Submission No 50

INQUIRY INTO LOCAL LAND SERVICES AMENDMENT (MISCELLANEOUS) BILL 2020

Organisation: Biomass Heating Australia

Date Received: 25 February 2021

To All concerned

This is a clear breach of due process in not informing us and making us aware of this.

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The *State Environmental Planning Policy (Koala Habitat Protection) 2019* has been repealed.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

Other matters in the absence of terms of reference

Commentary that is misleading in the public discourse concerning forestry operations.

Terms are used that are misleading as they are generic and without meaning in the debate concerning issues of land management.

Land Clearing

The assertion that ‘land clearing’ occurs within NSW without check, particularly when it comes to the forest industry operations. As recently as this year, the University of Newcastle Business and Law Facility issued a Report where the term ‘land clearing’ was used to describe forestry operations within NSW.

Forestry operations, as all land management in non-urban areas within NSW, is strictly controlled by legislation.
NSW legislation recognises three different types of forestry:

1. Public native forestry authorised under the *Forestry Act 2012,*
2. Plantation forestry authorised under *Plantation and Reafforestation Act 1999,*
3. Private native forestry authorised under Part 5B of the *Local Land Services Act.*

Native forestry operations in State Forests are authorised under the Forestry Act. These operations are governed by the Integrated Forestry Operations Approvals (IFOA) administered by the NSW Environment Protection Authority. The rules and protocols contained within the Approvals do not permit ‘land clearing’. Instead, there is strict ‘selective harvesting’ undertaken which occurs on approximately 1% of the area contained with NSW State Forests per annum.
There is a distinction between hardwood and softwood forests.
Australia’s native forests are hardwood forests, Cypress pine being the main exception. The timber imported from countries to Australia’s north and from rainforests may also be called“hardwood”. Softwood is the timber obtained from plantations of generally Pinus species and is the timber mostly associated with the construction industry where is it used for framing. Koalas do not reside in softwood plantations.
This distinction does not generally occur in the context of environmental sector commentary. Their objective is to close all forestry activity within Australia. Presumably the preference of such commentators is to see Australia’s timber needsfulfilled by imported

hardwood timber from overseas forests, with unenforceable regulatory regimes, where clear felling occurs with limited regulatory oversight..
The Plantation and Reafforestation Act sets out regulatory provisions for the operation of plantations. When references to 'land clearing' are made (usually accompanied with pictures in journal articles, or footage on television, using images of a cleared hillside) it is often a harvested plantation that is shown. This is not native forests as is frequently suggested.
Hardwood plantations have been planted with mixed success, as Australian native trees need to be suitable to the environs where plantations are established. This has historically not always been the case. All plantations require management and maintenance in the early part of the growth cycle. This makes the capital costs high.

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 includinglantana 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 thelong-termsustainability of wood supply. Its focus is the management of the forest to ensure it is nurtured and grown in a cycle of constantrenewal.

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 researchshows 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.

Harvesting in forests increases the chance of bushfires.

Post the 2019/2020 bushfires, some researchers and their favoured media outlets, have stated thatharvesting of forests results in increased flammability and a greater chance of bushfire. These statements require careful consideration.

These reports are 'works of meta research'and modelling which immediately causes a problem. Many of these reports are not sourced. The methodology for the selection of these reports that constitute the 'review' of available research is not provided. Any bias that exists is not countered as would be expected in rigorous peer review. The 'field reports' are rarely investigated.Often this work is a 'desk-top' review, yet native forestry is an on the ground bush science. Proper forest research requires field validation which is costly.

It is well known in forestry that when timber harvesting takes place there is a window of about seven months where the residue from harvesting, if not subject to a post-harvest burn, will present an increased risk. All of the recent reports of timber harvesting and bush fires suggest that the risk lasts forever. None of these reports contain validated research. The greater risk is accumulation of exotic ground cover and accumulation of native litter and debris in the absence of management. Is a far more serious issue than residues from timber harvesting. Remembering the key to koala preservation is removing firstly the threat of bushfires, their greatest threat.

Additionally, what these reports do not mention is that where timber harvesting residue is collected immediately after the selective harvesting operation, the bush fire risk is removed. This occurs in some locations within NSW. However, the expansion of this model more widely in NSW, faces serious administrative hurdles and bureaucratic barriers or possibly just inaction.

Carbon Sinks or sequestration in timber

Some academics have stated that the issue of atmospheric carbon is a major community and public policy issue. This view appears to be gathering world-wide support. What follows is the need to look at ways to 'lock up' carbon within the natural and built environment. The built environment presents a significant challenge as steel making is not carbon neutral. Most other man-made building components are also not carbon neutral. The better carbon friendly material is timber and timber derived products.

Timber is sustainable and renewable as it can be replaced in about 40 years. It takes up carbon in its growth.

In 2020 *Nature* magazine reported on Australian research that involved field work in old growth forests and determined that old growth forests do not take up carbon. The issue is that old growth forests are not growing at the rate of younger trees.

This research suggested that a public policy of growing forests is a good 'climate change' policy. Afforestation of open country is part of this solution, but sufficient areas would be difficult to achieve unless government requisition/acquisition of country occurs and this on a large scale is unlikely. The other area for reafforestation is private native forest. This must mean recognizing the terms of working forests within NSW. PNF is a part of this category of native forests. Working forests encourage forest growth and regrowth, and this includes renewal of the growth cycle through selective harvesting.

Australia is moving to a solar and wind renewables energy generation. Yet, the means of delivering this 'climate change and environmentally friendly power to all consumers is by power poles and power grids. There has been no suggestion that electrical current can be delivered by wireless technology. Removal of the forestry operations on the Eastern seaboard of Australian means that timber poles no longer will be available to literally support the power transmission network. This means concrete poles will need to be manufactured. Is this a carbon neutral approach? The answer is a resounding no!

Regards

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The Team