mammals must be retained.</p>	Agree, although there is no evidence that this prescription works in any of the regions. It is highly likely that 3 trees/ha is inadequate for maintaining populations of arboreal marsupials.
Broad forest types	Operational Condition						
Western hardwood	<p>A minimum of 6 feed trees per 2 hectares should be retained where available.</p> <p>All feed trees that have marks or 'V' notches from sap-feeding mammals must be retained.</p>						
All	Table D and 4.3(3)(b)	<p>Inserts new operational condition for Cypress and Western Hardwoods:</p> <p>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.</p>	Disagree. All <i>Allocasuarina</i> trees should be maintained where possible. The species should remain a protected tree.				
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).	Agree				
Northern Southern River Red Gum	4.4(2)	Deletes the word 'limited' from the second sentence.	Disagree with forestry operations occurring inside riparian buffer zones.				
Northern Southern	4.4(3) [4.4(2) in Cypress and Western Hardwood	Amends the reference to the stream order figure, which has been moved from the Appendix to Section 4.4 (Drainage feature protection).	Agree				

	Forests Code]		
Cypress	4.4(7)	Deletes sub-clause, Inserts new sub-clause: 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 10 metres of, the top edge of the bank of any unmapped drainage line.	Agree, while not agreeing that any forestry operations should occur within drainage line buffer zones. Are they buffer zones or not?
Northern Southern	4.4(8)	Deletes current sub-clause. Inserts new sub-clause: Drainage line buffer zones as specified in the Glossary to this Code must be applied to all unmapped drainage lines.	Disagree. The term machinery exclusion zone is more appropriate. See previous response.
Northern Southern Cypress	4.4(9) and (10) [4.4(8) in Cypress and Western Hardwood Forests Code]	Deletes sub-clauses (9) and (10). Inserts new sub-clause (9): Forest operations may occur in drainage line buffer zones subject to the following limitations: (a) machinery, using walkover techniques, may extract logs from any area within a drainage line buffer zone (b) felling is directed away from the drainage line (c) any furrows resulting from log removal are treated to prevent concentration of water flow (d) groundcover (including grasses, herbs, and forest litter) is retained or groundcover similar to groundcover in the surrounding area is artificially reinstated.	Don't support felling in drainage line buffer zones. There is a greater area of drainage lines than any other component of the catchment. Allowing degradation of these areas is inviting catchment degradation.
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	Don't support new roads being pushed through exclusion zones.
Northern Southern	4.4(12)	Deletes sub-clause.	Agree
Northern Southern Cypress	5.1(4)	Deletes the words 'must be to the minimum extent necessary'	Disagree. This is not repetition, it is a clear directive that no more clearing for roading should be undertaken than absolutely necessary. Where else is this spelt out?
Northern Southern Cypress	5.1(5)	Adds references to Table C in section 4.1 and Table F in Section 4.4	Agree

APPENDIX			
All		The stream order schematic diagram has been moved from the Appendix to Section 4.4 Drainage Feature Protection.	Agree
APPENDIX		LISTED SPECIES ECOLOGICAL PRESCRIPTIONS	
			NOTE: for all these prescriptions, there should be a condition that any sighting of any of these species be reported to the Wildlife Atlas.
Northern	Amphibians	Add species: Yellow-spotted frog (<i>Litoria castanea</i>)	Agree
	Mammals	Remove species: Large-footed myotis	STRONGLY DISAGREE. The supporting notes say this species needs permanent water and '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.' This is dishonest. The current prescriptions for this species include an exclusion zone with a 30m radius on all permanent streams within 100m of the record. This is to be replaced by a 5m exclusion! They also include a 30m protection on all permanent water bodies such as dams. This is not included in the body of the Code.
	Mammals Koala Feed Trees	Inserts new listed species: River red gum (<i>Eucalyptus camadulensis</i>)	Agree, but more species need to be added. The Recovery Plan lists many other species which are important koala feed trees. They should also be listed. See comments on Koala in body of submission.
		Species name corrected: Western grey box (<i>Eucalyptus macrocarpa</i>) [<i>E. microcarpa</i>]	Agree
	Birds	Prescription has been limited to two subspecies: Red-tailed black-cockatoo (<i>Calyptorhynchus banksii samueli</i>, <i>C. banksii banksii</i>)	Disagree. As if the landholder or contractor can determine a subspecies. Protection should be provided to the Red-tailed black cockatoo nests.
		Inserts three new listed species: Flame robin (<i>Petroica phoenicea</i>), scarlet robin (<i>Petroica</i>	Agree

		boodang) and hooded robin (<i>Melanodryas cucullata cucullata</i>) CMA s 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.	
		Inserts new listed species: Red goshawk (<i>Erythrotriorchis radiatus</i>) CMA s for application of prescription All Prescription No harvesting within a 100 metres radius exclusion zone around all red goshawk nests.	Agree
Threatened Flora – specific prescriptions Table J		Conditioned changed: MacNutt’s wattle (<i>Acacia macnuttiana</i>) CMA Border Rivers–Gwydir, Northern Rivers 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).	Disagree. Provisions such as '90%' are unenforceable. Who is going to count them across the logging area? An exclusion area has been replaced by a joke.
		Updated to reflect new species name, updated condition: <i>Bertya opponens</i> [<i>Bertya</i> sp. Cobar-Coolabah] Condition Updated from A (50 m exclusion zone around all individuals) to B (20 m exclusion zone around all individuals)	Disagree. Major reduction in protection for this species.
		Condition changed: Slaty red gum (<i>Eucalyptus glaucina</i>), northern population CMA Northern Rivers 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)	Disagree. Provisions such as '90%' are unenforceable. Who is going to count them across the logging area? An exclusion area has been replaced by a joke.
		Inserts new listed species: <i>Banksia conferta</i> subsp. <i>conferta</i> CMA Northern Rivers Condition H Red helmet orchid (<i>Corybas dowlingii</i>) CMA Hunter–Central Rivers Condition E Pale yellow doubletail (<i>Diuris flavescens</i>) CMA Hunter–Central Rivers Condition B Black gum (<i>Eucalyptus aggregata</i>) CMA Central West, Hawkesbury/Nepean, Lachlan, Murrumbidgee, Southern Rivers Condition E Delicate pomaderris (<i>Pomaderris delicata</i>) CMA Hawkesbury–	Agree

		<p>Nepean, Southern Rivers Condition B Denman pomaderris (<i>Pomaderris reperta</i>) CMA Hunter–Central Rivers Condition B Slaty leek orchid (<i>Prasophyllum fuscum</i>) CMA Hawkesbury–Nepean, Hunter–Central Rivers, Sydney Metro Condition B <i>Tephrosia filipes</i> CMA Northern Rivers Condition E Wyong sun orchid (<i>Thelymitra</i> sp. <i>Adorata</i>) CMA Hunter–Central Rivers Condition E <i>Tylophora linearis</i> CMA Border Rivers–Gwydir, Central West, Namoi Condition E</p>	
Southern	Amphibians	Add: Spotted tree frog	Agree
		Add: Yellow-spotted tree frog	Agree
	Mammals	Remove: Large-footed myotis	STRONGLY DISAGREE. The supporting notes say this species needs permanent water and '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.' This is dishonest. The current prescriptions for this species include an exclusion zone with a 30m radius on all permanent streams within 100m of the record. This is to be replaced by a 5m exclusion! They also include a 30m protection on all permanent water bodies such as dams. This is not included in the body of the Code.
		Insert Note re Koala	Agree but should also require the Department to be notified of such a finding.
	Mammals – Table I: Koala food trees	<p>inserts new listed species: River red gum (<i>Eucalyptus camadulensis</i>) Common name corrected: Eurabbie [Eurabble] (<i>Eucalyptus bicostata</i>) Species name corrected: Western grey box (<i>Eucalyptus macrocarpa</i>) [<i>E. macrocarpa</i>]</p>	Agree except for removal of Candlebark. The Recovery Plan states that more work needs to be done to identify preferred koala feed trees and does not purport to contain a comprehensive list.

		Species removed from listing: Candlebark (<i>Eucalyptus rubida</i>)	
	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>) CMA 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.	Agree
	Threatened species – specific prescriptions Table J	Inserts new listed species: Merimbula star-hair (<i>Astrotricha</i> sp. Wallagaraugh) CMA Southern Rivers Condition H Pretty beard orchid (<i>Calochilus pulchellus</i>) CMA Southern Rivers Condition B Black gum (<i>Eucalyptus aggregata</i>) CMA Central West, Hawkesbury/Nepean, Lachlan, Murrumbidgee, Southern Rivers Condition E Delicate pomaderris (<i>Pomaderris delicata</i>) CMA Hawkesbury–Nepean, Southern Rivers Condition B Summer leek orchid (<i>Prasophyllum canaliculatum</i>) CMA Southern Rivers Condition B Slaty leek orchid (<i>Prasophyllum fuscum</i>) CMA Hawkesbury–Nepean, Hunter–Central Rivers, Sydney Metro Condition B <i>Prasophyllum innubum</i> CMA Murray, Murrumbidgee Condition B Blue-tongued greenhood (<i>Pterostylis oreophila</i>) CMA Murray, Southern Rivers Condition B <i>Pterostylis ventricosa</i> CMA Southern Rivers Condition B Dwarf bush-pea (<i>Pultenaea humilis</i>) CMA Murray, Murrumbidgee Condition E	Agree
Cypress	Mammals	Species removed from prescription: Large-footed myotis (<i>Myotis adversus</i>)	STRONGLY DISAGREE. Particularly in Cypress country where permanent water is hard to find. There is no prescription for protecting permanent water bodies in the Code.

	Mammals – Table H: Koala food trees	Inserts new listed species: Monkey gum (<i>Eucalyptus cypellocarpa</i>) Species name corrected: Western grey box (<i>Eucalyptus macrocarpa</i>) [<i>E. macrocarpa</i>] Inserts new listed species: Swamp gum (<i>Eucalyptus ovata</i>)	Agree
	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.	Agree
		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.	Agree
		Inserts new listed species: Red goshawk (<i>Erythrorchis radiatus</i>) CMAs for application of prescription Namoi and Northern Rivers Prescription No harvesting within a 100-metre radius exclusion zone around all red goshawk nests.	Agree
	Threatened flora – specific prescriptions Table I	Updated to reflect new species name, updated condition: <i>Bertya opponens</i> [<i>Bertya</i> sp. Cobar-Coolabah] Condition Updated from A (50-metre exclusion zone around all individuals) to B (20-metre exclusion zone around all individuals).	Disagree- significant reduction in protection for this species.
		Inserts new listed species: Desert hopbush (<i>Dodonaea stenozyga</i>) CMA Lower Murray–Darling Condition E Black gum (<i>Eucalyptus aggregata</i>) CMA Central West, Hawkesbury/Nepean, Lachlan, Murrumbidgee, Southern Rivers Condition E Yellow gum (<i>Eucalyptus leucoxylon</i> subsp. <i>pruinosa</i>) CMA Central West, Hawkesbury–Nepean, Lachlan, Murrumbidgee,	Agree

		Southern Rivers Condition H <i>Tylophora linearis</i> CMA Border Rivers–Gwydir, Central West, Namoi Condition E	
River Red Gum	Mammals	Species removed from prescription: Large-footed (<i>Myotis adversus</i>)	STRONGLY DISAGREE. The supporting notes say this species needs permanent water and '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.' This is dishonest. The current prescriptions for this species include an exclusion zone with a 30m radius on all permanent streams within 100m of the record. This is to be replaced by a 5m exclusion! They also include a 30m protection on all permanent water bodies such as dams. This is not included in the body of the Code.
	Mammals – Table E: Koala food trees	Species name corrected: Western grey box (<i>Eucalyptus macrocarpa</i>) [<i>E. macrocarpa</i>] Inserts new listed species: Swamp gum (<i>Eucalyptus ovata</i>)	Agree
	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.	Agree
		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.	Agree
	Threatened flora – specific	Inserts new listed species: Small scurf-pea (<i>Cullen parvum</i>) CMA Murray, Murrumbidgee Condition H	Agree

	prescriptions Table F	Austral pillwort (<i>Pilularia novae-hollandiae</i>) CMA Lachlan, Murray, Murrumbidgee Condition H	
GLOSSARY			
All Codes	Appendix - Glossary	Definition of ' accredited expert ' added: 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 Minister for Primary Industries.	We register concern about how this will be done. How will independence be guaranteed rather than 'who pays the piper' seeing landowners paying for the advice they want. This system should have a degree of separation between the proponent and the expert ie the proponent pay a fund which allocates an expert. Thus the expert is paid regardless of the advice.
All Codes	Appendix - Glossary	Definition for ' Crown-timber lands ' added: As defined in the <i>Forestry Act 1916</i> .	Agree
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.	Disagree with change from Machinery Exclusion Zone
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> .	Agree. We live in hope that it will demonstrate said independence.
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.	Disagree
All Codes	Appendix - Glossary	Definition of ' protected trees ' amended: <i>Allocasuarina</i> removed from protected trees	Disagree
All Codes	Appendix - Glossary	Definition of ' recruitment tree ' amended: A large, vigorous tree capable of developing hollows to provide habitat for wildlife.	Disagree. Important that there is consistency between definitions in the text and the glossary.
OTHER MISCELLANEOUS CHANGES			
Uniformly	Multiple	Terminology throughout has been changed from 'log landings' to	Agree

throughout all Codes	locations	'log dumps'.	
Uniformly throughout all Codes	Multiple locations	Terminology throughout has been changed from 'the Department of Environment and Climate Change' to 'EPA'.	Agree
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'.	Agree
Uniformly throughout all Codes	Multiple locations	Terminology throughout has been changed from 'net logging area' to 'net harvesting area'.	Agree (although to suggest that current logging is harvesting is to imbue it with a sense of sowing and nurture that doesn't exist)
Uniformly throughout all Codes	Multiple locations	Terminology throughout has been changed from 'machinery exclusion zones' to 'drainage line buffer zones'.	Disagree
Uniformly throughout all Codes	Multiple locations	Terminology throughout has been changed from 'spoil and fill' to 'fill'.	Agree
Uniformly throughout all Codes	Multiple locations	The Minister's title, the name of the regulating authority, and references to clauses in this Code have been updated throughout	Agree
Uniformly throughout all Codes	Multiple locations	Terminology throughout has been changed from 'bat' to 'flying fox'.	Agree