

PCU041865

FORESTS NSW

Your Reference:

Our Reference:

ABN 43 141 857 613

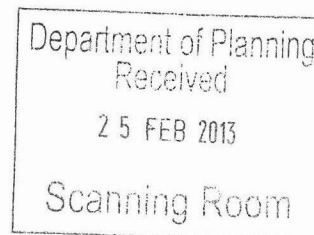
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17 February 2013

Senior Planning Officer
Infrastructure Projects
Major Project Assessments
NSW Department of Planning and Infrastructure
GPO 39
Sydney NSW 2001

Attention: Michael Young



Dear Sir

RE: Woolgoolga to Ballina Pacific Highway Upgrade SSI-4963

I refer to your recent advice that comment was invited on Environmental Impact Statement prepared for the Woolgoolga to Ballina Pacific Highway Upgrade Project.

Prior to 31 December 2012, Forests NSW (the trading name of the Forestry Commission of NSW) was a public trading enterprise within the Department of Primary Industries. As from 1 January 2012, the Forestry Corporation of NSW was established as a State Owned Corporation by the *Forestry Act 2012*.

The Corporation's statutory responsibilities relate to the carrying out of forestry operations (including harvesting, roading and ongoing forest management relating to timber production) on Crown-timber land or land owned by the Corporation, the authorisation of the taking of forest materials from forestry areas and the control and management of forestry areas. This includes roading, bush fire management, the facilitation and control of public access, promotion of recreation and conservation of fauna within the areas under its control and management.

Accordingly, the Forestry Corporation's review of the Environmental Impact Statement has been limited to several areas relating to the Corporation's functions and responsibilities.

Approximately 10% of the Project comprises State forest estate which will be acquired by the Roads and Maritime Services under the provisions of the *Forestry Act 2012*. The Project impacts on State forests in Sections 1, 2, 3, 6 and 7.

The following comments are submitted on various sections of the EIS.

Chapter 6 Description of the Project – Construction

It is noted that S6.3 identifies the location of potential ancillary facilities. A brief review indicates that only two sites are flagged within State forest, these being the sites for ancillary facilities for the completed Glenugie Upgrade and the Devils Pulpit Upgrade currently under construction. While these sites remain State forest, the use of these previously cleared and established sites is supported subject to negotiation of acceptable commercial arrangements.

Chapter 10 Biodiversity

Section 10.4.2 provides an outline of the biodiversity offset strategy with Table 10-33 purporting to describe the offset amounts for the impacts on biodiversity on the State forest estate, by considering

the impacts on areas included within Forest Management Zones (FMZ) and areas outside of FMZ. All of the State forest estate is zoned under the FMZ classification within either zones FMZ 1 to 8 with FMZ 1, 2, and 3 being managed primarily for conservation purposes. It is considered that the references to FMZ in this table and the offset strategy should be qualified to apply to FMZ 1, 2 and 3 only.

The Biodiversity Working Paper includes discussion on the impact on Conservation Reserves in Section 4.3.5 Habitat Fragmentation and identifies Yaegl Nature Reserve and Broadwater national Park as formal reserves impacted directly by the proposal. The Project severs approximately 40 hectares from Newfoundland State Forest which is set aside as Wells Crossing Flora Reserve under s16 of the *Forestry Act 2012* and this reserve with statutory protection should also be included in Table 4.18.

The Forestry Corporation notes that the EIS contains a number of commitments in terms of development of flora and fauna management plans and monitoring programs for the mitigation of impacts on biodiversity. It anticipates that some of these may impact on areas of State forest where the proposed upgrade traverses State forests and expects that there will be ongoing consultation with the proponent to ensure that any further impacts on forest productivity and timber resources are minimised.

Chapter 14 Traffic and Transport

Table 14.3 identifies roads in the local road network some of which also provide access to State forest. Generally, the assessment considers local roads used for access to the State forests, although McPhillips Road (Section 1) is described as serving only a limited number of residents with a low level of usage with no seasonal usage. The road also serves as a principal access route to a significant Forestry Corporation plantation resource within Barcoongere and Newfoundland State Forests. However, the proposal as outlined provides continuing access to the State forests.

S14.2.13 indicates in a general sense that the project will cross a number of State forest roads within a number of listed State forests

S14.3.10 Figures 14-11 to 14-15 provide an overview of forest roads and fire trails potentially impacted by the project or within the land to be acquired for the project. The EIS notes that appropriate access arrangements would need to be agreed with the Forestry Corporation prior to construction and that these will be finalised in conjunction with the Corporation as part of the detailed design phase. The assessment of impacts (S14.4.11) in relation to the operation of the Highway commits to the maintenance or reinstatement of existing access to the State forests at a similar standard including continued use of B-doubles where access is onto the existing highway and that perimeter or other fire trails impacted by the project are to be relocated in consultation with the Forestry Corporation. While these trails are generally of low design standard and low environmental impact, the sites should be subject to further environmental assessment particularly in relation to biodiversity and cultural heritage by the proponent and consistency with terms of approval.

Chapter 16 Land Use and Property

S16.2.5 Natural Resources appropriately identifies the State forests affected by the project and the multiple use management objectives for the areas.

S 16.3.13 considers impacts on conservation resources and correctly includes the Wells Crossing Flora Reserve in this section. The EA notes that it is not anticipated that the acquisition would require revocation of the reserve under NPW Act. The Flora Reserve is set apart as such under s16 of the *Forestry Act 2012* and can only be revoked by Act of Parliament or otherwise in accordance with the *Forestry Act 2012*.

S16.3.14 assesses impacts on State forest and provides details of the areas of Forest management Zones in each part of State forest impacted by the project and proposed for acquisition. The assessment may have benefitted by the provision of a brief outline of the Forest Management Zoning classification, particularly in relation to FMZ 2 Special Protection and FMZ 3 Special Management and

that these areas have been declared as Special Management Zones under s18 of *Forestry Act 2012* because of special conservation values such as high conservation value old growth or rainforest.

The Forestry Corporation notes the commitments in S16.4 relating to management of impacts particularly associated with completion of acquisition process, sterilisation and severance of land and the RMS proposal to develop a remnant land strategy to minimise impacts on land use, and that it is proposed to involve the Forestry Corporation along with Local Government in the development of the strategy. This commitment is supported particularly in relation to the acquisition processes associated with land dedicated as State forest.

It also notes the commitment for consultation with the Corporation to recover merchantable timber from clearing within State forest for the project as well as consideration of the use of other suitable resource from areas other than State forest that are cleared for the project including ancillary facilities. The recovery of this resource may be considered by the Corporation where it is economically feasible and practicable to do so.

Provision is also made for consultation in relation to requirements for access during construction and the relocation of fire trails during construction and operation. This is also reinforced in other sections of the document.

Chapter 17 Social and Economic

Tables 4.4 and 4.5 of the Social and Economic Working Paper and Table 17-2 in Section 17.3.4 (Agribusiness) of the Chapter provides an estimate of area of "hardwood production" within the Local Government areas affected by the project as well as an estimate of the area affected directly by the project. The areas cited may be limited to areas of hardwood plantation only and the impact on the area of native forest used for hardwood production has not been considered.

While the Forestry Corporation can provide the area of native forest on State forest available for timber production within the LGA's, there is also an extensive area of private forest that is intermittently used for hardwood production. While the direct impact of the project is expected to be negligible, there is the potential for a greater indirect impact on timber resource availability following the implementation of the biodiversity offset strategy outlined in Section 10.4.2 in which nearly 4000 hectares of additional area of native vegetation, some of which will have been historically managed for private native forestry, is proposed for acquisition and subsequent management for conservation through various forms of reservation.

Thank you for the opportunity to comment on the EIS for this significant project. If you require any additional information, please contact either John Murray (phone 66568824) or Dean Kearney (phone 66520125).

Yours sincerely


For:
Craig Busby
Regional Manager