

## Padovan John

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**From:** J. Notaras & Sons Pty Ltd (jns) <jns@notarastimbers.com.au>  
**Sent:** Tuesday, 13 August 2013 11:08 AM  
**To:** EPA Continuous Improvement Unit Mailbox  
**Subject:** Amendment of Protection of the Environment Operations (General) Regulation 1998  
**Attachments:** Scan0241.pdf

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Dear Sir/Madam

Please see attached letter.

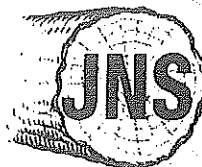
Regards  
Spiro Notaras  
Managing Director

J. Notaras & Sons Pty Ltd.  
Floors of Distinction from the world's most beautiful woods.  
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# J. NOTARAS

## & Sons Pty. Ltd.

ABN 90 000 308 789



### SAWMILLERS - HARDWOOD FLOORING SPECIALISTS

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13 August 2013

Native Forest Biomaterial Consultation  
Reform and Compliance Branch  
Environment Protection Authority  
PO Box A290  
South Sydney NSW 1232

Email: [native.biomass@epa.nsw.gov.au](mailto:native.biomass@epa.nsw.gov.au)

### **Amendment of Protection of the Environment Operations (General) Regulation 1998**

Dear Sir/Madam

This Submission by J Notaras & Sons Pty Ltd supports the proposed amendments to allow waste residue (bio-mass) produced when harvesting Native Hardwood Forests for the use of electricity generation.

The Timber Industry only wishes to utilise the waste from forests harvested under our strict Forest Code of Practice. The present legislation denies the opportunity to convert a residue from legitimate forest operations into a valuable useable renewable product. Harvesting our forests is based on world best practice and is scientifically based with the ultimate aim of a healthier forest.

Our objective is to utilise all the by-products from these forests. Firstly into timber and the remaining residue or waste into other beneficial products for the agricultural and co-generation industries which will help Australia reach the targets in achieving meaningful reductions in carbon emission of fossil fuels.

The primary objective in sustainable forest management for the production of timber will not change, using wood in the construction industry which dramatically reduces emissions from fossil fuel and improves carbon sequestration.

**From:** geoff cunningham <geoffcun@bigpond.net.au>  
**Sent:** Wednesday, 14 August 2013 9:41 AM  
**To:** EPA Continuous Improvement Unit Mailbox  
**Subject:** Consultation Comment

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Native Forest Biomaterials Consultation  
Reform and Compliance Branch  
Environment Protection Authority  
PO Box A290  
Sydney South NSW 1232

I am of the view that this proposed amendment is a step in the right direction to profitably utilise a resource that to date has only been regarded as a nuisance and really a blight on a large area of farmland.

After considering the proposed consultation draft I wish to suggest two amendments to the published document.

The first of these relates to the nature of the native biomass material that is removed/ harvested during the process of removing invasive native species from the landscape. The amendment as it stands only refers to "**trees**". As I have had a long association with the invasive native species issue I am very aware that the biomass resulting from approved clearing comprises both **trees and shrubs**. This should be spelled out clearly in the proposed amendment to avoid any potential future time and money wasting litigation.

The second issue relates to the limitation placed on the source of eligible native biomass being linked only to material cleared under a PVP. To my mind this is quite limiting should provisions of the Native Vegetation Act or the Native Vegetation Regulation be varied in future. If the Act / Regulation was / were to contain other [additional] provisions that legalised the removal of native biomass associated with invasive native species .then this material should be allowed to be used for electricity generation.

I realise that should changes be made then a similar process of public consultation to this current exercise could be undertaken. However it would be prudent and time and money saving to add an additional few words to the current proposed amendment to cover any future changes so that the public consultation process does not have to be invoked in future.

I have set out below a suggested wording to cover both these issues. The additions are highlighted.

PROPOSED Rewording [2] (a) (a1) (i)

Bio-material obtained from trees and shrubs that have been cleared in accordance with a property vegetation plan approved under Part 4 of the *Native Vegetation Act 2003* after the clearing was assessed under the Invasive Native Species Chapter of the Environmental Outcomes Assessment Methodology (within the meaning of the *Native Vegetation Regulation 2005*) or trees and shrubs cleared legally in accordance with any other provision of the Native Vegetation Act [2003] or the

**Padovan John**

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**From:** David Joss <dajoss.nmb@internode.on.net>  
**Sent:** Wednesday, 14 August 2013 5:22 PM  
**To:** EPA Continuous Improvement Unit Mailbox  
**Subject:** Submission  
**Attachments:** Submission to EPA.doc

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Please find attached a submission on planned changes to regulations.  
David Joss

Mathoura Red Gum Sawmills,  
Conargo Street,  
MATHOURA NSW 2710

August 14 2013

Mark Gifford,  
Chief Environmental Regulator,  
Environmental Protection Authority,  
59-61 Goulburn St,  
SYDNEY NSW 2000

Dear Sir,

Thank you for the opportunity of commenting on the proposed changes to the *Protection of the Environment Operations (General) Regulation 2009* which we support as outlined in the attached submission.

David Joss

Chris Crump.

The usual cry of the environmental lobby in relation to woody debris is that it is habitat. Sometimes they will quote the work of Professor Ralph Mac Nally who has claimed in several papers that, because he could only trap yellow-footed antechinus – a small mouse-like marsupial omnivore – near dense accumulations of such debris, it follows that such deposits are essential to the animal's survival.

This argument is based on flawed logic.

Animals and birds will naturally gather where food is easy to find. Woody debris certainly harbours large numbers of insects and other items of diet favoured by the antechinus and other predators but they are just as happy foraging on standing trees.

In the abstract of a paper titled *Benchmarks of fallen timber and man's role in nature* forest scientist Vic Jurskis argues: *The ecological history of grassy woodlands since European settlement shows that proposed 'restoration' measures will favour common and widespread biota at the expense of rare and endangered species. No correlation of biodiversity with fallen timber has been demonstrated for grassy eucalypt ecosystems. Globally, conservation strategies that minimize human activity have generally failed because resilience of ecosystems and ancient trees has been reduced and rare species have been lost.*<sup>3</sup>

What he is saying is that the more common species tend to opportunistically improve their lot *at the expense of their rare and endangered competitors*. This means that the argument for retention of woody waste on the forest floor of eucalypt forests is misinformed, which vindicates the management models under which all such debris was formerly removed as a fire hazard (by both European and indigenous inhabitants) leaving a clean, open forest floor.

As well, piles of such debris and hollow branches provide shelter for rabbits, foxes and feral cats.

There is no sound reason why suitable woody debris should not be burned for electricity or for other forms of energy production and we support the addition of the two proposed classes of waste timber to the list of available fuel sources.

We would further urge that the list be expanded to include all available waste timber and that a careful scientific scrutiny be applied to claims about fallen timber being essential habitat for supposedly endangered species.

David Joss

Chris Crump

MATHOURA NSW 2710

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<sup>3</sup> Jurskis V. *Benchmarks of fallen timber and man's role in nature: Some evidence from eucalypt woodlands in southeastern Australia* Published 2011 by Elsevier.

**Padovan John**

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**From:** Russell Ainley <russainley@nswfpa.asn.au>  
**Sent:** Thursday, 15 August 2013 2:13 PM  
**To:** EPA Continuous Improvement Unit Mailbox  
**Subject:** FPA Submission - Amendment of regulation burning biomaterial for electricity generation  
**Attachments:** FPA Submission native biomass.pdf

Please find attached our submission with regard to the proposed amendment of this regulation.

Thank you for the opportunity to make this submission.

Regards  
Russ Ainley  
Executive Director

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# NSW Forest Products Association Ltd

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Native Forest Biomaterial Consultation  
Reform and Compliance Branch  
Environment Protection Authority  
P.O. Box A290  
South Sydney NSW 1232  
By email: [native\\_biomass@epa.nsw.gov.au](mailto:native_biomass@epa.nsw.gov.au)

15 August 2013

**SUBMISSION TO PROTECTION OF THE ENVIRONMENT OPERATIONS (GENERAL) AMENDMENT  
(NATIVE FOREST BIO-MATERIAL) REGULATION 2013**

The Protection of the Environment Operations (General) Regulation 2009, Clause 97, prohibits the burning of biomaterial for the production of electricity. By definition material from plantations, farm forestry, and waste from wood processing and the manufacture of wood products is excepted from the prohibition.

This regulation banning the use of biomass harvested from native forests in NSW, for production of electricity:

- is counterproductive to the aims of the Draft NSW Renewable Energy Action Plan (the Plan)
- is contrary to the principles of sustainable forest management more broadly.
- is counter to evidence based policy and the science on the renewable energy benefits from sustainably managed forestry biomass.
- is inconsistent with international science on the carbon neutrality of biomass
- places local wood-based businesses at a competitive disadvantage compared with other renewable energy sources in Australia and with many overseas suppliers who have favourable bioenergy incentives.
- disadvantages NSW native forest growers and managers (both private and public); any processors wishing to utilise native forest wood residues for bioenergy, and other renewable energy facilities.

Certification under the Australian Forestry Standard and/or the Forest Stewardship Council acknowledges that management of NSW forests meet the highest international standards of sustainable forest management. Indeed, the NSW sustainable forest management framework operates according to world best practice.

The fact that NSW forests are managed to the highest levels of sustainable forest management is supported by the independent 2009 Indufor Oy study (Indufor Oy (2009). Comparison of Selected Forest Certification Standards - Final Report for Forest Products Association of Canada (FPAC) and Forestry Innovation Investment (FII) Ltd, July 3, 2009.) which notes that:

*"... Canada (B.C., Ontario) and Australia (New South Wales) are the countries with the most comprehensive legislation adequately addressing all of the sustainable forest management elements. The scope of the Australian legislation is the broadest, with its inclusion of provisions for all studied elements."*

As such, there should be no concern regarding the use of native forest harvest for economic utilisation, including for the generation of electricity.

#### Economic Issues

Our objective is to utilise the by-products of forest growth and conversion into timber: those by-products are produced in any event. The only impact on forest management is to improve the economic return as a sustainably managed forest resource. That means better forest management, better options for silviculture and more efficient utilisation of forest products. Recognition of products that may be used for electricity production, creates an economic basis for investment into electricity production from otherwise unused renewable resource. Consequently the economic value will support the ongoing viability of forest management, the NSW timber industry and the domestic production of sustainable building materials at a relatively low energy cost.

The issue, including the utilisation of invasive native scrub, is clearly the conversion of a currently wasted resource to electricity as an economic product, that substitutes electricity production from non-renewable fossil fuel resources. That provides an immediate environmental benefit as decreased carbon emissions from the production of electricity, without any denigration in the carbon or environmental balance of forest management. Failure to use this resource creates perverse environmental outcomes of increased emissions from fossil fuel generation, increased production of high energy construction materials, and increased risk of forest destruction (habitat, biodiversity, threatened species and releasing thousands of tonnes of carbon to the atmosphere) by bushfire.

Allowing the use of native forest harvest residues for bioenergy creates a value for a waste stream with multiple economic, social and environmental benefits. The value that can be gained from converting this waste to energy is multifaceted;

biomass in the forest through mechanical means rather than traditional fuel reduction burning. (Stephens M (2010). Bushfire, forests and land management policy under a changing climate. *Farm Policy Journal* 7: 1119.)

The primary object of forest management for the production of timber will not change. The relative product values ensure that biomaterial will only ever exist as a residue. Using wood in construction dramatically reduces fossil fuel emissions when substituted for metal, concrete and plastic alternatives. Greenhouse gas mitigation from the use of structural or appearance-grade wood far outweighs the greenhouse gas mitigation benefit of using wood directly as a biomass fuel.

If not used for biomass fuel, residues (particularly from clearing of invasive native scrub) are often distributed on landscapes or buried and burned, or just left on the landscape; they decompose to greenhouse gasses without any greenhouse gas mitigation benefit. This misses an important opportunity to provide a relatively clean, carbon neutral source of energy for society, increasing our dependence on alternative energy sources, including fossil fuels, or more expensive renewable energy sources.

### Carbon Sequestration

The process of carbon sequestration in growing forests and the capacity to increase carbon storage by growth, utilisation and conversion to timber products has been very well and scientifically described over the past decade. That part of the debate is well founded and well accepted. Managed forests contribute to carbon sequestration, to carbon storage within the forest and to carbon storage as timber products. Until forest management, the only industry in the world able to produce a positive carbon outcome, is duly credited with a positive carbon value the theoretical balance may only ever be a negative outcome, at best, restricted to reducing the rate of increasing emissions.

Forest management, utilisation and growth contribute positively and increasingly to the rate of carbon sequestration from the atmosphere and can also reduce the use of fossil fuels for electricity and high energy building products. In 2008 it was estimated that the forest industry could contribute to the Government's climate change policy objectives by providing 81 million tonnes per year of carbon abatement, specifically identifying:

- 5Mt CO<sub>2</sub>e per year as carbon stored in wood products;
- 20Mt CO<sub>2</sub>e per year as post 1990 reforestation
- 20 Mt CO<sub>2</sub>e per year as increased carbon stock as growth of pre 1990 forests
- 3 Mt CO<sub>2</sub>e per year from utilisation of wood waste substituting fossil fuels

With respect to climate change mitigation recent research by the NSW Department of Primary Industries (Ximenes et al (2012). Greenhouse gas balance of native forests in New South Wales, Australia, *Forests* 2012: 653-683.) suggests that managed forests can produce greater carbon abatement benefits compared with reserved forests over the longer term, given their multiple abatement pathways (refer Figure 1). These pathways include:

- the carbon stored in a growing forest;

### Green media claims

Recent media statements opposing use of forest residues for electricity generation are patently false and are refuted:

- that utilisation of wood wastes (from sustainable forest management) for electricity production is misconstrued as the burning of native forests and threatens destruction of the habitats of native species and the loss of biological heritage;  
*There is no impact on the sustainability of forest management in Australia, the legislative framework of controls, the protection of environmental values, the habitats of native species, threatened species or biological heritage. There is a significant positive impact on the social and economic return from forest management.*  
*There is a significant beneficial impact due to the avoidance of perverse environmental outcomes. That is, if potential renewable energy is not used to substitute fossil fuel electricity to whatever extent is possible.*
- proclamation that Australia is ready to move to 100% renewable energy from wind and solar sources:  
*The Renewable Energy Target at 20% of Australia's electricity supply by 2020 denies any comprehension that very expensive wind and solar resources could now supply 100% of Australia's electricity demand.*
- claims that Australia's plantation industry is about to displace native forest wood from the market.  
*Hardwood plantations in NSW currently produce their maximum capability of 19 - 21% of sawlog supply. Hardwood timber products maintain a strong place in the Australian market as a building and infrastructure product, it is misrepresentative to confuse that market with softwood products and the declining export market for woodchips.*

The Green's argument that the proposed amendment will 'devastate' native forests is fundamentally flawed and cannot be substantiated.

### In the United States

Active forest management measures are increasingly being employed to reduce fuel loads, restore degraded forests and utilise the available wood resources for timber and renewable bioenergy, and provide much needed revenues to support sustainable land management.

A high level national policy framework is directed to tackling the disturbing trend of more severe forest fires and restoring degraded forests. This has seen the re-introduction of thinning and harvesting projects for woody biomass and other products in many forest areas managed by the US Forest Service and other State Government agencies in order to deliver multiple, beneficial goals.

Goals include severe fire risk reduction, renewable energy, forest health, carbon mitigation and timber industry development.

In Californian, for example, the state agencies have a 2012 Bioenergy Action Plan to accelerate clean energy development, job creation, and the protection of public health and safety. The plan contains

*"It is also necessary to promote timber and wood products as replacements for more energy intensive materials. The carbon storage properties of timber and wood products should also be quantified, providing a national standard recognising timber's potential to remove carbon from the atmosphere."*

*"The use of forestry biomass can be a sustainable way to provide renewable energy. The use of native forest biomass should be supported where it is a true waste product that does not itself drive harvesting of native forests."*

Recognition of wood waste for renewable energy means that major projects in forest industries, and reliant on by-products from forest industries, will be able to proceed. Significant social, economic and environmental benefits will be available for rural and regional communities throughout NSW and most particularly for rural and regional forest industry communities.

In summary, the utilisation of timber biomass from sustainable and approved forest operations for renewable energy will produce better forest management outcomes, as well as an efficient utilisation of whole log processing. The existing regulation constrains scientific forest management to regrow our forests designated for timber production, as well as intentionally preventing mills from converting from fossil fuel energy sources to renewables. The regulation can only be logical in an anti-forestry sense as it in fact makes carbon emission reductions less likely to occur. The outcome, under the current regulation, has been less investment in innovations that are entirely possible with current technologies used in Europe, less employment, diminished silvicultural opportunities, less efficient processing and higher carbon emissions.

Furthermore, increased use of energy from fossil fuels for high energy construction materials is contrary to a strategy of reducing carbon emissions. Maximising energy from renewable biomaterial also supports timber's role as a low energy building material.

The current regulation actually acts to prevent carbon emission reductions from occurring, whilst diminishing an economic value to the entire native forest industry future.

The failure to except biomaterial from sustainable forest management in the current regulation is a travesty which diminishes the value and undermines the credentials and integrity of sustainable forest management.

Economically and environmentally, the current regulation banning native forest biomaterial for the production of bioenergy makes no sense. The amendment as proposed will enable native forest harvest residues to be utilised in an efficient, sustainable and carbon-positive manner and native forest harvest, management and processing residues to be made into a higher value product (energy), instead of being left to cause a potential fire hazard and/or source of GHGs as it decays.

There is an overwhelming case to have the regulation amended, for NSW to begin to take advantage of the multiple benefits provided by active forest management, from the sustainable use of native forestry biomass and processing residues for the production of bioenergy.

# Native Forest management, Carbon Cycle and potential use of forest residues for Renewable Energy on the Mid North Coast of New South Wales.

Justin Williams

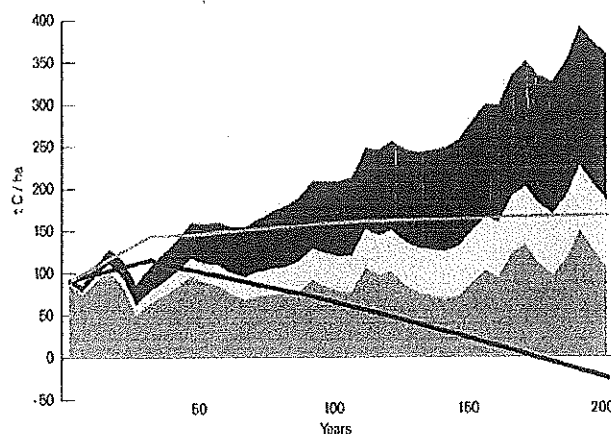
Forests New South Wales (FNSW), Central Region.

## Summary:

Current native forest management produces significant quantities of forest residues that are left to burn or decay in the forest producing significant carbon emissions. Some of this residue could be viably processed and utilised in creation of renewable energy, however current State and proposed Federal regulations make this illegal. It is illogical to regulate that these unavoidable residues generated from certified, sustainable and legal native forest harvesting must be wasted and allowed to contribute to the problem rather than be part of the solution to climate change mitigation.

To appreciate the full range of issues surrounding whether to support the use of native forest residues in production of biomass energy it is important to understand the overall context of the native forest industry and how they contribute to carbon flows. This submission describes the nature of the north coast timber industry, how to assess the carbon implications of forest management or protection, an analysis of carbon mitigation benefits of current forest management, and estimates the scale of improvement from utilising a proportion of forest residues for biomass energy.

This submission also highlights that some existing published studies on the carbon mitigation benefits of protecting native forests from logging, only describe the 'within' forest part of the carbon dynamics and ignore storage in wood products, substitution and leakage impacts. As a result these overestimate the benefits for climate change mitigation of stopping sustainable harvesting of native forests.



## Cut forest

- Product substitution effect: Net carbon emissions avoided through using timber products compared to more emissions-intensive alternatives. If logging residue was efficiently utilised for biochar or energy, the net product substitution effect would be much greater.
- Carbon stored in products
- Carbon stored in retained trees and from all parts of harvested trees left in the forest.

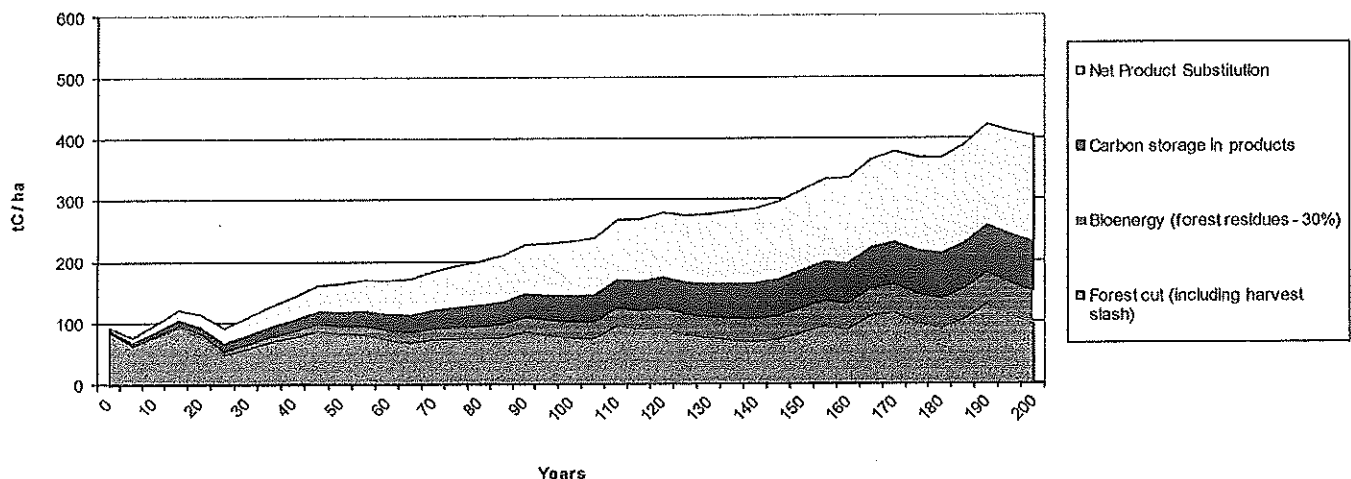
## No cut forest

- ..... Carbon stored if the forests are not harvested.
- Net carbon stored: Net impact of not harvesting forests on carbon stocks, including the effect of substituting the sawlog products with more emissions-intensive alternatives.

*This model excludes potential emissions due from wildfire. If included the carbon storage of the protected forests is much lower.*

- Sustainable harvesting of the forest for timber production produces not just a sustained but ever increasing benefit
- Forest protection sees more wood stored in the forest, but the increment or growth of the forest slows and diminish if alternative resources have to be found. There is also a risk of significant carbon emissions from catastrophic fires.

## Forest residues are 25-50% of carbon removed during forest management



30% residue use represents around 55 tonnes carbon/ha over the 200 year life-cycle (13% increase in the net tonnes C/ha).

**Padovan John**

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**From:** NSW FOREST PRODUCTS ASSOCIATION <fpa@nswfpa.asn.au>  
**Sent:** Friday, 16 August 2013 8:43 AM  
**To:** EPA Continuous Improvement Unit Mailbox  
**Subject:** Amendment (Native Forest Bio-material) Regulation 2013  
**Attachments:** Weathertex submission.pdf

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Attached submission forwarded on behalf of Paul Michael, Weathertex P/L

Native Forest Biomaterial Consultation  
Reform and Compliance Branch  
Environment Protection Authority  
P.O. Box A290  
South Sydney NSW 1232  
By email: [native.biomass@epa.nsw.gov.au](mailto:native.biomass@epa.nsw.gov.au)

**SUBMISSION TO PROTECTION OF THE ENVIRONMENT OPERATIONS (GENERAL) AMENDMENT  
(NATIVE FOREST BIO-MATERIAL) REGULATION 2013**

Weathertex Pty Ltd is a Hardboard Manufacturing Plant first established in 1939. It currently employees approximately 100 people and purchases in excess of 25,000 m3 pa of pulp wood logs mainly from Forest Corp but also from private property. These logs are chipped and pulp for use in the production of Weathertex.

**The regulation banning the use of biomass harvested from native forests in NSW, for production of electricity:**

- is counterproductive to the aims of the Draft NSW Renewable Energy Action Plan (the Plan)
- is contrary to the principles of sustainable forest management more broadly.
- is counter to evidence based policy and the science on the renewable energy benefits from sustainably managed forestry biomass.
- is inconsistent with international science on the carbon neutrality of biomass
- places local wood-based businesses at a competitive disadvantage compared with other renewable energy sources in Australia and with many overseas suppliers who have favourable bioenergy incentives.
- disadvantages NSW native forest growers and managers (both private and public); any processors wishing to utilise native forest wood residues for bioenergy, and other renewable energy facilities.

**Proposed amendment of this regulation is supported.**

- Residues from NSW's sustainable native forest management hold great potential as alternatives to fossil fuels for energy production. The lack of incentives for (and the outright ban on) the use of NSW native forest biomass, in renewable heat and energy production, creates a serious imbalance in the renewable energy market and misses some of the lowest cost and ecologically sustainable opportunities for carbon emissions abatement, while posing no threat to the ecological sustainability and biodiversity of NSW forests.
- The proposed amendments may also provide a much needed boost to rural and regional economic and employment growth, providing the basis for enduring and sustainable environmental, social and economic outcomes for NSW forest communities. Major projects in forest industries, and reliant on by-products from forest industries, will be able to proceed.
- International renewable energy solutions, both existing and planned, are based upon biomass, and in particular wood biomass. The Minister for Resources, the Hon. Martin

The process of carbon sequestration in growing forests and the capacity to increase carbon storage by growth, utilisation and conversion to timber products has been very well and scientifically described over the past decade. It should not be ignored, amendment of this regulation will contribute significantly and positively to the carbon balance.

- In 2008 it was estimated that the forest industry could contribute to the Government's climate change policy objectives by providing 81 million tonnes per year of carbon abatement.
- Recent research by the NSW Department of Primary Industries (Ximenes et al (2012). Greenhouse gas balance of native forests in New South Wales, Australia, *Forests* 2012: 653-683.) suggests that managed forests can produce greater carbon abatement benefits compared with reserved forests over the longer term, given their multiple abatement pathways. Importantly, Ximenes *et al* notes:  
*"forests managed for production provide the greatest ongoing greenhouse gas benefits, ... Thus native forests could play a significant part in climate change mitigation, particularly when sustainably managed for production of wood and non-wood products including biomass for bioenergy."*
- The article "Native Forest management, Carbon Cycle and potential use of forest residues for Renewable Energy on the Mid North Coast of New South Wales" (Justin Williams, Forests NSW, Central Region) identifies forest management sequestering approximately **220 tonnes of carbon per ha** over 100 year cycle and 400 tonnes over a 200 year cycle. If only 30% of forest residues are utilised that represents 55 tonnes of carbon per ha or between 25 and 50% of the carbon removed. Existing waste streams of woody biomass are sufficient to supply 3,000 gigawatt hours of renewable energy per year; that is 7% of the renewable energy target.

**The House of Representatives Inquiry into the Australian Forestry Industry "Seeing the forest through the trees", November 2011, supports the use of forestry biomass as renewable energy:**

*"It is also necessary to promote timber and wood products as replacements for more energy intensive materials. The carbon storage properties of timber and wood products should also be quantified, providing a national standard recognising timber's potential to remove carbon from the atmosphere."*

*"The use of forestry biomass can be a sustainable way to provide renewable energy. The use of native forest biomass should be supported where it is a true waste product that does not itself drive harvesting of native forests."*

**The Green's argument that the proposed amendment will 'devastate' native forests is fundamentally flawed and cannot be substantiated.**

- *There is no impact on the sustainability of forest management, the legislative framework of controls, the protection of environmental values, the habitats of native species, threatened species or biological heritage. There is a significant positive impact on the social and economic return from forest management. There is a significant positive outcome for the carbon balance. There is a significant beneficial impact due to the avoidance of perverse environmental outcomes, if potential renewable energy is not used to substitute fossil fuel electricity to whatever extent is possible.*

**Padovan John**

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**From:** NSW FOREST PRODUCTS ASSOCIATION <fpa@nswfpa.asn.au>  
**Sent:** Friday, 16 August 2013 8:45 AM  
**To:** EPA Continuous Improvement Unit Mailbox  
**Subject:** Amendment (Native Forest Bio-material) Regulation 2013  
**Attachments:** Dorney submission.pdf

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Attached submission forwarded on behalf of Anthony Dorney, Newell's Creek Sawmilling Company and S.A. Relf P/L

Native Forest Biomaterial Consultation  
Reform and Compliance Branch  
Environment Protection Authority  
P.O. Box A290  
South Sydney NSW 1232  
By email: [native.biomass@epa.nsw.gov.au](mailto:native.biomass@epa.nsw.gov.au)

**SUBMISSION TO PROTECTION OF THE ENVIRONMENT OPERATIONS (GENERAL) AMENDMENT  
(NATIVE FOREST BIO-MATERIAL) REGULATION 2013**

**ABOUT US**

The Dorney family operates two (2) hardwood sawmills, Newell's Creek at Markwell and S A Relf & Sons at Bulahdelah. The Newell's Creek Mill was set up by Bart Shoobridge, Arthur Harvey and Harold Dorney more than 70 years ago, fourth generation family business today.

The company have long term WSA's with Forests NSW.

In addition to the mills, the family is engaged in value adding in the timber industry, operating two drying kilns and a board plant at SA Relf & Sons in Bulahdelah.

S.A Relf & Sons Pty Ltd was purchased by Newell's Creek Sawmilling Company in 1988. The main driving force of the company for many years was Royce Dorney who started working in the Newells Creek Sawmill, owned at the time by his uncle and father, in 1952 as a 14 year old. He became manager in 1972 and remained the managing director until September 2009 when he passed away from a long serious of illnesses.

The current managing directors are 3 of Royce's 4 sons', Gary, Glen and Anthony Dorney. The brothers are the 4th generation of the Dorney family to operate the Newells Creek Sawmilling Company. There are 3 main operating sectors of the Newells Creek Sawmilling Company, these being the Newells Creek Sawmill, Newells Creek Haulage and Harvesting and S.A Relf & Sons Sawmill.

S. A. Relf and Sons Pty Ltd is widely becoming known for its quality flooring and decking products. We have recently been named as the 2009 ATIC Quality Assurance award for the second time. This is a prestigious award for timber flooring manufacturers and shows the dedication and pride we have in producing a quality product every time.

**PRODUCTS**

**Hardwood Flooring**

Timber floors are suitable for use in a wide range of both commercial and domestic applications. The properties of timber offer qualities unlike any other material – flexible in its application, durable yet

- is counter to evidence based policy and the science on the renewable energy benefits from sustainably managed forestry biomass.
- is inconsistent with international science on the carbon neutrality of biomass
- places local wood-based businesses at a competitive disadvantage compared with other renewable energy sources in Australia and with many overseas suppliers who have favourable bioenergy incentives.
- disadvantages NSW native forest growers and managers (both private and public); any processors wishing to utilise native forest wood residues for bioenergy, and other renewable energy facilities.

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- Residues from NSW's sustainable native forest management hold great potential as alternatives to fossil fuels for energy production. The lack of incentives for (and the outright ban on) the use of NSW native forest biomass, in renewable heat and energy production, creates a serious imbalance in the renewable energy market and misses some of the lowest cost and ecologically sustainable opportunities for carbon emissions abatement, while posing no threat to the ecological sustainability and biodiversity of NSW forests.
- The proposed amendments may also provide a much needed boost to rural and regional economic and employment growth, providing the basis for enduring and sustainable environmental, social and economic outcomes for NSW forest communities. Major projects in forest industries, and reliant on by-products from forest industries, will be able to proceed.
- International renewable energy solutions, both existing and planned, are based upon biomass, and in particular wood biomass. The Minister for Resources, the Hon. Martin Ferguson, has stated some 70% of renewable energy will be provided by woody biomass, and this outcome, which drowns out the contributions of solar and wind, is being confirmed by existing and planned installations in Scandinavia and Europe supported by the aspirations of WWF to increase wood based renewable outputs.
- Many overseas countries have favourable forest industry development and utilisation incentives, specifically for environmental reasons. That includes the production of bioenergy from forest and timber residues. In Europe wood biomass represents a high proportion of total renewable energy production.
- In summary, the utilisation of timber biomass from sustainable and approved forest operations for renewable energy will produce better forest management outcomes, as well as an efficient utilisation of whole log processing. The existing regulation constrains scientific forest management to regrow our forests designated for timber production, as well as intentionally preventing mills from converting from fossil fuel energy sources to renewables.
- The current regulation actually acts to prevent carbon emission reductions from occurring, whilst diminishing an economic value to the entire native forest industry future.
- It is commonsense to utilise residue products, including those of sustainable forest management and utilisation, to reap the social and economic values, and to also obtain the environmental value of reduced emissions from fossil fuels.

- The article "Native Forest management, Carbon Cycle and potential use of forest residues for Renewable Energy on the Mid North Coast of New South Wales" (Justin Williams, Forests NSW, Central Region) identifies forest management sequestering approximately **220 tonnes of carbon per ha** over 100 year cycle and 400 tonnes over a 200 year cycle. If only 30% of forest residues are utilised that represents 55 tonnes of carbon per ha or between 25 and 50% of the carbon removed. Existing waste streams of woody biomass are sufficient to supply 3,000 gigawatt hours of renewable energy per year; that is 7% of the renewable energy target.

**The House of Representatives Inquiry into the Australian Forestry Industry "Seeing the forest through the trees", November 2011, supports the use of forestry biomass as renewable energy:**

*"It is also necessary to promote timber and wood products as replacements for more energy intensive materials. The carbon storage properties of timber and wood products should also be quantified, providing a national standard recognising timber's potential to remove carbon from the atmosphere."*

*"The use of forestry biomass can be a sustainable way to provide renewable energy. The use of native forest biomass should be supported where it is a true waste product that does not itself drive harvesting of native forests."*

**The Green's argument that the proposed amendment will 'devastate' native forests is fundamentally flawed and cannot be substantiated.**

- *There is no impact on the sustainability of forest management, the legislative framework of controls, the protection of environmental values, the habitats of native species, threatened species or biological heritage. There is a significant positive impact on the social and economic return from forest management. There is a significant positive outcome for the carbon balance. There is a significant beneficial impact due to the avoidance of perverse environmental outcomes, if potential renewable energy is not used to substitute fossil fuel electricity to whatever extent is possible.*
- *The Renewable Energy Target at 20% of Australia's electricity supply by 2020 denies any comprehension that very expensive wind and solar resources could now supply 100% of Australia's electricity demand.*
- *Hardwood plantations in NSW currently produce their maximum capability of 19 - 21% of sawlog supply. Hardwood timber products maintain a strong place in the Australian market as a building and infrastructure product, it is misrepresentative to confuse that market with softwood products and the declining export market for woodchips.*

In the United States active forest management measures are increasingly being employed to reduce fuel loads, restore degraded forests and utilise the available wood resources for timber and renewable bioenergy, and provide much needed revenues to support sustainable land management.

## Padovan John

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**From:** Huw Rabone <hrabone@cmpl.com.au>  
**Sent:** Friday, 16 August 2013 9:48 AM  
**To:** EPA Continuous Improvement Unit Mailbox  
**Subject:** INS for energy generation

9

To whom it may concern,

I wish to express my support for the NSW Government proposal to amend the *Protection of the Environment Operations Regulation 2009* so that waste from land rehabilitation activities involving the removal of Invasive Native Scrub (INS) and logging debris may be burnt to generate electricity.

At present any INS that is removed by property and land owners is burned insitu and provides no beneficial offsets.

Proposed changes to the regulation may provide a number of benefits such as:

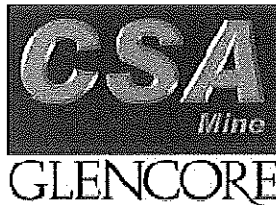
- Give a secondary use to the biomass waste of grassland rehabilitation;
- Financially support grassland rehabilitation;
- Increase the viable scale of rehabilitation works for dual outcomes - biodiversity and grazing;
- Increase resilience of grazing enterprises and local community in the Cobar area;
- Reduce dependence on cyclic government funding programs to rehabilitate native grasslands and
- Provide an alternative power source from on farm biomass waste.

Please feel free to get in contact with me if you would like to discuss anything.

Regards,

Huw Rabone

Environmental Advisor  
**Cobar Management Pty Ltd | CSA Mine**  
PO Box 31 | Louth Road, Cobar NSW 2835  
☎ Office: +61 (0)2 6836 5384  
☎ Mobile: +61 (0)431 156 189  
✉ Email: [hrabone@cmpl.com.au](mailto:hrabone@cmpl.com.au)



 Be Green – read from the screen.

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Native Forests Biomaterials Consultation  
Reform and Compliance Branch  
Environment Protection Authority  
P.O. Box A290  
SYDNEY SOUTH NSW 1232  
(e) [native.biomass@epa.nsw.gov.au](mailto:native.biomass@epa.nsw.gov.au)

Dear Sir/Madam,

**Submission on the draft Protection of the Environment Operations (General) Amendment (Native Forest Bio-material) Regulation 2013.**

South East Fibre Exports (SEFE) welcomes the opportunity to comment on the Environment Protection Authority (EPA) consultation on the draft Protection of the Environment Operations (General) Amendment (Native Forest Bio-material) Regulation 2013.

***SEFE supports the POEO (General) Amendment (Native Forest Bio-material) Regulation 2013.***

The forest, wood and paper products industries are faced with divergent opportunities and threats from renewable energy policy. The pulp and paper and wood panels manufacturing sectors are significant users of energy (both grid-purchased electricity, and electricity and heat produced on-site from renewable and fossil-based sources). The solid wood sector is both an energy user and a producer of renewable energy from wood waste residues. Harvest residues from native forest and plantations represent a substantial biomass feedstock for renewable energy generation. These renewable energy opportunities could be realised and expand if the right policy incentives and regulatory frameworks were consistently developed and implemented.

The proposed draft POEO (General) Amendment (Native Forest Bio-material) Regulation 2013 provides for the exclusion of two additional types of materials from the definition of 'native forest bio-material' under the Protection of the Environment Operations (General) Regulation 2009.

This will allow these two additional types of materials to be burnt in electricity generating works with a capacity of over 200 kilowatts.

The two materials proposed to be excluded are:

- invasive native species cleared in accordance with a property vegetation plan, within the meaning of the Native Vegetation Act 2003; and
- certain materials resulting from forestry operations carried out on land to which an Integrated Forestry Operations Approval (IFOA) applies under Part 5B of the Forestry Act 2012, as well as debris from clearing carried out in accordance with a private native forestry property vegetation plan.

**Attachment 1** details additional information supportive of utilisation of biomaterial as a renewable energy source and, therefore, the amendment.

The proposed draft POEO (General) Amendment (Native Forest Bio-material) Regulation 2013 redresses many of the issues with the current Regulation, and provides NSW a more consistent policy framework compared with all other States. Further it is simply common sense to utilise residue products for energy generation, including those of sustainable forest management and utilisation, yielding positive social and economic values, and environmental values of reduced emissions from fossil fuels (by conversion of a currently wasted resource to renewable energy - electricity).

AFPA supports the POEO (General) Amendment (Native Forest Bio-material) Regulation 2013 and urges the EPA to facilitate the passage of the amending instrument as soon as possible.

Yours sincerely

research and development of bioenergy facilities, reduce permitting and regulatory challenges, and address economic barriers to bioenergy development. The plan is intended to facilitate the creation of more than 4000 jobs and help California meet its clean energy, waste reduction and climate change goals. Importantly, the Plan identifies biomass residues from forestry and wood processing activities as an important source of renewable energy for the state that would otherwise go into landfills or be burned; and

- the EU Biomass Action Plan 2005, which has informed associated initiatives such as the Biomass Action Plan for Scotland 2007 and the National Biomass Action Plan for Germany 2007;
- the subsequent EU Climate and Energy Package 2008; and
- the European Renewable Energy Council Renewable Energy Roadmap.

### **Sustainability**

The point of view that the biodiversity of natural forests will be put at risk if native forest biomass is not excluded is based on a flawed premise and is rejected. Biodiversity is a central focus of a range of regulatory tools that provide a framework for sustainable forest management in Australia, including through the National Forest Policy Statement (1992), an overarching policy framework for the sustainable management and conservation of forests. An important component of the national policy framework has been the development and implementation of the Regional Forest Agreements (RFAs). The RFAs are Commonwealth/State 20-year agreements underpinning regional approaches to biodiversity, conservation and sustainable production from natural forests. The RFAs are supported by the Australian Government as a sound basis for providing wood production and environmental outcomes. The RFA process also reviewed and endorsed the various forestry codes of practices applying to harvesting areas, taking into account biodiversity, water and soil values.

It is also important to put the historical development and purpose of the RFAs into context. These agreements were put in place to: (a) resolve long standing native forest land use conflicts between state and federal governments through agreed 20 year commitments; (b) improve the national reserve system and conservation outcomes through the addition of significant forest areas to the comprehensive, adequate and representative (CAR) forest reserve system; (c) evaluate and accredit state based ecologically sustainable management systems in multiple-use areas available for wood production; and (d) provide for long term investment and certainty in the forest industry.

Such ambitious and worthwhile goals were achieved at substantial cost, including the significant investment in scientific studies and ecosystem mapping that shaped the agreements and provided for environmental protection and biodiversity conservation measures, including the listing of priority threatened species and ecological communities within each RFA region and measures to protect them. The extensive nature of the assessments is reflected in the very definition of an RFA under the Act:

- o the establishment of the comprehensive, adequate and representative (CAR) forest reserve system of formally protected areas (i.e. national parks) based on regional conservation planning criterion;
- o accreditation of state level ecologically sustainable forest management (ESFM) principles, regulatory codes of practice and ESFM plans in multiple-use forest areas where timber harvesting may be permitted. These codes and plans, include:
  - protected areas through additional flora and fauna reserves and forest zones as part of an adaptive management system in multiple-use forests - timber harvesting is excluded in these areas where there is an identified need (e.g. high quality habitat for endangered species);
  - requirements for pre-harvesting flora and fauna surveys and exclusion zones (e.g. if evidence of koalas have been or are present in areas intended for harvest then mandatory exclusion zones are required);
  - the use of environmental management systems (EMS) by forest management agencies that are typically certified to international standards (ISO 14001) for the ongoing monitoring, reporting and implementation of best standards practice; and
  - regulatory codes of practice for the retention of identified habitat elements (e.g. understory species) and habitat trees in forest patches (e.g. hollow bearing trees) where timber harvesting actually takes place (in NSW for example, 20 hollow bearing trees are required to be retained per 20 hectare area of harvested forest).

In addition to these legislative and regulatory requirements, the forest industry has a high level of participation in voluntary sustainable forest management and chain of custody certification schemes that are internationally recognised. These schemes are designed to maintain a broad suite of socio-economic and environmental values through a credible process of planning, monitoring and third party (accredited certifier) auditing.

The following excerpt from the Australian Bureau of Agricultural and Resource Economics and Sciences (2011) provides further detail:

Several private organisations conduct forest and chain of custody certification in Australia. They use standards set by either the Australian Forest Certification Scheme (AFCS) or the Forest Stewardship Council (FSC) scheme. The AFCS uses the Australian Forestry Standard, which was developed through a nation-wide process involving representatives of the Australian community, industry and government. The FSC uses a standard that complies with its international 'Principles of Responsible Forest Management'. Both schemes issue chain-of-custody certificates that identify and track certified wood and wood products through the supply chain. The area of certified forest and plantation in Australia has grown to about 10.4 million hectares. This includes most of the native forests managed for timber production. About 80 per cent of Australia's certified forest area is native forest and about 85 per cent of Australia's certified forest area is publicly owned.

- the carbon stored in wood and paper products throughout their lifecycle (including recycling and landfills);
- the substitution of higher emission materials such as steel and concrete with wood products; and
- the use of residual biomass for renewable energy (thereby displacing use of fossil fuels).

Importantly, Ximenes *et al* (2012)<sup>4</sup> noted that ‘forests managed for production provide the greatest ongoing greenhouse gas benefits, ... Thus native forests could play a significant part in climate change mitigation, particularly when sustainably managed for production of wood and non-wood products including biomass for bioenergy.’

The House of Representatives Inquiry into the Australian Forestry Industry “*Seeing the forest through the trees*”<sup>5</sup>, November 2011, supports the use of forestry biomass as renewable energy:

*“It is also necessary to promote timber and wood products as replacements for more energy intensive materials. The carbon storage properties of timber and wood products should also be quantified, providing a national standard recognising timber’s potential to remove carbon from the atmosphere.”*

*“The use of forestry biomass can be a sustainable way to provide renewable energy. The use of native forest biomass should be supported where it is a true waste product that does not itself drive harvesting of native forests.”*

This is supported by the Intergovernmental Panel on Climate Change (IPCC) in its 2007 Fourth Assessment Report, where it states:

*“...a sustainable forest management strategy aimed at maintaining or increasing forest carbon stocks, while producing an annual sustained yield of timber, fiber, or energy from the forest, will generate the largest sustained mitigation benefit.”*<sup>6</sup>

## Conclusion

The removal of barriers to the use of native forest bio-material represents a victory for common sense, and would bring NSW in line with the policy framework in other Australian states, and indeed the rest of the world.

Wood is one of our truly renewable resources, and its utilisation for power generation offers considerable greenhouse mitigation benefits.

<sup>4</sup> Ximenes *et al* (2012). ‘Greenhouse Gas Balance of Native Forests in New South Wales’ in *Forests*, 2012, 3.

<sup>5</sup> [http://www.aph.gov.au/parliamentary\\_business/committees/house\\_of\\_representatives\\_committees?url=arff/forestry/report.htm](http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=arff/forestry/report.htm)

<sup>6</sup> See [http://www.ipcc.ch/publications\\_and\\_data/ar4/wg3/en/contents.html](http://www.ipcc.ch/publications_and_data/ar4/wg3/en/contents.html)

## Padovan John

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**From:** Western Regeneration <westernregeneration@email.com>  
**Sent:** Saturday, 17 August 2013 8:55 PM  
**To:** EPA Continuous Improvement Unit Mailbox  
**Subject:** Submission to the Draft Native Biomass Amendment  
**Attachments:** Attachment: WRGSubmission.docx

11

Please find attached Western Regenerations submission to the draft PoEO Act amendment regarding the native forest biomass exemption.

Thanks  
Robert Chambers



August 2013

Native Forest Biomaterials Consultation  
Reform and Compliance Branch  
Environment Protection Authority

To whom it may concern,

Western Regeneration would like to congratulate the EPA and the NSW State Government for starting the process to change the PoEO Act. The restriction on the use of native vegetation for electricity generation has seen significant volumes of waste biomass burnt in paddock fires without benefit. We believe that removing this restriction will enable the potential for a new industry in Western NSW based on use of waste biomass. It will see a reduction in open burning of this waste biomass which is generated during the management of Invasive Native Species (INS).

Western Regeneration does not understand the native timber logging industry and how this alteration to the PoEO Act will affect it. We do hope that the public demonstration against the logging industry component of this change will not hold back the adding of INS biomass to the exemption list.

Western Regeneration is suggesting the following alterations to the amendment to ensure that the regulation changes carry the purpose as intended:

1. Tree and Shrubs

The draft amendment refers to 'Trees' cleared under Chapter 7 of the EOAM of the Native Vegetation Act. Chapter 7 of the EOAM refers to INS as 'Trees and Shrubs'. Shrubs are some of the most invasive of the various INS species types. It is important to include 'Shrubs' in the definition, not only for consistency with the Native Vegetation Act but also to ensure that they are not continued to be burnt as waste in the paddock.

2. Code of Practice

Western Regeneration is not fully aware of the details of current review of the Native Vegetation Act or where it is heading. It is understood that there is potential for the removal of the formal signed 15 year PVP and a move to a Code of Practice (CoP). There is concern that if the movement to the CoP occurs then the terminology of the current amendment may see the use of INS for electricity once again being illegal. It is hoped that a terminology change can be made to ensure that if a CoP occurs then this waste biomass may still be used for electricity generation.

3. Future Legislation

It is unknown if it is possible to word the amendment so that it takes into consideration future alterations to the Native Vegetation Act. It is hoped that the amendment can be worded in a way that clearly states the intent to allow waste biomass generated by rehabilitation of degraded INS dominated areas be used for electricity

Thank you for starting the process to change this restriction so we can reduce the volume of waste INS being burnt in paddock fires.

Robert Chambers  
Chairman  
Western Regeneration

## Padovan John

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**From:** Joe Nicholson <Joe.Nicholson@newgold.com>  
**Sent:** Monday, 19 August 2013 7:44 AM  
**To:** EPA Continuous Improvement Unit Mailbox  
**Subject:** Submission to the State Government regarding the Regulation Changes

12

To whom it may concern,

New Gold Inc. Peak Gold Mines is a gold and copper mine in Western NSW, 10km south of the township of Cobar. Peak Gold Mines is fully aware of the degradation that Invasive Native Species has caused across the Cobar Pen plain. It is encouraging to see that the restriction for use of the native waste biomass from the regeneration of this degraded land could have an actual use. We hope that in the medium term there is locally generated electricity for us to use, especially renewable. The grid in this region is already over allocated so there is concern if we need to develop into new ore bodies and require more electricity that it won't be available on the grid.

Kind Regards, Joe

Joe Nicholson  
HSEC Manager

New Gold Inc.  
Peak Gold Mines  
Hillston Road  
PO Box 328, Cobar  
NSW, Australia, 2835  
T +61.2.6830.2217 F +61.2.6830.2999  
M +61.409 373 569

[www.newgold.com](http://www.newgold.com)  
TSX/NYSE AMEX:NGD

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16 August 2013

Native Forests Biomaterials Consultation  
Reform and Compliance Branch  
Environment Protection Authority  
P.O. Box A290  
SYDNEY SOUTH NSW 1232  
(e) [native.biomass@epa.nsw.gov.au](mailto:native.biomass@epa.nsw.gov.au)

Dear Sir/Madam,

**Submission on the draft Protection of the Environment Operations (General) Amendment (Native Forest Bio-material) Regulation 2013.**

The Australian Forest Products Association (AFPA) welcomes the opportunity to comment on the Environment Protection Authority (EPA) consultation on the draft Protection of the Environment Operations (General) Amendment (Native Forest Bio-material) Regulation 2013.

***AFPA supports the Protection of the Environment Operations (POEO) (General) Amendment (Native Forest Bio-material) Regulation 2013.***

AFPA is the peak national representative body for Australia's forest, wood and paper products industries. We represent the industries' interests to governments, the general public and other stakeholders on matters relating to the sustainable development and use of Australia's forest, wood and paper products. Renewable energy policy is of particular interest to AFPA and our NSW membership. This submission builds on, and is relevant to, our recent engagement with the Federal Government on the national Renewable Energy Target (RET) policy formation and recent review.

The forest, wood and paper products industries are faced with divergent opportunities and threats from renewable energy policy. The pulp and paper and wood panels manufacturing sectors are significant users of energy (both grid-purchased electricity, and electricity and heat produced on-site from renewable and fossil-based sources). The solid wood sector is both an energy user and a producer of renewable energy from wood waste residues. Harvest residues from native forest and plantations represent a substantial biomass feedstock for renewable energy generation. These renewable energy opportunities could be realised and expand if the right policy incentives and regulatory frameworks were consistently developed and implemented.

This will allow these two additional types of materials to be burnt in electricity generating works with a capacity of over 200 kilowatts.

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- certain materials resulting from forestry operations carried out on land to which an Integrated Forestry Operations Approval (IFOA) applies under Part 5B of the Forestry Act 2012, as well as debris from clearing carried out in accordance with a private native forestry property vegetation plan.

**Attachment 1** details additional information supportive of utilisation of biomaterial as a renewable energy source and, therefore, the amendment.

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AFPA supports the POEO (General) Amendment (Native Forest Bio-material) Regulation 2013 and urges the EPA to facilitate the passage of the amending instrument as soon as possible.

Yours sincerely

**Ross Hampton**  
**Chief Executive Officer**

research and development of bioenergy facilities, reduce permitting and regulatory challenges, and address economic barriers to bioenergy development. The plan is intended to facilitate the creation of more than 4000 jobs and help California meet its clean energy, waste reduction and climate change goals. Importantly, the Plan identifies biomass residues from forestry and wood processing activities as an important source of renewable energy for the state that would otherwise go into landfills or be burned; and

- the EU Biomass Action Plan 2005, which has informed associated initiatives such as the Biomass Action Plan for Scotland 2007 and the National Biomass Action Plan for Germany 2007;
- the subsequent EU Climate and Energy Package 2008; and
- the European Renewable Energy Council Renewable Energy Roadmap.

## **Sustainability**

The point of view that the biodiversity of natural forests will be put at risk if native forest biomass is not excluded is based on a flawed premise and is rejected. Biodiversity is a central focus of a range of regulatory tools that provide a framework for sustainable forest management in Australia, including through the National Forest Policy Statement (1992), an overarching policy framework for the sustainable management and conservation of forests. An important component of the national policy framework has been the development and implementation of the Regional Forest Agreements (RFAs). The RFAs are Commonwealth/State 20-year agreements underpinning regional approaches to biodiversity, conservation and sustainable production from natural forests. The RFAs are supported by the Australian Government as a sound basis for providing wood production and environmental outcomes. The RFA process also reviewed and endorsed the various forestry codes of practices applying to harvesting areas, taking into account biodiversity, water and soil values.

It is also important to put the historical development and purpose of the RFAs into context. These agreements were put in place to: (a) resolve long standing native forest land use conflicts between state and federal governments through agreed 20 year commitments; (b) improve the national reserve system and conservation outcomes through the addition of significant forest areas to the comprehensive, adequate and representative (CAR) forest reserve system; (c) evaluate and accredit state based ecologically sustainable management systems in multiple-use areas available for wood production; and (d) provide for long term investment and certainty in the forest industry.

Such ambitious and worthwhile goals were achieved at substantial cost, including the significant investment in scientific studies and ecosystem mapping that shaped the agreements and provided for environmental protection and biodiversity conservation measures, including the listing of priority threatened species and ecological communities within each RFA region and measures to protect them. The extensive nature of the assessments is reflected in the very definition of an RFA under the Act:

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  - protected areas through additional flora and fauna reserves and forest zones as part of an adaptive management system in multiple-use forests - timber harvesting is excluded in these areas where there is an identified need (e.g. high quality habitat for endangered species);
  - requirements for pre-harvesting flora and fauna surveys and exclusion zones (e.g. if evidence of koalas have been or are present in areas intended for harvest then mandatory exclusion zones are required);
  - the use of environmental management systems (EMS) by forest management agencies that are typically certified to international standards (ISO 14001) for the ongoing monitoring, reporting and implementation of best standards practice; and
  - regulatory codes of practice for the retention of identified habitat elements (e.g. understory species) and habitat trees in forest patches (e.g. hollow bearing trees) where timber harvesting actually takes place (in NSW for example, 20 hollow bearing trees are required to be retained per 20 hectare area of harvested forest).

In addition to these legislative and regulatory requirements, the forest industry has a high level of participation in voluntary sustainable forest management and chain of custody certification schemes that are internationally recognised. These schemes are designed to maintain a broad suite of socio-economic and environmental values through a credible process of planning, monitoring and third party (accredited certifier) auditing.

The following excerpt from the Australian Bureau of Agricultural and Resource Economics and Sciences (2011) provides further detail:

Several private organisations conduct forest and chain of custody certification in Australia. They use standards set by either the Australian Forest Certification Scheme (AFCS) or the Forest Stewardship Council (FSC) scheme. The AFCS uses the Australian Forestry Standard, which was developed through a nation-wide process involving representatives of the Australian community, industry and government. The FSC uses a standard that complies with its international 'Principles of Responsible Forest Management'. Both schemes issue chain-of-custody certificates that identify and track certified wood and wood products through the supply chain. The area of certified forest and plantation in Australia has grown to about 10.4 million hectares. This includes most of the native forests managed for timber production. About 80 per cent of Australia's certified forest area is native forest and about 85 per cent of Australia's certified forest area is publicly owned.

- the carbon stored in wood and paper products throughout their lifecycle (including recycling and landfills);
- the substitution of higher emission materials such as steel and concrete with wood products; and
- the use of residual biomass for renewable energy (thereby displacing use of fossil fuels).

Importantly, Ximenes *et al* (2012)<sup>4</sup> noted that ‘forests managed for production provide the greatest ongoing greenhouse gas benefits, ...Thus native forests could play a significant part in climate change mitigation, particularly when sustainably managed for production of wood and non-wood products including biomass for bioenergy.’

The House of Representatives Inquiry into the Australian Forestry Industry “*Seeing the forest through the trees*”<sup>5</sup>, November 2011, supports the use of forestry biomass as renewable energy:

*“It is also necessary to promote timber and wood products as replacements for more energy intensive materials. The carbon storage properties of timber and wood products should also be quantified, providing a national standard recognising timber’s potential to remove carbon from the atmosphere.”*

*“The use of forestry biomass can be a sustainable way to provide renewable energy. The use of native forest biomass should be supported where it is a true waste product that does not itself drive harvesting of native forests.”*

This is supported by the Intergovernmental Panel on Climate Change (IPCC) in its 2007 Fourth Assessment Report, where it states:

*“...a sustainable forest management strategy aimed at maintaining or increasing forest carbon stocks, while producing an annual sustained yield of timber, fiber, or energy from the forest, will generate the largest sustained mitigation benefit.”*<sup>6</sup>

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<sup>4</sup> Ximenes *et al* (2012). ‘Greenhouse Gas Balance of Native Forests in New South Wales’ in *Forests*, 2012, 3.

<sup>5</sup> [http://www.aph.gov.au/parliamentary\\_business/committees/house\\_of\\_representatives\\_committees?url=arff/forestry/report.htm](http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=arff/forestry/report.htm)

<sup>6</sup> See [http://www.ipcc.ch/publications\\_and\\_data/ar4/wg3/cn/contents.html](http://www.ipcc.ch/publications_and_data/ar4/wg3/cn/contents.html)

## Padovan John

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**From:** NSW FOREST PRODUCTS ASSOCIATION <fpa@nswfpa.asn.au>  
**Sent:** Monday, 19 August 2013 10:38 AM  
**To:** EPA Continuous Improvement Unit Mailbox  
**Subject:** SUBMISSION TO PROTECTION OF THE ENVIRONMENT OPERATIONS (GENERAL)  
AMENDMENT (NATIVE FOREST BIO-MATERIAL) REGULATION 2013  
**Attachments:** Sweetman Submission to The Protection of the Environment Operations  
Amendment.pdf  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

12

Attached please find submission forwarded on behalf of Ken Sweetman of R.A. Sweetmans & Sons Pty Ltd, Millfield NSW.

Native Forest Biomaterial Consultation  
Reform and Compliance Branch  
Environment Protection Authority  
P.O. Box A290  
South Sydney NSW 1232  
By email: [native.biomass@epa.nsw.gov.au](mailto:native.biomass@epa.nsw.gov.au)

19 August 2013

**SUBMISSION TO PROTECTION OF THE ENVIRONMENT OPERATIONS (GENERAL) AMENDMENT  
(NATIVE FOREST BIO-MATERIAL) REGULATION 2013**

R.A. Sweetman & Sons Pty Ltd operate a timber mill at Millfield NSW utilising resource under a Wood Supply Agreement with FCNSW and the State of NSW. The company employs 30 people.

A large proportion of the milling residues are currently burnt or sold into local landscape markets. We look forward to being able to place those residues into an economic market.

The regulation banning the use of biomass harvested from native forests in NSW, for production of electricity is a nonsense targeting sustainable forest management, electricity generators and diminishing opportunities for carbon sequestration.

More simply it denies an opportunity to convert a residue from legitimate forest operations into a valuable and usable product.

Other potential forest products from the same source of forest residues, such as pulpwood, firewood, charcoal, boiler fuel, biofuel, biochar, fertilisers, seed collection and landscape mulch are all able to be marketed without any such regulatory restriction.

**Proposed amendment of this regulation is supported.**

It is common sense to use any residue to obtain an economic value.

It is common sense to use legitimate, renewable, forest biomaterial as an alternative to fossil fuel electricity.

It is beneficial to bring NSW regulation in this regard into line with other states.

Sincerely,

Ken Sweetman  
R.A. Sweetman & Sons Pty Ltd.

**Padovan John**

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**From:** NSW Apiarists' Association <info@nswaa.com.au>  
**Sent:** Monday, 19 August 2013 8:02 PM  
**To:** EPA Continuous Improvement Unit Mailbox  
**Subject:** submission to Protection of Environment Operations Regulation  
**Attachments:** Apiarists Submission - POEO Regulation 19.8.13.pdf

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Native Forest Biomaterials Consultation  
Reform and Compliance Branch  
Environment Protection Authority  
PO Box A290  
Sydney South NSW 1232  
Via email: [native.biomass@epa.nsw.gov.au](mailto:native.biomass@epa.nsw.gov.au)

To whom it may concern,  
Please find attached a submission from the NSW Apiarists' Association addressing the proposed alterations to the Protection of Environment Operations Regulation.  
Should you have any queries please do not hesitate to contact us.  
Kind regards,  
Kate

Kate McGilvray  
Secretary / Treasurer  
NSW Apiarists' Association  
PO Box 833 Mudgee NSW 2850  
t: 02 6373 1435 f: 02 6373 1436  
e: [info@nswaa.com.au](mailto:info@nswaa.com.au) w: [www.nswaa.com.au](http://www.nswaa.com.au)



# NSW APIARISTS' ASSOCIATION INC.

ABN: 89 417 216 326

19 August 2013

Native Forest Biomaterials Consultation Reform and Compliance Branch  
Environment Protection Authority  
PO Box A290  
Sydney South, NSW 1232

To whom it may concern,

The NSW Apiarists' Association (NSWAA) represents its members at all levels of government and is the primary link between industry and government in NSW. There are currently 3000 registered beekeepers in NSW, managing approximately 200,000 hives. NSW is a significant stakeholder and represents 40-45% of the total beekeeping industry within Australia.

The Association would like to provide the following comment on the Protection of Environment Operations (General) Regulation (Native Forest Bio-material) 2009 which is currently proposed for amendment.

*'The Association agrees with the use of any waste product where appropriate but not the purpose falling of any native timber (or any timber of apiculture value) for the generation of electricity.'*

On behalf of the NSW Apiarists' Association I am more than to happy meet with you (either in person or via phone) to discuss our comment.

Yours sincerely,

Casey Cooper  
**President**

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**President**  
Casey Cooper  
Darby's Fall Road Tingha, NSW 2369  
P: 02 6723 3551  
E: [cooperbees@bigpond.com](mailto:cooperbees@bigpond.com)

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**State Secretary**  
Kate McGilvray  
PO Box 833 Mudgee, NSW 2852  
P: 02 6373 1435 F: 02 6373 1436  
E: [info@nswaa.com.au](mailto:info@nswaa.com.au)

## Padovan John

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**From:** gtimberco@inet.net.au  
**Sent:** Monday, 19 August 2013 9:57 PM  
**To:** EPA Continuous Improvement Unit Mailbox  
**Subject:** GTC Native Forest Biomaterials Consultation  
**Attachments:** GTC Native Forest Biomaterials Consultation.docx

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Sir,

Please find attached our comments

Gorton Timber Company Pty. Ltd

Andrew R Greig – Director

**GORTON TIMBER COMPANY PTY LIMITED**  
ABN 67 000 032 342

20<sup>th</sup> August 2013

Native Forest Biomaterials Consultation  
Reform and Compliance Branch  
Environment Protection Authority

'Barambah'  
(P. O. Box 146)  
DUNGOG NSW 2420.  
Phone/Fax: 02 49 921000  
Email:gtimberco@iinet.net.au

**By Email to :** [native.biomass@epa.nsw.gov.au](mailto:native.biomass@epa.nsw.gov.au)

**Re:** PoEO (General) Amendment (Native Forest Bio-material) Regulation 2013

We write as a member of the Northern NSW Branch, Australian Forest Growers (AFG) to convey our favourable view of your proposed Amendment as it applies to native forest residues

In the first instance, we note that your proposed Amendment is consonant with Australian Forest Growers Policy N<sup>o</sup> 17: Energy. (reference AFG Website.[www.afg.asn.au](http://www.afg.asn.au)).

Secondly, we consider your native forest bio-fuel Q+A's presentation to be a fair and reasonable overview of the matters arising from your proposed Amendment.

Thirdly, our experience of harvesting and processing strongly suggests the likelihood of virtually all native forest bio-fuel being captured at the point of end-processing (e.g. sawmill). Accordingly, such bio-fuel will constitute only residues from value-adding harvest yield.

In conclusion, we have no doubt that your proposed Amendment is entirely neutral with regard to the PNF Code of Practice whilst also entirely desirable as a waste-minimisation measure.

With our AFG colleagues, we welcome your proposed Amendment.

Gorton Timber Company Pty. Ltd.

Andrew R. Greig – Director

**Padovan John**

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**From:** Combe, Michael <Michael\_Combe@koppers.com.au>  
**Sent:** Tuesday, 20 August 2013 5:53 AM  
**To:** EPA Continuous Improvement Unit Mailbox  
**Subject:** FW: Amendmenet Forest Bio-Material Regulation  
**Attachments:** KWP Submission to Protection of the Environment Operations (General) Amendment 2013.docx

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**From:** Combe, Michael  
**Sent:** Tuesday, 20 August 2013 5:47 AM  
**To:** 'native.biomass@epa.nsw.gov.au'  
**Subject:** FW: Amendmenet Forest Bio-Material Regulation

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**From:** Combe, Michael  
**Sent:** Monday, 19 August 2013 11:24 PM  
**To:** 'native.biomass@epa.nsw.gov.au'  
**Subject:** Amendmenet Forest Bio-Material Regulation

To Whom It May Concern

Please see Koppers submission to the Protection of the Environment Operations (General) Amendment (Native Forest Bio-Material) Regulation 2013 and Koppers "Approach to Sustainability" attached.

Could you please acknowledge receipt of this submission.

*Regards*



*M Combe*

Resource Manager KWP  
Phone: 02 6641 2054  
Mobile: 0429 907490  
Email: [michael\\_combe@koppers.com.au](mailto:michael_combe@koppers.com.au)

**Enduring Wood - Naturally Better**



Koppers Wood Products Pty. Limited

ABN 81 003 947 680

PO Box 335, GRAFTON NSW 2460

Tel (02) 6641 2000

Fax (02) 6641 2099

[www.koppers.com.au](http://www.koppers.com.au)

## **NATIVE FOREST BIOMATERIAL REGULATION**

**Reform and Compliance Branch  
Environment Protection Authority  
PO Box A290  
South Sydney NSW 1232**

Email: [native.biomass@epa.nsw.gov.au](mailto:native.biomass@epa.nsw.gov.au)

## **SUBMISSION TO PROTECTION OF THE ENVIRONMENT OPERATIONS (GENERAL) AMENDMENT (NATIVE FOREST BIO-MATERIAL) REGULATION 2013**

**Koppers Wood Products Pty Ltd (*Koppers*)** is part of a global company with a head office based in Pittsburgh, USA, listed on the New York stock exchange. (KOP)

The company is ISO 4707 (Chain of Custody), 9001 (Quality Management) and 14001 (Environmental Management) certified for all its activities. A copy of our company's "Approach to Sustainability" is attached for your information. Koppers closely adhere to the Global Reporting Initiative (GRI) Sustainability Reporting Guidelines that is the globally accepted standard for sustainability, transparency and accountability.

In Australia *Koppers* is the largest supplier of timber poles for overhead lines installed by electricity and telecommunication companies. *Koppers* sources round timber from native forest and plantation on State Forest and private land to produce a wide range of durable poles to meet critical infrastructure needs. In NSW Koppers employ forestry professionals to ensure product quality, sustainable management of forest land and promotion of a sound forestry culture among its suppliers.

Koppers fully supports the proposed amendment to add 'native forest bio-materials' and 'native invasive species' as defined to the list of materials that are already exempted from any prohibition to generate electricity.
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coherent and consistent forest policy framework to deliver certainty for the forest and timber industry to innovate and invest in a long term sustainable future.

The proposed amendment is consistent the NSW Renewable Energy Action Plan (REAP) actions and objectives and the draft NSW Energy from Waste Policy Statement.

The proposed amendment has takes a common sense approach to forest management consistent with other states and the Commonwealth and offers higher social, economic and environmental returns.

The proposed amendment is strongly supported by Koppers.

*Regards*

*Michael Combe*

**Procurement Manager KWP**

**Phone: 02 6641 2054**

**Mobile: 0429907490**

**Email: [michael\\_combe@koppers.com.au](mailto:michael_combe@koppers.com.au)**

**Enduring Wood - Naturally Better**

Enc: copy of Koppers 2012 Sustainability Update

Reference:

1. Combe M, Dyason R, Peacock P & Unwin G "The Impact of High Grading in Dry Eucalypt Forest (198) AFG Biennial Conference Proceeding (1998) Edited by Garsden R, Dyason R and Dyason E.

**Padovan John**

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**From:** Trevor Sargeant <tsarge51@gmail.com>  
**Sent:** Tuesday, 20 August 2013 7:03 AM  
**To:** EPA Continuous Improvement Unit Mailbox  
**Subject:** Submission to the Protection of the Environment Operations (General) Amendment (Native Forest Bio-Material) Regulation 2013.  
**Attachments:** Submission - Native Forest Biomaterial Consultation, 13 August, 2013.docx

Please find attached submission. I would appreciate if you could confirm receipt

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Thank you  
Trevor

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**Trevor Sargeant**

**North Coast Forest Taskforce Coordinator**  
**tsarge51@gmail.com**  
**Tele: 0431 737 024**



Native Forest Biomaterial Consultation

Reform and Compliance Branch

Environment Protection Authority

PO Box A290

South Sydney, NSW, 1232

By email: [native.biomass@epa.nsw.gov.au](mailto:native.biomass@epa.nsw.gov.au)

**Submission to the Protection of the Environment Operations (General) Amendment (Native Forest Bio-Material) Regulation 2013.**

Dear Sir/Madam

This submission is made by the North Coast Forests Taskforce whose charter is to substantially improve community understanding of, support for and confidence in, the environmentally sustainable management of North Coast forests and their timber products. The Taskforce is comprised of representatives from North Coast Forest industries, industry associations and also Government.

The Taskforce supports the utilisation of the bi-products from native forest growth and subsequent timber processing, for energy production as per the proposed amendments, for the following reasons:

- It is sensible to use a currently wasted residue to create economic value. Such residue would otherwise decompose on the forest floor, thereby producing greenhouse gases.
- It is sensible to use renewable forest waste as a substitute for fossil fuels and,
- It is sensible to bring NSW regulation into line with world best-practice.

More specifically the Taskforce submits that:

1. The use of forest residue is almost a carbon neutral process, other than the cost of transportation. Any CO<sub>2</sub> released by combustion will be taken up by new growth.
2. The use of forest residue will improve biodiversity and sustainability outcomes
3. The removal of invasive weed species will improve environmental outcomes
4. The removal of forest debris will reduce bushfire potential by minimising fuel load
5. It is considered to be common-sense to create a value for an existing waste stream which brings demonstrated economic, social and environmental benefits including the reduction of emissions from fossil fuels.
6. There is already a large amount of mill residue produced by sawmills on the North Coast. Hayden's Sawmill at Telegraph Point produces an estimated 10 tonnes per annum of sawdust and offcuts

Furthermore the Taskforce wishes to highlight the fact that the utilisation of native forest residue will not impact in any way whatsoever on forest management and accompanying environmental

## Padovan John

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**From:** Michael Oates <moates@peelmining.com.au>  
**Sent:** Tuesday, 20 August 2013 9:54 AM  
**To:** EPA Continuous Improvement Unit Mailbox; Steve Leggett; Rob Tyson  
**Subject:** Expression of Interest

19

To whom it may concern,

Peel Mining Limited in joint venture with CBH Resources have recently discovered a Copper Gold deposit 110km south of the town ship of Cobar, located on Wirchilleba Station which is subject to a western lands lease. Peel Mining Limited has also recently purchased Wirchilleba Station and are aware that the property is subject to invasion of "Woody Weeds" which are reducing the properties viability as an Agricultural resource. It is our desire to develop both the Copper-Gold mineral resource and the Agricultural land covered by Wirchilleba as complimentary industries.

It is for this reason that Peel Mining Limited would like to submit this email as an expression of interest in being involved in the NSW Governments proposed changes to the Protection of the Environment Regulation which would allow the waste generated from land rehabilitation practices such as the removal of Invasive Native Scrub to be burnt to generate electricity.

We are aware that the final date for submissions is today and would hope that given the limited time that you accept this email as our expression of interest which we would gladly formalize in a what ever format you require should this submission be accepted.

Kind regards Michael Oates

Michael Oates  
Chief Geologist  
Peel Mining Limited  
Unit 1, 34 Kings Park Road  
West Perth WA 6005  
P +61 8 9382 3955  
F +61 8 9388 1025  
M +61 4 4887 0799  
[moates@peelmining.com.au](mailto:moates@peelmining.com.au)  
[www.peelmining.com.au](http://www.peelmining.com.au)

## Padovan John

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**From:** Rimas Kairaitis <rimas.kairaitis@ytcresources.com>  
**Sent:** Tuesday, 20 August 2013 11:44 AM  
**To:** EPA Continuous Improvement Unit Mailbox  
**Subject:** Consultation on draft POEO (General) Amendment (Native Forest Bio-material) Regulation 2013

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Dear Sir/Madam

YTC Resources is a mineral exploration and development company. We are currently in development phase of the Hera Project, located approximately 5km south of the town of Nymagee NSW.

YTC Resources supports the proposed changes to the Regulation as we see the potential for downstream utilisation of waste INS which is currently burnt in the paddock and the regional employment and flow on benefits.

Regional power infrastructure in central NSW is not well developed and YTC is currently utilising diesel fired generators for power generation. Should a viable option for the electricity generation be developed following these proposed Regulation changes we see potential opportunities not only for YTC but for other potential industrial power users in the district.

Regards

Rimas Kairaitis

**YTC Resources Limited**

2 Corporation Place | PO Box 7058 | ORANGE | NSW | 2800

T +61 2 6361 4700 | F +61 2 6361 4711 | M +61 408 414 474

E [rimas.kairaitis@ytcresources.com](mailto:rimas.kairaitis@ytcresources.com) | W [www.ytcresources.com](http://www.ytcresources.com)

**Padovan John**

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**From:** Sharon Harland <editor@cobarweekly.com.au>  
**Sent:** Thursday, 22 August 2013 12:11 PM  
**To:** EPA Continuous Improvement Unit Mailbox  
**Subject:** Support for amendment to the Protection of the Environment Operations Regulation 2009  
**Attachments:** Western Regeneration letter of support.doc

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Please find attached a letter of support for changes to the Protection of the Environment Operations Regulation 2009.

*Sharon Harland*

President

**Cobar Business Association**

PO Box 169

Cobar NSW 2835

Mobile 0417 22 85 81



PO Box 169  
Cobar NSW 2835

## Cobar Business Association



President: Sharon Harland  
Phone: 0417 228 581

Email: [editor@cobarweekly.com.au](mailto:editor@cobarweekly.com.au)

August 20, 2013

To Whom It May Concern

We are writing to offer our support for the NSW Government proposed amendments to the *Protection of the Environment Operations Regulation 2009* that would allow the removal of Invasive Native Scrub (INS) to be burnt to generate electricity as part of land rehabilitation activities.

A local private company formed by Landcare group members, Western Regeneration, has advised us of their efforts to find an economically viable solution to the high cost of grassland rehabilitation on the Cobar Peneplain.

They propose that farm biomass waste can be burnt to generate electricity which will be of benefit to many local landholders.

We believe this plan will benefit the local community and we support Western Regeneration as a local business and believe their activities will help to make other existing businesses in Cobar more sustainable.

Yours sincerely

Sharon Harland

Sharon Harland  
**President**