

FORESTRY AND NATIONAL PARK ESTATE ACT 1998

**AMENDMENT NO 5 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 attached schedule to this instrument.

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

Dated: 2008

Verity Firth MP
Minister for Climate Change and the Environment

Ian Macdonald MLC
Minister for Primary Industries

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

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

Omit the matter relating to conditions 6.2, 6.2A, 6.5, 6.5A, 6.8 and 6.8A from the definition of “relevant exclusion zone” in clause 10 (13). Insert instead, in appropriate order, the following:

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

[2] Clause 48 (1) (t) Public availability of documents

Omit clause 48 (1) (t). Insert instead:

- (t) the CD-Roms and Species Management Plans referred to in condition 6.2A (“Giant Burrowing Frog”), condition 6.5A (“Southern Brown Bandicoot”) and condition 6.8A (“Smoky Mouse”) 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 of the Approval

Condition 5.1 (b) Operational requirements

Omit the references and matter relating to conditions 6.2, 6.2A, 6.5, 6.5A, 6.8 and 6.8A from condition 5.1 (b). Insert instead, in appropriate order, the following matter:

“6.2 Stuttering Frog, 6.2A Giant Burrowing Frog,”
“6.5A Southern Brown Bandicoot,”
“6.8A Smoky Mouse,”

[4] Condition 5.19 (c) Miscellaneous forestry operations

Omit the references and matter relating to conditions 6.2, 6.2A, 6.5, 6.5A, 6.8 and 6.8A from condition 5.19 (c). Insert instead, in appropriate order, the following matter:

“6.2 Stuttering Frog, 6.2A Giant Burrowing Frog,”
“6.5A Southern Brown Bandicoot,”
“6.8A Smoky Mouse,”

[5] Condition 6.2 (a) Stuttering Frog *Mixophyes balbus*

Omit “these species” from condition 6.2 (a). Insert instead “Stuttering Frog *Mixophyes balbus*”.

[6] Condition 6.2 (d) Stuttering Frog *Mixophyes balbus*

Omit “*Heleioporus australiacus* and” from condition 6.2 (d).

[7] Condition 6.2 (e) Stuttering Frog *Mixophyes balbus*

Omit “15 Giant Burrowing Frog or” from condition 6.2 (e).

[8] Condition 6.2A Giant Burrowing Frog *Heleioporus australiacus*

Omit the note to condition 6.2A. Insert instead the following note:

Note: The following condition was originally inserted in 2006 to identify areas of land to be set aside as exclusion zones for the protection of the Giant Burrowing Frog. When inserted in 2006, the condition was to expire on 29 February 2008. It was amended in 2008 to extend its operation indefinitely. The 2008 amendment was accompanied by the adoption of a Species Management Plan for the Giant Burrowing Frog. That Plan describes a survey and monitoring program for the GBF that Forests NSW is to undertake. The survey and monitoring program is different to the survey methodology that was previously required by condition 8 of this licence to be adopted in relation to the GBF. Accordingly, condition 8 was also amended in 2008 to remove the requirements relating to surveys specifically for the GBF.

[9] Condition 6.2A (a) Giant Burrowing Frog *Heleioporus australiacus*

Omit condition 6.2A (a).

[10] Condition 6.2A (b) (i) Giant Burrowing Frog *Heleioporus australiacus*

Omit “lodged with the Department of Natural Resources” from condition 6.2A (b) (i). Insert instead “held by the Department of Environment and Climate Change”.

[11] Condition 6.2A (c) Giant Burrowing Frog *Heleioporus australiacus*

Omit condition 6.2A (c). Insert instead:

- c) Despite condition 5.1, low intensity burning may be carried out in a Giant Burrowing Frog Exclusion Zone for the purpose of bush fire hazard reduction.

[12] Condition 6.2A (d) – (g) Giant Burrowing Frog *Heleioporus australiacus*

Insert the following after condition 6.2A (c):

- Species Management Plan for the Giant Burrowing Frog**
- d) Forests NSW is to give effect to the Species Management Plan (South Eastern NSW) for the Giant Burrowing Frog (*Heleioporus australiacus*), being IFOA Species Management Plan No. 2, (“SMP for the GBF”), as it applies to Forests NSW on 1 March 2008. In particular, Forests NSW is to carry out the survey and monitoring program as described in the Plan.
- e) Forests NSW is to prepare, at the end of each calendar year (commencing 2008), a written report on the results and findings of its survey and monitoring program for the Giant Burrowing Frog, as carried out in that year, and is to give the Department of Environment and Climate Change a copy of that report.
- f) Forests NSW is to participate in a review of the SMP for the GBF and the application of the terms of this licence to the GBF, in light of the results and findings of the survey and monitoring program, and other actions taken by Forests NSW to give effect to the SMP:

- (a) if the Department of Environment and Climate Change, at any time, seeks such a review (for example, because the data collected in relation to the GBF shows a decline in the population of the GBF in any of the planning management zones (as described in the Plan), and
- (b) every 3 years, with the first review commencing in March 2011.

Note: It is intended that a 3 yearly review referred to in condition 6.2A (f) (b) will be completed by the end of the calendar year in which the review is undertaken.

- g) Forests NSW may, at any time, review (with the agreement of the Department of Environment and Climate Change) the SMP for the GBF or the application of the terms of this licence to the GBF (or both), in light of the results and findings of the survey and monitoring program, and other actions taken by Forests NSW, to give effect to the SMP for the GBF.

Note: If the SMP for the GBF is amended or replaced as a result of a review, it is intended that the above condition will also be amended to reflect the changes in the content of the Plan.

[13] Condition 6.5 Southern Brown Bandicoot *Isoodon obesulus*

Omit condition 6.5.

[14] Condition 6.5A Southern Brown Bandicoot *Isoodon obesulus*

Omit the note to condition 6.5A. Insert instead the following note:

Note: The following condition was originally inserted in 2006 to identify areas of land to be set aside as exclusion zones for the protection of the Southern Brown Bandicoot. When inserted in 2006, the condition was to expire on 29 February 2008. It was amended in 2008 to extend its operation indefinitely. The 2008 amendment was accompanied by the adoption of a Species Management Plan for the Southern Brown Bandicoot. That Plan describes a survey and monitoring program for the Bandicoot that Forests NSW is to undertake. The program is different to the survey methodology that was previously required by condition 8 of this licence to be adopted in relation to the Bandicoot. Accordingly, condition 8 was also amended in 2008 to remove the requirements relating to surveys specifically for the Bandicoot.

[15] Condition 6.5A (a) Southern Brown Bandicoot *Isoodon obesulus*

Omit condition 6.5A (a).

[16] Condition 6.5A (b) (i) Southern Brown Bandicoot *Isoodon obesulus*

Omit "lodged with the Department of Natural Resources" from condition 6.5A (b) (i). Insert instead "held by the Department of Environment and Climate Change".

[17] Condition 6.5A (d) and (e) Southern Brown Bandicoot *Isoodon obesulus*

Insert "Exclusion" before "Zone", wherever occurring, in condition 6.5A (d) and (e).

[18] Condition 6.5A (f) Southern Brown Bandicoot *Isoodon obesulus*

Omit condition 6.5A (f). Insert instead:

- f) Despite condition 5.1, low intensity burning may be carried out in a Southern Brown Bandicoot exclusion zone for the purpose of bush fire hazard reduction.

[19] Condition 6.5A (h) – (k) Southern Brown Bandicoot *Isoodon obesulus*

Insert the following after condition 6.5A (g):

Species Management Plan for the Southern Brown Bandicoot

- h) Forests NSW is to give effect to the Species Management Plan (South Eastern NSW) for the Southern Brown Bandicoot (*Isoodon obesulus*), being IFOA Species Management Plan No. 1, ("SMP for the SBB"), as it applies to Forests NSW on 1 March 2008. In particular, Forests NSW is to carry out the survey and monitoring program as described in the Plan.
- i) Forests NSW is to prepare, at the end of each calendar year (commencing 2008), a written report on the results and findings of its survey and monitoring program for the Southern Brown Bandicoot, as carried out in that year, and is to give the Department of Environment and Climate Change a copy of that report.
- j) Forests NSW is to participate in a review of the SMP for the SBB and the application of the terms of this licence to the SBB, in light of the results and findings of the survey and monitoring program, and other actions taken by Forests NSW to give effect to the SMP:
 - (a) if the Department of Environment and Climate Change, at any time, seeks such a review (for example, because the monitoring or survey methodology (as described in the Plan) is not yielding sufficient data), and
 - (b) every 3 years, with the first review commencing in March 2011.

Note: It is intended that a 3 yearly review referred to in condition 6.5A (j) (b) will be completed by the end of the calendar year in which the review is undertaken.

- k) Forests NSW may, at any time, review (with the agreement of the Department of Environment and Climate Change) the SMP for the SBB or the application of the terms of this licence to the SBB (or both), in light of the results and findings of the survey and monitoring program, and other actions taken by Forests NSW to give effect to the SMP for the SBB.

Note: If the SMP for the SBB is amended or replaced as a result of a review, it is intended that the above condition will also be amended to reflect the changes in the content of the Plan.

[20] Condition 6.8A Smoky Mouse *Pseudomys fumeus*

Omit the note to condition 6.8A. Insert instead the following note:

Note: The following condition was originally inserted in 2006 to identify areas of land to be set aside as exclusion zones for the protection of the Smoky Mouse. When inserted in 2006, the condition was to expire on 29 February 2008. It was amended in 2008 to extend its operation indefinitely. The 2008 amendment was accompanied by the adoption of a Species Management Plan for the Smoky Mouse. The Plan describes actions for the management of the Smoky Mouse and its habitat that Forests NSW is to undertake, together with a survey and monitoring program that is to be carried out jointly by the Department of Environment and Climate Change and Forests NSW. This program is different to the survey methodology that was previously required by condition 8 of this licence to be adopted in relation to the Smoky Mouse. Accordingly, condition 8 was also amended in 2008 to remove the requirements relating to surveys specifically for the Smoky Mouse.

Condition 6.8A also requires Forests NSW to notify the Department of Environment and Climate Change of any new record of the Smoky Mouse that it discovers outside Nullica and

Gnupa State Forests in the Eden Region. Specified forestry activities are prohibited in the vicinity of that record, unless DECC approves them being undertaken.

[21] Condition 6.8A (a) Smoky Mouse *Pseudomys fumeus*

Omit condition 6.8A (a).

[22] Condition 6.8A (b) (i) Smoky Mouse *Pseudomys fumeus*

Omit “lodged with the Department of Natural Resources” from condition 6.8A (b) (i). Insert instead “held by the Department of Environment and Climate Change”.

[23] Condition 6.8A (c) Smoky Mouse *Pseudomys fumeus*

Omit condition 6.8A (c).

[24] Condition 6.8A (d) Smoky Mouse *Pseudomys fumeus*

Omit “after the commencement of this condition” from condition 6.8A (d). Insert instead “after 1 April 2006”.

[25] Condition 6.8A (l) – (o) Smoky Mouse *Pseudomys fumeus*

Insert the following after condition 6.8A (k):

Species Management Plan for the Smoky Mouse

l) Forests NSW is to give effect to the Species Management Plan (South Eastern NSW) for the Smoky Mouse (*Pseudomys fumeus*), being IFOA Species Management Plan No. 3, (“SMP for the Smoky Mouse”), as it applies to Forests NSW on 1 March 2008. In particular, Forests NSW is to assist in carrying out the survey and monitoring program as described in the Plan.

m) Forests NSW is to prepare, at the end of each calendar year (commencing 2008), a written report on actions it has taken in that year to give effect to the SMP for the Smoky Mouse (as it applies to Forests NSW) and on the impact of, or information obtained as a result of, those actions. Forests NSW is to give the Department of Environment and Climate Change a copy of that report. Forests NSW is also to assist the Department of Environment and Climate Change (at the Department’s request) with the preparation of a written report on the results and findings of the survey and monitoring program, as described in the SMP for the Smoky Mouse, for that year.

Note: Forests NSW and the Department of Environment and Climate Change may prepare a joint report on the implementation of the SMP for the Smoky Mouse for any calendar year.

n) Forests NSW is to participate in a review of the SMP for the Smoky Mouse and the application of the terms of this licence to the Smoky Mouse, in light of the results and findings of the survey and monitoring program, and other actions taken by Forests NSW to give effect to the SMP for the Smoky Mouse:

- (a) if the Department of Environment and Climate Change, at any time, seeks such a review (for example, because the monitoring or survey methodology (as described in the Plan) is not yielding sufficient data), and
- (b) every 3 years, with the first review commencing in March 2011.

Note: *It is intended that a 3 yearly review referred to in condition 6.8A (n) (b) will be completed by the end of the calendar year in which the review is undertaken.*

- o) Forests NSW may, at any time, review (with the agreement of the Department of Environment and Climate Change) the SMP for the Smoky Mouse or the application of the terms of this licence to the Smoky Mouse (or both), in light of the results and findings of the survey and monitoring program, and other actions taken by Forests NSW to give effect to the SMP for the Smoky Mouse.

Note: *If the SMP for the Smoky Mouse is amended or replaced as a result of a review, it is intended that the above condition will also be amended to reflect the changes in the content of the Plan.*

[26] Condition 8.1A Special provisions in relation to survey requirements for Giant Burrowing Frog, Southern Brown Bandicoot and Smoky Mouse

Insert the following after condition 8.1:

8.1A Special provisions in relation to survey requirements for Giant Burrowing Frog, Southern Brown Bandicoot and Smoky Mouse

- a) Despite condition 7 and condition 8.1, targeted fauna surveys are not required, before carrying out a harvesting operation in a compartment, for the following species:
- (i) Giant Burrowing Frog (*Heleioporus australiacus*);
 - (ii) Southern Brown Bandicoot (*Isodon obesulus*);
 - (iii) Smoky Mouse (*Pseudomys fumeus*).
- b) Forests NSW's employees and contractors are not required, under condition 8.6, to identify or record indications that the Giant Burrowing Frog or Southern Brown Bandicoot is present, or has been present, in a compartment.

Note: *See conditions 6.2A, 6.5A and 6.8A which require Forests NSW to give effect to Species Management Plans for the Giant Burrowing Frog, Southern Brown Bandicoot and Smoky Mouse respectively. The Plans describe survey and monitoring programs for each species in the Eden Region. The programs require surveying at selected sites irrespective of whether a harvesting operation is proposed for the compartment concerned.*

[27] Condition 8.6 Incidental Threatened Flora and Fauna Records

Omit "the following species: *Heleioporus australiacus* and Eastern Quoll" from condition 8.6 (b). Insert instead "indications of the presence of Eastern Quoll".

[28] Condition 8.8.1 Targeted Fauna Surveys (General)

Omit the references and matter relating to the Giant Burrowing Frog, Smoky Mouse and the Southern Brown Bandicoot from Table 2 to condition 8.8.1.

[29] Condition 8.8.3.1 Targeted Fauna Surveys (Riparian frog survey)

Omit "*Heleioporus australiacus*," from condition 8.8.3.1.

[30] Condition 8.8.3.2 Targeted Fauna Surveys (Non-riparian frog survey)

Omit condition 8.8.3.2.

[31] Condition 8.8.3.3 Targeted Fauna Surveys (Giant Burrowing Frog *Heleioporus australiacus* survey)

Omit condition 8.8.3.3.

[32] Condition 8.8.6 Targeted Fauna Surveys (Spotlight survey)

Omit “When conducting spotlight surveys, particular emphasis must also be placed on identifying and recording *Heleioporus australiacus*.” from condition 8.8.6.

[33] Condition 8.8.7 Targeted Fauna Surveys (Hairtube survey)

Omit “Southern Brown Bandicoot,” from condition 8.8.7.

[34] Condition 8.8.8 Targeted Fauna Surveys (Scat and track survey)

Omit “, Southern Brown Bandicoot, Smoky Mouse” from condition 8.8.8.

[35] Condition 8.8.9 Targeted Fauna Surveys (Broad-toothed Rat survey)

Omit “and Smoky Mouse” from “Surveys for the Broad-toothed Rat and Smoky Mouse” in condition 8.8.9.

Omit “; Smoky Mouse – June to November” from condition 8.8.9 (c).

[36] Condition 8.8.10 Targeted Fauna Surveys (Southern Brown Bandicoot survey)

Omit condition 8.8.10.