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Submission

to

Local Land Services

on the

Private Native Forestry Draft Code of Practice – 2020

Introduction

The Clarence Environment Centre (CEC) has maintained a shop-front presence in Grafton for over 30 years, and has a proud history of environmental advocacy. The conservation of Australia's natural environment, both terrestrial and and marine, has always been a priority for our members, and we believe the maintenance of healthy ecosystems and biodiversity is of paramount importance.

As an organisation we have received countless complaints about logging activity on private properties. We have been unable to investigate most of these cases to confirm whether or not the logging is in breach of the Code of Practice, because of the secrecy provisions that are in place. We strongly believe there is no justification for those secrecy provisions given forestry is highly destructive and with a high potential to cause erosion and weed invasion. Everyone lives in a river catchment, and anything a landowner does on their property has the potential to impact on everyone downstream in that catchment. The community at large are also impacted through degradation of visual amenity, and logging's significant contribution to climate change and ever-increasing bushfire intensity.

Preamble

The phrase Ecologically Sustainable Forest Management is repeated no less than 4 times in the half page introduction on page 3 of the Draft, and we are fully supportive of this apparent aim for an ecologically sustainable industry. Unfortunately, that is the last time the phrase is mentioned, while other critical elements of any legislation, compliance monitoring and enforcement, receive no mention whatever which, given past experience, we find unsurprising.

In our 2019 submission responding to a request for input into the PNF Code of Practice, we detailed the complete failure of all regulatory authorities in this regard. We backed that with a case study on a property where the EPA admitted, in writing, that the loggers had broken every regulation in the code, yet 2 years on, with the 2 year statute of limitations fast approaching, absolutely no action has been taken against the perpetrators. Unless that aspect is corrected, this Draft code will be every bit as ineffective as the last.

We believe strong enforceable legislation must be the cornerstone to any effective strategy to ensure the industry is ecologically sustainable. Without it, the clause **SI(2) “Forestry operations under an approved PNF Plan must be conducted in accordance with all relevant provisions of this Code”**, will be completely meaningless

Incredibly there is a requirement by the PNF applicant (page 4 S5(b)(iii) to report “**any presence of pests and/or weeds**”, but only provide “**details of flora and fauna management actions (where applicable)**”. As we understand it, applicability only occurs when there are records of threatened species on the property. With no requirement to assess the impacts on flora and fauna, much less actually look to see if there are any threatened flora and fauna present, this clause is pointless..

We strongly urge the Local Land Services to require a flora and fauna survey be undertaken before any logging operation is approved, and protection provided for those species found to be present. Without that survey work, a very high percentage of potential PNF properties will have no threatened species records, so the prescriptions laid out in Appendix A will be pointless.

It is imperative that a flora and fauna impact assessment be completed by a licensed reputable ecologist before any logging operation is approved.

Hollow-bearing trees

Hollows in trees, take over 150 years to develop. These vital shelter, roosting and nesting features are already protected under legislation, and their loss deemed to be a key threatening process under the Biodiversity Conservation Act. Every bushfire, lightning strike, and wind storm, sees more and more of these ancient trees disappear from the landscape, to the point where almost half our listed threatened fauna species are tree-hollow dependent, and with every tree lost, there is even more pressure on those threatened species to survive.

Why therefore is a PNF operation allowed to bulldoze excess hollow-bearing trees? i.e. why is it stated in the code that only 10 of those trees need to be protected in every 2 hectares? All of these trees must be protected.

Property Veg Plans

Whatever happened to Property Veg Plans (PVP)? Under the previous PNF CoP there certain areas were required to be set aside and protected to offset the ecological damage caused by the logging process. That now appears to have been dropped; hardly surprising when there is no compliance monitoring or enforcement.

As we stated in our early submission, Private native forestry must be sustainable, i.e. no net loss of biodiversity. However, we showed that many operators were ignoring the regulations in the Code of Practice with impunity, therefore we made some suggestions for making the industry truly sustainable. They were:

Recommendations:

1. A Property Vegetation Plan must only be approved after the assessment of a comprehensive Environmental Impact Assessment, which includes an independent flora and fauna survey and assessment by a suitably qualified ecologist. This would bring the farming community in line with any other development, even building a backyard shed requires an assessment if native vegetation loss will result.

2. No logging approval should be granted in areas identified as having high conservation value. Instead, a mechanism should be introduced whereby the landowner can access funding to manage those conservation values, i.e. stewardship payments. This could also include the trading of carbon credits. All such agreements must be made in perpetuity, and not something that can be undone through a change of ownership or political agenda.
3. The status of neighbouring properties must be taken into consideration. If any of those properties are managed under a Voluntary Conservation Agreement (VCA) for example, that property owner is under contract to the Minister to maintain biodiversity values, which likely includes habitat continuity across the landscape. Heavy logging or clearing of neighbouring properties could find the VCA holder in breach of that contract.
4. 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.
5. 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.
6. 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.
7. Buffer zones for headwater streams and gullies must be substantially increased, the current 5 or even 10 metre buffers are clearly insufficient to prevent erosion.
8. We believe that the rubbish dumping, or failing to clean up garbage (truck and skidder tyres, oil cans, and vehicle parts, should also be made an offence under the Code. Right now the EPA, the body responsible for both logging regulation, and pollution, have informed us that there is no law to stop landowners dumping whatever they like on their own properties. This is ridiculous. As previously pointed out, whatever the landowner does on their land has the potential to adversely impact on everyone downstream.

We thank the Minister for this opportunity to comment.

Yours sincerely

John Edwards
Honorary Secretary