



*A Manual for Planted Farm Forestry for the
Northern Inland of New South Wales*

Appendix D

*Shane Andrews
Dave Carr
Helen Ward*

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Appendix D. Farm Forestry Legislation.

Forestry, including farm forestry, in NSW is covered by a range of Acts, Regulations and guidelines. These ensure that forestry activities have the minimum impact possible on the environment and the community. The principal pieces of legislation affecting farm forestry in NSW are:

1. **Plantations and Reafforestation Act, 1999.**

This is now the principal Act covering plantation establishment in NSW. Growers should be familiar with the requirements of the Act before undertaking plantation or farm forestry activities. The Act can be viewed on the internet via the website of the Office of Private Forestry of the NSW Government. The address is:

<http://www.opf.nsw.gov.au>

“The Plantations and Reafforestation Act 1999 provides an integrated consent framework for plantation development approvals. The Department of Land and Water Conservation (DLWC) is the consent authority under the Act. The Act repeals the Timber Plantations (Harvest Guarantee) Act 1995 with provisions transferring to the new Act.

The Act provides for three tiers of plantation operations:

Exempt farm forestry - this promotes the continuation of small farm based reafforestation and timber plantation operations under 30 ha. No authorisation is required.

Complying plantation - is a plantation requiring authorisation where:

1. the proposed establishment complies with the establishment requirements of the Code (see below); AND
2. a species impact statement (SIS) to determine the impact of the development on threatened species, is not required.

Non-complying plantation - is one that requires authorisation but cannot be authorised as a complying plantation because it doesn't comply with all aspects of the Code (see below); and/or a SIS is required.” Direct extract from the DLWC website

(www.dlwc.nsw.gov.au/care/veg/plantation/index.html).

The “Code” referred to above is the Code of Practice which guides landholders wanting to establish plantations. It is also essential reading for anyone starting out in farm forestry. It can be accessed through the websites of either the Department of Land and Water Conservation or the Office of Private Forestry. There are also “Guidelines for Applicants” for individuals and companies wishing to establish plantations under the Plantations and Reafforestation Act. These guidelines will help applicants with the application process.

For further information about the Act, the Code or the Guidelines, contact your local DLWC office.

2. **Timber Plantations (Harvest Guarantee) Act 1995, Timber Plantations (Harvest Guarantee) Regulation 1997 and Timber Plantations (Harvest Guarantee) Amendment Act 1997.**

These Acts were established to provide a guarantee that plantations established for forestry purposes could be harvested without unforeseen Government regulation, or else compensation would be due. As mentioned above the provisions of these Acts are now covered by the Plantations and Reafforestation Act 1999. The Harvest Guarantee Acts are now repealed.

3. Threatened Species Conservation Act, 1995

4. Environmental Planning and Assessment Act, 1979.

5. Native Vegetation Conservation Act, 1997.

The provisions of these three Acts as they apply to plantation forestry are now covered by the Plantations and Reafforestation Act, 1999. However growers should be aware of their existence, particularly if the development of farm forestry is part of overall property improvement.

If you intend to establish a plantation or farm forestry area in excess of 30ha, it is advisable to seek legal advice to ensure you meet the various legal requirements.