

Private Native Forestry

Review of the PNF Codes 2019

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About you

- Individual
- Business
- Government Organisation
- Non-Government Organisation
- Landholder
- Private Native Forestry Industry

Name of your business or organisation

Tree Dimensions Resource Management (Sole Trade)

Background:

I hold a Bachelor of Science (Forestry) degree and I am a Registered Professional Forester. I was previously employed by the NSW Dept of Natural Resources when the PNF Codes were being developed, and I provided technical advice to the project committee and the stakeholder engagement meetings that resulted in the adoption of the current PNF Codes. My comments below primarily relate to the Northern NSW Code, however where they are more general in nature, they apply to all of the Codes equally.

1. What improvements should the NSW Government consider making to the existing Private Native Forestry Codes of Practice (Northern NSW, Southern NSW, River Red Gum Forests, and Cypress and Western Hardwood Forests)?

- The current Codes attempted to strike a balance between sustainable forest management of the private forest resource and the protection of environmental values. They were developed in the legislative context of the Native Vegetation Act 2003 and the “maintain and improve” test that was enshrined in that Act. The application of the precautionary principle, together with “maintain and improve” requirement, resulted in Codes that were heavily weighted towards environmental protection at the expense of productive sustainable forestry. It is submitted that the Code review should provide a better balance between protecting environmental values and providing for the practise of sustainable forest management.

- Fundamentally the premise that sustainable forestry is a “clearing” activity is totally false. Sustainable forestry is about maintaining and improving all of the values of the forest over a long period of time. This includes both the timber production and the environmental values. The Code regimes should support landholders to improve the quality of their forest resource in perpetuity, which means that they need an economic incentive to do so. Where timber production opportunities are foregone to provide environmental services to the wider community, those losses should be compensated to the landowner.
- The minimum stand basal areas for single tree selection and thinning operations are too high to promote the growth of retained trees and they unnecessarily restrict the removal of suppressed and diseased trees. This leads to high grading and a gradual decline in the productivity of the stand, which in turn affects biodiversity values and future timber production. During the development of the current Codes, the basal area restriction was applied as a surrogate for disturbance due to the “maintain and improve” requirements. It is submitted that with a different legislative regime now in place, the basal area limits should be reduced by 25% across the board.
- Similarly, the Australian Group Selection limits restrict forest growth because the size of canopy openings is limited to twice the stand height. In this situation none of the regrowth within the gap following its creation will be growing at their maximum potential because of competition from the surrounding trees. It is submitted that the maximum size of the canopy openings should be up to three times the stand height or 100 metres, whichever is the lesser distance. That is, a 40 metre high stand would have a maximum width of 100 metres and a 30 metre high stand would have a maximum width of 90 metres. In practice it is impossible to obtain a perfect circle for a canopy opening due to topographical features and silvicultural considerations. Hence it is submitted that in measuring a canopy opening, the maximum distance should be an average of the longest and shortest axis distances across the opening.
- The existing Codes are heavily prescriptive, particularly with the soil and water protection provisions. While this approach may be good from a compliance agency perspective, it does nothing to promote best practice harvesting and forest management processes. The Plantations and Reafforestation Act Code is a more outcome focussed Code which arguably achieves the same outcome, and it is being effectively implemented and compliance checked by DPI. It is submitted that the PNF Codes should be made more “user friendly” by converting them to an outcome based standard.
- The habitat tree retention standards are complex and difficult to implement. Hollow bearing trees are rarely cut for commercial products as they contain large timber defects by definition. Additionally, there are large areas of even aged regrowth forests that have developed on what was cleared grazing land in the 1960s and 1970s. These forests have not yet developed crown hollows, yet the Codes require retention of recruitment hollow bearing trees. This reduces silvicultural options and detracts from the productivity of the forest in order to provide habitat for hollow dependent fauna at some future point.

It is submitted that the landowner should not have to forgo future production and lost revenue to provide additional habitat where none existed previously, without some form of compensation.

- The current Codes are silent in regard to fire management, yet fire is an integral part of sustainable forest management. Many forests across the state are in very poor and declining health, as evidenced by large and expanding areas of Bell Minor Associated Dieback, together with forests showing poor crown condition and lack of regeneration. Additionally, areas that were previously forests with open grassy understoreys are becoming weed infested scrubs with a dense understorey. This is a fundamental change in forest ecology which is changing species associations and leading to a decline in a wide range of fauna that preferentially exist in open grassy forests. The lack of regular low intensity fire is the root cause of this problem, which is both destroying the forest, and leading to continuous fuel beds that result in large scale high intensity bush fires. Such high intensity fires are a high level threat to localized ecology and to the human settlements that are in their path. It is submitted that the Codes should facilitate landowners to implement Aboriginal cultural burning regimes where low flame height "cool" fires are employed in a mosaic across the forest area at short intervals of 3 to 4 years. To implement this sort of fire regime will require an amendment to the current hazard reduction rules that are enshrined within the Rural Fires Act 1997.

2. Do you have any suggestions to ensure the Private Native Forestry regulatory settings are efficient, enforceable and effective?

- The current system where LLS are responsible for approvals and extension support for PNF, and the EPA are responsible for compliance is inefficient and leaves landholders and logging contractors subject to potentially conflicting advice and compliance situations if there is any variance between LLS and EPA interpretations of the Code requirements. This is untenable.
- The penalties for breaches of the Code seem to be incredibly high relative to the risk of environmental harm, and it would appear that they reflect industrial pollution event breaches rather than forestry breaches. Most PNF operations are relatively small in area and they are disbursed across the landscape. It is extremely unlikely that any one harvesting operation is going to cause large scale environmental harm.

3. How can the NSW Government improve the authorisation and approval system for Private Native Forestry?

- Regulation of all forestry activity on private lands should be consistent and maintained under an outcome focussed regulatory regime that is managed within one department. At the present time DPI administer and regulate plantation forestry under the Plantations and Reafforestation Act and its associated Code. This works well. With PNF regulated by LLS and EPA, landholders who have native forest and plantations on their property have to deal with 3 different government departments, plus in some cases the local Council. This is a ludicrous situation. Whether a landholder is managing plantation or native forest areas, the soil and water protection requirements and their best practice are common, yet there are two different Codes and 3 different departments involved in the regulation. Similarly forest infrastructure such as roads, bridges, log landings and fire trails are also common between plantation and native forest sites. It is submitted that forestry, whether plantation or native forest, is essentially a primary production activity. As such, regulation and compliance activities should reside wholly within the DPI where there is forestry expertise.
- Dual consent processes with local government should be specifically excluded from the forestry regulatory regime.
- The current 15 year approval for PNF operations is too short to encourage the practise of sustainable forestry by landholders. In most of the PNF resource the cutting cycle (return time to harvest), will be in the order of 15 to 20 years. Having an approval which is less than or equal to a single cutting cycle gives no incentive to the landholder to manage the forest for the long term, and provides zero protection against sovereign risk of future regulatory regimes that may deleteriously impact on forest productivity or returns. A PNF approval for a "certified" native forest should have the same guarantee of future harvest as is available to a timber plantation under the Plantation and Reafforestation Act. As an absolute minimum if the PNF approval is subject to a Code that provides for sustainable forestry, then at least 3 cutting cycles should be covered by the approval. This would equate to about 50 years as a minimum.

4. What training and advice services would assist landholders, industry and the community?

- Timber production from either native forests or plantation areas is a legitimate primary production activity and landholders should be encouraged to adopt it as part of their rural enterprise if their land is suitable. Because of the substantial investment that is required for plantations, significant gains can be had within a relatively short time frame by demonstrating and encouraging improved silvicultural practices on sites where there is existing unmanaged native forest. This would have a flow-on effect of supporting existing timber processing businesses, and providing for enhanced timber supplies to the benefit of regional and rural economies.

5. Do you have any other comments or feedback relevant to Private Native Forestry that you would like to share with us?

In addition to the comments outlined above I would like to record my support for the submission from the Institute of Foresters and the submission from Timber NSW.

Mark my response as confidential **All submissions will be published unless marked confidential.*

- Yes
- No

Email to: pnf.info@lfs.nsw.gov.au