



New South Wales

# Plantations and Reafforestation (Code) Amendment Regulation 2010

under the

Plantations and Reafforestation Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Plantations and Reafforestation Act 1999*.

STEVE WHAN, MP  
Minister for Primary Industries

## Explanatory note

The object of this Regulation is to amend the *Plantations and Reafforestation (Code) Regulation 2001* to:

- (a) make provision in respect of fire roads and other bush fire hazard reduction measures on plantations, and
- (b) make further provision for the regulation of plantation operations, including in respect of roads, soil, drainage, water, the preservation of vegetation and record keeping, and
- (c) make other miscellaneous changes in respect of plantations.

This Regulation is made under the *Plantations and Reafforestation Act 1999*, including sections 29, 42, 43 and 70 (the general regulation-making power).

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Clause 1            Plantations and Reafforestation (Code) Amendment Regulation 2010

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# **Plantations and Reafforestation (Code) Amendment Regulation 2010**

under the

Plantations and Reafforestation Act 1999

### **1 Name of Regulation**

This Regulation is the *Plantations and Reafforestation (Code) Amendment Regulation 2010*.

### **2 Commencement**

This Regulation commences on 1 January 2011.

## Schedule 1      **Amendment of Plantations and Reafforestation (Code) Regulation 2001**

### [1]    **Clause 5**

Insert after clause 4:

#### **5    Savings provision—authorised officers**

A person who was an authorised officer under section 61 of the Act immediately before the substitution of that section by the *Plantations and Reafforestation Amendment Act 2010* is taken to be an authorised officer appointed under that section as substituted.

### [2]    **Appendix, clauses 10 and 10A**

Omit clause 10. Insert instead:

#### **10    Application of amendments to Code to authorised plantations**

- (1) Any amendment to this Code applies to existing authorised plantations unless a provision of this Code expressly provides otherwise.
- (2) In this clause, *existing authorised plantations* means plantations that are authorised under the Act before the commencement of the instrument that makes the relevant amendment.

#### **10A   Requirement to check for Aboriginal sites**

- (1) The owner and manager of an authorised plantation must ensure that, before any plantation operations involving soil disturbance are carried out on the plantation, a search of the Aboriginal Heritage Information Management System is undertaken in respect of possible Aboriginal objects located on the proposed site or sites of soil disturbance.  
Maximum penalty: 100 penalty units.
- (2) Subclause (1) does not require such a search unless the soil disturbance activities are to be carried out more than 12 months after the authorisation of the plantation or more than 12 months after a previous search of the Aboriginal Heritage Information Management System in respect of the same site or sites.
- (3) In this clause, *Aboriginal Heritage Information Management System* means the database established under section 90Q of the *National Parks and Wildlife Act 1974*.

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**[3] Appendix, clause 11 Site must be visited by authorised person before application is submitted**

Omit clause 11 (1) (b). Insert instead:

- (b) to identify any places, objects or items of heritage significance that are the subject of complying development standards in Division 2 of Part 4,

**[4] Appendix, clause 11 (3)**

Insert after clause 11 (2):

- (3) The identification of any Aboriginal objects carried out for the purposes of subclause (1) (b) is to be done in accordance with the *Aboriginal Due Diligence Code for Plantation Officers administering the Plantations and Reafforestation (Code) Regulation 2001*, published by the Department and dated 13 September 2010.

**[5] Appendix, clause 14 Applicants must submit plantation plan as part of application**

Omit clause 14 (2). Insert instead:

- (2) The plantation plan must include:
  - (a) the name, address and contact details of the manager or the owner or owners of the landholding (being the lot or lots on which the proposed plantation is or is to be situated), and
  - (b) details of any roads or proposed roads within the plantation or proposed plantation, and
  - (c) the location of any water storage for fire fighting purposes on the plantation and the access routes to the location.

**[6] Appendix, clause 15 Buffer zones for drainage features**

Omit clause 15 (1) and (2). Insert instead:

- (1) There must be a buffer zone at least 20 metres wide between:
  - (a) any area on which plantation operations are carried out, and
  - (b) any wetland of more than 0.1 of a hectare in size.
- (2) There must be a buffer zone at least 20 metres wide between:
  - (a) any area on which plantation operations are carried out, and
  - (b) the edge of any river.

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**[7] Appendix, clause 17 Establishment operations in buffer zones on timber plantations**

Omit clause 17 (2) (c). Insert instead:

- (c) any planting between 5 and 10 metres of the edge of the drainage line or the centre of the drainage depression is by:
  - (i) manual cultivation, or
  - (ii) spot cultivation, or
  - (iii) line ripping so long as soil conditions are such that only minimal soil disturbance is likely to be caused, or
  - (iv) line cultivation so long as soil conditions are such that only minimal soil disturbance is likely to be caused, the soil regolith is R1 or R3 and the rainfall erosivity rating is less than 2000.

**[8] Appendix, clause 18 Slope limits and other restrictions on site preparation operations**

Omit “ploughing” wherever occurring in clause 18 (1) and (2).

Insert instead “spot cultivation”.

**[9] Appendix, clause 18 (1A)**

Insert before clause 18 (2):

- (1A) Mounding must be constructed on the contour with grades that will not result in erosion of the mound channel or mound discharge point or erosion due to overtopping of the mounds.

**[10] Appendix, clause 18 (6)**

Insert at the end of the clause:

- (6) Establishment operations must not cause impeded or concentrated water flow that results in soil erosion within drainage depressions.

**[11] Appendix, Part 4, Division 2, heading**

Omit “places and relics of cultural heritage”.

Insert instead “places, objects or items of heritage significance”.

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- [12] **Appendix, clause 19 Buffer zones for places, objects and items of heritage significance**  
Omit “Aboriginal place or relic (as defined in the *National Parks and Wildlife Act 1974*)” from clause 19 (1).  
Insert instead “Aboriginal place or Aboriginal object”.
- [13] **Appendix, clause 19 (1) (c)**  
Omit “other Aboriginal place or relic”.  
Insert instead “other Aboriginal place or Aboriginal object”.
- [14] **Appendix, clause 19 (1)**  
Omit “disturb the place or relic”. Insert instead “disturb the place or object”.
- [15] **Appendix, clause 19 (2)**  
Omit the subclause. Insert instead:  
(2) Any item of the environmental heritage that is identified in a plantation must be surrounded by a buffer at least 10 metres wide unless an approval or permit to disturb the item is obtained under the *Heritage Act 1977*.
- [16] **Appendix, clause 20 Method for measuring buffer zones**  
Insert “or item of the environmental heritage that is a place or a precinct” after “place” in clause 20 (1).
- [17] **Appendix, clause 20 (2)**  
Omit the subclause. Insert instead:  
(2) The width of the buffer zone of any Aboriginal object or item of the environmental heritage that is not a place or precinct is to be measured along the ground and from the outermost edges of the object or item or, in the case of a scatter of objects or items, from the outermost edges of the objects or items lying farthest from the centre of the scatter.
- [18] **Appendix, clause 21 No clearing in buffer zones of places, objects or items of heritage significance**  
Omit “places or relics of cultural heritage”.  
Insert instead “places, objects or items of heritage significance”.

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**[19] Appendix, clause 23 Minimum number of native habitat trees that must be retained**

Omit clause 23 (4) (including the note). Insert instead:

- (4) Subclause (3) does not apply to a plantation that is authorised under the Act after the commencement of the *Plantations and Reafforestation (Code) Amendment Regulation 2010*.

**[20] Appendix, clause 24 Limit on clearing patches of woody native vegetation of 1 hectare or less on remainder of plantation**

Omit “places or relics of cultural heritage” from clause 24 (1) (a).

Insert instead “places, objects or items of heritage significance”.

**[21] Appendix, clause 24 (2) (a)**

Omit “place or relic of cultural heritage”.

Insert instead “place, object or item of heritage significance”.

**[22] Appendix, clause 24 (5)**

Omit the subclause.

**[23] Appendix, Part 4, Division 4**

Insert after Division 3:

**Division 4 Standards relating to bush fire hazard reduction**

**25A Setbacks from buildings**

- (1) This clause applies to establishment operations for an authorised plantation:
- (a) that are carried out on or after the commencement of this clause, or
  - (b) that were not completed before the commencement of this clause,
- including establishment operations in respect of a replanting, but only if the replanting is more than 30 per cent of the plantable area, or 30 hectares, of a plantation, whichever is greater.
- (2) Establishment operations to which this clause applies must be carried out so as to ensure that no trees or shrubs are planted

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within 70 metres of any habitable dwelling, other than a habitable dwelling that:

- (a) is located within the property boundary of the plantation, and
  - (b) is uninhabited.
- (3) If an uninhabited habitable dwelling that is located within the property boundary of a plantation becomes inhabited after establishment operations have commenced, any trees or shrubs planted within 70 metres of the dwelling in the course of those operations must be removed.
- (4) Establishment operations to which this clause applies must be carried out so as to ensure that no trees or shrubs are planted within 100 metres of any building that has a special fire protection purpose.
- (5) Subclauses (2)–(4) do not apply if the Director-General is satisfied that an appropriate distance has been established between a habitable dwelling, or a building that has a special fire protection purpose, and the trees or shrubs on a plantation in accordance with:
- (a) *Planning for Bush Fire Protection*, or
  - (b) an applicable environmental planning instrument under the *Environmental Planning and Assessment Act 1979*.
- (6) In this clause:
- Building Code of Australia*** has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*.
- habitable dwelling*** means a building that:
- (a) is a Class 1, 2, 3 or 4 building under the *Building Code of Australia*, and
  - (b) is in a habitable condition.
- Planning for Bush Fire Protection*** means the document so entitled, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.
- special fire protection purpose*** has the same meaning as it has in section 100B of the *Rural Fires Act 1997*.
- (7) For the purposes of this clause, a building is in a ***habitable condition*** if:
- (a) it has an intact roof, intact floors and intact walls, and
  - (b) it appears to be structurally sound.



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**25B Setbacks from powerlines**

- (1) This clause applies to establishment operations for an authorised plantation:
  - (a) that are carried out on or after the commencement of this clause, or
  - (b) that were not completed before the commencement of this clause,  
including establishment operations in respect of a replanting, but only if the replanting is more than 30 per cent of the plantable area, or 30 hectares, of a plantation, whichever is greater.
- (2) Establishment operations to which this clause applies must be carried out so as to ensure that no trees or shrubs are planted within 6 metres from the outside edge of any powerline.
- (3) Establishment operations to which this clause applies must be carried out so as to ensure that any trees or shrubs planted within the following distances from the outside edge of any powerline do not exceed 3 metres in height:
  - (a) in the case of a powerline with a nominal operating voltage of not more than 11kV—a distance greater than 6 metres from the powerline but not greater than 10 metres,
  - (b) in the case of a powerline with a nominal operating voltage of more than 11kV but not more than 33kV—a distance greater than 6 metres from the powerline but not greater than 12.5 metres,
  - (c) in the case of a powerline with a nominal operating voltage of more than 33kV but not more than 66kV—a distance greater than 6 metres from the powerline but not greater than 15 metres,
  - (d) in the case of a powerline with a nominal operating voltage of more than 66kV but not more than 132kV—a distance greater than 6 metres from the powerline but not greater than 22.5 metres,
  - (e) in the case of a powerline with a nominal operating voltage of more than 132kV but not more than 330kV—a distance greater than 6 metres from the powerline but not greater than 30 metres,
  - (f) in the case of a powerline with a nominal operating voltage of more than 330kV—a distance greater than 6 metres from the powerline but not greater than 35 metres.
- (4) In this clause, a *powerline* includes any structures or equipment used for or in connection with the supply of electricity.

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### **25C Access to water supply**

Any water storage located on a plantation must be accessible for fire fighting purposes wherever practicable.

#### **[24] Appendix, Part 5, Division 1, heading**

Omit “**and records**”. Insert instead “**, records and data**”.

#### **[25] Appendix, clause 26 Operational plan requirements**

Omit clause 26 (1) (b). Insert instead:

- (b) construction of a road,
- (b1) any construction that crosses a drainage feature,

#### **[26] Appendix, clause 26 (3)**

Insert after clause 26 (2):

- (3) If an operational plan is prepared in accordance with subclause (1) (c), the owner or manager must provide the Director-General with a copy of the plan at least 7 days before the commencement of harvesting operations.

#### **[27] Appendix, clause 28 Operational records**

Omit the note to clause 28 (1).

#### **[28] Appendix, clause 28A**

Insert after clause 28:

### **28A Identification of fire roads and water storage**

- (1) If a plantation has an area of 100 hectares or more, the owner or manager of the plantation must provide to the NSW Rural Fire Service and the Director-General a digital mapping layer that identifies any fire roads (within the meaning of clause 41C) and water storage within the plantation.
- (2) The digital mapping layer must be provided in a form approved by the Director-General and the Commissioner of the NSW Rural Fire Service.
- (3) The digital mapping layer must be provided:
  - (a) in the case of a plantation that is authorised under the Act on or after the commencement of this clause—within 3 months after the establishment of the plantation, or
  - (b) in the case of a plantation that was authorised under the Act before the commencement of this clause—within

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3 months after the date of the first replanting of more than 30 per cent of the plantable area, or 30 hectares, of the plantation (whichever is greater), carried out after that commencement.

**[29] Appendix, clause 33 Roads and tracks in buffer zones**

Omit “place or relic of cultural heritage” from clause 33 (1).

Insert instead “place, object or item of heritage significance”.

**[30] Appendix, clause 37**

Omit the clause. Insert instead:

**37 Types of crossings allowed**

- (1) Crossings over drainage features (other than wetlands) may only be made using bridges, culverts or causeways, or any combination of these.  
**Note.** Wetlands must not be crossed under any circumstances.
- (2) Despite subclause (1), machinery may cross through any drainage depression or drainage line if:
  - (a) the part of the drainage depression or drainage line where the crossing is to occur is shallow and dry, and
  - (b) the soil in the area surrounding the drainage depression or drainage line is dry, and
  - (c) measures are taken to prevent water from the approaches used by the machinery from running into the drainage depression or drainage line in the event of wet weather, and
  - (d) no earthworks are required to enable the machinery to cross through the drainage depression or drainage line.
- (3) Despite subclause (1), harvesting machinery may cross drainage lines or drainage depressions by using slash crossings, but only if there is no water flowing in the channel or depression.
- (4) Any temporary crossing over a drainage feature must be removed within 5 days of the completion of the plantation operation in respect of which it was erected.
- (5) The removal of any temporary crossing must be done in a manner that prevents, as much as is reasonably practicable, disturbance to the bed and banks of the drainage feature.
- (6) If the bed and banks of a drainage feature are in an unstable condition after the removal of a temporary crossing, the bed and

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banks must be reshaped to provide for a stable cross section where water flow is not impeded.

- (7) In this clause:
- slash crossing* means a temporary crossing formed by the placement of logging slash in the drainage line or drainage depression (generally to prevent damage to the banks of the drainage line or rutting within the depression).
- temporary crossing* means a crossing constructed to provide machinery access for only short term plantation operations such as harvesting.

### [31] Appendix, clause 39 Size and stability of crossings

Insert after clause 39 (3):

- (3A) Any causeway or culvert base used to cross a drainage feature (other than a river) must be set at the level of the stream bed unless the average longitudinal gradient of the drainage feature within 50 metres upstream or downstream of the crossing is more than 6°.
- (3B) The outlet of any causeway or culvert referred to in subclause (3A) must be stable and must facilitate the passage of fish.
- (3C) Subclauses (3A) and (3B) apply only in respect of a causeway or culvert base constructed or replaced after the commencement of those subclauses.

### [32] Appendix, clause 41 Approaches to crossings over rivers and drainage lines

Insert at the end of the clause:

- (2) Any approaches to a crossing over a drainage depression on soil classed R4 must be drained, with minimal exposure of subsoils, so that any concentrated water flow is managed to prevent scouring or channelisation within the depression.

### [33] Appendix, Part 5, Division 2, Subdivision 2A

Insert after Subdivision 2:

#### Subdivision 2A Fire roads

##### 41A Object of Subdivision

The object of this Subdivision is to require certain roads to be provided on plantations that are accessible by Category 1 fire

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tankers (as used by the NSW Rural Fire Service) and to make provision for the identification of such roads as fire roads on plantations.

#### 41B Application

- (1) Subject to subclauses (2) and (3), this Subdivision applies:
  - (a) in the case of a plantation that is authorised under the Act on or after the commencement of this clause—on and from that commencement, or
  - (b) in the case of a plantation that was authorised under the Act before the commencement of this clause—on and from the date of the first replanting of more than 30 per cent of the plantable area, or 30 hectares, of the plantation (whichever is greater) carried out after that commencement.
- (2) Clause 41I (1)–(4) applies:
  - (a) in the case of a plantation that is authorised under the Act on or after the commencement of this clause—on and from that commencement, or
  - (b) in the case of a plantation that was authorised under the Act before the commencement of this clause—on and from the date of the first replanting of more than 30 per cent of the plantable area, or 30 hectares, of the plantation (whichever is greater) carried out after that commencement or the date that is 5 years after that commencement, whichever occurs first.
- (3) Clause 41I (5) applies:
  - (a) in the case of a plantation that is authorised under the Act on or after the commencement of this clause—on and from that commencement, or
  - (b) in the case of a plantation that was authorised under the Act before the commencement of this clause—on and from the date that is 1 year after that commencement.

#### 41C Definitions

In this Subdivision:

***access road*** means a road or track that provides trafficable access into or out of a plantation.

***Category 1 fire tanker*** means a medium rigid 4WD vehicle used by the NSW Rural Fire Service that is up to 8 metres in length and is capable of holding more than 3,000 litres of water.

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***fire road*** means an access road, a perimeter track or a link road on a plantation that meets the requirements for a fire road under this Subdivision.

***link road*** means a road or track that links any discontinuous section of a perimeter track to another section of perimeter track or to an access road.

***perimeter track*** means a road or track constructed as close as possible to the edge of all planted areas of a plantation.

### **41D Construction of perimeter tracks and link roads**

- (1) A perimeter track that is a fire road must be constructed on a plantation unless it is impractical to do so because of topography, slope, soil regolith or rainfall erosivity.
- (2) If it is not possible to construct a continuous perimeter track on a plantation, a link road that is a fire road must be constructed to link any discontinuous section of perimeter track to another section of perimeter track or to an access road that is a fire road, unless it is impractical to do so because of topography, slope, soil regolith or rainfall erosivity.

### **41E Designation of fire roads**

The owner of a plantation may designate any access road on the plantation to be a fire road, but only if it meets the requirements for a fire road set out in this Subdivision.

### **41F General fire road construction requirements**

- (1) A fire road:
  - (a) must have a trafficable width of at least 4 metres, and
  - (b) must have strips at least 1 metre wide on each side that are kept clear of woody vegetation, and
  - (c) must have at least 4 metres of overhead clearance from any structure or foliage.
- (2) The grade for a fire road must not be more than 15°. However, a perimeter track may include two sections of not more than 200 metres in length with a grade of not more than 20° in any 500 metre length of track.
- (3) Any drainage feature crossing or any road drainage structure on a fire road must:
  - (a) be constructed to enable a vehicle that is 8 metres long to freely pass over the crossing or structure, and

- (b) have an approach and departure angle of not more than 25°.
- (4) If the height of any crossbank or drainage structure on a fire road is more than 300 millimetres, the ramp over angle must not be less than 165°. However, in the case of a perimeter track that has a grade of more than 12°, the ramp over angle must be as large as is practicable.
- (5) A fire road must not have a curve with a radius that is less than 15 metres.
- (6) A fire road must not have crossfall that is more than 6°. Any negative camber on a curve of a fire road must be minimised as much as is practicable.
- (7) The owner and manager of a plantation must ensure the following records are kept and are made available to the Director-General if requested to do so:
  - (a) evidence in writing that any fire road on the plantation (and any bridge or culvert located on a fire road) was constructed so that it is suitable for a vehicle that weighs 15 tonnes gross and has an axle loading of 10 tonnes, and
  - (b) an inspection log that records that any such fire road, bridge or culvert has been inspected at least once a year and that it remains in substantially the same condition as when it was constructed.

**41G Turnarounds**

- (1) A turnaround area must be constructed:
  - (a) at the end of any fire road if the road ends at a dead end, and
  - (b) at a suitable point on a fire road:
    - (i) where the road grade beyond that point is more than 12°, and
    - (ii) where the ramp over angle of any rollover structure beyond that point is less than 165°, and
  - (c) before the road becomes inaccessible by a Category 1 fire tanker.
- (2) A turnaround area must have a radius of:
  - (a) at least 12 metres, or
  - (b) if there is insufficient space to have a radius of at least 12 metres because of topography—at least 10 metres.

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- (3) Despite subclause (2), the following may be taken to be a turnaround area:
  - (a) a road intersection,
  - (b) a T-junction constructed perpendicular to a fire road on a level surface if each terminating end of the junction is at least 10 metres in length from the intersection of the roads and the inner radius of that intersection is at least 6 metres.

### 41H Passing opportunities

- (1) Passing opportunities alongside a fire road must be constructed at intervals of not more than 250 metres, unless the topography does not allow for such opportunities to be constructed.
- (2) A passing opportunity must be at least 3 metres wide for a distance of at least 20 metres.
- (3) A road intersection may be taken to be a passing opportunity.

### 41I Signage

- (1) A sign must be erected on each section of fire road that is accessible by a Category 1 fire tanker to indicate that the section is so accessible.
- (2) A sign displaying the words 'Link Road' must be erected on a link road.
- (3) If a section of a fire road ends in a dead end or is otherwise inaccessible by a Category 1 fire tanker, a sign must be erected at the start of the section that indicates there is a dead end or that the fire road is so inaccessible.
- (4) A sign must be erected on a fire road to indicate the location of any water storage accessible from that road.
- (5) If there are no fire roads located on a plantation, a sign must be erected at any entry to the plantation from a public road stating that there are no fire roads on the plantation.
- (6) A sign erected after the commencement of this clause must comply with any signage design standards of the Bush Fire Co-ordinating Committee constituted under the *Rural Fires Act 1997*.
- (7) In this clause, **a section of fire road** means a continuous section of fire road between intersections.



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**[34] Appendix, clause 43 Drainage of roads and tracks**

Omit clause 43 (1)–(3) (not including the Table and the Note). Insert instead:

- (1) This clause applies to the following:
  - (a) a road or track that existed after the lodgement of the application for authorisation of the plantation on which it is located,
  - (b) a road or track that existed before the lodgement of the application for authorisation of the plantation on which it is located, and that is not operationally stable.
- (2) All reasonable steps must be taken to minimise soil erosion from roads and tracks. Accordingly, at least one of the following measures must be adopted, as appropriate in the circumstances:
  - (a) establish or maintain vegetative cover (that is, plant material, living or dead, that protects the soil surface from erosion),
  - (b) crossfall drain the road or track with outfall or infall drainage (preferably with the outward or inward slope being between 4% and 6%), or by shaping the road or track to a crown so that water drains to both of its sides,
  - (c) construct drainage structures to convey water away from the road or track formation (for example, crossdrains, mitre drains, or relief culverts).
- (3) Any drainage structure must be designed so as to convey the peak flow from a 1-in-5 year storm event (that is, a rainfall event predicted to occur more than once in five years).
- (4) Any rollover banks must be constructed and maintained to provide a minimum effective height of 15 centimetres consolidated.
- (5) Where drainage structures are established on a road or track, the structures must be placed in accordance with the Table below if the concentrated water flow on the surface of the road or track or table drains is likely to exceed the distances specified in the Table.

**[35] Appendix, clause 45 Installation and maintenance of drainage structures on roads and tracks**

Omit “must have drainage structures installed, or be planted with grass,” from clause 45 (2).

Insert instead “must be effectively drained”.

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**[36] Appendix, clause 46 Inspection and maintenance of roads, crossings and drainage structures**

Omit “effective working order”. Insert instead “a stable condition”.

**[37] Appendix, clause 47**

Omit the clause. Insert instead:

**47 Blading-off of roads**

- (1) Blading-off of roads (that is, the use of a machine to sweep drifts of loose mud, slush or soil from the surface of the road to provide temporary access following wet weather) may only be carried out as follows:
  - (a) the blading-off must only be carried out once on any section of road per harvesting event where it is necessary to provide short-term road access to a log loading site,
  - (b) the bladed-off material must be stockpiled in a recoverable position where it cannot wash into any river, drainage line or drainage depression and must be respread as soon as is practicable,
  - (c) the bladed-off section of road must be drained and stabilised as soon as practicable after the blading-off has occurred.
- (2) The Director-General must be notified of the blading-off within 2 days after it has occurred.

**[38] Appendix, clauses 49 and 50**

Omit the clauses. Insert instead:

**49 Log haulage**

- (1) Hauling is not allowed over any road if resulting rutting is, or is likely to be, more than 150 millimetres deep for any distance exceeding 20 metres.
- (2) Hauling is not allowed on any natural surface road (not including a natural gravel road) if there is runoff from the road surface.

**50 Road damage**

- (1) Hauling is not allowed over any damaged section of road.
- (2) Roads must be repaired before hauling can recommence over the section of road concerned.

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- (3) A section of road with a damaged drainage structure or blocked culvert must be repaired as soon as practicable.

**[39] Appendix, clause 51 Preservation of vegetation on slopes exceeding 18°**

Insert at the end of the clause:

- (2) Nothing in this clause prevents the use of bare soil extraction tracks on any area the slope of which is greater than 18°.

**[40] Appendix, clause 52 Windrowing**

Omit “place or relic of cultural heritage” from clause 52 (1) (c).

Insert instead “place, object or item of heritage significance”.

**[41] Appendix, Part 5, Division 4, heading**

Omit “places and relics of cultural heritage”.

Insert instead “places, objects and items of heritage significance”.

**[42] Appendix, clause 53**

Omit the clause. Insert instead:

**53 Buffer zones for places, objects and items of the environmental heritage identified after establishment**

- (1) An Aboriginal object or Aboriginal place that is identified in a plantation after establishment of the plantation must be surrounded by a buffer zone as referred to in clause 19 (1) unless a consent to disturb the object or place is obtained under the *National Parks and Wildlife Act 1974*.
- (2) An item of the environmental heritage that is identified in a plantation after establishment of the plantation must be surrounded by a buffer zone at least 10 metres wide unless an approval or permit to disturb the item is obtained under the *Heritage Act 1977*.

**[43] Appendix, clause 55 Application of this Division**

Omit “vegetation or area” from clause 55 (a).

Insert instead “vegetation, any area of habitat trees or any area”.

**[44] Appendix, clause 55 (c)**

Omit “place or relic of cultural heritage” from clause 55 (c).

Insert instead “place, object or item of heritage significance”.

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**[45] Appendix, clause 55 (2)**

Insert at the end of the clause:

- (2) For the purposes of this clause, a retained area is taken to be bounded by the outer drip line of the canopy vegetation or habitat trees.

**[46] Appendix, clause 56 Conservation and enhancement of retained areas**

Omit “place or relic of cultural heritage” from clause 56 (2).

Insert instead “place, object or item of heritage significance”.

**[47] Appendix, clause 56 (5)–(8)**

Insert at the end of clause 56:

- (5) Activities for the purposes of private native forestry (within the meaning of the *Native Vegetation Regulation 2005*) must not be carried out in any retained area.
- (6) Any burning of plantation debris must not scorch retained habitat trees or other retained native vegetation.
- (7) Any herbicide spraying operations in a plantation must not affect retained habitat trees or other retained native vegetation.
- (8) This clause does not prevent prescribed burning for the purpose of bush fire hazard reduction work to be carried out on an authorised plantation in accordance with a bush fire hazard reduction certificate under the *Rural Fires Act 1997*.

**Note.** The clearing of native vegetation that is required to be retained by this Part constitutes an offence against clause 66 even in cases where it would not constitute an offence against section 12 of the *Native Vegetation Act 2003* (Clearing requiring approval) because, for example, it falls within the description of routine agricultural management activities.

**[48] Appendix, clause 59 Slope limits for harvesting operations**

Omit “skidding” from the heading to the first Table to the clause.

Insert instead “snigging”.

**[49] Appendix, clause 59**

Omit the second Table (Slope limits for operations carried out by loaded forwarders) to the clause.

**[50] Appendix, clause 59 (4), definitions of “forwarder” and “skidding”**

Omit the definitions.

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**[51] Appendix, clause 59 (4), definition of “snigging”**

Insert in alphabetical order:

*snigging* means pulling logs, wholly or partly supported on the ground, from the stump to the log dump or landing.

**[52] Appendix, clauses 60, 61 and 61A**

Omit clauses 60 and 61. Insert instead:

**60 Location of log dumps and landings**

- (1) Log dumps and log landings whose creation involves earthworks must not be located:
  - (a) within the buffer zone of any drainage feature, or place, object or item of heritage significance, or
  - (b) within 10 metres of the centreline of any drainage depression on soil classed R1, R2 or R3, or
  - (c) within any area of native vegetation, any area of habitat trees or any area designated for the location of replacement trees that is required by the complying development standards in Division 3 of Part 4 to be retained (to the extent that the authorisation for the plantation requires compliance with those standards).
- (2) Runoff from any log dump or log landing must discharge onto a stable surface that is capable of filtering runoff water and trapping sediment.
- (3) Nothing in this clause prevents the temporary stockpiling of logs within a drainage depression if this would result in less soil disturbance than alternative locations, so long as at least 70% of groundcover is maintained on the affected area.

**61 Cessation of operations on log dump or landing**

If operations on a log dump or log landing are not carried out for more than two weeks at a time, measures to minimise and control soil erosion must be implemented as soon as is reasonably practicable.

**61A Completion of harvesting operations**

When harvesting operations have been completed, the log dump or log landing must be restored to facilitate the discharge of surface water onto stable surfaces that are capable of filtering runoff water and trapping sediment.

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**[53] Appendix, Part 6, Division 3, heading**

Omit the heading. Insert instead:

**Division 3 Protection of buffer zones**

**[54] Appendix, clause 62 Buffer zones in which harvesting is prohibited**

Omit “place or relic of cultural heritage” from clause 62 (1).

Insert instead “place, object or item of heritage significance”.

**[55] Appendix, clause 63 Requirements for harvesting in the buffer zones of drainage features**

Insert after clause 63 (b):

- (c) directional felling must be used to prevent as much as practicable the felling of trees into the defined channel of a wetland, river or drainage line,
- (d) if directional felling cannot practicably be carried out, or if trees are accidentally felled into the defined channel of a wetland, river or drainage line, the relevant trees must be removed from the channel, unless the removal is likely to cause more than minimal disturbance to the bed and banks of the channel,
- (e) if logs are removed from within a buffer area, the following must be undertaken (so long as weather conditions permit):
  - (i) any disturbed area must be restored to 70% groundcover within 7 days of the removal of the logs,
  - (ii) any furrow created by the removal of the logs must be filled or drained to prevent concentrated flow direct to the drainage feature.

**[56] Appendix, Part 6, Divisions 5 and 6**

Insert after Division 4:

**Division 5 Timber extraction**

**64A Extraction tracks**

- (1) Harvesting operations must minimise water runoff from the harvest area by ensuring that, as far as practicable:
  - (a) timber extraction operations that utilise snigging are uphill, and

- 
- (b) operations using forwarders minimise extraction track construction by utilising walkover techniques on a bed of slash.
  - (2) The grade of constructed extraction tracks must not exceed 25°.
  - (3) Blading-off of extraction tracks is not allowed.

**64B Extraction track drainage**

- (1) Harvesting operations must maximise the use of crossfall drainage and slash coverage of extraction tracks, as far as practicable.
- (2) Crossbanks, if required, must comply with the following:
  - (a) a crossbank must be constructed so as to baulk and divert the flow of water away from the track surface,
  - (b) water must be diverted onto a stable surface capable of handling concentrated water flow which provides for efficient sediment trapping and energy dissipation,
  - (c) a crossbank must have a minimum effective height of 35 centimetres unconsolidated or 25 centimetres consolidated, and generally should not be greater in height than 50 centimetres,
  - (d) a crossbank must be constructed within 1 week after the completion of harvesting operations on the track, unless the soil is saturated.
- (3) If bare soil areas exist on an extraction track, the areas must be drained to ensure that any surface flow does not exceed the maximum distances for each track grade specified in the Table to this clause.

**Table**

<b>Track grade</b>	<b>Maximum distance of surface flow</b>
Up to and including 5°	100 metres
More than 5° and up to and including 10°	60 metres
More than 10° and up to and including 15°	40 metres
More than 15° and up to and including 20°	25 metres
More than 20° and up to and including 25°	20 metres

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### Division 6 Wet weather provisions

#### 64C Use of harvesting machinery

- (1) Machinery used for harvesting must not be operated on a harvesting area or natural surface log dump or landing if surface runoff is occurring.
- (2) Machinery used for harvesting must not be operated on a harvesting area or natural surface log dump or landing if the soil is saturated, unless:
  - (a) the machinery is supported by a bed of slash, and
  - (b) walkover extraction techniques are utilised, and
  - (c) the rutting depths do not exceed the depths specified in the Table to this clause.
- (3) If rutting that occurs on bare soil areas of extraction tracks exceeds the depths specified in the Table to this clause, the areas must be restored to the natural surface level and must be drained in accordance with clause 64B (3).

#### Table

Location	Permitted rutting depth
Within 10 metres of any road	150 millimetres
Within 30 metres of a log dump or landing or on major extraction tracks	250 millimetres
Anywhere else within a harvesting area	100 millimetres

- (4) Nothing in this clause prevents the use of stationary loading machines operating on roadsides or log dumps and landings.

#### [57] Appendix, clause 67 Penalty notice offences

Omit “Column 4” from clause 67 (b). Insert instead “Column 2”.

#### [58] Appendix, clause 68 Short descriptions of offences

Omit the clause.

#### [59] Appendix, Schedule 1 Patches of woody native vegetation

Omit the definition of *drip line*.



**[60] Appendix, Schedule 2**

Omit the Schedule. Insert instead:

## Schedule 2 Penalty notice offences

(Clause 67)

Column 1	Column 2
Offence	Amount of penalty
<i>Plantations and Reafforestation Act 1999</i>	
Section 9 (3)	\$1,100
Section 20 (6)	\$1,100
Section 58 (5)	\$1,100
Section 59 (4)	\$1,100
Section 61 (4) (a)	\$1,100
<i>Plantations and Reafforestation (Code) Regulation 2001</i>	
Clause 10A (1)	\$1,100
Clause 65	\$1,100
Clause 66	\$1,100

**[61] Appendix, Dictionary**

Insert in alphabetical order:

*Aboriginal object* has the same meaning as in the *National Parks and Wildlife Act 1974*.

*Aboriginal place* has the same meaning as in the *National Parks and Wildlife Act 1974*.

*bare soil area* means an area where there is less than 70% groundcover.

*drip line* means the perimeter of the area that would be formed (if it rained only on the crown of a tree) by drips falling from the crown onto the ground below.

*forwarder* means a logging vehicle that transports logs, fully supported off the ground, between the point of felling and a log dump or landing.

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*habitat trees* means mature, large trees, with a diameter at breast height (as defined in clause 24) of more than 40 centimetres, that provide a habitat for tree-dwelling fauna.

**Note.** Arboreal mammals and nesting birds generally depend upon these trees for foraging and to provide hollows for den and nesting sites.

*item of the environmental heritage* has the same meaning as in the *Heritage Act 1977*.

*line cultivation* means cultivating lines on the ground using a ripper and other attached equipment to shatter the compacted soil layer and produce a planting area that does not result in a permanent mound or a cultivation line in excess of 600 millimetres in width.

*spot cultivation* means cultivation of an area for the planting of individual tree seedlings, either manually or using mechanical cultivation equipment, that does not result in continuous ground disturbance within or between tree rows.

**[62] Appendix, Dictionary, definition of “buffer zone”**

Omit “relics or items of cultural heritage”.

Insert instead “places, objects or items of heritage significance”.

**[63] Appendix, Dictionary, definition of “drainage depression”**

Insert “, generally” after “open depression” in the definition.

**[64] Appendix, Dictionary, definition of “groundcover”**

Omit the definition. Insert instead:

*groundcover* means material that covers the ground surface and has the effect of reducing erosion. Groundcover includes (but is not limited to) vegetation, leaf litter, tree debris, gravel, rock, straw, mulch, geotextile fabrics, erosion control mats, jute mesh and coconut mesh.

**[65] Appendix, Dictionary, definition of “place or relic of cultural heritage”**

Omit the definition. Insert instead in alphabetical order:

*place, object or item of heritage significance* means:

- (a) an Aboriginal place, or
- (b) an Aboriginal object, or
- (c) an item of the environmental heritage.

**[66] Appendix, Dictionary, definition of “plantable area”**

Omit “place or relic of cultural heritage” from paragraph (b) of the definition.  
Insert instead “place, object or item of heritage significance”.

**[67] Appendix, Dictionary, definition of “regrowth vegetation”**

Omit the definition. Insert instead in alphabetical order:

*regrowth* has the same meaning as in the *Native Vegetation Act 2003*.

**[68] Appendix, Dictionary, definition of “relic”**

Omit the definition.

**[69] Appendix, Dictionary, definition of “track”**

Omit “primarily for vehicles” from the definition.  
Insert instead “for vehicles and machinery”.