From: [redacted]

Sent: Friday, 24 August 2012 9:43 PM
To: EHPP Landscapes & Ecosystems Section Mailbox
Subject: submission

I wish to make a submission on the proposed changes to the Private Native Forestry Code of Practice and also to the Regulations made under the Native Vegetation Act 2003 and the associated Environmental Outcomes Assessment Methodology (EOAM).

I wish my personal details to remain confidential. Please note however that I live on a 400 hectare forested property that is managed for its timber resources and wildlife habitat. The fact that my property hosted its own timber mill for a number of decades and that part of it was mapped as candidate old growth (including the immediate surrounds of that mill) is testimony to the fact that timber harvesting and wildlife can co-exist. NSW legislation should support this co-existence.

Comments on the PNF Code of Practice:
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I agree with the addition of sub-clause 2.1(6).

I object to the change to sub-clause 2.1(5)(b)(ii) which will see a gross simplification of Forest Operations Plan by deleting the requirement to describe forest types and overstorey species. This is basic information that any logging contractor should be able to do, and most landholders have the capacity to identify the overstorey species on their properties. Given the lack of any credible mapping for Threatened Ecological Communities (TECs), the dominant species in a forest can flag whether a forest is likely to be a TEC.

In contrast, the changes to the Northern Code include a new prescription for threatened species of robin (namely that no forest operations are permitted within a 50-metre radius of all flame, scarlet and hooded robin nests) which is likely to be unworkable and so ignored, given the fact that no detailed expert fauna survey is required before forestry operations commence and the observation of nests in a tall forest is likely to be beyond the skills of a logging contractor or property owner.

One change that is required to the code but has not been included in the current draft is the need to have surveyed and marked boundaries to prevent incursions during forestry operations (including associated roading as well harvesting). I am aware of three incidents where this has occurred – two cases which involved incursions into national park and which were dealt with by the Land and Environment Court, and one case which involved my mother-in-law's property. This property is covered by a Voluntary Conservation Agreement (VCA) under the *National Parks and Wildlife Act* and my mother-in-law notified the Director-General of DECC (Lisa Corbyn) of this wilful damage to her property, as required by the terms of the VCA. However DECC did nothing and there was no repercussion to the landholder or the contractor who constructed the illegal road through the property. I found out later that the Deputy Director responsible for the protection of VCAs was also responsible for the issuing of PNF PVPs - an obvious conflict of interest.

Such situations could be avoided with a simple additional clause to the Code, requiring survey and marking of boundaries. This should be the landholder's responsibility, not the logging contractor's.

Comments on Native Vegetation Regulations
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I am opposed to the addition to the list of things which are not protected under the Native Vegetation Act. I am particularly concerned about the provision to exempt broadscale clearing where it is considered 'minor clearing'. 'Broadscale' and 'minor' are mutually exclusive terms.

While I welcome the loosening of controls for clearing of native vegetation for use as construction timber for rural infrastructure this needs to be tightened to only include those species recognised as suitable for construction and only where suitable stems are not available within areas that can be cleared under other RAMAs (including clearing along fencelines). I do not support the removal of the time clause for use of this timber - in fact I believe this should be tightened to require use of the timber within 12 months.

I am greatly concerned about the addition of RAMAs within the regulations. I have seen neighbouring timbered properties almost totally cleared through application of the existing set of RAMAs through canny choice of where to construct new tracks, fences, stockyards, powerlines, dams and house. Again, the Department has been complicit in this clearing activity by not carrying out any compliance to ensure that the distances stated in the regulations for each of these RAMAs are observed. It seems that anything goes under the current regulations and I am puzzled why they need to be further weakened through the introduction of new excuses to permit clearing – a practice which is destroying the resource on which our timber industry relies.

I am puzzled by new concepts being introduced in the draft regulations. Surely a better term could be used to replace 'feral native plant species'?

Comments on changes to the EOAM
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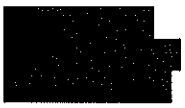
Again, given the clearing of timbered land that is currently occurring under the existing system, I am concerned that the EOAM is being modified to introduced a simplified fast-track assessment for the clearing of up to 10 hectares of native vegetation (not considered 'small' let alone 'very small' in coastal regions given the plethora of properties less than 40 hectares in size).



24 August 2012