



New South Wales

Forestry Regulation 2022

under the

Forestry Act 2012

His Honour the Administrator, with the advice of the Executive Council, has made the following Regulation under the *Forestry Act 2012*.

DUGALD SAUNDERS, MP
Minister for Agriculture

Explanatory note

The object of this Regulation is to remake, with amendments, the *Forestry Regulation 2012*, which is repealed on 1 September 2022 by the *Subordinate Legislation Act 1989*, section 10(2).

This Regulation provides for the following—

- (a) the control and management of forestry areas, including—
 - (i) the giving of directions to leave forestry areas, and
 - (ii) the removal of persons from forestry areas, and
 - (iii) the entry of persons and vehicles into forestry areas, and
 - (iv) the regulation and prohibition of certain activities in forestry areas,
- (b) the regulation of fires in forestry areas, including activities that create a risk of fire in forestry areas,
- (c) the issue and transfer of licences and forest permits, the grant of forest leases and the imposition of conditions on licences, forest permits and forest leases,
- (d) the approval of timber contractors,
- (e) the branding of timber cut or obtained from forestry areas,
- (f) the requirements for bee-keeping and grazing activities in certain forestry areas,
- (g) miscellaneous offences, including in relation to activities in forestry areas and persons dealing in timber or forest products,
- (h) the offences under the *Forestry Act 2012* and this Regulation for which penalty notices may be issued, including the amounts payable.

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Forestry Regulation 2022

under the

Forestry Act 2012

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Forestry Regulation 2022*.

2 Commencement

This Regulation commences on 1 September 2022.

Note— This Regulation replaces the *Forestry Regulation 2012*, which is repealed on 1 September 2022 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definitions

The Dictionary in Schedule 3 defines words used in this Regulation.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

Part 2 Control and management of forestry areas

Division 1 Preliminary

4 Definitions

In this Part—

machine means a device powered by an internal combustion engine, including the following—

- (a) a vehicle,
- (b) a stationary engine,
- (c) felling and logging equipment,
- (d) road making equipment,
- (e) chainsaws,
- (f) welding equipment.

recreational activity includes the following—

- (a) abseiling,
- (b) BASE-jumping,
- (c) bungee jumping,
- (d) rock climbing,
- (e) caving,
- (f) parachuting,
- (g) whitewater rafting,
- (h) paragliding,
- (i) parasailing,
- (j) hang-gliding.

vehicle—

- (a) has the same meaning as in the *Crown Land Management Act 2016*, and
- (b) includes a class of vehicles.

Division 2 Control of forestry areas generally

5 Direction to leave forestry area—the Act, s 92

- (1) For the Act, section 92(2)(b) and (f) and despite a licence, forest permit or forest lease, a person must leave a forestry area in accordance with a direction given by an authorised officer—
 - (a) if, in the officer's opinion, there is a relevant reason, or
 - (b) if the person enters or remains in a forestry area in contravention of the Act or this Regulation, or
 - (c) if the person—
 - (i) causes inconvenience to another person, or
 - (ii) otherwise contravenes the Act or this Regulation.

Maximum penalty—20 penalty units.

- (2) For the Act, section 92(2)(g), an authorised officer may remove a person from a forestry area if the person fails to comply with a direction given under subsection (1).

- (3) In this section—
relevant reason means—
- (a) a risk to the person or the person's property caused by—
 - (i) forestry operations, or
 - (ii) a bush fire, or
 - (iii) bush fire hazard reduction work, within the meaning of the *Rural Fires Act 1997*, carried out by the land manager of the forestry area, or
 - (iv) hazardous weather conditions, or
 - (v) a damaged road, including as a result of hazardous weather, or
 - (b) the person's presence is likely to disrupt other activities in the forestry area, or
 - (c) the person's presence poses a risk to other persons or the property of other persons in the forestry area, or
 - (d) the person's presence or actions pose a risk to the forestry area.

6 Entry of persons and machines into forestry area—the Act, s 92

- (1) For the Act, section 92(2)(b), (c) and (f), the land manager may, by notice displayed in or at the boundary of a forestry area—
- (a) prohibit the entry of persons or machines, or the bringing of machines, into the area specified in the notice, or
 - (b) determine the maximum speed at which a person may drive or ride a machine in the area.
- (2) A prohibition under subsection (1) is in force—
- (a) during the period specified in the notice, or
 - (b) if no period is specified—while the notice is displayed.
- (3) A person must not do the following without the written permission of the land manager—
- (a) enter a forestry area the person is prohibited from entering by a notice displayed under subsection (1),
 - (b) drive or ride a machine into a forestry area the machine is prohibited from entering by a notice displayed under subsection (1),
 - (c) bring a machine into a forestry area the machine is prohibited from being in by a notice displayed under subsection (1),
 - (d) drive or ride a machine in the forestry area at a speed exceeding the maximum speed determined by a notice displayed under subsection (1).
- Maximum penalty—20 penalty units.
- (4) A person who drives a vehicle into, or parks a vehicle in, a forestry area, other than a part of a forestry area to which the *Road Transport Act 2013* applies, is guilty of an offence if the vehicle would, if the forestry area were a public road, be required by law—
- (a) to be registered and is not registered, or
 - (b) to have a number-plate and—
 - (i) does not have a number-plate, or
 - (ii) the number-plate is covered or obscured.
- Maximum penalty—20 penalty units.
- (5) In this section—
number-plate means a number-plate issued—

- (a) under the *Road Transport Act 2013*, or
- (b) by a competent authority of another jurisdiction.

person includes a class of persons.

registered means registered in Australia within the meaning of the *Road Transport Act 2013*.

7 Reservation of forestry area for separate or exclusive use—the Act, s 92

- (1) For the Act, section 92(2)(h), the Corporation may reserve a forestry area by notice displayed in the area for the following purposes—
 - (a) recreation,
 - (b) to enable a person to exercise a right or privilege conferred by a licence, forest permit, forest lease or small quantity authorisation issued by the Corporation,
 - (c) an Australian Defence Force exercise or activity,
 - (d) to enable the Corporation to exercise the functions of the Corporation.
- (2) A person must not enter or remain in an area reserved under this section unless—
 - (a) the person has the written or verbal permission of the Corporation, or
 - (b) the person enters or remains in the area for the purpose for which it was reserved.

Maximum penalty—20 penalty units.

8 Regulation of camping in forestry areas—the Act, s 92

- (1) For the Act, section 92(2)(b), (f) and (l), the land manager of a forestry area may, by notice displayed in the area—
 - (a) prohibit persons from camping in the area, or
 - (b) require persons camping in the area to comply with conditions specified in the notice, including a requirement to pay a charge to the land manager.
 - (2) An authorised officer may give directions about the following to a person camping or intending to camp in a forestry area—
 - (a) the number of persons who may camp in the area,
 - (b) the period a person may camp in the area,
 - (c) where the person may camp,
 - (d) the removal of the camp.
 - (3) The authorised officer's directions must not be inconsistent with conditions specified in a notice displayed by the land manager in the forestry area.
 - (4) A person must not camp in a forestry area in contravention of—
 - (a) a notice displayed in the area, or
 - (b) a direction given by an authorised officer.
- Maximum penalty—20 penalty units.
- (5) In addition to imposing a penalty for a contravention of subsection (4)(a) in relation to a person's failure to pay a charge to the land manager, a court may make an order for the person to pay the charge.

9 Prohibition of dangerous activities in forestry areas—the Act, s 92

- (1) For the Act, section 92(2)(b), a person must not carry on an activity, including a recreational activity, in a forestry area if the activity poses a risk to the safety of the person or other persons.

Maximum penalty—20 penalty units.

- (2) A person does not commit an offence under subsection (1) if the activity—
- (a) is carried on with the written permission of the land manager for the forestry area, or
 - (b) is authorised by a licence, forest permit or forest lease.

10 Prohibition of damage to forestry areas—the Act, s 92

- (1) For the Act, section 92(2)(b), a person must not carry on an activity, including a recreational activity, in a forestry area if the activity may damage the area.

Maximum penalty—20 penalty units.

- (2) For the Act, section 92(2)(b), a person must not do the following in a forestry area—
- (a) damage, interfere with or destroy vegetation, other than timber,
 - (b) damage, obstruct or interfere with a road or drainage structure,
 - (c) damage, obstruct or interfere with a drainage feature, including a watercourse or drainage line,
 - (d) interfere with forest materials in a way that is not prohibited by the Act, section 38(1)(b), other than forest materials that are on a road,
 - (e) erect a fence or barrier,
 - (f) obstruct or interfere with the flow of water in a watercourse,
 - (g) damage, deface, interfere with, destroy or remove a standard, sign, notice, barrier or device erected by the land manager,
 - (h) damage, deface or destroy a building, enclosure, dam or other structure, or plant or equipment, of the land manager or a lessee or licensee of the land manager.

Maximum penalty—20 penalty units.

- (3) A person does not commit an offence under subsections (1) or (2) if the activity—
- (a) is carried on with the written permission of the land manager, or
 - (b) is authorised by a licence, forest permit or forest lease.
- (4) Damage to a road is not an offence under subsection (2)(b) if it is a natural consequence of travelling over the road in accordance with a direction in a notice.
- (5) In this section—

drainage line means a natural channel formed by the flow of water after heavy rainfall.

drainage structure, of a road, includes a drain, drop down structure and dissipater, road drainage pipe, culvert and cross bank.

11 Taking of timber and forest products from environmentally significant area—the Act, s 39

- (1) For the Act, section 39(5), a licence issued by the Corporation may authorise the taking of timber or forest products from land identified as an environmentally significant area if—

- (a) the licence is issued—
 - (i) to an Aboriginal person, and
 - (ii) for the purposes of carrying out a traditional Aboriginal cultural activity, and
- (b) at the time of issuing the licence, the Corporation determined—

- (i) there is no other land reasonably accessible to the person from which the timber or forest products may be taken, and
 - (ii) the quantity of timber or forest products proposed to be taken would not adversely affect the conservation value of the environmentally significant area.
- (2) Subsection (1) does not apply if the taking of timber or forest products from the land would be inconsistent with—
 - (a) native title rights and interests under an approved determination of native title, or
 - (b) the terms of an indigenous land use agreement.
- (3) In this section—
Aboriginal person has the same meaning as in the *Aboriginal Land Rights Act 1983*.
approved determination of native title and *indigenous land use agreement* have the same meaning as they have in the *Native Title Act 1993* of the Commonwealth.

Division 3 Fires in forestry areas

12 Definitions

In this Division—

approved fireplace means a site or object, including a barbecue, approved by an authorised officer for the purposes of lighting fires.

light a fire includes the following—

- (a) maintain a fire,
- (b) cause a fire to be lit,
- (c) cause a fire to be maintained.

13 Lighting fire prohibited in forestry areas—the Act, s 92

- (1) For the Act, section 92(2)(b), subject to a notice or direction under subsection (2), a person must not light a fire in a forestry area unless—
 - (a) the person is authorised by a forest permit or an authorised officer, or
 - (b) the fire is lit by an employee of the Corporation in the course of the employee's employment, or
 - (c) the fire is lit in a part of a building, caravan or other vehicle that is constructed for the purposes of containing a fire, or
 - (d) the fire is—
 - (i) lit for the purpose of cooking, boiling water, providing warmth or repairing tools, and
 - (ii) more than 4.5m from logs, stumps or trees, and
 - (iii) more than 2m from combustible matter, and
 - (iv) lit in an approved fireplace, or
 - (e) the fire is—
 - (i) lit for the purpose of processing timber, forest products or forest materials, other than waste created by the processing of timber, forest products or forest materials, and
 - (ii) more than 30m from combustible matter, or
 - (f) the fire is lit for the purpose of destroying waste created by the processing of timber, forest products or forest materials and—

- (i) the fire is lit in an incinerator that prevents sparks and burning matter from escaping, or
- (ii) if an authorised officer is satisfied an incinerator is not available—the fire is lit in accordance with a written direction given by an authorised officer.

Maximum penalty—20 penalty units.

- (2) For the Act, section 92(2)(f), the land manager may prohibit the lighting of fires using wood, charcoal or another solid fuel in a forestry area by—
 - (a) a notice displayed in the area, or
 - (b) a direction given by an authorised officer.
- (3) A person must not light a fire using wood, charcoal or another solid fuel in a forestry area in contravention of a notice or a direction.
Maximum penalty—20 penalty units.
- (4) For the purposes of subsection (1)(a), the person must comply with a condition imposed by the authorised officer.

14 Extinguishing fire in forestry areas—the Act, s 92

- (1) For the Act, section 92(2)(b), a person who lights a fire in a forestry area—
 - (a) must not leave the site of the fire unless—
 - (i) the fire is extinguished, or
 - (ii) another person remains at the site to monitor or extinguish the fire, or
 - (iii) directed or permitted to leave the site by an authorised officer, and
 - (b) must take all reasonable steps to extinguish the fire if—
 - (i) directed to do so by an authorised officer, or
 - (ii) the fire becomes out of control, or
 - (iii) the fire is a risk to a person or property.

Maximum penalty—20 penalty units.

- (2) A person does not contravene subsection (1) if the person leaves the site—
 - (a) to notify a member of staff of the land manager that the fire is out of control, or
 - (b) to seek help.

15 Leaving lit match or cigarette in forestry areas—the Act, s 92

- (1) For the Act, section 92(2)(b), a person must not leave or deposit the following in a forestry area—
 - (a) a lit match,
 - (b) a lit non-tobacco smoking product,
 - (c) a lit tobacco product.

Maximum penalty—20 penalty units.

- (2) In this section—
non-tobacco smoking product and *tobacco product* have the same meanings as in the *Public Health (Tobacco) Act 2008*.

16 Machines in forestry areas—the Act, s 92

- (1) For the Act, section 92(2)(b), a person must not drive or use a machine in a forestry area unless—

- (a) a spark arrester that is in a serviceable condition is securely fixed to the exhaust of the machine, and
- (b) the following are in safe working order—
 - (i) fuel, electrical and braking systems,
 - (ii) all combustion chambers, manifolds, exhaust pipes and expansion chambers of the machine and the machine's joints, and
- (c) the machine is free of surplus oil, dust impregnated with oil and vegetable matter.

Maximum penalty—20 penalty units.

- (2) Subsection (1)(a) does not apply to a vehicle.
- (3) A person must not refuel a machine in a forestry area if there is combustible matter less than 1.5m from the machine.

Maximum penalty—20 penalty units.

- (4) For the Act, section 92(2)(f), an authorised officer may direct a person to stop using a machine in a forestry area for a period specified by the officer if the officer believes the machine—
 - (a) is a fire risk, or
 - (b) is being used in a way that creates a fire risk.

- (5) A person given a direction under subsection (4) must comply with the direction.

Maximum penalty—20 penalty units.

- (6) In this section—
use, a machine, includes operate or control the machine.

17 Storage of liquid fuel in forestry areas—the Act, s 92

- (1) For the Act, section 92(2)(b), a person must not store liquid fuel in a forestry area unless the fuel is stored—
 - (a) for the purposes of carrying out an activity authorised by a licence, forest permit, forest lease, small quantity authorisation, permission or approval granted or issued under the Act, and
 - (b) in accordance with the conditions of the licence, permit, lease, authorisation, permission or approval relating to the storage of liquid fuel.

Maximum penalty—20 penalty units.

- (2) This section does not apply to liquid fuel stored in the fuel tank of a machine.

18 Fire prevention measures in forestry areas—the Act, s 92

- (1) For the Act, section 92(2)(h), a person who is carrying on forestry operations in a forestry area must, if a building is used in connection with the operations, ensure—
 - (a) the building is surrounded by a fire trail or firebreak greater than 4.5m in width, and
 - (b) the fire trail or firebreak is adequately maintained, and
 - (c) back burning is carried out at the direction of an authorised officer, and
 - (d) there is no combustible matter within 1.5m of the building.

Maximum penalty—20 penalty units.

- (2) In this section—
back burning has the same meaning as in the *Rural Fires Act 1997*.

building includes—

- (a) a hut, tent, caravan or temporary dwelling, and
- (b) a group of buildings.

19 Stopping certain activities in forestry areas—the Act, s 92

- (1) For the Act, section 92(2)(f) and (h), an authorised officer may direct a person to stop carrying out an activity in a forestry area if the officer believes, as a result of the weather conditions, the activity creates a risk of a fire igniting or spreading.
- (2) A person given a direction under subsection (1) is guilty of an offence if the person—
 - (a) does not immediately comply with the direction, or
 - (b) resumes the activity before an authorised officer permits the resumption of the activity.

Maximum penalty—20 penalty units.

- (3) This section applies despite conditions or limitations specified in a licence, forest permit, forest lease or small quantity authorisation issued or granted in relation to a forestry area.

20 Conditions on licence holders—the Act, ss 39, 45 and 60

- (1) For the Act, sections 39(2), 45(2) and 60(4), it is a condition of a licence, small quantity authorisation or forest permit that the person who holds the licence, small quantity authorisation or forest permit in relation to a forestry area must—
 - (a) take all reasonable steps to prevent unauthorised damage to the area by fire, and
 - (b) on becoming aware of a fire in the area, ensure the fire is immediately reported to an employee of the Corporation, and
 - (c) attempt to extinguish the fire, or, if the fire cannot be extinguished, attempt to prevent the fire from spreading.

Maximum penalty—20 penalty units.

- (2) Subsection (1)(c) does not apply if it would be dangerous for the person to—
 - (a) extinguish the fire, or
 - (b) attempt to extinguish the fire.

Part 3 Licences, forest permits and forest leases

21 Definitions

In this Part—

applicant means an applicant for a licence, forest permit or forest lease.

approved form means—

- (a) for a licence—the form approved by the Corporation, or
- (b) for a forest permit or forest lease—the form approved by the land manager of the relevant forestry area.

relevant forestry area means the forestry area to which an application for a licence, forest permit or forest lease relates.

Western Division has the same meaning as in the *Crown Land Management Act 2016*, section 1.6.

22 Applications for licences, forest permits and forest leases—the Act, s 92

- (1) For the Act, section 92(2)(i) and (k), an applicant may lodge an application—
 - (a) for a licence—
 - (i) at the office of the Corporation closest to the relevant forestry area, or
 - (ii) at a place approved by the Corporation, or
 - (b) for a forest permit or forest lease—
 - (i) at the office of the land manager of the relevant forestry area, or
 - (ii) at a place approved by the land manager.
- (2) The application must be—
 - (a) in the approved form, and
 - (b) accompanied by the relevant application fee.
- (3) Despite subsections (1)(a) and (2)(a), an applicant for a clearing licence to clear trees from Crown-timber land in the Western Division, other than a State forest or timber reserve, may lodge a written application at the office of the Department of Regional NSW.
- (4) In this section—

relevant application fee means—

 - (a) for a licence—the fee determined by the Corporation, or
 - (b) for a forest permit or forest lease—the fee determined by the land manager of the relevant forestry area.

23 Requests for additional information—the Act, s 92

- (1) For the Act, section 92(2)(i), if the Corporation or land manager of the relevant forestry area decides additional information is needed to determine an application, the Corporation or land manager may, by written notice given to the applicant, request the information be provided within a reasonable period specified in the notice.
- (2) The Corporation or land manager may refuse the application if the applicant fails to comply with the notice.

24 Refusal to issue licence or permit, or grant lease—the Act, s 92

- (1) For the Act, section 92(2)(i), the Corporation may refuse to issue a licence for a reason the Corporation considers appropriate.

- (2) The land manager of a forestry area may refuse to issue a forest permit, or to grant a forest lease, for a reason the land manager considers appropriate.

25 Form of licence, forest permit or forest lease—the Act, s 92

- (1) For the Act, section 92(2)(j), a timber licence, forest products licence or forest materials licence must state the area from which timber, forest products or forest materials may be taken.
- (2) A licence, forest permit or forest lease must be in the approved form.

26 Conditions on licences, forest permits and forest leases—the Act, ss 39, 60 and 62

- (1) For the Act, section 39(2), the Corporation may, by written notice given to the holder of a licence—
- (a) impose conditions on the licence, and
 - (b) vary or revoke conditions on the licence.
- (2) For the Act, sections 60(4) and 62(1), the land manager of a forestry area may, by written notice given to the holder of a forest permit or forest lease—
- (a) impose conditions on the permit or lease, and
 - (b) vary or revoke conditions on the permit or lease.
- (3) A condition imposed under this section takes effect on the day that is 1 month after the notice is given to the holder of the licence, forest permit or forest lease.
- (4) A condition imposed or varied by the Corporation or the land manager of a forestry area is invalid to the extent of an inconsistency with conditions imposed under the Act.

27 Transfer of licences and forest permits—the Act, ss 39, 60 and 92

- (1) This section applies to the following licences or permits—
- (a) a timber licence,
 - (b) a forest products licence,
 - (c) a forest materials licence,
 - (d) a forest permit.
- (2) For the Act, sections 39(2) and 60(4), it is a condition of the licence or permit that the holder of the licence or permit (the *transferor*) transfer the licence or permit to another person in accordance with this section.
- (3) An application by a transferor to transfer the licence or permit to another person may be made to—
- (a) for a timber licence, forest products licence or forest materials licence—the Corporation, or
 - (b) for a forest permit—the land manager of the relevant forestry area.
- (4) For the Act, section 92(2)(k), the application must be—
- (a) in the approved form, and
 - (b) for a licence—
 - (i) lodged at the office of the Corporation closest to the relevant forestry area, or
 - (ii) lodged at another place approved by the Corporation, and
 - (c) for a permit—

- (i) lodged at the office of the land manager closest to the relevant forestry area, or
 - (ii) lodged at another place approved by the land manager, and
- (d) accompanied by the relevant transfer fee.
- (5) The Corporation or land manager may refuse to grant the transfer for a reason the Corporation or land manager considers appropriate.
- (6) The Corporation or land manager must, by written notice given to the transferor within a reasonable period after receiving an application, notify the transferor that the application has been granted or refused.
- (7) If the Corporation or land manager grants the transfer, the Corporation or land manager must—
 - (a) if the transferor did not lodge the licence, forest permit or forest lease with the application—request the licence, permit or lease, and
 - (b) record the transfer on the licence, permit or lease or on a document attached to the licence, permit or lease, and
 - (c) record the transfer in the Corporation or land manager’s records.
- (8) The transferor may withdraw an application to transfer a licence, forest permit or forest lease by giving written notice to the Corporation or land manager before the Corporation or land manager notifies the transferor the application has been granted or refused.
- (9) If an application is withdrawn, the Corporation or the land manager may retain all or part of the relevant transfer fee to meet the costs of processing the application.
- (10) In this section—
relevant transfer fee means—
 - (a) for a licence—the fee determined by the Corporation, and
 - (b) for a forest permit or forest lease—the fee determined by the land manager of the relevant forestry area.

28 Application for replacement licence, permit or lease—the Act, s 92

- (1) For the Act, section 92(2)(i), if a licence, forest permit or forest lease has been lost or destroyed, the holder of the licence, permit or lease may apply, in writing, to the following for a replacement licence, permit or lease—
 - (a) for a licence—the Corporation,
 - (b) for a permit or lease—the land manager of the relevant forestry area.
- (2) For the Act, section 92(2)(k), the Corporation or land manager may charge a fee to issue the replacement licence, forest permit or forest lease.
- (3) The Corporation or land manager must issue a replacement licence, forest permit or forest lease if satisfied—
 - (a) the licence, permit or lease has been lost or destroyed, and
 - (b) the person to be issued the replacement licence, permit or lease is entitled to hold the licence, permit or lease, and
 - (c) the fee charged to issue the replacement licence, permit or lease has been paid.

29 Approval of timber contractors

- (1) A person may apply to the Corporation to be an approved timber contractor.
- (2) The Corporation may—

- (a) give an approval subject to the conditions the Corporation considers appropriate, or
 - (b) suspend an approval if the Corporation believes on reasonable grounds the approved timber contractor has breached a condition of the approval, or
 - (c) revoke an approval if, after giving the contractor an opportunity to be heard, the Corporation decides the approved timber contractor breached a condition of the approval.
- (3) For the purposes of harvesting timber, the holder of a relevant licence may only engage an approved timber contractor.
Maximum penalty—20 penalty units.
- (4) A person must not harvest timber or authorise or direct another person to harvest timber unless the person is an approved timber contractor.
Maximum penalty—20 penalty units.
- (5) In this section—
approved timber contractor means a person approved by the Corporation—
 - (a) to harvest timber, and
 - (b) to engage or employ 1 or more other persons to harvest timber.**engage** means engage under a contract for the performance of services.
harvest timber means cut, obtain or remove timber, forest products or forest materials.
relevant licence means—
 - (a) a timber licence, or
 - (b) a forest products licence, or
 - (c) a forest materials licence.

30 Fee for supervising clearing operations—the Act, ss 39 and 92

- (1) For the Act, sections 39(2) and 92(2)(k), the Corporation may, as a condition of issuing a clearing licence to clear trees, require the payment of a fee to meet costs incurred in supervising operations undertaken under the licence.
- (2) The fee—
 - (a) must be determined in accordance with a scale imposed by the Corporation, but
 - (b) must not exceed \$1,000.

31 Licence holder may conduct further clearing operations—the Act, s 39

- (1) This section applies if—
 - (a) the Corporation has issued a clearing licence authorising the clearing of trees on—
 - (i) Crown-timber land located in the Eastern and Central Division, or
 - (ii) a State forest or timber reserve located in the Western Division, and
 - (b) further work is proposed within 10 years from the date of issue of the licence for the purpose of ensuring the land is clear of trees.
- (2) For the Act, section 39(2), it is a condition of the clearing licence that the holder of the licence—
 - (a) notify the Corporation, before starting the work specified in subsection (1)(b), of the holder's intention to carry out the work, and

- (b) carry out the work in accordance with directions given by an authorised officer.
- (3) In this section—
Eastern and Central Division has the same meaning as in the *Crown Land Management Act 2016*.

Part 4 Branding of timber—the Act, s 92

32 Timber to be branded

- (1) For the Act, section 92(2)(o), a person who removes timber from land on which the timber was cut or obtained is guilty of an offence unless the timber is—
 - (a) branded with the owner’s brand and the letters “PP”, or
 - (b) marked or identified in another way approved by the Corporation for the purposes of this section.Maximum penalty—20 penalty units.
- (2) This section does not apply to timber removed from Crown-timber land.

33 Offence to misrepresent brands

- (1) For the Act, section 92(2)(o), a person must not—
 - (a) apply, or direct the application of, the singular letter “P” to timber cut or obtained from Crown-timber land, or
 - (b) falsely represent timber to be, or not to be, timber cut or obtained from Crown-timber land.Maximum penalty—20 penalty units.
- (2) It is a defence if the person applies, or directs the application of, the singular letter “P” to timber obtained from Crown-timber land in accordance with section 34(1).

34 Misuse of Corporation’s brands

- (1) For the Act, section 92(2)(o), a broad arrow or a broad arrow with the letters “FC” or “RP”, with or without numbers or other symbols, must be used by employees of the Corporation and persons acting with the authority of the Corporation, to brand timber obtained from Crown-timber land.
- (2) A person, other than a person specified in subsection (1) must not use 1 of the brands or part of a brand.
Maximum penalty—20 penalty units.

35 Unlawfully making, using or possessing branding instruments

- For the Act, section 92(2)(o), a person must not, without the Corporation’s approval—
- (a) use or possess an instrument intended to be used by the Corporation for the purpose of branding timber, or
 - (b) make, use or possess a counterfeit instrument that brands timber.
- Maximum penalty—20 penalty units.

36 Defacing brands

- (1) For the Act, section 92(2)(o), a person must not deface, destroy or remove an identifying brand on timber, including a tree or tree stump.
Maximum penalty—20 penalty units.
- (2) This section does not apply to a person who lawfully processes the timber.
- (3) This section ceases to apply once the timber is lawfully processed.
- (4) In this section—
identifying brand means a broad arrow, with or without letters, numerals or other symbols branded on timber by, or at the direction of, an employee of the Corporation.

Part 5 Bee-keeping and grazing in forestry areas

Division 1 Preliminary

37 Definitions

In this Part—

animal means an animal, whether vertebrate or invertebrate and in any stage of biological development, but does not include—

- (a) humans, or
- (b) fish within the meaning of the *Fisheries Management Act 1994*.

bee-keeping or grazing area means a forestry area in the following regions where bee-keeping activities or cattle and other livestock grazing activities are permitted under a forest permit or forest lease—

- (a) Brigalow-Nandewar Region,
- (b) Coastal Region,
- (c) Riverina Red Gum Region,
- (d) South-Western Cypress Region.

Brigalow-Nandewar IFOA means the *Integrated Forestry Operations Approval for Brigalow Nandewar Region* approved in September 2010 and as in force on the commencement of this Regulation.

Brigalow-Nandewar Region means the **Community Conservation Area** within the meaning of the *Brigalow and Nandewar Community Conservation Area Act 2005*, section 4(1), excluding the following areas within the Coastal Region—

- (a) Lower North East Subregion,
- (b) Upper North East Subregion.

clearing, native vegetation, has the same meaning as in the *Local Land Services Act 2013*, section 60C.

Note— Under the *Local Land Services Act 2013*, Part 5A, the clearing of dead or non-native plants on certain vulnerable land is taken to be the clearing of native vegetation.

Coastal IFOA means the *Coastal Integrated Forestry Operations Approval* published by the NSW Environment Protection Authority in November 2018.

Coastal Region means the area described in the Coastal IFOA, condition 12.

drainage protection area means the following—

- (a) for the Brigalow-Nandewar Region or South-Western Cypress Region, the following zones or areas in the region—
 - (i) a drainage protection zone, or
 - (ii) a wetland protection zone, or
 - (iii) wetlands,
- (b) for the Riverina Red Gum Region, the following zones in the region—
 - (i) a drainage feature protection zone, or
 - (ii) linkage protection zones.

ecological community means an assemblage of species occupying a particular area.

environmentally significant area has the meaning given by a specified condition or part of the integrated forestry operations approval for the region—

- (a) for the Brigalow-Nandewar Region—the Brigalow-Nandewar IFOA, Part 3.6, or
- (b) for the Coastal Region—the Coastal IFOA, condition 49.1, Table 1, or

- (c) for the Riverina Red Gum Region—the Riverina Red Gum IFOA, Part 3.6, or
- (d) for the South-Western Cypress Region—the South-Western Cypress IFOA, Part 3.6.

grazing means grazing of cattle or other livestock.

harm, an animal—

- (a) includes kill, injure or capture the animal, and
- (b) does not include harm to the animal from changing the animal's habitat.

integrated forestry operations approval has the meaning given by the Act, section 69M(1).

management plan means a plan developed under the Act, Part 3, Division 3, containing the information in—

- (a) for the Brigalow-Nandewar Region, Riverina Red Gum Region or South-Western Cypress Region—this Regulation, section 56, or
- (b) for the Coastal Region—this Regulation, section 58.

native vegetation has the same meaning as in the *Local Land Services Act 2013*, section 60B.

Note— Under the *Local Land Services Act 2013*, Part 5A, the clearing of dead or non-native plants on certain vulnerable land is taken to be the clearing of native vegetation.

plant means a plant, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, but does not include marine vegetation.

Riverina Red Gum IFOA means the *Integrated Forestry Operations Approval for Riverina Red Gum* with effect from 1 January 2011 and as in force on the commencement of this Regulation.

Riverina Red Gum Region has the same meaning as **Riverina area** in the *National Park Estate (Riverina Red Gum Reservations) Act 2010*, section 3(1).

South-Western Cypress IFOA means the *Integrated Forestry Operations Approval for South-Western Cypress Region* with effect from 1 July 2011 and as in force on the commencement of this Regulation.

South-Western Cypress Region has the same meaning as **South-Western area** in the *National Park Estate (South-Western Cypress Reservations) Act 2010*, section 3(1).

species includes the following—

- (a) a defined subspecies,
- (b) a taxon below a subspecies,
- (c) a recognisable variant of a subspecies or taxon,
- (d) a population of a particular species, being a group of organisms, all of the same species, occupying a particular area.

Division 2 Powers of land managers

38 Definitions

In this Division—

listed species or ecological community means a species or ecological community the subject of a relevant listing.

relevant listing means the following being identified or recorded in a bee-keeping or grazing area—

- (a) a species or ecological community for which a person listed under the *Biodiversity Conservation Act 2016*, section 4.10, has requested the Scientific Committee to determine the listing of as a species or ecological community under that Act,

- (b) a species or ecological community for which a preliminary determination has been made under the *Biodiversity Conservation Act 2016*, Part 4, Division 3, to support a proposal to list the species as a threatened species under that Act,
- (c) a species for which a provisional listing has been made under the *Biodiversity Conservation Act 2016*, Part 4, Division 4.

site-specific biodiversity condition means a condition—

- (a) developed and applied for a species or record of a species at a specific site for the protection or management of the species, and
- (b) approved by the Environment Protection Authority.

39 Obligations if certain species or ecological communities present—the Act, s 92

For the Act, section 92(2)(p), if a relevant listing is made, the land manager for the bee-keeping or grazing area must—

- (a) take into account written advice provided by the Environment Protection Authority on how to minimise or mitigate adverse impacts of bee-keeping and grazing on the listed species or ecological community in the area, and
- (b) as far as practicable, minimise or mitigate adverse impacts of bee-keeping and grazing on the listed species or ecological community in the area, and
- (c) advise holders of forest permits and forest leases for bee-keeping or grazing activities of the listing which affects a species or ecological community in the area subject to the permit or lease, and
- (d) review existing forest permits and forest leases for bee-keeping and grazing activities to ensure conditions are consistent with minimising or mitigating the adverse impact of bee-keeping and grazing on the species or ecological community.

40 Forest permits if threatened species and ecological communities present—the Act, ss 63 and 92

For the Act, sections 63(2) and 92(2)(p), if a relevant listing is made, the land manager may, for the purpose of ensuring conditions of a forest permit are consistent with minimising or mitigating the adverse impact of bee-keeping and grazing on the listed species or ecological community—

- (a) impose new conditions on a forest permit for bee-keeping or grazing activities, or
- (b) revoke the permit if it is not possible to minimise or mitigate the adverse impact.

41 Site-specific biodiversity conditions—Coastal Region—the Act, s 92

- (1) This section applies to bee-keeping and grazing activities in the Coastal Region.
- (2) For the Act, section 92(2)(p), the land manager must obtain a site-specific biosecurity condition for bee-keeping and grazing activities in the bee-keeping or grazing area if—
 - (a) for land on which forestry operations are undertaken—
 - (i) the *Biodiversity Conservation Act 2016*, Part 4, applies to a species or ecological community, and
 - (ii) the integrated forestry operations approval for the land requires the land manager to obtain the following from the Environment Protection Authority—
 - (A) a site-specific biodiversity condition, or

- (B) an amended site-specific biodiversity condition for forestry operations, or
- (b) for land on which forestry operations are not undertaken—bee-keeping or grazing activities occur within 100m of where a species or ecological community to which the *Biodiversity Conservation Act 2016*, Part 4, applies is identified or recorded.
- (3) The land manager must not permit bee-keeping or grazing activities that are inconsistent with a site-specific biodiversity condition.

42 Revocation of forest permits—the Act, s 63

For the Act, section 63(2), a forest permit may be revoked on the following grounds—

- (a) the listing of a species or ecological community under the *Biodiversity Conservation Act 2016*, Part 4, that is inconsistent with the continued operation of the forest permit for bee-keeping or grazing activities, or
- (b) a site-specific biodiversity condition is inconsistent with the continued operation of the forest permit for bee-keeping or grazing activities.

Division 3 Bee-keeping and grazing activities other than Coastal Region

43 Felling of trees—the Act, s 60

- (1) This section applies to bee-keeping and grazing activities in the following regions—
 - (a) Brigalow-Nandewar Region,
 - (b) Riverina Red Gum Region,
 - (c) South-Western Cypress Region.
- (2) For the Act, section 60(4), the holder of a forest permit for bee-keeping or grazing activities must not, in the course of, or for the purpose of bee-keeping or grazing—
 - (a) fell, cut or destroy a tree in a drainage protection area or an environmentally significant area, or
 - (b) fell a tree into a drainage protection area or an environmentally significant area, or
 - (c) remove a tree from a drainage protection area or an environmentally significant area.

Division 4 Bee-keeping activities—the Act, s 92(2)(p)

Subdivision 1 Preliminary

44 Definitions

In this Division—

apiary range, for a bee-keeping or grazing area, means an area in which the holder of a forest permit for bee-keeping activities may set down a beehive.

Forest Management Zone 2 or 3A means land that has been—

- (a) classified as Forest Management Zone 2 or Forest Management Zone 3A in accordance with *Managing our forests sustainably: Forest Management Zoning in NSW State Forests* published by State Forests of NSW in December 1999, and

- (b) mapped in the “Forest_Management_Zone” spatial dataset and accompanying metadata in accordance with the Coastal IFOA, Protocol 34.

metadata has the meaning given by the Coastal IFOA, Protocol 39.

Southern IFOA means the *Integrated Forestry Operations Approval for Southern Region* approved in 2002, as amended and as in force before the approval’s revocation on 16 November 2018.

Southern Subregion means the area described in the Southern IFOA as the State forests and other Crown-timber lands, within the South Coast Subregion and Tumut Subregion of the Southern Subregion, shown on the Southern IFOA, Maps 1 and 2.

spatial dataset has the meaning given by the Coastal IFOA, Protocol 39.

special management zone means an area declared to be a special management zone under the Act, section 18.

State forest exclusion zone, within an apiary range, includes the following—

- (a) exclusion zones, within the meaning of the Coastal IFOA, Protocol 39,
- (b) Forest Management Zone 2 or 3A,
- (c) special management zones.

Subdivision 2 Bee-keeping—general

45 Bee-keeping records

- (1) This section applies to the Coastal Region.
- (2) The land manager for a bee-keeping or grazing area on which bee-keeping activities are undertaken must keep records of the following for the area—
 - (a) particulars of forest permits to use land for bee-keeping activities issued under the Act, section 60,
 - (b) a map showing the location of—
 - (i) apiary ranges, and
 - (ii) State forest exclusion zones within the apiary ranges.

46 Regulation of apiary ranges

- (1) This section applies to land in the following zones in the Coastal Region—
 - (a) a special management zone,
 - (b) a Forest Management Zone 2 or 3A.
- (2) For the Act, section 60(4), the holder of a forest permit for bee-keeping activities must not set down a beehive within a State forest exclusion zone unless a beehive was established on the same site before—
 - (a) for the Coastal Region other than the Southern Subregion—1 April 2002,
 - (b) for the Southern Subregion—12 May 2002.
- (3) If land changes status to become a special management zone or a Forestry Management Zone 2 or 3A, the land manager must include any area that has become a State forest exclusion zone on the map of apiary ranges within 12 months of the change in status of the land.
- (4) For the Act, section 63(2), the land manager may revoke a forest permit for bee-keeping activities that permits the use of an apiary range to set down beehives if—
 - (a) the land changes status to become a special management zone or a Forestry Management Zone 2 or 3A, and

- (b) the use of the land for bee-keeping activities is inconsistent with the change in status of the land.

47 Public access to apiary range maps

The Corporation must make copies of maps, that show the locations of apiary ranges, publicly available.

Subdivision 3 Clearing of native vegetation for bee-keeping activities

48 Definitions

In this Subdivision—

diameter at breast height over bark means—

- (a) if there is a single stem on the tree—the diameter over the bark of the stem at 1.3m above the ground, or
- (b) if there is more than 1 stem on the tree—the diameter over the bark of the largest stem at 1.3m above the ground.

pick, a plant, includes gather, take, cut, remove from the ground, destroy, poison, crush or injure the plant or a part of the plant.

49 Coastal Region—other than Southern Subregion

- (1) This section applies to the following areas in the Coastal Region other than the Southern Subregion—
 - (a) a special management zone,
 - (b) a Forest Management Zone 2 or 3A,
 - (c) an environmentally significant area.
- (2) The holder of a forest permit for bee-keeping activities may pick native vegetation if picking is required to—
 - (a) set down a beehive in an apiary range, or
 - (b) access a beehive, or
 - (c) protect a beehive from the risk of bush fire, if picking for this purpose is permitted under the permit.
- (3) This section does not apply if the vegetation is a tree that has a diameter at breast height over bark of more than 20cm.

50 Coastal Region—Southern Subregion

- (1) This section applies to the Southern Subregion.
- (2) The holder of a forest permit for bee-keeping activities may pick native vegetation if picking is required to—
 - (a) set down a beehive in an apiary range, or
 - (b) access a beehive, or
 - (c) protect a beehive from the risk of bush fire, if picking for this purpose is permitted under the permit.
- (3) For the Act, section 60(4), the holder of a forest permit for bee-keeping activities must not pick native vegetation to enable a beehive to be set down in a State forest exclusion zone unless—
 - (a) a beehive was established on the site before 12 May 2002, or

- (b) the land manager permits the holder of the forest permit to pick native vegetation on the site.
- (4) The land manager may only permit the holder of a forest permit to pick native vegetation under subsection (3)(b) if—
 - (a) the site was within a mapped apiary range before the land became a special management zone, a Forest Management Zone 2 or 3A or an environmentally sensitive area, and
 - (b) the land changes status.
- (5) This section does not apply if the vegetation is a tree that has a diameter at breast height over bark of more than 20cm.
- (6) The holder of a forest permit for bee-keeping activities may set down a beehive in an apiary range if the beehive is able to be set down without picking native vegetation.
- (7) The land manager must not give permission for the holder of a forest permit for bee-keeping activities to clear native vegetation to enable a beehive to be set down in an apiary range unless—
 - (a) the land manager is satisfied that a beehive has been set down in the apiary range at least once on or after 1 January 1990, or
 - (b) the site is in an area that has been logged in a harvesting operation carried out on or after 1 January 1995.

51 Brigalow-Nandewar and South-Western Cypress Regions

- (1) This section applies in the following regions—
 - (a) Brigalow-Nandewar Region,
 - (b) South-Western Cypress Region.
- (2) For the Act, section 60(4), the holder of a forest permit for bee-keeping activities must not establish additional beehive set down sites in the following areas—
 - (a) a drainage protection area,
 - (b) an environmentally significant area.
- (3) The holder of a forest permit for bee-keeping activities may pick native vegetation in a drainage protection area or an environmentally significant area for the following purposes—
 - (a) to access or maintain a beehive set down site,
 - (b) to maintain access to a beehive set down site outside the area if there is no alternative access to the site.
- (4) This section does not apply if the vegetation is a tree that has a diameter at breast height over bark of 10cm or more.

52 Riverina Red Gum Region

- (1) This section applies in the Riverina Red Gum Region.
- (2) The holder of a forest permit for bee-keeping activities may pick native vegetation in a drainage protection area or an environmentally significant area for the following purposes—
 - (a) to access or maintain a beehive set down site,
 - (b) to maintain access to a beehive set down site outside the area if there is no alternative access to the site.

- (3) This section does not apply if the vegetation is a tree that has a diameter at breast height over bark of 10cm or more.

Subdivision 4 Miscellaneous

53 Protection of animals and native vegetation habitats

- (1) This section applies to land in the following regions that is a species protection zone for a species of animal within an environmentally significant area—
- (a) Brigalow-Nandewar Region,
 - (b) Riverina Red Gum Region,
 - (c) South-Western Cypress Region.
- (2) The land manager must not grant a permit to clear or disturb native vegetation unless the permit contains measures to ensure—
- (a) individuals of the species of animal are not harmed, and
 - (b) any native plant that is an important aspect or feature of the species' habitat is not destroyed or damaged.
- (3) In this section—
- species protection zone*** means a zone for the protection of a threatened species or protected fauna as described in the Brigalow-Nandewar IFOA, Part 3.6, the Riverina Red Gum IFOA, Part 3.6 or the South-Western Cypress IFOA, Part 3.6.

54 Protection of plants

- (1) This section applies to land in the following regions that is a species protection zone for a species of plant within an environmentally significant area—
- (a) Brigalow-Nandewar Region,
 - (b) South-Western Cypress Region.
- (2) The land manager must not grant a permit to clear or disturb native vegetation unless the permit contains measures to ensure—
- (a) individuals of the species of plant are not destroyed, disturbed or damaged, and
 - (b) individuals of a species of plant that belong to the ecological community constituting the relevant endangered ecological community are not destroyed, disturbed or damaged in the following areas—
 - (i) a species protection zone for Inland Grey Box Woodland EEC,
 - (ii) a species protection zone for Part 1 Box Gum Woodland EEC,
 - (iii) an environmentally significant area for Part 2 Box Gum Woodland EEC.
- (3) In this section—
- Inland Grey Box Woodland EEC*** means the endangered ecological community of Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Peneplain, Nandewar and Brigalow Belt South Bioregions, as described in the final determination of the Scientific Committee under the *Threatened Species Conservation Act 1995* published in the Government Gazette of 27 April 2007 at page 2453.
- Part 1 Box Gum Woodland EEC*** means the endangered ecological community of White Box Yellow Box Blakely's Red Gum Woodland, as described in the final determination of the Scientific Committee under the *Threatened Species*

Conservation Act 1995 published in the Government Gazette of 15 March 2002 at page 1648 and identified under the South-Western Cypress IFOA, Schedule 8, Part 1.

Part 2 Box Gum Woodland EEC means the endangered ecological community of White Box Yellow Box Blakely's Red Gum Woodland, as described in the final determination of the Scientific Committee under the *Threatened Species Conservation Act 1995* published in the Government Gazette of 15 March 2002 at page 1648 and identified under the South-Western Cypress IFOA, Schedule 8, Part 2.

species protection zone means a zone for the protection of a threatened species as described in the Brigalow-Nandewar IFOA, Part 3.6, or the South-Western Cypress IFOA, Part 3.6.

Division 5 Cattle and other livestock grazing activities—the Act, s 92(2)(p)

Subdivision 1 Cattle and other livestock grazing—general

55 Cattle and other livestock grazing records

The land manager for a bee-keeping or grazing area on which grazing is carried out must keep records of the following for the area—

- (a) forest permits for grazing activities issued under the Act, section 60,
- (b) particulars of forest leases of land for grazing activities granted under the Act, section 62,
- (c) a map showing the location of areas in which grazing activities are permitted.

Subdivision 2 Cattle and other livestock grazing activities other than Coastal Region

56 Management plans for cattle and other livestock grazing activities—the Act, s 21(3)

- (1) This section applies in the following regions if there is no grazing management plan in force under the integrated forestry operations approval for the region—
 - (a) Brigalow-Nandewar Region,
 - (b) Riverina Red Gum Region,
 - (c) South-Western Cypress Region.
- (2) The objective of this section is to ensure a management plan is in force that regulates grazing for the following purposes—
 - (a) to limit the adverse impacts on the environment caused by grazing cattle and other livestock,
 - (b) to ensure that the use of grazing for the purpose of bush fire hazard reduction is not compromised.
- (3) A management plan must specify the following—
 - (a) objectives in relation to the regulation of grazing, during the term of the plan, and the strategies to be adopted to achieve the objectives,
 - (b) methods that may be used to manage grazing pressure on herbaceous vegetation while reducing bush fire hazards,
 - (c) environmental impacts of grazing, particularly on ecosystems sensitive to grazing, and how the adverse impacts of grazing are proposed to be limited,
 - (d) procedures for selecting areas for the application and removal of grazing,

- (e) the level of dry biomass at which the holder of a forest permit or forest lease of land for grazing activities must remove grazing domestic livestock from a forestry area.
- (4) The management plan must provide for a process to—
 - (a) monitor the impact of grazing within State forests, and
 - (b) assess the extent to which the objectives set out in the plan are achieved and the effectiveness of strategies implemented under the plan to achieve them, and
 - (c) monitor the implementation and effectiveness of methods, measures and procedures specified in the plan, and
 - (d) report on the results of monitoring and assessment undertaken in accordance with the plan.
- (5) At least every 5 years, the Corporation must review the management plan and consider the following—
 - (a) information that has become available in relation to the impacts on the environment of grazing cattle and other livestock in the area,
 - (b) developments in methods for controlling adverse impacts on the environment by grazing cattle and other livestock after the plan was prepared,
 - (c) new information relevant to the management of grazing pressure on herbaceous vegetation.

57 Authorisation of cattle and other livestock grazing in forestry areas

- (1) This section applies in the following regions—
 - (a) Brigalow-Nandewar Region,
 - (b) Riverina Red Gum Region,
 - (c) South-Western Cypress Region.
- (2) The land manager must not grant a forest permit for grazing activities that is inconsistent with the management plan.

Subdivision 3 Cattle and other livestock grazing in Coastal Region

58 Management plans for grazing activities—the Act, s 21(3)

- (1) This section applies in the Coastal Region.
- (2) The objective of this section is to ensure a management plan regulates grazing to limit the adverse impacts on the environment caused by grazing cattle and other livestock.
- (3) A management plan must specify the following—
 - (a) objectives in relation to the regulation of grazing, during the term of the plan, and the strategies to be adopted to achieve the objectives,
 - (b) strategies to manage environmental, economic and social impacts of grazing, including the impact on endangered ecological communities,
 - (c) strategies to limit adverse impacts on ecosystems that are sensitive to grazing,
 - (d) strategies to manage site-specific features in permit areas,
 - (e) procedures to identify areas available for grazing.
- (4) A management plan must provide for monitoring the impact of grazing within State forests.

- (5) At least every 5 years, the Corporation must review the provisions in the management plan and consider the following—
 - (a) information that has become available in relation to the impacts on the environment of grazing cattle and other livestock in the area,
 - (b) developments in methods for controlling adverse impacts on the environment by grazing cattle and other livestock after the plan was prepared.
- (6) The land manager must not grant a forest permit for grazing activities that is inconsistent with the management plan.

Part 6 Miscellaneous offences

59 Payment of resource acquisition fee—the Act, s 92

For the Act, section 92(2)(k), the holder of a timber licence, forest products licence or forest materials licence must pay a resource acquisition fee to the Corporation—

- (a) within the period specified in a written account issued by the Corporation, or
- (b) if the Corporation grants the licence holder an extension—within the extended period.

Maximum penalty—20 penalty units.

60 Approaching or interfering with forestry equipment—the Act, s 92

- (1) For the Act, section 92(2)(b), a person, other than a relevant person, in a forestry area must not—

- (a) approach within 100m of timber harvesting equipment or equipment used to establish a plantation while the equipment is in use, or
- (b) interfere with timber harvesting equipment or equipment used to establish a plantation.

Maximum penalty—20 penalty units.

- (2) In this section—

interfere includes obstruct, deface, climb onto or attach something to.

relevant person means—

- (a) an employee of the Corporation, or
- (b) a person acting under the authority of a lease, licence, permit, delegation or other authority issued or granted by the Corporation, or
- (c) an authorised officer, or
- (d) a police officer, or
- (e) a member of staff of the following—
 - (i) the Department of Regional NSW,
 - (ii) the Department of Planning and Environment,
 - (iii) the Environment Protection Authority.

61 Failure to provide information—the Act, s 92

- (1) For the Act, section 92(2)(m), an authorised officer may request a person who deals with timber, forest products or forest materials to give the Corporation a statement in the approved form within a specified period—

- (a) including information about the quantity and type of timber, forest products or forest materials dealt with, treated or transported by the person during a specified period, and
- (b) identifying—
 - (i) the land from which the timber, forest products or forest materials originated, and
 - (ii) the place the timber, products or materials was delivered.

- (2) The person must also, if requested by an authorised officer, support the statement with a statutory declaration.

- (3) A person must not—

- (a) fail to comply with the request without a reasonable excuse, or

(b) make a false or misleading statement in response to the request.

Maximum penalty—20 penalty units.

(4) In this section—

approved form means a form approved by the Corporation for this section.

deals with, in relation to timber, forest products or forest materials, includes cutting, obtaining, removing or taking delivery.

62 Failure to provide forestry statistics—the Act, s 92

(1) For the Act, section 92(2)(m), the Corporation may, by written notice given to a person dealing in timber or forest products, request the person give the Corporation information about the quantity and type of timber or forest products that the person has dealt with in the period specified by the Corporation in the notice.

(2) A person must not—

(a) fail to comply with the request without a reasonable excuse, or

(b) make a false or misleading statement in response to the request.

Maximum penalty—20 penalty units.

(3) In this section, ***dealing in*** includes buying, selling, milling and treating.

63 Breaching conditions of authorities—the Act, ss 39, 60, 62 and 92

For the Act, sections 39, 60, 62 and 92(3), a person must not breach a condition of a licence, forest permit or forest lease issued or granted under the Act.

Maximum penalty—20 penalty units.

Part 7 Miscellaneous

64 Definition

In this Part—

Public service employee has the same meaning as in the *Government Sector Employment Act 2013*.

65 Management plans for State forests—the Act, s 21

- (1) For the Act, section 21(3), a management plan must contain a strategy to implement the principles of ecologically sustainable forest management in relation to the State forest to which the plan applies.
- (2) In this section—
principles of ecologically sustainable forest management has the same meaning as in the Act, section 69L.

66 State forests, special management zones and flora reserves to be named and numbered

The Corporation must ensure the following have a distinctive name and number—

- (a) State forests, including a State forest constituted under the Act, section 14(4),
- (b) special management zones,
- (c) flora reserves, whether or not the reserve includes land dedicated as State forest.

67 Public access to plans

The Corporation must ensure the following are publicly accessible on the Corporation's website—

- (a) copies of management plans for State forests,
- (b) copies of working plans for flora reserves,
- (c) amendments to the management plans and working plans.

68 Directions given by authorised officers

A person does not commit an offence of failing to comply with a direction given verbally by an authorised officer unless the authorised officer informs the person when giving the direction—

- (a) the officer is an authorised officer, and
- (b) failure to comply with the direction is an offence.

69 Delegation of certain functions of Corporation—the Act, s 47

The Corporation's functions under the Act, Part 4, Division 2 may be delegated to the following—

- (a) a person appointed as an authorised officer under the *Biodiversity Conservation Act 2016*, section 12.4,
- (b) a Public Service employee,
- (c) an officer or employee of a local council,
- (d) an employee or agent of Australia Post,
- (e) Local Land Services or a member of staff of Local Land Services.

70 Delegation of land manager's functions—the Act, s 57

For the Act, section 57(6), Public Service employees are prescribed.

71 Authorised officers—the Act, s 70

- (1) For the Act, section 70(1)(d), the class of persons who are members of staff of a council is prescribed.
- (2) In this section—
council has the same meaning as in the *Local Government Act 1993*.

72 Delegation of Minister's functions—the Act, s 90

For the Act, section 90, the following persons are authorised—

- (a) the chief executive officer of the Corporation,
- (b) the Secretary of the Department of Planning and Environment.

73 Publication of notices

If the Corporation considers it necessary to inform the public about prohibitions imposed by notices displayed in or at the boundary of a forestry area, the Corporation must publish information about the prohibitions on the Corporation's website.

74 Period to dedicate land after objection to purchase

For the Act, Schedule 1, clause 4(3), the period of 12 months is prescribed.

75 Releasing land from profit à prendre

For the Act, Schedule 1, clause 8(1), the form in Schedule 2 is prescribed.

76 Savings

An act, matter or thing that, immediately before the repeal of the *Forestry Regulation 2012*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Penalty notice offences

1 Application of Schedule

- (1) For the Act, section 85—
- (a) each offence created by a provision specified in this Schedule is an offence for which a penalty notice may be issued, and
 - (b) the amount payable for the penalty notice is the amount specified opposite the provision.
- (2) If the provision is qualified by words that restrict its operation to limited kinds of offences or to offences committed in limited circumstances, the penalty notice may be issued only for—
- (a) that limited kind of offence, or
 - (b) an offence committed in those limited circumstances.

Provision	Penalty
Offences under this Regulation	
Section 5(1)	\$200
Section 6(3) and (4)	\$200
Section 7(2)	\$200
Section 8(4)	\$200
Section 9(1)	\$200
Section 10(1) and (2)	\$200
Section 13(1) and (3)	\$550
Section 14(1)	\$350
Section 15(1)	\$350
Section 16(1)	\$450
Section 16(3)	\$350
Section 16(5)	\$550
Section 17(1)	\$350
Section 18(1)	\$350
Section 19(2)	\$550
Section 20(1)	\$550
Section 29(3) and (4)	\$200
Section 32(1)	\$200
Section 33(1)	\$200
Section 34(2)	\$200
Section 35	\$200
Section 36(1)	\$200
Section 60(1)	\$1,000
Section 63—for a timber licence	\$1,000
Section 63—for all other cases	\$200

Schedule 2 Form

section 75

Forestry Act 2012

Certificate of release of land from profit à prendre

The land described below is land for which a profit à prendre in relation to the timber and forest products on the land has been reserved to the Crown under the *Forestry Act 2012*, Schedule 1, clause 5. The Forestry Corporation of New South Wales now certifies, in accordance with the Act, Schedule 1, clause 8(1), that the land is free from the profit à prendre.

Description of the land

Parish:

County:

Area:

Lot:

Deposited plan no:

Reference to title

Incomplete purchase no:

Land Division of:

Folio identifier:

Date:

Signature:

(For the Forestry Corporation of New South Wales)

Schedule 3 Dictionary

section 3

- animal*, for Part 5—see section 37.
- apiary range*, for Part 5, Division 4—see section 44.
- applicant*, for Part 3—see section 21.
- approved fireplace*, for Part 2, Division 3—see section 12.
- approved form*, for Part 3—see section 21.
- bee-keeping or grazing area*, for Part 5—see section 37.
- Brigalow-Nandewar IFOA*, for Part 5—see section 37.
- Brigalow-Nandewar Region*, for Part 5—see section 37.
- clearing*, for Part 5—see section 37.
- Coastal IFOA*, for Part 5—see section 37.
- Coastal Region*, for Part 5—see section 37.
- diameter at breast height over bark*, for Part 5, Division 4, Subdivision 3—see section 48.
- drainage protection area*, for Part 5—see section 37.
- ecological community*, for Part 5—see section 37.
- environmentally significant area*, for Part 5—see section 37.
- Forest Management Zone 2 or 3A*, for Part 5, Division 4—see section 44.
- grazing*, for Part 5—see section 37.
- harm*, for Part 5—see section 37.
- integrated forestry operations approval*, for Part 5—see section 37.
- light a fire*, for Part 2, Division 3—see section 12.
- listed species or ecological community*, for Part 5, Division 2—see section 38.
- machine*, for Part 2—see section 4.
- management plan*, for Part 5—see section 37.
- metadata*, for Part 5, Division 4—see section 44.
- native vegetation*, for Part 5—see section 37.
- pick*, for Part 5, Division 4, Subdivision 3—see section 48.
- plant*, for Part 5—see section 37.
- Public sector employee*, for Part 7—see section 64.
- recreational activity*, for Part 2—see section 4.
- relevant forestry area*, for Part 3—see section 21.
- relevant listing*, for Part 5, Division 2—see section 38.
- Riverina Red Gum IFOA*, for Part 5—see section 37.
- Riverina Red Gum Region*, for Part 5—see section 37.
- road* includes a track, trail, bridge or causeway.
- site-specific biodiversity condition*, for Part 5, Division 2—see section 38.
- Southern IFOA*, for Part 5, Division 4—see section 44.
- Southern Subregion*, for Part 5, Division 4—see section 44.
- South-Western Cypress IFOA*, for Part 5—see section 37.
- South-Western Cypress Region*, for Part 5—see section 37.
- spatial dataset*, for Part 5, Division 4—see section 44.
- special management zone*, for Part 5, Division 4—see section 44.

species, for Part 5—see section 37.

State forest exclusion zone, for Part 5, Division 4—see section 44.

the Act means the *Forestry Act 2012*.

timber harvesting equipment means plant or vehicles used to fell, cut, move or lift timber.

vehicle, for Part 2—see section 4.

Western Division, for Part 3—see section 21.