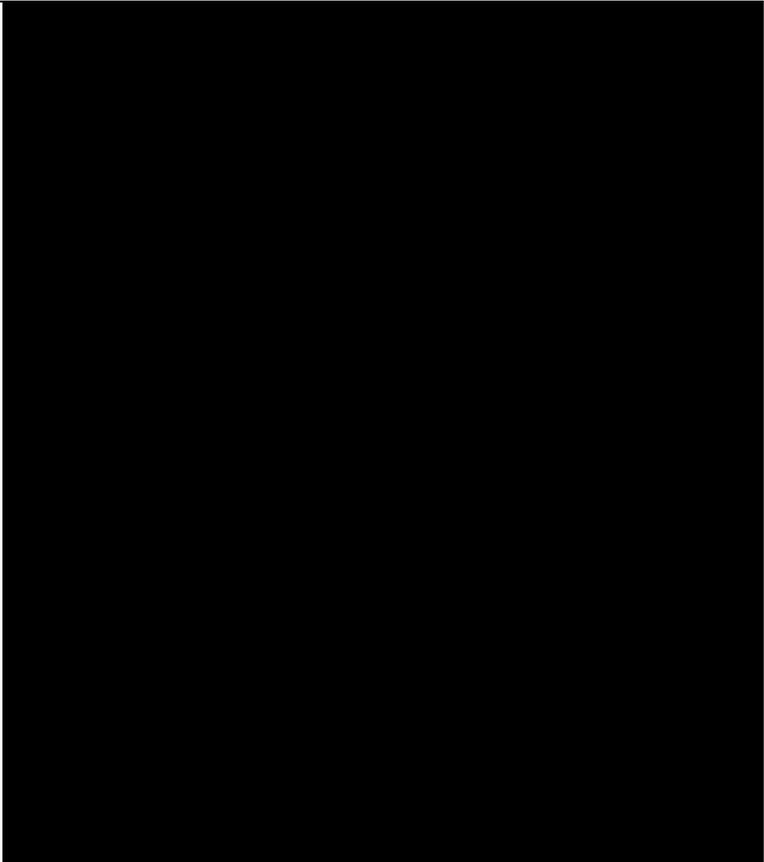


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# Description of Management Systems and Processes for Achieving Ecologically Sustainable Forest Management in NSW

A project undertaken as part of the NSW Comprehensive Regional Assessments  
December 1997

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# **DESCRIPTION OF MANAGEMENT SYSTEMS AND PROCESSES FOR ACHIEVING ECOLOGICALLY SUSTAINBLE FOREST MANAGEMENT IN NEW SOUTH WALES**

**NSW Ecologically Sustainable Forest  
Management Group**

A project undertaken for  
the Joint Commonwealth NSW Regional Forest Agreement Steering Committee  
as part of the  
NSW Comprehensive Regional Assessments  
project number NA 18/ESFM (part)

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ISBN 1 74029 056 9

This project has been jointly funded by the New South Wales and Commonwealth Governments and managed through the Resource and Conservation Division, Department of Urban Affairs and Planning, and the Forests Taskforce, Department of the Prime Minister and Cabinet

The project has been overseen and the methodology has been developed through the Ecologically Sustainable Forest Management Group which includes representatives from the New South Wales and Commonwealth Governments and stakeholder groups.

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# PROJECT SUMMARY

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This report describes a project undertaken as part of the comprehensive regional assessments of forests in New South Wales. The comprehensive regional assessments (CRAs) provide the scientific basis on which the State and Commonwealth Governments will sign regional forest agreements (RFAs) for major forest areas of New South Wales. These agreements will determine the future of these forests, providing a balance between conservation and ecologically sustainable use of forest resources.

**This report provides information on the roles and responsibilities of the various State agencies involved in ecologically sustainable forest management in New South Wales as they stood at the time of preparation in 1997 (the Department of Land and Water Conservation's (DLWC) submission is applicable only up to the 31 December 1996). It must be noted that, with changing legislation and agency structure over time, this document is now out of date and should not be used to understand an agency's current role. This report is to be used only as a basis for understanding the management systems assessed by the Ecologically Sustainable Forest Management (ESFM) Group's project titled, "Statewide and Regional Assessment of NSW Management Systems and Processes for the Delivery of Ecologically Sustainable Forest Management", April 1998.**

## **Project objective/s**

The overall aim of the ESFM Group's Project Areas 6 (Statewide and Regional Assessment of NSW Management Systems and Processes for the Delivery of Ecologically Sustainable Forest Management - NA18/ESFM) was to provide a statewide description and assessment of the functions of the various agencies involved in forest management in NSW; to evaluate the effectiveness of these management systems and processes; their ability to achieve ESFM; and provide a set of recommendations which may improve current systems.

The scope and complexity of the project required it to be completed in two stages. The initial phase was to provide a description of the roles and responsibilities of each agency involved in NSW forest management, the second entailed the appointment of an expert working group to complete a detailed analysis of these systems and processes to identify their effectiveness in the achievement of ESFM and recommend areas for improvement.

The following report forms the first phase of the ESFM Group's Project Area 6, providing a description of each agencies roles and responsibilities and the management systems and processes currently in place at the time of the report being prepared.

This report is to be used in conjunction with the second phase of this project, the Independent Working Group's report "Assessment of Management Systems and

Processes for Achieving Ecologically Sustainable Forest Management in New South Wales”, April 1998.

The following nine state agencies were involved in providing a description of their role in forest management in New South Wales;

- Department of Land and Water Conservation
- NSW National Parks and Wildlife Service
- Department of Urban Affairs and Planning
- Environment Protection Authority
- State Forests of NSW
- Department of Mineral Resources
- Department of Agriculture
- NSW Bush Fire Services
- Sydney Water

## **Methods**

The introductory and descriptive phase of the project required each individual agency involved in forest management to provide an overview of their departmental role and management systems. This was accompanied by the completion of a spreadsheet which provides details on each aspect of the management system they are responsible for implementing.

## **Key results and products**

Overviews provided by each agency provided a description of their role within the forest management process and description of the main legislation they are responsible for.

The spreadsheets (Appendix D - L) provide a more specific and detailed account of what management systems and processes (both internal and external) are applicable to each agency in relation to forest management, specifying individual documents and the degree to which they met the following:

- Primary agency responsible for the management element and any linkages to other agencies;
- Status of the management element (eg current, draft, under review);
- Objectives of the management element;
- Does the management element meet ESFM Principles (ref Appendix B)
- Does the management element meet EMS (ISO14001) components such as legislation, planning, review and implementation;
- Land tenure to which the element is applicable;
- State or region the management element is relevant;
- Identification of the source document

Where appropriate, cell notes provide further detail to each criteria.

# 1. INTRODUCTION

## 1.1 INTRODUCTION TO ESFM PROJECT AREA 6

The overall objective of the Ecologically Sustainable Forest Management (ESFM) Group's Project Area 6 (State-Wide and Regional Assessment of NSW Management Systems and Processes for the Delivery of Ecologically Sustainable Forests Management) was to identify current management systems and processes, and evaluate any gaps, overlaps or duplication. This information was then used to identify the effectiveness of the individual agency's role within the forest management and planning process, and formulate ways to improve current practices. This project was carried out in accordance with the Terms of Reference of the NSW ESFM Group (Appendix C) and ISO 14000 Environmental Management Systems (EMS), as outlined in the ESFM PA-6 Specification.

The complexity and scope of this project resulted in an enormous amount of data being collected. Subsequently, this project has been prepared in two stages. The first stage entailed the identification of the roles and responsibilities of, and the current management systems currently used by, each State agency involved in forest management in NSW. The second phase involved the analysis of these systems and processes and the formulation of a set of recommendations to improve current systems.

There are nine (9) State agencies involved in forest management within New South Wales, all of which participated in this project. The contributors were:

- Department of Land and Water Conservation;
- Department of Urban Affairs and Planning;
- NSW National Parks and Wildlife Service;
- Environment Protection Authority;
- State Forests of NSW;
- Department of Mineral Resources;
- NSW Bushfire Services;
- Department of Agriculture;
- Sydney Water

**It must be noted that the described functions of each agency in this report are as they stood at the time of preparation in 1997 (DLWC up to 31 December 1996). Subsequent changes in legislation and agency structure have not been reflected in this document, therefore is not an accurate depiction of each agency's current role in relation to forest management. This document is now out of date and should only be used as a basis for understanding the management systems assessed by the Ecologically Sustainable Forest Management (ESFM) Group's project titled, "Statewide and Regional Assessment of**

## **NSW Management Systems and Processes for the Delivery of Ecologically Sustainable Forest Management”, April 1998.**

### **1.2 REPORT STRUCTURE**

This report forms the first stage, providing an overview of each agency involved in forest management within New South Wales.

The structure of this report is such that it provides:

- An introduction to the overall project (Chapter 1);
- Description to the methodology used (Chapter 2);
- Contributions by government agencies defining their role, and the current legislation and processes they are responsible for (Chapter 3 – 11);
- Attachments defining the guidelines for the management system descriptions as provided in this report and individual agency contributions (Appendices A – C);
- Systems spreadsheets – as completed by each department, which provide a more detailed account of what systems and processes the body is responsible for, including cell notes which provide more detail (Appendix D – L in 4 volumes).

It is recommended this report be used in conjunction with the report for the second stage of the project titled, “Assessment of Management Systems and Processes for Achieving Ecologically Sustainable Forest Management”, April 1998. This second stage provides a detailed analysis and set of recommendations and findings for this project.

### **1.3 OBJECTIVES**

As set out in the ESFM Group’s PA-6 (State-wide and Regional Assessment of NSW Management Systems and Processes for the delivery of Ecologically Sustainable Forest Management) project specification, the project aimed to provide:

#### **Stage 1**

- Inventory of forest management systems and processes;
- Guidelines for detailed descriptions of NSW management systems and processes;
- Library of documents on NSW forest management systems and processes.

#### **Stage 2**

An assessment of existing management systems and processes was undertaken by an Expert Working Group in accordance with Terms of Reference (Appendix C) as set out by the ESFM Group. Opportunity was made available for public/stakeholder input.

The study was carried out, by using as a framework, the ISO 14004 Environmental Management Systems General Guidelines (principles, systems and supporting techniques).

The report provided a set of recommendations for improvement of management systems and processes which will achieve ecologically sustainable forest management.

### **1.4 TENURE**

The management of forests in New South Wales has varied depending on the tenure of the land, the statutory controls on the uses prescribed for the particular tenure and the philosophies of the

various Government authorities responsible for management and regulation. The NSW Government does not have direct control over forested land owned by the Commonwealth Government.

Management of all tenures has tended to be undertaken on a site specific basis, according to the relevant legislation.

Forested land in New South Wales is broadly comprised of the following tenures:

- Public land managed by National Parks and Wildlife Service and dedicated as national parks, nature reserves, Aboriginal areas, historic sites and wilderness areas.
- Public land managed by State Forests of New South Wales and dedicated as State forests (including leases dedicated as State forests), timber reserves and flora reserves.
- Crown lands managed by the Department of Land and Water Conservation including reserved or dedicated land (not allocated to a Government agency), vacant Crown land or tenured land (such as leases, licences, permissive occupancies).
- Freehold land including; and owned by State and local government authorities.

# 2. METHODOLOGY

## 2.1 INTRODUCTION

There are three (3) regulatory agencies (Environmental Protection Authority, Department of Land and Water Conservation, and Department of Urban Affairs and Planning) and six (6) management bodies (State Forests NSW, National Parks and Wildlife Service, Rural Fire Service, Department of Mineral Resources, Department of Agriculture and Sydney Water) involved in forest management in New South Wales. All agencies submitted an overview of their current roles and responsibilities and completed a detailed spreadsheet.

## 2.2 OVERVIEW STATEMENTS

Overview statements included; definition of their role, the principle legislation the agency is responsible for in relation to forest management; and the identification of any areas for improvement in terms of the achievement of ecologically sustainable forest management.

## 2.3 SPREADSHEETS

The spreadsheets provided detailed information on each aspect of forest management the agency was responsible for. Specific questions were asked which defined the level of input and control the agency has in regard to a particular element. The information provided presents the type of management systems the agency's implement and the level or aspect to which they are responsible (Appendix D - L).

The spreadsheets aimed to identify forest management and planning control systems applicable to NSW forests across all tenures, and to what degree existing systems and processes addressed the following:

- The management element the agency has primary responsibility for (eg Act, policy, plan or program), and what does the responsibility involve (eg monitoring, review, audit, research);
- What is the status of the management element (ie current, draft, underreview);
- Legislation and policy elements discretionary or compulsory;
- Who is the primary agency responsible for the element ( this agency completes the spreadsheet);
- Linkages to other agencies which have secondary responsibilities to the management element, and identify what their role is (eg concurrence, consent, delegation, statutory or policy compliance);
- Current management category – objective/s of the management element, what does it address (eg water quality, soil protection, air quality, regulatory reform, social and economic, extractive industry, plantation/native forestry);

- NSW ESFM Principles (ref Appendix C)
  - *Forest values* – indicate the extent to which the management element addresses forest values (eg biodiversity, soil and water, heritage, social and economic).
  - *Public participation and transparency of decision-making process* – indicate the presence or absence of mechanisms in place to enable scrutiny, public input, consultation, access the information and documentation and reporting.
  - Whether the management element has mandatory *requirements or incentives for ESFM outcomes*.
  - *Precautionary Principle* – does the management element make reference to the precautionary principle where there is potential for environmental damage.
  - *Knowledge and adaptive management* – indicates presence or absence of mechanisms the management element has for assessment/review or the incorporation of information.
- EMS (ISO 14000) Components
  - Components are: commitments and policy, planning, implementation, measurement and evaluation, review and improvement
  - This section identifies the nature of the management element, whether it be a state or national legislation or policy, or a departmental policy or guideline, its scope, process/es by which it is implemented, function (ie monitoring, corrective, information), and processes for review and improvement.
- Tenure – land to which the element is applicable;
- Source document or material describing the document;
- Is the management element applicable to specific RFA regions or al of NSW.

Refer to Appendix A for specific writing guidelines.

# 3. DEPARTMENT OF LAND AND WATER CONSERVATION

\* Please note, DLWC's contribution to this project is relevant to the 31 December 1996.  
For the spreadsheet for DLWC please refer to Appendix D volume 1.

## 3.1 OVERVIEW

The Department of Land and Water Conservation (DLWC) manages large areas of land, principally the various categories of Crown land under the *Crown Lands Act (1989)* or the *Western Lands Act (1901)*. Conditions on leases granted under these acts generally requires and approval to clear or remove trees or cause any damage on Crown land. Some Crown land such as Crown Reserves are managed by other authorities including local government or Rural Protection Boards.

DLWC also regulates certain activities on forested land of all tenures except Commonwealth land. These controls include:

- excavation or removal of material from protected land<sup>1</sup> (including bank of protected water or land within 40 metres of a stream bank) or any action which alters the flow in protected waters. Protected water includes rivers, lakes or lagoons and any temporary channels – *Rivers and Foreshores Improvement Act (1948)*.
- removal of trees on protected land, private land and Crown land, including Crown-timber lands (except State forests and national parks) - *Soil Conservation Act (1938)*.
- consent required from DLWC for certain types of clearing on private land and Crown land, including Crown-timber lands (except State forests and national parks), where the area is over 2ha. NPWS also provide concurrence consent - Environmental Planning Policy (SEPP) No. 46.
- provision of licences for clearing in the Western Division of the State on leases held under the *Western Lands Act - Western Lands Act (1901)*
- administration of the regulation of water flow into rivers and the control of water extraction and the control of certain works on river banks and floodplains - *Water Act (1912)*.

DLWC also has a limited role in the *Timber Plantation (Harvest Guarantee) Act (1995)* by the Minister approving the harvesting code. The Minister of Land and Water Conservation also has

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<sup>1</sup> Protected land is defined as land within 20 metres of the bed and banks of specified rivers and lakes, steeply sloping land in notified catchments and land mapped as being environmentally sensitive or affected or liable to be affected by soil erosion, siltation or land degradation.

the power to review any decisions on accreditation made by the Director-General of Urban Affairs and Planning.

DLWC provides support to Catchment Management Committees and Trusts formed under the *Catchment Management Act (1989)* which provide general advice on environmental management. DLWC also provides support to Crown Reserve Trusts under the *Crown Lands Act (1989)* and provision is made for this land to be managed according to a plan of management. DLWC provides advice to landholders and landcare groups on sustainable land and vegetation management through joint government programs such as 'Farming for the Future'.

### **3.2 MANAGEMENT OF CROWN LANDS**

Crown lands managed by DLWC under the *Crown Lands Act (1989)* and the *Western Lands Act (1901)*, include lands reserved or dedicated for a public purpose such as public recreation, travelling stock etc. and unreserved lands which may be leased, licensed or vacant. DLWC is also responsible for commons which are managed under the *Commons Management Act (1989)*.

Before Crown lands can be allocated under the *Crown Lands Act (1989)*, for reservation, dedication, leasehold, licence, sale, exchange etc, the Minister administering the Act must be satisfied that the land has been assessed under Part 3 of that Act, to identify the physical capabilities of the land, suitable uses for the land and where applicable, preferred uses.

Where lands are reserved or dedicated or set aside commons they are generally managed by Community or Corporation (eg. local council) Trusts or other authorities such as Rural Protection Boards. There is provision in the *Crown Lands Act (1989)* for Plans of Management to be prepared for Crown reserves and dedicated lands.

The rights to timber resources on Crown-timber lands as defined in the *Forestry Act (1916)* are held by State Forests of NSW (SFNSW). There are provisions under the *Western Lands Act (1901)*, which provide for approval to be obtained to clear or remove trees on Crown lands under that Act, and timber may be removed from Crown lands under the *Mining Act (1992)*. SFNSW is to be notified of any intention to purchase Crown-timber lands and has a period of three months to object to the purchase of the land. SFNSW retains the rights to the timber on purchased land for a period of 10 years unless it has certified that section 25F of the *Forestry Act (1916)* does not apply to the land. SFNSW issues timber licences for Crown-timber lands.

### **3.3 SOIL CONSERVATION ACT**

DLWC is responsible for the *Soil Conservation Act (1938)* which provides for the mapping of protected lands within which a permit is required under section 21D of the Act, to remove trees.

The *Soil Conservation Act (1938)* also provides in section 15A for the regulation of activities that cause soil erosion or degradation on all lands except Commonwealth lands. These Standard Erosion Mitigation Guidelines (SEMGL) are used by DLWC to implement these requirements. DLWC also uses Standard Erosion Mitigation Guidelines (SEMGL) to outline their principles for soil erosion and sediment control. The EPA Pollution Control Licence issued to SFNSW for operations commenced before 10 April 1995, had licence conditions based on the SEMGL. The SEMGLs are currently being reviewed and updated.

### **3.4 TOTAL CATCHMENT MANAGEMENT**

The *Total Catchment Management Act (1989)* and the principles of Total Catchment Management (TCM) promote the management of natural resources in an integrated manner

which recognises the roles of all stakeholders. The concept of catchment management recognises the fundamental principle that no component of the environment exists in isolation. Land, water, vegetation, fauna and other natural resources are all inter-related and interdependent. The structure recognises three important bodies for implementing TCM. These are: local groups and individuals; catchment management committees and trusts; and the State Catchment Management Co-ordinating Committee.

# 4. DEPARTMENT OF URBAN AFFAIRS AND PLANNING

*For the spreadsheet for DUAP please refer to Appendix E volume 1.*

## 4.1 OVERVIEW

The role of the Department of Urban Affairs and Planning (DUAP) is:

*“... to set the environmental planning framework for NSW and to plan, develop and implement environmental, housing, and urban and rural policies and practices that promote the sustainable management and the use of land and our other natural resources.”*

Corporate Plan 1997/98

The Department's role is primarily regulatory in nature, with its main activities resulting from administering various acts. The agency is responsible for the administration of the *Environmental Planning and Assessment Act (1979)*; *Environmental Planning and Assessment Model Provisions (1980)*; *Timber Industry (interim Protection) Act (1992)*; *Coastal Protection Act (1979)*; and the *Timber Plantation (Harvest Guarantee) Act (1995)*. However, DUAP does have a responsibility to manage some forested land under its control, including land held by Landcom; land acquired under the Coastal Land Protection Scheme and land acquired under the Sydney Region Development Fund.

DUAP comprises of a number of entities which deal with environmental planning policy and regulation, urban and rural management – including the co-ordination of urban growth, renewal and consolidation – and the development of housing policies. The Department develops outcomes that maintain and improve our environment, and deliver an integrated approach to environmental management and program implementation.

The creation of the Department (by the amalgamation of various existing agencies) was a central part of the Government's strategy for an integrated approach to managing growth in New South Wales.

## 4.2 DEPARTMENTAL STRUCTURE

The Department of Urban Affairs and Planning includes corporate entities which are responsible for parts of its core business. These are Landcom, City West Development Corporation and the Honeysuckle Development Corporation.

The policy, planning and regulation section of DUAP is comprised of five divisions, including:

- State and Regional Planning Division;
- Housing and Metropolitan Division;
- Environment Policy and Assessment Division;
- Corporate Management Division;
- Resource and Conservation Division.

DUAP also has Executive and Non-Executive Units which include: Executive and Executive Support; Ministers Office; Commissioners of Inquiry and South Sydney Development Corporation.

#### **4.2.1 Principle Planning Activities**

The principle activities of the planning divisions of the DUAP include:

- Environmental Planning – State and regional strategic planning, review, management and regulatory role; integration of conservation and economic growth; management of development across the State;
- Environmental Policy – in relation to natural resource management, particularly the coast, wetlands, forests, river catchments, vegetation and wildlife and heritage conservation;
- Environmental Assessment – impact of major development and infrastructure projects, forestry Environmental Impact Statements;
- Metropolitan Planning – providing the strategic framework and directions for developing better cities;
- Planning Best Practice – improving the efficiency and effectiveness of the planning system by removing unnecessary regulation, streamlining planning and providing for community input;
- Housing – housing policy and housing assistance;
- Urban renewal and development.

#### **4.2.2 State and Regional Planning Division**

The State and Regional Planning Division balances the competing pressures of environmental conservation and economic growth to deliver sustainable urban and rural environments. The Division initiates most State Environmental Planning Policies (SEPPs), nearly all Regional Environmental Plans (REPs), and most other strategies. Issues addressed at a regional scale include settlement and housing needs in response to population change, environmental employment opportunities, environmental protection and management of natural resources.

The Division also checks major LEPs, all SEPP 34 Development Applications, most variations to rural controls and assesses concurrence in other special cases, for example development applications in coastal land areas. It makes extensive use of standard check lists and internal practice procedures at every statutory step.

#### **4.2.3 Housing and Metropolitan Division**

This Division implements a dynamic metropolitan strategy which creates compact cities, reduces reliance and emphasis on fringe development and provides stronger links between housing, jobs and services whilst sustaining and enhancing the region's economic prominence and unique natural and cultural environments. The Division is also responsible for monitoring of the operations of the planning system and improving its efficiency and effectiveness.

Housing and Metropolitan Division includes:

- Housing and Urban Development Branch
- Housing Office
- Monitoring and Forecasting Branch
- Metropolitan Planning Branch
- Planning Systems and State Policy Branch
- Urban Design Advisory Service
- Management Support

The Division is divided into seven branches, but only the following are involved in issues concerning forests.

#### **Planning Systems and State Policy Branch**

The Branch is mainly responsible for:

- Regulatory reform processes;
- Improving, simplifying and encouraging best practice in the operation of the planning system (eg review of Model Provisions, Regulation to the EPA Act and s117(2) Directions);
- Dealing with State-wide policy and statutory planning issues (eg SEPPs).

Whilst the work of the Branch does not specifically address forest issues, the recently reviewed s117(2) Directions are an example of broader policy work which has an influence on the treatment of forest areas through the planning system. Relevant Directions include:

- B1 – Bush Fire Hazard Areas
- B2 – Flood Liable Land
- B4 – Environmental Protection Areas
- B5 – Conservation and Management of Environmental Heritage
- B8 – Public Purpose Zones and Reservations
- B9 – Rural Land

#### **Metropolitan Planning Branch**

The Branch carried out the following primary functions:

- Managing the Metropolitan Strategy process;
- Facilitating economic development in the Greater Metropolitan Region;
- Facilitating access to employment opportunities in the region, particularly through centres development and industrial land and retail strategies;
- Advising on transport planning to enhance access throughout the Region; to employment and community activities;
- Co-ordinating human services provision to achieve equitable access to services throughout the Region; and
- Managing the Area Assistance Scheme and Parramatta River Foreshore Improvement Program.

The Strategy sets the context for land use, based on the goals of equity, efficiency, environmental quality and livability. An emphasis on more compact cities and ecological

sustainability, within a whole of government framework, places greater priority on ensuring that planning decisions affecting forest areas are based on proper understanding of their values, particularly in relation to biodiversity. The Strategy promotes the following key objectives which are likely to involve forest areas: maintaining separate regional identities; conserving ecological values and providing for recreational needs.

#### **Urban Development Team (Housing and Urban Development Branch)**

The Branch is responsible for the Urban Development Program (UDP), which co-ordinates the planning, servicing and development of new residential land in the Greater Metropolitan Region to ensure sufficient supply of land to meet housing demands. The main components of the UDP are:

- The Medium Term UDP, which is a 10-15 year land supply and demand scenario, forming the basis for adding land to the five year program;
- The UDP cycle, during which the Department assess the land supply situation and prepares a five year roll-forward land supply program, which includes estimates of lot production and consumption;
- Identification/addition of suitable potentially new areas for addition to the UDP during the year, as part of the on-going process of monitoring housing demand and land supply; and
- The annual regional consultation, as well as the UDP publications.

Forested areas may be included in areas being investigated for addition to, or which are already on the UDP. Considerable investigation and consultation is required before an area may be put on the UDP, enabling the value of the forested areas to be properly assessed. There may also be issues involving UDP areas adjacent to forests, requiring the development of appropriate management strategies.

#### **Monitoring and Analysis Branch**

Undertakes:

- Managing of databases and other information services to inform the strategic work of the Division;
- Providing an independent and objective analytical capacity for the Division; and
- Developing and monitoring performance indicators for the key outcomes of the Division.

The unit holds information from the Bureau of Statistics of relevance to environmental issues involving forests.

#### **4.2.4 Environmental Policy and Assessment Division**

The Division assists and advises government in determining integrated, transparent and credible outcomes for major development projects, based on a sustainable principles, of significance to the economy and environment of New South Wales, and implementing environmental planning control and environment assessment. It develops and implements environmental planning policies and procedures within the planning system to provide for sustainable development and natural resource management.

The Division includes:

- Division management
- Major Assessments and Hazards – rigorous environmental impact assessment of major development and infrastructure proposals that generate economic development and employment. Regular audits of SEPP 34 projects will occur with other initiatives such as the installation of a computerised compliance management system
- Natural Resources and Environment Policy

- Regulatory Reform Unit – reforms to planning system that delivers accountability, efficiency and consumer choice in the planning system and development assessment process.

#### **4.2.5 Resource and Conservation Division**

The Resource and Conservation Division includes:

- RACAC Secretariat
- Forestry Unit
- Water Regulation Unit

The Resource and Conservation Division acts as a principle agency in the co-ordination of land and resource management decisions, particularly those relating to forests. It services the Resource and Conservation Assessment Council.

One of the recent activities undertaken by the Division, was the Interim Forest Assessment of NSW eastern forests. It was a preliminary step to the creation of a comprehensive, adequate and representative reserve system and an ecologically sustainable sawlog industry. Comprehensive Regional Assessments are now in progress to refine these objectives and provide a basis for development of Regional Forests Agreements (RFAs) overing all of the coastal forests of NSW.

DUAP is also responsible for assessment of Forestry Environmental Impact Statements, which have a large bearing on regional use of forestry resources.

With the increasing level of corporatisation and privatisation of public sector activities, the Department has taken on an additional role in ensuring environmental accountability for the various corporations.

For example, the Water Licence Regulator is responsible for the major population areas of Sydney and Newcastle. The Water Licence Regulator operates in an auditing and review role to ensure compliance by the Sydney Water Corporation (since 1995) and Hunter Water Corporations (since 1996) with their operating licences. The Regulator assesses the performance of specified operational and service parameters set out in the licence and reports on these to the Minister for Urban Affairs and Planning. It may recommend penalties or other measures where these criterion are not met. The Regulator may also review the adequacy of the licence. In carrying out these tasks it considers social and environmental interests side by side with the commercial interests.

#### **4.2.6 Corporate Management Division**

The Division includes:

- Division Management
- Corporate Policy and Services
- Legal
- Information Services and GIS
- Land Management
- Ministerial Co-ordination Unit

The Department of Urban Affairs and Planning is a key provider of information from its own research and analysis. The Department is also a peak source for professional reference material in the State. This is represented by three components within the Department:

- Library

- Information Services Branch (publishing)
- Geographic Information Systems (mapping data)

**Executive and Non-Executive Units**

Units include:

- Executive and Executive Support
- Ministers Office
- Commissioners of Inquiry
- South Sydney Development Corporation.

**4.3 ROLES AND RESPONSIBILITIES INCLUDING INTERDEPARTMENTAL PROCESSES**

DUAP is responsible for managing some forested land under its control including land held by Landcom; land acquired under the Coastal Land Protection Scheme and land acquired under the Sydney Regional Development Fund.

The main activities of DUAP result from its role in administering various acts. DUAP is responsible for the administration of the *Environmental Planning and Assessment Act (1979)*; *Environmental Planning and Assessment Model Provisions, 1980*; *Timber Industry (interim Protection) Act, 1992*; and the *Coastal Protection Act, 1979*.

The Director-General also has significant responsibilities under the *Timber Plantations (Harvest Guarantee) Act, 1995*. The Resource and Conservation Division of DUAP is implementing the Government’s forest policy and any other reference it obtains from Government.

The regulatory and administrative responsibilities of DUAP are generally supported by specific policy documentation and actions.

**EXAMPLES OF POLICIES AND ACTION UNDERTAKEN BY DUAP**

Policy document or action example
<p><i>Environmental Planning Instruments:</i></p> <ul style="list-style-type: none"> <li>• Assessment of Local Environmental Plans (administered by local government)</li> <li>• Preparation and administration of Regional Environmental Plans; State Environmental Planning Policies</li> </ul> <p><i>Strategic plans:</i></p> <ul style="list-style-type: none"> <li>• Coastal Settlement Strategies</li> <li>• Metropolitan Strategies</li> <li>• Regional and Rural Strategies</li> </ul> <p><i>Director-General’s requirement for EIS</i></p> <p><i>Regional Policy Directions for Council planning (Section 117)</i></p> <p><i>Determinations for major development applications</i></p>

A variety of licensing, regulation and enforcement powers are granted to DUAP through the *Environmental Planning and Assessment Act, 1979* and *Regulation, 1994*, such as:

- Applications for consent and concurrence relating to various planning instruments;
- Environmental impact assessment of major development and infrastructure projects (under both Parts 4 and 5 of the Act);
- Determination of development applications of State and regional significance.

Regulation is achieved through the use of environmental planning instruments, legislated requirements for environmental impact assessment and management of certain aspects of development control. Enforcement includes issuing and some monitoring of conditions of consent for developments and actions to remedy or restrain breaches of the Act. DUAP has a concurrence role for some planning instruments and determination of development applications by the Minister for Urban Affairs and Planning.

DUAP promotes the sharing of responsibility for environmental planning between different levels of government in the State and acts in both an advisory and regulatory role to ensure this takes place. The majority of planning approvals for development and enforcement actions occur at the local government level. In some instances the Minister for Urban Affairs and Planning, or the Director-General of the Department of Urban Affairs and Planning, area consent authority. The Department has the responsibility to ensure that any conditions of consent are enforced.

The Director-General of the Department of Urban Affairs and planning and the Minister for Urban Affairs and Planning have consent concurrence roles for State Environmental Planning Policies such as SEPP 14 – Coastal Wetlands, SEPP 26 – Littoral Rainforests, SEPP 34 – Major Employment Generating Industrial Development, and SEPP 48 – Major Putrescible Landfill Sites.

The area of coastal wetlands and littoral rainforests protected is continually adjusted based on new information and surveys. Breaches of these SEPPs are dealt with via a process of negotiation and remediation, for example by replanting and maintenance of illegally cleared areas. Where warranted, court action may also be undertaken to remedy or restrain breaches.

SEPP 44 – Koala Habitat Protection allows protection of core koala habitat and encourages local government to map koala habitat. The Director-General of the Department of Urban Affairs and Planning must approve a Koala Plan or Management for any area containing “core koala habitat” in order for a Council to be able to determine any development Application in the area. Councils must consider guidelines on koala habitat when considering a development application or rezoning proposal. If core koala habitat is present a koala management plan must be in place before the entire local government area or the land subject to a development application, before Council can determine the application.

DUAP has a concurrence role in some Regional Environmental Plans and Local Environmental Plans.

Significant aspects in Local Environmental Plans for which there is a concurrence role for the Director-General include development on land identified for Coastal Protection, as well as land identified by the Department for acquisition under the County Lands and Regional Open Space programs. The concurrence of the Director-General of the Department of Urban Affairs and Planning is also required for mineral sand mining proposals in some planning instruments.

The Minister may choose to determine any Development Application of potential significance for State or regional environmental planning under the provisions of Section 101 of the

*Environmental Planning and Assessment Act, 1979*. These applications may comprise particular classes of development, such as canals and artificial waterways, or coal mines, or may be site specific. The Minister may also direct a Commission of Inquiry be held regarding any application of State significance and may consider its recommendations in his determination. Commissions of Inquiry have been held recently in regard to major mining proposals, intensive agriculture proposals and a marina proposal.

The approval of the Minister is required for new projects undertaken by State government agencies that require an EIS under Part 5 of the *Environmental Planning and Assessment Act, 1979*. The Director-General must report on these proposals and recommend specific conditions of approval. In some cases, for example the Eastern Gas Pipeline proposal, the Minister may also be the determining authority.

Other regulatory functions are expressed in the *Timber Industry (interim Protection) Act, 1992*, accreditation procedures in the *Timber Plantations (Harvest Guarantee) Act, 1995* and auditing of Sydney/Hunter Water Corporation by the Water Licence Regulator.

The *Timber Plantations (Harvest Guarantee) Act, 1995*, gives the Director-General of the Department of Urban Affairs and Planning responsibilities in regard to regulation and accreditation of plantations. The Department has completed a harvesting code of practice that affords high levels of protection to the environment when plantations are harvested.

## 4.4 LEGISLATION

The principle Acts DUAP is responsible for administering are:

- Environmental Planning and Assessment Act (1979);
- Environmental Planning and Assessment Model Provisions (1980);
- Timber Industry (Interim Protection) Act (1992);
- Timber Plantations (Harvest Guarantee) Act (1995);
- Coastal Protection Act (1979).

### 4.4.1 Environmental Planning and Assessment Act (1979)

The *Environmental Planning and Assessment Act (1979)* is the principle act administered by DUAP. The objectives of this act are:

- To encourage:
  - The proper management, development and conservation of natural and manmade resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
  - The promotion and co-ordination of the orderly and economic use of development of land;
  - The protection, provision and co-ordination of communication and utility services;
  - The provision of land for public purposes;
  - The provision and co-ordination of community services and facilities;
  - The protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities and their habitats.

- *Ecological sustainable development (proposed amendment in the Environmental Planning and Assessment Amendment Bill, 1997).*
- To promote the sharing of responsibility for environmental planning between different levels of government in the State;
- To provide increased opportunity for public involvement and participation in environmental planning and assessment.

The *Environmental Planning and Assessment Act (1979)*, particularly Parts 3, 4 and 5, provides DUAP with the ability to deal with a range of issues, including planning policy and regulation, environmental assessment, urban management (including the co-ordination of urban growth, renewal and consolidation) and the development of housing policies. The Act is applicable to land of all tenures except Commonwealth land.

### **Part 3**

Part 3 of the *EP&A Act* allows DUAP to prepare environmental planning instruments to achieve the objectives of the *EP&A Act* contained in clause 5 and they may make provisions for protecting, improving or utilising the environment, controlling development, protecting or preserving trees or vegetation or protecting and conserving native plants and animals.

Environmental planning instruments include:

- Local environmental plans (LEP) and development control plans are prepared by local Councils. LEPs use objectives, zoning and special provisions to encourage and control the form of development (which may include land with trees).
- Regional Environmental Plans (REP) are prepared by DUAP when there are matters of significance for environmental planning for a region. The extent and function of REPs may vary according to the purpose intended. .
- State Environmental Planning Policies (SEPP) are made by the Minister when there are issues of significance for environmental planning of the State. For example: SEPP 44 - Koala Habitat Protection, SEPP 26 – Littoral Rainforest.

Before a new local environmental plan can be prepared, Council must prepare an environmental study of the land to which the LEP applies, however if there is an existing environmental planning instrument (including an instrument from the previous planning legislation) then a study is not required.

Similarly, before preparing a REP, the Director must prepare an environmental study of the land to which a REP applies. Most REPs have had an environmental study done but again a study is not required if there is an existing environmental planning instrument.

The Director or Council must consult NPWS before preparing an environmental planning instrument or environmental study if critical habitat or threatened species, populations or ecological communities or their habitats will or may be affected by the study or plan.

DUAP also participates in strategic planning, particularly in the metropolitan context.

#### Part 4

Part 4 deals with environmental planning control. If an environmental planning instrument specifies that a proposed development<sup>2</sup> requires development consent, then a development application with a statement of environmental effects is required. Additional information may need to accompany a development application because the development:

- Is on land that is critical habitat or is likely to significantly affect threatened species, populations, ecological communities or their habitats and accordingly a species impact statement must be prepared in accordance with Division 2 of Part 6 of the *Threatened Species Conservation Act, 1995*.
- Is a designated development (which is any purpose or development listed in Schedule 3 of the *Environmental Planning and Assessment Regulation, 1994*) and accordingly must be accompanied by an environmental impact statement in the prescribed form.

Consents are usually from a local Council but can be from DLWC for SEPP 46 applications or DUAP if the Minister is the consent authority such as SEPP 34 applications.

Concurrence from NPWS is required for development consent involving land that is critical habitat or when the development is likely to significantly affect threatened species, populations, ecological communities or their habitats. If a Minister is to issue the consent, then consultation is required with NPWS and not concurrence.

In determining a development application, section 90 of the *EP&A Act, 1979* lists the matters requiring consideration. Such matters include the environmental impact and mitigation measures; presence of critical habitat; threatened species, populations, ecological communities or their habitats; amenity issues and the public interest.

#### Part 5

If a development does not require development consent it still may require approval from another minister or public authority. Part 5 requires a determining authority<sup>3</sup> to assess the environmental impacts of an activity and prepare an EIS if the activity has significant impact. The form of the EIS is prescribed by Director's Requirements and Schedule 3 of the Regulations. Situations where the proponent is also the determining authority (except local government) the Minister for Urban Affairs and Planning must approve the activity.

Situations where the proponent is also a determining authority (except local government) the Minister for Urban Affairs and Planning must approve the activity. An EIS would therefore be required in situations involving government infrastructure project or for proposed forestry activity on Crown-timber lands.

In regard to forestry activities, SFNSW proposals constitute an activity in terms of Section 110 of the *Environmental Planning and Assessment Act, 1979*. If the activity is likely to significantly affect the environment, and environmental impact statement (EIS) is required in accordance with section 112 of the Act. The *Timber Industry (Interim Protection) Act, 1992* and amendments suspends Part 5 of the EP&A Act for areas listed in Schedule 4 of the *Timber Industry (Interim Protection) Act, 1992*, in order to allow logging to continue while an EIS was obtained. Areas listed in Schedule 1 of the *Timber Industry (Interim Protection) Act, 1992* also have a moratorium over them until an EIS is obtained.

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<sup>2</sup> In the EP&A Act, development in relation to land means the erection of a building; carrying out of a work in, on over or under that land; use of that land or of a building or work on that land; subdivision of that land.

<sup>3</sup> Determining authority means a Minister or public authority or any Minister or public authority whose authority is required in order to enable the activity to be carried out.

For forestry activities conducted by SFNSW, Division 4 of the EP&A Act applies. Section 115A of the EP&A Act provides for the Minister for Urban Affairs and Planning to be the approving authority where the determining authority is the proponent of the activity, as is the case with SFNSW. Therefore SFNSW must not carry out an activity unless the Minister has approved it.

In accordance with section 115B(4) of the EP&A Act, before making a decision on the activity, the Minister is to obtain a report from the Director-General of Urban Affairs and Planning. Section 115C(2) of the EP&A Act specifies that the Director-General's Report is to examine the environmental impact statements, the representations made in response to the public exhibition of the statement, any submissions from the proponent and any other thing the Director-General considers relevant. The Director-General's Report assesses the adequacy of the information and the suitability of the mitigation measures it contains. The Director-General's Report recommends conditions which modify, replace or are additional to the mitigation measures in the EIS.

The Report is considered by the Minister for SFNSW and finally the Minister for Urban Affairs and Planning may refuse the approval or grant an approval with or without conditions. The Minister has issued approvals for forestry activities in five (5) management areas (Eden, Glen Innes, Kempsey/Wauchope and Wingham). The Minister refused an approval for the Mount Royal Management Area. Forestry activities in the other management areas are continuing under the provisions of the *Timber Industry (Interim Protection) Act*.

#### **4.4.2 Timber Industry (Interim Protection) Act, 1992**

The *Timber Industry (Interim protection) Act, 1992* and amendments, gives the Minister for Urban Affairs and Planning to substantial responsibilities of assessment and approval of Forestry Management Area Environmental Impact Statements. The Department prepares and provides this advice to the Minister.

#### **4.4.3 Environmental Planning and Assessment Model Provisions, 1980**

The *Environmental Planning and Assessment Model Provisions, 1980* provide consistency across the State in relation to local environmental plans and enable Councils with low revenue to have a sound basis for planning.

#### **4.4.4 Coastal Protection Act, 1979**

DUAP also has a role in Part 2 of the *Coastal Protection Act, 1979*<sup>4</sup> by the Minister setting up the Coastal Council.

#### **4.4.5 Timber Plantation (Harvest Guarantee) Act, 1995**

DUAP also administers the *Timber Plantation (Harvest Guarantee) Act, 1995* which includes the initial preparation of the Timber Plantation Harvesting Code and subsequent processing of accreditation applications, maintaining a register of accredited plantations and enforcement of the Code. The code is contained in the *Timber Plantation (Harvest Guarantee) Regulation*,

<sup>4</sup> DLWC also has a role in administering Part 3 and 4 of the *Coastal Protection Act, 1979* by issuing orders in respect of developments in the coastal zone.

1997. SFNSW and private landowners have the ability to obtain accreditation for plantations on land they own.

DUAP is undertaking other initiative including an audit plan and the development of a monitoring program.

#### 4.4.6 Other planning related mechanisms

Additionally DUAP has non-statutory instruments which mainly comprise policy statements, guidelines and strategies, which involve forest management by guiding urban development, encouraging the retention of native vegetation and bush fire management. Significant examples of these include, the North Coast Urban Planning Strategy, Cities for the 21<sup>st</sup> Century and Circulars to Councils. The Circulars to Council cover a range of matters that Councils need to be aware of.

### 4.5 INITIATIVES OF DUAP

#### Economic Development

State Environmental Planning Policy No. 34 – Major Employment Generating Industrial Development is a highly successful policy which, through careful assessment, balances economic development and environmental protection. This year, fifteen major developments were assessed and approved under this policy.

#### Improved Environmental Impact Assessment

Using best practice models, the department has developed a comprehensive set of guidelines for preparing environmental impact statements (EIS) for various industries which could be located on forested land such as extractive industries, mining, roads, transmission lines, irrigation of sewerage effluent and dams.

#### Land Acquisition including Coastal Land Acquisition Scheme

The Department identifies and purchases lands for Regional Open Space, County roads in the metropolitan area, and for the Coastal Lands Protection Scheme. These lands may be subsequently transferred for management as public lands for conservation by other agencies such as local government, National Parks and Wildlife Service and Department of Land and Water Conservation. Landcom may also own and manage land, for example when developing housing, residential development and urban infrastructure.

#### Acquisition of key lands facilitates:

Open space for recreation and environment purposes;  
Better located infrastructure;  
Rehabilitation of degraded land in urban river systems and the surrounding environment;  
Protection of scenic attributes of Sydney Harbour and the coast lands; and  
Continued access to harbour foreshores and coastal environments.

Since the establishment of the County of Cumberland Planning Scheme in the early 1950's, the Department and its predecessors have been acquiring lands which are reserved in various environmental planning instruments for public use. It has been acknowledged that open space, arterial roads (county) roads, major special use areas and service corridors of regional significance are a state responsibility in terms of land acquisition.

One vehicle used for the land acquisition program is the Sydney Regional Development Fund (and its predecessors) which is jointly funded by the State Government and local governments in the Sydney area. The Department's role in relation to land acquisition is to ensure that

strategic lands identified in planning instruments for acquisition are acquired and then transferred to other agencies to manage appropriately.

Land acquisition programs have led to an increase in the amount of land available for public use which enhances the environment. These programs are long term and the acquisition process relies on private individuals making a request to DUAP to acquire identified lands. Among the primary determinants in reserving land for open space is its environmental sensitivity, natural features and location. Retention of native vegetation and improved water quality are important environmental gains.

#### Education and Community Participation

DUAP has a specific role in aspects of environmental education and of community participation. In some cases parts of these roles are legislated. DUAP allows for considerable opportunity for input from the public on a range of planning issues.

Public involvement in the decision making process is important in seeking a balance between the sometimes competing community objectives of economic growth and environment protection. One of the objectives of the Environmental Planning and Assessment Act (1979) is to provide increased opportunity for public involvement in environmental planning and assessment.

A Local Government Liaison Committee is established under the Act and others have been established under Section 22 of the Act to provide advice to the Minister for Urban Affairs and Planning. Local government consultation and direct public participation occurs during the preparation of many State Environmental Planning Policies (SEPPs) and all Regional Environmental Plans (REPs). Other committees are formed to advise on specific issues or programs. For example, the Resource and Conservation Assessment Council has technical committees and regional forest forums to enhance community awareness and participation in the assessment of forest resources.

Gaining public comment is also required by statute for a range of development proposals by State agencies and the private sector. Some of these require advertisement in the press, notification to those directly affected and the opportunity to examine relevant material at convenient locations. In addition information in the form of reports and pamphlets are prepared for the public that relates to the plans on exhibition. Advertisements in the ethnic press are placed advising the community on issues that are of particular interest.

The Minister may also require a Commission of Inquiry into the preparation of a plan or the assessment of a development proposal in which members of the public may make submissions or presentations.

In addition to these statutory requirements, other opportunities are provided to the community by the Department of Urban Affairs and Planning to provide input into developing best practice guidelines, metropolitan and regional strategies and policies, for example guidelines for EISs, metropolitan strategy, retail policy, coastal policy and the coastal strategies.

The nature of public participation is targeted to the needs of the community affected by the proposed plans. Public participation is part of almost every part of the planning processes. The aim of obtaining public participation is to seek the balance between economic and community needs while maintaining our natural resources.

## **4.6 KEY ACTIONS TO BE UNDERTAKEN AS CONTAINED IN THE DRAFT 1997/98 CORPORATE PLAN**

### **4.6.1 Effective Planning Systems and Regulatory Policies throughout NSW**

- Review and amend environmental planning and assessment regulations as well as various SEPPs and REPs to refine and improve their application.
- Work to introduce the Environmental Planning and Assessment (Amendment) Act 1997 and the accompanying regulations.
- Review of SEPPs and REPs to implement the provisions of the new legislation and regulations.
- Develop model local environmental plans (LEPs) and standards in conjunction with local government.
- Comprehensive review of plan-making processes for SEPPs, REPs and LEPs.
- Develop a SEPP to facilitate natural resource management contracts including land and water management plans.
- Provide advice on an integrated government package for the management of land contamination, including a new SEPP for land remediation and revised Planning Guidelines linked with Environment Protection Authority initiatives.

### **4.6.2 Leadership in Natural Resource Management**

- Develop regional planning strategies for the Georges River, the alpine region of NSW, the Upper Hunter to promote sustainable natural resource management.
- Develop a metropolitan open lands policy for the rural areas of the Greater Metropolitan Region—to increase the benefit of individual strategies and to manage competing pressures on resources.
- Conduct comprehensive Regional Assessments of the State's forests as the basis for Regional Forest Agreements.
- Develop best practice guidelines on:
  - Environmental Management Plans
  - Effective operations of hazardous industries
  - Implementation of Natural Resource SEPPs.
- Assist with the development of local government based regional environmental studies for threatened species, vegetation management plans and remnant forest.
- Develop a methodology for the strategic environmental assessment Process.
- Provide audit reports of the Sydney and Hunter water board's licences.

### **4.6.3 Advice to Government on Economic Development Proposals of State Significance**

- Assessing major development applications of State significance to provide advice to the Minister for determination in relation to:
  - SEPP 34 – Major Employment Generating Development
  - SEPP 48 – Major Putrescible Landfill Sites

- Conduct audit of coal mines to check compliance with Minister's condition of consent.
- Develop a methodology for the cumulative environmental impact assessment of major projects.
- Review the effectiveness of SEPP 34 – Major Employment Generating Industrial Development.

#### **4.6.4 Strategic Management and Planning of Metropolitan Sydney, Central Coast, Newcastle and Wollongong**

- Investigate environmental and servicing issues for Central Coast – Newcastle corridor, the lower Hunter and West Dapto to refine the areas identified for future urban development in the Metropolitan Strategy.

#### **4.6.5 Providing Organisational Wide Support and Development**

- Maintain a system of operational review to ensure an appropriate management system is in place.
- Provide a corporate reporting capacity to monitor our performance and report to central agencies.
- Develop and implement the Internet and Government Access Centre to promote the activities of the department and Government.
- Develop a strategic plan for the implementation of the geographic information system.
- Provide strategic direction for the acquisition and disposal of land.
- Provide effective management of substantial land and property assets.
- Prepare the Environmental Planning and Assessment Amendment Bill 1997.

### **4.7 OTHER ASPECTS**

Other aspects that are changing or need to be considered include:

- The Department of Urban Affairs and Planning has a concurrence role in some Regional Environmental Plans and Local Environmental Plans. As part of action to streamline the planning process, the Department is reviewing its concurrence and consultation provisions for Local and Regional Environmental Plans. This is in line with a change of emphasis in the planning system which allows local government to take additional responsibility for planning issues.
- There needs to be a clear connection between initiatives in the Native Vegetation Conservation Act such as regional vegetation management plans, as proposed in the white paper on “A proposed model for native vegetation conservation in NSW” and the RFA process. Both processes are managing vegetation, however the connection between them has not yet been clearly articulated. The RFA process is dealing with private land and so are the initiatives in the Native Vegetation Conservation Act.
- How will local government and initiatives under the Native Vegetation Conservation Act such as regional vegetation management plans inter-relate. Will local government be able to still prohibit or require consent for land uses in particular zones, even if the initiatives under the Native Vegetation Conservation Act identify that approval for clearing is not proposed. Unsure if local government wants to use the provisions discussed on page 19 of the white paper and a regional vegetation committee wants to prepare a plan then who has preference over managing the vegetation.

- The RFA process is generating a lot of data that could be extremely valuable to various government and private individuals such as Council, committees preparing regional vegetation management plans or individuals preparing property plans.
- There is complexity in the Acts. For example the relationship of the *Threatened Species Conservation Act* (licence provisions) and the *National Parks and Wildlife Act* (Part 8 licences) in relation to the protection of fauna/flora and these and the *Environmental Planning and Assessment Act* which also has “protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities and their habitats”.
- Someone may need to get so many approvals. For example if I wanted to clear core koala habitat to build a house on protected land which Council has zoned scenic protection, I would need to get an approval/consent/concurrence under or from: National parks and Wildlife Service, local Council (BA & DA), SEPP 44, SEPP 46 and Department of Land and Water Conservation (*Soil Conservation Act*). Some of this problem will be removed by the initiatives under the *Native Vegetation Conservation Act* and the Department of Urban Affairs and Planning’s proposed changed to the *Environmental Planning and Assessment Act* and *Regulations*.

# 5. ENVIRONMENT PROTECTION AUTHORITY

*For the spreadsheet for the EPA, please refer to Appendix F volume 2.*

## 5.1 OVERVIEW

The main role that the Environment Protection Authority (EPA) has in forestry management is as a regulator for environmental protection. The agency is responsible for the administration of various environmental protection legislation, including the *Protection of the Environment Administration Act (1991)*, *Clean Waters Act (1970)*, *Pollution Control Act (1970)* and *Pesticides Act (1978)*.

## 5.2 CLEAN WATERS ACT

The EPA utilises the powers conferred on it by the *Clean Waters Act (1970)* that establishes its responsibility for protection of the aquatic environment. The *Clean Waters Act (1970)* and its regulations (*Clean Waters Regulations 1972*) are designed to control the pollution of waters. This is done through Section 16(1) of the Act, which states that it is an offence to pollute waters. Under Section 16(6) of the *Clean Waters Act (1970)* it is not an offence for a person to pollute waters if the person holds a licence and complies with the conditions of that licence.

## 5.3 PROTECTION OF THE ENVIRONMENT ADMINISTRATION ACT & POLLUTION CONTROL ACT

The *Protection of the Environment Administration Act (1991)* empowers the EPA to use a variety of regulatory tools, including licensing, to ensure environmental protection. The *Pollution Control Act (1970)* specifically provides the mechanism for the EPA to issue licences in relation to, *inter alia*, the pollution of waters within the meaning of the *Clean Waters Act (Section 17A Pollution Control Act)*. In this capacity therefore, the EPA issues a Pollution Control Licence to State Forests for logging operations in native and plantation forests on State Forest and Crown Lands. 'Logging operations' have been defined in the Pollution Control Licence as the harvesting and removal of saw logs and pulp logs, including the burning and roading associated with that harvesting and removal. In the situation where a breach of the licence causes pollution of waters, the EPA can prosecute the offender. The Pollution Control Licence for logging operations does not stipulate discharge limits, but instead relies on the implementation of best management practice. Actions that constitute a breach of the Licence therefore relate to failures to comply with the prescribed best management practice. The EPA also conducts audits to ensure compliance with the Pollution Control Licence.

## 5.4 PESTICIDES ACT

The EPA also has the responsibility for implementation and enforcement of several other Acts, including the *Pesticides Act (1978)*. The *Pesticides Act (1978)* provides for the control of use of pesticides and requires pesticide users to use only pesticides registered for use on the target crop, to read the registered label on pesticide containers and strictly follow their directions, and not willfully risk injury to persons or property through the use of a pesticide. In this regard, the *Pesticides Act (1978)* is relevant to the control of pests in forests.

## 5.5 OTHER FUNCTIONS

### 5.5.1 Education and Awareness

Education and awareness raising programs are also a responsibility of the EPA. This responsibility is carried out through requirements for skills development and accreditation in appropriate occupational training programs, such as the soil and water management course for operators, supervisors and planners, a condition of the Pollution Control Licence for Logging Operations. The EPA has also conducted specific education seminars on the use of the Pollution Control Licence for State Forests' staff. The EPA sees education as vital for improving best management practices in the forestry industry and is pleased to be working with State Forests to improve education for sustainable forestry management.

### 5.5.2 State of the Environment Report

The *Protection of the Environment Administration Act (1991)* requires the EPA to prepare a 'State of the Environment' report on behalf of all NSW government departments and agencies every two years. This is an important tool for environmental reporting and public awareness raising. The Economics and Environmental Reporting Branch (EER) produces the 'State of the Environment' report and is developing core indicators for inclusion in the report. The core indicators, as a set, cover the major pressing environmental issues in NSW. They attempt to improve the focus and continuity of State of the Environment reporting by looking at the longer-term trends in the data. The indicators also act as a driver for change and/or rationalisation of environmental monitoring programs.

### 5.5.3 ENVALUE

EER is also involved in the development of *ENVALUE*, a database of studies containing environmental values to facilitate the 'reuse' of previously published valuation estimates. The scope of the database is comprehensive including estimates of the value of clean air and water; land quality; noise and radiation; and natural areas such as forests and national parks. Options to facilitate greater public and industry access to the database are being considered as part of a current review.

### 5.5.4 Public Information

*Pollution Line* is the EPA's public information and pollution reporting service. It has received a small number of complaints about logging operations, which have been referred to and investigated by the Waters and Catchments Policy Section of the EPA. *Pollution Line* also receives regular calls requesting general information on forests in NSW. These calls, however, are usually re-directed to those Departments, such as National Parks and Wildlife Service or State Forests NSW, which are more directly involved in the daily management of forests.

The public may also access the EPA library at Chatswood, which includes in its collection legislation, environmental journals and all publicly available EPA documents.

## 5.6 DEPARTMENTAL STRUCTURE

The EPA is split into three main divisions:

- Administration;
- Environmental Issues and Management; and
- Operations

Within each Division there are several branches, which are further separated into Sections and Units.

The Primary Industries Unit is responsible for forestry issues. It is a Unit of the Waters and Catchments Policy Section of the Environmental Policy Branch. The Primary Industries Unit issues licences to State Forests for logging operations, conducts audits to ensure compliance and develops policies relating to the impact of logging operations on the environment. The functions of this Unit are an anomaly within the Environmental Policy Branch, as most licensing activities are usually the responsibility of the regionally based Operations Division. Forestry has been located within the Waters and Catchments Policy Section as the specialised nature of forestry issues has made it necessary to centralise the EPA's technical expertise to deal more effectively with these issues on a State-wide basis.

## 5.7 PROCESS OF CHANGE

### 5.7.1 Pollution Control Licences

The EPA is currently undertaking a strategic review of the framework of the Pollution Control Licences held by State Forests for logging operations. This review is being conducted to ensure that the licences remain current in a changing regulatory and operational environment, and that the community remains confident that the protection of soil and water values is a key component of forest management in NSW.

A significant feature of this review is the integration of a proposed *Soil Erosion and Water Pollution Hazard Assessment Model for Logging Operations* into the Pollution Control Licence. The adoption of this model would enable some of the deficiencies of the current hazard assessment system to be addressed. The revised Pollution Control Licence would, for example, feature improved administrative efficiency, streamlined reporting requirements, and an emphasis on achievement of environmental outcomes on the ground.

The current Pollution Control Licence has been reviewed with a view to replacing it with the proposed *Hazard Assessment Model* by the end of 1997.

### 5.7.2 Protection of the Environment Operations Bill 1996

An exposure draft of the *Protection of the Environment Operations Bill* was released for public comment in December 1996. The EPA is currently reviewing submissions received during the public consultation period, which finished on 14 April 1997, with a view to tabling the Bill before the NSW Parliament by November 1997.

The *Protection of the Environment Operations Bill*, if enacted, would repeal and thereby replace, *inter alia*, the *Clean Waters Act (1970)* and the *Pollution Control Act (1970)*. It is also intended to streamline the system for issuing Pollution Control Licences. The main impact of its enactment on the Pollution Control Licence for Logging Operations proposes to make licences compulsory for logging operations in native forests for which State Forests has responsibility. Licences would, however, remain voluntary for plantation forests. It is also

important to note that the application of the licences to State Forest and Crown Lands has not been extended to private tenure under the draft Bill.

Another change would be created by the enactment of the Protection of the Environment Operations Bill would be the amendment to Section 10 of the *Protection of the Environment Administration Act (1991)*, requiring the EPA to prepare a 'State of the Environment' report once every three years instead of the current requirement of every second year. This is a useful tool for monitoring progress towards sustainable forest management.

## **5.8 STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS**

An opportunity to improve forestry management practices in NSW is the adoption of the proposed *Soil Erosion and Water Pollution Hazard Assessment Model for Logging Operations*. The EPA believes that this is essential to enhance administrative efficiency, streamline reporting requirements, and to emphasise the achievement of environmental outcomes on the ground.

The EPA views education and environmental reporting programs as necessary to improve the community's awareness of the environment, including forest values. Initiatives, such as *ENVALUE* and the 'State of the Environment' report, contribute to a better understanding of forests by facilitating public access to information. The EPA also conducts vocational training where it is deemed necessary to improve the management practices of operators in the forestry industry, especially interpretation of the Pollution Control Licence.

The EPA is concerned, however, at the cumulative impact of forestry activities on environmental quality. This has particularly become an issue since the commencement of the CRA/RFA process, which has resulted in a concentration of forestry activities into a smaller number of catchments. It will be important therefore, that cumulative impacts be addressed in the context of the CRA/RFA process.

The EPA is also investigating ways to address cumulative impacts. The Economics and Environmental Reporting Branch for example, is attempting to develop alternative regulatory mechanisms that will address this issue generally. At this stage, however, these mechanisms have not been applied to the forestry industry. It is unclear whether these mechanisms would be appropriate for managing logging operations. Further research into cumulative impacts is therefore desirable.

# 6. NSW NATIONAL PARKS AND WILDLIFE SERVICE

*For the spreadsheet for NPWS please refer to Appendix G volume 2.*

## 6.1 OVERVIEW

The NSW National Parks and Wildlife Service (NPWS) is the State's major nature conservation agency. It is responsible for the management of an extensive park and reserve system, the protection of Aboriginal cultural heritage and the conservation of protected native animals and plants throughout the State. The conservation functions of the agency arise from the *National Parks and Wildlife Act (1974)*, *Wilderness Act (1987)* and the *Threatened Species Conservation Act (1995)*.

The Service also carries out a regulatory role, which requires the agency to conserve natural and cultural heritage on lands which are not under NPWS tenure, and which may be subject to a variety of human activities, including development or resource-extraction.

The NPWS also has responsibility for a wide variety of other types of protected areas where the land is not vested in the Director-General. These areas are:

- Aboriginal places – areas of significance to Aboriginal culture which, after gazettal, have protection of the *National Parks and Wildlife Act (1974)*;
- Protected archaeological areas – containing significant Aboriginal relics. Declared with the consent of the owner or occupier of the land in question;
- Wildlife refuges – to preserve and study wildlife and to conserve natural environments. Declared over privately owned rural land with the owner's consent;
- Wildlife management areas – declared over private or Crown land for game conservation in the broadest sense;
- Conservation agreement areas – may cover privately owned land with owner's consent. To protect natural or cultural features, wilderness or areas of special scientific interest;
- Wilderness protection agreement areas - may cover privately owned land or land controlled by government bodies to protect and provide for management of wilderness declared under the *Wilderness Act (1987)* outside the park and reserve system.

## 6.2 NATIONAL PARKS AND WILDLIFE ACT

The *National Parks and Wildlife Act (1974)* is the principal conservation legislation in New South Wales. It provides a legal framework for the management of areas to conserve a variety of environmental, cultural, social and scientific values. Land which is reserved and dedicated under the *National Parks and Wildlife Act (1974)*, includes national parks, nature reserve, historic sites, Aboriginal areas, and State recreation areas.

National parks and historic sites are managed in such a way that their natural or cultural features are preserved while still allowing visitor use and enjoyment. State recreation areas and regional parks are managed to maximise their recreational potential while preserving and protecting their natural features. Because nature reserves and Aboriginal sites are reserved for scientific and cultural values, public access is generally limited. The *National Parks and Wildlife Act (1974)* requires that a plan of management be prepared for each national park, nature reserve and historic site which details how the area will be managed in the years ahead. The objectives of a plan of management are set down in the Act.

## 6.3 WILDERNESS ACT

The *Wilderness Act (1987)* provides for the identification and declaration of wilderness areas which meet the following criteria:

- The area is, together with its plant and animal communities, in a state that has not been substantially modified by humans and their works or is capable of being restored to such a state;
- The area is of sufficient size to make its maintenance in such a state feasible;
- The area is capable of providing opportunities for appropriate self-reliant recreation.

Declared wilderness areas are managed in such a way to protect their unmodified state, to preserve the capacity of the areas to evolve in the absence of significant human interference and to permit opportunities for solitude and self reliant recreation.

## 6.4 THREATENED SPECIES CONSERVATION ACT

The NPWS responsibilities in relation to the protection of flora and fauna are set out in the *Threatened Species Conservation Act (1995)* which provides for the protection of all threatened parts and animals native to NSW by placing specific responsibilities on applicants, proponents, consent and determining authorities and the NPWS in the fields of environmental planning, development control, recovery planning and threat abatement planning.

The various components of the *Threatened Species Conservation Act (1995)* relate to impact assessment, licensing, development control and forward planning for protection of threatened species.

Threatened species impact assessment is integrated into the planning process under the *Environmental Planning and Assessment Act (1979)*. It aims to improve the standard of consideration and protection afforded to threatened species and their habitats in the planning process.

Responsibilities of NPWS under the *Threatened Species Conservation Act (1995)* include:

- Identification of critical habitat which is critical to the survival of the species, population or ecological community. Once critical habitat is declared by the Minister, public authorities

must have regard to the use of the land it owns and controls and in exercising functions where critical habitat is present.

- Preparation of recovery plans for endangered species, populations and ecological communities and for vulnerable species. Time limits are set for the preparation of the recovery plans, affording the highest priority to species, populations and ecological communities which are endangered nationally;
- Preparation of a threat abatement plan for each key threatening process that is listed under the Act. Designed to manage the threatening process so as to abate, ameliorate or eliminate its adverse effects on threatened species, populations or ecological communities.

## 6.5 STATUTORY RESPONSIBILITIES

NPWS key program areas are the five major areas of activity identified in its Corporate Plan. Within these five areas, the Service pursues its statutory responsibilities and achieves identified outcomes.

- Conservation Policy, Assessment and Planning - sets policies, procedures, standards and guidelines for Service operations. Undertakes resource assessment and planning as a basis for identifying and pursuing conservation priorities both within and outside the park and reserve system.
- Protection of Conservation Assets - manage protected native plants and animals state-wide and conserving the natural features and wilderness values within the park and reserve system; and by conserving Aboriginal heritage state-wide and historic heritage in the park and reserve system.
- Promotion of Conservation - promote understanding of and support for conservation in the general community, including providing an array of visitor facilities and services throughout the park and reserve system, disseminating information and running community education programs.
- Regional Park Management - provides recreation facilities and services for the community within a system of regional parks which are areas, substantially modified since European occupation, that offer open space and recreational opportunities for major regional population centres.
- Service-wide Support and Development - planning and programming of activities, annual budget submissions, evaluation of the Service's performance both internally and by the NSW Government.

## 6.6 AGENCY STRUCTURE

The Service is a highly decentralised organisation with a head office in Sydney and a statewide field establishment of four Zones and 26 Districts grouped into 6 Regions.

Head Office includes the Executive and a number of Divisions co-ordinating the development and review of State-wide policies, priorities, systems, standards and procedures, providing policy advice to the Executive and Minister and providing policy, technical and administrative advice and support to the Regions, Zones and other Divisions.

Zones are responsible for on-park and off-park conservation planning and assessment functions and general conservation planning within a specified geographical area. Other responsibilities include Service input into environmental plans, s.90 matters under the *Environmental Planning and Assessment Act (1979)*, temporary licences covering threatened fauna in State forests, wilderness investigations and the assessment of wilderness nominations. Under the new

*Threatened Species Conservation Act (1995)*, the Zones have responsibility for processing concurrence requests for development decisions made by local government and other agencies, and in the preparation of statutory recovery plans.

Each of the Service's Regions consists of a number of Districts whose activities are co-ordinated and supported by a small management infrastructure, the Regional Office. Within their geographical area, they implement conservation programs in accordance with organisational policies and priorities and focus on park and reserve planning and management, law enforcement, licensing and community relations at the local or regional level.  
[Corporate Plan 1997]

## **6.7 STRENGTHS AND WEAKNESSES**

Guided Self-Assessment conducted in May 1997 found that NPWS strengths lay in planning, incorporating input from major stakeholders, producing strategic and operational goals, the attention to encouraging teamwork, keeping people informed, effective approaches to communication and an organisational focus on OH & S.

The same study found that opportunities lay in increasing the communication of purpose and direction from management and the move towards the reduction of internal barriers to communication. It also found opportunities for exploration in the prioritisation of organisational goals and related performance indicators, the establishment of a systematic process for selecting the data needed to manage and improve the organisation's activities.

The evaluation of processes, planning and their outcomes is an area which is deserving of further attention within the Service, to ensure that future decisions have a sound basis.

The decentralisation of the Service, coupled with its wide responsibilities both on and off park has made it difficult to keep the desired level of communication between Districts, Zones and Head Office. There are also opportunities for increased communication between the Divisions and Units in Head Office, which would lead to the reduction in overlapping work and the chance to apply work done within a single Unit more widely to ensure maximum use.

It has been identified that cultural heritage is an area which is currently being undermanaged. It would be of value to assess levels of pre-logging survey required and the prescriptions which have been developed for cultural heritage sites. The clarification of responsibility for on-going management of off-reserve sites is also an important issue.

# 7. STATE FORESTS OF NSW

*For the spreadsheet for SFNSW please refer to Appendix H volume 3.*

## 7.1 OVERVIEW

State Forests NSW (SFNSW) plays a major role as one of NSW's major natural resource management agencies. Formerly known as the Forestry Commission, it manages a large area of public forested land. SFNSW operates under the *Forestry Act (1916)* which defines the general objectives of the agency.

These objectives include:

- Conserving and utilising the timber, preserving and improving the soil resources and catchment capabilities on Crown-timber land<sup>5</sup> including State forests, timber reserves, flora reserves.
- Promoting and encouraging recreation and conserving birds and animals on State forests.

SFNSW has responsibilities for both conservation and commercial performance, within the context of Ecologically Sustainable Forest Management (ESFM). SFNSW manages a large public estate for a range of significant values including biodiversity, threatened species, water quality, timber supply and recreation. Some of the roles and responsibilities of SFNSW are set out in Section 8 and other Sections of the *Forestry Act (1916)*.

## 7.2 CROWN-TIMBER LAND ESTATE

SFNSW administers and manages publicly owned forested lands in New South Wales (known as Crown-timber lands) other than forested land dedicated as National Parks or Nature Reserves, or dedicated as public reserves under the control of other public authorities or local government. SFNSW does not have jurisdiction over private forested lands in NSW except for certain rights-of-inspection safeguards against the theft of Crown timber, and powers to enter agreements with private or corporate owners of private forests to undertake forest management activities on their lands

While SFNSW undertakes the management of forests on Crown-timber lands, the Department of Land and Water Conservation (DLWC) manages the landuse aspects (including clearing) on Crown-timber land (except State forest and flora reserve). The *Forestry Act (1916)* allows SFNSW to issue licences, permits and authorisations for various activities on Crown-timber

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<sup>5</sup> Crown-timber land includes State Forest, flora reserve, land affected by à prendre, and most Crown land including licences and leases but not Crown land held under a tenure or with an area of less than 2 ha.

land including occupational permits (eg. Grazing or bee keeping), product licences (eg. seed or plant collection) and licences for contractors and operators.

SFNSW can undertake forestry activities which has been outlined in an Environmental Impact Statement (EIS), and approved by the Minister of Urban Affairs and Planning. In management areas where and EIS has not been approved, the Regulatory and Public Information Committee determines the proposed compartments to be logged and the sites of proposed roads (see section 3.3). SFNSW undertake forestry activities according to the conditions in these approvals and use other non-legislative tools and protocols such as SFNSW Forest Practices Code; Harvesting Advisory Boards; SFNSW harvesting plans; SFNSW Operational Circulars and Conservation protocols (which are discussed in a separate paper titled 'Operational Tools Applicable to Managing Forests in NSW').

### **7.3 DEDICATED STATE FORESTS**

SFNSW has comprehensive administrative and management control of all activities except mining within dedicated State forests on behalf of the people of NSW, including powers to grant permits for occupancy for grazing and other designated purposes, (eg. public utilities), but does not have outright ownership of the forest estate. The DLWC is still legally the custodian of all Crown lands in New South Wales. DLWC acts in technical capacity as the facilitating authority for approving dedication of Crown-timber lands as State forest and in the disposal of Crown-timber lands not under SFNSW's jurisdiction or where dedication has been revoked.

Dedicated State forests currently form 20% of the forested lands in NSW.

### **7.4 OTHER CROWN-TIMBER LANDS**

SFNSW has timber management rights over other Crown-timber lands irrespective of their status. These may be vacant Crown land or certain Crown leasehold lands which may have or not have some form of reservation for future public use placed on them. The exercise of timber management rights includes the right to provide of access roads for harvesting.

The evolving regulatory system applicable to management of Crown-timber lands has increased the complexity and rigour of forest management. State Forests is currently accountable to a number of other regulatory authorities for compliance with a range of regulatory controls.

The Department is currently accountable to a number of other regulatory authorities for compliance with a range of regulatory controls.

### **7.5 ROLES AND RESPONSIBILITIES**

State Forests has responsibilities for both conservation and commercial performance, within the context of Ecologically Sustainable Forest Management (ESFM). State Forests NSW manages a large public estate for a range of significant values, including biodiversity, threatened species, water quality, timber supply and recreation. Some of these roles and responsibilities of State Forests are set out in Section 8 and other Sections of the *Forestry Act, 1916*.

#### **7.5.1 Forestry Act, 1916**

State Forests' Objectives are to:

- Conserve and utilise timber to the best advantage of the State;
- Provide adequate supplies of timber for all purposes;

- Use good forestry practices;
- Preserve and improve soil resources and water catchment capabilities;
- Encourage the use of timber grown in NSW;
- Preserve native flora and fauna through reservations;
- Promote recreation;
- Take all steps to preserve or enhance the quality of the forest environment.

SFNSW has the powers to appoint employees and delegate other powers (as given to the Commissioner for Forests under the *Forestry Act (1916)*) to those employees according to their duties. These powers include the right to:

- Control and manage dedicated State forests, timber reserves and flora reserves;
- Sell or dispose of timber or products from Crown-timber lands;
- License persons to conduct timber harvesting operations;
- Convert timber into products and utilise by-products from timber conversion;
- Licence saw mills;
- Purchase premises, machinery and equipment and engage other employees for forest work;
- Construct and maintain forest roads and other forest infrastructure;
- Undertake fire prevention and fire control measures;
- Undertake research;
- Provide a timber inspection service;
- Provide advisory services to the public;
- Enter agreements with others for the sale of timber products, undertaking of silvicultural works on private lands or for other purposes;
- Classify and categorise Crown-timber lands for reservation and timber reserves or dedication as State forests or flora reserves.

### 7.5.2 Regulation under other Acts

SFNSW is responsible for managing or controlling the following matters within State forests and other Crown-timber lands:

- Soil erosion mitigation measures during forestry operations through introduction of the Standard Erosion Mitigation Conditions for Logging Operations in NSW (SEMC). [*Soil Conservation Act (1938), Catchment Areas Protection Act (repealed)*]
- Introduction in 1980 of Environmental Impact Assessment procedures for all forestry operations. [*Environmental Planning and Assessment Act (1979)*]
- Procedures for Environmental Impact Statements for certain native forest management areas to be determined by the Minister for Planning rather than by SFNSW. [*Endangered Species (Interim Protection) Act (1992), Timber Industry (Interim Protection) Act (1992)*]
- Regulatory and Public Information Committee (RaPIC). The Committee acts as a consenting group under the legislation for the approval of harvesting plans for areas under consideration for EIS determination. [*Endangered Species (Interim Protection) Act (1992), Timber*

*Industry (Interim Protection) Act (1992) and amendment to the EP&A Act (1979) and NPWS Act (1974)]*

- *Regulatory and Public Information Committee (RaPIC) was established by legislation in 1992, complements the EIS process and other requirements set out in the first two Acts, comprises representatives from State Forests, DUAP, DLWC, EPA and NPWS. The committee acts as a consenting group under the legislation for the approval of harvesting plans for areas under consideration for EIS determination. All harvesting plans dealt with by this committee are placed on public display.*
- Requirement introduced in 1992 for SFNSW to hold licences to kill protected and/or endangered species during timber harvesting operations through damage and loss of habitat. [*National Parks and Wildlife Act (1974)*]
- Requirements introduced in 1992 for State Forests to hold Pollution Control Licences for logging operations and related activities to prevent and to be accountable for water pollution resultant from these activities. [*Pollution Control Act (1970), Clean Waters Act (1970)*]
- Requirement to include formal procedures for survey to avoid destruction of endangered flora [*National Parks and Wildlife Act (1974), Threatened Species Conservation Act (1995)*]
- Exemption of commercial timber plantation from development consents for harvesting. Allows timber plantation owners to harvest their plantation without impediment from planning controls under the EP & A Act provided the plantation is accredited beforehand by DUAP and the Code of Practice for Plantation Harvesting is followed. This Code is a Regulation under the Act [*Timber Harvesting (Harvest Guarantee) Act (1995)*]

## **7.6 DEPARTMENTAL STRUCTURE**

### **7.6.1 Organisational Principles**

State Forests of NSW has two separate management streams:

- Crown-timber land estate management stream;
- Crown-timber sales and marketing stream.

The management stream accounts for the bulk of State Forests' organisational structure and function. The estate management stream has the charter to fulfil all the functions of the *Forestry Act, 1916* in management, silviculture, maintenance and protection of the forest estate, except for the sale of timber.

The Marketing Division and its associated statewide field staff are responsible for the utilisation and marketing of the forest crop made available by the estate management stream from all available Crown-timber land resources. The provision of other marketable benefits from the Crown-timber land estate are similarly dealt with. The estate management stream looks after the assets and the marketing stream sells them when they become commercially available.

### **7.6.2 Corporate Organisation**

The Chief Executive (CEO) has responsibility for management of State Forests of NSW and is accountable to the Minister for Land and Water Conservation.

The Department is broken down into various divisions, such as:

- Hardwood Plantations Division;

- Native Forests Division;
- Softwood Plantation Division;
- Marketing Division;
- Operational Services Division;
- Forest Research and Development;
- Forest Policy and Programs.

The Native Forests and Softwood Plantation Divisions are responsible, through the thirteen Regions they administer, for strategic and operational planning at the state level in native forests and plantations. Their main role is to have an oversight of the establishment, tending and protection of forest crops, and environmental care of the forest estate and infrastructure. The two Divisions are also responsible for the overall management of other forest uses and the implementation of corporate policy.

The Hardwood Plantation Division is directly responsible for implementation of the State's Eucalypt Plantation Policy to establish hardwood plantations both on land purchased or available to State Forests or through co-operative joint venture agreements with private land holders.

The Marketing Division is responsible for marketing and selling the forest crop once it becomes available for harvest. Regions are responsible for all activities associated with the planning and execution of the harvest up to the point where timber or product arrives at the dump. Thereafter, sale and removal of the timber is the responsibility of the Marketing Division.

Forest Policy and Programs Division fulfils two corporate roles: of formulating and implementing forest policy, in consultation with stakeholders and other General Managers and Regional Managers; and, by co-ordinating the major programs that characterise State Forests' core business.

The key branches within the Forests Policy and Programs Division are:  
 Policy Branch which is responsible for collating all policy matters within State Forests;  
 Resources Branch which holds responsibility for all resource and data collection matters;  
 Sustainable Forest Management Branch which has responsibility for negotiating and progressing regulatory and other external forestry issues including the introduction of ESFM/EMS to State Forests;  
 Fire and Special Projects CRA Branch which has responsibility for management of the CRA/RFA process and fire management.

### **7.6.3 Regional Organisation**

State Forests of NSW has nine native forest regions and four softwood plantation regions. The softwood plantation regions are independent of the native forest regions and in some locations, a plantation region may manage softwood plantations alongside native forests managed by a native forests region.

Each region is managed by a regional manager who reports either to the Native Forests Division of the Softwood Plantations Division.

Each region is responsible for the strategic regional planning and day-to-day operational activities within the Crown-timber lands estate. This includes all forest operations such as silviculture, road and other infrastructure construction and maintenance, and forest protection.

The region is also responsible for harvest planning and supervision to the demarcation point of sale as described above.

Regions are largely responsible for implementing ESFM/EMS through application of codes of practice, undertaking monitoring targets, and for review of operational performance against benchmarks and operational targets, and for review of operational performance and recommendations for innovations or remedial improvement.

## **7.7 SIGNIFICANT INTERDEPARTMENTAL PROCESS**

Where SFNSW as the regulator requires compliance from other departments in respect of the *Forestry Act (1916)* or the *Timber Marketing Act*. SFNSW is the approving or consenting authority.

SFNSW's only regulatory function which may affect other departments is its jurisdiction over the issue of Clearing Licences for removal of timber cover from Crown-timber lands, except for protected lands under the *Soil Conservation Act (1938)*.

This jurisdiction dates from the time when clearing of Crown leasehold lands and some vacant Crown lands could lead to the loss of significant utilisable Crown-timber resource. In recent years, increasing interest from other agencies led to the introduction of procedures which ensured consideration of the environmental issues associated with clearing Crown-timber lands. SFNSW generally only issued clearing licences where there was clear concurrence from other agencies. In 1992 the transfer of clearing licence administration from SFNSW (then the NSW Forestry Commission) to DLWC (then CaLM) was proposed but not expedited.

Where SFNSW complies with other regulators who licence, determine or give consent.

These include:

### **NSW Rural Fire Service (Rural Fires Act)**

SFNSW and the NSW Rural Fire Service maintain close consultation in respect of the regulation provided by the *Rural Fires Act (1997)* and the complimentary sections of the *Forestry Act (1916) and Regulation* in respect of State forests. This liaison is maintained at branch managerial level. SFNSW is represented on the Rural Fire Council of NSW.

### **Department of Land and Water Conservation (Soil Conservation Act)**

DLWC also regulates SFNSW activities through application of the SEMGL to harvesting operations on dedicated State forests. On other protected lands within Crown-timber lands, SFNSW has to apply to DLWC for an authority to remove trees, to which a range of conditions, including adherence to the SEMGL, may be attached.

### **Standard Erosion Mitigation Guidelines SEMGL (1993)**

During determination of the Wingham and other EIS for forestry under the *Timber Industry (Interim Protection) Act*, compliance with the SEMGL was made a determining condition. Subsequent PCLs issued to State Forests by the EPA introduced conditions which rendered the SEMGL redundant. Consultation between DLWC, EPA and State Forests over soil erosion mitigation and water pollution control has not yet resulted in integration of the SEMGL with the PCL.

### **SEPP 46**

DLWC is also the approving authority for the clearing of native vegetation under State Environmental Planning Policy No 46. SFNSW makes applications to DLWC under SEPP 46 for approval for the clearing of remnant vegetation within predominantly cleared former agricultural land for both softwood and hardwood plantation establishment. The approval to clear is accomplished by a number of conditions. Note that the relationship of SEPP 46 with the issue of Clearing Licences for clearing of Crown-timber lands has not yet been considered.

**Memoranda of Understanding**

State Forests and DLWC have entered a number of Memoranda of Understanding (MOU) in relation to:

- SEMGL (1993);
- SEMGL for Inland Forests in NSW (cypress Pine);
- Soil Conservation Measures for Logging River Red Gum Forests;
- Soil Erosion and Sediment Control Strategies for Plantation Establishment.

These strategies and other advisory information from DLWC form an important basis for best practice management in the pursuit of ESFM/EMS strategies.

Liaison with DLWC is at all levels from Executive General Manager downwards. A number of soil specialists are seconded from DLWC to State Forests to assist in matters dealing with timber harvesting plans and compliance with the PCLs.

**Department of Urban Affairs and Planning (Environmental Planning and Assessment Act)**

SFNSW has been negotiating extensively over a number of years with DUAP in relation to EIS submission and latterly DUAP's Resource and Conservation Division (RACD) as the lead State agency in the CRA/RFA process. DUAP has a forestry unit.

**National Parks and Wildlife Service (National Parks and Wildlife Act and Threatened Species Conservation Act)**

State Forests is licensed in a number of ways under this legislation. Differences between the Threatened Species Conservation Act and the raft of previous legislation to protect endangered fauna now require a complicated adjustment of present licensing arrangements.

Negotiations with the National Parks and Wildlife Service and other interested stakeholders including the Department of Urban Affairs and Planning has been at all levels including the Executive General manager.

The endorsement of a number of conservation protocols by an MOU between the CEO of State Forests and the D-G of NPWS has been achieved and the protocols will eventually replace other licensing conditions.

Overall, the survey and protective prescriptions for threatened species that have evolved over the past five years in relation to forestry operations have given a better insight into the forest distribution and habitat requirements of several fauna species.

**Environmental Protection Agency (Pollution Control Licences)**

The Pollution Control Licences also commit SFNSW to significant long-term research into soil erosion and sedimentation. SFNSW and the EPA maintain negotiations over amendments to licence conditions and their effect on water quality and timber resources available to industry.

Liaison between SFNSW and the EPA is conducted at several levels from CEO downwards, according to the nature of the matter in hand, and its legal implications. SFNSW and EPA are currently endeavouring to simplify licensing arrangements through the introduction of a Pollution Control Protocol.

**7.7.1 State Forests of NSW Response**

In summary, these regulatory processes, which require extensive interdepartmental liaison, are a significant constraint that ties up significant resources for all agencies. State Forests considers that this approach in its present form will be unable to adequately address the intent and the future implementation of the RFAs. Therefore, the design of an ESFM/EMS will need to take

account of these regulatory processes and endeavour to translate them into more transparent and unified process which builds on a consolidated set of policies and rules.

The goal is an ESFM system that manages towards a key set of performance indicators for all values in the forest.

## **7.8 OVERVIEW ANALYSIS OF PRESENT MANAGEMENT SYSTEMS**

State Forests currently operates in a regulatory environment where at State level, three ministers of the Crown and six agencies are engaged in forest issues, either as land managers, regulators or both. The regulatory compliance process can involve up to fifteen bilateral relationships among government agencies at the policy level, in addition to the several legislative instruments that forestry activities must either comply with or seek a licence under. The other authorities identified in the previous section are the principle agencies among the five that State Forests normally deals with.

The State Government's Forestry Policy refers to reshaping of the regulatory environment to include Statutory Management Plans and a Principle Forest Regulator. However, under current legislation, forestry activities still fall within the provisions of the *Environmental Planning and Assessment Act, 1979*.

In this context, the ESFM.EMS matrix does not include any consideration of these future proposals but the Statutory Management Plan can be seen as the successor to the present combination of management plans and EIS determinations that the matrix identifies.

The management element – ESFM/EMS matrix compiled by State Forests shows that most management elements used by State Forests can be categorised into supporting one or another of the attributes within the system. However, in some cases management elements used by State Forests suffer from a number of apparent deficiencies which arise from the way in which instructions are written.

The current State Forests instructions supporting various management elements and referred to below include policy statements, Commissioners, Managing Directors, Chief Executives, Administrative, Operational and Numbered and Unnumbered Circulars, Manuals, Head Office letters, Regional and District instructions, the Forest Practices Code, and a range of recording forms.

### **7.8.1 Difficulties in Categorising Management Instructions that have more than one EMS Category**

Most State Forests instructions have more than one purpose or EMS category. For example, policy statements usually include directions for implementation.

Similarly, State Forest's *Forest Practices Code* include policy, directions for planning, implementation, reporting, recording and auditing, monitoring and review; all in the one publication.

In contrast, someone designing a manual for an industrial ESM system to ISO 14001, would separate a policy element from an implementation element and put them into two separate documents or separate them in different sections of the EMS manual and use cross-referencing where necessary.

### **7.8.2 Management Instructions that Predate Current Descriptive Concepts**

Many of the current instructions were written prior to the development of ecologically sustainable forest management concepts. As a result, they do not refer overtly (specifically) to

any of the following: biodiversity; global geochemical cycles; ecologically sustainable forest management; the precautionary principle; adaptive management.

In many cases, the purpose of the instruction for the organisational level at which it is directed would be obfuscated by references to these issues. State Forests had some difficulty in deciding how far down to bring the level of management elements whilst compiling the matrix.

### **7.8.3 Absence of Scrutiny, Consultation and Public Participation**

Scrutiny, consultation and public participation criteria have only been introduced to policies and codes within the last two years, apart from the EIS process. The level of the management element and the purpose of the instructions in some cases does not appear to warrant such attention. It is considered that State Forests, through various regulatory processes already has a high degree of exposure to scrutiny and public availability of its normal management records which is unsurpassed by any other government agency in NSW.

### **7.8.4 Management Systems**

The present management elements do not reveal an obvious management system. This is due to a number of reasons.

Prior to 1990, the former Forestry Commission had a very effective system for the timely issue of policy statements and other lower order instructions which made up the management system of the time. The Forest Management Plan and the Annual Management Plan Reporting System which date from that era are good examples of well defined and understandable procedures for management planning and regulation.

The rapid changes to instructions resulting from external regulation in 1992/93 brought the process for orderly interpretation, preparation and transfer of instructions under considerable pressure. While the ongoing pace of change to instructions caused by directives handed down from external regulators has become more settled, the fast moving nature of some regulatory matters and difficulties in negotiating their correct interpretation, would be difficult to handle in the ESFM/EMS context.

### **7.8.5 Analysis of the Adequacy of State Forests present Management System**

All aspects of management are covered by adequate documentation and the new reorganised structure and redeployment of staff will effectively implement the management system in the field. Policy is now vested in one corporate group in State Forests' Forest Policy and Programs Division with the intent to permeate all future policy and strategic directions with ESFM principles according the NFPS.

At the planning level, completion of the CRA/RFA should put to rest the ongoing dilemma for any management system where land use conflicts are unresolved and management activities are driven by constraints on operational planning, rather than by objectives. The reorganised State Forests structure with its emphasis on Regional planning for all activities will consolidate the present gap in various planning activities and the smaller number of regional centres will allow for greater consistency in application. Similarly, implementation of forest works to best practice standards and follow up monitoring and reporting will benefit from the current reorganisation.

However, there is over documentation and some conflicting instruction especially in the planning, management and supervision of timber harvesting. The same conditions are repeated in several instructions where one would suffice. There is a real danger that 'stale' instructions are followed because revised documentation does not reach the right people. There is also the danger of condition 'obsolescence' where harvesting activities take place over extended periods.

In some areas of the EMS context, guidelines for monitoring and compliance is poorly documented and the burgeoning demands on limited resources to service planning needs has tied up staff who should be involved in monitoring and review programs. Simplification to planning procedures provided by the introduction of generic protocols, should go a long way to address this problem.

At the present time, silviculture, the dynamic principle at the heart of forest management is a policy limbo. The range of appropriate silvicultural systems and practices available for application to both native forests and plantations needs to be fully described at all levels in any ESFM/EMS framework.

## 7.9 PROCESS FOR CHANGE

State Forests has already identified processes for change in two position papers developed during 1996 and 1997. Essentially they both review the need for regulatory reform in the light of SFNSW's experiences with the forest EIS program in NSW and discuss the need for legislative reform.

State Forests considers that the adoption of an ESFM/ESM for the three broad forest land categories would allow easier preparation of policies, codes of practice and other levels within the ESFM, provide for commonality where appropriate between three ESFM/ESM models and simplify State Forests own position in moving from an external multi-regulated environment to one which optimises internal self-regulation and accountability, yet permits other authorities to play an authentic role in auditing of regulations.

State Forests identifies the following process that should be followed within general CRA/RFA process framework to arrive at a workable ESFM/ESM model with common and complimenting components for Crown-timber lands, other public forests within the CAR system, and other private forested lands as having the following steps:

- Consultative analysis of the management elements;
- Establishment of complimentary policies for each of the three ESFM/EMS;
- Refinement of policy;
- Completion of preparation of Forest Practice Codes for Codes for three types of forest encountered;
- Design and preparation of the form of separate Statutory Management Plans for Crown-timber lands and private forested lands within RFA areas;
- Adjustment to NSW legislation or, as a minimal adjustment, issue of a SEPP designating the role of Forest Regulator and removing forestry from the encumbrances currently required under the NSW *Environmental Planning and Assessment Act, 1979*;
- Identification of the role and level of public participation in strategic planning for public forests.

# 8. NSW RURAL FIRE SERVICE

*For the spreadsheet for RFS please refer to Appendix I volume 4.*

## 8.1 OVERVIEW

The New South Wales Rural Fire Service administers the *Bush Fires Act (1949)* which makes provision for the prevention, control and suppression of bush and other fires and for the mitigation of dangers resulting from bush fires, including Bush Fire Management Committees and Bush Fire Management Plans. The NSW Rural Fire Service formally came into existence in 1997 when the *Rural Fires Act (1997)* was proclaimed. Previously the Service was known as the NSW Department of Bush Fire Services and acted under the *Bush Fires Act (1949)*.

There are 142 Local Government Areas that have rural fire districts and volunteer brigade firefighters under the direction of a Fire Control Officer. There are approximately 70 000 volunteers. These all form part of the Rural Fire Service and protect approximately 89% of the State.

## 8.2 CO-ORDINATING COMMITTEES

The *Rural Fires Act (1997)* sets up the Bush Fire Coordinating Committee. Membership of the Committee comprises of: NSW Rural Fire Service, NSW Fire Brigades, State Forests NSW, NSW National Parks and Wildlife Service, Local Government and Shire Associations, a Fire Control Officer, Police, Environmental Representative of the Minister of Environment, the Nature Conservation Council of NSW, NSW Farmers Association and an Officer from the Department of Community Services. See s.47 of the *RFS Act (1997)*. The Bush Fire Coordinating Committee sets policy and direction for coordinated firefighting and fuel management planning across the state.

Using local government area boundaries Bush Fire Management Committees are constituted under the Rural Fire Service Act Regulations for all areas that have a rural fire district. Membership of these Committees includes the local officers represented on the Bush Fire Co-ordinating Committee: see s.15 of the Regulations for further detail.

Each Bush Fire Management Committee is legislatively required to develop an Operational Plan and a Bush Fire Risk Management Plan for their local area. These plans are publicly exhibited as part of the development process and the Committee is to have regard to the principles of ecologically sustainable development described in s.6(2) of the *Protection of the Environment Administration Act (1991)* in carrying out any function that effects the environment (see s.56 of RFS Act) All plans are to be made available for public inspection and may be obtained from the local authority (see s.65 of RFS Act).

The State level Bush Fire Coordinating Committee approves the plans prepared by the local Bush Fire Management Committees. Each year every Bush Fire Management Committee prepares an “Annual Fuel Reduction program” that sets out the specific areas within the local government boundary, across all land tenure types that will be treated to reduce fuel loads and or protect specified assets. Each program directly relates back to one of the strategies identified within the Bush Fire Risk Management Plan. The Annual Fuel Reduction Program is submitted to the Bush Fire Co-ordinating Committee each year and provides them with information to ascertain if the appropriate level of fuel reduction and adequate levels of protection to the local community are occurring. The process provides a good check and balance with the overall system.

The planning process is not static and continual improvements through adaptive management refine the process.

# 9. NSW DEPARTMENT OF MINERAL RESOURCES

*For the spreadsheet for DMR please refer to Appendix J volume 4.*

## 9.1 OVERVIEW

The NSW Department of Mineral Resources (DMR) is the primary management agency for mining and exploration in NSW. The agency is responsible for the provision of exploration licences, assessment leases and mining leases. In the case of coal, metallic, industrial and gem materials, this management takes place under the *Mining Act (1992)* and the *Mining (General) Regulation (1992)*. In the case of petroleum minerals such as oil and gas (including coal steam methane), management takes place under the *Petroleum (Onshore) Act (1991)* and the *Petroleum (Onshore) Regulation (1992)*.

The *Mining Act (1992)* and *Petroleum (Onshore) Act (1991)* regulate extraction of publicly owned minerals from both public and private land. In the case of the *Mining Act (1992)*, it also regulates extraction of privately owned minerals from private land.

Most low cost extractive resources, such as sand, gravel and hard rock construction materials, are not primarily managed by DMR. These materials are not prescribed as minerals under the *Mining Act (1992)* and their extraction is managed by a variety of land owning and managing agencies, including Department of Land and Water Conservation, Western Lands Commission, State Forests New South Wales, the SRA, the Roads and Traffic Authority and Public Works. The National Parks and Wildlife Service may manage small extractive operations such as borrow pits. In this paper, unless otherwise specified, reference to "mining" and "minerals" does not include reference to low cost extractive operations (quarries) or extractive materials.

Both mining and low cost extractive operations come under the purview of the palling legislation. Most mining is "designated development" under Part 4 of the *Environmental Planning and Assessment Act (1979)* (*EPA&A Act*), requiring an EIS before development consent can be granted. Under s.65 of the *Mining Act*, the Minister may not grant a mining lease, if a development consent is required, unless that consent has first been granted. Most quarrying is also designated development under Part 4.

Where there is no Local Environmental Plan or other valid environmental planning instrument in place, then both mining and quarrying are assessed under Part 5 of the *EPA&A Act (1979)*. In such cases, the Minister for Mineral Resources becomes a determining authority for mine proposals. Quarry proposals are subject to determination by the Minister overseeing the proponent authority and/or the Minister administering the subject land.

The *Mining Act (1992)* and the *Petroleum (Onshore) Act (1991)* regulate extraction of publicly owned minerals from both public and private land. In the case of the *Mining Act*, it also regulates extraction of privately owned minerals from private land.

## 9.2 MANAGEMENT OF MINING AND EXPLORATION ON FORESTED LAND

Neither the *Mining Act (1992)* and the *Petroleum (Onshore) Act (1991)* make particular reference to forested land as such. Exploration and mining of minerals and petroleum on most forested land is essentially subject to the same management and controls as on land covered with other vegetation types. The general provisions for environmental assessment and environmental management contained in the mining legislation, the *EPA&A Act (1979)*, the *Threatened Species Conservation Act (1995)*, the *Clean Waters Act (1970)*, and other relevant legislation is applied to exploration and mining on forested land in a like manner as elsewhere. This is the case with all forested private land and most forested Crown land. The main exception to this general principle, where certain additional controls apply, is in regard to land within a State forest or flora reserve.

A further exception relates to forested land subject to reservation or dedication under the *National Parks and Wildlife Act (1974)*. In most cases, provisions of that legislation prevent all exploration and mining within such lands.

## 9.3 MANAGEMENT OF MINING AND EXPLORATION WITHIN STATE FORESTS AND FLORA RESERVES

Section 21 of the *Forestry Act (1916)* provides that:

"land within a State forest or flora reserve shall be subject to such provisions of the *Mining Act (1992)* and the *Petroleum Act (1955)* (sic) as are applicable to land permanently dedicated; but the exercise of any right thereunder...shall be subject to such conditions and restrictions relating to forestry or the purposes of the reserve, as the case may be, as may be prescribed".

The *Mining Act (1992)* includes dedicated land within its definition of an "exempted area". Under s.30 of the *Mining Act (1992)*, the holder of an exploration licence may not "exercise any of the rights conferred by (that) licence" within an exempted area except with the consent of the Minister.

In practice, this consent is generally given concerning land within a State forest (or rarely, a flora reserve) subject to a set of standard conditions attached to the licence or lease. These standard conditions have been negotiated with State Forests of NSW (SFNSW) as being appropriate to exploration on forested land and are regularly reviewed with that agency. The conditions require close consultation between the titleholder and the District Forester and reserve certain powers to the Department of Mineral Resource's Director-General with respect to the suspension of operations or the withdrawal of consent. They are applied in place of any "prescribed" conditions, as no such prescription under the *Forestry Act (1916)* has ever taken place.

Provisions similar to those within s.30 and 48 of the *Mining Act* exist under s.70 of the *Petroleum (Onshore) Act (1991)*. They relate to all titles granted under that Act that affect dedicated, reserved or related classes of land.

Mining within State forests is subject to the provisions of the *Mining Act (1992)* relating to "materially affected authorities". Under s.63 of the Act, mining leases may not be granted unless the provisions of Part 2 of Schedule 1 of the Act, concerning public consultation, have

been accorded with. These provisions require that the Minister must serve notice on all Government agencies that, in his opinion, would be “materially affected by the granting of the lease” concerning the lease application, together with a request for advice concerning any objection to grant of the lease or proposals for the inclusion of additional conditions on it.

The Director of Planning must also be similarly referenced with all mining lease applications, as well as must the controlling body of any affected exempted area, the local council(s), and the general public (by notice in State and local newspapers). The applicant is also required to serve notice on owners or occupiers of the affected land. If the DMR is unable to resolve by negotiation objections to the lease grant by either the Director of Planning, a materially affected authority, or the controlling body of an affected exempted area, then the proposal to grant the lease must be referred to the Premier for determination. Such determination may include an inquiry by the Mining Warden.

In the case of mining lease applications within either State forests or flora reserves, SFNSW is both a “materially affected authority” and a controlling body of exempted areas. Consequently it is referenced by the DMR in all such cases and has the opportunity to either propose conditions attached to the lease or else object to its grant.

Similar provisions apply to the grant of assessment leases under the *Mining Act (1992)* (see Part 1 of Schedule 1). Corresponding provisions also apply to production leases under the *Petroleum (Onshore) Act (1991)* (see Part 4 of that Act).

A standard condition relating to forestry, also agreed with SFNSW and updated from time to time, applied to all relevant mining leases. A current copy is attached as Appendix 2. This condition requires consultation between the leaseholder and the District Forester and reserves certain powers to the Minister for Mineral Resources with respect to the suspension of operations or the withdrawal of consent. This condition acts as a base upon which any more detailed conditions relating to forest issues can be built either through the referencing process described above or via the development consent process.

### 9.3.1 Further Provisions Affecting Flora Reserves

Section 21 of the *Forestry Act (1916)* further provides that:

"the Minister, with the concurrence of the Minister for Mines, by notification in the Gazette, may take any part of a State forest or flora reserve out of the operation of those provisions, and revoke or alter any such notification."

The “provision” here referred to are those of the *Mining Act (1992)* and the *Petroleum Act (1955)* (sic) referred to above. In many cases, the Minister administering the *Forestry Act (1916)* has considered that the environmental values of particular flora reserves are such that they should be exempted from the mining legislation. This prevents that grant of any title within them, whether for exploration or mining, including any mineral claim.

No mining currently takes place in flora reserves.

## 9.4 MANAGEMENT ELEMENTS SUBJECT TO REFORM PROPOSALS

No major elements of the Mining and Petroleum (Onshore) Acts are currently under review. Minor legislative changes to the *Petroleum (Onshore) Act (1991)* are currently under development, but it is considered that they are not significant to the forest EMS assessment process and therefore do not need to be reported. Minor changes to the *Mining Act (1992)* took place in late 1996. These also do not require to be reported.

The major management elements affecting mining that are likely to change significantly in the near future are primarily the responsibility of other agencies. The most important of these is the current review of the planning legislation.

It is expected that the Environmental Planning and Assessment Bill (1997) will be introduced into Parliament during the forthcoming Spring Session. The Bill when enacted will have a significant impact on the approvals process of mining developments. It is proposed to increase the powers of the Minister for Urban Affairs and Planning to deal with projects of State and regional significance. Currently, the Minister is the consent authority for developments under s.101 of that Act. Under the proposed system, most developments of State and regional importance will be identified by way of environmental planning instruments or by a declaration in the Government Gazette. The developer will lodge the development application directly with the Department of Urban Affairs and Planning (DUAP) and there will be a clear process for assessing the development proposal.

An inter-departmental Mining and Extractive Industry Working Party has also recently finalised **Guidelines for Preparing and Implementing Co-ordinated and Consolidated Development Consent Conditions and Other Approvals Given by Statutory Authorities** ("guidelines on consent conditions") and **Guidelines for Community Consultation**. Under the new process for guidelines on consent conditions, a compilation of all draft conditions for proposed approvals for any particular development will be reviewed by the relevant authorities. This will enable ambiguous, conflicting and duplicative conditions to be identified and amended before approvals are granted. A Memorandum of Understanding has been signed by all relevant authorities to cover the implementation of the guidelines on consent conditions. Draft revised **Guidelines for Planning Focus** have also been completed and should be approved in the near future.

The new processes will facilitate a whole-of-Government approach to the assessment of development and will ensure that assessment is thorough, efficient and effective while minimising the costs and time delays to the developer.

The second major proposed change to management elements administered by another agency is the current review and consolidation of the pollution control legislation. These changes will not impact on mining on forested land specifically, but on all types of pollution resulting from all types of development and land use on all types of land. Consequently, they are not reported on by DMR.

# 10. DEPARTMENT OF AGRICULTURE

*For the spreadsheet for the Department of Agriculture please refer to Appendix K volume 4.*

## 10.1 OVERVIEW

The Department of Agriculture administers the *Rural Lands Protection Act (1989)*, which provides for the establishment of Rural Land Protection Boards and management of dedicated reserves for travelling stock routes (which can contain native forests), suppression and destruction of noxious animals and insects. The *Noxious Weeds Act (1993)*, also administered by NSW Agriculture, enables the gazettal of a plant to be a noxious weed and defines the level of control required to prevent it from spreading to adjoining land. The Minister for Agriculture approves baiting programs for feral animal control.

## 10.2 POTENTIAL ESFM ISSUES FOR FARM FORESTRY IN NSW

Assuming silvicultural management of native forest and woodland is included in farm forestry activities in the future, key management issues will be biodiversity conservation, protection of cultural heritage and natural resource protection (particularly soil and water). There are considerable information gaps concerning sustainable silvicultural management of native forest and woodland in NSW particularly in relation to impacts of logging and grazing on biodiversity.

Under the *Timber Plantations (Harvest Guarantee) Act, 1995* accredited plantation will be exempt from the *Threatened Species Conservation Act (1995)*, however it remains to be seen whether this situation will be acceptable to the community should a plantation be found highly significant habitat.

The potential of farm forestry to significantly contribute to regional and national revegetation targets and to foster biodiversity conservation where farm forestry is based on good planning.

The risk of farm forestry species becoming environmental weeds (eg. *Acacia saligna*, and *Pinus radiata* in NSW) and degrading reserves and agricultural land.

The risk of non local native species and provenances cross-pollinating with locally occurring tree and shrub species resulting in possible contamination of gene pools.

### 10.2.1 Pest Plants and Animals

Management of pest plants and animals is a key element in ESFM. Forests acts as a potential reservoir for pest plants and animals which may impact negatively on:

- Biodiversity within the forest and/or adjoining ecosystems

- Productivity of both the forest and adjoining agricultural enterprises.

If Government/State Forests of NSW does not effectively resource projects with sufficient funding to minimise the impact of pest plants and animals on biodiversity and agricultural/silvicultural productivity a multiple effect results:

- conservation of biodiversity is compromised;
- agricultural/silvicultural productivity is reduced; and
- adjoining land managers receive the wrong messages about compliance with pest plant and animal legislation.

To ensure these areas of concern are addressed it is essential that:

- funding be increased for pest plant and animal control;
- that it be appropriately targeted; and
- that planning for ecologically sustainable forest management embrace a holistic approach whereby stakeholders are involved, thereby encouraging ownership and strong participation at the district/regional level.

# 11. SYDNEY WATER

*For the spreadsheets for Sydney Water please refer to Appendix L volume 4.*

## 11.1 OVERVIEW

Sydney Water is a State-owned corporation. The Corporation's Area of Operations covers an area of 13,000 km<sup>2</sup> and currently extends from Palm Beach on the north coast of Sydney to Gerringong/Gerroa on the South Coast and westward to include Mt Victoria in the Upper Blue Mountains. Within this area Sydney Water provides water, waste water and some stormwater services to approximately 3.8 million customers in the Sydney, Illawarra and Blue Mountains Regions.

Sydney Water's hydrological catchments embrace approximately 16,700 km<sup>2</sup> of land, are situated to the south and west of Sydney and partially overlap the Corporation's Area of Operations.

## 11.2 WATER BOARD (CORPORATISATION) ACT (1994)

Section 21 (1) and (2) of the *Water Board (Corporatisation) Act (1994)* describes the principle objectives of the Sydney Water Corporation.

Within the Special Areas a range of land tenures exist including, but not limited to:

- Sydney Water Corporation freehold land
- Privately owned freehold land
- Occupied Crown land
- Crown land under the Care Control and Management of various government agencies including Sydney Water
- Unoccupied Crown Land
- State land
- State forest

All or some of the provisions of the Sydney Water Corporation Limited (Catchment Management) Regulation 1995, apply to lands within the Special Areas, dependant on tenure.

The TransWater Subsidiary of Sydney Water Corporation is currently developing a combined environmental and quality management system by amalgamating components of ISO 14001 with components of ISO 9001. This system has yet to be applied. TransWater has the responsibility for managing catchments and water storage dams.

# APPENDIX A

## WRITING INSTRUCTIONS FOR DOCUMENTING NSW AGENCY MANAGEMENT ARRANGEMENTS

Section	
	<p>A <b>management element</b> relates to an Act or policy, a plan or activities associated with an environmental management system such as implementation programs, measuring, monitoring, auditing, review, and research and development (research programs need to be identified in relation to the particular area of research)</p> <p><b>Action:</b></p> <p>1 List all discrete (stand alone) management elements for which the agency has <i>primary</i> responsibility.</p> <p>Agencies should use their discretion in order to include all management elements that address ESFM principles and environmental management system components. List elements which are implemented specifically for the Eden RFA region (eg. LEPs, Bushfire plans). Where numerous examples are specifically for the document the generic form of the element and include a <b>Cell Note</b> describing the number and status of all aspects of the element.</p> <p>2 Provide page or section reference from the source document from which the information is obtained in a <b>Cell Note</b>. Multiple references may be required.</p>
2	<p><b>Status</b> is the official status of the management element</p> <p>'Current' means the element is operational</p> <p>'Under development' means the element is being developed internally</p> <p>'Draft' means the element has been circulated externally for comment</p> <p>'Under review' means the element exists but is being reviewed</p> <p><b>Action:</b> Record either '1' or '0' in each column in Section 2. More than one '1' may be recorded in this section.</p>
3	<p>Related to the Legislation and Policy elements of the management system.</p> <p>Classification as 'discretionary' or 'compulsory' should be based on the major discretion of the Act or Policy.</p> <p><b>Action:</b></p> <p>Record 'D' for discretionary or 'C' for compulsory. Use Cell Notes to indicate if the element has both compulsory and discretionary clauses.</p>
4	<p><b>Primary agency</b> will be the agency with primary responsibility for the element. This agency will be responsible for completing the spreadsheet.</p> <p><b>Action:</b> Record the acronym for the agency completing the spreadsheet.</p>
5	<p><b>Agency linkage</b> means the relationship of agencies having <i>secondary</i> responsibility for the management element, to the primary agency (ie. the agency completing the spreadsheet).</p> <p><b>When specifying linkages with other agencies, each agency involved should consult and agree on the most appropriate linkage type. Use Cell Notes to highlight issues requiring further consideration, such as duplication between agencies.</b></p> <p><b>Action:</b> For every agency having a linkage to the primary agency with regard to the management element, record one of the following codes to describe the linkage between the agency and the agency completing the spreadsheet:</p> <ul style="list-style-type: none"> <li>'a' – Delegation</li> <li>'b' – Concurrence</li> <li>'c' – Consent</li> <li>'d' – Statutory compliance</li> <li>'e' – Policy compliance</li> </ul>

	<p>'f' – Committee                  'g' – Consultation                  'h' – Regulation                  'i' – Advisory                  'j' – Other</p>
<p><b>6</b></p>	<p><b>Current management category</b> means the objective(s) for which the management element is presently in place.  <b>Action:</b> For relevant columns in Section 6, record either 'a', 'b', 'c', according to whether the column represents the primary, secondary, or tertiary objective for the management element. <b>It is mandatory to record an 'a' but not necessarily 'b's or 'c's.</b> Use the 'Other' column to record management elements which do not fit into any of the management categories (eg. Corporate Plans that direct management in all areas of agency responsibility.) Where the management element that does not address a particular management category record a '0'.</p>
<p><b>7</b></p>	<p><b>Action:</b>  <b>See Attachment 1 for a full description of NSW ESFM Principles for use in assessment.</b>                  Commonwealth only to record <b>National legislation/policy</b> information.  <b>P1</b> – for each column, record either 'a', 'b', 'c', or '0' according to the extent to which the management element addresses forest values specified in the principle:                  a) explicitly, with extensive reference                  b) explicitly, but without extensive reference                  c) implicitly, indicatively such as through a statement of commitment to principle.  <b>Use Cell Notes to indicate</b></p> <ul style="list-style-type: none"> <li>• <b>Which aspect of the forest value is addressed by the management element and/or</b></li> <li>• <b>Whether the whole of the management element addresses the forest values (if only part of a management element addresses the forest values, 'b' is preferred).</b></li> </ul> <p><b>P2</b> – For each column, record either '1' (presence) or '0' (absence or not applicable) according to whether and how the management addresses transparency.                  Where appropriate, include details of how transparency is addressed using <b>Cell Notes</b>.</p> <p><b>Categories 1-3 (Scrutiny, Consultation and Public Participation) can relate to both the process of developing and/or the process of implementing the management element. Scrutiny relates to an official mechanism such as parliament or a formal Steering Committee and not to internal scrutiny, eg. by the Director-General of the agency.</b></p> <p><b>Categories 4-6 (Access to Information, Documentation and Reporting) relate to access to information concerning the management element. Documentation can be internal or external. Reporting is concerned with the transparency of the element, ie. public reporting.</b></p> <p><b>P3</b> - Record either '1' (presence) or '0' (absence or not applicable) in each column according to whether the management element has a mandatory requirement, or provides incentives through penalties, rewards or benefits to achieve ecologically sustainable forest management outcomes. Use <b>Cell Note</b> to record how the element addresses the ESFM outcomes.  <b>P4</b> - Record either 'a', 'b' or 'c' according to whether the management element;                  (a) has a declared reference to the Precautionary Principle                  (b) takes a precautionary approach, or                  (c) make no reference to the precautionary principle or precautionary approach</p> <p>The <b>Precautionary Principle</b> is defined as 'where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. Its application should involve:</p> <ul style="list-style-type: none"> <li>• Careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment; and</li> <li>• An assessment of the risk-weighted consequences of various options'</li> </ul> <p><b>P5</b> – Record either '1' (presence) or '0' (absence or not applicable) according to whether the management element for assessment/review and/or incorporation of information, ie. whether assessment/review and/or incorporation of information are functions of the element.</p>

8	<p><b>In this section, it is necessary to determine the Component which best describes each management and then to record each element in the most appropriate column within that Component. If an element relates to more than one Component, use Cell Notes to describe the element.</b>  <b>Some EMS Components (eg. accountability and responsibility) may best be described for the Agency as a whole rather than for the particular element.</b>  <b>Provide a brief description in Column 12, indicating the scope of the category.</b></p> <p><b>Component 1: Commitment and Policy</b>  <b>Action:</b>  For commitment and policy management elements, record either '1' (presence) or '0' (absence or not applicable) according to whether the management element is National policy or legislation (Commonwealth to document National Legislation and Policy information), State legislation, State policy, Local government policy or ordinance, of Departmental policy or guideline. Record '1' in only one column in Component 1. Where a policy contains reference to planning or implementation elements which sets the policy direction for an agency, the policy should be recorded in Component 1 as a Departmental; policy and not in Component 2. Where policy includes elements of planning and implementation, these need to be explained in a Cell Note.</p> <p><b>Component 2</b>  <b>Action:</b>  Where strategic plans have regional or local application, this should be explained in a Cell Note.</p> <p>For planning management elements, record either '1' (presence) or '0' (absence or not applicable) according to whether the management element is State-wide, regional or local, and/or whether the management element is corporate, strategic or operational. More than one '1' may be recorded in Component 2.  Record those elements which involve the process that sets targets, aims and objectives for implementation of policy. Covers all land tenures, uses, values and scales ranging from strategic planning through regional and local plans for the use/management of specific forest values and other processes relating to forest management. Includes setting principles of environmental care, planning controls, regulations, prescriptions, guidelines and minimum standards for forest management which meet legislative and policy requirements.</p> <p><b>Component 3</b>  <b>Action:</b>  For implementation management elements, record either '1' (presence) or '0' (absence or not applicable) according to whether the management element is accountability and responsibility; programs and budgets; operational controls; documentation, records and reporting; or knowledge, skills and training. Record '1' in only one column in Component 3.</p> <ul style="list-style-type: none"> <li>• <i>Accountability and responsibilities:</i> Identification of designated positions of responsible officers and organisational level of responsibility (eg. Division, Branch, Section) for implementation of programs within the Department.</li> <li>• <i>Resourcing of implementation programs:</i> Process by which human and physical resources are allocated to implementation programs.</li> <li>• <i>Operational controls over implementation programs:</i> Mechanisms for controlling on-ground operations, particularly those which involve potential environmental risks.</li> <li>• <i>Documentation (document control), records keeping and reporting.</i></li> <li>• <i>Knowledge, skills and training:</i> Programs for raising awareness of environmental policies, objectives and targets, skills enhancement particularly in areas where performance can affect compliance.</li> <li>• <i>Communication (internal and external; complaints) and Education:</i> Process for reporting internally and externally (where required) to demonstrate management commitments, deal with concerns and questions, raise awareness, inform interested parties.</li> <li>• <i>Emergency preparedness and response:</i> Emergency plans and procedures for dealing with environmental incidents and emergency situations.</li> </ul> <p><b>Component 4</b>  <b>Action:</b>  For measurement and evaluation management elements, record either '1' (presence) or '0' (absence or not applicable) according to whether the management element is forest information; monitoring and evaluation of plan and programs implementation; monitoring</p>
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	<p>condition of the forest environment and values; auditing or corrective action. Record '1' in only one column in Component 4.</p> <p><i>Forest information:</i> processes for collection and analysis of data for planning and monitoring of forest condition. <i>Monitoring the implementation of plans and programs in relation to achieving targets and objectives:</i> processes for measuring, monitoring and evaluating operational performance in relation to plans and programs. <i>Monitoring and evaluating condition of the forest environment and values:</i> specific to forest management. The development and use of environmental performance indicators is a requirement. Processes for identifying indicators, quantifiable measure or standards of measurement of performance, measuring change (trend measurements), monitoring if indicators (monitoring regimes), designating specified performance targets and goals ensuring achievement of standards and targets (performance verification). <i>Auditing of compliance:</i> process for auditing of plans and programs with legislation, regulations and controls; and whether the management system conforms to planned arrangements and has been properly implemented and maintained; use of penalties and/or incentives. <i>Corrective action:</i> process for ensuring that corrective and preventative actions have been implemented and systematically followed up to ensure effectiveness as a result of the findings, conclusions and recommendations arising from measuring, monitoring, audit and other actions.</p> <p><b>Component 5</b> <b>Action:</b> For review and improvement management elements, record either '1' (presence) or '0' (absence or not applicable) according to whether the management element is review of the management systems; continual improvement; or research and development. Record '1' in only one column in Component 5.</p> <p><i>Review of the management system:</i> process for review of environmental objectives, targets and environmental performance; findings of audits of suitability of environmental policy and need for changes in the light of changing legislation, community expectations, advances in science and technology, lesson learned, market preferences and reporting and communication. <i>Continual improvement</i> process for continual evaluation of environmental performance of the management system against environmental policies, objectives and targets for the purpose of identifying opportunities for improvement. <i>Research and development:</i> process for development of R&amp;D programs for ESFM.</p>
9	<p><b>Tenure</b> means the category of land to which the management element applies. <b>Action:</b> record either '1' or '0' in each column to denote the tenures to which the management element applies.</p>
10	<p><b>Source document</b> is the document(s) or other source material which describes the management element. <b>Action:</b> record the title of the source document and page references where not included in Cell Notes.</p>
11	<p><b>Applicability to RFA regions</b> is used to describe the RFA region to which the management element applies. Use the following codes to describe : 0 – State-wide; 1 – Eden; 2 – Upper NE; 3 – Lower NE; 4 – Southern; 5 – Western; 6 – Central (Sydney) Basin; 7 – multiple regions.</p>
12	<p><b>General description</b> refers to additional information pertinent to the management element, <b>Action:</b> Describe any exceptions or particular conditions applicable to the management element for clarification or interpretation for subsequent assessment.</p>

# APPENDIX B

## NSW ESFM GROUP – PRINCIPLES FOR ASSESSMENT OF FOREST MANAGEMENT SYSTEMS AND PROCESSES IN NEW SOUTH WALES

The five principles developed by the NSW ESFM Group for use in the assessment of forest management systems and processes in New South Wales are:

### **Principle 1 : Maintain or increase the full suite of values across the New South Wales native forest estate for present and future generations**

The principle of intergenerational equity (that in meeting the needs of the present generation, the ability of the future generations to meet their own needs is not compromised) is embodied in this principle.

- Ensure that ecologically sustainable forest management at the regional and smaller scales is implemented by ecologically appropriate planning and operational practices, and that ecologically sustainable forest management targets are set and indicators of performance are monitored.
- Ensure the long-term maintenance of the full range of values of the New South Wales existing forest estate. The intention is to maintain or increase not only the full range of values, but also the magnitude or level at which those values are maintained or increased.
- Encourage the increased production of plantation-grown timber and the social and economic benefits flowing from this increased production to supplement the wood supply from native forests.

#### **Aims include:**

#### **A: Biodiversity**

- Biological diversity of forests at the ecosystem, species and genetic levels where biological diversity includes natural patterns of ecosystems, species and gene pools in time and space.
- Address the requirements of vulnerable species, assist with the recovery of threatened species, and maintain the full range of ecological communities at viable levels.
- Protect landscape values by the careful planning of operations and the reservation of appropriate patches and corridors of vegetation.

#### **B: Productive capacity and sustainability of forest ecosystems**

- Maintain ecological processes within forests (such as the formation of soil, energy flows and the carbon, nutrient and water cycles, fauna and flora communities and their interactions)
- Maintain or increase the ability of forest ecosystems to produce biomass whether utilised by society or as part of nutrient and energy cycles
- Ensure the rate of removal of any forest products is consistent with ecologically sustainable levels
- Ensure the effects of activities/disturbances that threaten forests, forest health or forest values are benign.

#### **C: Forest ecosystem health and vitality**

- Reduce or avoid threats to forest ecosystems from introduced diseases, exotic plants and animals, unnatural regimes of fire or flooding, wind shear, land clearing and urbanisation
- Promote good environmental practice in relation to pest management
- Ensure the effects of activities/disturbances within forests, their scale and intensity, including their cumulative effects are controlled and benign

- Restore and maintain the suite of attributes (ecological condition, species composition and structure of native forests) where forest health and vitality have been degraded.

#### **D: Soil and water**

- Maintain the chemical and biological functions of soils by protecting soils from unnatural nutrient losses, exposure, degradation and loss
- Maintain the physical integrity of soils by protecting soils from erosion, mass movement, instability, compaction, pulverisation and loss
- Protect water quality (physical, chemical, biological) by measures controlling disturbance resulting from forest activities
- Identify and maintain at appropriate levels, water yield and flow duration in catchments

#### **E: Positive contribution of forests to global geochemical cycles**

- Maintain the positive contribution of forests to the global geochemical cycle (including climate, air and water quality and deposition)

#### **F: Long-term social and economic benefits**

- Maintain and enhance, on an ecologically sustainable basis, production of wood and wood products, including value adding, investment and resource security
- Provided it is ecologically sustainable set, maintain or enhance the level of use of non-wood products and uses, including bee-keeping, grazing, mining, recreation and tourism, reliable water supply
- Maintain and enhance, on an ecologically sustainable basis, the provision of employment and community needs such as economic diversification, investment skills, education, jobs stability, training and indigenous needs
- Encourage the establishment and use of plantation forests on existing cleared land to expand social and economic values
- Maintain and enhance the intangible social welfare which forests provide

#### **G: Natural and cultural heritage values**

- Protect social, natural and cultural heritage values and sites, including aesthetic, landscape, historic, cultural, educational, scenic, spiritual and scientific values and indigenous values and sites

#### **Principle 2: Ensure public participation, access to information, accountability and transparency in the delivery of ecologically sustainable forest management**

- Ensure public participation in decision-making processes at local, regional State and Federal levels
- Ensure comprehensive, timely and reasonable public access to information
- Ensure transparency, openness and accountability in decision making processes and performance.

#### **Principle 3: Ensure legislation, policies, institutional framework, codes, standards and practices achieve ecologically sustainable management of the native forest estate through requirements and/or by providing incentives**

- Establish a process for shared management and administration, recognising the customary and traditional rights of indigenous people and the interests of private landholders and other stakeholders in an area's management
- Ensure compliance with stated goals and objectives.

#### **Principle 4: Apply precautionary principle for prevention of environmental degradation**

The incorporation of the precautionary principle into decision making has been endorsed by State and Commonwealth Governments (Commonwealth of Australia 1992 p.49, IGAE 1992) and is defined as 'where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation'. In the application of the precautionary principle, public and private decisions should be guided by:

- Careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment; and;
- An assessment of the risk weighted consequences of various options.

**Principle 5: Apply best available knowledge and adaptive management processes**

- Ecologically sustainable forest management would utilise the concept of adaptive management and continuous improvement based on best scientific and expert advice and targeted research on critical gaps in knowledge, monitoring or evaluation
- Establish an effective process of monitoring

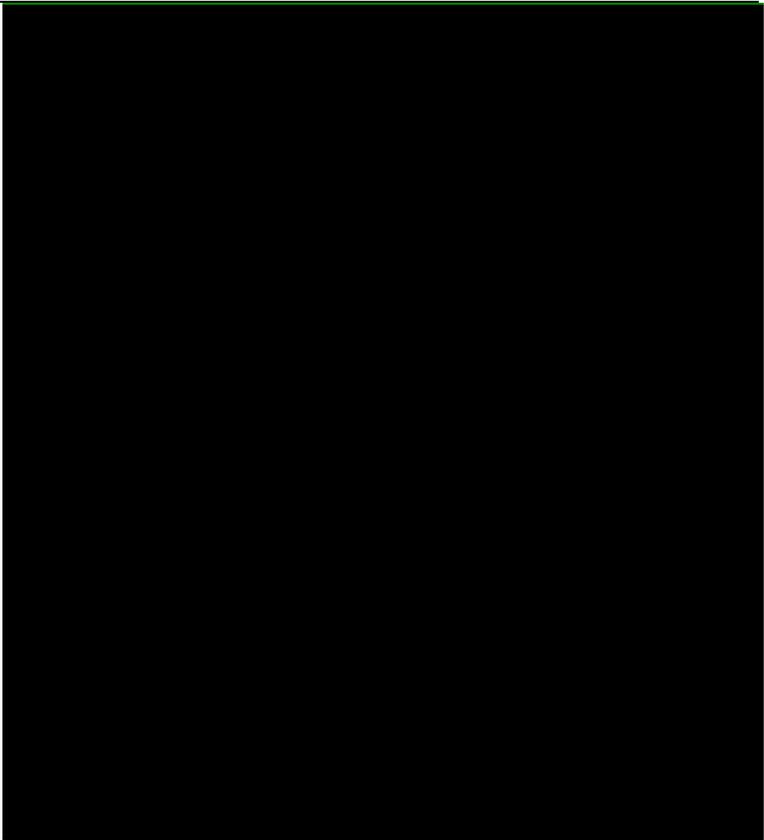
# APPENDIX C

**TABLE 4 : TERMS OF REFERENCE FOR THE NSW ESFM EXPERT WORKING GROUP**

1. Assess the scope, quality and integrity of systems/processes applicable to forest management in New South Wales, and the degree to which they deliver ecologically sustainable forest management as directed by the NSW ESFM Group:
    - The assessment is to be structured and reported on the basis of management system components and assessment principles as developed by the NSW ESFM Group and agreed by the Steering Committee.
    - The objective of the assessment is to provide the basis for accreditation of management systems/processes and development of recommendations for improvement of forest management systems and processes where required to achieve ecologically sustainable forest management. The work will not focus on the detail of management practices pertaining to the various systems/processes. The performance of New South Wales management systems and processes in relation to management practices and other performance-based issues will be determined through complimentary projects as described in broad project areas in the NSW ESFM Technical Framework.
    - Assess the effectiveness of current New South Wales management systems and processes in meeting assessment principles.
    - Identify the strengths, significant gaps, deficiencies, duplication and opportunities for the delivery of ecologically sustainable forest management systems and processes.
  - Recommend efficient and cost-effective options for improvements and actions to support strengths and address identified gaps or deficiencies in New South Wales management systems and processes to deliver ecologically sustainable forest management.
- The expert working group, in undertaking the assessment, may consult with other parties as agreed with the NSW ESFM Group.
1. The assessment is to cover all forest tenures, grouped appropriately, and significant forest uses for New South Wales as agreed with the NSW ESFM Group. The expert working group will take account of different management objectives and systems for different tenures and uses.
  2. The expert working group will provide advice to the NSW ESFM Group on the structure of the assessment and background description of management systems and processes (refer Step 4 Project Specification: Guidelines for description of New South Wales management systems and processes)
  3. The expert working group will provide a Draft Assessment Report: Independent Assessment of New South Wales Management Systems and Processes. The report will include identification and recommendation of options for improvement of New South Wales forest management systems and processes to the NSW ESFM Group at an agreed date (refer Step 6 of Project specification).
  4. The expert working group will provide a Final Assessment Report in an agreed format to the NSW ESFM Group at an agreed date.



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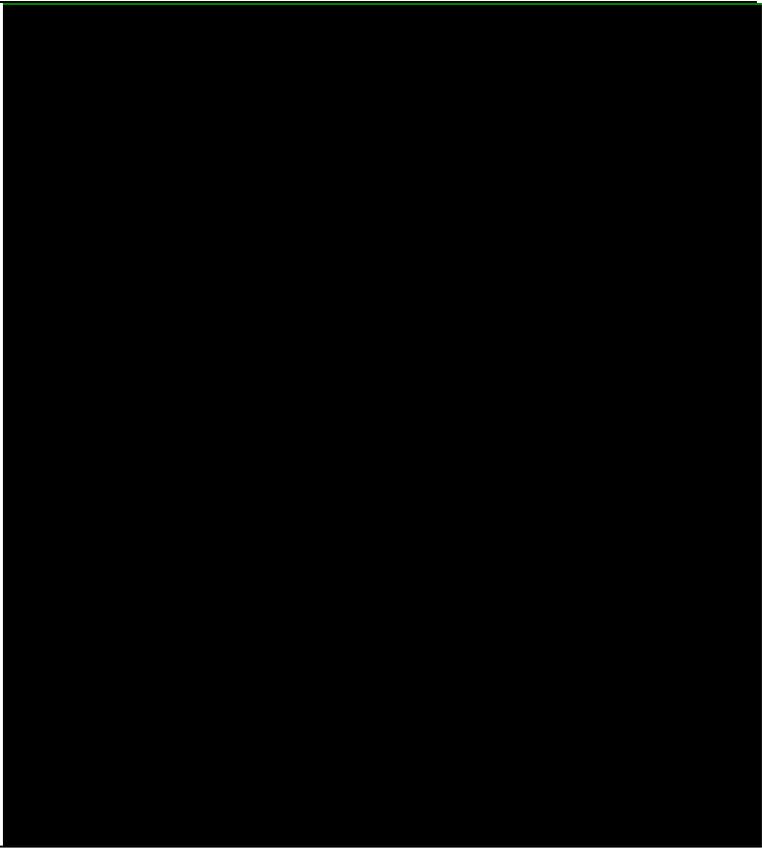
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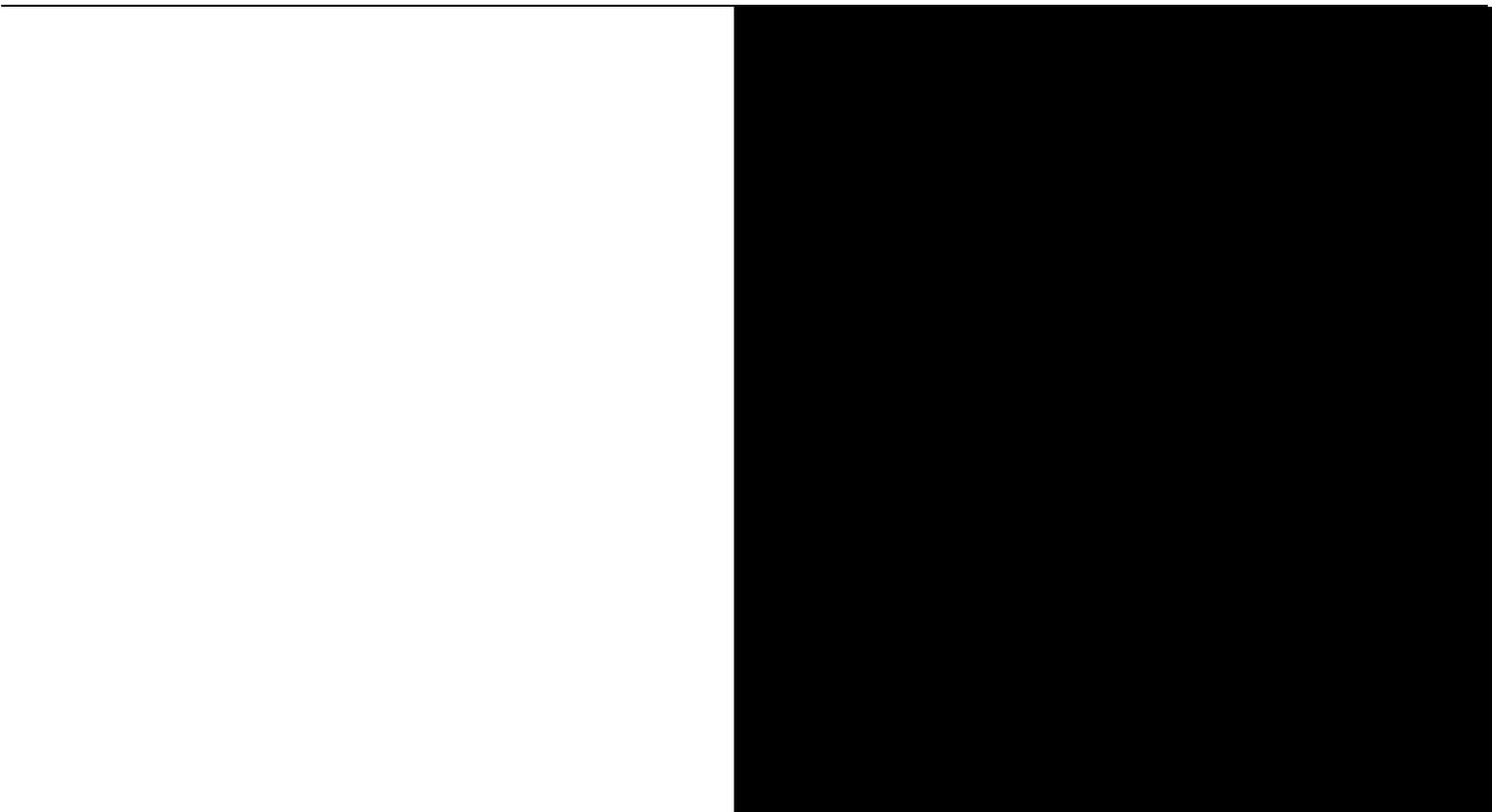


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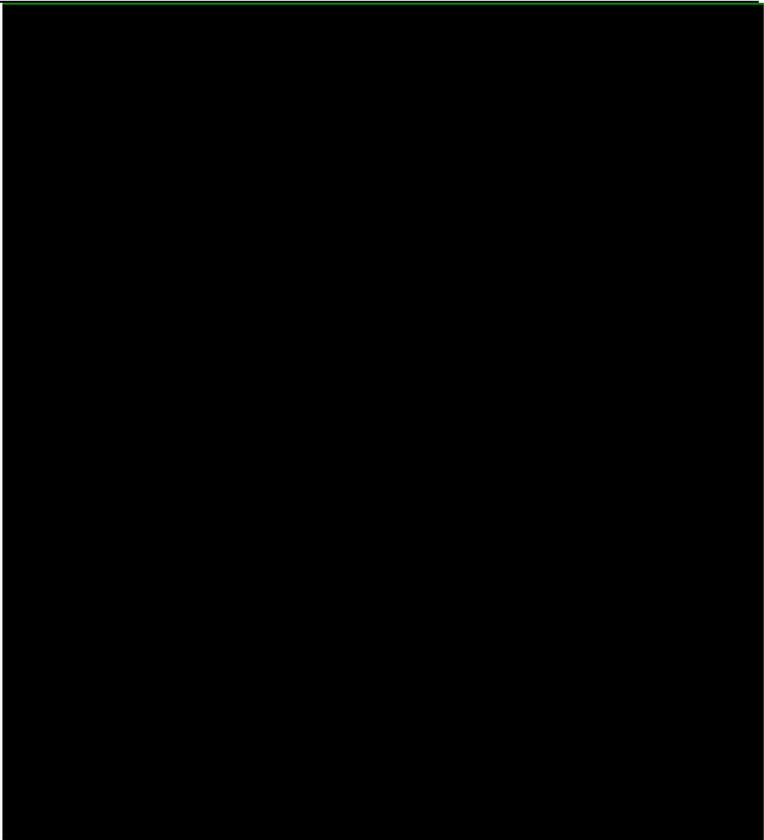
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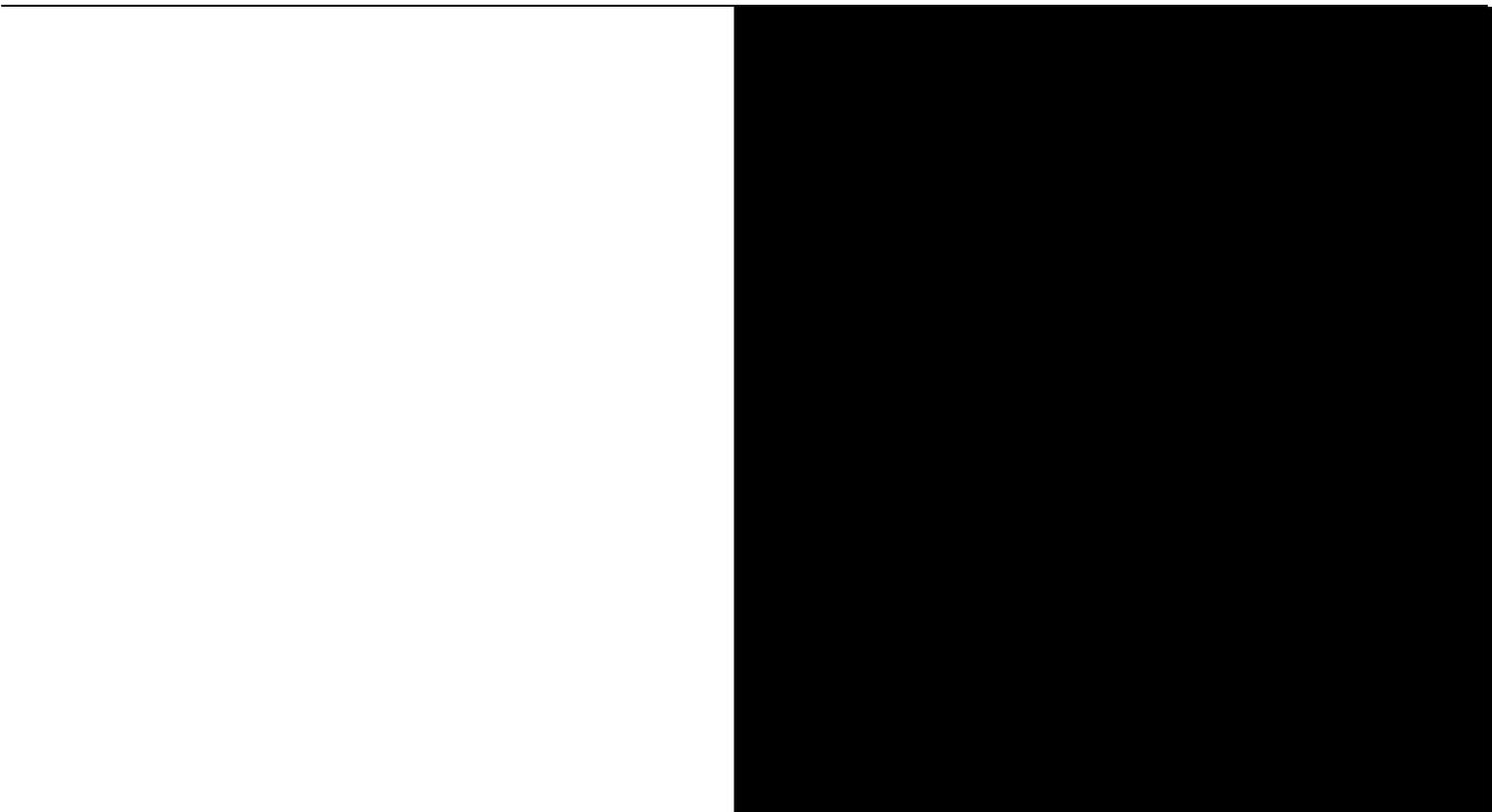
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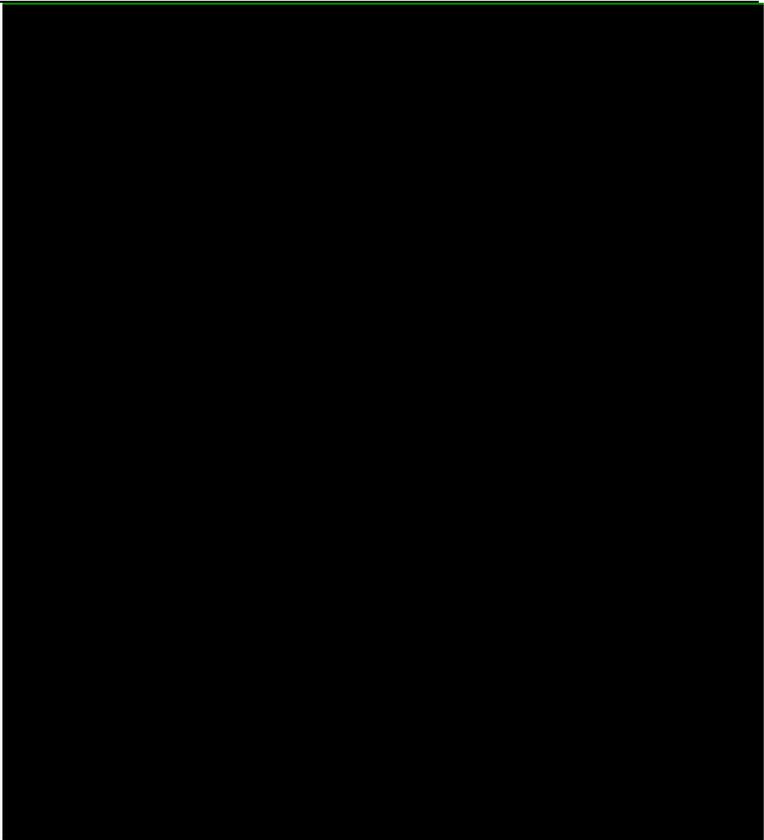
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# APPENDIX H

**STATE FORESTS OF NSW**

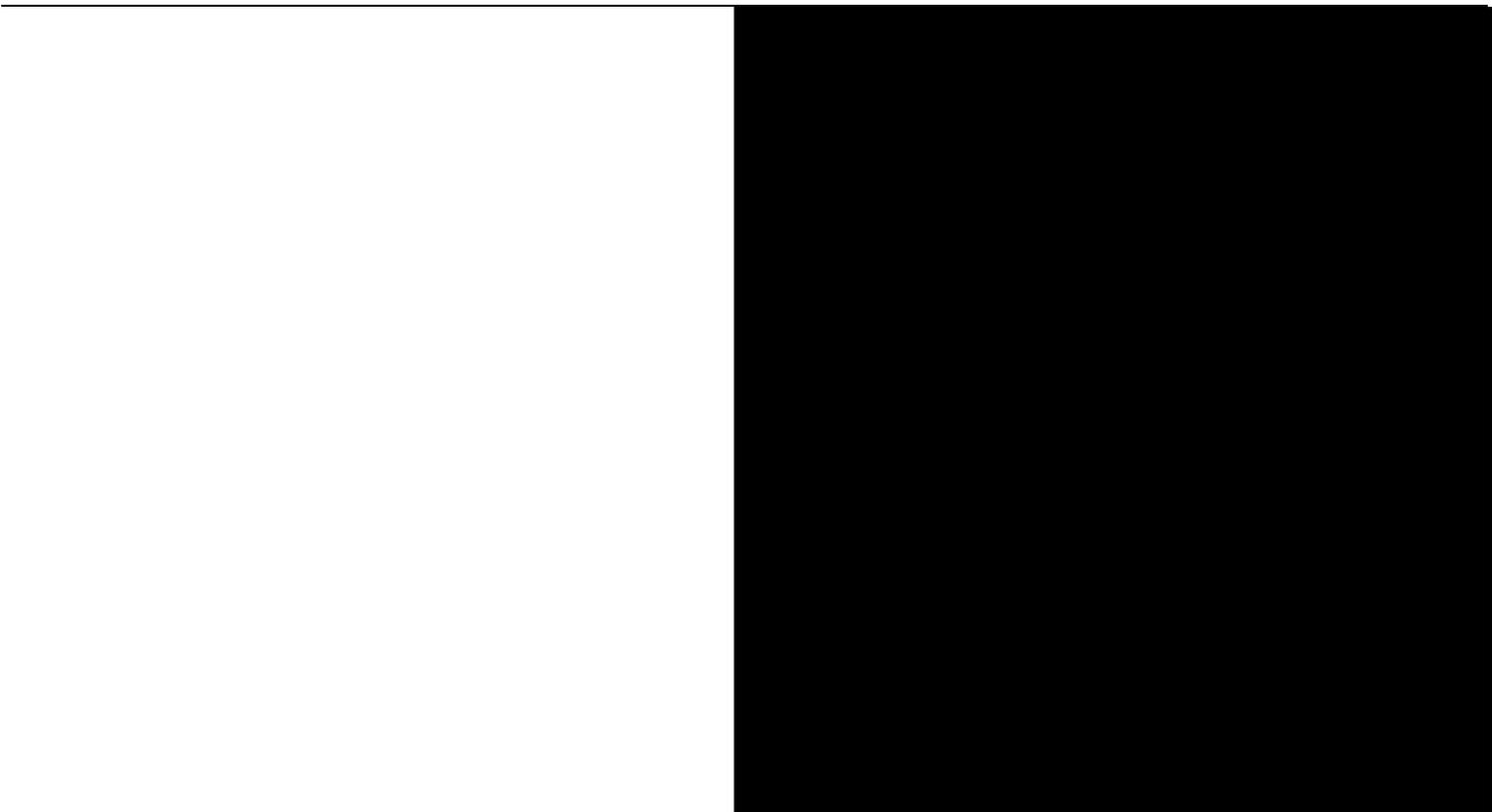
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