



New South Wales

Protection of the Environment Operations (General) Amendment (Native Forest Bio-material) Regulation 2013

under the

Protection of the Environment Operations Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

ROBYN PARKER, MP
Minister for the Environment

Explanatory note

Clause 97 of the *Protection of the Environment Operations (General) Regulation 2009* makes it an offence for the occupier of any premises to cause or allow native forest bio-material to be burned in any electricity generating work in or on those premises.

The object of this Regulation is to exclude certain categories of bio-material from the definition of *native forest bio-material* in order to permit the burning of such bio-material in any electricity generating work. These categories are as follows:

- (a) bio-material obtained from trees cleared in accordance with property vegetation plans that have been approved under Part 4 of the *Native Vegetation Act 2003* after an assessment under Chapter 7 of the Assessment Methodology (within the meaning of the *Native Vegetation Regulation 2013*),
- (b) bio-material obtained from trees cleared in accordance with a declaration relating to invasive species by an order under clause 38 of the *Native Vegetation Regulation 2013* (and, if the order is subject to any conditions, in accordance with those conditions),
- (c) bio-material obtained from pulp wood logs and heads and off-cuts resulting from clearing carried out in accordance with a private native forestry property vegetation plan approved under Part 4 of the *Native Vegetation Act 2003* or forestry operations carried out in accordance with an integrated forestry operations approval under Part 5B of the *Forestry Act 2012*,
- (d) bio-material obtained from trees cleared as a result of thinning carried out in accordance with a private native forestry property vegetation plan approved under Part 4 of the *Native Vegetation Act 2003* or an integrated forestry operations approval under Part 5B of the *Forestry Act 2012*.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including section 323 and Schedule 2 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (General) Amendment (Native Forest Bio-material) Regulation 2013*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Protection of the Environment Operations (General) Regulation 2009

[1] Clause 96 Definitions

Insert in alphabetical order:

forestry operations means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) the harvesting of forest products.

heads and off-cuts means those parts of a tree that are removed in the course of obtaining a pulp wood log or saw log from the tree, but does not include the following:

- (a) any part of a saw log, pulp wood log or tree stump,
- (b) any part of a dead tree.

private native forestry PVP has the same meaning as it has in the *Native Vegetation Regulation 2013*.

pulp wood logs means any logs used to make a reconstituted wood product such as paper, but does not include the following:

- (a) saw logs,
- (b) any part of a dead tree,
- (c) logs obtained from any of the following species of tree:
 - (i) Rough-barked Apple (*Angophora floribunda*),
 - (ii) Smooth-barked Apple (*Angophora costata*),
 - (iii) Scribbly Gum (*Eucalyptus rossii*),
 - (iv) Turpentine (*Syncarpia glomulifera*).

saw logs means logs that can be used to create timber products that maintain a woody structure.

thinning means the selective removal of individual trees, or parts of trees, for the purposes of reducing competition between trees, allowing growth of remaining trees, tree regeneration and groundcover growth and improving or maintaining the structure and composition of native vegetation.

[2] Clause 96, definition of “native forest bio-material”

Insert after paragraph (a):

- (a1) bio-material obtained from:
 - (i) trees cleared in accordance with a PVP that has been approved under Part 4 of the *Native Vegetation Act 2003* after an assessment under Chapter 7 of the Assessment Methodology (within the meaning of Part 4 of the *Native Vegetation Regulation 2013*), or
 - (ii) trees cleared in accordance with a declaration by an order under clause 38 of the *Native Vegetation Regulation 2013* (and, if the order is subject to any conditions, in accordance with those conditions), or
 - (iii) pulp wood logs and heads and off-cuts resulting from clearing carried out in accordance with a private native forestry PVP or forestry operations carried out in accordance with an integrated

- forestry operations approval under Part 5B of the *Forestry Act 2012*, or
- (iv) trees cleared as a result of thinning carried out in accordance with a private native forestry PVP or in accordance with an integrated forestry operations approval under Part 5B of the *Forestry Act 2012*, or