



## AUSTRALIAN FOREST GROWERS

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**Committee Secretary  
House of Representatives Standing Committee on Environment and Heritage  
Parliament of Australia**

**Inquiry into public good conservation –  
Impact of environmental measures imposed on landholders**

Dear Secretary,

Australian Forest Growers' NSW Chapter (AFG) wishes to draw to the attention of the Standing Committee on Environment and Heritage, the impact of the Native Vegetation Conservation Act (NVCAct) on private forest owners in NSW.

Australian Forest Growers is an association of forest owners and growers representing the interests of private commercial forestry and farm tree growers. Its membership is drawn from the full spectrum of private forest interests- from the owner of the small farm woodlot, to plantation growers and owners of private native forest.

### **Background**

In August 1995 the NSW Government introduced State Environmental Planning Policy 46 (SEPP 46) to control clearing in NSW. The NVCAct replaced SEPP 46 in January 1998. This Act had broader objectives than SEPP 46; to protect areas of high conservation value, encourage rehabilitation, prevent inappropriate clearing and provide for conservation and management on a regional basis, all in accord with the principles of ecologically sustainable management. As a process to do this the Act identifies Regional Vegetation Management Committees with responsibilities to control the landowner or manager in management of native vegetation.

Within the NVCAct, clearing is comprehensively defined, expanding the common interpretation to the extreme of pruning limbs! The continuing use of the land for forestry through harvesting and regeneration is also recognised as clearing. For forestry issues the NVCAct applies primarily to private land. Residential land, State Forest and National Park land are excluded.

Presently, during the transition from SEPP 46 to the application of the NVCAct through regional plans there is an exemption for private native forestry from the requirement to

seek a development consent. This exemption is “-the clearing of native vegetation in a native forest in the course of it being selectively logged on a sustainable basis, or managed for forestry purposes (timber production).” This exemption is not guaranteed in the future in Regional Vegetation Management Plans.

### **The Impact**

This somewhat lengthy background is necessary to introduce the concern that stems from the operation of this Act. This concern is that the definition and guideline of sustainable forestry requires complex and costly assessment of private land conservation values to meet targets that are likely to require substantial areas of private land to be excluded from production forestry. It also requires forest management and silviculture that is designed to create forest areas where the objectives for management are totally focused on conservation benefits at the expense of long term multiple benefits with an emphasis on timber production.

From the DLWC Staff Guidelines for assessment of clearing applications the test for biodiversity significance examines:

- Vegetation condition
- Conservation status
- Connectivity
- Biodiversity richness/uniqueness
- Migratory species
- Isolated and disjunct populations
- Threatened species

As well as land and water degradation, heritage and landscape values and a socioeconomic assessment. It is the former biodiversity assessment elements, (provided the later, soil, water and heritage values are used genuinely for the purpose indicated), which leads now and will lead more in the future to impacts of public good conservation on private landholders.

Large proportions of private forest land intended for harvest has been, or will be according to the guidelines, forced out of their productive function and into defacto reserves. This situation is aggravated through the political decisions made in the state Forest Agreements to not follow the terms of reference for the RFA's and require private land to meet targets for conservation RFA which could have been further satisfied from the public land. The fact that the signed RFA says this will not happen is clearly ignored in advice from the Ministerial advisory body the Native Vegetation Advisory Council.

This matter is most complex, for when truly endangered species are involved conservation is not opposed by caring landowners most of whom recognise a strong stewardship for the forests they own. What is unacceptable is large scale restrictions on forest owners who through continued forest management will maintain conservation practice at levels far above the rural sector generally.

Whilst the silviculture and forest management guide-lines are still interim and under development, and a Code of Practice for native forest is to be prepared. Many examples exist on both small and large properties where significant parts of their native forest area are excluded from the opportunity to yield a harvest, or return that area to better production through an efficient regeneration phase. The interim conditions are well entrenched and strongly developed within DLWC, to the extent that stronger political support of native forestry will be necessary to achieve a more reasonable position.

AFG would appreciate an invitation from the Committee to bring detailed case studies forward of both inappropriate constraints over area and application of over restrictive silvicultural practice.

### **Impact on Plantation Development**

The same legislation, the NVCA Act and preceding SEPP 46 has also been a major impediment to investment in plantations in NSW. Whilst elsewhere in Australia plantation development has greatly increased, in NSW except for the NSW Government's \$90 million investment, new planting has almost ceased. Unreasonable demands for scattered remnant vegetation again based on biodiversity conservation demands has required substantial areas to be left unplanted resulting in unacceptably high land costs often leading to the whole project being abandoned. The NSW Government recognised this problem and passed legislation, the Plantation and Reafforestation Act, to overcome a number of impediments to plantation investment. However the ancillary Code of Practice to this Act retains the same unreasonable conservation demands. Again examples and case studies can be provided if required.

Yours sincerely

**John Bryan**  
**President NSW Chapter AFG**

Per Brian Furrer