Better Regulation Statement Update

Public Consultation Outcomes

Amendments to the Plantations and Reafforestation Act 1999 and Plantations and Reafforestation (Code) Regulation 2001

September 2010

Amendments to the *Plantations and Reafforestation Act 1999* and *Plantations and Reafforestation (Code) Regulation 2001*

Better Regulation Statement Update: Public Consultation Outcomes

Department of Industry and Investment (also known as Industry & Investment NSW)
161 Kite Street, Orange
Locked Bag 21, Orange NSW 2800
www.industry.nsw.gov.au

Amendments to the *Plantations and Reafforestation Act 1999* and the *Plantations and Reafforestation (Code) Regulation 2001*

Better Regulation Statement Update: Public Consultation Outcomes

An exposure draft of the *Plantations and Reafforestation Bill* (the Bill) and the *Plantations and Reafforestation (Code) Amendment Regulation* (the Amendment Regulation) were released for public exhibition from December 2009 until February 2010.

Twenty-nine submissions were received from a range of stakeholders including:

- corporate growers;
- industry groups;
- private growers;
- Local Government and State Government agencies;
- Catchment Management Authorities;
- environmental groups and other Non-Government organisations; and
- community members and organisations.

The Bill and Amendment Regulation have been revised to take into account issues raised during the public consultation period. An overview of the issues raised during the consultation process and the changes made to the legislation as a result of these issues is set out in the attached table.

Changes to the Bill

The major changes to the Bill resulting from the public consultation process are listed below:

(a) Alternative transport contribution system:

The alternative transport contribution system proposed in the exposure draft of the Bill will not proceed.

Objections to the proposal were received from industry, community groups and local councils. Industry objected to the proposal on the basis that other agricultural industries are not subject to transport contributions and the scheme will duplicate charges imposed on the industry to fund roads under a national initiative (see below).

Council and community objections focused on the complexity of the proposed contribution system and its delayed application to plantations established prior to the commencement of the contribution system. Councils were of the view that there would be an insufficient flow of new revenue to them through the proposed scheme to make pursuing the contributions worthwhile.

Under the Council of Australian Governments (COAG) Road Reform Plan a new model for heavy vehicle charging is being developed. Funds from heavy vehicle levies raised under this plan are expected to flow directly to State and local governments. A feasibility study for the new model is currently being undertaken. Implementation of the new system is expected to start in 2012.

Part 5 of the *Plantations and Reafforestation Act 1999 and objective (d),* which deal with financial contributions for transport infrastructure, will be retained in their current form until the national reforms are implemented.

(b) Change in the ownership or management of a plantation:

The Bill will clarify the circumstances in which a change in the ownership or management of a plantation will affect the authorisation of that plantation.

(c) Enforcement:

Two additional amendments are proposed to the enforcement provisions to bring them into line with existing regulatory standards for land management legislation in NSW. Firstly, the creation of an obstruction offence will enable authorised officers to carry out their functions more effectively. Secondly, authorised officers will not be personally liable for actions or omissions done in good faith in exercising a function under the Act.

Changes to the Amendment Regulation

The major changes to the Amendment Regulation resulting from the public consultation process relate to the operation of the fire standards. Further discussions were held between Industry & Investment NSW and the NSW Rural Fire Service to finalise the fire standards in relation to issues raised during public consultation.

The changes are detailed in the attached table at pages 19 - 28.

Industry's concerns about the implementation of the fire standards for plantations established prior to the amendments coming into force have been addressed by changing the timing of the signage requirements and clarifying the meaning of the term 'replanting'.

The suggestion that individual fire plans for plantations would be preferable to the proposed standards was considered. However, it was felt that individual fire plans would not achieve the same degree of consistency or effectiveness as the proposed standards.

Two changes have been made to the Amendment Regulation in response to recent amendments to the *National Parks and Wildlife Act 1974* that introduce a strict liability offence for harming an Aboriginal object. A Due Diligence Code for plantation officers has been developed, which will be recognised under the

National Parks and Wildlife regulations as satisfying the due diligence requirements that provide a defence to this new offence.

The Plantations Code will be amended accordingly to refer to the plantation officers' Due Diligence Code. The second amendment will require a plantation owner or manager who is carrying out activities involving soil disturbance to search the Aboriginal Heritage Information Management System (AHIMS) to check whether any new Aboriginal sites have been recorded in the area of work, unless they have done an AHIMS search in the previous 12 months.

	Issue	Submissions	Source	Response	Change to Bill/ Code
Act Objectives		♦ Opposition to Objective (d) – transport infrastructure	Industry	The proposed transport contribution system will not be pursued (see explanation on pages 1 and 2). However, it may be necessary to reconsider transport infrastructure contributions in the future, if the national reforms do not result in an appropriate road funding stream for local councils. Objective (d) will therefore be retained in its current form.	The proposed amendment to objective (d) has not been made
		• Proposed changes will impede objective (b)	Industry	The concerns expressed related in large part to the additional costs and regulatory burden of the proposed transport contribution system, which is not now proceeding.	No change
		• Should give encouragement to farm forestry	Private grower	It is considered that the existing objectives are sufficient to encourage farm forestry.	No change
Compliance amendments	Stop Work Orders, Remedial Directions & Appeals (sections 58 – 60) Extension of powers by removing the reference to	Powers should not be extended to existing plantations	Industry	'Existing plantations' are defined in the Act as plantations that were established prior to the commencement of the Act, but not including plantations that were certified under the *Timber Plantations (Harvest Guarantee) Act 1995*. The amendments are intended to extend the existing provisions to allow SWOs and Remedial Directions to be issued in relation to plantations that are required to be authorised	No change

	Issue	Submissions	Source	Response	Change to Bill/ Code
	'authorised plantations'			under the Act as well as to plantations that are authorised. It is not the intention to include 'existing plantations' as defined in the Act. The amendments to sections 58 – 60 will achieve this intent so no further changes are required.	
	Powers of entry and inspection (section 61A) Reasonable notice provisions	OH&S concerns relating to authorised officers entering plantations without prior notification Suggestion that officers should produce evidence of OH&S training Suggestion that plantation owners should be indemnified against claims for injury suffered by unaccompanied officers	Industry	I&I NSW would be responsible if an authorised officer was injured in the course of their work. The indemnity proposal is inconsistent with general regulatory standards in NSW.	No change

	Issue	Submissions	Source	Response	Change to Bill/ Code
	Civil enforcement (section 57)	Act should contain provisions for open standing, rather than only allowing proceedings to be brought by the Minister	NGO	A general power exists under section 253 of the *Protection of the Environment Operations Act 1997* that would allow any person to bring proceedings in the Land and Environment Court for a breach of the *Plantations Act* if it is causing, or is likely to cause, harm to the environment.	No change
	Protection from liability	Protection from liability for I&I NSW officers exercising functions under the Act		Authorised officers should be protected from personal liability for actions or omissions done or omitted in good faith for the purpose of exercising a function under the Act	Section 61D has now been inserted in the Bill
Miscellaneous changes to the Act	Non-complying plantations (section 14)	Community should be able to comment on all aspects of a non-complying application, particularly as the Minister is required to consider broader issues including environmental impacts.	NGO	The provisions do not prevent the community from providing comment on the broader issues that the Minister is required to consider, but only in relation to the non-complying aspects of the application. It is not appropriate to allow comment on aspects that comply with the Code.	No change
	Change in ownership or management (section 17A – 17C)	Clarification of 'change in management' sought	Industry	A definition of 'change in management' is not required. The Act already defines 'manager' as the person in charge of plantation operations on the plantation or proposed plantation. This makes it clear that 'change of management' refers to a different manager rather than a different style of management.	No change

	Issue	Submissions	Source	Response	Change to Bill/ Code
		Query whether an original authorisation can remain in place for that part of a plantation where there has been no change in ownership and management		In the case of subdivision, there are a number of issues in terms of ongoing liability, consequences for breach of authorisation and appropriateness of existing authorisation conditions. Hence the need for the proposed amendments.	
Miscellaneous change to the Code	Plantation Plan requirements (clause 14(2)(c))	Concern with terminology for water storage points	Industry	The most appropriate term is 'water storage', rather than 'water storage points' or 'storage points'.	Amend clause 14(2)(c) to refer to 'water storages'
Other issues	Chemical use; pest and weed control	Should be controls in Code to regulate chemical usage in plantations. Pest and weed control should be included in the Code.	Local Government Community NGO	Chemical use, pest and weed control are regulated by the *Pesticides Act 1999* and the *Pesticides Regulation 2009.* It is therefore not necessary to include controls in the Plantations Act and Code.	No change
	Water interception	Concern that this issue has not been addressed in the review. Serious concerns about the impact of plantations on water availability.	Community Local Government Government Agency	The issue of water interception is being addressed as part of the NSW response to the National Water Initiative. Water interception by plantations is being considered in that broader context, together with other heavy water use activities. It is not appropriate to impose restrictions in the Plantations Act and Code. The regulation of	

	Issue	Submissions	Source	Response	Change to Bill/ Code
		Suggestion that there should be limits on plantation establishment in certain sub-catchments.		water is dealt with in the *Water Management Act 2000*.	
	Administration of the Act	No acknowledgement of independent auditing processes e.g. Sustainable Forest Management systems certified under the Australian Forestry Standard	Industry	The AFS contains different prescriptions to the Plantations Act and Code, therefore the auditing requirements are different.	
		Councils should be consulted on applications	Local Government	The original objective of the Act was to create a 'one stop shop', therefore consultation with other agencies is not appropriate.	
		Conflict of interest between I&I NSW as regulator and Forests NSW as a substantial plantation owner.	Local Government	The Plantations Assessment Unit within I&I NSW is separate from Forests NSW. The Unit does not make any distinction between publicly owned or privately owned plantations in its regulation of the industry.	
Soil and Water proposals	Drainage feature buffers (clause 15)	Buffer zone requirements should also apply where a river is located on a property next to a plantation	Community	Drainage feature buffers are required to minimise soil and water degradation. It is logical to require buffers where such features occur, regardless of whether they are within the plantation or on adjacent property.	Clauses 15(1) and (2) amended to refer to wetlands and rivers 'in or

	Issue	Submissions	Source	Response	Change to Bill/ Code
					adjacent to a plantation'
	Site preparation operations (clause 18)	Reference to ploughing not appropriate Reference to spot cultivation required		Methods used for site preparation for plantation establishment include mounding, line ripping and spot cultivation. Ploughing is not used. The term ploughing will be replaced by spot cultivation wherever it occurs, and a definition for spot cultivation will be included.	Clause 18 amended accordingly.
	Mounding requirements (clause 18)	Tighter requirements required for mounding		The practice of mounding can cause erosion if carried out incorrectly. A new clause in the following terms will be added: 'Mounding must be constructed on the contour with grades that will not result in erosion of the mound channel or mound discharge point, or erosion due to overtopping of the mounds.'	Clause 18(1A) has been added
	Requirement for drainage structures on crossing approaches (clause 41(2))	The proposed requirement that crossings on drainage depressions on R4 soil must be drained may result in accelerated erosion.	Community	R4 soils are particularly sensitive, and the proposed amendment aims to prevent scouring or channelization within drainage depressions. However, it is also important to minimise the exposure of sub-soils, to prevent erosion occurring.	Code amended to read "Any approaches to a crossing over a drainage depression on soil classed R4 must be drained (with minimal

	Issue	Submissions	Source	Response	Change to Bill/ Code
					exposure of subsoils) so that..."
	Table for drainage structure spacings (clause 43)	The drainage spacings in the amended table would be more restrictive, more costly to implement and may not provide any environmental benefit	Industry	It is acknowledged that the amended table would require more drainage structures to be built. Although the amended table was agreed by the working group and approved by the Industry Reference Group it is considered appropriate to revert to the existing table in clause 43(3).	Existing table has been retained; the proposed amendments have been deleted.
	Blading-off (clause 47)	Proposed blading-off provisions are too restrictive and bureaucratic. Suggestion to have a longer notification period.	Industry	It is important that I&I NSW is notified as soon as possible to prevent more than one blading-off occurring on any section of road. The proposed provisions are a compromise between different stakeholder interests, and were agreed by the working group and approved by the Industry Reference Group.	No change
	Other suggestions	A number of other suggestions were made in relation to the soil and water amendments, some opposing the amendments, others requiring clarification.	Industry Government Agency NGOs	The proposed soil and water amendments are regarded as best practice, and were agreed by working groups and approved by the Industry Reference Group.	No change

	Issue	Submissions	Source	Response	Change to Bill/ Code
Operational plans	Submission of harvesting plans (clause 26(3))	Amendment requiring submission of harvesting plans not supported	Industry	It is acknowledged that it is not appropriate to require harvesting plans to be submitted within 1 week of preparation, because of the possibility that changes to plans may be required prior to commencement of harvesting.	Code amended to require plans to be provided at least 7 days prior to commencement of harvesting operations.
	Notification of harvesting (clause 26(3) and clause 5)	Concerns about the proposed harvest notification requirements. Suggestion that councils and communities should be notified.	Community Industry	The amendments contained a requirement in clause 26(3) to notify I&I NSW of harvesting by submitting a harvesting plan, and a requirement in clause 5 to notify the relevant local council at least 12 months prior to harvesting. Some respondents appear to have confused these two requirements. The council notification in clause 5 related to the transport contribution system which is no longer proceeding.	No change to clause 26(3); clause 5 deleted
Harvesting provisions	Location and restoration of log dumps (clause 60)	Suggestion that log dumps and landings should not be located within 10 metres of buffer zones of any drainage feature, or heritage object, to be consistent with provisions in the Private Native Forestry Code	Community	The circumstances of PNF and plantation log dumps are different.	No change

	Issue	Submissions	Source	Response	Change to Bill/ Code
	Cessation of operations on log dumps for more than one week (clause 61)	The provisions are too restrictive	Industry	The amendments are intended to ensure that measures are undertaken to minimise and control soil erosion that may result from the temporary suspension of harvesting operations. It is acknowledged that requiring measures to be taken for cessations of 1 week is restrictive.	The 1 week time limit in clause 61 has been changed to 2 weeks
	Rutting (clause 64C(3)	It is not clear that the restoration requirements in clause 64C(3) only apply where rutting exceeds the permitted rutting depths in the table. The reference to clause 43 is incorrect.		The restoration requirements only apply where rutting exceeds the depths in the table. The clause now refers to the need to comply with clause 64B(3) instead of clause 43.	Clause 64C(3) has been amended accordingly
	Other suggestions	A number of other suggestions were made in relation to the harvesting amendments, some opposing the amendments, others requiring clarification.	Industry CMA NGOs	The proposed harvesting amendments are regarded as best practice, and were agreed by working groups and approved by the Industry Reference Group.	No change
Application Fees	Fee scale	Concerns that application fees will make the industry in	Industry	Charging application fees reflects well-established principles of 'user pays'.	No change

	Issue	Submissions	Source	Response	Change to Bill/ Code
		NSW uncompetitive with other States		The proposed fee scale is reasonable, and in most cases will represent less than 1% of plantation establishment costs.	
		Suggest that no fees should be payable by plantations of less than 100 ha.	Industry	The plantation authorisation process requires I&I NSW to undertake assessment and administrative work. This work has to be done for all plantations including smaller plantations. In order to recover the salary costs of I&I NSW officers, it is necessary to charge fees for all plantations. The cost of establishing a plantation (ie buying and planting the trees) is $2,000 - $3,500 per hectare. The maximum application fee under the proposed fee scale for a plantation up to 100 hectares will be very small by comparison with the establishment costs.	No change
		Should have option for self-assessment and/or third party accreditation.	Industry	This is not a cost-effective option. Self-assessment or assessment by an independent third party has to be backed up by a robust accreditation system, which can be expensive to set up and administer.	No change
		Fees should be on a sliding scale, depending on how much input the grower provides. There needs to be a guarantee of service	Industry	The information that industry has suggested could be provided in exchange for lower fees is in fact already required by the Act. Therefore fees should not be reduced in this regard. The Act already contains guarantees of service of 14 days for complying applications and 40 days for non-complying applications.	No change

	Issue	Submissions	Source	Response	Change to Bill/ Code
		and annual reporting		The Plantations Profile on the I&I NSW website, which includes data on meeting the guarantee of service, will be updated annually.	
Biodiversity protection provisions	Management of retained areas (clause 56)	Private native forestry should be allowed in retained areas because it has 'biodiversity certification'	Industry	Retained vegetation is regarded as an offset for clearing permitted under the Act, and therefore it is not appropriate for PNF to occur in these areas.	No change
		Should require management plans and/or stronger provisions for management of these areas.	Community Local Government CMA	Clause 56 requires plantation owners to manage retained areas of native vegetation so as to conserve the biodiversity and ecological integrity of those areas. Therefore owners already have an obligation to manage retained areas. The suggestion to require a Management Plan would require baseline data and monitoring, and I&I NSW believes this would impose an unacceptable burden on plantation owners and on Government.	No change
	Hazard reduction burning (clause 56)	Request by the RFS to clarify the provision in clause 56(8)		The intent of this provision was specifically to allow hazard reduction burning, not other hazard reduction activities. The provision will be amended to achieve the original intent.	Clause 56(8) has been amended to read 'This clause does not prevent prescribed

	Issue	Submissions	Source	Response	Change to Bill/ Code
					burning for the purpose of bush fire hazard reduction work to be carried out on an authorised plantation in accordance with a bush fire hazard reduction certificate under the *Rural Fires Act 1997*.'
	Retention and replacement of habitat trees (clause 23)	Removal of provisions which allow clearing of habitat trees to be offset by replanting of seedlings in other areas	NGOs Government Agencies	These replanting provisions do not represent best practice in relation to habitat trees, because it takes a considerable time for a seedling to acquire any habitat values. I&I NSW encourages plantation owners to retain existing habitat trees rather than use the replant provisions. Most plantation owners share the view that retention is preferred to replanting.	Clause 23(4) now provides that the replanting provisions do not apply to plantations authorised after the amendments come into force.

	Issue	Submissions	Source	Response	Change to Bill/ Code
	Consistency with the *Native Vegetation Act 2003*	Some submissions proposed that the biodiversity provisions in the Act should be consistent with those in the NV Act	NGOs Government agencies	The aims of the Plantations Act and the NV Act are different. The Plantations Act and Code were created to facilitate the establishment of plantations on essentially cleared land, whereas the NV Act aims to restrict the clearing of native vegetation. The two Acts provide for the protection of biodiversity in different ways. The Plantations Act and Code have requirements to retain native vegetation that apply across the State, whereas the NV Act has a system of site specific assessment and offset requirements. In the eight years of operation of the Plantations Act and Code some 35,730 hectares of native vegetation has been retained on plantations, as against only 2,154 hectares that has been approved for clearing.	No change
	Protection for publicly funded native vegetation	Proposal that the clearing of native vegetation established using public funding should be prohibited	Government agencies	CMAs can protect vegetation established using public funds by registering a caveat on title or taking other appropriate measures.	No change
Transport contribution provisions	Amendments proposed to part 5 of the Plantations Act	Concerns about all the proposed provisions, ie harvest notification, security deposits, recovery of	All categories	The proposed transport contribution system will not be pursued (see explanation on pages 1 and 2). However, it may be necessary to reconsider	The proposed amendments to part 5 of the Act have not been made, and

	Issue	Submissions	Source	Response	Change to Bill/ Code
	Clauses 5 - 7 of the Regulation	costs, conditions of authorisation, multiple road authorities, agreements between owners and road authorities, and dispute resolution.		transport infrastructure contributions in the future, if the national reforms do not result in an appropriate road funding stream for local councils. The existing provisions in part 5 of the Act will therefore be retained.	clauses 5 – 7 of the Regulation have been removed
Fire standards	General issues	Concerns that the proposed standards will not be effective and are not the most efficient way of achieving good fire protection outcomes on the ground. Specific points included: • it will not be possible to construct perimeter tracks on many North Coast plantations due to topography • in some cases perimeter track requirements	All categories	The NSW Government is committed to the proposed fire standards and does not consider, on the whole, that individual fire plans would achieve the same degree of consistency or effectiveness. Some changes to the proposed standards to deal with issues raised during the consultation process are set out below.	

	Issue	Submissions	Source	Response	Change to Bill/ Code
		could cause environmental damage • signs are likely to be vandalised and will therefore not provide reliable information for fire fighters • individual fire plans for plantations would be a better approach			
	Setbacks from habitable dwellings (clause 25A)	Concerns about the ability to assess habitability, particularly for dwellings on adjoining land	Industry Community	It is acknowledged that the proposed considerations for assessing habitability in clause 25A(7) are unrealistic in terms of what an officer is able and qualified to assess.	Clause 25A(7) has been amended to delete (b) and amend (c) to read “it appears to be structurally sound”.
		Concern that setbacks will be required in future if new buildings are constructed near to plantations	Industry	This is based on a misunderstanding of the proposed provisions. The intention is only to require setbacks from habitable dwellings that are already there when a plantation is established. Any buildings	No change

	Issue	Submissions	Source	Response	Change to Bill/ Code
				erected after that time will be subject to council processes, which include assessment of setbacks in line with the requirements of Planning for Bush Fire Protection.	
	Setbacks from powerlines (clause 25B)	Suggestion that compensation should be payable if the buffer zone required under the Act is greater than that covered by a utility company's easement	Industry	There is no presumption in favour of compensation unless the Government removes a property right. The proposed requirement for a setback is not a property right, but rather a condition attached to the use of land for plantation establishment. Therefore it is not appropriate to consider compensation in these circumstances.	No change.
	Access to water supply (clause 25C and 41J(4) – now clause 41I(4))	Use of different terms	Community	Different terms are used in relation to water supply in these clauses. The appropriate term is 'water storage', which indicates a storage capacity, but does not imply that the storage will always contain water.	Clause 25C and clause 41I(4) have been amended accordingly
	Application of the fire standards (clause 41B, 25A and 25B)	A definition of 'replanting' is required to clarify when the fire standards will apply to plantations already authorised under the Act	Industry	The term 'replanting' is quite general and needs to be defined. 'Replanting' will be defined as the cumulative replanting after the commencement of the amendments of 30% or more of the plantable area in a plantation, or the replanting of more than 30 hectares, whichever is greater.	Clauses 41B, clause 25A and 25B have been amended accordingly.
		Opposition to the fire signage requirements applying to	Industry	It is acknowledged that the signage requirements are onerous. It is now proposed that for plantations already authorised under the	Clause 41B(2) has been amended

	Issue	Submissions	Source	Response	Change to Bill/ Code
		plantations already authorised under the Act Issues raised by industry relate to the cost of erecting the necessary signage, particularly signage indicating fire roads and link roads required under clause 41J(1) and (2) – now clause 41I(1) and (2).		Act when the standards commence, the signage requirements in clause 41J(1) – (4) should not apply until the next rotation or until 5 years after the standards commence, whichever occurs sooner.	accordingly.
		Call for all fire standards to apply to all authorised plantations immediately	Community Local Government	Several submissions expressed concern that none of the fire standards except the signage provisions will apply to plantations already authorised under the Act until their next rotations. The implementation of the other standards would in many cases involve the removal of planted trees, particularly to meet fire road construction standards and setback requirements. Such retrospective requirements would be onerous and unfair on industry.	No change

	Issue	Submissions	Source	Response	Change to Bill/ Code
	Definitions (clause 41C)	Definition of 'fire road' unclear	Industry	The definition included in clause 41C needs clarifying. The definition will be '*Fire road* means an access road, perimeter track or link road on a plantation that meets the requirements for a fire road under this Subdivision.'	The definition has been amended accordingly.
		Definition of Category 1 fire tanker required		The vehicles that qualify as Category 1 fire tankers need to be clarified. The definition is '*Category 1 fire tanker* means a medium rigid 4WD vehicle of up to 8 metres in length used by the NSW Rural Fire Service, that is capable of holding more than 3,000 litres of water'.	This definition has been added to the Amendment Regulation.
	Construction of perimeter tracks and link roads (clause 41D)	Concerns that it will not be practical to construct perimeter tracks in certain areas Concerns that the construction requirements will lead to major ground disturbance and environmental risks	Industry Community	It is not the intention to require perimeter tracks to be constructed where this would cause significant soil disturbance or environmental harm. The proposed wording of clause 41D reflects this by providing exemptions where construction is not possible due to topography. To make the intent clearer, the clause has been amended to include other reasons why it may not be possible to construct a perimeter track.	Clause 41D(1) and (2) have been amended to say "unless it is impractical to do so due to topography, slope, soil regolith or rainfall erosivity"

	Issue	Submissions	Source	Response	Change to Bill/ Code
	Identification of fire roads (clause 41F)	Suggestion that this clause should include clear requirements for the information required and the format in which it should be provided.	Community	The requirements for the provision of information need to be clear. It is proposed that the digital mapping layer must be produced in a form approved by the Director-General after consultation with the Commissioner of the NSW Rural Fire Service.	A requirement to this effect has been added, and the provision is now in clause 28A.
	General fire road construction requirements (clause 41G – now clause 41F)	The wording of clause (3)(a) is unclear		The wording of this clause needs to refer to an 8 metre long vehicle, rather than only to a Category 1 tanker, since Category 1 tankers are not all the same size.	Clause (3)(a) has been amended to read 'be constructed to enable an 8 metre long vehicle to freely pass over the crossing or structure, and'
		Concerns about the requirements in clause (7) in relation to weight bearing capacity of fire roads and bridges Industry submissions highlighted the fact that many established plantations contain	Industry	In addition, I&I NSW officers are not qualified engineers and therefore lack the ability to audit this standard. Clause (7) now includes a requirement that the owner or manager of a plantation must keep the following records and make them available to the Director-General if requested: a) documentary evidence that the road, bridge or culvert was constructed to be suitable for a vehicle that weighs 15 tonnes gross and has an	Clause 41F(7) has been amended accordingly

	Issue	Submissions	Source	Response	Change to Bill/ Code
		bridges that were not designed by engineers and therefore cannot be guaranteed as meeting the standards required under clause (7). I&I NSW has concerns about this requirement, because its officers are not qualified engineers and therefore lack the ability to audit this standard.		axle loading of 10 tonnes, and b) an inspection log recording that the road, bridge or culvert has been inspected annually and that it remains in substantially the same condition as when it was constructed.	
	Turnarounds (clause 41H – now clause 41G)	The wording of clause (2) is unclear		The provision included in the draft Regulation does not accurately reflect the agreement reached with the working group and approved by the Industry Reference Group. Clause (2) has been amended to revert to the agreed wording.	Clause 41G(2) has been amended to provide that a turnaround area must have a minimum 12 metre radius, or where there is insufficient space due to topography, a minimum 10 metre radius

	Issue	Submissions	Source	Response	Change to Bill/ Code
		Suggestion to allow T junctions to be turnarounds	Industry	It is sensible to allow T junctions to be used as turnarounds, provided they are of appropriate dimensions.	A provision has been added stating that a T junction of certain specifications can also be taken to be a turnaround area.
	Signage (clause 41J – now clause 41I)	Concerns about the reliability and durability of on-ground signage Belief that the provision of mapping information to the RFS is more valuable and effective than signage	All categories	On-ground signage is valuable to fire fighters on the ground, even though in some instances signs may be removed or damaged. The provision of mapping data is valuable for strategic planning, but does not negate the value of on-ground signage.	No change
		Need to indicate where plantations do not have any fire roads		The clause does not currently include a requirement to indicate to fire fighters where a plantation does not include any fire roads (and perimeter tracks). This would be useful information that will provide certainty for fire fighters. A requirement will be included for a sign to be erected at any entry to a plantation where there are no fire roads, to indicate this.	Clause 41I(5) now includes this requirement.

	Issue	Submissions	Source	Response	Change to Bill/ Code
				For plantations authorised after the fire standards commence, these signs will be required immediately. For plantations authorised before the standards commence, the signs will be required one year after commencement.	
		The definition of 'dead end' in clause 41J(3) – now clause 41I(3) – is unclear		The term 'dead end' has a general meaning that could result in misunderstanding and the wrong application of the signage requirements. The amendment proposed will clarify the intent.	Clause 41I(3) has been amended to read 'If a section of fire road ends in a dead end, or is otherwise inaccessible by a Category 1 fire tanker, a sign must be erected…..'
		Issues with the wording of clause 41J(4) – now clause 41I(4)	Industry	As currently worded this would require any fire road to contain signs in relation to any and all water storages on a plantation. The intention was to require signs indicating water storages accessible from a particular road.	Clause 41I(4) has been amended accordingly
		The wording of clause 41J(5) – now clause 41I(6) – is inaccurate		The agreed terms negotiated by the working group and approved by the Industry Reference Group referred to the signage design standards of the Bush Fire Coordinating Committee, not	Clause 41I(6) has been amended to refer to *any*

	Issue	Submissions	Source	Response	Change to Bill/ Code
				the Committee's general signage standards. It is proposed to amend this clause to include the agreed wording.	*signage design standards* of the Bush Fire Coordinating Committee