

INTEGRATED FORESTRY OPERATIONS APPROVAL PACKAGE

INCORPORATING AMENDMENTS

Forestry and National Park Estate Act 1998 Integrated Forestry Operations Approval for Upper North East Region

Explanatory Note

Amended approval (including clauses removed or changed by Amendment No. 1, 2, 3 and 4) 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. 2 and 3) of licence under the Protection of the Environment Operations Act 1997
- Appendix B: Revised terms (including clauses removed or changed by Amendment No. 1, 2, 3 and 4) of licence under the Threatened Species Conservation Act 1995
- Appendix C: Revised terms (including clauses removed or changed by Amendment No. 2) of licence under Part 7A of the Fisheries Management Act 1994
- Appendix D: Maps 1 to 5 – Land to which this approval does not apply
- Appendix E: Original clauses

AMENDMENT 7
1 March 2013
Appendix D
(Reference to maps
updated)

Also attached:
Heritage Guidelines (Clause 14)

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:

- High Conservation Value Old Growth Forest
- Rainforest
- Rare Non-commercial Forest Types
- Fauna models
- Flora models
- Regrowth zone (no metadata exists)
- TSL – Schedule 10A - Exclusion zone for Hasting River Mouse in Gibraltar State Forest compartment 23 (Inserted by Amendment 3 but deleted by Amendment 4)
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AMENDMENT 7
1 March 2013
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1 March 2013
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1 March 2013
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AMENDMENT 7
1 March 2013
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1 March 2013
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1 March 2013
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AMENDMENT 7
1 March 2013
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AMENDMENT 7
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AMENDMENT 7
1 March 2013
Appendices
(Reference to maps updated)

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:

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

“environment” includes any heritage item;

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

“forestry operations” means those forestry operations described in clause 5 in the Upper North East Region;

“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*, or
- (c) 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 Upper North East Region;

AMENDMENT 2
17 May 2004
Clause 1(2)
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 Upper North East 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 DUAP, NPWS, EPA and NSW Fisheries;

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

“thinning” means the cutting and removal of trees to increase distance between trees that have the potential to yield high quality timber, for the purpose of promoting their growth by:

- (a) removing poorer quality trees, and
- (b) if removing poorer quality trees does not result in sufficient distance between trees, removing other trees;

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

“NSW Upper North East Region Forest Agreement” means the Upper North East Region Forest Agreement made under Part 3 of the *Forestry and National Park Estate Act 1998* on 5 March 1999, as amended from time to time.

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

DUAP	The Department of Urban Affairs and Planning
EPA	The Environment Protection Authority
NPWS	The National Parks and Wildlife Service
NSW Fisheries	New South Wales Fisheries
SFNSW	The Forestry Commission of New South Wales

AMENDMENT 2
28 April 2003
Clause 1(4) added
Ref Appendix E

(4) On and from 3 May 2003, the letters “DUAP” and the words “The Department of Urban Affairs and Planning”, wherever occurring in this approval, are to be read as referring to the Resource and Conservation Division of the Department of which the Division forms a part.

Note removed (Amendment 3 17 May 2004).

AMENDMENT 7
1 March 2013
Updated reference
to FCNSW and the
Forestry Act 2012

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

2. 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 1 January 2000 to 31 December 2018.

Note: Section 20 of the Forestry and National Park Estate Act 1998 requires five yearly Ministerial reviews of the NSW Upper North East Region Forest Agreement and this approval. The NSW Upper North East Region Forest Agreement was made on 5 March 1999. The public is to be given advance notice of the review (including the proposed terms of reference) by 5 September 2003 at the latest and the outcome of the review is to be tabled in each House of Parliament by 5 March 2005.

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 Upper North East Region shown on Map 1 to the NSW Upper North East 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 timber plantation within the meaning of the *Timber Plantations (Harvest Guarantee) Act 1995* or, after the repeal of that Act, 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 timber plantation within the meaning of the *Timber Plantations (Harvest Guarantee) Act 1995*, or
 - (iv) after the repeal of that Act, a plantation within the meaning of the *Plantations and Reafforestation Act 1999*,

while this approval applies; or

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

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

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

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

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

“Map 5 – Land to which the Integrated Forestry Operations Approval for the Upper North East 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 even 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 State Forests” (State Forests of New South Wales, December 1999). That document is available for public inspection and copying under clause 48.

The Forest Management Zones for the Upper North East Region are mapped. These maps are available for public inspection and copying under clause 48 of this approval.

- (3) Section 39 of the *Forestry and National Park Estate Act 1998* provides that an area in which forestry operations authorised by an integrated forestry operations approval may be carried out cannot be proposed or identified as, or declared to be, a wilderness area under the *Wilderness Act 1987* or the *National Parks and Wildlife Act 1974*. The Ministers have agreed that this approval may be amended to exclude its application to any area of land that:

- (a) has been classified as Forest Management Zone 2 or 3A in accordance with the Forest Management Zoning System; and
(b) forms part of, or comprises, an area of land which was proposed as wilderness prior to 1 January 2000, and has been considered by the Director of National Parks and Wildlife under section 7 of the *Wilderness Act 1987* as being eligible (but for this approval) for identification as wilderness.

Note: See note appearing under subclause (2) in relation to the Forest Management Zoning System and availability of maps.

Clause 19 of this approval restricts the carrying out of logging operations on any area of land classified as Forest Management Zone 2 or 3A in accordance with the Forest Management Zoning System. See also restrictions appearing in clauses 25, 32 and 39.

- (4) To avoid doubt, nothing in subclause (3) affects the operation of section 31 of the *Forestry and National Park Estate Act 1998*.

Note: Section 31 of the *Forestry and National Park Estate Act 1998* provides, among other things, that an integrated forestry operations approval may be amended, suspended or revoked at any time jointly by the Ministers authorised to grant the approval.

5. Description of forestry operations to which this approval applies

- (1) This approval applies to the forestry operations described in subclauses (2) to (8) in the Upper North East Region.
- (2) This approval applies to logging operations, being the cutting and removal of timber for the purposes of producing any of the following:
- (a) High Quality Large Sawlogs and Large Veneer Logs, produced in the following quantities (being quantities which reflect contractual commitments existing at the date of this approval):
- (i) no more than 136,250m³ (that is, 109,000m³ + 25% of 109,000m³) per calendar year, and
 - (ii) no more than 572,250m³ (that is, 109,000m³ x 5 + 5% of that total) in each of the periods 1 January 2000 to 31 December 2004, 1 January 2005 to 31 December 2009 and 1 January 2010 to 31 December 2014, and
 - (iii) no more than 457,800m³ (that is, 109,000m³ x 4 + 5% of that total) in the period 1 January 2015 to 31 December 2018, and
 - (iv) no more than 2,071,000m³ (that is, 109,000m³ x 19) over the duration of this approval; and

Note: The above paragraph authorises logging operations for the purposes of producing an average annual allocation of High Quality Large Sawlogs and Large Veneer Logs of 109,000m³ over the 19 year period of this approval (paragraph (a)(iv)). It authorises 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 allocation of 109,000m³.

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

$(\text{Annual allocation} \times \text{number of years in each relevant period}) + 5\% \text{ of } (\text{Annual allocation} \times \text{number of years in each relevant period}).$

- (b) High Quality Large Sawlogs and Large Veneer Logs produced in the period 1 January 2000 to 31 December 2004, additional to those referred to in paragraph (a), but no more than 19,770m³ (being a quantity which reflects contractual commitments referred to in paragraph (a));

Note: The quantities referred to in the above paragraph reflect the undercuts for 1998 and 1999 and allow for their recovery over the first 5 year period of this approval.

- (c) High Quality Large Sawlogs produced in 2000, additional to those referred to in paragraphs (a) and (b), but no more than 2,846m³ (being a quantity which reflects transitional arrangements existing in connection with contractual commitments referred to in paragraph (a)); and
 - (d) High Quality Small Sawlogs, Small Veneer Logs, piles, poles, girder logs, Pulp Grade Timber and Low Quality Timber.
- (3) This approval applies only to logging operations where trees are selected for harvesting using Single Tree Selection or Australian Group Selection.
 - (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, the logging operations described in subclause (2) extend to thinning, where thinning has as one of its purposes, the production of any of the products set out in paragraphs (a) to (d) 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 (d) of subclause (2).

Note: The description of logging operations to which this approval applies may cover salvage logging, provided trees are selected for harvesting using Single Tree Selection or Australian Group Selection (in accordance with subclause (3)), or the relevant products are those referred to in subclause (4). Other types of salvage logging may either trigger the application of Part 5 of the Environmental Planning and Assessment Act 1979, or require an amendment to this approval, before they are carried out.

- (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) bush fire hazard reduction;
 - (c) bee-keeping;
 - (d) grazing;
 - (e) weed and pest control; and
 - (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 within the meaning of the *Forestry and National Park Estate Act 1998*.
- (8) 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*.

- (9) 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 *Timber Plantations (Harvest Guarantee) Act 1995*); or
 - (b) (after the repeal of the *Timber Plantations (Harvest Guarantee) Act 1995*) to establish a plantation (within the meaning of the *Plantations and Reafforestation Act 1999*); or
 - (c) for agricultural or other non-forestry uses.
- (10) In this clause:

“Australian Group Selection” refers to a silvicultural practice, which in relation to a tract of forested land has the following elements:

- (A) in any one harvesting operation:
- (a) 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) 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 no more than 0.25 hectares, and
- (c) 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)), is no more than 22.5% of the net harvestable area of the tract; and

Note to paragraph (b): 0.25 hectares is the area of a square of 50m x 50m.

- (B) once a harvesting operation has been completed, no logging (other than thinning) is carried out again on the relevant part or parts of the tract until at least 3 further harvesting operations (of the kind described in element (A) or involving Single Tree Selection) have been completed on different parts of the tract; and
- (C) there is a period of at least 5 years (and an average of at least 7 years over any 4 consecutive harvesting operations of the kind described in element (A)) between the completion of logging in one harvesting operation of the kind described in element (A) and commencement of another on the tract; and
- (D) logging is carried out with the objective of ensuring that following any 4 consecutive harvesting operations of the kind described in element (A), there remains an area within the tract which has not been logged in any of those operations (or in any Single Tree Selection or thinning carried out during that period), comprising an area of at least 10% of the net harvestable area in existence immediately before commencement of the first of those four operations.

Note 1. The above description of “Australian Group Selection” is consistent with the silvicultural practice commonly referred to as “Australian Group Selection medium”.

Note 2. The expression “tract of forested land” has been used in the above description of Australian Group Selection as a convenient means of referring to any area of forested land in which this silvicultural practice 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.

“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.

“High Quality Large Sawlogs” means high quality sawlogs, having a centre diameter under bark of at least 40cm.

“high quality sawlogs” means sawlogs of 2.4 metres or more, which, in the opinion of SFNSW, are of a high quality.

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

“High Quality Small Sawlogs” means high quality sawlogs having a centre diameter under bark of less than 40cm.

“Large Veneer Logs” means veneer logs having a centre diameter under bark of at least 40cm.

“Low Quality Timber” means timber other than the following: high quality sawlogs, veneer logs, piles, poles, girder logs and pulp grade timber.

Note: The excluded products in the above definition are all the products of the kinds referred to in subclause (2) other than Low Quality Timber. “Low Quality Timber” is used here as a convenient catch-all for all remaining timber products not referred to in the description.

“Pulp Grade Timber” means timber suitable for the manufacture of reconstituted products including paper and panel board, and does not include timber suitable for high quality sawlogs, veneer logs, piles, poles or girder logs.

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

- (a) trees selected for logging have trunks, that in cross-section, measured 1.3 metres above ground level, have a diameter (including bark) of 20cm or more (that is, a diameter at breast height over bark of 20 cm or more); and
- (b) trees are selected for logging with the objective of ensuring that the sum of the basal areas of trees removed comprises no more than 40% of the sum of the basal areas of all trees existing immediately prior to logging within the net harvestable area of the tract.

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

See also note appearing under description of “Australian Group Selection” regarding use of the expression “tract of forested land”.

“Small Veneer Logs” means veneer logs having a centre diameter under bark of less than 40cm.

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* (set out in Appendix B); and
 - (c) a licence under Part 7A of the *Fisheries Management Act 1994* (set out in Appendix C).
- (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 Parks 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 licence 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.*

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 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 the Upper North East and Lower North East RFA Regions” (ESFM PA 3 Working Group, New South Wales and Commonwealth Governments, July 1999) for the Upper North East Region.
- (3) Prior to carrying out, or authorising the carrying out of, forestry operations, 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. Copies of these documents are available on a website of the Commonwealth agency, Environment Australia (www.rfa.gov.au).

8. Best practice

- (1) In carrying out, or authorising the carrying out of, forestry operations 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, SFNSW must give effect to the document entitled, “Forest Management Zoning in 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.

9A Monthly Advice of Operations

- (1) In this clause:
 - (a) “*monthly advice*” means the following documents:
 - (i) notification of a forestry operation prepared in accordance with 9A(3); and
 - (ii) an operational map prepared in accordance with Part B of Schedule 1 of Appendix A of this IFOA; and Condition 3 (a) of Appendix B of this IFOA; and
 - (iii) a location map prepared in accordance with Part C of Schedule 1 of Appendix A of this IFOA;
 - (b) “*Event ID*” means a unique identification number that exclusively represents a forestry operation, such as a harvesting operation;
 - (c) “*financial year*” means the period from 1 July to the following 30 June;
 - (d) “*forestry operation*” includes clause 5 of the non licence terms but does not include forest products operations as defined by clause 5(6) and on-going forest management operations as defined in clause 5(7) (b-f).
- (2) By the first working day of each month, FCNSW is to give EPA and DPI (Fisheries) written advice of:
 - (a) each forestry operation to which this approval applies that has been undertaken in the financial year in which that month falls; and
 - (b) each forestry operation proposed to be undertaken in that month or the next month, in accordance with this clause.

Notification of a forestry operation

- (3) The monthly advice must include the following details on a forestry operation and is to be presented in Excel format using a spreadsheet or other format as developed jointly by EPA and FCNSW:
 - (a) the nature of the operation;
 - (b) the location of the operation (by including, if the location is within State forest, the State forest name and the relevant compartment number or numbers, Crown land identifying particulars, and Event ID);
 - (c) if the operation is a proposed logging operation, the quantity of timber that FCNSW estimates the operation will yield. The estimate may be a quantity or a range;
 - (d) if the site-specific operational plan has been approved by a regional manager or a planning manager of FCNSW, the date on which it was so approved;

- (e) the date on which the operation commenced or recommenced, in the relevant compartment or other tract of land;
- (e1) if EPL authority applies, the date on which the EPL authority commenced or recommenced in the relevant compartment or other tract of land;
- (f) the month in which the operation is proposed to commence or recommence, in the relevant compartment or other tract of land;
- (g) if the operation has been and remains suspended at the date of the advice, the date on which it was suspended;
- (g1) if EPL authority applies, the date on which the EPL authority temporarily ceased;
- (h) if the operation has been completed, the date on which it was completed;
- (h1) if EPL authority applies, the date on which the EPL authority finally ceased.

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

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

Operation not to be undertaken unless specified in monthly advice etc

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

Monthly advice may be amended at any time

- (11) FCNSW may amend the monthly advice it has given to EPA and DPI (Fisheries) at any time, including by adding a proposed forestry operation to it. FCNSW is to give EPA and DPI (Fisheries) a written outline of the reasons for each amendment.
- (12) If FCNSW becomes aware that any details included in the monthly advice it has given to EPA and DPI (Fisheries) are incorrect, it must give an amended advice to EPA and DPI (Fisheries) within 7 days of becoming so aware (unless the next monthly advice is due within that period).
- (13) The monthly advice as amended (once given to EPA and DPI (Fisheries)) is then the current monthly advice for the purposes of this clause.

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

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

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

Note: Clause 10 needs to be read with Part 2A and clause 10A (both of which commenced on 3 May 2003). Part 2A, while not allowing trees growing within high conservation value old growth forest or rare non-commercial forest types to be logged (for the purpose of producing timber products), does allow limited operations within these areas for the purpose of accessing timber growing near their boundaries. Part 2A and clause 10A also set out conditions under which trees accidentally felled into these areas, and rainforest and rainforest exclusion zones, respectively, may be removed.

AMENDMENT 2
28 April 2003
Clause 10 note
replaced
Ref Appendix E

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

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.

AMENDMENT 2
28 April 2003
Clause 10(4A)-
(4D) added
Ref Appendix E

Accidental felling

- (4A) Subclause (4) is not breached where a tree is accidentally felled into any area to which this clause applies.
- (4B) For the purposes of this clause, a tree is accidentally felled into an area only 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.
- (4C) Despite subclause (4B), 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.
- (4D) Despite subclauses (2)-(4), a tree that is accidentally felled into an area of land to which this clause applies may be removed:
- (a) in the case of an area that is, or is within, a rare non-commercial forest type or high conservation value old growth forest, in accordance with Part 2A; and
 - (b) in the case of an area that is, or is within, rainforest or a rainforest exclusion zone, in accordance with clause 10A.

Harvesting of tea tree oil in rare non-commercial forest types

- (5) Despite subclauses (2) and (3), harvesting of tea tree oil may be carried out in any area that is, or is within, a rare non-commercial forest type where the area also comprises Forest Type 31 Paperbark.

Road re-opening and road maintenance

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

AMENDMENT 2
28 April 2003
Clause 10(7)
modified
Ref Appendix E

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

- (7) Despite subclauses (2) – (4), a road or snig track may be constructed, and used, in any area to which this clause applies, where:
- (a) there is no alternative site available for the purposes of the construction; and
 - (b) there has been no record made of any threatened species on the site of the 33

AMENDMENT 2
28 April 2003
Clause 10(7a-b)
modified
Ref Appendix E

- (8) The road or snig track may only be constructed where, prior to the construction:
- (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* set out in this approval; and
 - (b) the relevant regional manager or a more senior officer has authorised the construction or snigging in writing.
- (9) A copy of the report and authority referred to in subclause (8) must be faxed to NPWS as soon as possible after they have been issued.
- (10) Where the construction of a road or snig track is carried out in an area to which this clause applies, SFNSW must ensure that all practicable measures are taken to minimise any adverse impacts of the construction, on the environment.
- (11) Where the area in which the construction or snigging is proposed to be carried out is, or is within, a relevant 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 (8)), and subject to any conditions imposed by NPWS as part of its approval.

<p>AMENDMENT 2 28 April 2003 Clause 11 modified Ref Appendix E</p>
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Note: See definition of “relevant exclusion zone” in subclause (14).

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

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

(13) **Clause revoked (Amendment 2).**

(14) For the purposes of this clause:

“diameter at breast height over bark” has the same meaning as in the terms of the licence under the *Threatened Species Conservation Act 1995* set out in this approval;

“directional felling” means the felling of a tree by cutting the tree at a particular angle so that it falls in a pre-determined direction;

“Forest Type 31 Paperbark” means any area of land within the Upper North East Region identified as forest type number 31 on maps lodged with SFNSW;

“harvesting machinery” has the same meaning as in the terms of licence under the *Threatened Species Conservation Act 1995* set out in this approval;

AMENDMENT 2
28 April 2003
Definition
replaced
Ref Appendix E

AMENDMENT 3
17 May 2004
Clause 10(14)
modified
Ref Appendix E

AMENDMENT 7
1 March 2013
Clause 10(14) (c)
added

“high conservation value old growth forest” means the following areas of land within the Upper North East Region:

- (a) land depicted in the Geographic Information System theme in ESRI grid format called “hcovog1_prctcd” in the sub-directory called “Protected HCVOG” on the CD-Rom having the volume label “991221_1516 (21 Dec 1999)” and held by the Resource and Conservation Division, and further described in the corresponding metadata on the CD-Rom,
- (b) “old growth” land depicted in the Geographic Information System theme in ESRI grid format called “ogtoprotect2” in the sub-directory called “Additional Protected OG” on the CD-Rom having the volume label “030423_1132 (23 April 2003)” and held by the Resource and Conservation Division, and as may be further described on corresponding metadata on the CD-Rom;
- (c) land as depicted in the Geographic Information System Theme in the ESRI Feature Class Format (as current from time to time) called "Assessed_HCVOG";

“rainforest” means any area of land within the Upper North East Region:

- (a) depicted in the Geographic Information System theme in ESRI shape file format called “une_rf” in the sub-directory called “Rainforest” on the CD-Rom, lodged with DUAP and having the volume label “991221_1516 (21 Dec 1999)”, and
- (b) further described in the corresponding metadata on the CD-Rom.

“rainforest exclusion zone” means any area of land within 20 metres of the boundaries of warm temperate rainforest;

“rare non-commercial forest types” means any area of land within the Upper North East Region:

- (a) depicted in the Geographic Information System theme in ESRI shape file format called “all_rnc” in the sub-directory called Rare_Non_Commercial_Forest” on the CD-Rom, lodged with DUAP and having the volume label “991221_1516 (21 Dec 1999)”, and
- (b) further described in the corresponding metadata on the CD-Rom

Note: The above CD-Rom referred to in the definitions of “high conservation old growth forest”, “rainforest” and “rare non-commercial forest types” are available for public inspection, and may also be copied for a charge, at the head office of DUAP. They are also available for public inspection (but not copying) under clause 48 at regional offices of SFNSW in the Upper North East Region.

“record” has the same meaning as in the terms of the licence under the *Threatened Species Conservation Act 1995* set out in this approval;

“relevant exclusion zone” refers to any exclusion zone referred to in the following conditions of the terms of the licence under the *Threatened Species Conservation Act 1995* set out in this approval where it is also, or is also within, high conservation value old growth forest, rainforest, a rainforest exclusion zone or a rare non-commercial forest type:

- (a) condition 5.13 (“Bird Nest and Roost Site Protection”),
- (b) condition 5.14 (“Bat Roost Protection”),
- (c) condition 6.1 (“Pouched Frog”),
- (d) condition 6.2 (“Green and Golden Bell Frog”),
- (e) condition 6.3 (“Giant Barred Frog, Fleays Frog, Stuttering Frog”),
- (f) condition 6.4 (“*Philoria* spp”),
- (g) condition 6.5 (“White-crowned Snake”),
- (h) condition 6.6 (“Pale-headed Snake”),
- (i) condition 6.7 (“Albert’s Lyrebird”),
- (j) condition 6.8 (“Marbled Frogmouth”),
- (k) condition 6.9 (“Powerful Owl, Masked Owl, Barking Owl”),
- (l) condition 6.10 (“Rufous Scrub-bird”),
- (m) condition 6.12 (“Brush-tailed Phascogale”),
- (n) condition 6.13 (“Hastings River Mouse”),
- (n1) condition 6.13B (“Hastings River Mouse (Special provisions for various compartments)”)),
- (o) condition 6.14 (“Koala”),
- (p) condition 6.15 (“Spotted-tailed Quoll”),
- (q) condition 6.16 (“Squirrel Glider”),
- (r) condition 6.17 (“Yellow-bellied Glider”),
- (s) condition 6.18 (“Wombat”),
- (t) condition 6.20 (“Golden-tipped Bat”),
- (u) condition 6.21 (“Large-footed Myotis”),
- (v) condition 6.22 (“Threatened Flora”),
- (w) condition 6.23 (“Threatened Flora”),
- (x) condition 6.24 (“Threatened Flora”),
- (y) condition 6.25 (“Threatened Flora”),
- (z) condition 6.26 (“Threatened Flora”), and
- (aa) condition 6.28 (“Threatened Flora”);

AMENDMENT 4
22 Nov 2007
(n1) inserted

“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;

AMENDMENT 1
1 Dec 2002
Definition
replaced
Ref Appendix E

“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;

Explanatory Note

The above amendments are identical to amendments made by this instrument to clause 10(13) of the Integrated Forestry Operations Approval for the Eden Region and clause 10(14) of the Integrated Forestry Operations Approval for the Lower North East Region (Schedules 2 and 3).

“specified forestry activities” has the same meaning as in the terms of the licence under the *Threatened Species Conservation Act 1995* set out in this approval; and

“warm temperate rainforest” means rainforest having the forest type number or numbers for “warm temperate rainforest” (as set out in the document entitled “Research Note No. 17 Forest types in New South Wales”, Forestry Commission of New South Wales, 1989) on maps lodged with SFNSW.

Note: The CD-Rom referred to in the definitions of “high conservation value old growth”, rainforest” and “rare non-commercial forest types” are available for inspection under clause 48. Copies of the CD-Rom may be purchased from the head office of DUAP. The maps referred to in the above definitions of “Forest Type 31 Paperbark” are available for inspection under clause 48.

AMENDMENT 2
28 April 2003
Clause 10A added
Ref Appendix E

10A. Removal of accidentally felled trees from rainforest or rainforest exclusion zone

- (1) In this clause:
 - (a) any area that is, or is within, a rainforest or rainforest exclusion zone is referred to as a rainforest; and
 - (b) a reference to a tree that is accidentally felled is a reference to a tree that is accidentally felled within the meaning of clause 10.
- (2) A tree that is accidentally felled into a rainforest in the course of a harvesting operation may be removed, but only if SFNSW is of the opinion that the tree will produce at least one timber product that is not low quality timber or pulp grade timber. For the avoidance of doubt, a part of the tree (subject to subclause (3) (a)) may be removed even though the timber product which that part will produce, or is likely to produce, is low quality timber or pulp grade timber.
- (3) The following rules apply to the removal of the tree:
 - (a) the crown must be cut off from the trunk and left where it has fallen unless the whole of the tree is lifted out of the rainforest, or lifted and moved within the rainforest, using a mechanical harvester;
 - (b) in removing the tree (or any logs into which it is cut), any disturbance to the ground (including its vegetation) and soil must be minimised as far as practicable;
 - (c) where practicable, the tree (or any logs into which it is cut) must be removed from the rainforest without the tree or the logs contacting the ground. In any other case, contact with the ground must be minimised as far as practicable;
 - (d) the wheels or tracks of any machinery used to remove the tree (or any logs into which it is cut) must remain outside the rainforest.
- (4) Snigging may be carried out to remove the tree or any logs into which it is cut, but only if:
 - (a) applying the rules set out in subclause (3) (c), this is the only practicable method of removing the tree or logs; and

- (b) the wheels or tracks of any machinery involved in the snigging remain outside the rainforest (as required by subclause (3) (d)).
- (5) For the avoidance of doubt, chainsaws may be used in a rainforest to fell a tree whose base is in the net harvestable area and to cut an accidentally felled tree into logs.
- (6) Where an accidentally felled tree is removed from a rainforest, any ground (including its vegetation) or soil that is disturbed as result of the felling of the tree into the forest, or its removal (or the removal of logs into which it is cut) under this clause, must be rehabilitated.
- (7) Examples of the measures that may need to be taken to rehabilitate the disturbed ground (including its vegetation) 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 by the fallen tree or its removal.
- (8) The harvesting arm of a mechanical or other harvester may be used for rehabilitating disturbed ground or soil for the purposes of this clause, if the tracks or wheels of the harvester remain outside the rainforest. Harvesting machinery may not otherwise be used for rehabilitating the disturbed ground or soil.
- (9) In this clause:

“harvesting machinery” means any mechanical or other harvester, rubber-tyred skidder or bulldozer.

“low quality timber” and “pulp grade timber” have the same meanings as in clause 5;

“mechanical harvester” means a tracked or wheeled machine equipped with a falling attachment containing a cutting device (for example, hydraulically driven disc or saw) for the purpose of felling trees;

“rainforest” and “rainforest exclusion zone” have the same meanings as in clause 10.

AMENDMENT 7
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 Upper North East Region or in any area likely to be affected by the carrying out of Forestry Operations if:

- (a) the Scientific Committee has made a determination for the provisional listing of the species as endangered or critically endangered on an emergency basis as provided for by Division 4 of the *Threatened Species Conservation Act 1995*; or
 - (b) the Scientific Committee has made a preliminary determination that a proposal to insert the species into Schedule 1, 1A or 2 of the *Threatened Species Conservation Act 1995* should be supported; or
 - (c) a final determination listing the species as endangered, critically endangered or vulnerable under Schedule 1, 1A or 2 of the *Threatened Species Conservation Act 1995* has been published in the NSW Government Gazette; or
 - (d) FCNSW receives a written notification from EPA that the species is, new to science and clauses 11(2)-(5) must apply until further notice.
- (2) FCNSW must, as far as is reasonably practicable, mitigate any adverse effect of forestry operations on animals or plants of the species referred to in clause 11(1) and develop Site-Specific Conditions for the species in accordance with condition 1.2 of the Threatened Species Licence.
- (3) In determining, for the purposes of clause 11(2), how to mitigate or minimise any adverse effect of forestry operations on animals or plants of the species concerned, FCNSW must be guided by any relevant advice provided by EPA.
- (4) In this clause, “adverse effect” in relation to a species: includes:
- (a) harm to;
 - (b) the picking of;
 - (c) damage to any habitat of;
- the species concerned (or an animal or plant of the species concerned).
- (5) Clause 11(2) continues to apply until:
- (a) with respect to a species to which clause 11(1)(a) applies - a notice is published in the NSW Gazette to the effect that the Scientific Committee has made a final determination that the species should not be listed in Schedule 1, 1A or 2 of the *Threatened Species Conservation Act 1995* or 12 months has passed since the provisional listing, whichever occurs first;

- (b) with respect to a species to which clause 11(1)(b) applies - a notice is published in the NSW Gazette to the effect that the Scientific Committee has made a final determination not to insert the species in Schedule 1, 1A or 2 of the *Threatened Species Conservation Act 1995*;
- (c) with respect to a species to which clause 11(1)(c) applies – a determination is published in the NSW Gazette to omit the species from Schedule 1, 1A or 2 of the *Threatened Species Conservation Act 1995*;
- (d) with respect to a species to which clause 11(1)(d) applies - FCNSW receives a notice from EPA indicating that the notice given under clause 11(1)(d) no longer applies.
- (6) For the sake of clarity, in the event that a species to which clause 11(1)(a) or (b) later becomes a species to which clause 11(1)(c) applies, clause 11(2) will continue to apply despite clause 11(5) (a) and (c).

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 Upper North East Region (or in any area likely to be affected by the carrying out of forestry operations) is present in the Region (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 Upper North East Region (or in any area likely to be affected by the carrying out of forestry operations) has significantly expanded in the Region (or in any area likely to be affected by the carrying out of forestry operations), or
- (c) a species of plant or animal that has not been recorded in the Upper North East Region (or in any area likely to be affected by the carrying out of forestry operations) within the previous 10 years, is present in the Region (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 Upper North East 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 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
 - (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).

Note: The above document is available for public inspection and copying under clause 48 of this approval.

15. Records concerning heritage items

- (1) SFNSW must periodically and regularly review their records concerning heritage items within the Upper North East 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, or*
- (c) 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 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 unless the person believes on reasonable grounds that the Director-General is aware of the location of those relics.

- (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.
- (6) In this clause, “indigenous heritage” includes relics and 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.

AMENDMENT 3
17 May 2004
Clause 16(3)
modified
Ref Appendix E

- (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 that applies to the forestry operations concerned.

AMENDMENT 3
17 May 2004
Clause 16(4)
modified
Ref Appendix E

- (4) In this clause, “site specific plan” means a site specific plan prepared by SFNSW under clause 23(A) or clause 29(B).

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 25, 32 and 39.

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 31 December 2000.

AMENDMENT 2
28 April 2003
Clause 18A-18H
added
Ref Appendix E

PART 2A – Restricted logging operations near boundary of rare or old growth forest or management zones

18A. Application of part

- (1) This Part (being clauses 18A-18H) applies in relation to any area that is, or is within:
 - (a) a rare non-commercial forest type;
 - (b) high conservation value old growth forest;
 - (c) an area of State forest declared to be a special management zone under the *Forestry Act 1916*; or
 - (d) an area classified as Forest Management Zone 2 or 3A in accordance with the Forest Management Zoning System.

Such an area is referred to in this Part as a rare or old growth forest (being an area described in paragraph (a) or (b) of this subclause) or a management zone (being an area described in paragraph (c) or (d) of this subclause).

- (2) This Part applies despite any prohibitions or restrictions on logging operations affecting rare or old growth forest in clause 10 and despite any prohibitions or restrictions on logging operations affecting management zones in clause 19.
- (3) This Part does not affect, or limit in any way, the operation of any exceptions to the prohibitions or restrictions in clause 10 or clause 19 respectively. The Part does not affect the operation of clause 39 with respect to road construction in management zones.

- (4) For the purposes of this Part:

“directional felling” means the felling of a tree by cutting the tree at a particular angle so that it falls in a pre-determined direction;

“harvesting machinery” and “harvesting machine” mean any mechanical or other harvester, rubber-tyred skidder or bulldozer;

“high conservation value old growth forest” and “rare non-commercial forest type” have the same meanings as in clause 10;

“low quality timber” and “pulp grade timber” have the same meanings as in clause 5;

“mechanical harvester” means a tracked or wheeled machine equipped with a falling attachment containing a cutting device (for example, a hydraulically driven disc or saw) for the purpose of felling trees;

“walkover” has the same meaning as in the terms of the licence under the *Threatened Species Conservation Act 1995* set out in this approval.

- (5) A reference in this Part to a tree that is accidentally felled is a reference to a tree that is accidentally felled within the meaning of clause 10 or clause 19.

18B. Felling and removal of trees into and from rare or old growth forest or management zone

- (1) A tree whose base is in a net harvestable area may be felled into, and removed from, a rare or old growth forest or management zone in a harvesting operation for the purpose of producing timber if:
- (a) it is not practicable to fell the tree so that it falls outside the forest or zone; and
 - (b) SFNSW is of the opinion, when selecting the tree for felling, that it will produce at least one timber product that is not low quality timber or pulp grade timber; and
 - (c) the tree is felled in such a way so as to avoid as far as practicable damage to trees growing in the forest or zone.

However, no harvesting machinery may enter, or be used within, a rare or old growth forest or management zone for the purpose of felling a tree into that forest or zone under this subclause.

- (2) In any one harvesting operation:
- (a) no more than six trees may be felled (under subclause (1)) across any 200 metre length of the boundary between the rare or old growth forest, or management zone, and the net harvestable area in which the harvesting operation is being carried out, whatever two hundred metre length of the boundary is considered; and

- (b) the number of trees that may be removed (under subclause (1)) must not exceed the number calculated by applying the principle set out in paragraph (a).

Removal of accidentally felled trees

- (3) A tree that is accidentally felled into a rare or old growth forest or management zone in the course of a harvesting operation may be removed from the forest or zone, but only if SFNSW is of the opinion that the tree will produce at least one timber product that is not low quality timber or pulp grade timber. The accidentally felled tree may be removed from the forest or zone even if the total number of trees removed in the harvesting operation concerned will, as a result, exceed the number calculated by applying the principle set out in subclause (2) (a).

18C. Special rules apply to method of removal of trees felled into rare or old growth forest or management zone

- (1) A tree that is felled into a rare or old growth forest or management zone under clause 18B, or accidentally, may be removed only in accordance with the following rules:
 - (a) the crown must be cut off from the trunk and left where it has fallen unless the whole of the tree is lifted out of the forest or zone, or lifted and moved within the forest or zone, using a mechanical harvester;
 - (b) in removing the tree (or any logs into which it is cut), any disturbance to the ground and soil must be minimised as far as practicable;
 - (c) where practicable, the tree (or any logs into which it is cut) may only be removed from the rare or old growth forest or management zone without the tree or the logs contacting the ground. In any other case, contact with the ground must be minimised as far as practicable;
 - (d) the wheels or tracks of any machinery used to remove the tree or any logs into which it is cut must remain outside the forest.
- (2) For the avoidance of doubt, a part of the tree (subject to subclause (1) (a)) felled into a rare or old growth forest or management zone under clause 18B, or accidentally, may be removed, even though the timber product which that part of the tree will produce, or is likely to produce, is low quality timber or pulp grade timber.

Note: This subclause, and clause 18B (1) (b), do not affect the operation of clauses 21 and 22 of this approval. These clauses require harvesting operations to have as their principal purpose the production of high quality large sawlogs, large veneer logs or poles and require SFNSW to sell logs only in accordance with their categorisation.

Snigging etc permissible for limited purpose

- (3) Where a tree is felled into a rare or old growth forest or management zone, under clause 18B, or accidentally, snigging may be carried out for the purpose of removing the tree or any logs into which it is cut, but only if:
 - (a) applying the rules set out in subclause (1) (c), this is the only practicable method of removing the tree or logs; and

- (b) the wheels or tracks of any machinery involved in the snigging remain outside the forest or zone (as required by subclause (1) (d)).
- (4) Despite subclause (1) (d) and subclause (3) (b), where a harvesting machine has entered a rare or old growth forest or management zone in accordance with clause 18E (for the purpose of felling trees away from the forest or zone), it may also be used to remove a tree (or any logs into which it is cut) felled, under clause 18B, or accidentally, into the forest or zone.

Note: This subclause does not affect the operation of the rules in subclauses (1)(a)-(c) and (3) (a).

Chainsaws permissible

- (5) For the avoidance of doubt, chainsaws may be used in a rare or old growth forest or management zone to fell a tree whose base is in the net harvestable area and to cut a tree into logs that may be removed from the forest or zone under clause 18B.

18D. Rehabilitation of ground or soil disturbed during removal of trees

- (1) Where a tree is removed from a rare or old growth forest or management zone under this Part, any ground (including its vegetation) or soil within a rare or old growth forest or management zone 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 SFNSW may need to take to rehabilitate the disturbed ground (including its vegetation) 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 rare or old growth forest or management zone;
 - (b) if a harvesting machine has already entered the forest or zone in accordance with clause 18E (to fell trees away from the forest or zone), it may be also be used for rehabilitating the disturbed ground or soil.

18E. Use of harvesting machines in rare or old growth forest or management zone to fell trees away from the forest or zone

- (1) A harvesting machine may enter, and be used within, a rare or old growth forest or management zone in order to fell and remove any tree whose base is in the net harvestable area in the course of a harvesting operation for the purpose of producing timber.
- (2) However, a harvesting machine within the forest or zone may only fell a tree away from the forest or zone (that is, into the net harvestable area), and only if:
 - (a) the tree cannot be felled from outside the forest or zone, using the techniques of directional felling, so that it does not fall into the forest or zone; and
 - (b) SFNSW is of the opinion, when selecting the tree for felling, that it will produce at least one timber product that is not low quality timber or pulp grade timber.
- (3) 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 low quality timber or pulp grade timber.

Note: Subclauses (2) and (3) do not affect the operation of clauses 21 and 22 of this approval. These clauses require harvesting operations to have as their principal purpose the production of high quality sawlogs, large veneer logs or poles and require SFNSW to sell logs only in accordance with their categorisation.

18F. Conditions of operating harvesting machinery within rare or old growth forest or management zone

- (1) A harvesting machine may only be operated within a rare or old growth forest or management zone under this Part 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) and soil within the forest to the greatest extent practicable.
- (2) In particular, a harvesting machine may only be operated under this Part within a rare or old growth forest or management zone with any blades, rippers or other similar attachments positioned so that they do not disturb the ground surface.
- (3) The wheels or tracks of a harvesting machine that has entered a rare or old growth forest or management zone must remain wholly within 5 metres from the boundary of the forest or zone when being used under this Part.

18G. Rehabilitation of ground disturbed by harvesting machinery within rare or old growth forest or management zone.

- (1) Any ground or soil within a rare or old growth forest or management zone 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 (including vegetation) 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 or old growth forest or management zone 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 or old growth forest or management zone;
 - (b) if the harvesting machine that disturbed the ground or soil has not left the forest or zone since entering it under clause 18E, the machine may also be used for rehabilitating that ground or soil.

18H. Additional restrictions on use of harvesting machinery for rehabilitation or tree removal

- (1) Nothing in this Part authorises a harvesting machine to enter a rare or old growth forest or management zone solely for any, or all, of the purposes of:
 - (a) removing a tree felled into the forest or zone, as referred to in clause 18C (4); and
 - (b) rehabilitating disturbed ground or soil, as referred to in clause 18D (3); and
 - (c) rehabilitating disturbed ground or soil, as referred to in clause 18G (3).
- (2) The wheels or tracks of a harvesting machine may be moved within a rare or old growth forest or management zone for a purpose authorised by clause 18E (that is, to fell a tree away from the forest or zone and remove the tree). They may not be repositioned or moved (to any significant extent) within a rare or old growth forest or management zone solely for any, or all, of the purposes of:
 - (a) removing a tree felled into the forest or zone, as referred to in clause 18C (4); and
 - (b) rehabilitating disturbed ground or soil, as referred to in clause 18D (3); and
 - (c) rehabilitating disturbed ground or soil as referred to in clause 18G (3).

Note: Essentially, a harvesting machine is only to be used within a rare or old growth forest or management zone for purposes other than felling a tree outside the forest or zone, 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 zone for the purpose of felling the tree or as it leaves the forest or zone.

PART 3 – Logging Operations

19. Logging operations restricted in certain zones

- (1) This clause applies to the following land in the Upper North East 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 State Forests” (State Forests of New South Wales, December 1999). That document is available for public inspection and copying under clause 48.

The Forest Management Zones for the Upper North East Region are mapped. These maps are available for public inspection and copying under 48 of this approval.

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

Note: Clause 19 needs to be read with Part 2A (which commenced on 3 May 2003). Part 2A, while not allowing trees within the areas to which clause 19 applies to be logged, does allow limited operations within these areas for the purpose of accessing timber growing near their boundaries.

AMENDMENT 2
28 April 2003
Clause 2A-2D
added
Ref Appendix E

Accidental felling of trees

- (2A) Subclause (2) is not breached where a tree is accidentally felled into any area of land to which this clause applies.
- (2B) For the purposes of this clause, a tree is accidentally felled into an area of land only 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.
- A reference to directional felling in this subclause is a reference to felling a tree by cutting the tree at a particular angle so that it falls in a pre-determined direction.
- (2C) Despite subclause (2B), 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.

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

Note: See clause 18B (3) in Part 2A which allows 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;
- (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 rare non-commercial forest types, high conservation value old growth forest and rainforest"). 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. Pulp only operations prohibited

- (1) Harvesting operations having the sole purpose of producing Pulp Grade Timber may not be carried out in the Upper North East Region.
- (2) This clause does not apply to thinning even where one of the purposes of thinning is the production of timber.
- (3) In this clause, "Pulp Grade Timber" has the same meaning as in clause 5.

21. Principal purpose of harvesting operations

- (1) The cutting and removal of timber in the Upper North East Region for the purposes of producing products other than:
 - (a) High Quality Large Sawlogs,
 - (b) Large Veneer Logs, or
 - (c) Poles,

may only be carried out in harvesting operations having the principal purpose of producing any one or more of the kinds of 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 relevant factors, including the monetary value and volume of each of the kinds of timber products that SFNSW predicts will be produced.
- (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, or includes, the production of timber for fencing, sleepers, firewood or craftwood.
- (5) This clause does not apply to thinning even where one of the purposes of thinning is the production of timber.
- (6) In this clause, “High Quality Large Sawlogs” and “Large Veneer Logs” have the same meanings as in clause 5.

22. Categorisation of timber

- (1) SFNSW is to categorise each log cut and removed in logging operations as follows:
 - (a) as a high quality sawlog or veneer log; or
 - (b) (if the timber cannot be categorised as a high quality sawlog or veneer log) as a pile, pole or girder log; or
 - (c) (if the timber cannot be categorised as a high quality sawlog, veneer log, pile, pole or girder log) as Pulp Grade Timber or Low Quality Timber.
- (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 sawlog”, “Pulp Grade Timber” and “Low Quality Timber” have the same meanings as in clause 5.

<p>AMENDMENT 7 1 March 2013 Clause 23 replaced</p>
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23. Planning logging and roading operations

Annual plan of logging and roading operations

1. FCNSW is to prepare a plan of logging and roading operations in respect of each financial year (“annual plan of logging and roading operations”) that specifies each of the following matters:

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

Written notice of particular harvesting operations

- (4) Clause revoked (Amendment 3).
- (4A) Clause revoked (Amendment 3).

(5) Clause revoked (Amendment 3).

(6) Clause revoked (Amendment 3).

(7) In this clause:

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

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

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

AMENDMENT 2
28 April 2003
Clause 23A
replaced
Ref Appendix E

23A. Site specific plans of harvesting operations

Note: SFNSW may combine the site specific plans required by this clause, clause 29B 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) Before any harvesting operation is 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 or restricted under this approval (such as high conservation value old growth forest).
- (3) The plan must also specify:
 - (a) whether it is proposed to produce timber by means of thinning; and
 - (b) the selection method proposed to be used (that is, Australian Group Selection or Single Tree Selection, as described in clause 5 (3)) where it is proposed to produce timber other than timber for fencing or sleepers, or firewood or craftwood, or by means of thinning; and
 - (c) such other information and instructions as SFNSW considers necessary to enable staff of SFNSW and other persons to carry out the proposed harvesting operation in accordance 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 29B 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 plans 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.

- (6) To the extent of any inconsistency between this approval and a plan prepared under this clause, this approval prevails.
- (7) In this clause, “harvesting operation” means a harvesting operation carried out for the purpose of timber production.

AMENDMENT 7
1 March 2013
Clauses 23B and
23C omitted

23B. Clause omitted (Amendment 7)

23C. Clause omitted (Amendment 7)

24. Annual reports on logging operations

AMENDMENT 7
1 March 2013
Clause 24 replaced

- (1) FCNSW is to progressively record the following information relating to logging operations in the Upper North East Region:
 - (a) the quantity of each timber product logged (as described in clause 5(2) and in the course of thinning in the following categories:
 - (i) the combined quantity of high quality large sawlogs and large veneer logs;
 - (ii) the combined quantity of high quality small sawlogs and small veneer logs;
 - (iii) the combined quantity of poles, piles and girders;
 - (iv) the quantity of pulp grade timber; and
 - (v) the quantity of low quality timber.
 - (b) in the case of logging operations involving thinning, the estimated total area subject to thinning (being the total of the net harvest areas of the tracts thinned);

- (c) the estimated total area subject to logging using Australian Group Selection (being the total of the areas of the groups of trees logged), and the estimated total area subject to logging using Single Tree Selection (being the total of the net harvest areas of the tracts logged);
 - (d) the estimated total net harvest area that has been logged and thinned combined; and
 - (e) the location of the relevant operations, by reference to State forest name and compartment number or other identifying particulars (in the case of Crown timber lands other than State forests).
- (2) The information referred to in paragraphs (b), (c) and (d) of subclause (1) may be derived from information contained in site specific plans and the compartment histories referred to in clause 42.
 - (3) Paragraphs (b), (c) and (d) of subclause (1) do not apply to logging operations carried out for the sole purpose of producing timber for fencing or sleepers, or firewood or craftwood).
 - (4) FCNSW is to provide a report to the regulatory agencies setting out the above information in respect of each financial year of the following year by 31 August of the following financial year.

(5) In this clause:

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

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

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

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

24(1A) Paragraphs (a) and (b) of subclause (1) do not apply to timber products that have been produced by operations authorised under section 30I of the Forestry Act 1916, including fencing, sleepers, firewood or craftwood.

<p>AMENDMENT 7 1 March 2013 Clause 24(1A) added.</p>
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PART 4 - Forest Products Operations

25. Forest products operations restricted in certain zones

- (1) This clause applies to the following land in the Upper North East 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 State Forests” (State Forests of New South Wales, December 1999). That document is available for public inspection and copying under clause 48.

The Forest Management Zones for the Upper North East Region are mapped. These maps are available for public inspection and copying under clause 48 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 is 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 and 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.

26. Ecological viability of species

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 Upper North East Region, does not hinder the sustained ecological viability of the relevant species of tree, shrub or other vegetation within the part.

AMENDMENT 7
1 March 2013
Clause 26 modified

27. Annual reports on forest products operations

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

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

PART 5 - On-going Forest Management Operations

28. Thinning

- (1) Thinning may be carried out 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:
 - (a) most of the trees in the stand are approximately the same age; and
 - (b) 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.

29. Scientific trials concerning thinning

- (1) SFNSW must carry out scientific trials to assess the economic and environmental impacts of thinning in the Upper North East Region.
- (2) SFNSW must consult with DUAP 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.

29A. Annual plan of thinning operations

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

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

(6) In this clause:

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

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

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

29B. Site specific plans of thinning operations

Note: SFNSW may combine the site specific plans required by this clause, clause 23A 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) Before any thinning operation is 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 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 is not to be carried out, including any area within which thinning is prohibited under this approval (for example, high conservation value old growth forest or rainforest).
- (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 in conformity with this approval.
- (4) In preparing the plan, SFNSW must consider the application of this approval to the thinning operation.
- (5) A thinning operation should only be carried out in accordance with a plan prepared under this clause. However, if a thinning 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 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 23A 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 plans 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.

- (6) To the extent of any inconsistency between this approval and a plan prepared under this clause, this approval prevails.

29C. Clause omitted (Amendment 7)

29D. Clause omitted (Amendment 7)

AMENDMENT 7
1 March 2013
Clauses 29C and
29D omitted

30. 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 Upper North East 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 DUAP 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 Upper North East 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 Upper North East 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 DUAP by 30 June 2000.

Note: DUAP 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 6 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 DUAP, except to the extent that any such inconsistency has been approved by DUAP 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*.

31. 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 Upper North East Region.

- (2) SFNSW must consult with DUAP, 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.

32. Bee-keeping restricted in certain zones

Definitions

- (1) In this clause:

“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

“relevantly zoned land” means any land in the Upper North East Region that is, or is within:

- (a) a special management zone (within the meaning of the *Forestry Act 1916*); or
- (b) an area classified as Forest Management Zone 2 or 3A in accordance with the Forest Management Zoning System.

Disturbance of vegetation for beekeeping purposes

- (2) Vegetation on relevantly zoned land may not be disturbed for the sole purpose of beekeeping unless the disturbance is necessary to enable:

- (a) a beehive to be set down on a site;
- (b) access to a beehive; or
- (c) a beehive to be protected from the possibility of bushfire (but only if disturbance to enable such protection is authorised by a permit, granted under the *Forestry Act 1916*, to occupy land for the purposes of bee-farming).

- (3) Despite subclause (2), trees on relevantly zoned land that have a diameter at breast height over bark of more than 20 cm may not be cut down or removed for the sole purpose of beekeeping.

Note: Clause 39 sets out restrictions on road construction and road re-opening in special management zones and in Forest Management Zones 2 and 3A. Clause 39 applies to all ancillary road construction and road re-opening, including any such work that may be ancillary to beekeeping.

Requirement for SFNSW to map beehive set down sites and beehives restricted to mapped set down sites

Land that is relevantly zoned land on commencement of clause

- (4) The following apply where land is relevantly zoned land on 1 November 2001:
- (a) SFNSW is to map any site within such land that it has determined may be used as a beehive set down site in the future.
 - (b) SFNSW is to map such a site only where it is satisfied that it was used as a beehive set down site before 1 November 2001.
 - (c) Any such map is to be prepared, and approved by the relevant regional manager, before 1 April 2002.
 - (d) On or after 1 April 2002, no beehive may be set down within such land unless the site has been mapped, and the map approved by the relevant regional Manager, in accordance with this subclause.

Land that becomes relevantly zoned land after commencement of clause

- (3) The following apply where land becomes relevantly zoned land after 1 November 2001:
- (a) SFNSW is to map any site within such land that it has determined may be used as a beehive set down site in the future.
 - (b) SFNSW is to map such a site only where it is satisfied that before it became part of relevantly zoned land it was used as a beekeeping site.
 - (c) Any such map is to be prepared, and approved by the relevant regional manager, within 12 months of the land becoming relevantly zoned land.
 - (d) No beehive may be set down within such land from 12 months after it becomes relevantly zoned unless the site has been mapped, and the map approved by the relevant regional manager, in accordance with this subclause.

Note: Maps prepared under this clause are available for inspection and copying under clause 48.

Explanatory Note

This new clause is equivalent to the new clause 32 inserted by this instrument in the Integrated Forestry Operations Approvals for the Eden and Lower North East Regions (Schedules 1 and 2).

33. 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 animals in the Upper North East 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 DUAP by 30 June 2000.

Note: DUAP 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 Upper North East Region within 6 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 DUAP, unless such an inconsistency has been approved by DUAP.

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 Upper North East 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 Upper North East 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*.

34. 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 Upper North East 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 Upper North East 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.

- (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 DUAP by 30 June 2000.

Note: DUAP 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 Upper North East Region within 6 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 DUAP, unless such an inconsistency has been approved by DUAP.

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 Upper North East 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 Upper North East 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*.

35. 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 Upper North East Region, where the presence of those animals in the Region may have an adverse impact on the environment.

The terms of the licence under the Threatened Species Conservation Act 1995 contain requirements for the implementation of a “Feral and Introduced Predator Control Plan”. SFNSW may wish to prepare a consolidated plan or plan 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 taken 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).
- (1) SFNSW must submit the model document for the approval of DUAP by 30 June 2000.

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

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

SFNSW must give effect to feral and introduced animal management plan

- (4) SFNSW must give effect to any feral and introduced animal management plan prepared under this clause.
- (5) 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

- (6) 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

- (7) SFNSW must review any feral and introduced animal management plan applying to the Upper North East 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 Upper North East 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*.

36. Application of fertiliser

- (1) Immediately prior to any trees being planted in the Upper North East Region, one pellet of fertiliser per tree may be placed in the soil into which each tree is to be planted.
- (2) Fertiliser may only be applied in the Upper North East Region in accordance with subclause (1).

37. 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.

38. Assessments of regeneration following cessation of logging operations

- (1) SFNSW must assess the extent and nature of regeneration following the cessation of logging operations in areas within the Upper North East Region on a regular and periodic basis.
- (2) The first such assessment is to be completed no later than 31 December 2004, and further assessments are to be completed at intervals of no more than 5 years following the first assessment.
- (3) SFNSW must consult with DUAP 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

39. Road construction restricted in certain zones

- (1) This clause applies to the following land in the Upper North East 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 State Forests” (State Forests of New South Wales, December 1999). That document is available for public inspection and copying under clause 48.

The Forest Management Zones for the Upper North East Region are mapped. These maps are available for public inspection and copying under clause 48 of this approval.

AMENDMENT 1
1 Dec 2001
Clause 39(2)
replaced
Ref Appendix E

- (2) Road construction, road re-opening and routine road maintenance on land to which this clause applies may only be carried out where:

Explanatory note

The above amendment and the following amendment are made as a consequence of amendments made to clause 10 by this instrument.

This instrument makes identical amendments to clause 39 of the Integrated Forestry Operations Approvals for the Eden and Lower North East Regions (Schedules 1 and 2).

- (a) there is no alternative site available for the purposes of the road;
- (b) prior to the construction of the road, 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 in writing; and
- (c) all practicable measures are taken to minimise any adverse impacts of the road construction or road re-opening on the environment.

AMENDMENT 1
1 Dec 2001
Clause 39(3)
replaced
Ref Appendix E

- (3) In this clause, “road re-opening” and “routine road maintenance” have the same meanings as in clause 10.

40. 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 Upper North East 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 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 41 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 prevent 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) 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 DUAP no later than 30 June 2000.
- Note:* DUAP 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 Upper North East 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 DUAP, unless such an inconsistency has been approved by DUAP.
 - (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.

41. 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 40).
- (3) In this clause, “forestry operations” has the same meaning as in the *Forestry and National Park Estate Act 1998*.

PART 7 - Miscellaneous

42. Compartment histories

- (1) 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 Australian Group Selection (as described in clause 5(10) 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(10) of this approval) has been, or is intended to be, carried out;
 - (c) where land within the compartment forms part of the tract of forested land referred to in paragraphs (a) or (b), particulars of the land forming the remainder of the tract;
 - (d) the matters required to be the subject of the report referred to in clause 24 (“Annual reports on logging operations” applying to the compartment concerned;
 - (e) the matters required to be the subject of the plan of forest products operations referred to in clause 27 (“Plan of forest products operations”) applying to the compartment concerned;
 - (f) particulars of any occupation permit to occupy land for the purposes of bee-farming, granted by SFNSW under section 31 of the *Forestry Act 1916* applying to the compartment concerned;
 - (g) particulars of any grazing permit granted by SFNSW under section 31 of the *Forestry Act 1916* applying to the compartment concerned;
 - (h) particulars of any forestry lease of land for grazing granted by SFNSW under section 33 of the *Forestry Act 1916* applying to the compartment concerned;
 - (i) any thinning undertaken in the compartment concerned;
 - (j) 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;

- (k) any activities undertaken in the compartment concerned to control weeds and pests; and
- (l) any activities undertaken in the compartment concerned to promote regeneration following timber harvesting or forest products operations.

43. 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 which 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.

44. 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.

AMENDMENT 2
28 April 2003
Clause 44(2)
replaced
Ref Appendix E

- (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 high conservation value old growth forest and an exclusion zone around a record of a particular threatened species) and:
 - (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.

- (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 5.3 of the terms of the licence under the Threatened Species Conservation Act 1995, allow trees to be felled into high conservation value old growth forest 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 the pouched frog, wombat 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 specifically to such exclusion zones).

45. Inconsistencies between approval, Forest Agreement and other documents

- (1) Where there is an inconsistency between any term of this approval and the NSW Upper North East 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 DUAP 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 DUAP 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 licence under the *Threatened Species Conservation Act 1995* set out in Appendix B 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 C to this approval.

46. SFNSW must assist officers of DUAP to collect information

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

Note: The purposes for which DUAP 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.

47. 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.

48. 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 Upper North East Region:
 - (a) the document entitled, "Forest Management Zoning in State Forests" (State Forests of New South Wales, December 1999);
 - (b) the CD-Rom referred to in the definitions of "high conservation value old growth forest", "rainforest" and "rare non-commercial forest types" in clause 10 of this approval;
 - (c) the maps referred to in the definitions of "Forest Type 31 Paperbark" and "warm temperate rainforest" in clause 10 of this approval;
 - (d) the document entitled, "Cultural Heritage Guidelines" (State Forests of New South Wales, December 1999) (referred to in clause 14 of this approval);
 - (e) any annual plan of logging operations prepared under clause 23 of this approval;
 - (e1) any written notice of harvesting operations prepared under clause 23B of this approval;
 - (e2) any monthly report on harvesting operations prepared under clause 23C of this approval;
 - (f) any report prepared in accordance with clause 24 of this approval;
 - (g) any plan of forest products operations prepared in accordance with clause 27 of this approval;
 - (h) documentation showing the methodology, results and analyses of the scientific trials concerning thinning referred to in clause 29 of this approval after they have been carried out;
 - (h1) any annual plan of thinning operations prepared under clause 29A of this approval;
 - (h2) any written notice of thinning operations prepared under clause 29C of this approval;
 - (h3) any monthly report on thinning operations prepared under clause 29D of this approval;

AMENDMENT 3
17 May 2004
Clause 48(1)(e)
replaced
Ref Appendix E

AMENDMENT 3
17 May 2004
Clause 48(1)(h1-
h3) added
Ref Appendix E

- (i) any annual plan of burning operations, assessment, site specific plan of burning operations or model document prepared in accordance with clause 30 of this approval;
- (j) documentation showing the methodology, results and analyses of the scientific trials concerning burning referred to in clause 31 of this approval after they have been carried out;
- (ja) any map prepared, and approved by the relevant regional manager, in accordance with clause 32 of this approval;

AMENDMENT 1
1 Dec 2001
Clause 48(1ja)
added
Ref Appendix E

Explanatory Note

An amendment equivalent to the above is made by this instrument to clause 48 of the Integrated Forestry Operations Approvals for the Eden and Lower North East Regions (Schedules 1 and 2).

- (k) any grazing management plan or model document prepared in accordance with clause 33 of this approval;
- (l) any weed management plan or model document prepared in accordance with clause 34 of this approval;
- (m) any feral and introduced animal management plan or model document prepared in accordance with clause 35 of this approval;
- (n) any assessment prepared in accordance with clause 38 of this approval;
- (o) any road and fire trail management plan or model document prepared in accordance with clause 40 of this approval;
- (p) any harvest plan applicable to any area of land in the Upper North East Region, being plans which include site specific information and instructions to staff of SFNSW and other persons concerning logging operations;
- (q) Forest Practices Codes published by SFNSW and applying to forestry operations in the Upper North East Region;
- (r) any annual Regional ESFM report as referred to in the NSW Upper North East Region Forest Agreement;
- (s) any annual Environmental and Social Values Report as referred to in the NSW Upper North East Region Forest Agreement;
- (t) Forest management zoning maps (being maps which indicate how land in the Upper North East Region has been classified in accordance with the Forest Management Zoning System; and
- (u) the CD-Rom referred to in condition 6.13B (“Hastings River Mouse (Special provisions for various compartments)”) of the terms of the licence under the *Threatened Species Conservation Act 1995* set out in Appendix B.

AMENDMENT 3
17 May 2004
Clause 48 1(p)
replaced
Ref Appendix E

AMENDMENT 4
22 Nov 2007
Deleted 'and'

AMENDMENT 4
22 Nov 2007
Inserted 'and'

AMENDMENT 4
22 Nov 2007
Inserted

- (1A) 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 Upper North East Region to which the document applies:

AMENDMENT 3
17 May 2004
Clause 48(1A)
added
Ref Appendix E

- (a) any site specific plan of harvesting operations prepared under clause 23A of this approval;
- (b) any other harvest plan, being a plan that includes site specific information and instructions to staff of SFNSW and other persons concerning logging operations that are proposed or on-going at the commencement of this subclause;

(c) any site specific plan of thinning operations prepared under clause 29B of this approval.

AMENDMENT 3
17 May 2004
Clause 48(2)
modified
Ref Appendix E

- (2) Any person may take copies of any of the documents (or, if SFNSW and the person agree, extracts from any of the documents) referred to in paragraphs (a), and (d) to (t), of subclause (1) or in subclause (1A):
- (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 (b) of subclause (1) may be also be inspected and purchased at the head office of DUAP.

AMENDMENT 3
17 May 2004
Clause 48(3)
modified
Ref Appendix E

- (3) Despite subclauses (1), (1A) and (2), 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 licence 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*.

49. 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.**

(Clause 6)

Appendix C

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

(Clause 6)

AMENDMENT 7
1 March 2013
Appendix D amended

Appendix D Maps 1 to 5 – Land to which this approval does not apply

(Clause 4(2)(e))

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)).

Appendix E – Original Clauses and signatures of parties