

SCHEDULE 1 – AMENDMENTS TO THE “NON-LICENCE” TERMS OF THE INTEGRATED FORESTRY OPERATIONS APPROVAL FOR THE SOUTHERN REGION

[1] Clause 1 (2)

Omit the definition of “Ministers” from clause 1 (2). Insert instead:

“Ministers” means those Ministers who are authorised to amend this approval;

[2] Clause 1 (4) and (5)

Insert after clause 1 (3):

- (4) On and from the commencement of this subclause, the letters “DoP” and the words “The Department of Planning”, wherever occurring in this approval, are to be construed as referring to the Resource and Conservation Division of the Department of Infrastructure, Planning and Natural Resources or of any other Department of which the Division forms a part.
- (5) On and from the commencement of this subclause, any reference in this approval to the Environment Protection Authority is to be construed as a reference to the Department of Environment and Conservation if the reference to the Authority was (before 24 September 2003) a reference to the group of Public Service staff attached to the Authority (being the statutory corporation constituted by the *Protection of the Environment Administration Act 1991*).

Notes: Significant re-organisation of Government Departments occurred in 2003. A number of Government Departments that are referred to in the approval were abolished, and their staff merged with new Departments. Subclauses (4) and (5) ensure that references to abolished Departments are appropriately updated.

Resource and Conservation Division

On 2 April 2003 the Department of Planning was abolished. The functions of the Department of Planning with respect to the approval were carried out by its Resource and Conservation Division. That Division became part of the Department of Infrastructure, Planning and Natural Resources. Under subclause (4), the references to the former Department of Planning need to be read as references to the Resource and Conservation Division.

Environment Protection Authority

The Environment Protection Authority is constituted as a body corporate by the Protection of the Environment Administration Act 1991. At the time the approval was granted, the group of staff attached to the Authority was constituted as a separate Department of the Public Service and was also known as the Environment Protection Authority. However, on 24 September 2003 that Department was abolished and all its staff transferred to a new Department of Environment and Conservation. As the EPA (being the statutory corporation) has responsibility for enforcement of the terms of the licence under the Protection of the Environment Operations Act 1997 set out in the approval, references to the EPA in the approval are generally intended to be references to the statutory corporation. However, in some contexts, it is clear that references to the EPA must be construed as references to the former Department, for

example, references to the Manager of the Forestry Unit of the EPA. Subclause (5) requires such references to be construed as references to the new Department of Environment and Conservation.

National Parks and Wildlife Service

The National Parks and Wildlife Service was also a regulatory agency for the purposes of the approval. On 24 September 2003 the Service was abolished as a separate Department of the Public Service and its staff were transferred to the new Department of Environment and Conservation. Any reference to the former Service is to be construed as a reference to the new Department, by virtue of the Public Sector Employment and Management (Environment and Conservation) Order 2003.

[3] Clause 1A

Insert after clause 1:

1A. Trees accidentally felled into protected forest

- (1) For the purposes of this approval (other than the terms of the licences contained in this approval), a tree is accidentally felled into an area if it is apparent that:
 - (a) techniques of directional felling were used in an attempt to fell the tree away from the area; or
 - (b) an attempt was made using some other method (such as a mechanical harvester) to fell the tree away from the area.
- (2) However, a tree is not accidentally felled into an area if the person responsible for the felling of the tree knew, or could reasonably have been expected to know, that the tree would fall into the area.
- (3) In this clause, “directional felling” means the felling of a tree at a particular angle so that it falls in a pre-determined direction.

Note: The terms of the licence under the Threatened Species Conservation Act 1995 applying to the South Coast Subregion (set out in Appendix B) and the terms of the licence under Part 7A of the Fisheries Management Act 1994 (set out in Appendix D) contain provisions to the same effect as the above clause.

[4] Clause 5 (2) (f)

Omit clause 5 (2) (f).

[5] Clause 5 (2) (g)

Omit clause 5 (2) (g) and the note following it. Insert instead:

- (g) timber products from the **Southern Region** (excluding Ingebirah State Forest and Crown-timber lands within the Tumut Subregion that lie to the east of Kosciusko National Park) other than High Quality Large Logs; and

Note: Paragraph (g) authorises the cutting and removal of timber for the purpose of producing timber products other than High Quality Large Logs. The cutting and removal of timber for the purpose of producing High Quality Large Logs in the Southern Region is authorised by paragraphs (a) to (d).

[6] Clause 5 (2) (h)

Omit clause 5 (2) (h) and the note following it. Insert instead:

(h) timber products from **Ingebirah State Forest or Crown-timber lands within the Tumut Subregion that lie to the east of Kosciusko National Park**, other than:

(i) High Quality Large Logs, and

(ii) sawlogs that have the dimensions set out in paragraph (e) and that, in the opinion of SFNSW, are of a high quality.

Note: Paragraph (h), similarly to paragraph (g), authorises the cutting and removal of timber for the purposes of producing timber products other than High Quality Large Logs and sawlogs of the kind authorised by paragraph (e).

The cutting and removal of timber from Ingebirah State Forest for the purpose of producing High Quality Large Logs (other than those that are also sawlogs of the kind described in paragraph (e)) is not authorised by this approval. The cutting and removal of timber for the purpose of producing High Quality Large Logs in the remainder of the Tumut Subregion (including Crown-timber lands that lie to the east of Kosciusko National Park) is authorised by paragraphs (c) and (d).

[7] Note after heading to clause 10

Omit “See, in particular, conditions 5.1 b) and 5.3 - 5.5 of the terms of the licence.” from the note after the heading to clause 10 and add the following paragraph to the end of the note:

Part 2A of this approval modifies the rules set out in the following clause so as to allow certain limited operations near the boundaries of rare non-commercial forest ecosystems and, to a lesser extent, warm temperate rainforest exclusion zones, for the purpose of accessing timber growing near those boundaries. That Part also allows trees accidentally felled into areas to which the following clause applies to be removed in certain circumstances.

[8] Clause 10 (4A) and (4B)

Insert after clause 10 (4):

(4A) Subclause (4) is not breached where a tree is accidentally felled into any area to which this clause applies.

(4B) Despite subclauses (2)-(4), a tree that is accidentally felled into an area to which this clause applies may be removed from that area in accordance with

Part 2A, other than an area that is, or is within, a rainforest that is protected by a rainforest exclusion zone.

[9] Clause 10 (9)

Omit clause 10 (9).

[10] Clause 10 (10)

Omit “relevant exclusion zone” from clause 10 (10) and from the note following the subclause. Insert instead “threatened species exclusion zone”.

[11] Clause 10 (11) – (11K)

Omit clause 10 (11). Insert instead:

Re-opening of snig tracks

(11) Despite subclauses (2)-(4), a snig track (including a snig track that was in existence at the time of commencement of this approval) that has become re-vegetated may be re-opened (by clearing, scraping or treating regrowth) in an area to which this clause applies, but only if all of the following requirements are met:

- (a) for practical purposes, there is no alternative route available for the snig track outside the area;
- (b) there has been no record made of any threatened species on the site of the snig track;
- (c) before any work to re-open the snig track is carried out:
 - (i) the manager of the regional office of SFNSW that is responsible for managing the land on which the snig track is located, or a more senior officer, has prepared a report in accordance with Schedule 6A to the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion and set out in this approval; and
 - (ii) the manager or the more senior officer has authorised the re-opening in writing.

(11A) A copy of the report and authority referred to in subclause (11) must be faxed to the Department of Environment and Conservation as soon as possible after they have been issued.

Re-opening where snig track is also in relevant exclusion zone

(11B) Where any part of a snig track that it is proposed to re-open is within both an area to which this clause applies and a threatened frog or plant exclusion zone, that part may be re-opened only if the Department of Environment and Conservation has approved the re-opening in writing (before any work to re-open the track has commenced), following receipt of the relevant SFNSW report and authority (referred to in subclause (11)).

- (11C) In addition, a part of a snig track may be re-opened only if the Department of Environment and Conservation has approved the re-opening in writing (before any work to re-open the track has commenced and following receipt of the relevant SFNSW report and authority, referred to in subclause (11)) where:
- (a) that part of the snig track is within both an area to which this clause applies and a threatened species exclusion zone (not being a threatened frog or plant exclusion zone) or in a ridge and headwater exclusion zone or a condition 7 (b) exclusion zone; and
 - (b) SFNSW has received written notice from the Department of Environment and Conservation to the effect that, in view of the extent of re-vegetation of the snig track on that part, the track is no longer readily distinguishable from the surrounding forest.
- (11D) Approval is required under subclause (11C) only if SFNSW receives the written notice no later than 3 working days after receipt of the relevant SFNSW report and authority (referred to in subclause (11)).
- (11E) If the approval of the Department of Environment and Conservation is required under subclause (11C), it does not matter whether the relevant SFNSW report is prepared in accordance with Schedule 6 or Schedule 6A to the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion and set out in this approval.
- (11F) The re-opening of a snig track may be carried out only in accordance with the conditions (if any) imposed by the Department of Environment and Conservation as part of its approval (where approval is required under subclause (11B) or (11C)), relating to the mitigation or amelioration of impacts of the proposed re-opening on the threatened species exclusion zone or other exclusion zone.

Note: The provisions of this clause dealing with the construction of a road or snig track, or the re-opening of a snig track, within an area that is, not only an area to which this clause applies, but also an exclusion zone under the terms of the licence under the Threatened Species Conservation Act 1995 set out in Appendix B, need to be read with condition 5.1D of those terms. Condition 5.1D is to the same effect as the provisions of this clause, but contains some additional constraints on construction and re-opening.

- (11G) For the avoidance of doubt:
- (a) a road may not be constructed in any part of an area to which this clause applies which is also, or is also within, any of the exclusion zones referred to in the following conditions of the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion and set out in this approval:
 - condition 5.9 (“Wetlands”)
 - condition 5.10 (“Heath and Scrub”)
 - condition 5.11 (“Rocky Outcrops and Cliffs”)
 - condition 7 (b) (“General survey requirements”);

(b) a snig track may not be constructed in any part of an area to which this clause applies which is also, or is also within, any of the exclusion zones referred to in the following conditions of the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion and set out in this approval:

- condition 5.8 (“Ridge and Headwater Habitat”)
- condition 5.9 (“Wetlands”)
- condition 5.10 (“Heath and Scrub”)
- condition 5.11 (“Rocky Outcrops and Cliffs”)
- condition 7 (b) (“General survey requirements”); and

(c) a snig track may not be re-opened in any part of an area to which this clause applies which is also, or is also within, any of the exclusion zones referred to in the following conditions of the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion and set out in this approval:

- condition 5.9 (“Wetlands”)
- condition 5.10 (“Heath and Scrub”)
- condition 5.11 (“Rocky Outcrops and Cliffs”).

Note: See conditions 5.1 and 5.1D of the terms of the licence under the Threatened Species Conservation Act 1995 applying to the South Coast Subregion. These conditions in effect prohibit the construction of roads and snig tracks, and snig track re-opening, in the above exclusion zones. Condition 5.8 allows roads to be constructed in ridge and headwater habitat exclusion zones only where there is no other practical means of access.

Brushing-up of snig tracks

(11H) Despite subclauses (2)-(4), where a snig track that is within an area to which this clause applies has become re-vegetated, but none of the trees growing within the area on the snig track have a diameter at breast height over bark of 20cm or more, the snig track may be brushed-up. However, all of the following requirements must be met:

- (a) the snig track was in existence at the time of commencement of this approval or has been constructed in accordance with this approval (and any subsequent re-opening has been done in accordance with this approval);
- (b) no part of the snig track that is proposed to be brushed-up within the area is located within a threatened frog or plant exclusion zone or an exclusion zone referred to in any of the following conditions of the terms of the licence under the *Threatened Species Conservation Act 1995* and set out in this approval:

- condition 5.9 (“Wetlands”)
- condition 5.10 (“Heath and Scrub”)
- condition 5.11 (“Rocky Outcrops and Cliffs”);

- (c) it is proposed to use the snig track after it is brushed-up in the course of a harvesting operation for the purpose of timber production (including a thinning operation that has timber production as one of its purposes).

(11I) A snig track may be re-opened or brushed-up any number of times, subject to and in accordance with this clause (and the relevant conditions of the terms of the licence under the *Threatened Species Conservation Act 1995*).

Note: There is no limit on the number of times that the authority conferred by this clause to re-open or brush-up snig tracks may be exercised. However, on each occasion, re-opening or brushing-up may be carried out only if the relevant pre-conditions for doing so continue to be met, and it is done in accordance with relevant requirements. In particular, if it is proposed to re-open a snig track that has been re-opened in the past, but the trees that have regrown on the snig track have reached a dbhob of more than 20cm, then a new SFNSW report and authority is required.

(11J) SFNSW must ensure that all practicable measures are taken to minimise any adverse impacts on the environment of any of the following activities within an area to which this clause applies:

- (a) construction of a road or snig track;
- (b) re-opening or brushing-up of a snig track;
- (c) snigging.

In particular, hollow-bearing trees may not be felled or removed, or used as bumper trees for moving logs.

(11K) It does not matter whether a written approval of the Department of Environment and Conservation, required by this clause, is expressed to be for the purposes of this clause or for the purposes of the relevant conditions of the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion and set out in this approval.

[12] Clause 10 (12) (a)

Insert after “record”,’ in clause 10 (12) (a):

- “snig track”,

[13] Clause 10 (12) (c)

Omit “relevant” from clause 10 (12) (c). Insert instead “threatened species”.

[14] Clause 10 (12) (c)

Omit “where the exclusion zone” from clause 10 (12) (c). Insert instead “where the exclusion zone (or part of the exclusion zone)”.

[15] Note to clause 10 (12) (c)

Omit the note to clause 10 (12) (c).

[16] Clause 10 (12) (e)

Omit “20cm.” at the end of clause 10 (12) (e). Insert instead “20cm; and”.

[17] Clause 10 (12) (f), (g) and (h)

Insert after clause 10 (12) (e) (as amended):

- (f) “threatened frog or plant exclusion zone” means an exclusion zone referred to in any of the following conditions of the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion and set out in this approval:
- condition 6.1 (“Green and Golden Bell Frog *Litoria aurea*”)
 - condition 6.2 (“Giant Burrowing Frog *Heleioporus australiacus*”)
 - condition 6.3 (“Stuttering Frog *Mixophyes balbus*”)
 - condition 6.16.2 (“Exclusion of specified forestry activities from 100% of individuals with a 10 metre exclusion zone and a further 10 metre buffer”); and
- (g) “condition 7 (b) exclusion zone” means an exclusion zone referred to in condition 7 (b) of the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion and set out in this approval; and
- (h) “ridge and headwater habitat exclusion zone” means an exclusion zone referred to in condition 5.8 of the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion and set out in this approval.

[18] Part 2A

Insert after clause 18:

PART 2A – Restricted logging operations near boundary of certain areas

Note: The following Part (which applies only to the South Coast Subregion) contains provisions to the same effect as conditions in the terms of the licence under the Threatened Species Conservation Act 1995 in relation to high conservation value old growth forest, rainforest and rainforest exclusion zones, and rare non-commercial forest ecosystems (conditions 5.3, 5.4 and 5.5, respectively). It also contains provisions with respect to special management zones and Forest Management Zones 2 and 3A. The Part allows qualified access to certain timber near the boundaries of rare non-commercial forest ecosystems and FMZ reserves, and provides for timber felled accidentally into any of the areas (apart from rainforest protected by an exclusion zone) to be removed.

18A. Application of Part 2A and definitions for the purposes of Part 2A

Applies only to South Coast Subregion

- (1) This Part (being clauses 18A-18J) applies only to the South Coast Subregion.

Purpose of Part

- (2) The purpose of this Part is to regulate access to high quality timber growing near the boundaries of areas that comprise any of the following:
- (a) a high conservation value old growth forest;
 - (b) a rainforest that is not protected by a rainforest exclusion zone;
 - (c) a rainforest exclusion zone;
 - (d) a rare non-commercial forest ecosystem;
 - (e) an area of State forest that is declared to be a special management zone under the *Forestry Act 1916*;
 - (f) an area classified as Forest Management Zone 2 or 3A in accordance with the Forest Management Zoning System.

In this Part, such an area is referred to as a “protected forest”.

Prohibitions do not affect operation of Part

- (3) This Part applies despite any prohibitions on logging or thinning operations in clauses 10, 19 and 35, and in the conditions of the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion and set out in this approval.

Other exceptions not affected

- (4) This Part does not affect, or limit in any way, the operation of any other exceptions to the prohibitions in clause 10, clause 19 and clause 46, or in conditions 5.3, 5.4, 5.5 and 5.20 of the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion and set out in this approval. This Part does not affect the operation of clause 53 with respect to road construction, road re-opening and routine road maintenance in FMZ reserves.
- (5) Nothing in this Part affects the operation of section 21A of the *Forestry Act 1916* with respect to special management zones.

Definitions

- (6) For the purposes of this Part:
- (a) the following terms have the same meanings as in the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion and set out in this approval:
- “cool temperate rainforest”
 - “directional felling”
 - “harvesting machine” and “harvesting machinery”
 - “high conservation value old growth forest”
 - “mechanical harvester”

- “rainforest”
- “rare non-commercial forest ecosystem”
- “walkover”
- “warm temperate rainforest”;

- (b) “harvestable area” means any area within a tract of forested land that contains timber that may be harvested, and does not include any area in respect of which there is a prohibition on the felling of trees located within the area for the purpose of timber production by or under an Act, including under this approval. For the purposes of this definition, a tree is to be treated as located within an area only if its base is located within the area;
- (c) “harvesting operation” means a harvesting operation for the purpose of timber production and includes a thinning operation that has timber production as one of its purposes;
- (d) “high quality timber product” means a high quality large log within the meaning of clause 5 and any other log at least 2.4 metres long that in the opinion of SFNSW is of a high quality, such as a log that may be used for veneer or as a pile, pole or girder;
- (e) “rainforest exclusion zone” means any area within 20 metres of the boundary of a warm temperate rainforest or a cool temperate rainforest; and
- (f) “warm temperate rainforest exclusion zone” means any area within 20 metres of the boundary of a warm temperate rainforest.

(7) In this Part:

- (a) a protected forest that is a rare non-commercial forest ecosystem is referred to as a rare forest; and
- (b) a protected forest that is an area described in subclause (2) (e) or (f) (that is, a special management zone or a FMZ 2 or 3A) is referred to as a FMZ reserve.

(8) **Base of tree located where its centre is located**

For the purposes of this Part, the base of a tree is to be treated as located in an area if the centre of its base is in that area.

Part 2A to be read with terms of TSC Act licence

- (9) A reference in this Part to a provision of this Part that authorises, requires or prohibits anything to be done is taken to include a reference to the provision to the same effect contained in the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion and set out in this approval.

18B. Felling and removal of trees into and from rare non-commercial forest ecosystems and FMZ reserves

- (1) This clause applies to any area of land that is, or is within:

- (a) a rare forest; or
- (b) a FMZ reserve.

- (2) A tree whose base is in a harvestable area may be felled into, and removed from, a rare forest or a FMZ reserve in a harvesting operation if:
- (a) it is not practicable to fell the tree so that it falls wholly outside the rare forest or the FMZ reserve;
 - (b) there are reasonable grounds for believing, when selecting the tree for felling, that it will produce at least one high quality timber product; and
 - (c) the tree is felled in such a way so as to avoid, as far as practicable, damage to trees growing in the rare forest or the FMZ reserve.
- (3) However, no harvesting machinery may enter, or be used within, a rare forest or FMZ reserve for the purpose of felling a tree into the forest or FMZ reserve under subclause (2).

Note: Harvesting machinery may enter a rare forest or FMZ reserve for the purpose of felling trees away from the forest or FMZ reserve.

- (4) Without affecting the operation of subclause (2) (b), a part of a tree that has been felled into a rare forest or a FMZ reserve under this clause may be removed (subject to clause 18E (3)) even though that particular part is unlikely to produce a high quality timber product.

Note: Subclauses (2) (b) and (4) do not affect the operation of clauses 22 and 23 of this approval. Clause 22 requires harvesting operations in the South Coast Subregion to have as their principal purpose the production of poles or high quality large logs (with certain exceptions). Under clause 23, SFNSW may sell logs only in accordance with their categorisation.

Maximum number of trees that may be felled

- (5) In any one harvesting operation:
- (a) no more than six trees may be felled (under subclause (2)) across any 200 metre length of the boundary of the rare forest or FMZ reserve, whatever 200 metre length of the boundary is considered; and
 - (b) the number of trees that may be removed (under subclause (2)) must not exceed the number calculated by applying the principle set out in paragraph (a).
- (6) If the total length of the boundary of a rare forest or a FMZ reserve is less than 200 metres, no trees may be felled across that boundary under this clause.
- (7) For the avoidance of doubt, a boundary of a rare forest or a FMZ reserve continues despite its intersection with another area that is not a harvestable area (such as a rainforest). Accordingly, for the purpose of determining whether trees (and how many trees) may be felled across the boundary of a rare forest or a FMZ reserve under this clause, any part of the boundary that is located within another area may be taken into account.

Note: The following example is given to illustrate the effect of the above subclause: a rare non-commercial forest ecosystem has a boundary of 200 metres. 100 metres of the boundary passes through an exclusion zone to protect the green and golden bell frog. Under the terms of the Threatened Species Conservation Act licence set out in Appendix B, no trees may be felled into or within such an exclusion zone for the purpose of timber production. The other 100 metres of the boundary of the rare non-commercial forest ecosystem adjoins a harvestable area in which trees may be felled. For the purpose of determining whether (and how many) trees can be felled into the rare non-commercial forest ecosystem, the 100 metres of its boundary that is within the exclusion zone to protect the frog can be added to the 100 metres of the boundary that adjoins the harvestable area. Since the total length of the boundary is therefore 200 metres, 6 trees will be able to be felled across the 100 metres of the boundary that adjoins the harvestable area. No trees will, however, be able to be felled across the 100 metres of the boundary that intersects with the exclusion zone to protect the frog.

- (8) For the avoidance of doubt:
- (a) the number of trees that may be felled into, or removed from, a rare forest or a FMZ reserve in a particular harvesting operation under this clause is not reduced by the number of trees that are accidentally felled into the rare forest or the FMZ reserve, or subsequently removed from the rare forest or the FMZ reserve under clause 18D, in the same harvesting operation; and
 - (b) conversely, the authority conferred by clause 18D to remove trees that have been accidentally felled into the rare forest or FMZ reserve in a harvesting operation is not affected by the number of trees that are felled into, or removed from, the rare forest or FMZ reserve under this clause in the same harvesting operation.

Accordingly, the total number of trees that are removed from a rare forest or FMZ reserve in a particular harvesting operation may exceed the number referred to in subclause (5) (b).

18C. Felling and removal of trees into warm temperate rainforest exclusion zones

- (1) This clause applies to any area of land that is, or is within, a warm temperate rainforest exclusion zone that protects an area of warm temperate rainforest that includes vegetation growing alongside a watercourse, drainage line or other water body.
- (2) A tree whose base is in a harvestable area may be felled into, and removed from, a warm temperate rainforest exclusion zone in a harvesting operation if:
 - (a) it is not practicable to fell the tree so that it falls wholly outside the warm temperate rainforest exclusion zone;
 - (b) there are reasonable grounds for believing, when selecting the tree for felling, that it will produce at least one high quality timber product; and

- (c) the tree is felled in such a way so as to avoid, as far as practicable, damage to trees growing in the warm temperate rainforest exclusion zone.
- (3) However, no harvesting machinery may enter, or be used within, a warm temperate rainforest exclusion zone for the purpose of felling a tree into the zone under subclause (2).
 - (4) Without affecting the operation of subclause (2) (b), a part of a tree that has been felled into a warm temperate rainforest exclusion zone under this clause may be removed (subject to clause 18E (2)) even though that particular part is unlikely to produce a high quality timber product.
- Maximum number of trees that may be felled**
- (5) In any one harvesting operation:
 - (a) no more than two trees may be felled (under subclause (2)) across any 200 metre length of the outer boundary of the warm temperate rainforest exclusion zone, whatever 200 metre length of the outer boundary is considered; and
 - (b) the number of trees that may be removed (under subclause (2)) must not exceed the number calculated by applying the principle set out in paragraph (a).
 - (6) No trees may be felled, under this clause:
 - (a) across that part of the outer boundary of a warm temperate rainforest exclusion zone that occurs on one side of the watercourse or drainage line if that part of the outer boundary is less than 200 metres in length (irrespective of whether the exclusion zone encompasses warm temperate rainforest growing on the other side of the watercourse or drainage line as well); and
 - (b) in any other case (such as where the exclusion zone protects warm temperate rainforest surrounding a pool or dam), across the outer boundary of a warm temperate rainforest exclusion zone if the total length of that boundary is less than 200 metres.
 - (7) For the avoidance of doubt, the outer boundary of a warm temperate rainforest exclusion zone continues despite its intersection with another area that is not a harvestable area (such as a high conservation value old growth forest). Accordingly, for the purpose of determining whether trees (and how many trees) may be felled across the outer boundary of a warm temperate rainforest exclusion zone under this clause, any part of the outer boundary that is located within another area may be taken into account.

Note: The following example illustrates the effect of clause 18C (7) above: a warm temperate rainforest grows along the side of a watercourse for 200 metres; 100 metres of the boundary of that rainforest passes through an exclusion zone (having a width of 50 metres) to protect the green and golden bell frog. No trees can be felled into or within such an exclusion zone for the purpose of timber production. Under condition 5.4 (d) of the terms of the Threatened Species Conservation Act licence (set

out in Appendix B), a 20 metre wide exclusion zone must also be implemented around the warm temperate rainforest. Assume that 100 metres of the boundary of that rainforest exclusion zone adjoins the harvestable area. It may not be necessary – from a practical perspective – to “implement” an exclusion zone around that part of the rainforest growing within the exclusion zone to protect the frog because harvesting timber is prohibited in that part in any case. However, clause 18C (7) above makes it clear that State Forests can treat the exclusion zone around the rainforest as extending into the exclusion zone to protect the frog. Accordingly, State Forests can add the length of that part of the boundary of the warm temperate rainforest exclusion zone that is located within the exclusion zone to protect the frog to the length of that part of the boundary of the warm temperate rainforest exclusion zone that adjoins the harvestable area, for the purposes of determining if, and how many, trees can be felled across the latter part of the boundary. As the total length of the boundary will be more than 200 metres, two trees will be able to be felled across the 100 metre length of the boundary adjoining the harvestable area (but none will be able to be felled across that part of the boundary that is within the exclusion zone to protect the frog).

- (8) For the avoidance of doubt:
- (a) the number of trees that may be felled into, or removed from, a warm temperate rainforest exclusion zone in a particular harvesting operation under this clause is not reduced by the number of trees that are accidentally felled into the warm temperate rainforest exclusion zone, or subsequently removed from the warm temperate rainforest exclusion zone under clause 18D, in the same harvesting operation; and
 - (b) conversely, the authority conferred by clause 18D to remove trees that have been accidentally felled into the warm temperate rainforest exclusion zone in a harvesting operation is not affected by the number of trees that are felled into, or removed from, the warm temperate rainforest exclusion zone under this clause in the same harvesting operation.

Accordingly, the total number of trees that are removed from a warm temperate rainforest exclusion zone in a particular harvesting operation may exceed the number referred to in subclause (5) (b).

- (9) For the avoidance of doubt, a tree may not be felled into a warm temperate rainforest exclusion zone under this clause if it will also fall into the rainforest protected by the exclusion zone.
- (10) In this clause, “outer boundary of a warm temperate rainforest exclusion zone” means a boundary of the warm temperate rainforest exclusion zone that is 20 metres from the edge of the warm temperate rainforest protected by the zone.

18D. Removal of trees accidentally felled into protected forests

- (1) This clause applies to any area of land that is, or is within, a protected forest.
- (2) A tree that is accidentally felled into a protected forest in the course of a harvesting operation may be removed from the forest.

- (3) However, the tree may be removed only if there are reasonable grounds to believe that the tree will produce at least one high quality timber product. For the avoidance of doubt, any part of the tree may be removed (subject to clause 18E (2) and (3)) even though that particular part is unlikely to produce a high quality timber product.

18E. Special rules apply to method of removal of trees felled into protected forests

- (1) This clause regulates the manner in which trees or logs are removed from:
 - (a) a rare forest or FMZ reserve under clause 18B;
 - (b) a warm temperate rainforest exclusion zone under clause 18C; and
 - (c) a protected forest (including a rare forest, a FMZ reserve and a warm temperate rainforest exclusion zone) under clause 18D.

Special rules for crown of tree

- (2) A tree that has been felled into a rainforest or a rainforest exclusion zone may not be removed under clause 18D or, in the case of a warm temperate rainforest exclusion zone, under clause 18C unless the following rules in relation to the crown of the tree are complied with:
 - (a) where the tree has been felled into a rainforest or into a rainforest exclusion zone (but no part of the tree has fallen into the rainforest protected by that zone):
 - i. the crown of the tree must be left where it has fallen; or
 - ii. the whole of the tree (or the whole of that part of the tree that has fallen into the rainforest or the exclusion zone) must be removed from the rainforest or the exclusion zone, or moved within the rainforest or the exclusion zone, using a mechanical harvester;
 - (b) where the tree has been felled into both a rainforest exclusion zone and into the rainforest protected by that zone, but the crown of the tree has fallen wholly within the rainforest, then the crown, and any other part of the tree that has fallen into the rainforest, must be left where they have fallen;
 - (c) where the tree has been felled into both a rainforest exclusion zone and into the rainforest protected by that zone, and the crown of the tree spans both the rainforest exclusion zone and the rainforest, the crown must be left where it has fallen in both the exclusion zone and the rainforest.
- (3) A tree that has been felled into a protected forest (other than a rainforest or rainforest exclusion zone) may not be removed under clause 18B or clause 18D, unless the crown is left where it has fallen or the whole of the tree (or the whole of that part of the tree that has fallen into the protected forest) is

removed from, or moved within, the protected forest using a mechanical harvester.

Other rules for removal

- (4) The following rules also apply to the removal of a tree from a protected forest:
- (a) in removing any part of the tree (or logs into which the tree is cut) from the protected forest any disturbance to the ground (including vegetation) must be minimised as far as practicable;
 - (b) where practicable, any part of the tree that has fallen into the protected forest (or logs into which the tree is cut) must be removed from the protected forest without contacting the ground. In any other case, contact with the ground must be minimised as far as practicable;
 - (c) the wheels or tracks of any machinery used to remove any part of the tree that has fallen into the protected forest (or logs into which the tree is cut) must remain outside the protected forest.
- (5) Snigging may be carried out to remove a part of the tree (apart from the tree's crown) from a protected forest, but only if:
- (a) applying the rules set out in subclause (4), this is the only practicable method of removing that part of the tree or those logs into which the tree is cut; and
 - (b) the wheels or tracks of any machinery involved in the snigging remain outside the protected forest (as required by subclause (4) (c)).

Use of machinery within rare forest or FMZ reserve to remove tree

- (6) Despite subclauses (4) (c) and (5) (b), where a harvesting machine has entered a rare forest or a FMZ reserve in accordance with clause 18G (for the purpose of felling trees away from the rare forest or FMZ reserve), it may also be used to remove a part of the tree that has been felled into the rare forest or FMZ reserve (or any logs into which the tree has been cut) under clause 18B, or accidentally.

Chainsaws

- (7) For the avoidance of doubt, chainsaws may be used in a protected forest to fell a tree whose base is in a harvestable area and to cut a tree into logs that may be removed from the protected forest under this approval.

18F. Rehabilitation of ground or soil disturbed during removal of trees from protected forests

- (1) Where a tree is removed from a protected forest under this Part, any ground or soil within the forest that is disturbed as a result of the fallen tree or its removal (or the removal of the logs into which it is cut) must be rehabilitated.
- (2) Examples of the measures that may need to be taken to rehabilitate the disturbed ground or soil are as follows:
- (a) reinstating the ground surface;

- (b) cross draining furrows caused by fallen trees or the removal of trees or logs;
 - (c) covering denuded soil (other than with gravel or rock). For this purpose, material from the crown of a felled tree may be cut from the crown and moved;
 - (d) planting plants of the same species as the plants disturbed or destroyed in the logging operation.
- (3) Rehabilitation for the purposes of this clause is to be done without using harvesting machinery, except as follows:
- (a) the harvesting arm of a mechanical or other harvester may be used for rehabilitating the disturbed ground or soil, where the tracks or wheels of the harvester remain outside the protected forest;
 - (b) in the case of a rare forest or FMZ reserve, if a harvesting machine has already entered the rare forest or FMZ reserve in accordance with clause 18G (to fell trees away from the rare forest or FMZ reserve), it may also be used (within the rare forest or FMZ reserve) for rehabilitating the disturbed ground or soil.

18G. Use of harvesting machines in rare forest or FMZ reserve to fell trees away from the forest or FMZ reserve

- (1) This clause applies to any area of land that is, or is within:
- (a) a rare forest; or
 - (b) a FMZ reserve.
- (2) A harvesting machine may enter, and be used within, a rare forest or FMZ reserve in order to fell and remove any tree whose base is in the harvestable area in the course of a harvesting operation.
- (3) However, a harvesting machine may enter, and be used within, the rare forest or FMZ reserve to fell and remove a tree whose base is in the harvestable area only if:
- (a) the tree cannot be felled from outside the rare forest or FMZ reserve, using the techniques of directional felling, so that it does not fall into the rare forest or FMZ reserve; and
 - (b) there are reasonable grounds for believing, when selecting the tree for felling, that it will produce at least one high quality timber product.

The harvesting machine may be used only to fell the tree away from the rare forest or FMZ reserve (that is, into the harvestable area).

- (4) For the avoidance of doubt, the whole of a tree felled under this clause may be removed, even though the timber product that any part of the tree will produce, or is likely to produce, is not a high quality timber product.

Note: Subclauses (3) and (4) do not affect the operation of clauses 22 and 23 of this approval. Clause 22 requires harvesting operations in the South Coast Subregion to have as their principal purpose the production of poles or high quality large logs (with certain exceptions). Under clause 23, SFNSW may sell logs only in accordance with their categorisation.

18H. Conditions of operating harvesting machinery within rare forest or FMZ reserve

- (1) A harvesting machine may be operated within a rare forest or FMZ reserve under this Part only using walkover techniques and in such a way so as:
 - (a) to minimise skewing of its tracks (if any) to the greatest extent practicable; and
 - (b) to minimise disturbance to the ground (including its vegetation) within the rare forest or FMZ reserve to the greatest extent practicable.
- (2) In particular, a harvesting machine may only be operated under this Part within a rare forest or FMZ reserve with any blades, rippers or other similar attachments positioned so that they do not disturb the ground (including vegetation).
- (3) The wheels or tracks of a harvesting machine that has entered a rare forest or FMZ reserve must remain wholly within 5 metres from the boundary of the rare forest or FMZ reserve when being used under this Part.

18I. Rehabilitation of ground disturbed by harvesting machinery within rare forest or FMZ reserve

- (1) Any ground or soil within a rare forest or FMZ reserve that is disturbed by a harvesting machine as a result of its use under this Part is to be rehabilitated.
- (2) Examples of the measures that may need to be taken for the purposes of rehabilitation of ground or soil disturbed by a harvesting machine are as follows:
 - (a) reinstating the ground surface;
 - (b) cross draining furrows caused by the machine;
 - (c) covering denuded soil (other than with gravel or rock). For this purpose, material from the crown of a tree felled into the rare forest or FMZ reserve may be cut from the crown and moved;
 - (d) planting plants of the same species as the plants disturbed or destroyed by the machine.
- (3) Rehabilitation for the purposes of this clause is to be done without using harvesting machinery, except as follows:
 - (a) the harvesting arm of a mechanical or other harvester may be used for rehabilitating the disturbed ground or soil, where the tracks or wheels of the harvester remain outside the rare forest or FMZ reserve;

- (b) if the harvesting machine that disturbed the ground or soil has not left the rare forest or FMZ reserve since entering it under clause 18G, the machine may also be used (within the rare forest or FMZ reserve) for rehabilitating that ground or soil.

18J. Additional restrictions on use of harvesting machinery for rehabilitation or tree removal in rare forest or FMZ reserve

- (1) Nothing in this Part authorises a harvesting machine to enter a rare forest or FMZ reserve solely for any, or all, of the purposes of:
 - (a) removing a tree felled into the rare forest or FMZ reserve, as referred to in clause 18E (6); and
 - (b) rehabilitating disturbed ground or soil, as referred to in clause 18F (3); and
 - (c) rehabilitating disturbed ground or soil, as referred to in clause 18I (3).
- (2) The wheels or tracks of a harvesting machine may be moved within a rare forest or FMZ reserve for a purpose authorised by clause 18G (that is, to fell a tree away from the forest or FMZ reserve and to remove the tree). They may not be repositioned or moved (to any significant extent) within the rare forest or FMZ reserve solely for any, or all, of the purposes of:
 - (a) removing a tree felled into the rare forest or FMZ reserve, as referred to in clause 18E (3); and
 - (b) rehabilitating disturbed ground or soil, as referred to in clause 18F (3); and
 - (c) rehabilitating disturbed ground or soil as referred to in clause 18I (3).

Note: Essentially, a harvesting machine is only to be used within a rare forest or FMZ reserve for purposes other than felling a tree outside the forest or FMZ reserve, such as for rehabilitation purposes, where the machine can be used without moving it from the position it was in when felling the tree or as it enters the forest or FMZ reserve for the purpose of felling the tree or as it leaves the forest or FMZ reserve.

[19] Note to clause 19 (2)

Insert at the end of clause 19 (2):

Note: Clause 19 needs to be read with Part 2A (which commenced in 2004). Part 2A, while not allowing trees within the areas to which clause 19 applies to be logged, does allow limited harvesting operations near their boundaries.

[20] Clause 19 (2A) and (2B)

Insert after clause 19 (2):

- (2A) Subclause (2) is not breached where a tree is accidentally felled into any area of land to which this clause applies.

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

Note: See clause 18D in Part 2A which allows certain trees which are accidentally felled into an area of land to which clause 19 applies to be removed, despite the prohibitions in clause 19.

[21] Clauses 21 and 21A

Omit clause 21. Insert instead:

21. Pulp only operations prohibited

- (1) Harvesting operations having the purpose of producing pulp grade timber, but no other kind of timber, may not be carried out in the Southern Region.
- (2) Thinning having as a purpose the production of pulp grade timber may be carried out in the Southern Region even if the production of another kind of timber is not one of its purposes.
- (3) In this clause:

“high quality logs” means logs of 2.4 metres or more, that, in the opinion of SFNSW, are of a high quality; and

“pulp grade timber” means timber that is suitable for the manufacture of reconstituted products, including paper and panel board, and does not include timber that is suitable for high quality logs or sawlogs.

21A. Harvesting timber for charcoal prohibited

- (1) Harvesting operations may not be carried out in the Southern Region for the purpose of producing timber (of whatever quality) for conversion into charcoal that:
- (a) is to be used in a manufacturing process (whether as a component or constituent of a product (such as silicon) or otherwise); or
 - (b) is the intended product of a manufacturing process (rather than a by-product); or
 - (c) is to be used for burning to generate electricity,

even if those operations also have as a purpose the production of timber for other uses or timber of other kinds.

- (2) Thinning may not be carried out in the Southern Region for the purpose of producing timber (of whatever quality) for conversion into charcoal that:
- (a) is to be used in a manufacturing process (whether as a component or constituent of a product (such as silicon) or otherwise); or

- (b) is the intended product of a manufacturing process (rather than a by-product); or
- (c) is to be used for burning to generate electricity,

even if thinning has as a purpose the production of timber for other uses or timber of other kinds.

[22] Clauses 24 and 25

Omit clauses 24 and 25.

[23] Clause 27 (1) (a) and (a1)

Omit clause 27 (1) (a). Insert instead:

- (a) the intended location of logging operations, by reference to State forest name and compartment number or other identifying particulars (in the case of Crown-timber lands other than State forests);
- (a1) the order in which it is intended to carry out the proposed logging operations;

[24] Clause 27 (1) (c)

Omit “paragraphs (a) or (b)” from clause 27 (1) (c). Insert instead “paragraph (a), (a1) or (b)”.

[25] Clause 27 (2) and (2A)

Omit clause 27 (2). Insert instead:

- (2) In planning the location and order of logging operations under subclause (1), SFNSW must, as far as is reasonably practicable, disperse those operations over the Southern Region and over time, so as to reduce any cumulative impacts of logging operations in any part of the Region.
- (2A) Logging operations may be carried out other than at the locations and in the order proposed in the annual plan of logging operations, if that is necessary or desirable having regard to the particular circumstances or conditions (such as weather or market factors) at the relevant time.

[26] Clause 29 (2) (a)

Omit “by reference to the date on which the associated site specific plan, prepared under clause 28, is approved by SFNSW” from clause 29 (2) (a). Insert instead “by reference to the event ID for the operation and, if the associated site specific plan, prepared under clause 28, has been approved by SFNSW, to the date on which it was approved”.

[27] Clause 29 (2) (b)

Insert “the event ID for the operation and to” after “by reference to” in clause 29 (2) (b).

[28] Clause 29 (3A) and (3B)

Insert after clause 29 (3):

- (3A) If SFNSW is of the opinion, having regard to the topography of the relevant land, that the compartment or other location in which a proposed harvesting operation is to be carried out is likely to contain one or more unmapped drainage lines, then the written notice must include a statement to that effect. However, such a statement is required only where:
- (a) it is proposed to carry out the harvesting operation other than under the authority conferred by the terms of the licence under the *Protection of the Environment Operations Act 1997* set out in this approval; and
 - (b) it is proposed to log within any unmapped drainage line or within 10 metres of any unmapped drainage line, in the compartment or other location.

If possible, the statement is to indicate where the unmapped drainage line may be situated within the compartment or other location.

- (3B) If a new harvesting operation specified in the written notice under subclause (2) is to be carried out (including in part):
- (a) at a location that has not been identified in the relevant annual plan of logging operations as an intended location of a logging operation; or
 - (b) other than in accordance with the order of operations proposed in that annual plan,

the written notice is to contain a statement to that effect.

[29] Clause 29 (7)

Insert after clause 29 (6):

- (7) In this clause, “event ID” means a unique identification number generated by SFNSW’s Harvest Tracking System (HTS) that exclusively represents a forestry operation, such as a harvesting operation.

[30] Clause 30 (2) (a)

Insert “the event ID for the operation and to” after “by reference to” in clause 30 (2) (a).

[31] Clause 30 (3)

Insert after clause 30 (2):

- (3) In this clause, “event ID” means a unique identification number generated by SFNSW’s Harvest Tracking System (HTS) that exclusively represents a forestry operation, such as a harvesting operation.

[32] Clause 35 (2A) and (2B)

Insert after clause 35 (2):

- (2A) Subclause (2) is not breached where a tree is accidentally felled into any area of land to which this clause applies.
- (2B) Despite subclause (2), if a tree is accidentally felled into an area of land to which this clause applies within the South Coast Subregion in the course of a thinning operation that has timber production as one of its purposes, it may be removed from the area in accordance with Part 2A.

[33] Clause 40 (1) (a) and (a1)

Omit clause 40 (1) (a). Insert instead:

- (a) the intended location of thinning and culling operations, by reference to State forest name and compartment number or other identifying particulars (in the case of Crown-timber lands other than State forests);
- (a1) the order in which it is intended to carry out the proposed thinning and culling operations;

[34] Clause 40 (1) (b)

Omit “paragraph (a)” from clause 40 (1) (b). Insert instead “paragraph (a) or (a1)”.

[35] Clause 40 (2) and (2A)

Omit clause 40 (2). Insert instead:

- (2) In planning the location and order of thinning and culling operations under subclause (1), SFNSW must, as far as is reasonably practicable, disperse those operations over the Southern Region and over time, so as to reduce any cumulative impacts of thinning and culling operations in any part of the Region.
- (2A) Thinning and culling operations may be carried out other than at the locations and in the order proposed in the annual plan of thinning and culling operations, if that is necessary or desirable having regard to the particular circumstances or conditions (such as weather) at the relevant time.

[36] Clause 42 (2) (a)

Omit “by reference to the date on which the associated site specific plan, prepared under clause 41, is approved by SFNSW” from clause 42 (2) (a).

Insert instead “by reference to the event ID for the operation and, if the associated site specific plan, prepared under clause 41, has been approved by SFNSW, to the date on which it was approved”.

[37] Clause 42 (2) (b)

Insert “the event ID for the operation and to” after “by reference to” in clause 42 (2) (b).

[38] Clause 42 (2A)

Insert after clause 42 (2):

(2A) If a new thinning or culling operation specified in the written notice under subclause (2) is to be carried out (including in part):

- (a) at a location that has not been identified in the relevant annual plan of thinning and culling operations as an intended location of a thinning or culling operation; or
- (b) other than in accordance with the order of operations proposed in that annual plan,

the written notice is to contain a statement to that effect.

[39] Clause 42 (6)

Insert after clause 42 (5):

(6) In this clause, “event ID” means a unique identification number generated by SFNSW’s Harvest Tracking System (HTS) that exclusively represents a forestry operation, such as a thinning or culling operation.

[40] Clause 43 (2) (a)

Insert “the event ID for the operation and to” after “by reference to” in clause 43 (2) (a).

[41] Clause 43 (3)

Insert after clause 43 (2):

(3) In this clause, “event ID” means a unique identification number generated by SFNSW’s Harvest Tracking System (HTS) that exclusively represents a forestry operation, such as a thinning or culling operation.

[42] Clause 46 (9) (c)

Omit “condition 5.7 (“Stream Exclusion Zones”)” from clause 46 (9) (c).
Insert instead “condition 5.7 relating to the protection of riparian habitat,

whether as made when this approval came into effect on 13 May 2002 or as substituted by Amendment No.1 to this approval”.

[43] Clause 58 (2) and (3)

Omit clause 58 (2). Insert instead:

(2) In particular, where an area of land to which this approval applies can be characterised or identified for the purposes of this approval in more than one way (such as being both a rare non-commercial forest ecosystem and an exclusion zone around a record of a particular threatened species) and:

- (a) a term of this approval allows the doing of a thing in the area characterised or identified in one way, but
- (b) another term of this approval prohibits the doing of that thing in the area characterised or identified in another way,

then the doing of that thing is prohibited in the area.

(3) For the purposes of this clause, a reference to a term of this approval includes a reference to a term of a licence set out in this approval, and a requirement is a requirement imposed by a term of this approval or a document with which this approval requires compliance.

Note: The intended effect of subclause (2) is illustrated by the following example. Part 2A of this approval, and condition 5.5 of the terms of the licence under the Threatened Species Conservation Act 1995 applying to the South Coast Subregion, allow a restricted number of trees to be felled into rare non-commercial forest ecosystems in certain limited circumstances. However, subclause (2) is intended to make it clear that where such a forest is also an exclusion zone around a record of a threatened species such as a green and golden bell frog or golden-tipped bat, then no trees may be felled into the forest in the course of a harvesting operation (as this is prohibited by conditions relating to such exclusion zones).

**SCHEDULE 2 - AMENDMENTS TO THE TERMS OF THE LICENCE
UNDER THE PROTECTION OF THE ENVIRONMENT OPERATIONS ACT
1997 SET OUT IN APPENDIX A OF THE APPROVAL**

[1] Condition 9.3 (c)

Omit “schedules 2, 3, 4 and 5” from condition 9.3 (c). Insert instead “Schedules 2, 3, 4 or 4A, and 5”.

[2] Condition 10.1

Omit condition 10.1. Insert instead:

- 10.1 State Forests must forward each summary of operations to the Manager of the Forestry Unit of the Department of Environment and Conservation at least one day prior to the date of commencement of the scheduled forestry activities or the non-scheduled forestry activities which State Forests proposes to carry out (or authorise the carrying out of) under licence authority. The summary of operations may be forwarded only by fax or by electronic transfer.

[3] Condition 10.3

Insert after condition 10.2:

- 10.3 State Forests must place a copy of each summary of operations on the operations register (as required by condition 33 of this licence) on the day of the commencement of the scheduled forestry activities or the non-scheduled forestry activities with respect to which licence authority applies.

[4] Condition 11.1

Omit condition 11.1. Insert instead:

- 11.1 State Forests must plan scheduled and non-scheduled forestry activities that are the subject of this Division in a site-specific manner and:
- (a) in the case of forestry activities that are located in the Tumut Subregion as defined in clause 1 of the approval – develop site-specific conditions in accordance with the requirements of Schedules 2, 3, 4 and 5; and
 - (b) in the case of forestry activities that are located in the South Coast Subregion as defined in clause 1 of the approval – develop site-specific conditions in accordance with the requirements of Schedules 2, 3, 4A and 5.

[5] Condition 11.2 (f)

Omit “Schedule 4” from condition 11.2 (f). Insert instead “Schedule 4 or 4A (as the case may require)”.

[6] Condition 11.2 (f)

Omit “schedules 4 or 5” from condition 11.2 (f). Insert instead “Schedule 4, 4A or 5”.

[7] Condition 11.2 (g) and 11.3

Omit “schedules 2, 3, 4 and 5” from condition 11.2 (g) and 11.3. Insert instead “Schedules 2, 3, 4 or 4A, and 5”.

[8] Condition 14

Omit condition 14. Insert instead:

14. Commencement of licence authority

- 14.1 Licence authority applies with respect to a scheduled or non-scheduled forestry activity if:
- (a) a summary of operations for that activity has been submitted to the Manager of the Forestry Unit of the Department of Environment and Conservation in accordance with Division 1; and
 - (b) a notification for the commencement of licence authority for the activity (in the form of Form 3 set out in Schedule 1 to this licence) is completed by State Forests.
- 14.2 State Forests must place a copy of the completed notification for the commencement of licence authority for the activity on the operations register (as required by condition 33 of this licence) on the day on which the activity commences.
- 14.3 On the same day as the activity commences (but not until it has actually commenced) that day’s date must be inserted next to the words “Date on which licence authority commences under condition 14” on the notification for the commencement of licence authority for the activity. (The notification is not completed until a date is inserted next to the relevant words.)
- 14.4 Licence authority for the activity is taken to have commenced on the commencement of the day whose date is inserted on the notification for commencement of licence authority for the activity (even though, as required by condition 14.3, the insertion of that date occurs after the actual commencement of the activity in the compartment or roading area concerned). Accordingly, the conditions of this licence must be complied with in respect of the activity on and from that day.
- 14.5 Licence authority continues to apply to the activity unless it temporarily ceases under condition 19A or until it finally ceases under condition 20.

[9] Condition 15.1

Omit condition 15.1. Insert instead:

15.1 Within two weeks of commencing a scheduled or non-scheduled forestry activity in accordance with this Part, State Forests must forward the completed notification for the commencement of licence authority for the activity (in the form of Form 3 set out in Schedule 1 to this licence) to the Manager of the Forestry Unit of the Department of Environment and Conservation. The notification may be forwarded only by mail, fax or electronic transfer.

[10] Conditions 16, 17 and 18

Omit “schedules 4 and 5” wherever occurring in conditions 16, 17 and 18. Insert instead “Schedules 4 or 4A, and 5.

[11] Condition 17.4

Omit condition 17.4. Insert instead:

17.4 On the day the variation is approved, State Forests must forward to the Manager of the Forestry Unit of the Department of Environment and Conservation a revised summary of operations that accurately reflects that variation and has been signed by an officer of State Forests not below the rank of Regional Manager. The revised summary of operations may be forwarded only by fax or by electronic transfer.

[12] Conditions 19A and 19B

Insert after condition 19:

19A. Licence authority temporarily ceased

19A.1 Licence authority temporarily ceases to apply with respect to a scheduled or non-scheduled forestry activity:

- (a) if a notification for the temporary cessation of licence authority for the activity (in the form of Form 2 set out in Schedule 1 to this licence) is completed by State Forests; and
- (b) on and from the day on which the notification is signed by an officer of State Forests (being an officer not below the rank of Regional Manager).

19A.2 The date of the day on which the notification for the temporary cessation of licence authority is signed by the officer of State Forests (being an officer not below the rank of Regional Manager) must be inserted next to the words “Date licence authority ceases” on the notification.

19A.3 State Forests must place a copy of the completed notification on the operations register (as required by condition 33 of this licence) within five days of licence authority temporarily ceasing to apply with respect to the activity concerned (that is, within five days of the notification being signed).

- 19A.4 State Forests must forward the completed notification to the Manager of the Forestry Unit of the Department of Environment and Conservation within two weeks of licence authority temporarily ceasing to apply with respect to the activity concerned. The notification may be forwarded only by mail, fax or electronic transfer.
- 19A.5 Licence authority with respect to an activity temporarily ceases unless it is recommenced under condition 19B or until it finally ceases under condition 20.

19B. Recommencement of licence authority

- 19B.1 If licence authority with respect to a scheduled or non-scheduled forestry activity has temporarily ceased (in accordance with condition 19A), State Forests may recommence licence authority with respect to that activity by completing a notification for the recommencement of licence authority for the activity (in the form of Form 3 set out in Schedule 1 to this licence).
- 19B.2 Licence authority with respect to a scheduled or non-scheduled forestry activity recommences on and from the date inserted next to the words “Date on which licence authority recommences under condition 19B” on the notification. Licence authority continues to apply with respect to the activity unless it temporarily ceases again under condition 19A or until it finally ceases under condition 20.
- 19B.3 Within two weeks of licence authority recommencing with respect to a scheduled or non-scheduled forestry activity, State Forests must forward the completed notification for the recommencement of licence authority for the activity to the Manager of the Forestry Unit of the Department of Environment and Conservation. The notification may be forwarded only by mail, fax or electronic transfer.
- 19B.4 State Forests must place a copy of the completed notification for the recommencement of licence authority for the activity on the operations register (as required by condition 33 of this licence) on the day on which licence authority recommences with respect to the activity concerned.

[13] Heading to Part 2 of the operating conditions and condition 20

Omit the heading to Part 2 and condition 20. Insert instead:

Part 2: Final cessation of licence authority

20. When licence authority finally ceases to apply

- 20.1 Licence authority finally ceases to apply with respect to a scheduled or non-scheduled forestry activity:

- (a) if a notification for the final cessation of licence authority for the activity (in the form of Form 2 set out in Schedule 1 to this licence) is completed by State Forests; and
 - (b) on and from the day on which the notification is signed by an officer of State Forests (being an officer not below the rank of Regional Manager).
- 20.2 The date of the day on which the notification for the final cessation of licence authority is signed by the officer of State Forests (being an officer not below the rank of Regional Manager) must be inserted next to the words “Date licence authority ceases” on the notification.
- 20.3 State Forests must place a copy of the completed notification on the operations register (as required by condition 33 of this licence) within five days of licence authority finally ceasing to apply with respect to the activity concerned (that is, within five days of the notification being signed).
- 20.4 State Forests must forward the completed notification to the Manager of the Forestry Unit of the Department of Environment and Conservation within two weeks of licence authority finally ceasing to apply with respect to the activity concerned. The notification may be forwarded only by mail, fax or electronic transfer.

Note: Where licence authority for a scheduled or non-scheduled forestry activity has finally ceased under condition 20, it cannot be “recommenced” under condition 19B. If, after licence authority has finally ceased for forestry activities in a particular compartment, State Forests subsequently proposes, for example, to carry out further forestry activities in the same compartment under licence authority, it must prepare a new summary of operations for those activities and complete a new notification for the commencement of licence authority for those activities.

[14] Condition 22.6

Omit “conditions 17, 18, 19, 20 and 21 of Schedule 4” from condition 22.6. Insert instead “conditions 17 to 20 of Schedule 4 (in the case of land in the Tumut Subregion) and conditions 17 to 20U of Schedule 4A (in the case of land in the South Coast Subregion)”.

[15] Condition 24.1

Insert “period” after “reporting” in condition 24.1.

[16] Condition 25.1

Omit condition 25.1. Insert instead:

- 25.1 The Annual Return for a reporting period must be forwarded to the EPA by registered post and electronically (in a format approved by the EPA) not later than 60 days after the end of the reporting period.

[17] Condition 33.2

Omit condition 33.2. Insert instead:

- 33.2 The register must include copies of all of the following documents that are prepared under the Operating Conditions of this licence:
- (a) summaries of operations for scheduled and non-scheduled forestry activities;
 - (b) revised summaries of operations for scheduled and non-scheduled forestry activities;
 - (c) notifications for the commencement of licence authority for scheduled or non-scheduled forestry activities;
 - (d) notifications for the temporary cessation of licence authority for scheduled or non-scheduled forestry activities;
 - (e) notifications for the recommencement of licence authority for scheduled or non-scheduled forestry activities;
 - (f) notifications for the final cessation of licence authority for scheduled or non-scheduled forestry activities.

Note: The register that is referred to in condition 33.2 is the same register that was required to be kept by each Regional Office before condition 33.2 was substituted by amendments to the operating conditions of the licence made in 2004. Accordingly, the documents that were included on the register before those amendments commenced are to continue to be kept on the register.

[18] Condition 37A

Insert after condition 37:

37A. Electronic transfer of data

Note: This condition applies to electronic transfer of documents to the EPA. The term “electronic transfer” is defined in the dictionary for this licence as “a data transfer between State Forests’ Harvest Tracking System (HTS) system server and the EPA’s Forestry Notification and Audit Tracking System (FNATS) system server”.

- 37A.1 Where this licence permits a document to be forwarded to the Manager of the Forestry Unit of the Department of Environment and Conservation by electronic transfer, the following requirements apply to the electronic transfer:
- (a) the file must be in XML format or such other format as may be approved in writing by the EPA;
 - (b) the file must contain the same data fields as those shown on the relevant form set out in Schedule 1 to this licence;
 - (c) the file must be sent over a secure protocol as agreed to in writing by the EPA and State Forests.
- 37A.2 Where a document that is required to be signed by an officer of State Forests is forwarded to the Manager of the Forestry Unit of the Department of Environment and Conservation by electronic transfer, then another method (as agreed to in writing by the EPA and State Forests) is to be used to identify the

officer and his or her approval of the contents of the document when it is forwarded.

[19] Dictionary

Omit the definition of “machinery” from the dictionary.

Insert instead the following definitions into the dictionary in alphabetical order:

“crown” means the upper branches of a tree;

“electronic transfer” means a data transfer between State Forests’ Harvest Tracking System (HTS) system server and the EPA’s Forestry Notification and Audit Tracking System (FNATS) system server;

Note: See condition 37A for requirements relating to the electronic transfer of data.

“event ID” means a unique identification number generated by State Forests’ Harvest Tracking System (HTS) that exclusively represents a forestry activity;

Note: Each form set out in Part A of Schedule 1 requires an event ID to be provided for the relevant forestry activity. An event ID must also be provided in monthly advance notices, and monthly reports, of harvesting operations under the “non-licence” terms of the approval.

“machinery” means any mechanical or other harvester, rubber-tyred skidder, bulldozer and any other wheeled or tracked machine that is built to be propelled by a motor that forms part of the machine and that is capable of being used for the cutting or removal of timber;

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

“operational zone” means a strip of land containing vegetation or ground cover adjacent to a protection zone in a compartment classified as inherent hazard level 1 or 2 and adjacent to a filter strip in a compartment classified as inherent hazard level 3, within which specific modified harvesting practices are permitted and which is retained for the purpose of additional water quality protection;

“protection zone” means a strip of land containing vegetation or ground cover adjacent to a filter strip in a compartment classified as inherent hazard level 1 or 2 within which specific modified harvesting practices are permitted and which is retained for the purpose of protecting water quality;

“sidecut” means the removal of soil and subsoil along the side of a slope to enable the construction of a road, snig track or extraction track;

“unmapped drainage line” means a drainage line which does not appear on a 1:25 000 topographic map supplied by Land and Property Information New South Wales (LPI) (being part of the Department of Lands);

[20] Schedule 1 Part A

Omit the matter after the heading, “Schedule 1”, relating to Part A. Insert instead:

(Conditions 8-10, 14, 15, 19A, 19B, 20)

Part A: Forms required to be used under operating conditions

- | | |
|----------------|---|
| Form 1: | Summary of operations for scheduled and non-scheduled forestry activities |
| Form 2: | Notification for the cessation of licence authority for scheduled or non-scheduled forestry activities |
| Form 3: | Notification for the commencement of licence authority for scheduled or non-scheduled forestry activities |

[21] Schedule 1, Part A, Forms 1-3

Omit the forms in Part A of Schedule 1. Insert instead the following forms:

Part A – Form 1

**SUMMARY OF OPERATIONS FOR SCHEDULED AND NON-SCHEDULED
FORESTRY ACTIVITIES**

1. General Information

Event ID: _____

Amendment: **Yes/No** (please select one)

Type of Amendment: **Correction/Variation** (please select one)

Licence Number: _____

Type of activity: **Scheduled/Non-scheduled** (please select one)

Operation
Type: _____

2. Forestry Operation Location Details

State Forest Region: _____

State Forest Name: _____

State Forest Number: _____

Compartment: _____

Age Class: _____
(If applicable)

Total Area: _____ (ha) Net Harvest Area: _____ (ha)

3. Soil Erosion and Water Pollution Hazard Assessment

Slope Class (degrees)	% Total Compartment
<10	%
10-20	%
20-25	%
25-30	%
30+	%

Rainfall Zone: _____
Rainfall Erosivity: _____
Soil Regolith Class(es): _____
Soil Regolith verified by: _____

Inherent Hazard Level: _____

Seasonality Restrictions apply: Yes/No (please select one)

4. Dispersible Soil Assessment

Dispersible soil present within the compartment: Yes/No (please select one)

Dispersible soil identified by: _____

5. Mass Movement

Mass movement hazard within the compartment (actual or potential): Yes/No (please select one)

Mass movement identified by: _____

Site-Specific Operational Conditions

6. Road Construction/Maintenance

Road Name	New/Existing	Max Road Grade (Degrees)	Length (m)

7. Road Drainage Feature Crossings to be Constructed

Number of new drainage line, watercourse, swamp and wetland road crossings to be constructed: _____

Number of new drainage line, watercourse, swamp and wetland road crossings where the road cannot be drained with a crossbank, mitre drain, relief pipe or spoon drain within 30 metres on either side of the crossing: _____

8. Existing Roads Drainage Feature Crossings

Number of existing drainage line, watercourse, swamp and wetland road crossings to be used: _____

Number of existing drainage line, watercourse, swamp and wetland crossings where the road cannot be drained with a crossbank, mitre drain, relief pipe or spoon drain within 30 metres on either side of the crossing: _____

9. Snig & Extraction Tracks

Estimated number of snig track & extraction track crossings of watercourses and drainage lines: _____

Is sidecut snig track construction proposed (>1m in height): Yes/No (please select one)

10. Borrow Pits & Gravel Pits

Number of borrow pits or gravel pits to be used: _____

11. Post-harvest Burning

Is post-harvest burning proposed:

Yes/No (please select one)

Preferred season of burn: _____

Method of ignition: _____

12. Compliance

I certify that this is a true and accurate record of this proposed scheduled or non-scheduled forestry activity and that the following requirements have been fulfilled:

- a) the planning of this proposed scheduled or non-scheduled forestry activity has been undertaken in accordance with Schedule 2 of the Environment Protection Licence;
- b) the site assessments for dispersibility, mass movement and the determination of the inherent hazard level have been undertaken in accordance with Schedule 3 of the Environment Protection Licence; and
- c) site-specific prescriptions have been identified and developed in accordance with Schedules 2, 3, 4 or 4A, 5 and 6 of the Environment Protection Licence.

Regional Manager's Name: _____
(Block letters)

Regional Manager's Signature: _____

Date: _____

Part A - Form 3

**NOTIFICATION FOR THE COMMENCEMENT OF LICENCE AUTHORITY FOR
SCHEDULED OR NON-SCHEDULED FORESTRY ACTIVITIES**

On behalf of State Forests I hereby notify the EPA that licence authority commences on the land identified below:

Event ID: _____

Type of Commencement: _____ Commencement/Recommencement
(Please select one)

State Forests' Region: _____

State Forest Name: _____

State Forest Number: _____

Compartment(s): _____

Age Class (if applicable): _____

Operation Type: _____

Date on which licence authority commences under condition 14: ** _____
(not to be filled in until operation commences)

Date on which licence authority recommences under condition 19B: ** _____

** Please select appropriate one

[22] Schedule 1 Part B Operational Map Requirements (Drainage feature protection) – items B2 and B2A

Omit B2 from Part B of Schedule 1. Insert instead:

B2. filter strip widths for all identified watercourses and drainage lines within the compartment or roading area classified as inherent hazard level 1 or 2 (where located in the Tumut Subregion);

B2A. filter strip widths and, if the compartment or roading area is classified as inherent hazard level 1 or 2, protection zone widths for all identified watercourses and drainage lines within the compartment or roading area (where located in the South Coast Subregion);

[23] Schedule 2 Part A

Omit the words “filter strips and buffer strips” from the final paragraph in Part A of Schedule 2. Insert instead the words “filter strips, protection zones, operational zones and buffer strips”.

[24] Schedule 2 Part B

Omit “Schedule 4” from Part B of Schedule 2. Insert instead “Schedule 4 or 4A (as the case may require)”.

[25] Schedule 3 Module 1.4 – Step 4: Determination of net harvestable area

Insert “protection zones and operational zones” after “filter strips” in Step 4 of Module 1.4, Schedule 3.

[26] Schedule 3 Module 3.4 – Step 2: Dispersibility rating

Omit “Schedules 4 and 5” from Step 2 of Module 3.4, Schedule 3. Insert instead “Schedules 4 or 4A, and 5”.

[27] Schedule 4 - Heading

Omit the heading, “SCHEDULE 4”. Insert instead “SCHEDULE 4 – Tumut Subregion”.

[28] Schedule 4 – First paragraph

Omit “The following conditions must be complied with in undertaking all forestry activities commenced during this licence period and permitted by this licence.” from the first paragraph of Schedule 4. Insert instead:

This Schedule (Schedule 4) applies with respect to forestry activities in the Tumut Subregion (as defined in clause 1 of this approval) and continues to apply to forestry activities in the South Coast Subregion commenced before the commencement of Schedule 4A. The conditions set out in this Schedule

must be complied with in undertaking those activities, where they are commenced during the licence period and are permitted by this licence.

[29] Schedule 4A

Insert the following Schedule after Schedule 4:

SCHEDULE 4A - South Coast Subregion

(Conditions 9; 11; 16; 17; 18; 22; Schedules 1, 2, 3, & 6)

Operating conditions for scheduled and non-scheduled forestry activities

This Schedule (Schedule 4A) applies with respect to forestry activities in the South Coast Subregion (as defined in clause 1 of this approval), commenced on or after the commencement of this Schedule and during the licence period. The conditions set out in this Schedule must be complied with in undertaking those activities, where they are permitted by this licence. Note that the environmental outcomes specified in this Schedule must be complied with and that the italicised notes are for guidance only. Compliance with the guidance notes may not necessarily achieve the required environmental outcomes, and site-specific techniques must be developed and applied.

A. SITE-SPECIFIC CONDITIONS

1. If prior to, or during forestry activities, it becomes apparent that the conditions of this licence are not capable of achieving the objectives of this licence, State Forests must:
 - a) formulate additional special site-specific conditions aimed at achieving the objectives of this licence; and
 - b) place the site-specific conditions determined under condition 1(a) of this Schedule on file at the Regional Office and produce them on request to an authorised officer (within the meaning of the *Protection of the Environment Operations Act 1997*).
2. Site-specific techniques to achieve the conditions of Schedule 4A must be identified during the planning process. These site-specific techniques must be documented and placed on file at the Regional Office prior to the commencement of forestry activities, and produced on request to an authorised officer (within the meaning of the *Protection of the Environment Operations Act 1997*).

B. MAXIMUM SLOPE LIMITS

3. No harvesting is permitted on land mapped as inherent hazard level 4 in accordance with Module 1 of Schedule 3 of this licence. Where there is an area of unmapped inherent hazard level 4 land within the net harvestable area, trees

may be felled and the logs subsequently extracted by winching, provided that this unmapped area is:

- a) no larger than 50 metres by 50 metres in extent; and
- b) no larger than 2500 square metres; and
- c) not contiguous with any other inherent hazard level 4 land, either within the compartment or adjoining it.

Where harvesting operations occur within this unmapped area of inherent hazard level 4, the following restrictions must be applied:

- a) machinery must not enter this area; and
- b) harvesting operations must only be conducted in months where the monthly erosivity value is less than 300; and
- c) the water flow or potential water flow does not occur along the log furrow surface for a distance exceeding 10 metres; and
- d) State Forests must achieve 70% groundcover on all disturbed areas within five days of the completion of felling of trees in the area. This level of groundcover must be achieved by:
 - i) the respreading or retaining of slash or logging debris; or
 - ii) the spreading of topsoil and seed; and
- e) the area must be clearly identified on the operational map prior to the felling of trees in the area.

C. SEASONALITY RESTRICTIONS

- 4. For land classified as inherent hazard level 3 with an average annual rainfall erosivity between 4000 and 6000, no forestry activities are permitted within the compartment during the periods specified in Module 4 of Schedule 3 of this licence.
- 5. For a compartment or roading area that has an average rainfall erosivity greater than 6000, no forestry activities are permitted on the specified ground slopes for the periods specified in Module 4 of Schedule 3 of this licence.

D. PROTECTION OF DRAINAGE FEATURES

DRAINAGE FEATURE PROTECTION FOR NATIVE FORESTS

- 6. Filter strips, protection zones and operational zones must be retained along all drainage lines, prescribed streams and watercourses as required in Table 1 and Table 1a. They must have a minimum width determined in accordance with Table 1 and Table 1a.

Table 1: Minimum filter strip, protection zone and operational zone widths for mapped and unmapped drainage lines, prescribed streams and watercourses in native forests in Inherent Hazard Level 1 and 2 (metres - measured along the ground surface).

Stream Order	Filter Strip	Protection Zone	Operational Zone
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Unmapped	5	5	10
1st Order	5	5	10
2nd Order	5	15	10
3rd Order	5	25	10
4th Order or greater	5	45	10

Table 1a: Minimum filter strip and operational zone widths for mapped and unmapped drainage lines, prescribed streams and watercourses in native forests in Inherent Hazard Level 3 (metres - measured along the ground surface).

Stream Order	Filter Strip	Operational Zone
Unmapped	10	10
1 st Order	10	10
2 nd Order	20	10
3 rd Order	30	10
4 th Order or greater	50	10

7. The determination of stream order for the purposes of Table 1 and Table 1a must be carried out in accordance with Part B of Schedule 2 of this licence.
8. Filter strips must be retained around all wetlands and swamps and must have a minimum width in accordance with Table 2.

Table 2: Minimum filter strip width for mapped and unmapped wetlands and swamps in native forests (metres - measures along the ground surface).

Total Area of Wetlands or Swamps (ha)		
	0.01 - 0.5 ha	Greater than 0.5 ha
Wetlands or Swamps	10	40

9. Filter strips must be retained around all major water storages and must have a minimum width of 100 metres.
10. *(Note: There is no condition 10 in this Schedule. Condition 10 in Schedule 4, which applies to the Tumut Subregion, is concerned with the Blowering Dam on the Tumut River).*
11. The width of filter strips on watercourses, prescribed streams and drainage lines must be measured from the top of the bank of the incised channel or, where there is no defined bank, from the edge of the channel.

12. The width of filter strips on wetlands and swamps must be measured from the edge of the current saturated zone or from the outer edge of where the vegetation type indicates a wetter micro-environment than the surrounding country, whichever is larger.
13. The area of wetlands and swamps must be measured from the edge of the current saturated zone or from the outer edge of where the vegetation type indicates a wetter micro-environment than the surrounding country, whichever is larger.
14. Where a filter strip extends beyond the boundary of the catchment of the drainage feature that is the subject of the filter strip then the filter strip may be terminated at the catchment boundary.
- 14A. The width of a protection zone must be measured from the edge of the filter strip.
- 14B. The width of an operational zone must be measured from the edge of –
 - a) the protection zone in compartments classified as inherent hazard level 1 or 2; and
 - b) the filter strip in compartments classified as inherent hazard level 3.
15. Buffer strips must be retained along all drainage depressions and must have a minimum width of five metres.
16. The width of buffer strips on drainage depressions must be measured from the apparent centre of the drainage depression.

OPERATIONS WITHIN NATIVE FOREST FILTER STRIPS

17. Trees located in a filter strip must not be felled, except for the purpose of constructing a road crossing, extraction track crossing or snig track crossing.

(Note: See conditions 43 and 44 which restrict the construction of snig track and extraction track crossings in land classified as inherent hazard level 3.)

18. Trees must not be felled into filter strips.
19. Trees that have been accidentally felled into a filter strip may be removed from the filter strip. The crown must be left where it has fallen unless the tree is lifted out of the filter strip, or lifted and moved within the filter strip, using a mechanical harvester.

(Notes:

1. *a tree will be considered as having been accidentally felled into a filter strip if techniques of directional felling were used in an attempt to fell the tree away from the filter strip or an attempt was made using some other method (such as using a mechanical harvester) to fell the tree away from the filter strip;*

2. *it is intended that a tree will be removed from a filter strip only if there are reasonable grounds for believing that the tree will produce at least one high quality timber product (see clause 18A of Part 2A of the approval for definition of “high quality timber product”).)*

- 19A. Where a log is removed from a filter strip, the log furrow produced by this extraction must be:
- a) infilled with soil; or
 - b) drained onto a stable surface capable of handling concentrated water flow.

At least 70% ground cover must then be achieved within 5 days of the creation of the furrow.

- 19B. Seventy percent ground cover must be achieved on all disturbed soil surfaces in a filter strip within five days of the creation of the disturbance. Ground cover must not be achieved by the addition or spreading of gravel or rock.

(Note: The following techniques, or a combination of them, are examples of how 70% ground cover may be achieved:

- a) retain at least 70% existing ground cover;*
- b) retain or respread slash and logging debris over at least 70% of the disturbed soil surface;*
- c) provide artificial ground cover in order to achieve 70% ground cover within the disturbed area, using geotextile or erosion control mats.)*

- 19C. State Forests must document the location of and date on which the tree was accidentally felled into the filter strip and the date and type of remedial work completed to comply with conditions 19A and 19B.

20. Machinery must not enter a filter strip, except for the purpose of constructing or using a road crossing, extraction track crossing or snig track crossing.

(Note: See conditions 43 and 44 which restrict the construction of snig track and extraction track crossings in land classified as inherent hazard level 3.)

OPERATIONS WITHIN PROTECTION ZONES FOR NATIVE FORESTS

- 20A. Trees may be felled into a protection zone.

- 20B. Where a tree is felled into a protection zone, the crown must be left where it has fallen, unless the tree is lifted out of the protection zone, or lifted and moved within the protection zone, using a mechanical harvester.

- 20C. Trees in a protection zone must not be felled, except for the purpose of constructing a road crossing, extraction track crossing or snig track crossing.

20D. Machinery may operate within 5 metres of the boundary of the protection zone and the adjoining operational zone (but at no greater distance from that boundary) for the following purposes:

- a) felling and removing a tree located in the operational zone;
- b) reinstating ground cover in the protection zone and its adjoining filter strip;
- c) removing trees felled into the protection zone;
- d) removing trees accidentally felled into the filter strip.

(Note: It is intended that machinery will enter the protection zone to fell a tree in the operational zone only where there are reasonable grounds for believing that the tree will produce at least one high quality timber product (see clause 18A of Part 2A of the approval for definition of “high quality timber product”).

Conditions 20F and 20G are the only other conditions which permit the entry of machinery into protection zones for limited purposes.)

20E. Machinery must not operate in a protection zone when the soil is saturated.

20F. Machinery may enter a protection zone for the purpose of constructing or using a road crossing, extraction track crossing or snig track crossing.

20G. Machinery must not enter a protection zone to construct or use a road, extraction track or snig track, except in connection with the construction or use of a crossing referred to in condition 20F.

20H. Machinery operating within a protection zone for any of the purposes outlined in condition 20D must:

- a) use walkover techniques;
- b) minimise the skewing of machinery tracks to the greatest extent practicable; and
- c) operate with any blades, rippers or any other attachments in a position that does not disturb the ground surface.

20I. Log furrows produced by log extraction from a protection zone must be:

- a) infilled with soil; or
- b) drained onto a stable surface capable of handling concentrated water flow.

At least 70% ground cover must then be achieved within 5 days of the creation of the furrow.

20J. Seventy percent ground cover must be achieved on all disturbed soil surfaces in a protection zone within five days of the creation of the disturbance. Ground cover must not be achieved by the addition or spreading of gravel or rock.

(Note: The following techniques, or a combination of them, are examples of how 70% ground cover may be achieved:

- a) retain at least 70% existing ground cover;*
- b) retain or respread slash and logging debris over at least 70% of the disturbed soil surface;*
- c) provide artificial ground cover in order to achieve 70% ground cover within the disturbed area, using geotextile or erosion control mats.)*

OPERATIONS WITHIN OPERATIONAL ZONES FOR NATIVE FORESTS

- 20K. Trees may be felled into an operational zone.
- 20L. Where a tree is felled into an operational zone, then the crown may be removed from the operational zone.
- 20M. Trees located in an operational zone are permitted to be felled.
- 20N. Where a tree is felled from within an operational zone, then the crown may be removed.
- 20O. Machinery is permitted to operate in an operational zone.
- 20P. Machinery must not operate in an operational zone when the soil is saturated.
- 20Q. Machinery operating within operational zones must (except when being used to construct or when using a snig track, extraction track or road):
 - a) use walkover techniques; and
 - b) minimise the skewing of machinery tracks to the greatest extent practicable.
- 20R. Machinery must not be used to construct a snig track in an operational zone, except where:
 - a) the construction of a snig track immediately adjacent to the operational zone would result in a sidecut; or
 - b) the snig track is to be used to access a snig track crossing.
- 20S. State Forests must document the location of any snig track that has been constructed in an operational zone, and the date on which it was constructed, under condition 20R.
- 20T. Where a log furrow within an operational zone (produced by log extraction) is located, wholly or partly, within 10 metres of an area of disturbed soil in the adjoining protection zone or adjoining filter strip (in the case of land classified as inherent hazard level 3), the log furrow must be:
 - a) infilled with soil; or

- b) drained onto a stable surface capable of handling concentrated water flow.

At least 70% ground cover must then be achieved within 5 days of the creation of the furrow.

20U. Where soil has been disturbed in a protection zone or a filter strip (in the case of land classified as inherent hazard level 3), then 70% ground cover must also be achieved on disturbed soil in the adjoining operational zone in all of the following areas within that zone:

- a) any area adjacent to soil disturbed in the protection zone or the filter strip;
- b) any area within 10 metres of any soil disturbed in the protection zone or the filter strip.

The required ground cover must be achieved within 5 days of the creation of the disturbance. Ground cover must not be achieved by the addition or spreading of gravel or rock.

(Note: The following techniques, or a combination of them, are examples of how 70% ground cover may be achieved:

- a) retain at least 70% existing ground cover;
- b) retain or respread slash and logging debris over at least 70% of the disturbed soil surface;
- c) provide artificial ground cover in order to achieve 70% ground cover within the disturbed area using geotextile or erosion control mats.

If post harvesting burning has occurred in the operational zone, groundcover is not required to be achieved on areas that have been burnt.)

OPERATIONS WITHIN BUFFER STRIPS FOR NATIVE FORESTS

- 21. Machinery must not operate in buffer strips when the soil is saturated.
- 22. Machinery operating within buffer strips must:
 - a) use walkover techniques wherever possible;
 - b) prevent to the greatest extent practicable the skewing of machinery tracks;
 - c) operate with blade up at all times except when conducting earthworks in accordance with condition 23 of this schedule; and
 - d) not snig along drainage depressions.
- 23. Earthworks must not be undertaken within buffer strips except for the purpose of constructing a road crossing, extraction track crossing or snig track crossing.

E. BORROW PITS AND GRAVEL PITS

24. Runoff from borrow pits and gravel pits must not be discharged into drainage features.
25. Borrow pits and gravel pits must be located outside filter strips, protection zones and operational zones.

F. LOG DUMPS

26. Runoff from log dumps must not be discharged into drainage features.

LOCATION

27. Log dumps must be located outside filter strips, protection zones and buffer strips.
28. For land classified as inherent hazard level 2, log dumps must be located at least 10 metres from the outer boundary of a protection zone, unless the construction of the log dump at least 10 metres from the outer boundary of the protection zone would result in additional excavation compared to a log dump located closer to the protection zone.
29. For land classified as inherent hazard level 3, log dumps must be located at least 20 metres from the outer boundary of a filter strip, unless the construction of the log dump at least 20 metres from the outer boundary of the filter strip would result in additional excavation compared to a log dump located closer to the filter strip.

DEBRIS MANAGEMENT

30. Debris from log dumps must be located outside filter strips, protection zones and buffer strips.
31. For land classified as inherent hazard level 2, debris from log dumps must be located at least 5 metres from the outer boundary of a protection zone.
32. For land classified as inherent hazard level 3, debris from log dumps must be located at least 15 metres from the outer boundary of a filter strip.

WET WEATHER RESTRICTIONS

33. Forwarders, excavators and truck mounted loaders may be used as stationary loaders when there is runoff from the log dump. All other machinery on the log dump must remain stationary when there is runoff from the log dump surface. This condition does not apply to gravelled log dumps.

G. BURNING

34. Post-harvest burning must be carried out in a manner that avoids burning filter strips and protection zones to the greatest extent practicable. Deliberate or negligent burning of filter strips and protection zones must not occur.

35. Where a post-harvest burn has intruded into a filter strip or protection zone, State Forests must put in place soil erosion and sediment control measures within 5 days to prevent water pollution.
36. For land classified as inherent hazard level 2 or 3, post-harvest burning must not be carried out during or within one month prior to those months of the year with an average monthly rainfall erosivity of greater than 1100.
37. For land classified as inherent hazard level 2 or 3, post-harvest burning carried out during those months of the year with an average monthly rainfall erosivity of 900 to 1100 inclusive must use a ground burning (top disposal) method only.

H. SNIG TRACKS AND EXTRACTION TRACKS

38. Spoil from snig track or extraction track construction, upgrading or maintenance must not be placed in watercourses, drainage lines, prescribed streams, swamps or wetlands.
39. Spoil from snig track or extraction track construction, upgrading or maintenance must not be placed in filter strips, protection zones or buffer strips.
40. Blading-off on snig tracks or extraction tracks is not permitted.
41. For land classified as inherent hazard level 2 or 3, the grade of snig tracks must not exceed 25 degrees except to:
 - a) negotiate poorly drained land, rock outcrops or unstable soils; or
 - b) to take advantage of favourable terrain, such as to reach a geologically stable bench or saddle; or
 - c) to take advantage of soil which is more suitable for snig track construction and drainage.

EXTRACTION TRACK AND SNIG TRACK CROSSING OF DRAINAGE FEATURES

42. Snig tracks or extraction tracks must not cross wetlands or swamps.
43. For land classified as inherent hazard level 3, snig tracks or extraction tracks must not cross watercourses.
44. For land classified as inherent hazard level 3, drainage lines must only be crossed using permanent snig track or extraction track crossing structures.
45. The location and type of drainage line and watercourse crossings must be approved by State Forests and marked in the field prior to crossing construction.
46. Drainage features must be crossed using stable structures comprising either causeways, culverts or bridges. Log dams and gully stuffers must not be constructed.

47. Notwithstanding condition 46 of this Schedule, existing log dams and gully stuffers may be used where the stability of the structure can be ensured for the duration of the forestry activity. A suitably qualified person must assess the stability of the structure prior to the commencement of forestry activities.
48. The stability of existing log dams or gully stuffers must be inspected twice weekly during forestry activities. Where an existing log dam or gully stuffer becomes unstable, State Forests must replace the crossing structure within five days.
49. Where existing log dams or gully stuffers are used during forestry activities, State Forests must ensure that the crossing structure is stable at the completion of operations at that crossing.
50. Drainage feature crossings must be designed, constructed, upgraded and maintained to wholly convey a peak flow from a 1:5 year storm event. The determination of the peak flow must be carried out in accordance with Part C of Schedule 2.
51. Drainage feature crossings must be designed, constructed, upgraded and maintained to withstand the peak flow from a 1:10 year storm event. The determination of the peak flow must be carried out in accordance with Part C of Schedule 2.
52. Clearing associated with crossing construction, maintenance and upgrading must be undertaken at, or as close as practicable to, right angles to the water flow unless an angled approach reduces ground and soil disturbance.
53. Drainage feature crossing construction, maintenance and upgrading must be undertaken in a manner which prevents disturbance to the bed and banks of the drainage feature to the greatest extent practicable.
54. Disturbed areas resulting from drainage feature crossing construction, upgrading or maintenance must be re-shaped and soil stabilisation measures put in place within five days to achieve a stable cross section, unless the soil is saturated. Where the soil is saturated, machinery must not enter the disturbed area and temporary soil stabilisation and sediment control measures must be implemented within the five days. Permanent soil stabilisation measures must be put in place as soon as the soil is not saturated.
55. The construction, upgrading and maintenance of drainage feature crossings must restrict disturbance of vegetation and groundcover in filter strips, protection zones and buffer strips to a maximum length of 3 metres upstream and downstream of the crossing. Where clearing beyond 3 metres is necessary during construction, upgrading and maintenance of drainage feature crossings, State Forests may approve additional clearing, and must document the approval and the reasons why it was necessary. This documentation must be kept on file at the Regional Office.

56. Soil erosion and sediment control measures must be employed and maintained during drainage feature crossing construction, maintenance and upgrading operations that take more than one day to complete. Soil erosion and sediment control measures must be:
- a) properly installed, constructed and maintained;
 - b) prevent to the greatest extent practicable the flow from the extraction track or snig track entering the disturbed areas; and
 - c) prevent to the greatest extent practicable the deposition of spoil into the drainage feature.
57. Soil stabilisation must be undertaken to all disturbed areas within 20 metres either side of a snig track or an extraction track crossing of a watercourse or drainage line. This does not include the track surface or track drainage structures within 20 metres either side of the watercourse or drainage line. Soil stabilisation must be completed within five days of crossing construction, upgrading and maintenance operations.

BRIDGES

58. Soil stabilisation measures must be used to protect bridge embankments from table drain discharge. This must be completed within five days of construction, upgrading and maintenance operations at that crossing.
59. Where soil or gravel is used as the pavement for the bridge surface, structures must be installed to prevent soil or gravel from entering the drainage feature. Soil or gravel deposited within the drainage feature must be removed. Removal of soil or gravel must be undertaken in a manner which prevents disturbance to the bed and bank of the drainage feature to the greatest extent practicable.
60. Disturbed areas resulting from the removal of soil or gravel from the drainage feature must be re-shaped and soil stabilisation measures put in place within five days to achieve a stable cross section, unless the soil is saturated. Where the soil is saturated, machinery must not enter the disturbed area and temporary soil stabilisation and sediment control measures must be implemented within the five days. Permanent soil stabilisation measures must be put in place as soon as the soil is not saturated.

CULVERTS

61. Fill material, including soil or gravel, placed on pipes and used as the crossing surface must not be placed upstream of the culvert inlet or in the downstream flowpath of the culvert outlet.
62. Soil stabilisation measures must be used to protect the upstream and downstream fill batters surrounding the culvert pipe(s). This must be completed within five days of crossing construction and maintenance operations.

63. Pipe outlets must discharge onto a stable surface capable of handling concentrated water flow. Scouring at the pipe outlet must not undermine the crossing structure or initiate gully erosion.
64. Culvert recovery and removal of associated soil fill must be undertaken in a manner which prevents disturbance to the bed and banks of the drainage feature to the greatest extent practicable.
65. Where a culvert is removed, the disturbed areas within the drainage feature must be re-shaped and soil stabilisation measures put in place within five days to achieve a stable cross section, unless the soil is saturated. Where the soil is saturated, machinery must not enter the disturbed area and temporary soil stabilisation and sediment control measures must be implemented within the five days. Permanent soil stabilisation measures must be put in place as soon as the soil is not saturated.

CAUSEWAYS

66. The bed and banks of causeway crossings must consist of a stable surface or be constructed of an erosion resistant material.

TEMPORARY EXTRACTION TRACK AND SNIG TRACK CROSSINGS

67. Temporary crossings must be immediately removed at the completion of their use. Removal of temporary crossings must prevent disturbance to the greatest extent practicable to the bed and banks of the drainage line or watercourse.
68. Where a temporary crossing is removed, the disturbed area must be re-shaped and soil stabilisation measures put in place within five days to achieve a stable cross section, unless the soil is saturated. Where the soil is saturated, machinery must not enter the disturbed area and temporary soil stabilisation and sediment control measures must be implemented within the five days. Permanent soil stabilisation measures must be put in place as soon as the soil is not saturated.

DISPERSIBLE SOILS

69. Where snig track or extraction track crossings of drainage lines or watercourses are constructed, upgraded or maintained in dispersible soils, State Forests must achieve at least 70% groundcover on the track surface within 20 metres either side of the crossing. This must be achieved at the completion of operations at each crossing.

(For example this could be achieved by one of the following techniques, or a combination thereof:

- a) *retain at least 70% existing ground cover using walkover techniques;*
- b) *retain or respread slash and logging debris over at least 70% of the snig track or extraction track surface within 20 metres; or*

- c) *provide a non-dispersive cover, over at least 70% of the snig track or extraction track surface within 20 metres.)*

DRAINAGE OF EXTRACTION TRACKS AND SNIG TRACKS

70. Snig track and extraction track drainage must be located and constructed to ensure that water flow or potential water flow does not occur on snig track or extraction track surfaces for distances exceeding those given in Table 3.

(For example this could be achieved by one of the following techniques, or a combination thereof:

- a) *retain existing ground cover using walkover techniques;*
- b) *retain or cover track surface with slash and logging debris;*
- c) *construct or maintain track with outfall drainage; or*
- d) *construct track drainage structures.)*

71. Where extraction tracks are used, existing groundcover must be retained by using walkover techniques, or the track surface covered with slash and logging debris. Where concentrated water flow or potential water flow occurs along bare ground in wheel ruts, State Forests must ensure that the distance of the water flow does not exceed those specified in Table 3.

72. Where track drainage structures are used they must be located, constructed and maintained to:

- a) have sufficient capacity to convey the peak flow from a 1:2 year storm event. The determination of the peak flow must be carried out in accordance with Part C of Schedule 2; and
- b) divert water onto stable surfaces which are capable of handling concentrated water flow and which provide for efficient sediment trapping.

Table 3: Maximum distance of water flow or potential water flow along snig track or extraction track surface (metres - measured along the ground surface).

Track Grade (degrees)	Maximum Distance (metres)
5	100
10	60
15	40
20	25
25	20
30	15

Table 3 may be interpolated to derive site-specific maximum spacings.

73. Where crossbanks are used, State Forests may elect not to calculate the capacity of the crossbanks in accordance with condition 72(a) of this schedule. In these cases the crossbanks must be constructed to a minimum unconsolidated effective height of 35 cm or a consolidated effective bank height of 25 cm. A maximum height of 50 cm unconsolidated is recommended. Where State Forests elects to calculate the capacity of the crossbank in accordance with condition 72(a) of this schedule, the calculations must be kept on file at the Regional Office.
74. Snig tracks and extraction tracks must be drained between 5 metres and 20 metres from drainage line or watercourse crossings. This distance must be measured from the top of the bank of the incised channel, or where there is no defined bank, from the edge of the channel. Where this cannot be achieved between 5 metres and 20 metres from the drainage line or watercourse, site-specific techniques must be employed to prevent the pollution of waters.
75. Where practicable, constructed snig tracks must be drained between 5 metres and 20 metres from drainage depression crossings. The distance must be measured from the apparent centre of the drainage depression.
76. Where a storm event exceeding the design criteria of track drainage structures occurs within 12 months of the completion of forestry activities, State Forests must assess track drainage structures and repair any that do not comply with the requirements of condition 72 of this schedule, unless such track repair work increases the risk of water pollution. Additional track drainage structures must be constructed and soil stabilisation works undertaken, where this would reduce the risk of water pollution.
77. Crossbanks must not be constructed of bark.
78. Windrows resulting from snig track construction, upgrading or maintenance operations must be removed from the shoulders of snig tracks unless specifically constructed to prevent erosion of fill batters or where infall drainage is used. Where it is not possible to remove windrows they must be cut through at regular intervals to ensure that water flow on the track surface does not exceed the distances specified in Table 3.
79. Drainage must be effected as soon as practicable at the completion of operations on each extraction track or snig track, and in any event within two days, unless the soil is saturated. State Forests must document instances where saturated soil conditions preclude the construction of effective drains.
80. Drainage must be installed if the use of an extraction track or snig track is to be temporarily discontinued in excess of five days, unless the soil is saturated. State Forests must document instances where saturated soil conditions preclude the construction of effective drains.

WET WEATHER RESTRICTIONS

81. Tracks must not be used where:

- a) there is run off from the snig track surface; or
- b) there is a likelihood of significant rutting leading to turbid runoff from the track surface.

DOWNHILL SNIGGING

- 82. Where downhill snig tracks connect directly with a log dump or log landing, one of the following techniques or a combination thereof must be used:
 - a) snig tracks must enter the log dump or log landing from the side or below; or
 - b) a drainage structure must be in place immediately before a snig track enters the log dump or log landing at the end of each day's operation.

I. STORAGE AND HANDLING OF HAZARDOUS SUBSTANCES AND WASTE

- 83. Fuel oils must be stored and handled in compliance with the requirements of AS1940 (1993)- "The storage and handling of flammable and combustible liquids".
- 84. Mobile fuel tanks must not be located within, or within 10 metres of the boundary of, a filter strip or protection zone.
- 85. The transportation and storage of fuel, and the refuelling of equipment, must be carried out in a manner which prevents the pollution of waters as a result of the escape of fuel.
- 86. Chemicals must be stored and handled in compliance with the requirements of the Control of Workplace Hazardous Substances - National Model Regulation and National Code of Practice, June 1991, published by Worksafe Australia.
- 87. Plant and equipment and other substances and materials on the site of forestry activities must be handled, operated, moved and stored in a proper and efficient manner for the purposes of preventing the pollution of waters.
- 88. All servicing and repairs of equipment must be carried out in a manner which prevents the pollution of surface and ground waters.
- 89. Waste must not be buried or otherwise deposited in a compartment or roading area.
- 90. The general work area must be kept free of waste generated during forestry activities.
- 91. Waste must be properly and efficiently stored until it can be removed from the forest.

92. Waste stored for removal must be removed within seven days after completion of harvesting or roading operations in the compartment or roading area.
93. Waste must be removed from the forest and disposed of in a proper and efficient manner at an appropriate facility.
94. In conditions 89 to 93 of this Schedule, "waste" includes but is not limited to tyres, drums, wire rope, sump oil and litter, but does not include forest or logging debris.

[30] Schedule 5 (B. Roads) Condition 6

Omit condition 6 of Schedule 5. Insert instead:

6. substantial tree debris resulting from road construction, upgrading or maintenance operations must be placed outside the boundary of filter strips or protection zones.

[31] Schedule 5 (H. Road batters) Condition 33

Omit condition 33 of Schedule 5. Insert instead:

33. Where during road construction, the toe of a fill batter intrudes into a filter strip or protection zone, site specific mitigating techniques must be employed to prevent water pollution to the greatest extent practicable.

[32] Schedule 5 (J. Drainage feature crossings) Condition 47

Omit condition 47 of Schedule 5. Insert instead:

47. The construction and maintenance of drainage feature crossings must restrict disturbance of vegetation and groundcover in filter strips, protection zones and buffer strips to a maximum length of 3 metres upstream and downstream of the crossing. Where clearing beyond 3 metres is necessary during construction and maintenance of drainage feature crossings, State Forests may approve additional clearing and document the approval and the reasons why it is necessary.

[33] Schedule 5 (J. Drainage feature crossings) Condition 51

Omit condition 51 of Schedule 5. Insert instead:

51. Spoil from road construction, upgrading and maintenance operations must not be placed in filter strips, protection zones or buffer strips.

[34] Schedule 6 (Information that must be recorded and maintained by State Forests)

Omit "Schedule 4" wherever occurring in Schedule 6. Insert instead "Schedule 4 or 4A".

[35] Schedule 6 Condition 3 (e) and (f)

Insert at the end of condition 3 of Schedule 6:

- e) the date on which a tree is accidentally felled into a filter strip and its location, and the type of remedial work undertaken to comply with conditions 19A and 19B of Schedule 4A and the date on which that work was completed;
- f) the location of any snig track constructed in an operational zone, and the date on which it was constructed, under condition 20R of Schedule 4A.

**SCHEDULE 3 – AMENDMENTS TO THE TERMS OF THE LICENCE
UNDER THE THREATENED SPECIES CONSERVATION ACT 1995
APPLYING TO THE SOUTH COAST SUBREGION, SET OUT IN APPENDIX
B OF THE APPROVAL**

[1] Definitions and Abbreviations

Omit the definitions of “Harvesting machinery” and “Snig track”. Insert instead the following definitions in alphabetical order:

“Directional felling” means the felling of a tree at a particular angle so that it falls in a pre-determined direction.

“Harvestable area” means any area within a tract of forested land that contains timber that may be harvested, and does not include any area in respect of which there is a prohibition on the felling of trees located within the area for the purpose of timber production by or under an Act, including under this approval. (For the purposes of this definition, a tree is to be treated as located within an area only if its base is located within the area).

Note: The definition of “harvestable area” was inserted by amendments to the licence made in 2004. The term appears only in the new provisions inserted by those “buffer on buffer” amendments (see, for example, conditions 5.1A, 5.1B and 5.1C). The terms “net logging area” and “net survey area” are also used in the licence.

“Harvesting machine” and “harvesting machinery” mean any mechanical or other harvester, rubber-tyred skidder, bulldozer and any other wheeled or tracked machine that is built to be propelled by a motor that forms part of the machine and that is capable of being used for the cutting or removal of timber.

“High quality timber product” means a high quality large log within the meaning of clause 5 of this approval and any other log at least 2.4 metres long that in the opinion of SFNSW is of a high quality, such as a log that may be used for veneer or as a pile, pole or girder.

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

“Protection zone” means a protection zone (hard), or a protection zone (soft), that is required to be established under condition 5.7 (riparian habitat protection).

“Snig track” means a route along which logs are hauled or dragged to a log dump, landing or stockpile, whether or not wholly on the ground or partly supported off the ground.

“Snigging” means dragging or hauling a log to a log dump, landing or stockpile, whether or not wholly on the ground or partly supported off the ground.

“Walk-over” means timber extraction or snigging without removing ground cover, that is, without snig track construction or blading off being involved and with any blades, rippers and similar attachments positioned so that they do not disturb the ground.

[2] Definition of “net logging area”

Omit “stream exclusion zones” from the definition of “net logging area”.
Insert instead “protection zones”.

[3] References to condition 5.1 (b) in all conditions

Omit “condition 5.1 (b)” wherever occurring in the licence, other than in conditions that are omitted or inserted by this amending instrument. Insert instead “condition 5.1D”.

[4] Conditions 2.3, 2.4 and 2.5

Insert after condition 2.2:

2.3 Trees accidentally felled into exclusion zone or other protected area

- a) For the purposes of this licence, a tree is accidentally felled into an area, such as an exclusion zone, if it is apparent that:
- i. techniques of directional felling were used in an attempt to fell the tree away from the area; or
 - ii. an attempt was made using some other method (such as a mechanical harvester) to fell the tree away from the area.
- b) However, a tree is not accidentally felled into an area if the person responsible for the felling knew, or could reasonably have been expected to know, that the tree would fall into the area.

2.4 References to equivalent terms in IFOA to be implied

A reference in this licence to another condition of this licence that authorises, requires or prohibits anything to be done is taken to include a reference to another provision of this approval (of which the terms of this licence form a part) to the same effect.

Note: The Integrated Forestry Operations Approval for the Southern Region comprises the “non-licence” terms (clauses 1-64), the terms of the licence under the Protection of the Environment Operations Act 1997, the terms of this licence under the Threatened Species Conservation Act 1995 applying to the South Coast Subregion (and the terms of the licence under that Act applying to the Tumut Subregion) and the terms of the licence under Part 7A of the Fisheries Management Act 1994. Clause 10 and Part 2A of the “non-licence” terms, in so far as they apply to high conservation value old growth forest, rainforest and rainforest exclusion zones, and rare non-commercial forest ecosystems, have the same effect as conditions of this licence (see, in particular, conditions 5.3, 5.4 and 5.5). Condition 2.4 ensures that a reference in this

licence to anything that may or must be done, or must not be done, under this licence is to be read as including a reference to another provision of the approval to the same effect (such as clause 10 or a provision of Part 2A).

2.5 Base of tree located where its centre is located

For the purposes of this licence, the base of a tree is to be treated as located in an area if the centre of its base is in that area.

[5] Condition 3 (a)

Omit “exclusion zones and buffer zones” from the second sentence of condition 3 (a). Insert instead “exclusion zones, protection zones and buffer zones”.

[6] Condition 4.1 (a)

Insert “and protection zones” after “exclusion zones” in condition 4.1 (a).

[7] Condition 5.1 (a)-(a5)

Omit condition 5.1 (a). Insert instead:

Note: The following condition (condition 5.1) prohibits or restricts forestry activities in exclusion zones. Separate conditions (conditions 5.3, 5.4, 5.5 and 5.7) set out what may or may not be done in areas of High Conservation Value Old Growth Forest, Rainforest and Rainforest exclusion zones, Rare Non-Commercial Forest Ecosystems and protection zones.

- a) A reference in this condition (being condition 5.1) to an exclusion zone is a reference to an exclusion zone referred to in any of the following conditions:
- condition 5.8 (“Ridge and Headwater Habitat”)
 - condition 5.9 (“Wetlands”)
 - condition 5.10 (“Heath and Scrub”)
 - condition 5.11 (“Rocky Outcrops and Cliffs”)
 - condition 5.13 (“Bird Nest and Roost Site Protection”)
 - condition 5.14.1 (“Tree Roost Protection”)
 - condition 5.14.2 (“Subterranean Roost Protection”)
 - condition 5.14.3 (“Significant Subterranean Roost Protection”)
 - condition 6.1 (“Green and Golden Bell Frog *Litoria aurea*”)
 - condition 6.2 (“Giant Burrowing Frog *Heleioporus australiacus*”)
 - condition 6.3 (“Stuttering Frog *Mixophyes balbus*”)
 - condition 6.4.1 (“Large Forest Owls: Site Based Approach”)
 - condition 6.4.2 (“Large Forest Owls: Landscape Approach”)
 - condition 6.6 (“Southern Brown Bandicoot *Isodon obesulus*”)
 - condition 6.8 (“Smoky Mouse *Pseudomys fumeus*”)
 - condition 6.9 (“Brush-tailed Phascogale *Phascogale tapoatafa*”)
 - condition 6.10 (“Spotted-tailed Quoll *Dasyurus maculatus*”)

- condition 6.11 (“Koala *Phascolarctos cinereus*”)
 - condition 6.12 (“Squirrel Glider *Petaurus norfolcensis*”)
 - condition 6.13 (“Yellow-bellied Glider *Petaurus australis*”)
 - condition 6.14 (“Golden-tipped Bat *Kerivoula papuensis*”)
 - condition 6.15 (“Large-footed Mouse-eared *Myotis adversus*”)
 - condition 6.16.2 (“Exclusion of specified forestry activities from 100% of individuals with a 10 metre exclusion zone and a further 10 metre buffer”)
 - condition 7 (b) (“General survey requirements”).
- a1) Condition 5.1 (a2) to (a5) applies to an area protected by an exclusion zone in the same way as it applies to the exclusion zone itself. For example, the rules in condition 5.1 (a2) apply to the wetlands, areas of heath and scrub, and rocky outcrops and cliffs that are referred to in conditions 5.9, 5.10 and 5.11, respectively, as well as to the exclusion zones surrounding these areas.
- a2) The following rules apply to an exclusion zone, except as varied by this condition (being condition 5.1) and conditions 5.1A, 5.1B, 5.1C, 5.1D and 5.20:
- i. specified forestry activities are prohibited in an exclusion zone;
 - ii. no tree is to be felled into an exclusion zone. If a tree falls into an exclusion zone, then no part of the tree can be removed;
 - iii. harvesting machinery is not to be used in an exclusion zone.
- a3) Condition 5.1 (a2) is not breached where a tree (or part of a tree) is accidentally felled into an exclusion zone.
- Note: Condition 5.1A (f) - (h) allows the removal of trees accidentally felled into exclusion zones, apart from exclusion zones around wetlands or heath and scrub respectively. Trees accidentally felled into wetlands or heath or scrub, or their surrounding exclusion zones, may not be removed (because of condition 5.1 (a2) (ii)).*
- a4) A road may be re-opened, and routine maintenance on a road may be carried out, in an exclusion zone. In the case of a ridge and headwater habitat exclusion zone referred to in condition 5.8, a road may be re-opened only in accordance with condition 5.8 (f).
- a5) Harvesting machinery may travel along roads and snig tracks (located within exclusion zones) that were in existence at the time of commencement of this approval or that have been constructed in accordance with this approval (but only if any subsequent re-opening or brushing-up has been done in accordance with this approval).

Note: See condition 5.1D for requirements relating to construction of roads, and construction, re-opening or brushing-up of snig tracks.

[8] Condition 5.1 (b), (c), (f), (g), (h), (i) and (j)

Omit condition 5.1 (b), (c), (f), (g), (h), (i) and (j).

[9] Condition 5.1 (k)

Omit “re-opening or the construction of a road or snig track” from condition 5.1 (k). Insert instead “re-opening of a road or re-opening or brushing-up of a snig track, or the construction of a road or snig track,”.

[10] Conditions 5.1A, 5.1B, 5.1C, 5.1D and 5.1E

Insert after condition 5.1:

5.1A Entry of harvesting machinery into exclusion zones and removal of trees accidentally felled into those zones

- a) This condition (being condition 5.1A) applies to all exclusion zones set out in condition 5.1 (a) other than an exclusion zone referred to in condition 5.9 or condition 5.10 (being an exclusion zone around wetland or heath and scrub, respectively). In addition, the provisions of condition 5.1A (f) and (g) apply to the following areas in the same way as they apply to exclusion zones:
- i. areas of rocky outcrops and cliffs (as referred to in condition 5.11);
 - ii. buffer zones around dams for the protection of frogs (as referred to in condition 5.12).

Entry and use of harvesting machinery within exclusion zones

- b) A harvesting machine may enter, and be used within, an exclusion zone in order to fell and remove any tree whose base is in the harvestable area, in the course of a harvesting operation for the purpose of timber production (including a thinning operation that has timber production as one of its purposes).
- c) However, a harvesting machine may enter and be used within an exclusion zone to fell a tree whose base is in the harvestable area only if:
- i. the tree cannot be felled from outside the exclusion zone, using the techniques of directional felling, so that it does not fall into the exclusion zone; and
 - ii. there are reasonable grounds for believing, when the tree is selected for felling, that it will produce at least one high quality timber product.

The harvesting machine may be used only to fell the tree away from the exclusion zone (that is, into the harvestable area).

- d) A harvesting machine may be operated under this condition (being condition 5.1A) within an exclusion zone only using walkover techniques and in such a way so as:
- i. to minimise skewing of its tracks (if any) to the greatest extent practicable; and
 - ii. to minimise disturbance to the ground (including vegetation) within the exclusion zone to the greatest extent practicable.

In particular, a harvesting machine may be operated within an exclusion zone, under this condition, only with any blades, rippers or other similar attachments positioned so that they do not disturb the ground (including vegetation).

- e) The wheels or tracks of the harvesting machine must remain wholly within 5 metres from the boundary of the zone when being used under this condition (being condition 5.1A).

Removal of trees felled into exclusion zones accidentally

- f) A tree that has been accidentally felled into an exclusion zone in the course of a harvesting operation for the purpose of timber production (including a thinning operation that has timber production as one of its purposes) may be removed from the zone.
- g) However, the tree may be removed only if there are reasonable grounds for believing that the tree will produce at least one high quality timber product. For the avoidance of doubt, any part of the tree may be removed (subject to condition 5.1C (b) (i)) even though that particular part is unlikely to produce a high quality timber product.
- h) For the avoidance of doubt, nothing in condition 5.1B relating to soft exclusion zones affects the authority conferred by this condition (being condition 5.1A) to remove trees that have been accidentally felled into such a zone. Accordingly, the total number of trees that are removed from a soft exclusion zone in a particular harvesting operation may exceed the number referred to in condition 5.1B (d) (ii).

5.1B Six trees may be felled across any 200 metre length of boundary of certain exclusion zones

Note: The following condition applies to a subclass of exclusion zones (“soft exclusion zones”) so as to allow a limited number of trees to be felled into the zones. Condition 5.1A (“Entry of harvesting machinery into exclusion zones and removal of trees accidentally felled into those zones”) also applies to these soft exclusion zones.

- a) This condition (being condition 5.1B) applies only to the exclusion zones referred to in the following conditions:
- condition 5.8 (“Ridge and Headwater Habitat”)
 - condition 5.11 (“Rocky Outcrops and Cliffs”)
 - condition 6.2 (“Giant Burrowing Frog *Heleioporus australiacus*”)
 - condition 6.3 (“Stuttering Frog *Mixophyes balbus*”)
 - condition 6.4.1 (“Large Forest Owls: Site Based Approach”)
 - condition 6.4.2 (“Large Forest Owls: Landscape Approach”)
 - condition 6.6 (“Southern Brown Bandicoot *Isoodon obesulus*”)
 - condition 6.8 (“Smoky Mouse *Pseudomys fumeus*”)
 - condition 6.9 (“Brush-tailed Phascogale *Phascogale tapoatafa*”)
 - condition 6.10 (“Spotted-tailed Quoll *Dasyurus maculatus*”)
 - condition 6.11 (“Koala *Phascolarctos cinereus*”)
 - condition 6.12 (“Squirrel Glider *Petaurus norfolcensis*”)

- condition 6.13 (“Yellow-bellied Glider *Petaurus australis*”).

An exclusion zone to which this condition applies is referred to in this condition as a soft exclusion zone.

- b) A tree whose base is in a harvestable area may be felled into, and removed from, a soft exclusion zone in a harvesting operation for the purpose of timber production (including a thinning operation that has timber production as one of its purposes) if:
 - i. it is not practicable to fell the tree so that it falls wholly outside the zone; and
 - ii. there are reasonable grounds for believing, when the tree is selected for felling, that it will produce at least one high quality timber product; and
 - iii. the tree is felled in such a way so as to avoid as far as practicable damage to the trees growing in the zone.
- c) However, no harvesting machinery may enter, or be used within, a soft exclusion zone for the purpose of felling a tree into the zone under this condition (being condition 5.1B).

Note: Harvesting machinery may enter an exclusion zone to which condition 5.1B applies under condition 5.1A for the purpose of felling trees outside the zone away from the zone. However, harvesting machinery may not be used within the zone for felling trees into the zone.

- d) In any one harvesting operation:
 - i. no more than six trees may be felled under this condition (being condition 5.1B) across any 200 metre length of the boundary of the soft exclusion zone, whatever two hundred metre length of the boundary is considered; and
 - ii. the number of trees that may be removed under this condition (being condition 5.1B) may not exceed the number calculated by applying the principle set out in condition 5.1B (d) (i).
- e) For the avoidance of doubt, the number of trees that may be felled into, or removed from, a soft exclusion zone in a harvesting operation is not reduced by the number of trees that are accidentally felled into the zone, or subsequently removed from the zone under condition 5.1A, in the same harvesting operation.
- f) Without affecting the operation of condition 5.1B (b) (ii), a part of a tree that has been felled into a soft exclusion zone under this condition may be removed (subject to condition 5.1C (b) (i)) even though that particular part is unlikely to produce a high quality timber product.

Note: Condition 5.1B (b) (ii) restricts the trees that may be selected for felling under this condition to those which are likely to produce at least one high quality timber

product. Under condition 5.1C (b) (i), the crown of the tree must be left where it has fallen, as a general rule.

- g) For the avoidance of doubt:
 - i. if the total length of the boundary of a soft exclusion zone is less than 200 metres, no trees may be felled across that boundary under this condition (being condition 5.1B); and
 - ii. a boundary of a soft exclusion zone continues despite its intersection with another exclusion zone or other area that is not a harvestable area (such as a high conservation value old growth forest or wetland). Accordingly, for the purpose of determining whether trees (and how many trees) may be felled across the boundary of a soft exclusion zone, any part of the boundary that is located within another area may be taken into account.

Note: The following example illustrates the effect of condition 5.1B (g) (ii). Under condition 6.13, a 50 metre radius exclusion zone must be implemented around a Yellow-bellied Glider den, resulting in an exclusion zone having a boundary of approximately 300 metres. Assume that this exclusion zone overlaps with an area of high conservation value old growth forest, with 200 metres or so of the boundary of the exclusion zone being located within the HCVOG and the other 100 metres of the boundary adjoining the harvestable area. Trees are not permitted to be felled into the HCVOGF for the purpose of timber production. However, trees may be felled into the exclusion zone around the Yellow-bellied Glider den under condition 5.1B. For the purpose of determining if, and how many, trees may be felled across the 100 metres of the boundary of that exclusion zone adjoining the harvestable area, the 200 metres of the boundary that is located within the HCVOGF may be taken into account. Accordingly, 6 trees may be felled across that 100 metres of boundary adjoining the harvestable area (but no trees may be felled across the 200 metres or so of the boundary that is located within the HCVOGF).

5.1C Rules for removing timber from exclusion zones

- a) This condition (being condition 5.1C) regulates the manner of removal of timber from exclusion zones in harvesting operations (including thinning operations that have timber production as one of their purposes). It applies only to:
 - i. trees that have been accidentally felled into an exclusion zone and that may be removed from the zone under condition 5.1A; and
 - ii. trees that have been felled into a soft exclusion zone and that may be removed from the zone under condition 5.1B.
- b) A tree may be removed from an exclusion zone only in accordance with the following rules:
 - i. the crown must be left where it has fallen, unless the whole of the tree (or the whole of that part of the tree that has fallen into the zone) is removed from the zone, or is moved within the zone, using a mechanical harvester;

- ii. in removing any part of the tree (or logs into which the tree is cut) from the zone, any disturbance to the ground (including vegetation) must be minimised as far as practicable;
 - iii. where practicable, any part of the tree that has fallen into the zone (or logs into which the tree is cut) must be removed from the zone without contacting the ground. In any other case, contact with the ground must be minimised as far as practicable;
 - iv. the wheels or tracks of any machinery used to remove any part of the tree that has fallen into the zone (or logs into which the tree is cut) must remain outside the zone.
- c) Snigging may be carried out to remove a part of the tree (apart from the tree's crown) or any logs into which the tree is cut from the exclusion zone, but only if:
 - i. applying the rules set out in condition 5.1C (b), this is the only practicable method of removing that part of the tree or those logs; and
 - ii. the wheels or tracks of any machinery involved in the snigging remain outside the exclusion zone (as required by condition 5.1C (b) (iv)).
- d) Despite condition 5.1C (b) (iv) and condition 5.1C (c) (ii), where a harvesting machine has entered an exclusion zone under condition 5.1A for the purpose of felling trees away from the zone, it may also be used to remove a tree or part of a tree felled into the zone.
- e) However, the wheels or tracks of the harvesting machine may not (to any significant extent) be repositioned or moved within the exclusion zone solely for the purpose of removing the tree or part of the tree from the zone. In other words, the wheels or tracks may be repositioned or moved significantly only if this is necessary for a purpose related to felling and removing trees in the harvestable area.
- f) The restrictions on the operation of harvesting machinery within an exclusion zone set out in condition 5.1A (d) and (e) apply to the operation of a machine when removing a tree or part of a tree felled into the zone. For example, the machine must remain wholly within 5 metres from the boundary of the zone and must be operated using only walkover techniques.

5.1D Roads and snig tracks in threatened species exclusion zones – construction etc.

- a) This condition (being condition 5.1D) makes provision for the construction of roads and snig tracks, and the re-opening or brushing-up of snig tracks, within certain exclusion zones. An exclusion zone that is required to be established under any of the following conditions is referred to in this condition as a threatened species exclusion zone:
 - condition 5.13 (“Bird Nest and Roost Site Protection”)
 - condition 5.14.1 (“Tree Roost Protection”)
 - condition 5.14.2 (“Subterranean Roost Protection”)

- condition 5.14.3 (“Significant Subterranean Roost Protection”)
- condition 6.1 (“Green and Golden Bell Frog *Litoria aurea*”)
- condition 6.2 (“Giant Burrowing Frog *Heleioporus australiacus*”)
- condition 6.3 (“Stuttering Frog *Mixophyes balbus*”)
- condition 6.4.1 (“Large Forest Owls: Site Based Approach”)
- condition 6.4.2 (“Large Forest Owls: Landscape Approach”)
- condition 6.6 (“Southern Brown Bandicoot *Isoodon obesulus*”)
- condition 6.8 (“Smoky Mouse *Pseudomys fumeus*”)
- condition 6.9 (“Brush-tailed Phascogale *Phascogale tapoatafa*”)
- condition 6.10 (“Spotted-tailed Quoll *Dasyurus maculatus*”)
- condition 6.11 (“Koala *Phascolarctos cinereus*”)
- condition 6.12 (“Squirrel Glider *Petaurus norfolcensis*”)
- condition 6.13 (“Yellow-bellied Glider *Petaurus australis*”)
- condition 6.14 (“Golden-tipped Bat *Kerivoula papuensis*”)
- condition 6.15 (“Large-footed Mouse-eared *Myotis adversus*”)
- condition 6.16.2 (“Exclusion of specified forestry activities from 100% of individuals with a 10 metre exclusion zone and a further 10 metre buffer”).

- b) A reference in this condition (being condition 5.1D) to a SFNSW report and authority is a reference to the report that the relevant SFNSW regional manager (or more senior officer) has prepared in accordance with Schedule 6 or 6A to this licence and his or her authorisation of the proposed construction or re-opening of the road or snig track, as required by condition 5.3 (“High Conservation Value Old Growth Forest”), condition 5.4 (“Rainforest”), condition 5.5 (“Rare Non-Commercial Forest Ecosystems”) or condition 5.7 (“Riparian Habitat Protection - protection zones”), as applicable.

Construction of roads and snig tracks within threatened species exclusion zones

- c) A road or snig track may be constructed in a threatened species exclusion zone, but only if all of the following requirements are met:
- i. the threatened species exclusion zone (or that part of the zone for which the road or snig track is proposed) is located within a high conservation value old growth forest, a rainforest or rainforest exclusion zone, a rare non-commercial forest ecosystem or a protection zone;
 - ii. in the case of a proposed snig track, no part of the threatened species exclusion zone for which the snig track is proposed is located within an exclusion zone referred to in any of the following conditions:
 - condition 5.8 (“Ridge and Headwater Habitat”)
 - condition 5.9 (“Wetlands”)
 - condition 5.10 (“Heath and Scrub”)
 - condition 5.11 (“Rocky Outcrops and Cliffs”)
 - condition 7 (b) (“General survey requirements”);

- iii. in the case of a proposed road, no part of the threatened species exclusion zone for which the road is proposed is located within an exclusion zone referred to in any of the following conditions:
 - condition 5.9 (“Wetlands”)
 - condition 5.10 (“Heath and Scrub”)
 - condition 5.11 (“Rocky Outcrops and Cliffs”)
 - condition 7 (b) (“General survey requirements”);
- iv. the Department of Environment and Conservation has approved in writing the construction of the road or snig track (before the commencement of the construction), following receipt of the relevant SFNSW report and authority.

Note: See condition 5.8 (f) which deals separately with the construction of roads and road re-opening within ridge and headwater habitat exclusion zones.

- d) The construction of the road or snig track may be carried out only in accordance with the conditions (if any) imposed by the Department of Environment and Conservation as part of its approval, relating to the mitigation or amelioration of the impacts of the proposed construction on the threatened species exclusion zone.

Note: The construction of a road or snig track in an exclusion zone is also subject to the requirements set out in the conditions relating specifically to high conservation value old growth forest, rainforest and rainforest exclusion zones, rare non-commercial forest ecosystems or protection zones (as applicable).

See also condition 5.1 (k) that authorises a road or snig track that has been constructed or re-opened or brushed-up under the licence to be used for snigging.

Re-opening of snig tracks within threatened species exclusion zones

- e) A snig track (including a snig track that was in existence before the commencement of this approval) within a threatened species exclusion zone or an exclusion zone that is referred to in condition 5.8 (“Ridge and Headwater Habitat”) or 7 (b) (“General survey requirements”) that has become re-vegetated may be re-opened (by clearing, scraping or treating regrowth), but only if all of the following requirements are met:
 - i. the threatened species or other exclusion zone (or that part of the exclusion zone in which the snig track is located) is also located within a high conservation value old growth forest, a rainforest or rainforest exclusion zone, a rare non-commercial forest ecosystem or a protection zone;
 - ii. no part of the threatened species or other exclusion zone in which the snig track is proposed to be re-opened is located within an exclusion zone referred to in any of the following conditions:
 - condition 5.9 (“Wetlands”)
 - condition 5.10 (“Heath and Scrub”)
 - condition 5.11 (“Rocky Outcrops and Cliffs”);

iii. in the case of an exclusion zone referred to in any of the following conditions, the Department of Environment and Conservation has approved the re-opening in writing (before the commencement of any work to re-open the track), following receipt of the relevant SFNSW report and authority:

- condition 6.1 (“Green and Golden Bell Frog *Litoria aurea*”)
- condition 6.2 (“Giant Burrowing Frog *Heleioporus australiacus*”)
- condition 6.3 (“Stuttering Frog *Mixophyes balbus*”)
- condition 6.16.2 (“Exclusion of specified forestry activities from 100% of individuals with a 10 metre exclusion zone and a further 10 metre buffer”).

Note: The re-opening of a snig track in a threatened species exclusion zone or exclusion zone referred to in condition 5.8 or 7 (b) is also subject to the requirements set out in the conditions relating specifically to high conservation value old growth forest, rainforest and rainforest exclusion zones, rare non-commercial forest ecosystems or protection zones (as applicable). Those requirements include the preparation of a report in accordance with Schedule 6A.

Note that, as the licence does not permit the construction of new snig tracks within a ridge and headwater habitat exclusion zone or a condition 7 (b) exclusion zone, the provisions in relation to re-opening snig tracks in these exclusion zones can only apply to snig tracks that were in existence at the time the approval commenced (13 May 2002).

Where all of the trees growing on a re-vegetated snig track have a dbhob of less than 20cm, then SFNSW may have the option of “brushing-up” the snig track under condition 5.1D (i). Brushing-up (unlike construction and re-opening) does not require the preparation of a Schedule 6 or 6A report.

f) If SFNSW receives written notice from the Department of Environment and Conservation to the effect that, in view of the extent of revegetation of the snig track that SFNSW proposes to re-open within a threatened species exclusion zone (or other exclusion zone referred to in condition 5.8 or 7 (b)), the track is no longer readily distinguishable from the surrounding forest, then SFNSW may re-open the snig track only with the written approval of the Department. Approval is required only if SFNSW receives the written notice no later than 3 working days after receipt of the relevant SFNSW report and authority.

Note: Where the snig track is to be re-opened within a threatened frog or plant exclusion zone referred to in condition 5.1D (e) (iii), the approval of the Department of Environment and Conservation is required under that provision in every case (before any work to re-open the snig track is commenced).

g) The re-opening of a snig track may be carried out only in accordance with the conditions (if any) imposed by the Department of Environment and Conservation as part of its approval (where approval is required under condition 5.1D (e) or under condition 5.1D (f)), relating to the mitigation or amelioration of the impacts of the proposed re-opening on the threatened

species exclusion zone (or other exclusion zone referred to in condition 5.8 or 7 (b)).

- h) If the approval of the Department of Environment and Conservation is required under condition 5.1D (f), it does not matter whether the relevant SFNSW report is prepared in accordance with Schedule 6 or Schedule 6A to this licence.

Brushing-up of snig tracks within threatened species exclusion zones

- i) Where a snig track within a threatened species exclusion zone or an exclusion zone referred to in condition 5.8 (“Ridge and Headwater Habitat”) or 7 (b) (“General survey requirements”) has become re-vegetated, but none of the trees growing within the zone on the snig track have a diameter at breast height over bark of 20cm or more, the snig track may be brushed-up. However, all of the following requirements must be met:

- i. the snig track was in existence at the time of commencement of this approval or has been constructed in accordance with this approval (and any subsequent re-opening has been done in accordance with this approval);
- ii. no part of the snig track that is proposed to be brushed-up is located within an exclusion zone referred to in any of the following conditions:
 - condition 5.9 (“Wetlands”)
 - condition 5.10 (“Heath and Scrub”)
 - condition 5.11 (“Rocky Outcrops and Cliffs”)
 - condition 6.1 (“Green and Golden Bell Frog *Litoria aurea*”)
 - condition 6.2 (“Giant Burrowing Frog *Heleioporus australiacus*”)
 - condition 6.3 (“Stuttering Frog *Mixophyes balbus*”)
 - condition 6.16.2 (“Exclusion of specified forestry activities from 100% of individuals with a 10 metre exclusion zone and a further 10 metre buffer”);
- iii. it is proposed to use the snig track after it is brushed-up in the course of a harvesting operation for the purpose of timber production (including a thinning operation that has timber production as one of its purposes).

Note: Where the requirements in relation to “brushing-up” a re-vegetated snig track within an exclusion zone cannot be met, SFNSW may have the option of seeking instead to re-open the track under condition 5.1D (e). Re-opening of a snig track within an exclusion zone can be done, however, only if the relevant part of the exclusion zone is also located within a high conservation value old growth forest, rainforest or rainforest exclusion zone, rare non-commercial forest ecosystem or a protection zone. The conditions relating to these areas require SFNSW to prepare a report in accordance with Schedule 6A, whereas “brushing-up” of a re-vegetated snig track does not require a report to be prepared before work is undertaken.

Note that, as the licence does not permit the construction of new snig tracks within a ridge and headwater exclusion zone or a condition 7 (b) exclusion zone, the provisions in relation to brushing-up of snig tracks in these exclusion zones can only

apply to snig tracks that were in existence at the time the approval commenced (13 May 2002).

Note, also, that although it is not a pre-condition of brushing-up a snig track within a threatened species exclusion zone (or a ridge and headwater habitat exclusion zone or 7 (b) exclusion zone) that it also be located within an area such as high conservation value old growth forest or rainforest, this is a pre-condition for constructing or re-opening a snig track within such an exclusion zone.

- j) A snig track may be brushed-up under this condition (being condition 5.1D) any number of times.
- k) SFNSW must ensure that all practicable measures are taken to minimise any adverse impacts on the relevant threatened species exclusion zone (or other exclusion zone referred to in condition 5.8 or 7 (b)) of:
 - i. the brushing-up of a snig track; and
 - ii. any snigging carried out on a snig track, within the threatened species exclusion zone or other exclusion zone. In particular, hollow-bearing trees may not be felled or removed, or used as bumper trees for moving logs.

Note: Where a road is constructed, or a snig track is re-opened or constructed, the relevant conditions relating to High Conservation Value Old Growth Forest, Rainforest, Rare Non-Commercial Forest Ecosystems or protection zones impose the requirement to minimise any adverse impacts of the construction or re-opening on the environment.

- l) An approval granted by NPWS or the Department of Environment and Conservation (and any conditions imposed as part of the approval) under condition 5.1 (b) or clause 10 of this approval (or both), before the commencement of this condition (being condition 5.1D), is taken to be an approval under this condition also.

5.1E Marking-up of boundaries

- a) A reference in this condition (being condition 5.1E) to an environmentally sensitive area is a reference to:
 - an area of high conservation value old growth forest;
 - an area of rainforest (that is not protected by an exclusion zone);
 - an exclusion zone around warm temperate rainforest or cool temperate rainforest;
 - an area comprising a rare non-commercial forest ecosystem;
 - an exclusion zone referred to in any of the following conditions:
 - condition 5.8 (“Ridge and Headwater Habitat”)
 - condition 5.9 (“Wetlands”)
 - condition 5.10 (“Heath and Scrub”)
 - condition 5.11 (“Rocky Outcrops and Cliffs”)
 - condition 5.13 (“Bird Nest and Roost Site Protection”)
 - condition 5.14.1 (“Tree Roost Protection”)

- condition 5.14.2 (“Subterranean Roost Protection”)
 - condition 5.14.3 (“Significant Subterranean Roost Protection”)
 - condition 6.1 (“Green and Golden Bell Frog *Litoria aurea*”)
 - condition 6.2 (“Giant Burrowing Frog *Heleioporus australiacus*”)
 - condition 6.3 (“Stuttering Frog *Mixophyes balbus*”)
 - condition 6.4.1 (“Large Forest Owls: Site Based Approach”)
 - condition 6.4.2 (“Large Forest Owls: Landscape Approach”)
 - condition 6.6 (“Southern Brown Bandicoot *Isoodon obesulus*”)
 - condition 6.8 (“Smoky Mouse *Pseudomys fumeus*”)
 - condition 6.9 (“Brush-tailed Phascogale *Phascogale tapoatafa*”)
 - condition 6.10 (“Spotted-tailed Quoll *Dasyurus maculatus*”)
 - condition 6.11 (“Koala *Phascolarctos cinereus*”)
 - condition 6.12 (“Squirrel Glider *Petaurus norfolcensis*”)
 - condition 6.13 (“Yellow-bellied Glider *Petaurus australis*”)
 - condition 6.14 (“Golden-tipped Bat *Kerivoula papuensis*”)
 - condition 6.15 (“Large-footed Mouse-eared *Myotis adversus*”)
 - condition 6.16.2 (“Exclusion of specified forestry activities from 100% of individuals with a 10 metre exclusion zone and a further 10 metre buffer”)
 - condition 7 (b) (“General survey requirements”); and
- a buffer zone referred to in any of the following conditions:
 - condition 5.12 (“Threatened Frog General Protection Measures”)
 - condition 6.7 (“Long-nosed Potoroo *Potorous tridactylus*”)
 - condition 6.16.2 (“Exclusion of specified forestry activities from 100% of individuals with a 10 metre exclusion zone and a further 10 metre buffer”).

Note: A riparian habitat protection zone that is required to be established under condition 5.7 is not an environmentally sensitive area for the purposes of this condition.

- b) A part of the boundary of an environmentally sensitive area must be marked in the field if:
- i. in the case of road construction, road re-opening, snig track construction and snig track re-opening, the route or proposed route of the road or snig track will come within 100 metres of that part of the boundary; and
 - ii. in the case of any other specified forestry activity (other than bush fire hazard reduction work), the activity will come within 50 metres of that part of the boundary.
- c) Where the harvesting plan operational map (as referred to in condition 3 (a)) depicts a particular environmentally sensitive area by indicating that it is the area enclosed by a line, the outer edge of that line is to be treated as the boundary of the area when marking it in the field.

- d) Where a boundary or part of a boundary of an environmentally sensitive area is required to be marked in the field under condition 5.1E (b), this must be done before any trees are felled or killed within 100 metres of that boundary.
- e) Where an environmentally sensitive area has two or more boundaries, only the boundary (or part of the boundary) that adjoins or is closest to the area in which the specified forestry activity is to be undertaken is required to be marked in the field under this condition (being condition 5.1E), but only if:
 - i. no trees are to be felled or killed within, or felled into, that environmentally sensitive area; and
 - ii. no harvesting machinery is to enter that environmentally sensitive area (for example, for the purpose of felling trees growing in the harvestable area).

Note: Under the terms of the licence, there are a number of exceptions to the prohibitions set out in conditions 5.1, 5.3, 5.4 and 5.5 on carrying out specified forestry activities and other activities in environmentally sensitive areas. For example, trees may be felled into certain of these areas (in the course of a harvesting operation for the purpose of timber production), harvesting machinery has limited access to some of these areas (for the purpose of felling timber growing outside the areas) and roads and snig tracks may be constructed within these areas in certain circumstances. Condition 5.1E (e) requires only that part of the boundary of an environmentally sensitive area adjoining or closest to the area in which the specified forestry activity is to be undertaken to be marked in the field if it is not proposed to invoke any of the exceptions referred to above which allow the environmentally sensitive area to be affected.

- f) Where two or more environmentally sensitive areas overlap, any part of the boundary of one of those areas that is located within another of those areas is not required to be marked in the field under this condition (being condition 5.1E), but only if:
 - i. no trees are to be felled or killed within, or felled into, either or any of those environmentally sensitive areas; and
 - ii. no harvesting machinery is to enter either or any of those environmentally sensitive areas (for example, for the purpose of felling trees growing in the harvestable area).

Note: The effect of condition 5.1E (f) is to allow overlapping environmentally sensitive areas to be effectively treated as one environmentally sensitive area for the purpose of the boundary marking requirements. If it is not proposed to undertake any of the limited range of permissible activities that directly affect any of the environmentally sensitive areas concerned, any part of the boundary of an environmentally sensitive area that is located within another environmentally sensitive area does not need to be marked in the field.

- g) A particular part of a boundary of an environmentally sensitive area is not required to be marked in the field under this condition (being condition 5.1E) with the written agreement of the Department of Environment and Conservation.

[11] **Condition 5.3 (a)–(c) (“High Conservation Value Old Growth Forest”)**

Omit condition 5.3 (a)-(c). Insert instead:

Prohibitions on activities in HCVOGF

- a) The following rules apply to any area that is, or is within, High Conservation Value Old Growth Forest, except as varied by this condition (being condition 5.3) or condition 5.20 (relating to beekeeping):
- i. specified forestry activities are prohibited in High Conservation Value Old Growth Forest;
 - ii. no tree is to be felled into High Conservation Value Old Growth Forest. If a tree falls into High Conservation Value Old Growth Forest, then no part of the tree can be removed;
 - iii. harvesting machinery is not to be used within High Conservation Value Old Growth Forest.

Trees accidentally felled into HCVOGF

- a1) Condition 5.3 (a) is not breached where a tree (or part of a tree) is accidentally felled into High Conservation Value Old Growth Forest.
- a2) A tree that is accidentally felled into High Conservation Value Old Growth Forest in the course of a harvesting operation for the purpose of timber production (including a thinning operation that has timber production as one of its purposes) may be removed from the Forest.
- a3) However, the tree may be removed only if there are reasonable grounds for believing that the tree will produce at least one high quality timber product. For the avoidance of doubt, any part of the tree may be removed (subject to condition 5.3 (a4)) even though that particular part is unlikely to produce a high quality timber product.
- a4) The tree may be removed from High Conservation Value Old Growth Forest only in accordance with the following rules:
- i. the crown must be left where it has fallen, unless the whole of the tree (or the whole of that part of the tree that has fallen into the Forest) is removed from the Forest, or is moved within the Forest, using a mechanical harvester;
 - ii. in removing any part of the tree (or logs into which the tree is cut) from the Forest any disturbance to the ground (including vegetation) must be minimised as far as practicable;
 - iii. where practicable, any part of the tree that has fallen into the Forest (or logs into which the tree is cut) must be removed from the Forest without contacting the ground. In any other case, contact with the ground must be minimised as far as practicable;
 - iv. the wheels or tracks of any machinery used to remove any part of the tree that has fallen into the Forest (or logs into which the tree is cut) must remain outside the Forest.

- a5) Snigging may be carried out to remove a part of the tree (apart from the tree's crown) that has been accidentally felled into the Forest, but only if:
- i. applying the rules set out in condition 5.3 (a4), this is the only practicable method of removing that part of the tree or logs into which the tree is cut; and
 - ii. the wheels or tracks of any machinery involved in the snigging remain outside the Forest (as required by condition 5.3 (a4) (iv)).
- a6) Nothing in this condition (being condition 5.3) prevents the use of a harvesting arm of a mechanical harvester to rehabilitate or reinstate ground or soil in High Conservation Value Old Growth Forest in accordance with another term or condition of this approval.

Roads, snig tracks etc

- b) A road may be re-opened, and routine maintenance on a road may be carried out, in High Conservation Value Old Growth Forest.
- b1) Where a snig track within High Conservation Value Old Growth Forest has become re-vegetated, but none of the trees growing within the Forest on the snig track have a diameter at breast height over bark of 20cm or more, the snig track may be brushed-up. However, all of the following requirements must be met:
- i. the snig track was in existence at the time of commencement of this approval or has been constructed in accordance with this approval (and any subsequent re-opening has been done in accordance with this approval);
 - ii. no part of the snig track that is proposed to be brushed-up within the Forest is located within an exclusion zone referred to in any of the following conditions:
 - condition 5.9 (“Wetlands”)
 - condition 5.10 (“Heath and Scrub”)
 - condition 5.11 (“Rocky Outcrops and Cliffs”)
 - condition 6.1 (“Green and Golden Bell Frog *Litoria aurea*”)
 - condition 6.2 (“Giant Burrowing Frog *Heleioporus australiacus*”)
 - condition 6.3 (“Stuttering Frog *Mixophyes balbus*”)
 - condition 6.16.2 (“Exclusion of specified forestry activities from 100% of individuals with a 10 metre exclusion zone and a further 10 metre buffer”);
 - iii. it is proposed to use the snig track after it is brushed-up in the course of a harvesting operation for the purpose of timber production (including a thinning operation that has timber production as one of its purposes).

Note: Where the requirements in relation to “brushing-up” a re-vegetated snig track within High Conservation Value Old Growth Forest cannot be met (eg. because part of the snig track passes through a threatened frog exclusion zone), SFNSW may have the option of seeking instead to re-open the track under condition 5.3 (g1). However, re-opening requires SFNSW to prepare a report in accordance with Schedule 6A, whereas “brushing-up” of a re-vegetated snig track does not require a report to be prepared before work is undertaken.

- b2) A snig track may be brushed-up under condition 5.3 (b1) any number of times.
- c) Harvesting machinery may travel along roads and snig tracks (located within High Conservation Value Old Growth Forest) that were in existence at the time of commencement of this approval or that have been constructed in accordance with this approval (but only if any subsequent re-opening or brushing-up has been done in accordance with this approval).

[12] Condition 5.3 (d) (iv) and (f)

Omit condition 5.3 (d) (iv) and (f).

[13] Condition 5.3 (g1)-(g5)

Insert after condition 5.3 (g):

- g1) A snig track (including a snig track that was in existence at the time of commencement of this approval) that has become re-vegetated may be re-opened (by clearing, scraping or treating regrowth) within High Conservation Value Old Growth Forest, but only if all of the following requirements are met:
- i. for practical purposes, there is no alternative route available for the snig track outside the Forest;
 - ii. there has been no record made of any threatened species on the site of the snig track;
 - iii. the manager of the regional office of SFNSW responsible for managing the land on which the snig track is located, or a more senior officer, has prepared a report in accordance with Schedule 6A to this licence and has authorised the proposed re-opening in writing before any work to re-open the track is commenced.

Note: Where the whole or part of a snig track is also within an exclusion zone referred to in any of the following conditions, condition 5.1D provides that the proposed re-opening may be carried out only with the written approval of the Department of Environment and Conservation and is subject to any conditions imposed by the Department as part of its approval:

- *condition 6.1 (“Green and Golden Bell Frog *Litoria aurea*”)*
- *condition 6.2 (“Giant Burrowing Frog *Heleioporus australiacus*”)*
- *condition 6.3 (“Stuttering Frog *Mixophyes balbus*”)*
- *condition 6.16.2 (“Exclusion of specified forestry activities from 100% of individuals with a 10 metre exclusion zone and a further 10 metre buffer”)*

The written approval of the Department of Environment and Conservation may also be required where the snig track is to be re-opened within an exclusion zone, even though it is not an exclusion zone referred to above. If the Department has given SFNSW written notice that, in view of the extent of revegetation of the snig track within the exclusion zone, the track is no longer readily distinguishable from the surrounding forest, then the written approval of the Department is required before any work to re-open the snig track is commenced.

- g2) A copy of the report and authority referred to in condition 5.3 (g1) must be faxed to the Department of Environment and Conservation as soon as possible after they have been issued.
- g3) For the avoidance of doubt:
- i. a road may not be constructed in any part of High Conservation Value Old Growth Forest which is also, or is also within, any of the exclusion zones referred to in the following conditions:
 - condition 5.9 (“Wetlands”)
 - condition 5.10 (“Heath and Scrub”)
 - condition 5.11 (“Rocky Outcrops and Cliffs”)
 - condition 7 (b) (“General survey requirements”);
 - ii. a snig track may not be constructed in any part of High Conservation Value Old Growth Forest which is also, or is also within, any of the exclusion zones referred to in the following conditions:
 - condition 5.8 (“Ridge and Headwater Habitat”)
 - condition 5.9 (“Wetlands”)
 - condition 5.10 (“Heath and Scrub”)
 - condition 5.11 (“Rocky Outcrops and Cliffs”)
 - condition 7 (b) (“General survey requirements”); and
 - iii. a snig track may not be re-opened in any part of High Conservation Value Old Growth Forest which is also, or is also within, any of the exclusion zones referred to in the following conditions:
 - condition 5.9 (“Wetlands”)
 - condition 5.10 (“Heath and Scrub”)
 - condition 5.11 (“Rocky Outcrops and Cliffs”).
- g4) SFNSW must ensure that all practicable measures are taken to minimise any adverse impacts on the environment of any of the following activities within High Conservation Value Old Growth Forest:
- i. construction of a road or snig track;
 - ii. re-opening or brushing-up of a snig track;
 - iii. any snigging carried out on a snig track.

In particular, hollow-bearing trees may not be felled or removed, or used as bumper trees for moving logs.

- g5) A snig track may be re-opened any number of times, subject to this condition (being condition 5.3) and condition 5.1D (if applicable), and only in accordance with the provisions of those conditions.

Note: There is no limit on the number of times the authority conferred by condition 5.3 to re-open snig tracks may be exercised. However, on each occasion, the snig track may be re-opened only if the pre-conditions for doing so continue to be met and re-opening work is carried out in accordance with condition 5.3. For example, if it is proposed to re-open a snig track that has been re-opened in the past, but the trees that have regrown on the snig track have reached a dbhob of more than 20cm, then a new SFNSW report and authority is required.

[14] Condition 5.4 (e)-(g8) (“Rainforest”)

Omit condition 5.4 (e), (f) and (g). Insert instead:

Prohibitions on activities in Rainforest and Rainforest exclusion zones

- e) The following rules apply to any area that is, or is within, Rainforest or an exclusion zone established around Warm Temperate Rainforest or Cool Temperate Rainforest (“a Rainforest exclusion zone”), except as varied by this condition (being condition 5.4) or condition 5.20 (relating to beekeeping):
- i. specified forestry activities are prohibited in Rainforest and Rainforest exclusion zones;
 - ii. no tree is to be felled into Rainforest or a Rainforest exclusion zone. If a tree falls into Rainforest or a Rainforest exclusion zone, then no part of the tree can be removed;
 - iii. harvesting machinery is not to be used within Rainforest and Rainforest exclusion zones.

Trees accidentally felled into Rainforest and Rainforest exclusion zones

- e1) Condition 5.4 (e) is not breached where a tree (or part of a tree) is accidentally felled into Rainforest or a Rainforest exclusion zone.
- e2) A tree that is accidentally felled into:
- i. Rainforest (that is not protected by an exclusion zone); or
 - ii. a Rainforest exclusion zone,
- in the course of a harvesting operation for the purpose of timber production (including a thinning operation that has timber production as one of its purposes) may be removed from the Rainforest or the exclusion zone.
- e3) However, the tree may be removed only if there are reasonable grounds for believing that the tree will produce at least one high quality timber product. For the avoidance of doubt, any part of the tree may be removed (subject to condition 5.4 (g)) even though that particular part is unlikely to produce a high quality timber product.

- e4) For the avoidance of doubt, where a tree has been felled accidentally into both an exclusion zone around Warm Temperate Rainforest or Cool Temperate Rainforest and the Rainforest protected by the exclusion zone, no part of the tree felled into the Rainforest can be removed.

Trees may be felled into Warm Temperate Rainforest exclusion zone in limited circumstances

- f) A tree whose base is in a harvestable area may be felled into, and removed from, an exclusion zone around Warm Temperate Rainforest in a harvesting operation for the purpose of timber production (including a thinning operation that has timber production as one of its purposes) if:
- i. the Warm Temperate Rainforest protected by the exclusion zone includes vegetation growing alongside a watercourse, drainage line or other water body; and
 - ii. it is not practicable to fell the tree so that it falls wholly outside the exclusion zone; and
 - iii. there are reasonable grounds for believing, when selecting the tree for felling, that it will produce at least one high quality timber product; and
 - iv. the tree is felled in such a way so as to avoid, as far as practicable, damage to trees growing in the exclusion zone.
- f1) However, no harvesting machinery may enter, or be used within, the exclusion zone around Warm Temperate Rainforest for the purpose of felling a tree into the exclusion zone under condition 5.4 (f).
- f2) In any one harvesting operation:
- i. no more than two trees may be felled (under condition 5.4 (f)) across any 200 metre length of the outer boundary of the exclusion zone around Warm Temperate Rainforest, whatever 200 metre length of the boundary is considered; and
 - ii. the number of trees that may be removed (under condition 5.4 (f)) may not exceed the number calculated by applying the principle set out in condition 5.4 (f2) (i).

A reference (in condition 5.4 (f2), (f 3) and (f4)) to the outer boundary of the exclusion zone around Warm Temperate Rainforest is a reference to a boundary of the zone that is 20 metres from the edge of the Warm Temperate Rainforest protected by the zone.

- f3) No trees may be felled, under condition 5.4 (f):
- i. across that part of the outer boundary of an exclusion zone around Warm Temperate Rainforest that occurs on one side of the watercourse or drainage line if that part of the outer boundary is less than 200 metres in length (irrespective of whether the exclusion zone encompasses rainforest growing on the other side of the watercourse or drainage line as well); and

- ii. in any other case (such as where the exclusion zone protects Warm Temperate Rainforest surrounding a pool or dam), across the outer boundary of the exclusion zone around Warm Temperate Rainforest if the total length of that boundary is less than 200 metres.
- f4) For the avoidance of doubt, the outer boundary of an exclusion zone around Warm Temperate Rainforest continues despite its intersection with another area that is not a harvestable area (such as an exclusion zone for the protection of a threatened species). Accordingly, for the purpose of determining whether trees (and how many trees) may be felled across the outer boundary of the exclusion zone, any part of the outer boundary that is located within another area may be taken into account.

Note: The following example illustrates the effect of condition 5.4 (f4) above: Warm Temperate Rainforest grows along the side of a watercourse for 200 metres; 100 metres of the boundary of that Rainforest passes through an exclusion zone (having a width of 50 metres) to protect the green and golden bell frog. Under the terms of this licence, no trees can be felled into or within such an exclusion zone for the purpose of timber production. Under condition 5.4 (d), a 20 metre wide exclusion zone must also be implemented around the Warm Temperate Rainforest. Assume that 100 metres of the boundary of the Rainforest exclusion zone adjoins the harvestable area. It may not be necessary – from a practical perspective – to “implement” an exclusion zone around that part of the Rainforest growing within the exclusion zone to protect the frog because harvesting timber is prohibited in that part in any case. However, condition 5.4 (f) above makes it clear that State Forests can treat the exclusion zone around the Rainforest as extending into the exclusion zone to protect the frog. Accordingly, it can add the length of that part of the boundary of the Warm Temperate Rainforest exclusion zone that is within the exclusion zone to protect the frog to the length of that part of the boundary of the Warm Temperate Rainforest exclusion zone that adjoins the harvestable area, for the purposes of determining if, and how many, trees can be felled across the latter part of the boundary. As the total length of the boundary will be more than 200 metres, two trees will be able to be felled across the 100 metre length of the boundary adjoining the harvestable area (but none will be able to be felled across that part of the boundary that is within the exclusion zone to protect the frog).

- f5) Without affecting the operation of condition 5.4 (f) (iii), a part of a tree that has been felled into an exclusion zone around Warm Temperate Rainforest under condition 5.4 (f) may be removed (subject to condition 5.4 (g)) even though that particular part is unlikely to produce a high quality timber product.
- f6) For the avoidance of doubt, a tree may not be felled into an exclusion zone around Warm Temperate Rainforest under condition 5.4 (f) if it will also fall into the Rainforest protected by the exclusion zone.

Restrictions on manner of removal of trees

- g) A tree that has been felled into Rainforest or into a Rainforest exclusion zone may not be removed under condition 5.4 (e2) or under condition 5.4 (f) (in the case of an exclusion zone around Warm Temperate Rainforest) unless the following rules are complied with:

- i. where the tree has been felled into a Rainforest or into a Rainforest exclusion zone (but no part of the tree has fallen into the Rainforest protected by the exclusion zone), the crown of the tree must be left where it has fallen or the whole of the tree (or the whole of that part of the tree that has fallen into the Rainforest or the exclusion zone) must be removed from, or moved within, the Rainforest or the exclusion zone using a mechanical harvester;
- ii. where the tree has been felled into both a Rainforest exclusion zone and the Rainforest protected by the exclusion zone, but the crown of the tree has fallen wholly within the Rainforest, then the crown, and any other part of the tree that has fallen into the Rainforest, must be left where they have fallen;
- iii. where the tree has been felled into both a Rainforest exclusion zone and the Rainforest protected by that zone, and the crown of the tree spans both the exclusion zone and the Rainforest, the crown must be left where it has fallen in both the exclusion zone and the Rainforest.

g1) The following rules also apply to the removal of the tree:

- i. in removing any part of the tree (or logs into which the tree is cut) from the Rainforest or the Rainforest exclusion zone any disturbance to the ground (including vegetation) must be minimised as far as practicable;
- ii. where practicable, any part of the tree that has fallen into the Rainforest or the exclusion zone (or logs into which the tree is cut) must be removed from the Rainforest or the exclusion zone without contacting the ground. In any other case, contact with the ground must be minimised as far as practicable;
- iii. the wheels or tracks of any machinery used to remove any part of the tree that has fallen into the Rainforest or the exclusion zone (or logs into which the tree is cut) must remain outside the Rainforest or the exclusion zone.

g2) Snigging may be carried out to remove a part of the tree (apart from the tree's crown) or logs into which the tree is cut from the Rainforest or the exclusion zone, but only if:

- i. applying the rules set out in condition 5.4 (g1), this is the only practicable method of removing that part of the tree or those logs; and
- ii. the wheels or tracks of any machinery involved in the snigging remain outside the Rainforest or the exclusion zone (as required by condition 5.4 (g1) (iii)).

g3) For the avoidance of doubt:

- i. the number of trees that may be felled into, or removed from, an exclusion zone around Warm Temperate Rainforest under condition 5.4 (f) in a particular harvesting operation is not reduced by the number of trees that are accidentally felled into the exclusion zone, or

- subsequently removed from the exclusion zone under condition 5.4 (e2), in the same harvesting operation; and
- ii. conversely, the authority conferred by condition 5.4 (e2) to remove trees that have been accidentally felled into the exclusion zone in a harvesting operation is not affected by the number of trees that are felled into, or removed from, the exclusion zone under condition 5.4 (f) in the same harvesting operation.

Accordingly, the total number of trees that are removed from the exclusion zone in a particular harvesting operation may exceed the number referred to in condition 5.4 (f2) (ii).

- g4) Nothing in this condition (being condition 5.4) prevents the use of a harvesting arm of a mechanical harvester to rehabilitate or reinstate ground or soil in Rainforest or an exclusion zone around Warm Temperate Rainforest or Cool Temperate Rainforest in accordance with another term or condition of this approval.

Roads, snig tracks etc

- g5) A road may be re-opened, and routine maintenance on a road may be carried out, in Rainforest or an exclusion zone around Warm Temperate Rainforest or Cool Temperate Rainforest.
- g6) Where a snig track within Rainforest or an exclusion zone around Warm Temperate Rainforest or Cool Temperate Rainforest has become re-vegetated, but none of the trees growing within the Rainforest or the exclusion zone on the snig track have a diameter at breast height over bark of 20cm or more, the snig track may be brushed-up. However, all of the following requirements must be met:
 - i. the snig track was in existence at the time of commencement of this approval or has been constructed in accordance with this approval (and any subsequent re-opening has been done in accordance with this approval);
 - ii. no part of the snig track that is proposed to be brushed-up within the Rainforest or the exclusion zone is located within an exclusion zone referred to in any of the following conditions:
 - condition 5.9 (“Wetlands”)
 - condition 5.10 (“Heath and Scrub”)
 - condition 5.11 (“Rocky Outcrops and Cliffs”)
 - condition 6.1 (“Green and Golden Bell Frog *Litoria aurea*”)
 - condition 6.2 (“Giant Burrowing Frog *Heleioporus australiacus*”)
 - condition 6.3 (“Stuttering Frog *Mixophyes balbus*”)
 - condition 6.16.2 (“Exclusion of specified forestry activities from 100% of individuals with a 10 metre exclusion zone and a further 10 metre buffer”);

- iii. it is proposed to use the snig track after it is brushed-up in the course of a harvesting operation for the purpose of timber production (including a thinning operation that has timber production as one of its purposes).

Note: Where the requirements in relation to “brushing-up” a re-vegetated snig track within Rainforest or a Rainforest exclusion zone cannot be met (eg. because part of the snig track passes through a threatened frog exclusion zone), SFNSW may have the option of seeking instead to re-open the track under condition 5.4 (k1). However, re-opening requires SFNSW to prepare a report in accordance with Schedule 6A, whereas “brushing-up” does not require a report to be prepared before work is undertaken.

- g7) A snig track may be brushed-up under condition 5.4 (g6) any number of times.
- g8) Harvesting machinery may travel along roads and snig tracks (within Rainforest or an exclusion zone around Warm Temperate Rainforest or Cool Temperate Rainforest) that were in existence at the time of commencement of this approval or that have been constructed in accordance with this approval (but only if any subsequent re-opening or brushing-up has been done in accordance with this approval).

[15] Condition 5.4 (h) (iv) and (j)

Omit condition 5.4 (h) (iv) and (j).

[16] Condition 5.4 (k1)-(k5)

Insert after condition 5.4 (k):

- k1) A snig track (including a snig track that was in existence at the time of commencement of this approval) that has become re-vegetated may be re-opened (by clearing, scraping or treating regrowth) within Rainforest or an exclusion zone around Warm Temperate Rainforest or Cool Temperate Rainforest, but only if all of the following requirements are met:
 - i. for practical purposes, there is no alternative route available for the snig track outside the Rainforest or the exclusion zone;
 - ii. there has been no record made of any threatened species on the site of the snig track;
 - iii. the manager of the regional office of SFNSW responsible for managing the land on which the snig track is located, or a more senior officer, has prepared a report in accordance with Schedule 6A to this licence and has authorised the proposed re-opening in writing before any work to re-open the track is commenced.

Note: Where the whole or part of a snig track is also within an exclusion zone referred to in any of the following conditions, condition 5.1D provides that the proposed re-opening may be carried out only with the written approval of the Department of Environment and Conservation and is subject to any conditions imposed by the Department as part of its approval:

- *condition 6.1 (“Green and Golden Bell Frog Litoria aurea”)*
- *condition 6.2 (“Giant Burrowing Frog Heleioporus australiacus”)*
- *condition 6.3 (“Stuttering Frog Mixophyes balbus”)*
- *condition 6.16.2 (“Exclusion of specified forestry activities from 100% of individuals with a 10 metre exclusion zone and a further 10 metre buffer”)*

In addition, the written approval of the Department of Environment and Conservation may be required where the snig track is to be re-opened within an exclusion zone, even though it is not an exclusion zone referred to above. If the Department has given SFNSW written notice that, in view of the extent of revegetation of the snig track within the exclusion zone, the track is no longer readily distinguishable from the surrounding forest, then the written approval of the Department is required before any work to re-open the snig track is commenced.

- k2) A copy of the report and authority referred to in condition 5.4 (k1) must be faxed to the Department of Environment and Conservation as soon as possible after they have been issued.
- k3) For the avoidance of doubt:
- i. a road may not be constructed in any part of a Rainforest or an exclusion zone around Warm Temperate Rainforest or Cool Temperate Rainforest which is also, or is also within, any of the exclusion zones referred to in the following conditions:
 - condition 5.9 (“Wetlands”)
 - condition 5.10 (“Heath and Scrub”)
 - condition 5.11 (“Rocky Outcrops and Cliffs”)
 - condition 7 (b) (“General survey requirements”);
 - ii. a snig track may not be constructed in any part of a Rainforest or an exclusion zone around Warm Temperate Rainforest or Cool Temperate Rainforest which is also, or is also within, any of the exclusion zones referred to in the following conditions:
 - condition 5.8 (“Ridge and Headwater Habitat”)
 - condition 5.9 (“Wetlands”)
 - condition 5.10 (“Heath and Scrub”)
 - condition 5.11 (“Rocky Outcrops and Cliffs”)
 - condition 7 (b) (“General survey requirements”); and
 - iii. a snig track may not be re-opened in any part of a Rainforest or an exclusion zone around Warm Temperate Rainforest or Cool Temperate Rainforest which is also, or is also within, any of the exclusion zones referred to in the following conditions:
 - condition 5.9 (“Wetlands”)
 - condition 5.10 (“Heath and Scrub”)
 - condition 5.11 (“Rocky Outcrops and Cliffs”).

- k4) SFNSW must ensure that all practicable measures are taken to minimise any adverse impacts on the environment of any of the following activities within Rainforest or an exclusion zone around Warm Temperate Rainforest or Cool Temperate Rainforest:
- i. construction of a road or snig track;
 - ii. re-opening or brushing-up of a snig track;
 - iii. any snigging carried out on a snig track.

In particular, hollow-bearing trees may not be felled or removed, or used as bumper trees for moving logs.

- k5) A snig track may be re-opened any number of times, subject to this condition (being condition 5.4) and condition 5.1D (if applicable), and only in accordance with the provisions of those conditions.

Note: There is no limit on the number of times the authority conferred by condition 5.4 to re-open snig tracks may be exercised. However, on each occasion, the snig track may be re-opened only if the pre-conditions for doing so continue to be met and re-opening work is carried out in accordance with condition 5.4. For example, if it is proposed to re-open a snig track that has been re-opened in the past, but the trees that have regrown on the snig track have reached a dbhob of more than 20cm, then a new SFNSW report and authority is required.

[17] Condition 5.5 (a)-(c7) (“Rare Non-Commercial Forest Ecosystems)

Omit condition 5.5 (a)-(c). Insert instead:

Prohibitions on activities in Rare Non-Commercial Forest Ecosystem

- a) The following rules apply to any area that is, or is within, Rare Non-Commercial Forest Ecosystem, except as varied by this condition (being condition 5.5) or condition 5.20 (relating to beekeeping):
- i. specified forestry activities are prohibited in Rare Non-Commercial Forest Ecosystem;
 - ii. no tree is to be felled into Rare Non-Commercial Forest Ecosystem. If a tree falls into Rare Non-Commercial Forest Ecosystem, then no part of the tree can be removed;
 - iii. harvesting machinery is not to be used within Rare Non-Commercial Forest Ecosystem.

Trees accidentally felled into Rare Non-Commercial Forest Ecosystems

- a1) Condition 5.5 (a) is not breached where a tree (or part of a tree) is accidentally felled into Rare Non-Commercial Forest Ecosystem. A tree that is accidentally felled into Forest Ecosystem in the course of a harvesting operation for the purpose of timber production (including a thinning operation that has timber production as one of its purposes) may be removed from the Forest Ecosystem.
- a2) However, the tree may be removed only if there are reasonable grounds for believing that the tree will produce at least one high quality timber product.

For the avoidance of doubt, any part of the tree may be removed (subject to condition 5.5 (a8) (i)) even though that particular part is unlikely to produce a high quality timber product.

Trees may be felled into Rare Forest Ecosystems in limited circumstances

a3) A tree whose base is in a harvestable area may be felled into, and removed from, Rare Non-Commercial Forest Ecosystem in a harvesting operation for the purpose of timber production (including a thinning operation that has timber production as one of its purposes) if:

- i. it is not practicable to fell the tree so that it falls wholly outside the Forest Ecosystem; and
- ii. there are reasonable grounds for believing, when selecting the tree for felling, that it will produce at least one high quality timber product; and
- iii. the tree is felled in such a way so as to avoid, as far as practicable, damage to trees growing in the Forest Ecosystem.

a4) However, no harvesting machinery may enter, or be used within, Rare Non-Commercial Forest Ecosystem for the purpose of felling a tree into the Forest Ecosystem under condition 5.5 (a3).

Note: Harvesting machinery may enter Rare Non-Commercial Forest Ecosystem for the purpose of felling trees away from the Forest Ecosystem. However, harvesting machinery may not be used within the Forest Ecosystem for felling trees into the Forest Ecosystem.

a5) In any one harvesting operation:

- i. no more than six trees may be felled (under condition 5.5 (a3)) across any 200 metre length of the boundary of the Forest Ecosystem, whatever 200 metre length of the boundary is considered; and
- ii. the number of trees that may be removed (under condition 5.5 (a3)) may not exceed the number calculated by applying the principle set out in condition 5.5 (a5) (i).

a6) Without affecting the operation of condition 5.5 (a3) (ii), a part of a tree that has been felled into Rare Non-Commercial Forest Ecosystem under condition 5.5 (a3) may be removed (subject to condition 5.5 (a8) (i)) even though that particular part is unlikely to produce a high quality timber product.

a7) For the avoidance of doubt:

- i. if the total length of the boundary of a Rare Non-Commercial Forest Ecosystem is less than 200 metres, no trees may be felled across that boundary under condition 5.5 (a3); and
- ii. the boundary of a Rare Non-Commercial Forest Ecosystem continues despite its intersection with another area that is not a harvestable area (such as an exclusion zone for the protection of a threatened species). Accordingly, for the purpose of determining whether trees (and how many trees) may be felled across the boundary of a Rare Non-

Commercial Forest Ecosystem under condition 5.5 (a3) and (a5), any part of the boundary that is located within another area may be taken into account.

Note: The following example is given to illustrate the effect of condition 5.5 (a7) (ii) above: a rare non-commercial forest ecosystem has a boundary of 200 metres. 100 metres of the boundary passes through an exclusion zone to protect the green and golden bell frog. Under the terms of this licence, no trees may be felled into or within such an exclusion zone for the purpose of timber production. The other 100 metres of the boundary of the rare non-commercial forest ecosystem adjoins a harvestable area in which trees may be felled. For the purpose of determining whether (and how many) trees can be felled into the rare non-commercial forest ecosystem, the 100 metres of its boundary that is within the exclusion zone to protect the frog can be added to the 100 metres of its boundary that adjoins the harvestable area – accordingly, because the total length of the boundary is 200 metres, 6 trees may be felled across the 100 metres of the boundary that adjoins the harvestable area. No trees may, however, be felled across the 100 metres of the boundary that is located within the exclusion zone to protect the frog.

Restrictions on manner of removal of trees

- a8) A tree that has been felled into Rare Non-Commercial Forest Ecosystem under condition 5.5 (a3), or accidentally, may be removed only in accordance with the following rules:
- i. the crown must be left where it has fallen, unless the whole of the tree (or the whole of that part of the tree that has fallen into the Forest Ecosystem) is removed from the Forest Ecosystem, or is moved within the Forest Ecosystem, using a mechanical harvester;
 - ii. in removing any part of the tree (or logs into which the tree is cut) from the Forest Ecosystem any disturbance to the ground (including vegetation) must be minimised as far as practicable;
 - iii. where practicable, any part of the tree that has fallen into the Forest Ecosystem (or logs into which the tree is cut) must be removed from the Forest Ecosystem without contacting the ground. In any other case, contact with the ground must be minimised as far as practicable;
 - iv. the wheels or tracks of any machinery used to remove any part of the tree that has fallen into the Forest Ecosystem (or logs into which the tree is cut) must remain outside the Forest Ecosystem.
- a9) Snigging may be carried out to remove a part of the tree (apart from the tree's crown) that has been felled into Rare Non-Commercial Forest Ecosystem under condition 5.5 (a3), or accidentally, but only if:
- i. applying the rules set out in condition 5.5 (a8), this is the only practicable method of removing that part of the tree or logs into which the tree is cut; and
 - ii. the wheels or tracks of any machinery involved in the snigging remain outside the Rare Non-Commercial Forest Ecosystem (as required by condition 5.5 (a8) (iv)).
- a10) For the avoidance of doubt:

- i. the number of trees that may be felled into, or removed from, Rare Non-Commercial Forest Ecosystem under condition 5.5 (a3) in a particular harvesting operation is not reduced by the number of trees that are accidentally felled into the Forest Ecosystem, or subsequently removed from the Forest Ecosystem under condition 5.5 (a1), in the same harvesting operation; and
- ii. conversely, the authority conferred by condition 5.5 (a1) to remove trees that have been accidentally felled into the Forest Ecosystem in a harvesting operation is not affected by the number of trees that are felled into, or removed from, the Forest Ecosystem under condition 5.5 (a3) in the same harvesting operation.

Accordingly, the total number of trees that are removed from the Forest Ecosystem in a particular harvesting operation may exceed the number referred to in condition 5.5 (a5) (ii).

Entry and use of harvesting machinery for limited purposes

- b) A harvesting machine may enter, and be used within, Rare Non-Commercial Forest Ecosystem in order to fell and remove any tree whose base is in the harvestable area in the course of a harvesting operation for the purpose of timber production (including a thinning operation that has timber production as one of its purposes).
- b1) However, a harvesting machine may enter and be used within Rare Non-Commercial Forest Ecosystem to fell the tree whose base is in the harvestable area under condition 5.5 (b) only if:
 - i. the tree cannot be felled from outside the Forest Ecosystem, using the techniques of directional felling, so that it does not fall into the Forest Ecosystem; and
 - ii. there are reasonable grounds for believing, when selecting the tree for felling, that it will produce at least one high quality timber product.

The harvesting machine may be used only to fell the tree away from the Forest Ecosystem (that is, into the harvestable area).

- b2) A harvesting machine may be operated under condition 5.5 (b) within Rare Non-Commercial Forest Ecosystem only using walkover techniques and in such a way so as:
 - i. to minimise skewing of its tracks (if any) to the greatest extent practicable; and
 - ii. to minimise disturbance to the ground (including vegetation) within the Forest Ecosystem to the greatest extent practicable.

In particular, a harvesting machine may be operated within Rare Non-Commercial Forest Ecosystem, under condition 5.5 (b), only with any blades, rippers or other similar attachments positioned so that they do not disturb the ground (including vegetation).

- b3) The wheels or tracks of a harvesting machine that has entered Rare Non-Commercial Forest Ecosystem must remain wholly within 5 metres from the boundary of the Forest Ecosystem when being used under condition 5.5 (b).

Use of harvesting machinery inside Forest Ecosystem to remove trees

- c) Despite condition 5.5 (a8) (iv) and condition 5.5 (a9) (ii), where a harvesting machine has entered Rare Non-Commercial Forest Ecosystem under condition 5.5 (b) for the purpose of felling trees away from the Forest Ecosystem, it may also be used to remove a tree (or part of the tree) that has been felled into the Forest Ecosystem under condition 5.5 (a3) or accidentally.
- c1) However, the wheels or tracks of the harvesting machine may not (to any significant extent) be repositioned or moved within the Forest Ecosystem solely for the purpose of removing a tree that has been felled into the Forest Ecosystem. In other words, they may be repositioned or moved significantly only if this is necessary for a purpose related to felling and removing trees in the harvestable area.
- c2) The restrictions on the operation of harvesting machinery set out in condition 5.5 (b2) and (b3) apply to the operation of a machine when removing a tree or part of a tree as referred to in condition 5.5 (c). For example, the machine must remain wholly within 5 metres from the boundary of the Forest Ecosystem and must be operated using only walkover techniques.
- c3) Nothing in this condition (being condition 5.5) prevents the use of harvesting machinery in Rare Non-Commercial Forest Ecosystem for the purpose of rehabilitating or reinstating ground or soil in accordance with another term or condition of this approval (such as clause 18I of the approval).

Roads etc.

- c4) Road re-opening and routine road maintenance may take place in Rare Non-Commercial Forest Ecosystem.
- c5) Where a snig track within Rare Non-Commercial Forest Ecosystem has become re-vegetated, but none of the trees growing within the Forest Ecosystem on the snig track have a diameter at breast height over bark of 20cm or more, the snig track may be brushed-up. However, all of the following requirements must be met:
- i. the snig track was in existence at the time of commencement of this approval or has been constructed in accordance with this approval (and any subsequent re-opening has been done in accordance with this approval);
 - ii. no part of the snig track that is proposed to be brushed-up within the Forest Ecosystem is located within an exclusion zone referred to in any of the following conditions:
 - condition 5.9 (“Wetlands”)
 - condition 5.10 (“Heath and Scrub”)

- condition 5.11 (“Rocky Outcrops and Cliffs”)
 - condition 6.1 (“Green and Golden Bell Frog *Litoria aurea*”)
 - condition 6.2 (“Giant Burrowing Frog *Heleioporus australiacus*”)
 - condition 6.3 (“Stuttering Frog *Mixophyes balbus*”)
 - condition 6.16.2 (“Exclusion of specified forestry activities from 100% of individuals with a 10 metre exclusion zone and a further 10 metre buffer”);
- iii. it is proposed to use the snig track after it is brushed-up in the course of a harvesting operation for the purpose of timber production (including a thinning operation that has timber production as one of its purposes).

Note: Where the requirements in relation to “brushing-up” a re-vegetated snig track within Rare Non-Commercial Forest Ecosystem cannot be met, SFNSW may have the option of seeking instead to re-open the track under condition 5.5 (g1). However, re-opening requires SFNSW to prepare a report in accordance with Schedule 6A, whereas “brushing-up” does not require a report to be prepared before work is undertaken.

- c6) A snig track may be brushed-up under condition 5.5 (c5) any number of times.
- c7) Harvesting machinery may travel along roads and snig tracks (located within Rare Non-Commercial Forest Ecosystem) that were in existence at the time of commencement of this approval or that have been constructed in accordance with this approval (but only if any subsequent re-opening or brushing-up has also been done in accordance with this approval).

[18] Condition 5.5 (d) (iv) and (f)

Omit condition 5.5 (d) (iv) and (f).

[19] Condition 5.5 (g1)-(g5)

Insert after condition 5.5 (g):

- g1) A snig track (including a snig track that was in existence at the time of commencement of this approval) that has become re-vegetated may be re-opened (by clearing, scraping or treating regrowth) within Rare Non-Commercial Forest Ecosystem, but only if all of the following requirements are met:
- i. for practical purposes, there is no alternative route available for the snig track outside the Forest Ecosystem;
 - ii. there has been no record made of any threatened species on the site of the snig track;
 - iii. the manager of the regional office of SFNSW responsible for managing the land on which the snig track is located, or a more senior officer, has prepared a report in accordance with Schedule 6A to this

licence and has authorised the proposed re-opening in writing before any work to re-open the track is commenced.

Note: Where the whole or part of a snig track is also within an exclusion zone referred to in any of the following conditions, condition 5.1D provides that the proposed re-opening may be carried out only with the written approval of the Department of Environment and Conservation and is subject to any conditions imposed by the Department as part of its approval:

- condition 6.1 (“Green and Golden Bell Frog *Litoria aurea*”)
- condition 6.2 (“Giant Burrowing Frog *Heleioporus australiacus*”)
- condition 6.3 (“Stuttering Frog *Mixophyes balbus*”)
- condition 6.16.2 (“Exclusion of specified forestry activities from 100% of individuals with a 10 metre exclusion zone and a further 10 metre buffer”)

In addition, the written approval of the Department of Environment and Conservation may be required where the snig track is to be re-opened within an exclusion zone, even though it is not an exclusion zone referred to above. If the Department has given SFNSW written notice that, in view of the extent of revegetation of the snig track within the exclusion zone, the track is no longer readily distinguishable from the surrounding forest, then the written approval of the Department is required before any work to re-open the snig track is commenced.

- g2) A copy of the report and authority referred to in condition 5.5 (g1) must be faxed to the Department of Environment and Conservation as soon as possible after they have been issued.
- g3) For the avoidance of doubt:
- i. a road may not be constructed in any part of a Rare Non-Commercial Forest Ecosystem which is also, or is also within, any of the exclusion zones referred to in the following conditions:
 - condition 5.9 (“Wetlands”)
 - condition 5.10 (“Heath and Scrub”)
 - condition 5.11 (“Rocky Outcrops and Cliffs”)
 - condition 7 (b) (“General survey requirements”);
 - ii. a snig track may not be constructed in any part of a Rare Non-Commercial Forest Ecosystem which is also, or is also within, any of the exclusion zones referred to in the following conditions:
 - condition 5.8 (“Ridge and Headwater Habitat”)
 - condition 5.9 (“Wetlands”)
 - condition 5.10 (“Heath and Scrub”)
 - condition 5.11 (“Rocky Outcrops and Cliffs”)
 - condition 7 (b) (“General survey requirements”); and
 - iii. a snig track may not be re-opened in any part of a Rare Non-Commercial Forest Ecosystem which is also, or is also within, any of the exclusion zones referred to in the following conditions:

- condition 5.9 (“Wetlands”)
- condition 5.10 (“Heath and Scrub”)
- condition 5.11 (“Rocky Outcrops and Cliffs”).

- g4) SFNSW must ensure that all practicable measures are taken to minimise any adverse impacts on the environment of any of the following activities within Rare Non-Commercial Forest Ecosystem:
- i. construction of a road or snig track;
 - ii. re-opening or brushing-up of a snig track;
 - iii. any snigging carried out on a snig track.

In particular, hollow-bearing trees may not be felled or removed, or used as bumper trees for moving logs.

- g5) A snig track may be re-opened any number of times, subject to this condition (being condition 5.5) and condition 5.1D (if applicable), and only in accordance with the provisions of those conditions.

Note: There is no limit on the number of times the authority conferred by condition 5.5 to re-open snig tracks may be exercised. However, on each occasion, the snig track may be re-opened only if the pre-conditions for doing so continue to be met and re-opening work is carried out in accordance with condition 5.5. For example, if it is proposed to re-open a snig track that has been re-opened in the past, but the trees that have regrown on the snig track have reached a dbhob of more than 20cm, then a new SFNSW report and authority is required.

[20] Condition 5.7 (“Riparian Habitat Protection – protection zones”)

Omit condition 5.7 (“Stream Exclusion Zones”). Insert instead:

5.7 Riparian Habitat Protection – protection zones

- a) A protection zone (hard) must be established along either side of a stream for its entire length. A protection zone (soft) must be established along the entire length of each protection zone (hard).
- b) Each protection zone is to have at least the width shown in Table 1 set out below. The width of each zone is to be measured as follows:
 - i. the width of a protection zone (hard) is to be measured from the top of the bank of the incised channel or, where there is no defined bank, from the edge of the channel; and
 - ii. the width of a protection zone (soft) is to be measured from its boundary with the adjoining protection zone (hard); and
 - iii. the width is to be measured along the ground surface.

Table 1: Minimum widths of protection zones for streams (shown in metres)

Stream Order	Protection zone (hard)	Protection zone (soft)
1 st Order	5	5

2nd Order	5	15
3rd Order	5	25
4th Order or greater	5	45

(For the purposes of applying Table 1, stream order is to be determined in accordance with Schedule 1 to this licence).

5.7.1 Specified forestry activities restricted within protection zones (hard)

- a) The following rules apply to a protection zone (hard), except as varied by this condition (being condition 5.7.1), condition 5.7.3 and condition 5.20 (relating to beekeeping):
 - i. specified forestry activities are prohibited in a protection zone (hard);
 - ii. no tree is to be felled into a protection zone (hard). If a tree falls into a protection zone (hard), then no part of the tree can be removed;
 - iii. harvesting machinery is not to be used in a protection zone (hard).
- b) Condition 5.7.1 (a) is not breached where a tree (or part of a tree) is accidentally felled into a protection zone (hard).
- c) A tree that has been accidentally felled into a protection zone (hard) in the course of a harvesting operation for the purpose of timber production (including a thinning operation that has timber production as one of its purposes) may be removed from the zone.
- d) However, the tree may be removed only if there are reasonable grounds for believing that the tree will produce at least one high quality timber product. For the avoidance of doubt, a part of a tree may be removed (subject to condition 5.7.1 (e)) from the protection zone (hard) even though that particular part is unlikely to produce a high quality timber product.
- e) The following rules apply to the removal of the tree that has been accidentally felled into the protection zone (hard):
 - i. the crown must be left where it has fallen, unless the whole of the tree (or the whole of that part of the tree that has fallen into the zone) is removed from the protection zone (hard), or is moved within, the protection zone (hard), using a mechanical harvester;
 - ii. the wheels or tracks of any machinery used to remove any part of the tree (or logs into which the tree is cut) must remain outside the protection zone (hard).

Note: Where a harvesting machine has entered the adjoining protection zone (soft) under condition 5.7.2 for the purpose of felling trees in the harvestable area, it may also be used to remove a tree that has been accidentally felled into the protection zone (hard) (see condition 5.7.2 (g)). However, the restrictions set out in condition 5.7.2 on the operation of harvesting machinery continue to apply when it is being used to remove a tree from the protection zone (hard).

- f) SFNSW must record the date on which any tree was accidentally felled into a protection zone (hard) and its location.
- g) Nothing in this condition (being condition 5.7.1) prevents the use of harvesting machinery for the purpose of rehabilitating ground or soil in accordance with another term or condition of this approval (such as conditions in Schedule 4A to the terms of the licence under the *Protection of the Environment Operations Act 1997*).

5.7.2 Restricted operations in protection zones (soft)

- a) The following rules apply to a protection zone (soft), except as varied by this condition (being condition 5.7.2), condition 5.7.3 or condition 5.20 (relating to beekeeping):
 - i. specified forestry activities are prohibited in a protection zone (soft);
 - ii. harvesting machinery is not to be used in a protection zone (soft).
- b) Trees may be felled into and removed from a protection zone (soft), but only in the course of a harvesting operation for the purpose of timber production (including a thinning operation that has timber production as one of its purposes) or in the course of road or snig track construction or re-opening, snig track brushing-up or road maintenance.
- c) However, condition 5.7.2 (b) is not breached where a tree is accidentally felled into the protection zone (soft) other than as referred to in that condition.
- d) The following rules apply to the removal of a tree that has been felled into the protection zone (soft) in the course of harvesting operation for the purpose of timber production (including a thinning operation that has timber production as one of its purposes):
 - i. the crown must be left where it has fallen, unless the whole of the tree (or the whole of that part of the tree that has fallen into the zone) is removed from the protection zone (soft), or is moved within the protection zone (soft), using a mechanical harvester;
 - ii. the wheels or tracks of any machinery used to remove any part of the tree (or logs into which it is cut) must remain outside the protection zone (soft).
- e) A harvesting machine may enter, and be used within, a protection zone (soft) in order to fell and remove any tree whose base is in the harvestable area in the course of a harvesting operation for the purpose of timber production (including a thinning operation that has timber production as one of its purposes).
- f) However, a harvesting machine may enter and be used within a protection zone (soft) to fell a tree whose base is in the harvestable area only if:

- i. the tree cannot be felled from outside the protection zone (soft) (that is, in the harvestable area) using the techniques of directional felling, so that it does not fall into the protection zone (soft); and
- ii. there are reasonable grounds for believing, when selecting the tree for felling, that it will produce at least one high quality timber product.

The harvesting machine may be used only to fell the tree away from the protection zone (soft) (that is, into the harvestable area).

- g) A harvesting machine that has entered a protection zone (soft) for the purpose of felling trees in the harvestable area may also be used to remove a tree that has been felled into the protection zone (soft), despite condition 5.7.2 (d) (ii), or to remove a tree that has been felled into the adjoining protection zone (hard).
- h) A harvesting machine may be operated under this condition (being condition 5.7.2) within a protection zone (soft) only using walkover techniques and in such a way so as:
 - i. to minimise skewing of its tracks (if any) to the greatest extent practicable; and
 - ii. to minimise disturbance to the ground (including vegetation) within the protection zone (soft) to the greatest extent practicable.

In particular, a harvesting machine may be operated within a protection zone (soft), under this condition, only with any blades, rippers or other similar attachments positioned so that they do not disturb the ground (including vegetation).

- i) The wheels or tracks of a harvesting machine that has entered a protection zone (soft) under condition 5.7.2 (e) must remain wholly within 5 metres from the boundary of the zone and the harvestable area when being used under this condition (being condition 5.7.2).
- j) The wheels or tracks of a harvesting machine that has entered a protection zone (soft) under condition 5.7.2 (e) may not (to any significant extent) be repositioned or moved solely for either or both of the following purposes:
 - i. for the purpose of removing a tree from the protection zone (soft);
 - ii. for the purpose of removing a tree accidentally felled into the adjoining protection zone (hard).

In other words, the wheels or tracks of the machine may be moved or repositioned significantly only if this is also necessary for a purpose related to felling and removing trees in the harvestable area.

- k. Harvesting machinery (or any other tracked or wheeled machinery) may not enter into, or be used within, any part of a protection zone (soft) where the soil is saturated, under this condition (being condition 5.7.2).

- l. Nothing in this condition (being condition 5.7.2) prevents the use of harvesting machinery for the purpose of rehabilitating ground or soil in accordance with another term or condition of this approval (such as conditions in Schedule 4A to the terms of the licence under the *Protection of the Environment Operations Act 1997* set out in this approval).

5.7.3 Road and snig track construction in protection zones

- a) A road and snig track (including a road or snig track crossing) may be constructed, and a snig track may be re-opened (by clearing, scraping or treating re-growth), in a protection zone where:
 - i. for practical purposes, there is no alternative site or route available for the road or snig track outside the protection zone; and
 - ii. there has been no record made of any threatened species on the site or route of the proposed road or snig track.
- b) The road or snig track may be constructed, and a snig track may be re-opened, only if, before the commencement of the construction or of any work to re-open the snig track:
 - i. the manager of the regional office of SFNSW responsible for managing the land on which the construction is proposed to be carried out or on which the snig track is located, or a more senior officer, has prepared a report in accordance with Schedule 6 or, in the case of a snig track to be re-opened, Schedule 6A to this licence; and
 - ii. the relevant regional manager or more senior officer has authorised the construction or proposed re-opening in writing.
- c) A copy of the report and authority referred to in condition 5.7.3 (b) must be faxed to the Department of Environment and Conservation as soon as possible after they have been issued.
- d) For the avoidance of doubt:
 - i. a road may not be constructed in any part of a protection zone which is also, or is also within, any of the exclusion zones referred to in the following conditions:
 - condition 5.9 (“Wetlands”)
 - condition 5.10 (“Heath and Scrub”)
 - condition 5.11 (“Rocky Outcrops and Cliffs”)
 - condition 7 (b) (“General survey requirements”);
 - ii. a snig track may not be constructed in any part of a protection zone which is also, or is also within, any of the exclusion zones referred to in the following conditions:
 - condition 5.8 (“Ridge and Headwater Habitat”)
 - condition 5.9 (“Wetlands”)

- condition 5.10 (“Heath and Scrub”)
 - condition 5.11 (“Rocky Outcrops and Cliffs”)
 - condition 7 (b) (“General survey requirements”); and
- iii. a snig track may not be re-opened in any part of a protection zone which is also, or is also within, any of the exclusion zones referred to in the following conditions:
- condition 5.9 (“Wetlands”)
 - condition 5.10 (“Heath and Scrub”)
 - condition 5.11 (“Rocky Outcrops and Cliffs”).

Note: Where the site or route of a proposed road or snig track is also (wholly or partly), within an exclusion zone to which condition 5.1D applies, that condition provides that the construction of the road or snig track may be carried out only with the written approval of the Department of Environment and Conservation and in accordance with any conditions imposed by the Department as part of its approval

Where it is proposed to re-open a snig track within both a protection zone and an exclusion zone referred to in any of the following conditions, condition 5.1D provides that the proposed re-opening may be carried out only with the written approval of the Department of Environment and Conservation and in accordance with any conditions imposed by the Department as part of its approval:

- condition 6.1 (“Green and Golden Bell Frog *Litoria aurea*”)
- condition 6.2 (“Giant Burrowing Frog *Heleioporus australiacus*”)
- condition 6.3 (“Stuttering Frog *Mixophyes balbus*”)
- condition 6.16.2 (“Exclusion of specified forestry activities from 100% of individuals with a 10 metre exclusion zone and a further 10 metre buffer”)

In addition, the written approval of the Department of Environment and Conservation may be required where the snig track is to be re-opened within an exclusion zone, even though it is not an exclusion zone referred to above. If the Department has given SFNSW written notice that, in view of the extent of revegetation of the snig track within the exclusion zone, the track is no longer readily distinguishable from the surrounding forest, then the written approval of the Department is required before any work to re-open the snig track is commenced.

- e) Where a snig track within a protection zone has become re-vegetated, but none of the trees growing on the snig track within the zone have a diameter at breast height over bark of 20cm or more, the snig track may be brushed-up. However, both of the following requirements must be met:
- i. no part of the snig track that is proposed to be brushed-up within the protection zone is located within an exclusion zone referred to in any of the following conditions:
- condition 5.9 (“Wetlands”)
 - condition 5.10 (“Heath and Scrub”)
 - condition 5.11 (“Rocky Outcrops and Cliffs”)
 - condition 6.1 (“Green and Golden Bell Frog *Litoria aurea*”)

- condition 6.2 (“Giant Burrowing Frog *Heleioporus australiacus*”)
 - condition 6.3 (“Stuttering Frog *Mixophyes balbus*”)
 - condition 6.16.2 (“Exclusion of specified forestry activities from 100% of individuals with a 10 metre exclusion zone and a further 10 metre buffer”);
- ii. SFNSW proposes to use the snig track after it is brushed-up in the course of a harvesting operation for the purpose of timber production (including a thinning operation that has timber production as one of its purposes).

Note: Where the requirements in relation to “brushing-up” a re-vegetated snig track within protection zone cannot be met, SFNSW may have the option of seeking instead to re-open the track. Re-opening requires SFNSW to prepare a report in accordance with Schedule 6A, whereas “brushing-up” does not require a report to be prepared before work is undertaken.

- f) A snig track may be re-opened or brushed-up any number of times, subject to this condition (being condition 5.7.3) and condition 5.1D (if applicable), and only in accordance with the provisions of those conditions. However, both of the following requirements must also be met:
- i. the snig track was in existence at the time of commencement of this approval or has been constructed in accordance with the approval; and
 - ii. any previous re-opening or brushing-up has been done in accordance with this approval.
- g) SFNSW must ensure that all practicable measures are taken to minimise any adverse impacts on the environment of any of the following activities within a protection zone:
- i. the construction of a road or snig track;
 - ii. re-opening or brushing-up of a snig track;
 - iii. any snigging carried out on a snig track.

In particular, hollow-bearing trees may not be felled or removed, or used as bumper trees for moving logs.

- h) Road re-opening and routine road maintenance may also take place in a protection zone.
- i) Harvesting machinery may travel along roads and snig tracks located within protection zones that were in existence at the time of commencement of this approval or that have been constructed in accordance with this approval (but only if any subsequent re-opening or brushing-up has also been done in accordance with this approval).

[21] Condition 5.17 (e) (ii) (“Ground Habitat Protection”)

Omit condition 5.17 (e) (ii). Insert instead:

- ii. Firewood must not be collected from any of the following areas: High Conservation Value Old Growth Forest, Rainforest or exclusion zones established around Warm Temperate or Cool Temperate Rainforest, Rare Non-Commercial Forest Ecosystems, protection zones (hard and soft).

[22] Condition 5.19 (“Miscellaneous Forestry Operations”)

Omit “Stream Exclusion Zones” wherever occurring in condition 5.19 (b) and (c). Insert instead “protection zones”.

[23] Condition 5.20 (i) – Definition of “environmentally sensitive land”

Omit “condition 5.7 (“Stream Exclusion Zones”)” from the definition of “environmentally sensitive land” in condition 5.20 (i). Insert instead “condition 5.7 relating to the protection of riparian habitat, whether as made when this approval came into effect on 13 May 2002 or as substituted by Amendment No.1 to this approval”.

[24] Schedule 6 – heading

Omit the heading to Schedule 6. Insert instead:

SCHEDULE 6: Matters to be addressed in assessment of proposals for new roading through High Conservation Value Old Growth Forest, Rainforest and Exclusion Zones around Warm Temperate or Cool Temperate Rainforest, Rare Non-Commercial Forest Ecosystems and Protection Zones

[25] Schedule 6 – references to protection zones

Omit “Stream Exclusion Zones” and “Stream Exclusion Zone” wherever occurring in Schedule 6. Insert instead “protection zones” and “protection zone” respectively.

[26] Schedule 6 – insertion of references to Exclusion Zones around Warm Temperate Rainforest or Cool Temperate Rainforest

Insert “and/or the Rainforest Exclusion Zone” after “Rainforest” wherever occurring in Schedule 6 (other than in matter following the first dot point in paragraph (d) (vi)).

[27] Schedule 6A

Insert after Schedule 6:

Schedule 6A. Matters to be addressed in assessment of proposals for re-opening of snig tracks through High

Conservation Value Old Growth Forest, Rainforest and Exclusion Zones around Warm Temperate Rainforest or Cool Temperate Rainforest, Rare Non-Commercial Forest Ecosystems and Protection Zones

When proposing to re-open a snig track within High Conservation Value Old Growth Forest, Rainforest or a Rainforest Exclusion Zone, a Rare Non-Commercial Forest Ecosystem or a Protection Zone, SFNSW must prepare a report addressing the following matters:

- a) All options that were considered and their cost, and in particular the reasons why other routes (in a harvestable area) were not considered feasible and why it was decided to re-open the snig track;
- b) The specific reasons why the snig track must be re-opened;
- c) The mitigative and ameliorative measures to be applied; and
- d) Results of the field assessment which must be undertaken, including:
 - i. a description of the snig track to be re-opened, including its dimensions and those of any other area affected (such as run-offs etc), method of re-opening, including any cutting and filling that may be involved and construction or re-construction of any stream crossings;
 - ii. an assessment of the likely effect on, and description of, members of any threatened species of plant that will be, or are likely to be, directly or indirectly affected by the re-opening or that grow within 50 metres of the snig track to be re-opened;
 - iii. an assessment of the likely effect on, and description of, members of any threatened species of animal:
 - that will be, or are likely to be, directly or indirectly affected by the re-opening; or
 - records of which occur within 100 metres of the snig track.
 - iv. an assessment of the likelihood of the re-opened snig track creating a barrier to movement of members of a threatened species of animal and of the likelihood of any other increase in the threats to the threatened species, and a description of the barrier that is likely to be created (if any) and those other threats;
 - v. a description of any habitat features that will be, or are likely to be, directly or indirectly affected by the re-opening, including (but not limited to) wetlands or other water bodies and habitat of threatened species;

- vi. a description of the area affected by the re-opening, and an assessment of the likely effect on that area of the re-opening, including, but not confined to:
- the type of High Conservation Value Old Growth Forest, Rainforest or Rare Non-Commercial Forest Ecosystem (according to RN17);
 - a brief description of the floristics and structures of the High Conservation Value Old Growth Forest, Rainforest and/or Rainforest Exclusion Zone, Rare Non-Commercial Forest Ecosystem or Protection Zone;
 - a description of the total area of the High Conservation Value Old Growth Forest, Rainforest and/or Rainforest Exclusion Zone, Rare Non-Commercial Forest Ecosystem or Protection Zone to be directly or indirectly affected by the re-opening;
 - the likelihood of the re-opening of the snig track fragmenting (or the extent to which the re-opening of the snig track will fragment) the High Conservation Value Old Growth Forest, Rainforest and/or Rainforest Exclusion Zone, Rare Non-Commercial Forest Ecosystem or Protection Zone;
 - in the case of an area of Rainforest or an area within a Rainforest Exclusion Zone, whether the Rainforest (including Rainforest surrounded by the Exclusion Zone) is SEPP 26 littoral rainforest; and
 - an assessment of the likelihood of the re-opening increasing the presence or abundance of weeds or feral animals.
- vii. an assessment of past disturbance in the relevant area.

**SCHEDULE 4 – AMENDMENTS TO THE TERMS OF LICENCE UNDER
PART 7A OF THE FISHERIES MANAGEMENT ACT 1994 SET OUT IN
APPENDIX D OF THE APPROVAL**

[1] Condition 1 (Definitions and Abbreviations)

Omit the definitions of “Buffer zone”, “Class 1 aquatic habitat”, “Class 2 aquatic habitat”, “Exclusion zone” and “Machinery” from condition 1. Insert instead the following definitions (in appropriate alphabetical order):

Buffer zone: means a buffer zone established under condition 7.2 or condition 7A.1.

Class 1 aquatic habitat: is *class 1 aquatic habitat* within the meaning of condition 7 or condition 7A, as the case may require.

Class 2 aquatic habitat: is *class 2 aquatic habitat* within the meaning of condition 7 or condition 7A, as the case may require.

Directional felling: means the felling of a tree by cutting the tree at a particular angle so that it falls in a pre-determined direction.

Exclusion zone: means an exclusion zone established under condition 7.2 or condition 7A.1, 7A.2 or 7A.3.

Harvesting machine and Harvesting machinery; Machine and Machinery: mean any mechanical or other harvester, rubber-tyred skidder, bulldozer and any other wheeled or tracked machine that is built to be propelled by a motor that forms part of the machine and that is capable of being used for the cutting or removal of timber.

Note: The terms “Harvesting machine” and “Harvesting machinery” are used in condition 7A (which applies only to the South Coast Subregion), while the terms “Machine” and “Machinery” are used in condition 7 (which applies to the Tumut Subregion). Condition 7A was inserted in 2004; its terminology reflects that used in similar provisions inserted into other parts of the approval at the same time.

High quality timber product: means a high quality large log within the meaning of clause 5 of this approval and any other log at least 2.4 metres long that in the opinion of SFNSW is of a high quality, such as a log that may be used for veneer or as a pile, pole or girder.

Mechanical harvester: means a tracked or wheeled machine equipped with an attachment containing a cutting device (for example, a hydraulically driven disc or saw) for the purpose of felling trees.

Special operational zone: means a special operational zone established under condition 7A.1.

Wetland: means any of the following areas:

- a vegetated depression with a permanent, seasonal or intermittent water table at or slightly above the floor of the depression (typically having a vegetation type that indicates a wetter micro-environment than that of the surrounding land);
- any land to which SEPP 14 applies (referred to in this licence as a wetland);
- an area that is any of the following forest types described in SFNSW Research Note 17: swamp mahogany (FT 30), paperback (FT 31), swamp oak (FT 32), mangrove (FT 33), swamp (FT 231), water surface (FT 235).

[2] Condition 2.2

Omit “8.2, 8.3, 8.4 and 8.6” from condition 2.2. Insert instead “8.2, 8.3 and 8.4”.

[3] Condition 6.3 c)

Insert “(in the case of land in the Tumut Subregion) and conditions 7A.4 to 7A.7 (in the case of land in the South Coast Subregion)” after “conditions 7.1 a) i, 7.1 a) iii and 7.3 a)” in condition 6.3 c). Omit the second sentence from condition 6.3 c).

[4] Condition 6.3 d)

Omit “, as defined in condition 7 of this licence” from condition 6.3 d).

[5] Condition 7

Omit the first sentence preceding the definitions of “Class 1 aquatic habitat” and “Class 2 aquatic habitat” from condition 7. Insert instead:

This condition (being condition 7) applies with respect to forestry operations in the Tumut Subregion (as defined in clause 1 of this approval) and continues to apply to forestry operations in the South Coast Subregion commenced before the commencement of condition 7A.

[6] Condition 7.4 a)

Omit condition 7.4 a).

[7] Condition 7A

Insert after condition 7 (that is, after condition 7.6):

Condition 7A. General Aquatic Habitat Protection Conditions for the South Coast Subregion

This condition (being condition 7A) applies only with respect to forestry operations in the South Coast Subregion (as defined in clause 1 of this approval), commenced on or after the commencement of this condition.

In this condition (being condition 7A):

Class 1 aquatic habitat means a part of a watercourse, wetland or other water body (comprising fresh or estuarine waters) in or adjacent to a compartment or other area in which a proposed forestry operation is to be carried out where:

- (a) a “desktop review” (under condition 9.2) for the relevant operation concludes that known or potential habitat (as those terms are used in condition 9) of a threatened species occurs in the watercourse, wetland or other water body within 2km upstream or 5km downstream of the location of the proposed operation; or
- (b) critical habitat of a threatened species occurs in the watercourse, wetland or other water body within 10 km upstream or 10km downstream of the location of the proposed operation.

Class 2 aquatic habitat means a part of a watercourse, wetland or other water body (comprising fresh or estuarine waters) in or adjacent to a compartment or other area in which a proposed forestry operation is to be carried out where a “desktop review” (under condition 9.2) concludes that known or potential habitat (as those terms are used in condition 9) of a threatened species occurs in the watercourse, wetland or other water body within 100km downstream of the location of the proposed operation. However, ***class 2 aquatic habitat*** does not include any part of a watercourse, wetland or other water body that is ***class 1 aquatic habitat***.

Accidental felling into an exclusion zone or buffer zone

For the purposes of this condition (being condition 7A), a tree is accidentally felled into an area (such as an exclusion zone or buffer zone) if it is apparent that:

- i. techniques of directional felling were used in an attempt to fell the tree away from the area; or
- ii. an attempt was made using some other method (such as a mechanical harvester) to fell the tree away from the area.

However, a tree is not accidentally felled into an area if the person responsible for the felling of the tree knew, or could reasonably have been expected to know, that the tree would fall into the area.

Width – measurement

For the purposes of this condition (being condition 7A), any reference to a width is a reference to a width as measured along the ground surface.

Inherent hazard levels

In this condition (being condition 7A), a reference to a compartment or other area classified as inherent hazard level 1, 2 or 3 is a reference to a compartment or other area so classified in accordance with the terms of the licence under the *Protection of the Environment Operations Act 1997* set out in this approval, and includes a

reference to a compartment or other area that would be so classified if the authority conferred by those terms was operative.

7A.1 Riparian Exclusion Zones, Buffer Zones and Special Operational Zones

- a) This condition (being condition 7A.1) applies to a part of a watercourse comprising class 1 aquatic habitat or class 2 aquatic habitat (referred to in this condition as “a watercourse”).
- b) Where a watercourse is in or adjacent to a compartment or other area that has been classified as inherent hazard level 1 or 2:
 - i. an exclusion zone must be established along either side of the watercourse for its entire length; and
 - ii. a buffer zone must be established along the entire length of each such exclusion zone; and
 - iii. a special operational zone must be established along the entire length of each such buffer zone.
- c) Each exclusion zone, buffer zone and special operational zone established for the purposes of condition 7A.1 b) is to have at least the width shown in Table 1 to this condition. The width of each zone is to be measured as follows:
 - i. the width of an exclusion zone is to be measured from the top of the bank of the incised channel or, where there is no defined bank, from the edge of the channel; and
 - ii. the width of a buffer zone is to be measured from its boundary with the adjoining exclusion zone; and
 - iii. the width of a special operational zone is to be measured from its boundary with the adjoining buffer zone.
- d) Where a watercourse is in or adjacent to a compartment or other area classified as inherent hazard level 3:
 - i. an exclusion zone must be established along either side of the watercourse for its entire length; and
 - ii. a special operational zone must be established along the entire length of each such exclusion zone.
- e) Each exclusion zone and special operational zone established for the purposes of condition 7A.1 d) is to have at least the width shown in Table 2 to this condition. The width of each zone is to be measured as follows:
 - i. the width of an exclusion zone is to be measured from the top of the bank of the incised channel or, where there is no defined bank, from the edge of the channel; and
 - ii. the width of a special operational zone is to be measured from its boundary with the adjoining exclusion zone.

Table 1: Minimum widths of exclusion zone, buffer zone and special operational zone for watercourses in native forests in IHL 1 and 2 (metres – measured along the ground surface).

Stream Order	Exclusion Zone	Buffer Zone	Special Operational Zone
Drainage line	5	5	10
1 st Order	5	5	10
2 nd Order	5	15	10
3 rd Order	5	25	10
4 th Order or greater	5	45	10

Table 2: Minimum widths of exclusion zone and special operational zone for watercourses in native forests in IHL 3 (metres – measured along the ground surface).

Stream Order	Exclusion Zone	Special Operational Zone
Drainage Line	10	10
1 st Order	10	10
2 nd Order	20	10
3 rd Order	30	10
4 th Order or greater	50	10

7A.2 Wetland Exclusion Zones

- a) This condition (being condition 7A.2) applies to any wetland comprising either class 1 aquatic habitat or class 2 aquatic habitat.
- b) An exclusion zone must be established around a wetland to which this condition applies. The exclusion zone (wherever measured) must have at least the width, from the edge of the wetland, set out below:
 - i. where the wetland has a surface area of at least 2m x 2m but not more than 0.5 hectares (approximately 70m x 70m), 10 metres;
 - ii. where the wetland has a surface area of more than 0.5 hectares but not more than 2 hectares (approximately 150m x 150m), 20 metres;
 - iii. where the wetland has a surface area of more than 2 hectares or is a wetland to which SEPP 14 applies, 40 metres.
- c) Where a wetland with a surface area of less than 0.5 hectares is in a compartment or other area in which a harvesting operation is proposed to be carried out, SFNSW must, before commencing that operation, record the wetland on any harvesting plan and mark it in the field so that it can be protected.

7A.3 Exclusion Zones around other water bodies

An exclusion zone of at least 10 metres in width (wherever measured) is to be established around any pond or dam comprising class 1 aquatic habitat or class

2 aquatic habitat, not being a pond or dam that is a watercourse or wetland to which condition 7A.1 or condition 7A.2 applies respectively. The width of the exclusion zone is to be measured from the edge of the pond or dam.

7A.4 Operations within Exclusion Zones

- a) The following rules apply to any exclusion zone established under condition 7A.1, 7A.2 or 7A.3, except as varied by this condition (being condition 7A.4) or another condition of this licence:
- i. specified forestry activities are not to be carried out in an exclusion zone;
 - ii. harvesting machinery is not to enter, or be used within, an exclusion zone;
 - iii. earthworks are not to be carried out in an exclusion zone;
 - iv. no tree is to be felled into an exclusion zone. If any tree falls into an exclusion zone, then no part of the tree may be removed from that zone.

Trees accidentally felled into exclusion zones

- b) Condition 7A.4 a) is not breached where a tree is accidentally felled into an exclusion zone.
- c) If a tree is accidentally felled into an exclusion zone established under condition 7A.1 or 7A.3, in the course of a harvesting operation for the purpose of timber production (including a thinning operation which has as one of its purposes timber production), then the tree may be removed from the zone.

Note: Trees that are accidentally felled into a wetland exclusion zone (established under condition 7A.2) may not be removed.

- d) However, the tree may be removed only if there are reasonable grounds for believing that the tree will produce at least one high quality timber product. For the avoidance of doubt, any part of the tree may be removed (subject to condition 7A.4 e)) even though that particular part is unlikely to produce a high quality timber product.

Removal of trees accidentally felled into exclusion zone

- e) The tree may be removed only in accordance with the following rules:
- i. the crown must be left where it has fallen unless the whole of the tree (or the whole of that part of the tree that has fallen into the zone) is removed from, or moved within, the zone using a mechanical harvester;
 - ii. the wheels or tracks of any machinery used to remove any part of the tree (or logs into which it is cut) that has fallen into the zone must remain outside the zone.

Note: Where a harvesting machine has entered an adjoining buffer zone under condition 7A.5 for the purpose of felling trees outside the buffer zone, it may

also be used to remove a tree (or part of a tree) that has been accidentally felled into the exclusion zone or any logs into which the tree has been cut (see condition 7A.5 e)).

Road use etc. may take place in exclusion zone

- f) A road may be re-opened, maintained and used (by harvesting machinery) in an exclusion zone, other than an exclusion zone established under condition 7A.2 or condition 7A.3.
- g) A road may be constructed, and extraction of logs from trees felled outside the exclusion zone may be carried out, in an exclusion zone (other than an exclusion zone established under condition 7A.2 or condition 7A.3) where it is not reasonably practicable to use another site or route for the purposes of the road or extraction.

Logs from trees felled to construct road etc. may be removed from zone

- h) Extraction of logs from trees felled into or within the zone (for the purpose of road construction, re-opening or maintenance or temporary extraction track construction, re-opening or brushing-up) under this condition or another condition of this licence may take place in an exclusion zone.

Remedial work to be undertaken in exclusion zones

- i) Any furrow within an exclusion zone that is produced by tree or log extraction (as may be permitted by this condition (being condition 7A.4)) must be:
 - i. infilled with soil; or
 - ii. drained onto a stable surface capable of handling concentrated water flow.

At least 70% ground cover must then be re-established within 5 days of the creation of the furrow.

- j) Where soil in an exclusion zone has been disturbed as a result of an operation permitted by this condition (such as extraction under condition 7A.4 c), g) or h)), then at least 70% ground cover must be re-established on the area in which soil has been disturbed (apart from along the route or site of a road) within 5 days of the disturbance. Ground cover must not be achieved by the addition or spreading of gravel or rock.

Note: See Schedule 4A to the terms of the licence under the Protection of the Environment Operations Act 1997 set out in the approval for examples of how 70% ground cover may be achieved.

- k) A harvesting machine may be used for remedial work referred to in condition 7A.4 i) or j). However, the wheels or tracks of a harvesting machine may not enter, and may not be repositioned significantly within, an exclusion zone, solely for the purpose of the machine being used for remedial work. (Unless a harvesting machine may enter an exclusion zone under another provision of this condition, such as condition 7A.4 g) or h), its wheels or tracks must remain wholly outside the zone.)

Note: Where a machine has entered the adjoining buffer zone under condition 7A.5 (to fell trees away from the buffer zone) it may also be used to carry out remedial work in the exclusion zone (condition 7A.5 (e)); however, the wheels or tracks of the machine must remain wholly within 5 metres of the boundary between the buffer zone and the adjoining special operational zone.

Operation of machinery and extraction within zone

- l) Condition 7A.8 applies to the operation of machinery within an exclusion zone and condition 7A.9 applies to extraction within an exclusion zone.

7A.5 Operations within buffer zones

- a) The following rules apply to any buffer zone established under condition 7A.1, except as varied by this condition (being condition 7A.5) or another condition of this licence:
 - i. specified forestry activities are not to be carried out in a buffer zone;
 - ii. harvesting machinery is not to enter, or be used within, a buffer zone;
 - iii. earthworks are not to be carried out in a buffer zone;
 - iv. no tree is to be felled into a buffer zone. If any tree falls into a buffer zone, then no part of the tree may be removed from that zone.
- b) Condition 7A.5 a) is not breached where a tree is accidentally felled into a buffer zone.

Felling of trees into buffer zone

- c) A tree whose base is outside the buffer zone may be felled into the zone and removed from the zone in a harvesting operation for the purpose of timber production (including a thinning operation having as one of its purposes timber production). However, no harvesting machinery may enter or be used within the zone for the purpose of felling the tree into the zone.
- d) A tree that is felled into a buffer zone under condition 7A.5 c) may be removed only in accordance with the following rules:
 - i. the crown must be left where it has fallen unless the whole of the tree (or the whole of that part of the tree that has been felled into the buffer zone) is removed from, or moved within, the zone using a mechanical harvester;
 - ii. the wheels or tracks of any machinery used to remove any part of the tree (or logs into which it is cut) that has been felled into the buffer zone must remain outside the zone, except as provided by condition 7A.5 e).
- e) If a harvesting machine has entered a buffer zone under condition 7A.5 f) (that is, to fell a tree away from the zone), then it may also be used:
 - i. to remove a tree or part of a tree that has been felled into the zone under condition 7A.5 c); and

- ii. to remove a tree or part of a tree that has been accidentally felled into the adjoining exclusion zone in the course of a harvesting operation, as referred to in condition 7A.4; and
- iii. to carry out remedial work in the adjoining exclusion zone or in the buffer zone, as referred to in condition 7A.4 k) and condition 7A.5 n), respectively.

Use of harvesting machine to fell trees away from buffer zone

- f) A harvesting machine may enter, and be used within, a buffer zone for the purpose of felling and removing a tree whose base is outside the buffer zone in the course of a harvesting operation for the purpose of timber production, including a thinning operation having as one of its purposes timber production.
- g) However, a harvesting machine may enter, and be used within, the buffer zone to fell a tree outside the zone only if:
 - i. the tree cannot be felled from outside the zone, using the techniques of directional felling, so that it does not fall into the zone; and
 - ii. there are reasonable grounds for believing, when selecting the tree for felling, that it will produce at least one timber product that is a high quality timber product.
- h) A harvesting machine may be used under condition 7A.5 f) only to fell the tree away from the buffer zone (that is, into the adjoining special operational zone).
- i) The wheels or tracks of the harvesting machine (when being used under condition 7A.5 e) or f)) must remain wholly within 5 metres from the boundary between the buffer zone and the adjoining special operational zone.

Road use etc. may take place in buffer zone

- j) A road may be re-opened, maintained and used (by harvesting machinery) within a buffer zone, and extraction of logs from trees felled within, or into, the zone (for the purposes of road construction, re-opening or maintenance or for temporary extraction track construction, re-opening or brushing-up) may take place in the zone.

Note: The extraction or removal of trees felled into the buffer zone in the course of a harvesting operation for the purpose of timber production is dealt with separately in condition 7A.5 d) and e).

- k) A road may be constructed, and extraction of logs from trees felled outside the buffer zone may be carried out, in a buffer zone where it is not reasonably practicable to use any other site or route for the purposes of the road or extraction.

Remedial work to be undertaken in buffer zones

- l) Any furrow within a buffer zone that is produced by tree or log extraction (as may be permitted by this condition (condition 7A.5)) must be:

- i. infilled with soil; or
- ii. drained onto a stable surface capable of handling concentrated water flow.

At least 70% ground cover must then be re-established within 5 days of the creation of the furrow.

- m) Where soil in a buffer zone has been disturbed as a result of an operation permitted by this condition (such as extraction under condition 7A.5 j) or k) or the operation of harvesting machinery under condition 7A.5 f)), then at least 70% ground cover must be re-established on the area in which the soil has been disturbed (apart from along the route or site of a road) within 5 days of the disturbance. Ground cover must not be achieved by the addition or spreading of gravel or rock.

Note: See the terms of the licence under the Protection of the Environment Operations Act 1997 set out in the approval for examples of how 70% ground cover may be achieved.

- n) A harvesting machine may be used for remedial work referred to in condition 7A.5 l) or m). However, the wheels or tracks of the machine must remain outside the buffer zone, except where the machine has already entered the zone under another provision of this condition (being condition 7A.5).

Operation of machinery within buffer zone

- o) Condition 7A.8 applies to the operation of machinery within a buffer zone and condition 7A.9 applies to extraction within a buffer zone.

7A.6 Restrictions apply to use of harvesting machinery in buffer zones for removal of trees and remedial work

- a) For the avoidance of doubt, a harvesting machine may not enter a buffer zone solely for any, or all, of the following purposes:
 - i. removing a tree accidentally felled into an exclusion zone (as referred to in conditions 7A.4 c) and 7A.5 e) ii);
 - ii. removing a tree felled into a buffer zone (as referred to in condition 7A.5 c) and e) i);
 - iii. carrying out remedial work in an exclusion zone or buffer zone (as referred to in condition 7A.4 k), 7A.5 e) or 7A.5 n)).
- b) The wheels or tracks of a harvesting machine may not be repositioned or moved (to any significant extent) within a buffer zone solely for any, or all, of the following purposes:
 - i. removing a tree accidentally felled into an exclusion zone (as referred to in conditions 7A.4 c) and 7.5 e) ii);

- ii. removing a tree felled into a buffer zone (as referred to in condition 7A.5 c) and e) i);
- iii. carrying out remedial work in an exclusion zone or buffer zone (as referred to in condition 7A.4 k), 7A.5 e) or 7A.5 n)).

7A.7 Operations within special operational zones

- a) This condition (being condition 7A.7) applies to any special operational zone established under condition 7A.1.
- b) Forestry operations (as described in clause 5 of this approval) may only be carried out in a special operational zone subject to the restrictions set out in this condition, condition 7A.8 and condition 7A.9.
- c) A road may be constructed, and extraction of logs from trees felled outside the special operational zone, may be carried out in a special operational zone only where it is not reasonably practicable to use another site or route for the purposes of the road or extraction.
- d) Any furrow within a special operational zone that is produced by tree or log extraction (as may be permitted by this condition (being condition 7A.7)) must be:
 - i. infilled with soil; or
 - ii. drained onto a stable surface capable of handling concentrated water flow,

if the furrow is located, wholly or partly, within 10 metres of an area of disturbed soil in the adjoining buffer zone (in the case of land classified as inherent hazard level 1 or 2) or adjoining exclusion zone (in the case of land classified as inherent hazard level 3).

At least 70% ground cover must then be achieved within 5 days of the creation of the furrow.

- e) Where soil has been disturbed in a buffer zone (in the case of land classified as inherent hazard level 1 or 2) or an exclusion zone (in the case of land classified as inherent hazard level 3) and soil in the adjoining special operational zone has also been disturbed, as a result of an operation permitted by this condition, then at least 70% ground cover must be re-established on the following areas of disturbed soil within the special operational zone (apart from along the route or site of a road):
 - i. any area adjacent to soil disturbed in the buffer zone or the exclusion zone;
 - ii. any area within 10 metres of any soil disturbed in the buffer zone or the exclusion zone.

Ground cover must be re-established within 5 days of the disturbance.
Ground cover must not be achieved by the addition or spreading of gravel or rock.

- f) Harvesting machinery may be used to carry out remedial work referred to in condition 7A.7 d) or e).

7A.8 Operation of machinery in exclusion zones, buffer zones and special operational zones

- a) Harvesting machinery and any other tracked or wheeled machinery that may enter an exclusion zone, buffer zone or special operational zone (such as for the purpose of road construction or road maintenance) may not operate in any part of such a zone where the soil is saturated.
- b) Harvesting machinery and any other tracked or wheeled machinery that may enter and be used within an exclusion zone, buffer zone or special operational zone may be operated only using walkover techniques and:
 - i. in such a way so as to minimise skewing of its tracks (if any) to the greatest extent practicable; and
 - ii. with any blades, rippers or other similar attachments positioned so that they do not disturb the ground surface, except when the machinery is being used to carry out earthworks for the purpose of road construction, road maintenance or road re-opening or extraction.

7A.9 Extraction

- a) This condition applies only to exclusion zones, buffer zones and special operational zones established under condition 7A. Condition 8.6 does not apply to these zones.

Note: Condition 8.6 is in similar terms to condition 7A.9 but applies, generally, only to extraction within exclusion zones in the Tumut Subregion (because of its “disapplication” by condition 7A.9 a) above to zones established under condition 7A).

- b) Any extraction within an exclusion zone, buffer zone or special operational zone must be carried out using the following methods (to the greatest extent reasonably practicable):
 - i. forwarding using walk-over techniques;
 - ii. forwarding using a temporary extraction track;
 - iii. snigging using walk-over techniques;
 - iv. snigging using a temporary extraction track;
 - v. forwarding using a permanent extraction track;
 - vi. snigging using a permanent extraction track.

A method specified in any of the subparagraphs ii-vi may be used only if it is not practicable to use a method in any preceding paragraph.

- c) Where this licence authorises a temporary extraction track to be used for extraction, this licence also authorises the construction or creation, re-opening or brushing-up of such a track, including a track that was in existence before the commencement of this licence. However, the authority conferred by this condition (being condition 7A.9 c)) does not affect requirements to rehabilitate or reinstate ground or the beds and banks of a temporary extraction track crossing (such as the requirements in condition 7A.4 or condition 7A.9 g)).
- d) The authority conferred by this licence to re-open and maintain a road, including a permanent extraction track, extends to a road that was in existence before the commencement of this licence.
- e) Any extraction within an exclusion zone, buffer zone or special operational zone must, to the greatest extent reasonably practicable, be carried out in such a way so as to avoid disturbance to the ground (including vegetation) and, in the case of extraction within an exclusion zone, so as to avoid disturbance to the bed and banks of the watercourse adjoining the exclusion zone.

Temporary extraction track crossings

- f) Temporary extraction track crossings across a watercourse adjoining an exclusion zone must:
 - i. cross at, or as close as reasonably practicable to, right angles to the watercourse unless another approach reduces ground and soil disturbance or clearing of vegetation; and
 - ii. not be used when there is runoff from the surface of the crossing; and
 - iii. not be constructed or used so as to prevent the free flow of water in the watercourse; and
 - iv. not be used if water is flowing over the track crossing.
- g) The bed and banks of a temporary extraction track crossing across a watercourse adjoining an exclusion zone must be immediately reinstated at the completion of their use. Without limiting the measures SFNSW may need to take to reinstate the ground, SFNSW must ensure that such of the following measures as may be required are taken:
 - i. the re-shaping of the bed and banks of the watercourse so that the watercourse has approximately the same profile as it had before the crossing was constructed;
 - ii. re-establishment of ground cover;
 - iii. removal of any material from the bed of the watercourse that entered the watercourse as a result of the construction of the crossing or its use.
- h) The location of all walk-over points and temporary extraction track crossings across a watercourse adjoining an exclusion zone must be

approved by SFNSW and marked in the field before any machinery enters the exclusion zone.

- i) Temporary extraction tracks within an exclusion zone, buffer zone or special operational zone must not be bladed off.

7A.10 Miscellaneous Forestry Activities

SFNSW must comply with conditions 7A.8, 7A.9 and 8.4 when carrying out, or supervising, a miscellaneous forestry operation in a compartment or other area containing or adjoining class 1 aquatic habitat or class 2 aquatic habitat.

[8] Condition 8.1

Omit condition 8.1. Insert instead:

8.1 Procedure for In-Stream Works in Class 1 and Class 2 Aquatic Habitat

- a) SFNSW may only undertake:
 - i. in-stream works within class 1 aquatic habitat that is located within the South Coast Subregion (where those works have not been commenced as at the date of commencement of condition 7A), if SFNSW complies with condition 8.4, and condition 7A.9 and condition 8.2 (insofar as either of these conditions is applicable to the works concerned); and
 - ii. any other in-stream works within class 1 aquatic habitat, if SFNSW complies with condition 8.4, and condition 8.2 and condition 8.6 (insofar as either of these conditions is applicable to the works concerned).

- b) SFNSW may only undertake:
 - i. in-stream works within class 2 aquatic habitat that is located within the South Coast Subregion (where those works have not been commenced as at the date of commencement of condition 7A), if SFNSW complies with condition 8.4, and condition 7A.9 and condition 8.3 (insofar as either of these conditions is applicable to the works concerned); and
 - ii. any other in-stream works within class 2 aquatic habitat, if SFNSW complies with condition 8.4, and condition 8.3 and condition 8.6 (insofar as either of these conditions is applicable to the works concerned).

[9] Condition 8.5

Insert the following note after the heading to condition 8.5:

Note: This condition (condition 8.5) applies to the operation of machinery in buffer zones in the Tumut Subregion only. See condition 7A.8 for equivalent restrictions on the operation of machinery in the South Coast Subregion.

[10] Condition 8.6

Insert the following note after the heading to condition 8.6

Note: This condition (condition 8.6) applies to extraction within exclusion zones in the Tumut Subregion only. See condition 7A.9 for corresponding provisions relating to extraction within exclusion zones, buffer zones and special operational zones in the South Coast Subregion.

[11] Condition 9.1 c)

Omit “, and then to classify the aquatic habitat at the relevant site as class 1 or class 2, pursuant to condition 7”.

[12] Condition 9.3 a)

Omit condition 9.3 a). Insert instead:

- a) If it is proposed to carry out a specified forestry activity (such as road construction) within an exclusion zone, then a pre-logging or pre-roading assessment of the class 1 or class 2 aquatic habitat adjoining the exclusion zone must be carried out. The assessment must be carried out with respect to each threatened species (specified in Schedule 4 or 5 to the FM Act), the location of whose known or potential habitat results (or could result) in the relevant part of the watercourse, wetland or other water body being class 1 or class 2 aquatic habitat.

Note: Where a desktop review for a proposed forestry operation concludes that any part of a watercourse, wetland or other water body in or adjoining a compartment or other area for which the operation is proposed is class 1 or class 2 aquatic habitat, then an exclusion zone (from which most activities must be excluded) is required to be established along that part of the watercourse or surrounding the water body. However, certain activities may take place in some exclusion zones eg. road construction in an exclusion zone established under condition 7A.1 where it is not practicable to use another site or route. Where a “specified forestry activity” is to be carried out in an exclusion zone, then condition 9.3 a) requires a pre-logging or pre-roading assessment of the class 1 or class 2 aquatic habitat (in or adjoining the compartment or other area in which the activity is to take place) to be carried out.