

FORESTRY ACT 2012

AMENDMENT No. 6 TO INTEGRATED FORESTRY OPERATIONS APPROVAL FOR THE EDEN REGION

AMENDMENT No. 7 TO INTEGRATED FORESTRY OPERATIONS APPROVAL FOR THE UPPER NORTH EAST REGION

AMENDMENT No. 5 TO INTEGRATED FORESTRY OPERATIONS APPROVAL FOR THE LOWER NORTH EAST REGION

AMENDMENT No. 4 TO INTEGRATED FORESTRY OPERATIONS APPROVAL FOR THE SOUTHERN REGION

AMENDMENT No. 1 TO INTEGRATED FORESTRY OPERATIONS APPROVAL FOR THE BRIGALOW NANDEWAR REGION

AMENDMENT No. 1 TO INTEGRATED FORESTRY OPERATIONS APPROVAL FOR THE SOUTH WESTERN CYPRESS REGION

AMENDMENT No. 1 TO INTEGRATED FORESTRY OPERATIONS APPROVAL FOR THE RIVERINA RED GUM REGION

The Integrated Forestry Operations Approvals are amended as set out in the following schedules to this instrument:

Schedule 1 - Amendments to the “non-licence” terms of the Integrated Forestry Operations Approval for the Eden, Upper North East, Lower North East, and Southern regions of NSW;

Schedule 2 – Amendments to the terms of the licence under the *Protection of the Environment Operations Act 1997* set out in Appendix A of the Approvals for the Eden, Upper North East, Lower North East, and Southern regions of NSW;

Schedule 3 – Amendments to the terms of the licence under the *Threatened Species Conservation Act 1995* set out in Appendix B of the Approvals for the Eden, Upper North East, Lower North East regions, and Appendices B and C of the Southern region of NSW;

Schedule 4 – Amendments to the terms of the licence under Part 7A of the *Fisheries Management Act 1994* set out in Appendix C of the Approvals the Eden, Upper North East, and Lower North East regions, and Appendix D of the Southern region of NSW;

Schedule 5 – Amendments to Chapter 1: General and Chapter 4: Protection of water and the aquatic environment from pollution - for the Brigalow Nandewar, South Western Cypress, and Riverina Red Gum regions of NSW.

This instrument commences on 1 March 2013.

Notes do not form part of this instrument. They are provided to assist understanding only.

Dated: [Signed] 28 February 2013

Robyn Parker MP
Minister for the Environment

Katrina Hodgkinson MP
Minister for Primary Industries

LOWER NORTH EAST REGION

SCHEDULE 1 – AMENDMENTS TO THE “NON-LICENCE” TERMS OF THE INTEGRATED FORESTRY OPERATIONS APPROVAL FOR THE LOWER NORTH EAST REGION

[1] Part 1 – Preliminary

1. Definitions

Omit (5) and Notes.

Insert instead:

(5) Wherever occurring in this approval:

- a. References to Forests NSW, FNSW, SFNSW or Forestry Commission are taken to be “Forestry Corporation of New South Wales” [FCNSW] as defined by the *Forestry Act 2012*.
- b. References to Integrated Forestry Operations Approvals and Forest Agreements under the *Forestry and National Park Estate Act 1998* are taken as being Integrated Forestry Operations Approvals and Forest Agreements under the *Forestry Act 2012*.

[2] Clause 4 (2) (e) Description of the area of the State to which this approval applies

Omit clause 4(2)(e) and insert instead:

(e) the land shown by diagonal hatching on the maps appearing at Appendix D to this approval, marked as follows:

“Map 1 – Land to which the Integrated Forestry Operations Approval for the Lower North East Region does not apply”

“Map 2 – Land to which the Integrated Forestry Operations Approval for the Lower North East Region does not apply”

“Map 3 – Land to which the Integrated Forestry Operations Approval for the Lower North East Region does not apply”

“Map 4 – Land to which the Integrated Forestry Operations Approval for the Lower North East Region does not apply”

“Map 5 – Land to which the Integrated Forestry Operations Approval for the Lower North East Region does not apply”

“Map 6 – Land to which the Integrated Forestry Operations Approval for the Lower North East Region does not apply”.

[3] Appendix D Maps 1-5 – Land to which this approval does not apply

Omit “Maps 1 to 5” and insert instead “Maps 1 to 6”.

Omit the existing maps and insert instead the maps attached to this instrument and named:

“Map 1 – Land to which the Integrated Forestry Operations Approval for the Lower North East Region does not apply”

“Map 2 – Land to which the Integrated Forestry Operations Approval for the Lower North East Region does not apply”

“Map 3 – Land to which the Integrated Forestry Operations Approval for the Lower North East Region does not apply”

“Map 4 – Land to which the Integrated Forestry Operations Approval for the Lower North East Region does not apply”

“Map 5 – Land to which the Integrated Forestry Operations Approval for the Lower North East Region does not apply”

“Map 6 – Land to which the Integrated Forestry Operations Approval for the Lower North East Region does not apply”

[4] Table of Contents, Appendices

Omit “Maps 1 to 5” and insert instead “Maps 1 to 6”.

[5] Clause 9A

Insert the following after clause 9:

9A Monthly Advice of Operations

(1) In this clause:

(a) "*monthly advice*" means the following documents:

- (i) notification of a forestry operation prepared in accordance with 9A(3); and
- (ii) an operational map prepared in accordance with Part B of Schedule 1 of Appendix A of this IFOA; and Condition 3 (a) of Appendix B of this IFOA; and
- (iii) a location map prepared in accordance with Part C of Schedule 1 of Appendix A of this IFOA;

- (b) “*Event ID*” means a unique identification number that exclusively represents a forestry operation, such as a harvesting operation;
 - (c) “*financial year*” means the period from 1 July to the following 30 June;
 - (d) “*forestry operation*” includes clause 5 of the non licence terms but does not include forest products operations as defined by clause 5(6) and on-going forest management operations as defined in clause 5(7) (b-f).
- (2) By the first working day of each month, FCNSW is to give EPA and DPI (Fisheries) written advice of:
- (a) each forestry operation to which this approval applies that has been undertaken in the financial year in which that month falls; and
 - (b) each forestry operation proposed to be undertaken in that month or the next month, in accordance with this clause.

Notification of a forestry operation

- (3) The monthly advice must include the following details on a forestry operation and is to be presented in Excel format using a spreadsheet or other format as developed jointly by EPA and FCNSW:
- (a) the nature of the operation;
 - (b) the location of the operation (by including, if the location is within State forest, the State forest name and the relevant compartment number or numbers, Crown land identifying particulars, and Event ID);
 - (c) if the operation is a proposed logging operation, the quantity of timber that FCNSW estimates the operation will yield. The estimate may be a quantity or a range;
 - (d) if the site-specific operational plan has been approved by a regional manager or a planning manager of FCNSW, the date on which it was so approved;
 - (e) the date on which the operation commenced or recommenced, in the relevant compartment or other tract of land;
 - (e1) if EPL authority applies, the date on which the EPL authority commenced or recommenced in the relevant compartment or other tract of land;
 - (f) the month in which the operation is proposed to commence or recommence, in the relevant compartment or other tract of land;
 - (g) if the operation has been and remains suspended at the date of the advice, the date on which it was suspended;
 - (g1) if EPL authority applies, the date on which the EPL authority temporarily ceased;
 - (h) if the operation has been completed, the date on which it was completed;
 - (h1) if EPL authority applies, the date on which the EPL authority finally ceased.

The monthly advice format developed by EPA and FCNSW is subject to any variations or exceptions noted from time to time as approved by EPA. The latest version of the format will be held by EPA.

- (4) In the case of the monthly advice to be provided by the first working day of July in any year, the advice is to deal with each operation undertaken in the preceding financial year (as well as proposed operations as described in subclause 2(b)). (A copy of each such monthly advice is to be kept by FCNSW for the remainder of the term of this approval).
- (5) FCNSW is not required to give details of any forestry operation that has been completed before the commencement of this amendment, in a monthly advice required under this clause. A monthly advice is not required to be provided in the calendar month in which this amendment commences.
- (6) FCNSW must ensure that:
 - (a) the monthly advice does not contain any statement or information which is incorrect, false, misleading or incomplete; and
 - (b) every statement and piece of information in the monthly advice is supported by the planning documentation; and
 - (c) the procedure for obtaining information for the monthly advice is carried out in a competent manner.

Operation not to be undertaken unless specified in monthly advice etc

- (7) A forestry operation to which this clause applies may be commenced or recommenced in a compartment or other tract of land only if:
 - (a) it has been identified as an operation that is to be commenced or recommenced in a monthly advice given to EPA and DPI (Fisheries) under this clause; and
 - (b) at least two working days have elapsed since the submission of the monthly advice in which the proposed commencement or recommencement date for the operation is first specified.
- (8) In addition, the operation may not be commenced or recommenced before the month specified in the current monthly advice unless FCNSW has given EPA and DPI (Fisheries) written notice of the earlier month and proposed commencement or recommencement date, at least two working days before the operation commences or recommences.
- (9) A forestry operation may be undertaken only within the location specified in the current monthly advice. However, FCNSW may extend or otherwise vary the tract in which it undertakes the operation, by giving EPA and DPI (Fisheries) an amended monthly advice.
- (10) A forestry operation may be recommenced in the same month in which it was suspended, despite the restrictions on recommencement in this clause.

Monthly advice may be amended at any time

- (11) FCNSW may amend the monthly advice it has given to EPA and DPI (Fisheries) at any time, including by adding a proposed forestry operation to it. FCNSW is to give EPA and DPI (Fisheries) a written outline of the reasons for each amendment.

- (12) If FCNSW becomes aware that any details included in the monthly advice it has given to EPA and DPI (Fisheries) are incorrect, it must give an amended advice to EPA and DPI (Fisheries) within 7 days of becoming so aware (unless the next monthly advice is due within that period).
- (13) The monthly advice as amended (once given to EPA and DPI (Fisheries)) is then the current monthly advice for the purposes of this clause.

Operational map and location map to be given to agencies for each new operation

- (14) FCNSW is to give EPA and DPI (Fisheries):
 - (a) a copy of the operational map for each forestry operation listed in a monthly advice given to those agencies; and
 - (b) a location map that clearly identifies the location within the Region of the compartment or other tract of land in which that operation is proposed to be carried out and that shows the roads proposed to be used to access the compartment or other tract of land.
- (15) The maps are to be given to the agencies at least two working days before the commencement of the forestry operation in the compartment or other tract of land.
- (16) FCNSW is to give EPA and DPI (Fisheries) a copy of any amended operational map or location map. If FCNSW becomes aware that any details shown on an operational map or location map given to those agencies are incorrect, misleading or incomplete, it must give the agencies a copy of an amended map within 7 days of becoming so aware and identify the corrections or additions made when forwarding it.

[6] Clause 10(14), definition of “High Conservation Value Old Growth”

Insert the following after point (c) of the definition of “High Conservation Value Old Growth” in Clause 10(14):

- (c) land as depicted in the Geographic Information System Theme in the ESRI Feature Class Format (as current from time to time) called " Assessed_HCVOG";

[7] Clause 11

Omit clause 11. Insert instead the following:

11 Threatened Species Conservation Act – New Listings

- (1) FCNSW must comply with sub-clauses (2) and (3) in respect of a species that is present or likely to be present in the Lower North East Region or in any area likely to be affected by the carrying out of Forestry Operations if:

- (a) the Scientific Committee has made a determination for the provisional listing of the species as endangered or critically endangered on an emergency basis as provided for by Division 4 of the *Threatened Species Conservation Act 1995*; or
 - (b) the Scientific Committee has made a preliminary determination that a proposal to insert the species into Schedule 1, 1A or 2 of the *Threatened Species Conservation Act 1995* should be supported; or
 - (c) a final determination listing the species as endangered, critically endangered or vulnerable under Schedule 1, 1A or 2 of the *Threatened Species Conservation Act 1995* has been published in the NSW Government Gazette; or
 - (d) FCNSW receives a written notification from EPA that the species is, new to science and clauses 11(2)-(5) must apply until further notice.
- (2) FCNSW must, as far as is reasonably practicable, mitigate any adverse effect of forestry operations on animals or plants of the species referred to in clause 11(1) and develop Site-Specific Conditions for the species in accordance with condition 1.2 of the Threatened Species Licence.
- (3) In determining, for the purposes of clause 11(2), how to mitigate or minimise any adverse effect of forestry operations on animals or plants of the species concerned, FCNSW must be guided by any relevant advice provided by EPA.
- (4) In this clause “adverse effect” in relation to a species: includes:
- (a) harm to,
 - (b) the picking of,
 - (c) damage to any habitat of;
- the species concerned (or an animal or plant of the species concerned).
- (5) Clause 11(2) continues to apply until:
- (a) with respect to a species to which clause 11(1)(a) applies - a notice is published in the NSW Gazette to the effect that the Scientific Committee has made a final determination that the species should not be listed in Schedule 1, 1A or 2 of the *Threatened Species Conservation Act 1995* or 12 months has passed since the provisional listing, whichever occurs first;
 - (b) with respect to a species to which clause 11(1)(b) applies - a notice is published in the NSW Gazette to the effect that the Scientific Committee has made a final determination not to insert the species in Schedule 1, 1A or 2 of the *Threatened Species Conservation Act 1995*;
 - (c) with respect to a species to which clause 11(1)(c) applies – a determination is published in the NSW Gazette to omit the species from Schedule 1, 1A or 2 of the *Threatened Species Conservation Act 1995*;
 - (d) with respect to a species to which clause 11(1)(d) applies - FCNSW receives a notice from EPA indicating that the notice given under clause 11(1)(d) no longer applies.
- (6) For the sake of clarity, in the event that a species to which clause 11(1)(a) or (b) later becomes a species to which clause 11(1)(c) applies, clause 11(2) will continue to apply despite clause 11(5) (a) and (c).

[8] Clause 23

Delete clause 23.

[9] Clauses 23B and 23C

Omit clauses 23B and 23C.

[10] Insert a new clause 23 as follows:

23. Planning logging and roading operations

Annual plan of logging and roading operations

- (1) FCNSW is to prepare a plan of logging and roading operations in respect of each financial year (“annual plan of logging and roading operations”) that specifies each of the following matters:
 - (a) the intended location of proposed logging and roading operations, by reference to State forest name and compartment number or other identifying particulars (in the case of Crown-timber lands other than State forests);
 - (b) the specified time period in which it is intended to commence the proposed logging/roading operations;
 - (c) if it is a logging operation, the estimated total volume (combined products) per hectare to be removed from each compartment or tract by reference to broad classes (i.e. high, medium or low). The classes must match the volume ranges specified for each region in the *Forests NSW Practices Circular 2005/01* (or successor document);
 - (d) the proposed operation type(s) identified from the following: logging, thinning, or roading; and
 - (e) any other matter relating to the matters set out in paragraph (a), (b) or (c) that the EPA notifies FCNSW is to be specified.
- (2) In planning the location and specified time period of proposed logging operations under subclause (1), FCNSW must, as far as is reasonably practicable, disperse those operations over the Lower North East Region and over time, so as to reduce any cumulative impacts of logging operations in any part of the Region.
- (2A) Logging and roading operations may commence other than at the locations and in the specified time period proposed in the annual plan of logging and roading operations,

if that is necessary or desirable having regard to the particular circumstances or conditions (such as weather or market factors) at the relevant time.

- (3) FCNSW must forward to the regulatory agencies a copy of the annual plan of logging and roading operations for each financial year by 1 June of the preceding financial year.

Written notice of particular harvesting operations

(4) Clause revoked (Amendment 3).

(4A) Clause revoked (Amendment 3).

(5) Clause revoked (Amendment 3).

(6) Clause revoked (Amendment 3).

(7) In this clause:

“commence” means when machinery is first used to prepare roads and/or log dumps or the first tree is felled.

“financial year” means the period from 1 July to the following 30 June; and

“specified time period” means a three month block being either January to March, April to June, July to September or October to December.

[11] Clause 24

Omit clause 24. Instead insert the following:

24. Annual reports on logging operations

- (1) FCNSW is to progressively record the following information relating to logging operations in the Lower North East Region:
 - (a) the quantity of each timber product logged (as described in clause 5(2) and in the course of thinning in the following categories:
 - (i) the combined quantity of high quality large sawlogs and large veneer logs;

(ii) the combined quantity of high quality small sawlogs and small veneer logs;

(iii) the combined quantity of poles, piles and girders;

(iv) the quantity of pulp grade timber; and

(v) the quantity of low quality timber.

(b) in the case of logging operations involving thinning, the estimated total area subject to thinning (being the total of the net harvest areas of the tracts thinned);

(c) the estimated total area subject to logging using Australian Group Selection (being the total of the areas of the groups of trees logged), and the estimated total area subject to logging using Single Tree Selection (being the total of the net harvest areas of the tracts logged);

(d) the estimated total net harvest area that has been logged and thinned combined; and

(e) the location of the relevant operations, by reference to State forest name and compartment number or other identifying particulars (in the case of Crown timber lands other than State forests).

(2) The information referred to in paragraphs (b), (c) and (d) of subclause (1) may be derived from information contained in site specific plans and the compartment histories referred to in clause 42.

(3) Paragraphs (b), (c) and (d) of subclause (1) do not apply to logging operations carried out for the sole purpose of producing timber for fencing or sleepers, or firewood or craftwood).

(4) FCNSW is to provide a report to the regulatory agencies setting out the above information in respect of each financial year of the following year by 31 August of the following financial year.

(5) In this clause:

“Australian Group Selection” has the same meaning as in clause 5;

“financial year” means the period from 1 July to the following 30 June

“Single Tree Selection” has the same meaning as in clause 5 and;

“site specific plan” means a site specific plan prepared under clause 23A and includes any other harvest plan that contains site specific information and instructions to staff of FCNSW and other persons concerning logging operations in the Lower North East Region.

[12] Clause 24 (1A)

Insert the following after clause 24:

- (1A) Paragraphs (a) and (b) of subclause (1) do not apply to timber products that have been produced by operations authorised under section 30I of the Forestry Act 1916, including fencing, sleepers, firewood or craftwood.

[13] Clause 26

After “forest products operations” insert “, including those producing timber products such as fencing, sleepers, firewood and craftwood that are authorised under section 30I of the Forestry Act 1916,” in to Clause 26.

[14] Clause 27

Omit clause 27. Insert instead the following:

27. Annual reports on forest products operations

FCNSW is to provide a report to the regulatory agencies setting out the following information in respect of each financial year (by 31 August of the following financial year:

- (a) the types of forest products operations that have been authorised under the Forestry Act 1916 during the year to which the report relates, including those producing timber products such as fencing, sleepers, firewood and craftwood that are authorised under section 30I of the Forestry Act 1916;
- (b) the location of each type of forest products operation, including those producing timber products such as fencing, sleepers, firewood and craftwood that are authorised under section 30I of the Forestry Act 1916, specified, by reference to State forest name and compartment number or other identifying particulars (in the case of Crown-timber lands other than State forest); and
- (c) any other matter relating to the matters set out in paragraphs (a) or (b) that EPA informs FCNSW is to be specified.

[15] Clause 29

Delete clause 29A.

Insert a new clause 29A as follows:

29A. Annual plan of thinning operations

Note: This clause (clause 29A) and the following clause 29B contain planning, notification and reporting requirements with respect to thinning operations. They are in similar terms to clauses 22-23B that relate to harvesting operations. A thinning operation may have more than one purpose, that is, it may be carried out, not only for silvicultural purposes, but also to produce timber products. If timber production is the primary purpose of an operation, then the operation should be dealt with and documented under those provisions of the approval that relate to harvesting operations (that is, clauses 22-23B). However, if the sole or predominant purpose of cutting and removing trees is to thin the relevant stand of forest (for silvicultural objectives) then the operation should be dealt with as a thinning operation under clauses 29A-29B.

- (1) The first financial year to which this clause applies is the year commencing 1 July 2013.
- (2) FCNSW is to prepare a plan of thinning operations for each financial year (“annual plan of thinning operations”) that specifies each of the following matters:
 - (a) the intended location of proposed thinning operations, by reference to State forest name and compartment number or other identifying particulars (in the case of Crown-timber lands other than State forests);
 - (b) the specified time period in which it is intended to commence the proposed thinning operations;
 - (c) any other matter related to the location and specified time period of the proposed thinning operations that the EPA notifies FCNSW is to be specified.
- (3) In planning the location and specified time period of proposed thinning operations under subclause (2), FCNSW must, as far as is reasonably practicable, disperse those operations over the Lower North East Region and over time, so as to reduce any cumulative impacts of thinning operations in any part of the Region.
- (4) Thinning operations may commence other than at the locations and in the specified time period proposed in the annual plan of thinning operations, if that is necessary or desirable having regard to the particular circumstances or conditions (such as weather) at the relevant time.
- (5) FCNSW must forward to the regulatory agencies a copy of the annual plan of thinning operations for each financial year by 1 June of the preceding financial year.

(6) In this clause:

“commence” means when machinery is first used to prepare roads or the first tree is felled.

“financial year” means the period from 1 July to the following 30 June.

“specified time period” means a three month block being either January to March, April to June, July to September or October to December.

[16] Clauses 29C and 29D

Omit clause 29C and 29D.

LOWER NORTH EAST REGION

FORESTRY AND NATIONAL PARK ESTATE ACT 1998

SCHEDULE 2 – AMENDMENTS TO THE TERMS OF THE LICENCE UNDER THE PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997 SET OUT IN APPENDIX A OF THE APPROVAL FOR THE UPPER NORTH EAST, LOWER NORTH EAST, SOUTH COAST and TUMUT SUBREGION and EDEN REGIONS

[1] References to “summary of operations” in all conditions

[Interpretation Note: Throughout the Licence, every instance of the term “summary of operations” is to be replaced with the term “monthly advice”]

Omit “summary of operations” wherever occurring in this licence. Insert instead “monthly advice”.

[2] Information about this licence (upfront of licence), Public register and access to monitoring data

Insert the following at the end of the “Public Register and access to monitoring data” section:

For the purpose of fulfilling Section 66 of the Act, FCNSW must publish monitoring data that relates to pollution on its website within 14 days of obtaining that data.

[3] Information about this licence (upfront of licence), Pollution incident response management plan

Insert the following section after the “Public Register and access to monitoring data” section:

Pollution incident response management plan

In accordance with Part 5.7A of the Act, FCNSW must prepare, keep, test and implement a pollution incident response management plan.

[4] Condition 4.1

Insert the following note in to condition 4.1:

“[Note: The Australian water quality guideline was updated in 2000 - reference: Australian Water Quality Guidelines for Fresh and Marine Waters (Australian and New Zealand Environment and Conservation Council, 2000). The historic reference to the 1992 guidelines document remains because it was relevant when formulating the licence]”.

[5] Condition 8.

Omit condition 8. Insert instead the following:

8. Definition of monthly advice

- 8.1 For the purposes of this Part “monthly advice” means the written advice prepared, or required to be prepared, each month by FCNSW, on forestry operations, as referred to in clause 9A of the IFOA (including Part A, B and Part C of Schedule 1 of Appendix A of this IFOA).

[6] Conditions 9.2 and 9.3

Omit condition 9.2 and 9.3

[7] Condition 10

Omit condition 10. Insert instead the following:

10. Monthly Advice

- 10.1 FCNSW must give the monthly advice to EPA in accordance with the requirements set out in clause 9A of the non-licence provisions of the IFOA and must undertake operations in compliance with the obligations in clause 9A of the non-licence provisions.
- 10.2 For the avoidance of doubt, full compliance with the obligations in clause 9A of the non-licence provisions of the IFOA is an essential condition of this licence.
- 10.3 FCNSW is only required to, and may only, submit one monthly advice in satisfaction of this condition and any other requirements to submit a monthly advice under any other clause in the IFOA. Any monthly advice received by EPA for any given month will be taken to be the monthly advice for the purpose of this condition and any other clause under the IFOA requiring the submission of a monthly advice.

[8] Condition 14

Omit condition 14. Insert instead the following:

14 Commencement of licence authority

- 14.1 Licence authority applies with respect to a scheduled or non-scheduled forestry activity if:

(a) the forestry activity is listed in the monthly advice and all sections are completed;
and

(b) “the EPL commencement date” is completed in the monthly advice.

14.2 FCNSW must place a copy of the completed monthly advice on the operations register (as required by condition 33 of this licence) by the first working day of each month.

14.3 Licence authority for the activity is taken to have commenced on the commencement of the day whose date is inserted on the monthly advice for the activity.

14.4 Licence authority continues to apply to the activity unless it temporarily ceases under condition 19A or until it finally ceases under condition 20.

[9] Condition 15

Omit condition 15.

[10] Condition 17.1

Insert “or Planning Manager” after “Regional Manager” in condition 17.1.

[11] Condition 17.4

Omit condition 17.4.

[12] Condition 17.5

Omit condition 17.5.

[13] Condition 18

Omit condition 18.

[14] Conditions 19A and 19B

Omit conditions 19A and 19B. Insert instead the following:

19A Licence authority temporarily ceased

19A.1 Licence authority temporarily ceases to apply with respect to a scheduled or non-scheduled forestry activity:

- (a) if “EPL temporarily ceased (date)” is completed in the monthly advice; and
- (b) on and from the date which is entered in the monthly advice.

19A.2 FCNSW must place a copy of the monthly advice on the operations register (as required by condition 33 of this licence) by the first working day of each month.

19A.3 Licence authority with respect to an activity temporarily ceases unless it is recommenced under condition 19B or until it finally ceases under condition 20.

19B. Recommencement of licence authority

19B.1 If licence authority with respect to a scheduled or non-scheduled forestry activity has temporarily ceased (in accordance with condition 19A), FCNSW may recommence licence authority with respect to that activity by completing “EPL recommencement (date)” in the monthly advice.

19B.2 Licence authority with respect to a scheduled or non-scheduled forestry activity recommences on and from the date inserted under “EPL recommencement (date)” in the monthly advice. Licence authority continues to apply with respect to the activity unless it temporarily ceases again under condition 19A or until it finally ceases under condition 20.

19B.3 FCNSW must place a copy of the monthly advice on the operations register by the first working day of each month (as required by condition 33 of this licence).

[15] Conditions 20-21

Omit conditions 20-21. Insert instead the following:

20. When licence authority finally ceases to apply

20.1 Licence authority finally ceases to apply with respect to a scheduled or non-scheduled forestry activity:

- (a) if “EPL Final Cessation (date)” is inserted in the monthly advice and
- (b) on and from the date which is entered in the monthly advice.

20.2 FCNSW must place a copy of the monthly advice on the operations register by the first working day of each month (as required by condition 33 of this licence).

[Note: Where licence authority for a scheduled or non-scheduled forestry activity has finally ceased under condition 20, it cannot be “recommenced” under condition 19B. If, after licence authority has finally ceased for forestry activities in a particular compartment, FCNSW subsequently proposes, for example, to carry out further forestry activities in the same compartment under licence authority, it must be listed as a new operation in the monthly advice.]

21 Water quality monitoring

- 21.1 FCNSW must conduct water quality monitoring in accordance with a published, publicly available, and up-to-date water strategy for monitoring and evaluation of forest operations in both native and plantation forests.
- 21.2 The water quality monitoring specified in condition 21.1 of this licence must be consistent with the framework: ‘Water Monitoring Strategy’ prepared by FCNSW and approved by DECCW in 2009.
- 21.3 The water quality monitoring will comply with FCNSW certification under the Australian Forests Standard (the Australian Standard for Sustainable Forest Management AS 4708).
- 21.4 FCNSW must receive written approval from the EPA before implementing the water quality monitoring specified in condition 21.1 of this licence.

[16] Conditions 33 and 34

Omit conditions 33 and 34. Insert instead the following:

33. Operations register

- 33.1 Each FCNSW Regional Office must keep a register of all scheduled and non-scheduled forestry activities undertaken within the region.
- 33.2 The register must include copies of the monthly advice, not including maps (Note: harvest plan operational maps and location maps of operations are available under condition 37 of the EPL).

[Note: The register that is referred to in condition 33.2 is the same register that was required to be kept by each Regional Office before condition 33.2 was substituted by amendments to the operating conditions of the licence made in 2004. Accordingly, the documents that were included on the register before those amendments commenced are to continue to be kept on the register.]

34. Notification of environmental harm

- 34.1 If a pollution incident occurs so that material harm to the environment is caused or threatened, FCNSW (or its employees) must, for the purpose of fulfilling a duty to notify under Part 5.7 of the Act, notify each relevant authority immediately after the person becomes aware of the incident.
- 34.2 FCNSW must provide written notification of the pollution incident to each relevant authority within 7 days of the date in which immediate notification has been given.

[17] Definition of “causeway”

Insert “. The upper surface of a causeway must vary by no more than 100 mm from the invert level of the drainage feature, both upstream and downstream of the causeway” after “or of a stable natural surface” in the definition of “**causeway**”.

[18] Definition of “monthly advice”

Insert the following definition after “**mitre drain**”:

“**monthly advice**” means the written advice prepared, or required to be prepared, each month by FCNSW, on forestry operations, as referred to in clause 9A of the IFOA (including Condition 4.1 (c) of Appendix B of this IFOA);

[Interpretation Note: The following amendments to SCHEDULE 1, Part A omit all reference to Forms 1, 2 and 3 of Part A].

[19] SCHEDULE 1, contents page

Omit the following text from “Part A”:

“Forms required to be used under operating conditions

- Form 1:** Summary of operations for scheduled and non-scheduled forestry activities
- Form 2:** Notification for the cessation of licence authority for scheduled or non-scheduled forestry activities
- Form 3:** Notification for the commencement of licence authority for scheduled or non-scheduled forestry activities”

Insert instead the following after “Part A”:

“Monthly advice on operations”

[20] SCHEDULE 1, Part A

Omit Forms 1, 2 and 3 from SCHEDULE 1, Part A. Insert instead the following:

Part A - Form 1: Contact the EPA for the latest version of this form.

[Interpretation Note: The following amendments to SCHEDULE 1, Part B relate to environmental and operational factors that must be presented by FCNSW on an operational map for each compartment or roading area, as required by conditions 8 and 9 of this licence].

[21] SCHEDULE 1, Part B, paragraph B4

Insert the following after paragraph B3:

B4 stream order as determined according to the method specified in part B of Schedule 2 of this licence.

[22] SCHEDULE 1, Part B, paragraph C

After “new roads to be constructed.” insert “The operational map must also clearly depict licensed roads and unlicensed roads” in to paragraph C.

[23] SCHEDULE 1, Part B, paragraph D

Omit paragraph D. Insert instead the following:

D. Drainage Feature Crossings

D1. location of drainage line, watercourse, swamp or wetland road crossings. (All crossings must be labelled or coded on the operational map so that the descriptions are consistent with the planning documentation);

D2. indicative locations of snig track crossings of drainage lines and watercourses.

[Note: All crossings must be labelled or coded on the operational map so that the descriptions are consistent with the planning documentation].

[24] SCHEDULE 1, Part B, paragraph E

Omit “Log Dumps & Log Landings”. Insert instead “Log Dumps, Log Landings, Borrow Pits and Gravel Pits”.

[25] SCHEDULE 1, Part B, paragraph E4

Insert the following after paragraph E3:

E4. location of borrow pits and gravel pits.

[26] SCHEDULE 2, Part A, paragraph A

Omit paragraphs A1 and A2. Insert instead the following:

A1. rainfall characteristics for the proposed area of operations that are relevant to the calculation of design capacity for road and snig track drainage structures, such as rainfall intensity; and

Renumber paragraph A3 as A2.

[27] SCHEDULE 2, Part A, paragraph C

Omit paragraph C. Insert instead the following:

C. Soil Regolith

C1. distribution of soil regolith types;

C2. soil regolith characteristics;

C3. presence and distribution of dispersible soil material; and

C4. location of soil or regolith boundaries.

[28] SCHEDULE 2, Part A, paragraph D

Omit paragraph D. Insert instead the following:

D. Landform

- D1. total area (ha) for each of the slope classes as specified in the inherent hazard matrices in module 1 of Schedule 3;
- D2. rockiness and rock outcrops mapped or known at the time of planning;
- D3. mass movement or areas of potential mass movement hazard (occurrence and distribution marked on a map at the same scale as the operational map) as determined in accordance with module 2 of Schedule 3.

[29] SCHEDULE 2, Part A, paragraphs E and F.

Omit paragraphs E and F.

[30] SCHEDULE 2, Part A, paragraph G

Omit paragraph G. Insert instead the following:

G. New Road Construction (including upgrading) greater than 40 metres in length (Items must be assessed for each road licensed)

- G1. length of road to be constructed or upgraded;
- G2. maximum width of road to be constructed or upgraded;
- G3. sites where clearing will exceed 3 metres in width on either side of road prism;
- G4. sites where the slope of the land to be used for construction or upgrading exceeds 30 degrees;
- G5. maximum grade of road to be constructed or upgraded;
- G6. sites where road grade will exceed 10 degrees;
- G7. type of road drainage structures to be installed (“e.g. culverts, roll-overs, rubber flaps);
- G8. type of sediment trapping or soil erosion and sediment control devices to be used during road construction and upgrading;
- G9. maximum height of cut and fill batters to be constructed;

- G10. maximum length of cut and fill batters to be constructed;
- G11. type of drop-down structures and dissipators to be used on fill batters greater than one metre in height;
- G12. site-specific design and stabilisation techniques to be used on any roading to be constructed or upgraded on ground slopes exceeding 30 degrees;
- G13. site-specific design and soil stabilisation techniques to be used on any roading to be constructed or upgraded on areas that, or are likely to have a mass movement hazard;
- G14. site-specific details for the disposal of dispersible spoil material from road construction or upgrading;
- G15. site-specific soil stabilisation techniques of disturbed areas;
- G16. site-specific soil erosion and sediment control techniques; and
- G17. stabilisation assessment intervals.

[31] SCHEDULE 2, Part A, paragraph H

Omit paragraph H. Insert instead the following:

H. Existing Roads Maintenance (items must be assessed for each road licensed)

- H1. form, extent and location of any historical or existing erosion;
- H2. length and name of each existing road to be used in forestry activities and the total length of existing roads to be used in forestry activities;
- H3. sites where road maintenance is required;
- H4. description of road maintenance to be carried out;
- H5. sites where clearing will exceed 3 metres in width on either side of road prism;
- H6. type of proposed road drainage structures;
- H7. sites where road drainage structures exceed road drainage spacing conditions;

- H8. maximum height of cut and fill batters;
- H9. maximum length of cut and fill batters;
- H10. site-specific stabilisation techniques to be applied to unstable cut and fill batters;
- H11. type of drop-down structures and dissipators to be used on fill batters greater than one metre in height and having unstable surfaces or surfaces with less than 70% ground cover;
- H12. site-specific stabilisation techniques for roads, road drainage structures and road batters on roads that traverse ground-slopes in excess of 30 degrees;
- H13. additional site-specific design and stabilisation techniques to be used on existing roads on areas that have, or are likely to have a mass movement hazard;
- H14. site-specific techniques to prevent erosion of the road batters, road surface and table drains and to provide efficient sediment trapping and energy dissipation at drainage structure outlets;
- H15. site-specific details on roads to be re-opened:
- length of road re-alignment;
 - lowering of road grade; and
 - placement/disposal of spoil material; and
- H16. site-specific soil erosion and sediment control techniques.

[32] SCHEDULE 2, Part A, paragraph I

Omit paragraph I. Insert instead the following:

**I Construction or Upgrading of Drainage Feature Crossings for Roads and Snig Tracks
(items must be assessed for each licensed crossing)**

- I1. types of drainage feature crossings to be constructed/upgraded;
- I2. location of drainage feature crossings to be constructed or upgraded (shown on operational map);

- I3. sites where disturbance of vegetation and groundcover will exceed three metres upstream or downstream of the crossing;
- I4. site-specific soil erosion and sediment control measures to:
 - provide temporary protection to disturbed areas from water from the road surface and road drainage structures; and
 - prevent the deposition of spoil material into the drainage feature during drainage feature crossing construction and upgrading operations;
- I5.
 - (a) type of proposed drainage structures to drain roads between five metres and 30 metres from a watercourse, drainage line, wetland or swamp crossing;
 - (b) site-specific techniques to be used to prevent the pollution of water where a road drainage structure cannot be installed between five metres and 30 metres of a watercourse, drainage line, wetland or swamp crossing;
- I6. site-specific soil stabilisation techniques to be undertaken on disturbed areas within 20 metres either side of watercourses, within 20 metres either side of drainage lines or within protection or filter strips of wetlands or swamps;
- I7. sites where roads are constructed in dispersible soils within 20 metres either side of a drainage feature crossing;
- I8. permanence of water flow; and
- I9. site-specific techniques to dispose of excess spoil material.

New or upgraded culverts

- I10. site-specific techniques to be used to prevent spoil entering the drainage feature when removing and/or installing culverts;
- I11. site-specific techniques to be used to stabilise fill material around inlets and outlets of pipes;
- I12. site-specific techniques to be used to stabilise outlet discharge areas; and
- I13. site-specific techniques to be used to prevent pavement or surface material from entering the drainage feature.

New or upgraded bridge

- I14. site-specific techniques to be used to protect bridge embankments from table drain discharge;
- I15. site-specific techniques to be used to prevent spoil entering the drainage feature when replacing or removing bridges; and
- I16. site-specific techniques to be used to prevent road pavement material from entering the drainage feature.

New or upgraded causeways

- I17. site-specific techniques to be used to protect the bed and banks of the drainage feature; and
- I18. type of surface material proposed.

[33] SCHEDULE 2, Part A, paragraph J

Omit paragraph J. Insert instead the following:

J. Existing Drainage Feature Crossings Maintenance for Roads and Snig Tracks

- J1. proposed type of drainage feature crossing to be maintained;
- J2. description of maintenance to be carried out;
- J3. location of crossing on which maintenance is to be carried out (shown on operational map);
- J4. type of proposed drainage structures to drain roads between 5 metres and 30 metres from a watercourse, drainage line, wetland or swamp crossing;
- J5. site-specific techniques to be used to prevent the pollution of water where a road drainage structure cannot be installed between five metres and 30 metres of a watercourse, drainage line, wetland or swamp crossing;
- J6. type of pavement or surface to be used on the drainage feature crossing;
- J7. site-specific soil stabilisation techniques to be undertaken on disturbed areas within 20 metres either side of drainage feature crossings;
- J8. site-specific soil erosion and sediment control measures to:

- provide temporary protection to disturbed areas from water from the road surface and road drainage structures; and
- prevent the deposition of spoil material into the drainage feature during drainage feature crossing maintenance operations; and

J9. site-specific techniques to dispose of excess spoil material.

Existing culvert crossings

J10. site-specific techniques to be used to stabilise fill material around inlets and outlets of pipes;

J11. site-specific techniques to be used to stabilise outlet discharge areas; and

J12. site-specific techniques to be used to prevent road pavement or surface material from entering the drainage feature.

Existing bridge crossings

J13. site-specific techniques to be used to protect bridge embankments from table drain discharge; and

J14. site-specific techniques to be used to prevent road pavement material from entering the drainage feature.

Existing causeway crossings

J15. site-specific techniques to be used to protect the bed and banks of the drainage feature.

[34] SCHEDULE 2, Part A, paragraph K

Omit paragraph K. Insert instead the following:

K. Borrow Pits & Gravel Pits Active or Used for the Operation Licensed

K1. location of borrow pits or gravel pits to be used; and

K2. site-specific techniques to drain borrow pits or gravel pits.

[35] SCHEDULE 2, Part A, paragraph L

Omit paragraph L. Insert instead the following:

L. Harvesting Factors

- L1. gross area of the compartment or roading areas (hectares);
- L2. net harvestable area of the compartment or roading areas (hectares);
- L3. per cent canopy removal (either > or equal to 50% or < 50% canopy removal);
- L4. expected extraction method (e.g. crawler tractor, wheeled skidder, forwarder, etc);
- L5. areas within the compartment where ground based harvesting must not occur; and
- L6. seasonality restrictions on forestry activities as specified in module 4 of Schedule 3 of this licence.

[36] SCHEDULE 2, Part A, paragraph M3

Omit paragraph M3.

[37] SCHEDULE 2, Part A, paragraph N2

Omit paragraph N2.

[38] SCHEDULE 2, Part C, paragraph 1

Omit the heading of SCHEDULE 2, Part C, paragraph 1. Insert instead “**Design of bridges or culverts**”. And omit “causeways” from the first sentence of paragraph 1.

[39] SCHEDULE 3, Module 3, paragraph 3.4, STEP 2 a.

Omit “or” from “Score 2” in SCHEDULE 3, Module 3, paragraph 3.4, STEP 2 a. Instead insert “and”.

[40] SCHEDULE 4, paragraphs 50 and 51

Insert “(except causeway crossings)” after “Drainage feature crossings” in SCHEDULE 4, paragraphs 50 and 51.

[41] SCHEDULE 4, paragraph 62A

Insert the following after SCHEDULE 4, paragraph 62:

- 62A Where soil or gravel is used as the pavement for the road surface over the culvert, structures must be installed to prevent soil or gravel from entering the drainage feature. Soil or gravel deposited within the drainage feature must be removed. Removal of soil or gravel must be undertaken in a manner which prevents disturbance to the bed and bank of the drainage feature to the greatest extent practicable.

[42] SCHEDULE 5, paragraph 33

Insert “or upgrading” after “road construction” in SCHEDULE 5, paragraph 33.

[43] SCHEDULE 5, paragraph 47

Omit both instances of “construction and maintenance” in SCHEDULE 5, paragraph 47. Insert instead “construction, upgrading and maintenance”.

[44] SCHEDULE 5, paragraph 57A

Insert the following after Condition paragraph 57:

- 57A Where soil or gravel is used as the pavement for the road surface over the culvert, structures must be installed to prevent soil or gravel from entering the drainage feature. Soil or gravel deposited within the drainage feature must be removed. Removal of soil or gravel must be undertaken in a manner which prevents disturbance to the bed and bank of the drainage feature to the greatest extent practicable.

LOWER NORTH EAST REGION

SCHEDULE 3 – AMENDMENTS TO THE TERMS OF THE LICENCE UNDER THE THREATENED SPECIES CONSERVATION ACT 1995 SET OUT IN APPENDIX B OF THE APPROVAL

[1] Preamble - Authorisation

Insert the following after “3. Damage to the habitat of a threatened species.”:

4. Harm to the Barrington Tops Broad-toothed Rat endangered population; or
5. Damage to the habitat of the Barrington Tops Broad-toothed Rat endangered population.

And insert “with the exception of the Barrington Tops Broad-toothed Rat endangered population” in to unauthorised activity 1. after “(as far as animals are concerned)”; and “with the exception of the Barrington Tops Broad-toothed Rat endangered population” in to unauthorised activity 4. after “population or endangered community”.

[2] Definitions and Abbreviations

[Interpretation Note: These amendments change or add definitions and abbreviations used in this licence and have the meaning provided below, unless otherwise stated in a particular condition of the licence].

Omit the definitions of “Hollow-bearing Tree”, “Permanent stream”, “Recruitment Tree”, “Sap feed tree” and “Stag” [*Interpretation Note: “dead standing tree” is to be defined in Condition 5.6 (e)*]. Insert instead the following definitions in alphabetical order:

“EPA” means the Environment Protection Agency.

“FCNSW” means Forestry Corporation of New South Wales.

“Gliding possum” means a possum of a species belonging to the genus *Petaurus*, such as a squirrel glider (*Petaurus norfolcensis*), yellow-bellied glider (*Petaurus australis*) and sugar glider (*Petaurus brevicepes*).

“Hollow-bearing tree” means a live tree in the net logging area where the base, trunk or limbs contain hollows, holes and cavities that have formed as a result of decay, injury or other damage. Such hollows may not be visible from the ground; but may be apparent from the presence of deformities such as burls, protuberances or broken limbs, or where it is apparent the head of the tree has been lost or broken off.

(Note: “Hollow-bearing tree” is also defined in Condition 5.6 (a)).

“Mechanised harvesting operation” is an operation that involves felling trees using mechanised harvesting machinery rather than an operation that relies on felling trees using a chainsaw.

“Recruitment tree” means a live tree of a mature or late mature growth stage (using the modified Jacobs growth stage assessment as depicted in Schedule 3) within the net logging area that is not suppressed prior to harvesting and has good potential for hollow development and long term survival.

(Note: “Recruitment tree” is also defined in Condition 5.6 (a)).

“Ridge and Headwater Habitat” means the land identified in maps provided to EPA for the purpose of condition 4.1 (d) subject to any variations or exceptions noted from time to time as approved by EPA. The latest version of the map, at any given time, will be held by EPA.

“Sap feed tree” means a living tree that exhibits incisions, including V-notch incisions, made by a gliding possum for the purpose of feeding on exuding sap, which have not been fully occluded by bark or scar tissue at the time of compartment mark-up.

“Suitable habitat for Broad-Toothed Rat” means land of greater than 0.1 hectares in area with vegetation comprised of heath and sedge/rush communities associated with saturated soil conditions. Typical ground cover is dense and is dominated by *Epacris microphylla*, *Epacris breviflora*, *Gonocarpus micranthus*, *Hakea microcarpa*, *Carex gaudichaudiana*, *Baloskion stenocoleum* (northern forests), *Baloskion australe* (southern forests) and *Deyeuxia gunnian* or any combination of these species (though not exclusively). These areas are frequently associated with but may not be confined to drainage lines, drainage depressions, wetlands and soaks, seepages and bogs.

[3] Definition of “High Conservation Value Old Growth”

Insert the following in to the definition of “High Conservation Value Old Growth”:

- iii. land as depicted in the Geographic Information System Theme in the ESRI Feature Class Format (as current from time to time) called "Assessed_HCVOG".

[4] Definition of ‘record’

Insert the following into the definition of “record”:

- Where the presence of a fauna species is determined from analysis of hair or scat samples conducted by a suitably experienced person, a result of 'definite' or 'probable' must be counted as a record where it refers to a threatened species listed on Schedule 1 of the TSC Act. A result of 'definite' must be counted as a record where it refers to a threatened species listed on Schedule 2 of the TSC Act.

[5] Definition of “Specified Forestry Activities”

Insert the following after ix. of the definition of “Specified Forestry Activities”:

- x. Thinning.

[6] Definition of “Statutory reserves”

Omit “State Recreation Areas” from the definition of “Statutory reserves”.
Insert instead “State Conservation Areas and Regional Parks”.

[Interpretation Note: This is to align with reserve categories within the National Parks and Wildlife Act 1974 and Forestry and National Parks Estate Act 1998].

[7] Condition 1.2 (a) i.

Omit “*Heleioporous australiacus*”, “Broad-headed Snake” and “Broad-toothed Rat” from condition 1.2 (a) i.

[8] Condition 1.2 (a) ii

Omit condition 1.2 (a) ii. Insert instead the following:

- ii. Species to which condition 1.3 (a) applies;

[9] Condition 1.2 (d) and (e)

Insert the following after condition 1.2 (c):

- d) A Site-specific condition developed under this condition may specify that it applies to either a single record of the species concerned, or that it applies to all relevant records of the species concerned within a particular geographic area, such as the compartment or the IFOA Region.
- e) Where a Site-specific condition is issued for the IFOA Region it may include requirements for FCNSW to survey for that species.

Renumber condition 1.2 (d) as 1.2 (f).

[10] Condition 1.3

Omit condition 1.3. Insert instead the following:

1.3 Threatened Species Conservation Act – New Listings

- a) FCNSW must comply with sub-conditions (b) and (c) in respect of a species which is present or likely to be present in the Lower North East Region or in any area likely to be affected by the carrying out of Forestry Operations if:
 - i. the Scientific Committee has made a determination for the provisional listing of the species as endangered or critically endangered on an emergency basis as provided for by Division 4 of the *TSC Act*; or
 - ii. the Scientific Committee has made a preliminary determination that a proposal to insert the species into Schedule 1, 1A or 2 of the *TSC Act* should be supported; or

- iii. a final determination listing the species as endangered, critically endangered or vulnerable under Schedule 1, 1A or 2 of the *TSC Act* has been published in the NSW Government Gazette; or
 - iv. FCNSW receives a written notification from EPA that a species is new to science and conditions 1.3 (b)-(e) must apply until further notice.
- b) FCNSW must, as far as is reasonably practicable, mitigate any adverse effect of forestry operation on animals or plants of the species and develop Site-Specific Conditions for the species in accordance with condition 1.2;
- c) In determining, for the purposes of condition 1.3 (b), how to mitigate or minimise any adverse effect of forestry operations on animals or plants of the species concerned, FCNSW must be guided by any relevant advice provided by EPA.
- d) In this condition “adverse effect” in relation to a species (or an animal or plant of a species): includes:
 - i. harm to;
 - ii. the picking of; or
 - iii. damage to any habitat of;

the species concerned (or an animal or plant of the species concerned).
- e) Condition 1.3 (b) continues to apply until:
 - i. with respect to a species to which condition 1.3 (b) i. applies - a notice is published in the NSW Gazette to the effect that the Scientific Committee has made a final determination that the species should not be listed in Schedule 1, 1A or 2 of the *TSC Act* or 12 months has passed since the provisional listing, whichever occurs first;
 - ii. with respect to a species to which condition 1.3 (a) ii. applies - a notice is published in the NSW Gazette to the effect that the Scientific Committee has made a final determination not to insert the species in Schedule 1, 1A or 2 of the *TSC Act*;
 - iii. with respect to a species to which condition 1.3 (a) iii. applies – a determination is published in the NSW Gazette to omit the species from Schedule 1, 1A or 2 of the *TSC Act*;
 - iv. with respect to a species to which condition 1.3 (a) iv. applies - FCNSW receives a notice from EPA indicating that the notice given under condition 13.1 (a) iv. no longer applies.
- f) For the sake of clarity, in the event that a species to which condition 1.3 (a) i. or ii. later becomes a species to which condition 1.3 (a) iii. applies, condition 1.3 (b) will continue to apply despite condition 1.3 (e) i. and iii.

[11] Transitional Provisions

Condition 2.2 (a)

Omit Condition 2.2 (a). Insert instead the following:

a) The following definition applies for the purpose of this condition:

“Amendment” means any amendment made to this licence under *Forestry and National Park Estate Act 1998* s. 31.

b) Transitional provisions taking effect following an Amendment are contained in schedule 11 of this licence.

[Schedule 11 is also amended]

[12] Condition 4.1 (b) (c) Monthly advice

Omit clause 4.1 (b). Insert instead the following:

4.1 (b) FCNSW must provide a colour copy of the operational and location map in accordance with Clause 9A (14 – 16) of the non licence terms of the IFOA.

Omit clause 4.1 (c). Insert instead the following:

4.1(c) FCNSW must give the monthly advice to EPA in accordance with the requirements set out in clause 9A of the non-licence provisions of the IFOA and must undertake operations in compliance with the obligations in clause 9A of the non licence provisions.

(i) For the avoidance of doubt, full compliance with the obligations in clause 9A of the non-licence provisions of the IFOA is an essential condition of this licence.

(ii) FCNSW is only required to, and may only, submit one monthly return in satisfaction of this clause and any other requirements to submit a monthly return under any other clause in the IFOA. Any monthly advice received by EPA for any given month will be taken to be the monthly advice for the purpose of this clause and any other clause under the IFOA requiring the submission of a monthly return.

Insert in **definitions and abbreviations**:

“monthly advice” means the written advice prepared, or required to be prepared, each month by FCNSW, on forestry operations, as referred to in clause 9A of the IFOA (including Condition 3 (a) of Appendix B of this IFOA)

[13] Condition 4.1 (a) and (d)

Omit condition 4.1 (a) and (d). Insert instead the following:

a) Harvesting Plans or Operational Plans, approved by the relevant FCNSW Regional Manager or Planning Manager, Pre-logging and Pre-roading Survey

Reports, registers and maps (including electronic Geographic Information System themes and metadata) showing exclusion zones and protection zones, as requested by EPA within ten working days of the request. These can be provided as hard copy or electronically.

- d) Maps at an appropriate scale showing the location of Ridge and Headwater Habitat (as per Condition 5.8 of this licence) within the Lower North East Region by 31 March 2000. Where this mapping has been subsequently amended with the approval of EPA (in accordance with condition 5.8 (g)), amended Geographic Information System themes and metadata must be provided to EPA within 21 days of the amendment.

[14] Condition 4.1 (f)

Insert the sentence “Information held within a register of non-compliance.” in to condition 4.1 (f) before “Each SFNSW Regional Manager responsible for the land”.

[15] Condition 5.1 (b)

Omit “6.5 White-crowned Snake,” “6.6 Pale-headed Snake,” “6.21 Large-footed Myotis,” and after “6.26 Threatened Flora and 6.28 Threatened Flora” omit “that are contained within areas of High Conservation Value Old Growth Forest referred to in Condition 5.3, Rainforest and exclusion zones around warm temperate Rainforest referred to in condition 5.4, Rare Non Commercial Forest Types referred to in condition 5.5 or protection zones referred to condition 5.7” from condition 5.1 (b). Insert instead, after “6.4 *Phyloria* spp”, “6.4 A Green-thighed Frog, 6.4 B Littlejohn’s Tree Frog”.

[16] Condition 5.2.1

Omit condition 5.2.1 (a) and (b). Insert instead:

- a) An adequately trained person must conduct a thorough search for, record and appropriately mark the following threatened and protected species features during or before the marking-up of a compartment:
- i. Nests and roosts for those species listed in condition 5.13 of this licence;
 - ii. Dens of the following species: Yellow-bellied Glider, Squirrel Glider and Brush-tailed Phascogale;
 - iii. Koala high use and intermediate use areas (see condition 5.2.2 below for requirement);
 - iv. Flying-fox camps;
 - v. Latrine and den sites of the Spotted-tailed Quoll;
 - vi. Distinctive scats (eg. Spotted-tailed Quoll, Koala);
 - vii. *Allocasuarina* or *Casuarina* spp. with chewed cones beneath;
 - viii. Yellow-bellied Glider and Squirrel Glider sap feed trees;
 - ix. Microchiropteran bat tree roosts;

- x. Microchiropteran bat subterranean roosts (caves, tunnels and disused mineshafts);
- xi. Swift Parrot and Regent Honeyeater feed or nest trees;
- xii. Wombat burrows (north of the Oxley Highway only);
- xiii. Permanent soaks and seepages in *Philoria* spp. Potential habitat;
- xiv. Threatened flora and protected native plant species likely to occur within the compartment requiring protection under conditions 6.22, 6.23, 6.24, 6.25, 6.26 and 6.27 of this licence;
- xv. Rocky outcrops and cliffs;
- xvi. Heath and scrub;
- xvii. Wetlands; and
- xviii. Suitable habitat for the Broad-toothed Rat.

Renumber condition 5.2.1 (c)-(e) as (b)-(d).

[Interpretation Note: Condition 5.2.1 vii) above is amended whereby the original 'Allocasuarina spp, with more than 30 crushed cones beneath' has been changed to 'Allocasuarina or Casuarina spp. with chewed cones beneath'].

[17] Condition 5.3 (i) ii.

- ii. Omit condition 5.3 (i) ii. Renumber condition 5.3 (i) iii.-v. as ii.-iv.

[18] Condition 5.3 (n)

Insert the following after condition 5.3 (m):

- (n) On Crown-timber lands that have not previously been assessed to identify High Conservation Value Old Growth Forest for the purpose of this approval, such as travelling stock reserves, lands acquired by the Forestry Commission of New South Wales, and purchase-tenure lands:
 - i. the process for the identification of High Conservation Value Old Growth Forest must be developed by FCNSW within 12 months of the commencement date of the amendment to this approval. The final process, and any subsequent amendments to the process, must be approved by the EPA. Once finalised, the process must be made publicly available.
 - ii. once the process is approved it must be applied to those lands during the pre-operation planning process and the boundary of such areas must be mapped; and
 - iii. the mapped High Conservation Value Old Growth Forest boundaries must be maintained as a Geographic Information System theme in ESRI Feature Class format called "Assessed_HCVOG" which must be updated and provided to the EPA prior to specified forestry activities being undertaken on those lands.

[19] Condition 5.4 (e) ii.

Omit condition 5.4 (e) ii. Renumber condition 5.4 (e) iii.-v. as ii.-iv.

[20] Condition 5.5 (i) ii.

Omit condition 5.5 (i) ii. Renumber condition 5.5 (i) iii.-v. as ii.-iv.

[21] Condition 5.6 (a)-(e)

Omit condition 5.6 (a)-(e). Insert instead:

- a) The following definitions apply for the purpose of this condition:
- i. “Hollow-bearing tree” means a live tree in the net logging area where the base, trunk or limbs contain hollows, holes and cavities that have formed as a result of decay, injury or other damage. Such hollows may not be visible from the ground; but may be apparent from the presence of deformities such as burls, protuberances or broken limbs, or where it is apparent the head of the tree has been lost or broken off.
 - ii. “Recruitment tree” means a live tree of a mature or late mature growth stage (using the modified Jacobs growth stage assessment as depicted in schedule 3) within the net logging area that is not suppressed prior to harvesting and appears to have good potential for hollow development and long term survival.
- b) Within the Non-regrowth Zone the following requirements for retention of Hollow-bearing trees apply:
- i. A minimum of five hollow-bearing trees must be retained per hectare of net logging area. Where this density is not available, the existing hollow-bearing trees must be retained plus additional trees must be retained as hollow-bearing trees to meet the required rate.
 - ii. In selecting hollow-bearing trees for retention, priority must be given to any hollow-bearing trees which exhibit evidence of occupancy by hollow dependent fauna and trees which contain multiple hollows or hollows of various sizes.
 - iii. The remaining hollow-bearing trees and any additional trees required to be retained to meet the retention rate under this condition must be selected with the objective of retaining trees having as many of the following characteristics as possible:
 - belonging to a cohort of trees with the largest dbhob,
 - good crown development,
(Note: this does not restrict the selection of trees with broken limbs consistent with the hollow-bearing tree definition).
 - minimal butt damage,
 - represent the range of hollow-bearing species that occur in the area,
 - located such that they result in retained trees being evenly scattered throughout the net logging area.

- c) Within the Non-regrowth Zone the following requirements for retention of Recruitment trees apply:
- i. A minimum of five recruitment trees must be retained per hectare of net logging area.
 - ii. Recruitment trees must be selected with the objective of retaining trees having as many of the following characteristics as possible:
 - belong to a cohort of trees with the largest dbhob,
 - located such that they result in retained trees being evenly scattered throughout the net logging area,
 - good crown development,
 - minimal butt damage,
 - represent the range of hollow-bearing species that occur in the area.
- d) Within the Regrowth Zone the following requirements for retention of Hollow-bearing trees apply:
- i. A minimum of five hollow-bearing trees must be retained per hectare of net logging area. Where this density of hollow-bearing trees is not available all hollow-bearing trees within the net logging area must be retained.
 - ii. In selecting hollow-bearing trees for retention, priority must be given to any hollow-bearing trees which exhibit evidence of occupancy by hollow dependent fauna and trees which contain multiple hollows or hollows of various sizes.
 - iii. Hollow-bearing trees must be selected with the objective of retaining trees having as many of the following characteristics as possible:
 - belonging to a cohort of trees with the largest dbhob,
 - good crown development,
(Note: this does not restrict the selection of trees with broken limbs consistent with the hollow-bearing tree definition).
 - minimal butt damage,
 - represent the range of hollow-bearing species that occur in the area,
 - located such that they result in retained trees being evenly scattered throughout the net logging area.
- e) Within the Regrowth Zone, for each hollow-bearing tree retained in (d) above, a recruitment tree must be retained. Recruitment trees must be selected with the objective of retaining trees having as many of the following characteristics as possible:
- i. belong to a cohort of trees with the largest dbhob,
 - ii. located such that they result in retained trees being evenly scattered throughout the net logging area
 - iii. good crown development,
 - iv. minimal butt damage,
 - v. represent the range of hollow-bearing species that occur in the area.

- f) In this condition “dead standing tree” means a dead standing tree which is greater than 300mm diameter at breast height and greater than 3 metres in height.
- i. Where five or more dead standing trees per hectare occur in the net logging area, a minimum of five dead standing trees must be retained per hectare of net logging area where it is safe to do so. If there are less than five dead standing trees per hectare, then all dead standing trees should be retained where it is safe to do so.
 - ii. In a mechanised harvesting operation (being an operation that involves felling trees using mechanised harvesting machinery rather than an operation that relies on felling trees using a chainsaw) where a dead standing tree required to be retained under this condition is removed because it was unsafe, FCNSW must ensure that the following information is recorded:
 - a description of the hazard posed by the dead standing tree in the context of the operation such as proximity to roads or log dumps,
 - the location of the dead standing tree (by reference to its grid coordinates),
 - the date on which the dead standing tree was removed,
 - an estimate of the diameter at breast height of the dead standing tree.

Renumber condition 5.6 (f) and (g) as (g) and (h).

[22] Conditions 5.6 (f) i. and ii.

Omit condition 5.6 (f) i. and ii. (now 5.6 (g) i. and ii. following amendment [19] above) Insert instead the following:

- i. Damage to the following types of trees or shrubs must be avoided or minimised to the greatest extent practicable during harvesting operations:
 - all stands of *Allocasuarina* or *Casuarina* spp.,
 - individual shrubs or trees of *Allocasuarina* or *Casuarina* spp. where there is evidence that Glossy Black-cockatoos have been feeding on them, such as chewed cones at the base of the trees,

[23] Condition 5.7 (r) ii.

Omit condition 5.7 (r) ii. Renumber condition 5.7 (r) iii.-v. as ii.-iv.

[24] Condition 5.8

Delete condition 5.8. Insert instead the following:

5.8 Location of Ridge and Headwater Habitat

- a) For every 500 hectares of areas within the Lower North East Region as identified in Clause 4 of this approval, FCNSW must implement:

- i. a minimum of two exclusion zones at least 40 metres wide which connect second order streams; or
 - ii. a minimum of one exclusion zone at least 80 metres wide which connects third order streams.
- b) Stream order is to be determined in accordance with Schedule 1 of this licence for the purpose of this condition.
- c) Exclusion zones implemented under condition 5.8 (a) must, wherever possible, establish links between third order streams of different catchments.
- d) Where the Ridge and Headwater Habitat exclusion zones do not link third order streams of different catchments, a minimum length of 250 metres must be established for each exclusion zone in condition 5.8 (a) i. (e.g. total length 500 metres), or a 500 metres minimum length established for the exclusion zone in condition 5.8 (a) ii.
- e) Exclusion zones implemented under condition 5.8 (a) above should connect the relevant second or third order stream via the associated lower order stream(s). Areas of identified High Conservation Value Old Growth Forest, Rare Non-commercial Forest Types and Rainforest may be used as the basis of exclusion zones.
- f) Ridge and Headwater Habitat exclusion zones must not, to the greatest extent practicable, cross existing roads.
- g) Amendment to the location of Ridge and Headwater Habitat exclusion zones may not be made unless approved by EPA. When applying for an amendment, FCNSW must provide reasons for the proposed amendment and options considered and must address the following matters:
 - i. the continuity with exclusion zones applied in any preceding logging operations;
 - ii. the habitat values and forest types of areas linked by the proposed exclusion zones compared to those previously in place;
 - iii. the tenure of the land linked by the proposed exclusion zones compared to those previously in place; and
 - iv. the landuse of areas linked by the proposed exclusion zones compared to those previously in place.
- h) The felling of trees across the boundary of a Ridge and Headwater Habitat exclusion zone is prohibited except where no more than six (6) trees containing timber logs are felled across the boundary in any 200 metre length of the boundary of the Ridge and Headwater Habitat exclusion zone, whatever 200 metre length of boundary is considered.
- i) Condition 5.8 (h) is not breached where a tree is accidentally felled into a Ridge and Headwater Habitat exclusion zone.
- j) A tree that is accidentally felled into a Ridge and Headwater Habitat exclusion zone may be removed from the zone, but only if the tree contains a timber log.

The tree may be removed from the zone even if the total number of trees removed in the harvesting operation concerned will, as a result, exceed the number calculated by applying the principle set out in condition 5.8 (h).

- k) A tree that is felled into a Ridge and Headwater Habitat exclusion zone under condition 5.8 (h), or felled accidentally as described in condition 5.8 (j), may be removed only in accordance with the following rules:
- i. the crown must be cut off from the trunk and left where it has fallen, except where the whole of the tree is lifted out of, or lifted and moved within, the zone using a mechanical harvester; and
 - ii. in removing the tree (or any logs into which it is cut), any disturbance to the ground and soil must be minimised as far as practicable.
- l) Except as provided by conditions 5.1 and 5.8 (h)-(k), specified forestry activities other than road construction and road re-opening where there is no other practical means of access, are prohibited in these exclusion zones.

[25] Condition 5.13 (a) xv.-xxiv.

Insert the following after condition 5.13 (a) xiv.:

xv.	Varied Sittella nest	20 metres radius
xvi.	Little Lorikeet nest	30 metres radius
xvii.	Little Eagle nest	100 metres radius
xviii.	Flame Robin nest	50 metres radius
xix.	Scarlet Robin nest	50 metres radius
xx.	Gang-gang Cockatoo nest	20 metres radius
xxi.	Speckled Warbler nest	5 metres radius
xxii.	Black-chinned Honeyeater (eastern sub-species) nest	20 metres radius
xxiii.	Hooded Robin nest	50 metres radius
xxiv.	Brown Treecreeper nest	20 metres radius

[26] Condition 5.13 (h)

Omit condition 5.13 (h). Insert instead:

- (h) Nest exclusion zones for the following species may be removed where surveys conducted during two consecutive breeding seasons establish to the satisfaction of the EPA that the nest or nest site is not being used: Square-tailed Kite, Albert's Lyrebird, Regent Honeyeater, Glossy Black-Cockatoo, Bush Stone-Curlew, Turquoise Parrot, Varied Sittella, Little Lorikeet, Flame Robin, Scarlet Robin, Little Eagle, Gang-gang Cockatoo, Speckled Warbler, Black-chinned Honey-eater (eastern sub-species), Hooded Robin and Brown Treecreeper.

[27] Condition 5.13 (i)

Insert “or Grey-crowned Babbler or Diamond Firetail nests” before the words “must be retained and marked for retention” in condition 5.13 (i).

[28] Condition 5.13 (j)

Omit condition 5.13 (j). Insert instead the following:

- j) When ten Glossy Black-Cockatoo nests or ten Gang-gang Cockatoo nests are recorded on FCNSW estate over a two year period separated by at least two kilometres within a 15 kilometres radius, FCNSW may apply to the EPA for a review of this condition.

[29] Conditions 5.14.2-4

Omit Conditions 5.14.2-4. Insert instead:

5.14.2 Subterranean Roost Protection

Exclusion zones for bats

- a) The following are **exclusion** zones for bats:
 - i. a potential subterranean bat roost,
 - ii. if the potential subterranean bat roost is a disused mine shaft, any area within 40 metres of each entrance to the shaft,
 - iii. in the case of a potential subterranean bat roost other than a disused mine shaft, any area within 100 metres of each entrance of the roost.
- b) A potential subterranean bat roost that consists of a disused mine shaft or rock overhang, and the area surrounding it, cease to be bat **exclusion** zones if:
 - i. an absence of evidence of bats within the roost is established in at least one inspection survey, and
 - ii. there is no record associated with the roost of a bat of a species that uses roosts of that kind.
- c) The bat **exclusion** zone around each entrance of a potential subterranean bat roost that consists of a cave, mine or tunnel is reduced from any area within 100 metres of the entrance to any area within 50 metres of the entrance if:
 - i. an absence of evidence of bats within the roost is established in:
 - at least one inspection survey, if the roost is a mine, and
 - at least two inspection surveys, if the roost is a cave or tunnel, and
 - ii. there is no record associated with the roost of a bat of a species that uses roosts of that kind.
- d) If there is a record of bats in a subterranean site (being a cave, disused mine shaft, mine, tunnel or rock overhang) that is not a potential subterranean bat roost, that site, and any area within 100 metres of each entrance to the site, are bat **exclusion** zones.

Inspection survey

- e) It is not enough that no evidence of bats is found within a roost during an inspection survey for an absence of evidence of bats within the roost to have been established for the purposes of condition 5.14.2 (b) i. or (c) ii. If, for example, the person carrying out the survey was unable to inspect the entire roost, an absence of evidence of bats within the roost is not established for the purposes of condition 5.14.2 (b) i. or (c) ii. (as the case may be).
- f) For the purpose of this condition:
- i. an inspection survey is a survey that is carried out by a person with experience in surveying subterranean bat roosts for evidence of bats, and
 - ii. an inspection survey ceases to be an inspection survey 10 years after being carried out (but may have been carried out before the commencement of this approval), and
 - iii. the two inspection surveys referred to in condition 5.14.2 (c) i. (if the roost is a cave or tunnel) are two inspection surveys carried out in different survey seasons, being:
 - October – March,
 - April – September.

Definitions

- g) In this condition:

“disused mine shaft” means a vertical tunnel constructed for the purpose of mining, but no longer used for that purpose;

“evidence of bats” includes, not only a sighting of a bat or bats, but also guano (either whole or powdered) and the distinctive odour of guano;

“mine or tunnel” means an underground cavity that has been created or constructed by people and that is enclosed except for one or more entrances (or exits);

“potential subterranean bat roost” means any of the following:

- i. a cave that meets the following description:
 - at least one entrance has a diameter of 0.5 metres or more, and
 - the diameter of the cave chamber (that is, the longest distance between any two points on the perimeter of the cave’s base) is at least 0.5 metres, and
 - the length of the cave (from entrance to furthest point from the entrance) is at least 3 metres, and
 - the height of a dome of the cave is at least 1 metre higher than the top of an entrance;
- ii. a disused mine shaft that is at least 4 metres deep and that has one or more of the following features:
 - not all faces of the shaft are visible from the surface,

- it has ledges that are suitable for bats to roost under,
 - it links to a horizontal shaft that is at least 1 metre long;
- iii. a mine or tunnel that meets the following description:
- at least one entrance has a diameter of 0.5 metres or more, and
 - the length of the mine or tunnel running horizontally is at least 3 metres, and
 - the cavity is at least 1 metre high at some point;
- iv. a rock overhang with holes or crevices (or both) in the roof or wall protected by the overhang where the overhang protrudes at least 3 metres from the wall of the rock face below it and is at least 3 metres wide; and
- v. “rock overhang” is a rock that projects outward from the rock face below it, protruding at least 3 metres from the wall of the rock face and is at least three metres wide.

5.14.3 Protection of Flying-fox camps

- a) If there is a record of a flying-fox camp in a compartment, or a flying-fox camp is detected during pre-harvest inspections or during harvesting operations, specified forestry activities must be excluded from the full extent of the camp. An exclusion zone of at least 50 metres wide must be implemented around the camp. FCNSW must also consider implementing an exclusion zone of up to 200 metres wide to allow for expansion or movement of the camp.
- b) The geographical boundaries of the camp must be recorded by FCNSW using a Geographic Positioning System. Where the camp is unoccupied at the time of the forestry activity, the boundaries of the camp must be taken from the EPA Flying-fox Camp Database. FCNSW must check the EPA Flying-fox Camp Database when preparing harvest plans.

And omit any reference to “Significant Subterranean Roost Protection” wherever occurring in this licence.

[30] Condition 5.17 (b)

Insert “Varied Sittella”, “Flame Robin”, “Scarlet Robin”, “Speckled Warbler”, “Grey-crowned Babbler”, “Diamond Firetail”, “Hooded Robin” and “Brown Treecreeper” in to condition 5.17 (b).

[31] Condition 6.3 A

Insert the following after condition 6.3:

6.3 A Giant Burrowing Frog *Heleioporus australiacus*

Where there is a record of *Heleioporus australiacus* in a compartment or within 100 metres outside the boundary of a compartment the following applies:

- a) A monitoring program must be developed by FCNSW to assess the persistence of populations which satisfies the following:
- i. The monitoring programme must be approved by EPA before Harvesting Operations can commence in a compartment.
 - ii. The monitoring programme may use methods based on tadpole surveys to satisfy this condition.
 - iii. The monitoring programme must include sampling of areas not affected by Harvesting Operations (in equal number of samples and similar sized areas to sampling in compartments where Harvesting Operations occur) within nearby areas of similar habitat.
 - iv. Progress of the monitoring programme must be reported annually to EPA.
 - v. The monitoring programme must be reviewed by FCNSW and EPA after 5 years to consider whether the programme should continue.
- b) The monitoring programme must be undertaken before and after Harvesting Operations occur in a compartment or within 100 metres outside the boundary of a compartment.

[32] Conditions 6.4 A and 6.4 B

Insert the following after condition 6.4:

6.4 A Green-thighed Frog *Litoria brevipalmata*

Where there is a record of the Green-thighed Frog *Litoria brevipalmata* within the compartment or within 30 metres outside the boundary of the compartment, the following must apply:

- a) An exclusion zone of at least 30 metres radius must be implemented around the record; or
- b) Where the record location does not appear to be a suitable breeding site (an ephemerally or semi-permanently inundated depression) and a suitable breeding site is located within 100 m of the record, a 30 m radius exclusion zone is to be implemented around the most suitable breeding site located within 100 m of the record.

6.4 B Littlejohn's Tree Frog *Litoria littlejohni*

Where there is a record of the Littlejohn's Tree Frog *Litoria littlejohni* within the compartment or within 50 metres outside the boundary of the compartment, the following must apply:

- a) An exclusion zone of at least 50 metres radius must be implemented around the record; or
- b) where the record is associated with a wetland or dam, a 50 metres wide exclusion zone must be implemented around the wetland or dam.

- c) The exclusion zone around wetlands must be measured from the edge of the current saturated zone or from the outer edge the vegetation type that indicates a wetter micro-environment than the surrounding country, whichever is larger.
- d) The exclusion zone around dams must be measured from the highest point of the dam wall or barrier.

[33] Conditions 6.5 and 6.6

Omit conditions 6.5 and 6.6. Insert instead the following:

6.6. Stephens' Banded Snake *Holocephalus stephensii*

Where there is a record of the Stephens' Banded Snake *Holocephalus stephensii* in a compartment or within 100 metres outside the boundary of the compartment, the following must apply:

- a) All hollow-bearing trees with a dbhob greater than 60 cm within 100 metres of the record/s must be retained;
- b) During harvesting operations, the potential for damage to these trees must be minimised by utilising directional felling techniques.

[34] Condition 6.9 (d)

Omit condition 6.9 (d). Insert instead the following:

- d) Where information indicates that Greater Gliders occur at densities of more than one per hectare within any individual compartment (that is, a compartment identified by a compartment number and not a group of compartments) being planned for harvesting, and the compartment is within two kilometres of a Powerful Owl record, eight hollow-bearing trees per hectare must be retained within the net logging area of that compartment.

[35] Condition 6.11

Omit condition 6.11. Insert instead:

6.11 Swift Parrot *Lathamus discolor*, Regent Honeyeater *Xanthomyza phrygia*, and Black-chinned Honeyeater (eastern sub-species) *Melithreptus gularis gularis*

Where there is a record of Swift Parrot, Regent Honeyeater or Black-chinned Honeyeater (eastern sub-species) in a compartment, the following must apply:

- a) At least ten eucalypt feed trees must be retained within every two hectares of net logging area.
- b) Where a Swift Parrot, Regent Honeyeater or Black-chinned Honeyeater (eastern sub-species) is observed feeding, the tree in which it is feeding must be retained.

- c) The trees referred to in condition 6.11 (a) and (b) above must be marked for retention. Where retained eucalypt feed trees also meet the requirements of hollow-bearing or recruitment trees, the retained eucalypt feed tree may be counted as a hollow-bearing or recruitment tree.

[36] Conditions 6.14 (a)-(c)

Omit conditions (a)-(c). Insert instead:

- a) The following must apply wherever Koala mark-up searches have identified Koala high use areas or Koala intermediate use areas:
- i. Specified forestry activities are prohibited within all Koala high use areas. A 20 metres wide exclusion zone must be implemented around the boundary of Koala high use areas.
 - ii. In Koala intermediate use areas, per two hectares of net logging area ten primary browse trees must be retained where available. These trees must be marked for retention. Within intermediate use compartments, Australian Group Selection silvicultural techniques are prohibited in preferred forest types.

Renumber 6.14 (d)-(g) as (b)-(e).

[37] Condition 6.18 A

Insert the following after condition 6.18:

6.18 A Broad-toothed Rat *Mastacomys fuscus*

- a) Where Suitable habitat for the Broad-toothed Rat extends beyond the boundary of a wetland, soak, bog, seepage or riparian exclusion zone, the boundary of the suitable habitat must be identified and an additional 20m exclusion zone must be applied to it.
- b) Any area of Suitable habitat for the Broad-toothed Rat and exclusion zone that is greater than 0.1 ha must be marked in the field and mapped on the operational map.

(Note: this condition is applicable to the Broad-toothed Rat generally as well as the Barrington Tops Broad-toothed Rat endangered population.)

[38] Condition 6.21

Omit condition 6.21.

[39] Condition 6.22, Table 1

Omit the following species from Table 1:

Asperula asthenes
Elaeocarpus sp Rocky Creek (syn E.
sp minyon)

Lindsaea fraseri
Lindsaea incisa
Melichrus sp. *Gibberagee*
Prostanthera sp. *Somersby* (syn. *P.*
junonis)
Sophora fraseri
Tylophora woollsii
Uromyrtus australis

Insert instead the following in alphabetical order:

Dendrobium melaleucaphilum

[40] Condition 6.22, Table 2

Omit the following species from Table 2:

Amorphospermum whitei-North
Metapopulation Unit
Amyema scandens
Angiopteris evecta
Austromyrtus fragrantissima
Baloghia marmorata
Bertya sp.A Cobar-Coolabah
Bosistoa selwynii
Bosistoa transversa
Bulbophyllum globuliforme
Choricarpia subargentea
Corynocarpus rupestris subsp.
rupestris
Cryptocarya foetida
Davidsonia
Davidsonia pruriens var. *jerseyana*
Davidsonia sp.A Mullumbimby
Currumbin Creek
Diospyros mabacea
Diospyros major var. *ebenus*
Diploglottis campbellii
Elaeocarpus williamsianus
Endiandra floydii
Endiandra muelleri subsp. *bracteata*
Eucalyptus pachycalyx subsp.
banyabba
Euphrasia arguta
Euphrasia bella
Floydia praealta
Fontainea oraria
Geijera paniculata
Macadamia tetraphylla
Micromelum minutum
Muellerina myrtifolia

Ochrosia moorei
Owenia cepiodora
Oberonia titania
Plectranthus alloplectus
Randia moorei
Rapanea sp.A Richmond River
Sarcochilus hartmannii
Sauropus albiflorus subsp.
microcladus
Syzygium hodgkinsoniae
Syzygium moorei
Tasmannia glaucifolia-North
Metapopulation Unit

Insert instead the following in alphabetical order:

Oberonia complanata
Peristeranthus hillii

[41] Condition 6.23, Table 3 - explanation

Omit “PNP = Protected Native Plant” from below Table 3. Insert instead “[#] Species for which a Species Management Plan may be appropriate (see 6.28)”.

[42] Condition 6.23, Table 3

Omit the following species from Table 3:

Bothriochloa biloba
Callitris baileyi
Corchorus cunninghamii
Cyperus aquatilis
Dendrocnide moroides
Drynaria rigidula
Grevillea masonii
Lindsaea brachypoda
Marsdenia longiloba
Melichrus hirstusus (syn. M. sp. A)
Senna acclinis

Insert instead the following in alphabetical order:

Asterolasia sp. Dungowan Creek
Bertya sp. Clouds Creek
Banksia conferta subsp. conferta
Chiloglottis platyptera
Corybas dowlingii
Diuris flavescens
Dracophyllum macranthum
Philotheca myoporoides subsp.
Obovatifolia (syn. P. obovatifolia)

Pterostylis elegans #
Rhizanthella slateri
Rotala tripartita
Styphelia perileuca
Typhonium sp. aff. brownii
Tylophora woollsii #

And omit "(PNP)" after "*Oberonia titania*".

Insert "(syn. *P. obovatifolia*)" after "*Philotheca myoporoides* subsp. *Obovatifolia*" in Table 3

[43] Condition 6.23, Table 4 - explanation

Insert "# Species for which a Species Management Plan may be appropriate (see 6.28)" below table 4.

[44] Condition 6.23, Table 4

Omit the following species from Table 4:

Acacia acrionastes
Acacia macnuttiana
Acacia pubifolia
Acacia pycnostachya
Angophora exul
Baeckea sp. Pyramids
Blumea lacera
Gaultheria viridocarpa subsp.
merinoensis
Homoranthus lunatus
Isoglossa eranthemoides
Knoxia sumatrensis
Wahlenbergis scopulicola

Insert the following species in to Table 4 in alphabetical order:

Acacia dangarensis
Alexfloydia repens
Asperula asthenes
Caladenia porphyrea
Caladenia tessellata
Callistemon linearifolius
Chamaesyce psammogeton
Chiloglottis anaticeps
Dillwynia tenuifolia
Diuris arenaria
Eucalyptus castrensis
Eucalyptus dissita
Eucalyptus magnificata
Euphrasia orthocheila subsp.

peraspera
Galium australe
Genoplesium baueri
Genoplesium insignis
Hibbertia superans
Hibbertia tenuifolia
Homoranthus bornhardtiensis
Lindernia alsinoides
Maundia triglochoides
Melaleuca deanei
Ozothamnus tessellatus
Persoonia pauciflora
Pomaderris reperta
Pomaderris sericea
Prostanthera cineolifera
Prostanthera cryptandroides
[*Prostanthera junonis*]
Pultenaea maritima
Senecio linearifolius var. *dangarensis*
Sophora tomentosa
[*Thelymitra* sp. 'adorata']
Zannichellia palustris

[*Thelymitra* sp. 'adorata'
Replace *Prostanthera* sp. *Somersby* (syn. *P. junonis*) with *Prostanthera junonis* in Table 4.]

And insert “#” after “*Arthraxon hispidus*”.

[45] Condition 6.24

Omit condition 6.24.

[46] Condition 6.25, Table 7 - explanation

Insert “# Species for which a Species Management Plan may be appropriate (see 6.28)” below Table 7.

[47] Condition 6.25, Table 7

Omit the following species from Table 7:

Boronia umbellata
Corokia whiteana - Rhyolite
Metapopulation unit
Grevillea banyabba
Melaleuca tamariscina ssp. *irbyana*
Polygala linariifolia
Quassia sp. Moonee Creek
(syn. *Q.* sp. B)
Styphelia perileuca

Tinospora smilacina

Insert instead the following in alphabetical order:

Ancistrachne maidenii #

Eucalyptus oresbia

[48] Condition 6.25, Table 8

Omit the following species from Table 8:

Corokia whiteana - Coastal Sands

Metapopulation Unit

Corokia whiteana - Metasediments

Metapopulation Unit

Eriostemon ericifolius

Eucalyptus caleyi subsp. *ovendenii*

Grevillea beadleana

Homoranthus prolixus

Prostanthera staurophylla

Insert instead the following in alphabetical order:

Philothea ericifolia

[49] Condition 6.26, Table 9 - explanation

Insert “# Species for which a Species Management Plan maybe appropriate (see 6.28)” below table 9.

[50] Condition 6.26, Table 9

Omit the following species from Table 9:

Eucalyptus tetrapleura

Goodenia macbarronii

Grevillea rhizomatosa

Hakea trineura (syn. *H. sp. aff.*

trineura.)

Hibbertia hexandra - Northern

Metapopulation Unit

Macrozamia johnsonii

Pultenaea campbellii - Northern

Metapopulation Unit

Insert instead the following in alphabetical order:

Acacia chrysotricha #

Commersonia rosea

Euphrasia arguta #

Euphrasia ciliolata #

Hakea archaeoides

Marsdenia longiloba #
Senna acclinis #
Tephrosia filipes #

And insert “#” after “*Calophanoides hygrophiloides*”.

[51] Condition 6.26, Table 10

Omit the following species from Table 10:

Desmodium acanthocaldum
Doryanthes palmeri (PNP)

Insert instead the following in alphabetical order:

Muehlenbeckia costata

[52] Condition 6.27 (d)

Insert the following after condition 6.27 (c):

- d) FCNSW may choose, with the prior written approval of OEH, to apply a protection condition to those species listed in table 11 marked with an asterisk in lieu of preparing a monitoring program. The decision and approval to impose a protection condition/s will be made on a case by case basis by OEH and:
- i. The reasons for choosing this alternative approach must be clearly documented in the initial request to OEH;
 - ii. Within one week of OEH being notified by FCNSW of a request to apply a protection condition, OEH must consult with FCNSW when preparing the condition;
 - iii. Any condition developed under this condition must be implemented otherwise the default monitoring program must be prepared.

[53] Condition 6.27, Table 11 – explanation

Insert “* Species for which a Monitoring Programme may be appropriate (see 6.27)” below Table 11.

[54] Condition 6.27, Table 11

Omit the following species from Table 11:

Acacia ruppii
Angophora robur
Eucalyptus glaucina - Northern
Metapopulation Unit
Grevillea quadricauda
Hibbertia marginata
Pultenaea campbellii - Southern
Metapopulation Unit

Pultenaea stuartiana

Insert instead the following in alphabetical order:

*Grammitis stenophylla**

*Melaleuca groveana**

Insert “*” after “*Parsonsia dorrigoensis*” and “*Tasmannia purpurascens*”.

[55] Condition 6.27, Table 12

Omit Table 12.

[56] Condition 6.28 (b)

Omit condition 6.28 (b). Renumber condition 6.28 (c)-(i) as (b)-(h).

[57] Condition 7 (b) iv., v. and xv.

Omit condition 7 (b) iv., v. and xv. Renumber condition 7 (b) vi.-xiv. as iv.-xii. and xvi. as xiii.

[58] Condition 7 (b) xi.

Omit condition 7 (b) xi (now 7 (b) ix. following amendment [56] above).
Insert instead the following:

- ix. ***Brush-tailed Phascogale***: Across the net harvestable area of a compartment containing a record or modelled habitat:
1. retain a minimum of eight rough-barked trees per two hectares of net logging area for foraging by Brush-tailed Phascogales. Retained trees must represent the range of rough-barked tree species that occur in the area with preference given to trees of an older growth stage (i.e. late mature trees must be selected in preference to mature trees). Trees retained to meet this condition must be in addition to those trees retained to meet the requirements of condition 5.6.
 2. trees for retention must be selected from late mature, over-mature or senescent trees, where available.
 3. trees for retention that meet conditions (a) and (b) must be selected from trees greater than 70 cm diameter breast height over bark (dbhob). Where trees greater than 70 cm dbhob are not present, then trees must be selected for retention from trees belonging to a cohort of trees with the largest dbhob.
 4. retained trees must be marked for retention.
 5. large, hollow-bearing dead standing trees which are potential den trees should be retained where their retention is consistent with safe working practice.

[59] Condition 8.5 (a) i.

Omit condition 8.5 (a) i. Insert instead:

- i. All records of threatened species requiring species-specific or site-specific prescription and all records of the protected species Greater Glider held by, or available to, FCNSW. This must include, but is not limited to, searching the Office of Environment and Heritage Atlas of NSW Wildlife and FCNSW documents, records and other sources of information; and

[60] Condition 8.6 (b)

Omit “*Heleioporus australiacus*”, and “White-crowned Snake, Pale-headed Snake, Broad-headed Snake,” from condition 8.6 (b).

[61] Condition 8.7.2 (b) i. 15.

Insert the following after condition 8.7.2 (b) i. 15.:

16. Suitable habitat for the Broad-toothed Rat.

[62] Condition 8.7.2 (b) i. 7

Omit existing subclause 7. Insert instead “7. *Allocasuraina* or *Casuarina* spp. with chewed cones beneath”.

[63] Condition 8.8.1, Table 13 - title

Omit “Threatened” from the title of Table 13, and insert “and pre-roading” after “pre-logging” in the title.

[64] Condition 8.8.1, Table 13 - explanation

Insert “** Protected fauna species under NPW Act.” below Table 13 after “*Species listed in Schedule 1 of the TSC Act.”.

[65] Condition 8.8.1, Table 13

Omit the following entries from Table 13:

Giant Burrowing Frog	<i>Heleioporus australiacus</i>	Incidental, spotlight, riparian frog
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Reptiles

White-crowned Snake	<i>Cacophis harriettae</i>	Incidental (spotlight survey minimum)
Pale-headed Snake	<i>Hoplocephalus bitorquatus</i>	Incidental (spotlight survey minimum)
Broad-headed Snake	<i>Hoplocephalus bungaroides</i>	Incidental (spotlight survey minimum)

* Black-breasted Button-quail	<i>Turnix melanogaster</i>	Targeted
Broad-toothed Rat	<i>Mastacomys fuscus</i>	Targeted
Squirrel Glider	<i>Petaurus norfolcensis</i>	Spotlight and nocturnal call playback
Large-footed Myotis	<i>Myotis adversus</i>	Targeted

Insert instead the following under appropriate headings and in alphabetical order:

Black-chinned Honeyeater (eastern sub-species)	<i>Melithreptus gularis gularis</i>	Other diurnal birds
**Greater Glider	<i>Petauroides volans</i>	Spotlight
Squirrel Glider	<i>Petaurus norfolcensis</i>	Spotlight

[66] Condition 8.8.1 (d)

Omit “Large-footed Myotis” from condition 8.8.1 (d).

[67] Condition 8.8.3 A

Omit “*Heleioporus australiacus*” from condition 8.8.3 A.

[68] Condition 8.8.4 A

Omit condition 8.8.4 A.

[69] Condition 8.8.4 D

Insert “Black-chinned Honeyeater (eastern sub-species)” in to condition 8.8.4 D (c) and insert the following after 8.8.4 D (d) iv.:

- v. Black-chinned Honeyeater (eastern sub-species): Survey should focus on upper levels of eucalypt canopy in drier forest types in proximity to streams. Call must be listened for. Survey Season: anytime of the year.

[70] Condition 8.8.5

Omit “Squirrel Glider” from condition 8.8.5.

[71] Condition 8.8.6 (b)

Omit condition 8.8.6 (b). Renumber condition 8.8.6 (c) as (b).

[72] Condition 8.8.7

Omit condition 8.8.7.

[73] Condition 8.8.10 A Subterranean roost surveys

Omit condition 8.8.10 A

[74] Condition 8.8.10 B

Omit “Large-footed Myotis” or “*Myotis adversus*” wherever occurring in Condition 8.8.10 B.

[75] Schedule 5, Table 1:

Omit the following entries from Schedule 5, Table 1:

Green-thighed Frog	<i>Litoria brevipalmata</i>
Stephen's Banded Snake	<i>Hoplocephalus stephensii</i>

Insert instead the following under the appropriate headings in table 1:

Davies' Tree Frog	<i>Litoria daviesae</i>
White-crowned Snake	<i>Cacophis harriettae</i>
Pale-headed Snake	<i>Hoplocephalus bitorquatus</i>
Broad-headed Snake	<i>Hoplocephalus bungaroides</i>
Large-footed Myotis	<i>Myotis adversus</i>

Insects

(alphabetic by scientific name)

Australian Fritillary (Butterfly)	<i>Argyreus hyperbius</i>
Atlas Rainforest Ground-beetle	<i>Nurus atlas</i>
Shorter Rainforest Ground-beetle	<i>Nurua brevis</i>
Pink Underwing Moth	<i>Phyllodes imperialis</i> - southern subspecies

[76] Schedule 5, Table 2

Omit the following entries from Schedule 5, Table 2:

White-crowned Snake	<i>Cacophis harriettae</i>
Pale-headed Snake	<i>Hoplocephalus bitorquatus</i>
Black-breasted Button-quail	<i>Turnix melanogaster</i>
Large-footed Myotis	<i>Myotis adversus</i>

Insert instead the following under the appropriate headings in table 2:

Giant Burrowing Frog	<i>Heleioporus australiacus</i>
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Green-thighed Frog	<i>Litoria brevipalmata</i>
Littlejohn's Tree Frog	<i>Litoria littlejohni</i>
Stephens' Banded Snake	<i>Holocephalus stephensii</i>
Black-chinned Honeyeater (eastern sub-species)	<i>Melithreptus gularis gularis</i>
Broad-toothed Rat	<i>Mastacomys fuscus</i>

[77] Schedule 11: Transitional provisions

Omit Schedule 11. Insert instead the following:

Schedule 11: Transitional provisions

11.1 The following definitions apply for the purpose of this provision:

“Commencement date” means the date on which the authorised Ministers sign the amendment to Integrated Forestry Operations Approval for the Upper North East, Lower North East, South Coast and Tumut Sub-regions and Eden Regions.

“Existing Conditions” means the Terms of Licence Under The Threatened Species Conservation Act 1995 in force from 7 November 2011 to the commencement date.

“New conditions” means the Terms of Licence Under The Threatened Species Conservation Act 1995 in force from the commencement date.

“Transition period” means the period of six months after the commencement date.

11.2 Current and proposed forestry operations

- a) Where plans for forestry operations have been signed by a regional manager before the commencement date, during the transition period these operations shall be carried out either:
 - i. in accordance with the existing conditions; or
 - ii. in accordance with the new conditions.

The choice of i. or ii. is at the discretion of the Forestry Corporation of NSW.

- b) After the expiry of the transition period all forestry operations shall be carried out in accordance with the new conditions.
- c) After the commencement date all plans shall be developed in accordance with the new conditions.

LOWER NORTH EAST REGION

SCHEDULE 4 – AMENDMENTS TO THE TERMS OF LICENCE UNDER THE FISHERIES MANAGEMENT ACT 1994 SET OUT IN APPENDIX C OF THE APPROVAL

[1] Condition 1

Insert the following definition after “Miscellaneous Forestry Activities” in Condition 1:

“*Monthly Advice*: means the written advice prepared, or required to be prepared, each month by FCNSW, on forestry operations, as referred to in the non-licence provisions of the IFOA (including Schedule 1, Parts A, B and C of the IFOA);”

[2] Condition 4(b)

Omit condition 4(b). Insert instead the following:

- b) FCNSW must, when providing DPI (Fisheries) with an operational map and location map, also provide DPI (Fisheries) with records suitable for DPI (Fisheries) database purposes of all threatened fish species recorded on State forest. These must be forwarded by agreed electronic means to the DPI (Fisheries) Threatened Species Unit (Port Stephens).

[3] Condition 4.1

Insert the following after condition 4(d):

4.1 Monthly advice

- a) FCNSW must give the monthly advice to EPA and DPI (Fisheries) in accordance with the requirements set out in clause 9A of the non-licence provisions of the IFOA and must undertake operations in compliance with the obligations in clause 9A of the non-licence provisions.
- b) For the avoidance of doubt, full compliance with the obligations in clause 9A of the non-licence provisions of the IFOA is an essential condition of this licence.
- c) FCNSW is only required to, and may only, submit one monthly return in satisfaction of this clause and any other requirements to submit a monthly return under any other clause in the IFOA. Any monthly advice received by EPA or DPI (Fisheries) for any given month will be taken to be the monthly advice for the purpose of this clause and any other clause under the IFOA requiring the submission of a monthly return.

[4] Condition 7, “Class 1 aquatic habitat” definition

Omit “within 2km upstream and 5km downstream of the site of the proposed works” from the definition of “**Class 1 aquatic habitat**” in condition 7. Insert

instead “within 2km upstream or 5km downstream of the site of the proposed works”.

[5] Condition 7, “Class 2 aquatic habitat” definition

Omit “within 2km upstream and 5km downstream of the site of the proposed works” from the definition of “**Class 2 aquatic habitat**” in condition 7. Insert instead “within 2km upstream or 5km downstream of the site of the proposed works”.

[6] Condition 7, definitions

Insert the following after the definition of “Class 2 aquatic habitat” in condition 7:

“The part of a watercourse, wetland or other water body referred to in the definitions of class 1 and class 2 aquatic habitat must be within the same catchment (drainage system) as the potential or critical habitat referred to in those definitions.

A catchment or drainage system is defined as that area determined by topographic features within which rainfall will contribute to runoff at a particular point under consideration”.

[7] Condition 7, final paragraph

Omit the final paragraph of condition 7:

“The boundary of any exclusion zone or buffer zone is to be marked in the field before a specified forestry activity is commenced where the activity will come within 50 metres of that boundary.”

Insert instead the following:

FCNSW must maintain accurate GIS data recording exclusion zone and buffer zone boundaries and must supply this data to contractors and supervising officers before harvest operations. The GIS data will be based on records of aquatic habitat.

Note: This amendment removes the requirement to physically mark the boundaries of riparian protection boundaries in the field, in the same way that the environment protection licences that do not require stream protection markup. The amendment requires FCNSW to provide contractors and supervising officers with accurate GIS data recording exclusion zone and buffer zone boundaries.