

Explanatory note

The Integrated Forestry Operation Approval (the **Approval**) for the Coastal Region is granted under Part 5B of the *Forestry Act 2012*. It regulates the carrying out of certain forestry operations in State Forest and other Crown-timber land in the Coastal Region.

The Approval has been granted jointly by the Minister for the Environment and the Minister for Lands and Forestry, following consultation with the Minister administering Part 7A of the *Fisheries Management Act 1994*.

The Approval reflects the NSW Government's policy of delivering ecologically sustainable forest management in NSW forests, securing a long-term forestry industry, and establishing credible, effective and enforceable environmental regulations for forestry operations.

This explanatory note does not form part of the Approval. It is provided to assist understanding of:

- the purpose of the Approval;
- the structure of the Approval;
- the areas to which the Approval applies;
- the role of the Environment Protection Authority in enforcing the Approval;
- how the Approval may be amended, suspended or revoked; and
- the application of certain legislation to the forestry operations and land covered by the Approval.

Purpose of the Approval

The Approval provides a regulatory framework that authorises the carrying out of forestry operations in accordance with principles of ecologically sustainable forest management. The Approval integrates the regulatory regimes for environmental planning and assessment, the protection of the environment and threatened species conservation including threatened species, populations and ecological communities under Part 7A of the *Fisheries Management Act 1994*.

The Approval contains relevant conditions under which forestry operations are to be carried out, including conditions that may otherwise be imposed under:

- a biodiversity conservation licence under the *Biodiversity Conservation Act 2016*;
- an environment protection licence under the *Protection of the Environment Operations Act 1997*; and
- a licence under Part 7A of the *Fisheries Management Act 1994*.

Structure of the Approval

The Approval is an outcomes-based licence. It specifies high level objectives and stated outcomes that the Approval intends to achieve. These are not enforceable requirements of the Approval but assist in the understanding and implementation of the Approval.

The Approval sets out conditions, which are the mandatory actions and controls that are essential to achieving these objectives and outcomes. The Approval also adopts a series of protocols, which prescribe additional enforceable actions and controls that support the carrying out of forestry operations in accordance with the conditions.

Area to which the Approval applies

The land to which the Approval applies is set out in Division 2 of the Approval. The Approval applies to State Forest and other Crown-timbered land within the area to which the North East, Southern and Eden Regional Forest Agreements apply.

Monitoring and enforcement

Under Part 5B of the *Forestry Act 2012*, the Environment Protection Authority has powers to monitor, investigate and report on the carrying out of forestry operations in accordance with the requirements of the Approval. The Environment Protection Authority has powers to commence criminal proceedings for a breach of a requirement of the Approval and bring civil proceedings for an order to remedy or restrain a breach of Part 5B of the *Forestry Act 2012*.

The Environment Protection Authority can utilise the investigation powers and regulatory compliance mechanisms under Part 11 and Part 12 of the *Biodiversity Conservation Act 2016* when regulating the Approval, as modified for the regulation of forestry operations. Division 3 (Interim protection orders) of Part 11 of the *Biodiversity Conservation Act 2016* does not apply to the carrying out of forestry operations covered by the Approval.

Protocols applied or adopted by the Approval

The Approval can apply or adopt protocols, codes, standards or other instruments that are publicly available and in force from time to time. These protocols can be prepared by the Environment Protection Authority.

Variation of the Approval

The Approval may be amended, suspended or revoked at any time jointly by the Minister for the Environment and the Minister for Lands and Forestry, who have granted the Approval.

The requirements for public consultation on a proposed amendment or revocation of the Approval are set by Section 69RA of the *Forestry Act 2012*.

Application of other legislation

Part 5 of the *Environmental Planning and Assessment Act 1979* does not apply to the granting of, or amendment to, the Approval; nor does it apply to the carrying out of forestry operations covered by the Approval.

Environmental planning instruments made under the *Environmental Planning and Assessment Act 1979* cannot prohibit, require development consent for, or restrict, forestry operations covered by the Approval.

Forestry operations that are carried out in accordance with the Approval can provide a statutory defence for:

- clearing of native vegetation in a State forest or other Crown-timber land that was the carrying out of a forestry operation, under the *Local Land Services Act 2013*
- a pollution of waters offence under the *Protection of the Environment Operations Act 1997*
- the offences set in Part 2 Division 1 of the *Biodiversity Conservation Act 2016*; and
- the offences set out in Part 7A Division 4 of the *Fisheries Management Act 1994*.