

Name	Matthew Hingee
Email address or preferred method of contact	
Postcode	2250
Do you want your submission marked as confidential? *	No
Do you want to receive future notifications and updates on the PNF Review? *	Yes
Which of the following best describes you? *	Local Government
Which draft PNF Code are you providing a submission on? *	Northern NSW
Attach your submission	 ccc_submission_private_native_forestry_code_of_practice_2020_final.pdf 119.76 KB · PDF



Central Coast Council

Response to Private Native Forestry Codes of Practise for
Northern NSW

Environmental Strategies
Environment & Planning Directorate
May 2020



Response to Private Native Forestry Codes of Practise for Northern NSW: *Central Coast Council Submission:*
Private Native Forestry Code of Practice

Author: Dr Chris Mclean and Dr Matthew Hingee, Environmental Strategies, Environment & Planning
Directorate

Date: May 2020

Version 0.1

Approved by: Dr Anumitra Mirti, Section Manager, Environmental Strategies

Date of Approval: 30/4/2020

© Central Coast Council

Wyong Office:

2 Hely St / PO Box 20 Wyong NSW 2259

P 02 4350 5555

Gosford Office:

49 Mann St /PO Box 21 Gosford NSW 2550

E ask@centralcoast.nsw.gov.au

W www.centralcoast.nsw.gov.au

Introduction

Central Coast Council has reviewed the draft Private Native Forestry (PNF) Codes of Practice for Northern NSW and supports the need to review the PNF Codes of Practice for Northern NSW. This intent to strengthen environmental protection measures whilst providing clear operating standards for landholders and industry to help manage private native forests to achieve balanced environmental, social and economic values is welcomed.

The Central Coast Local Government Area (LGA) is covered by the southernmost limit of the draft PNF Codes of Practice for Northern NSW. Seventy three percent of the Central Coast LGA or 1344 Km² is comprised of wooded vegetation and as such, a large proportion of the Central Coast LGA is potentially affected by the draft PNF Codes of Practice for Northern NSW.

Proposed change in the PNF

PNF is covered by the North-eastern New South Wales Regional Forestry Agreement (RFA) which was recently renewed for another 20 years. The RFA 'turns off' the federal *Environment Protection and Biodiversity Conservation Act 1999* thus referral for actions likely to affect Matters of National Environmental Significance (MNES) are not required. However, the RFA aims to protect threatened species and ecological communities and ensure that actions undertaken are conducted in a sustainable manner, referred to as Ecologically Sustainable Forest Management (ESFM). The RFA doesn't specify how threatened species will be protected or how ESFM is to be achieved, except that it is occur through a Code of Practice.

Unfortunately, we believe the current review does not strengthen environmental protection for threatened species and ignores the objectives of the *Biodiversity Conservation Act 2016* and are far weaker than are required under parallel assessments such as the Coastal Integrated Forestry Operations Approval for forestry activities on public land or under the Biodiversity Assessment Method (BAM) for other clearing activities approved by Councils or the native vegetation panel. We provide the following comments in relation to the Draft PNF Codes of Practice for Northern NSW:

1. Whilst Forest Operation and Stewardship Plans are bound by the requirements of Listed Species Ecological Prescriptions set out in Appendix A of the draft document, Appendix A only requires prescriptions to be applied where there is a known record or site evidence but doesn't require survey effort to identify threatened species, endangered ecological communities (EECs) or their habitats listed under the *Biodiversity Conservation Act 2016*. Therefore, such Forest Operation Plans may not accurately portray on ground ecological conditions at a site. Without thorough ecological survey and assessment, it is unclear if significant impacts to threatened species and/or EECs are likely to occur which contrasts with the objectives of Part 5B of the *Local Land Services Act 2013* (being to protect biodiversity) and the objectives contained within s1.3 of the *Biodiversity Conservation Act 2013* (also being to protect biodiversity).
2. Details of threatened fauna locations are based on historical records (desktop surveys) rather than actual on ground surveys and hence not likely to represent current site conditions. Therefore, there is a risk that significant impacts may occur to threatened fauna species and their habitats. Of particular concern is that harm may occur to species that are Serious and Irreversible Impact (SAIL) entities (i.e. those that meet the criteria defined under s6.6 of the *Biodiversity Conservation Regulation 2017*), where under a normal planning application under Part 4 of the *Environmental Planning and Assessment Act 1979*, a local consent authority is not authorised to permit harm to SAIL entities (see s 7.16.2 of the *Biodiversity Conservation Act*

2016). For Councils where Development Consent is required for PNF, they may need to refuse the application if SAll entities are present and may be impacted. As such the Code of Practice is inconsistent with the objectives of the *Biodiversity Conservation Act 2016* and places an unnecessary burden upon Councils and uncertainty for landholders over obtaining a consent to complete PNF activities.

3. Exclusions zones are required to be implemented around threatened flora individuals. However, there is no requirement to undertake seasonal survey to determine the location of threatened flora species, some of which may be SAll species. Under the Integrated Forestry Operations Approval for similar activities on public land, Forestry Corporation is required to complete threatened flora surveys.
4. Minimum standards for tree retention allow removal of hollow bearing trees and feed trees without assessment of the impacts on hollow dependent fauna. Therefore, there is a risk that significant impacts may occur to threatened fauna species and their habitats which again contrasts with the objectives of Part 5B of the *Local Land Services Act 2013* (to protect biodiversity).
5. With the absence of targeted surveys, it is difficult to understand how the Code meets the objectives of the RFA, in terms of protecting threatened species or achieve ESFM.

Recommendations

Council's recommendations for ensuring that the Code is consistent with the requirements of the RFA and reduce the risk of harm to threatened species, in particular SAll entities the following approach should be required at a minimum:

1. The Code should include a risk assessment for all threatened species in NSW to determine their sensitivity to logging and determine which species have a large degree of overlap with PNF operations or are potentially threatened by forestry activities. This includes species such as Greater Glider (*Petauroides volans*) and a number of threatened plants, including Scrub Turpentine (*Rhodamnia rubescens*) a species that is an SAll entity and is known throughout the forest types favoured for timber harvesting.
2. For the species that are considered to be potentially threatened by forestry activities, a suitably qualified individual engaged by the landholder, or alternatively an Ecologist within LLS must complete a 10km search on the NSW Bionet database to determine if any suitable habitat occurs. If so, targeted surveys or specific prescriptions must be applied for example for the Greater Glider, a higher basal area retention rate may be specified.