

# INTEGRATED FORESTRY OPERATIONS APPROVAL PACKAGE

## INCORPORATING AMENDMENTS

### Forestry and National Park Estate Act 1998 Integrated Forestry Operations Approval for the Southern Region

Explanatory Note

**Amended Approval (including clauses removed or changed by Amendment No. 1) pursuant to Part 4 of the Forestry and National Park Estate Act 1998, including:**

- Appendix A: Revised terms (including clauses removed or changed by Amendment No. 1) of licence under the Protection of the Environment Operations Act 1997
- Appendix B: Revised terms (including clauses removed or changed by Amendment No. 1) of licence under the Threatened Species Conservation Act 1995 for the South Coast Subregion of the Southern Region
- Appendix C: Terms of licence under the Threatened Species Conservation Act 1995 for the Tumut Subregion of the Southern Region
- Appendix D: Revised terms (including clauses removed or changed by Amendment No. 1) of licence under Part 7A of the Fisheries Management Act 1994
- Appendix E: **Maps 1 to 4 – Land to which this approval does not apply**

AMENDMENT 4  
1 March 2013  
*Appendix E added*

Also attached:

Heritage Guidelines (Clause 14)

Implementation of IFOA Silviculture in the Southern Forest Agreement Region (Clause 20)

The following ERSI data layers (including metadata) referred to by this approval are contained on a CD-Rom and can be purchased from the Department of Environment and Climate Change:

- AGS Heavy
- High Conservation Value Old Growth Forest
- Rainforest
- Rare Non-commercial Forest Types
- South Coast Regrowth
- Tumut Regrowth

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AMENDMENT 4  
1 March 2013  
Clause 9A added

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1 March 2013  
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AMENDMENT 4  
1 March 2013  
Clause 27  
replaced

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1 March 2013  
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1 March 2013  
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1 March 2013  
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AMENDMENT 4  
1 March 2013  
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1 March 2013  
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- E. Maps 1 to 4 – Land to which this approval does not apply.

AMENDMENT 4  
1 March 2013  
*Appendix E added*

## **PART 1 - Preliminary**

### **1. Definitions**

(1) Expressions used in this approval which are defined in the *Forestry and National Park Estate Act 1998* have the meanings set out in that Act if not otherwise defined in this approval.

(2) In this approval:

“culling” means destroying trees in the following circumstances:

- (a) the purpose of destroying the trees concerned is to promote regeneration or promote the growth of retained trees (being trees that in the opinion of SFNSW have the potential to produce high quality timber),
- (b) the production of timber is not one of the purposes of destroying the trees concerned, and
- (c) the stand of trees in which the trees concerned are destroyed is uneven aged, that is the stand has the following characteristics:
  - (i) it has more than one storey, and
  - (ii) it consists of trees of a range of ages, with no one age class predominating;

*Note to paragraph (a) of above definition:*

*Promoting the growth of retained trees (as referred to in paragraph (a) of the above definition) is achieved by destroying adjacent trees, ensuring that there is sufficient room for the retained trees to grow.*

*Note to paragraph (b) of above definition:*

*Culling can be carried out by a range of means, including felling. The effect of paragraph (b) of the above definition is that culling is not recognised by (and therefore not authorised by clause 5 of) this approval if one of its purposes is the production of timber. (Contrast with thinning. See note under definition of “thinning”). This approval does not prevent the cutting and/or removal of timber for the purpose of timber production at any time after culling. However, it prohibits SFNSW making available or selling any timber from a tree that has been culled other than the following kinds of timber: timber for fencing or sleepers, firewood or craftwood (see clause 37).*

“date of this approval” means the date on which this approval is granted;

“diameter at breast height over bark” means the diameter of the cross-section of a tree (including bark), measured 1.3 metres above ground level;

“environment” includes any heritage item;

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

“Forest Management Zoning System” means the Forest Management Zoning (FMZ) land classification system described in the document entitled, “Forest Management Zoning in NSW State Forests” (State Forests of New South Wales, December 1999);

“forestry operations” means those forestry operations described in clause 5 in the Southern Region;

“harvesting operation” means a harvesting operation carried out for the purpose of timber production;

“heritage item” means:

- (a) any item of environmental heritage within the meaning of the *Heritage Act 1977*,
- (b) any relic within the meaning of the *National Parks and Wildlife Act 1974*,
- (c) on the commencement of the *National Parks and Wildlife Amendment Act 2001*, any Aboriginal object within the meaning of the *National Parks and Wildlife Act 1974*, or
- (d) any Aboriginal place within the meaning of the *National Parks and Wildlife Act 1974*;

“logging operations” means those logging operations described in clause 5 in the Southern Region;

AMENDMENT 1  
17 May 2004  
Definition  
modified  
Ref Appendix E

“Ministers” means those Ministers who are authorised to amend this approval;

“net harvestable area”, in relation to a tract of forested land (or part of a tract) in the Southern Region, means the sum of areas within the tract of forested land or part that contains timber, excluding any area in which logging is prohibited by or under an Act (including under this approval, and under any licence or other authority);

“regulatory agencies” means DoP, NPWS, EPA and NSW Fisheries;

“regulatory agency” means DoP, NPWS, EPA or NSW Fisheries;

“South Coast Subregion” means that part of the Southern Region that is within the South Coast Subregion shown on Map 1 to the NSW Southern Region Forest Agreement;

“Southern Region” (other than in clause 4(1)) means the area of the State to which this approval applies as described in clause 4;

“NSW Southern Region Forest Agreement” means the Southern Region Forest Agreement made under Part 3 of the *Forestry and National Park Estate Act 1998* on or before 13 May 2002, as amended from time to time;

“thinning” means destroying trees in the following circumstances:

- (a) the purpose of destroying the trees concerned is to promote the growth of retained trees (being trees that in the opinion of SFNSW have the potential to produce high quality timber), and

(b) the stand of trees in which the trees concerned are destroyed is even aged, that is the stand has the following characteristics:

- (i) it has one storey, and
- (ii) it consists of trees where one age class predominates; and

*Note: Compare the above definition with the definition of “culling”. In contrast to culling, thinning that has as one of its purposes the production of timber, is authorised by this approval. (See clauses 5(5) and 5(7)).*

“Tumut Subregion” means that part of the Southern Region that is within the Tumut Subregion shown on Map 2 to the NSW Southern Region Forest Agreement.

(3) The following abbreviations are used in this approval:

DoP	The Department of Planning
EPA	The Environment Protection Authority
NPWS	The National Parks and Wildlife Service
SFNSW	The Forestry Commission of New South Wales

AMENDMENT 1  
17 May 2004  
Clause 1(4) added  
Ref Appendix E

(4) On and from the commencement of this subclause, the letters “DoP” and the words “The Department of Planning”, wherever occurring in this approval, are to be construed as referring to the Resource and Conservation Division of the Department of Infrastructure, Planning and Natural Resources or of any other Department of which the Division forms a part.

AMENDMENT 4  
1 March 2013  
Clause 1(5)  
replaced

(5) Wherever occurring in this approval:

- (1) 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*.
- (2) 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*.

AMENDMENT 1  
17 May 2004  
Clause 1A added  
Ref Appendix E

#### **1A. Trees accidentally felled into protected forest**

(1) For the purposes of this approval (other than the terms of the licences contained in this approval), a tree is accidentally felled into an area if it is apparent that:



- (a) techniques of directional felling were used in an attempt to fell the tree away from the area; or
  - (b) an attempt was made using some other method (such as a mechanical harvester) to fell the tree away from the area.
- (2) However, a tree is not accidentally felled into an area if the person responsible for the felling of the tree knew, or could reasonably have been expected to know, that the tree would fall into the area.
- (3) In this clause, “directional felling” means the felling of a tree at a particular angle so that it falls in a pre-determined direction.

*Note: The terms of the licence under the Threatened Species Conservation Act 1995 applying to the South Coast Subregion (set out in Appendix B) and the terms of the licence under Part 7A of the Fisheries Management Act 1994 (set out in Appendix D) contain provisions to the same effect as the above clause.*

## **2. Notes and headings**

- (1) In this approval notes are provided to assist understanding only. They do not form part of this approval.
- (2) Headings do not form part of this approval.

### **3. Duration**

This approval has effect from 13 May 2002 to 31 December 2020.

*Note: Section 20 of the Forestry and National Park Estate Act 1998 requires five yearly Ministerial reviews of the NSW Southern Region Forest Agreement and this approval. The public is to be given advance notice of the review (including the proposed terms of reference) and the outcome of the review is to be tabled in each House of Parliament.*

### **4. Description of the area of the State to which this approval applies**

- (1) This approval applies to State forests and other Crown-timber lands, within the South Coast Subregion and Tumut Subregion of the Southern Region, shown respectively on Map 1 and Map 2 to the NSW Southern Region Forest Agreement, including any land that becomes Crown-timber land while this approval applies.
- (2) This approval does not apply to:
  - (a) any part of the national park estate, being:
    - i) land declared as a wilderness area under the *Wilderness Act 1987* or the *National Parks and Wildlife Act 1974*, or
    - ii) land reserved or dedicated under the *National Parks and Wildlife Act 1974*, or
    - iii) land dedicated or set apart as a flora reserve under the *Forestry Act 1916*, or
    - iv) land dedicated or reserved for a similar public purpose under the *Crown Lands Act 1989*; or
  - (b) any land classified as Forest Management Zone 1 in accordance with the Forest Management Zoning System; or
  - (c) any plantation within the meaning of the *Plantations and Reafforestation Act 1999*; or
  - (d) any land which becomes:
    - (i) part of the national park estate (as defined in paragraph (a)), or
    - (ii) land classified as Forest Management Zone 1 in accordance with the Forest Management Zoning System, or
    - (iii) a plantation within the meaning of the *Plantations and Reafforestation Act 1999*,while this approval applies.

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

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

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

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

“Map 4 – Land to which the Integrated Forestry Operations Approval for the Southern Region does not apply”.

*Notes: Land classified as Forest Management Zone 1 comprises land that either is, or is to be, dedicated or set apart as a flora reserve under the Forestry Act 1916. This approval does not apply to flora reserves (paragraph (a)(iii) of subclause (2) and section 24 of the Forestry and National Park Estate Act 1998). The purpose of paragraph (b) of subclause (2) is to ensure that if there is a delay between the classification of land as Forest Management Zone 1 and the dedication or setting apart of the land as a flora reserve, this approval will not apply to the land.*

*“Forest Management Zoning System” is defined in clause 1 of this approval by reference to the document entitled, “Forest Management Zoning in NSW State Forests” (State Forests of New South Wales, December 1999). This document is available for public inspection and copying under clause 63.*

*Clause 2.2.2 of the NSW Forest Agreement for the Southern Region requires SFNSW to include maps of the Forest Management Zones for the Southern Region within a Regional ESFM plan to be prepared by 31 August 2002. These maps, and any amended versions, are to be made available from that date for public inspection and copying under clause 63 of this approval.*

## **5. Description of forestry operations to which this approval applies**

- (1) This approval applies to the forestry operations described in subclauses (2) to (9) in the Southern Region.
- (2) This approval applies to logging operations, being the cutting and removal of timber for the purpose of producing any of the following:
  - (a) **High Quality Large Logs produced in the following quantities in the South Coast Subregion:**
    - (i) no more than 60,625m<sup>3</sup> (that is, 48,500m<sup>3</sup>+ 25% of 48,500 per calendar year),
    - (ii) no more than 254,625m<sup>3</sup> (that is, 48,500m<sup>3</sup> x 5 + 5% of that total) in each of the periods 13 May 2002 to 31 December 2006, 1 January 2007 to 31 December 2011, 1 January 2012 to 31 December 2016,

- (iii) no more than 203,700 (that is,  $48,500 \text{ m}^3 \times 4 + 5\%$  of that total) in the period 1 January 2017 to 31 December 2020, and
- (iv) no more than  $921,500 \text{ m}^3$  (that is,  $48,500 \text{ m}^3 \times 19$ ) over the duration of this approval; and

*Note: Paragraphs (a) and (c) authorise logging operations for the purposes of producing an average allocation per calendar year of  $48,500 \text{ m}^3$  of High Quality Large Logs in the South Coast Subregion and  $48,000 \text{ m}^3$  of High Quality Large Logs in the Tumut Subregion (other than Ingebirah State Forest) up until 31 December 2020. These allocations reflect commitments appearing in clause 76 of the Regional Forest Agreement for Southern NSW made between the State of New South Wales and the Commonwealth of Australia on 24 April 2001.*

*Paragraphs (a) and (c) authorise limited deviations from the annual allocation in any calendar year and during fixed periods of the approval. This reflects the possibility that there may be undercuts or overcuts from time to time – that is the amount of timber produced in any one calendar year may fall below or above the annual allocations of  $48,500 \text{ m}^3$  (in the South Coast Subregion) and  $48,000 \text{ m}^3$  (in the Tumut Subregion).*

*The quantities set out in paragraphs (a)(ii) & (iii), and (c)(ii) & (iii), have been calculated in accordance with the following formula:*

*(Annual allocation x number of calendar years in each relevant period) + 5% of (Annual allocation x number of calendar years in each relevant period).*

- (b) High Quality Large Logs produced in the **South Coast Subregion** from 13 May 2002 to 31 December 2005, additional to those referred to in paragraph (a), but no more than  $34,500 \text{ m}^3$  (being a quantity that reflects contractual commitments existing at the date of this approval) and no more than  $10,000 \text{ m}^3$  in any one calendar year from 13 May 2002 to 31 December 2005;

*Note: The quantity of High Quality Large Logs referred to in the above paragraph reflects undercuts existing at the date of this approval and allows for their recovery by 31 December 2005.*

*These undercuts have accumulated from 1998 onwards. Since this date there have been a number of reasons for undercutting, including the following:*

- *setting aside areas within State forests (deferred forest areas) as part of the Deferred Forest Agreement made between the Commonwealth and State of New South Wales on 25 January 1996 (as amended from time to time);*
- *setting aside areas within State forests that were identified as potentially forming part of the future reserve system prior to the NSW Government's decision on land to be transferred from State forests to the national park estate (the relevant transfers occurred on 1 January 2001 under the National Park Estate (Southern Region Reservations) Act 2000); and*
- *a downturn in the market for timber following the 2000 Olympics.*

- (c) High Quality Large Logs produced in the following quantities in the **Tumut Subregion** (other than Ingebirah State Forest):

- (i) no more than  $60,000 \text{ m}^3$  (that is,  $48,000 \text{ m}^3 + 25\%$  of  $48,000 \text{ m}^3$  per calendar year),
- (ii) no more than  $252,000 \text{ m}^3$  (that is,  $48,000 \text{ m}^3 \times 5 + 5\%$  of that total) in each of the periods 13 May 2002 to 31 December 2006, 1

- January 2007 to 31 December 2011, 1 January 2012 to 31 December 2016,
- (iii) no more than 201,600m<sup>3</sup> (that is, 48,000 m<sup>3</sup> x 4 + 5% of that total) in the period 1 January 2017 to 31 December 2020, and
  - (iv) no more than 912,000m<sup>3</sup> (that is, 48,000m<sup>3</sup> x 19) over the duration of this approval; and

*Note:* See note appearing under paragraph (a).

- (d) High Quality Large Logs produced in the **Tumut Subregion** (other than Ingebirah State Forest) from 13 May 2002 to 31 December 2005, additional to those referred to in paragraph (a), but no more than 36,999m<sup>3</sup> (being a quantity that reflects contractual commitments existing at the date of this approval) and no more than 10,000m<sup>3</sup> in any one calendar year from 13 May 2002 to 31 December 2005; and

*Note:* The quantity of High Quality Large Logs referred to in the above paragraph reflects undercuts existing at the date of this approval and allows for their recovery by 31 December 2005. These undercuts have accumulated from 2000 onwards. Since this date, there have been a number of reasons for undercutting, including a downturn in the market for timber following the 2000 Olympics and delays in restructuring sawmill businesses.

- (e) no more than 20,000m<sup>3</sup> of sawlogs that:
  - (i) are produced in **Ingebirah State Forest** or any Crown-timber lands within the **Tumut Subregion that lie to the east of Kosciusko National Park**, from 13 May 2002 to 31 December 2020,
  - (ii) are at least 2.4 metres long,
  - (iii) have a small end diameter under bark of at least 30cm,
  - (iii) (in the case of sawlogs up to 4 metres long) have a butt diameter under bark of at least 40 cm,
  - (iv) (in the case of sawlogs longer than 4 metres) have a butt diameter under bark of at least 36 cm, and
  - (v) in the opinion of SFNSW, are of a high quality; and

*Note:* The above paragraph derives from clause 79 of the Regional Forest Agreement for Southern NSW made between the State of NSW and the Commonwealth of Australia on 24 April 2001. Under that clause, it has been agreed that 1000m<sup>3</sup> per year of quota sawlogs from the Tumut Subregion will be supplied to customers in the Eden RFA region.

*Note also that the assessment of the quality of logs is carried out by qualified log graders by reference to a range of criteria including shape and level of defect.*

- (f) **Clause revoked (Amendment 1).**

- (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 High Quality Large Logs; and

AMENDMENT 1 17 May 2004 Clause 5(g) replaced Ref Appendix E
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AMENDMENT 1  
17 May 2004  
Clause 5(h)  
replaced  
Ref Appendix E

*Note:* Paragraph (g) authorises the cutting and removal of timber for the purpose of producing timber products other than High Quality Large Logs. The cutting and removal of timber for the purpose of producing High Quality Large Logs in the Southern Region is authorised by paragraphs (a) to (d).

(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, and
- (ii) sawlogs that have the dimensions set out in paragraph (e) and that, in the opinion of SFNSW, are of a high quality.

*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 and sawlogs of the kind authorised by paragraph (e).

*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)) is 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).*

(3) This approval applies only to logging operations where trees are selected for harvesting using:

- (a) Single Tree Selection;
- (b) AGS Light;
- (c) AGS Medium; or
- (d) AGS Heavy on land within the South Coast Subregion that is:

- (i) depicted in the Geographic Information System theme in the ESRI Shapefile format called “agsheavy”, in the subdirectory called “Agsheavy” on the CD-Rom lodged with DoP and having the volume label “020129\_1305” (made on 29 January 2002), and
- (ii) further described in the corresponding metadata on the CD-Rom.

*Note:* AGS Heavy is carried out only where the understorey is very moist (due to sunlight being absent from the understorey or penetrating the forest to the understorey at only a low intensity). AGS Heavy provides sufficient light and ground disturbance in these circumstances to ensure adequate regeneration after harvesting.

(4) Subclause (3) does not apply to logging operations for the purposes of producing timber for fencing or sleepers, or firewood or craftwood.

(5) To avoid doubt, subclause (2) applies to thinning, where thinning has as one of its purposes, the production of any of the products set out in paragraphs (a) to (h) of that subclause. However, subclause (3) does not apply to thinning even where one of the purposes of thinning is the production of any of the products set out in paragraphs (a) to (h) of subclause (2).

*Note: See notes to definitions of “culling” and “thinning” in clause 1.*

- (6) This approval applies to forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value.
- (7) This approval applies to on-going forest management operations, namely, the following activities relating to the management of land for timber production:
  - (a) thinning;
  - (b) culling;
  - (c) bush fire hazard reduction;
  - (d) grazing;
  - (e) weed and pest control;
  - (f) activities whose purpose is to promote regeneration (including burning, sowing of seeds, application of fertiliser and planting of trees) following the closure of roads or the carrying out of forestry operations, as defined in the *Forestry and National Park Estate Act 1998*.
- (8) This approval only applies to culling where trees selected for culling:
  - (a) are selected using Single Tree Selection, or
  - (b) are those remaining within a gap in a tract of forested land created by the removal of trees in a harvesting operation involving AGS Light, AGS Medium or AGS Heavy.

*Note: See clause 38 for restriction on culling where paragraph (b) of the above subclause applies.*

- (9) This approval applies to ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the carrying out of forestry operations, as defined in the *Forestry and National Park Estate Act 1998*.
- (10) This approval does not apply to forestry operations on any land for the purposes of clearing natural forest:
  - (a) to establish a timber plantation (within the meaning of the *Plantations and Reafforestation Act 1999*); or
  - (b) for agricultural or other non-forestry uses.

*Note: The above is derived from section 24(2)(c) of the Forestry and National Park Estate Act 1998.*

- (11) In this clause:

“AGS Light”, “AGS Medium” and “AGS Heavy” refer to silvicultural practices, which in relation to a tract of forested land have the following elements:

(A) in any one harvesting operation:

- (a) **in both the South Coast Subregion and the Tumut Subregion**, one or more groups of trees are selected for logging on a part or (where more than one group of trees is selected) parts of the tract, and
- (b) **in the South Coast Subregion**, the area of each group of trees selected for logging (as measured from the outermost crown edges of trees standing on the outer boundary of the group prior to logging), is:
  - (i) in the case of AGS Light - no more than 0.13 hectares,
  - (ii) in the case of AGS Medium – more than 0.13 hectares and no more than 0.39 hectares, and
  - (iii) in the case of AGS Heavy – more than 0.39 hectares and no more than 0.79 hectares, and

*Note: Clause 26 sets out restrictions on the use of AGS Heavy in the South Coast Subregion.*



- (c) **in the Tumut Subregion**, the area of each group of trees selected for logging (as measured from the outermost crown edges of trees standing on the outer boundary of the group prior to logging), is:
- (i) in the case of AGS Light - no more than 0.13 hectares, and
  - (ii) in the case of AGS Medium – more than 0.13 hectares and no more than 0.5 hectares, and
- (d) **in both the South Coast Subregion and the Tumut Subregion**, the total area selected for logging within the tract, being the sum of each area of each group of trees selected for logging on the tract (measured in accordance with paragraph (b), in the case of the South Coast Subregion, and paragraph (c), in the case of the Tumut Subregion), is no more than 22.5% of the net harvestable area of the tract; and

*Note: The expression “tract of forested land” is used in this description of AGS Light, AGS Medium and AGS Heavy as a convenient means of referring to any area of forested land in which these silvicultural practices may be carried out. The relevant tract may, for example, comprise the whole, or only a part of, a compartment of State forest; it may occur across more than one compartment; and it may also be comprised of Crown-timber land other than State forest, and consequently not be managed on a compartment- based system.*

*Note to paragraphs (b) and (c): 0.13 hectares, 0.39 hectares, 0.5 hectares and 0.79 hectares are the approximate areas of circles that have a radius of 20 metres, 35 metres, 40 metres and 50 metres respectively.*

- (B) **in both the South Coast Subregion and the Tumut Subregion**, once a harvesting operation has been completed, no logging (other than by thinning) is carried out again on the relevant part or parts of the tract until at least 3 further harvesting operations have been completed on different parts of the tract; and

- (C) **in the South Coast Subregion and the Tumut Subregion**, the following applies:

- (a) in the case of AGS Light - there is a period of at least **5 years (and an average of at least 7 years over any 4 consecutive harvesting operations)** between the completion of logging in one harvesting operation and commencement of another on the tract, and
- (b) in the case of AGS Medium - there is a period of at least **7 years (and an average of at least 10 years over any 4 consecutive harvesting operations)** between the completion of logging in one harvesting operation and commencement of another on the tract, and
- (c) in the case of AGS Heavy:
  - (i) there is a period of at least **7 years (and an average of at least 10 years over any 4 consecutive harvesting operations)**

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Clause 5(11)(C)  
modified

between the completion of logging in one harvesting operation and commencement of another on the tract, and

(ii) the area of the tract is at least 50 hectares; and

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1 March 2013  
Clause 5(11)(D)  
omitted and clause  
5(11)(E)  
renumbered as (D)

(D) **in both the South Coast Subregion and the Tumut Subregion**, logging is carried out with the objective of ensuring that following any 4 consecutive harvesting operations, there remains an area within the tract which has not been logged in any of those harvesting operations (or in any thinning carried out during that period), comprising an area of at least 10% of the net harvestable area in existence immediately before the commencement of the first of those four harvesting operations.

“basal area” of a tree means the area of a cross-section of its trunk, as measured 1.3 metres above ground level prior to the logging or culling of the tree.

“High Quality Large Logs” means logs that:

- (a) are at least 2.4 metres long,
- (b) have a centre diameter under bark of 40cm or more; and
- (c) in the opinion of SFNSW, are of a high quality.

*Note: The assessment of the quality of logs is carried out by qualified log graders by reference to a range of criteria including shape and level of defect.*

“Single Tree Selection” refers to a silvicultural practice that, in relation to a tract of forested land, has the following elements:

- (a) **in the South Coast Sub-Region**, trees are selected for logging or culling with the objective of ensuring that:
  - (i) the sum of the basal areas of trees removed or destroyed comprises no more than 45% of the sum of the basal areas of all trees existing immediately prior to logging or culling within the net harvestable area of the tract, and
  - (ii) the sum of the basal areas of trees remaining after logging or culling as a proportion of the net harvestable area of the tract existing immediately prior to logging or culling is at least 10m<sup>2</sup> per hectare; and
- (b) **in the Tumut Sub-Region**, trees are selected for logging or culling with the objective of ensuring that:
  - (i) the sum of the basal areas of trees removed or destroyed comprises no more than 35% of the sum of the basal areas of all trees existing immediately prior to logging or culling within the net harvestable area of the tract, and
  - (ii) the sum of the basal areas of trees remaining after logging or culling as a proportion of the net harvestable area of the tract

existing immediately prior to logging or culling is at least 10m<sup>2</sup> per hectare; and

- (c) **in both the South Coast and the Tumut Subregion**, any trees selected for logging have trunks that have a diameter at breast height over bark of 20cm or more.

*Note:* See definition of “basal area” appearing earlier in this subclause.

*See also note appearing under description of “AGS Light”, “AGS Medium” and “AGS Heavy” regarding use of the expression “tract of forested land.”*

*Note that paragraph (c) does not apply to culling.*

## **6. Terms of licences**

- (1) Pursuant to section 34 of the *Forestry and National Park Estate Act 1998*, this approval contains the terms of the following licences:
- (a) a licence under the *Protection of the Environment Operations Act 1997* (set out in Appendix A);
  - (b) a licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion (set out in Appendix B);
  - (c) a licence under the *Threatened Species Conservation Act 1995* applying to the Tumut Subregion (set out in Appendix C); and
  - (d) a licence under Part 7A of the *Fisheries Management Act 1994* (set out in Appendix D).
- (2) Any person carrying out forestry operations is taken to hold, and is bound by, licences in those terms under the relevant Acts, and the licences have effect, for all purposes (subject to the *Forestry and National Park Estate Act 1998*), as licences under the relevant Acts.

*Note:* Section 35 of the *Forestry and National Park Estate Act 1998* states that the terms of a relevant licence set out in an approval are to be enforced (subject to the *Forestry and National Park Estate Act*) in the same way as any other licence under the relevant Acts. It also states, however, that terms of a relevant licence set out in an integrated forestry operations approval cannot be varied and the licence cannot be revoked under the relevant Act. Under section 31 of the *Forestry and National Park Estate Act* these are matters for the Ministers authorised to grant the approval.

*Section 35 also requires the government agency responsible for the enforcement of a relevant licence to notify the Ministers who granted the approval of any contravention (of which it becomes aware) of the terms of the licence by the persons carrying out forestry operations.*

- (3) The forestry operations covered by the terms of the licences set out in this approval are described in those terms.

*Note:* The terms of any licence set out in this approval need not extend to all forestry operations described in clause 5 of this approval (section 34(4) of the *Forestry and National Park Estate Act 1998*). See, in particular:

- *Conditions 1 to 3 of the terms of the licence under the Protection of the Environment Operations Act 1997 (“What the licence authorises and regulates”, “Premises to which this licence applies – Scheduled Forestry Activities” and “Premises to which this licence applies – Non-Scheduled Forestry Activities”);*
- *Preamble to the terms of the licences under the Threatened Species Conservation Act 1995; and*
- *“Authority” appearing at page 4 of the terms of the licence under Part 7A of the Fisheries Management Act 1994.*

(4) In this clause, “relevant Act” has the same meaning as in Division 3 of Part 4 of the *Forestry and National Park Estate Act 1998*.

## **PART 2 – Provisions applying to forestry operations generally**

### **7. Ecologically sustainable forest management**

- (1) In carrying out, or authorising the carrying out of, forestry operations in the Southern Region SFNSW must give effect to the principles of ecologically sustainable forest management as set out in Chapter 3 of the document entitled, “ESFM Group Technical Framework” (Ecologically Sustainable Forest Management Group, New South Wales and Commonwealth Governments, July 1999).
- (2) SFNSW must monitor the indicators set out in the document entitled, “Criteria, Indicators, Targets and Monitoring Processes of Ecologically Sustainable Forest Management for Southern RFA Region” (ESFM PA 3 Working Group, New South Wales and Commonwealth Governments, April 2000) for the Southern Region.
- (3) Prior to carrying out, or authorising the carrying out of, forestry operations in the Southern Region, SFNSW must have regard to any data or information acquired by monitoring the indicators referred to in subclause (2).

*Note: The documents referred to in this clause describe projects undertaken as part of the comprehensive regional assessments of forests in New South Wales, which were jointly funded by the New South Wales and Commonwealth Governments.*

### **8. Best practice**

- (1) In carrying out, or authorising the carrying out of, forestry operations in the Southern Region SFNSW must give effect to the principles of best practice that apply to the operations concerned.
- (2) In this clause, “best practice” means the management of a forestry operation to achieve the ongoing minimisation of any adverse impacts of the forestry operation on the environment.

## 9. Forest Management Zoning System

- (1) In carrying out, or authorising the carrying out of, forestry operations in State forests of the Southern Region, SFNSW must give effect to the document entitled, "Forest Management Zoning in NSW State Forests" (State Forests of New South Wales, December 1999).
- (2) To the extent of any inconsistency between this approval and the document referred to in subclause (1), this approval prevails.

AMENDMENT 4  
1 March 2013  
Clause 9A. added

## 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)(c-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 using a 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.

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17 May 2004  
Clause 10  
modified  
Ref Appendix E

**10. Protection of high conservation value old growth forest, rainforest and rare non-commercial forest ecosystems**

*Note: The terms of the licence under the Threatened Species Conservation Act 1995 applying to the South Coast Subregion and set out in this approval contain conditions that have a similar effect to the following clause.*

*Clause 46 of this approval (“Destruction of native vegetation for the purpose of beekeeping”) contains further controls that aim to protect native vegetation in high conservation value old growth forest, rainforest and rare non-commercial forest ecosystems (by being included in definition of “environmentally sensitive land” for the purposes of clause 46).*

*Part 2A of this approval modifies the rules set out in the following clause so as to allow certain limited operations near the boundaries of rare non-commercial forest ecosystems and, to a lesser extent, warm temperate rainforest exclusion zones, for the purpose of accessing timber growing near those boundaries. That Part also allows trees accidentally felled into areas to which the following clause applies to be removed in certain circumstances.*

- (1) This clause applies to any area within the South Coast Subregion that is, or is within:
  - (a) a high conservation value old growth forest;
  - (b) a rainforest;
  - (c) a rainforest exclusion zone; or
  - (d) a rare non-commercial forest ecosystem.

**Prohibition on specified forestry activities**

- (2) No specified forestry activities are to be carried out in any area to which this clause applies.

**Harvesting machinery**

- (3) Harvesting machinery is not to be used for the purposes of cutting and removing timber or forest products operations in any area to which this clause applies.

**Tree felling**

- (4) No tree is to be felled into any area to which this clause applies. If any tree falls into an area to which this clause applies, no part of the tree may be removed from that area.



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17 May 2004  
Clause 10(4A-B)  
added  
Ref Appendix E

(4A) Subclause (4) is not breached where a tree is accidentally felled into any area to which this clause applies.

(4B) Despite subclauses (2)-(4), a tree that is accidentally felled into an area to which this clause applies may be removed from that area in accordance with Part 2A, other than an area that is, or is within, a rainforest that is protected by a rainforest exclusion zone.

**Road re-opening and routine road maintenance**

(5) Despite subclauses (2) – (4), road re-opening and routine road maintenance may take place in any area to which this clause applies.

**Construction of roads and snig tracks, and use of snig tracks for purposes of snigging**

(6) Despite subclauses (2) – (4), a road or snig track may be constructed, and snigging may be carried out, in any area to which this clause applies where:

- (a) there is no alternative site available for the purposes of the road or snigging; and
- (b) there has been no record made of any threatened species on the site of the proposed construction or snigging.

(7) The road or snig track may only be constructed, and snigging may only be carried out, where, prior to the construction or snigging:

- (a) the manager of the regional office of SFNSW that is responsible for managing the land on which the construction or snigging is proposed to be carried out (“the relevant regional manager”) or a more senior officer has prepared a report in accordance with Schedule 6 to the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion and set out in this approval; and
- (b) the relevant regional manager or a more senior officer has authorised the construction or snigging in writing.

(8) A copy of the report and authority referred to in subclause (7) must be faxed to NPWS as soon as possible after they have been issued.

(9) **Clause revoked (Amendment 1).**

(10) Where the area in which the construction or snigging is proposed to be carried out is, or is within, a threatened species exclusion zone, it may only be carried out, with the written approval of NPWS (following the submission of the report referred to in paragraph (a) of subclause (7)), and subject to any conditions imposed by NPWS as part of its approval.

*Note: See definition of “threatened species exclusion zone” in subclause (12).*

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17 May 2004  
Clause 10(10)  
modified  
Ref Appendix E

**Re-opening of snig tracks**

(11) Despite subclauses (2)-(4), a snig track (including a snig track that was in existence at the time of commencement of this approval) that has become re-vegetated may be re-opened (by clearing, scraping or treating regrowth)

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17 May 2004  
Clause 10(11)  
replaced  
Ref Appendix E

in an area to which this clause applies, but only if all of the following requirements are met:

- (a) for practical purposes, there is no alternative route available for the snig track outside the area;
- (b) there has been no record made of any threatened species on the site of the snig track;
- (c) before any work to re-open the snig track is carried out:
  - (i) the manager of the regional office of SFNSW that is responsible for managing the land on which the snig track is located, or a more senior officer, has prepared a report in accordance with Schedule 6A to the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion and set out in this approval; and
  - (ii) the manager or the more senior officer has authorised the re-opening in writing.

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Clause 10(11A-K)  
added  
Ref Appendix E

- (11A) A copy of the report and authority referred to in subclause (11) must be faxed to the Department of Environment and Conservation as soon as possible after they have been issued.

**Re-opening where snig track is also in relevant exclusion zone**

- (11B) Where any part of a snig track that it is proposed to re-open is within both an area to which this clause applies and a threatened frog or plant exclusion zone, that part may be re-opened only if the Department of Environment and Conservation has approved the re-opening in writing (before any work to re-open the track has commenced), following receipt of the relevant SFNSW report and authority (referred to in subclause (11)).
- (11C) In addition, a part of a snig track may be re-opened only if the Department of Environment and Conservation has approved the re-opening in writing (before any work to re-open the track has commenced and following receipt of the relevant SFNSW report and authority, referred to in subclause (11)) where:
  - (a) that part of the snig track is within both an area to which this clause applies and a threatened species exclusion zone (not being a threatened frog or plant exclusion zone) or in a ridge and headwater exclusion zone or a condition 7 (b) exclusion zone; and
  - (b) SFNSW has received written notice from the Department of Environment and Conservation to the effect that, in view of the extent of re-vegetation of the snig track on that part, the track is no longer readily distinguishable from the surrounding forest.
- (11D) Approval is required under subclause (11C) only if SFNSW receives the written notice no later than 3 working days after receipt of the relevant SFNSW report and authority (referred to in subclause (11)).

- (11E) If the approval of the Department of Environment and Conservation is required under subclause (11C), it does not matter whether the relevant SFNSW report is prepared in accordance with Schedule 6 or Schedule 6A to the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion and set out in this approval.
- (11F) The re-opening of a snig track may be carried out only in accordance with the conditions (if any) imposed by the Department of Environment and Conservation as part of its approval (where approval is required under subclause (11B) or (11C)), relating to the mitigation or amelioration of impacts of the proposed re-opening on the threatened species exclusion zone or other exclusion zone.

*Note: The provisions of this clause dealing with the construction of a road or snig track, or the re-opening of a snig track, within an area that is, not only an area to which this clause applies, but also an exclusion zone under the terms of the licence under the Threatened Species Conservation Act 1995 set out in Appendix B, need to be read with condition 5.1D of those terms. Condition 5.1D is to the same effect as the provisions of this clause, but contains some additional constraints on construction and re-opening.*

- (11G) For the avoidance of doubt:
- (a) a road may not be constructed in any part of an area to which this clause applies which is also, or is also within, any of the exclusion zones referred to in the following conditions 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:
- condition 5.9 (“Wetlands”)
  - condition 5.10 (“Heath and Scrub”)
  - condition 5.11 (“Rocky Outcrops and Cliffs”)
  - condition 7 (b) (“General survey requirements”);
- (b) a snig track may not be constructed in any part of an area to which this clause applies which is also, or is also within, any of the exclusion zones referred to in the following conditions 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:
- condition 5.8 (“Ridge and Headwater Habitat”)
  - condition 5.9 (“Wetlands”)
  - condition 5.10 (“Heath and Scrub”)
  - condition 5.11 (“Rocky Outcrops and Cliffs”)
  - condition 7 (b) (“General survey requirements”); and
- (c) a snig track may not be re-opened in any part of an area to which this clause applies which is also, or is also within, any of the exclusion zones referred to in the following conditions 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:

- condition 5.9 (“Wetlands”)
- condition 5.10 (“Heath and Scrub”)
- condition 5.11 (“Rocky Outcrops and Cliffs”).

*Note: See conditions 5.1 and 5.1D of the terms of the licence under the Threatened Species Conservation Act 1995 applying to the South Coast Subregion. These conditions in effect prohibit the construction of roads and snig tracks, and snig track re-opening, in the above exclusion zones. Condition 5.8 allows roads to be constructed in ridge and headwater habitat exclusion zones only where there is no other practical means of access.*

**Brushing-up of snig tracks**

(11H) Despite subclauses (2)-(4), where a snig track that is within an area to which this clause applies has become re-vegetated, but none of the trees growing within the area on the snig track have a diameter at breast height over bark of 20cm or more, the snig track may be brushed-up. However, all of the following requirements must be met:

- (a) the snig track was in existence at the time of commencement of this approval or has been constructed in accordance with this approval (and any subsequent re-opening has been done in accordance with this approval);
- (b) no part of the snig track that is proposed to be brushed-up within the area is located within a threatened frog or plant exclusion zone or an exclusion zone referred to in any of the following conditions of the terms of the licence under the *Threatened Species Conservation Act 1995* and set out in this approval:

- condition 5.9 (“Wetlands”)
- condition 5.10 (“Heath and Scrub”)
- condition 5.11 (“Rocky Outcrops and Cliffs”);

- (c) it is proposed to use the snig track after it is brushed-up in the course of a harvesting operation for the purpose of timber production (including a thinning operation that has timber production as one of its purposes).

(11I) A snig track may be re-opened or brushed-up any number of times, subject to and in accordance with this clause (and the relevant conditions of the terms of the licence under the *Threatened Species Conservation Act 1995*).

*Note: There is no limit on the number of times that the authority conferred by this clause to re-open or brush-up snig tracks may be exercised. However, on each occasion, re-opening or brushing-up may be carried out only if the relevant pre-conditions for doing so continue to be met, and it is done in accordance with relevant requirements. In particular, if it is proposed to re-open a snig track that has been re-opened in the past, but the trees that have regrown on the snig track have reached a dbhob of more than 20cm, then a new SFNSW report and authority is required.*

(11J) SFNSW must ensure that all practicable measures are taken to minimise any adverse impacts on the environment of any of the following activities within an area to which this clause applies:

- (a) construction of a road or snig track;

- (b) re-opening or brushing-up of a snig track;
- (c) snigging.

In particular, hollow-bearing trees may not be felled or removed, or used as bumper trees for moving logs.

(11K) It does not matter whether a written approval of the Department of Environment and Conservation, required by this clause, is expressed to be for the purposes of this clause or for the purposes of the relevant conditions 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.

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17 May 2004  
Clause 10(12a)  
modified  
Ref Appendix E

(12) For the purposes of this clause:

(a) the following expressions have the same meaning as in the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion and set out in this approval:

- “cool temperate rainforest”,
- “harvesting machinery”,
- “high conservation value old growth forest”,
- “rainforest”,
- “rare non-commercial forest ecosystem”,
- “record”,
- “snig track”,
- “specified forestry activities”, and
- “warm temperate rainforest”; and

*Note: “Cool temperate rainforest”, “rainforest” and “warm temperate rainforest” are defined by reference to “Research Note No 17 Forest Types in New South Wales”, Forestry Commission of New South Wales, 1989. This publication is available for public inspection and may also be copied, at regional offices of SFNSW in the Southern Region under clause 63 of this approval.*

*“High conservation value old growth forest” and “rare non-commercial forest ecosystem” are defined by reference to a CD-Rom, which is available for public inspection, and may also be copied for a charge, at the head office of DoP. It is also available for public inspection (but not copying) under clause 63 at regional offices of SFNSW in the Southern Region.*

(b) “rainforest exclusion zone” means any area within 20 metres of the boundaries of warm temperate rainforest or cool temperate rainforest;

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17 May 2004  
Clause 10(12c)  
modified  
Ref Appendix E

(c) “threatened species exclusion zone” means any exclusion zone referred to in the following conditions 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, where the exclusion zone (or part of the exclusion zone) is also, or is also within, high conservation value old growth forest, rainforest, a rainforest exclusion zone or a rare non-commercial forest ecosystem:

- condition 5.13 (“Bird Nest and Roost Site Protection”),
- condition 5.14 (“Bat Roost Protection”),
- condition 6.1 (“Green and Golden Bell Frog *Litoria aurea*”),
- condition 6.2 (“Giant Burrowing Frog *Heleioporus australiacus*”),
- condition 6.3 (“Stuttering Frog *Mixophyes balbus*”),
- condition 6.4 (“Masked Owl *Tyto novaehollandiae*, Barking Owl *Ninox connivens* and Powerful Owl *Ninox strenua*”),
- condition 6.6 (“Southern Brown Bandicoot *Isodon obesulus*”),
- condition 6.8 (“Smoky Mouse *Pseudomys fumeus*”),
- condition 6.9 (“Brush-tailed Phascogale *Phascogale tapoatafa*”),
- condition 6.10 (“Spotted-tailed Quoll *Dasyurus maculatus*”),
- condition 6.11 (“Koala *Phascolarctos cinereus*”),
- condition 6.12 (“Squirrel Glider *Petaurus norfolcensis*”),
- condition 6.13 (Yellow-bellied Glider *Petaurus australis*”),
- condition 6.14 (“Golden-tipped Bat *Kerivoula papuensis*”),
- condition 6.15 (“Large- Footed Mouse-eared Bat *Myotis adversus*”), and
- condition 6.16 (“Threatened, Poorly Reserved ROTAP and Regionally Rare Flora”); and

- (d) “road re-opening” means the clearing, scraping or treating of a revegetated road where any of the trees growing on the road have a diameter at breast height over bark of 20cm or more; and

*Note: The above definition of “road re-opening” and the following definition of “routine road maintenance” are similar to the definitions of these expressions in the terms of the licence under the Threatened Species Conservation Act 1995 applying to the South Coast Subregion (“the licence”) and set out in this approval. However, these expressions generally apply more narrowly in the licence than they do in this clause because of the restricted definition of “road” appearing in the licence. “Road” is defined in the licence as being “any route used for vehicular access to, and the transport of logs from, a log dump within a compartment.”*

- (e) “routine road maintenance” means the clearing, scraping or treating of a revegetated road where all trees growing on the road have a diameter at breast height over bark of less than 20cm; and

<p>AMENDMENT 1 17 May 2004 Clause 10(12e) modified Ref Appendix E</p>
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- (f) “threatened frog or plant exclusion zone” means an exclusion zone referred to in any of the following conditions 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:

- condition 6.1 (“Green and Golden Bell Frog *Litoria aurea*”)
- condition 6.2 (“Giant Burrowing Frog *Heleioporus australiacus*”)
- condition 6.3 (“Stuttering Frog *Mixophyes balbus*”)
- condition 6.16.2 (“Exclusion of specified forestry activities from 100% of individuals with a 10 metre exclusion zone and a further 10 metre buffer”); and

AMENDMENT 1  
17 May 2004  
Clause 10(12f-h)  
added  
Ref Appendix E

- (g) “condition 7 (b) exclusion zone” means an exclusion zone referred to in condition 7 (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; and
- (h) “ridge and headwater habitat exclusion zone” means an exclusion zone referred to in condition 5.8 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.

AMENDMENT 4  
1 March 2013  
Clause 11.  
replaced

## 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 Southern 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).

## **12. SFNSW to notify NPWS of making of new records**

- (1) SFNSW must notify NPWS of the making of any new record of a species of plant or animal of which it becomes aware.
- (2) Subclause (1) does not apply where SFNSW becomes aware of the making of a new record of a species of plant or animal as a result of being informed by NPWS of the new record.
- (3) In this clause:

“animal” has the same meaning as in the *Threatened Species Conservation Act 1995*;

“new record” means evidence that is obtained while this approval applies that:

- (a) a species of plant or animal not previously known to be present in the South Coast Subregion or the Tumut Subregion (or in any area likely to be affected by the carrying out of forestry operations) is present in that subregion (or in any area likely to be affected by the carrying out of forestry operations),



- (b) the range of a species of plant or animal in the South Coast Subregion or the Tumut Subregion (or in any area likely to be affected by the carrying out of forestry operations) has significantly expanded in that subregion (or in any area likely to be affected by the carrying out of forestry operations),
- (c) a species of plant or animal that has not been recorded in the South Coast Subregion or the Tumut Subregion (or in any area likely to be affected by the carrying out of forestry operations) within the previous 10 years, is present in that subregion (or in any area likely to be affected by the carrying out of forestry operations);

“plant” has the same meaning as in the *Threatened Species Conservation Act 1995*; and

“species” has the same meaning as in the *Threatened Species Conservation Act 1995*.

### **13. Fisheries Management Act – proposed new listings**

- (1) SFNSW must comply with subclauses (2) to (4) on receiving a written notice from NSW Fisheries to the effect of the following:
  - (a) there is evidence that a species, population or ecological community is present, or is likely to be present, in any part of the Southern Region or in any area likely to be affected by the carrying out of forestry operations; and
  - (b) there is evidence that the carrying out of forestry operations has, or is likely to have, an adverse impact on the species, population or ecological community; and
  - (c)
    - (i) the Minister administering Part 7A of the *Fisheries Management Act 1994* has requested that the Fisheries Scientific Committee consider a proposal to list the species, population or ecological community in Schedule 4 or 5 to the *Fisheries Management Act 1994*, or
    - (ii) the Director of NSW Fisheries has nominated the species, population or ecological community for listing in Schedule 4 or 5 to the *Fisheries Management Act 1994*, or
    - (iii) the Fisheries Scientific Committee has proposed to recommend that the species, population or ecological community be listed in Schedule 4 or 5 to the *Fisheries Management Act 1994*; and
  - (d) the species, population or ecological community has not been listed in Schedule 4 or 5 to the *Fisheries Management Act 1994*.

*Note: There is nothing in the Fisheries Management Act 1994 to prevent a relevant nomination or proposal being made by more than one person. Accordingly, the Director may nominate a species, population or ecological community for insertion in Schedule 4 or 5 to the Act, even where the Director is aware that another person has made an identical proposal.*

- (2) SFNSW must, as far as is reasonably practicable, mitigate any adverse impact of forestry operations on fish of the species, population or ecological community occurring prior to notification by NSW Fisheries.
- (3) SFNSW must ensure that any adverse impact of forestry operations on fish of the species, population or ecological community is minimised until one of the following occurs:
  - (a) it receives a written notice from NSW Fisheries to the effect that it need no longer comply with the requirements of this subclause;
  - (b) where amendments to the approval relating to the species, population or ecological community are submitted to the Ministers, until this approval is amended for that purpose or until a decision is made not to amend this approval for that purpose;
  - (c) the Fisheries Scientific Committee has determined not to recommend that the species, population or ecological community be listed in Schedule 4 or 5 to the *Fisheries Management Act 1994*;
  - (d) if a recommendation to list the species, population or ecological community in Schedule 4 or 5 to the *Fisheries Management Act 1994* has been referred back to the Fisheries Scientific Committee for further consideration, the Committee has decided not to proceed with the recommendation; or
  - (e) a period of 12 months has elapsed since the date of the relevant written notice under subclause (1).
- (4) In determining, for the purposes of subclauses (2) and (3), how to mitigate or minimise any adverse impact of forestry operations on fish of the species, population or ecological community concerned, SFNSW must be guided by any relevant advice provided by NSW Fisheries.

*Note: It will not be sufficient for SFNSW to ensure that the adverse impacts of forestry operations are minimised under this clause where:*

- *a population or ecological community has been inserted in Schedule 4 or 5 to the Fisheries Management Act 1994 ("FM Act"); and*
- *the relevant harm to, or damage to the habitat of, the population or ecological community, has not been authorised by the terms of the licence under the FM Act, or any other licence under that Act.*

*In particular, subject to certain exceptions, the relevant offences in the FM Act prohibit any harm to any fish, or damage to the habitat, of a threatened population or threatened ecological community (sections 220ZA and 220ZD of the FM Act).*

(5) In this clause:

“adverse impact”, in relation to fish of a species, population or ecological community, includes:

- (a) harm to, or
- (b) damage to any habitat of,

fish of the species, population or ecological community concerned;

“ecological community”, “fish”, “habitat”, “harm” “species” and “population” have the same meanings as in Part 7A of the *Fisheries Management Act 1994*; and

“Fisheries Scientific Committee” means the Fisheries Scientific Committee constituted under Division 9 of Part 7A of the *Fisheries Management Act 1994*.

#### **14. Cultural Heritage Guidelines**

In carrying out, or authorising the carrying out of, forestry operations, SFNSW must take into consideration the document entitled, “Cultural Heritage Guidelines” (State Forests of New South Wales, December 1999, as amended from time to time).

*Note: The above document is available for public inspection and copying under clause 63 of this approval.*

#### **15. Records concerning heritage items**

- (1) SFNSW must periodically and regularly review their records concerning heritage items within the Southern Region.

*Note: “heritage item” is defined in clause 1 of this approval as follows:*

*“‘heritage item’ means:*

- (a) any item of environmental heritage within the meaning of the Heritage Act 1977,*
- (b) any relic within the meaning of the National Parks and Wildlife Act 1974,*
- (c) on the commencement of the National Parks and Wildlife Amendment Act 2001, any Aboriginal object within the meaning of the National Parks and Wildlife Act 1974, or*
- (d) any Aboriginal place within the meaning of the National Parks and Wildlife Act 1974.”*

*Items of environmental heritage under the Heritage Act 1977 may include places of significance to Aboriginal people.*

- (2) For the purposes of subclause (1), SFNSW must consult with the Heritage Office and NPWS.
- (3) SFNSW must consult with relevant Aboriginal communities for the purposes of subclause (1) and for the purposes of determining the measures that are to be taken to ensure that appropriate levels of

confidentiality are maintained regarding the location of, and other details concerning, indigenous heritage.

- (4) Where, as a result of any review of its records under this clause, SFNSW is made aware of the existence of a heritage item of which it was previously unaware, it must, as soon as practicable after becoming so aware:
  - (a) notify the Heritage Office of the location of the heritage item, where the heritage item is an item of environmental heritage within the meaning of the *Heritage Act 1977*; and
  - (b) notify the National Parks and Wildlife Service of the location of the heritage item, where the heritage item is a relic, or (on commencement of the *National Parks and Wildlife Amendment Act 2001*) an Aboriginal object, within the meaning of the *National Parks and Wildlife Act 1974*.

*Note:* Section 91 of the *National Parks and Wildlife Act 1974* provides that it is an offence for a person to fail to notify the Director-General of National Parks and Wildlife of the location of certain relics or (after the commencement of the *National Parks and Wildlife Amendment Act 2001*) Aboriginal objects unless the person believes on reasonable grounds that the Director-General is aware of the location of those relics or Aboriginal objects.

- (5) Subclause (4) is subject to any restrictions that SFNSW considers to be necessary for the purposes of ensuring that in the case of indigenous heritage appropriate levels of confidentiality are maintained regarding the location of, and other details concerning, indigenous heritage.

In this clause, “indigenous heritage” includes:

- (a) relics or (after the commencement of the *National Parks and Wildlife Amendment Act 2001*) Aboriginal objects; and
  - (b) Aboriginal places,
- within the meaning of the *National Parks and Wildlife Act 1974*.

## **16. Identification and protection of heritage items in connection with forestry operations**

- (1) Prior to carrying out, or authorising the carrying out of, forestry operations under the *Forestry Act 1916*, SFNSW must take reasonable steps to identify any heritage item existing in the proposed locations of those forestry operations.

*Note:* See note appearing under clause 15(1) concerning the meaning of “heritage item”.

- (2) Where SFNSW identifies a heritage item in the proposed locations of forestry operations, it must take reasonable measures to ensure that the item is protected from any adverse impacts of those forestry operations.

- (3) The measures to be taken to ensure that a heritage item is protected from any adverse impacts of forestry operations must be identified in any site specific plan prepared by SFNSW under clauses 28 and 41 that applies to the forestry operations concerned.

*Note 1: The Heritage Act 1977 and the National Parks and Wildlife Act 1974 contain requirements relating to the identification and conservation of heritage items. There may be requirements under those Acts (including requirements for certain approvals or permits) that apply to the carrying out of forestry operations.*

*Note 2: The management of natural heritage is undertaken through the establishment of flora reserves and special management zones under the Forestry Act 1916, and the implementation of other measures (management prescriptions). Land set apart or dedicated as a flora reserve cannot be the subject of this approval. Logging operations are restricted by clause 19 of this approval in special management zones and land classified as Forest Management Zone 2 or 3A. See also restrictions applying to these zones in clauses 32, 35, 46 and 53.*

## **17. Policy on Aboriginal involvement in management of indigenous heritage**

- (1) SFNSW must prepare a policy on Aboriginal involvement in the management of indigenous heritage in connection with forestry operations. SFNSW must consult with relevant Aboriginal communities and NPWS in relation to the content of the policy.
- (2) The policy must cover the following matters:
  - (a) access to relevant sites;
  - (b) monitoring and maintenance of those sites; and
  - (c) cross-cultural training for officers, employees and other persons referred to in section 10 of the *Forestry Act 1916*.
- (3) SFNSW must give effect to the policy.
- (4) In this clause, “indigenous heritage” has the same meaning as in clause 15.

## **18. Training program to be developed concerning heritage management**

- (1) SFNSW must develop a training program for officers, employees and other persons referred to in section 10 of the *Forestry Act 1916* in relation to the management of heritage in connection with forestry operations.
- (2) The training program must address the identification of heritage items, the measures to be taken to protect heritage items in connection with forestry operations, and the planning of operations to ensure that heritage items are so protected.

*Note: See note appearing under clause 15(1) concerning the meaning of “heritage item”.*

- (3) SFNSW must keep the training program under regular and periodic review for the purpose of ensuring that the program reflects current information,

techniques and legal requirements relating to the management of heritage in connection with forestry operations.

- (4) SFNSW must commence the training program by 30 April 2003.

## **PART 2A – Restricted logging operations near boundary of certain areas**

*Note: The following Part (which applies only to the South Coast Subregion) contains provisions to the same effect as conditions in the terms of the licence under the Threatened Species Conservation Act 1995 in relation to high conservation value old growth forest, rainforest and rainforest exclusion zones, and rare non-commercial forest ecosystems (conditions 5.3, 5.4 and 5.5, respectively). It also contains provisions with respect to special management zones and Forest Management Zones 2 and 3A. The Part allows qualified access to certain timber near the boundaries of rare non-commercial forest ecosystems and FMZ reserves, and provides for timber felled accidentally into any of the areas (apart from rainforest protected by an exclusion zone) to be removed.*

### **18A. Application of Part 2A and definitions for the purposes of Part 2A**

#### **Applies only to South Coast Subregion**

- (1) This Part (being clauses 18A-18J) applies only to the South Coast Subregion.

#### **Purpose of Part**

- (2) The purpose of this Part is to regulate access to high quality timber growing near the boundaries of areas that comprise any of the following:
  - (a) a high conservation value old growth forest;
  - (b) a rainforest that is not protected by a rainforest exclusion zone;
  - (c) a rainforest exclusion zone;
  - (d) a rare non-commercial forest ecosystem;
  - (e) an area of State forest that is declared to be a special management zone under the Forestry Act 1916;
  - (f) an area classified as Forest Management Zone 2 or 3A in accordance with the Forest Management Zoning System.

In this Part, such an area is referred to as a “protected forest”.

#### **Prohibitions do not affect operation of Part**

- (3) This Part applies despite any prohibitions on logging or thinning operations in clauses 10, 19 and 35, and in the conditions 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.

#### **Other exceptions not affected**

- (4) This Part does not affect, or limit in any way, the operation of any other exceptions to the prohibitions in clause 10, clause 19 and clause 46, or in conditions 5.3, 5.4, 5.5 and 5.20 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. This Part does not affect the operation of clause 53 with respect to road construction, road re-opening and routine road maintenance in FMZ reserves.
- (5) Nothing in this Part affects the operation of section 21A of the Forestry Act 1916 with respect to special management zones.

## **Definitions**

- (6) For the purposes of this Part:
- (a) the following terms have the same meanings as in the terms of the licence under the Threatened Species Conservation Act 1995 applying to the South Coast Subregion and set out in this approval:
- “cool temperate rainforest”
  - “directional felling”
  - “harvesting machine” and “harvesting machinery”
  - “high conservation value old growth forest”
  - “mechanical harvester”
  - “rainforest”
  - “rare non-commercial forest ecosystem”
  - “walkover”
  - “warm temperate rainforest”;
- (b) “harvestable area” means any area within a tract of forested land that contains timber that may be harvested, and does not include any area in respect of which there is a prohibition on the felling of trees located within the area for the purpose of timber production by or under an Act, including under this approval. For the purposes of this definition, a tree is to be treated as located within an area only if its base is located within the area;
- (c) “harvesting operation” means a harvesting operation for the purpose of timber production and includes a thinning operation that has timber production as one of its purposes;
- (d) “high quality timber product” means a high quality large log within the meaning of clause 5 and any other log at least 2.4 metres long that in the opinion of SFNSW is of a high quality, such as a log that may be used for veneer or as a pile, pole or girder;
- (e) “rainforest exclusion zone” means any area within 20 metres of the boundary of a warm temperate rainforest or a cool temperate rainforest; and
- (f) “warm temperate rainforest exclusion zone” means any area within 20 metres of the boundary of a warm temperate rainforest.
- (7) In this Part:
- (a) a protected forest that is a rare non-commercial forest ecosystem is referred to as a rare forest; and
- (b) a protected forest that is an area described in subclause (2) (e) or (f) (that is, a special management zone or a FMZ 2 or 3A) is referred to as a FMZ reserve.
- (8) **Base of tree located where its centre is located**  
For the purposes of this Part, the base of a tree is to be treated as located in an area if the centre of its base is in that area.

## **Part 2A to be read with terms of TSC Act licence**

- (9) A reference in this Part to a provision of this Part that authorises, requires or prohibits anything to be done is taken to include a reference to the



provision to the same effect contained in the terms of the licence under the Threatened Species Conservation Act 1995 applying to the South Coast Subregion and set out in this approval.

**18B. Felling and removal of trees into and from rare non-commercial forest ecosystems and FMZ reserves**

- (1) This clause applies to any area of land that is, or is within:
  - (a) a rare forest; or
  - (b) a FMZ reserve.
- (2) A tree whose base is in a harvestable area may be felled into, and removed from, a rare forest or a FMZ reserve in a harvesting operation if:
  - (a) it is not practicable to fell the tree so that it falls wholly outside the rare forest or the FMZ reserve;
  - (b) there are reasonable grounds for believing, when selecting the tree for felling, that it will produce at least one high quality timber product; and
  - (c) the tree is felled in such a way so as to avoid, as far as practicable, damage to trees growing in the rare forest or the FMZ reserve.
- (3) However, no harvesting machinery may enter, or be used within, a rare forest or FMZ reserve for the purpose of felling a tree into the forest or FMZ reserve under subclause (2).

*Note: Harvesting machinery may enter a rare forest or FMZ reserve for the purpose of felling trees away from the forest or FMZ reserve.*

- (4) Without affecting the operation of subclause (2) (b), a part of a tree that has been felled into a rare forest or a FMZ reserve under this clause may be removed (subject to clause 18E (3)) even though that particular part is unlikely to produce a high quality timber product.

*Note: Subclauses (2) (b) and (4) do not affect the operation of clauses 22 and 23 of this approval. Clause 22 requires harvesting operations in the South Coast Subregion to have as their principal purpose the production of poles or high quality large logs (with certain exceptions). Under clause 23, SFNSW may sell logs only in accordance with their categorisation.*

**Maximum number of trees that may be felled**

- (5) In any one harvesting operation:
  - (a) no more than six trees may be felled (under subclause (2)) across any 200 metre length of the boundary of the rare forest or FMZ reserve, whatever 200 metre length of the boundary is considered; and
  - (b) the number of trees that may be removed (under subclause (2)) must not exceed the number calculated by applying the principle set out in paragraph (a).

- (6) If the total length of the boundary of a rare forest or a FMZ reserve is less than 200 metres, no trees may be felled across that boundary under this clause.
- (7) For the avoidance of doubt, a boundary of a rare forest or a FMZ reserve continues despite its intersection with another area that is not a harvestable area (such as a rainforest). Accordingly, for the purpose of determining whether trees (and how many trees) may be felled across the boundary of a rare forest or a FMZ reserve under this clause, any part of the boundary that is located within another area may be taken into account.

*Note:* The following example is given to illustrate the effect of the above subclause: a rare non-commercial forest ecosystem has a boundary of 200 metres. 100 metres of the boundary passes through an exclusion zone to protect the green and golden bell frog. Under the terms of the Threatened Species Conservation Act licence set out in Appendix B, no trees may be felled into or within such an exclusion zone for the purpose of timber production. The other 100 metres of the boundary of the rare non-commercial forest ecosystem adjoins a harvestable area in which trees may be felled. For the purpose of determining whether (and how many) trees can be felled into the rare non-commercial forest ecosystem, the 100 metres of its boundary that is within the exclusion zone to protect the frog can be added to the 100 metres of the boundary that adjoins the harvestable area. Since the total length of the boundary is therefore 200 metres, 6 trees will be able to be felled across the 100 metres of the boundary that adjoins the harvestable area. No trees will, however, be able to be felled across the 100 metres of the boundary that intersects with the exclusion zone to protect the frog.

- (8) For the avoidance of doubt:
  - (a) the number of trees that may be felled into, or removed from, a rare forest or a FMZ reserve in a particular harvesting operation under this clause is not reduced by the number of trees that are accidentally felled into the rare forest or the FMZ reserve, or subsequently removed from the rare forest or the FMZ reserve under clause 18D, in the same harvesting operation; and
  - (b) conversely, the authority conferred by clause 18D to remove trees that have been accidentally felled into the rare forest or FMZ reserve in a harvesting operation is not affected by the number of trees that are felled into, or removed from, the rare forest or FMZ reserve under this clause in the same harvesting operation.

Accordingly, the total number of trees that are removed from a rare forest or FMZ reserve in a particular harvesting operation may exceed the number referred to in subclause (5) (b).

### **18C. Felling and removal of trees into warm temperate rainforest exclusion zones**

- (1) This clause applies to any area of land that is, or is within, a warm temperate rainforest exclusion zone that protects an area of warm temperate rainforest that includes vegetation growing alongside a watercourse, drainage line or other water body.

- (2) A tree whose base is in a harvestable area may be felled into, and removed from, a warm temperate rainforest exclusion zone in a harvesting operation if:
  - (a) it is not practicable to fell the tree so that it falls wholly outside the warm temperate rainforest exclusion zone;
  - (b) there are reasonable grounds for believing, when selecting the tree for felling, that it will produce at least one high quality timber product; and
  - (c) the tree is felled in such a way so as to avoid, as far as practicable, damage to trees growing in the warm temperate rainforest exclusion zone.
- (3) However, no harvesting machinery may enter, or be used within, a warm temperate rainforest exclusion zone for the purpose of felling a tree into the zone under subclause (2).
- (4) Without affecting the operation of subclause (2) (b), a part of a tree that has been felled into a warm temperate rainforest exclusion zone under this clause may be removed (subject to clause 18E (2)) even though that particular part is unlikely to produce a high quality timber product.

**Maximum number of trees that may be felled**

- (5) In any one harvesting operation:
  - (a) no more than two trees may be felled (under subclause (2)) across any 200 metre length of the outer boundary of the warm temperate rainforest exclusion zone, whatever 200 metre length of the outer boundary is considered; and
  - (b) the number of trees that may be removed (under subclause (2)) must not exceed the number calculated by applying the principle set out in paragraph (a).
- (6) No trees may be felled, under this clause:
  - (a) across that part of the outer boundary of a warm temperate rainforest exclusion zone that occurs on one side of the watercourse or drainage line if that part of the outer boundary is less than 200 metres in length (irrespective of whether the exclusion zone encompasses warm temperate rainforest growing on the other side of the watercourse or drainage line as well); and
  - (b) in any other case (such as where the exclusion zone protects warm temperate rainforest surrounding a pool or dam), across the outer boundary of a warm temperate rainforest exclusion zone if the total length of that boundary is less than 200 metres.
- (7) For the avoidance of doubt, the outer boundary of a warm temperate rainforest exclusion zone continues despite its intersection with another area that is not a harvestable area (such as a high conservation value old growth forest). Accordingly, for the purpose of determining whether trees (and how many trees) may be felled across the outer boundary of a warm

temperate rainforest exclusion zone under this clause, any part of the outer boundary that is located within another area may be taken into account.

*Note: The following example illustrates the effect of clause 18C (7) above: a warm temperate rainforest grows along the side of a watercourse for 200 metres; 100 metres of the boundary of that rainforest passes through an exclusion zone (having a width of 50 metres) to protect the green and golden bell frog. No trees can be felled into or within such an exclusion zone for the purpose of timber production. Under condition 5.4 (d) of the terms of the Threatened Species Conservation Act licence (set out in Appendix B), a 20 metre wide exclusion zone must also be implemented around the warm temperate rainforest. Assume that 100 metres of the boundary of that rainforest exclusion zone adjoins the harvestable area. It may not be necessary – from a practical perspective – to “implement” an exclusion zone around that part of the rainforest growing within the exclusion zone to protect the frog because harvesting timber is prohibited in that part in any case. However, clause 18C (7) above makes it clear that State Forests can treat the exclusion zone around the rainforest as extending into the exclusion zone to protect the frog. Accordingly, State Forests can add the length of that part of the boundary of the warm temperate rainforest exclusion zone that is located within the exclusion zone to protect the frog to the length of that part of the boundary of the warm temperate rainforest exclusion zone that adjoins the harvestable area, for the purposes of determining if, and how many, trees can be felled across the latter part of the boundary. As the total length of the boundary will be more than 200 metres, two trees will be able to be felled across the 100 metre length of the boundary adjoining the harvestable area (but none will be able to be felled across that part of the boundary that is within the exclusion zone to protect the frog).*

- (8) For the avoidance of doubt:
  - (a) the number of trees that may be felled into, or removed from, a warm temperate rainforest exclusion zone in a particular harvesting operation under this clause is not reduced by the number of trees that are accidentally felled into the warm temperate rainforest exclusion zone, or subsequently removed from the warm temperate rainforest exclusion zone under clause 18D, in the same harvesting operation; and
  - (b) conversely, the authority conferred by clause 18D to remove trees that have been accidentally felled into the warm temperate rainforest exclusion zone in a harvesting operation is not affected by the number of trees that are felled into, or removed from, the warm temperate rainforest exclusion zone under this clause in the same harvesting operation.

Accordingly, the total number of trees that are removed from a warm temperate rainforest exclusion zone in a particular harvesting operation may exceed the number referred to in subclause (5) (b).

- (9) For the avoidance of doubt, a tree may not be felled into a warm temperate rainforest exclusion zone under this clause if it will also fall into the rainforest protected by the exclusion zone.
- (10) In this clause, “outer boundary of a warm temperate rainforest exclusion zone” means a boundary of the warm temperate rainforest exclusion zone that is 20 metres from the edge of the warm temperate rainforest protected by the zone.

**18D. Removal of trees accidentally felled into protected forests**

- (1) This clause applies to any area of land that is, or is within, a protected forest.
- (2) A tree that is accidentally felled into a protected forest in the course of a harvesting operation may be removed from the forest.
- (3) However, the tree may be removed only if there are reasonable grounds to believe that the tree will produce at least one high quality timber product. For the avoidance of doubt, any part of the tree may be removed (subject to clause 18E (2) and (3)) even though that particular part is unlikely to produce a high quality timber product.

**18E. Special rules apply to method of removal of trees felled into protected forests**

- (1) This clause regulates the manner in which trees or logs are removed from:
  - (a) a rare forest or FMZ reserve under clause 18B;
  - (b) a warm temperate rainforest exclusion zone under clause 18C; and
  - (c) a protected forest (including a rare forest, a FMZ reserve and a warm temperate rainforest exclusion zone) under clause 18D.

**Special rules for crown of tree**

- (2) A tree that has been felled into a rainforest or a rainforest exclusion zone may not be removed under clause 18D or, in the case of a warm temperate rainforest exclusion zone, under clause 18C unless the following rules in relation to the crown of the tree are complied with:
  - (a) where the tree has been felled into a rainforest or into a rainforest exclusion zone (but no part of the tree has fallen into the rainforest protected by that zone):
    - i. the crown of the tree must be left where it has fallen; or
    - ii. the whole of the tree (or the whole of that part of the tree that has fallen into the rainforest or the exclusion zone) must be removed from the rainforest or the exclusion zone, or moved within the rainforest or the exclusion zone, using a mechanical harvester;
  - (b) where the tree has been felled into both a rainforest exclusion zone and into the rainforest protected by that zone, but the crown of the tree has fallen wholly within the rainforest, then the crown, and any other part of the tree that has fallen into the rainforest, must be left where they have fallen;
  - (c) where the tree has been felled into both a rainforest exclusion zone and into the rainforest protected by that zone, and the crown of the tree spans both the rainforest exclusion zone and the rainforest, the crown must be left where it has fallen in both the exclusion zone and the rainforest.

- (3) A tree that has been felled into a protected forest (other than a rainforest or rainforest exclusion zone) may not be removed under clause 18B or clause 18D, unless the crown is left where it has fallen or the whole of the tree (or the whole of that part of the tree that has fallen into the protected forest) is removed from, or moved within, the protected forest using a mechanical harvester.

**Other rules for removal**

- (4) The following rules also apply to the removal of a tree from a protected forest:
  - (a) in removing any part of the tree (or logs into which the tree is cut) from the protected forest any disturbance to the ground (including vegetation) must be minimised as far as practicable;
  - (b) where practicable, any part of the tree that has fallen into the protected forest (or logs into which the tree is cut) must be removed from the protected forest without contacting the ground. In any other case, contact with the ground must be minimised as far as practicable;
  - (c) the wheels or tracks of any machinery used to remove any part of the tree that has fallen into the protected forest (or logs into which the tree is cut) must remain outside the protected forest.
- (5) Snigging may be carried out to remove a part of the tree (apart from the tree's crown) from a protected forest, but only if:
  - (a) applying the rules set out in subclause (4), this is the only practicable method of removing that part of the tree or those logs into which the tree is cut; and
  - (b) the wheels or tracks of any machinery involved in the snigging remain outside the protected forest (as required by subclause (4) (c)).

**Use of machinery within rare forest or FMZ reserve to remove tree**

- (6) Despite subclauses (4) (c) and (5) (b), where a harvesting machine has entered a rare forest or a FMZ reserve in accordance with clause 18G (for the purpose of felling trees away from the rare forest or FMZ reserve), it may also be used to remove a part of the tree that has been felled into the rare forest or FMZ reserve (or any logs into which the tree has been cut) under clause 18B, or accidentally.

**Chainsaws**

- (7) For the avoidance of doubt, chainsaws may be used in a protected forest to fell a tree whose base is in a harvestable area and to cut a tree into logs that may be removed from the protected forest under this approval.

**18F. Rehabilitation of ground or soil disturbed during removal of trees from protected forests**

- (1) Where a tree is removed from a protected forest under this Part, any ground or soil within the forest that is disturbed as a result of the fallen

tree or its removal (or the removal of the logs into which it is cut) must be rehabilitated.

- (2) Examples of the measures that may need to be taken to rehabilitate the disturbed ground or soil are as follows:
  - (a) reinstating the ground surface;
  - (b) cross draining furrows caused by fallen trees or the removal of trees or logs;
  - (c) covering denuded soil (other than with gravel or rock). For this purpose, material from the crown of a felled tree may be cut from the crown and moved;
  - (d) planting plants of the same species as the plants disturbed or destroyed in the logging operation.
- (3) Rehabilitation for the purposes of this clause is to be done without using harvesting machinery, except as follows:
  - (a) the harvesting arm of a mechanical or other harvester may be used for rehabilitating the disturbed ground or soil, where the tracks or wheels of the harvester remain outside the protected forest;
  - (b) in the case of a rare forest or FMZ reserve, if a harvesting machine has already entered the rare forest or FMZ reserve in accordance with clause 18G (to fell trees away from the rare forest or FMZ reserve), it may also be used (within the rare forest or FMZ reserve) for rehabilitating the disturbed ground or soil.

**18G. Use of harvesting machines in rare forest or FMZ reserve to fell trees away from the forest or FMZ reserve**

- (1) This clause applies to any area of land that is, or is within:
  - (a) a rare forest; or
  - (b) a FMZ reserve.
- (2) A harvesting machine may enter, and be used within, a rare forest or FMZ reserve in order to fell and remove any tree whose base is in the harvestable area in the course of a harvesting operation.
- (3) However, a harvesting machine may enter, and be used within, the rare forest or FMZ reserve to fell and remove a tree whose base is in the harvestable area only if:
  - (a) the tree cannot be felled from outside the rare forest or FMZ reserve, using the techniques of directional felling, so that it does not fall into the rare forest or FMZ reserve; and
  - (b) there are reasonable grounds for believing, when selecting the tree for felling, that it will produce at least one high quality timber product.

The harvesting machine may be used only to fell the tree away from the rare forest or FMZ reserve (that is, into the harvestable area).

- (4) For the avoidance of doubt, the whole of a tree felled under this clause may be removed, even though the timber product that any part of the tree will produce, or is likely to produce, is not a high quality timber product.

*Note: Subclauses (3) and (4) do not affect the operation of clauses 22 and 23 of this approval. Clause 22 requires harvesting operations in the South Coast Subregion to have as their principal purpose the production of poles or high quality large logs (with certain exceptions). Under clause 23, SFNSW may sell logs only in accordance with their categorisation.*

#### **18H. Conditions of operating harvesting machinery within rare forest or FMZ reserve**

- (1) A harvesting machine may be operated within a rare forest or FMZ reserve under this Part only using walkover techniques and in such a way so as:
  - (a) to minimise skewing of its tracks (if any) to the greatest extent practicable; and
  - (b) to minimise disturbance to the ground (including its vegetation) within the rare forest or FMZ reserve to the greatest extent practicable.
- (2) In particular, a harvesting machine may only be operated under this Part within a rare forest or FMZ reserve with any blades, rippers or other similar attachments positioned so that they do not disturb the ground (including vegetation).
- (3) The wheels or tracks of a harvesting machine that has entered a rare forest or FMZ reserve must remain wholly within 5 metres from the boundary of the rare forest or FMZ reserve when being used under this Part.

#### **18I. Rehabilitation of ground disturbed by harvesting machinery within rare forest or FMZ reserve**

- (1) Any ground or soil within a rare forest or FMZ reserve that is disturbed by a harvesting machine as a result of its use under this Part is to be rehabilitated.
- (2) Examples of the measures that may need to be taken for the purposes of rehabilitation of ground or soil disturbed by a harvesting machine are as follows:
  - (a) reinstating the ground surface;
  - (b) cross draining furrows caused by the machine;
  - (c) covering denuded soil (other than with gravel or rock). For this purpose, material from the crown of a tree felled into the rare forest or FMZ reserve may be cut from the crown and moved;
  - (d) planting plants of the same species as the plants disturbed or destroyed by the machine.



- (3) Rehabilitation for the purposes of this clause is to be done without using harvesting machinery, except as follows:
  - (a) the harvesting arm of a mechanical or other harvester may be used for rehabilitating the disturbed ground or soil, where the tracks or wheels of the harvester remain outside the rare forest or FMZ reserve;
  - (b) if the harvesting machine that disturbed the ground or soil has not left the rare forest or FMZ reserve since entering it under clause 18G, the machine may also be used (within the rare forest or FMZ reserve) for rehabilitating that ground or soil.

**18J. Additional restrictions on use of harvesting machinery for rehabilitation or tree removal in rare forest or FMZ reserve**

- (1) Nothing in this Part authorises a harvesting machine to enter a rare forest or FMZ reserve solely for any, or all, of the purposes of:
  - (a) removing a tree felled into the rare forest or FMZ reserve, as referred to in clause 18E (6); and
  - (b) rehabilitating disturbed ground or soil, as referred to in clause 18F (3); and
  - (c) rehabilitating disturbed ground or soil, as referred to in clause 18I (3).
- (2) The wheels or tracks of a harvesting machine may be moved within a rare forest or FMZ reserve for a purpose authorised by clause 18G (that is, to fell a tree away from the forest or FMZ reserve and to remove the tree). They may not be repositioned or moved (to any significant extent) within the rare forest or FMZ reserve solely for any, or all, of the purposes of:
  - (a) removing a tree felled into the rare forest or FMZ reserve, as referred to in clause 18E (3); and
  - (b) rehabilitating disturbed ground or soil, as referred to in clause 18F (3); and
  - (c) rehabilitating disturbed ground or soil as referred to in clause 18I (3).

*Note: Essentially, a harvesting machine is only to be used within a rare forest or FMZ reserve for purposes other than felling a tree outside the forest or FMZ reserve, such as for rehabilitation purposes, where the machine can be used without moving it from the position it was in when felling the tree or as it enters the forest or FMZ reserve for the purpose of felling the tree or as it leaves the forest or FMZ reserve.*

## **PART 3 – Logging Operations**

### **19. Logging operations restricted in certain zones**

- (1) This clause applies to the following land in the Southern Region:
  - (a) any area that is, or is within, an area of State forest declared to be a special management zone under the *Forestry Act 1916*; or
  - (b) any area that is, or is within, an area classified as Forest Management Zone 2 or 3A in accordance with the Forest Management Zoning System.

*Note:* “Forest Management Zoning System” is defined in clause 1 of this approval by reference to the document entitled, “Forest Management Zoning in NSW State Forests” (State Forests of New South Wales, December 1999). That document is available for public inspection and copying under clause 63.

*The Forest Management Zones for the Southern Region are mapped. These maps are available for public inspection and copying under clause 63 of this approval.*

- (2) Logging operations may not be carried out on land to which this clause applies.

AMENDMENT 1  
17 May 2004  
Clause 19(2)  
note added  
Ref Appendix E

*Note:* Clause 19 needs to be read with Part 2A (which commenced in 2004). Part 2A, while not allowing trees within the areas to which clause 19 applies to be logged, does allow limited harvesting operations near their boundaries.

- (2A) Subclause (2) is not breached where a tree is accidentally felled into any area of land to which this clause applies.

AMENDMENT 1  
17 May 2004  
Clause 19(2A-B)  
added  
Ref Appendix E

- (2B) Despite subclause (2), a tree that is accidentally felled into an area of land to which this clause applies within the South Coast Subregion may be removed from the area in accordance with Part 2A.

*Note:* See clause 18D in Part 2A which allows certain trees which are accidentally felled into an area of land to which clause 19 applies to be removed, despite the prohibitions in clause 19.

- (3) Despite subclause (2), timber cut on land other than land to which this clause applies, may be removed by snigging through, or via any road on, land to which this clause applies, where:
- (a) there is no alternative route available;
  - (b) the manager of the regional office of SFNSW that is responsible for managing the relevant land (or a more senior officer), has authorised the snigging or use of the road in writing; and
  - (c) all practicable measures are taken to minimise any adverse impacts of the snigging or road use, on the environment.

*Note:* “Logging operations” involve the cutting and removal of certain timber products as described in clause 5. The effect of subclause (3) is that the removal of timber through land to which this clause applies is not prohibited.

- (4) Nothing in this clause affects any lease or licence from the Crown to which section 25 of the *Forestry Act 1916* applies.

*Note:* The above clause does not identify all land on which the carrying out of logging operations is restricted. See, for example, clause 10 of this approval (“Protection of high conservation value old growth forest, rainforest and rare non-commercial forest ecosystems”). The terms of the licences set out in this approval identify other areas of land in which the carrying out of logging operations is restricted.

**20. Australian Group Selection and Single Tree Selection to be carried out in accordance with guidelines**

- (1) The silvicultural practices of AGS Light, AGS Medium, AGS Heavy or Single Tree Selection are to be applied in the Southern Region in accordance with the document, "Implementation of IFOA Silviculture in the Southern Forest Agreement Region" (State Forests of New South Wales, April 2002).
- (2) In this clause, "AGS Light", "AGS Medium", "AGS Heavy" and "Single Tree Selection" have the same meanings as in clause 5.

*Note: "Implementation of IFOA Silviculture in the Southern Forest Agreement Region" is available for public inspection and copying under clause 63 of this approval.*

AMENDMENT 1  
17 May 2004  
Clause 21  
replaced  
Ref Appendix E

**21. Pulp only operations prohibited**

- (1) Harvesting operations having the purpose of producing pulp grade timber, 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) 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.

AMENDMENT 1  
17 May 2004  
Clause 21A  
added  
Ref Appendix E

**21A. Harvesting timber for charcoal prohibited**

- (1) Harvesting operations may not be carried out in the Southern Region for the purpose of producing timber (of whatever quality) for conversion into charcoal that:
  - (a) is to be used in a manufacturing process (whether as a component or constituent of a product (such as silicon) or otherwise); or
  - (b) is the intended product of a manufacturing process (rather than a by-product); or
  - (c) is to be used for burning to generate electricity,

even if those operations also have as a purpose the production of timber for other uses or timber of other kinds.

- (2) Thinning may not be carried out in the Southern Region for the purpose of producing timber (of whatever quality) for conversion into charcoal that:

- (a) is to be used in a manufacturing process (whether as a component or constituent of a product (such as silicon) or otherwise); or
- (b) is the intended product of a manufacturing process (rather than a by-product); or
- (c) is to be used for burning to generate electricity,

even if thinning has as a purpose the production of timber for other uses or timber of other kinds.

## **22. Principal purpose of harvesting operations**

- (1) The cutting and removal of timber in the Southern Region for the purposes of producing products other than:
  - (a) poles;
  - (b) High Quality Large Logs (within the meaning of clause 5); or
  - (c) (in the case of Ingebirah State Forest and Crown-timber lands within the Tumut Subregion that lie to the east of Kosciusko National Park) sawlogs having the dimensions set out in paragraph (e) of clause 5(2) that, in the opinion of SFNSW, are of a high quality,

may only be carried out in harvesting operations having the principal purpose of producing one or more of the products referred to in paragraphs (a) to (c).

- (2) In determining the principal purpose of any one harvesting operation, SFNSW is to take into account the monetary value and volume of each of the kinds of timber products that SFNSW predicts will be produced, together with other relevant factors.
- (3) For the purposes of subclause (2), the monetary value of each kind of timber product is to be determined by reference to:
  - (a) the royalties payable for such products; or
  - (b) where no royalty is payable to SFNSW, the sale price fixed by SFNSW for such timber products.
- (4) This clause does not apply to harvesting operations whose purpose is to produce one or more of the following kinds of timber, but no other kinds of timber: timber for fencing or sleepers, or firewood or craftwood.
- (5) This clause does not apply to thinning even where one of the purposes of thinning is to produce timber.

## **23. Categorisation of timber**

- (1) SFNSW is to categorise each log cut and removed in logging operations as follows:
  - (a) a high quality log; or

- (b) (if the log cannot be categorised as a high quality log) as a sawlog, unless it cannot be categorised as such.
- (2) SFNSW may only make available or sell logs in accordance with the category of each log determined under subclause (1).
- (3) In this clause, “high quality log” has the same meaning as in clause 21.

**24. Clause revoked (Amendment 1).**

**25. Clause revoked (Amendment 1).**

**26. Harvesting operations involving AGS Heavy**

- (1) A harvesting operation in which trees are selected for logging using AGS Heavy in the South Coast Subregion, may only be carried out where 75% or more of the sum of the basal areas of trees selected is comprised of trees having the following characteristics:
  - (a) they are mature;
  - (b) they are 30 metres or more in height; and
  - (c) they have a diameter at breast height over bark of 60cm or more.

*Note: Clause 5 of this approval authorises the use of AGS Heavy on certain land in the South Coast Subregion only.*

- (2) In this clause, “mature” has the same meaning as in WD Woodgate, WD Peel, KT Ritman, JE Coram, A Brady, AJ Rule and JCG Banks, “A Study of the Old-Growth Forests of East Gippsland” (Department of Conservation and Natural Resources, Victoria, 1994).

AMENDMENT 4  
1 March 2013  
Clause 27  
replaced

**27. 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 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);
    - (a1) the specified time period in which it is intended to commence the proposed logging/roading operations;
  - (b) 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);

(c) the proposed operation type(s) identified from the following: logging, thinning, or roading; and

(d) any other matter relating to the matters set out in paragraphs (a), (a1) or (b) that EPA notifies FCNSW is to be specified.

(2) In planning the location and specified time period of logging operations under subclause (1), FCNSW 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.

(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.

(4) In this clause:

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

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

## **28. Site specific plans of harvesting operations**

*Note: SFNSW may combine the site specific plans required by this clause, clause 41 and the planning documentation referred to in the terms of the licences under the Protection of the Environment Operations Act 1997, the Threatened Species Conservation Act 1995 and Part 7A of the Fisheries Management Act 1994. See further note following subclause (5) below.*

(1) Prior to any harvesting operation being carried out, SFNSW is to prepare a site specific plan in respect of the harvesting operation.

(2) The plan is to contain one or more maps identifying the following:

(a) the location of the proposed harvesting operation, and where this is a State forest, the relevant State forest name and compartment number; and

(b) any area within this location where harvesting is not to be carried out, including any area within which harvesting is prohibited under this approval.

(3) The plan must also specify:

(a) whether it is proposed to produce timber by means of thinning;

- (b) where it is proposed to produce timber other than:
  - (i) timber for fencing or sleepers, or firewood or craftwood, or
  - (ii) by means of thinning,

the selection method proposed to be used (Single Tree Selection, AGS Light, AGS Medium or AGS Heavy); and

- (c) such other information and instructions as SFNSW considers necessary to enable staff of SFNSW and other persons to carry out harvesting operations in conformity with this approval.
- (4) In preparing the plan, SFNSW must consider the application of this approval to the harvesting operation.
- (5) A harvesting operation should only be carried out in accordance with a plan prepared under this clause. However, if a harvesting operation varies from a plan prepared under this clause, then SFNSW must:
  - (a) prepare a document that sets out the reason for such a variation; and
  - (b) amend the plan, or prepare a document that sets out how the harvesting operation varies from the plan and keep this document with the plan.

*Note: SFNSW may combine any site specific plan required by this clause or clause 41 with the planning documentation prepared under condition 12 of the terms of the licence under the Protection of the Environment Operations Act 1997 set out in this approval (“the licence”). If SFNSW chooses to do so, it should ensure that the site specific conditions required to be included by condition 12 of the licence are clearly identified, as these site specific conditions must be complied with unless varied in advance and in accordance with the licence. Contrast with above subclause and see conditions 16 - 18 of the licence. See also clause 58 of this approval (“Most restrictive requirement to be complied with”).*

- (6) To the extent of any inconsistency between this approval and a plan prepared under this clause, this approval prevails.
- (7) In this clause, “AGS Light”, “AGS Medium”, “AGS Heavy” and “Single Tree Selection” have the same meanings as in clause 5.

AMENDMENT 4  
1 March 2013  
Clauses 29 and 30  
omitted

**29. Condition omitted** (amendment 4)

**30. Condition omitted** (amendment 4)

**31. Annual reports on logging operations**

AMENDMENT 4  
1 March 2013  
Clause 31  
replaced

(1) FCNSW is to progressively record the following information relating to logging operations in the Southern 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 AGS Light, the estimated total area subject to logging using AGS Medium and the estimated total area subject to logging using AGS Heavy (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 56.

(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:

“AGS Light”, “AGS Medium” and “AGS Heavy” have the same meanings 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 28 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 Southern Region.

31 (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.



## **PART 4 - Forest Products Operations**

### **32. Forest products operations restricted in certain zones**

- (1) This clause applies to the following land in the Southern Region:
  - (a) any area that is, or is within, an area of State forest declared to be a special management zone under the *Forestry Act 1916*; or
  - (b) any area that is, or is within, an area classified as Forest Management Zone 2 or 3A in accordance with the Forest Management Zoning System.

*Note:* “Forest Management Zoning System” is defined in clause 1 of this approval by reference to the document entitled, “Forest Management Zoning in NSW State Forests” (*State Forests of New South Wales, December 1999*). That document is available for public inspection and copying under clause 63.

*The Forest Management Zones for the Southern Region are mapped. These maps are available for public inspection and copying under clause 63 of this approval.*

- (2) SFNSW must not carry out, or authorise the carrying out of, forest products operations on land to which this clause applies.
- (3) Despite subclause (2), SFNSW may collect, or authorise the collection of, seeds on land to which this clause applies.
- (4) Despite subclause (2), SFNSW may authorise an Aboriginal person to carry out forest products operations on land to which this clause applies provided that:
  - (a) SFNSW is of the opinion that there is no other land reasonably accessible to the Aboriginal person on which the relevant trees, shrubs or other vegetation may be harvested; and
  - (b) the authority limits harvesting to a scale and intensity that are not inconsistent with the maintenance of the conservation values that the zoning of the relevant land aims to protect.

*Note:* Under section 21A of the *Forestry Act 1916*, the Minister for Forestry may declare any area of State forest (other than a flora reserve) to be a special management zone if the Minister is satisfied that the area has special conservation value.

*The protection of conservation values is also one of the purposes of classifying land as Forest Management Zones 2 or 3A.*

- (5) To avoid doubt, nothing in this clause affects any native title rights and interests existing in relation to any land to which this clause applies or the operation of the *Native Title Act 1993* of the Commonwealth.
- (6) In this clause, “native title rights and interests” has the same meaning as in the *Native Title Act 1993* of the Commonwealth.

### 33. Ecological viability of species

AMENDMENT 4  
1 March 2013  
Clause 33  
modified

SFNSW must ensure that the scale and intensity at which it carries out, or authorises the carrying out of, forest products operations, including those producing timber products such as fencing, sleepers, firewood and craftwood that are authorised under section 30I of the *Forestry Act 1916*, in any part of the Southern Region, does not hinder the sustained ecological viability of the relevant species of tree, shrub or other vegetation within the part.

### 34. Annual reports on forest products operations

AMENDMENT 4  
1 March 2013  
Clause 34  
replaced

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.

## PART 5 - On-going Forest Management Operations

### 35. Thinning and culling restricted in certain zones

- (1) This clause applies to the following land in the Southern Region:
  - (a) any area that is, or is within, an area of State forest declared to be a special management zone under the *Forestry Act 1916*; or
  - (b) any area that is, or is within, an area classified as Forest Management Zone 2 or 3A in accordance with the Forest Management Zoning System.

*Note:* “Forest Management Zoning System” is defined in clause 1 of this approval by reference to the document entitled, “Forest Management Zoning in NSW State Forests” (*State Forests of New South Wales, December 1999*). That document is available for public inspection and copying under clause 63.

*The Forest Management Zones for the Southern Region are mapped. These maps are available for public inspection and copying under clause 63 of this approval.*

- (2) Thinning and culling may not be carried out on land to which this clause applies.

- (3) Despite subclause (2), where thinning has as one of its purposes the production of timber, clause 19(3) applies.
- (4) Nothing in this clause affects any lease or licence from the Crown to which section 25 of the *Forestry Act 1916* applies.

<p>AMENDMENT 1 17 May 2004 Clause 35 (2A-B) added Ref Appendix E</p>
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- (2A) Subclause (2) is not breached where a tree is accidentally felled into any area of land to which this clause applies.
- (2B) Despite subclause (2), if a tree is accidentally felled into an area of land to which this clause applies within the South Coast Subregion in the course of a thinning operation that has timber production as one of its purposes, it may be removed from the area in accordance with Part 2A.

### **36. Other restrictions on thinning**

- (1) Thinning may be carried out in the Southern Region only in stands of regrowth forest and early mature stands of forest. In addition, thinning may be carried out in a particular stand only where no more than approximately 60% of the sum of the basal areas of trees in the stand immediately prior to thinning, is removed in any one operation.

- (2) In this clause:

“basal area” of a tree means the area of a cross-section of its trunk, as measured 1.3 metres above ground level prior to the logging of the tree; and

“early mature” and “regrowth”, in relation to a forest, have the same meanings as in WD Woodgate, WD Peel, KT Ritman, JE Coram, A Brady, AJ Rule and JCG Banks, “A Study of the Old-Growth Forests of East Gippsland” (Department of Conservation and Natural Resources, Victoria, 1994).

### **37. Culling not to be carried out for timber production**

- (1) Culling is not to be carried out for the purpose of producing timber.
- (2) SFNSW must not make available or sell any timber that comes from a tree that has been culled other than timber for fencing or sleepers, firewood or craftwood.

### **38. Restriction on culling where trees selected are those remaining within a gap created by AGS**

- (1) This clause applies to culling where trees selected for culling are those remaining within a gap in a tract of forested land created by the removal of trees in a harvesting operation involving AGS Light, AGS Medium or AGS Heavy.

*Note: Clause 5(8) authorises culling where the trees selected for culling are selected using Single Tree Selection, or are selected in the circumstances set out in subclause (1).*

- (2) Culling to which this clause applies may only be carried out where, at the time that the harvesting operation was carried out, the trees selected did not have any potential to produce timber that could be categorised as a high quality log or a sawlog.

### **39. Scientific trials concerning thinning and culling**

- (1) SFNSW must carry out scientific trials to assess the economic and environmental impacts of thinning and culling in the Southern Region.
- (2) SFNSW must consult with DoP and NPWS, and take their comments into account, in relation to the design of the trials. The design of the trials is to involve the use of replicates and controls.

AMENDMENT 4  
1 March 2013  
Clause 40.  
replaced

### **40. Annual plan of thinning and culling operations**

- (1) FCNSW is to prepare a plan of thinning and culling operations in respect of each financial year (“annual plan of thinning and culling operations”) that specifies each of the following matters:
  - (a) the intended location of 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);
    - (a1) the specified time period in which it is intended to commence the proposed thinning and culling operations;
    - (b) the proposed operation type(s) identified from the following: thinning, or culling; and
    - (c) any other matter relating to the matter set out in paragraph (a) or (a1) that EPA notifies FCNSW is to be specified.
- (2) In planning the location and specified time period of thinning and culling operations under subclause (1), FCNSW 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.
  - (2A) Thinning and culling operations may commence other than at the locations and in the order proposed in the annual plan of thinning and culling operations, if that is necessary or desirable having regard to the particular circumstances or conditions (such as weather) at the relevant time.
- (3) FCNSW must forward to the regulatory agencies a copy of the annual plan of thinning and culling operations for each financial year by 1 June of the preceding financial year.

(4) In this clause:

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

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

#### **41. Site specific plans of thinning or culling operations**

*Note:* SFNSW may combine the site specific plans required by this clause, clause 28 and the planning documentation referred to in the terms of the licences under the Protection of the Environment Operations Act 1997, the Threatened Species Conservation Act 1995 and Part 7A of the Fisheries Management Act 1994. See further note following subclause (5) below.

- (1) Prior to any thinning or culling operation being carried out, SFNSW is to prepare a site specific plan in respect of the operation.
- (2) The plan is to contain one or more maps identifying the following:
  - (a) the location of the proposed thinning or culling operation, and where this is a State forest, the relevant State forest name and compartment number; and
  - (b) any area within this location where thinning or culling is not to be carried out, including any area within which thinning or culling is prohibited under this approval.
- (3) The plan must also specify such other information and instructions as SFNSW considers necessary to enable staff of SFNSW and other persons to carry out thinning or culling in conformity with this approval.
- (4) In preparing the plan, SFNSW must consider the application of this approval to the thinning or culling operation.
- (5) A thinning or culling operation should only be carried out in accordance with a plan prepared under this clause. However, if a thinning or culling operation varies from a plan prepared under this clause, then SFNSW must:
  - (a) prepare a document that sets out the reason for such a variation; and
  - (b) amend the plan, or prepare a document that sets out how the thinning or culling operation varies from the plan and keep this document with the plan.

*Note:* SFNSW may combine any site specific plan required by this clause or clause 28 with the planning documentation prepared under condition 12 of the terms of the licence under the Protection of the Environment Operations Act 1997 set out in this approval (“the licence”). If SFNSW chooses to do so, it should ensure that the site specific conditions required to be included by condition 12 of the licence are clearly identified, as these site specific conditions must be complied with unless varied in advance and in accordance

*with the licence. Contrast with above subclause and see conditions 16 - 18 of the licence. See also clause 58 of this approval (“Most restrictive requirement to be complied with”).*

- (6) To the extent of any inconsistency between this approval and a plan prepared under this clause, this approval prevails.
- (7) In this clause, “AGS Light”, “AGS Medium” and “Single Tree Selection” have the same meanings as in clause 5.

AMENDMENT 4  
1 March 2013  
Clauses 42 and 43  
deleted

**42. Clause omitted** (amendment 4)

**43. Clause omitted** (amendment 4)

**44. Planning burning operations**

**Annual plan of burning operations**

- (1) SFNSW is to prepare an annual plan (“annual plan of burning operations”) in relation to proposed burning for the purposes of bush fire hazard reduction or regeneration (“burning operations”) in the Southern Region.
- (2) The annual plan of burning operations is to specify the following matters in respect of the 12 months to which the plan relates:
  - (a) the location and timing (including season and frequency) of proposed burning 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); and
  - (b) any other matter relating to the matters set out in paragraph (a) that DoP informs SFNSW is to be specified.
- (3) Burning operations may only be carried out in the locations and at the times specified in the annual plan of burning operations.
- (4) SFNSW may, from time to time, amend the annual plan of burning operations, and where it does so, burning operations may be carried out in accordance with the amended plan.

**Assessment prior to burning**

- (5) Prior to burning operations being carried out on any tract of forested land in the Southern Region, SFNSW must carry out a comparative assessment of the potential impacts on the environment of proceeding with the operations and the potential impacts on the environment of not proceeding with the operations.
- (6) Without limiting the generality of subclause (5), in carrying out the comparative assessment, SFNSW must consider the frequency and intensity of any fires (including wildfires) that have occurred on the relevant tract of forested land.

**Site specific plan of burning operations**

- (7) Subject to subclause (13), prior to burning operations being carried out on any tract of forested land in the Southern Region, SFNSW must prepare a plan in respect of the tract (“site specific plan of burning operations”) which specifies the following:
- (a) the measures to be taken to minimise any adverse impacts of the operations on the environment and the risk of wildfire resulting from the operations; and
  - (b) the steps to be taken to monitor the impacts of the operations on the environment.
- (8) SFNSW must give effect to the site specific plan of burning operations.
- (9) SFNSW may amend the site specific plan of burning operations (wholly or in part), and where it does so, SFNSW must give effect to the plan as amended and subclause (8) no longer applies.
- (10) To the extent of any inconsistency between this approval and a site specific plan of burning operations (including an amended site specific plan of burning operations), this approval prevails.

**Model site specific plan of burning operations**

- (11) SFNSW must prepare a model document setting out the proposed format and general contents of site specific plans of burning operations.
- (12) The model document must be submitted for the approval of DoP by 30 April 2003.

*Note: DoP will consult with NPWS and NSW Fisheries on the content of the model document submitted for approval under subclause (12).*

- (13) The requirement in subclause (7) for SFNSW to prepare a site specific plan of burning operations prior to burning operations being carried out, applies to all burning operations carried out on or after 12 months after the date on which the model document has been approved.
- (14) Site specific plans of burning operations are not to be inconsistent with the model document approved by DoP, except to the extent that any such inconsistency has been approved by DoP in advance of the relevant burning operations.

**Relationship with Rural Fires Act 1997**

- (15) To avoid doubt, this clause does not affect any obligations that SFNSW may have under the *Rural Fires Act 1997*.

#### **45. Scientific trials concerning burning**

- (1) SFNSW must carry out scientific trials to assess the impacts on the environment of burning for the purposes of bush fire hazard reduction or regeneration in the Southern Region.
- (2) SFNSW must consult with DoP, NPWS and NSW Fisheries, and take their comments into account, in relation to the design of the trials. The design of the trials is to involve the use of replicates and controls.

#### **46. Destruction of native vegetation for the purpose of beekeeping**

*Note: The terms of the licences under the Threatened Species Conservation Act 1995 applying to the South Coast Subregion and the Tumut Subregion that are set out in this approval contain conditions similar to the following clause. See, in particular, condition 5.20 of the terms of the licence applying to the South Coast Subregion and condition 5.17 of the terms of the licence applying to the Tumut Subregion.*

##### **Trees having a dbhob of 20cm or more not to be destroyed, cut or lopped**

- (1) Despite any other provision in this clause, trees (that are native vegetation) in the Southern Region that have a diameter at breast height over bark of 20 cm or more may not be destroyed, cut or lopped for the sole purpose of beekeeping.

##### **Destruction, cutting or lopping of native vegetation for beekeeping purposes**

- (2) Native vegetation may not be destroyed, cut or lopped in the Southern Region for the sole purpose of beekeeping unless this is necessary to enable:
  - (a) a beehive to be set down on a site;
  - (b) access to a beehive set down site; or
  - (c) a beehive to be protected from the possibility of bushfire (but only where authorised by a permit, granted under the *Forestry Act 1916*, to occupy land for the purposes of bee-farming).

However, a person must not knowingly pick a plant that is a member of a threatened species in the course of destroying, cutting or lopping native vegetation for the sole purpose of beekeeping, even where this is necessary to enable any of the activities referred to in paragraphs (a) to (c).



**Destruction, cutting or lopping of native vegetation for the purposes of enabling beehives to be set down – Land other than environmentally sensitive land**

- (3) Destroying, cutting or lopping native vegetation for the purposes of enabling a beehive to be set down on a site within the Southern Region (other than within environmentally sensitive land) is authorised by paragraph (a) of subclause (2) only if:
- (a) the relevant regional manager is satisfied that the site has been used as a beehive set down site at least once since 1 January 1990; or
  - (b) the site is within an area that has been logged in a harvesting operation carried out since 1 January 1995.

*Note: The above subclause does not apply to “environmentally sensitive land”, which is defined by this clause to include buffer zones or exclusion zones around records of certain threatened species. Such records may be made during surveys carried out prior to logging. The significance of the reference to 1 January 1995 in the above subclause is that since that date licences under the Threatened Species Conservation Act 1995 applying to the Southern Region have required surveying for threatened species to be carried out prior to logging. .*

*See subclauses (4) to (7) for controls on destroying, cutting or lopping native vegetation within “environmentally sensitive land.”*

**Destruction, cutting or lopping of native vegetation for the purpose of enabling beehives to be set down – Land that is environmentally sensitive land at 13 May 2002**

- (4) This subclause applies to land that is environmentally sensitive land at 13 May 2002 (being the day on which this approval commences). From 1 September 2002 onwards, destroying, cutting or lopping native vegetation for the purpose of enabling a beehive to be set down within such land is authorised by paragraph (a) of subclause (2) only if the following conditions have been met prior to 1 September 2002:
- (a) a map has been prepared which identifies any site within such land on which a beehive may be set down; and
  - (b) the relevant regional manager has endorsed the map.
- (5) The relevant regional manager may endorse the map under paragraph (b) of subclause (4) only if satisfied that any site identified by the map as a beehive set down site has been used as such prior to 13 May 2002.

**Destruction, cutting or lopping of native vegetation for the purpose of enabling beehives to be set down – Land that becomes environmentally sensitive land after 13 May 2002**

- (6) This subclause applies to land that becomes environmentally sensitive land after 13 May 2002. From 12 months after becoming environmentally sensitive land, destroying, cutting or lopping native vegetation for the purpose of enabling a beehive to be set down within such land, is authorised by paragraph (a) of subclause (2) only if the following conditions have been met prior to that date:
- (a) a map has been prepared which identifies any site within such land on which a beehive may be set down; and
  - (b) the relevant regional manager has endorsed the map.

- (7) The relevant regional manager may endorse the map under paragraph (b) of subclause (6) only if satisfied that any site identified by the map as a beehive set down site has been used as such prior to the date on which the land became environmentally sensitive land.

*Note: Maps prepared under this clause are available for inspection and copying under clause 63.*

- (8) Nothing in this clause prevents a beehive being set down on any site in the Southern Region in circumstances where it is not necessary to destroy, cut or lop native vegetation to enable this to occur.

- (9) In this clause:

- (a) the following expressions have the same meaning as in the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion and set out in this approval :

- “cool temperate rainforest”,
- “high conservation value old growth forest”,
- “rainforest”,
- “rare non-commercial forest ecosystem”, and
- “warm temperate rainforest”; and

- (b) the following expressions have the same meaning as in the terms of the licences set out in this approval:

- “heath and scrub”,
- “record of a flying-fox camp”, and
- “wetland”; and

- (c) “environmentally sensitive land” means any area of land in the Southern Region:

- that is, or is within, an area of State forest declared to be a special management zone under the *Forestry Act 1916*;
- that is, or is within, an area classified as Forest Management Zone 2 or 3A in accordance with the Forest Management Zoning System;
- that is, or is within, a high conservation value old growth forest;
- that is, or is within, a rainforest;
- that is, or is within, a rainforest exclusion zone,
- that is, or is within, a rare non-commercial forest ecosystem”;
- that is, or is within, a wetland;
- that is, or is within, heath and scrub, having a surface area of more than 0.2 hectares;
- that is, or is within, an area in relation to which there is a record of a flying-fox camp;

AMENDMENT 1  
17 May 2004  
Clause 46 (9)(c)  
added  
Ref Appendix E

- that is, or is within, an exclusion zone or a buffer zone referred to in the following conditions 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:
  - 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),
  - condition 5.8 (“Ridge and Headwater Habitat”),
  - condition 5.9 (“Wetlands”),
  - condition 5.10 (“Heath and Scrub”),
  - condition 5.11 (“Rocky Outcrops and Cliffs”),
  - condition 5.12 (“Threatened Frog General Protection Measures”),
  - condition 5.13 (“Bird Nest and Roost Site Protection”),
  - condition 5.14.1 (“Tree Roost Protection”),
  - condition 5.14.2 (“Subterranean Roost Protection”),
  - condition 5.14.3 (“Significant Subterranean Roost Protection”),
  - condition 5.14.4 (“Protection of Flying-fox camps”),
  - condition 6.1 (“Green and Golden Bell Frog *Litoria aurea*”),
  - condition 6.2 (“Giant Burrowing Frog *Heleioporus australiacus*”),
  - condition 6.3 (“Stuttering Frog *Mixophyes balbus*”),
  - condition 6.4.1 (“Large Forest Owls: Site Based Approach”),
  - condition 6.4.2 (“Large Forest Owls: Landscape Approach”),
  - condition 6.6 (“Southern Brown Bandicoot *Isodon obesulus*”),
  - condition 6.7 (“Long-nosed Potoroo *Potorous tridactylus*”),
  - condition 6.8 (“Smoky Mouse *Pseudomys fumeus*”),
  - condition 6.9 (“Brush-tailed Phascogale *Phascogale tapoatafa*”),
  - condition 6.10 (“Spotted-tailed Quoll *Dasyurus maculatus*”),
  - condition 6.11 (“Koala *Phascolarctos cinereus*”),
  - condition 6.12 (“Squirrel Glider *Petaurus norfolcensis*”),
  - condition 6.13 (“Yellow-bellied Glider *Petaurus australis*”),
  - condition 6.14 (“Golden-Tipped Bat *Kerivoula papuensis*”),
  - condition 6.15 (“Large-footed Mouse-eared Bat *Myotis adversus*”), or
  - condition 6.16.2 (“Exclusion of specified forestry activities from 100% of individuals with a 10 metre exclusion zone and a further 10 metre buffer”); or
- that is, or is within, an exclusion zone or a buffer zone referred to in the following conditions of the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the Tumut Subregion and set out in this approval:
  - condition 5.4 (“Stream Exclusion Zones”),
  - condition 5.5 (“Ridge and Headwater Habitat”),
  - condition 5.6 (“Wetlands”),
  - condition 5.7 (“Heath and Scrub”),
  - condition 5.8 (“Rocky Outcrops and Cliffs”),
  - condition 5.9 (“Threatened Frog General Protection Measures”),
  - condition 5.10 (“Bird Nest and Roost Site Protection”),
  - condition 5.11.1 (“Tree Roost Protection”),

- condition 5.11.2 (“Subterranean Roost Protection”),
  - condition 5.11.3 (“Significant Subterranean Roost Protection”),
  - condition 5.11.4 (“Protection of Flying-fox camps”),
  - condition 6.1.1 (“Large Forest Owls: Site Based Approach”),
  - condition 6.1.2 (“Large Forest Owls: Landscape Approach”),
  - condition 6.3 (“Smoky Mouse *Pseudomys fumeus*”),
  - condition 6.4 (“Brush-tailed Phascogale *Phascogale tapoatafa*”),
  - condition 6.5 (“Spotted-tailed Quoll *Dasyurus maculatus*”),
  - condition 6.6 (“Koala *Phascolarctos cinereus*”),
  - condition 6.7 (“Squirrel Glider *Petaurus norfolcensis*”),
  - condition 6.8 (“Yellow-bellied Glider *Petaurus australis*”),
  - condition 6.9 (“Northern Corroboree Frog *Pseudophryne pengilleyi*”),
  - condition 6.10 (“Large-footed Mouse-eared Bat *Myotis adversus*”),
- or
- condition 6.11.2 (“Exclusion of specified forestry activities from 100% of individuals with a 10 metre exclusion zone and a further 10 metre buffer”); and
- (d) “native vegetation” means any plant within the meaning of the *Threatened Species Conservation Act 1995*;
- (e) “pick” has the same meaning as in the *Threatened Species Conservation Act 1995*;
- (f) “rainforest exclusion zone” means any area of land within 20 metres of the boundaries of warm temperate rainforest or cool temperate rainforest”;
- (g) “relevant regional manager” means the manager of the regional office of SFNSW that is responsible for managing the relevant land or a more senior officer; and
- (h) “threatened species” has the same meaning as in the *Threatened Species Conservation Act 1995*.

#### **47. Grazing management plans**

- (1) SFNSW must prepare a plan (“grazing management plan”) (or plans) that specifies (or specify) strategies to be adopted in relation to controlling any adverse impacts on the environment of grazing domestic animals in the Southern Region.

*Note: The terms of the licences under the Threatened Species Conservation Act 1995 and Part 7A of the Fisheries Management Act 1994 set out in this approval also require the preparation of grazing management plans. SFNSW may opt to prepare a consolidated plan or plans to comply with the three sets of requirements.*

- (2) In preparing the grazing management plan (or plans), SFNSW must consult with the relevant rural lands protection boards and take into consideration any comments they make on the content of the plan (or plans).

**Model plan**

- (3) SFNSW must prepare a model document setting out the proposed format and general contents of the grazing management plan (or plans).
- (4) SFNSW must submit the model document for the approval of DoP by 30 April 2003.

*Note: DoP will consult with NPWS and NSW Fisheries on the content of the model document submitted for approval under subclause (4).*

- (5) SFNSW must prepare a grazing management plan (or plans) to cover the entirety of the Southern Region within 12 months after the model document has been approved.
- (6) Any grazing management plan so prepared is not to be inconsistent with the model document approved by DoP, unless DoP has approved such an inconsistency.

**SFNSW must give effect to grazing management plan**

- (7) SFNSW must give effect to any grazing management plan prepared under this clause.
- (8) SFNSW may, from time to time, amend any grazing management plan (wholly or in part), and where it does so, SFNSW must give effect to the plan as amended and subclause (7) no longer applies.

**Inconsistency with approval**

- (9) To the extent of any inconsistency between this approval and a grazing management plan (including an amended grazing management plan), this approval prevails.

**Periodic review**

- (10) SFNSW must review any grazing management plan applying to the Southern Region, regularly and periodically (and at least every 5 years after any such plan has been prepared). Each review is to include consideration of:
  - (a) information that has become available in relation to the impacts on the environment of grazing animals in the Southern Region; and
  - (b) techniques that have been developed in relation to controlling any adverse impacts on the environment of those animals,

since the relevant plans have been prepared.

- (11) To avoid doubt, this clause only applies to grazing in so far as it is a forestry operation.
- (12) In this clause, “rural lands protection boards” means rural lands protection boards established by or under the *Rural Lands Protection Act 1989* or the *Rural Lands Protection Act 1998*.

#### **48. Weed management plans**

- (1) SFNSW must prepare a plan (“weed management plan”) (or plans) that specifies (or specify) strategies to be adopted in relation to the control of weeds in the Southern Region.
- (2) In preparing the weed management plan (or plans), SFNSW must:
  - (a) consider the impacts on the environment of different weed control techniques;
  - (b) consider using weed control methods other than the application of herbicides (such as biological and mechanical methods), where the use of those methods would have less adverse impacts on the environment than would the application of herbicides; and
  - (c) consider adopting weed control practices, including integrated weed management practices, with a view to minimising the possibility of herbicide resistance in weed species to be targeted for treatment.
- (3) The weed management plan (or plans) must specify weed species to be targeted for treatment, and for each such weed species:
  - (a) their known or possible locations within the Southern Region;
  - (b) the weed control methods and practices to be adopted for each weed species targeted for treatment; and
  - (c) other relevant matters.
- (4) Where it is proposed that herbicides be used, the weed management plan (or plans) must also specify:
  - (a) the particular herbicides to be used;
  - (b) how the herbicides are to be applied;
  - (c) where the use of herbicides may affect waters, the measures to be taken to minimise the possible pollution of waters from those herbicides (taking into account weather conditions occurring at the time of treatment);
  - (d) measures to be adopted to safely store or dispose of herbicides and their containers left over after treatment; and
  - (e) other relevant matters.
- (5) The weed management plan (or plans) must not be inconsistent with the “New South Wales Weeds Management Strategy” (NSW Agriculture, 1998).

*Note: The above document is available on the Internet website of NSW Agriculture at [www.agric.nsw.gov.au/ap/weeds/strategy/nswstrat.htm](http://www.agric.nsw.gov.au/ap/weeds/strategy/nswstrat.htm).*

- (6) In preparing the weed management plan (or plans), SFNSW must consult with the relevant local control authorities and NSW Agriculture and take into consideration any comments they make on the content of the weed management plan (or plans).

**Model document**

- (7) SFNSW must prepare a model document setting out the proposed format and general contents of the weed management plan (or plans).
- (8) SFNSW must submit the model document for the approval of DoP by 30 April 2003.

*Note: DoP will consult with NPWS on the content of the model document submitted for approval under subclause (8).*

- (9) SFNSW must prepare a weed management plan (or plans) to cover the entirety of the Southern Region within 12 months after the model document has been approved.
- (10) Any weed management plan so prepared is not to be inconsistent with the model document approved by DoP, unless DoP has approved such an inconsistency.

**SFNSW must give effect to weed management plan**

- (11) SFNSW must give effect to any weed management plan prepared under this clause.
- (12) SFNSW may, from time to time, amend any weed management plan (wholly or in part), and where it does so, SFNSW must give effect to the plan as amended and subclause (11) no longer applies.

**Inconsistency with approval**

- (13) To the extent of any inconsistency between this approval and a weed management plan (including an amended weed management plan), this approval prevails.

**Periodic review**

- (14) SFNSW must review any weed management plan applying to the Southern Region, regularly and periodically (and at least every 5 years after any such plan has been prepared). Each review is to include consideration of:
  - (a) information that has become available in relation to the existence and control of weeds in the Southern Region; and
  - (b) techniques that have been developed in relation to the control of those weeds,

since the relevant plans have been prepared.

- (15) In this clause:

“local control authorities” has the same meaning as in the *Noxious Weeds Act 1993*; and

“pollution of waters” and “waters” have the same meanings as in the *Protection of the Environment Operations Act 1997*.

#### **49. Feral and introduced animal management plan**

- (1) SFNSW must prepare a plan (“feral and introduced animal management plan”) (or plans) that specifies (or specify) strategies to be adopted in relation to the control of feral and introduced animals in the Southern Region, where the presence of those animals in the Region may have an adverse impact on the environment.

*The terms of the licences under the Threatened Species Conservation Act 1995 set out in this approval contain requirements for the implementation of a “Feral and Introduced Predator Control Plan”. SFNSW may wish to prepare a consolidated plan or plans to deal with the two sets of requirements.*

- (2) In preparing the feral and introduced animal management plan (or plans), SFNSW must consult with the relevant rural lands protection boards and take into consideration any comments they make on the content of the plan (or plans).

##### **Model document**

- (3) SFNSW must prepare a model document setting out the proposed format and general contents of the feral and introduced animal management plan (or plans).
- (4) SFNSW must submit the model document for the approval of DoP by 30 April 2003.

*Note: DoP will consult with NPWS on the content of the model document submitted for approval under subclause (4).*

- (5) SFNSW must prepare a feral and introduced animal management plan (or plans) to cover the entirety of the Southern Region within 12 months after the model document has been approved.
- (6) Any feral and introduced animal management plan so prepared is not to be inconsistent with the model document approved by DoP, unless DoP has approved such an inconsistency.

##### **SFNSW must give effect to feral and introduced animal management plan**

- (7) SFNSW must give effect to any feral and introduced animal management plan prepared under this clause.
- (8) SFNSW may, from time to time, amend (wholly or in part) any feral and introduced animal management plan, and where it does so, SFNSW must give effect to the plan as amended and subclause (7) no longer applies.

##### **Inconsistency with approval**

- (9) To the extent of any inconsistency between this approval and a feral and introduced animal management plan (including an amended feral and introduced animal management plan), this approval prevails.



**Periodic review**

- (10) SFNSW must review any feral and introduced animal management plan applying to the Southern Region, regularly and periodically (and at least every 5 years after any such plan has been prepared). Each review is to include consideration of:
- (a) information that has become available in relation to the existence and impacts on the environment of feral and introduced animals in the Southern Region, and
  - (b) techniques that have been developed in relation to controlling any adverse impacts on the environment caused by those animals,

since the relevant plans have been prepared.

- (11) In this clause, “rural lands protection boards” means rural lands protection boards established by or under the *Rural Lands Protection Act 1989* or the *Rural Lands Protection Act 1998*.

**50. Application of fertiliser**

- (1) Immediately prior to any trees being planted in the Southern Region, pellets of fertiliser may be placed in the soil into which each tree is to be planted.
- (2) Fertiliser may only be applied in the Southern Region in accordance with subclause (1) unless the fertiliser is applied for the purposes of a scientific trial.

**51. Replanting**

- (1) SFNSW must ensure that trees planted for the purposes of regenerating the overstorey following the carrying out of logging operations are of the same species as those in the overstorey prior to those operations being carried out.
- (2) SFNSW must ensure that the relative proportions of different species of trees present following planting are similar to the relative proportions of those species of trees present prior to logging operations being carried out.

**52. Assessments of regeneration following cessation of logging operations or culling**

- (1) SFNSW must assess the extent and nature of regeneration following the cessation of logging operations or culling, in areas within the Southern Region on a regular and periodic basis.
- (2) The first such assessment is to be completed no later than 31 December 2006.

- (3) SFNSW must consult with DoP and NPWS regarding the nature, collection (including timing) and analysis of data on which each such assessment is to be based.

## **PART 6 - Ancillary Road Construction**

### **53. Road construction, road re-opening and routine road maintenance restricted in certain zones**

- (1) This clause applies to the following land in the Southern Region:
  - (a) any area that is, or is within, an area of State forest declared to be a special management zone under the *Forestry Act 1916*; or
  - (b) any area that is, or is within, an area classified as Forest Management Zone 2 or 3A in accordance with the Forest Management Zoning System.

*Note: "Forest Management Zoning System" is defined in clause 1 of this approval by reference to the document entitled, "Forest Management Zoning in NSW State Forests" (State Forests of New South Wales, December 1999). That document is available for public inspection and copying under clause 63 of this approval.*

*Clause 2.2.2 of the NSW Forest Agreement for the Southern Region requires SFNSW to include maps of the Forest Management Zones for the Southern Region within a Regional ESFM plan to be prepared by 31 August 2002. These maps, and any amended versions, are to be made available from that date for public inspection and copying under clause 63 of this approval.*

- (2) Road construction, road re-opening or routine road maintenance on land to which this clause applies may only be carried out where:
  - (a) there is no alternative site available for the purposes of the road;
  - (b) the manager of the regional office of SFNSW that is responsible for managing the relevant land (or a more senior officer) has authorised the road construction, road re-opening or routine road maintenance in writing, before its commencement; and
  - (c) all practicable measures are taken to minimise any adverse impacts of the road construction, road re-opening or routine road maintenance on the environment.
- (3) In this clause, "road re-opening" and "routine road maintenance" have the same meanings as in clause 10 of this approval.

### **54. Road and fire trail management plans**

#### **General**

- (1) SFNSW must prepare a plan ("road and fire trail management plan") (or plans) that contains (or contain) the matters set out in subclauses (2) to (5) in relation to ancillary road construction in the Southern Region.
- (2) Each road and fire trail management plan must contain a 1:25,000 scale map which identifies the location of the following on the land to which the plan applies:

- (a) any existing roads and fire trails;
  - (b) any proposed roads and fire trails; and
  - (c) any mapped drainage features (other than drainage depressions) within the meaning of the terms of the licence under the *Protection of the Environment Operations Act 1997* set out in this approval.
- (3) In relation to the existing and proposed roads and fire trails identified on the map referred to in subclause (2), each road and fire trail management plan, must specify the following:
- (a) the uses to which it is intended that those roads and fire trails be put; and
  - (b) the circumstances in which, and the persons and bodies with whom, SFNSW is to consult in relation to the use, and proposals to alter or cease the use, of those roads and fire trails.

*Note: Clause 55 requires roads and fire trails to be closed and the relevant land rehabilitated as soon as practicable after it is no longer required for the carrying out of forestry operations, with certain exceptions. One of those exceptions is where it is intended that the relevant roads or fire trails be used for future forestry operations (but only in so far as this intention is identified in any relevant road and fire trail management plan).*

- (4) Each road and fire trail management plan must provide for the progressive attainment of the standards relating to ancillary road construction in Schedule 5 to the terms of the licence under the *Protection of the Environment Operations Act 1997* set out in this approval.
- (5) Each road and fire trail management plan must specify the measures to be taken by SFNSW to address the following effects arising from the provision and maintenance of roads and fire trails identified on the map referred to in subclause (2):
- (a) any pollution of waters within the meaning of the *Protection of the Environment Operations Act 1997*;
  - (b) any adverse impact (as defined in clause 11 of this approval) on a threatened species, population or ecological community within the meaning of the *Threatened Species Conservation Act 1995*;
  - (c) any harm to fish, or damage to the habitat, of a threatened species, population or ecological community within the meaning of Part 7A of the *Fisheries Management Act 1994*;
  - (d) any adverse impact on heritage items; and
  - (e) any adverse impact on the visual quality of the environment.
- (6) In determining the measures to be specified in any road and fire trail management plan for the purposes of subclause (5)(c), SFNSW must take into consideration the document entitled, “Policy and Guidelines for Bridges, Roads, Causeways, Culverts and Similar Structures” (NSW Fisheries, 1999).

*Note: The above document is available on the Internet website of NSW Fisheries ([www.fisheries.nsw.gov.au](http://www.fisheries.nsw.gov.au)) as well as directly through NSW Fisheries.*

**Model plan**

- (7) SFNSW must prepare a model document setting out the proposed format and general contents of the road and fire trail management plan (or plans).
- (8) SFNSW must submit the model document for the approval of DoP no later than 30 April 2003.

*Note: DoP will consult with the other regulatory agencies on the content of the model document submitted for approval under subclause (8).*

- (9) SFNSW must prepare a road and fire trail management plan (or plans) to cover the entirety of the Southern Region within 2 years after the model document has been approved.
- (10) Any road and fire trail management plan (or plans) so prepared is not to be inconsistent with the model document approved by DoP, unless such an inconsistency has been approved by DoP.
- (11) Following the preparation of the road and fire trail management plan (or plans), ancillary road construction may only be carried out in accordance with the plan (or plans).
- (12) SFNSW may, from time to time, amend any road and fire trail management plan (wholly or in part), and where it does so, ancillary road construction may be carried out in accordance with the amended plan.

**Inconsistency with approval**

- (13) To the extent of any inconsistency between this approval and a road and fire trail management plan (including an amended road and fire trail management plan), this approval prevails.

**55. Closure of roads**

- (1) A road or fire trail must be closed, and the relevant land rehabilitated, as soon as practicable after it is no longer required for the carrying out of forestry operations.
- (2) Subclause (1) does not apply where the road or fire trail concerned:
  - (a) is being used, or is proposed to be used, for activities other than forestry operations; or
  - (b) where it is intended that the road or fire trail be used for future forestry operations (but only in so far as this intention is identified in any relevant road and fire trail management plan, prepared and adopted under clause 54).
- (3) In this clause, “forestry operations” has the same meaning as in the *Forestry and National Park Estate Act 1998*.

## **PART 7 - Miscellaneous**

### **56. Compartment histories**

SFNSW must keep records on a compartment by compartment basis (“compartment histories”) identifying the following matters:

- (a) any land within the compartment comprising, or forming part of, a tract of forested land on which AGS Light, AGS Medium or AGS Heavy (as described in clause 5 of this approval) has been, or is intended to be, carried out;
- (b) any land within the compartment comprising, or forming part of, a tract of forested land on which Single Tree Selection (as described in clause 5 of this approval) has been, or is intended to be, carried out;
- (c) where land within the compartment forms part of a tract of forested land referred to in paragraphs (a) or (b), the land forming the remainder of the tract;
- (d) the matters required to be the subject of the report referred to in clause 31 (“Annual reports on logging operations”) applying to the compartment concerned;
- (e) the matters required to be the subject of the report referred to in clause 34 (“Annual reports on forest products operations”) applying to the compartment concerned;
- (f) any thinning or culling undertaken in the compartment concerned;
- (g) any fires (including wildfire and burning operations undertaken for the purposes of bush fire hazard reduction or regeneration) that have occurred in the compartment concerned;
- (h) any activities undertaken in the compartment concerned to control weeds and pests; and
- (i) any activities undertaken in the compartment concerned to promote regeneration following timber harvesting or forest products operations.

### **57. SFNSW to ensure compliance by certain persons**

- (1) SFNSW must expressly require as a condition of any licence, permit or other authority that it issues or grants under the *Forestry Act 1916*, authorising the carrying out of forestry operations, that the holder of the licence, permit or authority comply with the applicable terms of this approval.

*Note: The purposes of the above condition are:*

- *to promote awareness among holders of authorities under the Forestry Act 1916 of their responsibilities under this approval; and*
- *to ensure that, by including relevant express conditions in authorities, SFNSW is effectively able to enforce compliance with this approval under the Forestry Act 1916.*

*Section 26(2) of the Forestry and National Park Estate Act 1998 requires that all persons carrying out forestry operations to which this approval applies comply with its terms. This means that even holders of authorities that are issued or granted under the Forestry Act 1916 prior to the granting of this approval must comply with the terms of this approval.*

- (2) SFNSW must include a condition in such an authority that, where there is an inconsistency between the authority and the approval, the approval prevails.
- (3) SFNSW must take all reasonably practicable steps to ensure that in so far as they are authorised by SFNSW to carry out forestry operations, the following persons comply with the applicable terms of this approval:
  - (a) officers, employees and other persons referred to in section 10 of the *Forestry Act 1916*;
  - (b) contractors, subcontractors and agents of SFNSW;
  - (c) licence holders under the *Forestry Act 1916*;
  - (d) permit holders under the *Forestry Act 1916*; and
  - (e) other persons authorised under the *Forestry Act 1916*.
- (4) For the purposes of subclause (3), SFNSW must:
  - (a) ensure that the persons referred to in subclause (3) are provided with sufficient information about, and training in, their responsibilities under this approval;
  - (b) ensure that the persons referred to in subclause (3) are adequately supervised when carrying out forestry operations, or that the carrying out of forestry operations is monitored, and that particulars of these supervisory or monitoring arrangements are recorded;
  - (c) ensure that particulars of non-compliance with this approval that come to the attention of SFNSW (including persons engaged to supervise or monitor operations under paragraph (b)) are recorded;
  - (d) ensure that measures taken to address instances of non-compliance (referred to in paragraph (c)) are recorded; and
  - (e) take such other measures as may be necessary to ensure that its obligations under subclause (3) are fulfilled.

**58. Most restrictive requirement to be complied with**

- (1) If, in a particular set of circumstances:
  - (a) more than one requirement applies to the carrying out of forestry operations, and
  - (b) by complying with the most restrictive of those requirements, all of the requirements will be satisfied,

then the most restrictive of the requirements is the one which must be complied with.

- (2) In particular, where an area of land to which this approval applies can be characterised or identified for the purposes of this approval in more than one way (such as being both a rare non-commercial forest ecosystem and an exclusion zone around a record of a particular threatened species) and:

<p>AMENDMENT 1 17 May 2004 Clause 58(2) replaced Ref Appendix E</p>
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- (a) a term of this approval allows the doing of a thing in the area characterised or identified in one way, but
- (b) another term of this approval prohibits the doing of that thing in the area characterised or identified in another way,

then the doing of that thing is prohibited in the area.

<p>AMENDMENT 1 17 May 2004 Clause 58(3) added Ref Appendix E</p>
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- (3) For the purposes of this clause, a reference to a term of this approval includes a reference to a term of a licence set out in this approval, and a requirement is a requirement imposed by a term of this approval or a document with which this approval requires compliance.

*Note: The intended effect of subclause (2) is illustrated by the following example. Part 2A of this approval, and condition 5.5 of the terms of the licence under the Threatened Species Conservation Act 1995 applying to the South Coast Subregion, allow a restricted number of trees to be felled into rare non-commercial forest ecosystems in certain limited circumstances. However, subclause (2) is intended to make it clear that where such a forest is also an exclusion zone around a record of a threatened species such as a green and golden bell frog or golden-tipped bat, then no trees may be felled into the forest in the course of a harvesting operation (as this is prohibited by conditions relating to such exclusion zones).*

## **59. Inconsistencies between approval, Forest Agreement and other documents**

- (1) Where there is an inconsistency between any term of this approval and the NSW Southern Region Forest Agreement, the terms of this approval prevail to the extent of the inconsistency.
- (2) Where there is an inconsistency between any term of this approval and any other document with which this approval requires compliance, the terms of this approval prevail to the extent of the inconsistency.
- (3) If SFNSW is aware of the inconsistency, SFNSW is to advise DoP and, where the term of the approval is a term of a licence set out in this approval, the relevant regulatory agency, of the inconsistency.
- (4) Where there is a dispute between SFNSW and DoP or any other regulatory agency as to whether or not there is an inconsistency of the kind referred to in subclauses (1) or (2), then SFNSW is to endeavour to resolve that dispute.
- (5) Nothing in this clause is to be taken as authorising the carrying out of forestry operations in breach of this approval.
- (6) In this clause, “relevant regulatory agency” means:
  - (a) EPA, in the case of the terms of the licence under the *Protection of the Environment Operations Act 1997* set out in Appendix A to this approval;
  - (b) NPWS, in the case of the terms of the licences under the *Threatened Species Conservation Act 1995* set out in Appendices B and C to this approval; and

- (c) NSW Fisheries, in the case of the terms of the licence under Part 7A of the *Fisheries Management Act 1994* set out in Appendix D to this approval.

**60. SFNSW must assist officers of DoP to collect information**

- (1) SFNSW must assist officers or employees of DoP to collect information with respect to compliance with this approval.
- (2) Such assistance is to extend to allowing DoP officers access to any part of the Southern Region.

*Note: The purposes for which DoP officers may rely on this clause include collecting information to assist the Minister administering the Environmental Planning and Assessment Act 1979 to prepare the annual report referred to in section 21 of the Forestry and National Park Estate Act 1998.*

**61. Requirement to provide information and copies of records**

- (1) SFNSW must provide a regulatory agency with such information or copies of records (or both) as are specified in a written notice given to SFNSW by the agency that relate to any matter connected with this approval.
- (2) Any other person must provide a regulatory agency with such information or copies of records (or both) as are specified in a written notice given to the person by the agency that relate to forestry operations that the person has carried out, is carrying out or proposes to carry out.
- (3) Where a notice is issued under subclauses (1) or (2), SFNSW or the other person, as the case may be, must provide the information or copies of records:
  - (a) within 21 days of the date of the notice or within such other period as the notice specifies; and
  - (b) in the case of information (not being copies of records) such manner and form (if any) as the notice specifies.
- (4) Nothing in this clause requires a person to provide:
  - (a) any information or copies of records where the person could resist production of that information or those records in, or in connection with, court proceedings; or
  - (b) copies of records other than records that are in the person's possession or that are within the person's power to obtain lawfully.
- (5) Nothing in this clause relieves a person of any obligation to provide a regulatory agency or an officer of a regulatory agency with information or copies of records where the obligation is imposed by or under any Act or any term of a licence set out in this approval.



*Note: Section 191 of the Protection of the Environment Operations Act 1997 provides an example of a power held by a regulatory agency (EPA) to require the furnishing of information or records which may be used in addition, or as an alternative, to this clause.*

- (6) In this clause, “record” includes any document that this approval requires be prepared by SFNSW.

**62. Requirement to provide documents in electronic form where requested**

- (1) This clause applies to any document that this approval requires be prepared by SFNSW and forwarded to any of the regulatory agencies.
- (2) Any document to which this clause applies is to be provided by SFNSW in electronic form to a regulatory agency, if the regulatory agency requests that it be provided in this form.

**63. Public availability of documents**

- (1) SFNSW must ensure that copies of the following documents are available for public inspection during ordinary office hours at each regional office of SFNSW responsible for managing land in the Southern Region:
- (a) the document entitled, “Forest Management Zoning in NSW State Forests” (State Forests of New South Wales, December 1999);
  - (b) from 31 August 2002, forest management zoning maps (being maps which indicate how land in the Southern Region has been classified under the Forest Management Zoning System);
  - (c) the document entitled, “Cultural Heritage Guidelines” (State Forests of New South Wales, December 1999) (referred to in clause 14 of this approval);
  - (d) the document entitled, “Implementation of IFOA Silviculture in the Southern Forest Agreement Region” (State Forests of New South Wales, April 2002);
  - (e) any report prepared under clause 25 of this approval;
  - (f) any annual plan of logging operations prepared under clause 27 of this approval;
  - (g) any written notice concerning harvesting operations prepared under clause 29 of this approval;
  - (h) any report concerning harvesting operations prepared under clause 30 of this approval;
  - (i) any report concerning logging operations prepared under clause 31 of this approval;
  - (j) any report concerning forest products operations prepared under clause 34 of this approval;
  - (k) documentation showing the methodology, results and analyses of the scientific trials concerning thinning and culling referred to in clause 39 of this approval after they have been carried out;
  - (l) any annual plan of thinning and culling operations prepared under clause 40 of this approval;

- (m) any written notice concerning thinning or culling operations prepared under clause 42 of this approval;
  - (n) any report concerning thinning or culling operations prepared under clause 43 of this approval;
  - (o) any annual plan of burning operations, assessment, site specific plan of burning operations or model document prepared under clause 44 of this approval;
  - (p) documentation showing the methodology, results and analyses of the scientific trials concerning burning referred to in clause 45 of this approval after they have been carried out;
  - (q) any map (concerning disturbance of native vegetation and beehive set down sites within certain environmentally sensitive land) approved under clause 46 of this approval;
  - (r) any grazing management plan or model document prepared under clause 47 of this approval;
  - (s) any weed management plan or model document prepared under clause 48 of this approval;
  - (t) any feral and introduced animal management plan or model document prepared under clause 49 of this approval;
  - (u) any assessment concerning regeneration prepared under clause 52 of this approval;
  - (v) any road and fire trail management plan or model document prepared under clause 54 of this approval;
  - (w) the CD-Rom referred to in the definitions of “high conservation value old growth forest”, “rare non-commercial forest ecosystems” and “regrowth zone” and “non-regrowth zone” in the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion and set out in Appendix B to this approval);
  - (x) the document entitled, “Research Note No 17 Forest Types in New South Wales” (Forestry Commission of New South Wales, 1989) referred to in the definitions of “cool temperate rainforest”, “rainforest” and “warm temperate rainforest” in the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion and set out in Appendix B to this approval;
  - (y) Forest Practices Codes published by SFNSW and applying to forestry operations in the Southern Region;
  - (z) any annual Regional ESFM report as referred to in the NSW Southern Region Forest Agreement; and
  - (aa) any annual Environmental and Social Values Report as referred to in the NSW Southern Region Forest Agreement.
- (2) SFNSW must ensure that copies of each of the following documents are available for public inspection during ordinary office hours at the regional office of SFNSW responsible for managing the land in the Southern Region to which the document applies:

- (a) any harvest plan (prepared prior to 13 May 2002, and applying to harvesting operations in the Southern Region that are proposed or ongoing at 13 May 2002), being a plan which includes site specific information and instructions to staff of SFNSW and other persons concerning logging operations;
  - (b) any site specific plan concerning harvesting operations prepared under clause 28 of this approval; and
  - (c) any site specific plan concerning thinning or culling operations prepared under clause 41 of this approval.
- (3) Any person may take copies of any of the documents (or, if SFNSW and the person agree, extracts of any of the documents) referred to in subclauses (1) and (2) (other than the CD-Rom referred to in paragraph (w) of subclause (1)):
- (a) on payment of reasonable fees (determined by the Chief Executive Officer of SFNSW) to cover the actual cost of copying; or
  - (b) (where the Chief Executive Officer has not determined a fee in respect of the document or documents concerned) free of charge.

*Note:* The CD-Rom referred to in paragraph (w) of subclause (1) may be inspected and purchased at the head office of DoP.

- (4) Despite subclauses (1) to (3), where SFNSW has received a direction in writing from NPWS to the effect that specified information relating to the location of a threatened species may only be disclosed or provided to persons (or a class of persons) specified in the direction, SFNSW may only disclose or provide that information to the persons (or class of persons) so specified.

*Note:* The terms of the licences under the Threatened Species Conservation Act 1995 set out in this approval contain a provision similar to the above in relation to the provision of information under the licence.

- (4) In this clause, “threatened species” has the same meaning as in the *Threatened Species Conservation Act 1995*.

#### **64. Assessment of effectiveness of approval**

- (1) SFNSW must assist the regulatory agencies in any assessment of this approval that the regulatory agencies decide to carry out.
- (2) For the purposes of this clause, the assessment referred to is an assessment of whether the terms of this approval are effective in achieving the purposes of those terms, including consideration of any of the following matters:
  - (a) new information that has become available, and techniques that have been developed, relating to the carrying out of forestry operations, since the approval was granted;

- (b) difficulties in implementing the approval that have become apparent since the approval was granted, including any concerns relating to the enforcement of the approval; and
- (c) such other matters as the regulatory agencies consider relevant.

**Appendix A      Terms of licence under the Protection of the  
Environment Operations Act 1997.**

(Clause 6)

**Appendix B**      **Terms of licence under the Threatened Species Conservation Act 1995 applying to the South Coast Subregion.**

(Clause 6)

**Appendix C      Terms of licence under the Threatened Species  
Conservation Act 1995 applying to the Tumut  
Subregion.**

**Appendix D**

**Terms of licence under Part 7A of the Fisheries  
Management Act 1994.**

(Clause 6)



**Appendix E            Maps 1 to 4 – Land to which this approval does not apply**

(Clause 4(2)(e))

AMENDMENT 4  
1 March 2013  
Appendix E added

*Note:            The following maps identify certain land to which this approval does not apply. They do not identify all of the land to which this approval does not apply. (See clause 4(2)).*