

Plantation and tree planting authorisations

A guide for applicants

Plantations Regulation Unit

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What are the benefits of plantations (tree and shrub plantings)?

Plantations are areas of land on which the predominant trees and shrubs are planted (by sowing seed or otherwise) for timber or non-timber purposes including environmental restoration, biodiversity conservation and carbon sequestration. A plantation can range in size from small farm forestry plantings or forest regeneration to large commercial timber and carbon plantings.

The establishment of tree plantations and reforestation on essentially cleared land can provide a diversified source of income for landholders. Additional revenue options include carbon projects, sustainable timber production or other uses such as bushfoods or tourism.

Plantations can also improve natural resources and can deliver environmental outcomes including increased biodiversity, erosion control, carbon sequestration, salinity management, wildlife habitat/corridors and other landscape benefits. These multiple benefits result in an improved natural resource base. Tree plantings can also provide property management benefits such as windbreaks, erosion control, shelter for stock and a timber source for on-farm infrastructure.

Plantations can be on private or public land and include a wide range of species including radiata pine and native hardwoods. Due to the unmet community demand for timber and wood fibre, expansion of the plantation estate is needed to provide essential timber and fibre for the community and multiple environmental benefits including carbon sequestration.

Plantations and reforestation regulations

In NSW the planting of trees and shrubs for timber and non-timber purposes in non-urban areas (other than plantings principally for the purpose of the production of food or any other farm produce other than timber) is regulated by the *Plantations and Reforestation Act 1999 (the Act)*. Such plantings are included in the definition of a plantation under the Act.

The Plantations Regulation Team in the Department of Regional NSW is the consent authority for plantations and tree plantings under the Act. To make an application for authorisation you need to address the steps outlined in this Guide.

In NSW, tree/ shrub plantings (including the preparation for planting) over 30 hectares in total on a farm and/or plantings that involve clearing of native vegetation require authorisation from the Plantations Regulation Team. This includes plantings for biodiversity or carbon outcomes.

Many landholders also choose to authorise smaller plantation areas. The Act provides a streamlined approval process for plantations whilst providing some certainty for harvest of timber plantations.

The authorisation process includes an assessment by the Plantations Regulation Team and site inspection to ensure the protection of biodiversity, threatened species, soil, water and cultural heritage. It also incorporates fire protections with setbacks from habitable buildings and powerlines required. On authorisation the plantation owner/ manager must undertake operations in accordance with the environmental standards of the Plantations and Reforestation (Code) Regulation 2001 (the Code).

The assessment process and authorisation provide several exemptions from requiring approval under other legislation for plantation operations. The applicable exemptions are listed in Part 6 of

the Act and include exemption from approval under the *Environmental Planning and Assessment Act 1979*.

It is a condition of a plantation authorisation that the plantation owner notify the Minister administering the Act when they become aware of the impact or likely impact of plantation operations (including management such as weed control) on unique or special wildlife values of the land. The unique or special wildlife values protections relate to species and communities listed as endangered or presumed extinct and provide additional protections to the threatened species assessment required at time of authorisation.

Environmental standards

The Act and Code have environmental standards that reduce soil erosion and land degradation and protect biodiversity and cultural values. Objects of the Act include:

- To facilitate the reforestation of land, and
- To promote and facilitate development for timber plantations on essentially cleared land, and
- To codify best practice environmental standards, and provide a streamlined and integrated scheme, for the establishment, management and harvesting of timber and other forest plantations.

The Code standards for establishment of a plantation include standards for:

- The protection of soil and water.
- The protection of places, objects or items of heritage significance.
- The protection of biodiversity.
- Minimal native vegetation clearing.
- Bushfire risk mitigation.

Regulation of management operations includes:

- Protection of places, objects and items of heritage significance.
- Regulatory parameters for management of retained areas of native vegetation.

Threatened species considerations

In accordance with the Act, the authorisation process for new plantations includes an assessment of the potential impacts of the plantation on threatened species and communities including vulnerable and endangered species and communities. Consistent with the Environmental Planning and Assessment Act 1979 and Biodiversity Conservation Act 2016, the Plantations Regulation Team undertakes a test of significance to provide consideration of threatened species, ecological communities and their habitats.

A plantation authorisation application that is likely to significantly affect a threatened species must be accompanied by a species impact statement and is assessed as an application for a non-complying plantation. As they may only be established on what is already essentially cleared land, most plantations authorised in NSW are complying plantations assessed as not having significant impacts on threatened species.

The Code sets out complying development standards for plantation establishment. All new complying plantations authorised under the Act must be established and operated in accordance with the Code and the Act. As noted above, the Code sets out limitations and operational standards to protect the environment and manage risks such as soil erosion. This includes standards for establishment operations and regulation of plantation management and harvesting operations (where applicable).

Regulation of harvest operations (for timber plantations only) includes a range of rules, standards and additional requirements for environmental protection.

The Act also provides additional protections for unique or special wildlife values on authorised plantations. Land has unique or special wildlife values if any endangered species, endangered ecological community or extinct or presumed extinct species (within the meaning of the Biodiversity Conservation Act 2016 and Fisheries Management Act 1994) grow on or inhabit the land, or any such wildlife is likely to grow on or inhabit the land.

It is a condition of plantation authorisation that the owner or manager of an authorised plantation notify the Minister or delegated officer of the Department as soon as they become aware that plantation operations on the authorised plantation have or are likely to have an impact on unique or special wildlife values of the land.

When the Minister or delegate is notified or otherwise becomes aware of the impact or likely impact of a specified plantation operation on unique or special wildlife values on the land, the Minister or delegate is to arrange for an evaluation of the impact or likely impact on unique or special wildlife values of the land concerned, and a report that deals with the following matters as set out in section 34 of the Act.

The Minister or delegate may by notice in writing to the plantation owner or manager, direct plantation operations to be suspended in all or part of the plantation for a specified period or pending determination of the unique or special wildlife values matter.

The Minister administering the Biodiversity Conservation Act 2016 is notified of the arrangements.

On consideration of the completed report the Minister or delegate may direct that plantation operations are not to be carried out in part or all the plantation, be suspended for specified periods or place restrictions on plantation operations in all or part of the authorised plantation to minimise adverse impacts on unique or special wildlife values. Any such direction becomes a condition of the authorisation.

Do I require an authorisation?

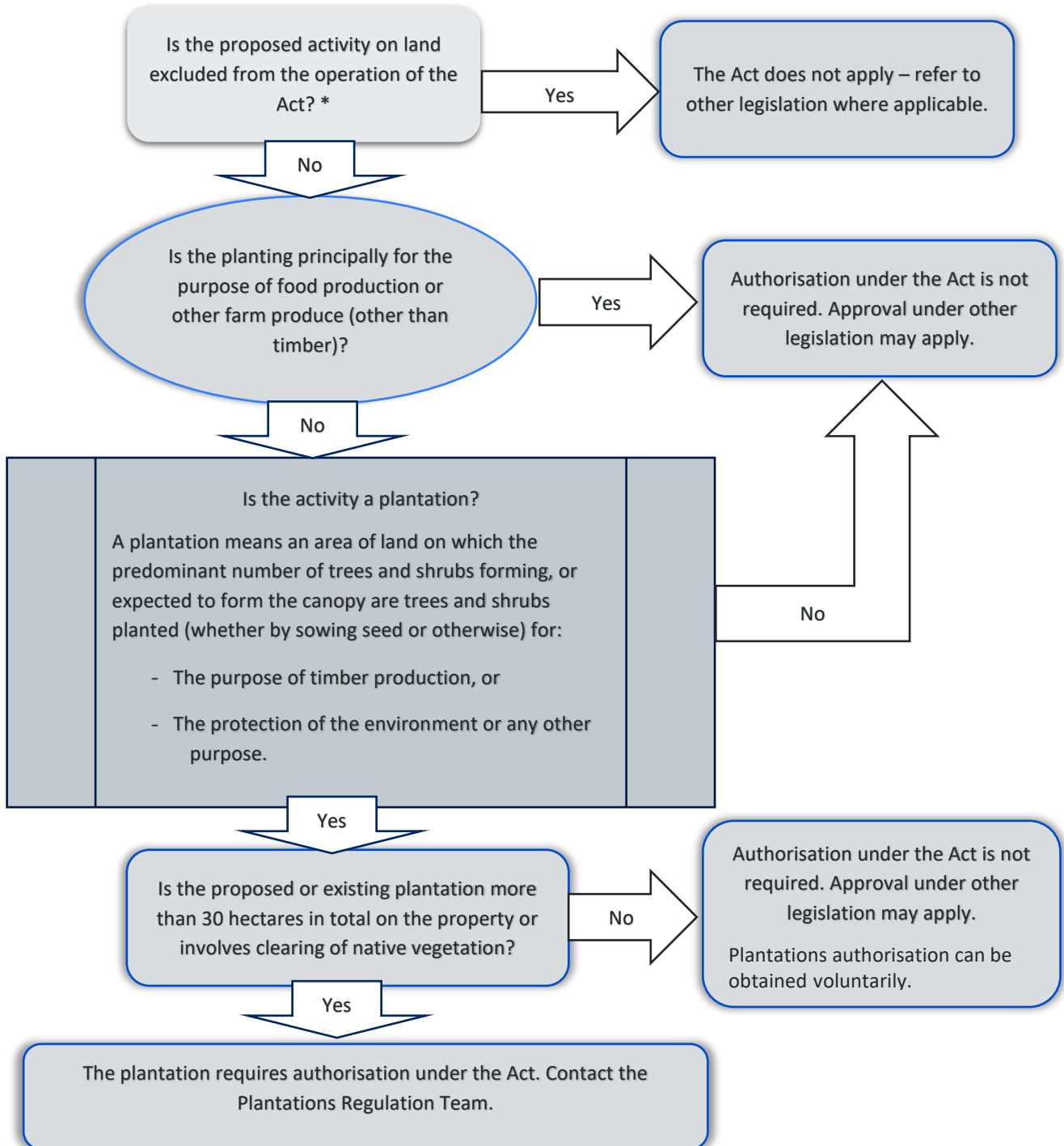
There are two classes of plantations under the Act that require authorisation:

- timber plantations (available for harvest); and
- plantations other than timber plantations (for the protection of environment or other non-timber purposes and not harvested).

If your proposed plantation is located on land where the Act applies, authorisation is required for plantings over 30 hectares in total on a property and plantations 30 hectares and under in total where the establishment involves clearing of native vegetation (noting the clearing allowed under

the Code is limited). Landholders/ forestry right owners may also choose to authorise plantations less than 30 hectares in size.

Is authorisation under the *Plantations and Reafforestation Act 1999* required?



*Land excluded from the Act includes:

- Local government areas listed in Schedule 1 of the Act.
- Land within a zone designated 'residential' (but not 'rural residential'), 'village', 'township', 'industrial' or 'business under an environmental planning instrument (within the meaning of the Environmental Planning and Assessment Act 1979).
- Land to which the Coastal Management SEPP applies.
- Land reserved or declared as described in Section 7 of the Act.

Application process

Planning a new plantation (planting of trees and shrubs)

Familiarise yourself with the Code and its requirements. You can find a current version of the Code [here](#) or follow the links from the NSW [Plantation Regulation web page](#).

What happens next?

After making these preliminary checks, contact your nearest [Plantation Assessment Officer](#) for advice on your proposal. The Plantation Assessment Officer will guide you through the application process and undertake the relevant assessments.

Plantation Assessment officers can provide information to assist you with the preparation of your proposal, such as:

- an aerial photograph or satellite image.
- information showing lot boundaries for your property.
- maps and technical information on vegetation, habitats and threatened species in the area.
- land resource information, such as rainfall, slope and soil types.
- the existence of any Aboriginal places or objects.

The authorisation process involves:

- a single application, replacing a need for multiple consents.
- a pre-application inspection to resolve issues in advance of formal applications.
- a streamlined assessment process.
- approval within 14 days (from submission of a completed application and associated documents) for most plantations.

The steps involved in the application process are:

Step 1: Discussion of proposal and desktop analysis.

Step 2: The site visit.

Step 3: Preparing an application.

Step 4: Submitting your application.

Step 5: Processing your application.

Step 6: Assessment outcome and authorisation.

What is involved in each step of the process?

Step 1: Discussion of proposal and desktop analysis

The first step after familiarising yourself with the Code and information available on the Plantations Regulation webpage is to contact a Plantation Assessment Officer to discuss the plantation proposal. The Plantation Assessment Officer will provide advice regarding the application of the Act

and Code and will undertake desktop assessment to determine if it is appropriate for the proposal to proceed to the next steps.

Step 2: The site visit

If you decide to proceed with an application, the Plantation Assessment Officer will undertake a site visit.

At the site visit officers will ensure that:

- you understand the difference between the various categories of plantations; and
- both parties have a common understanding of the proposal; and
- all the issues that need to be addressed in the plantation plan are discussed.
- You will be advised of the options under the Code and of the plantation category relevant to your proposal.

If your proposal does not meet all the requirements of Part 4 of the Code modifications may be discussed and the proposal modified. If it the proposal is not able to meet the requirements a non-complying application can be made.

Step 3: Preparing an application

The Plantation Assessment Officer will provide assistance in preparing the documentation required to be submitted for the application. An application form and plantation plan are required. The draft documentation will be developed with the assistance of the Plantation Assessment Officer including the preparation of maps.

If the application does not comply with the Code additional information will be required and additional conditions may be placed on the authorisation.

Step 4: Submitting your application

When you are satisfied with the draft documentation, you will complete and sign the application form and submit it with a plantation plan and any other applicable supporting documentation to the Plantation Assessment Officer. Consent of all land owners will be required to submit the application.

If during the assessment it becomes apparent that the information supplied is not adequate, the officer assessing your application will advise you of the extra information required.

Step 5: Processing your application

Depending on the type of plantation, the application will be processed within the following time frames from the date of submission and payment of the relevant fee:

- 14 days if it is assessed as complying with Part 4 of the Code; or
- 40 days if it is being assessed as not complying with Part 4 of the Code.

More time is required to assess non-complying applications because of additional checks and assessments.

If the application is assessed as having a potentially significant effect on threatened species, populations, ecological communities or their habitats, a species impact statement in accordance with the *Biodiversity Conservation Act 2016* may be required.

The Plantation Assessment Officer assessing your application will advise you of its progress and include you in discussions for solutions to more complex assessment issues.

Step 6: Assessment outcome and authorisation

The application will be determined as follows:

- authorised;
- authorised with conditions; or
- refused.

If authorised, you will receive:

- a statement of authorisation, with conditions if appropriate;
- a map confirming details of the plantation plan; and
- a copy of the Code.

If your application is refused, you will receive a letter confirming this.

You may appeal to the Land and Environment Court within 28 days after the date of the decision if you disagree with the outcome.

Existing plantations

If you have an existing plantation, established legally prior to commencement of the Act, authorisation under the Act may not be required, but you may choose to have it authorised.

However, authorisation is required for future rotations. This means that if you have an existing plantation, you will need authorisation to re-establish it after harvesting. Once you have obtained authorisation under the Act, the authorisation will remain valid through future rotations.

Applications for existing plantations will be authorised if the plantation was legally established in accordance with the *Environmental Planning and Assessment Act 1979*, or any other relevant law, and the planted trees are, or will form, the predominant component of the canopy.

If your existing plantation was authorised under the *Timber Plantations (Harvest Guarantee) Act 1995*, it is taken to be authorised under the Act, and the provisions within the Code apply and any conditions of the accreditation continue to apply.

More information

The *Plantations and Reafforestation Act 1999* and the Code are available to view on the [Plantation forestry web page](#).

Plantation Assessment Officers are able to assess and authorise suitable plantation proposals. Plantation Assessment Officers also provide support and advice regarding compliance with the Act and Code during the life of the plantation. For more information go to the DPI Plantations Regulation webpage at <https://www.dpi.nsw.gov.au/forestry/plantations>



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Further information regarding tree growing products and services

Product or service	Links to more information
Revegetation	<p>NSW Landcare HOME - Landcare NSW</p> <p>Conservation Management Notes Conservation Management Notes - Revegetation (nsw.gov.au) Conservation Management Notes - Regenerate of Revegetate (nsw.gov.au) Corridors and connectivity: Conservation Management Notes NSW Environment and Heritage</p>
Growing trees	<p>Master Tree Growers MTG - Australian Agroforestry Foundation</p> <p>Private Forests Tasmania Far Guides (pft.tas.gov.au)</p> <p>Forest learning Related Websites - Forest Learning</p> <p>Forestry Australia FIND A REGISTERED FORESTRY PROFESSIONAL (RFP) – Forestry Australia</p> <p>Regional Forestry Hubs Regional Forestry Hubs - DAFF (agriculture.gov.au) North East NSW Forestry Hub Forest Resources » Planted Forests (nenswforestryhub.com.au)</p>

Product or service	Links to more information
	Home - CWFH
Biodiversity credits and agreements	Biodiversity Conservation Trust Home BCT (nsw.gov.au)
Carbon credits	Australian Government Clean Energy Regulator ACCU Scheme methods Clean Energy Regulator (cer.gov.au)
Private native forestry	Local Land Services Farm Forestry - Local Land Services (nsw.gov.au)
Fire management	Rural Fire Service Fire Trails - NSW Rural Fire Service Plan and prepare - NSW Rural Fire Service Forestry Australia FIRE TERMINOLOGY – Forestry Australia PRESCRIBED BURNING – Forestry Australia

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