

Donef Racho

From: Angela Shepherd <angela.shepherd@cobar.nsw.gov.au>
Sent: Tuesday, 20 August 2013 3:08 PM
To: EPA Continuous Improvement Unit Mailbox
Subject: Consultation on draft POEO (General) Amendment (Native Forest Bio-material) Regulation 2013
Attachments: 1062_001.pdf

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Please find attached a submission from Cobar Shire Council on the above. The original is in the mail.
Thanks
Angela

Angela Shepherd

Special Projects Officer

COBAR SHIRE COUNCIL

Phone: (02) 6836 5888

Fax: (02) 6836 5889

Mobile: 0437 997 275

angela.shepherd@cobar.nsw.gov.au

This e-mail message has been scanned for Viruses and Content and cleared by **MailMarshal**

All communications to be addressed
to the General Manager
PO Box 223
Cobar NSW 2835

Telephone: (02) 6836 5888
Facsimile: (02) 6836 5889
Email: mail@cobar.nsw.gov.au
Website: www.cobar.nsw.gov.au
In your reply please quote:

GW:AJS:D7-4



"Regional Centre in Western NSW"

Cobar Shire Council Offices:
36 Linsley Street
Cobar NSW 2835
ABN 71 579 717 155

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

20 August 2013

Support for Proposed Changes to the *Protection of the Environment Operations Regulation 2009*

I am writing to express the support of Cobar Shire Council for the proposed changes to the above Regulation to allow invasive native species cleared in accordance with a property vegetation plan (PVP), to be burnt to generate electricity. Cobar Shire has an abundance of Invasive Native Scrub (INS) within the Shire, and a great need for alternative and new electricity generation technologies to service a growing mining industry. For these reasons we believe the changes are positive and will promote economic growth in our Shire.

The grid electricity provided within the Shire (located 300kms west of Dubbo and about 750kms east of Sydney) is generated around Lithgow and travels a great distance to service our industry and community. Along the way there are extensive losses of electricity. Most of our Shire is inadequately serviced by poles and lines and new industry development outside of Cobar town generally needs to find their own electricity source – commonly a diesel generation system. Changes to the Regulation will allow new technologies to be established to service these new industries.

The INS around Cobar currently restricts agricultural productivity, reduces biodiversity, soil health and quality, therefore reducing the profitability of agricultural industries. Changes to the Regulation will allow a new means to control the INS, by harvesting it and using this fuel source to generate electricity. Currently, much of the biomass that is cleared by heavy machinery is just burnt and the energy is lost to the atmosphere. Under the changes, this biomass can be utilised to produce electricity.

Through the PVP process, the land will be rehabilitated, increasing the productivity (and therefore viability) of our existing agricultural businesses. The ability of companies to utilise the INS for electricity generation will mean that clearing the INS and rehabilitating land to productive grassland will become affordable for graziers who can in turn increase their potential carrying capacity. Graziers will not need to find the funding to undertake the clearing work, as this will be undertaken by the electricity generation company and graziers can instead focus their efforts on the rehabilitation of the site, returning native grasses to the area. Council supports

processes that strengthen our business base and we believe the change in the Regulation will assist this to happen.

Changes to the Regulation will allow new businesses to establish in Cobar Shire, creating job growth and a new industry that will service our key industries. Sourcing electricity at new mine sites is a significant cost and companies are always interested in new, cost effective means of on-site electricity generation. Council supports initiatives that reduce the cost of industry establishment and thus makes it more viable, further stimulating job growth.

Under the changes, removal of INS is strictly controlled through the PVP process, ensuring that land is not senselessly cleared and that appropriate rehabilitation practices are undertaken afterwards. With electricity generation companies undertaking the clearing process, agricultural enterprises are not reliant on government funding (which is often cyclical in nature) to assist them to clear their properties. Council believes this is a positive for the agricultural businesses, and the environment of our Shire.

The changes in the Regulation will lead to activities that will help the community to achieve the objectives set out in our Community Strategic Plan – *Cobar Shire 2025*, including:

- 1.6.3 – Encourage safe and sustainable development
- 2.1.5 – Diversify the business base of the Shire and strengthen local businesses
- 2.1.6 Support mining and agricultural businesses to keep them strong
- 5.1.1 – Develop an alternative energy industry in Cobar Shire Council

The need to improve supply of electricity to rural businesses and village communities is also highlighted in Council's Social Plan 2011-2016.

Council congratulates the government on the proposed changes and we look forward to the developments that will take place in our Shire once the Regulation is passed.

Yours sincerely



Gary Woodman
General Manager

Donef Racho

From: Joanna Bodley <Joanna.Bodley@fcnsw.com.au>
Sent: Tuesday, 20 August 2013 5:09 PM
To: EPA Continuous Improvement Unit Mailbox
Subject: Submission on draft POEO (General) Amendment (Native Forest Bio-material) Regulation 2013
Attachments: img-8201744-0001.pdf
Follow Up Flag: Follow up
Flag Status: Completed

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Please find a submission on draft POEO (General) Amendment (Native Forest Bio-material) Regulation 2013 attached.

Joanna Bodley | Manager Communications and Media Forestry Corporation of NSW | Government & Community Relations Branch

121-131 | Oratava Ave | West Pennant Hills NSW 2125 PO Box 100 | Beecroft NSW 2119
T: 02 9872 0105 | F: 02 9872 6447 | M: 0427 939 543 | E: joanna.bodley@fcnsw.com.au | W:
www.forestrycorporation.com.au

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Forestry Corporation of NSW ABN 42 141 857 613
Corporate Office
121-131 Oratava Ave West Pennant Hills NSW 2125
(PO Box 100 Beecroft NSW 2119)
T 02 9972 0111
F 02 9871 6941
www.forestrycorporation.com.au

20 August 2013

Native Forests Biomaterials Consultation
Reform and Compliance Branch
Environment Protection Authority
P.O. Box A290
SYDNEY SOUTH NSW 1232

Dear Sir/Madam,

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

FCNSW supports the draft *POEO (General) Amendment (Native Forest Bio-material) Regulation 2013*. The proposed amendment is consistent with free market principles and makes sense from an environmental, economic and social perspective.

Timber harvesting within NSW native forests is driven by demand for sawlogs, veneer logs, poles, piles and girders. Each year, Forestry Corporation of NSW (FCNSW) produces around 600,000 tonnes of sawlog and in the process, produces a wood waste by-product.

It is this resource, a timber harvesting by-product, which is affected by the proposed amendment. The parts of a tree that fail to meet the specifications of high value log products may currently be sold as lower value pulpwood or firewood. The absence of a market for these products results in a much higher level of harvesting waste. Having alternative markets for this material supports optimal utilisation, minimises waste from harvested trees and reduces bushfire hazard.

Timber harvesting residues left in the forest (woody waste) release greenhouse gases which contribute to climate change without delivering any renewable energy benefits. This process occurs rapidly if the residues are burnt or more slowly if the material is left to decay on the forest floor. The current regulation is both a barrier to achieving a more positive greenhouse gas mitigation outcome and an impediment to the application of best practice forest management.

The proposed regulatory change removes an existing anomaly whereby it is prohibited to use woody waste from native forests for electricity generation, but the same waste can be used for other purposes. For example, broad scale utilisation of woody waste is permitted for pulpwood and firewood as well as other emerging renewable energy products including biofuel, biochar and chemical feedstock. In this respect the current regulation is inconsistent and out of date. The proposed changes will also bring NSW in line with other State jurisdictions in Australia and provide a more equitable marketplace.

Each year hundreds of thousands of tonnes of uncommitted woody waste is generated from existing native timber harvesting operations. This material is predominately sawlog harvesting residue (e.g. tree heads and butts) with a small component generated from non-commercial thinning of Cypress and other native species. In addition, there are hundreds of thousands of tonnes of sawmill waste generated by the processing of sawlogs. These

resources both have the potential to be utilised as bioenergy feedstock and under the amendment their commercial value could be realised.

The proposed changes do not alter the approved silvicultural systems and sustainable timber yield production levels that have been endorsed by the Commonwealth and State Government and enshrined within the State's Regional Forest Agreements.

It should be noted that all native forest operations will continue to be regulated by the existing instruments applying to harvesting areas which prescribe the management of biodiversity, water and soil values. In addition the proposed regulation will introduce new product specifications relating to that will ensure appropriate protection of biodiversity and nutrient cycling.

While there is an emerging market expected for bioenergy generated from woody waste, the economics demonstrate that the market is only viable where the material is sourced as a by-product, not as a harvesting goal itself. FCNSW has analysed the business case for further utilisation of native woody waste for bioenergy. The findings overwhelmingly demonstrate the potential benefits to the forest, the industry, the wider community and the environment.

Woody waste is used extensively around the world for the generation of bioenergy and Australia is currently lagging behind. The proposed amendment is a positive step towards addressing this anomaly.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Bodley', with a stylized flourish at the end.

Joanna Bodley
Manager Communications and Media

Donef Racho

From: Paul Nicholls <Paul.Nicholls@cma.nsw.gov.au>
Sent: Friday, 23 August 2013 10:37 AM
To: EPA Continuous Improvement Unit Mailbox
Cc: Louise Dale; Peter Sparkes; Padovan John
Subject: RE: PoEO Regulation public exhibition
Attachments: PoEO (Native Forest Bio-material) Reg 2013_LCMA submission.pdf



Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern .

Please find attached a submission from the Lachlan Catchment Management Authority in response to the public exhibition of the *Protection of Environment Operations (General) Amendment (Native Forest Bio-material) Regulation 2013*.

Regards

Paul Nicholls | Senior Land Services Officer (Property Vegetation Planning)
Lachlan Catchment Management Authority
2 Sheriff Street | Forbes NSW 2871
T: 02 6851 9516 | F: 02 6851 6991 | M: 0428 973 194 | E: paul.nicholls@cma.nsw.gov.au
W: www.lachlan.cma.nsw.gov.au | Like Lachlan CMA on Facebook

>>> On 12/08/13 at 2:50 pm, John Padovan <John.Padovan@epa.nsw.gov.au> wrote:

Paul,

Your extension is granted – please ensure that your submission is sent by COB Friday 23 August.

Regards

John

John Padovan

Operational Policy Officer, Forestry Section | **NSW Environment Protection Authority** | ☎: (02) 9995 6724 | 📠: (02) 9995 5930 | 📧: John.Padovan@epa.nsw.gov.au

From: Paul Nicholls [<mailto:Paul.Nicholls@cma.nsw.gov.au>]
Sent: Monday, 12 August 2013 1:40 PM
To: EPA Continuous Improvement Unit Mailbox
Subject: PoEO Regulation public exhibition

To whom it may concern

The Lachlan CMA wishes to submit comment on the draft amendments to the Protection of Environment Operations (General) Regulation 2009. However, these comments must be endorsed by the Board of Directors for the Lachlan CMA and this endorsement can only be obtained at the next CMA Board meeting on 22 August. As such, the Lachlan CMA requests an extension to the submission period to Friday 23 August.

Please advise if this extension is possible.

Regards

Paul Nicholls | Senior Land Services Officer (Property Vegetation Planning)
Lachlan Catchment Management Authority
2 Sheriff Street | Forbes NSW 2871
T: 02 6851 9516 | F: 02 6851 6991 | M: 0428 973 194 | E: paul.nicholls@cma.nsw.gov.au
W: www.lachlan.cma.nsw.gov.au | Like Lachlan CMA on Facebook

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**Catchment Management
Authority
Lachlan**

2 Sheriff Street, Forbes NSW 2871
Tel: 02 6851 9500 Fax: 02 6851 6991
www.lachlan.cma.nsw.gov.au
twitter@lachlancma
facebook.com/LachlanCMA

22 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,

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

The Lachlan Catchment Management Authority (CMA) appreciates the opportunity to comment on the proposed amendments to the *Protection of the Environment Operations (General) Regulation 2009*.

The Lachlan CMA administers and implements the *Native Vegetation Regulation 2005* within the Lachlan catchment. Our responsibility to this regulation includes assessment under Chapter 7 of the Environmental Outcomes Assessment Methodology (EOAM) and approval of Property Vegetation Plans that consent the clearing of Invasive Native Species/Scrub under Part 4 of the *Native Vegetation Act 2003*.

Invasive Native Species (INS) affects a significant proportion of the western landscape within the Lachlan catchment. The responsible ongoing management of these areas and the environmental gains achieved through the treatment of INS, is a high priority for the CMA. To this end, the biomass waste resulting from INS treatment has long been considered a lost resource due to the current methods of disposal. The proposed changes are a positive approach to the use of this valuable resource and will provide a number of benefits, such as:

- Remove regulatory barriers to bio-energy production in NSW;
- Provide a secondary use for the biomass waste resulting from INS treatment;
- Potentially remove financial impediments to grassland rehabilitation;
- Increase the resilience of farming enterprises and local communities;
- Produce an alternative power source reducing reliance on power generation infrastructure;

Whilst the amendments are supported by the Lachlan CMA, it is recommended that the following be noted.

- The reference to "trees" in the definition of cl.96(a1)(i) be changed to "invasive native species".
 - This change will then reflect the definition of invasive native species under Chapter 7 of the EOAM, wherein INS can be any native vegetation that is listed in the INS database.
- The Environment Protection Authority liaises with Office of Environment and Heritage with regard for proposed amendments within the *Native Vegetation Regulation 2013* and how the operation of both regulations interacts.

If you have any questions, please call me on 02 6851 9500 or e-mail peter.sparkes@cma.nsw.gov.au. For further information on the *Native Vegetation Act 2003* and reforms visit www.nativevegetation.nsw.gov.au or call the toll free hot line on 1800 237 012.

Yours sincerely

Peter Sparkes
Acting General Manager
Lachlan Catchment Management Authority



All communications to be addressed
to the General Manager
PO Box 223
Cobar NSW 2835

Telephone: (02) 6836 5888
Facsimile: (02) 6836 5889
Email: mail@cobar.nsw.gov.au
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"Regional Centre in Western NSW"

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Cobar Shire Council Offices:
36 Linsley Street
Cobar NSW 2835
ABN 71 579 717 155

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

20 August 2013

**Support for Proposed Changes to the *Protection of the Environment Operations
Regulation 2009***

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- 2.1.5 – Diversify the business base of the Shire and strengthen local businesses
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The need to improve supply of electricity to rural businesses and village communities is also highlighted in Council's Social Plan 2011-2016.

Council congratulates the government on the proposed changes and we look forward to the developments that will take place in our Shire once the Regulation is passed.

Yours sincerely



Gary Woodman
General Manager

Donef Racho

From: Donef Racho
Sent: Thursday, 27 March 2014 10:13 AM
To: McCarthy Maryanne; Palmer Kerrie; Plath Gordon; Salem Anne-Marie; Padovan John; Hartley Steve; Gill Shabnam; Whytcross Gary
Cc: Liossis Helen; Overton Beth; Bell Sylvia; Low Sarah; Moore Marianne; Lowe Sylvia; Buffier Barry; Gifford Mark
Subject: Standing Order 52 - Parliamentary Order for Papers - Native Forest Bio-material - DOCS DUE 31/3/14
Attachments: Executive Member Certification - Bio-material.doc; Schedule - Bio-material - non-privileged.doc; Schedule - Bio-material - privileged.doc
Importance: High

Legislative Council resolution under Standing Order 52 – Production of Documents - RESPONSE DUE MONDAY 31/3/14

Dear all

On 26/03/14, the Legislative Council passed the following resolution moved by the Hon Dr John Kaye ordering documents to be produced to Parliament:

8 ORDER FOR PAPERS – DRAFT PROTECTION OF THE ENVIRONMENT OPERATIONS (GENERAL) AMMENDMENT (NATIVE FOREST BIO-MATERIAL) REGULATION

That, under standing order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents in the possession, custody or control of the Environmental Protection Authority or the Office of Environment and Heritage:

- (a) submissions made by any government agency as part of the consultation conducted on the draft Protection of the Environment Operations (General) Amendment (Native Forest Bio-material) Regulation 2013, and
- (b) any document which records or refers to the production of documents as a result of this order of the House.

Nb. EPA **does not** have 14 calendar days in which to lodge the documents with the Department of Premier and Cabinet for tabling. Please ensure the specified deadline is met.

Explanation of a Standing Order 52 Resolution

This is a compulsory order by the Upper House of the NSW Parliament for documents to be produced. The Government's responses are coordinated by DPC.

What you have to do

1) Search for documents

- The order requires the production of all relevant documents in the "possession, custody or control" of OEHL. This includes documents held in hard or electronic form, draft and final documents, emails, maps, file notes, photos, visual and audio recordings.
- The extent of the search depends on the nature of your business and information holding, but is likely to include:
 - Search of relevant paper and electronic files (including archived hard copy documents)
 - Search of email correspondence and work diaries
 - Enquiries with staff who appear likely to hold or know the location of relevant documents.

- Documents prepared for Cabinet (or documents that reveal Cabinet proposals, decisions, discussions etc that would otherwise fall within scope) should not be provided.
- Papers which fall within the terms of the resolution should be provided in full, even if they also contain irrelevant information. Information that doesn't relate to the resolution cannot be masked. Only claims of privilege can be made.
- Please certify (see attached), on your return, that your Group/Division has conducted a full and proper search of documents.

2) *Deliver documents to Group Coordination and Corporate Governance Branch, SPS Level 24, Goulburn Street, Sydney*

- In order for OEH to comply with its requirements, you need to provide a return of relevant documents no later than 31/03/14. This response must relate to documents held in all of the functional units of OEH for which you are responsible.
- Provide the documents in batches (if there are a lot of documents).
- Please don't staple the documents (bulldog clips for large documents are acceptable) as the documents have to be copied again for tabling.
- In order to coordinate the documents in time, it is requested that any functional unit within your Group/Division that holds documents, provide them directly to Corporate Governance Branch with a copy to you, if you wish.

3) *Nil returns for entire Group/Division*

- If your Group/Division holds no relevant documents, then provide a single NIL RETURN on behalf of your Group/Division PLUS a return of any documents "referring to the production of documents as a result of the order of the House". That means you need to include, for example, any emails asking staff who report to you to carry out searches, and their responses.

4) *Mixture of units within Group/Division with Nil returns and documents to be produced*

- A single response for all the nil return units (similar to above) is sufficient. Again you need to provide any documents "referring to the production of documents as a result of the order of the House".

5) *Schedule/s of documents*

- Your Group/Division needs to complete the attached schedule/s and ensure that the schedule/s detail matches the order of documents delivered. An electronic copy of the schedule/s should be provided to Corporate Governance (attached).

6) *Claiming privilege*

- The Group/Division should also identify any issue that may make a document privileged, e.g. legal professional privilege or public interest immunity. If only part of a document may be privileged, you can use a yellow highlighter to identify the parts of concern. Please do not use any other colour highlighter.
- You will need to also provide strong grounds to support a claim for privilege which, if contested, will be assessed by an independent legal arbiter.

If you have any questions, please contact Marianne Moore, Program Leader-GIPA/Privacy on 9995 6297, me (ph: 9995 6080) or, if we are not available, Sylvia Lowe, Senior Project Officer GIPA/Privacy (ph: 9995 6497).

Any email inquiries should be addressed to marianne.moore@environment.nsw.gov.au (cc: racho.donof@environment.nsw.gov.au and sylvia.lowe@environment.nsw.gov.au) and contain the subject line "SO 52 – Bio-material regulation". These emails will also be required to be tabled.

Also refer to the *Interim Standing Order 52 procedures*.

Thank you

Racho

Dr Racho Donef
Senior Project Officer (GIPA/Privacy)
Office of Environment and Heritage
Department of Premier and Cabinet

Ph: 02 9995 6080

Fx: 02 9995 5491

*Please note that GIPA/privacy inquiries may also be directed to Sylvia Lowe on 9995 6497
(sylvia.lowe@environment.nsw.gov.au).*

Executive Member Certification

[Note: an email to marianne.moore@environment.nsw.gov.au with a cc to sylvia.lowe@environment.nsw.gov.au and racho.donof@environment.nsw.gov.au will suffice]

I, (insert name), (insert title), (insert Group/Division) certify that a diligent, thorough and complete search has been conducted of all records sources available to (insert Group/Division) including electronic and archive sources, in relation to the Standing Order 52 resolution which was passed on 26 March 2014 as follows:

That, under standing order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents in the possession, custody or control of the Environmental Protection Authority or the Office of Environment and Heritage:

- (a) submissions made by any government agency as part of the consultation conducted on the draft Protection of the Environment Operations (General) Amendment (Native Forest Bio-material) Regulation 2013, and
- (b) (a) submissions made by any government agency as part of the consultation conducted on the draft Protection of the Environment Operations (General) Amendment (Native Forest Bio-material) Regulation 2013, and

AND

I certify that to the best of my knowledge all the documents that are captured by the resolution have been provided in full to the Group Coordination and Governance Branch, SPS.

OR

I certify that (insert Group/Division) was unable to find any records that are captured by the resolution other than the documents that were created in response to the resolution (these documents have been provided in full to the Group Coordination and Governance Branch, SPS).

Name
Title of the Executive member
Group/Division
Date

