

**Integrated forestry operations approval for the Lower North East Region
granted under the *Forestry and National Park Estate Act 1998***

EXPLANATORY NOTE

Introduction

The integrated forestry operations approval for the Lower North East Region has been granted under Part 4 of the *Forestry and National Park Estate Act 1998* and regulates the carrying out of certain forestry operations described in clause 5 (including logging) in State forests and other Crown-timber lands in the Lower North East Region. It has been granted jointly by the Ministers administering the *Environmental Planning and Assessment Act 1979*, the *Forestry Act 1916*, the *National Parks and Wildlife Act 1974*, the *Protection of the Environment Administration Act 1991*, and the *Fisheries Management Act 1994*.

The approval reflects the NSW Government's policy to develop an ecologically sustainable, value added and secure native forest timber industry, and establish clear, consistent and strong environmental regulation of forestry operations.

This explanatory note does not form part of the approval. Its purpose is to outline:

- the relationship of the approval to the Lower North East Region Forest Agreement,
- the kinds of licences whose terms are set out in the approval,
- the role of agencies and Ministers in enforcing the approval,
- the means by which the approval may amended, suspended or revoked,
- reporting and review requirements, and
- the application of certain legislation to the forestry operations and land covered by the approval.

Relationship with Lower North East Region Forest Agreement

The *Forestry and National Park Estate Act 1998* provides for the making of forest agreements (by the Ministers referred to above), as well as the granting of integrated forestry operations approvals.

An integrated forestry operations approval can only be granted for the whole of any part of the area covered by a forest agreement. The Lower North East Region Forest Agreement was made by the relevant Ministers on 5 March 1999, following a regional forest assessment carried out by or on behalf of the Resource and Conservation Assessment Council. The agreement deals broadly with forest management and conservation in New South Wales; covering both public and private forests in the Lower North East Region. It establishes a cooperative framework at a strategic, rather than operational, level, for the management of forested areas across all tenures (including national parks).

Copies of the Lower North East Region Forest Agreement, as well as the Eden and Lower North East Region Forest Agreements, are available from:

- Information Centre of the Department of Urban Affairs and Planning (located on the Ground Floor, corner of Phillip and Bent Streets, Sydney, phone – 9391 2222); and
- on the Internet (on the “What’s New” site at www.duap.nsw.gov.au).

Terms of licences

The approval represents an integration of the regulatory regimes for environmental planning and assessment, for the protection of the environment and for threatened species conservation.

To this end, the approval contains relevant conditions, including the terms of the following licences:

- a licence under the *Protection of the Environment Operations Act 1997*;
- a licence under the *Threatened Species Conservation Act 1995*; and
- a licence under Part 7A of the *Fisheries Management Act 1994*.

Further licences under the above Acts may be granted by relevant agencies to cover forestry activities not covered by the terms of the licences set out in the approval.

Enforcement

Although, the approval (including the terms of licences) has been granted jointly by the relevant Ministers under the *Forestry and National Park Act 1998*, the Environment Protection Authority, the National Parks and Wildlife Service, and New South Wales Fisheries, have the same enforcement powers as they would have, had the licences been issued by those agencies. The licences cannot, however, be varied or revoked by the agencies. The agency responsible for enforcing a licence must notify the Ministers who have granted the approval of any contraventions (of which it becomes aware) of the terms of the licence by persons carrying out forestry operations.

Any of the Ministers who have granted the approval may bring proceedings in the Land and Environment Court for an order to remedy or restrain a breach for breaches of the approval (including the non-licence conditions of the approval).

Variation of the Agreement or Approval

The approval may be amended, suspended or revoked at any time jointly by Ministers who have granted the approval. The Lower North East Forest Agreement may also be amended or revoked at any time jointly by the Ministers party to the Agreement. The approval will be automatically revoked if the Lower North East Region Forest Agreement is terminated. Any amendments to the approval or agreement are required to be made publicly available.

Reporting and Review

The Minister administering the *Environmental Planning and Assessment Act 1979* is to submit to Parliament an annual report on the Lower North East Region Forest

Agreement, including ecologically sustainable forest management in the Region, and compliance with the approval.

In addition, the Ministers are to jointly review the Lower North East Region Forest Agreement, and the approval, every five years after the Agreement has been made. These reviews are to be limited to assessing the implementation of the Agreement and whether the approval is effective in achieving its purpose.

The public is to be given an opportunity to participate in each review. The Ministers are to report to Parliament on the outcome of each review, within 12 months of their commencement.

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 (as set out in clause 5). Part 5 may apply to proposals to carry out forestry activities not covered by the approval.

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

Stop work orders under the *National Parks and Wildlife Act 1974* and *Threatened Species Conservation Act 1995*, and interim protection orders under the *National Parks and Wildlife Act*, do not apply to the carrying out of forestry operations covered by the approval. However, orders may still be made under the *National Parks and Wildlife Act* for the purpose of protecting any Aboriginal relic or place.

The land to which the approval applies is set out in clause 4 of the approval. This land cannot be proposed or identified as, or declared to be, a wilderness area under the *Wilderness Act 1987* or the *National Parks and Wildlife Act 1974*.