


Business (if applicable)	Local Government NSW
Email address or preferred method of contact	[REDACTED]
Postcode	2000
Do you want your submission marked as confidential? *	No
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Which of the following best describes you? *	Local Government
Which draft PNF Code are you providing a submission on? *	All Codes
My comments	Please find attached a submission from Local Government NSW, on behalf of our member councils.
Attach your submission	 draft lgsw submission on pnf codes.pdf 167.13 KB · PDF

Draft Submission on Private Native Forestry draft Codes of Practice

May 2020

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Opening

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing all NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community based system of local government in the State.

LGNSW welcomes a review of the Private Native Forestry (PNF) Codes to strengthen environmental protection measures for long-term forest management while providing landholders with clear guidance on operating standards. This approach intends to balance environmental, social and economic values.

This submission has been developed with input from affected councils in NSW. It is a draft submission awaiting review by LGNSW's Board, and any amendments will be forwarded in due course.

Summary of Recommendations

This submission makes the following recommendations for amendments to the Codes and associated processes:

1. LGNSW seeks the inclusion of councils in the pre and post-harvest PNF notification process.
2. LGNSW seeks a requirement that maps of the PNF approved areas are provided by LLS to councils, along with the notification to list the PNF approval on s10.7 planning certificates.
3. That the Codes be amended to require ecological assessments to determine species on a site, including threatened species, prior to PNF approvals being granted.
4. That the Codes identify the most accurate and comprehensive local mapping held by other government departments, or other levels of government including councils, and use this data to inform environmental protections.
5. That councils be given access to relevant plans and information in relation to local road use, haulage routes and timing of harvests.
6. That landholders be provided with training and accreditation programs to assist them in meeting their PNF obligations, plans and delivery of their operations.
7. The cumulative impact of PNF approvals must be monitored and results considered in future decision making on further approvals.
8. That adequate resources are allocated to monitoring and compliance activities to ensure landholders and PNF plan objectives and operations are being delivered in accordance with their objectives.

Background

The draft Codes introduce Forest Stewardship Plans (FSP) prepared by an accredited expert or Local Land Services (LLS) staff to create site specific conditions and agreed actions to be consistent with the long term forest management, while balancing environmental outcomes.

Forest Stewardship Plans will require an approved PNF Plan as well as approval by the Environment Protection Authority (EPA) and Local Land Services. The intent of these plans is supported by local government.

Prior to each forestry operation a Forest Operations Plan (FOP) is prepared to outline the actions to be undertaken and any impacts on threatened species or other environmental impacts. These plans must be signed by the landholder and those involved in undertaking the works, and a copy made available to LLS and the EPA on request. These plans consider the impact on threatened species and other environmental objectives.

General comments on behalf of NSW councils in relation to the draft Codes are provided below. These apply to each of the draft Codes. More specific regional comments are not explored in this submission, which has a state-wide focus.

Response

Pre and post-harvest notifications

The Codes change the way in which landholders report on their forestry activities. Annual reports on PNF are being replaced by pre and post-harvest notifications. These notifications are welcomed, as they provide timely information on the activity underway and provide an opportunity for greater engagement and advice to landholders and industry. Local government would also benefit from advice on forestry activities planned and undertaken in their Local Government Area. This would enable councils to be aware of the timing, length and impact on local roads of any PNF activity underway and ensure local communities are advised if any disruptions are likely.

Recommendation 1: LGNSW seeks the inclusion of councils in the pre and post-harvest PNF notification process.

Private Native Forestry approved plans

Councils should already receive notifications from LLS when a PNF approval is made as these details need to be listed on planning certificates under s10.7 of the *Environmental Planning and Assessment Act 1979*, however these notifications do not include a map of the approval area. This makes it challenging for councils to be informed about the potential impact of the activity, and to ensure that future development applications adequately consider possible impact both on the PNF approved area and as a result of the activity in their local area.

Recommendation 2: LGNSW seeks a requirement that maps of the PNF approved areas are provided by LLS to councils, along with the notification to list the PNF approval on s10.7 planning certificates.

Local government needs sufficient information on PNF operations to respond to community enquiries and concerns which inevitably arise. While the provision of maps where PNF approvals exist and notification of harvesting operations are supported, it may also be appropriate to share Forest Operation Plans and Forest Stewardship Plans with the relevant local government authority.

Environmental protections and threatened species

LGNSW supports consistency in advice provided on environmental protections and threatened species, including the importance of retaining hollow-bearing trees in forest ecosystems. However, the reliance on species sightings as recorded in BioNet will not adequately identify threatened species in many PNF areas.

Ecological surveys and assessments on site would provide a much more accurate result on the impact on species and is consistent with standards for threatened species identification requirements for other land use and development proposals. A lack of data in BioNet does not necessarily reflect an absence of threatened species as it may be the case that these areas have not been surveyed and recorded to date.

In many PNF areas there is a low likelihood of threatened species data on rural properties, as most have never been subject to a DA which would require an ecological assessment. As such existing threatened species data is a poor indicator of the presence / absence of threatened species.

Prior to granting approvals, additional ecological surveys are needed as the potential impact of PNF, combined with the significant financial gain to landholders, justifies such an investment. Full threatened species surveys using methods outlined in the Biodiversity Assessment Methodology should be undertaken by a qualified ecologist when preparing a Private Native Forestry Plan and other associated plans.

Recommendation 3: That the Codes be amended to require ecological assessments to determine species on a site, including threatened species, prior to PNF approvals being granted.

Councils have raised concern that the application of the Code is inconsistent with the aims of both the *State Environmental Planning Policy (Koala Habitat Protection) 2019* and the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*. In council areas with detailed Comprehensive Koala Plans of Management (CKPoMs) the codes do not require the assessment processes detailed for those local government areas. This needs further review to ensure the impact of operations is acceptable under these legislative protections for koalas and other species.

Protection of landscape features

The 'protection of landscape features' section, requires reliance on NSW Government mapping, however many councils have more accurate local mapping which could better inform this section of the Code. Flexibility to use the best available map and data held by other levels of government and other government departments is supported. Reference to this should be included in the Code and determined in each region in collaboration with DPIE, LLS and local government.

Recommendation 4: That the Codes identify the most accurate and comprehensive local mapping held by other government departments, or other levels of government including councils and use this data to inform environmental protections.

Impact on local infrastructure

The impact on the local road network is an important consideration which should be addressed in the development of a Forest Operation Plan, including proposed haulage routes and use of existing local roads. As this is one of the key impacts on the local community, access to information on the use of local roads and the timing of harvesting should be provided to local government.

Recommendation 5: That councils be given access to relevant plans and information in relation to local road use, haulage routes and timing of harvests.

Implementation of the Code

LGNSW supports greater consistency in the way PNF is undertaken across NSW, from approvals through to operations, however the success of the Codes will also be dependent on their implementation. Key areas of consideration are:

Training and advice to landholders

Landholders require an appropriate level of expertise to consider all the requirements of the impact of their PNF activity on the local area and should be subject to an appropriate level of training. This is particularly relevant in the development of Forest Operation Plans and in consideration of impacts on threatened species and other environmental values. Training should be provided in the form of a webinar with online test, or via other readily accessible formats to ensure landholders have relevant understanding and expertise to fulfil their obligations under the Code.

Recommendation 6: That landholders be provided with training and accreditation programs to assist them in meeting their PNF obligations, plans and delivery of their operations.

Cumulative impact of PNF operations

A clearer and transparent mechanism to monitor the cumulative impact of PNF operations is sought and should inform future PNF agreements. In some regions, including the North Coast, large areas of land, and in this case koala habitat, are under PNF agreements. The cumulative impact of these agreements on koala habitat and biodiversity management is significant. Monitoring cumulative impact is necessary and needs to be incorporated into decision making processes for the determination of future agreements.

Recommendation 7: The cumulative impact of PNF approvals must be monitored and results considered in future decision making on further approvals.

Invest in compliance and enforcement

A rigorous and scientific approach to compliance on properties undertaking PNF activities is required. Adequate resourcing will ensure compliance systems are developed and operate effectively. This includes compliance during PNF activities to ensure things such as sediment control activities and protection of waterways occurs, and operations are carried out in accordance with an approved plan. Monitoring of the rehabilitation requirements after a forestry operation is also needed. Effective compliance must be well resourced to ensure staff

can be responsive to concerns raised in relation to PNF operations and ensure PNF objectives continue to be met. The EPA must be adequately resourced to undertake compliance and ensure the requirements of the Forestry Operation Plan (FOP) are undertaken by the landholder.

Recommendation 8: That adequate resources are allocated to monitoring and compliance activities to ensure landholders and PNF plan objectives and operations are being delivered in accordance with their objectives.

Conclusion

LGNSW supports private native forestry activities across NSW which balance regional, social and economic development objectives and environmental considerations. The removal of native vegetation through private native forestry should be subject to development control and assessment conditions as would apply to other industries to minimise ecological impacts.

Local government is a key stakeholder in PNF as local land managers and through the provision of local infrastructure. Specific issues will be raised through submissions from individual councils across NSW and relevant to their regions, which should be considered in this review process to improve the local implementation to the Codes and minimise environmental impact.

For further information, please contact Kirsty McIntyre, Senior Policy Officer – Environment, on [REDACTED].