

Coastal Integrated Forestry Operations Approval - Conditions



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FORESTRY ACT 2012

INTEGRATED FORESTRY OPERATIONS APPROVAL FOR THE COASTAL REGION

We, the undersigned Ministers, pursuant to Part 5B of the *Forestry Act 2012*:

1. revoke the Integrated Forestry Operations Approval for the Eden Region, the Integrated Forestry Operations Approval for the Southern Region, the Integrated Forestry Operations Approval for the Upper North East Region and the Integrated Forestry Operations Approval for the Lower North East Region; and
2. grant approval for the carrying out of forestry operations in accordance with the conditions of this approval (the Integrated Forestry Operations Approval for the Coastal Region),

upon the later of the two dates on which this instrument is signed by the Ministers, or if the instrument is signed by both Ministers on the same date, on that date of signing.

The Hon. Gabrielle Upton MP
Minister for the Environment

Date: 2018

The Hon. Paul Toole MP
Minister for Lands and Forestry

Date: 2018

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CHAPTER 1 – SCOPE AND INTERPRETATION

1. Protocols

1.1 The following *protocols* are referenced in Chapter 1:

Protocol
Protocol 4: Operational plans
Protocol 5: Approvals for restricted activities
Protocol 6: Suitably qualified persons – training and experience
Protocol 27: Threatened ecological communities
Protocol 31: Matters covered by the approval
Protocol 33: Work health and safety and accidentally felled trees
Protocol 35: Data information and management
Protocol 34: Spatial datasets
Protocol 39: Definitions
Protocol 40: Transitional arrangements

Division 1 – Interpretation of the approval

2. Definitions

2.1 In the *approval* there are defined words and phrases. Where a defined word or phrase is used, it is printed in bold italics. The definitions are set out in **Protocol 39: Definitions**.

3. General interpretation rules

3.1 The *approval*, and each *protocol*, is to be interpreted in accordance with the General Interpretation Rules set out in **Part 1 of Schedule 1**.

4. Outcome statements

4.1 The *approval* must be interpreted in a manner that is consistent with achieving and giving effect to the *outcome statements*. The *outcome statements* do not otherwise form part of the *approval* and are not enforceable on their own.

4.2 The *protocols* must be interpreted in a manner that is consistent with achieving and giving effect to the *outcome statements*.

5. Protocols

5.1 This *approval* applies and adopts the *protocols*, as amended, made public, and in force from time to time.

5.2 A register of *protocols* is set out in **Part 2 of Schedule 1**.

5.3 *FCNSW* must apply, and comply with, a *protocol* where required by the *approval* or by another *protocol*.

6. Qualifying notes and headings

- 6.1 In the **approval**, headings, notes and **outcomes statements** are provided to assist understanding and interpretation. They do not otherwise form part of the **approval** and are not enforceable on their own.

7. Most stringent condition applies

- 7.1 **FCNSW** must comply with the conditions of the **approval** and the **protocol**, as applicable.
- 7.2 If in a specific circumstance or location, more than one requirement of the **approval** or a **protocol** applies, the most stringent of the requirements must be complied with.
- 7.3 If it is unclear which requirement is the most stringent, **FCNSW** must seek advice in writing from the **EPA** on which requirement must be complied with, and comply with that requirement.

8. Relationship of the approval to other documents

- 8.1 Where there is an inconsistency or ambiguity between any term of the **approval** and any other document with which the **approval** requires compliance, then:
- (a) the terms of the **approval** prevail to the extent of the inconsistency or ambiguity; and
 - (b) **FCNSW** must provide written notice to the **EPA** within 15 days of becoming aware of the inconsistency or ambiguity.
- 8.2 Nothing in this condition authorises the carrying out of a **forestry operation** in breach of the **approval** or releases, waives, limits or reduces a duty or requirement arising under the **approval**.

9. Scale of assessment

- 9.1 For all **forestry operations** that occur at a **coupe** scale, references in the **approval** that refer to **compartment**, should be applied to the **coupe** unless otherwise specified in the **approval**.

10. References to radius exclusion zones or exclusion zones around a record

- 10.1 Where a condition of the **approval** refers to a radius **exclusion zone**, or an **exclusion zone** around a **record**, unless otherwise stated by the **approval** the **exclusion zone** must be:
- (a) centred on the **species** or **habitat feature** it is intending to protect; or
 - (b) where the **species** or **habitat feature** is unable to be identified, the **exclusion zone** must be centred around the **record**.

Division 2 – Terms of the approval

11. Duration of the approval

- 11.1 The **approval** commences upon the later of the two dates on which this instrument is signed by the **Ministers**, or if the instrument is signed by the **Ministers** on the same date, on that date of signing.
- 11.2 The **approval** has effect for a period of 20 years from the commencement of the **approval**, unless otherwise revoked by the **Ministers**.

12. Area to which the approval applies

- 12.1 The **approval** applies within the State of NSW to **State Forest** and other **Crown-timber land** within the **Coastal IFOA Region** subject to condition 12.2 below.

- 12.2 The **approval** does not apply to, and therefore does not authorise any **forestry operations** on, the following land:
- (a) any land classified as **Forest Management Zone 1** as mapped in the 'Forest_Management_Zone' **spatial dataset** and accompanying **metadata**;
 - (b) any land that the **Ministers** have agreed to exclude from the **approval** by way of amendment to the **approval**, that:
 - (i) has been classified as **Forest Management Zone 2** or **Forest Management Zone 3A** as mapped in the 'Forest_Management_Zone' **spatial dataset** and accompanying **metadata**; or
 - (ii) is the subject of advice under section 7(4) of the *Wilderness Act 1987* that the land should be declared as wilderness;
 - (c) any land shown by diagonal hatching on a map referred to in **Part 3 of Schedule 1** and publicly available in accordance with condition 35.4 of **Protocol 35: Data and information management**;
 - (d) any land that is a 'proposed plantation' under the *Plantations and Reafforestation Act 1999*; and
 - (e) any other land or area to which Part 5B of the **Forestry Act** does not apply.
- 12.3 **Forestry operations** may not be carried out on any land to which this **approval** does not apply.
- 12.4 The transitional provisions in **Protocol 40: Transitional Arrangements** apply and have effect according to their terms.

13. Forestry operations covered by the approval

- 13.1 This **approval** authorises the carrying out of the operations and activities set out in paragraphs (a), (c), (d), (e) and (f) of this condition, in accordance with any other conditions, terms and requirements in this **approval** and, where relevant, the **protocols**:
- (a) **harvesting operations** that are either:
 - (i) **selective harvesting** for the production of timber;
 - (ii) **alternate coupe logging** in the **Eden Subregion**, so long as it is not for the sole purpose of producing timber for fencing, sleepers, firewood or craftwood; or
 - (iii) **intensive harvesting** in the **intensive harvesting zone**, so long as it is not used for the sole purpose of producing timber for fencing, sleepers, firewood or craftwood.
 - (b) It is a condition of this **approval** that any of the above **harvesting operations** are carried out so that they:
 - (i) comply with the **timber product** requirements in **Part 5 of Protocol 31: Matters covered by the approval**;
 - (ii) are limited to the **timber product** type and maximum volumes specified for the area of the relevant **harvesting operation** in **Table 1 of Part 5 of Protocol 31: Matters covered by the approval**;
 - (iii) are not carried out in an area where the maximum volume of **timber product** specified in **Table 1 of Part 5 of Protocol 31: Matters covered by the approval** for that area has

been met or exceeded in the financial year in which the **harvesting operations** are carried out;

- (iv) do not exceed 2200 hectares of **State Forest** or other **Crown-timber land** subject to **intensive harvesting** in any financial year;
 - (v) do not result in the combined area of all **selective harvesting, intensive harvesting** and **alternate coupe logging** per financial year in a **management zone** exceeding the **maximum annual harvest area limit**; and
 - (vi) do not result in the portion of the combined area referred to in (v) above that is subject to **intensive harvesting** in that financial year exceeding half of that **maximum annual harvest area limit**.
- (c) **Roading**.
- (d) **Forest products operations** conducted within 18 months of the **completion** of **harvesting operations** covered by the **approval**.
- (e) **Burning operations** if **FCNSW** has elected to apply the terms of the **approval** to **burning operations** in the **operational plan** prepared in accordance with **Protocol 4: Operational plans** and the **burning operations** are:
- (i) a **pre-harvest burn** conducted within one year before the commencement of **harvesting operations** covered by the **approval**, or within such other period as approved under condition 23.4 of the **approval** and **Protocol 5: Approvals for restricted activities**;
 - (ii) a **post-harvest burn** conducted within two years after the **completion** of **harvesting operations** covered by the **approval**; or
 - (iii) a **burn** prescribed under a **species management plan** or a **site-specific research condition** as approved by the **EPA**.

Note: if the **operational plan** does not state that the **approval** applies to **burning operations**, the requirements of the Rural Fires Act 1997 and the Bush Fire Environmental Assessment Code must be applied.

- (f) The following activities where the purpose is to promote **regeneration** within the area to which the **approval** applies:
- (i) **mechanical soil disturbance**;
 - (ii) **replanting**;
 - (iii) **seeding**; or
 - (iv) activities prescribed by a **regeneration rehabilitation plan**.

13.2 For the avoidance of doubt, the **approval** does not authorise the carrying out of any other **forestry operations** not set out in condition 13.1.

13.3 **FCNSW** may carry out a **forestry operation** under an approved plan of operations the equivalent of an **operational plan** prepared or approved under a **relevant IFOA** prior to the commencement of the **approval**, in accordance with:

- (a) **Protocol 40: Transitional Arrangements**; and
- (b) the conditions of any **relevant IFOA** which applies to a **forestry operation** during the **transitional period** as set out in condition 40.6 in **Protocol 40: Transitional Arrangements**.

Division 3 – Objectives of the approval

14. General objectives of the approval

- 14.1 The overall objective of the **approval** is to authorise the carrying out of **forestry operations** set out in condition 13 above:
- (a) in accordance with the **principles of ecologically sustainable forest management**;
 - (b) in a manner which integrates the regulatory regimes for:
 - (i) environmental planning and assessment;
 - (ii) the protection of the environment; and
 - (iii) **threatened species** conservation and **biodiversity**;
 - (c) in accordance with the conditions of this **approval** and the **protocols**, as applicable.

*Note: Section 69P(2)(b) permits the **approval** to set out conditions that may be imposed under a biodiversity conservation licence under the BC Act, a licence under Part 7A of the FM Act, and an environment protection licence under the POEO Act.*

*Section 2.8(1)(h) of the **BC Act** provides a defence to offences under Part 2 of the **BC Act** if the act that would otherwise constitute the offence was the carrying out of a **forestry operation** in a **State Forest** or other **Crown-timber land** to which an integrated forestry operations approval applies.*

*Section 122(2) of the **POEO Act** provides a defence to the offence of **polluting waters** if the act that would otherwise constitute an offence was the carrying out of a **forestry operation** in a **State Forest** or other **Crown-timber land** to which an integrated forestry operations approval applies.*

*Section 220ZF(1)(b3) of the Fisheries Management Act 1994 provides a defence to offences under Part 7A, Division 4 of that Act if the act that would otherwise constitute an offence was the carrying out of a **forestry operation** in a **State Forest** or other **Crown-timber land** to which an integrated forestry operations approval applies.*

Under condition 124.3, a reference to a condition is a reference to a condition in or to that protocol.

15. Specific objectives of the approval

- 15.1 In relation to **threatened species** conservation and **biodiversity**, the **approval** has the following specific objectives:
- (a) to set out the minimum measures required to be implemented to protect **species**, communities and their **habitats** from the impacts of **forestry operations**;
 - (b) to set out multi-scale protection measures that ensure sufficient and adequate **habitat** is provided at the site, **local landscape area**, and **management zone** scales; and
 - (c) to set out measures for **species** or communities that require specific measures to ensure **habitat** is protected around known occurrences; and
- 15.2 In relation to the protection of the environment, the **approval** has as a specific objective of ensuring that practical measures are taken to protect the aquatic environment and **waters** from the impacts of **water pollution** caused by **forestry operations**.
- 15.3 In relation to **threatened species** under the **FM Act**, the **approval** has a specific objective of setting out the minimum measures required to be implemented to protect **threatened species**, populations, communities and **habitats** from the impacts of **forestry operations** and associated activities.

- 15.4 In relation to all conditions, the **approval** has the specific objective of ensuring the ongoing monitoring, evaluation, reporting and improvement of the **approval** so that it is effective in achieving the objectives of the **approval** and relevant **outcome statements**.

Division 4 – Specific biodiversity and environment protection conditions

16. Biodiversity and fish conservation

- 16.1 **FCNSW** and any **authorised person** must not carry out any **forestry operation** that is likely to result in one or more of the following:

- (a) **harm** to any **animal** or **plant**:
 - (i) that is, or is part of a **threatened species, extinct species, species extinct in the wild** or **threatened ecological community** listed in Schedules 1, 2 or 3 of the **BC Act**; and
 - (ii) that is not listed in, or considered by, **Protocol 31: Matters covered by the approval** or identified as part of a **TEC** pursuant to **Protocol 27: Threatened ecological communities**;
- (b) **harm** to an **animal**, or **picking** of a **plant**, that is part of a **collapsed ecological community**, listed in Schedule 3 of the **BC Act**;
- (c) **damage** to a **declared area of outstanding biodiversity value**;
- (d) **damage** to **habitat** of any **threatened species, extinct species, or species extinct in the wild** which is not listed, or considered by, **Protocol 31: Matters covered by the approval** or to a **threatened ecological community** other than those identified as a **TEC** in **Protocol 27: Threatened ecological communities**;
- (e) harm to a **threatened species, population** or **ecological community** within the meaning of Part 7A of the **FM Act**; or
- (f) damage to **critical habitat**, or the **habitat** of **threatened species, population** or **ecological community** within the meaning of Part 7A of the **FM Act**.

17. Environment protection

- 17.1 Except as expressly permitted by this **approval**, a **forestry operation** must not **pollute waters** within the meaning of section 120 of the **POEO Act**.

Note: The dictionary to the POEO Act defines 'water pollution' and 'pollution of waters' for the purposes of section 120.

Division 5 – General conditions of the approval

18. Forestry operations to be carried out competently

- 18.1 Every **forestry operation** must be planned, implemented and conducted:

- (a) in accordance with the conditions of the **approval**;
- (b) in a competent manner; and
- (c) by a **suitably qualified person**.

Note: The definition of **suitably qualified person** in **Protocol 39: Definitions** refers to compliance, where relevant, with specific requirements in **Protocol 6: Suitably qualified persons – training and experience**.

19. Compliance with the approval

- 19.1 **Forestry operations** covered by the **approval** must be carried out in accordance with the **approval**, including in accordance with any relevant **operational plan**, during and at **completion** of a **forestry operation** in an **operational area**.

20. Authorised persons and subcontractors

- 20.1 **FCNSW** must take all reasonable steps to ensure that each **authorised person** complies with the **approval**.
- 20.2 When **FCNSW** contracts any component of a **forestry operation** (in whole or part) to a third party, the contract must include a requirement that:
- (a) the contractor must comply with the **approval**; and
 - (b) where there is an inconsistency or ambiguity between the contract and the conditions of the **approval** or **protocol**, the conditions prevail.
- 20.3 **FCNSW** must:
- (a) provide every **authorised person** with ongoing information and training about their responsibilities under the **approval**;
 - (b) take necessary actions to ensure that every **authorised person** understands the conditions of the **approval** that apply to any **forestry operation** prior to their involvement in any **forestry operations**;
 - (c) ensure that when carrying out a **forestry operation**, every **authorised person** is both:
 - (i) adequately supervised; and
 - (ii) adequately monitored; and
 - (d) record the particulars of all supervisory and monitoring arrangements.

21. Site-specific biodiversity conditions

- 21.1 A **forestry operation** must not commence in an **operational area**, or if already commenced must immediately cease, if before or during a **forestry operation**:
- (a) any of the following are identified or recorded within 100 metres of the boundary of an **operational area**:
 - (i) any **threatened species** other than those listed in **Part 1, 2 or 3** of **Protocol 31: Matters covered by the approval**;
 - (ii) any **species** for which a preliminary determination has been made under Part 4, Division 3 of the **BC Act** to support a proposal to list the **species** as a **threatened species**;
 - (iii) any **species** for which a provisional listing has been made under Part 4, Division 4 of the **BC Act**;
 - (iv) any **species** for which **FCNSW** has received a written notification that the **species** is new to science, and is eligible for listing as a **threatened species**; or

- (v) any **extinct species** or **species extinct in the wild**;
 - (b) there is a **record** or observation of any of the following within five kilometres of the boundary of an **operational area**:
 - (i) Eastern Quoll;
 - (ii) Red-tailed Black Cockatoo;
 - (iii) *Litoria piperata*; or
 - (iv) *Litoria castanea*.
- 21.2 If any **species**, **records** or observations described in condition 21.1(a) or 21.1(b) are identified or recorded, **FCNSW** must apply in writing to the **EPA** to obtain a **site-specific biodiversity condition** in accordance with condition 31.3 of **Protocol 31: Matters covered by the approval**.
- 21.3 The **forestry operation** must not commence, or recommence, in the **operational area** identified in condition 21.1 until:
- (a) the **EPA** has provided **FCNSW** with a **site-specific biodiversity condition** for either the **record**, site or **species**, and for a particular type or types of **forestry operations**, or **forestry operations** generally; or
 - (b) the **EPA** has otherwise provided written notice to **FCNSW** authorising the commencement or recommencement of the **forestry operation** in that **operational area**.
- 21.4 The **forestry operation** must be carried out in accordance with any **site-specific biodiversity condition** issued by the **EPA** under condition 21.3(a) or the terms of any authorisation under a written notice referred to in condition 21.3(b), including any amended **site-specific biodiversity condition** or authorisation.
- 21.5 A **site-specific biodiversity condition** previously issued by the **EPA** under condition 21.3(a) applies according to its terms, and must be complied with during any subsequent **forestry operation** to which the **site-specific biodiversity condition** relates unless:
- (a) **Protocol 31: Matters covered by the approval** has been amended to include any **species** the subject of the **site-specific biodiversity condition** in Part 1, 2 or 3 of condition 31.2 of that **protocol**; or
 - (b) the **EPA** has approved and issued **FCNSW** with an amended **site-specific biodiversity condition** relating to the **record**, site or **species** the subject of the **site-specific biodiversity condition**.
- 21.6 Conditions 21.1, 21.2 and 21.3 do not apply where a **site-specific biodiversity condition** or an authorisation under condition 21.3(b) is in place.

22. Special provisions for research activities

- 22.1 If a **research activity** is intended to be undertaken that is inconsistent with the conditions of the **approval**, then prior to commencing any **forestry operations**:
- (a) a report must be provided to the **EPA** in accordance with **Protocol 5: Approvals for restricted activities**;
 - (b) the intended **research activity** must be approved by the **EPA**;
 - (c) the **EPA** approval may also impose a **site-specific research condition** which specifies:

- (i) the **research activity area**;
- (ii) conditions of the **approval** that are not required to be complied with for the duration of the **research activity**; and
- (iii) actions to be implemented in the **research activity area** for the duration of the **research activity**.

22.2 Where the **EPA** has approved a **research activity** and issued a **site-specific research condition**:

- (a) the **forestry operation** must be carried out in accordance with the **site-specific research condition**; and
- (b) unless otherwise specified in the **site-specific research condition**, all other conditions of the **approval** must be complied with.

22.3 At the completion of the approved **research activity**, the **site-specific research condition** ceases to operate, and any subsequent **forestry operation** in the **research activity area** must be carried out in accordance with the conditions of the **approval**.

23. Special provisions requiring a review or amendment to the approval

23.1 **FCNSW** may request the **EPA** to review a condition, objective or outcome of the **approval** by way of written submission to the **EPA** demonstrating that in **FCNSW's** opinion:

- (a) a condition, objective or outcome is not being consistently achieved when implementing the **approval**;
- (b) the practical application or enforcement of a condition results in the consistent inability to effectively implement or regulate that condition;
- (c) new information, or an alternative method, procedure, technique or approach to a condition would achieve an improved outcome; or
- (d) the **monitoring program** under **Chapter 8** of the **approval** identifies that the conditions are not effective or not delivering the intended objectives or outcomes of the **approval**.

23.2 In consultation with **FCNSW**, the **EPA** will consider all relevant issues and, within six months or another timeframe approved by the **EPA**:

- (a) provide a report of the outcome of the review if **EPA** determines that no changes are to be made to the **approval**;
- (b) amend the **protocols** to address the issues identified; or
- (c) recommend to the **Ministers** to amend the **approval**.

23.3 The **EPA** may initiate a review of a condition, objective or outcome of the **approval** for the reasons set out in condition 23.1(a)-(d), and if so, will comply with condition 23.2.

23.4 If applying a condition of the **approval** at a specific site would result in a poor environmental outcome, or if in a specific and unique circumstance **FCNSW** would not be able to comply with the conditions of the **approval**, then prior to commencing the relevant **forestry operation**:

- (a) **FCNSW** may submit a report to the **EPA** in accordance with **Protocol 5: Approvals for restricted activities**; and
- (b) the **EPA** may grant a **site-specific operating condition** in response to the report that specifies:

- (i) the conditions of the **approval** that must be implemented at the specific site for the duration of the **forestry operation**; and
- (ii) **site-specific operating conditions** that must be implemented at the specific site for the duration of the **forestry operation** in that area, or for another time period specified by the **EPA**.

23.5 Where the **EPA** has issued **FCNSW** with a **site-specific operating condition**:

- (a) the relevant **forestry operation** must be carried out in accordance with the **site-specific operating condition**; and
- (b) unless otherwise specified in the **site-specific operating condition**, all other conditions of the **approval** must be complied with.

23.6 At the completion of the **forestry operation**, subject to the **site-specific operating condition**, the **site-specific operating condition** ceases to operate, and any subsequent **forestry operation** in that area must be carried out in accordance with the conditions of the **approval**.

24. Felling, pushing or removing trees to comply with the *Work Health and Safety Act 2011*

24.1 **FCNSW** may only fell, push or remove **dead standing trees**, trees, or vegetation more than three metres inside any **ESA** or within any **ESA** associated with a **threatened species** if:

- (a) such felling, pushing or removing is necessary in order to comply with the **WHS Act**; and
- (b) **FCNSW** ensures that prior to any felling, pushing or removing it complies with:
 - (i) **Protocol 5: Approvals for restricted activities**; and
 - (ii) documentation and notification requirements in **Protocol 33: Work health and safety and accidentally felled trees**; and
- (c) **FCNSW** complies with all other requirements for assessment and approval of the felling, pushing or removing contained in any applicable legislation.

24.2 Nothing in the **approval** limits **FCNSW's** obligations under the **WHS Act** or requires **FCNSW** to breach its obligations under the **WHS Act**.

25. Forest management zoning

25.1 In carrying out, or authorising the carrying out, of any **forestry operation** in **State Forests**, **FCNSW** must give effect to the document entitled, *Managing our Forests Sustainably: Forest Management Zoning in NSW State Forests* (State Forests of NSW, December 1999).

25.2 Any amendment to a zone in the 'Forest_Management_Zone' **spatial dataset** must be made in accordance with **Protocol 34: Spatial datasets** and be consistent with the document *Managing our Forests Sustainably: Forest Management Zoning in NSW State Forests* (State Forests of NSW, December 1999).

26. Native forest biomaterial for use in electricity generation

26.1 **Native forest biomaterial** for use in electricity generating works must only be sourced from areas subject to **harvesting operations** covered by the **approval** in the previous 18 months.

26.2 Records of **native forest biomaterial** sourced from **harvesting operations** must be kept, and submitted to the **EPA**, in accordance with condition 41 of the **approval**.

CHAPTER 2 – ADMINISTRATIVE CONDITIONS

27. Protocols

27.1 The following **protocols** are referenced in Chapter 2:

Protocol
Protocol 1: Registers
Protocol 2: Annual plans and reports
Protocol 3: Operational tracking
Protocol 35: Data and information management

Outcome statement for Chapter 2 of the approval

Transparent, accurate and comprehensive information and records of a **forestry operation** (and matters covered by the **approval**) are maintained and accessible.

Division 1 – Registers

28. Operations register

28.1 **FCNSW** must keep and maintain an **operations register** in accordance with condition 1.2 of **Protocol 1: Registers**.

28.2 A **forestry operation** must not commence unless it has been identified on the **operations register**.

29. Compliance register

29.1 **FCNSW** must keep and maintain a register of every incident of non-compliance with the conditions of the **approval** in accordance with condition 1.3 of **Protocol 1: Registers**.

30. Telephone complaints line

30.1 **FCNSW** must operate a telephone complaints line during its operating hours for the purpose of receiving any complaints from members of the public in relation to **forestry operations** conducted at the **premises**.

30.2 **FCNSW** must notify the public of the existence, purpose and telephone number of the telephone complaints line.

31. Complaints register

31.1 **FCNSW** must:

- (a) record all complaints that it receives that allege **harm** or non-compliance with a condition of the **approval** caused by **forestry operations** in the complaints register; and
- (b) maintain the complaints register in accordance with condition 1.4 of **Protocol 1: Registers**.

Division 2 – Annual plans and reports

32. Annual plan of forestry operations

- 32.1 At the commencement of the **approval** and on or before 20 June in each year that the **approval** has effect, **FCNSW** must prepare and submit to the **EPA** a 12-month **annual plan** for the subsequent financial year in the approved form in accordance with **Protocol 2: Annual plans and reports**.
- 32.2 An **annual plan** must include the content, location and time period of each type of **forestry operation** required by **Protocol 2: Annual plans and reports**.

33. Annual return

- 33.1 Within 60 days after the end of each **reporting period**, **FCNSW** must submit an annual return to the **EPA** in the approved form (which the **EPA** will provide to **FCNSW** at the end of each **reporting period**) comprising:
- (a) a Statement of Compliance with the conditions of the **approval**;
 - (b) a Monitoring Summary;
 - (c) a Complaints Summary;
 - (d) a Statement of Compliance – Requirement to prepare Incident Response Management Plan; and
 - (e) a Statement of Compliance – orders made under the **BC Act**; and
 - (f) any other statement, summary or information required by **Protocol 2: Annual plans and reports**.
- 33.2 The annual return must be signed by an employee of **FCNSW** not below the General Manager or equivalent.
- 33.3 **FCNSW** must submit an annual return to the **EPA** by registered post (or other method as approved by the **EPA**) not later than 60 days after the end of the **reporting period**.
- 33.4 **FCNSW** must retain a copy of each annual return submitted to the **EPA**, for at least four years after the annual return was required to be submitted to the **EPA**.
- 33.5 For each licence fee period set by the relevant legislation, **FCNSW** must pay an administrative fee to the **EPA**.
- 33.6 Where the **approval** is revoked, **FCNSW** must prepare an annual return in respect of the **reporting period** commencing on the first business day of the **reporting period** and ending on the date that the revocation of the **approval** takes effect.

34. Annual report on timber volumes

- 34.1 Within 90 days after the end of each financial year, **FCNSW** must submit an **annual timber and biomaterial report** to the **EPA** that demonstrates how it complies with the limits on **harvesting operations** contained in condition 13 and Division 2 of Chapter 3 of the **approval** and includes, but is not limited to, the details required by condition 2.4 of **Protocol 2: Annual plans and reports** for each **State Forest compartment** or other **Crown-timber land** where **forestry operations** occurred during the financial year.

Division 3 – Notification of harm

35. Notification of harm – threatened species or threatened ecological community

- 35.1 If a **forestry operation** causes an incident where there is **reportable harm** to a **threatened species, subject species, or threatened ecological community**, **FCNSW** must:
- (a) notify the **EPA** immediately after **FCNSW** becomes aware of the incident;
 - (b) provide written notification of the incident to the **EPA** within seven days after the date that notification has been made under this condition; and
 - (c) prepare, keep, test and implement an Incident Response Management Plan in consultation with the **EPA**.

36. Notification of harm – pollution incident

- 36.1 If a **pollution incident** occurs in the course of **forestry operations** which causes, or threatens, **material harm to the environment**, **FCNSW** or an **authorised person** conducting that **forestry operation**, must comply with Part 5.7 and Part 5.7A of the **POEO Act**.

37. Written reports – biodiversity or pollution incident

- 37.1 At the request of the **EPA**, **FCNSW** must provide the **EPA** with a written report of an incident (or alleged incident) that the **EPA** suspects on reasonable grounds:
- (a) has occurred at the **premises**; and
 - (b) has caused, is causing, or is likely to cause (whether on or outside of the **premises**):
 - (i) **reportable harm** as referred to in condition 35.1 of the **approval**; or
 - (ii) **material harm to the environment** as referred to in condition 36.1 of the **approval**.
- 37.2 If a request is made by the **EPA** under condition 37.1, **FCNSW** must make all reasonable inquiries in relation to the incident (or alleged incident) and supply the requested report to the **EPA** within such time as may be specified in the request.
- 37.3 A request by the **EPA** under condition 37.1 may require a report which includes any or all of the following information:
- (a) the cause, time, date and duration of the incident;
 - (b) the geographic location and mapped spatial extent of the incident;
 - (c) the type, volume and concentration of every pollutant discharged as a result of the incident (if relevant);
 - (d) the **species** or **habitat** associated with the incident (if relevant);
 - (e) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the incident;
 - (f) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the incident, unless the licensee has been unable to obtain that information after making reasonable efforts;

- (g) action taken by the licensee in relation to the incident, including any follow-up contact with any complainants;
- (h) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an incident; and
- (i) any other relevant matters.

37.4 If the **EPA** is not satisfied with a written report supplied under condition 37.1, the **EPA** may make a written request to **FCNSW** to supply further details in relation to the incident (or alleged incident). **FCNSW** must provide such further details to the **EPA** within the time specified in the request.

Division 4 – Records

38. Management of records

- 38.1 Each record, document and register required by the **approval**, and each entry in them, must be kept for the duration of the **approval** unless:
- (a) they have been provided to the **EPA** in the previous 5 years; or
 - (b) where it is otherwise specified in the **approval**.
- 38.2 Except as otherwise specified in the **approval**, if any detail in a record, document or register required to be kept by the **approval** is incorrect, **FCNSW** must correct that detail within seven days of becoming aware of the error.
- 38.3 Each record, document and register required by the **approval**, and each entry in them, must be maintained and produced in a legible form.
- 38.4 If **approval** ends, whether by expiry or revocation or otherwise, **FCNSW** must provide the **EPA** with a copy of all records.

39. Forestry operation history and operational tracking records

- 39.1 **FCNSW** must maintain a record of the history of each **forestry operation**.
- 39.2 The record must include the following:
- (a) **operational plan**;
 - (b) area in hectares (ha) subject to **forestry operations**;
 - (c) volume of **timber products** and **forest products** removed;
 - (d) results of **regeneration** and stocking assessments; and
 - (e) information about the **forestry operation** required to be recorded by **Protocol 3: Operational tracking**.
- 39.3 The **forestry operation** history must be updated within three months of the **completion** of the **forestry operation**.
- 39.4 **FCNSW** must maintain and update operational tracking records each week, of each **forestry operation** that occurs in each **operational area**, in accordance with **Protocol 3: Operational tracking**.

40. Provision of information and records to the EPA

- 40.1 Copies of information, records, documentation, registers and **spatial datasets** associated with the **approval** must be made available to the **EPA** upon request and in accordance with **Protocol 35: Data and information management**.

41. Public availability of data and information

- 41.1 Copies of information, records, documents, registers and **spatial datasets** associated with the **approval** must be made publicly available unless otherwise stated by the **approval**, or its release is inconsistent with the *Government Information (Public Access) Act 2009*.
- 41.2 **FCNSW** must make copies of all information, records, documents and registers and associated with the **approval** publicly available in accordance with **Protocol 35: Data information and management**, within a reasonable timeframe, or within the timeframes required by the **approval**.
- 41.3 Where a document or record referred to in condition 41.1 comprises **spatial datasets**, **archived spatial datasets**, and associated **metadata**, **FCNSW** must apply any relevant requirements for publication in **Protocol 35: Data and information management**, with the stricter or more specific requirement prevailing.
- 41.4 If **FCNSW** receives a written direction from **OEH** that specified information or documents that reveal the location of a **threatened species** are not to be disclosed, then:
- (a) condition 41.1 does not apply; and
 - (b) **FCNSW** must not disclose or provide the specified documentation or information to any person who is not directly involved in the planning or the conduct of the **forestry operations** except where there is a specific legal obligation to disclose or provide the documentation or information arising from legislation or an order of the Court.

Division 5 – Notices

42. Delivery of notice

- 42.1 A notice or other written direction or communication required or permitted to be given to the **EPA** under the **approval** must be delivered by email or as specified in **Protocol 35: Data and information management**, unless the **approval** specifies a different method of delivery.

CHAPTER 3 – PLANNING CONDITIONS

43. Protocols

43.1 The following **protocols** are referenced in Chapter 3:

Protocol
Protocol 4: Operational plans
Protocol 7: Harvesting limits
Protocol 8: Local landscape areas
Protocol 22: Wildlife habitat and tree retention clumps
Protocol 24: Identification of old growth on unassessed land
Protocol 25: Identification of rainforest on unassessed land
Protocol 26: Identification of large forest owl exclusion zones on unassessed land
Protocol 29: Ridge and headwater habitat
Protocol 34: Spatial datasets
Protocol 40: Transitional arrangements

Division 1 – Local landscape areas

Outcome statement for Division 1 of Chapter 3 of the approval

Landscape planning units (**local landscape areas**) are designed and implemented to deliver both conservation and **ecological sustainable forest management** outcomes.

44. Local landscape area

44.1 Prior to commencing a **forestry operation**:

- (a) **FCNSW** must develop and map the **local landscape area** in which the **forestry operation** is to take place in accordance with **Protocol 8: Local landscape areas**; and
- (b) **FCNSW** must have gained the approval of the **EPA** for the location and mapping of the **local landscape area**.

44.2 The location of a mapped **local landscape area** must not be changed, unless:

- (a) **FCNSW** has applied to the **EPA** in accordance with **Protocol 34: Spatial datasets**; and
- (b) the **EPA** has provided written approval of the change to the **local landscape area**.

Division 2 – Distribution of harvesting across the landscape

Outcome statement for Division 2 of Chapter 3 of the approval

Harvesting operations are distributed across the landscape and over time, to support a mosaic of forest age-classes and maintenance of forest structure in the **operational area** or **local landscape area**.

45. Intensive harvesting limits

45.1 **Intensive harvesting** is only permitted within the **intensive harvesting zone**.

45.2 **Intensive harvesting** may only be conducted in a minimum of three separate **intensive harvesting cycles** across the **net harvest area** of a **local landscape area**, where:

- (a) the first **intensive harvesting cycle** must commence on the first day of the commencement of the **approval**;
- (b) each **intensive harvesting cycle** must occur over a 10-year period;
- (c) the maximum area that can be subject to **intensive harvesting** in a **local landscape area** in any single **intensive harvesting cycle** is no more than 33.3 per cent of the **net harvest area** of that **local landscape area**;

*Note: Where **intensive harvesting** in any one **intensive harvesting cycle** is less than 33.3 per cent of the **net harvest area** of the **local landscape area**, the remainder cannot be made up in subsequent **intensive harvesting cycles**.*

- (d) the minimum time until completion of all three **intensive harvesting cycles** of a **local landscape area** using **intensive harvesting** is 21 years from the commencement of the first **intensive harvesting cycle**;
- (e) at the commencement of **intensive harvesting** in the third **intensive harvesting cycle**, a consolidated area that is a minimum of 15 per cent of the **net harvest area** of that **local landscape area** must not have been subject to **intensive harvesting** in the previous 20 years, and
- (f) in any **local landscape area** where 50 per cent or more of the **net harvest area** was subject to **intensive harvesting** prior to the commencement of the **approval**, a maximum of 60 per cent of the **net harvest area** of the **local landscape area** not previously subject to **intensive harvesting** can be harvested in each of the first two **intensive harvesting cycles**.

*Note: The application of these conditions is to be supported by relevant guidelines. Condition 45.2(c) is intended to ensure the **local landscape area** has sufficient number of **mature trees** retained in consolidated areas at all times to maintain a diversity of forest age and structure in the landscape.*

45.3 The maximum size of each **coupe** in an **intensive harvesting zone** is 45 hectares or as otherwise specified in **Protocol 40: Transitional arrangements**.

45.4 There must be a period of at least 10 years between the completion of **intensive harvesting** in one **intensive harvesting coupe** and the commencement of **intensive harvesting** in an adjacent **intensive harvesting coupe**. If **Protocol 40: Transitional arrangements** stipulates a shorter period, the stipulated period can apply in relation to this condition and condition 45.5(a) and condition 45.6.

45.5 For the purposes of condition 45.4, 'adjacent' means:

- (a) an **intensive harvesting coupe** directly adjoining a **completed intensive harvesting coupe**, which has been subject to **intensive harvesting** in the previous 10 years; or
- (b) an **intensive harvesting coupe** which is separated from another **intensive harvesting coupe** by less than 40 metres of **ESA**; or
- (c) the **intensive harvesting coupe** is separated from another **intensive harvesting coupe** by a directly adjoining area that has been **selectively harvested** in the previous 10 years, and the **selectively harvested** area has an average width of 200 metres.

*Note: conditions 45.4 and 45.5 also apply to **intensive harvesting** conducted prior to the commencement of the **approval**.*

Note: condition 45.5(c) is intended to ensure the area of **selective harvesting** provides a reasonable and sufficient distance between the full extent of the boundaries of **intensive harvesting coupes**. The area to boundary ratio of the **selective harvesting** area should be minimised.

- 45.6 **Selective harvesting** must not occur within the directly adjoining area described in condition 45.5(c) for a period of at least 10 years following the completion of **intensive harvesting** in the **intensive harvesting coupe**.
- 45.7 **FCNSW** must map the full extent of **intensive harvesting** previously applied in the **local landscape area** in the 'Intensive_Harvesting' **spatial dataset**, prior to commencing an **intensive harvesting operation** for the first time in that **local landscape area**.
46. **Selective harvesting limits**
- 46.1 **FCNSW** may conduct **selective harvesting** in the **net harvest area** of any area to which the **approval** applies.
- 46.2 In **operational areas** where **selective harvesting** is applied:
- (a) **harvesting operations** must not reduce the average **basal area** of the **harvested area** below a minimum of 10 square metres per hectare in the **regrowth zone**; or
 - (b) **harvesting operations** must not reduce the average **basal area** of the **harvested area** below a minimum of 12 square metres per hectare in the **non-regrowth zone**; and
 - (c) trees retained to meet **selective harvesting limits** must be scattered across the **harvested area**.
- 46.3 Retained average **basal area** must be implemented in accordance with **Protocol 7: Harvesting limits**.
47. **Mixed intensity harvesting limits**
- 47.1 In **local landscape areas** in the **intensive harvesting zone** where both **intensive harvesting** and **selective harvesting** are, or are intended to be, applied:
- (a) **FCNSW** must prepare **tract** maps that identify areas planned for **intensive harvesting** or **selective harvesting** prior to commencement of any **forestry operation** (other than **road maintenance**) in that **local landscape area** in accordance with **Protocol 7: Harvesting limits**;
 - (b) condition 45 of this **approval** must apply to **intensive harvesting** within the **intensive harvesting tract**, with all references in condition 45 to "the **net harvest area of a local landscape area**" taken to mean the "**net harvest area of the intensive harvesting tract** within the **local landscape area**"; and
 - (c) condition 46 of this **approval** must apply to **selective harvesting** within the **selective harvesting tract** and to **selective harvesting** in the **intensive harvesting tract**.
- 47.2 Where the area of an **intensive harvesting tract** in a **local landscape area** is less than 45 hectares, **FCNSW** is not required to apply condition 46.2 of the **approval**.
- 47.3 In a **local landscape area** where more than 25 per cent of the **net harvest area** is planned for **intensive harvesting** and more than 30 per cent of the **net harvest area** is planned for **selective harvesting** during any single **intensive harvesting cycle**, then:
- (a) **FCNSW** must obtain a **site-specific limit condition** for that **local landscape area** from the **EPA** in accordance with **Protocol 7: Harvesting limits**; and
 - (b) any **site-specific limit condition** issued by the **EPA** must be applied and complied with.

48. Eden alternate coupe logging limits

- 48.1 **Alternate coupe logging** is only permitted within the **Eden Subregion**.
- 48.2 **Alternate coupe logging** may only take place in at least two separate **harvesting operations** across the **compartment**.
- 48.3 In any one **harvesting operation**, the number of **coupes** harvested must be no more than:
- half of the total number of **coupes** plus one additional **coupe** (where there is an even number of **coupes** within the **compartment**); or
 - half of the total number of **coupes** plus an additional half a **coupe** (where there is an odd number of **coupes** within the **compartment**);
- 48.4 In addition to condition 48.3:
- the area harvested must not be more than 60 per cent of the **base net area** of the **compartment**; and
 - each **coupe** in which **harvesting operations** are to be carried must adjoin at least one **coupe** that is not, and will not be, **harvested**.
- 48.5 Once an **alternate coupe logging** operation is **completed** in any **coupes** in the **compartment**, no **harvesting operations** (other than **selective harvesting** carried out in accordance with condition 46 of the **approval**) must be carried out again in those **coupes** until the remaining **coupes** in the **compartment** have been **harvested** using **alternate coupe logging**.
- 48.6 **FCNSW** must wait at least five years between the completion of **alternate coupe logging** in one **harvesting operation** before it can commence **alternate coupe logging** in the remainder of the **compartment**.

Division 3 – Environmentally Significant Areas (ESAs)

Outcome statement for Division 3 of Chapter 3 of the approval

Habitat and environmental features are identified and retained to provide refuge, connectivity, and to support forest **regeneration**.

49. Category 1 ESAs and category 2 ESAs

- 49.1 The areas set out in Table 1 are **ESAs**, being **category 1 ESAs** or **category 2 ESAs**, for the purposes of the **approval**.

Table 1: ESAs

(a) Category 1 ESAs	(b) Category 2 ESAs
i. rainforest ;	i. high conservation value old growth forest ;
ii. riparian exclusion zones on class 1 classified drainage lines and riparian exclusion zones on 'first order' ordered drainage features ;	ii. rare forest ;
iii. riparian exclusion zones on unmapped drainage lines ;	iii. riparian exclusion zones other than those specified as category ESA 1 ;
iv. riparian exclusion zones where table 6a of the approval applies and riparian exclusion zones	iv. ridge and headwater habitat (40 metre and 80 metre corridors);

(a) Category 1 ESAs	(b) Category 2 ESAs
specified as an ESA 1 in table 6b of the approval ;	
v. drainage lines (width of the feature as measured from within the bankfull level);	v. rocky outcrop and cliff and associated exclusion zones ;
vi. wetlands, major water storages and all associated exclusion zones ;	vi. carry-over exclusion zones ;
vii. heath and scrub and all associated exclusion zones ;	vii. Spotted-tailed Quoll exclusion zones (established around Maternal Dens, Latrines and Permanent Dens);
viii. rocky outcrop and cliff features;	viii. Hastings River Mouse exclusion zones ;
ix. threatened frog – general features and all associated exclusion zones ;	ix. wildlife habitat clumps greater than two hectares in area;
x. Nest, roost or den and all associated exclusion zones ;	x. Southern Brown Bandicoot SMP exclusion zones (Eden Subregion) ; Giant Burrowing Frog SMP exclusion zones (Eden Subregion) ; Smoky Mouse SMP exclusion zones (Eden Subregion) ; Yellow-bellied Glider SMP exclusion zones (Tumut area) ; or any other SMP exclusion zone associated with a species management plan approved under condition 84 of the approval unless identified as a category 1 ESA ;
xi. bat roost tree, potential subterranean bat roost , and flying-fox camp and all associated exclusion zones ;	xi. any exclusion zone identified as a category 2 ESA in an approved site-specific research condition, site-specific biodiversity condition, or flora road management plan ;
xii. exclusion zones on subterranean sites associated with records of subterranean roosting bat species ;	xii. exclusion zones associated with a TEC ;
xiii. <i>Assa darlingtoni</i> (Southern meta-population) exclusion zones , <i>Phyloria spp.</i> exclusion zones ; soak and seepages in operational areas where condition 69 of the approval applies; Northern Corroboree Frog exclusion zones and Booroolong frog exclusion zones ;	xiii. large forest owl exclusion zones ;
xiv. threatened ecological communities (TECs) ;	xiv. land mapped as FMZ 2 and FMZ 3A ; that are not category 1 ESAs for the purposes of the approval ; and
xv. threatened plants and all associated exclusion zones ;	xv. land mapped as inherent hazard level 4 .
xvi. wildlife habitat clumps less than or equal to two hectares in area;	
xvii. tree retention clumps ;	
xviii. any exclusion zone identified as a category 1 ESA in an approved site-specific research condition, site-specific biodiversity condition, species management plan or flora road management plan ;	
xix. Rufous Scrub-bird exclusion zones ; Alberts	

(a) Category 1 ESAs	(b) Category 2 ESAs
Lyrebird exclusion zones ; and Marbled frogmouth exclusion zones ;	
xx. Bare-nosed Wombat (Northern Population Management Area) exclusion zones ;	
xxi. temporary Koala exclusion zone where condition 75.2 applies;	
xxii. exclusion zones , unless otherwise specified in the approval .	

49.2 If a **species**, feature or its **exclusion zone** qualifies as both a **category 1 ESA** and **category 2 ESA**, the **species**, feature or **exclusion zone** is to be treated as a **category 1 ESA**.

50. Wildlife habitat clumps in the local landscape area

50.1 At least five per cent of the **base net area** of each **local landscape area** must be identified prior to the commencement of a **forestry operation** (other than **road maintenance**) in each **local landscape area**, and permanently retained as **wildlife habitat clumps** in accordance with **Protocol 22: Wildlife habitat and tree retention clumps**.

50.2 Each individual **wildlife habitat clump** must:

- (a) be designed in accordance with **Protocol 22: Wildlife habitat and tree retention clumps**;
- (b) not include areas or **ESAs** that are known at the time of the **wildlife habitat clump** establishment and that would otherwise require permanent protection under the **approval** unless they are listed in condition 22.2(1) of **Protocol 22: Wildlife habitat and tree retention clumps**; and
- (c) be greater than one hectare in size, unless the **wildlife habitat clump** is:
 - (i) a **carry-over exclusion zone**; or
 - (ii) previously **unmapped rocky outcrops, cliffs, heath and scrub, wetlands** and their associated **exclusion zones**.

50.3 Where **carry-over exclusion zones** are more than five per cent of the **base net area** of each **local landscape area**, then all **carry-over exclusion zones** must be retained.

50.4 Where a **subject species** or **habitat feature** is identified after the establishment of a **wildlife habitat clump** in the **local landscape area**, then either:

- (a) the **subject species** or **habitat feature** must be protected in accordance with the conditions of the **approval**, in addition to the **wildlife habitat clump**; or
- (b) **FCNSW** can apply to the **EPA** to seek a revision to the **wildlife habitat clump** in the **local landscape area** in accordance with **Protocol 34: Spatial datasets**.

51. High conservation value old growth forest, rainforest, large forest owl landscapes and ridge and headwater habitat on unassessed land

51.1 Prior to commencement of any **forestry operation** on **unassessed Crown-timber land** the following **protocols** must be applied and implemented:

- (a) **Protocol 24: Identification of old growth on unassessed land**;

- (b) **Protocol 25: Identification of rainforest on unassessed land;**
- (c) **Protocol 26: Identification of large forest owl exclusion zones on unassessed land;** and
- (d) **Protocol 29: Ridge and headwater habitat.**

52. Ridge and headwater habitat

- 52.1 The location of **ridge and headwater habitat** must not be changed unless otherwise approved in accordance with **Protocol 34: Spatial datasets.**

Division 4 – Operational planning

Outcome statement for Division 4 of Chapter 3 of the approval

Environment features, **habitat** and risks are identified and site-specific protections and management practices are developed to mitigate the impact of the **forestry operation.**

53. Operational plans

- 53.1 **FCNSW** must prepare a separate **operational plan** for each **forestry operation** in each **operational area** (as defined in the **operations register**), excluding **forest product** and timber operations conducted under section 45 of the **Forestry Act.**
- 53.2 A **forestry operation** must not commence in an **operational area** unless an **operational plan** has been prepared for that **forestry operation** in that **operational area.**
- 53.3 Each **operational plan** must include the following documents for each **forestry operation** in each **operational area** prepared in accordance with of **Protocol 4: Operational plans:**
- (a) general requirements for all **operational plans;**
 - (b) additional specific requirements for **operational plans** relating to **harvesting operations, roading, burning operations, forest products operations;**
 - (c) a **location map;** and
 - (d) an **operational map.**
- 53.4 Each **operational plan** must:
- (a) address the conditions of the **approval;**
 - (b) contain operational requirements in sufficient detail to enable the person proposing to undertake the **forestry operation** to comply with the conditions of the **approval;** and
 - (c) be approved and dated by an **FCNSW planning supervisor.**
- 53.5 Each **operational plan** for a **forestry operation** must be made available to the public and the **EPA** at least two business days prior to the commencement of the **forestry operation.**
- 53.6 To vary any part of an **operational plan FCNSW** must:
- (a) prepare a document that:
 - (i) details how the **forestry operation** varies from the approved plan; and

- (ii) sets out the reasons for the variation;
 - (b) amend relevant documents under condition 53.3; and
 - (c) ensure that each document prepared under condition 53.6(a) or amended under condition 53.6(b) is approved and dated by a **FCNSW planning supervisor**.
- 53.7 Once approved in accordance with condition 53.6(c), the amended **operational plan** is taken to be the approved **operational plan** for the purpose of the **forestry operation** and must be implemented.
- 53.8 Amended **operational plans** must be made available to the public and the **EPA** within five business days of being approved under condition 53.6(c).

CHAPTER 4 – OPERATIONAL PLANNING AND IMPLEMENTATION

54. Protocols

54.1 The following **protocols** are referenced in Chapter 4:

Protocol
Protocol 4: Operational plans
Protocol 5: Approvals for restricted activities
Protocol 10: Road design
Protocol 15: Inherent soil erosion and water pollution hazard assessment
Protocol 16: Riparian protection
Protocol 20: Pre-operational surveys
Protocol 21: Species management plan
Protocol 22: Wildlife habitat and tree retention clumps
Protocol 23: Tree retention
Protocol 27: Threatened ecological communities
Protocol 28: Rocky outcrops and cliffs
Protocol 30: Subterranean bat roosts and flying-fox camps
Protocol 31: Matters covered by the approval
Protocol 33: Work health and safety and accidentally felled trees
Protocol 34: Spatial datasets

Division 1 – Planning assessments and surveys

Outcome statement for Division 1 of Chapter 4 of the approval

Environment features, **habitat** and risks are identified to ensure that protections and management actions are implemented to mitigate the impact of the **forestry operation**.

55. Road design and planning

55.1 **Protocol 10: Road design** must be applied and complied with for the **construction** of any new **road**, or the **maintenance** or **upgrade** of any existing **road**, where that construction, or maintenance or **upgrade**, will take place in a location where there is:

- (a) **mass movement** hazard; or
- (b) the **ground slope** is greater than 30 degrees.

55.2 Where an existing **road** is not planned to be used for the **forestry operation**, then:

- (a) the **operational plan** and **operational map** must clearly indicate it is not to be used; and

- (b) if **FCNSW** becomes aware that the existing **road** is not **stable**, and is causing **water pollution**, then **FCNSW** must **stabilise** the existing **road**.

56. Targeted flora surveys and targeted fauna surveys

- 56.1 A **forestry operation** (other than **road maintenance**) must not be conducted in any part of an **operational area**, unless a **targeted flora survey** and/or **targeted fauna survey** has been undertaken in that part of the **operational area** no greater than seven years prior to that **forestry operation** commencing in that area.
- 56.2 Each survey must:
 - (a) be carried out by a **suitably qualified person**;
 - (b) be carried out in, and within 100 metres of, the **base net area** of the **operational area**;
 - (c) search for each of the **species** set out in conditions 20.3 and 20.4 of **Protocol 20: Pre-operational surveys**, unless otherwise specified in that condition; and
 - (d) be conducted and reported in accordance with condition 20.3, 20.4 and 20.5 of **Protocol 20: Pre-operational surveys**.
- 56.3 Any **subject species** or **habitat feature** detected in a **targeted flora survey** and/or **targeted fauna survey** must be:
 - (a) managed and protected in accordance with the applicable requirements of the **approval** and **protocols**; and
 - (b) mapped in accordance with condition 117 of the **approval**.
- 56.4 Despite condition 56.1, and subject to condition 57.1, a **targeted flora survey** and/or **targeted fauna survey** is not required for a **species** to which conditions 66, 67, 68, 69, or 71 of the **approval** apply if **FCNSW**:
 - (a) has recorded in the **operational plan** that it will comply with conditions 66.2, 67.2, 68.2, 69.2, 69.3 or 71.1(c) of the **approval**, in relation to the **species**, as relevant; and
 - (b) complies with those conditions, as applicable.

57. Broad area habitat searches

- 57.1 A **forestry operation** (other than **road maintenance**) must not be conducted in any part of an **operational area** unless:
 - (a) at least 100 metres in advance of the **forestry operation** occurring in any part of the **operational area**, the **base net area** has been broken up into **patches** that are no more than 10 hectares in size and mapped in accordance with condition 117 of the **approval**;
 - (b) a **broad area habitat search** has been undertaken in accordance with condition 57 of the **approval** in the **patch** that contains that part of the **operational area**; and
 - (c) the **broad area habitat survey** was completed within a maximum of six months prior to the commencement of the **forestry operation** in that **patch**.
- 57.2 Each search must:
 - (a) be carried out by a **suitably qualified person**;
 - (b) be carried out in, and within 100 metres of, the **base net area** of the **operational area**;

- (c) look for, identify, and record the **habitat features** and **species** listed in Table 2 of this condition; and
- (d) be conducted in accordance with condition 20.2 and 20.5 of **Protocol 20: Pre-operational surveys**.

57.3 All **habitat features** or **species** listed in Table 2 and identified under condition 57.2(c), or which were not identified under that condition but identified later during the carrying out of **forestry operations**, must be:

- (a) protected in accordance with the requirements for that **habitat feature** or **species** in the **approval** and the **protocols**; and
- (b) mapped in accordance with condition 117 of the **approval**.

Table 2: Habitat features or species

Habitat features or species that must be searched for during broad area habitat searches	
Nest, roost or den trees (as listed in Table 4, Chapter 4 of the approval)	Koalas, and evidence of koalas
Stick nests greater than 50 cm in diameter	Soaks and seepages in <i>Assa darlingtoni</i> modelled habitat , <i>Philoria</i> species modelled habitat and where there is a record of <i>Philoria</i> species or <i>Assa darlingtoni</i> within two kilometres of that operational area
Bat roost trees and potential subterranean bat roosts	Hollow-bearing trees and nectar trees
Flying-fox camps	Spotted-tailed Quoll dens (including maternal dens)
Glossy Black-Cockatoo feed tree	Spotted-tailed Quoll latrine sites
Glider sap feed trees	Bare-nosed Wombat (Northern Population Management Area) burrows
Wetlands	Flora species listed in Part 3 and Part 4 of condition 31.2 of Protocol 31: Matters covered by the approval recorded within five kilometres of the boundary of the operational area , where potential habitat occurs in the operational area
Rocky outcrops and cliffs	Evidence of any other subject species
Heath and scrub	Evidence of any other habitat that requires protection under the approval

57.4 Condition 56.1 and 57.1 do not apply to a **post-harvest burn** or **forest product operation** if:

- (a) the **post-harvest burn** or **forest product operation** is conducted in a part of an **operational area** in which a **targeted flora survey** and/or **targeted fauna survey** and **broad area habitat search** was conducted for an associated **harvesting operation**, as set out in the **operational plan**; and
- (b) a **targeted flora survey** and/or **targeted fauna survey** and **broad area habitat search** conducted for the associated **harvesting operation** and the **post-harvest burn** or **forest product operation** were conducted in accordance with the **approval**.

57.5 Where a **species** that requires a **flora road management plan** (as listed in Part 3, Table 4 of condition 31.2 of **Protocol 31: Matters covered by the approval**) has been recorded within, or

within five kilometres of the boundary of, the **operational area** a **road maintenance** operation must not be conducted in any areas of **potential habitat** for that **species** unless:

- (a) a **flora road management plan** applicable to the **species** has been prepared by **FCNSW** and approved by the **EPA**;
- (b) unless other provisions regarding survey of the **species** are expressly identified in the approved **flora road management plan**, a **suitably qualified person** must search:
 - i. areas of **potential habitat** in, and within 10 metres of, the planned **road maintenance** operation;
 - ii. in the relevant survey season (if any) identified in Part 3, Table 4 of condition 31.2 of **Protocol 31: Matters covered by the approval**;
 - iii. at least 100 metres in advance of **road maintenance** in that part of the **operational area**; and
 - iv. no more than six months (or other period if identified in the **flora road management plan**) prior to **road maintenance** in that part of the **operational area**;
- (c) the search effort and results are recorded in accordance with condition 20.5 of **Protocol 20: Pre-operational surveys**; and
- (d) any requirements regarding protection of the **species** or disturbance to sites identified in the approved **flora road management plan** are applied in a manner that reflect the results of condition 57.5(b) above.

58. Incidental records of species and habitat features requiring protection

- 58.1 Where **FCNSW** identifies a **subject species, habitat feature** or **threatened species** that requires protection under the **approval**, before or during the planning, surveying or carrying out of a **forestry operation**, **FCNSW** must:
- (a) immediately apply the conditions of the **approval** to that **subject species, habitat feature** or **threatened species**;
 - (b) record the details of the **subject species, habitat feature** or **threatened species**;
 - (c) map the **subject species, habitat feature** or **threatened species** in accordance with condition 117 of the **approval**; and
 - (d) update the **operational plan** to include the requirements at condition 58.1(b).

Division 2 – Habitat protection

Outcome statement for Division 2 of Chapter 4 of the approval

Environment features, **habitat**, landscapes and communities are identified, and protections are permanently established, to mitigate the impact of the **forestry operation**.

Woody debris is retained across **operational areas** to provide shelter and foraging **habitat** for native **species** to support their persistence.

59. Heath and scrub

- 59.1 An **exclusion zone** must be retained around each area of **heath and scrub** that has an area of 0.2 hectares or greater.

59.2 The **exclusion zone** must be at least 20 metres wide measured from the outer edge of the **heath and scrub**.

60. Rocky outcrops and cliffs

60.1 An **exclusion zone** must be retained around each **rocky outcrop** and each **cliff**.

60.2 The **exclusion zone** must be at least 20 metres wide measured from the outer edge of the **rocky outcrop** or **cliff**, or as specified in **Protocol 28: Rocky outcrops and cliffs**.

61. Threatened ecological communities

61.1 The location of all **TECs** must be identified in accordance with **Protocol 27: Threatened ecological communities**.

61.2 An **exclusion zone** with a minimum width as specified in condition 27.3 of **Protocol 27: Threatened ecological communities** must be retained around each **TEC** and the **exclusion zone** width must be measured from the outer edge of the **TEC**.

62. Coarse woody debris protection

62.1 **Coarse woody debris** that contains a hollow must not be removed from a **compartment**.

62.2 **Coarse woody debris** must not be removed from a **compartment**, including for use as firewood, if there is a **record** of any of the **species** listed in Table 3 of this condition in the **compartment**.

Table 3: Coarse woody debris species

Species where the collection of coarse woody debris is prohibited	
Bush Stone-curlew	Flame Robin
Sand Goanna	Scarlet Robin
White-crowned Snake	Speckled Warbler
Pale-headed Snake	Grey-crowned Babbler
Rufous Bettong	Diamond Firetail
Brush-tailed Phascogale	Hooded Robin
Spotted-tailed Quoll	Brown Treecreeper
White-lipped Snake (Upper North East Subregion and Lower North East Subregion)	Eastern Pygmy-possum
Varied Sittella	

Division 3 – Retained trees

Outcome statement for Division 3 of Chapter 4 of the approval

Important trees are retained and protected for shelter and food resources for native **species**, and to support their persistence.

63. Tree retention clumps

63.1 **Tree retention clumps** must be identified and permanently retained at least 100 metres in advance of a **forestry operation** (other than **road maintenance**) in any part of an **operational area**, at the following rates:

- (a) at least five per cent of the **base net area** in each **compartment** in the **regrowth zone**; and
- (b) at least eight per cent of the **base net area** in each **compartment** in the **non-regrowth zone**.

63.2 Each **tree retention clump** must be planned and implemented in accordance with **Protocol 22: Wildlife habitat and tree retention clumps**, and:

- (a) must be between a minimum of 0.1 hectare and a maximum of two hectares in size;
- (b) must prioritise the retention of **hollow-bearing trees** and **potential future hollow-bearing trees**;
- (c) must not include areas or **ESAs** that are known at the time of the **tree retention clump** establishment and that would otherwise require permanent protection under the **approval**, unless they are listed in condition 22.2(2)(a) and 22.2(2)(b) of **Protocol 22: Wildlife habitat and tree retention clumps**; and
- (d) must be in addition to the areas identified and protected as **wildlife habitat clumps**.

63.3 Where a **subject species** or **habitat feature** is identified after the establishment of **tree retention clumps** in the **compartment**, then:

- (a) the **subject species** or **habitat feature** must be protected in accordance with the conditions of the **approval**, in addition to **tree retention clumps**; or
- (b) **FCNSW** can apply to the **EPA** to seek a revision to the **tree retention clumps** in the **compartment** in accordance with **Protocol 34: Spatial datasets**.

64. Retained trees

64.1 **Retained trees** must be selected and protected in accordance with **Protocol 23: Tree retention**.

64.2 The following **retained trees** must be permanently retained:

- (a) all **giant trees**;
- (b) all **dead standing trees**; and
- (c) the following numbers of **hollow-bearing trees**:
 - (i) all **hollow-bearing trees** in the **net harvest area** in the **intensive harvesting zone**; or
 - (ii) a minimum of eight **hollow-bearing trees** per hectare of **net harvest area** in accordance with **Protocol 23: Tree retention** in all areas not described in (i) above; and
 - (iii) where the density specified in condition 64.2(c)(ii) is not available, all **hollow-bearing trees**.

64.3 The following **retained trees** must be retained during and at the **completion** of the **forestry operation**:

- (a) all **Glossy Black-Cockatoo feed trees**;
- (b) all **Glider sap feed trees**; and
- (c) a minimum of five **nectar trees** per hectare of **net harvest area** in accordance with **Protocol 23: Tree retention** if the **compartment** contains, or is within two kilometres of, a **record** of a Swift Parrot or Regent Honeyeater.

64.4 A **retained tree** must not be felled unless it is in accordance with **Protocol 33: Work health and safety and accidentally felled trees**, and the tree is replaced with a **comparable tree** during **harvesting** in the **patch** in which the tree was felled. Where a **comparable tree** is not available, **FCNSW** must retain a **mature tree** with a healthy crown.

65. **Koala browse tree retention (Upper North East Subregion and Lower North East Subregion)**

65.1 The following trees must be retained for the duration, and at the **completion** of, each **forestry operation** in accordance with **Protocol 23: Tree retention**:

- (a) a minimum of 10 **Koala browse trees** per hectare of **net harvest area** where **Koala browse prescription 1** applies;
- (b) a minimum of five **Koala browse trees** per hectare of **net harvest area** where **Koala browse prescription 2** applies and in any (or remaining part of a) **compartment** where a **contemporary koala record** exists but is not otherwise attributed **Koala browse prescription 1** or **2**; and
- (c) all **Koala browse trees** in areas where the minimum coverage of **Koala browse trees** set out in conditions 65.1(a) and 65.1(b) does not exist in the **net harvest area** before the commencement of the **forestry operation**.

Note: For the purposes of determining the rate of tree retention in the net harvest area under condition 65.1(a) and 65.1(b), Protocol 23: Tree retention must be used.

Division 4 – Species-specific conditions for fauna

Outcome statement for Division 4 of Chapter 4 of the approval

Site-specific measures are implemented to mitigate the impact of the **forestry operation** on fauna **species** and their **habitat**, and to support their persistence.

66. **Rufous Scrub-bird, *Atrichornis rufescens***

66.1 Where there is a **record** of Rufous Scrub-bird within an **operational area** or within 300 metres outside the boundary of an **operational area**, **FCNSW** must retain:

- (a) an **exclusion zone** that encompasses all **Rufous Scrub-bird micro-habitat** within a 300-metre radius of the **record**; and
- (b) an additional **exclusion zone** that is 20 metres or greater in width around the outer edge of the **exclusion zone** referred to in condition 66.1(a).

66.2 If **FCNSW** does not conduct a targeted survey for Rufous Scrub-bird in accordance with **Protocol 20: Pre-operational surveys**, **FCNSW** must retain:

- (a) an **exclusion zone** that encompasses all **Rufous Scrub-bird micro-habitat** in the **operational area**; and
- (b) an additional **exclusion zone** that is 20 metres or greater in width around the outer edge of the **exclusion zone** referred to in condition 66.2(a).

67. **Albert's Lyrebird, *Menura alberti***

67.1 Where there is a **record** of Albert's Lyrebird within an **operational area** or within 300 metres outside the boundary of the **operational area**, **FCNSW** must retain:

- (a) an **exclusion zone** of at least 20 metres in width on both sides of all class 1 **classified drainage lines** within 300 metres of the **record**; and
- (b) an **exclusion zone** of at least 30 metres or greater in width on both sides of all class 2 **classified drainage lines** within 300 metres of the **record**.

67.2 If **FCNSW** does not conduct a targeted survey for Albert's Lyrebird, in accordance with **Protocol 20: Pre-operational surveys**, and there is Albert's Lyrebird **modelled habitat** or an existing **record** in an **operational area** or within 300 metres outside the boundary of the **operational area**, **FCNSW** must retain **exclusion zones** of:

- (a) at least 20 metres in width on both sides of each class 1 **classified drainage line** within Albert's Lyrebird **modelled habitat** in the compartment; and
- (b) at least 30 metres in width on both sides of each class 2 **classified drainage line** within Albert's Lyrebird **modelled habitat** in the **operational area**.

67.3 **FCNSW** must measure the **exclusion zones** required by conditions 67.1 and 67.2 from the **bankfull level** in accordance with **Protocol 16: Riparian protection**.

68. Marbled Frogmouth, *Podargus ocellatus*

68.1 Where there is a **record** of Marbled Frogmouth within an **operational area** or within 300 metres outside the boundary of the **operational area**, **FCNSW** must retain:

- (a) an **exclusion zone** of at least 20 metres in width on both sides of all class 1 **classified drainage lines** in the **operational area**; and
- (b) an **exclusion zone** of at least 30 metres in width on both sides of all class 2 **classified drainage lines** in the **operational area**.

68.2 If **FCNSW** does not conduct a targeted survey for Marbled Frogmouth in accordance with **Protocol 20: Pre-operational surveys**, and there is Marbled Frogmouth **modelled habitat** or an existing **record** within an **operational area** or within 300 metres outside the boundary of the **operational area**, **FCNSW** must retain **exclusion zones** of:

- (a) at least 20 metres in width on both sides of each class 1 **classified drainage line** within Marbled Frogmouth **modelled habitat** in the **operational area**; and
- (b) at least 30 metres in width on both sides of each class 2 **classified drainage line** within Marbled Frogmouth **modelled habitat** in the **operational area**.

68.3 **FCNSW** must measure the **exclusion zones** required by condition 68.1 and 68.2 from the **bankfull level** in accordance with **Protocol 16: Riparian protection**.

69. *Phyloria* species and *Assa darlingtoni* (Southern meta-population)

69.1 Within the **southern meta-population** area, an **exclusion zone** with a radius of 50 metres or greater must be retained around each **record** of any *Phyloria* species or *Assa darlingtoni* located:

- (a) within an **operational area**; or
- (b) within 50 metres outside the boundary of an **operational area**.

69.2 If **FCNSW** does not conduct a survey for *Assa darlingtoni* in accordance with **Protocol 20: Pre-operational surveys**, all *Assa darlingtoni* **modelled habitat** in the **operational area** must be retained as an **exclusion zone**.

- 69.3 If **FCNSW** does not conduct a survey for *Philoria* species in accordance with **Protocol 20: Pre-operational surveys**, all *Philoria* species **modelled habitat** in the **operational area** must be retained as an **exclusion zone**.
- 69.4 An **exclusion zone** that is 10 metres or greater must be retained around the full extent of each **soak or seepage** where no **record** of a *Philoria* species or *Assa darlingtoni* is associated with the **soak or seepage**, and:
- (a) *Assa darlingtoni* **modelled habitat** or *Philoria* species **modelled habitat** occurs in the **operational area**; or
 - (b) a **record** of a *Philoria* species or *Assa darlingtoni* occurs within two kilometres of the boundary of the **operational area**.
- 69.5 For the purposes of applying an **exclusion zone** to a **soak or seepage**:
- (a) the area of the **soak or seepage**, and the associated **soak or seepage exclusion zone**, must be measured from either the edge of the current saturated zone, or the outer edge of where the vegetation type indicates a wetter micro-environment than the surrounding country, whichever results in a larger area; and
 - (b) the width of the **soak or seepage exclusion zone** must be measured along the ground surface and must be determined in the field.
- 69.6 Within areas of **known** or **potential habitat** for *Assa darlingtoni* or *Philoria* species, **road maintenance** in, or within 10 metres of, a **soak or seepage** is only permitted if it is approved in accordance with **Protocol 5: Approvals for restricted activities**.

<p>Note: the conditions for <i>Assa darlingtonia</i> (above) only apply in areas within the Southern meta-population area.</p>

70. Booroolong Frog, *Litoria booroolongensis* (South)

- 70.1 Within the **Booroolong Frog mapped layer** an **exclusion zone** of 10 metres or greater in width must be retained on both sides of each 'first order' **ordered drainage feature**, class 1 **classified drainage line** and **unmapped drainage line**.
- 70.2 The **exclusion zones** required by condition 70.1 must be measured and retained from the **bankfull level** in accordance with **Protocol 16: Riparian protection**.

71. Northern Corroboree Frog, *Pseudophyrne pengilleyi*

- 71.1 Within Bondo and Micalong **State Forests**:
- (a) an **exclusion zone** with a radius of 30 metres or greater must be retained around each Northern Corroboree Frog **record**; and
 - (b) an **exclusion zone** of 30 metres or greater in width must be retained around the outer edge of every **bog** that has a Northern Corroboree Frog **record**.
- 71.2 If **FCNSW** has not conducted surveys in accordance with **Protocol 20: Pre-operational surveys**, an **exclusion zone** of 30 metres or greater in width must be retained around the outer edge of every **bog** in the **operational area**.

72. Hastings River Mouse, *Pseudomys oralis*

- 72.1 Where there is a **record** of a Hastings River Mouse in the **operational area**, or within 200 metres outside the boundary of the **operational area**:
- (a) an **exclusion zone** must be retained around each **record**, that must:

- (i) have an areas that is 12 hectares or greater;
- (ii) be dominated by **Hastings River Mouse micro-habitat**;
- (iii) have a low edge to area ratio; and
- (iv) link to other **ESAs**.

73. Spotted-tailed Quoll, *Dasyurus maculatus*

- 73.1 An **exclusion zone** that is 12 hectares or greater must be retained around each **Spotted-tailed Quoll maternal den** site.
- 73.2 An **exclusion zone** that is 12 hectares or greater must be retained around each **Spotted-tailed Quoll latrine** site.
- 73.3 An **exclusion zone** that is 3.5 hectares or greater must be retained around each **Spotted-tailed Quoll permanent den** site.

74. Bare-nosed Wombat, *Vombatus ursinus*

- 74.1 In a **compartment** within the **Bare-nosed Wombat (Northern Population Management Area)** map, an **exclusion zone** with a radius of 20 metres or greater must be retained around each entrance to a wombat burrow that is greater than one metre in length.

*Note: Wombat burrows outside of the **Bare-nosed Wombat (Northern Population Management Area)** map are managed through the application of a guideline.*

75. Koala

- 75.1 A **suitably qualified person** must visually assess each tree for Koalas immediately prior to it being felled, where:
 - (a) **Koala browse prescription 1** or **Koala browse prescription 2** applies; or
 - (b) there is a **contemporary Koala record** in any **operational areas** in the **Southern Subregion** or **Eden Subregion**.
- 75.2 If a Koala is located in a tree, an **exclusion zone** with a radius of 25 metres or greater must be retained around the tree. The **exclusion zone** may be removed once the Koala moves from that tree.
- 75.3 **Koala browse prescription 2** must be applied to the remainder of an **operational area** where **evidence of Koala** is detected during a **harvesting operation** in an area which is not identified in condition 75.1.
- 75.4 **FCNSW** must maintain records, updated each week, in accordance with **Protocol 3: Operational tracking**, to demonstrate condition 75 of the **approval** has been applied.

76. Nest, roost or den

- 76.1 An **exclusion zone** must be retained around each **nest, roost or den** as specified in **Table 4**.

Table 4: Protection of nest, roost or den

(a) 25 metre radius exclusion zone	(b) 50 metre radius exclusion zone	(c) 100 metre radius exclusion zone
Regent Honeyeater nest	Powerful Owl nest	Bush Stone-curlew nest

(a) 25 metre radius exclusion zone	(b) 50 metre radius exclusion zone	(c) 100 metre radius exclusion zone
Varied Sittella nest	Masked Owl nest	Albert's Lyrebird nest
Gang-gang Cockatoo nest	Barking Owl nest	Emu nest of the Emu population in the NSW North Coast Bioregion and Port Stephens local government area
Brown Treecreeper nest	Sooty Owl nest	
Black-chinned Honeyeater (eastern sub-species) nest	Flame Robin nest	
Speckled Warbler nest	Scarlet Robin nest	
Diamond Firetail nest	Hooded Robin nest	
Grey-crowned Babbler nest	Glossy-black Cockatoo nest	
Powerful Owl roost	All stick nests (50 cm or greater in diameter)	
Masked Owl roost	Emu nest other than of the Emu population in the NSW North Coast Bioregion and Port Stephens local government area	
Barking Owl roost	Dusky Woodswallow nest	
Sooty Owl roost	Glider (<i>Petaurus australis</i> , <i>Petaurus norfolcensis</i> and <i>Petauroides volans</i>) den trees	
Turquoise Parrot nest	Brush-tailed Phascogale den trees	
Little Lorikeet nest		
Swift Parrot roost		

- 76.2 Where there is a **record** of a **nest, roost or den**, and the **nest, roost or den** cannot be located, the **exclusion zone** must be centred on the location of the existing **record**.
- 76.3 An **exclusion zone** required for a Powerful Owl, Masked Owl, Barking Owl and Sooty Owl nest or roost must be retained for the duration of the **approval**.
- 76.4 An **exclusion zone** required for all other **nest, roost or den**, must be retained unless:
- otherwise approved by the **EPA**; and
 - surveys conducted in the two consecutive breeding seasons immediately preceding the **forestry operation** establishes that the **nest, roost or den** is no longer being used.

77. Threatened frog – general

- 77.1 An **exclusion zone** 10 metres wide or greater must be retained around the outer edge of all **dams**.
- 77.2 Any new **drainage feature crossing** that is located within 200 metres upstream or downstream of a **stream breeding threatened frog record** must not alter natural stream flow.

78. Bat roost tree protection

78.1 An **exclusion zone** with a radius of 30 metres or greater must be retained around each **bat roost tree**.

79. Flying-fox camps

79.1 An **exclusion zone** 50 metres wide or greater must be retained to the full extent of each occupied and non-occupied **flying-fox camp**.

79.2 Between the first day of October and concluding on the last day of February, a temporary **exclusion zone** that is 200 metres wide or greater must be retained around the full extent of each occupied **flying-fox camp**.

79.3 The full extent of a **flying-fox camp** must be determined in accordance with **Protocol 30: Subterranean bat roosts and flying-fox camps**.

80. Subterranean bat roosts

80.1 An **exclusion zone** with a minimum radius as specified in columns (a), (b) or (c) of **Table 5** must be retained in each **subterranean site** feature listed in **Table 5**.

Table 5: Subterranean site feature exclusion zones

Subterranean site feature	(a) <i>Potential subterranean bat roost</i>	(b) Confirmed presence of bats	(c) <i>Confirmed absence of bats</i>
Cave, mine or tunnel	100 metres	100 metres	50 metres
Disused mine shaft	40 metres	40 metres	0 metres
Rock overhang	100 metres	100 metres	0 metres

80.2 Column (c) in **Table 5** in condition 80.1, relating to **confirmed absence of bats**, must only be applied if:

- (a) no **records** of a **subterranean roosting bat species** are within 100 metres of the **potential subterranean bat roost**, and
- (b) a **potential subterranean bat roost** has been subject to a **bat inspection survey** in accordance with **Protocol 30: Subterranean bat roosts and flying-fox camps** and no **evidence of bats** was identified following:
 - (i) a single **bat inspection survey** if the entire **potential subterranean bat roost** could be physically inspected; or
 - (ii) at least two **bat inspection surveys** using ultrasonic bat detectors if the entire **potential subterranean bat roost** could not be physically inspected.

80.3 Despite condition 80.2(b), an **exclusion zone** with a radius of 100 metres or greater, must be retained around any **potential subterranean bat roost** that has a **record** of a **subterranean roosting bat species**, unless the **potential subterranean bat roost** is a disused mine shaft in which case an **exclusion zone** with a radius of 40 metres or greater must be retained.

80.4 A minimum of a 100 metre radius **exclusion zone** must be retained around any **subterranean site** that is not a **potential subterranean bat roost** if it is associated with a **record** of a **subterranean roosting bat species**, unless the **subterranean site** has characteristics inconsistent with a **potential subterranean bat roost**, in which case an **exclusion zone** with a radius of 40 metres or greater must be retained around the **subterranean site**.

Division 5 – Species-specific conditions for flora

Outcome statement for Division 5 of Chapter 4 of the approval

Site-specific measures are implemented to mitigate the impact of the *forestry operation* on flora *species* and their *habitat*, and to support their persistence.

81. Flora requiring the protection of all individuals

81.1 An *exclusion zone* with a radius of 20 metres or greater must be retained around:

- (a) Each individual *record* of a *plant* of a *species* listed in Part 3, Table 1 of condition 31.2 of **Protocol 31: Matters covered by the approval**; and
- (b) each individual *record* of a *plant* of a *species* listed in Part 3, Table 3 of condition 31.2 of **Protocol 31: Matters covered by the approval** that does not have an *EPA* approved *flora road management plan* or *species management plan* in place prior to the commencement of a *forestry operation*, as required by conditions 83 and 84 of the *approval*.

82. Flora requiring the protection of mature individuals

82.1 Each individual *record* of a *plant* must be retained and protected from *forestry operations* if:

- (a) it is a *species* listed in Part 3, Table 2 of condition 31.2 of **Protocol 31: Matters covered by the approval**; and
- (b) its diameter is equal to, or is greater than, the minimum diameter specified in Part 3, Table 2 of condition 31.2 of **Protocol 31: Matters covered by the approval**.

82.2 Each individual *record* of a *plant* required to be retained under condition 82.1 must be protected from *forestry operations* in accordance with the requirements for *retained trees* in **Protocol 23: Tree retention**.

83. Flora road management plan

83.1 A *flora road management plan* must be prepared for all *plant species* listed in Part 3, Table 4 of condition 31.2 of **Protocol 31: Matters covered by the approval** and approved by the *EPA* prior to the commencement of a *forestry operation* in an *operational area* with *known habitat*.

83.2 Each *flora road management plan* must be prepared in accordance with the requirements set out in Part 3, Table 4 of condition 31.2 of **Protocol 31: Matters covered by the approval**.

83.3 *FCNSW* must implement the requirements of each *EPA* approved *flora road management plan* during all *forestry operations* in the *operational area*.

Division 6 – Species management plans

Outcome statement for Division 6 of Chapter 4 of the approval

Monitoring, management and protection measures are identified, planned and implemented for specific native species to support their persistence.

84. Species management plans

84.1 *FCNSW* must prepare a *species management plan* in accordance with **Protocol 21: Species management plan** for each:

- (a) **species** listed in Part 2, Table 3 of **Protocol 31: Matters covered by the approval**;
- (b) **species** listed in Part 3, Table 3 of **Protocol 31: Matters covered by the approval**; or
- (c) **species** where required, or approved, in writing by the **EPA**.

84.2 A **species management plan** must be approved by the **EPA** before the commencement of any **forestry operation** (other than **road maintenance**) in an **operational area** to which the **species management plan** applies.

84.3 Despite condition 84.1(b), condition 81.1 of the **approval** must be applied if:

- (a) no **species management plan** has been prepared by **FCNSW** or approved by the **EPA** for a flora **species** listed in Part 3, Table 3 of condition 31.2 of **Protocol 31: Matters covered by the approval**; or
- (b) the **EPA** approved **species management plan** for the flora **species** has not been reviewed in accordance with condition 21.2(2)(e) of **Protocol 21: Species Management Plans**.

84.4 **FCNSW** must implement and comply with each **species management plan** approved by the **EPA**.

Division 7 – Burning

Outcome statement for Division 7 of Chapter 4 of the approval

Environment features, **habitat**, landscapes and communities are maintained through the implementation of best management practices for **pre-harvest burns** and **post-harvest burns**.

85. General obligations on burn planning

85.1 **FCNSW** must not conduct a **pre-harvest burn** or **post-harvest burn** in an **operational area** unless:

- (a) it has prepared a **burn plan** in accordance with **Protocol 4: Operational plans** and the limitations in conditions 86 and 87;
- (b) the **burn plan** clearly states that **FCNSW** elected to apply the terms of the **approval** instead of the requirements of the *Rural Fires Act 1997* (NSW);
- (c) the **burn plan** clearly states whether the proposed **burning operation** is a **pre-harvest burn** or **post-harvest burn**; and
- (d) the **burn plan** is recorded in the NSW Rural Fire Service State-wide fire recording system.

85.2 **FCNSW** must ensure that **pre-harvest burn** or **post-harvest burn** planning and implementation is carried out by a **suitably qualified person**.

85.3 Each **pre-harvest burn** or **post-harvest burn** must be carried out in accordance with:

- (a) the **burn plan** prepared for each **operational area**; and
- (b) all conditions specified in the **approval** that relate to a **pre-harvest burn** or **post-harvest burn**.

86. Limits on the timing of burns

86.1 A **pre-harvest burn** may only be conducted within one year before the commencement of a **harvesting operation** or within such other period as approved under condition 5.2 of **Protocol 5: Approvals for restricted activities**.

- 86.2 A **post-harvest burn** may only be conducted within two years after the **completion** of a **harvesting operation**.
- 86.3 A **pre-harvest burn** must not be conducted in any part of the **net harvest area** that has been subject to a **burn event** within the preceding five years.
- 86.4 A **post-harvest burn** must not be conducted in any part of the **net harvest area** in which a **pre-harvest burn** was conducted.
- 86.5 A **pre-harvest burn** or a **post-harvest burn** must not be ignited where immediately prior to the planned start time for the **burn**:
- (a) the recorded McArthur Forest Fire Danger Index within the **burn** area is greater than 12; or
 - (b) the McArthur Forest Fire Danger Index is predicted to be greater than 15 at any time during the intended duration of the **burn**; or
 - (c) the McArthur Forest Fire Danger Index is predicted to be greater than 15 at any time in a 24-hour period following the planned completion of the **burn**.
- 86.6 For land classified as **inherent hazard level 2** or **3** in accordance with **Protocol 15: Inherent soil erosion and water pollution hazard assessment**:
- (a) a **pre-harvest burn** or **post-harvest burn** must not be carried out during, or within the month prior to, a month with an average monthly **rainfall erosivity** of greater than 1100; and
 - (b) a **pre-harvest burn** or **post-harvest burn** carried out during a month with an average monthly **rainfall erosivity** of 900 to 1100 may only be conducted using a ground burning (top disposal) method.
87. **Limits on the application of fire during pre-harvest burns and post-harvest burns**
- 87.1 **FCNSW** must not carry out a **pre-harvest burn** or a **post-harvest burn** in an **ESA** or **ground protection zone**, unless approved in accordance with **Protocol 5: Activities in restricted areas**.
- 87.2 **FCNSW** must **stabilise** and **rehabilitate** any area in an **ESA** or **ground protection zone disturbed** by a **pre-harvest burn** or a **post-harvest burn** irrespective of whether this disturbance was unintended or was carried out intentionally in accordance with **Protocol 5: Activities in restricted areas**.

CHAPTER 5 – OPERATING CONDITIONS

88. Protocols

88.1 The following **protocols** are referenced in Chapter 5:

Protocol
Protocol 3: Operational tracking
Protocol 5: Approvals for restricted activities
Protocol 12: Seasonality restrictions
Protocol 14: Design methods for crossings and drainage structures
Protocol 15: Inherent soil erosion and water pollution hazard assessment
Protocol 16: Riparian protection
Protocol 17: Fish passage
Protocol 18: Aquatic habitat assessment
Protocol 19: Determination of drainage class and stream order
Protocol 23: Tree retention
Protocol 32: Temporary log crossings
Protocol 33: Work health and safety and accidentally felled trees

Division 1 – Overarching compliance obligations

89. Operational compliance

89.1 **FCNSW** must not commence a **forestry operation** until there is an approved and current **operational plan** for the **forestry operation**.

89.2 Prior to the commencement of the **forestry operation**, the approved **operational plan** must be:

- (a) named, signed and dated by all persons involved in carrying out the **forestry operation**;
- (b) kept at the site of the **forestry operation** at all times; and
- (c) provided to the **EPA** upon request.

90. Plant and equipment

90.1 All plant and equipment used or installed in connection with any **forestry operation** must, until the **completion** of that **forestry operation**, be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

90.2 Servicing and repair of equipment must not cause or contribute to **water pollution**.

Division 2 – Management of ESAs

Outcome statement for Division 2 of Chapter 5 of the approval

ESAs are protected during *forestry operations* to maintain their intended, specific environmental values.

91. Category 1 ESAs

91.1 The following conditions apply to a **category 1 ESA**:

- (a) **forestry operations** are prohibited within the **ESA** unless otherwise specified in the **approval**;
- (b) machinery entry into the **ESA** is prohibited;
- (c) a tree (or any part of a tree) must not be felled into the **ESA**;
- (d) **FCNSW** may **maintain** and use existing **roads**, existing **tracks** and existing **drainage feature crossings** in the **ESA**;
- (e) **FCNSW** must not **construct** or **upgrade roads, tracks** or **drainage feature crossings** unless approved in accordance with **Protocol 5: Approvals for restricted activities**;
- (f) **forest products** or **coarse woody debris** must not be removed from the **ESA**;
- (g) **FCNSW** must not **construct** or re-open a **log dump** within an **ESA** unless approved in accordance with **Protocol 5: Approvals for restricted activities**; and
- (h) **FCNSW** must **stabilise** and **rehabilitate** any area within the **ESA** that is **disturbed** by **forestry operations**.

92. Category 2 ESAs

92.1 The following conditions apply to a **category 2 ESA**:

- (a) **forestry operations** are prohibited within the **ESA** unless otherwise specified in the **approval**;
- (b) a tree (or part of a tree) must not be felled into the **ESA** unless:
 - (i) there is no practical method to fell the tree (or part of the tree) so that it falls into the **net harvest area**; and
 - (ii) there are no more than six trees (or parts of the tree) felled across, and into, any 200-metre length of an **ESA** (or multiple **ESA's** where they adjoin);
- (c) machinery is only permitted into the **ESA** for the purpose of felling a tree located within the **net harvest area** if:
 - (i) the **ESA** is not land mapped as **inherent hazard level 4**;
 - (ii) the machinery is within the outer five metres of the **ESA**, and the tree:
 - A. cannot safely be felled from within the **net harvest area**; and
 - B. is felled away from the **ESA**;

- (d) **FCNSW** may *maintain* and use existing **roads**, existing **tracks** and existing **drainage feature crossings** in the **ESA**;
- (e) **FCNSW** must not **construct** or **upgrade roads, tracks** or **drainage feature crossings** unless approved in accordance with **Protocol 5: Approvals for restricted activities**;
- (f) **forest products** or **coarse woody debris** must not be removed from the **ESA**;
- (g) **FCNSW** must not **construct** or re-open a **log dump** within an **ESA** unless approved in accordance with **Protocol 5: Approvals for restricted activities**; and
- (h) **FCNSW** must **stabilise** and **rehabilitate** any area within the **ESA** that is **disturbed** by **forestry operations**.

93. Accidentally felled trees

- 93.1 A tree (or part of a tree) can be identified as being accidentally felled into an **ESA** and is not considered a breach of conditions 91.1(c) or 92.1(b) of the **approval**, if **FCNSW** can demonstrate to the **EPA's** satisfaction that:
- (a) a reasonable attempt was made to fell the tree away from the **ESA**;
 - (b) the person carrying out the **forestry operation** did not know, and could not reasonably have been expected to know, that the tree would fall into the **ESA**; and
 - (c) the accidentally felled tree was recorded in accordance with **Protocol 33: Work health and safety and accidentally felled trees** at the time the tree, or part of the tree, entered the **ESA**.
- 93.2 A tree (or part of a tree) that has been accidentally felled into an **ESA** may only be removed if:
- (a) its removal will cause no further damage to the vegetation within the **ESA**;
 - (b) machinery does not enter the **ESA** to retrieve the tree or part of the tree; and
 - (c) immediately following removal, any soil, **groundcover** or vegetation within the **ESA** that is **disturbed** by the removal is **stabilised** and **rehabilitated**.

94. ESAs associated with drainage features

- 94.1 Any **ESA** that is required to be applied to both sides of, or from the edge of, a **drainage feature** must be measured and applied from the **bankfull level** in accordance with **Protocol 16: Riparian protection**.

Division 3 – Riparian protection

Outcome statement for Division 3 of Chapter 5 of the approval

Vegetation adjacent to **drainage features** and **wetlands** is protected, and **groundcover** is retained, to maintain water quality, stream stability, riparian **habitat** and contribute to **habitat** connectivity.

95. Riparian exclusion zones for classified drainage features

- 95.1 A **riparian exclusion zone** with a minimum width as specified in **Table 6a** or **Table 6b** of this condition (depending on the applicable **harvesting** type and **ground slope**) must be retained on each side, and for the entire length of, each of the drainage categories listed in column one of those tables.
- 95.2 **Table 6a** must be applied to **compartments**:

- (a) subject to **intensive harvesting** where at least 20 percent of the **compartment** has a **ground slope** of 18 degrees or greater;
- (b) subject to **alternate coupe logging** where at least 20 per cent of the **compartment** has a **ground slope** of 18 degrees or greater;
- (c) where **dispersible soils** have been identified in the **operational area**;
- (d) subject to **intensive harvesting** or **alternate coupe logging** with any areas classified as **inherent hazard level 4** as determined in accordance with **Protocol 15: Inherent soil erosion and water pollution hazard assessment**, unless:
 - (i) the total extent of areas classified as **inherent hazard level 4** in the **compartment** is less than 1 hectare; or
 - (ii) it is otherwise approved by the **EPA** in accordance with **Protocol 5: Approvals for restricted activities**.
- (e) subject to **selective harvesting** where the **compartment** is **inherent hazard level 3** as determined in accordance with **Protocol 15: Inherent soil erosion and water pollution hazard assessment**.

95.3 **Table 6b** must be applied to **compartments** in all areas where condition 95.2 and **Table 6a** does not apply.

95.4 For the purpose of applying **Table 6a** and **Table 6b**, **FCNSW** must:

- (a) determine **drainage class** in accordance with **Protocol 19: Determination of drainage class and stream order**; and
- (b) measure and retain each **riparian exclusion zone** in accordance with **Protocol 16: Riparian protection**.

Table 6a: ESA categories and minimum riparian exclusion zone and ground protection zone widths for the compartments identified in condition 95.2 of the approval

Drainage category	Riparian Exclusion Zone		Ground Protection Zone
	Minimum width of riparian exclusion zone (metres)	ESA category	Minimum width of ground protection zone (metres)
Drainage depression (mapped or unmapped)	n/a	n/a	5
Unmapped drainage line	10	category 1 ESA	10
Class 1 classified drainage line	10	category 1 ESA	10
Class 1 classified drainage line within class 1 aquatic habitat	10	category 1 ESA	10
Class 2 classified drainage line	20	category 1 ESA	0
Class 3 classified drainage line	30	category 1 ESA	0

Drainage category	Riparian Exclusion Zone		Ground Protection Zone
	Minimum width of <i>riparian exclusion zone</i> (metres)	ESA category	Minimum width of <i>ground protection zone</i> (metres)
Class 4 (and above) <i>classified drainage line</i>	50	category 1 ESA	0

Table 6b: ESA categories and minimum *riparian exclusion zone* and *ground protection zone* widths for all other subregions and zones not prescribed by Table 6a

Drainage category	Riparian Exclusion Zone		Ground Protection Zone
	Minimum width of <i>riparian exclusion zone</i> (metres)	ESA category	Minimum width of <i>ground protection zone</i> (metres)
<i>Drainage depression (mapped or unmapped)</i>	n/a	n/a	5
<i>Unmapped drainage line</i>	5	category 1 ESA	10
Class 1 <i>classified drainage line</i>	5	category 1 ESA	10
Class 1 <i>classified drainage line within class 1 aquatic habitat</i>	10	category 1 ESA	10
Class 2 <i>classified drainage line</i>	20	category 2 ESA	0
Class 3 <i>classified drainage line</i>	30	category 2 ESA	0
Class 4 (and above) <i>classified drainage line</i>	50	category 2 ESA	0

96. Riparian exclusion zones for ordered drainage features

96.1 For *forestry operations* where *LiDAR* mapping is unavailable, *FCNSW* must:

- (a) identify *drainage order* for each *drainage feature* in accordance with **Protocol 19: Determination of drainage class and stream order**;
- (b) determine the minimum *riparian exclusion zone* width and *ESA* category for each *drainage feature* in accordance with Table 1 of **Protocol 16: Riparian protection**; and
- (c) retain the *riparian exclusion zone* required by Table 1 of **Protocol 16: Riparian protection** on each side, and for the entire length of, each *drainage feature*.

97. Ground protection zones

97.1 A *ground protection zone* must be retained, for the minimum width specified, for each of the drainage categories required by:

- (a) **Table 6a** or **Table 6b** in this division; or

- (b) Condition 16.2 of **Protocol 16: Riparian protection**.
- 97.2 For the purpose of condition 97.1, the width of each **ground protection zone** is to be measured along the ground surface from:
- (a) the outer edge of each **riparian exclusion zone**;
 - (b) each side of the centreline of an **unmapped drainage depression** or **mapped drainage depression**; or
 - (c) the entire length of each side of a **mapped drainage depression** located above the **channel head**.
- 97.3 **Earthworks** must not be undertaken in a **ground protection zone**:
- (a) except for the **construction** or **upgrading** of a **drainage feature crossing** and its approaches;
 - (b) except as required to undertake **stabilisation** work of **disturbed** areas; or
 - (c) unless the **earthworks** are:
 - (i) in the outer five meters of a **ground protection zone**; and
 - (ii) for a length of no greater than 30 metres; and
 - (iii) in a **ground protection zone** adjacent to a **riparian exclusion zone** on an **unmapped drainage line** or a class 1 **classified drainage line**; and
 - (iv) approved in accordance with **Protocol 5: Approvals for restricted activities** prior to the commencement of **earthworks**.
- 97.4 Machinery must not be operated in a **ground protection zone** when the soil is **saturated**.
- 97.5 Machinery operating within a **ground protection zone** must:
- (a) operate with blade up at all times except when conducting **earthworks**; and
 - (b) not **snig** along **unmapped drainage depressions** or **mapped drainage depressions** located above the **channel head**.
- 97.6 Areas within the **ground protection zone** that are **disturbed** by **forestry operations** must be **stabilised** and **rehabilitated**.
- 97.7 Areas within the **ground protection zone** that are **disturbed** by **earthworks** that may be carried out under condition 97.3(c) must be **stabilised** and **rehabilitated** according to written advice provided by a suitably qualified soil **erosion** and sediment control specialist in accordance with **Protocol 5: Approvals for restricted activities**, on completion of use on that section of **track** disturbed by **earthworks**.
- 97.8 **FCNSW** must take all necessary measures to protect the aquatic environment and **waters** from the impacts of **water pollution** caused by **earthworks** within a **ground protection zone**.
98. **Saturated soils**
- 98.1 If a **drainage feature**, **riparian exclusion zone** or **ground protection zone** is **disturbed** and **saturated soils** prevent permanent **stabilisation** measures being implemented then:

- (a) temporary **soil stabilisation** and **sediment control measures** must be implemented within five days of the **disturbance**; and
- (b) permanent **stabilisation** measures must be implemented as soon as the soil is not saturated.

98.2 **FCNSW** must document each instance, in accordance with **Protocol 3: Operational tracking**, where **saturated soils** prevent permanent **stabilisation** measures from being implemented for areas that are **disturbed** in a **drainage feature**, **riparian exclusion zone** or **ground protection zone**.

99. Wetlands

99.1 For a **wetland** or **major water storage**:

- (a) **FCNSW** must retain an **exclusion zone** around any **wetlands** or **major water storages** with a minimum width as specified in Table 7 of this condition;
- (b) for the purposes of applying Table 7 to **wetlands**:
 - (i) the presence of the **wetland** must be verified and its location determined in the field;
 - (ii) the surface area of the **wetland**, and the associated **exclusion zone** for a **wetland**, must be measured from either the edge of the current saturated zone, or the outer edge of where the vegetation type indicates a wetter micro-environment than the surrounding country, whichever results in a larger surface area;
- (c) the width of the **exclusion zone** for the **wetland** must be measured along the ground surface and must be determined in the field; and
- (d) if an **exclusion zone** for a **wetland** or **major water storage** extends beyond the catchment of the **wetland** or **major water storage** it is protecting, the **exclusion zone** may be terminated at the catchment boundary.

Table 7: Minimum exclusion zone widths for wetlands and major water storages

Feature type	Size of the surface area	Exclusion zone (metres)
Wetland	Less than 0.5 hectares	10
Wetland	Between 0.5 and 2.0 hectares	20
Wetland	Greater than 2.0 hectares	40
Coastal management SEPP wetlands	All	40
Major water storage	All	100

Division 4 – Roads

Outcome statement for Division 4 of Chapter 5 of the approval

Water quality, aquatic **habitat** and native fish movement are maintained through the implementation of best management practices for **roads** and **road crossings**.

100. Roads

100.1 All **road batters**, **table drains** and **road surfaces** must be **stable**.

100.2 Where clearing for **road construction** or **road maintenance** extends three metres or more beyond the **inflexion point** of the **road prism**, the area that is **disturbed** must be **stabilised** prior to the completion of the **road construction** or **road maintenance**.

101. Drainage of roads

101.1 **Roads** must be drained to divert water flow or potential water flow from **road surfaces** and each **table drain** and:

- (a) **road drainage structures** must have the capacity to wholly convey a **peak flow** from a 1:5-year storm event, as determined in accordance with **Protocol 14: Design methods for crossings and drainage structures**;
- (b) **road drainage structures** must divert water onto a **stable** surface that:
 - (i) is capable of handling **concentrated water flow**; and
 - (ii) provides for **sediment trapping** and **energy dissipation**; and
- (c) **road drainage structures** and **sediment control measures** must be designed, installed and operated so that water flow does not discharge, or have the potential to discharge, directly into **drainage features**.

102. Wet weather restrictions

102.1 A **haulage operation** must immediately cease when **runoff** from a **road** causes or contributes to, or is likely to cause or contribute to, **water pollution**.

102.2 If **runoff** from a **road** causes or contributes to, or is likely to cause or contribute to, **water pollution**, a **road** must not be used for a **haulage operation**, other than for the purposes of allowing a truck that is already loaded or partially loaded with **timber products** to leave the **compartment** and/or **coupe**.

103. Road crossings

103.1 A **road crossing** must be:

- (a) **stable** and capable of withstanding **haulage operations**;
- (b) located, designed, **constructed**, **upgraded**, used and **maintained** for **fish passage** in accordance with:
 - (i) **Protocol 17: Fish passage**; and
 - (ii) **Protocol 18: Aquatic habitat assessment**.

103.2 A **drainage feature crossing** must only be a **bridge**, a **culvert**, a **causeway**, an existing **stable gully stuffer**, or an existing **side-cut causeway**.

103.3 A new **gully stuffer** or new **side-cut causeway** must not be **constructed**.

103.4 An existing **gully stuffer** must not be upgraded. Where an existing **gully stuffer** becomes unstable or not capable of withstanding **haulage operations**, it must be replaced with a **bridge**, a **culvert** or a **causeway**.

103.5 Each **road crossing** must be capable of withstanding the **peak flow** from a 1:10-year storm event, as determined in accordance with **Protocol 14: Design methods for crossings and drainage structures**.

- 103.6 If a **road crossing** other than a **causeway** is **constructed** or **upgraded**, that **road crossing** must have the capacity to wholly convey a **peak flow** from a 1:5-year storm event, as determined in accordance with **Protocol 14: Design methods for crossings and drainage structures**.
- 103.7 Each **outlet** of a **road crossing** must discharge onto a **stable** surface capable of handling **concentrated water flow**.
- 103.8 A **road** must be drained between five metres and 30 metres on each side of a **drainage line crossing**, measured from the **bankfull level**.
- 103.9 If a **road** cannot be drained between five metres and 30 metres either side of a **drainage line crossing**, the **road** approaches to the **crossing** must be **armoured**.
- 103.10 The **construction**, **upgrade** or **maintenance** of a **road crossing** must restrict the **disturbance** of vegetation and **groundcover** in the **ESA** to the area that is three metres upstream and downstream of the **road crossing** unless otherwise approved in accordance with **Protocol 5: Approvals for restricted activities**.
- 103.11 Where a **road** is **constructed** or **upgraded** in **dispersible soils**, each part of the **road prism** within 20 metres of each side of a **road crossing** must be **stabilised**.
- 103.12 **Spoil** derived from **road crossing construction, upgrading, maintenance**, removal or use:
- (a) must be removed from all **drainage features**; and
 - (b) must not be placed in any **ESA** or **ground protection zone**.
- 103.13 If the removal of **spoil** from a **drainage feature** disturbs an area, that area must be re-shaped and **stabilised**.
- 103.14 If any works are carried out to **construct, upgrade, maintain** or remove all, or part of, a **road crossing**, then:
- (a) any **disturbed** area caused by such works must be re-shaped and **stabilised**; and
 - (b) any **disturbed** area within the **road prism**, 20 metres each side of the **road crossing** of a **drainage line**, must be **stabilised**.
- 103.15 Any in-stream works in **class 1 aquatic habitat**, including the **construction** or **upgrading** of **road crossings** must comply with **Protocol 17: Fish passage**, unless otherwise approved in accordance with **Protocol 5: Approvals for restricted activities**.

Division 5 – Tracks

Outcome statement for Division 5 of Chapter 5 of the approval

Water quality, aquatic **habitat** and native fish movement are maintained through the implementation of best management practices for **tracks** and **track crossings**.

104. Drainage of tracks

- 104.1 **Tracks** must be drained to divert water flow or potential water flow from the **track surface** on completion of use of the **track** for the **forestry operation**, or if the **track** is not, or will not be, used for five consecutive days or longer.
- 104.2 Each **track drainage structure** must have the capacity to wholly convey a **peak flow** from a 1:2-year storm event as determined in accordance with **Protocol 14: Design methods for crossings and drainage structures**.

104.3 Each **track drainage structure** must be located, designed, installed and maintained in such a way that:

- (a) water is diverted onto a **stable surface** capable of handling **concentrated water flow** and provides for **sediment trapping** and **energy dissipation**; and
- (b) water flow does not discharge directly to **drainage features**.

104.4 **Blading off** is prohibited on **tracks**.

104.5 Where **outfall** or **walkover techniques** are used, **crossbanks** are not required.

104.6 **Crossbanks** must be **constructed** of soil only.

105. Wet weather restrictions

105.1 A **track** must not be used where the use of that **track** causes or contributes to, or is likely to cause or contribute to, **runoff** that causes **water pollution**.

106. Track crossings

106.1 A **track** must not cross a **wetland**.

106.2 A **track crossing** must not be used when:

- (a) water is flowing from the **drainage feature** across the pavement or running surface of the **crossing**; or
- (b) the **track crossing** is saturated.

106.3 A **track crossing** must be **stable** and capable of withstanding **snigging**.

106.4 A **track crossing** must only be a **bridge**, a **culvert**, a **causeway**, a **temporary log crossing**, or an existing **stable gully stuffer**.

106.5 A new **gully stuffer** must not be **constructed**.

106.6 An existing **gully stuffer** must not be upgraded. Where an existing **gully stuffer** becomes unstable or not capable of withstanding **snigging**, it must be removed and replaced with a **bridge**, a **culvert**, a **causeway** or a **temporary log crossing**.

106.7 The **construction**, use and removal of each **temporary log crossing** must be carried out in accordance with **Protocol 32: Temporary log crossings**.

106.8 Each **track crossing** must be capable of withstanding the **peak flow** from a 1:10-year storm event, as determined in accordance with **Protocol 14: Design methods for crossings and drainage structures**.

106.9 Each **permanent track crossing**, other than a **causeway**, must have the capacity to wholly convey a **peak flow** from a 1:5-year storm event, as determined in accordance with **Protocol 14: Design methods for crossings and drainage structures**.

106.10 Each **permanent track crossing** must be located, designed, **constructed**, **upgraded**, used and **maintained** for **fish passage** in accordance with:

- (a) **Protocol 17: Fish passage**; and
- (b) **Protocol 18: Aquatic habitat assessment**.

- 106.11 A **track** must be drained between five and 20 metres on each side of a **drainage line crossing**, measured from the **bankfull level**.
- 106.12 Each **outlet** of a **track crossing** must discharge onto a **stable** surface capable of handling **concentrated water flow**.
- 106.13 Where a **track** is in **dispersible soils**, the **track** surface must be **stabilised** for a length of 20 metres each side of a **track crossing**, measured from the **bankfull level**.
- 106.14 Each **temporary track crossing** must be removed at the completion of its use.
- 106.15 **Spoil** derived from **track crossing construction, upgrading, maintenance**, removal or use must:
- (a) be removed from **drainage features**, and
 - (b) not be placed in any **ESA** or **ground protection zone**.
- 106.16 If the removal of **spoil** from a **drainage feature disturbs** an area, that area must be re-shaped and **stabilised**.
- 106.17 Any area of land 20 metres either side of a **track crossing** of a **drainage line** that is **disturbed** by **construction, upgrading, maintenance** or removal of a **track crossing** must be re-shaped and **stabilised**.
- Note: This does not include the **track** surface or **track drainage structures** within 20 metres either side of the **drainage line**.*
- 106.18 The **construction, upgrade** or **maintenance** of a **track crossing** must restrict the **disturbance** of vegetation and **groundcover** in the **riparian exclusion zone** to the area that is three metres upstream and downstream of the **track crossing** unless otherwise approved in accordance with **Protocol 5: Approvals for restricted activities**.
- 106.19 Any in-stream works in **class 1 aquatic habitat**, including the **construction** or **upgrading** of **track crossings** must comply with **Protocol 17: Fish passage**, unless otherwise approved in accordance with **Protocol 5: Approvals for restricted activities**.

Division 6 – General soil and water operating requirements

Outcome statements for Division 6 of Chapter 5 of the approval

Water quality and aquatic **habitat** are protected and maintained through the implementation of best management practices.

Dust and **waste** are managed to minimise **pollution** around **operational areas**.

107. Log dumps, borrow pits and gravel pits

- 107.1 **Runoff** from a **borrow pit, gravel pit** or **log dump** must not discharge directly into a **drainage feature**.
- 107.2 Each **borrow pit, gravel pit** and **log dump** must be located at least 10 metres from the outer edge of any **riparian exclusion zone** or **ground protection zone** on a class 1 **classified drainage line**, class 2 **classified drainage line**, 'first order' **ordered drainage feature** or 'second order' **ordered drainage feature**.
- 107.3 Operations on **log dumps** must immediately cease where **runoff** causes or contributes to, or is likely to cause or contribute to **water pollution**.

108. Seasonality restrictions

- 108.1 For a **compartment** that has an average annual **rainfall erosivity** between 4000 and 6000, **forestry operations** identified in Table 1 of **Protocol 12: Seasonality restrictions** are not permitted on the **ground slopes** and during the periods specified.
- 108.2 For a **compartment** that has an average annual **rainfall erosivity** greater than 6000, **forestry operations** identified in Table 2 of **Protocol 12: Seasonality restrictions** are not permitted on the **ground slopes** and during the periods specified.

109. Debris and spoil management

- 109.1 **Harvesting debris** or **spoil** must not be deposited in any **ESA**.
- 109.2 **Spoil** must not be deposited in any **ground protection zone**.

110. Inherent hazard level 4

- 110.1 **Harvesting** is prohibited on any land that is **inherent hazard level 4** as determined and mapped in accordance with **Protocol 15: Inherent soil erosion and water pollution hazard assessment**.
- 110.2 Where there is land within the **net harvest area** that is **unmapped inherent hazard level 4** as determined in accordance with **Protocol 15: Inherent soil erosion and water pollution hazard assessment**:
- (a) **harvesting** is permitted provided the **unmapped inherent hazard level 4** is:
 - (i) no larger than 50 metres by 50 metres in extent; or
 - (ii) no larger than 2500 square metres; and
 - (iii) the land is not contiguous with any other mapped **inherent hazard level 4** or **unmapped inherent hazard level 4** within the **compartment** or any adjoining land;
 - (b) machinery must not enter the **unmapped inherent hazard level 4** area;
 - (c) **harvesting** must only be conducted in months where the monthly **rainfall erosivity** is less than 300;
 - (d) there must be no water flow, or potential water flow, along the **log furrow** surface for a distance exceeding 10 metres;
 - (e) within five business days of the **completion** of **harvesting** in the **unmapped inherent hazard level 4** area, 70 per cent **groundcover** must be achieved by:
 - (i) the resspreading or retaining of **harvesting debris**; or
 - (ii) the spreading of topsoil and seed; and
 - (f) the **unmapped inherent hazard level 4** area must be mapped in accordance with condition 117 of the **approval**.

Note: These requirements are in addition to the requirements in Division 3 of Chapter 3 – ESAs.

111. Waste

- 111.1 **Waste**, including but not limited to tyres, drums, wire, rope, sump oil and litter generated in the course of or from any **forestry operations**, must not be stored on site and must be removed from the **operational area** and disposed of in a lawful manner at an appropriate facility.

111.2 Condition 111.1 excludes **harvesting debris**.

112. Dust

112.1 A **forestry operation** must be carried out in a proper and efficient manner to prevent the emission of dust from the **operational area**, where it could impact on property or public health.

112.2 If it is not reasonably practicable to prevent the emission of dust from the **operational area**, **FCNSW** must minimise the emission of dust from the **operational area**.

Division 7 – Burning operations

Outcome statement for Division 7 of Chapter 5 of the approval

ESAs and important **habitat** are managed during **burning operations** to maintain their intended, specific environmental values and provide short-term refuge **habitat**.

113. Burning

113.1 A **pre-harvest burn** or **post-harvest burn** must be carried out in accordance with the **burn plan** prepared for the **forestry operation** in accordance with conditions 85, 86 and 87 of the **approval**.

113.2 In an area where there has been a **pre-harvest burn**, a **forestry operation** must not commence in any **operational area** until the soil is **stable**.

113.3 A **pre-harvest burn** or **post-harvest burn** must be undertaken in a manner that meets condition 23.3(7) of **Protocol 23: Tree retention**.

CHAPTER 6 – MAPPING

114. Protocols

114.1 The following **protocols** are referenced in Chapter 6:

Protocol
Protocol 3: Operational tracking
Protocol 13: Mass movement assessment
Protocol 20: Pre-operational surveys
Protocol 22: Wildlife habitat and tree retention clumps
Protocol 23: Tree retention
Protocol 33: Work health and safety and accidentally felled trees
Protocol 34: Spatial datasets
Protocol 35: Data and information management
Protocol 36: Field mapping

Outcome statement for Chapter 6 of the approval

Accurate data layers for **forestry operations** are created, maintained, used and publicly available.

115. Identifying operational boundaries

115.1 The location or boundary of an **unmapped ESA** and any associated **exclusion zone** must be:

- (a) determined in accordance with the **approval**; and
- (b) must match the physical location and extent of the relevant feature or area required to be protected as it occurs in the field.

115.2 The location of a **retained tree** or any other environment or **habitat** feature required to be identified and protected under the **approval** must match the physical location of the relevant feature required to be protected as it occurs in the field.

115.3 The location of any existing area of **ridge and headwater habitat** or **carry-over exclusion zone** designed and implemented under the **relevant IFOA** in place prior to the commencement of the **approval** must match the physical location of the existing area that was previously protected from **forestry operation**, unless otherwise approved in accordance with **Protocol 34: Spatial datasets**.

115.4 Other than **ESAs** identified in condition 115.3, the boundary of an **ESA** feature and any associated **exclusion zone** contained in an **ESA spatial dataset**, an **assessed dataset**, an **indicative ESA spatial dataset** or a **field dataset** listed in:

- (a) Table 1 of condition 34.7 of **Protocol 34: Spatial datasets**:
 - (i) must match the location and extent of the **ESA** feature and any associated **exclusion zone** as it is mapped in that dataset, unless otherwise approved in accordance with **Protocol 34: Spatial Datasets**;
 - (ii) is the outer edge of the boundary line drawn on an electronic map; and

- (iii) must be identified using a **GNSS** device or any other device that can accurately locate a location or boundary position in the field;
 - (b) Table 2 of condition 34.7 of **Protocol 34: Spatial datasets**, must be determined in accordance with the **approval** and must match the physical location and extent of the relevant area required to be protected as it occurs in the field.
- 115.5 The location or boundary of any other feature contained in a **spatial dataset** that is required to be identified and excluded from **forestry operations** must match the location and extent of the location or boundary as it is mapped in that dataset, unless otherwise specified in the **approval**.

116. Spatial datasets

- 116.1 Each **spatial dataset** and **archived spatial dataset** must:
- (a) be stored in an ESRI feature class format;
 - (b) be based on the GDA94 datum;
 - (c) be free of topological overlap errors and geometry problems; and
 - (d) have **metadata**.
- 116.2 A **spatial dataset** may only be replaced or updated in accordance with **Protocol 34: Spatial datasets**.
- 116.3 **Spatial datasets** and **archived spatial datasets** and associated **metadata** must be made available to the **EPA**, and **DPI** and be publicly available in accordance with condition 41 and **Protocol 35: Data and information management**, unless otherwise stated in the **approval**.

117. Field mapping

- 117.1 The boundary of any area of **mass movement** identified in accordance with **Protocol 13: Mass movement assessment** must be mapped prior to the commencement of a **forestry operation** in any part of an **operational area**.
- 117.2 The boundary, point location or linear extent of the following must mapped, or re-mapped in advance of and during a **forestry operation** in any part of an **operational area**:
- (a) any **unmapped ESA**;
 - (b) any **indicatively mapped ESA** that can be demonstrated by **FCNSW** to be incorrectly mapped;
 - (c) any features required to be mapped under:
 - (i) **Protocol 3: Operational tracking** (*i.e. harvesting track logs*)
 - (ii) **Protocol 20: Pre-operational surveys** (*i.e. broad area habitat search and targeted flora and fauna survey track logs*)
 - (iii) **Protocol 23: Tree Retention** (*i.e. retained trees, patches*)
 - (iv) **Protocol 22: Wildlife habitat and tree retention clumps** (*i.e. tree retention clumps*)
 - (v) **Protocol 33: Work health and safety and accidentally felled trees** (*i.e. trees/dead standing trees/vegetation, accidentally felled trees, felling of retained trees.*)

- (d) any **subject species, habitat feature** or **threatened species** required to be mapped as specified by the **approval**; and
 - (e) any other feature required to be mapped in the field as specified by the **approval**.
- 117.3 Any **indicatively mapped ESA** that **FCNSW** verifies to be correctly mapped must be quality assured and incorporated into an **assessed dataset** in accordance with **Protocol 34: Spatial datasets**.
- 117.4 Any **ESA** or other feature mapped or re-mapped under condition 117.1 or 117.2 must be
- (a) mapped in accordance with **Protocol 36: Field mapping**; and
 - (b) quality assured and incorporated into a **spatial dataset** in accordance with **Protocol 34: Spatial datasets**; and
 - (c) made available to officers of **EPA**, and **DPI** in accordance with **Protocol 35: Data and information management**.
- 117.5 Any **indicatively mapped ESA** that **FCNSW** verifies to be correctly mapped must be quality assured and incorporated into a **spatial dataset** in accordance with **Protocol 34: Spatial datasets** except for areas mapped in the 'Riparian_Exclusion_Zone' **spatial dataset**.
- 118. Species data transfer to NSW BioNet**
- 118.1 A **record** of a **plant** or **animal** that is required to be identified or protected by the **approval** must be provided by **FCNSW** to **NSW BioNet** in accordance with **Protocol 35: Data and information management** as soon as practicable, but no more than three months after the detection of each **record**.

CHAPTER 7 – REGENERATION

119. Protocols

119.1 The following *protocols* are referenced in Chapter 7:

Protocol
Protocol 37: Regeneration and stocking

Outcome statement for Chapter 7 of the approval

Harvested areas are adequately stocked with a *natural floristic composition* to maintain ecological function and sustainable timber supplies.

120. Regeneration

- 120.1 **FCNSW** must *regenerate* the *harvested area* to the *regeneration* and stocking standards and timeframes set out in condition 37.2 of **Protocol 37: Regeneration and stocking**.
- 120.2 **FCNSW** must otherwise comply with the requirements in **Protocol 37: Regeneration and stocking** relating to *regeneration*, including required actions and monitoring in circumstances where **FCNSW** does not meet the *regeneration* and stocking standards.
- 120.3 *Replanting* or *seeding* must only use over storey *species* that were part of the pre-harvest *natural floristic composition* of the *harvested area* as determined by **Protocol 37: Regeneration and stocking**.

CHAPTER 8 – MONITORING CONDITIONS

121. Protocols

121.1 The following **protocols** are referenced in Chapter 8:

Protocol
Protocol 38: Monitoring program

Outcome statement for Chapter 8 of the approval

Monitoring programs are applied at multiple landscape scales to ensure the ongoing effectiveness of the **approval** in delivering the objectives of the **approval** and **outcome statements**.

122. Monitoring program

- 122.1 **FCNSW** must participate in the work of the monitoring steering committee referred to in **Protocol 38: Monitoring program** and chaired by the Natural Resources Commission or another agency agreed by the **Ministers**, in relation to the design, implementation, review and adaptive management of the **monitoring program**.
- 122.2 Within 12 months following the commencement of the **approval** a proposed **monitoring program** created with the participation of **FCNSW** and endorsed by the monitoring steering committee will be submitted to the Chief Environment Regulator of the **EPA** and the Deputy Director General of **DPI**, or a role of equivalent seniority nominated by **DPI**, for joint approval.
- 122.3 Once the **monitoring program** has been approved by the **EPA** and **DPI**, **FCNSW** must:
- implement and comply with the **monitoring program** in accordance with the **approval** and **Protocol 38: Monitoring program**; and
 - contribute to any necessary adaptive management of the **approval** in response to relevant findings of the **monitoring program** and the recommendations of the monitoring steering committee; and
 - participate in public consultation processes associated with the **monitoring program**.

*Note: The **monitoring program** will be overseen by the monitoring steering committee via a published Memorandum of Understanding issued by the **Ministers** or the **EPA**.*

SCHEDULE 1

Part 1: General interpretation rules

123. Words and headings

- 123.1 In the **approval** and in each **protocol**, unless expressed to the contrary:
- (a) words denoting the singular include the plural and vice versa;
 - (b) the word 'includes' in any form is not a word of limitation;
 - (c) where a word or phrase is defined, another part of speech or grammatical form of that word or phrase has a corresponding meaning; and
 - (d) headings, sub-headings, notes and **outcome statements** in the **approval** and the **protocols** are for ease of reference and to assist interpretation and are not enforceable on their own.

124. Specific references

- 124.1 In the **approval** and in each **protocol**, unless expressed to the contrary, a reference to:
- (a) a gender includes all other genders;
 - (b) any legislation (including subordinate legislation) is to that legislation as amended, re-enacted or replaced and includes any subordinate legislation issued under it;
 - (c) any document (such as a deed, agreement, plan or other document) is to that document (or, if required by the context, to a part of it) as amended, novated, substituted or supplemented at any time;
 - (d) writing includes writing in digital form;
 - (e) the **approval** is to the **approval** as amended from time to time;
 - (f) any **protocol** is to the **protocol** as amended from time to time;
 - (g) any property or assets of a person includes the legal and beneficial interest of that person of those assets or property, whether as owner, lessee or lessor, licensee or licensor, trustee or beneficiary or otherwise;
 - (h) a person includes a firm, partnership, joint venture, association, corporation or other body corporate;
 - (i) a person includes the legal personal representatives, successors and permitted assigns of that person, and in the case of a trustee, includes any substituted or additional trustee; and
 - (j) any body (**Original Body**) which no longer exists or has been reconstituted, renamed, replaced or whose powers or functions have been removed or transferred to another body or agency, is a reference to the body which most closely serves the purposes or objects of the Original Body.
- 124.2 In the **approval**, unless expressed to the contrary, a reference to a Chapter, Part, condition or Schedule is a reference to a Chapter, Part, condition or Schedule in or to the **approval**.
- 124.3 In a **protocol**, unless expressed to the contrary, a reference to a condition is a reference to a condition in or to that **protocol**.

Part 2: Register of protocols

125. Register of protocols

Protocol	Chapter and Division referenced
Protocol 1: Registers	Chapter 1, Division 1
Protocol 2: Annual plans and reports	Chapter 2, Division 2
Protocol 3: Operational tracking	Chapter 2, Division 4 Chapter 5, Division 3 Chapter 6
Protocol 4: Operational plans	Chapter 1, Division 2 Chapter 3, Division 4 Chapter 4, Division 7
Protocol 5: Approvals for restricted activities	Chapter 1, Division 2, Division 5 Chapter 4, Division 4, Division 7 Chapter 5, Division 2, Division 3, Division 4, Division 5
Protocol 6: Suitably qualified persons – training and experience	Chapter 1, Division 5
Protocol 7: Harvesting limits	Chapter 3, Division 2
Protocol 8: Local landscape areas	Chapter 3, Division 1
Protocol 9: Pre-operational road and crossing assessments	Referenced in Protocol 4: Operational plans, Protocol 13: Mass movement, Protocol 18: Aquatic habitat assessment and Protocol 40: Transitional arrangements
Protocol 10: Road design	Chapter 4, Division 1
Protocol 11: Soil dispersibility assessment	Referenced in Protocol 4: Operational plans
Protocol 12: Seasonality restrictions	Chapter 5, Division 3, Division 6
Protocol 13: Mass movement assessment	Chapter 6
Protocol 14: Design methods for crossings and drainage structures	Chapter 5, Division 4, Division 5
Protocol 15: Inherent soil erosion and water pollution hazard assessment	Chapter 4, Division 7 Chapter 5, Division 6
Protocol 16: Riparian protection	Chapter 4, Division 4 Chapter 5, Division 2, Division 3
Protocol 17: Fish passage	Chapter 5, Division 4, Division 5
Protocol 18: Aquatic habitat assessment	Chapter 5, Division 4, Division 5
Protocol 19: Determination of drainage class and stream order	Chapter 5, Division 3

Protocol	Chapter and Division referenced
Protocol 20: Pre-operational surveys	Chapter 4, Division 1, Division 4 Chapter 6
Protocol 21: Species management plan	Chapter 4, Division 6
Protocol 22: Wildlife habitat and tree retention clumps	Chapter 3, Division 3 Chapter 4, Division 3 Chapter 6
Protocol 23: Tree retention	Chapter 4, Division 3, Division 5 Chapter 5, Division 7 Chapter 6
Protocol 24: Identification of old growth on unassessed land	Chapter 3, Division 3
Protocol 25: Identification of rainforest on unassessed land	Chapter 3, Division 3
Protocol 26: Identification of large forest owl exclusion zones on unassessed land	Chapter 3, Division 3
Protocol 27: Threatened ecological communities	Chapter 1, Division 3 Chapter 4, Division 2
Protocol 28: Rocky outcrops and cliffs	Chapter 4, Division 2
Protocol 29: Ridge and headwater habitat	Chapter 3, Division 3
Protocol 30: Subterranean bat roosts and flying-fox camps	Chapter 4, Division 4
Protocol 31: Matters covered by the approval	Chapter 1, Division 2, Division 4, Division 5 Chapter 4, Division 1, Division 5, Division 6
Protocol 32: Temporary log crossings	Chapter 5, Division 5
Protocol 33: Work health and safety and accidentally felled trees	Chapter 1, Division 5 Chapter 4, Division 3 Chapter 5, Division 2 Chapter 6
Protocol 34: Spatial datasets	Chapter 1, Division 5 Chapter 3, Division 1, Division 3 Chapter 4, Division 3 Chapter 6
Protocol 35: Data and information management	Chapter 1, Division 1 Chapter 2, Division 4, Division 5 Chapter 6
Protocol 36: Field mapping	Chapter 6
Protocol 37: Regeneration and stocking	Chapter 7
Protocol 38: Monitoring program	Chapter 8
Protocol 39: Definitions	Chapter 1, Division 1, Division 5

Protocol	Chapter and Division referenced
Protocol 40: Transitional arrangements	Chapter 1 Chapter 3, Division 2

Part 3: Land to which the approval does not apply – maps

*Note: the maps below are the original maps that formed part of the **relevant IFOA** in place prior to the commencement of the **approval**. In addition to land to which the **approval** does not apply, as set out in condition 12 of the **approval** and Section 69K(2) of the **Forestry Act**, these maps show further areas of **State Forest** or **Crown-timbered land** (the hatched areas) where **forestry operations** are prohibited.*

Upper North East Subregion

- ‘Map 1 – Land to which the Integrated Forestry Operations Approval for the Upper North East Subregion does not apply’
- ‘Map 2 – Land to which the Integrated Forestry Operations Approval for the Upper North East Subregion does not apply’
- ‘Map 3 – Land to which the Integrated Forestry Operations Approval for the Upper North East Subregion does not apply’
- ‘Map 4 – Land to which the Integrated Forestry Operations Approval for the Upper North East Subregion does not apply’
- ‘Map 5 – Land to which the Integrated Forestry Operations Approval for the Upper North East Subregion does not apply’

Lower North East Subregion

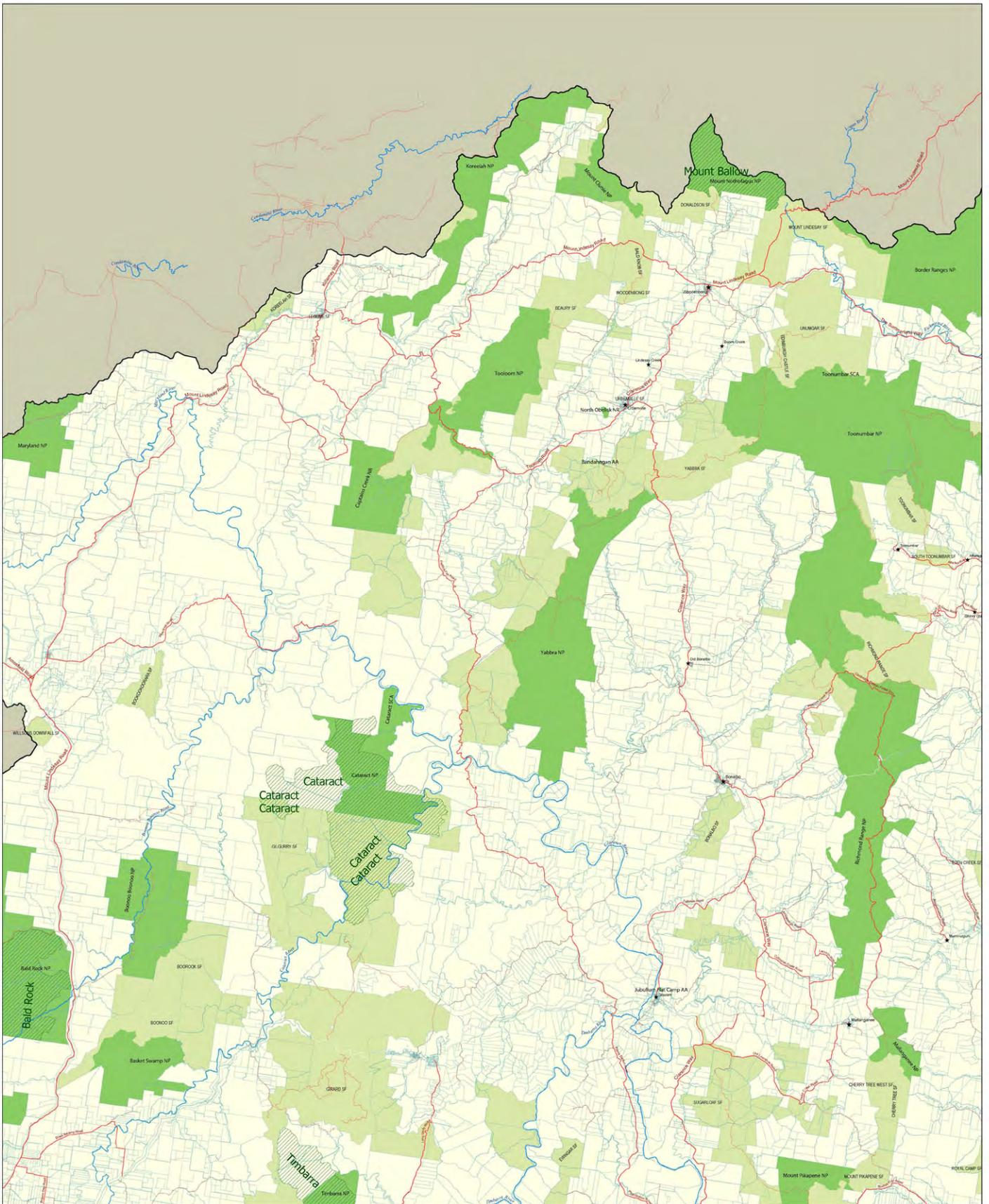
- ‘Map 1 – Land to which the Integrated Forestry Operations Approval for the Lower North East Subregion does not apply’
- ‘Map 2 – Land to which the Integrated Forestry Operations Approval for the Lower North East Subregion does not apply’
- ‘Map 3 – Land to which the Integrated Forestry Operations Approval for the Lower North East Subregion does not apply’
- ‘Map 4 – Land to which the Integrated Forestry Operations Approval for the Lower North East Subregion does not apply’
- ‘Map 5 – Land to which the Integrated Forestry Operations Approval for the Lower North East Subregion does not apply’
- ‘Map 6 – Land to which the Integrated Forestry Operations Approval for the Lower North East Subregion does not apply’

Southern Subregion

- ‘Map 1 – Land to which the Integrated Forestry Operations Approval for the Southern Subregion does not apply’
- ‘Map 2 – Land to which the Integrated Forestry Operations Approval for the Southern Subregion does not apply’
- ‘Map 3 – Land to which the Integrated Forestry Operations Approval for the Southern Subregion does not apply’
- ‘Map 4 – Land to which the Integrated Forestry Operations Approval for the Southern Subregion does not apply’

Eden Subregion

- ‘Map 1 – Land to which the Integrated Forestry Operations Approval for the Eden Subregion does not apply’

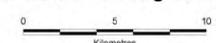


Legend

- ★ Town
- Major road
- River
- RFA region boundary
- Cadastral boundary
- Land to which the Integrated Forestry Operations Approval does not apply
- Reserve under the National Parks and Wildlife Act 1974
- State Forest



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



Scale - 1:100,000 when printed at A0
 Universal Transverse Mercator Projection - Zone 56
 Geocentric Datum of Australia 1994

NOTE: This map has been specifically prepared for the application of legislation to certain parcels of land. It does not show all land parcels. Identified or identified as well as information on land affected by actions under the Wilderness Act is available from DECCW.

Map compiled from: NPWS and SF boundaries data from NSW NPWS and FNSW Administrative and Infrastructure data from NSW LPI

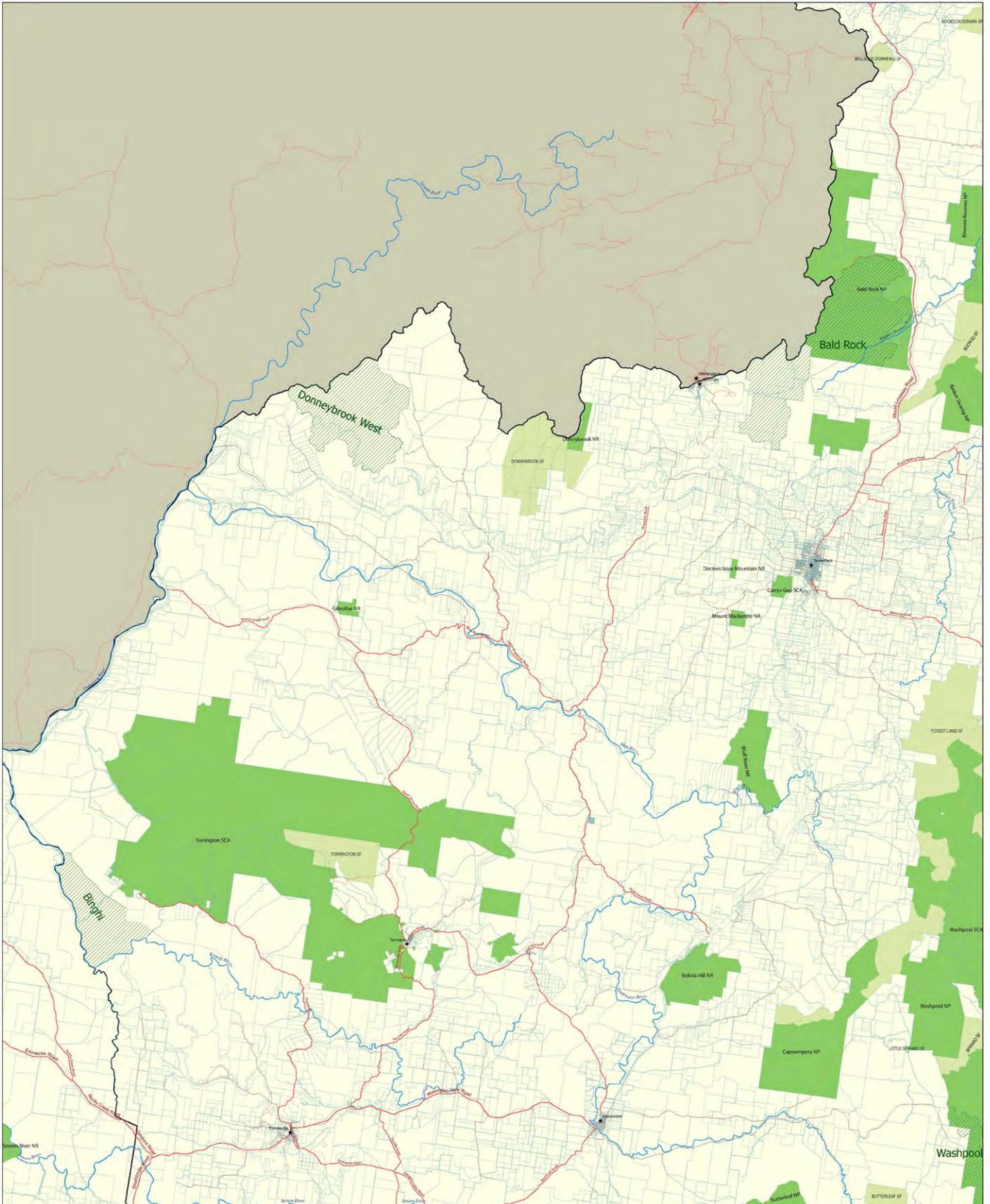
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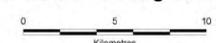


Legend

- ★ Town
- Major road
- River
- RFA region boundary
- Cadastral boundary
- ▨ Land to which the Integrated Forestry Operations Approval does not apply
- Reserve under the National Parks and Wildlife Act 1974
- State Forest



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



Scale - 1:100,000 when printed at A0
 Universal Transverse Mercator Projection - Zone 56
 Geocentric Datum of Australia 1994

NOTE: This map has been specifically prepared for the application of registration to certain pieces of land. It does not show all land proposed, identified or described as such in any information on land affected by actions under the Wilderness Act as available from DECCW.

Map compiled from: NPWS and SF boundaries data from NSW NPWS and FNSW Administrative and Infrastructure data from NSW LPI

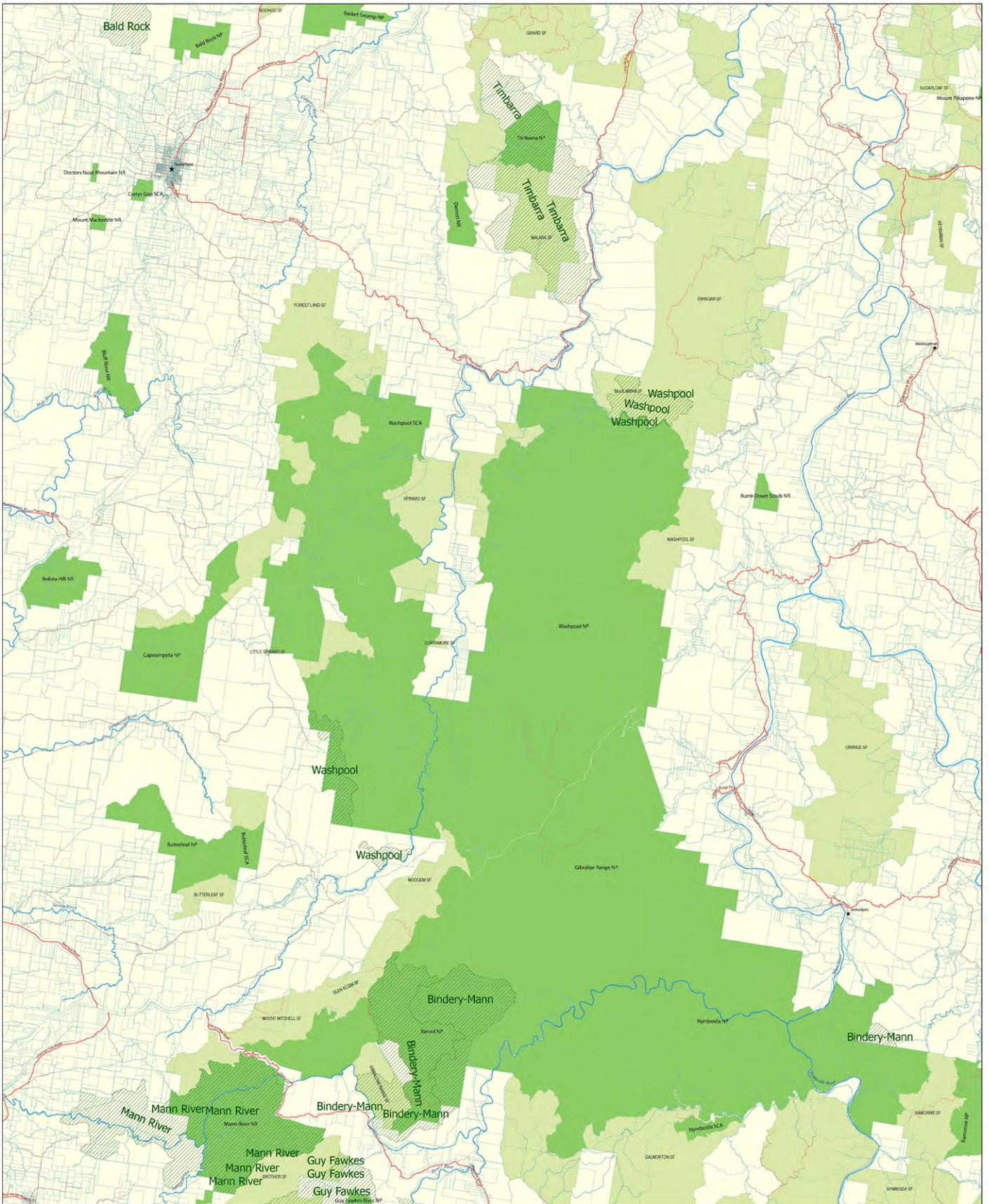
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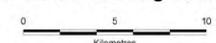


Legend

- ★ Town
- Major road
- River
- RFA region boundary
- Cadastral boundary
- Land to which the Integrated Forestry Operations Approval does not apply
- Reserve under the National Parks and Wildlife Act 1974
- State Forest



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



Scale - 1:100,000 when printed at A0

Universal Transverse Mercator Projection - Zone 56
 Geocentric Datum of Australia 1994

NOTE: This map has been specifically prepared for the application of legislation to certain pieces of land. It does not show all land proposed, identified or declared as wildlife-free. Information on land affected by actions under the Wildlife Act is available from DECCW.

Map compiled from: NPWS and SF boundaries data from NSW NPWS and FNSW
 Administrative and Infrastructure data from NSW LPI

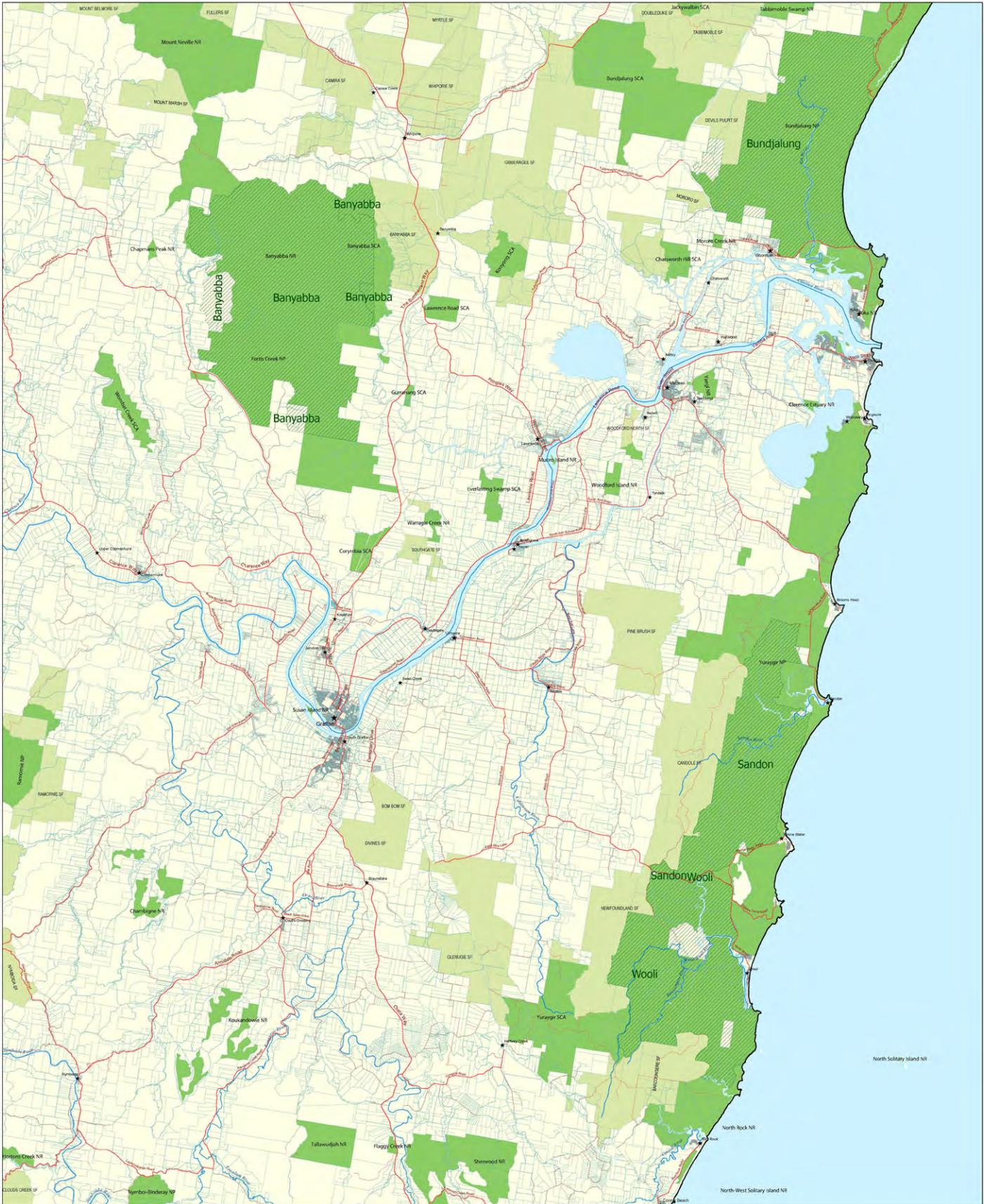
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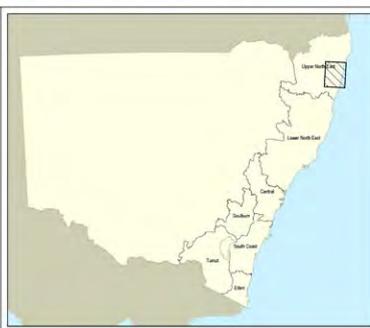
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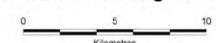


Legend

- ★ Town
- Major road
- River
- RFA region boundary
- Cadastral boundary
- ▨ Land to which the Integrated Forestry Operations Approval does not apply
- Reserve under the National Parks and Wildlife Act 1974
- State Forest



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



Scale - 1:100,000 when printed at A0
 Universal Transverse Mercator Projection - Zone 56
 Geocentric Datum of Australia 1994

NOTE: This map has been specifically prepared for the application of legislation to certain pieces of land. It does not show all land proposed, identified or described as land-owners. Information on land affected by actions under the Wilderness Act is available from DECCW.

Map compiled from: NPWS and SF boundaries data from NSW NPWS and FNSW Administrative and Infrastructure data from NSW LPI

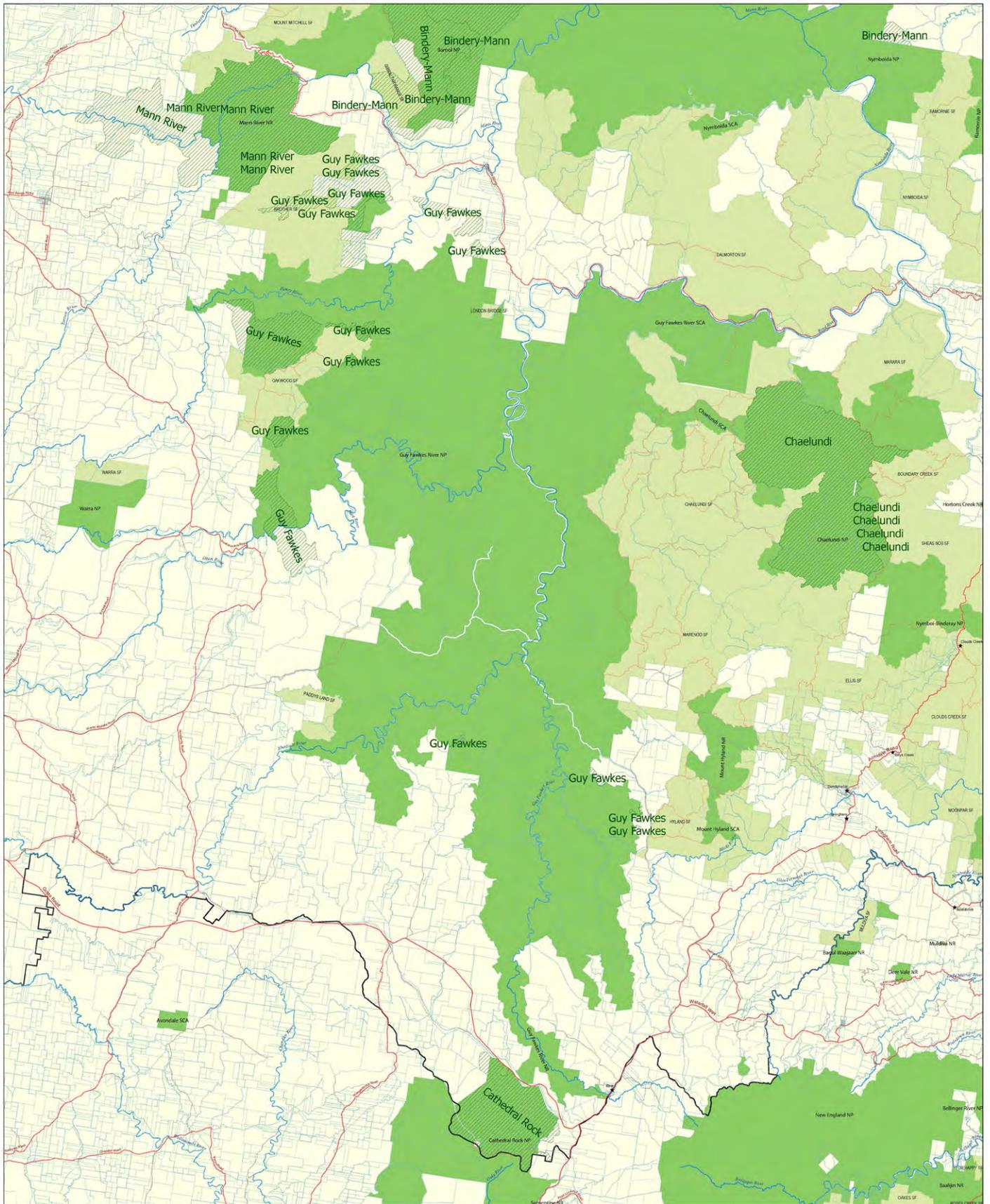
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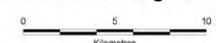


Legend

- ★ Town
- Major road
- River
- RFA region boundary
- Cadastral boundary
- ▨ Land to which the Integrated Forestry Operations Approval does not apply
- Reserve under the National Parks and Wildlife Act 1974
- State Forest



Map 5
Land to which the Integrated Forestry Operations Approval for the Upper North East Region does not apply



Scale - 1:100,000 when printed at A0

Universal Transverse Mercator Projection - Zone 56
 Geocentric Datum of Australia 1994

NOTE: This map has been specifically prepared for the application of legislation to certain pieces of land. It does not show all land proposed, identified or described as such in the Information on Land Affected by Actions under the Wilderness Act as available from DECCW.

Map compiled from: NPWS and SF boundaries data from NSW NPWS and FNSW
 Administrative and Infrastructure data from NSW LPI

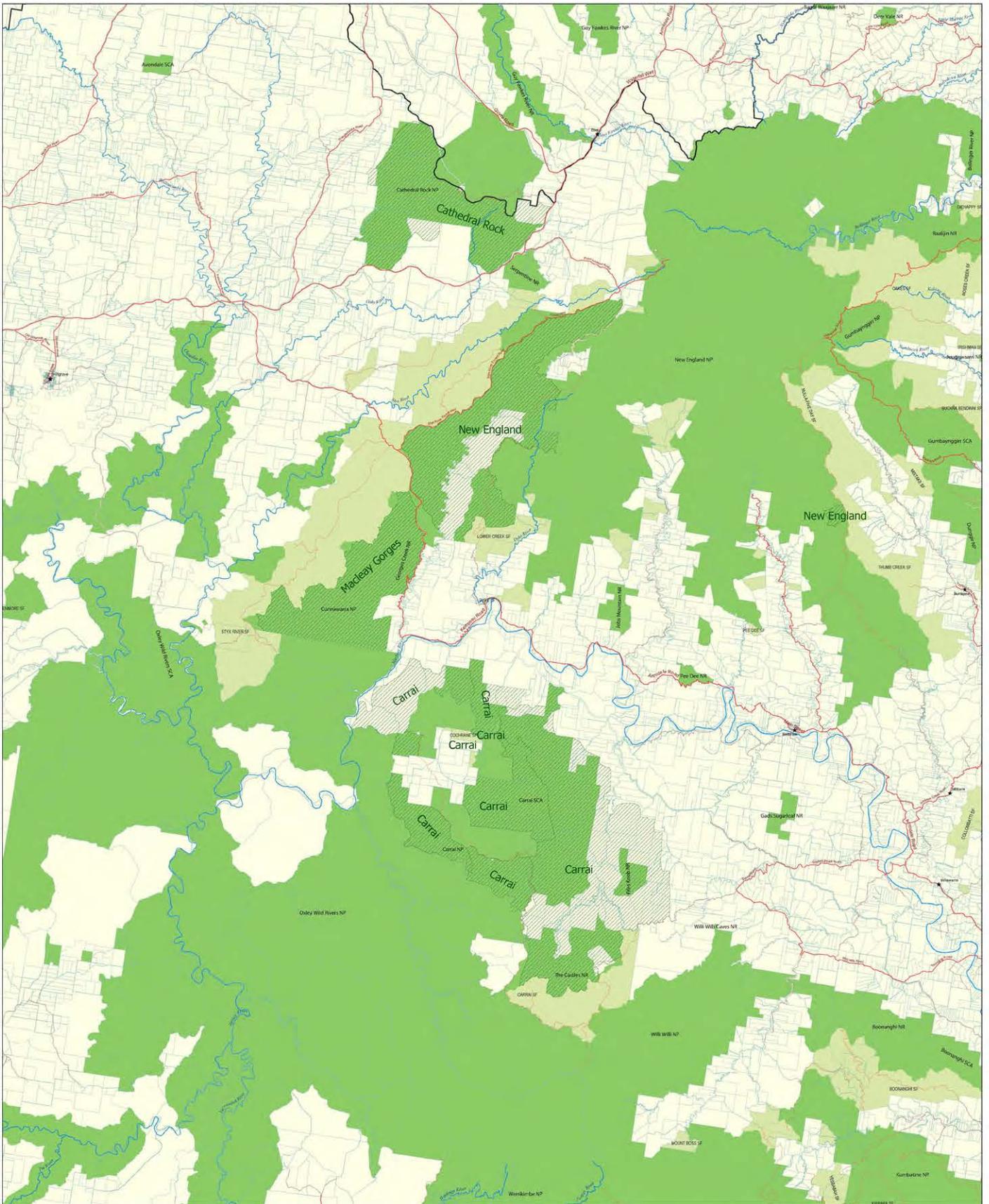
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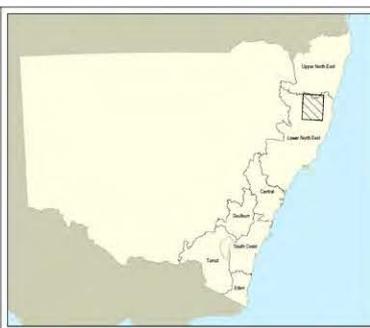
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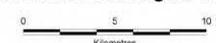


Legend

- ★ Town
- Major road
- River
- RFA region boundary
- Cadastral boundary
- ▨ Land to which the Integrated Forestry Operations Approval does not apply
- Reserve under the National Parks and Wildlife Act 1974
- State Forest



Map 1
Land to which the Integrated Forestry Operations Approval for the Lower North East Region does not apply



Scale - 1:100,000 when printed at A0
 Universal Transverse Mercator Projection - Zone 56
 Geocentric Datum of Australia 1994

NOTE: This map has been specifically prepared for the application of legislation to certain pieces of land. It does not show all land proposed, identified or declared as wilderness. Information on land affected by actions under the Wilderness Act is available from DECCW.

Map compiled from: NPWS and SF boundaries data from NSW NPWS and FNSW
 Administrative and Infrastructure data from NSW LPI

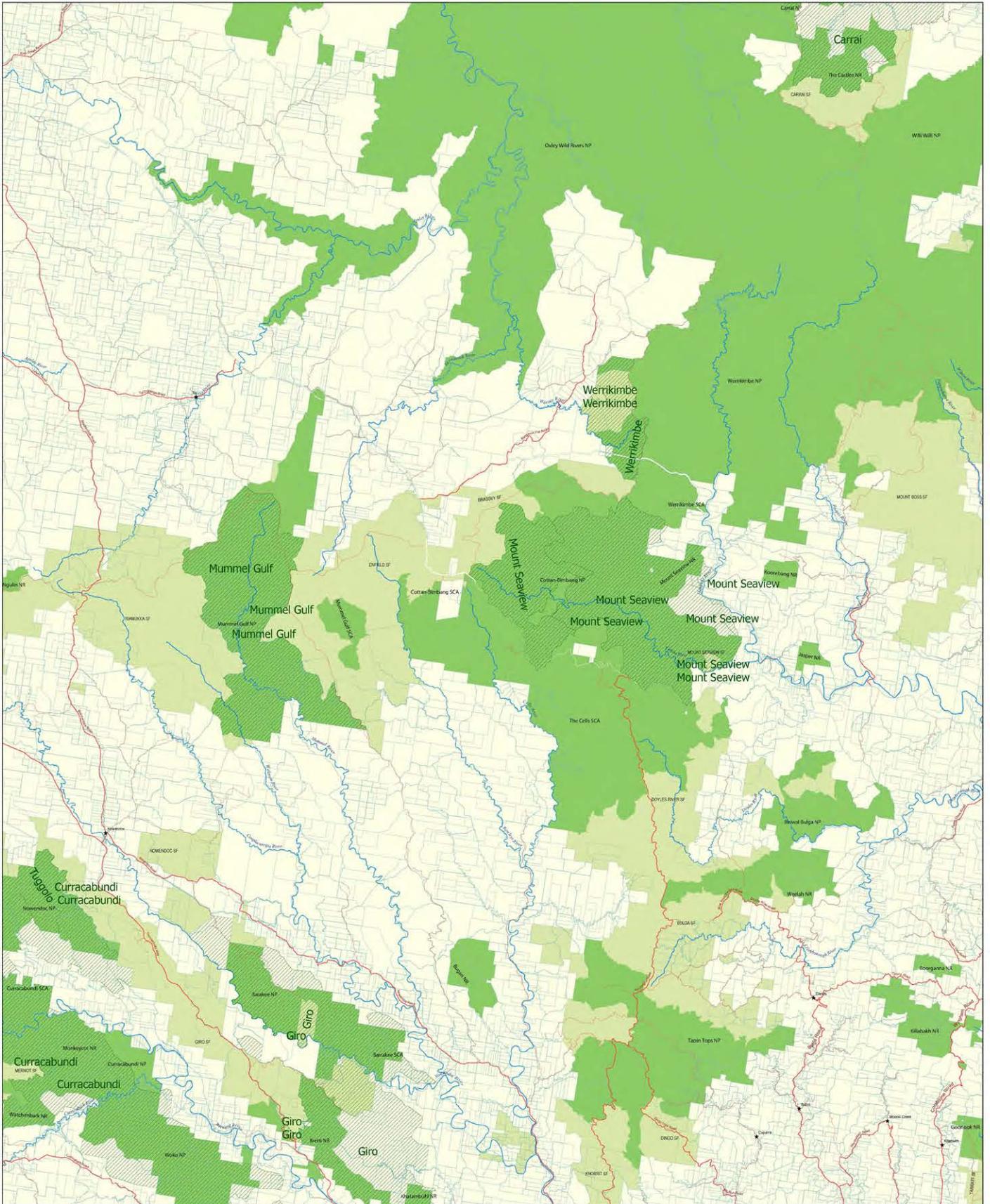
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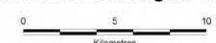


Legend

- ★ Town
- Major road
- River
- RFA region boundary
- Cadastral boundary
- ▨ Land to which the Integrated Forestry Operations Approval does not apply
- Reserve under the National Parks and Wildlife Act 1974
- State Forest



Map 2
Land to which the Integrated Forestry Operations Approval for the Lower North East Region does not apply



Scale - 1:100,000 when printed at A0

Universal Transverse Mercator Projection - Zone 56
 Geocentric Datum of Australia 1994

NOTE: This map has been specifically prepared for the application of legislation to certain pieces of land. It does not show all land proposed, identified or declared as wilderness. Information on land affected by actions under the Wilderness Act is available from DECCW.

Map compiled from: NPWS and SF boundaries data from NSW NPWS and FNSW
 Administrative and Infrastructure data from NSW LPI

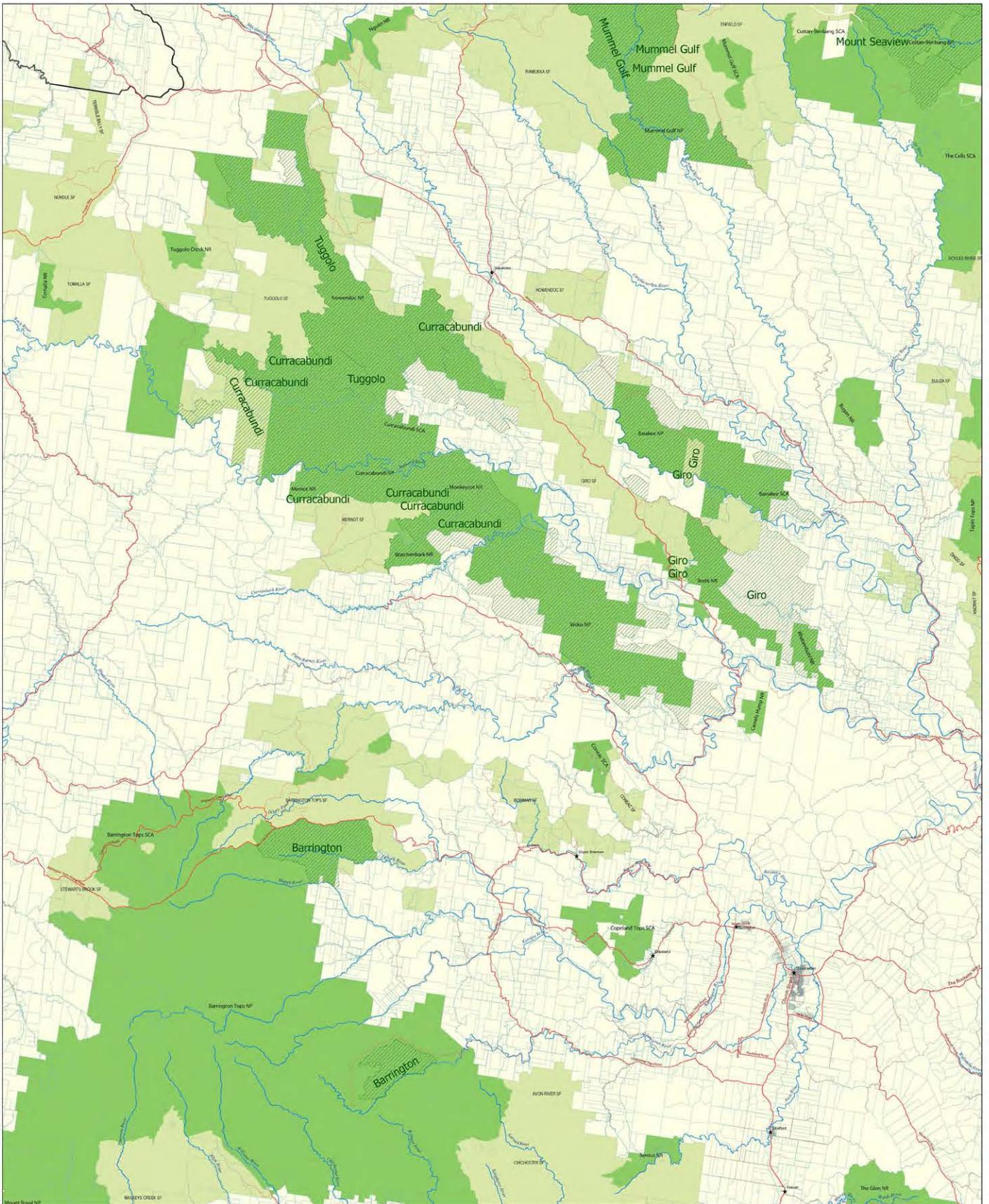
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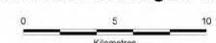


Legend

- ★ Town
- Major road
- River
- RFA region boundary
- Cadastral boundary
- ▨ Land to which the Integrated Forestry Operations Approval does not apply
- Reserve under the National Parks and Wildlife Act 1974
- State Forest



Map 3
Land to which the Integrated Forestry Operations Approval for the Lower North East Region does not apply



Scale - 1:100,000 when printed at A0
 Universal Transverse Mercator Projection - Zone 56
 Geocentric Datum of Australia 1994

NOTE: This map has been specifically prepared for the application of legislation to certain pieces of land. It does not show all land proposed, identified or allocated as wildlife refuge. Information on land affected by actions under the Wildlife Act is available from DECCW.

Map compiled from: NPWS and SF boundaries data from NSW NPWS and FNSW
 Administrative and Infrastructure data from NSW LPI

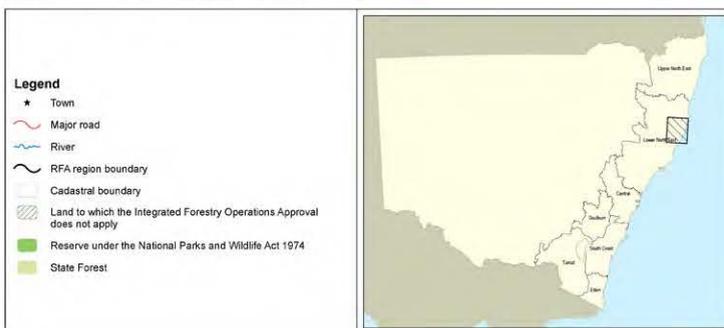
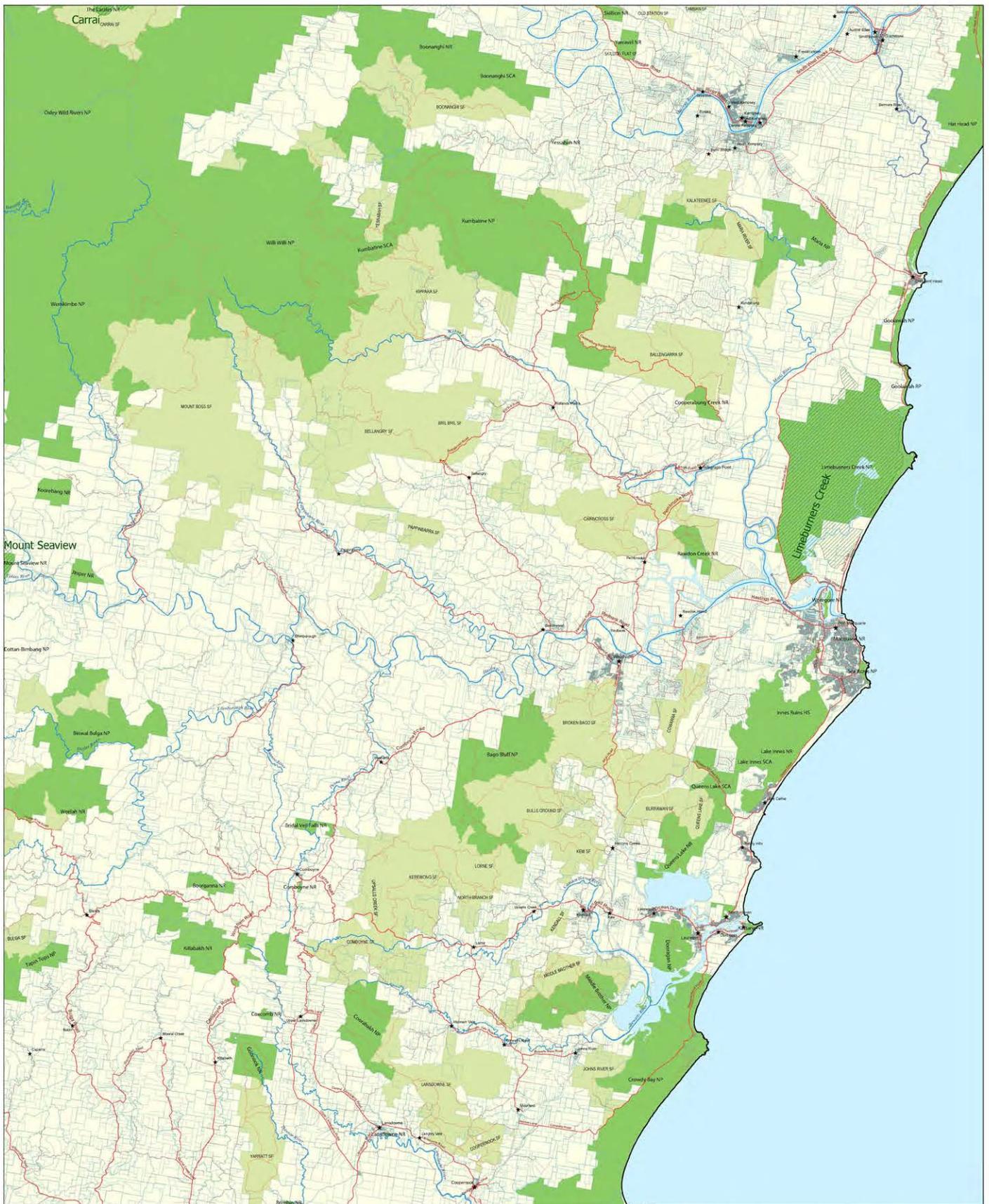
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Map 4
Land to which the Integrated Forestry Operations Approval for the Lower North East Region does not apply

0 5 10
 Kilometres

Scale - 1:100,000 when printed at A0

Universal Transverse Mercator Projection - Zone 56
 Geocentric Datum of Australia 1994

NOTE: This map has been specifically prepared for the application of legislation to certain pieces of land. It does not show all land proposed, identified or disclosed as wilderness. Information on land affected by actions under the Wilderness Act is available from DECCW.

Map compiled from: NPWS and SF boundaries data from NSW NPWS and FNSW
 Administrative and Infrastructure data from NSW LPI

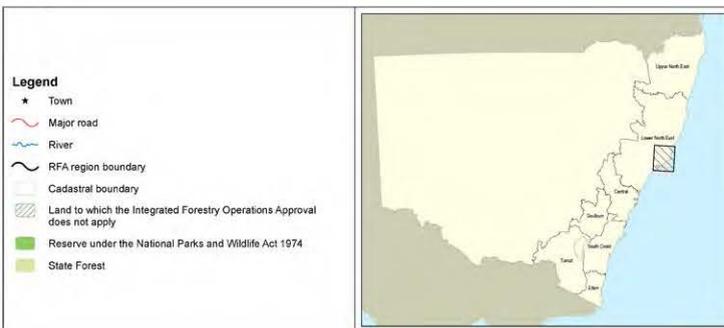
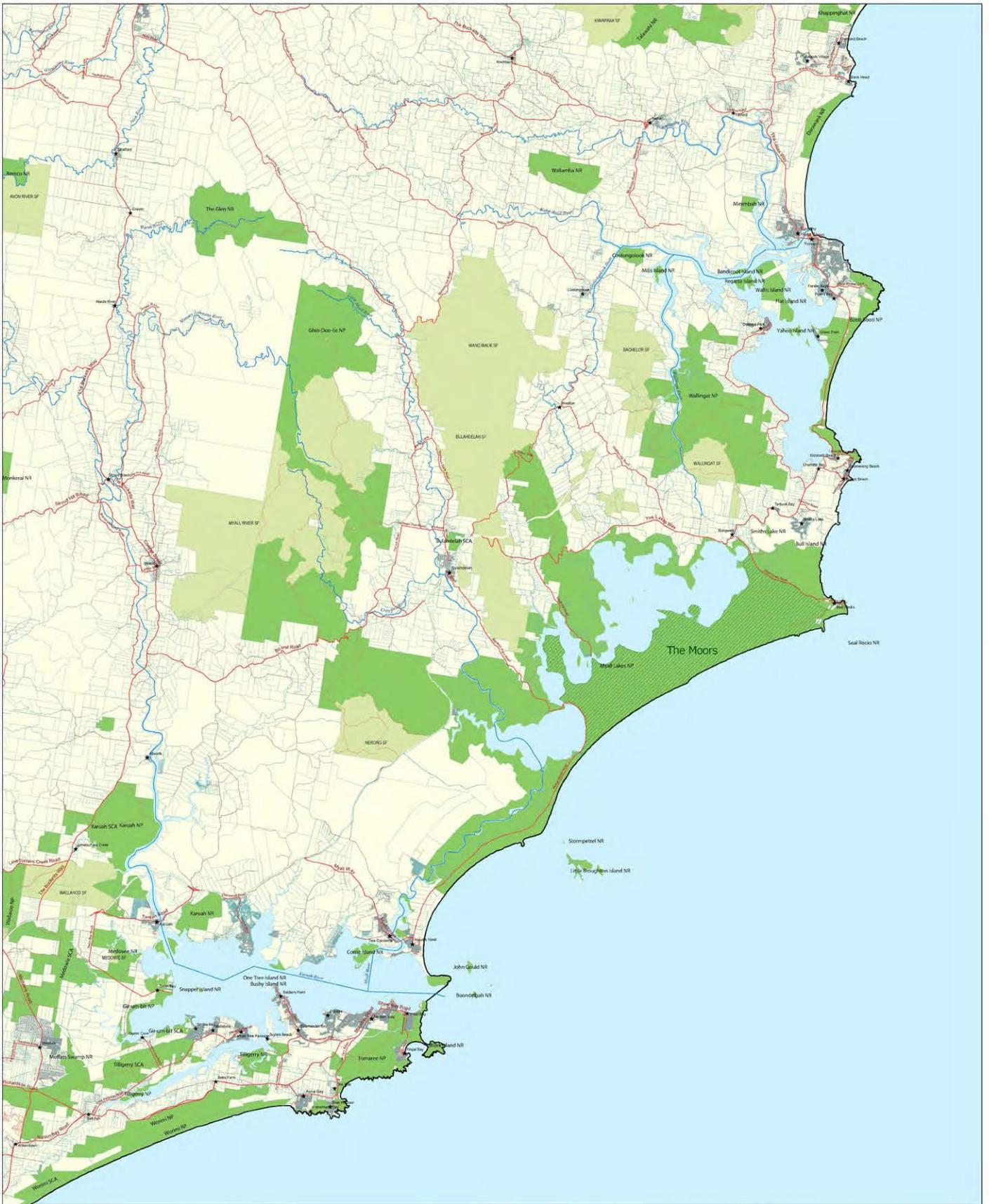
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Map 5
Land to which the Integrated Forestry Operations Approval
for the Lower North East Region does not apply

0 5 10
 Kilometres

Scale - 1:100,000 when printed at A0

Universal Transverse Mercator Projection - Zone 56
 Geocentric Datum of Australia 1994

NOTE: This map has been specifically prepared for the application of legislation to certain pieces of land.
 It does not assume all land proposed, identified or described as wilderness.
 Information on land affected by actions under the Wilderness Act is available from DECCW.

Map compiled from: NPWS and SF boundaries data from NSW NPWS and FNSW
 Administrative and Infrastructure data from NSW LPI

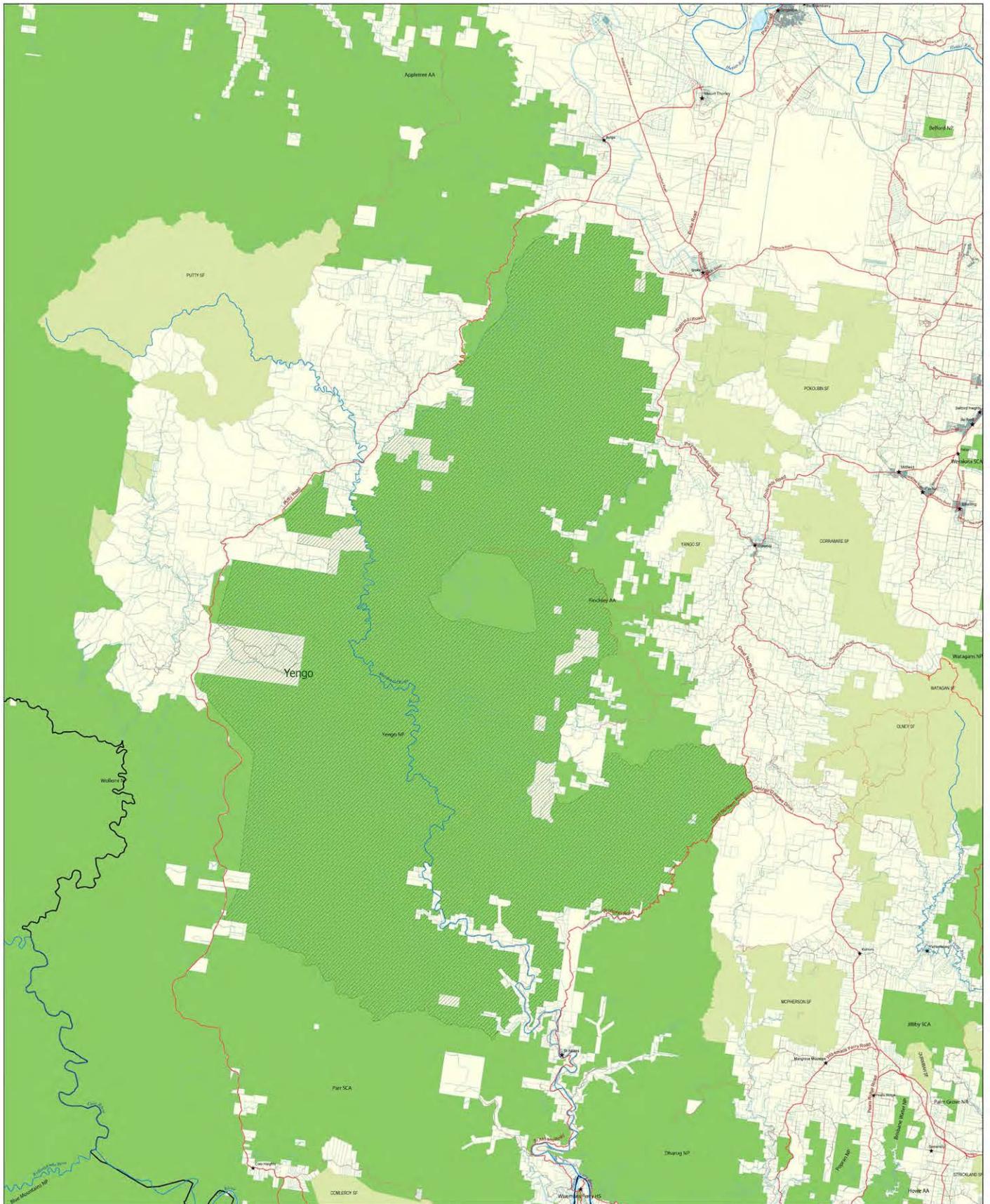
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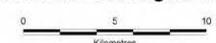


Legend

- ★ Town
- Major road
- River
- RFA region boundary
- Cadastral boundary
- ▨ Land to which the Integrated Forestry Operations Approval does not apply
- Reserve under the National Parks and Wildlife Act 1974
- State Forest



Map 6
Land to which the Integrated Forestry Operations Approval
for the Lower North East Region does not apply



Scale - 1:100,000 when printed at A0

Universal Transverse Mercator Projection - Zone 56
 Geocentric Datum of Australia 1994

NOTE: This map has been specifically prepared for the application of legislation to certain pieces of land. It does not show all land proposed, identified or reserved as wilderness. Information on land affected by actions under the Wilderness Act is available from DECCW.

Map compiled from: NPWS and SF boundaries data from NSW NPWS and FNSW
 Administrative and Infrastructure data from NSW LPI

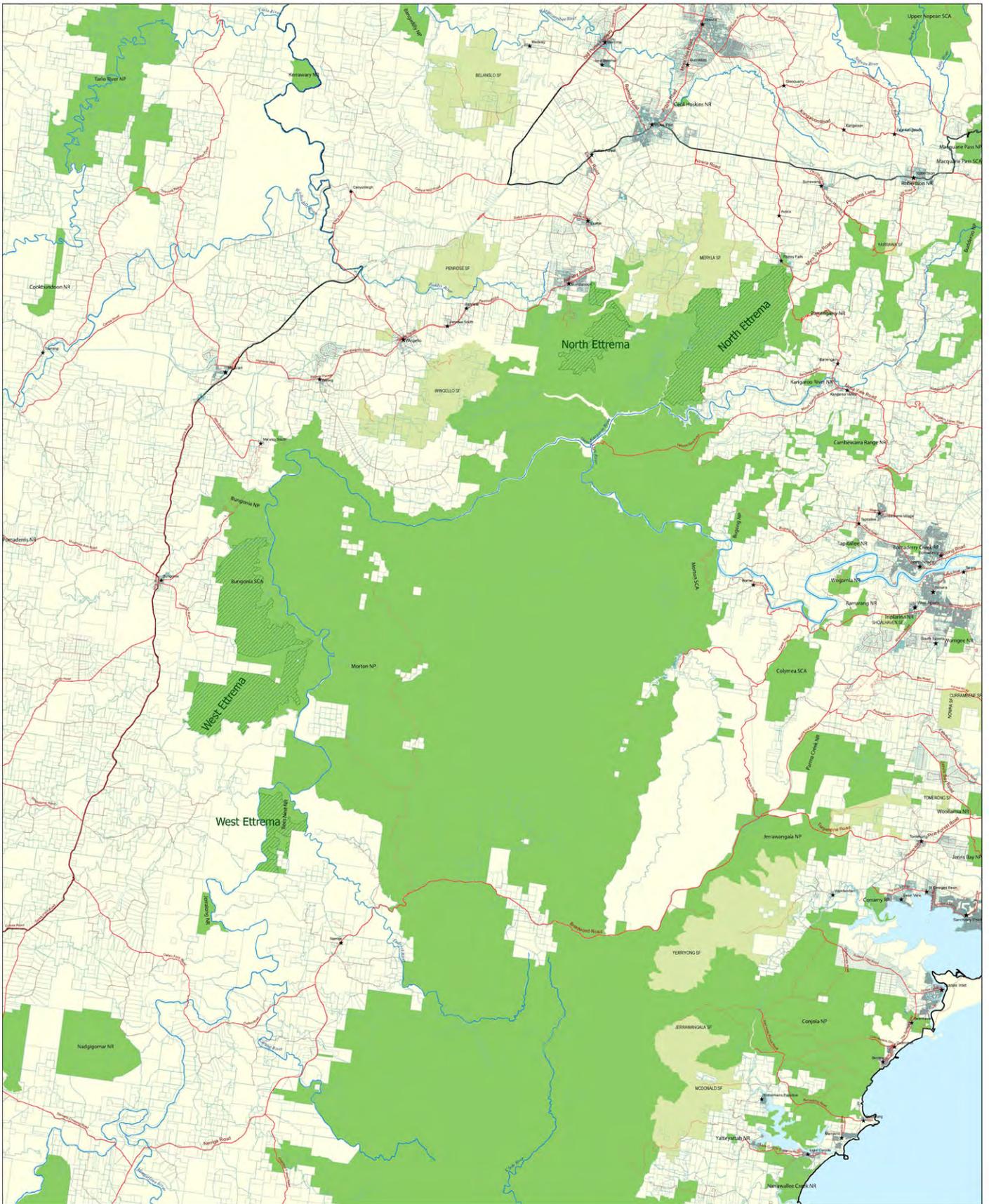
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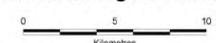


Legend

- ★ Town
- Major road
- River
- RFA region boundary
- Cadastral boundary
- ▨ Land to which the Integrated Forestry Operations Approval does not apply
- Reserve under the National Parks and Wildlife Act 1974
- State Forest



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



Scale - 1:100,000 when printed at A0
 Universal Transverse Mercator Projection - Zone 56
 Geocentric Datum of Australia 1994

NOTE: This map has been specifically prepared for the application of registration to certain pieces of land. It does not show all land proposed, identified or described as within the information on land affected by actions under the Wilderness Act is available from DECCW.

Map compiled from: NPWS and SF boundaries data from NSW NPWS and FNSW Administrative and Infrastructure data from NSW LPI

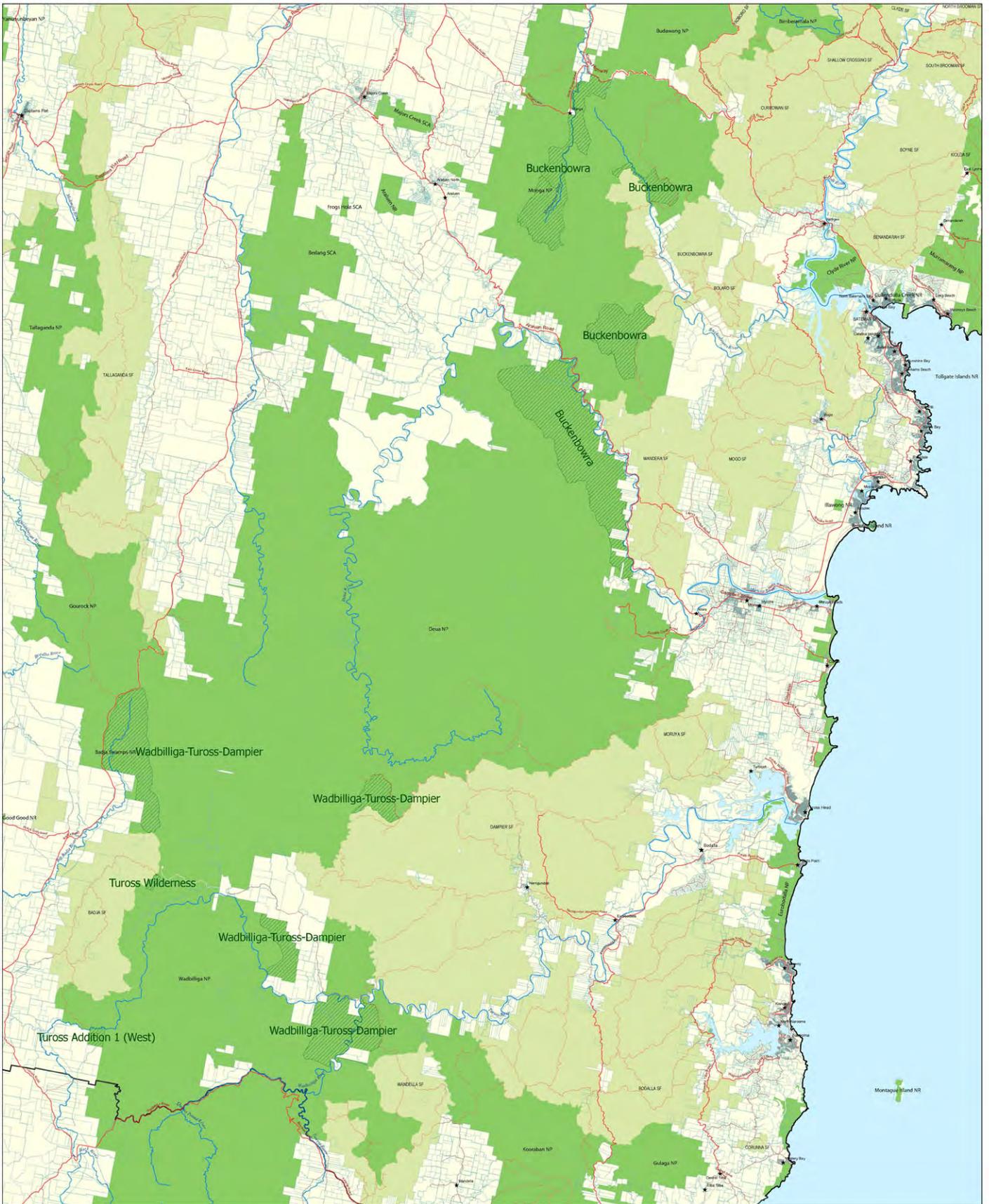
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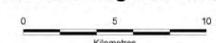


Legend

- ★ Town
- Major road
- ~ River
- RFA region boundary
- Cadastral boundary
- ▨ Land to which the Integrated Forestry Operations Approval does not apply
- Reserve under the National Parks and Wildlife Act 1974
- State Forest



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



Scale - 1:100,000 when printed at A0
 Universal Transverse Mercator Projection - Zone 55
 Geocentric Datum of Australia 1994

NOTE: This map has been specifically prepared for the application of legislation to certain pieces of land. It does not show all land proposed, identified or declared as wilderness. Information on land affected by actions under the Wilderness Act is available from DECCW.

Map compiled from: NPWS and SF boundaries data from NSW NPWS and FNSW Administrative and Infrastructure data from NSW LPI

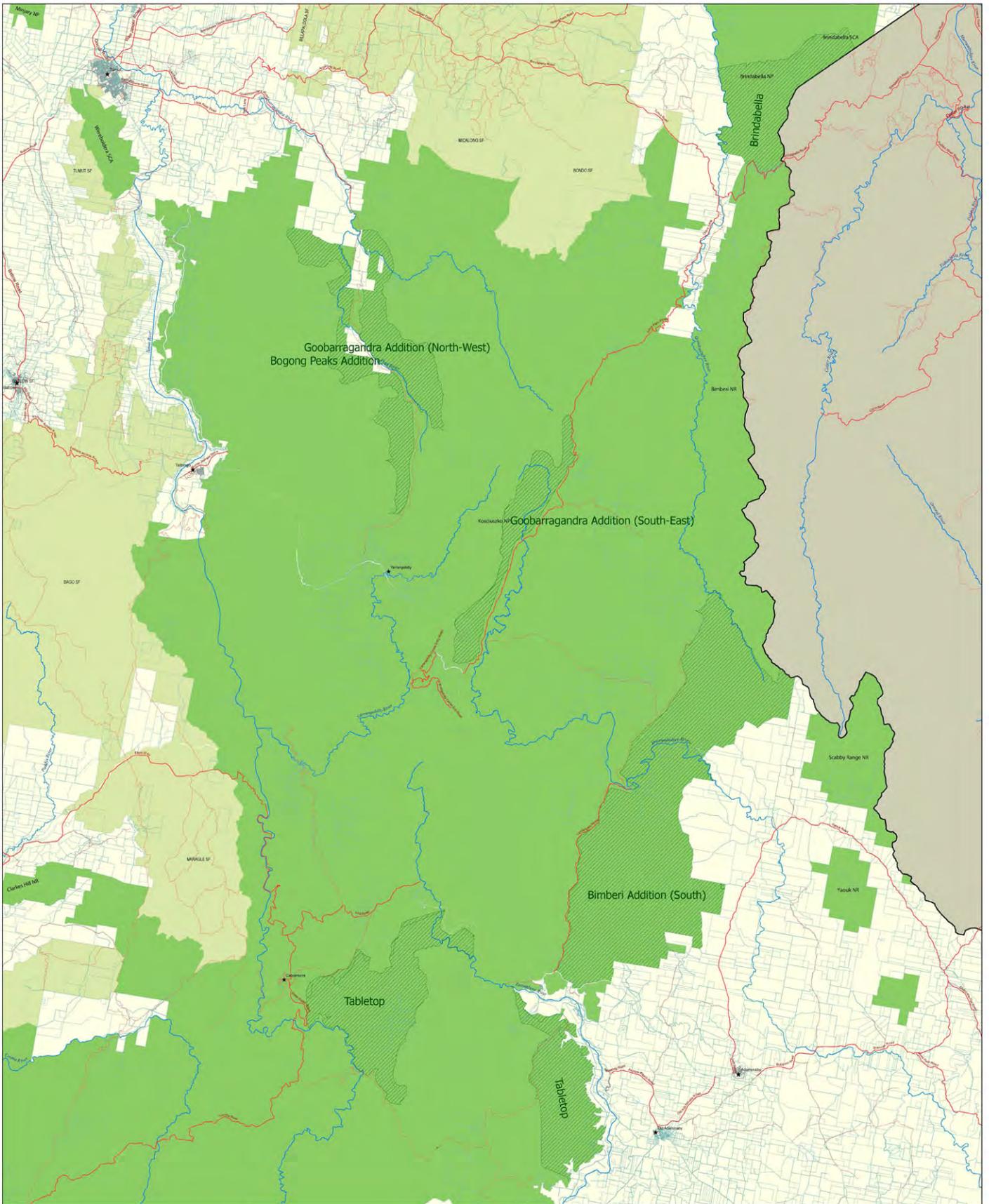
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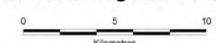


Legend

- ★ Town
- Major road
- River
- RFA region boundary
- Cadastral boundary
- ▨ Land to which the Integrated Forestry Operations Approval does not apply
- Reserve under the National Parks and Wildlife Act 1974
- State Forest



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



Scale - 1:100,000 when printed at A0
 Universal Transverse Mercator Projection - Zone 55
 Geocentric Datum of Australia 1994

NOTE: This map has been specifically prepared for the application of legislation to certain pieces of land. It does not show all land proposed, identified or declared as wilderness. Information on land affected by actions under the Wilderness Act is available from DECCW.

Map compiled from: NPWS and SF boundaries data from NSW NPWS and FNSW
 Administrative and Infrastructure data from NSW LPI

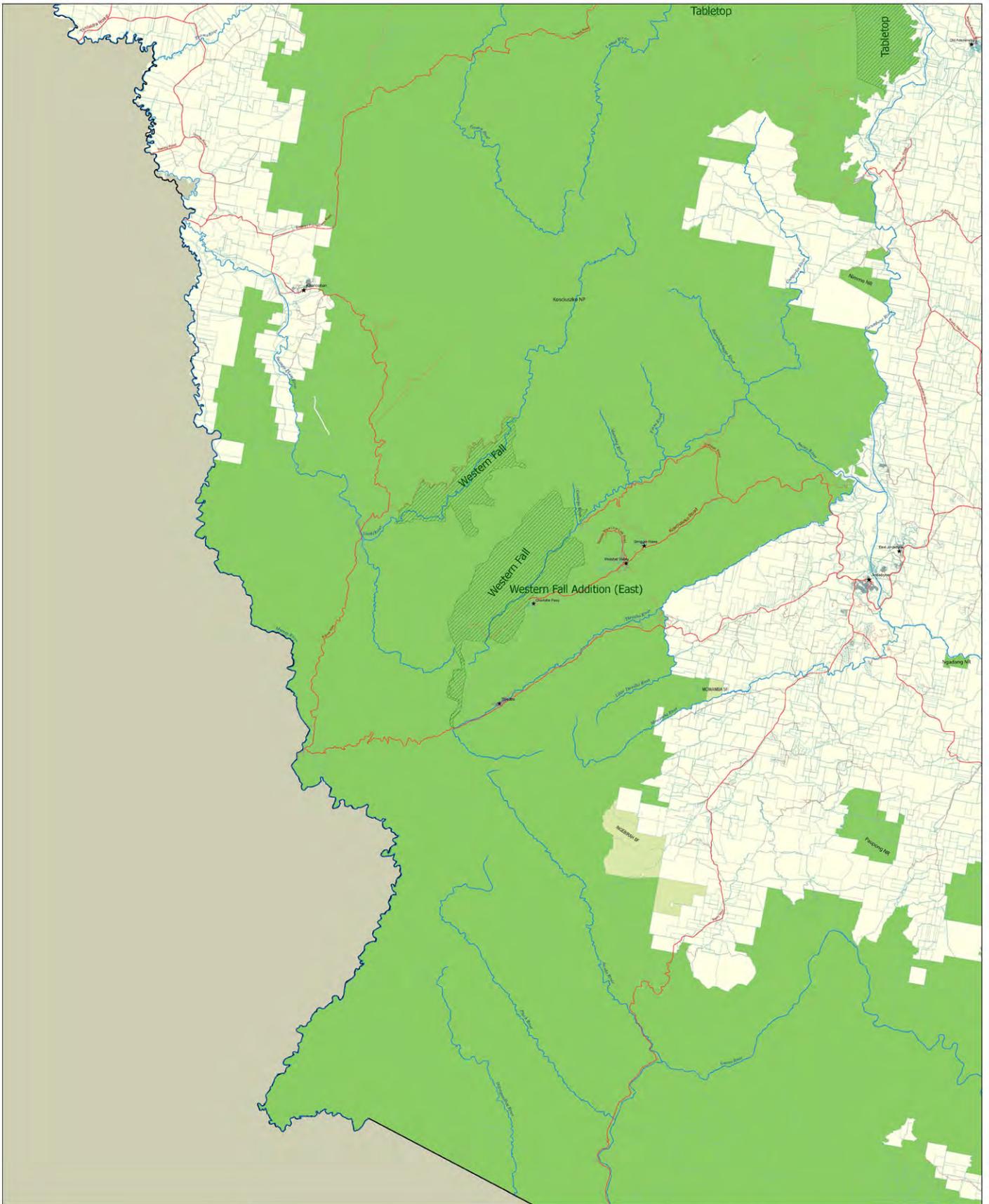
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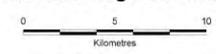


Legend

- ★ Town
- Major road
- River
- RFA region boundary
- Cadastral boundary
- ▨ Land to which the Integrated Forestry Operations Approval does not apply
- Reserve under the National Parks and Wildlife Act 1974
- State Forest



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



Scale - 1:100,000 when printed at A0
 Universal Transverse Mercator Projection - Zone 55
 Geocentric Datum of Australia 1994

NOTE: This map has been specifically prepared for the application of registration to certain pieces of land. It does not show all land proposed, identified or disclosed as vulnerable. Information on land affected by actions under the Wilderness Act is available from DECCW.

Map compiled from: NPWS and SF boundaries data from NSW NPWS and FNSW Administrative and Infrastructure data from NSW LPI

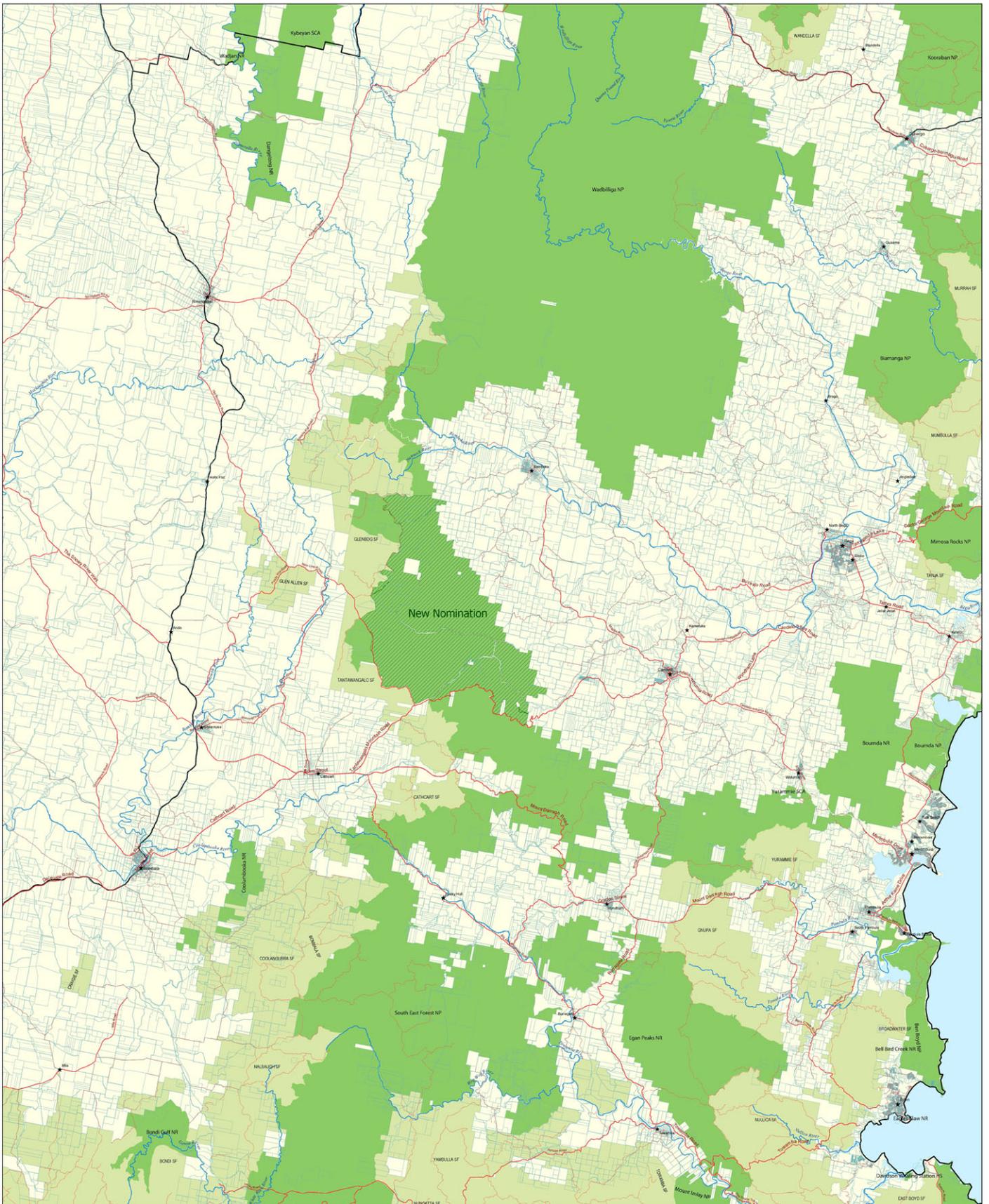
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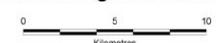


Legend

- ★ Town
- Major road
- River
- RFA region boundary
- Cadastral boundary
- ▨ Land to which the Integrated Forestry Operations Approval does not apply
- Reserve under the National Parks and Wildlife Act 1974
- State Forest



Map 1
Land to which the Integrated Forestry Operations Approval for the Eden Region does not apply



Scale - 1:100,000 when printed at A0

Universal Transverse Mercator Projection - Zone 55
 Geocentric Datum of Australia 1994

NOTE: This map has been specifically prepared for the application of legislation to certain pieces of land. It does not show all land proposed, identified or declared as a reserve. Information on land affected by actions under the Wilderness Act is available from DECCW.

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