

Amendment to Stop Work Order



Forestry Corporation of New South Wales Trading as FORESTRY CORPORATION
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BEECROFT NSW 2119

Attention: [REDACTED] Senior Compliance Manager

Email: compliance@fcnsw.com.au; [REDACTED]

Our reference: DOC23/103987-2
Your reference: DOC23/1017228
Date: 29 November 2023

NOTICE OF AMENDMENT TO STOP WORK ORDER

BACKGROUND

- A. On 14 November 2023, the Environment Protection Authority (**the EPA**) made a verbal Stop Work Order to Forestry Corporation NSW (**FCNSW**) pursuant to section 11.3 of the *Biodiversity Conservation Act 2016* (**BC Act**) in relation to forestry operations in Compartment 34A (**the Compartment**) in Flat Rock State Forest. The Stop Work Order was made at 2pm by [REDACTED], Acting Director Operations, who has delegated authority to exercise the function in section 11.3 of the BC Act on behalf of the EPA.
- B. On 17 November 2023, the EPA made a written Stop Work Order DOC23/999343-1 to confirm the verbal notification of the Stop Work Order made on 14 November 2023 pursuant to section 11.4 BC Act.
- C. The Stop Work Order requires FCNSW cease and not carry out the following actions:
- all forestry operations in Flat Rock State Forest in Compartment 34A including all harvesting, haulage operations and roading and track construction, use or maintenance as defined by the IFOA Conditions and Protocols.
- D. Section 11.7 of the BC Act provides:
- 11.7 Consultation about modification or licensing of proposed detrimental action**
- (1) After making a stop work order, the Environment Agency Head must immediately consult with the person taking or proposing to take the relevant action to determine whether any modification of the action may be sufficient to prevent the contravention of this Act or the native vegetation legislation.*
- E. Section 11.7(1) requires the EPA to consult with FCNSW immediately following the service of the Stop Work Order to determine whether a modification of the action may be sufficient to prevent the contravention of the BC Act.
- F. On 17 November 2023 at the time of issuing the written Stop Work Order the EPA consulted with FCNSW by inviting FCNSW comments on the Order.
- G. The EPA has implied power to amend a Stop Work Order under section 43(2) of the *Interpretation Act 1987*, including following consultation with FCNSW under section 11.7 of the BC Act.



Amendment to Stop Work Order

- H. On 20 November 2023, FCNSW wrote to the EPA requesting amendments to the written Stop Work Order made on 17 November 2023.
- I. The 20 November 2023 letter requested that the EPA amend the scope of the Stop Work Order to explicitly permit activities described in the letter, namely:
- 4. Removal of harvested logs**
 - 4.1 Process logs already on existing log dumps into log products, and load and haul the timber along existing roads out of the Compartment.*
 - 4.2 Walk heavy plant between log dumps, along existing roads, for the purpose of processing logs and loading processed log products.*
 - 4.3 Snig felled trees from the forest to log dumps using heavy plant, process into log products on existing log dumps, and load and haul the timber along existing roads out of the Compartment.*
 - 5. Drainage work**
 - 5.1 Use skidder and bulldozer to carry out drainage work on open snig tracks where necessary for environmental protection reasons and to meet Coastal IFOA requirements and avoid any subsequent potential non-compliance.*
 - 5.2 Use skidder and bulldozer to carry out road maintenance work where necessary for environmental protection reasons and to meet Coastal IFOA requirements and avoid any subsequent potential non-compliance.*
 - 6. Removal of equipment**
 - 6.1 Transport harvesting equipment using heavy vehicles from the Compartment using existing roads.
 - i. The inability to do so will cause financial and operational impacts on the affected contractor if work is available elsewhere.**
 - 7. Log haulage associated with unrelated forestry operations**
 - 7.1 Haul timber that has been harvested from forestry operations that are not associated with the Compartment along Flat Rock Road.
 - i. Flat Rock Road is not the primary haulage route for any forestry operations not associated with the Compartment. However, should the primary haulage route be affected by flood, fire or other incident, Forestry Corporation would require the use of Flat Rock Road to transport timber to customers.**
- J. The EPA has considered the request in the 20 November 2023 letter in light of the circumstances referred to at clauses A to BB of the written Stop Work Order.
- K. On 21 November 2023 and the 24 November 2023, the EPA further consulted with FCNSW about the Order.

AMENDMENT TO STOP WORK ORDER

By this notice the EPA amends the Stop Work Order (DOC23/999343-1 issued in writing to FCNSW on 17 November 2023) in the following manner:

Under the heading, **Required actions**, inserting the following after clause 1:

2. The requirement to cease and not carry out actions under clause 1. of this Stop Work Order does not apply to the following actions specified in this clause 2:

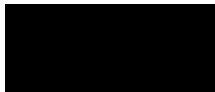
- (a) Removal of harvested logs




Amendment to Stop Work Order

- (i) From 8:00 am on 29 November 2023, the removal of harvest logs may continue in the Compartment, where those activities are comprised of the following actions:
 - (A.) processing logs into timber products, where those logs are located in log dumps that existed prior to the commencement of this Stop Work Order; and
 - (B.) loading and hauling timber products processed in accordance with clause (A.) along existing roads out of the Compartment.
- (b) Drainage work
 - (i) Drainage work may continue in the Compartment, where those activities are comprised of the following actions:
 - (A.) for the purposes of FCNSW complying with its existing obligations under the Coastal IFOA, using skidders and bulldozers to carry out:
 - drainage work on open snig tracks where required; and
 - road maintenance where required.
- (c) Removal of equipment
 - (i) From 8.00 am on 29 November 2023, the removal of equipment may continue from the Compartment, where those activities are comprised of the following actions:
 - (A.) transporting harvesting equipment from the Compartment using heavy vehicles on existing roads.
- (d) Log Haulage associated with unrelated forestry activities
 - (i) In situations where fire, flood or another incident impact primary haul roads, haul timber that has been harvested from forestry operations that are not associated with the Compartment along Flat Rock Road.

Note: The remaining directions in the Stop Work Order are not varied and continue to have effect.




A/Director Operations
(by delegation)

Date: 29 November 2023

Contact Officer: , A/Director Operations, 

INFORMATION ABOUT THIS NOTICE

- This notice operates from the date of issue of this notice unless a later date is specified in this notice.