Private Native Forestry Review Terms of Reference

Submissions Review Final Report

Client: NSW Local Land Services
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Executive Summary

Background

The Private Native Forestry (PNF) Review is part of a wider reform of the regulatory and policy frameworks governing native forestry in NSW.

In August 2016, the NSW Government released the NSW Forest Industry Roadmap (the Roadmap) which outlines a triple bottom line approach to social, environmental and economic sustainability (in line with existing government commitments to ecological sustainable forest management) through four priority pillars:

1. Regulatory modernisation and environmental sustainability
2. Balancing supply and demand
3. Community understanding and confidence
4. Industry innovation and new markets.

The Roadmap commits to modernising PNF regulation and addressing the Independent Biodiversity Legislation Review Panel’s (Biodiversity Review Panel) recommendations to no longer recognise PNF as a form of land clearing and consider regulating sustainable forest operations based on their scale and intensity. It committed to commencing this review in 2018 with full public consultation.

The NSW Government released PNF Review Terms of Reference to guide the PNF Review on 22 November 2018 (Appendix A). Local Land Services (LLS) is leading the PNF Review in collaboration with the Environment Protection Authority (EPA) and the Department of Primary Industries (DPI).

This report summarises submissions made on the PNF Review Terms of Reference, and has been prepared on behalf of LLS by Elton Consulting.

Consultation

The PNF Review involves several stages of consultation for developing improved PNF Codes of Practice. At the commencement of the PNF Review, LLS undertook targeted consultation with key PNF users (PNF contractors, consultants, timber processors and landholders who undertake PNF) and environmental, industry and community stakeholder groups to inform the development of the Terms of Reference.

Figure 1   Private Native Forestry Review Process

<table>
<thead>
<tr>
<th>PHASE</th>
<th>Scoping and Discovery</th>
<th>Terms of Reference</th>
<th>Draft PNF Codes</th>
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<tbody>
<tr>
<td></td>
<td>Seek targeted early input on the PNF Review and develop Terms of Reference (TOR)</td>
<td>Public exhibition of the PNF Review TOR</td>
<td>Development and testing of draft PNF Codes</td>
<td>Public exhibition of the proposed PNF Codes</td>
<td>Review of public submissions and updates to proposed PNF Codes based on feedback</td>
<td>New PNF Codes made by Minister</td>
</tr>
</tbody>
</table>
The Terms of Reference were initially on public exhibition for 8 weeks from 15 November 2018 to 31 January 2019. This was extended to 10 weeks ending 15 February 2019, at the request of stakeholders.

Public exhibition of the Terms of Reference is Phase 2 of the six-phase program and will guide the review through the remaining phases including draft and new Codes of Practice.

The LLS sought feedback from a wide range of stakeholders using a variety of methods. Consultation opportunities were promoted through the LLS website, advertisements in local publications and on social media.

Consultation on the Terms of Reference was structured around four targeted questions. Online submissions were guided through these questions and some email and post submissions used these questions to guide their feedback. The four targeted questions were:

1. What improvements should the NSW Government consider making to the existing PNF Codes of Practice?
2. Do you have any suggestions to ensure the PNF regulatory settings are efficient, enforceable and effective?
3. How can the NSW Government improve the authorisation and approval system for PNF?
4. What training and advice services would assist landholders, industry and the community?

Submissions and submitters

204 submissions were received during the exhibition period, of which 124 were unique submissions and 80 were campaign submissions. Percentages used in this report refer to all submissions unless otherwise specified.

Submissions were received from a wide range of stakeholders including PNF industry members (PNF timber processors and workers, contractors and forestry consultants), individuals, landholders, local government and environment and timber industry groups as shown in Figure 2.

Figure 2 Submitter stakeholder type

The campaign submissions were developed by timber industry group representatives and accounted for 39% of all submissions. PNF industry members, individuals and landholders used the campaign submission. In a very small number of the campaign submissions received (approximately 6%), additional comments or omissions were made to the campaign submission. For these, feedback beyond the campaign submission was recorded and considered in this report.

Summary of submissions

The majority of submitters felt that amendments to the PNF Program are required (91%) and a very small number felt that the PNF program works well and no changes are required (3%). A small number did not suggest whether or not the Codes needed improvement, providing a neutral response (6%).

Across the wide range of submitters, feedback ultimately focused on the long-term sustainability of PNF. Achieving long term sustainability was subject to a range of views, with many submitters offering detailed recommendations to improve PNF.
What improvements should the NSW Government consider making to the existing PNF Codes of Practice?

Across all stakeholder groups, many submissions presented the view that the Codes are unclear and difficult to use (52% of all submissions). There was mixed feedback on whether the Codes are too prescriptive (48%) or not prescriptive enough (12%) and not easily enforceable (8%). A small number of submissions from PNF industry stakeholders, landholders and individuals felt that the Codes worked well.

All stakeholder groups recognised the importance of ensuring land management achieves good environmental outcomes, particularly landholders, environment groups and PNF and timber industry submitters. Management of threatened species (58%) and ecological communities (20%) was widely discussed. Submitters focused on the impact of weeds and pests, habitat tree retention, and the broader protection of habitat through methods such as retaining wildlife corridors, old growth forest, rainforest and riparian areas. Protections for koala populations and habitat were raised in over half of submissions from local government and environment groups. These stakeholder groups also supported a requirement for pre-harvest surveys (12%). There was some feedback from environmental groups and some individuals that the Codes should better align to the principles of ecological sustainable forest management (ESFM).

The need to undertake a broader set of land management activities to achieve economic, social and environmental outcomes was also strongly represented by PNF and timber industry stakeholders, including the need for better weed, pest and fire management. Submissions suggested that attention to the prescriptions for regeneration and stocking (52%) and the range of silvicultural options allowed (51%) is needed to prevent and address high-grading (the gradual loss of commercial quality timber) and improve sustainable forest management. There was mixed feedback on exclusion zones, including riparian exclusion and buffer zones, which were discussed in over half of submissions, including the timber industry campaign submission.

Forest stewardship was mentioned in over half of submissions and there were a range of views on what ‘forest stewardship’ entails. Submitters across all stakeholder groups believed that forest stewardship should be considered to encourage landholders to maintain both the timber and environmental values of native forest, including carbon sequestration to mitigate the impacts of climate change and biodiversity assets on their property.

Do you have any suggestions to ensure the PNF regulatory settings are efficient, enforceable and effective?

The majority of submissions believed that the PNF regulatory framework needs improvement (83%), with key areas being compliance and enforcement (65%), an outcomes based approach (48%) as well as dual consent (45%). The weight of penalties and fines versus environmental risk was often discussed, and a focus on outcomes rather than process was widely recommended.

Between stakeholder groups, there was mixed views on the appropriateness of current fines and penalties. Some PNF and timber industry submitters felt the penalties were inappropriately excessive and disproportionate to the risk that PNF activity presents, others suggested they were meaningful and effective, while some environment groups and individuals thought they were too low to ensure compliance.

Alignment to other State policies and dual consent from local government was considered by timber and PNF industry submitters, as well as some landholders, as a challenge for PNF; while local government stakeholders saw a role for councils in PNF regulation.

Public information and reporting of PNF activity was supported by local government stakeholders, environmental interest groups as well as a small proportion of individuals and landholders (12%). These submitters felt greater accountability is necessary for PNF, and that information and reporting should be accessible to the public. Some of these submitters supported improved monitoring and evaluation as part of reporting (MER).
How can the NSW Government improve the authorisation and approval system for PNF?

PNF and timber industry stakeholders, agricultural groups, some individuals and landholders felt that the authorisation and approval system should be clearer and easier (48%). Generally, it was environment groups and local government stakeholders who considered the current system to be not rigorous enough (18%).

Most stakeholder groups called for a review of the old growth and rainforest mapping that is used during the approval process (10%). Ensuring information available to landholders and harvesting contractors on PNF is up to date and easy to understand was suggested by the range of stakeholder groups, particularly local government submitters (10%).

Additional staffing and resources to support the authorisation and approval system was supported by environment groups and PNF and timber industry submitters (8%).

A different approach to small scale or low risk operations was suggested by PNF and timber industry submitters; although environment groups and some individuals did not support any reduction in the approval process (45%). The timber campaign submission felt that landholders should be able to rely on a ‘property plan’ as the key component of a PNF approval.

What training and advice services would assist landholders, industry and the community?

The provision of training and advice was considered important by nearly two thirds of submissions represented across all stakeholder groups. Extension services were valued as they support better forest management outcomes and improve community support and understanding of PNF. The development of guidance materials and face to face training opportunities were recommended, including field days and workshops.

Further, a small number of submissions across all stakeholder groups suggested the development of a training and accreditation program for harvesting contractors to improve forest management outcomes and community confidence in PNF. The timber industry campaign submission supported a forest certification scheme for PNF.

Next steps

Private native forestry forms an important part of NSW’s forestry industry, and the submissions received reflect a keen interest across industry and the community to ensure forests are managed sustainably into the future. The submissions received are valued and will be considered by the NSW Government in its review of the PNF Codes of Practice, the PNF regulatory framework and the delivery of services to support good PNF outcomes.
1 About this report

1.1 Purpose of this report

This report contains a summary of feedback received by NSW Local Land Services (LLS) on the Private Native Forestry Review Terms of Reference. The Private Native Forestry Review is part of a wider reform of the regulatory and policy frameworks governing forestry in NSW. The review involves several stages as shown in Figure 3.

The Terms of Reference were on consultation for 10 weeks, from 22 November 2018 to 31 January 2019, and extended to 15 February 2019. See Appendix A for Terms of Reference.

Figure 3 Private Native Forestry Review Process

- **Phase 1** Scoping and Discovery: Seek targeted early input on the PNF Review and develop Terms of Reference (ToR)
- **Phase 2** Terms of Reference: Public exhibition of the ToR
- **Phase 3** Draft PNF Codes: Development and testing of draft PNF Codes
- **Phase 4** Exhibition: Public exhibition of the proposed PNF Codes
- **Phase 5** Review: Review of public submissions and updates to proposed PNF codes based on feedback
- **Phase 6** New PNF Code: New PNF codes made by Minister

Participation in the consultation process was sought by LLS through a range of methods. Feedback was encouraged through the LLS website, adverts in local publications and social media.

All members of the community were encouraged to have their say about the way private native forests are managed by responding to the Private Native Forestry Review Terms of Reference. In particular LLS sought feedback on how to improve the:

- Private Native Forestry Codes of Practice
  - Northern NSW Code of Practice
  - Southern NSW Code of Practice
  - River Red Gum Code of Practice
  - Cypress and western hardwood forests Code of Practice
- Rules and regulations that govern Private Native Forestry
- Private Native Forestry authorisation process
- Private Native Forestry training and advice services.

The feedback summarised in this report will be used to inform the review of the PNF framework, to ensure the views of landholders, industry, the community and both government and non-government agencies are considered in the process. This independent report has been prepared by Elton Consulting on behalf of LLS.
1.2 **How many submissions were received?**

A total of 204 submissions were received during the exhibition period. These comprised 124 unique submissions and 80 campaign submissions. Submissions were received via email (66%), LLS’s online submission platform (27%) and by post (7%). LLS also received one submission made up of videos.

**Figure 4  How submissions were received**

Campaign submissions were identical submissions provided by a number of PNF Industry members, landholders and individuals, representing 39% of all submissions. Campaign submissions are identified throughout this report in order to demonstrate the significance of these submissions in the context of all submissions received.

1.3 **Who made the submissions?**

The majority of people who made a submission were involved in the PNF industry and timber industry groups (combined 42%). These include PNF timber processors and workers, contractors and forestry consultants. Further detail of the stakeholder groups is provided in Appendix B. Submitters are categorised into stakeholder types based on how they identified themselves through the online submission form and, particularly for email or post submissions, through analysis of their submission by LLS.

Shown in Figure 5, submissions were received from a wide range of stakeholders including individuals, landholders, local government, industry and environment groups.

**Figure 5  Submitter stakeholder type**
Online submitters were able to specify which Code or Codes they were commenting on and in some instances email and post submissions detailed which Code or Codes the submission related to.

Submitters most frequently commented on the Northern NSW Code of Practice (29%), as shown in Figure 6. Over one third of submitters commented on all Codes in their submissions. One quarter of the submissions did not state which Code they were commenting on.

Figure 6 Codes commented on

![Bar chart showing codes commented on]

1.4 Analysis of submissions

The Terms of Reference consultation process focused on four targeted questions. Online submissions were guided through these questions and some email and post submissions used these questions to guide their feedback. These questions have led the coding process and act as a structure of this report:

1. What improvements should the NSW Government consider making to the existing PNF Codes of Practice?
2. Do you have any suggestions to ensure the PNF regulatory settings are efficient, enforceable and effective?
3. How can the NSW Government improve the authorisation and approval system for PNF?
4. What training and advice services would assist landholders, industry and the community?

Reflecting the technical nature of PNF, a number of submissions contained highly technical content. These included detailed wording changes to the Codes as well as suggestions for new measurements and thresholds. These detailed comments have been reviewed and where informative to do so are included in this report.

Submissions were reviewed in line with the guided submission questions and the coding framework to consistently record and reflect views expressed. This includes campaign submissions. This report uses quotes to illustrate the overall sentiment, recommendations and ideas raised in submissions.

Percentages used throughout this report refer to all submissions unless otherwise specified.

The feedback contained in submissions will be used to inform the development of new Codes of Practice. The next round of consultation will seek feedback on the draft Codes of Practice.
2 Overall feedback on the Terms of Reference

2.1 Overall sentiment

The majority of submitters felt that amendments to the PNF Program are required (91%) and a very small number felt that the PNF program works well and no changes are required (3%). A small number did not suggest whether or not the Codes needed improvement, providing a neutral response (6%).

"Currently, the restrictive regulatory environment for the profitable and productive use of private native forests is a strong disincentive to landholders recruiting, retaining and sustainably managing native forest on their land."

Submission #76, Institute of Foresters Australia

"We do not oppose Private Native Forestry (PNF) per se, but we believe strongly that any timber extraction should be done within ecological limits, conform to strong environmental standards, involve contact and collaboration with government agencies and be transparent to the public."

Submission #71, National Parks Association

"We found the existing system was easy to apply for, user friendly and staff were extremely helpful and knowledgeable in their industry."

Submission #30, Landholder

2.2 Summary of feedback

Submitters were ultimately focused on the long-term sustainability of PNF. Overall there was a feeling that improvements to the Codes are necessary to improve economic and environmental outcomes, as well as balance interests and improve industry sustainability.

There were a number of responses to each of the consultation questions. Key responses are summarised in Table 1, below.

Table 1 Summary of responses to consultation questions

<table>
<thead>
<tr>
<th>Question</th>
<th>Key responses</th>
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<tbody>
<tr>
<td>What improvements should the NSW Government consider making to the existing PNF Codes of Practice?</td>
<td>» All stakeholder groups thought Codes need to be clearer and easier to use to support:</td>
</tr>
<tr>
<td></td>
<td>&gt; landholders and harvesters to undertake PNF</td>
</tr>
<tr>
<td></td>
<td>&gt; authorities to monitor and enforce Codes</td>
</tr>
<tr>
<td></td>
<td>&gt; good environmental outcomes</td>
</tr>
<tr>
<td></td>
<td>&gt; community understanding of and support for PNF</td>
</tr>
</tbody>
</table>
### Question

**What improvements should the NSW Government consider making to the existing PNF Codes of Practice?**

<table>
<thead>
<tr>
<th>Key responses</th>
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</thead>
<tbody>
<tr>
<td>The Codes should be based on ecological sustainable forest management principles, enhance environmental protection and recognise the many important species and biodiversity in native forests and role of water and soil quality – this was supported in varying degrees across stakeholder groups.</td>
</tr>
<tr>
<td>Effective management of forests is necessary for industry and environment sustainability – fire as a management tool should be explicitly included in the Codes.</td>
</tr>
<tr>
<td>Greater flexibility of silviculture operations used across forest types should be considered to improve sustainable forest management and prevent high grading.</td>
</tr>
<tr>
<td>There was mixed feedback on the protection of exclusion zones, including riparian exclusion and buffer zones.</td>
</tr>
<tr>
<td>All stakeholder groups supported stewardship – landholders with native forest should understand and be compensated for the environmental services maintained and managed on their property.</td>
</tr>
<tr>
<td>See Section 3 for more detail on improvements to the PNF Codes of Practice.</td>
</tr>
</tbody>
</table>

### Key responses

**Do you have any suggestions to ensure the PNF regulatory settings are efficient, enforceable and effective?**

<table>
<thead>
<tr>
<th>Key responses</th>
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<tbody>
<tr>
<td>Compliance and enforcement was the overwhelming area identified for improvement across all stakeholder groups – many felt that any non-compliance should be appropriately dealt with.</td>
</tr>
<tr>
<td>There were mixed views as to whether penalties and fines were considered adequate – some PNF and timber industry submitters felt the penalties were inappropriately excessive and disproportionate to the risk that PNF activity presents, other submitters suggested they were meaningful and effective, while some environment groups and individuals thought they were too low to ensure compliance.</td>
</tr>
<tr>
<td>An outcomes based approach was generally supported across all stakeholder groups.</td>
</tr>
<tr>
<td>Public information, monitoring, evaluation and reporting of PNF activity was supported by local government stakeholders, environmental groups as well as some individuals and landholders.</td>
</tr>
<tr>
<td>Alignment to other State policies and dual consent from local government was considered by timber and PNF industry submitters, as well as some landholders, as a challenge for PNF; while local government stakeholders saw a role for councils in PNF regulation.</td>
</tr>
<tr>
<td>For some landholders, individuals and PNF industry submitters, reducing regulatory burden was a priority. See Section 4 for more detail on the regulatory settings.</td>
</tr>
</tbody>
</table>

### Key responses

**How can the NSW Government improve the authorisation and approval system for PNF?**

<table>
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<tr>
<th>Key responses</th>
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<tbody>
<tr>
<td>A different approach to small scale or low risk operations was suggested by some PNF and timber industry submitters; although environment groups and some individuals did not support any reduction in the rigor of the approval process.</td>
</tr>
<tr>
<td>Most stakeholder groups called for a review of old growth and rainforest mapping used during the approval process.</td>
</tr>
<tr>
<td>The timber campaign submission felt that landholders should be able to rely on a ‘property plan’ as the key component of a PNF approval.</td>
</tr>
<tr>
<td>Ensuring information available to landholders and harvesters on PNF is up to date and easy to understand was suggested by the range of stakeholder groups, particularly local government submitters.</td>
</tr>
<tr>
<td>Additional staffing and resources to support the authorisation and approval system was supported by environment groups and PNF and timber industry submitters. See Section 5 for more detail on the authorisation and approval system.</td>
</tr>
</tbody>
</table>
Question | Key responses
---|---
**What training and advice services would assist landholders, industry and the community?** | » Increasing information and training for landholders, PNF industry and the community was well supported particularly for forest and ecosystem management.

» For some submitters, additional training and information services were supported to assist landholders to protect environmental values on their property. Others, particularly PNF and timber industry submitters, felt that enhanced training would increase landholder participation in PNF as well as community awareness and understanding.

» A forest certification scheme was supported in the timber industry campaign submission.

See Section 6 for more detail on training and advice.

Stakeholder group representatives recommended a range of updates to the Codes and across all stakeholder groups there was discussion about how to make the industry and practice of PNF more sustainable.

> In relation to native forestry most landholders have limited expertise as it is not their full-time occupation. Landholders depend on their relevant Code of Practice to be an authoritative guide. From this perspective it is very important that the Codes are clear, concise and simple to understand.”

Submission #168, Timber NSW

> Landowners want to protect their land as well as produce from it. PNF Codes should encourage new entrants as well as win back long-term generational participants excluded by the current restrictions that inhibit proper land management. PNF should be an attractive option for landowners when assessing the vegetation Land Management Codes and making their business decisions.”

Submission #203, NSW Farmers Association

> EDO NSW supports a clear and transparent process for regulation of PNF activities. Given the potentially significant environmental impacts of PNF, there must be clear prescriptions and standards enshrined in Codes that are easy to apply.”

Submission #38, Environmental Defenders Office

### 2.3 Consultation process

Submitters welcomed the opportunity to have their say on the PNF Review. Many were also supportive of extended consultation regarding the drafting of Codes. Consultation was considered important for the process to be transparent and to ensure all potential impacts of the Codes are considered.

> Local government is a key stakeholder in PNF as local land managers and through the provision of local infrastructure and seeks an active role in the NSW Government’s further consultation on the PNF Review and development of draft Codes planned for 2019.”

Submission #162, Local Government NSW
3 Feedback on improving the existing PNF Codes of Practice

What improvements should the NSW Government consider making to the existing PNF Codes of Practice?

3.1 Overall

Submitters across all stakeholder groups felt that improvements are required to the existing PNF Codes of Practice. Figure 7 shows the feedback provided on improvements to the Codes from all submissions.

**Figure 7 Improvements to the PNF Code**

<table>
<thead>
<tr>
<th>Improvement</th>
<th>Unique submissions</th>
<th>Timber industry campaign submissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Codes need to be clearer and easier to use</td>
<td>77</td>
<td>80</td>
</tr>
<tr>
<td>Codes are too prescriptive</td>
<td>17</td>
<td>80</td>
</tr>
<tr>
<td>Codes are not prescriptive enough</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Codes are not easily enforceable</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Codes need to be based on science</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Codes are OK as they are</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>6</td>
<td></td>
</tr>
</tbody>
</table>

Many submissions presented the view that the Codes are unclear and difficult to use (52%). By making the Codes clearer and easier to use, many from the PNF Industry, including timber industry submissions, and just under one third of landholders believed PNF would achieve better outcomes and be easier to monitor.

*To improve the PNF Code and promote forestry it needs to be simple, practical, user-friendly, outcome-focused and not overly prescriptive if it is to engage operators.*

Submission #156, Koppers Wood Products Pty Ltd

There were differing views on how to improve the Codes, with some environmental groups, landholders and individuals suggesting that the Codes are not prescriptive enough (12%). In contrast, submitters from the PNF industry, including the timber industry campaign submissions, felt the Codes are currently too prescriptive (48%). Landholders and individuals had mixed views on whether the codes were too prescriptive or not prescriptive enough.

Enforceability of the Codes was discussed by environmental groups and local government (8%). These submitters suggested that enforcing the Codes should be a key consideration in how they are revised.
Ensuring a scientific approach is incorporated into the Codes was also suggested. This was raised in submissions from environmental groups and individuals who felt that any update to the Codes should be based on up to date science including forestry practices and habitat preservation.

Other suggested improvements included active and adaptive land management and undertaking innovative approaches to PNF. Environment groups and some individuals felt the use of ecological sustainable forest management (ESFM) principles should guide drafting of the Codes.

Additionally, a small number of submitters (landholders and individuals) expressed that the Codes work well. These submitters added that they had had a good experience working with the Codes.

Provisions for protection of the environment, silviculture and sustainable forest management practices are discussed in this section. These have been detailed in order of the frequency of feedback in submissions on the topic.

3.2 Protection of the environment

All stakeholder groups recognised the importance of caring for the environment and ensuring land management achieves good environmental outcomes. Looking after the environment and suitable land management practices from PNF were regularly discussed. Many environment groups and individuals raised the importance of identifying and conserving the environmental values of native forests. Feedback was received on how the Codes address habitat and biodiversity, landscape features, drainage features and land management.

3.2.1 Protecting habitat and biodiversity

Habitat and biodiversity were the most frequently discussed environmental protection component of the Codes. These elements were discussed by submitters from all stakeholder groups. Figure 8 demonstrates the habitat and biodiversity topics frequently discussed in submissions. Submitters regularly commented on the range of habitat and biodiversity considerations listed in the graph – the topics were linked and considered holistically.

Figure 8 Feedback on habitat and biodiversity

| Threatened species and their prescriptions | 39 |
| Habitat trees | 31 |
| Endangered Ecological and/or vulnerable ecological communities | 39 |
| Koalas | 30 |
| Pre-harvest Surveys | 25 |
| Impact to biodiversity | 20 |

0 20 40 60 80 100 120 140

Unique submissions Timber industry campaign submissions
Threatened species

Threatened species were discussed in over half of submissions and across all stakeholder groups. A large proportion of submitters from all stakeholder groups discussed threatened species including a majority of PNF industry (85%), nearly three quarters of local government (71%) and over two thirds of environment groups (69%).

There was mixed feedback, with environment groups, local government and some individuals supporting increased protections for threatened species with many stating that native forestry is a threatening process. Some of these submitters expressed that the list of threatened species within the Codes was not exhaustive and needed to be updated.

"Ensure ecological prescriptions are comprehensive and include all relevant threatened species. Consider including habitat-based prescriptions in the Codes.”
Submission #38, Environmental Defenders Office

"The standards for threatened species identification are inadequate and not consistent with requirements for other land use and development proposals. The requirement relies on threatened species previously recorded on the site. The use of Bionet as the only source of information on threatened species is not supported given more accurate or detailed information may be available in local plans. There is also a low likelihood of threatened species data on rural properties, as most have never been subject to a DA which would require an ecological assessment.”
Submission #162, Local Government NSW

Conversely, many PNF and timber industry stakeholders, including the timber industry campaign submissions, felt that the Codes protecting threatened species and exclusion zones were too restrictive and do not allow appropriate management to retain ecological values.

"Given many threatened species require disturbance, particularly fire, to flower/seed/regenerate, if the growing threatened species list is to be reduced, these blanket exclusions must be modified to allow activate and adaptive management to be undertaken in exclusion zones.”
Submission #135, South East Timber Association

A very small number of landholders discussed threatened species, however feedback from this stakeholder group was mixed. There was a suggestion that landholders should be supported to identify threatened species.

"the onus for researching habitat values and threatened species cannot be placed on the landholder.”
Submission #116, Landholder

Habitat trees

Habitat trees and their retention were raised in submissions across all stakeholder groups, with minimal comments from landholders. Over half of all submissions discussed habitat trees. This represents a large proportion of submitters from a majority of the PNF industry (91%), over half of local government (57%) and just under half of environment groups (46%).

The importance of habitat trees, particularly hollow bearing trees, was discussed with mixed views. Environment groups and some individuals raised that hollow bearing trees provide critical habitat for a range of species and that existing protection rates are inadequate.
Because of the critical shortage of tree hollows, something that has resulted in about 50% of all tree-hollow dependent species being listed as threatened with extinction, all hollow bearing trees must be protected. The current 5 or 10 per 2 hectares is not good enough, and unless action to preserve them and provide for large, healthy recruitment habitat trees, there will be no saving many of the species that depend on them.”

Submission #49, Clarence Environment Centre Inc

The retention of old trees for hollows and increased browse, nectar and seeds is essential and a key component of ESFM.”

Submission #56, North East Forest Alliance

Submitters from the PNF and timber industry, including the timber industry campaign submissions, and NSW Farmers Association suggested other arrangements for retaining habitat trees. These submitters felt that current retention standards are complex. Suggestions included a clearer definition of habitat trees and incorporating habitat trees retained in all retained features (e.g. drainage lines and EECs).

The current code does not reflect what is in the forest in relation to habitat and retention trees. These forests have all been harvested at least twice or three times in most landholder’s time of ownership. Most forest has uneven age class and diameter size.”

Submission #84, Hurford Hardwood Kyogle

Habitat retention tree numbers are not only excessive but also need better definition. ... Excessive habitat tree retention where the trees are not true hollow bearing trees results in loss of productive area. Discussion is also required on the need to retain habitat trees where there are less than the prescribed amount present. Current definitions and retention requirements need to better reflect the outcome of a healthy productive forest while maintaining environmental values.”

Submission #203, NSW Farmers Association

Much greater flexibility is needed in relation to how habitat recruitment tree prescriptions are defined and applied. Under the current Codes the way habitat recruitment tree prescriptions interact with good silvicultural practice is ambiguous and the guidelines provide conflicting advice.”

Submission #168, Timber NSW

A small number of PNF and timber industry stakeholders also stated that hollow bearing trees are unsuitable for harvesting.

The habitat tree retention standards are complex and difficult to implement. Hollow bearing trees are rarely cut for commercial products as they contain large timber defects by definition.”

Submission #143, Tree Dimensions Resource Management
Endangered ecological communities

Environment groups, local government, individuals and some landholders were particularly interested in how the Codes protect and consider EECs and VECs, suggesting the Codes should exclude PNF from EECs.

“We believe that PNF should be excluded from all environmentally sensitive land such as core koala habitat, Threatened Ecological Communities as well as category 2 sensitive and category 2 vulnerable land.”
Submission #74, North Coast Environmental Council Inc

“PNF operations are not appropriate in endangered ecological communities and the enabling provisions of the Code should be removed.”
Submission #133, Tweed Shire Council

However, there was some concern from a small number of PNF industry submitters that protections in the Codes discourage landholders from participating in PNF and surveying their forest.

“around 60% of the current Codes are now dedicated to prescriptions for the protection of listed species and listed communities (i.e. TECs and EECs). This acts as [a] disincentive to survey the forest to find out what is there.”
Submission #168, Timber NSW

Koalas

Koalas and koala habitat were largely discussed by environment groups, local government and environmentally interested individuals. Over three quarters of submitters from environment groups and local government discussed koalas (71% of local government and 69% of environment groups).

A portion of these submitters raised decline in koala population and habitat as an important consideration for revision of the Codes. Some suggested that koala protections should be more stringent in the Codes.

“Better protection for koalas in way of recognising and excluding logging activities within Core Koala Habitat and/or areas of Primary Food Trees.”
Submission #8, Individual

“The current approach of relying on SEPP 44 ‘core koala habitat’ is inadequate as Koala Plans of Management are not in place in all relevant areas, and it excludes potential koala habitat. PNF Codes must include explicit and robust protections for koalas and their habitats.”
Submission #38, Environmental Defenders Office

Local government submitters raised concern with how koala habitat is identified and determined, recommending that PNF be excluded from areas of primary koala habitat.

“Council has a Comprehensive Koala Plan of Management, however the mapping contains very few land parcels identified as core koala habitat due to the costs associated with studies and mapping areas of core koala habitat. It is considered that PNF should also be excluded from areas mapped as primary koala habitat...."
The prescriptions within the PNF code for determining exclusion zones around koala food trees by checking for koala faecal pellets (scats) has significant issues in regards to reliability of classification of koala habitat. Koala scats can be difficult to identify without the skills and experience required to conduct koala scat searches.”

Submission #120, Kempsey Shire Council

Pre-harvest surveys

Pre-harvest surveys were particularly supported by environment groups, local government and environmentally interested individuals. This concept was not discussed in submissions from the PNF or timber industry.

Submitters felt that pre-harvest surveys should be mandatory and undertaken by a trained ecologist to ensure harvesting did not impact on important habitat and species. Pre-harvest surveys were considered by some to be a critical part of any future project approval.

“Require site threatened species and habit surveys to be carried out by an accredited ecologist before logging operations can occur.”

Submission #38, Environmental Defenders Office

“As part of the application and approval process there needs to be a full assessment of the environmental values and constraints on the land proposed for private forestry, including on ground surveys undertaken by qualified and experienced botanists and ecologists to assess presence of threatened ecological communities, threatened flora and fauna species, old growth forest and old growth trees, location of any environmental zone, habitat corridor and waterways of all stream orders. No exemptions to full assessment should be granted on any different scale and intensity of logging.”

Submission #74, North Coast Environmental Council Inc

Local government raised the importance of surveys suggesting that existing records shouldn’t be relied upon for approvals.

“LLS should require fauna surveys prior to granting approvals. Reliance on existing records (i.e BioNet) is inappropriate given the level of impact and $ generated.”

Submission #2, Coffs Harbour City Council

Biodiversity and soil

Some environment groups and individuals as well as a small number of landholders raised that PNF has a broad impact on biodiversity. These submitters suggested that biodiversity protections within the Codes should be well defined and strengthened. Protection of wildlife corridors was supported. There was also suggestion that soil health should be considered within the revised Codes.

“The importance of soil conservation and maintenance of biodiversity is absolutely paramount and needs to be preserved and strengthened within the code.”

Submission #67, Hunter Farm Forestry Network

“Loss of forest piecemeal with no real overall plan or study is disconnecting wildlife corridors.”

Submission #170, Valley Watch Inc
PNF Codes should require consideration to be given to whether PNF plans are consistent with the PNF objects before plans are approved. - Require the PNF objects to protect biodiversity, water quality and soil quality, under a clear definition of biodiversity.”

Submission #171, Landholder

3.2.2 Stewardship

Around half of submissions, including timber industry campaign submissions, supported the concept that stewardship needs to be considered in the PNF Review. Feedback in support of forest stewardship came from all stakeholder groups, excluding local government.

The key point made is that acknowledgement, incentives and reward should be provided for landholders with native forests for the environmental services maintained and managed on their property. Submitters discussed the range of values which could be supported through stewardship payments including carbon sequestration and ecological values. Some raised that carbon sequestration is particularly important in order to mitigate the impacts of climate change.

The Government needs to consider stewardship payments, assistance for the protection of high conservation value areas and providing annual payments to landowners for the volumes of carbon stored in their forests.”

Submission #56, North East Forest Alliance

[Give] incentive to be an environmental champion working and contributing to carbon sequestration outcomes and benefits to wildlife.”

Submission #22, Landholder

PNF Industry submitters felt that stewardship roles should be provided where environmental exclusions, including habitat trees and exclusion zones, prevent harvesting. Many felt, including some landholders, that harvesting exclusions impact landholders financially as they are required to invest time and resources to manage the land sustainably.

In forests where the existing number of available habitat trees is less than the prescribed amount there should be no requirement to retain additional ‘recruitment trees’. If the NSW Government wants to have additional ‘recruitment trees’ retained (to improve a forest’s habitat value) it should pay the landholder to provide this service. ...

PNF landholders should receive stewardship payments for applying threatened species conservation prescriptions which impact on their harvesting plans. The stewardship payments are needed to incentivise PNF landholders to actively manage the risks to threatened species.”

Timber industry campaign submission

Sustainable forestry is about maintaining and improving all of the values of the forest over a long period of time. This includes both the timber production and the environmental values. The Code regimes should support landholders to improve the quality of their forest resource in perpetuity, which means that they need an economic incentive to do so. Where timber production opportunities are foregone to provide environmental services to the wider community, those losses should be compensated to the landowner.”

Submission #143, Tree Dimensions Resource Management
Environmental groups felt that stewardship should be recognised where landholders have chosen to restore and manage native forests for carbon sequestration and biodiversity protection. These submissions also suggested that landholders should be encouraged to maintain native forests as an alternative to forestry through both financial and non-financial mechanisms.

“Private forest owners should be provided with meaningful incentives to pursue the enhancement of non-timber values of their forests for wider community benefits.”
Submission #74, North Coast Environmental Council Inc

“Landholders must be offered incentives for protecting areas of private land that are of high conservation value and are needed for the state to achieve a Comprehensive Adequate and Representative reserve system.”
Submission #45, Nambucca Valley Conservation Association

The source and methodology for the provision of stewardship compensation was not suggested however a very small number of submitters discussed the role of the Biodiversity Conservation Trust, raising that this funding source should not facilitate PNF but could be considered as an alternative to PNF.

“We do not support the use of public funds as a tool to facilitate clearing or PNF. Instead, we support the use of public funds as part of a holistic system of land management that commits to protecting the full suite of environmental values, including carbon and water stores. Were such a system to be implemented, we would support the BCT in seeking to provide alternative management options to PNF for landholders.”
Submission #71, National Parks Association
3.2.3 **Landscape features**

Landscape features, as detailed in the Codes, were frequently discussed in submissions. Shown in Figure 9, the feedback on landscape features was greatly influenced by the timber industry campaign submissions. Protection of old growth forests and rainforests was the most discussed landscape feature in submissions.

**Figure 9 Feedback on landscape features**

![Graph showing feedback on landscape features](image)

- **Protecting old growth forests and rainforests**: 80 unique submissions, 15 timber industry campaign submissions
- **Rocky outcrops and cliffs**: 8 unique submissions, 80 timber industry campaign submissions
- **Steep slopes**: 6 unique submissions
- **Aboriginal cultural heritage**: 11 unique submissions
- **Non-aboriginal cultural heritage**: 1 unique submission
- **Other**: 1 unique submission

![Unique submissions vs. Timber industry campaign submissions](image)

**Old growth forests and rainforests**

Old growth forests and rainforests were discussed by PNF and timber industry, landholders, individuals and a small number of environment groups. Nearly half of all submissions mentioned old growth forests and rainforests.

Feedback was mixed however, low confidence in old growth forest mapping accuracy was raised across the range of stakeholder groups. Many PNF and timber industry stakeholders raised problems with the old growth mapping used in PNF approval as well as how old growth forest is identified. One submitter suggested that more descriptions of old growth and rainforest should be included in the Codes to replace the mapping.

“We must scrap the old growth and rainforest mapping immediately and implement a workable Code of Practice that meets our forests current conditions. The current Code stipulates we cannot log old growth and rainforest and the prescriptions for both should suffice. Both are not viable to log regardless (very few healthy trees in old growth and not sufficient hardwood in rain forest).”

Submission #144, PNF Industry

“Land holders are also reluctant to allow trees to reach full maturity for fear of the trees being declared “old growth” and therefore untouchable. So we kill young trees and harvest decent trees prematurely. This is not good management of forests.”

Submission #3, Landholder

“High Conservation Value Old Growth (HCVOG) definition and identification has to be reviewed. It was originally 10ha but was changed to 5ha. The 10ha rule should be reinstated. Consideration of historical disturbance is imperative. We also note the irony that a recently harvested forest is more likely to be classed as old growth because of regrowth stocking percentages than one that is about to be harvested.”

Submission #203, NSW Farmers Association
Environment groups and individual submitters sought that old growth forest and rainforest are protected. A small number of these submitters were also not confident in the old growth mapping used in PNF approvals.

“Given their history, unreliability and unaccountability, NEFA has no confidence in the OEH remapping of old growth forest or rainforest.”
Submission #56, North East Forest Alliance

“We need strong laws to protect the small amount of native old growth forests we have left.”
Submission #60, Individual

**Rocky outcrops and cliffs**

The timber industry campaign submissions and a small number of other submitters including NSW Farmers Association, landholders, individuals and environment groups discussed rocky outcrops and cliffs in their feedback. These submitters suggested a revised definition for rocky outcrops and cliffs are needed. Across stakeholder groups, it was expressed that the current definition is unclear.

“The real issue with rocky outcrops is where there are rocky outcrops with shallow soils and a complete change in vegetation and often the presence of threatened or vulnerable flora and fauna species. The current definition includes rocky outcrops surrounded by deep soils that are not impacted by harvesting activities. The proper definition should be used.”
Submission #203, NSW Farmers Association

“The definition of what constitutes a “rocky outcrop” must be refined. Even the EPA inspectors agree that the convoluted combination of area size, rock sizes and percentages of rock cover, that supposedly defines a rocky outcrop, is completely unworkable.”
Submission #49, Clarence Environment Centre Inc

*Definition of Cliffs is unclear and can lead to significant compliance risk.*
Submission #138, Allied Natural Wood Exports

The timber industry campaign submission and Timber NSW raised that in addition to being unclear, the exclusion buffers for these landscape features are too large.

“The definition of a rocky outcrop is ambiguous and needs to be more clearly defined. The 20m buffer is excessive and not based on any research. The buffer should be reduced to a maximum of 5m.”
Submission #168, Timber NSW

“The harvesting exclusion buffers that apply to some landscape features are excessive and should be reduced (e.g. rocky outcrops, heath and some threatened species records).”
Timber industry campaign submission
**Steep slopes**

Forestry operations on steep slopes in the Codes were considered by a small number of landholders, individuals and environmental groups. Of these, there were differing views regarding the restrictions on harvesting on slopes. Environmentally interested submitters felt that harvesting on steep slopes could increase erosion and associated impacts.

> Individuals were previously prevented from felling on areas over 18 degrees of slope. The PNF Codes allow commercial logging on lands of 30 degree of slope. This can only lead to increased erosion, soil loss and sedimentation of waterways.”
> Submission #173, Individual

> 18 degrees is too restrictive. Up to 35 degrees is more realistic. Common-sense needs to prevail.”
> Submission #73, Landholder

**Aboriginal cultural heritage**

Aboriginal cultural heritage was discussed by local government stakeholders and a small number of environment groups and individuals. It was expressed that Aboriginal cultural heritage should be identified and protected through the Codes. Some suggested that pre-harvest surveys should be undertaken to identify any Aboriginal heritage objects and landscape features. Non-Aboriginal cultural heritage was raised by one submitter.

> PNF operations should also be excluded from areas where Aboriginal objects or places are predicted to occur through a method such as, but not limited to, any relevant Aboriginal Cultural Heritage Management Plans or similar”
> Submission #110, Mid North Coast Joint Organisation

> PNF plans should consider cultural heritage impacts, and activities should be excluded if impacts occur.”
> Submission #162, Local Government NSW

> Aboriginal cultural heritage should be protected. The application process should include investigation of cultural heritage objects and sites on the land and specify means to avoid damage to these objects and sites.”
> Submission #72, Caldera Environment Centre Inc.
3.2.4 Protecting drainage features

Identification and protection of drainage features was discussed by submitters across all stakeholder groups. Figure 10 details the topics commented on when discussing drainage features. In this case feedback from the timber industry campaign submission corresponded with the level of interest in unique submissions.

Figure 10 Feedback on drainage features protection

Exclusion zones

Exclusion zones, including riparian exclusion and buffer zones, were mentioned in over half of all submissions. Submitters across all stakeholder groups except local government commented on these aspects of the Codes. As such, comments were varied.

The timber and agriculture peak bodies felt that the exclusion zones and buffers are excessive. This view was supported by PNF industry members and some landholders. The timber industry campaign submission raised that drainage feature buffers particularly inhibit forest regeneration. One submitter noted, when commenting on the River Red Gum Code of Practice, that exclusion zones are over prohibitive for species along major river systems which require flood events for regeneration. Landholders sought flexibility in how the exclusion zones apply on their property.

Consideration should be given to the removal of buffer zones (i.e. only have exclusion zones) as they compromise good forest practice. The current restrictions on harvesting disturbance which apply to buffer zones impact on the forest’s ability to regenerate post-harvest. By impeding regeneration, the current rules are facilitating forest degradation in areas that would normally be highly productive. Changes to the rules are needed to ensure that forest that is harvested within a buffer zone is given the best chance of regeneration - this means allowing the ground to be disturbed.”

Submission #168, Timber NSW

The various riparian or drainage feature exclusion prescriptions are excessive and need a complete overhaul to be acceptable to landowners. This is one of our major issues with the current Codes.”

Submission #203, NSW Farmers Association
Clarification [is] needed on why there is a need for an additional buffer, and whether management fires were permitted within the additional buffer. Exclusion zones should be aligned with what is permitted under allowable clearing.”
Submission #138, Allied Natural Wood Exports

I have a forested property in the western cypress and hardwoods region and would like to see some flexibility in the allowable works in and around the exclusion zones of streams. In particular I have some first order streams that are heavily forested with cypress pine regrowth. As you would be aware, cypress often forms a deadlock when regrowth is thick which results in a pause of any growth on any trees or groundcover. I think It should at least be allowable to thin out and gently harvest (single tree and chainsaw rather than machine) cypress in these areas. Perhaps the code could stipulate a minimum amount of erosion prevention to be completed during harvesting operations to further reduce the risk of negative impact to the area?”
Submission #20, Landholder

Environment groups and individuals focused on the retention and expansion of exclusion zones to protect waterway health. Some of these submitters expressed that riparian zones should be excluded and proposed extended buffer widths.

Headwater streams are of overwhelming importance for catchment health as this is where most of the interaction between the terrestrial and aquatic realms occurs. The science is that we should be establishing buffers at least 30m wide around these headwater streams.”
Submission #56, North East Forest Alliance

Riparian and stream buffers must be at least 30m including on first order streams.”
Submission #45 Nambucca Valley Conservation Association

It was raised by a small number of environment groups that the Codes inadequately protect smaller streams and drainage lines which are unmapped.

The PNF Codes do not provide adequate protection for un-mapped drainage lines.”
Submission #38, Environmental Defenders Office

**Erosion and water quality**

Erosion and water quality were discussed in a small number of submissions, largely by environment groups, local government as well as a small number of landholders and individuals. Recommendations put forward to reduce the risk of erosion and water quality impacts included the expansion of exclusion and buffer zones.

Waterways should be protected through buffers implemented on unmapped streams, and logging exclusion areas of at least 20 metres implemented on all unmapped, 1st, 2nd and 3rd order streams. Waterway buffer widths should progressively increase in steeper and more erosion prone country.”
Submission #72, Caldera Environment Centre Inc.
If there is an intent to implement the basic principle of ESFM to minimise environmental impacts then buffers need to be implemented on unmapped streams, and logging exclusion areas of at least 20m should be implemented on all unmapped, 1st, 2nd and 3rd order streams, with these widths progressively increasing in steeper and more erosion prone country up to at least 40m.”

Submission #56, North East Forest Alliance

Drainage feature crossings must be armoured with erosion resistant material”

Submission #80, NSW Apiarists Association

Some Councils have already experienced complaints from the community regarding soil erosion / water quality”

Submission #110, Mid North Coast Joint Organisation

**Wetlands and drainage feature protection**

A very small number of submitters discussed wetland protection. Environment groups raised that they require protection suggesting excluding forestry operations within 20m of any wetland. Timber NSW raised that wetland plant communities need to be defined, suggesting that the RAMSAR definitions should be considered. Other suggestions included improving the mapping and categorisation of drainage features.

Poor generalisation around stream order categorisation (surely not all first, second, third, fourth, fifth and sixth order streams generate the same water flow per category – given they are all present on various degrees of slope)”

Submission #144, North Coast Forest Management

Stream order should continue to be determined according to the Strahler System however its low accuracy needs to be recognised. Where a mapped stream does not occur where it is shown on a map there should be no requirement to apply a mapped drainage feature prescription (i.e. the rules which apply to unmapped drainage lines and depressions should apply).”

Submission #168, Timber NSW
3.2.5 **Land management**

Land management activities were discussed by submitters across all stakeholder groups. Many of these submitters recognised the importance of PNF in combination with appropriate land management approaches. Active and adaptive management was raised as a key consideration for the Codes by PNF and timber industry, landholders and environment groups.

**Figure 11 Feedback on land management**

![Bar chart showing feedback on land management activities](chart)

### Fire management

The use of fire and burning was discussed in just under half of all submissions. This feedback predominantly came from PNF and timber industry stakeholders as well as a small number of individuals and landholders. These submitters overwhelmingly felt the use of fire as a land management tool should be allowed in the Codes. It was felt that fire management would support environmental outcomes, reduce bushfire risk and improve regeneration.

*Submission #135, South East Timber Association*

> If private native forest owners can demonstrate that low intensity burning can be used to reduce wildfire risk and deliver improved biodiversity outcomes, the code should not enforce a total managed fire exclusion from harvest exclusion zones.”

*Submission #168, Timber NSW*

> For those with high level experience, fire is a highly effective forest management tool that can assist the forest to regenerate following harvesting. The use (or non-use) of fire both before and after harvesting deserves detailed consideration in the code.”

*Submission #160, Landholder*

> Please don’t lock up the forests as that is what has caused the very severe bush fires we have had lately ... Hazard reduction burns must be carried out continually...”
Weed and pest management

Some submitters felt that weed and pest management require more consideration in the Codes. This was discussed in nearly half of all submissions. Submitters across all stakeholder groups, particularly PNF and timber industry submitters, felt that the Codes do not adequately address how weeds and pests are to be managed in PNF.

Silviculture, fire management, and the control of pest and weeds are all major issues that receive minimal attention in the Codes. However, the way these issues are managed (or unmanaged as the case may be) has a major bearing on the economic, social and environmental values that private native forests generate.”

Submission #168, Timber NSW

The principal cause of forest species being listed as threatened is the impact of introduced pests and invasive weeds. Creating threatened species harvesting exclusion zones does not address this problem. The new Codes should give detailed consideration to the control of pests and weeds. This could be linked to stewardship payments.”

Submission #16, Private Forestry Service Queensland

PNF Codes must address the risk of ongoing spread of Bell Miner Associated Dieback, for example, by including an enforceable requirement for weed control post-logging.”

Submission #38, Environmental Defenders Office

Aboriginal land management

Aboriginal land management, particularly fire management, was raised in a small number of submissions across the range of stakeholder groups particularly PNF and timber industry stakeholders, individuals and one environment group. It was suggested that traditional management of the environment by Aboriginal peoples has not been considered in the Codes.

The terra nullius view effectively denies that Aboriginal fire management had any influence on the development of the Australian biota. Regulatory frameworks are enforcing an exclusion of managed fire, rather than intelligent application of managed fire.”

Submission #135, South East Timber Association

Protection by benign neglect has resulted in loss of biodiversity and ignores decades of prior aboriginal management techniques.”

Submission #203, NSW Farmers Association

Integrated forestry and grazing

Integrated forestry and grazing was raised in a very small number of submissions. These submitters, largely from the agriculture and timber peak bodies and a very small number of landholders, discussed their experience with grazing and forestry noting opportunities for other landholders.

When done in conjunction with traditional farming operations, methodology should take into consideration improved design for pasture and stock amenity.”

Submission #9, Landholder
A major impediment to landowners wanting to continue PNF is the late inclusion of deeming all regrowth as protected. 95% of landowners who have traditionally conducted PNF have done it integrated with stock management. To have to protect all regrowth (when one routinely gets 300-600 seedlings per single tree removed) combined with the restrictions on access to the Routine Agricultural Activities resulted in many landowners deferring PNF in order to continue their livestock enterprises. This has made it particularly hard in the current drought as the normal income stream from PNF is currently lost to them. The RAMA restrictions have been addressed in the legislative amendments in 2018 but the protected regrowth remains and must be removed immediately.”

Submission #203, NSW Farmers Association

3.3 Silviculture

3.3.1 Silviculture practices

Silviculture operations were discussed in many submissions and was dominated by the PNF and timber industry stakeholders. The feedback was highly varied and many submissions were technical. It was recognised by many submitters that options for silviculture are necessary for good forest management, reflecting that there are many forest types throughout NSW. Some raised concern with specific details of operations within the Codes.

Many submissions provided feedback on what aspects of the Code is working well and what is not with respect to silviculture. Figure 12 shows the areas of silviculture operations feedback was received on.

Figure 12 Feedback on silviculture

Regeneration and stocking standards
More silviculture options to support improvement of forest condition
Single tree selection and thinning
Australian Group Selection
Other

Unique submissions
Timber industry campaign submissions

Regeneration and stocking stands

Regeneration and stocking stands were frequently discussed, largely by the PNF and timber industry stakeholders as well as local government, landholders and individuals. Over half of all submissions discussed regeneration and stocking stands.

Feedback on regeneration regularly identified that specific attention is necessary to prevent and address high grading as well as encourage good forest management. Equally, stocking stands were viewed as too prescriptive and hard to implement particularly when linked to minimum basal area.
If best forest management practices are employed, a forest will rarely fail to regenerate. Situations where regeneration is likely to be problematic is mostly predictable and as such should be planned for... In likely problem areas, attention should be given to the amount of seed that is on the trees at the time of harvest. ... Likely problem areas should remain the subject of minimum stocking/regeneration requirements.”

Submission #168, Timber NSW

Stocking is too prescriptive – should allow variations on case by case basis to maximise land management outcomes, especially when these may improve fauna habitat quality. ... Regeneration and stocking clause [should] be amended to allow 3 years before final confirmation of regeneration success in all forest types.”

Submission #138, Allied Natural Wood Exports

I have concerns that the high BA (basal area) retention rates for single tree selection do not allow adequate regeneration for forest health and future harvesting. Compliance with both minimum stand BA and minimum regeneration and stocking under 3.3 of the code is not possible unless BA retention is reduced.”

Submission #39, Pentarch Forestry

A small number of landholders discussed forest regeneration broadly and as a critical part of forest management.

After harvesting a forest, it should be either replanted or allowed to regenerate. The forest should be managed and then re-harvested again when the trees have again grown to a harvestable size.”

Submission #160, Landholder

More silviculture options

All stakeholder groups, excluding local government, sought more flexibility with silviculture options – where and how they are applied. There was an overall consensus across stakeholders that having more options would support better management of lantana, Bell Miner Associated Die Back (BMAD) and high graded forests.

Specific silviculture approaches that were proposed included considering scientifically proven methods, the use of harvesters and machinery, and specific silviculture proposals including one suggestion for integrated logging and/or Timber Stand Improvement methods.

Logging induced dieback, also known as Bell Miner Associate Dieback, is being initiated and aggravated by logging. It is ecosystem collapse and the antithesis of ESFM. All forests areas affected by or susceptible to dieback must be identified in PVPs, along with information on severity to allow ongoing monitoring. There needs to be a prohibition on logging affected forests and rehabilitation plans developed and implemented.”

Submission #56, North East Forest Association

Under the current Code applicants are required to nominate the type of silviculture they intend to apply. This simplistic approach does not fit well with the natural diversity of the forest which typically has quite complex silvicultural needs.”

Submission #168, Timber NSW
Submitters felt that greater flexibility would achieve better harvest and environmental outcomes. Some submitters felt that silviculture options should be outcomes based. High grading was considered a significant issue with current forestry practices and was not adequately addressed in the current Codes.

"Not only are private native forests logged too frequently, but they are repeatedly high graded, leaving behind a degraded forest. If we continue to only take the best part of the best trees and harvest all the healthy adolescent aged trees for flooring and poles, we are ruining our forests (indefinitely).”
Submission #144, PNF Industry

"The Codes of practice cover too large an area to specify good practice across the whole area. The western area of the Hunter for instance is a totally different ecosystem to the north coast with different species, different climate and different soils.”
Submission #67, Hunter Farm Forestry Network

"My idea of a good PNF operation is a network of areas of untouched habitat which are joined by corridors following watercourses, and as an offset PNF operations should be permitted to have a reduced requirement for basal area densities according to the quality of the land that it occupies. eg I have many areas (acres) of locked up regrowth (cypress, bulloak etc) that theoretically cannot be touched because it doesn't meet the DBA requirements, yet grass or quality recruitment trees cannot be released through clearing of those areas. Basically, in the drier, lighter country a more flexible method of optimising PNF operations needs to be considered eg submission by the owner of alternative methods of operation for approval.”
Submission #23, Landholder

**Single tree selection and thinning**

Single tree selection and thinning was discussed by a small number of submitters from the range of stakeholder groups, excluding local government. There was a range of feedback in submissions.

There was also mixed feedback about the sustainability of selective thinning. One landholder stated that selective thinning supports new growth in native forests and is important for wildlife, while a PNF industry submitter raised that selective harvesting and thinning is not a sustainable practice as the most suitable trees are removed, affecting the sustainability of the forest. One landholder raised that manual single tree selection leaves the land in better condition than if harvesters are used. Timber NSW raised that greater clarification is required around the silvicultural techniques.

"The current definitions of Thinning, Single tree selection and Australian Group Selection have considerable overlap to the extent that it is often difficult to distinguish between them. In most native forest harvesting operations, all three silvicultural techniques are required. As currently defined, we question whether there is any value in the new Codes distinguishing between Single tree selection, Thinning and Australian Group Selection.”
Submission #168, Timber NSW

Additionally, one submitter suggested that the Tasmanian definition of stand should be considered.

"The Tasmanian Forest Practices Code provides clear examples of how prescriptions are to be implemented and could be a good template for a redesign of the NSW PNF code. ... 3.1 Single tree selection and thinning: Refer to how Tasmanian Codes define a stand.”
Submission #138, Allied Natural Wood Exports
Australian Group Selection

Australian Group Selection was also discussed by a small number of submitters from the PNF and timber industry. These submitters expressed that the prescribed canopy openings inhibit this silviculture practice and outcomes, arguing that insufficient light can penetrate the canopy and significant competition is created for the regenerating stand. One submitter suggested that the shape of an opening should be allowed to fit in with all retained features and existing regrowth.

"The benefit of this silviculture tool has been limited by the size of canopy openings permitted and as a result has not been widely embraced by practitioners. To attain more vigorous regeneration and minimize the time taken for the AGS area to grow back the minimum size of canopy openings needs to be substantially increased."

Submission #156, Koppers Wood Products Pty Ltd

"the size of the allowable ‘gaps’ to [are] too small to be effective … The adoption of a standard allowable area for gapping fixes current issues with grey areas over stand height assessment & provides for a size of gap which should allow for effective regrowth to take place."

Submission #62, Hurford Forests

3.3.2 Basal area

Those that commented on minimum basal area were predominantly from the PNF and timber industry, as well as some landholders and individuals. The sentiment was greatly influenced by the timber industry campaign submissions which recommended that the minimum basal area be reduced. There was some support to reduce the minimum basal area to address high grading and decline in stand productivity. Some felt that the existing requirements create species monocultures suggesting that better silviculture and environment outcomes could be achieved by reducing the minimum basal area.

"The minimum basal areas for selective harvesting should be reduced to 8m2/ha in dry and semi-moist forest types and reduced to 10m2/ha in moist forest types."

Timber industry campaign submission

"Minimum stand basal areas for single tree selection and thinning operations are too high to promote the growth of retained trees and they unnecessarily restrict the removal of suppressed and diseased trees. This leads to high grading and a gradual decline in the productivity of the stand, which in turn affects biodiversity values and future timber production."

Submission #143, Tree Dimensions Resource Management

Some submitters felt that minimum basal area should not be the key factor in determining silviculture operations. There was feedback that basal area requirements produce poor outcomes as trees left behind are of a poor quality (a phenomenon known as high grading). A small number of submissions suggested changing the basal area to a stems/ha or spacing approach.

"Reducing the minimum basal area to 8m2/ha and 10m2/ha is not the answer. This doesn't make the harvest sustainable. It lines pockets. It should be about what is left behind - and why."

Submission #144, PNF Industry
The code provides for having to retain basal area but the trees being retained are the trees no one wants—i.e: supressed, poor quality, damaged, poorer species.”

Submission #46, Australian Sustainable Timbers Pty Ltd.

A small number of submitters expressed that the minimum basal area is difficult to understand for many landholders and operators and should be simpler, adding that the current calculation method is ambiguous.

We recommend that the way basal area is calculated be made consistent with the new Coastal IFOA. To account for this change the BAs in the current Codes will need to be reduced to be equivalent to what they currently are.”

Submission #168, Timber NSW

Most landholders and operators don’t understand basal area. May be value in referring to the trees to be retained only (e.g. H & R trees). Operators often convert BA to tree spacing in relation to ‘boom reach’. … basal area limits should not have a stand height threshold and the standards set for basal area removal within the Silvicultural Guidelines (2010) be used.”

Submission #138, Allied Natural Wood Exports

As with feedback on silviculture operations, greater flexibility was supported by some PNF industry submitters as the basal area was considered too prescriptive to address a range of forest types and support environmental outcomes. One PNF industry submission raised that the two-tiered minimum basal areas fail to consider the range of site qualities within each forest across NSW. Conversely, one environment group provided detailed prescriptions.

To maintain & restore hollow bearing trees in perpetuity: essential for all trees over 100cm diameter be retained & as minimum 10 healthy trees/ha 10-100cm diameter, and 15 trees 20-60cm diameter/ha be retained, where not available the next largest trees should be retained.”

Submission #56, North East Forest Alliance

The NSW Apiarists Association identified a minimum basal area of 10sqm/ha in order to ensure suitable species mix and diversity.

A minimal basal area of greater than 10 square metres of tree basal area per hectare is necessary to give species mix, age diversity and genetic diversity for future forests. Species mix, age diversity and genetic diversity are all important for fauna as well as meeting beekeepers needs and the continuing health of a unique forest.”

Submission #80, NSW Apiarists Association
3.3.3 **Minor variation of the Code**

Nine comments were made on the existing minor variation component of the Codes. Two submissions supported the minor variation component, and seven sought amendments to the minor variation component in the existing Codes. One landholder raised that it would be simpler for the PNF Codes to be amended so that landholders do not need to apply for minor variations. Other comments included:

*Some discretion for minor variations to the Code should be retained. This will enable site scale variations to the Codes where alternative harvest practices could improve the environmental and forest management outcomes. This change will also enable the Code to be responsive to new scientific evidence and forest management practices.*

Submission #138, Allied Natural Wood Exports

*This approval to modify prescriptions should be retained in the new Codes with some additional detail around where it is likely to be applicable. For example, the authority to modify a Code prescription should be encouraged where it will assist landholders to achieve their holistic property management objectives.*

Submission #168, Timber NSW

*We do not necessarily support the minor variation provision, which effectively allows clearing that would otherwise not be permitted. If minor variation provisions remain in PNF Codes there must be additional requirements that improve transparency and accountability, for example a publicly available statement of reasons for allowing the variation.*

Submission #38, Environmental Defenders Office

3.4 **Construction and maintenance of forest infrastructure**

Roads, tracks, crossings and soil erosion are key components of the Codes discussed in submissions. Most submissions on these topics came from the PNF and timber industry and local government stakeholders. It was not an issue discussed in the timber industry campaign submission. There was also feedback from environment stakeholders and landholders.

**Figure 13 Feedback on forest infrastructure**

- Construction and maintenance of roads, snig tracks, log dumps: 14
- Soil erosion and water quality: 10
- Stream crossing: 4
- Wet weather limitations: 1

- Unique submissions
- Timber industry campaign submissions
3.4.1 Construction and maintenance of roads

Construction and maintenance of roads, snig tracks and log dumps were discussed by submitters across all stakeholder groups and particularly local government. Feedback in submissions indicated that road and access infrastructure was a key consideration for landholders and local government. Specific feedback on construction requirements were detailed in a small number of submissions.

“There is a need to recognise that PNF is part of a farming enterprise where clearing for access roads and boundary fire breaks need to be much wider than that currently permitted. Suggest 10 metre for access roads and a minimum of 20 metres each side of the fence for boundary fencing.”

Submission #164, Landholder

“Allowance for clearing greater than 3 metres from outside edges of batters and table drains is not required and should be removed from the Code. Establishment of a minimum of 70% groundcover in cleared areas is insufficient and should also be specified as requiring the use of locally occurring suitable species for this purpose.”

Submission #132, Northern Rivers Joint Organisation Natural Resource Managers’ Group

“Self-assessable, non-measurable allowances for clearing and construction such as ‘minimum extent necessary’, ‘as far as practicable’ and ‘kept to a minimum’ are not appropriate in relation to PNF operations. The provisions in relation to clearing of native vegetation and construction of roads and crossings must be defined in such a way as to enable objective assessment of whether this condition is met.”

Submission #133, Tweed Shire Council

“There is a variance in motives between contractors and landholders; contractors aim to minimise road construction while landholders often want more access roads. Loaded truck stability needs to be considered. Change wording to “Crossbank or equivalent structures” to allow for rubber flap drains and roll over banks.”

Submission #138, Allied Natural Wood Exports

3.5 Other impacts

When commenting on PNF regulation generally, submitters raised a number of potential impacts to neighbours, nearby ecosystems, to the native timber industry and other users as well as the rights of the landholder. This feedback generally came from local government, environment groups and PNF and timber industry stakeholders as well as some landholders and individuals.

Local government discussed a number of impacts to local infrastructure and amenity associated with PNF activity. These submitters also raised that impacts to the environment and infrastructure from PNF can be left to the council to attend to, and as such councils should be made aware of PNF activity in their local government areas.

“PNF operations can have a significant impact on local infrastructure and commonly occur in locations where the existing infrastructure is not suitable.”

Submission #132, Northern Rivers Joint Organisation Natural Resource Managers’ Group
On the impacts to neighbours, submitters felt that roads, water quality and community wellbeing are susceptible to PNF. Local government submitters noted that PNF can occur in areas inhabited by people who move into the area for lifestyle occupation who are unfamiliar with forestry practices.

“This is a very profitable exercise in some cases, but also erodes the fabric of a rural community by creating an economic and social deficit in the community, degrading valuable ecosystems and local roads by hauling heavy loads.”
Submission #69, Individual

“Where PNF activity is undertaken on a property next to a farm, consideration need to be made of the adjacent neighbour with respect to method of operation, noise, hours of operation, proximity of fallen timber and debris left adjacent to boundary of fence lines.”
Submission #164, Landholder

PNF and timber industry submitters as well as some landholders raised that the Codes inhibit landholder property rights and increased restrictions of PNF will impact the native timber industry.

“Farmers and graziers have in many cases invested a large amount of money in their farms and are the ones most involved and at risk of huge financial loss, if their livelihoods are seriously impaired by unreasonable lock-up of portions of their properties.”
Submission #204, Landholder

“With workable codes of conduct, we can go a long way to meeting the timber needs of an ever growing market, with sustainable, ethical, durable, quality timbers, sourced from environmentally managed properties in perpetuity.”
Submission #75, Landholder
4 Feedback on regulatory settings

Do you have any suggestions to ensure the PNF regulatory settings are efficient, enforceable and effective?

4.1 Overall

The most common feedback from nearly all submissions regardless of the stakeholder group is that the PNF regulatory framework needs improvement. Over three quarters of submissions suggested that the PNF regulatory framework should be improved and only nine stated that it was adequate (4%).

Compliance and enforcement was the overwhelming area identified for improvement across all stakeholder groups. Environmental stakeholders saw compliance and enforcement as the key issue and with the timber industry campaign submissions taken into account this was the most mentioned issue.

Penalties and fines were of equal importance to forestry and timber stakeholders as compliance and enforcement and, although environment groups raised this issue too, it was a clear second in priority. Environment stakeholders had a similar level of interest in the relationship or the alignment with other policy or Codes. For some landholders and PNF and timber industry stakeholders reducing regulatory burden was a priority. Another common suggestion raised by a mix of stakeholder groups is a risk based/and or outcomes based approach to regulation.

Feedback on regulatory settings has been detailed in order of the frequency of feedback in submissions.

Figure 14 Suggested areas for regulatory setting improvements

<table>
<thead>
<tr>
<th>Area of Improvement</th>
<th>Unique Submissions</th>
<th>Timber Industry Campaign Submissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compliance and enforcement</td>
<td>80</td>
<td>80</td>
</tr>
<tr>
<td>Penalties and fines</td>
<td>79</td>
<td>79</td>
</tr>
<tr>
<td>Risk based and/or outcomes based approach to regulation</td>
<td>80</td>
<td>80</td>
</tr>
<tr>
<td>Dual consent</td>
<td>80</td>
<td>80</td>
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<tr>
<td>Duration of PNF Plan</td>
<td>80</td>
<td>80</td>
</tr>
<tr>
<td>Public information and reporting</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Alignment with other policy</td>
<td>23</td>
<td></td>
</tr>
<tr>
<td>Reduce regulatory burden</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Role of councils</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>16</td>
<td></td>
</tr>
</tbody>
</table>
4.2 Compliance and enforcement

Submissions referring to compliance and enforcement were the most frequently occurring from all stakeholder groups for the regulatory settings theme. Compliance and enforcement was raised in around two thirds of all submissions. Submissions made suggestions for improvements:

“Land owners could be provided with simple land management and reporting tools, to easily record compliance for auditing”
Submission #48, Landholders

“A measurement of the degree of compliance with regulatory settings needs an initiative that audits compliance across a statistically rigorous sample size of private native foresters, that is repeated over a reasonable period of time.”
Submission #80, NSW Apiarists Association

Submissions also offered resourcing solutions such as the use of a “a wider, independent panel” or “yearly reports and on site audits every 2-3 years” or adding compliance conditions such as “post forestry clean-up as a compliance condition.”

There were conflicting views on where compliance responsibility should lie with some submissions expressing that LLS should take the lead role in compliance and audit (this tended to be the view of the timber industry). There was one suggestion that rangers (no government organisation specified) should be employed for enforcement of Codes and another that the enforcement role should be taken away from Government. Another statement from the PNF industry was that there is a need for the regulator to operate under a stable government with expert and sufficient staff.

“Responsibility for code compliance should be transferred to LLS. The NSW EPA should keep away from PNF unless LLS asks it to get involved.”
Timber industry campaign submission

“The current system where LLS are responsible for approvals and extension support for PNF, and the EPA are responsible for compliance is inefficient and leaves landholders and logging contractors subject to potentially conflicting advice and compliance situations if there is any variance between LLS and EPA interpretations of the Code requirements. This is untenable.”
Submission #143, Tree Dimensions Resource Management

There was some feedback from environment groups and individuals, including Environmental Defenders Office, that the management and oversight of PNF should be held by the NSW Minister for the Environment.

“The Minister for the Environment should be responsible for PNF, or at the very least have primary responsibility for making PNF Codes of Practice and approving PNF plans.”
Submission #38, Environmental Defenders Office
4.3 **Penalties and fines**

PNF and timber industry stakeholder submissions frequently referred to penalties and fines and it was a common discussion point for environment groups and to a lesser extent landholders. There were contrasting views on whether the penalties and fines were not severe enough or that existing penalties and fines were too severe and not in line with the infringement. The latter position was generally held by some landholders and PNF industry stakeholders.

Penalties for breaching the code must be severe and enforced. A pre-logging Environmental Impact Assessment would identify protected areas, and help ensure that contractors and landowners are aware of them. Right now, those responsible for the blatant logging breaches identified below, may well get off with a warning if they have no prior record, and the maximum penalty we understand is a paltry $5,000. We recommend that there be a substantial fine applied for every breach, i.e. multiple breaches of the same code clause, must result in multiple fines.”

Submission #49, Clarence Environment Centre Inc

The increase of penalties has become out of proportion to the infringement”

Submission #75, Landholder

It is recommended that penalties applying to breaches of approved private native forestry plan conditions be set at the level applying to offences under the relevant provisions of the POEO Act, BC Act and FM Act).”

Submission #135, South East Timber Association

Those who suggested that the fines were out of proportion with the risk of the activity felt the penalties would discourage participation in PNF.

In 2018 the penalties for breaches were massively increased, up to $5 million for a company and $1 million for an individual. These penalties are excessive and completely at odds with the risks posed by PNF activities. The NSW Government stated that it would stop treating PNF as a clearing activity however the penalties that apply continue to do this. The magnitude of the penalties is neither fair nor appropriate. With hundreds of rules and large penalties for breaking them, there is little incentive to be involved with PNF. Landholders who undertake PNF are often ignorant of the risk of those massive fines.”

Submission #168, Timber NSW

Additionally, the timber industry campaign submission and a small number of unique submissions discussed the need for independent appeal process in the Codes.

There is no provision for independent appeal by persons alleged to have breached the PNF Code. This is clearly discriminatory, undemocratic and discourages anyone from engaging with native forestry.”

Submission 156, PNF Industry

The new Codes should include provisions for independent appeal so that persons that are alleged to have contravened the code can have their matter independently reviewed without having to incur the expense of going to court.”

Timber industry campaign submission
4.4 Outcomes based approach to regulation

Outcomes based approach to regulation was generally discussed with a favourable sentiment in those submissions that raised this issue. Environment groups, local government, PNF and timber industry stakeholders as well as individuals and landholders raised an outcomes based approach.

"Should be an outcomes-based approach to allow flexibility in landscape and threatened species management."
Submission #138, Allied Natural Wood Exports

"Focus on outcomes rather than process."
Submission #113, NSW Bird Atlassers Inc

"We believe the focus should be on the outcome and the need for approval rather than the process."
Submission #26, Landholder

However, how an outcomes based approach could be achieved generated contrasting views. For example, the timber industry campaign submission suggestion for the PNF code was:

"The Codes should be more about implementing good practices and less about what you mustn’t do. The existing Codes contain too many ‘environmental protection’ rules which are not outcome based."
Timber industry campaign submission

In contrast to the PNF and timber industry, environment group submitters and some individuals were not supportive of any reduction in requirements and assessment for PNF approval based on risk regardless of scale or intensity. These submitters were uncomfortable with landholders who do not have significant expertise in developing best practice forestry plans undertaking PNF. An environment stakeholder group submission took the following view:

"We do not support the implementation of self-assessable Codes for PNF and consider their implementation in agricultural land management, through the Local Land Services Amendment Act, to have been retrograde. Self-assessable Codes facilitate large-scale, unsustainable clearing and place the entire burden of assessing biodiversity values on landholders. In the hugely diverse forest types of the eastern seaboard, it is not credible to suggest that landholders have the expertise to self-assess the diversity of forest values. Rather, a more transparent and supportive system where landholders are provided with agency support to make sound decisions and the public is provided with evidence of such decisions is more appropriate."
Submission #71, National Parks Association
4.5 Dual consent and the role of councils

The issue of dual consent and the role of councils received particularly mixed views in submission. Local government stakeholders viewed local authority consent as necessary for PNF, while PNF and timber industry stakeholders sought to exclude local government consent from the forestry regulatory regime. Timber industry campaign submissions referred to dual consent and the role of councils stating that councils should not be part of the approvals process, although some parts of the PNF and timber industry acknowledged that it was important to consult with council.

"LLS should be the sole authorisation body for PNF. The need for dual consents in certain circumstances should be abolished.”

Timber industry campaign submission

"More holistic property management plans incorporating a PNF Plan approved by LLS as the single authority and covering all vegetation management would improve consistency of land management across the landscape. This eliminates incompatible dual consents from differing authorities and the possibility of perverse on-ground outcomes.”

Submission #156, Koppers Wood Products Pty Ltd

There was also concern expressed from the timber sector that habitat retention and harvestable areas can conflict with some local council regulations. In contrast with the views of the timber industry, local government felt that the process for dual consent should be formalised to allow councils to review proposals.

"PNF approved areas should be provided to LG to enable councils to check dual consent.”

Submission #2, Coffs Harbour City Council

"There is currently a dual consent system operating in some LGAs, however the onus is on the landholder to seek these further approvals which does not always occur. This process needs formalising through an integrated referral or dual consent process in zones where forestry is prohibited.”

Submission #162, Local Government NSW

There was also concern expressed by council stakeholders that forestry operations are a major impact upon local infrastructure. An environment stakeholder submission commented that information on PNF agreements should be publicly available and shared with councils. Feedback from landholders and NSW Farmers Association took a differing focus on the involvement of councils.

"Local Government/ Councils should be provided commercial in confidence information as to which properties have PNF approval and a contact at Lands/ Forestry should be provided to refer enquiries in relation to the PNF Operations the community may have in regard to any operations in their locality.”

Submission #48, Landholder

"Dual consents should not be allowed. LLS should be the sole authorisation agency for PNF. The need for additional consent from Local Government should be overridden. This must be enshrined in legislation.”

Submission #203, NSW Farmers Association
4.6 Public information, monitoring and reporting

Public information as well as monitoring and reporting of PNF activities were particularly discussed in submissions from environment groups and local government. These submitters felt that greater requirements around PNF monitoring, evaluation and reporting and notification are necessary to promote public confidence and ensure local government is able to respond to community enquiries.

Local government suggested specific requirements for PNF reporting to ensure management, harvesting and regeneration activities are monitored effectively.

“The reporting requirements within the PNF code should also include documentation of the methodology and results of koala scat searches (with the Spot Assessment Technique (SAT) being the most recognised methodology for presence of koalas) and the prescriptive management actions that were carried out based upon the results.”

Submission #120, Kempsey Shire Council

“Reporting requirements should include at a minimum: detail of the implementation of all relevant components of the Forest Operation Plan including flora and fauna management actions, activities to promote regeneration and any forest access construction or upgrades; evidence based assessment against the silvicultural operations provisions of Section 3.1, 3.2 and 3.3.”

Submission #132, Northern Rivers Joint Organisation Natural Resource Managers’ Group

Transparency of the regulation and PNF practice was supported by environment groups, particularly the Environmental Defenders Office, and a small number of individuals. Environment groups and some individuals held the view that having more information publicly available with improved monitoring would enhance community understanding and awareness of PNF activities – ultimately contributing to transparency and a social licence. A small number of environment group representatives discussed a lack of social licence for PNF. Monitoring of PNF activities was particularly discussed in environment group submissions, who supported monitoring and enforcement of activities and cumulative impacts.

“Despite the ESFM principle to “Ensure public participation, access to information, accountability and transparency in the delivery of ESFM”, there is no accountability or transparency for PNF operations. This is partially responsible for PNF having no social licence. PNF operations must be subject to the same level of assessment and public scrutiny as all other developments on private land, including the preparation and public exhibition of a Development Application or equivalent assessment.”

Submission #56, North East Forest Alliance

There was also some interest in when and where PNF is approved.

“We contend that a public register should include spatial data to permit the public to identify where PNF is occurring and to what scale. This need not include landholder details.”

Submission #71, National Parks Association
4.7 Alignment with other policies

The Codes’ alignment and relationship with other policies was a common issue raised across all stakeholder groups, particularly local government. All stakeholders believed greater alignment and clarity is required.

A broad spectrum of policies for consideration were mentioned including: State forest policy, Land Management Code, Coastal Wetland SEPP, Koala SEPP 44, SEPP 46, relevant LEPs. Environment groups, individuals and local government were particularly interested in the Koala SEPP 44.

Submissions identified the need for consideration of the interaction and outcomes when other policies are considered.

“It is an imperative that the revised PNF Code of Practice for Northern NSW (Code) is consistent with the aims and intent of both State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44; s. 3) and the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).”

Submission #132, Northern Rivers Joint Organisation Natural Resource Managers’ Group

“Consideration should be given to any possible negative outcomes from the interaction between the PNF Codes of Practice and the Land Management (Native Vegetation) Code 2018, particularly now that both land clearing and PNF are regulated under the LLS Act. For example, do land holders understand the key differences and understand their responsibilities for each regime, and is there risk of provisions being misused to clear or harvest land contrary to legal requirements.”

Submission #66, Individual

“No other legislation, state agency or local government authority should be able to negate the approval and change the rules of engagement midstream. It is unethical to do so, and does not acknowledge the commitment of private land owners to the sector.”

Submission #48, Landholder

4.8 Reducing the regulatory burden

Reducing the regulatory burden for PNF activity was discussed by some landholders, PNF and timber industry stakeholders as well as some individuals. It was noticeably absent as an issue raised by environment groups and local government submissions.

Landholders were concerned about heavy regulatory burdens, particularly licence fees.

“If the government wants to maximise the PNF in the state it needs to make the management of the PNF less complex and similar to that of the exotic forests.”

Submission #160, Landholder

“Licences and fees should not be required to log our land as this is often part of our RAMAs.”

Submission #73, Landholder
4.9 **Other suggestions**

Duration of a PNF Plan was almost exclusively raised in the timber industry campaign submission. A small number of other submissions also supported extending the timeframe of a PNF Plan.

> A rolling approval term of at least 20 years (that is reviewed and extended every five years) is needed to incentivise landholders to take a long-term view. The option to extend should be up to the landholder. In perpetuity PNF Plan approvals should also be an option.”

Timber industry campaign submission

> 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.”

Submission #77, Margules Groome

A small number of landholders discussed work, health and safety as an important consideration for the Codes.

> TREE CROWNS IN RIPARIAN ZONES AND ELSEWHERE. Section 4.4(7) & (13) ... has little regard for property management or farm biosecurity. It: i) Reverses strategies that have been installed at high input costs and have been in place for a long period of time. ii) Creates difficulties in weed control. iii) Workplace Health and Safety Issues arise. a) Use of heavy machinery such as slashers and sprayers. b) Cattle mustering becomes a big problem.”

Submission #35, Landholder

A small number of submitters from local government, environment groups and individuals felt that the Codes should consider the cumulative impacts of PNF.

> PNF operations commonly occur in areas of high local or regional ecological value, however concerns exist that the current system lacks consideration and or review of existing strategies or policies relevant to that land, as well as the cumulative impact of PNF activities across a landscape.”

Submission #162, Local Government NSW

From an environmental stakeholder there was concern about the misuse of Codes for firewood:

> Misuse of farm forestry Codes for firewood merchants to buy up forested lands and get around past objections by the same government depts. (the DECC now OEH) and to log under represented forest types and threatened species habitat for the sole purpose of commercial firewood.”

Submission #85, Environment Interest Group

NSW Farmers Association also raised a specific challenge regarding the Federal Government definitions of renewable energy sources, suggesting a role for State Government to advocate for the productive use of thinning.

> There is an opportunity to identify and resource productive use of silvicultural thinnings for agriculture as biochar, energy production or other potential uses. There is an impediment at Commonwealth level with regard to thinnings from native forests not being recognised as a renewable energy source in relation to carbon credits. State government advocacy to have this amended would make a significant difference ...”

Submission #203, NSW Farmers Association
5 Feedback on the authorisation and approval system

How can the NSW Government improve the authorisation and approval system for PNF?

5.1 Overall

Many submitters felt the authorisation and approval of PNF needs to be faster and easier for proponents, as shown in Figure 15. This was generally raised by PNF and timber industry stakeholders as well as some individuals and landholders.

Generally, it was environment groups and local government stakeholders as well as some individuals and landholders who considered the current system to be not rigorous enough (18%). ‘Other’ responses included ensuring that approval requirements in the PNF framework is retained, that rules should be abolished for trees landholders plant themselves and that PNF should not be approved.

Figure 15 Feedback on the PNF authorisation and approval system

| Changes are needed to make it faster and easier | 17 | 80 |
| Not rigorous enough | 36 |
| Acceptable | 7 |
| Other | 8 |

There was a range of improvements suggested in submissions, as shown in Figure 16. A different approach for small scale or low risk operations as well as the development of a ‘property plan’ were key elements of an approval system supported by the timber campaign submission. Individuals and environment group stakeholders voiced concern with any reduction for small scale or low risk approval processes given the potential impact to the environment.

Old growth and rainforest mapping was discussed by all stakeholder groups except local government. Feedback on the mapping was mixed, but most thought it needed to be improved. Many tied the mapping available with information provided to landholders in their submissions. Local government, PNF and timber industry stakeholders as well as environment groups and a small number of individuals and landholders discussed information available.

Staffing and resourcing as part of the approval process was discussed across most stakeholder groups. By providing more resources for approvals, PNF and timber industry stakeholders felt the process could be sped up. Environment groups and some individuals suggested improved resourcing to ensure PNF has a more thorough approval process. Forest Operation Plans (FOP) were discussed by most stakeholder groups. In these submissions, there was a range of suggestions about what FOPs should contain. Feedback on the elements of the authorisation and approval system has been detailed in order of the frequency of feedback in submissions.
5.2 Small scale or low risk operations

An alternative approach for small scale or low risk PNF operations was particularly supported in the timber industry campaign submissions. This view was also supported by a small number of PNF industry submissions and the NSW Farmers Association who felt that for certain operations this approach may be beneficial.

*Not all forestry operations need to be authorised by LLS and subject to a Code (i.e. some should be eligible for self-assessment). Low intensity operations like commercial thinning of young regrowth is an example. The threshold for approval should be consistent with thresholds set for routine agricultural management activities. The land management Codes are also relevant to this issue but do not currently cater for forestry. “*

Timber industry campaign submission

*Low-intensity harvest operations discussed – not common in Southern NSW but considered that alternative pathway for small-scale operations may be beneficial. “*

Submission #138, Allied Natural Wood Exports

A small number of unique submitters discussed this potential approach, particularly environment groups, individuals and some landholders. Most did not support reduced requirements for small scale operations.

*We do not support self-assessment by landholders or logging contractors for commercial operations at any scale or intensity. Even small-scale operations have the potential to remove key habitat features for threatened species with significant negative outcomes, particularly where there is insufficient available habitat nearby. “*

Submission #74, North Coast Environmental Council Inc
5.3 Old growth forest and rainforest mapping

A number of submissions queried the mapping of old growth forest and rainforest relied on for PNF approvals (10%). Up to date and accurate information was viewed by a range of submitters as highly important to protect threatened species and environmental assets, ensure an efficient harvesting program and guide contractors. Many submitters raised examples of errors in the mapping and having to ground truth sites when seeking approval for PNF operations.

The 30-year-old data used to suggest the presence of old growth and rain forests is hopelessly out of date and was largely incorrect from inception. Our findings over the past three and half years (and several hundred forest inspections) that involved either old growth or rainforest has found that the old growth mapping is incorrect in 99.8% of cases and the rain forest mapping is only approximately 85% accurate. ...

We must scrap the old growth and rainforest mapping immediately and implement a workable Code of Practice that meets our forests current conditions. The current Code stipulates we cannot log old growth and rainforest and the prescriptions for both should suffice. Both are not viable to log regardless (very few healthy trees in old growth and not sufficient hardwood in rain forest).”

Submission #144, PNF Industry

Far more staff is required to be involved in the authorisation and approval system. Basic approvals with no remapping should take a couple of weeks yet we are waiting several months. Having incorrectly mapped rain forest or old growth blocks reviewed is taking well in excess of six months. This continued delay in approvals is creating an economically unsustainable situation.”

Submission #83, Glen Poole Contracting Pty Ltd.

5.4 Information provided

Similar to the mapping provided, a number of submitters sought up to date information from LLS when seeking approval for PNF (10%). Additionally, submitters proposed that easy to understand and read information should improve the understanding and engagement of landowners in the approval process. This was considered particularly important with any changes to legislation.

The land owner (in 98% of cases) has no understanding of the documentation sent out to them. They (typically) don’t read it (their personal lives are already too complicated) and it is an information overload for the majority of them. The process comprises of checking the owners names are correct; the property on the map is the correct property; outlining a forested area; and signing an approval (five minutes effort for those undertaking the process).”

Submission #144, PNF Industry

The authorisation and approvals system needs to be based on up to date, high quality habitat mapping, based on threatened flora and fauna communities.”

Submission #76, Institute of Foresters Australia

A small number of submitters suggested information should be provided both online and in hard copy given the regional nature of the industry.
5.5 **Staffing and resources**

Reflecting submitters’ comments that felt that the approval process could be faster, a number of submitters raised that increasing staff numbers and resources to authorise PNF would be beneficial (8%). Some submitters raised that additional staff and resources would allow for more scrutiny of PNF proposals and consideration of impacts. One submitter raised an issue with multiple agencies being involved in the approval process.

*More staff would make the approval system more efficient.*”
Submission #31, A W Moran Sawmilling Pty Ltd

“My recent experience with LLS has been favourable and useful but there are no local forestry officers on the Far South Coast.”
Submission #77, Margules Groome

5.6 **Forestry Operation Plan**

Feedback on Forestry Operation Plans (FOP) was varied and predominantly came from local government stakeholders. Local government submissions suggested notification of councils and specific inclusions to the standard FOP. Some submitters felt that FOPs should have a greater focus on environmental assets and others suggested FOPs could be simplified.

Detailed suggestions were made to improve a proposed FOP and these covered the basic requirements; operational intent; and operational activities to be mapped.

*PNF plans should be provided to local government and notification of the commencement of a Forest Operation Plan made prior to activities commencing.*”
Submission #162, Local Government NSW

*The first step in the preparation of a PVP and FOP should be the mapping of areas of environmental significance (i.e. rainforest, oldgrowth, Endangered Ecological Communities, wetlands, stream buffers, rock outcrops, caves and mines, areas of potential Aboriginal significance, heritage items), as well as environmental constraints (steep slopes, areas of mass movement, erodible soils, weed infestations, dieback etc). This needs to be undertaken using both available data, Aerial Photographic Interpretation, and site assessments. It is essential that this include targeted surveys for relevant species requiring prescriptions. It is also important that it identifies areas proposed for logging, areas for rehabilitation, proposed roads, stream crossings, log dumps and the like.*”
Submission #56, North East Forest Alliance
5.7 **Other suggestions**

The timber industry campaign submissions and a small number of other submitters sought a simplified approach to property and land management that incorporated PNF. They suggested a ‘property plan.’

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Landholders should be able to have a property plan approved by LLS that covers all aspects of native vegetation management, including routine agricultural activities. Whole of property approved plans should have more flexibility than those which apply to specific areas of native forest.”

Timber industry campaign submission
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A small number of submitters discussed timing and efficiency improvements in the approval process with one submitter raising that the number of regulations which allow delay the process.

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This continued delay in approvals is creating an economically unsustainable situation.”

Submission #83, Glen Poole Contracting Pty Ltd.
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Other approval and authorisation matters discussed included consultation on draft PNF plans, incorporating pre-harvest surveys and greater consideration of threatened species as part of the approval process as well as the role of former Property Vegetation Plans.

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Please make it a requirement that independent ecological and cultural surveys are done prior to logging approvals being granted.”

Submission #43, Individual
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One submitter felt that greater oversight is required. Another submitter raised issue with how PNF approvals are not retained if the property changes hands.

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Greater oversight of all instances of forestry and development in the natural environment.”

Submission #7, Individual
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Need to be able to offer the property for sale with the confidence that the PNF approval will be able to be passed to the new owners.”

Submission #23, Landholder
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6 Feedback on training and advice

What training and advice services would assist landholders, industry and the community?

6.1 Overall

Over two thirds of submissions supported enhanced PNF training and advice services. There was clear, consistent and strong support for enhanced training, advisory and extension services across all stakeholder groups.

Submissions largely focused on increased resources and information for landholders engaging and seeking to engage with PNF. For some submitters, this would achieve better environmental outcomes as landholders were informed on how to protect environmental values on their property. Others, particularly PNF and timber industry, felt that enhanced training would increase landholder participation in PNF as well as community awareness and understanding.

A forest certification scheme was raised almost exclusively in the timber industry campaign submission. These submitters felt that PNF should allow forest certification through an existing certification scheme. Harvesting contractor training and accreditation was supported by a small proportion of submitters across the stakeholder groups to support environment and harvesting outcomes. A few landholders and individuals suggested that the current resources available are adequate and helpful. A public register of accredited contractors was supported in a small number of submissions.

Feedback on the training and advice has been detailed in order of the frequency of feedback in submissions.

Figure 17 Feedback on training and advice

![Feedback on training and advice chart]

Government resources should be directed to extension services – education, training and guidance.”

Submission #168, Timber NSW
6.2 Information and training for landholders

Nearly two thirds of submitters supported increased education and information for landholders engaging in PNF and to support those new to the industry, including the timber industry campaign submission. Increasing the resources available to landholders was supported across all stakeholder groups.

Submitters offered a variety of education and information suggestions. Options included:

- Open days of PNF demonstration sites
- Training for landholders on best practice forest management and species identification
- Local workshops for landholders in rural areas
- Accessible and up to date information on websites and in the community.

PNF and timber industry as well as some landholders and individuals saw education and training as a way to encourage community support and understanding of PNF. It was also raised that offering additional resources to landholders would encourage participation in PNF.

“There are numerous extension services for agriculture but no coordinated, consistent and reliably funded programs for PNF. Field days at PNF demonstration sites viewing different harvest systems and stages in forest growth and regrowth are great venues for training courses.”

Submission #156, Koppers Wood Products Pty Ltd

“It is vital that extension services are provided and resourced to explain the detailed process of forest/stand improvement, harvesting and preparation of the property. Professional advice on which trees to keep and which ones to sell would also be helpful.”

Submission #168, Timber NSW

Some landholders supported increased training and education to promote environmental values and protection in PNF operations. One submitter stated that the CD videos are helpful.

“We attended the forestry operations courses available at the time and found that while they are useful from the production perspective, they did not educate the PNF owner about the sensitivity of the operations to biodiversity. I think that potential PNF operators should be made to attend a course educating them about their potential negative impacts on biodiversity and the importance of carrying out their operations with sensitivity to plants and wildlife.”

Submission #23, Landholder

There was a small amount of support for an external role to support landholders by providing advice.

“Local consultants such as Registered Professional Foresters accredited by the Institute of Foresters of Australia could be used in producing PNF Plans and providing advice to landowners on best practice.”

Submission #134, Landholder
6.3 Forest certification scheme

A forest certification scheme was largely mentioned in the timber industry campaign submission. That is, a very small number of non-campaign submissions called for a forest certification scheme explicitly. Those that did agreed that a scheme would support community and industry confidence.

“The PNF Plan authorisation process should include provisions which enable applicants to have their forest certified under PEFC or FSC.”

Timber industry campaign submission

6.4 Harvesting contractor training and accreditation

In addition to landholder information and training, a number of submitters were supportive of training and accreditation of harvesting and haulage contractors (6%). Again, submitters saw this as a way to provide confidence to the public and for contractors to understand and protect the environmental and cultural values.

“To ensure enthusiastic public support & participation, comprehensive training should be provided to landholders, the industry, workers & the general public, educating them about these values, ensuring participation.”

Submission #65, Individual

“Forestry contractors need to be registered with qualification so that landholders can be certain that the work is being undertaken in accordance with PNF conditions. This qualification needs to take into consideration a minimum standard of equipment used in the forest operations (WH&S and noise.)”

Submission #164, Landholder

“Accreditation and effective training program for haulage and harvest contractors to be put in place and properly monitored.”

Submission #84, Hurford Hardwood Kyogle

“Cutter accreditation system. Emphasis on forest health & the habitat and eventual benefits will flow.”

Submission #16, Private Forestry Service Queensland
Appendices

A  PNF Review Terms of Reference
B  Stakeholder type
A  PNF Review Terms of Reference
Private Native Forestry Review

Terms of Reference

Background

The NSW Government is reforming the native forestry regulatory frameworks, including private native forestry (PNF), to modernise the regulation and ensure the long-term ecological sustainability of native forestry in NSW.

PNF is the sustainable management of native forests on private property. Private native forests represent a significant proportion of NSW’s native forest estate, accounting for 39.7 percent of the 22 million hectares (ha) of native forest in NSW. It is ecologically sustainable, an important source of income for landholders, and a key resource for the NSW Forestry Industry.

PNF is part of the broader land management framework and in 2014 the Government commissioned an independent review of biodiversity, native vegetation and threatened species legislation in NSW. The final report made 43 recommendations, including one relating specifically to PNF. The NSW Government accepted all recommendations, including Recommendation 7, which called for a review of regulatory arrangements for timber harvesting on private land as part of a separate process that:

- a) does not regulate the harvesting of native timber on private land as a form of land use change
- b) considers options for regulating sustainable forestry operations based on their scale and intensity rather than tenure, including options for permitting low-intensity operations on private land without the need for approval and a focus on outcomes rather than process
- c) considers a range of options for improving the environmental performance of haulage and harvest contractors operating on private and public land.

In August 2016, the NSW Government released the NSW Forestry Industry Roadmap (the roadmap). The roadmap set out a triple bottom line approach to achieving social, ecological and economic sustainability (in line with existing government commitments to ecologically sustainable forest management) through four priority pillars:

1. Regulatory modernisation and environmental sustainability
2. Balancing supply and demand
3. Community understanding and confidence
4. Industry innovation and new markets.

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3 NSW Government 2016. NSW Forestry Industry Roadmap. NSW Government, Sydney NSW.
In November 2017, the Minister for Lands and Forestry and the Minister for the Environment announced that the extension and approval roles for PNF be established within Local Land Services and that the Environment Protection Authority would retain its compliance and enforcement roles. This arrangement commenced on 30 April 2018.

On 21 June 2018, the *Forestry Legislation Amendment Act 2018* (FLA Act) passed the NSW Parliament and commenced on 9 November 2018. The FLA Act transfers the relevant PNF provisions from the *Forestry Act 2012* to a new Part 5B of the *Local Land Services Act 2013* (LLS Act). This new part:

- Recognises the difference between private native forestry and native forestry operations in State Forests or other Crown-timber land, including in the application of protocols, codes, standards and other instruments
- Establishes that PNF will deliver Ecological Sustainable Forest Management and continue to protect biodiversity and water quality
- Gives the Minister for Lands and Forestry the responsibility for making the PNF Codes of Practice with the concurrence of the Minister for the Environment and the Minister for Primary Industries
- Sets out the requirements for what the PNF Codes of Practice must satisfy
- Stipulates a public consultation period of at least 4 weeks for changes to or the making of PNF Codes of Practice.

In introducing the FLA Act, Minister Toole indicated that the FLA Act ‘updates the Local Land Services Act to increase the level of consistency across the regulatory framework for native vegetation. Through active and adaptive management, the productivity and environmental performance of our private native forests can be improved. Effective forest management does not require a trade-off between economic and environmental outcomes. Rather, it can deliver benefits for farmers, for the community and for the environment.’

The NSW Government will commence a review of PNF in November 2018. Local Land Services will lead the PNF Review in collaboration with the Environment Protection Authority and the Department of Primary Industries. The first step in the consultation process is to seek public submissions on this Term of Reference.

**Objectives**

The NSW Government’s vision is that NSW will have a sustainably managed forest estate that underpins a dynamic economically efficient forestry industry, which continues to support regional economies and delivers social and environmental benefits.

The PNF Review seeks to balance the sustainable development of the private native forestry and agricultural industries while recognising the environmental values of the private forest estate.
The objectives of the PNF Review, consistent with the *Forestry Legislation Amendment Act 2018* (including objects of Part 5B), the NSW Forestry Industry Roadmap and the spirit and intent of the recommendations of the Independent Biodiversity Legislation Review Panel, are to:

1. Support a socially, environmentally and economically sustainable forest industry in line with ecologically sustainable forest management.
2. Ensure the regulatory settings and requirements are efficient, outcomes focused, enforceable, risk-responsive, reduce unnecessary regulatory burden and reflect best practice.
3. Recognise key differences between forestry operations on public and private land, including in the application of protocols, codes, standards and other instruments.
4. Operate in a fair and consistent framework, addressing the Independent Biodiversity Legislation Review Panel recommendations including considering potential options for:
   a. Regulating sustainable forestry operations based on their scale and intensity
   b. Improving silviculture, forest management and environmental practices of PNF harvesting and haulage contractors.
5. Increase landholder engagement and community confidence in PNF, including enhancing landholder and PNF industry understanding of silviculture and forest management, contemporary business practices and the PNF regulatory framework.
6. Develop PNF Codes of Practice that are clear and easier to use and support social, environmental and economic sustainability in line with ecological sustainable forest management.

**Scope**

The scope of the PNF Review is to:

1. Review the PNF Codes of Practice (Northern NSW, Southern NSW, River Red Gum forests and Cypress and western hardwood forests) in the context of:
   a. *Forestry Legislation Amendment Act 2018* and subsequent amendments to the Local Land Services Act and Regulation (including objects of the new Part 5B)
   b. NSW Forestry Industry Roadmap
   c. Recommendations of the Independent Biodiversity Legislation Review Panel
   d. National Forest Policy Statement
   e. Regional Forest Agreements

2. Consider and develop options for:
   a. Establishing efficient and effective regulatory settings that:
      - Reduce unnecessary regulatory burden and take a risk based approach to sustainable private native forestry operations with a focus on outcomes rather than process
      - Improves the PNF authorisation processes and systems
      - Ensure environmental values are recognised and appropriately managed during PNF operations
• Ensure Aboriginal cultural heritage and non-aboriginal cultural heritage values are recognised and appropriately managed during PNF operations.

b. Developing an effective training and accreditation program for PNF haulage and harvest contractors.

c. Enhancing landholder knowledge and community acceptance of the PNF industry, including
   • The value of sensitive and important environmental assets
   • The composition, size and value of the native timber industry and native timber products
   • Landholders and the PNF industry awareness of best practice silviculture and forest management, contemporary business practices and the PNF regulatory framework through an effective and consistent extension program.

3. Consistent with 1) and 2) above:
   a. Develop PNF Codes of Practice that are streamlined, clear and easier to use and enforce, support social, environmental and economic sustainability in line with ecological sustainable forest management
   b. Make recommendation to NSW Government on options to improve the PNF system as outlined in 2) above.

Consultation

PNF users (such as landholders, PNF contractors and processors and apiarists), industry, environmental, local government, Aboriginal and community stakeholder groups and the broader community will be consulted throughout the review process. The process will include:

- Targeted consultation with key PNF users and stakeholder groups to inform the review
- Public submissions on the PNF Review Terms of Reference for a period of 10 weeks
- Public submissions on the draft Codes of Practice for a period of 8 weeks.

Deliverables and Proposed Timeline

Key deliverables and proposed timelines include:

- Seeking public submissions on PNF Review Terms of Reference for a period of 10 weeks – November 2018
- Public consultation on PNF Codes of Practice for a period of 8 weeks – proposed to commence May/June 2019
- Ministers making new PNF Codes of Practice – proposed September 2019.
# Stakeholder type

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<thead>
<tr>
<th>Stakeholder type</th>
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<tr>
<td><strong>PNF Industry</strong></td>
<td>Forestry businesses, contractors, harvesters, networks and associated businesses</td>
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<td></td>
<td>The majority of submitters who submitted the timber industry campaign submission (including individuals)</td>
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<tr>
<td>Individuals</td>
<td>Individual community members representing a range of interests</td>
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<tr>
<td>Landholders</td>
<td>Individual and business landholders and owners both engaging in PNF and not involved in PNF representing a range of interests</td>
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<td><strong>Environment group</strong></td>
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<td>North East Forest Alliance</td>
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<td>Northern Rivers Guardians, Inc</td>
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<td>Nambucca Valley Conservation Association</td>
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