

# NSW Forest Products Association Ltd

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Dear Sir/Madam,

## **Re: Thinning Native Vegetation Code**

Thank you for the opportunity to comment on the draft Thinning Native Vegetation code. The NSW Forest Products Association (FPA) strongly supports the introduction of self-assessable codes for managing native vegetation.

The introduction of workable self-assessable codes will promote awareness and renewed interest in forests and understanding about the benefits of active management. A workable self-assessable Thinning Code will encourage landholders to think more about the forests on their land and how best to manage them. In recent decades landholders have been discouraged from looking after their native vegetation due to burdensome regulatory requirements. The introduction of self-assessable Codes can help break down these barriers and encourage participation in an activity that will directly foster forest health and biodiversity.

Our review of the content of the draft Thinning Code has revealed that it contains many exceptions that heavily constrain the opportunity for 'self-assessment'. These exceptions invariably trigger government intervention and or the need for more complex Property Vegetation Planning. A marked reduction in the number of these exceptions is needed if the Code is to be embraced by landholders as a workable guide.

The attached submission provides specific feedback on the technical issues detailed by OEH within its public submission guidelines.

Yours sincerely,

**Maree McCaskill**

General Manager

26 May 2014

**1. Please comment on the technical thresholds proposed in the self-assessable code.**

**a) maximum areas to be thinned;**

In the absence of any justification the proposal to apply maximum area thresholds for each geographic zone appears arbitrary. It is understood that properties within Zone 3 are on average much larger than properties within Zone 2 which are in turn larger on average than properties in Zone 1. This fact alone however does not support a threshold or a threshold difference. Within each zone there is enormous variability in both property size and in the proportion of a property that supports native vegetation. For example a large property within the wheat-sheep belt (zone 2) may have less native vegetation than a much smaller property on the coast (zone 3) which is largely uncleared.

If OEH's primary concern is that the thinning code may lead to undesirable environmental outcomes then this may be better addressed through an effective monitoring and performance review system.

**Recommendation**

- Remove the maximum area threshold.
- Introduce a landscape wide forest monitoring system that will track environmental performance and compliance with the code.

**b) stem density and size;**

Stem density thresholds appear reasonable for the different forest types.

In relation to the maximum diameter threshold the code doesn't adequately account for variability in tree size, growth rates or silvicultural response. For example, a tree within a semi-arid woodland with a 20cm dbhob is likely to be well over 50 years old and may only reach a maximum diameter of 30cms at maturity. In contrast, a tree within a wet sclerophyll forest with a 20cm dbhob may be less than 20 years old and have the capacity to reach over 150cm dbhob at maturity.

The age of a tree will influence how it responds to thinning. In general the younger the tree the more responsive it will be. For this reason the 25cm diameter limit is considered too low for some forest types and too high for others.

**Recommendation**

- To accommodate differences in tree size, growth rates and silvicultural response, maximum thinning diameter thresholds should apply as follows:
  - 20cm dbhob
    - Arid shrublands
    - Semi-arid woodland – grassy sub formation
  - 25cm dbhob
    - Grassy woodland – inland
  - 30cm dbhob
    - Forested wetland - inland
    - Grassy woodland – coastal
    - Forested wetland – coastal
    - Dry sclerophyll forest
    - Wet sclerophyll forest

**c) *habitat features;***

It is proposed in the draft that the presence of a threatened species record and or woody shrub layer will trigger the need for a Property Vegetation Plan.

Based on the Atlas of NSW Wildlife Threatened Fauna Records it is estimated that there are 1.43 threatened fauna records and 0.64 threatened flora records respectively per square kilometre of private native vegetation. This density of records suggests that a high proportion of landholders would automatically trigger the need for a PVP. It may be argued that such an outcome is not consistent with the intent and spirit of self-assessment.

It may also be argued that thinning native vegetation is a relatively benign activity that is unlikely to impact on the vast majority of threatened species.

**Recommendation**

- That the presence of threatened species record or woody shrub layer should not automatically trigger the need for a PVP.
- That ecology experts be engaged to develop a short list of threatened species and woody shrub types whose habitat is considered at high risk from thinning activity. Only a record of these listed species/shrub types may trigger the need for a PVP.

**d) *type of thinning method;***

No comment

**e) *land degradation risk.***

Under the draft thinning code land that is highlighted as vulnerable under *The Vulnerable Land Map of NSW* will be ineligible. It is estimated that over three quarters of all coastal and tableland native vegetation falls into this classification. This means that those landholders eligible to use the self-assessable code will be a small minority. This outcome is arguably not what the government envisaged when it amended the Native Vegetation Regulation to facilitate self-assessment.

**Recommendation**

- That the Vulnerable Land Map of NSW not be used to exclude the application of the self-assessable code.

**2. *Have you identified any regional variations or exclusions that could be covered within the current technical thresholds?***

No. Refer comments above.

**3. *Are there aspects of the self-assessable code that require further explanation or instruction before you are able to make a determination?***

Within Table 1 the meaning of the terms ‘nominated stem density’ and ‘nominated stem spacing’ is not clear unless you read the supporting text. These phrases should be replaced with planer words that are more self-explanatory.

**4. *Please comment on the workability of the self-assessable code in making decisions to clear vegetation in your region.***

In its current form the draft code contains too many exceptions which trigger the need for government intervention (as detailed above). Unless addressed, these exceptions will impact heavily on the code’s workability and success.

**5. *In what way was the Landholder Guide helpful in understanding the requirements of the Ministerial Order?***

The Guide was generally helpful however reference to the Ministerial Order was required to get the ‘full story’ on some issues. For example, the Ministerial Order makes it explicit that Vulnerable Land cannot be thinned while the Guide does not.

In general the Ministerial Order was clearer and easier to understand than the Guide.

**6. *What else could be included in the guide to assist landholders in making decisions using the self-assessable code?***

An online system would be helpful which instantly advises of any special requirements after the landholder has entered their property location and an outline of their thinning proposal.

**7. *Other Comment***

FPA notes that OEH is using the term ‘clearing’ to describe forest thinning. Use of the term ‘clearing’ is applicable only where a forest land-use is converted to a non-forest land-use. Forest thinning is not a land-use change. As the guideline states, *thinning is an activity that involves the selective removal of individual trees* with the aim of achieving a desired silvicultural outcome. ‘Clearing’ is an emotive term which can have negative connotations for the environment. It is inappropriate to use this word for describing activities within forests that are remaining as forests.