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Do you want your submission marked as confidential? *	No
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Which of the following best describes you? *	Timber Industry
Which draft PNF Code are you providing a submission on? *	Northern NSW
My comments	See Attached
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Introduction

Our family has been in the business of timber manufacturing on the North Coast of NSW since 1932. That's now 88 years. Today, Private Nature Forests provide approximately half of the resource to our four sawmills and two dry mills in Northern NSW. These plants employ over 150 people and provide product to our wholesale distribution centres in Sydney, Melbourne, Brisbane, Adelaide, Perth and New Zealand, employing in all more than 300 people and producing high quality, kiln dried, durable products into the Australian and overseas markets.

The outcome of this PNF code review is critical to the ongoing viability of our business and availability of our products into the future.

If we are to be able to continue to produce our products sustainably for the next 88 years, as we have for the previous 88 years, then the private land holders who own and manage this resource need to be able to make decisions about the management of their resource free from sovereign risk.

Under our Hurford Forests operations, we own and manage 4,000 hectares of forested land. 1,500 hectares of this are Hardwood Plantations, managed under the Plantations and Reafforestation Act. 2,500 hectares are native forests managed as multi use forests for timber production, cattle grazing and conservation. These properties provide an important strategic supply source to our processing facilities and give us a valuable insight into the challenges and opportunities of managing Private Native Forests in NSW.

Term of PNF Plans

Hurfords are fourth generation forest managers. For forest owners, such as ourselves, who take a long term multi-generational view to their forest management an option to register their land for a much longer term than the current 15 year approval of a PNF Plan is required. This short time frame (in terms of forest growth) only encourages short term thinking and high grading to optimise value in the current harvesting cycle, rather than making silvicultural interventions which may come at a cost, or reduced current income for better forest health and productivity in the longer term.

We would suggest a system of being able to sign up your property as a long-term Timber Reserve for 100 years. This would be listed on the title and require a 100 year management plan for the property which would continue to be reviewed and adapted as an active living document.

A regular PNF approval should be for 25 years. This means that the land holder can commence the current harvest knowing that the next harvest is already approved, this would lead to better long-term decision making and planning.

Once PNF Plan approvals are issued there should be no further changes to the conditions affecting the forest management and operations for the life of that plan. To allow changes introduces sovereign risk and leads to short term decision making.

FOPs and Forest Stewardship Plans

The flexibility to have individual Forest stewardship plans approved is important. This can allow for silvicultural resets following events such as dieback, lantana infestation, wildfire, previous high grading, drought events, etc. The current standard protocols do not allow for major forest rehabilitation works following the above events.

It is important that the ability to have a Forest Stewardship Plan approved is not overly onerous or time consuming. Once agreed, plans should be able to be approved without undue delay. The proposed mechanism requiring dual department consent, and even possibly ministerial intervention, is overkill and unlikely to deliver the above desired outcomes.

It would be preferable for LLS to provide the approval for such plans, allowing landholders, subject to LLS and/or professional forest science advice, to get on with restoring their forests.

We are concerned at the proposal to change information which may affect the viability of timber harvesting during the period of an active PNF Plan approval. It is regulatory behaviour such as this which leads to high grading and short term decision making. The land owner will be thinking “better take what I can, while I can, because the situation may change before the next harvest”. Surely this is the exact opposite of the way we would like to see forests managed in NSW. If the resupply of information results in any impact on timber resources then the landholder should be entitled to compensation (similar circumstances to that which exists under the Plantation and Reafforestation Act) . Without such a provision the whole concept of a ‘Forest Stewardship Plan’ will be undermined. Under a ‘Forest Stewardship Plan’ a landholder must be confident that if they invest time and effort in silvicultural management and improvement that their effort will be rewarded, not lost because of a prescription applying to newly released data.

It is not clear how the resupply of ‘all relevant digital information’ can be undertaken in a timely manner (that will avoid disruption to the proposed operation) if LLS is notified of the commencement date 21 days prior.

Reporting

- The notification requirements at the completion of operations are relatively detailed. It will take time to collate all the requested information (particularly sales data). 60 days rather than 21 days is considered more reasonable and appropriate.

Silvicultural operations

Small scale harvesting

The concept of small-scale harvesting having less rules and lower planning and paperwork requirements is appropriate. This can provide even long term, larger scale operators with an opportunity to harvest a small number of trees which may be blown over following a storm or die following drought stress. These can be small scale responses to avoid wasting

valuable timber rather than waiting until a larger operation is planned. It can also be used for on farm infrastructure such as fencing, yards or sheds.

Single tree selection and thinning

We believe a retained stand basal area of 8m² would give forest managers a lot more flexibility to manage their stand for the future, particularly where a reset is required. We are surprised to see that single tree selection (STS) and thinning have been grouped together. We acknowledge that the two operations may occur within the same harvesting area, however, we believe their purpose and objectives are quite different:

- the principal purpose of thinning is to reduce stocking density,
- under single tree selection canopy openings are created within which there is an intent to trigger regeneration.

The types of forest that lend themselves to thinning are different to those where an STS operation is appropriate. Stands suitable for thinning will typically include the following attributes:

- regrowth that has not reached maturity,
- regrowth that is even-aged or mixed aged (e.g. dominated by one or two-distinct age-classes),
- a limited number of canopy species and be relatively homogenous,
- be highly stocked,
- relative low densities of hollow-bearing trees and other habitat trees

In contrast, forest where STS is appropriate will be more heterogeneous comprising a variety of tree species and age cohorts.

We believe that the regeneration, habitat and biodiversity protection requirements in a thinning operation should be different to those in an STS operation. These issues are commented on below.

In summary we would like to see STS and thinning recognised as discrete silvicultural operations (even if the same minimum basal area applies).

Australian Group Selection

Australian Group Selection (AGS) is applicable for a range of scenarios including:

- resetting even-aged stands that have reached commercial maturity,
- resetting mixed age-stands that have become degraded.

AGS is relevant to forests stands dominated by a single (or several) species which is (are) intolerant of competition from other trees.

The issue of primary importance when practicing AGS is the provision of a suitable environment for new trees to germinate and develop. To successfully regenerate a stand of trees, the openings need to be flooded with light and freed from competition. Restricting the size of a canopy opening to twice the stand height (CI 3.3 (2) c)) will result in an unacceptably amount of influence by surrounding trees (known as the 'edge effect'). Surrounding retained trees will suppress germinates and their subsequent development by denying them light, moisture and nutrients. Unless canopy openings can be up to three times the stand height the successful regeneration and future health and productivity of the new stand will be compromised.

Regeneration

The achievement of optimal post-harvest stocking is subject to a suite of natural variables and events. The alignment of natural variables conducive to regeneration and a harvesting event will never be perfect. In coastal and tablelands forests it can take up to five years for full restocking to be achieved. In the draft Northern Code, CI 3.4(1) states that a minimum stand stocking must be achieved within 24 months. We think this should be extended to at least 36 months.

In the draft Northern Code there is a requirement to achieve a minimum specified % stocking 'elsewhere in the forest'. We think this reference should be deleted. The only place where post-harvest regeneration is needed/wanted is in canopy openings created by the removal of mature trees. Regeneration is not needed/wanted if the forest has been thinned (i.e. in forest subject to a thinning operation the intent is to reduce stocking not increase it). In the Northern Code there are requirements for minimal machinery disturbance to soil and groundcover within riparian buffer zones. It needs to be stated that some disturbance to soil and groundcover is necessary to ensure a seedbed that is conducive to regeneration. Without specific attention to the regeneration requirements within riparian buffers these areas are likely to fail to meet the Codes' minimum stocking requirements and, over time are likely to become degraded.

The yet to be released supporting documents for measuring forest regeneration are critical components of the Codes. The methods detailed in these documents need to be workable and a reliable indicator. We would like an opportunity to review these documents before they come into force.

In all draft Codes we note that the landholder must comply with Environment Protection Authority directions regarding the achievement of minimum stocking requirements. This condition raises the following concerns:

- the EPA does not have any silvicultural expertise and as such will be poorly equipped to specify remedial requirements that are appropriate and cost-effective.
- The time periods specified in some of the draft Codes are not consistent with time periods allowed under CI 3.4(1).
- The Codes do not consider other causal factors. For example, forests that do not meet the required stocking can be a consequence of a legacy issues rather than the most recent harvesting event. For example, the failure may be connected to a previous clearing activity, a lack of fire or a weed infestation.

We would prefer that landholders whose forests do not meet the regeneration standard engage a qualified forester and be required to comply with their advice to achieve the minimum stand stocking requirements. To satisfy the EPA's requirements, the consulting forester could be required to notify the EPA of the remedial practices that have been specified.

There needs to be provisions within the Code that also cater for the restoration of understocked forest which exist at the time a PNF Plan is approved. These areas if properly treated can be restored and should be eligible for LLS assistance (like the assistance that is provided to restore forests which are the subject of a conservation agreement).

Pest and weed management

The management of pest and weeds is integral to ecologically sustainable forest management. The Code makes no attempt to address pest and weed management in any meaningful way.

The option to have a Forest Stewardship Plan provides the perfect platform for specifying the way pest and weeds can be managed. We are aware that conservation agreements between landholders and the NSW Government contain detailed provisions for the management of pests and weeds. In these agreements, landholders are incentivised to proactively manage pests and weeds. Why not do the same in Forest Stewardship Plans? It is particularly important to actively manage pests and weeds in areas that are subject to physical disturbance. In the Northern Code region weeds can be the reason why regeneration is unsuccessful and stocking targets are not achieved.

The biggest problem weed in the Northern Code region is *Lantana*. The stronghold of *Lantana* is in riparian buffer zones and in forests which have a weak canopy. Because of where this weed thrives, special provisions are needed within the Code to help control it. Harvesting events provide a unique opportunity to deal with weeds like *Lantana* in a way that is more cost-effective than at other times.

Landholders who are prepared to actively manage pests and weeds should be actively encouraged and supported by LLS. We urge LLS to review its approach and avoid missing what we consider to be a major opportunity.

Fire management

Fire control and management through fire break maintenance and an appropriate regime of Hazard Reduction burning is critical to the health and sustainability of most North coast eucalypt forests. A PNF Plan should include authorisation for routine maintenance works such as HR Burning. While it is necessary to contact the RFS to notify them of a burn, the RFS should only concern themselves with fire danger when granting that consent. The RFS has no forestry or ecological expertise and should not, as they do now, concern themselves with how long since the last HR burn was conducted before granting that consent. The 2019/20 wildfires were a major lesson in what happens when fire management is ignored. Like pests and weeds, fire management in eucalypt forests is a critical component of ecologically sustainable forest management. To not address fire management under the draft Code makes a mockery of all the conditions which seek to protect the environment (e.g. hollow-bearing trees, threatened species and waterways).

We note that the draft Code simply directs landholders to seek assistance from the Rural Fire Service (RFS). This is not satisfactory as the RFS is only setup to advise people of the hazard reduction burning rules, issue fire permits and respond to emergency situations. The assistance that is needed by PNF landholders goes well beyond this.

PNF Plan holders need assistance and guidance on the use of fire not only to protect their forest assets but also to achieve ecological and silvicultural objectives. RFS currently has no capacity or ability to provide this service. PNF Plan holders also need special provisions within the Code to ensure the best use of fire.

There is enormous scope for improving the way fire is managed on private land to achieve better environmental, social, and economic outcomes. The draft Codes are an obvious

platform to guide/encourage best fire management practice (particularly under the Forest Stewardship Plans).

Many land holders, particularly new landholders, have little or no experience with conducting a HR Burn or what best practice fire management looks like. They have neither the equipment or knowledge required to plan or conduct a burn. There is a need for extension services to assist land holders with training and actual burning assistance.

Protection of the environment

Protection of habitat and biodiversity

In the Northern draft Code (CL6.2 (5) (b) and (d)) it states that preference must be given to trees with well-developed spreading crowns. We are unaware of any scientific evidence that justifies the selection of trees with 'spreading' crowns. The reference to 'spreading' should be removed.

In the Northern draft Code, CL6.2 (6) (a) states that a hollow-bearing tree is a dominant or co-dominant tree.... We do not accept that this is always the case. By requiring a hollow bearing tree to be 'dominant' or 'co-dominant' creates a dilemma when a hollow-bearing tree is found that is 'subdominant' or 'suppressed'. In this case it may be assumed that the tree can be harvested even though it may have all the desirable attributes of a habitat tree. We recommend that the requirement for selecting for 'dominance' be removed.

The draft Code states that a feed tree is one that is listed. We note that the lists are quite limited and not consistent with other policy. For example, the NSW Government has nominated 123 species to be used to identify core koala habitat.

All eucalypt species flower and produce nectar and growth flushes at one time or another and when this occurs the trees become a source of 'feed'. For these reasons we suggest that listed species be discarded.

In the Northern draft Code (Table C in Cl 6.2 (6)) the number of dead standing trees that may contribute to the total hollow bearing tree count should be increased (beyond 2). If a dead standing tree contains the appropriate physical attributes it will have habitat value and should be eligible. The requirement to retain additional recruitment trees where there are less than the specified number of hollow bearing trees present is not supported. This prescription impacts directly on timber values and in doing so makes the landholder financially responsible for enhancing the conservation value of the forest, which is unreasonable and unfair. It is also inconsistent with the findings of *A review of biodiversity legislation in NSW Final Report* which stated that *the Native Vegetation Act imposes an unnecessary 'improve or maintain' standard at the site scale and that there should be reduced compliance burden and greater potential productivity gains for regulated parties*. If the NSW Government wants private landholders to manage their regrowth forests to produce hollow bearing trees (more than what currently exist) then it should provide stewardship payments to cover the cost of the forgone timber and productivity.

Minimising damage to retained trees and native vegetation

PNF Plan holders should be encouraged to protect timber values by avoiding damage to regrowth and retaining their 'growers'.

In all draft Codes all *Allocasuarina* and *Banksia* species are classified as 'protected' trees. These species have no special value unless/until they become large mature trees with seed bearing cones. The need to try and avoid damage to ever individual is highly impracticable.

Drainage feature protection

The draft Codes continues to use the term 'stream'. The dictionary definition of a stream is a continuous flow of water. This term is a misnomer when applied to first order second order and third order drainage features. First order and second order drainage features are the dominate form of drainage within most PNF Plans and these features rarely have running water. The term 'stream' should be replaced with the term 'drainage feature', which more accurately describes what they are.