

FORESTRY AND NATIONAL PARK ESTATE ACT 1998

AMENDMENT NO 4 TO INTEGRATED FORESTRY OPERATIONS APPROVAL FOR THE EDEN REGION

The Integrated Forestry Operations Approval for the Eden Region is amended as set out in the Schedule 1 to this instrument.

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

Dated:

Ian Macdonald MLC
Minister for Natural Resources
Minister for Primary Industries

Bob Debus MP
Minister for the Environment

**SCHEDULE 1 – AMENDMENTS TO THE INTEGRATED FORESTRY
OPERATIONS APPROVAL FOR THE EDEN REGION**

[1] Clause 10 (13) Definition of relevant exclusion zone

Insert, in appropriate order, the following matter in the definition of “relevant exclusion zone” in clause 10 (13):

condition 6.2A (“Giant Burrowing Frog (Interim arrangement)”),
condition 6.5A (“Southern Brown Bandicoot (Interim arrangement)”),
condition 6.8A (“Smoky Mouse (Interim arrangement)”),

[2] Clause 48 Public availability of documents

Omit “and” at the end of clause 48 (1) (r). Omit “System.” from clause 48 (1) (s) and insert instead “System; and”. Insert at the end of clause 48 (1) (s):

(t) the CD-Rom referred to in condition 6.2A (“Giant Burrowing Frog (Interim arrangement)”), condition 6.5A (“Southern Brown Bandicoot (Interim arrangement)”) and condition 6.8A (“Smoky Mouse (Interim arrangement)”) of the terms of the licence under the *Threatened Species Conservation Act 1995* set out in Appendix B.

[3] Terms of licence under the *Threatened Species Conservation Act 1995* set out in Appendix B

Condition 5.1 (b) Operational requirements

Insert “6.2A Giant Burrowing Frog (Interim arrangement),” after “6.2 Giant Burrowing Frog and Stuttering Frog,” in condition 5.1 (b). Insert “6.5A Southern Brown Bandicoot (Interim arrangement),” after “6.5 Southern Brown Bandicoot,” in condition 5.1 (b). Insert “6.8A Smoky Mouse (Interim arrangement),” after “6.8 Smoky Mouse,” in condition 5.1 (b).

[4] Condition 5.19 (c) Miscellaneous forestry operations

Insert “6.2A Giant Burrowing Frog (Interim arrangement),” after “6.2 Giant Burrowing Frog and Stuttering Frog,” in condition 5.19 (c). Insert “6.5A Southern Brown Bandicoot (Interim arrangement),” after “6.5 Southern Brown Bandicoot,” in condition 5.19 (c). Insert “6.8A Smoky Mouse (Interim arrangement),” after “6.8 Smoky Mouse,” in condition 5.19 (c).

[5] Condition 6.2A

Insert after condition 6.2:

6.2A Giant Burrowing Frog *Heleioporus australiacus* (Interim arrangement)

Note: The following condition (condition 6.2A) was developed as a result of a review of the operation of condition 6.2 in the Eden region, which provides for the establishment of exclusion zones for the protection of the Giant Burrowing Frog and Stuttering Frog. (Forests NSW may request such a review under conditions 2.1 (b) and 6.2 (e).) Condition 6.2A operates for about two years only, while a species management plan is being developed for the Giant Burrowing Frog in the Region. The condition identifies those areas of land that are to be set aside as exclusion zones for the protection of the Giant Burrowing Frog during this period. It is envisaged that the terms of the licence will be amended before the expiry of the condition to reflect provisions of the species management plan.

- a) This condition (condition 6.2A) has effect on and from its commencement until 29 February 2008. Condition 6.2 does not apply during that period in relation to exclusion zones for the protection of the Giant Burrowing Frog. However, that condition continues to apply in relation to exclusion zones for the protection of the Stuttering Frog.
- b) A Giant Burrowing Frog Exclusion Zone must be established for any area of land:
 - i. depicted in the Geographic Information System theme in ESRI shapefile format called “Giant Burrowing Frog Exclusion Zones”, in the sub-directory called “Giant Burrowing Frog Exclusion Zones”, on the CD-Rom lodged with the Department of Natural Resources and having the volume label “060210_1106” dated 10 February 2006; and
 - ii. further described in the corresponding metadata on the CD-Rom.
- c) Despite conditions 7 and 8:
 - i. surveys in accordance with condition 8.8 (and, in particular, conditions 8.8.3.1, 8.8.3.2 and 8.8.3.3) are not required for or in relation to the Giant Burrowing Frog before a harvesting operation is carried out; and
 - ii. the identification and recording of indications of the Giant Burrowing Frog in accordance with condition 8.6 (Incidental Threatened Flora and Fauna Records) is not required.

[6] Condition 6.5A

Insert after condition 6.5:

6.5A Southern Brown Bandicoot *Isoodon obesulus* (Interim arrangement)

Note: The following condition (condition 6.5A) was developed as a result of a review of the operation of condition 6.5 in the Eden Region, which provides for the establishment of exclusion zones for the protection of the Southern Brown Bandicoot. (Forests NSW may request such a review under conditions 2.1 (b) and 6.5 (e).) Condition 6.5A operates for about two years only, while a species management plan is being developed for the Southern Brown Bandicoot. The

condition identifies those areas of land that are to be set aside as exclusion zones for the protection of the Southern Brown Bandicoot. It is envisaged that the terms of the licence will be amended before the expiry of the condition to reflect the provisions of the species management plan.

- a) This condition (condition 6.5A) has effect on and from its commencement until 29 February 2008. Condition 6.5 has no effect during that period.
- b) A Southern Brown Bandicoot Exclusion Zone is to be established for any area of land:
 - i. depicted in the Geographic Information System theme in ESRI shapefile format called "Southern Brown Bandicoot Exclusion Zones", in the sub-directory called "Southern Brown Bandicoot Exclusion Zones", on the CD-Rom lodged with the Department of Natural Resources and having the volume label "060210_1106" dated 10 February 2006; and
 - ii. further described in the corresponding metadata on the CD-Rom.
- c) The boundary of a Southern Brown Bandicoot Exclusion Zone (as required to be established in accordance with condition 6.5A (b)) is to be adjusted in the field, if necessary, so that it reflects the extent of the potential habitat of the Southern Brown Bandicoot. Accordingly, if 80% or more of the basal area of any stand of trees (including any stand that is located only partially within the area described on the relevant CD-Rom referred to in condition 6.5A (b)) is made up of trees of the species *Eucalyptus consideniana* or *Eucalyptus ovata*, the land on which that stand is located is to be included in the Exclusion Zone.

Note: The purpose of condition 6.5A (c) is to ensure that a Southern Brown Bandicoot Exclusion Zone is established for an area where the Bandicoot's potential habitat is located. The existence of that potential habitat is indicated by the dominance by E. consideniana or E. ovata of the overstorey. (Note that condition 6.5A (c) requires dominance by trees of these species to be determined by reference to the proportion of the basal area they occupy.) The relevant floristic assemblages or forest types where E. consideniana or E. ovata respectively may dominate the overstorey have been variously described in:

- *Keith and Bedward (1999)* which describes "Timbillica Dry Scrub Forest" (where E. consideniana may dominate) and "Swamp Forest" (where E. ovata may dominate); and*
- *Research Note 17 which lists Forest Type 102, "Yerchuk", as dominated by E. consideniana and Forest Type 143, "Swamp Gum etc", as dominated by E. ovata.*

** Keith D.A. and Bedward M. (1999) Native Vegetation of the South East Forests region, Eden, New South Wales. Cunninghamia 6 (1):1-281.*

- d) If the boundary of a Southern Brown Bandicoot Zone is adjusted under condition 6.5A (c), Forests NSW is to prepare a map showing the adjustment made to the boundary or a written description of the adjustment made. A copy of the map or description is to be kept at the office of Forests NSW responsible for managing

- land in the Eden Region and is to be provided to the Department of Environment and Conservation at its request.
- e) The boundary of a Southern Brown Bandicoot Zone is not required to be marked in the field before a harvesting operation is carried out (despite the requirements of condition 5.1).
 - f) Despite conditions 7 and 8:
 - i. surveys in accordance with condition 8.8 (and, in particular, conditions 8.8.7, 8.8.8 and 8.8.10) are not required for or in relation to the Southern Brown Bandicoot before a harvesting operation is carried out; and
 - ii. the identification and recording of indications of the Southern Brown Bandicoot in accordance with condition 8.6 (Incidental Threatened Flora and Fauna Records) is not required.
 - g) For the purposes of this condition:
 - i. the basal area of a tree is the cross-sectional area of its trunk measured at 1.3 metres above ground level (that is, at breast height over bark); and
 - ii. the basal area of a stand of trees is the sum of the basal areas of the trees in that stand, expressed in square metres per hectare; and
 - iii. in calculating the basal area of a stand of trees, only the basal areas of living trees that have a diameter of at least 10 centimetres measured at 1.3 metres above ground level (that is, at breast height over bark) are to be taken into account.

[7] Condition 6.8A

Insert after condition 6.8:

6.8A Smoky Mouse *Pseudomys fumeus* (Interim arrangement)

Note: The following condition (condition 6.8A) was developed as a result of a review of the operation of condition 6.8 in the Eden Region, which provides for the establishment of exclusion zones for the protection of the Smoky Mouse. (Forests NSW may request such a review under conditions 2.1 (b) and 6.8 (e).) Condition 6.8A operates for about two years only, while a species management plan is being developed for the Smoky Mouse. The condition identifies those areas of land that are to be set aside as exclusion zones for the protection of the Smoky Mouse. In addition, if a record of the Smoky Mouse, indicating the existence of a previously unknown population of the Mouse, is discovered in the Eden Region (other than in Nullica and Gnupa State Forests) after the commencement of condition 6.8A, Forests NSW is required to notify the Department of Environment and Conservation. Specified forestry activities are prohibited in the vicinity of that record, without the approval of DEC. It is envisaged that the terms of the licence will be amended before the expiry of the condition to reflect the provisions of the species management plan for the Smoky Mouse.

- a) This condition (being condition 6.8A) has effect on and from its commencement until 29 February 2008. Condition 6.8 has no effect during that period.
- b) A Smoky Mouse Exclusion Zone must be established for any area of land:
 - i. depicted in the Geographic Information System theme in ESRI shapefile format called "Smoky Mouse Exclusion Zones", in the sub-directory called "Smoky Mouse Exclusion Zones", on the CD-Rom lodged with the Department of Natural Resources and having the volume label "060210_1106" dated 10 February 2006; and
 - ii. further described in the corresponding metadata on the CD-Rom.
- c) Despite conditions 7 and 8, surveys in accordance with condition 8.8 (and, in particular, conditions 8.8.8 and 8.8.9) are not required for or in relation to the Smoky Mouse before a harvesting operation is carried out.

Records outside Nullica and Gnupa State Forests (temporary measures for protection of Smoky Mouse)

- d) If Forests NSW discovers or becomes aware of a record of a Smoky Mouse, Forests NSW is to notify (in writing) the Department of Environment and Conservation ("DEC"), of the record within two working days of discovering or becoming aware of the record. This requirement applies only to records first discovered after the commencement of this condition.
- e) A specified forestry activity may not be carried out, without the approval in writing of the Department of Environment and Conservation, within 300 metres of any such record (even if that activity is or is part of a harvesting operation that has already commenced).
- f) If Forests NSW and DEC jointly determine that:
 - i. any such record may not be relied on to establish the presence of a Smoky Mouse in the vicinity of the record, having regard to matters such as the source and nature of the record; or
 - ii. any such record does not indicate the existence of a population of Smoky Mouse that was previously unknown,

condition 6.8A (e) ceases to have effect.

- g) DEC's approval (for the purposes of condition 6.8A (e)) may be given subject to conditions. Those conditions may require alternate measures, agreed to by Forests NSW, for the protection of the relevant individual or population of the Smoky Mouse to be taken.
- h) Condition 6.8A (e) does not give rise to an exclusion zone for the purposes of this licence.

- i) Any harvesting plan operational map (referred to in condition 3) must identify any area (contained within the area shown on the map) in which specified forestry activities are prohibited or restricted because of condition 6.8A (e). In addition, the harvesting plan or operational plan (also referred to in condition 3) must set out or include any approval (including conditions) given by DEC for the purposes of condition 6.8A (e) that affects the carrying out of operations in the area to which the plan applies.
- j) DEC may, at any time, revoke, or amend, with the agreement of Forests NSW, any conditions to which its approval for the purposes of condition 6.8A (e) may be subject.
- k) Conditions 6.8A (d) to (j) inclusive do not apply to records or specified forestry activities within Nullica and Gnupa State Forests. Accordingly, specified forestry activities are not prohibited or restricted:
 - i. in Nullica and Gnupa State Forests because of the discovery of a record referred to in condition 6.8A (d) (whether or not the record is located within or outside those Forests); and
 - ii. outside Nullica and Gnupa State Forests because of the discovery of a record referred to in condition 6.8A (d) within either of those Forests.