



## Conditions of Forest Permit – Grazing

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## Conditions of Forest Permit - Grazing

### A. Definitions

the Permittee	the person, persons, or company named on the Forest Permit as authorised to graze stock on the permit area.
FCNSW	refers to Forestry Corporation New South Wales.
the Crown	the government of New South Wales or any department or statutory body of the Government of NSW.
the land	the land over which the grazing is authorised by the permit, as defined on the permit and attached map.

### B. Limitations

1. The permit shall only be exercised genuinely in the Permittee's own interest and only for the purposes specified in the permit. The Permittee shall not transfer, assign, or in any way deal with the permit or any right or interest thereunder without written consent from FCNSW.
2. The permit does not grant any rights over public, reserved and forestry roads.
3. The land is subject to the *Mining Act 1992* provisions relating to land permanently dedicated.

### C. Renewal, Cancellation, Termination

4. FCNSW may decide not to renew the permit or to renew it upon acceptance by the Permittee of amended or varied conditions or at an amended rental. Unless such decision is given at least one (1) month before the annual term expires, the permit may be renewed by payment of the annual rental not later than one (1) month before the annual term expires.
5. The rental may be reviewed from time to time by FCNSW and adjusted at intervals of not less than one year, in line with the "Sydney - All Groups" consumer price index (CPI). If prices received by farmers fall short of any CPI increase, adjustments may be negotiated on that basis<sup>1</sup>.
6. FCNSW, if of the opinion that the Permittee has contravened or failed to comply with any provision or condition of the permit or any provision of the *Forestry Act 2012* or the *Forestry Regulation 2012*, may suspend operation of the permit and may, after affording the Permittee an opportunity to be heard, cancel the permit.
7. FCNSW may cancel the permit by giving the Permittee at least one (1) month's notice in writing. If the land or any part thereof is required for any forestry, mining or other public purpose, FCNSW may withdraw forthwith the permit wholly or in part, with no minimum notification period. The Permittee shall not be entitled to any compensation in respect of any such cancellation or withdrawal. A reasonable reduction of the annual rental will be allowed. Where the Permittee has effected improvements on such land with the written consent of FCNSW, FCNSW may allow such fair and reasonable payment as it thinks fit as compensation for the Permittee's interest in those improvements.

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<sup>1</sup> Index of prices received by farmers, published quarterly by ABARE shall provide the basis for any such adjustment.

**D. Improvements, goods and chattels may become Crown property**

8. Upon expiration, surrender or cancellation of the permit for any reason, all improvements on the land become Crown property with no compensation payable for them, unless otherwise approved in writing by FCNSW.
9. On application within one (1) month after such expiration surrender or cancellation, FCNSW may allow the former Permittee to remove from such land any movable improvements effected by or at the expense of the former Permittee. If directed by FCNSW in writing to do so the former Permittee shall remove any structure or material from the land at his own cost and without compensation. In all cases where such permission or direction has been given, the movable improvements or structures or material, as the case may be, shall be removed within such time as FCNSW may specify.
10. Upon the expiration of three (3) months after the date of expiration, surrender or cancellation of the permit, all goods and chattels belonging to the Permittee and remaining upon the land are forfeited and become Crown property, unless otherwise approved in writing by FCNSW.

**E. Rights to enter the land, conduct activities, and direct the removal of stock**

11. FCNSW may, without incurring liability to pay compensation therefore to:
  - (a) direct the removal of all or any animals from the land or any part thereof, at such time and periods as FCNSW may determine. A refund of proportionate rental shall be made for the period of such removal.
  - (b) grant to any persons permits to occupy the land or any part thereof for bee farming. FCNSW shall not be liable for any damage done by bees to animals grazing on the land.
  - (c) improve or protect timber either by scrubbing, clearing, ringbarking, slashing, thinning or burning, and carry out all forestry operations in such manner and at such times as considered advisable.
  - (d) search for, dig, raise, gather, take and carry away materials, including rock, stone, clay, shells, earth, sand, gravel or any like material.
  - (e) use for the purpose of fighting fires any water supplied to or being on the land.
12. All persons authorised under the *Forestry Act 2012* or *Forestry Regulation 2012* have full right to enter upon the land at any time within reasonable hours to conduct authorised activities, including but not limited to the cutting and removal of timber, forest products or forest materials and to carry out audits of compliance with grazing permit conditions. The Permittee shall provide convenient gateways or openings as directed by FCNSW, to assist such activities.
13. The public may enter the land for legal, recreational or educational pursuits and activities.
  - (a) Recreational hunting under the *Game and Feral Animal Control Act 2002* may occur in the same State forest in relation to which you have been issued a forest permit. This hunting is regulated by the NSW Department of Primary Industries. A detailed explanation of the rules and regulations that apply to this activity is set out in The NSW Game Hunting Guide which can be downloaded at: <http://www.dpi.nsw.gov.au/hunting/rules-and-regulations/nsw-game-hunting-guide>
14. The Crown and FCNSW and bodies authorised by FCNSW may enter upon the land with any material and equipment at any time to maintain and construct any duly authorised works, including but not limited to the construction of roads, crossings or firebreaks,

either by clearing, burning or any other method, at such times and in such locations as may be considered necessary.

15. No compensation is payable to the Permittee for activities described in this section [E]. The Permittee shall not interfere with such activities or impede persons undertaking them.

#### **F. Indemnification of the Crown**

16. The Permittee shall release to the full extent permitted by the law and shall keep indemnified the Crown and FCNSW and their agents, officers and employees from and against all actions, suits, claims and demands of any kind and all costs charges and expenses in respect of loss, damage or injury to any person or property arising out of or in any way connected with any activity authorised by this permit. This applies even to loss, damage or injury arising from any act or thing which the Permittee may be authorised or compelled to do by the permit's conditions.
17. Nothing herein shall exclude the Crown or FCNSW from liability for any loss, damage or injury due to the negligent act or omission of the Crown or FCNSW.

#### **G. Permittee's legal obligations**

18. The Permittee shall comply with the provisions of any statute, ordinance, regulation or by-law relating to the said land or the Permittee's use thereof and with the requirements of FCNSW and of any local or other authority with regard thereto.
  - (a) The Permittee must provide a Property Identification Number to the Livestock Health and Property Association for the area of the permit and notify FCNSW of this number for the file.

#### **H. Rates and levies**

19. During the currency of the permit the Permittee shall pay all rates fees and charges under the *Local Government Act 1993*, upon the land.
20. During the currency of the permit the Permittee shall pay all rates fees and charges under the *Local Land Services Act 2013*, upon the land.

#### **I. Noxious plants and animals**

21. The Permittee shall in accordance with the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017* effectively control and/or continuously suppress as required, all pests (including rabbits, wild dogs, dingoes, wild pigs and foxes) as well as all plants declared invasive weeds by Order under that Act and shall continue to do so during the whole term of the permit to the satisfaction of FCNSW.

#### **J. Diseases of stock and plants, movement of stock**

22. Each time stock are moved onto the forest, the Permittee should ensure they are free of seeds of invasive weeds (particularly burrs) by inspecting each animal before it enters the forest.
23. The Permittee should ascertain the disease status of all animals proposed to be moved onto the forest. No animal known or suspected to carry or be infected with transmissible diseases is to be moved onto the forest by the Permittee. This includes, but is not limited to:
  - (a) cattle: bovine Johne's disease
  - (b) sheep: ovine Johne's disease, footrot, lice
24. The Permittee should promptly notify the Regional Office of any suspicions that any of the stock in the forest may have any disease. The Permittee should immediately seek,

from a Local Land Services (LLS) Inspector or District Veterinarian (Vet), confirmation of the presence or absence of any of these conditions.

25. If diseased stock is detected, this shall be reported to the Department of Agriculture, to be dealt with in terms of the *Biosecurity Act 2015*. Unless an alternative plan is agreed by the Permittee, the Regional Office representative and a LLS Inspector/District Vet, the Permittee will within one (1) month of confirmation of the presence of the disease, remove all cattle and sheep from the permit area. The stock will be taken to another property for treatment or to an abattoir for slaughter, as approved by the District Vet, and the action reported promptly to the Regional Office.
26. Any stock found on the permit area beyond one month after destocking will be considered "abandoned". The Permittee has no further claim on them, and they may be dealt with as advised by an inspector under the *Biosecurity Act 2015* at the discretion of FCNSW.
27. The Permittee shall abide by the provisions of the *Biosecurity Act 2015* in relation to Plant Diseases.

#### **K. Fences and stock containment**

28. The Permittee shall take all reasonable steps to prevent the Permittee's stock from straying from the permit area or becoming a nuisance to adjoining or nearby landholders.
29. All fences shall be maintained in a satisfactory stock proof condition. The Permittee shall be solely responsible for the construction and maintenance of the permit area's internal fences, and boundary fences that adjoin unoccupied lands. Where boundary fences adjoin occupied land, the Permittee shall be responsible for routine fence maintenance in equal share with the adjoining occupier. Routine maintenance includes renewal and/or major reconstruction of fences and gates.
30. The Permittee shall not erect any additional fencing on the land in any manner or effect any other improvements whatsoever without the written consent of FCNSW.

#### **L. Fire, vegetation, Crown improvements**

31. The Permittee shall take every reasonable precaution to prevent damage by fire on the State Forest mentioned in the permit and shall immediately report the outbreak of fire to the nearest forest officer and render assistance in extinguishing fire or preventing the spread of fire on such lands.
32. The Permittee must not undertake any burning activity within the permit area unless prior approval of FCNSW is obtained. Any burning undertaken under such an approval will be under control of a FCNSW officer and in compliance with the requirements of the *Rural Fires Act 1997*, the *Forestry Act 2012* and *Forestry Regulation 2012*.
33. The Permittee shall not interfere with any trees or saplings unless authorised by FCNSW.
34. The Permittee shall keep any improvements the property of the Crown upon the land in good repair, fair wear and tear excepted. The Permittee shall not remove any Crown improvements.

#### **M. Annual Grazing Management Return to be submitted by the Permittee.**

##### **Initial return due January following permit commencement date.**

35. The Permittee shall submit an Annual Grazing Management Return (Annexure 2) that documents how compliance with Conditions 21, 22, 29-30 and 37-41 was achieved over the previous calendar year no later than 31 January each year.
36. Unless otherwise authorised in writing by FCNSW, the Permittee should adjust stock

numbers in response to the vegetation parameters as detailed below. Assessment of biomass and height will be determined by FCNSW in the event of contention, as described in Annexure 1.

- (a) Domestic stock should be removed while ever the pasture biomass is below 1200kg/ha dry matter (in open grassy patches) or the pasture height is below 5cm leaf height (highest part of leaf of palatable native grasses, or of exotic grasses where natives are not present).
- (b) Forage supplements (eg. hay) are only permitted where they are necessary to assist in mustering or handling of stock. Mineral supplements are permitted at any time.
- (c) No seed is to be introduced into the area unless it is of the preferred native perennial species, and only then with FCNSW written approval.

37. The permit area must have a 6 month rest from grazing from 1 October to 31 March every three (3) years. This may be achieved by de-stocking the entire permit area or by spelling sections of the permit area on a rotational basis. The means of achieving this must be documented in the Annual Grazing Management Return.

38. Ground cover must be maintained above 70% across the permit area. The Permittee must ensure that stock congregation areas such as watering points and mineral supplements are redistributed as necessary to maintain ground cover above 70%.

#### **N. Monitoring of grazing management performance**

39. Visual inspections of ground cover (pasture) should be made every three (3) months by the Permittee and more frequently as critical points are approaching or during periods of dry weather. The Permittee must plan and implement adjustments to stocking numbers as and when required to meet the vegetation parameters specified in Section N (above).

40. The Permittee is responsible to achieve the targets specified in Section N. Where targets are not met due to gross negligence or misconduct of the Permittee, FCNSW may cancel this permit. The relevant FCNSW officer, being responsible for management of the State Forest or grazing permits generally, has discretion in resolving imbalances between the targets in the above guidelines and Permittee preferences.

## **Conditions of Forest Permit for Grazing**

### **Annexure 1 – Pasture biomass and grass height assessment**

For reliable, consistent results the biomass should be monitored in the open grassland areas with reference to photo standards using 0.5m<sup>2</sup> quadrats (a square with sides 70.7cm long covers 0.5m<sup>2</sup>). At each site a representative area (say 1 hectare) should be sampled with a 15m square grid of 0.5m<sup>2</sup> quadrats (giving around 45 quadrats) with the biomass estimated and average grass height measured, and recorded for each quadrat.

Grass height at each quadrat is taken as the average height to the highest part of green leaf of each tussock of the more palatable native perennials (e.g. wallaby grass and curly windmill grass, or spear grass if the others are not present) within the quadrat (or of exotic grasses if no natives are present). If none of these tussocks are present in a quadrat, the observer may make an assessment of the material present in the quadrat, or ignore that quadrat for the grass height measure.

The biomass and grass height from each quadrat at the site are then averaged to give the site estimates.

Where the grassy areas are small and scattered or patchy, or where a broad indicative result would suffice, a less formal use of the quadrats may suit. A casual walk through the patch, tossing the quadrat a few paces in front at 10 to 20 spots reasonably evenly distributed across the area would provide a rough estimate of the biomass there.

Preferred sites are:

- (i) Open grassy areas.
- (ii) At an intermediate distance from waterholes: 0.6 - 1.4 km from water, depending on the size of the compartment.

How many sites are selected will depend on the boundaries of each Permittee's area, and how many fenced management units exist.

**Annexure 2 – Annual Grazing Management Return**

*"Make a Copy of this annexure*

*You must complete and send to FCNSW annually before 31 January"*

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Permit holder:

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Permit number/s:

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State forest(s) covered  
by permit/s:

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Year covered by this  
return:

*Note: it is FCNSW intention that the Annual Grazing Management Return will form the basis from which compliance audits of grazing activities will be undertaken. Incorrect or misleading information presented in this return could result in permit cancellation.*

*This return must document how grazing was managed over the preceding 12 months and provide a guide as to the management activities to be undertaken in the next 12 months. This return must be completed and submitted to the relevant FCNSW Regional office no later than the 31<sup>st</sup> of January each year.*

**Noxious plants and animals**

It is the permit holder’s responsibility to monitor and control noxious plants and animals within the Forest Permit boundaries as listed by the *Biosecurity Act 2015*.

Accordingly, with respect to noxious plants and animals, the permittee must document inspections, findings and management actions undertaken during the past 12 months and any management actions proposed for the next 12 months. Document the location of weeds or pests on a map of the permit area.

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Have inspections been undertaken to identify occurrences of noxious plants or animals?  
Yes  No  Date of inspections:

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Have inspections identified noxious plants or animals that need management?  
Yes  No

Detail location of noxious plants and animals on a map and describe below the proposed management action/s.

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**NOTICE OF PESTICIDE USE**

The following area

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was be treated with pesticide (specify product name and active ingredient)

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as part of the Permit holders response to (specify weed/pest)

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between the following dates

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For further information (including a copy of the product label and SDS) contact (name & phone)

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**Stock containment**

The Forest Permit has a mapped boundary within which stock must be contained. Stock that stray beyond these boundaries could be impacting negatively on sensitive environmental features. Accordingly, the permittee must document when boundary inspections were undertaken, any repairs undertaken within the last 12 months and the location of those repairs and any repairs proposed for the next 12 months and the proposed location(s).

Have boundary inspections been undertaken to identify maintenance requirements?

Yes  No  Date of inspections:

Is maintenance required?

Yes  No  If yes, detail proposed maintenance below.

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**Graze management considerations**

Unless authorised in writing by FCNSW, it is the permittees responsibility to adjust stock numbers in response to changes in vegetation biomass. Accordingly, the permittee must assess and document vegetation biomass and stocking rates quarterly, as a minimum, and more frequently during periods of dry weather.

The following factors must be considered as part of this assessment:

1. During periods of lower than average rainfall, extra care must be taken to make sure overgrazing does not result. Fortnightly inspections may be required under these circumstances – these inspections, and management actions taken to mitigate environmental impacts (including any reduction in stock numbers) must be documented.
2. Maintenance of groundcover – wherever groundcover is reduced below 70% the risk of soil erosion increases. Document management practices (where relevant) employed to maintain ground cover greater than 70%. This might include stocking rates and regular movement of mineral supplements or water points. If ground cover has been reduced below 70%, identify the locations and describe how the site is being/was managed to reinstate groundcover above 70%.

March to May assessment	Stocking level

June to August assessment	Stocking level
September to November assessment	Stocking level
December to February assessment	Stocking level

**Water and drainage feature considerations**

Heavy stock traffic around water points can lead to adverse environmental outcomes. A range of factors need consideration, including: overgrazing in proximity to water bodies; eutrophication (excess nutrients) associated with water bodies; pugging of soils on edges of water bodies, turbidity of water in water bodies. Document instances of the above issues and describe the management actions undertaken to mitigate the impacts. Where grazing is proposed to be excluded from the edge of water bodies or drainage lines, indicate the location on a map of the permit area and describe the means of excluding stock.

Have inspections of water points been undertaken to identify potential water pollution, reduced ground cover?  
 Yes  No  Date of inspections: \_\_\_\_\_

Were changes needed to graze management to mitigate impacts?  
 Yes  No  If yes, detail proposed management below.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Forest Permit Grazing Conditions Execution Page:

Hardwood Forests Stewardship Grazing Forest Permit No/s:

I.....

Of.....

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.....

Contact Phone:.....

Email:.....

Being the Permittee/Authorised representative of the Permittee agree to the Forest Permit conditions which apply to the area of Forest Permit No/s. \_\_\_\_\_ for grazing issued by FCNSW to \_\_\_\_\_ being for \_\_\_\_\_ ha \_\_\_\_\_ State Forest as per the map/s attached.

Name:.....

Signature:..... Date:.....

Witness:

Name:.....

Signature:.....

Name of Local Contact if Permit holder not available for emergency or management enquiries.

.....Phone.....

***Please complete (Print in block letters), sign and return this page only with any other requested information. Please keep the permit conditions for your records.***