

**Submission
No 64**

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

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

Portfolio Committee 7
Planning and Environment Legislative Council NSW

Submitted by Helen Murray, landholder, Burra NSW
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By email to: PortfolioCommittee7@parliament.nsw.gov.au



Dear Committee Members,

I am pleased to make this submission, albeit in some haste. It commences with overarching comments which I hope builds more context for your deliberations and then provides specific comments on the Bill.

I encourage the committee to work astutely to unpick truth from opinion, alarm and bias; and to during your deliberations to seek advice from the respected profession of forest science.

The Committee operates amid a lively arena of environmental politics. I respectfully implore you to carry out your solemn duties meticulously and with careful subjectivity. Plainly many loud voices will make submissions which are founded in outright opposition to "native timber harvest". Logs are the product created from the process of harvesting a tree and the term 'logging' has been captured as if it is wicked and illegal.

Please seek out the skilled insights available from the respected forest science experts (particularly members of the Institute of Foresters' of Australia); also from tree growing farmers and other landholders, from good people of the forestry and wood products community who devote their hearts, souls and expertise to provide some small amount of locally grown timber for use by our NSW community. Consumers love wood. I am among those ranks and you might be too. There are multiple research studies which show how beneficial the presence of wood is to people in their daily lives in homes, offices, classrooms, public buildings.

In NSW decades of well financed anti-forestry activism has succeeded by dramatically shrinking the area of publicly owned land able to be harvested. Vast, vast areas are aside in national parks. Yet environmental outcomes for endangered species do not seem to have improved! What is going on? This was sold as the answer to all our problems. Clearly it is not. Forest scientists always knew this was a flawed effort and they were proven to be right. Let us hear them now. They speak with quiet voices, but politicians have a habit of responding to the loud voices.

Please exercise your duties and set your own views aside and go looking deeper for information - so you can make the very best evaluation of the Bill under Inquiry. It has become a mantra now that timber harvest ("logging") is bad so stopping that must therefore be good. Matters are so much more complex than shutting down the ever more precise selection of sites for timber harvesting. However that is not the focus of this Bill.

NSW like other States is in the middle of a strategic calamity – timber merchants are forced into shipping more and more timber from forests overseas. Much, if not most of those sources of timber are not as well managed environmentally as in Australia. We have a perverse situation – a wealthy first world country no longer self-sufficient and shutting down its own forestry, thinking that is the solution to endangered species loss, which has not been successful and now relying on other countries without our environmental management rigor to supply our people with the timber we can no longer supply ourselves because successive NSW governments shut up so much forest area!

PNF has a really important role to play in providing future access to timber here in NSW.

Our timber needs are increasing as awareness grows that it is a uniquely green material. Timber has astonishing features of benefit to society.

- features low embodied carbon because conversion from a tree to a wood product uses relatively little energy compared to concrete and steel.
- around 19 times more energy is needed to make a product from steel than from kiln- dried hardwood; 45 times more to make a plastic product; and 85 times more energy to make a comparable aluminum product.
- the process of growing timber takes in rather than emits carbon dioxide.
- All native forest trees harvested in Australia are then by law regenerated or replanted so harvest of our precious timber resources is not deforestation or habit destruction.
- Around half the dry weight of a tree and all products made from wood is stored carbon.

It can be seen that growing trees and judiciously harvesting (and always regenerating) timber from working forests including private native forests is so very important. Timber will one day be a highly esteemed sector not a maligned one. The sector has worked hard to raise awareness about the future picture if Australians fail to come to grips with balancing our own supply of timber with excellent environmental management.

There are complex challenges not widely understood. The following extract points to some.

Extract from

“Transforming Australia’s forest products industry”

Recommendations from the Forest Industry Advisory Council, May 2016

Source: <https://www.agriculture.gov.au/forestry/industries/fiac#fiac-paper>

Natural forest estate

About 8 per cent of Australia’s 123 million hectares of natural forest are designated as ‘multiple-use forests’. These forests are managed for a range of values, including wood harvesting, water supply, conservation, environmental protection and recreation. *Each year around 1 per cent is harvested for wood production, representing about 0.06 per cent of Australia’s total natural forest area (MIG & NFISC 2013). Harvested areas are then regenerated.* The main products obtained from natural forests are hardwood sawlogs.

Plantation forest estate

The total area of Australia’s plantation estate is about 2 million hectares, roughly half softwood and half hardwood (*mostly native tree varieties*) (Gavran 2015). The plantation estate is the major wood resource for Australia’s forest industry.

Wood supply from plantations is growing, but Australia may be approaching peak plantation wood supply. Under current planting scenarios, the total log availability from softwood plantations is expected to plateau by 2030 at 17.2 million cubic metres a year. Total log availability from hardwood plantations is expected to peak at around 13.7 million cubic metres a year by 2030 (Burns et al. 2015).

In the coming decades, Australia’s forest industry **will require wood from a number of domestic sources**, including large-scale plantations, state and territory owned natural forests, **private plantations and farm forests** (natural or planted). Each of these resources features particular strengths: the economies of scale achieved from large-scale plantation forests, the unique qualities of wood sourced from natural forests and the landowner benefits available from farm forests.

Ensuring sustainable access to plantation and natural forests is vital to the future of the forest industry. Government needs to provide industry with certainty about natural resource access and supply, and appropriate forest management regimes to minimise the risk of fire in natural and plantation forests.

The committee may be aware of Forest and Wood Products Australia which sets priorities and invests funds in research and development. FWPA has lots of publicly available information about the environmental credentials of Australian timber.

The Institute of Foresters' of Australia is an excellent source of information. It also runs various sessions, gatherings and webinars that are terrifically informative. Planet Ark has programs encouraging use of wood products. Responsible Wood and the Forests Stewardship Council (please note for transparency I am a former board member of FSC Australia/NZ) are the two globally credentialled forest certification systems available in Australia. Each has good information on their websites. I urge the committee to gather information from sources like these as well as respected industry bodies such as Timber NSW and Australian Forest Growers (now merged with the Institute of Foresters'), among others.

There is an ethical, well-educated, well informed and good hearted community of people who work alongside our land and forest owners (both public and private) to responsibly produce wood supply and support the good environmental outcomes we all want. These people are, more often than, not drowned out by anti-forest activists which is a great shame. I trust the Committee will go the extra mile in seeking subjective information.

Talk to any forest scientist (or for that matter forest owner) and you will find a wealth of integrity – their love of trees, forests, forest ecology, native flora and fauna and landscape is deep, and they have huge expertise. This is one of the reasons I am so inspired to pursue tree growing and so tired of the sloganeers who criticise forestry. Please committee members come and meet some of these wonderful Australians.

I am a landholder with long term plans to incorporate private native forestry or PNF into my small farm. I need clarity and a sensible regulatory framework to plan. PNF is recognised as operating at a very different scale to larger commercial scale forestry and this is appropriate. I want good environmental outcomes and I will be very proud to grow timber because it is environmentally right in every way.

Do remember that the NSW working (i.e. harvestable) forest system is world-class and have as your starting point that tree harvest here by law must **always** be followed by forest regeneration. It is not deforestation. It is inherently a virtuous cycle.

This concludes my introductory comments and I now provide comments on the Bill.

In reference to the Objects in the Bill:

Clause "a"

Position: this is 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.

- This Bill ensures that all landholders who wish to invest and conduct private native forestry (i.e. grow trees and harvest trees on rotational basis); which also produces a positive carbon cycle of benefit to the planet; can do so with prudent regulatory processes under Local Land Services (LLS).

- The Local Land Services Act Part 5B has the provisions for a private NSW landowner to engage in specified harvesting of native trees on their land.
- Under the law a PNF Plan must be conducted in accordance with:
 - the principles of ecologically sustainable forest management, and
 - the protection of biodiversity and water quality, and
 - the objective to carry out the forestry operation in a sustainable manner, and
 - assurance that differences between PNF and native forest operations in State forests are recognised, including in the application of protocols, codes, standards and other instruments.
- The PNF Code supports those objects. The PNF Code is made by the Minister for Forestry in collaboration with the Minister(s) responsible for both the Biodiversity Conservation Act 2016 and the Fisheries Management Act 1994.
- Application for a PNF Plan to be approved is made by the landowner. It is assessed and approved (or not) by the LLS by applying the PNF Code.
- The Local Land Services PNF regulatory framework expressly provides environmental protections. The Environmental Protection Agency is responsible for any enforcement associated with the landowners compliance with the PNF Code.
- Clearly requiring a landowner to separately apply for development approval for the same PNF through an entirely unconnected Council LEP system serves no beneficial purpose.
- Councils are not experts in the science of forestry – professionals with deep expertise in forest science are few and far between right across Australia.
- Requiring tree grower to apply for PNF development consent under local governments everywhere around NSW with their varying levels of capability, exposes this important tree production sector to a system without the necessary expertise to evaluate PNF and to local political tug of war. Local government has many strengths, but it is clearly not a suitable approval body for PNF tree growing.
- Dual consent is an expensive administrative duplication adding only time delays, expense and uncertainty.
- Dual consent is disincentive to private native forestry. PNF under the Code is one of the best possible land use activities on the planet, able to complement other land uses and assist with carbon sequestration. Primary producers with the capability to incorporate PNF into their farm operations must access a fit for purpose regulatory framework. The LLS provides this.
- Dual consent delivers no benefits it does not impact environmental outcomes because operation of the LLS PNF regulatory framework is state-wide.
- There is some confusion about what a PNF Plan approval provides – it is not a consent to go about land clearing. It is consent for selective harvesting and the controls around that are rigorous. Further, the Environmental Protection Authority has the role of monitoring compliance and enforcement.

- PNF involves management of a native tree growing, thinning, harvesting, regeneration/replanting and regrowing cycle occurring over multiple decades. It is complex and evaluation of PNF Plans requires expertise.
- NSW has invested in strengthening the forest science expertise within LLS and this is important. Councils lack expertise and specialist knowledge in forest science.
- It is understood that in one forest growing region alone, there are over 30 individual Councils which all approach PNF in different ways. It's nonsensical that local council development consent be required on top of the LLS PNF Plan approval.

Clause "c"

Position: supported

Extension of PNF plans to 30 years.

- Extending the approval period of a PNF Plan from 15 to 30 years is sensible. The doubling of time allows trees to be better managed across a longer production cycle. Tree growers will be in a better position to have confidence to invest time, money and expertise in the care of their forests.
- A 15 year approval period is very young for native trees and wood quality or quantity per hectare is nowhere near maximised. Under a 30 year period PNF tree producers will be better able to choose when is the best time to harvest their trees like a tapestry. Some trees may be harvested young and be sold to buyers for making into wood products - which are increasingly popular as people prefer sustainable materials; that results in more room for both their sisters to grow on for harvest and sale with more and higher quality timber produced; and for new trees to establish and come on. This 'staging' of tree harvest ages is really important for price risk management for producers as well as for giving better flexibility for forest management. No crop is best sold when it is immature. Trees take a long time to grow - timber markets go up and down like all commodities.
- Timber buyers have a clear preference for timber that is grown compliant with a third party audited certification standard. This means that the timber comes from a forest which meets *either* the PEFC/Responsible Wood *and/or* FSC forest standards.
- To become certified - growers have to be able to justify the investment of extra time, upfront and ongoing costs to achieve certification. The 30 year approval period will give more certainty and encourage growers to invest in that certification process. Through 3rd party verification the knowledge and professionalism of PNF management practices will also grow. Growers with certification will find they have entrée into a broader marketplace of buyers. More buyer competition for one's timber is a good thing.
- Tree establishment within a PNF faces many hurdles - unpredictable climatic conditions, soil problems, plant disease, weed competition, fire risk and so on. Inevitably losses have to be dealt with. Replanting means some trees will be 'behind' the rest. A 30 year approval period is a much better match to enable the growth of quality timber that fits a range of uses and is valued by the market.

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

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

A working private native forest involves selective harvesting of timbers which is part of a complex cycle. The creation of space and light in a forest stimulates regeneration of new trees and healthy growth of retained trees. Anti-forestry activists paint tree harvest ("logging") as a wicked action that destroys koala habitat – this is not truthful. Harvest of a designated working forest area in both public owned (state) native forests and privately owned native forests (PNF) promotes the natural growth cycle of trees that provide nutritious koala foliage. Further, recent advanced research by Dr Brad Law from the NSW DPI into koala presence showed that koalas move across the landscape and are no fewer in number in working native forests than in conservation areas where no tree harvest ("logging") is permitted. It would be very useful if the NSW government gave a higher public profile to this contemporary research to provide community reassurance amid misplaced fears that tree harvest destroys koala habitat. Harvesting timber does not result in permanent loss of habitat. The law in NSW is that every native tree permitted to be harvested must be replaced i.e. either replanted or regenerated using forest management techniques.

Australia's working forests are verified by the forest science profession to be world class examples of well managed forest. The same unfortunately cannot be said for the vast bulk of forested land where harvest is banned. These forests are locked up in national parks and state conservation reserves. Koala habitat has been lost in national parks at an alarming rate. Forest scientists are clear that loss is primarily due to a complete lack of forest management which creates the perfect conditions for massive wildfires. In Australian summers wildfire thrives in these regions due to dense undergrowth and no or little fuel load management. They were disasters waiting to happen and the hellish 2019/20 NSW bushfires came as no surprise to those involved in the working forestry industry especially forest scientists.

Thank you for the opportunity to make a submission.

Sincerely,

Helen Murray