

File note

Date: 2 May 2022

Subject: PNF review – Actions and outcomes post final advice

Background

- The Natural Resources Commission delivered its final advice on the Draft Private Native Forestry Codes of Practice (the draft PNF codes) to Government in March 2022.
- After delivering its advice, in March and April the Commission met with Regional NSW (Department of Primary Industries and Local Land Services [LLS]) and the Department of Planning and Environment (Environment Protection Authority [EPA] and Environment, Energy and Science) to discuss the Commission's advice and intent at their request.
- Dr Peter Hairsine (Australian National University), an independent expert member of the NSW Forest Monitoring Steering Committee overseen by the Commission was invited to attend a meeting to discuss in more detail stream protections.
- Key issues discussed (and recorded in this paper) included stream protections and related definitions, managing disturbances in exclusion zones, threatened species listings and protections, Australian Group Selection provisions and koala prescriptions.
- Other definitional and minor matters were discussed to support legal drafting of the codes, as suggested should occur in the Commission's final advice.

Issues and outcome

Stream definitions

- Parties, including Dr. Peter Hairsine discussed issues related to definitions to streams and drainage depressions.
- Key points:
 - Most jurisdictions adopt a geomorphological based rule-set for stream protections to avoid instances where a feature appears on a map but is not actually found on the ground. Applying exclusion zones on unmapped drainage features such as drainage depressions and smaller ephemeral streams are contentious and difficult to identify in the field. As such, this would pose an unnecessary burden and compliance risk on landholders without sufficient benefits to water quality
 - Overall, the primary issue is to ensure the riparian protections are in proportion to the risk.
- Key outcomes:
 1. LLS agreed to update definitions in Table E regarding riparian exclusion zones to include:
 - a) Mapped drainage features – these can include drainage lines, streams and drainage depressions. Where drainage depressions are mapped, they should receive a maximum protection of up to 10 metres.
 - b) Unmapped drainage lines – these are a channels greater than 30cm that are clearly identifiable channel , and often the cause of erosion activity within the landscape. While unmapped drainage depressions (less than 30 cm incision) do not require exclusion zones (noting, they are typically difficult to identify in the field)

2. LLS agreed to review and update the draft final codes for the appropriate use of these terms in other areas of the code (for example, ensuring *drainage features* only refer to *mapped* drainage depressions)

Managing drainage exclusion zones

- Parties, including Dr. Peter Hairsine discussed issues related to disturbances in drainage exclusion zones, namely in relation to use of machinery in the prescribed riparian exclusion zones.
- Key points:
 - Furrows created by machinery can quickly convey water and sediment directly to streams impacting water quality
 - Machinery disturbance should be avoided on, or close to the stream bank
- Key outcomes:
 - LLS agreed to update conditions to allow extraction of accidentally felled timber by machinery only within 5 metres of the outer boundary of the riparian exclusion zone.
 - LLS agreed to include a new condition that landholders must rehabilitate to the best possible extent track/wheel ruts created by machinery within the allowable outer 5 metres described above (noting this does not create a new mapped zone, with the one riparian exclusion zone in place)
 - LLS agreed to develop guidance material for landholders to manage and rehabilitate any machinery-use to extract accidentally fallen timber in the 5 metres, including details on notification

Threatened species protection

- Parties discussed issues related to listed species in draft final PNF codes, namely the potential to add or reinstate threatened species listed in the existing codes to final PNF codes.
- Key points:
 - Threatened species listed in the draft PNF codes (and site-specific protections), were subject to previous review and agency feedback since 2019.
 - The Commission following its rapid review of earlier feedback was of the view that Appendix A and the general provisions, as presented in the draft PNF codes provided similar protections as the previous listed site-specific prescriptions for a number of species.
 - Other adjustments were added to the draft PNF codes, such as inclusion of some specific species protections, exclusions around large stick nests and retention of coarse woody debris.
 - The Commission recommended Appendix A should be subject to a risk-based, scientific review within 12 months of approving the codes.
- Key outcomes:
 - LLS agreed to reinstate threatened species in Appendix A from the existing codes.

Australian Group Selection (AGS)

- Parties discussed issues related to the area and duration of AGS, namely timing associated with the rule that the sum of canopy openings must not exceed 20 percent of Net Harvestable Area.
- Key points:
 - The draft final PNF codes defined a canopy opening as “an area greater than 0.1 hectares in size, measured between canopy perimeters, where any vegetation remaining within the opening is less than one half of the stand height unless this is a significant habitat feature”
 - As such, more than one cycle of AGS could occur within the life of the plan only if the canopy had regrown to greater than one half the stand height (i.e. no longer defined as a canopy opening).
 - It was not the Commission’s intent that only one AGS could occur within the life of an approved PNF plan. However, prescribed adjacency rules for AGS must be met.
- Key outcomes:
 - LLS maintained the existing rule set as presented in the draft final PNF codes.

Koala prescriptions

- Parties discussed issues related to koala prescriptions in Appendix A, namely related to the verification of koala habitat and tree retention.
- Key points:
 - The Commission confirmed that if a landholder chooses to undertake a survey that demonstrates the area is not high value koala habitat, the map is turned off and additional koala protections (eg. 15+5 feed tree retention rate) do not apply
 - If a landholder does not want to invest that effort, and does not have the required 15 primary feed & 5 secondary feed trees, then the landholder must retain as many koala habitat trees as are available up to the max of 15+5 feed trees, plus undertake visual checks of trees and retain records of such
 - The other protections are switched off as they are not proportional to the level of risk given the reduced number of koala feed trees and habitat suitability.
- Key outcomes:
 - LLS maintained the existing rule set as presented in the draft final PNF codes, with some additional drafting revisions to improve clarity.

Forest Stewardship Plans

- The legal status of Forest Stewardship Plans was discussed and would be subject of further joint legal review by LLS and EPA.