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SUBMISSION BY COFFS HARBOUR CITY COUNCIL ON THE DRAFT PRIVATE NATIVE FORESTRY CODES OF PRACTICE

April 2020

General

This submission has been prepared by Council officers at the Coffs Harbour City Council, for lodgement with the NSW State Government, as a response to the draft Private Native Forestry (PNF) Codes of Practice which are open for consultation until 19 May 2020.

Riparian Buffer Zones

Table E: Riparian buffer zones should also include a 40m buffer to fourth order streams as described in the NSW Governments 'Controlled activities on waterfront land - Guidelines for riparian corridors on waterfront land', regulated by the *Water Management Act 2000*. In addition, Figure 6 should be replaced by a reference to Fig 1, or amended to be the same as Figure 1 as it appears to have been graphically altered in its reproduction.

Protection of Landscape Features

Section 6 discusses landscape features and has a link to a protocol for the identification of rainforests and old growth forests. The protocols rely on the supply of a 'best available map' from DECC however Council understands that the map currently being used is at a regional scale and highly inaccurate at a local or property scale. While a process is outlined should the owner disagree with the map there is no process to identify areas missed by the regional scale map.

Coffs Harbour City Council has high accuracy (class 5) mapping of the following relevant features, Rainforests, Old Growth Forest, Heathlands, Wetlands, and Threatened Ecological Communities. This mapping was done in partnership with the former Office of Environment and Heritage and its accuracy has been accepted in a number of state government mapping projects, i.e. *State Environmental Planning Policy (Coastal Management) 2018*. Council has offered this mapping to Local Land Services to better inform the PNF process however LLS is yet to request the data which is leading to PNF approvals potentially being granted in breach of the code.

Many councils have high resolution mapping that could inform this process and believes that this section of the code should make greater mention of the use of the best available data, including data held by other levels of government and other government departments.

Listed Species Ecological Prescriptions

The species specific restrictions are heavily reliant on records of the species in the NSW BioNet. In the Coffs Harbour area, the areas popular for PNF have not had any wide ranging ecological surveys resulting in a paucity of data within BioNet. Regardless PNF approvals are being granted in areas with a high likelihood of threatened species. BioNet is an inadequate method for determining the presence of threatened species and given the long term impact of vegetation clearing by PNF approvals, threatened species site surveys should form part of the application process.

The terminology in some of the species within the listed ecological prescriptions is definitive and prescriptive i.e. must avoid, must be excluded, not permitted etc., while the language for other species is more lax, i.e. be minimised, if possible, should, where available etc.

In order to clearly define acceptable practice, and be able to undertake effective compliance if the need arises, the stronger language should be used throughout this section.

Specific Comments on the Ecological Prescriptions for the Koala

The reference to the *State Environmental Planning Policy No. 44 – Koala Habitat Protection* needs to be replaced with the *State Environmental Planning Policy (Koala Habitat Protection) 2019*. Table H should be cross checked for alignment with the Koala Habitat Protection SEPP.

The requirement for 20 or more koala scats to be found under a tree for the tree to be retained should be changed to only require 1 scat to be found regardless of Koala Management Areas. While scats can last within leaf litter for several weeks or months, as stated in the additional information, they can also degrade within days if rainfall has occurred. Any ecologist who has undertaken koala scat surveys will testify as to the difficulty of finding scats and any scat found signifies the presence of a valuable feed tree that should be retained. However, it is also noted that without any requirement to undertake fauna surveys, as previously mentioned in this submission, it is unlikely that any scats are being identified.

Council recently undertook a review of the Koala Habitat Mapping adopted as part of the *Coffs Harbour Koala Plan of Management 1999*. Council hopes to make the draft mapping available to LLS as part of a new Koala Plan to be exhibited in late 2020. As part of this mapping a review was done to see how many PNF approvals were within the new mapped (draft) core koala habitat areas, i.e. areas with known koala occupation. As at September 2019 there were 190 properties with PNF approvals within the LGA, of these 124 had draft core koala habitat. Given access by council to maps of the PNF approval is not permitted council can't cross check the approval areas with the draft core habitat areas. Some of these draft core habitat areas may be outside approval areas, however Council is confident that some of the approvals have been granted over areas meeting the definition of core koala habitat. On ground surveys would have assisted these areas to be avoided.

Access to PNF Approvals

Coffs Harbour City Council currently receives notification by LLS when a PNF approval is made for the purposes of listing on planning certificates under s10.7 of the *Environmental Planning and Assessment Act 1979*. Council believes that a map of the approval area should be provided with this notification so that Council can both be informed about the impact of PNF at the local scale, and ensure that any future Development Applications consider the impacts both to and from the PNF approval.