

SOUTHERN REGION

ORIGINAL CLAUSES

SOUTHERN AMENDMENT 1

(17 May 2004)

Non-licence

[1] **Clause 1(2)**

Definition modified.

“who granted the approval” removed from definition;

[2] **Clause 1(4) and 1(5)**

Clauses added.

[3] **Clause 1A**

Clause added.

[4] **Clause 5(2) f)**

Clause revoked.

(f) no more than 200,000 tonnes per financial year of timber that is produced in the **South Coast Subregion** for converting into charcoal; and

[5] **Clause 5(2) g)**

Clause and note replaced. Previously stated:

(g) timber products from the **Southern Region** (excluding Ingebirah State Forest and Crown-timber lands within the Tumut Subregion that lie to the east of Kosciusko National Park), other than:

- (i) High Quality Large Logs, and
- (ii) timber for converting into charcoal; and

Note: Paragraph (g) authorises the cutting and removal of timber for the purpose of producing timber products other than High Quality Large Logs and timber for converting into charcoal. The cutting and removal of timber for the purpose of producing High Quality Large Logs in the Southern Region are authorised by paragraphs (a) to (d). The cutting and removal of timber for converting into charcoal are authorised to be carried out only in the South Coast Subregion (paragraph (f)).

[6] Clause 5(2) h)

Clause and note replaced. Previously stated:

- (h) timber products from **Ingebirah State Forest or Crown-timber lands within the Tumut Subregion that lie to the east of Kosciusko National Park, other than:**
- (i) High Quality Large Logs,
 - (ii) sawlogs that have the dimensions set out in paragraph (e) and that, in the opinion of SFNSW, are of a high quality, and
 - (iii) timber for converting into charcoal.

Note: Paragraph (h), similarly to paragraph (g), authorises the cutting and removal of timber for the purposes of producing timber products other than High Quality Large Logs, sawlogs of the kind authorised by paragraph (e) and timber for converting into charcoal.

The cutting and removal of timber from Ingebirah State Forest for the purpose of producing High Quality Large Logs (other than those that are also sawlogs of the kind described in paragraph (e)) are not authorised by this approval. The cutting and removal of timber for the purpose of producing High Quality Large Logs in the remainder of the Tumut Subregion (including Crown-timber lands that lie to the east of Kosciusko National Park) is authorised by paragraphs (c) and (d).

As noted above (note to paragraph (g)), the cutting and removal of timber for converting into charcoal are authorised to be carried out under this approval in the South Coast Subregion only (paragraph (f)).

[7] Note after clause 10

Note modified.

“See, in particular, conditions 5.1 b) and 5.3 – 5.5 of the terms of the licence.” replaced.

[8] Clause 10(4A) and (4B)

Clauses added.

[9] Clause 10(9)

Clause revoked.

- (9) Where the construction of a road or snig track, or snigging is carried out in any area to which this clause applies, SFNSW must ensure that all practicable measures are taken to minimise any adverse impacts of the construction or snigging, on the environment.

[10] Clause 10(10)

Clause modified.

Reference to “relevant exclusion zone” replaced with “threatened species exclusion zone”.

[11] Clause 10(11) – 10(11K)

Clause 10(11) replaced. Previously stated:

Hollow bearing trees not to be used as pivot or bumper trees

- (11) Hollow bearing trees are not to be used as pivot or bumper trees for the purposes of snig track construction or snigging in any area to which this clause applies.

Clause 10(11A) – 10(11K) added.

[12] Clause 10(12) (a)

Clause modified.

“snig track” inserted after “record”.

[13] Clause 10(12) c)

Clause modified.

“relevant” replaced with “threatened species”.

[14] Clause 10(12) c)

Reference to “where the exclusion zone” removed and replaced with “where the exclusion zone (or part of the exclusion zone)”.

[15] Note to clause 10(12) c)

Note removed.

Note: The expression “relevant exclusion zone” is used in subclause (10). Subclause (10) is similar in its effect to condition 5.1 b) of the terms of the licence under the Threatened Species Conservation Act 1995 applying to the South Coast Subregion and set out in this approval. However, condition 5.1 b) applies to exclusion zones under the conditions identified in the above bullet points where those exclusion zones are also within stream exclusion zones, high conservation value old growth forest, rainforest, a rainforest exclusion zone or a rare non-commercial forest ecosystem. The above definition does not expressly cover stream exclusion zones. Subclause (10) only applies to exclusion zones under the listed conditions where they are also within high conservation value old growth forest, rainforest, a rainforest exclusion zone or a rare non-commercial forest ecosystem.

[16] Clause 10(12) e)

Clause modified.

“20cm” removed at end of clause and replaced “20cm; and”.

[17] Clause 10(12) f), g), h)

Clauses added.

[18] Part 2A – Restricted logging operations near boundary of certain areas

Part added.

[19] Note to clause 19(2)

Note added.

[20] Clause 19(2A) and (2B)

Clauses added.

[21] Clause 21 and 21A

Clause 21 replaced. Previously stated:

21. Pulp only and charcoal only operations prohibited

- (1) Harvesting operations having the purpose of producing pulp grade timber or timber for converting into charcoal (or both), but no other kind of timber, may not be carried out in the Southern Region.
- (2) Thinning having as a purpose the production of pulp grade timber may be carried out in the Southern Region even if the production of another kind of timber is not one of its purposes.
- (3) Thinning having as a purpose the production of timber for converting into charcoal, may only be carried out in the Southern Region if the production of another kind of timber is also one of its purposes.

Note: Thinning having as one of its purposes the production of charcoal is authorised only in the South Coast Subregion of the Southern Region (clauses 5(2)(f) and 5(5)).

- (4) In this clause:

“high quality logs” means logs of 2.4 metres or more, that, in the opinion of SFNSW are of a high quality; and

“pulp grade timber” means timber that is suitable for the manufacture of reconstituted products, including paper and panel board, and does not include timber that is suitable for high quality logs or sawlogs.

Clause 21A added.

[22] Clause 24 and 25

Clauses revoked.

24. Restrictions on availability or sale of timber for converting into charcoal

- (1) SFNSW may only make available or sell timber for converting into charcoal where the source of the timber concerned is residue timber.
- (2) SFNSW may only make available or sell timber for converting into charcoal that is removed in the course of thinning, where the source of the timber concerned is residue timber.

Note: This approval authorises the cutting and removal of timber for the purpose of producing timber for converting into charcoal only in the South Coast Subregion (clause 5(2)).

- (3) In this clause, “residue timber” means timber remaining in individual trees after logs have been cut and removed from those trees.

25. Reporting on timber products made available or sold before and after SFNSW commences to make available or sell timber for converting into charcoal

Baseline data

- (1) SFNSW is to provide NPWS and DoP with a report in respect of sawlogs, piles, poles and girder logs made available or sold by SFNSW prior to the date on which it commences making available or selling timber for converting into charcoal.
- (2) The report is to cover a period (during which SFNSW has sold or made available the timber products concerned) and a range of locations (from which the timber products concerned have been sourced) determined in consultation with NPWS and DoP.
- (3) To the extent that SFNSW has records containing the relevant information, the report is to identify the following:
- (a) the location from which the timber products concerned have been sourced, 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) for each location identified, the species of timber concerned;
 - (c) for each species of timber identified, the quantity and dimensions of each of the timber products concerned; and
 - (d) such other information as NPWS and DoP request.
- (4) The report is to be provided to NPWS and DoP by a date specified by DoP.

Ongoing reporting

- (5) By 31 August of each year (other than 2002), SFNSW is to provide a report to NPWS and DoP in respect of sawlogs, piles, poles, girder logs and timber for converting into charcoal made available or sold by SFNSW in the previous financial year. This report is only to be provided where SFNSW has made available or sold timber for converting into charcoal in the previous financial year.
- (6) The report is to cover a range of locations (from which the timber products concerned have been sourced) determined in consultation with NPWS and DoP.
- (7) The report is to identify the following in respect of sawlogs, piles, poles and girder logs made available or sold by SFNSW:
- (a) the location from which the timber products concerned have been sourced, 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) for each location identified, the species of timber concerned;

- (c) for each species of timber identified, the quantity and dimensions of each of the timber products concerned; and
 - (d) such other information as NPWS and DoP request.
- (8) The report is to identify the following in respect of timber for converting into charcoal made available or sold by SFNSW:
- (a) the location from which the timber concerned has been sourced, 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 quantity of the timber concerned; and
 - (c) such other information as NPWS and DoP request

[23] Clause 27(1) a) and a1)

Clause 27 (1) a) replaced.

- (a) the intended timing and location of proposed logging 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);

Clause 27(1) a1) added.

[24] Clause 27(1) c)

Clause modified.

Reference to “ paragraphs (a) and (b)” replaced with “paragraph (a), (a1) or (b)”.

[25] Clause 27(2) and 27(2A)

Clause 27(2) replaced. Previously stated:

- (2) In planning the location and timing of proposed logging operations under subclause (1), SFNSW must, as far as is reasonably practicable, disperse those operations over the Southern Region and over time, so as to reduce any cumulative impacts of logging operations in any part of the Region.

Clause 27(2A) added.

[26] Clause 29(2) a)

Clause modified.

“..by reference to the date on which the associated site specific plan, prepared under clause 28, is approved by SFNSW” replaced.

[27] Clause 29(2) b)

Clause modified.

“the event ID for the operation and to” inserted after “by reference to”.

[28] Clause 29(3A) and (3B)

Clauses added.

[29] Clause 29(7)

Clause added.

[30] Clause 30(2) a)

Clause modified.

“the event ID for the operation and to” inserted after “by reference to”.

[31] Clause 30(3)

Clause added.

[32] Clause 35(2A) and (2B)

Clauses added.

[33] Clause 40(1) a) and a1)

Clause 40(1) a) replaced. Previously stated:

- (a) the intended timing and location of proposed thinning and culling 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);

Clause 40(1) a1) added.

[34] Clause 40(1) b)

Clause modified.

“...paragraph (a)” replaced with “paragraph (a) or (a1).”

[35] Clause 40(2) and (2A)

Clause 40(2) replaced. Previously stated:

- (2) In planning the location and timing of proposed thinning and culling operations under subclause (1), SFNSW must, as far as is reasonably practicable, disperse those operations over the Southern Region and over time, so as to reduce any cumulative impacts of thinning and culling operations in any part of the Region.

Clause 40(2A) added.

[36] Clause 42(2) a)

Clause modified.

“by reference to the date on which the associated site specific plan, prepared under clause 41, is approved by SFNSW;” replaced with “by reference to the event ID for the operation, and if the associated site specific plan under clause 41, has been approved by SFNSW, to the date on which it was approved”.

[37] Clause 42(2) b)

Clause modified.

“the event ID for the operation and to” inserted after “by reference to”.

[38] Clause 42(2A)

Clause added.

[39] Clause 42(6)

Clause added.

[40] Clause 43(2) a)

Clause modified

“the event ID for the operation and to” inserted after “by reference to”.

[41] Clause 43(3)

Clause added.

[42] Clause 46(9) c)

Clause modified.

“condition 5.7 (stream exclusion zones)” replaced with “condition 5.7 relating to the protection of riparian habitat, whether as made when this approval came into effect on 13 May 2002 or as substituted by Amendment No. 1 to this approval”.

[43] Clause 58(2) and 58(3)

Clause replaced

A requirement for the purposes of this clause is a requirement imposed by a term of this approval (including a term of a licence set out in this approval) or a document with which this approval requires compliance.

Clause 58(3) added.

SOUTHERN AMENDMENT 1

(17 May 2004)

Terms of Licence under the Protection of the Environment Operations Act 1997

[1] **Condition 9.3 (c)**

Condition modified.

“schedules 2, 3, 4 and 5” replaced with “Schedules 2, 3, 4 or 4A and 5”.

[2] **Condition 10.1**

Condition replaced. Previously stated:

10.1 Each summary of operations must be faxed to the Manager of the Forestry Unit of the EPA at least one day prior to the date of commencement of the scheduled or non-scheduled forestry activities.

[3] **Condition 10.3**

Condition added.

[4] **Condition 11.1**

Condition replaced. Previously stated:

11.1 Scheduled and non-scheduled forestry activities that are the subject of this Division must be planned in a site-specific manner, and site-specific conditions must be developed in accordance with the requirements of schedules 2, 3, 4 and 5 of this licence.

[5] **Condition 11.2 (f)**

Condition modified.

“Schedule 4” replaced with “Schedule 4 or 4A (as the case may require)”.

[6] **Condition 11.2 (f)**

Condition modified.

“schedules 4 and 5” replaced with “Schedule 4, 4A or 5”.

[7] **Condition 11.2 (g) and 11.3**

Condition modified.

“schedules 2, 3, 4 and 5” replaced with “Schedules 2, 3, 4 or 4A and 5”.

[8] **Condition 14**

Condition replaced. Previously stated:

14. Commencement of licence authority

- 14.1 Licence authority for scheduled or non-scheduled forestry activities for which a summary of operations was submitted in accordance with Division 1 will commence from the date inserted in the "Date on which licence authority commences" on Form 1 of Schedule 1 of this licence.
- 14.2 State Forests must ensure that a copy of each completed summary of operations is placed in the operations register required by condition 33 of this licence, from the date upon which the scheduled and non-scheduled forestry activities commence. The summary of operations must include the actual date on which licence coverage commenced.

[9] Condition 15.1

Condition replaced. Previously stated:

- 15.1 Within two weeks of commencing a scheduled or non-scheduled forestry activity in accordance with this Part, State Forests must notify the Manager of the Forestry Unit of the EPA in writing (by facsimile or mail) of the date of commencement of that operation.

[10] Condition 16, 17 and 18

Conditions modified.

“schedules 4 and 5” replaced with “Schedules 4 or 4A and 5”.

[11] Condition 17.4

Condition replaced. Previously stated:

- 17.4 State Forests must fax to the Manager of the Forestry Unit of the EPA on the day the variation is approved a revised version of the summary of operations, signed by the Regional Manager, which accurately reflects the variation that has been approved.

[12] Condition 19A and 19B

Conditions added.

[13] Heading Part 2 of the operating conditions and condition 20

Heading and condition 20 replaced. Previously stated:

Part 2: Cessation of Licence Authority

Licence authority ceases to apply

- 20.1 Licence authority ceases to apply to land where State Forests has forwarded to the EPA a written notice using Form 2 of Schedule 1 of this licence.
- 20.2 This licence ceases to apply to land notified in this way from the date that Form 2 of Schedule 1 is signed by a State Forests' employee not below the rank of Regional Manager.

- 20.3 A copy of each form must be placed on the operations register required by condition 33 within five days of the form being signed.
- 20.4 Copies of each form must be forwarded to the Manager of the Forestry Unit of the EPA on the first day of each month for each compartment or roading area where licence coverage ceased during the preceding month.

[14] Condition 22.6

Condition modified.

“conditions 17, 18, 19, 20 and 21 of schedule 4” replaced with “conditions of 17 to 20 of schedule 4 (in the case of land in the Tumut subregion) and conditions 17 to 20U of Schedule 4A (in the case of land in the South Coast Subregion).

[15] Condition 24.1

Condition modified.

Word “period” inserted after “reporting”.

[16] Condition 25.1

Condition replaced. Previously stated:

- 25.1 The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period.

[17] Condition 33.2

Condition replaced. Previously stated:

- 33.2 The register must include copies of all:
- (a) summaries of operations submitted to the EPA in accordance with Division 1 of Part 1 of Operating Conditions; and
 - (b) variations to summaries of operations submitted to the EPA in accordance with Division 2 of Part 1 of Operating Conditions; and
 - (c) notifications that licence coverage has ceased, submitted to the EPA in accordance with Part 2 of Operating Conditions.

[18] Condition 37A – Electronic transfer of data

Condition added.

[19] Dictionary

Definition removed and various definitions added.

"machinery" means all mechanical equipment used in the forest except chainsaws;

[20] **Schedule 1**

Schedule modified. Previously stated:

(Conditions 8; 14; 18; 20)

Part A: Forms to be used to notify the EPA

Form 1: Summary of operations prepared in accordance with condition 9 and submitted in accordance with condition 10.

Form 2: Notification of cessation of licence authority for scheduled and non-scheduled forestry activities in accordance with condition 20.

[21] **Schedule 1, Part A, Forms 1-2**

Forms 1-2 replaced.

Part A - FORM 1

**SUMMARY OF OPERATIONS FOR SCHEDULED AND
NON-SCHEDULED FORESTRY ACTIVITIES**

1. General Information

State Forest: _____

State Forest Region: _____

Total Area: _____ (ha)

Compartment: _____

State Forest No: _____

Net Harvest Area: _____ (ha)

Operation

Type: _____

Date on which licence authority commences: _____ *

*(not to be filled in until operation commences)

SOIL EROSION AND WATER POLLUTION HAZARD ASSESSMENT

2. Inherent Hazard Level

Slope Class (degrees)	% Total Compartment
0-10	%
10-20	%
20-25	%
25-30	%
30+	%

Inherent Hazard Level: _____

Soil Regolith Class(es): _____

Rainfall Zone: _____

Rainfall Erosivity: _____

Soil Regolith verified by: _____

Seasonality Restrictions apply: Yes/No

3. Dispersible Soil Assessment

Dispersible soil present within the compartment: Yes/No

Dispersible soil identified by: _____

4. Mass Movement

Mass movement hazard within the compartment (actual or potential): Yes/No

Mass movement identified by: _____

SITE-SPECIFIC OPERATIONAL CONDITIONS

5. Road Construction

Length of new roads to be constructed: _____ m

Length of new roads to be constructed with a grade greater than 10°: _____ m

Length of new roads to be constructed on a ground slope greater than 30°: _____ m

6. Existing Roads

Length of existing roads to be maintained/upgraded/re-opened: _____ m

Length of existing roads with a grade greater than 10°: _____ m

Length of existing roads with a ground slope greater than 30°: _____ m

7. Road Drainage Feature Crossings to be Constructed

Number of new drainage line, watercourse, swamp and wetland road crossings to be constructed:

Number of new drainage line, watercourse, swamp and wetland road crossings where the road cannot be drained with a crossbank, mitre drain, relief pipe or spoon drain within 30 metres on either side of the crossing: _____

8. Existing Roads Drainage Feature Crossings

Number of existing drainage line, watercourse, swamp and wetland road crossings to be used: _____

Number of existing drainage line, watercourse, swamp and wetland road crossings proposed for maintenance or upgrading: _____

Number of existing drainage line, watercourse, swamp and wetland crossings where the road cannot be drained with a crossbank, mitre drain, relief pipe or spoon drain within 30 metres on either side of the crossing: _____

9. Snig & Extraction Tracks

Estimated number of snig track & extraction track crossings of watercourses and drainage lines: _____

Is sidecut snig track construction proposed (greater than 1m in height): Yes/No

10. Borrow Pits & Gravel Pits

Number of borrow pits or gravel pits to be used: _____

11. Post-harvest Burning

Is post-harvest burning proposed: Yes/No

Preferred season of burn and method of ignition: _____

12. Compliance

I certify that this is a true and accurate record of this proposed scheduled or non-scheduled forestry activity and that the following requirements have been fulfilled:

- a) the planning of this proposed scheduled or non-scheduled forestry activity has been undertaken in accordance with Schedule 2 of the Environment Protection Licence;
- b) the site assessments for dispersibility, mass movement and the determination of the inherent hazard level have been undertaken in accordance with Schedule 3 of the Environment Protection Licence; and
- c) site-specific prescriptions have been identified and developed in accordance with Schedules 2, 3, 4, 5 and 6 of the Environment Protection Licence.

Regional Manager's Name: _____
(Block letters)

Regional Manager's Signature: _____

Date: _____

Part A - Form 2

**NOTIFICATION FOR THE CESSATION OF LICENCE AUTHORITY FOR SCHEDULED
OR NON-SCHEDULED FORESTRY ACTIVITIES**

On behalf of State Forests I hereby notify the EPA that the licence authority ceases to apply to the land identified below:

State Forest: _____

Compartment: _____

State Forests' Region: _____

Operation Type: _____

Commencement date of licence authority: _____

Description of roading area (if applicable): _____

Regional Manager's Name: _____
(Block letters)

Regional Manager's Signature: _____

Date licence authority ceases: _____

[22] Schedule 1 Part B Operational Map Requirements (Drainage Feature Protection) – item B2 and B2A

Condition B2 replaced. Previously stated:

B2. filter strip widths for all identified watercourses and drainage lines within the compartment or roading area;

Condition B2A added.

[23] Schedule 2 Part A

Schedule modified.

Words “filter strips and buffer strips” replaced with “filter strips, protection zones, operational zones and buffer strips”.

[24] Schedule 2 Part B

Schedule modified.

“Schedule 4” replaced with “Schedule 4 or 4A (as the case may require)”.

[25] Schedule 3 Module 1.4 – Step 4: Determination of net harvestable area

Module modified.

“Protection zones and operational zones” inserted after “filter strips”.

[26] Schedule 3 Module 3.4 – Step 2: Dispersibility reating

Module modified.

“Schedules 4 and 5” replaced with “Schedules 4 or 4A and 5”.

[27] Schedule 4 – First paragraph

First paragraph replaced. Previously stated:

The following conditions must be complied with in undertaking all forestry activities commenced during this licence period and permitted by this licence.

[29] Schedule 4A – South Coast Subregion

Schedule added.

[30] Schedule 5 B. Roads Condition 6

Condition replaced. Previously stated:

6. Substantial tree debris resulting from road construction, upgrading or maintenance operations must be placed outside the boundary of filter strips.

[31] Schedule 5 H. Road batters Condition 33

Condition replaced. Previously stated:

33. Where during road construction, the toe of a fill batter intrudes into a filter strip, site-specific mitigating techniques must be employed to prevent water pollution to the greatest extent practicable.

[32] Schedule 5 J. Drainage feature crossings Condition 47

Condition replaced. Previously stated:

47. The construction and maintenance of drainage feature crossings must restrict disturbance of vegetation and groundcover in the filter strip or buffer strip to a maximum length of 3 metres upstream and downstream of the crossing. Where clearing beyond 3 metres is necessary during construction and maintenance of drainage feature crossings, State Forests may approve additional clearing and document the approval and the reasons why it is necessary.

[33] Schedule 5 J. Drainage feature crossings Condition 51

Condition replaced. Previously stated:

51. Spoil from road construction, upgrading and maintenance operations must not be placed in filter strips or buffer strips.

[34] Schedule 6 Information that must be recorded and maintained by State Forests

Schedule modified.

“Schedule 4” replaced with “Schedule 4 or 4A”.

[35] Schedule 6 Condition 3(e) and 3(f)

Conditions added.

SOUTHERN AMENDMENT 1

(17 May 2004)

Terms of Licence under the Threatened Species Conservation Act 1995 (South Coast)

[1] Definitions and abbreviations

Definitions replaced. Previous definitions:

“Harvesting machinery” means all self propelled mechanical equipment used in the forest for harvesting operations.

“Snig track” means a route along which logs are hauled or dragged from the location of felling to a log dump, landing or stockpile.

Definition modified. Previously defined as

“Net logging area” means, unless specified, the gross area of a compartment less Preferred Management Priority or subsequent Forest Management Zones where timber harvesting is prohibited, Stream Exclusion Zones, Ridge and Headwater Habitat exclusion zones, Rainforest, Rainforest exclusion zones, High Conservation Value Old Growth Forest and Rare Non-Commercial Forest Ecosystems.

Definitions added.

[2] Definitions and abbreviations

Definition of “net logging area” modified.

“Stream exclusion zones” omitted from definition and replaced with “protection zones”.

[3] Condition 5.1 b)

References to condition 5.1 b) in all conditions, not omitted or inserted by amendment 1, removed.

[4] Condition 2.3, 2.5 and 2.5

Conditions added.

[5] Condition 3 a)

Condition modified

- a) SFNSW must prepare planning documentation that demonstrates that operational planning has taken account of the requirements of the Conditions of this licence. This must include showing all exclusion zones and buffer zones on the relevant harvesting plan operational map, except where the scale of the map does not allow small area features to be adequately represented; in which case the location of the zone should be adequately indicated. The harvesting plan operational map legend must, to the greatest extent practicable, indicate to which feature or species the exclusion or buffer zones relates.

[6] Condition 4.1 a)

Condition modified

Words “and protection zones” added after “exclusion zones”.

[7] Condition 5.1 a) – a5)

Condition replaced and conditions added.

Condition 5.1 a) replaced. Previously stated:

- a) For all exclusion zones implemented under the Conditions of this licence the following must apply (except where otherwise indicated in this licence):

- i. All specified forestry activities are prohibited in exclusion zones.

(Note: where hazard reduction work encroaches on exclusion zones established under Condition 5.8 Ridge and Headwater Habitat; Condition 5.13 a) ii, iv, vi and viii owl roosts; Condition 5.14.2 b) Subterranean Roost Protection; Condition 6.2 Giant Burrowing Frog; and Condition 6.3 Stuttering Frog, the NPWS does not intend to take proceedings where SFNSW can demonstrate that the burning was planned to avoid burning these exclusion zones and was implemented in accord with this plan.)

- ii. Trees must not be felled into exclusion zones. If a tree falls into an exclusion zone, then no part of that tree can be removed from the exclusion zone.

(Note: the NPWS does not intend to take proceedings where SFNSW can demonstrate that the tree was accidentally felled into the exclusion zone. The tree will not be considered to have been accidentally felled if the felling is a result of poor judgement on the part of the faller.)

- iii. Harvesting machinery is prohibited from operating in exclusion zones, except for

1. road re-opening and road maintenance;
2. the construction and operation of roads and snig tracks in accordance with conditions 5.1D, 5.3 d), 5.4 h), 5.5 d) and 5.7 i); and
3. the traversing of exclusion zones on existing roads.

Conditions added.

[8] Condition 5.1 b) – 5.1 j)

Conditions revoked.

- b) Condition revoked (Amendment1).The construction and operation of tracks used for the purpose of snigging and the construction of roads in exclusion zones implemented under Conditions 5.13 Bird Nest and Roost Site Protection, 5.14 Bat Roost Protection, 6.1 Green and Golden Bell Frog, 6.2 Giant Burrowing Frog, 6.3 Stuttering Frog, 6.4 Masked Owl, Barking Owl and Powerful Owl, 6.6 Southern Brown Bandicoot, 6.8 Smoky Mouse, 6.9 Brush-tailed Phascogale, 6.10 Spotted-tailed Quoll, 6.11 Koala, 6.12 Squirrel Glider, 6.13 Yellow-bellied Glider, 6.14 Golden-tipped Bat, 6.15 Large-footed Mouse-eared Bat, 6.16 Threatened, Poorly Reserved ROTAP and Regionally Rare Flora , that are contained within areas of High Conservation Value Old Growth Forest referred to in condition 5.3, Rainforest referred to in Condition 5.4, Rare Non-Commercial Forest Ecosystems referred to in Condition 5.5 or Stream Exclusion Zones referred to Condition 5.7 is only permitted with the prior written approval of the NPWS. Matters that SFNSW must address in order to seek NPWS approval are detailed in Schedule 6 of this licence.

- c) An approval granted under condition 5.1D may be issued subject to conditions. The conditions that form part of that approval also form part of the conditions of this licence. NPWS may apply conditions for the mitigation or amelioration of impacts as it determines appropriate.
- d) Buffer zones must be managed in accordance with the relevant Conditions in this licence.
- e) All distances must be measured on the ground independent of slope.
- f) All exclusion zone and buffer zone boundaries must be marked in the field, except where specified forestry activities will not come within 50 metres of such boundaries and for hazard reduction work. The outer edge of lines shown on the map is considered to represent the boundary of the mapped feature when marking the feature in the field.
- g) Subject to the statutory requirements under the *Rural Fires Act 1997*, hazard reduction work must not be conducted in exclusion zones and buffer zones (except where allowed under Condition 6.16.2 of this licence).
- h) Marking-up must be conducted at least 100 metres in advance of harvesting operations so relevant exclusion and buffer zones can be implemented prior to harvesting occurring.
- i) Marking-up for the purpose of road construction and road re-opening must be conducted at least 100 metres either side of the road route and 100 metres in advance of road construction and road re-opening operations (unless otherwise specified in this licence) so relevant exclusion and buffer zones can be implemented prior to road construction and road re-opening occurring.
- j) SFNSW must develop a standard tree marking code to apply to all operations, unless specifically excluded, within six months from the commencement date. The code must include, but not be limited to, tree marking criteria for the following: exclusion zone boundaries, buffer zone boundaries, hollow-bearing trees, recruitment trees, eucalypt feed trees, Yellow-bellied Glider and Squirrel Glider sap feed trees.

[9] Condition 5.1 k)

Condition modified.

Words “re-opening or the construction of a road or snig track” removed and replaced with “re-opening of a road or re-opening or brushing up of a snig track, or the construction of a road or snig track”.

[10] Condition 5.1A, 5.1B, 5.1C, 5.1D, 5.1E

Conditions added.

[11] Condition 5.3 a) – c) (“High Conservation Value Old Growth”)

Conditions replaced. Previously stated:

- a) Specified forestry activities, except road and snig track construction in accordance with condition 5.3 d), and road re-opening, are prohibited within all areas of High Conservation Value Old Growth Forest.
- b) Trees must not be felled into High Conservation Value Old Growth Forest. If a tree falls into an area of High Conservation Value Old Growth Forest, then no part of that tree can be removed from that area.

(Note: NPWS does not intend to take proceedings where SFNSW can demonstrate that the tree was accidentally felled into areas of High Conservation Value Old Growth Forest. The tree will not be considered to have been accidentally felled if the felling is a result of poor judgement on the part of the faller.)

- c) Harvesting machinery is prohibited within areas of High Conservation Value Old Growth Forest, except for the purpose of routine road maintenance, road and snig track construction in accordance with condition 5.3 d) and road re-opening.

[12] Condition 5.3 d) (iv) and f)

Conditions revoked.

Condition 5.3 d) iv

- iv) all practicable measures are taken to minimise any adverse impacts of the construction or snigging on the environment; and

Condition 5.3 f)

- f) In the construction and the operation of snig tracks in High Conservation Value Old Growth Forest in accordance with condition 5.3 d), hollow-bearing trees must not be used as pivot or bumper trees for moving logs.

[13] Condition 5.3 g1) – g5)

Conditions added.

[14] Condition 5.4 e) – g8)

Conditions replaced and added.

Condition 5.4 e), f), g) replaced. Previously stated:

- a) Specified forestry activities, except road and snig track construction in accordance with condition 5.4 h), and road re-opening, are prohibited within all areas of Rainforest and exclusion zones established around Warm Temperate Rainforest and Cool Temperate Rainforest.
- b) Trees must not be felled into Rainforest and exclusion zones established around Warm Temperate Rainforest and Cool Temperate Rainforest. If a tree falls into an area of Rainforest or an exclusion zone established around Warm Temperate Rainforest or Cool Temperate Rainforest, then no part of that tree can be removed from that area.

(Note: NPWS does not intend to take proceedings where SFNSW can demonstrate that the tree was accidentally felled into Rainforest or exclusion zones established around Warm Temperate Rainforest and Cool Temperate Rainforest. The tree will not be considered to have been accidentally felled in the felling is a result of poor judgement on the part of the faller.)

- c) Harvesting machinery is prohibited within areas of Rainforest and exclusion zones established around Warm Temperate Rainforest and Cool Temperate Rainforest, except for the purpose of routine road maintenance, road and snig track construction in accordance with condition 5.4 h) and road re-opening.

Conditions added.

[15] Condition 5.4 h) (iv) and j)

Conditions revoked.

Condition 5.4 h) iv

- (iv) all practicable measures are taken to minimise any adverse impacts of the construction or snigging on the environment; and

Condition 5.4 j)

- j) In the construction and the operation of snig tracks in Rainforest or exclusion zones established around Warm Temperate Rainforest and Cool Temperate Rainforest, hollow-bearing trees must not be used as pivot or bumper trees for moving logs.

[16] Condition 5.4 k1) – k5)

Conditions added.

[17] Condition 5.5 a) – c7) (“Rare Non-Commercial Forest Ecosystems”)

Conditions replaced.

- a) Specified forestry activities, except road and snig track construction in accordance with condition 5.5 d), road re-opening, are prohibited within all Rare Non-Commercial Forest Ecosystems.
- b) Trees must not be felled into Rare Non-Commercial Forest Ecosystems. If a tree falls into an area of Rare Non-Commercial Forest Ecosystem, then no part of that tree can be removed from that area.

(Note: NPWS does not intend to take proceedings where SFNSW can demonstrate that the tree was accidentally felled into the Rare Non-Commercial Forest Ecosystem. The tree will not be considered to have been accidentally felled in the felling is a result of poor judgement on the part of the faller.)

- c) Harvesting machinery is prohibited within areas of Rare Non-Commercial Forest Ecosystems, except for the purpose of routine road maintenance, road and snig track construction in accordance with condition 5.5 d) and road re-opening.

Conditions added.

[18] Condition 5.5 d) (iv) and f)

Condition revoked.

Condition 5.5 (d) (iv)

- (iv) all practicable measures are taken to minimise any adverse impacts of the construction or snigging on the environment; and

Condition 5.5 (f)

- (f) In the construction and the operation of snig tracks in Rare Non-Commercial Forest Ecosystems in accordance with condition 5.5 d), hollow-bearing trees must not be used as pivot or bumper trees for moving logs.

[19] Condition 5.5 g1) – g5)

Conditions added.

[20] Condition 5.7

Condition replaced.

- a) Exclusion zones of at least 10 metres wide must be implemented on both sides of all first order streams.
- b) Exclusion zones of at least 20 metres wide must be implemented on both sides of all second order streams.
- c) Exclusion zones of at least 30 metres wide must be implemented on both sides of all third order streams.
- d) Exclusion zones of at least 50 metres wide must be implemented on both sides of all fourth and higher order streams.
- e) The width of stream exclusion zones must be measured from the top of the bank of the incised channel or, where there is no defined bank, from the edge of the channel.
- f) Specified forestry activities, except road and snig track construction in accordance with condition 5.7 i) and road re-opening, are prohibited within Stream Exclusion Zones implemented under conditions 5.7 a), b), c) and d) above.
 - i. Trees must not be felled into Stream Exclusion Zones. If a tree falls into an area of Stream Exclusion Zone, then no part of that tree can be removed from that area.

(Note: NPWS does not intend to take proceedings where SFNSW can demonstrate that the tree was accidentally felled into the Stream Exclusion Zone. The tree will not be considered to have been accidentally felled in the felling is a result of poor judgement on the part of the faller.)

- g) Harvesting machinery is prohibited within Stream Exclusion Zones, except for the purpose of road and snig track construction in accordance with condition 5.7 i) and road re-opening.
- h) A snig track may be constructed and snigging may be carried out in any area that is, or is within, Stream Exclusion Zones, but only where:
 - i. there is no practical alternative site available for the purposes of the snigging;
 - ii. there has been no record made of any threatened species on the site of the proposed construction or snigging;
 - iii. all practicable measures are taken to minimise any adverse impacts of the construction or snigging on the environment; and
 - iv. such areas are not in exclusion zones relating to threatened species referred to in condition 5.1D unless carried out in accordance with condition 5.1D.
- i) In the construction and the operation of snig tracks in Stream exclusion zones in accordance with condition 5.7 i), hollow-bearing trees must not be used as pivot or bumper trees for moving logs.
- j) A road may be constructed in any area that is, or is within, Stream Exclusion Zones, but only where:
 - i. there is no practical alternative site available for the purposes of the road;
 - ii. there has been no record made of any threatened species on the site of the proposed construction;
 - iii. prior to the construction, the SFNSW Regional Manager that is responsible for managing the land on which the construction is proposed to be carried out (or a more senior officer), has prepared a report addressing the matters in Schedule 6 of this licence and has authorised the construction in writing;

- iv. all practicable measures are taken to minimise any adverse impacts of the construction on the environment; and
 - v. such areas are not in exclusion zones relating to threatened species referred to in condition 5.1D unless carried out in accordance with condition 5.1D.
- k) A copy of the written approval of the SFNSW Regional Manager must be faxed to NPWS, which address the matters raised in Schedule 6 of this licence, as soon as possible after the approval has been issued.
- l) Where an exclusion zone referred to in condition 5.1D as it relates to a threatened species is located either wholly or partially within a Stream exclusion zone, then SFNSW is only permitted to construct roads and snig tracks in accordance with condition 5.1D.

[21] Condition 5.17 e) (ii)

Condition replaced. Previously stated:

- i. Firewood must not be collected from within exclusion zones implemented under the Conditions of this licence to protect the following features: High Conservation Value Old Growth Forest, Rainforest, Rare Forest Ecosystems and Stream Exclusion Zones.

[22] Condition 5.19 b) and c)

Condition modified

Words “Stream Exclusion Zones” omitted and replaced with “protection zones”.

[23] Condition 5.20 (i) – Definition of “environmentally sensitive land”

Condition modified.

Words “condition 5.7 (“Stream Exclusion Zones”)” omitted from definition and replaced with “condition 5.7 relating to the protection of riparian habitat, whether as made when this approval came into effect on 13 May 2002 or as substituted by Amendment No. 1 of this approval”.

[24] Schedule 6

Heading replaced. Previously:

Schedule 6. Matters to be addressed in assessment of proposals for new roading through Rainforest, Rare Non-commercial Forest Ecosystems, High Conservation Value Old Growth Forest and Stream Exclusion Zones

[25] Schedule 6

Schedule modified.

Words “Stream Exclusion Zones” and “Stream Exclusion Zone” omitted and replaced with “protection zones” and “Protection zone”.

[26] Schedule 6

Schedule modified.

Words “and/or Rainforest Exclusion Zones” inserted after “Rainforest” throughout condition except in the matter following the first dot point in paragraph (d) (vi).

[27] Schedule 6A

Schedule added.

SOUTHERN AMENDMENT 1

(17 May 2004)

Terms of Licence under Part 7A of the Fisheries Management Act 1994

[1] Condition 1 - Definitions and abbreviations

Definitions replaced

Buffer zone: An area where harvesting activity may be conducted in accordance with the relevant conditions.

Class 1 aquatic habitat: As determined according to condition 7 of this licence.

Class 2 aquatic habitat: As determined according to condition 7 of this licence.

Exclusion Zone: An area where specified forestry activities are prohibited, unless specifically allowed, under the terms of this licence

Definition removed

Machinery: All mechanical equipment used in the forest except chainsaws.

Definitions added.

[2] Condition 2.2

Condition modified.

Words “8.2, 8.3, 8.4 and 8.6” omitted and replaced with “8.2, 8.3, 8.4”.

[3] Condition 6.3 c)

Condition modified.

Words “(in the case of land in the Tumut Subregion) and conditions 7A.4 to 7A.7 (in the case of land in the South Coast Subregion)’ inserted after “condition 7.1 a) I, 7.1 a) iii and 7.3 a)”.

Second sentence removed.

[4] Condition 6.3 d)

Condition modified.

Words “, as defined in condition 7 of this licence” omitted.

[5] Condition 7

Condition modified.

Second sentence removed preceding definitions of Class 1 aquatic habitat and Class 2 aquatic habitat and replaced. Previously stated:

This condition applies to all specified forestry activities not yet commenced in the region at the date of this approval.

[6] Condition 7.4 a)

Condition 7.4 a) revoked.

- a) Wetlands are defined as a vegetated depression with a permanent, seasonal or intermittent water table at or slightly above the floor of the depression. The vegetation type in a wetland typically indicates a wetter micro-environment than the surrounding country. Wetlands also include, but may not be limited to, all areas of SEPP 14 wetlands and all areas of SFNSW Research Note 17 forest typed swamp mahogany (FT 30), paperbark (FT 31), swamp oak (FT 32), mangrove (FT 33), swamp (FT 231), and water surfaces (FT 235).

[7] Condition 7A

Condition added.

[8] Condition 8.1

Condition replaced. Previously stated:

- a) SFNSW must not undertake any in-stream works in class 1 aquatic habitat unless those works are undertaken according to Condition 8.2, 8.4, 8.5 and 8.6, as applicable.
- b) SFNSW must not undertake any in-stream works in class 2 aquatic habitat unless those works are undertaken according to Condition 8.3, 8.4, 8.5 and 8.6, as applicable.

[9] Condition 8.5

Note inserted.

[10] Condition 8.6

Noted added following heading.

[11] Condition 9.1 c)

Condition modified

Words “, and then to classify the aquatic habitat at the relevant site as class 1 or class 2, pursuant to condition 7” omitted.

[12] Condition 9.3 a)

Condition replaced. Previously stated:

- a) Pre-logging/pre-roading aquatic habitat assessments must be conducted in the vicinity of any location where specified forestry activities are to be conducted within an exclusion zone that is known or potential habitat of species listed in schedules 4 or 5 of the FM Act.