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## Submission on the Review of the Private Native Forestry Code of Practice for Southern NSW

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Sustainable Land Management  
Local Land Services  
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Date: 30 January 2019

**Subject: Review of Private Native Code of Practice for Southern NSW – Rob de Fégely**

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### General comments;

New South Wales has 8.8 million hectares of privately owned natural forest<sup>1</sup> (PNF) which is over 4 times larger than the multiple use publicly owned forests managed by the Forestry Corporation of NSW. Yet this privately owned natural forest is largely unmapped, unmanaged and its commercial and conservation potential unknown. Australia has more forest per capita than any other country in world except for Canada and Russia<sup>2</sup> but it is a net importer of forest products<sup>3</sup>. Australia should do significantly more within its private natural forest estate to improve both conservation and commercial outcomes. However, our history suggests that achieving this will be a challenge and will require a new “farmer friendly” forest management model which can provide independent and encouraging advice. It is important to make it easy for farmers to implement management techniques to achieve their desired outcomes so that they embrace their natural forest with the same degree of enthusiasm and value they have for the rest of their farm.

Updating the PNF Code of Practice is a critically important process but it will not, by itself, be a catalyst for PNF management change. The reason that nothing will change is that the current model is intimidating and difficult to interpret. The Environmental Protection Agency (EPA) are the environmental police and not an extension agency. The EPA have an important role to play in managing the health of our environment in NSW. However, we do not ask the NSW Police force to manage our education system so that children are taught to obey the law. Nor do we go to the Police station if we are seeking legal advice. Creating a specialist PNF unit within Local Land Services (LLS) who can provide impartial advice to PNF owners will have the greatest chance of success. This unit should be supported by accredited independent private forestry specialists who can provide all levels of advice to farmers in a similar context to an agronomist or stud stock classer.

Developing a new PNF unit within LLS should not be difficult and experience from other regions could be reviewed. For instance, the Tasmanian Forest Practices Authority has successfully managed the Forest Practices Code in that state on both public and private forests for over 30 years and survived some very difficult political challenges to forest management in the state.

The potential for the PNF in NSW to make an environmental and economic contribution is immense. Theoretically, in time and with good management, the PNF estate could supply more quality wood products than the public estate supplies now and in addition it could also provide some innovating conservation

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<sup>1</sup> Forests at a Glance 2017 – Department of Agriculture and Water Resources, ABARES, Canberra

<sup>2</sup> Based on the FAO Global Forest Resource Assessment and World Bank Population Statistics – Author research

<sup>3</sup> Forest and Wood Products Statistics March and June Qtrs 2018 – Department of Agriculture and Water Resources, ABARES, Canberra

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outcomes that may support or even lead the current publicly owned forest reserve system. Australia has pursued a conservation system based on reservation and regulation. As a result there are more National Parks in New South Wales than in New Zealand, the United States of America and Canada<sup>4</sup> combined. In addition, the regulatory system for environmental management has been in place since the turn of the century but Australia still has in excess of a thousand species on the threatened species register. Creating more reserves and even tougher regulations are unlikely to produce any significant change in these species conservation status. New South Wales has probably reached a level of diminishing returns from the creation of National Parks and the imposition of tougher environmental regulations.

Alternatively, NSW could develop a more integrated and incentive-based approach for PNF owners to encourage and stimulate their interest in their own forests which should provide significant economic and environmental returns for a relatively low investment by the state.

Hence upgrading and improving the Code of Practice is critically important but this alone will not stimulate any change in the status quo of stagnating PNF management. Upgrading the Code in conjunction with a new model for assisting PNF owners is required to give landowners the confidence to take positive action that will optimise the future for their forest.

### **General Comments on the Private Native Forestry Code of Practice for Southern NSW**

#### **Disclaimer**

The current code carries a disclaimer that states that the EPA has prepared the document but will not be held responsible for its use. As the regulator if they produce a document then they must stand by it, and cannot disclaim any responsibility for its use in practice.

If breaches of the Code carry significant penalties then the Code needs to be more definitive and prescriptive and also outline what the penalties are.

There should be a section describing what happens if a breach of the Code occurs.

#### **Glossary and Definitions**

There is a lot of jargon in this document such as cohort, gully stuffer, co-dominant, walkover techniques, basal area .....etc that is not common language and needs explaining. Currently the glossary is at the back of the document but should be in the front.

#### **Writing style**

The current code is not particularly friendly and the structure is poor. The use of the word 'must' in particular is liberally used throughout the document without explaining why some things are important.

Greater care is needed throughout the text to ensure concepts are not introduced before they are explained.

#### **Access to PNF Operations**

Under the Code the EPA can access a PNF operation at any time. This is in direct conflict with Biosecurity requirements of the LLS. Landholders must have a Biosecurity plan and a requirement of the plan is to restrict random access to their farm to prevent the spread of noxious weeds and disease.

#### **Timing**

A PNF plan is approved for 5 to 15 years which is very short in terms of a natural forest management cycle – The timeframe should be optional and at the owners discretion to not only reduce 'red tape' but also allow for longer management cycles.

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<sup>4</sup> Data collected from National Park Agencies in New South Wales, New Zealand, United States of America and Canada.

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## Terminology

Suggest the use of the word natural forest rather than native as it is more definitional and partners well with planted forest. Particularly if the planted forest is of a local species where in time the planted forest will take on the appearance and structure of a natural forest.

Use of the word harvesting instead of logging. Harvesting is more reflective of the level of planning that is involved with PNF

## Appendix

The description of species would be easier to use and species identified if they were accompanied by photographs – ideally the production of field guides or even an app for a tablet or mobile phone would make planning much easier for PNF owners. This would be an invaluable project for LLS to undertake. More photos would also help with silvicultural prescriptions and other code requirements. For example photos of do's& don't's.

Farmers are becoming technically competent and could use mapping systems like Avenza that will allow coupe and operational plans to be placed on a tablet – develop an interactive version of the code.

## Allowables

There is no section on Allowables – what is allowed with or without permission.

- There is no comment on post 1990 regrowth.
- Clearing widths around infrastructure are contained in the LLS Act but not shown in the Code
- Consider whether some regions should include a comment about invasive native species and what options landowners have for managing them.

## Specific Comments on the PNF Code

### Introduction

The current introduction is deficient. It should be a formal introduction to the Code -e.g. what it contain, where does it apply, why ....etc.

The current introduction states that the object of this code is to ensure the supply of timber products for privately owned forests.

Suggest that the Code is designed to assist landowners to manage their PNF for either commercial outcomes – typically high quality log products or conservation outcomes – how do I improve the biodiversity in my forest i.e. improve attractiveness for koalas, bandicoots, or native orchids etc. Or achieve both outcomes!

### Assessment of broadscale clearing for PNF

Most professional forest managers would find this section insulting, good natural forest management is not broadscale clearing and never has been. This section should be removed.

### Minor Variations of Code

- Not clear why 10% is used for a variation
- Who is an accredited expert?
- Who is an accredited officer?
- What is a minor variation of the environmental prescription
- Not clear why the code is referring to clearing – permission to permanently clear natural forest is not forest management and should come under a separate arrangement.

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## 1. Property Vegetation Plans

- As suggested earlier LLS should be the main agency for assistance and planning of PNF as they are the agency for all other landowner matters they are the local landowner agency.

## 2. Forest Operations Planning and management

- Forest Operations Plan
  - i. Silent on small operations – that is farmers wanting to harvest for personal use – or should this come under the Allowables section?
- Reporting – need a comment that if no operations occur there is no need to report
- Measuring stand height in a eucalypt forest is often harder than measuring merchantable height (height to the crown break) – either way these are technical terms and need to be explained in the Glossary/Definitions section
- The written component as it currently states particularly items vi) to ix) will require technical support for the landowner as they are unlikely to know how to do this. Support will be required and LLS or an approved forestry technical consultant could do this but these sections would be daunting to most farmers.
- Current clause 6 has a reference in that would be easier to comprehend if it was written in plain english.
- Rather than demand records be kept – it would be less intimidating to farmers to explain why keeping records is invaluable.
- Reporting – should state that if no activity then no report is required.

## 3. Silvicultural operations

- Single Tree Selection and thinning
  - i. Who has devised the silvicultural prescriptions and is there any potential for a landowner to vary the prescription if they have valid reasons for doing so?
  - ii. Does the EPA engage full time specialist silviculturists?
  - iii. Most farmers will not understand Basal Area or how to calculate it.
- Australian Group Selection
  - i. Question – does the EPA has the expertise to comment on silviculture
- Regeneration and Stocking
  - i. Technical aspects of measurement and sampling are better located within an extension agency like LLS rather than a regulatory agency which has a conflict of interest – for instance if they tell a landowner how to sample their forest and they get it wrong – who is at fault?
  - ii. Clause 5 which gives absolute power to the Chief Environmental Regulator of the EPA is not appropriate in a prescriptive Code.
  - iii. Adequate stocking is not well defined and does not allow for different silvicultural regimes – i.e. changing a densely stocked regrowth forest (as a result of fire or some other impact) into an agroforestry or savannah regime will mean a significant change in stocking levels. The lower stocking may be more representative of the pre 1788 forest!

## 4. Protection of the Environment

- Protection of landscape features and environmental and cultural significance
  - i. Landowners are unlikely to understand and/or recognise these features without the assistance of technically competent extension advice.
- Protection of habitat and biodiversity
  - i. Min standards for tree retention are not well defined.
  - ii. Use harvesting instead of logging in clause 5
  - iii. Most farmers will not know what a dominant or co-dominant tree is in clause 6.

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- iv. Dead standing trees should be counted as hollow bearing as they invariably have a number of hollows in them. This clause also has the potential for a perverse outcome by suggesting to a farmer that dead standing trees have no value so they can be felled for firewood!! If the dead tree is a durable species it could stand for another 50 to 100 years!
  - v. How does a farmer determine a recruitment tree?
  - vi. Table D see comment above in i)
  - Minimising damage to retained trees and native vegetation
    - i. Introducing protected trees without any definition is confusing
  - Drainage feature protection
    - i. This section is not well structured – 1) states that forest operations must not occur in riparian exclusion zones (needs defining) and then in clause 2 b suggests that using walkover techniques it is possible to extract logs from any area in the riparian buffer zone! The code does state the difference but it is not immediately obvious what the differences are!
    - ii. Not clear why tree crowns cannot be removed from the riparian buffer zone.
    - iii. Define a road prism?

#### **5. Construction and Maintenance of forest infrastructure**

- Construction and maintenance of roads
  - i. What is a suitably qualified person clause 18 b) and what are acceptable engineering standards?
  - ii. What is the difference between an Earth Windrow and a Roll-over bank
  - iii. What are drop-down structures and dissipators?
  - iv. Gully stuffers – I thought these were banned in the 1980's!
- Log Landings, portable mill sites and snig tracks
- Snig tracks and extraction tracks

#### **Appendix**

Most farms are unlikely to be able to recognise many of these species, particularly the amphibians – suggest the use of photographs or the creation of a visual field guide that is easily updated. The Strahler stream ordering diagram should be in the descriptions in the front of the document.

#### **Other comments**

##### **The PNF Authorisation Process**

My recent experience with LLS has been favourable and useful but there are no local forestry officers on the Far South Coast.

##### **PNF Training and Advisory Services.**

The CD Video's are good and helped to explain a number of aspects, but the Training Video does not work.

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