

# **FORESTRY AND NATIONAL PARK ESTATE ACT 1998**

## **AMENDMENT NO 1 TO INTEGRATED FORESTRY OPERATIONS APPROVALS FOR EDEN, LOWER NORTH EAST AND UPPER NORTH EAST REGIONS**

The Integrated Forestry Operations Approvals for the Eden Region, Upper North East Region and Lower North East Region are amended as set out Schedules 1 to 3 to this instrument.

This instrument commences on 1 December 2001.

Explanatory notes do not form part of this instrument. They are provided to assist understanding only.

Dated: 2001.

Andrew Refshauge MP  
**Minister administering the  
Environmental Planning and Assessment Act 1979**

Kim Yeadon MP  
**Minister administering the Forestry Act 1916**

Bob Debus MP  
**Minister administering the National Parks and Wildlife Act 1974 & the  
Protection of the Environment Administration Act 1991**

Eddie Obeid MLC  
**Minister administering the Fisheries Management Act 1994**

**SCHEDULE 2 - AMENDMENTS TO THE INTEGRATED FORESTRY  
OPERATIONS APPROVAL FOR THE LOWER NORTH EAST REGION**

**[1] Note after heading to clause 10 – Protection of rare non-commercial forest types, high conservation value old growth forest and rainforest**

Add the following note after the heading to clause 10:

*Note: Conditions 5.1, 5.3, 5.4 and 5.5 of the terms of the licence under the Threatened Species Conservation Act 1995 set out in Appendix B to this approval regulate forestry operations in the above forest types and rainforest exclusion zones in a similar way to this clause.*

**[2] Clause 10(14) Definitions of “routine road maintenance” and “road re-opening”**

Omit the definitions of “road maintenance” and “road re-opening” appearing in clause 10(14) and replace with the following:

“routine road maintenance” means the clearing, scraping or treating of a revegetated road where all trees growing on the road have a diameter at breast height over bark of less than 20cm;

“road re-opening” means the clearing, scraping or treating of a revegetated road where any of the trees growing on the road have a diameter at breast height over bark of 20cm or more;

**Explanatory Note**

The above amendments are identical to amendments made by this instrument to clause 10(13) of the Integrated Forestry Operations Approval for the Eden Region and clause 10(14) of the Integrated Forestry Operations Approval for the Upper North East Region (Schedules 1 and 3).

**[3] Clause 32 Bee-keeping restricted in certain zones**

Omit the clause (other than heading). Insert instead:

**Definitions**

(1) In this clause:

“relevant regional manager” means the manager of the regional office of SFNSW that is responsible for managing the relevant land or a more senior officer; and

“relevantly zoned land” means any land in the Lower North East Region that is, or is within:

- (a) a special management zone (within the meaning of the *Forestry Act 1916*); or
- (b) an area classified as Forest Management Zone 2 or 3A in accordance with the Forest Management Zoning System.

**Disturbance of vegetation for beekeeping purposes**

(2) Vegetation on relevantly zoned land may not be disturbed for the sole purpose of beekeeping unless the disturbance is necessary to enable:

- (a) a beehive to be set down on a site;
  - (b) access to a beehive; or
  - (c) a beehive to be protected from the possibility of bushfire (but only if disturbance to enable such protection is authorised by a permit, granted under the *Forestry Act 1916*, to occupy land for the purposes of bee-farming).
- (3) Despite subclause (2), trees on relevantly zoned land that have a diameter at breast height over bark of more than 20 cm may not be cut down or removed for the sole purpose of beekeeping.

*Note:* Clause 39 sets out restrictions on road construction, routine road maintenance and road re-opening in special management zones and in Forest Management Zones 2 and 3A. Clause 39 applies to all ancillary road construction and road re-opening, including any such work that may be ancillary to beekeeping.

**Requirement for SFNSW to map beehive set down sites and beehives restricted to mapped set down sites**

**Land that is relevantly zoned land on commencement of clause**

- (4) The following apply where land is relevantly zoned land on 1 November 2001:
- (a) SFNSW is to map any site within such land that it has determined may be used as a beehive set down site in the future.
  - (b) SFNSW is to map such a site only where it is satisfied that it was used as a beehive set down site before 1 November 2001.
  - (c) Any such map is to be prepared, and approved by the relevant regional manager, before 1 April 2002.
  - (d) On or after 1 April 2002, no beehive may be set down within such land unless the site has been mapped, and the map approved by the relevant regional Manager, in accordance with this subclause.

**Land that becomes relevantly zoned land after commencement of clause**

- (5) The following apply where land becomes relevantly zoned land after 1 November 2001:
- (a) SFNSW is to map any site within such land that it has determined may be used as a beehive set down site in the future.
  - (b) SFNSW is to map such a site only where it is satisfied that before it became part of relevantly zoned land it was used as a beekeeping site.
  - (c) Any such map is to be prepared, and approved by the relevant regional manager, within 12 months of the land becoming relevantly zoned land.
  - (d) No beehive may be set down within such land from 12 months after it becomes relevantly zoned unless the site has been mapped, and the map approved by the relevant regional manager, in accordance with this subclause.

*Note:* Maps prepared under this clause are available for inspection and copying under clause 48.

**Explanatory Note**

This new clause is equivalent to the new clause 32 inserted by this instrument in the Integrated Forestry Operations Approvals for the Eden and Upper North East Regions (Schedules 1 and 3).

**[4] Clause 39(2) Routine road maintenance**

Replace “road maintenance” with “routine road maintenance”.

**Explanatory Note**

The above amendment and the following amendment are made as a consequence of amendments made to clause 10 by this instrument.

This instrument makes identical amendments to clause 39 of the Integrated Forestry Operations Approvals for the Eden and Upper North East Regions (Schedules 1 and 3).

**[5] Clause 39(3) Routine road maintenance**

Omit the subclause. Insert the following in its place:

(4) In this clause, “road re-opening” and “routine road maintenance” have the same meanings as in clause 10.

**[6] Clause 48 Public availability of documents**

Insert the following paragraph after clause 48(1)(i):

(ja) any map prepared, and approved by the relevant regional manager, in accordance with clause 32 of this approval;

**Explanatory Note**

An amendment equivalent to the above is made by this instrument to clause 48 of the Integrated Forestry Operations Approvals for the Eden and Upper North East Regions (Schedules 1 and 3).

**[7] Appendix B Terms of licence under the Threatened Species Conservation Act 1995**

**Definitions and Abbreviations**

Omit the definitions of “road re-opening” and “routine road maintenance” appearing under the heading “**Definitions and Abbreviations**”. Insert the following definitions instead:

“Road re-opening” means the clearing, scraping or treating of a revegetated road where any of the trees growing on the road have a dbhob of 20cm or more.

“Routine road maintenance” means the clearing, scraping or treating of a revegetated road where all of the trees growing on the road have a dbhob of less than 20cm.

**Explanatory Note**

Identical amendments to the above are made by this instrument to the Integrated Forestry Operations Approvals for the Eden and Upper North East Regions (Schedules 1 and 3).

### **SCHEDULE 3 - AMENDMENTS TO THE INTEGRATED FORESTRY OPERATIONS APPROVAL FOR THE UPPER NORTH EAST REGION**

- [1] **Note after heading to clause 10 – Protection of rare non-commercial forest types, high conservation value old growth forest and rainforest**

Add the following note after the heading to clause 10:

*Note: Conditions 5.1, 5.3, 5.4 and 5.5 of the terms of the licence under the Threatened Species Conservation Act 1995 set out in Appendix B to this approval regulate forestry operations in the above forest types and rainforest exclusion zones in a similar way to this clause.*

- [2] **Clause 10(14) – Definition of “high conservation value old growth forest”**

Omit “(2 Dec 1999)” from the definition of “high conservation value old growth forest” in clause 10(14). Insert instead “(21 Dec 1999)”.

**Explanatory Note**

The above amendment corrects a typographical error.

- [3] **Clause 10(14)- Definitions of “routine road maintenance” and “road re-opening”**

Omit the definitions of “road maintenance” and “road re-opening” appearing in clause 10(14) and replace with the following:

“routine road maintenance” means the clearing, scraping or treating of a revegetated road where all trees growing on the road have a diameter at breast height over bark of less than 20cm;

“road re-opening” means the clearing, scraping or treating of a revegetated road where any of the trees growing on the road have a diameter at breast height over bark of 20cm or more;

**Explanatory Note**

The above amendments are identical to amendments made by this instrument to clause 10(13) of the Integrated Forestry Operations Approval for the Eden Region and clause 10(14) of the Integrated Forestry Operations Approval for the Lower North East Regions (Schedules 1 and 2).

- [4] **Clause 32 Bee-keeping restricted in certain zones**

Omit the clause (other than heading). Insert instead:

**Definitions**

(1) In this clause:

“relevant regional manager” means the manager of the regional office of SFNSW that is responsible for managing the relevant land or a more senior officer; and

“relevantly zoned land” means any land in the Upper North East Region that is, or is within:

- (a) a special management zone (within the meaning of the *Forestry Act 1916*); or
- (b) an area classified as Forest Management Zone 2 or 3A in accordance with the Forest Management Zoning System.

**Disturbance of vegetation for beekeeping purposes**

(2) Vegetation on relevantly zoned land may not be disturbed for the sole purpose of beekeeping unless the disturbance is necessary to enable:

- (a) a beehive to be set down on a site;
- (b) access to a beehive; or
- (c) a beehive to be protected from the possibility of bushfire (but only if disturbance to enable such protection is authorised by a permit, granted under the *Forestry Act 1916*, to occupy land for the purposes of bee-farming).

(3) Despite subclause (2), trees on relevantly zoned land that have a diameter at breast height over bark of more than 20 cm may not be cut down or removed for the sole purpose of beekeeping.

*Note: Clause 39 sets out restrictions on road construction and road re-opening in special management zones and in Forest Management Zones 2 and 3A. Clause 39 applies to all ancillary road construction and road re-opening, including any such work that may be ancillary to beekeeping.*

**Requirement for SFNSW to map beehive set down sites and beehives restricted to mapped set down sites**

**Land that is relevantly zoned land on commencement of clause**

(4) The following apply where land is relevantly zoned land on 1 November 2001:

- (a) SFNSW is to map any site within such land that it has determined may be used as a beehive set down site in the future.
- (b) SFNSW is to map such a site only where it is satisfied that it was used as a beehive set down site before 1 November 2001.
- (c) Any such map is to be prepared, and approved by the relevant regional manager, before 1 April 2002.
- (d) On or after 1 April 2002, no beehive may be set down within such land unless the site has been mapped, and the map approved by the relevant regional Manager, in accordance with this subclause.

**Land that becomes relevantly zoned land after commencement of clause**

(5) The following apply where land becomes relevantly zoned land after 1 November 2001:

- (a) SFNSW is to map any site within such land that it has determined may be used as a beehive set down site in the future.
- (b) SFNSW is to map such a site only where it is satisfied that before it became part of relevantly zoned land it was used as a beekeeping site.
- (c) Any such map is to be prepared, and approved by the relevant regional manager, within 12 months of the land becoming relevantly zoned land.
- (d) No beehive may be set down within such land from 12 months after it becomes relevantly zoned unless the site has been mapped, and the map

approved by the relevant regional manager, in accordance with this subclause.

*Note: Maps prepared under this clause are available for inspection and copying under clause 48.*

**Explanatory Note**

This new clause is equivalent to the new clause 32 inserted by this instrument in the Integrated Forestry Operations Approvals for the Eden and Lower North East Regions (Schedules 1 and 2).

**[5] Clause 39(2) Routine road maintenance**

Replace “road maintenance” with “routine road maintenance”.

**Explanatory Note**

The above amendment and the following amendment are made as a consequence of amendments made to clause 10 by this instrument.

This instrument makes identical amendments to clause 39 of the Integrated Forestry Operations Approvals for the Eden and Lower North East Regions (Schedules 1 and 2).

**[6] Clause 39(3) Routine road maintenance**

Omit the subclause. Insert the following in its place:

(3) In this clause, “road re-opening” and “routine road maintenance” have the same meanings as in clause 10.

**[7] Clause 48 Public availability of documents**

Insert the following paragraph after clause 48(1)(j):

(ja) any map prepared, and approved by the relevant regional manager, in accordance with clause 32 of this approval;

**Explanatory Note**

An amendment equivalent to the above is made by this instrument to clause 48 of the Integrated Forestry Operations Approvals for the Eden and Upper North East Regions (Schedules 1 and 2).

**[8] Appendix B Terms of licence under the Threatened Species Conservation Act 1995**

**Definitions and Abbreviations**

Omit the definitions of “road re-opening” and “routine road maintenance” appearing under the heading “**Definitions and Abbreviations**”. Insert the following definitions instead:

“Road re-opening” means the clearing, scraping or treating of a revegetated road where any of the trees growing on the road have a dbhob of 20cm or more.

“Routine road maintenance” means the clearing, scraping or treating of a revegetated road where all of the trees growing on the road have a dbhob of less than 20cm.

**Explanatory Note**

Identical amendments to the above are made by this instrument to the Integrated Forestry Operations Approvals for the Eden and Lower North East Regions (Schedules 1 and 2).