

**Submission
No 44**

**INQUIRY INTO LOCAL LAND SERVICES AMENDMENT
(MISCELLANEOUS) BILL 2020**

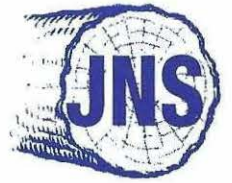
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25th February 2021

Portfolio Committee 7 Planning and Environment Legislative Council NSW

Inquiry into the Local Land Services Amendment (Miscellaneous) Bill 2020

Submission by: Donna Layton, General Manager, J. Notaras & Sons Pty Ltd.

Email to : PortfolioCommittee7@parliament.nsw.gov.au

The BILL

In reference to the Objects in the Bill:

Clause "a"

Position: no longer necessary

The State Environmental Planning Policy (Koala Habitat Protection) 2019 has been repealed.

Clause "b"

Position: supported

Removal of dual consent

For private native forestry, the Bill removes the need for dual consent and the unnecessary involvement of Councils, who have no expertise or specialist knowledge in forest science. Under the current governance arrangements, the process is far from satisfactory. On the north coast alone, there are 35 individual Councils each taking a different approach to how private native forestry is treated. For private landholders required to obtain development approval, the process is akin to a lottery. Removing the involvement of Councils will remove this uncertainty without removing the LLS regulatory framework, which provides environmental protection.

Clause "c"

Position: supported

Extension of PNF plans to 30 years.

The provision that extends the approval period of a PNF Plan from 15 to 30 years is another important measure. The additional time will provide landholders with the confidence they need to invest in their forests' future, potentially seek forest certification and reduces the need to maximise timber revenue in single harvesting events. This measure will be both good for the forest and good for the environment.

Clause "d"

Position: supported

Ensuring that the Minister administering the Forestry Act and the Minister administering the Fisheries Management Act are consulted on the formulation of the PNF Code is important.

Clause "e"

Position: supported

Allowables under Schedule 5 of the Local Land Services Act should be permitted on a range of Standard Template LEP Zones, including E-Zones and Rural Zones.

Additional Comments on Private Native Forestry and the Bill

Forestry principles in a working native forest

There is a distinction between working and non-working (conservation) native forests on both public lands and private property.

Whilst the objects of the National Parks and Wildlife Act 1974 set out certain management principles, it is noted that the rules that are to apply to the working native forests on State forests and private property are more rigorous in the

management of such forests. This should not be the case. The issue of water quality, erosion and biodiversity conservation issues are just as robust in any native forest regardless of whether it is a working forest or non-working forest. There should be no artificial boundary created by a desktop map. Native forests are integrated environmental zones that require careful management. Indigenous care systems for native forests reinforce this principle over thousands of years and still do when permitted to operate.

Cross tenure environmental governance is an important and ignored issue within NSW. When a fire starts in a NSW National Park, it will not stop at the boundary with private property or State Forest. It will decrease in ferocity where careful forestry maintenance is applied using sustainable ecological environment principles on private property or State Forests. Evidence of this occurred as recently as 2019/2020 bushfires by people on site who had prepared and not those at a desk hundreds of miles away.

When the issue of koala habitat is considered, native forest management is paramount. Whilst bushfire is recognized by serious commentators as the greatest threat to koalas and their habitat, ground cover is an important determinant of where koalas will choose to locate. It is at last recognised by the NSW bureaucracy that koalas do not remain in a single tree. They move about and do so by coming down out of trees and moving across reasonably open ground to their destination tree. An environment full of dense exotic ground plants including lantana will cause a koala to move from the area. What audit or oversight is conducted in State owned national parks concerning the health of any koala habitat located in these areas? What identification of koala habitat of the kind and nature set out in the Guidelines to the *State Environmental Planning Policy (Koala Habitat Protection) 2019* has occurred in the NSW national parks? The results of such research, if it does exist, have not been published.

Even more disturbing for koala populations and koala habitat trees is that the megafires of 2019/2020 mostly started in National Parks. Ground cover was a major contributor to this. It was because proper forest management was not consistently applied. Native forests cannot be simply locked up. To do so is a medium-term surety of habitat loss through truly destructive fires that dramatically alter the forest through soil change and destruction of seed.

The current comparison between NSW's non-working forests and working forests is stark. Not because the working forests are world class examples of well managed forest but sadly because the non-working forests are operated as a lock up forest.

A working forest is one where harvesting of timbers is used to stimulate regeneration and growth of retained trees through the creation of space and light. Whilst this is presented as a negative, it is well known that this activity aids the growth cycle of trees that provide a source of nutritious koala foliage.

Nobody denies that the removal of trees can leave a disturbed part of the native forest. What is not readily understood is how this disturbance can benefit the natural growth and health of the forest. Forest scientists who operate in the forest understand this principle.

Forestry operations in a working forest is about the long-term sustainability of wood supply. Its focus is the management of the forest to ensure it is nurtured and grown in a cycle of constant renewal.

The National Forest Policy Statement established through the Australian Government as a signatory to the Montreal Protocols, sets up a forest management structure that is recognised internationally as being comprehensive and balanced. Unfortunately, successive NSW State Governments in administering the policy obligations choose to ignore many of the key principles when managing National Parks.

Working forests, if managed well, provide a timber supply to meet the community's needs under strict environmental standards and as field research shows will provide habitat for koalas and other species. The Australian landscape requires active management, just as the First Nations peoples did, thousands of years ago.

Signed:

Date: 25th February 2021

Donna Layton
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