

# **FORESTRY AND NATIONAL PARK ESTATE ACT 1998**

## **INTEGRATED FORESTRY OPERATIONS APPROVAL FOR SOUTHERN REGION**

We, the undersigned Ministers, pursuant to Part 4 of the *Forestry and National Park Estate Act 1998*, approve the carrying out of forestry operations.

The carrying out of forestry operations by the Forestry Commission of New South Wales (“SFNSW”) or any other person is subject to the conditions of this approval, including the terms of the relevant licences set out in this approval.

Dated: 2002

Andrew Refshauge MP  
**Minister administering the  
Environmental Planning and Assessment Act 1979**

Kim Yeadon MP  
**Minister administering the Forestry Act 1916**

Bob Debus MP  
**Minister administering the National Parks and Wildlife Act 1974 & the  
Protection of the Environment Administration Act 1991**

Eddie Obeid MLC  
**Minister administering the Fisheries Management Act 1994**

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## **PART 1 - Preliminary**

### **1. Definitions**

(1) Expressions used in this approval which are defined in the *Forestry and National Park Estate Act 1998* have the meanings set out in that Act if not otherwise defined in this approval.

(2) In this approval:

“culling” means destroying trees in the following circumstances:

- (a) the purpose of destroying the trees concerned is to promote regeneration or promote the growth of retained trees (being trees that in the opinion of SFNSW have the potential to produce high quality timber),
- (b) the production of timber is not one of the purposes of destroying the trees concerned, and
- (c) the stand of trees in which the trees concerned are destroyed is uneven aged, that is the stand has the following characteristics:
  - (i) it has more than one storey, and
  - (ii) it consists of trees of a range of ages, with no one age class predominating;

*Note to paragraph (a) of above definition:*

*Promoting the growth of retained trees (as referred to in paragraph (a) of the above definition) is achieved by destroying adjacent trees, ensuring that there is sufficient room for the retained trees to grow.*

*Note to paragraph (b) of above definition:*

*Culling can be carried out by a range of means, including felling. The effect of paragraph (b) of the above definition is that culling is not recognised by (and therefore not authorised by clause 5 of) this approval if one of its purposes is the production of timber. (Contrast with thinning. See note under definition of “thinning”). This approval does not prevent the cutting and/or removal of timber for the purpose of timber production at any time after culling. However, it prohibits SFNSW making available or selling any timber from a tree that has been culled other than the following kinds of timber: timber for fencing or sleepers, firewood or craftwood (see clause 37).*

“date of this approval” means the date on which this approval is granted;

“diameter at breast height over bark” means the diameter of the cross-section of a tree (including bark), measured 1.3 metres above ground level;

“environment” includes any heritage item;

“financial year” means the period from 1 July to the following 30 June;

“Forest Management Zoning System” means the Forest Management Zoning (FMZ) land classification system described in the document entitled, “Forest Management Zoning in NSW State Forests” (State Forests of New South Wales, December 1999);

“forestry operations” means those forestry operations described in clause 5 in the Southern Region;

“harvesting operation” means a harvesting operation carried out for the purpose of timber production;

“heritage item” means:

- (a) any item of environmental heritage within the meaning of the *Heritage Act 1977*,
- (b) any relic within the meaning of the *National Parks and Wildlife Act 1974*,
- (c) on the commencement of the *National Parks and Wildlife Amendment Act 2001*, any Aboriginal object within the meaning of the *National Parks and Wildlife Act 1974*, or
- (d) any Aboriginal place within the meaning of the *National Parks and Wildlife Act 1974*;

“logging operations” means those logging operations described in clause 5 in the Southern Region;

“Ministers” means the Ministers who have granted this approval;

“net harvestable area”, in relation to a tract of forested land (or part of a tract) in the Southern Region, means the sum of areas within the tract of forested land or part that contains timber, excluding any area in which logging is prohibited by or under an Act (including under this approval, and under any licence or other authority);

“regulatory agencies” means DoP, NPWS, EPA and NSW Fisheries;

“regulatory agency” means DoP, NPWS, EPA or NSW Fisheries;

“South Coast Subregion” means that part of the Southern Region that is within the South Coast Subregion shown on Map 1 to the NSW Southern Region Forest Agreement;

“Southern Region” (other than in clause 4(1)) means the area of the State to which this approval applies as described in clause 4;

“NSW Southern Region Forest Agreement” means the Southern Region Forest Agreement made under Part 3 of the *Forestry and National Park Estate Act 1998* on or before 13 May 2002, as amended from time to time;

“thinning” means destroying trees in the following circumstances:

- (a) the purpose of destroying the trees concerned is to promote the growth of retained trees (being trees that in the opinion of SFNSW have the potential to produce high quality timber), and

(b) the stand of trees in which the trees concerned are destroyed is even aged, that is the stand has the following characteristics:

- (i) it has one storey, and
- (ii) it consists of trees where one age class predominates; and

*Note: Compare the above definition with the definition of “culling”. In contrast to culling, thinning that has as one of its purposes the production of timber, is authorised by this approval. (See clauses 5(5) and 5(7)).*

“Tumut Subregion” means that part of the Southern Region that is within the Tumut Subregion shown on Map 2 to the NSW Southern Region Forest Agreement.

(3) The following abbreviations are used in this approval:

DoP	The Department of Planning
EPA	The Environment Protection Authority
NPWS	The National Parks and Wildlife Service
SFNSW	The Forestry Commission of New South Wales

## **2. Notes and headings**

- (1) In this approval notes are provided to assist understanding only. They do not form part of this approval.
- (2) Headings do not form part of this approval.

## **3. Duration**

This approval has effect from 13 May 2002 to 31 December 2020.

*Note: Section 20 of the Forestry and National Park Estate Act 1998 requires five yearly Ministerial reviews of the NSW Southern Region Forest Agreement and this approval. The public is to be given advance notice of the review (including the proposed terms of reference) and the outcome of the review is to be tabled in each House of Parliament.*

## **4. Description of the area of the State to which this approval applies**

- (1) This approval applies to State forests and other Crown-timber lands, within the South Coast Subregion and Tumut Subregion of the Southern Region, shown respectively on Map 1 and Map 2 to the NSW Southern Region Forest Agreement, including any land that becomes Crown-timber land while this approval applies.

(2) This approval does not apply to:

- (a) any part of the national park estate, being:
  - (i) land declared as a wilderness area under the *Wilderness Act 1987* or the *National Parks and Wildlife Act 1974*, or
  - (ii) land reserved or dedicated under the *National Parks and Wildlife Act 1974*, or
  - (iii) land dedicated or set apart as a flora reserve under the *Forestry Act 1916*, or
  - (iv) land dedicated or reserved for a similar public purpose under the *Crown Lands Act 1989*; or
- (b) any land classified as Forest Management Zone 1 in accordance with the Forest Management Zoning System; or
- (c) any plantation within the meaning of the *Plantations and Reafforestation Act 1999*; or
- (d) any land which becomes:
  - (i) part of the national park estate (as defined in paragraph (a)), or
  - (ii) land classified as Forest Management Zone 1 in accordance with the Forest Management Zoning System, or
  - (iii) a plantation within the meaning of the *Plantations and Reafforestation Act 1999*,

while this approval applies.

*Notes: Land classified as Forest Management Zone 1 comprises land that either is, or is to be, dedicated or set apart as a flora reserve under the Forestry Act 1916. This approval does not apply to flora reserves (paragraph (a)(iii) of subclause (2) and section 24 of the Forestry and National Park Estate Act 1998)). The purpose of paragraph (b) of subclause (2) is to ensure that if there is a delay between the classification of land as Forest Management Zone 1 and the dedication or setting apart of the land as a flora reserve, this approval will not apply to the land.*

*“Forest Management Zoning System” is defined in clause 1 of this approval by reference to the document entitled, “Forest Management Zoning in NSW State Forests” (State Forests of New South Wales, December 1999). This document is available for public inspection and copying under clause 63.*

*Clause 2.2.2 of the NSW Forest Agreement for the Southern Region requires SFNSW to include maps of the Forest Management Zones for the Southern Region within a Regional ESFM plan to be prepared by 31 August 2002. These maps, and any amended versions, are to be made available from that date for public inspection and copying under clause 63 of this approval.*

## 5. Description of forestry operations to which this approval applies

- (1) This approval applies to the forestry operations described in subclauses (2) to (9) in the Southern Region.
- (2) This approval applies to logging operations, being the cutting and removal of timber for the purpose of producing any of the following:
  - (a) High Quality Large Logs produced in the following quantities in the **South Coast Subregion**:
    - (i) no more than 60,625m<sup>3</sup> (that is, 48,500m<sup>3</sup> + 25% of 48,500 per calendar year),
    - (ii) no more than 254,625m<sup>3</sup> (that is, 48,500m<sup>3</sup> x 5 + 5% of that total) in each of the periods 13 May 2002 to 31 December 2006, 1 January 2007 to 31 December 2011, 1 January 2012 to 31 December 2016,
    - (iii) no more than 203,700 (that is, 48,500 m<sup>3</sup> x 4 + 5% of that total) in the period 1 January 2017 to 31 December 2020, and
    - (iv) no more than 921,500m<sup>3</sup> (that is, 48,500m<sup>3</sup> x 19) over the duration of this approval; and

*Note: Paragraphs (a) and (c) authorise logging operations for the purposes of producing an average allocation per calendar year of 48,500m<sup>3</sup> of High Quality Large Logs in the South Coast Subregion and 48,000m<sup>3</sup> of High Quality Large Logs in the Tumut Subregion (other than Ingebirah State Forest) up until 31 December 2020. These allocations reflect commitments appearing in clause 76 of the Regional Forest Agreement for Southern NSW made between the State of New South Wales and the Commonwealth of Australia on 24 April 2001.*

*Paragraphs (a) and (c) authorise limited deviations from the annual allocation in any calendar year and during fixed periods of the approval. This reflects the possibility that there may be undercuts or overcuts from time to time – that is the amount of timber produced in any one calendar year may fall below or above the annual allocations of 48,500m<sup>3</sup> (in the South Coast Subregion) and 48,000m<sup>3</sup> (in the Tumut Subregion).*

*The quantities set out in paragraphs (a)(ii) & (iii), and (c)(ii) & (iii), have been calculated in accordance with the following formula:*

*(Annual allocation x number of calendar years in each relevant period) + 5% of (Annual allocation x number of calendar years in each relevant period).*

- (b) High Quality Large Logs produced in the **South Coast Subregion** from 13 May 2002 to 31 December 2005, additional to those referred to in paragraph (a), but no more than 34,500m<sup>3</sup> (being a quantity that reflects contractual commitments existing at the date of this approval) and no more than 10,000m<sup>3</sup> in any one calendar year from 13 May 2002 to 31 December 2005;

*Note: The quantity of High Quality Large Logs referred to in the above paragraph reflects undercuts existing at the date of this approval and allows for their recovery by 31 December 2005.*

*These undercuts have accumulated from 1998 onwards. Since this date there have been a number of reasons for undercutting, including the following:*

- *setting aside areas within State forests (deferred forest areas) as part of the Deferred Forest Agreement made between the Commonwealth and State of New South Wales on 25 January 1996 (as amended from time to time);*
- *setting aside areas within State forests that were identified as potentially forming part of the future reserve system prior to the NSW Government's decision on land to be transferred from State forests to the national park estate (the relevant transfers occurred on 1 January 2001 under the National Park Estate (Southern Region Reservations) Act 2000); and*
- *a downturn in the market for timber following the 2000 Olympics.*

(c) **High Quality Large Logs produced in the following quantities in the **Tumut Subregion** (other than Ingebirah State Forest):**

- (i) no more than 60,000m<sup>3</sup> (that is, 48,000m<sup>3</sup> + 25% of 48,000m<sup>3</sup> per calendar year),
- (ii) no more than 252,000m<sup>3</sup> (that is, 48,000m<sup>3</sup> x 5 + 5% of that total) in each of the periods 13 May 2002 to 31 December 2006, 1 January 2007 to 31 December 2011, 1 January 2012 to 31 December 2016,
- (iii) no more than 201,600m<sup>3</sup> (that is, 48,000 m<sup>3</sup> x 4 + 5% of that total) in the period 1 January 2017 to 31 December 2020, and
- (iv) no more than 912,000m<sup>3</sup> (that is, 48,000m<sup>3</sup> x 19) over the duration of this approval; and

*Note: See note appearing under paragraph (a).*

(d) **High Quality Large Logs produced in the **Tumut Subregion** (other than Ingebirah State Forest) from 13 May 2002 to 31 December 2005, additional to those referred to in paragraph (a), but no more than 36,999m<sup>3</sup> (being a quantity that reflects contractual commitments existing at the date of this approval) and no more than 10,000m<sup>3</sup> in any one calendar year from 13 May 2002 to 31 December 2005; and**

*Note: The quantity of High Quality Large Logs referred to in the above paragraph reflects undercuts existing at the date of this approval and allows for their recovery by 31 December 2005. These undercuts have accumulated from 2000 onwards. Since this date, there have been a number of reasons for undercutting, including a downturn in the market for timber following the 2000 Olympics and delays in restructuring sawmill businesses.*

(e) no more than 20,000m<sup>3</sup> of sawlogs that:

- (i) are produced in **Ingebirah State Forest** or any Crown-timber lands within the **Tumut Subregion that lie to the east of Kosciusko National Park**, from 13 May 2002 to 31 December 2020,
- (ii) are at least 2.4 metres long,
- (iii) have a small end diameter under bark of at least 30cm,
- (iii) (in the case of sawlogs up to 4 metres long) have a butt diameter under bark of at least 40 cm,
- (iv) (in the case of sawlogs longer than 4 metres) have a butt diameter under bark of at least 36 cm, and

- (v) in the opinion of SFNSW, are of a high quality; and

*Note: The above paragraph derives from clause 79 of the Regional Forest Agreement for Southern NSW made between the State of NSW and the Commonwealth of Australia on 24 April 2001. Under that clause, it has been agreed that 1000m<sup>3</sup> per year of quota sawlogs from the Tumut Subregion will be supplied to customers in the Eden RFA region.*

*Note also that the assessment of the quality of logs is carried out by qualified log graders by reference to a range of criteria including shape and level of defect.*

- (f) no more than 200,000 tonnes per financial year of timber that is produced in the **South Coast Subregion** for converting into charcoal; and
- (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:
- (i) High Quality Large Logs, and
- (ii) timber for converting into charcoal; and

*Note: Paragraph (g) authorises the cutting and removal of timber for the purpose of producing timber products other than High Quality Large Logs and timber for converting into charcoal. The cutting and removal of timber for the purpose of producing High Quality Large Logs in the Southern Region are authorised by paragraphs (a) to (d). The cutting and removal of timber for converting into charcoal are authorised to be carried out only in the South Coast Subregion (paragraph (f)).*

- (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,
- (ii) sawlogs that have the dimensions set out in paragraph (e) and that, in the opinion of SFNSW, are of a high quality, and
- (iii) timber for converting into charcoal.

*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, sawlogs of the kind authorised by paragraph (e) and timber for converting into charcoal.*

*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)) are 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).*

*As noted above (note to paragraph (g)), the cutting and removal of timber for converting into charcoal are authorised to be carried out under this approval in the South Coast Subregion only (paragraph (f)).*

- (3) This approval applies only to logging operations where trees are selected for harvesting using:
- (a) Single Tree Selection;
  - (b) AGS Light;
  - (c) AGS Medium; or
  - (d) AGS Heavy on land within the South Coast Subregion that is:
    - (i) depicted in the Geographic Information System theme in the ESRI Shapefile format called “agsheavy”, in the subdirectory called “Agsheavy” on the CD-Rom lodged with DoP and having the volume label “020129\_1305” (made on 29 January 2002), and
    - (ii) further described in the corresponding metadata on the CD-Rom.

*Note: AGS Heavy is carried out only where the understorey is very moist (due to sunlight being absent from the understorey or penetrating the forest to the understorey at only a low intensity). AGS Heavy provides sufficient light and ground disturbance in these circumstances to ensure adequate regeneration after harvesting.*

- (4) Subclause (3) does not apply to logging operations for the purposes of producing timber for fencing or sleepers, or firewood or craftwood.
- (5) To avoid doubt, subclause (2) applies to thinning, where thinning has as one of its purposes, the production of any of the products set out in paragraphs (a) to (h) of that subclause. However, subclause (3) does not apply to thinning even where one of the purposes of thinning is the production of any of the products set out in paragraphs (a) to (h) of subclause (2).

*Note: See notes to definitions of “culling” and “thinning” in clause 1.*

- (6) This approval applies to forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value.
- (7) This approval applies to on-going forest management operations, namely, the following activities relating to the management of land for timber production:
- (a) thinning;
  - (b) culling;
  - (c) bush fire hazard reduction;
  - (d) grazing;
  - (e) weed and pest control;
  - (f) activities whose purpose is to promote regeneration (including burning, sowing of seeds, application of fertiliser and planting of trees) following the closure of roads or the carrying out of forestry operations, as defined in the *Forestry and National Park Estate Act 1998*.

- (8) This approval only applies to culling where trees selected for culling:
- (a) are selected using Single Tree Selection, or
  - (b) are those remaining within a gap in a tract of forested land created by the removal of trees in a harvesting operation involving AGS Light, AGS Medium or AGS Heavy.

*Note: See clause 38 for restriction on culling where paragraph (b) of the above subclause applies.*

- (9) This approval applies to ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the carrying out of forestry operations, as defined in the *Forestry and National Park Estate Act 1998*.

- (10) This approval does not apply to forestry operations on any land for the purposes of clearing natural forest:

- (a) to establish a timber plantation (within the meaning of the *Plantations and Reafforestation Act 1999*); or
- (b) for agricultural or other non-forestry uses.

*Note: The above is derived from section 24(2)(c) of the Forestry and National Park Estate Act 1998.*

- (11) In this clause:

“AGS Light”, “AGS Medium” and “AGS Heavy” refer to silvicultural practices, which in relation to a tract of forested land have the following elements:

- (A) in any one harvesting operation:

- (a) **in both the South Coast Subregion and the Tumut Subregion**, one or more groups of trees are selected for logging on a part or (where more than one group of trees is selected) parts of the tract, and
- (b) **in the South Coast Subregion**, the area of each group of trees selected for logging (as measured from the outermost crown edges of trees standing on the outer boundary of the group prior to logging), is:
  - (i) in the case of AGS Light - no more than 0.13 hectares,
  - (ii) in the case of AGS Medium – more than 0.13 hectares and no more than 0.39 hectares, and
  - (iii) in the case of AGS Heavy – more than 0.39 hectares and no more than 0.79 hectares, and

*Note: Clause 26 sets out restrictions on the use of AGS Heavy in the South Coast Subregion.*

(c) **in the Tumut Subregion**, the area of each group of trees selected for logging (as measured from the outermost crown edges of trees standing on the outer boundary of the group prior to logging), is:

- (i) in the case of AGS Light - no more than 0.13 hectares, and
- (ii) in the case of AGS Medium – more than 0.13 hectares and no more than 0.5 hectares, and

(d) **in both the South Coast Subregion and the Tumut Subregion**, the total area selected for logging within the tract, being the sum of each area of each group of trees selected for logging on the tract (measured in accordance with paragraph (b), in the case of the South Coast Subregion, and paragraph (c), in the case of the Tumut Subregion), is no more than 22.5% of the net harvestable area of the tract; and

*Note: The expression “tract of forested land” is used in this description of AGS Light, AGS Medium and AGS Heavy as a convenient means of referring to any area of forested land in which these silvicultural practices may be carried out. The relevant tract may, for example, comprise the whole, or only a part of, a compartment of State forest; it may occur across more than one compartment; and it may also be comprised of Crown-timber land other than State forest, and consequently not be managed on a compartment- based system.*

*Note to paragraphs (b) and (c): 0.13 hectares, 0.39 hectares, 0.5 hectares and 0.79 hectares are the approximate areas of circles that have a radius of 20 metres, 35 metres, 40 metres and 50 metres respectively.*

(B) **in both the South Coast Subregion and the Tumut Subregion**, once a harvesting operation has been completed, no logging (other than by thinning) is carried out again on the relevant part or parts of the tract until at least 3 further harvesting operations have been completed on different parts of the tract; and

(C) **in the South Coast Subregion**, the following applies:

(a) in the case of AGS Light - there is a period of at least **5 years (and an average of at least 7 years over any 4 consecutive harvesting operations)** between the completion of logging in one harvesting operation and commencement of another on the tract, and

(b) in the case of AGS Medium - there is a period of at least **7 years (and an average of at least 10 years over any 4 consecutive harvesting operations)** between the completion of logging in one harvesting operation and commencement of another on the tract, and

(c) in the case of AGS Heavy:

(i) there is a period of at least **7 years (and an average of at least 10 years over any 4 consecutive harvesting operations)** between the completion of logging in one harvesting operation and commencement of another on the tract, and

(ii) the area of the tract is at least 50 hectares; and

- (D) **in the Tumut Subregion**, there is a period of at least **20 years** between the completion of logging in one harvesting operation, and commencement of another on the tract; and
- (E) **in both the South Coast Subregion and the Tumut Subregion**, logging is carried out with the objective of ensuring that following any 4 consecutive harvesting operations, there remains an area within the tract which has not been logged in any of those harvesting operations (or in any thinning carried out during that period), comprising an area of at least 10% of the net harvestable area in existence immediately before the commencement of the first of those four harvesting operations.

“basal area” of a tree means the area of a cross-section of its trunk, as measured 1.3 metres above ground level prior to the logging or culling of the tree.

“High Quality Large Logs” means logs that:

- (a) are at least 2.4 metres long,
- (b) have a centre diameter under bark of 40cm or more; and
- (c) in the opinion of SFNSW, are of a high quality.

*Note: The assessment of the quality of logs is carried out by qualified log graders by reference to a range of criteria including shape and level of defect.*

“Single Tree Selection” refers to a silvicultural practice that, in relation to a tract of forested land, has the following elements:

- (a) **in the South Coast Sub-Region**, trees are selected for logging or culling with the objective of ensuring that:
  - (i) the sum of the basal areas of trees removed or destroyed comprises no more than 45% of the sum of the basal areas of all trees existing immediately prior to logging or culling within the net harvestable area of the tract, and
  - (ii) the sum of the basal areas of trees remaining after logging or culling as a proportion of the net harvestable area of the tract existing immediately prior to logging or culling is at least 10m<sup>2</sup> per hectare; and
- (b) **in the Tumut Sub-Region**, trees are selected for logging or culling with the objective of ensuring that:
  - (i) the sum of the basal areas of trees removed or destroyed comprises no more than 35% of the sum of the basal areas of all trees existing immediately prior to logging or culling within the net harvestable area of the tract, and
  - (ii) the sum of the basal areas of trees remaining after logging or culling as a proportion of the net harvestable area of the tract existing immediately prior to logging or culling is at least 10m<sup>2</sup> per hectare; and

- (c) **in both the South Coast and the Tumut Subregion**, any trees selected for logging have trunks that have a diameter at breast height over bark of 20cm or more.

*Note: See definition of “basal area” appearing earlier in this subclause.*

*See also note appearing under description of “AGS Light”, “AGS Medium” and “AGS Heavy” regarding use of the expression “tract of forested land.”*

*Note that paragraph (c) does not apply to culling.*

## **6. Terms of licences**

- (1) Pursuant to section 34 of the *Forestry and National Park Estate Act 1998*, this approval contains the terms of the following licences:
- (a) a licence under the *Protection of the Environment Operations Act 1997* (set out in Appendix A);
  - (b) a licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion (set out in Appendix B);
  - (c) a licence under the *Threatened Species Conservation Act 1995* applying to the Tumut Subregion (set out in Appendix C); and
  - (d) a licence under Part 7A of the *Fisheries Management Act 1994* (set out in Appendix D).
- (2) Any person carrying out forestry operations is taken to hold, and is bound by, licences in those terms under the relevant Acts, and the licences have effect, for all purposes (subject to the *Forestry and National Park Estate Act 1998*), as licences under the relevant Acts.

*Note: Section 35 of the Forestry and National Park Estate Act 1998 states that the terms of a relevant licence set out in an approval are to be enforced (subject to the Forestry and National Park Estate Act) in the same way as any other licence under the relevant Acts. It also states, however, that terms of a relevant licence set out in an integrated forestry operations approval cannot be varied and the licence cannot be revoked under the relevant Act. Under section 31 of the Forestry and National Park Estate Act these are matters for the Ministers authorised to grant the approval.*

*Section 35 also requires the government agency responsible for the enforcement of a relevant licence to notify the Ministers who granted the approval of any contravention (of which it becomes aware) of the terms of the licence by the persons carrying out forestry operations.*

- (3) The forestry operations covered by the terms of the licences set out in this approval are described in those terms.

*Note: The terms of any licence set out in this approval need not extend to all forestry operations described in clause 5 of this approval (section 34(4) of the Forestry and National Park Estate Act 1998). See, in particular:*

- *Conditions 1 to 3 of the terms of the licence under the Protection of the Environment Operations Act 1997 (“What the licence authorises and regulates”, “Premises to which this licence applies – Scheduled Forestry Activities” and “Premises to which this licence applies – Non-Scheduled Forestry Activities”);*

- *Preamble to the terms of the licences under the Threatened Species Conservation Act 1995; and*
  - *“Authority” appearing at page 4 of the terms of the licence under Part 7A of the Fisheries Management Act 1994.*
- (4) In this clause, “relevant Act” has the same meaning as in Division 3 of Part 4 of the *Forestry and National Park Estate Act 1998*.

## **PART 2 – Provisions applying to forestry operations generally**

### **7. Ecologically sustainable forest management**

- (1) In carrying out, or authorising the carrying out of, forestry operations in the Southern Region SFNSW must give effect to the principles of ecologically sustainable forest management as set out in Chapter 3 of the document entitled, “ESFM Group Technical Framework” (Ecologically Sustainable Forest Management Group, New South Wales and Commonwealth Governments, July 1999).
- (2) SFNSW must monitor the indicators set out in the document entitled, “Criteria, Indicators, Targets and Monitoring Processes of Ecologically Sustainable Forest Management for Southern RFA Region” (ESFM PA 3 Working Group, New South Wales and Commonwealth Governments, April 2000) for the Southern Region.
- (3) Prior to carrying out, or authorising the carrying out of, forestry operations in the Southern Region, SFNSW must have regard to any data or information acquired by monitoring the indicators referred to in subclause (2).

*Note: The documents referred to in this clause describe projects undertaken as part of the comprehensive regional assessments of forests in New South Wales, which were jointly funded by the New South Wales and Commonwealth Governments.*

### **8. Best practice**

- (1) In carrying out, or authorising the carrying out of, forestry operations in the Southern Region SFNSW must give effect to the principles of best practice that apply to the operations concerned.
- (2) In this clause, “best practice” means the management of a forestry operation to achieve the ongoing minimisation of any adverse impacts of the forestry operation on the environment.

### **9. Forest Management Zoning System**

- (1) In carrying out, or authorising the carrying out of, forestry operations in State forests of the Southern Region, SFNSW must give effect to the document entitled, “Forest Management Zoning in NSW State Forests” (State Forests of New South Wales, December 1999).

- (2) To the extent of any inconsistency between this approval and the document referred to in subclause (1), this approval prevails.

## **10. Protection of high conservation value old growth forest, rainforest and rare non-commercial forest ecosystems**

*Note: The terms of the licence under the Threatened Species Conservation Act 1995 applying to the South Coast Subregion and set out in this approval contain conditions that have a similar effect to the following clause. See, in particular, conditions 5.1 b) and 5.3 – 5.5 of the terms of the licence.*

*Clause 46 of this approval (“Destruction of native vegetation for the purpose of beekeeping”) contains further controls that aim to protect native vegetation in high conservation value old growth forest, rainforest and rare non-commercial forest ecosystems (by being included in definition of “environmentally sensitive land” for the purposes of clause 46).*

- (1) This clause applies to any area within the South Coast Subregion that is, or is within:
- (a) a high conservation value old growth forest;
  - (b) a rainforest;
  - (c) a rainforest exclusion zone; or
  - (d) a rare non-commercial forest ecosystem.

### **Prohibition on specified forestry activities**

- (2) No specified forestry activities are to be carried out in any area to which this clause applies.

### **Harvesting machinery**

- (3) Harvesting machinery is not to be used for the purposes of cutting and removing timber or forest products operations in any area to which this clause applies.

### **Tree felling**

- (4) No tree is to be felled into any area to which this clause applies. If any tree falls into an area to which this clause applies, no part of the tree may be removed from that area.

### **Road re-opening and routine road maintenance**

- (5) Despite subclauses (2) – (4), road re-opening and routine road maintenance may take place in any area to which this clause applies.

### **Construction of roads and snig tracks, and use of snig tracks for purposes of snigging**

- (6) Despite subclauses (2) – (4), a road or snig track may be constructed, and snigging may be carried out, in any area to which this clause applies where:
- (a) there is no alternative site available for the purposes of the road or snigging; and
  - (b) there has been no record made of any threatened species on the site of the proposed construction or snigging.

- (7) The road or snig track may only be constructed, and snigging may only be carried out, where, prior to the construction or snigging:
- (a) the manager of the regional office of SFNSW that is responsible for managing the land on which the construction or snigging is proposed to be carried out (“the relevant regional manager”) or a more senior officer has prepared a report in accordance with Schedule 6 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
- (b) the relevant regional manager or a more senior officer has authorised the construction or snigging in writing.
- (8) A copy of the report and authority referred to in subclause (7) must be faxed to NPWS as soon as possible after they have been issued.
- (9) Where the construction of a road or snig track, or snigging is carried out in any area to which this clause applies, SFNSW must ensure that all practicable measures are taken to minimise any adverse impacts of the construction or snigging, on the environment.
- (10) Where the area in which the construction or snigging is proposed to be carried out is, or is within, a relevant exclusion zone, it may only be carried out, with the written approval of NPWS (following the submission of the report referred to in paragraph (a) of subclause (7)), and subject to any conditions imposed by NPWS as part of its approval.

*Note: See definition of “relevant exclusion zone” in subclause (12).*

**Hollow bearing trees not to be used as pivot or bumper trees**

- (11) Hollow bearing trees are not to be used as pivot or bumper trees for the purposes of snig track construction or snigging in any area to which this clause applies.
- (12) For the purposes of this clause:
- (a) the following expressions have the same meaning 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”,
  - “harvesting machinery”,
  - “high conservation value old growth forest”,
  - “rainforest”,
  - “rare non-commercial forest ecosystem”,
  - “record”,
  - “specified forestry activities”, and
  - “warm temperate rainforest”; and

Note: “Cool temperate rainforest”, “rainforest” and “warm temperate rainforest” are defined by reference to “Research Note No 17 Forest Types in New South Wales”, Forestry Commission of New South Wales, 1989. This publication is available for public inspection and may also be copied, at regional offices of SFNSW in the Southern Region under clause 63 of this approval.

“High conservation value old growth forest” and “rare non-commercial forest ecosystem” are defined by reference to a CD-Rom, which is available for public inspection, and may also be copied for a charge, at the head office of DoP. It is also available for public inspection (but not copying) under clause 63 at regional offices of SFNSW in the Southern Region.

- (b) “rainforest exclusion zone” means any area within 20 metres of the boundaries of warm temperate rainforest or cool temperate rainforest;
- (c) “relevant exclusion zone” means any exclusion zone 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, where the exclusion zone is also, or is also within, high conservation value old growth forest, rainforest, a rainforest exclusion zone or a rare non-commercial forest ecosystem:
- condition 5.13 (“Bird Nest and Roost Site Protection”),
  - condition 5.14 (“Bat 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 (“Masked Owl *Tyto novaehollandiae*, Barking Owl *Ninox connivens* and Powerful Owl *Ninox strenua*”),
  - 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 Bat *Myotis adversus*”), and
  - condition 6.16 (“Threatened, Poorly Reserved ROTAP and Regionally Rare Flora”); and

Note: The expression “relevant exclusion zone” is used in subclause (10). Subclause (10) is similar in its effect to condition 5.1 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. However, condition 5.1 b) applies to exclusion zones under the conditions identified in the above bullet points where those exclusion zones are also within stream exclusion zones, high conservation value old growth forest, rainforest, a rainforest exclusion zone or a rare non-commercial forest ecosystem. The above definition does not expressly cover stream exclusion zones. Subclause (10) only applies to exclusion zones under the listed conditions where they are also within high conservation value old growth forest, rainforest, a rainforest exclusion zone or a rare non-commercial forest ecosystem.

- (d) “road re-opening” means the clearing, scraping or treating of a revegetated road where any of the trees growing on the road have a diameter at breast height over bark of 20cm or more; and

*Note: The above definition of “road re-opening” and the following definition of “routine road maintenance” are similar to the definitions of these expressions in the terms of the licence under the Threatened Species Conservation Act 1995 applying to the South Coast Subregion (“the licence”) and set out in this approval. However, these expressions generally apply more narrowly in the licence than they do in this clause because of the restricted definition of “road” appearing in the licence. “Road” is defined in the licence as being “any route used for vehicular access to, and the transport of logs from, a log dump within a compartment.”*

- (e) “routine road maintenance” means the clearing, scraping or treating of a revegetated road where all trees growing on the road have a diameter at breast height over bark of less than 20cm.

## **11. Threatened Species Conservation Act - proposed new listings**

*Note: Condition 1.3 of the terms of the licences under the Threatened Species Conservation Act 1995 set out in this approval is almost identical to this provision.*

- (1) SFNSW must comply with subclauses (2) to (4) on receiving a written notice from NPWS to the effect of the following:
- (a) there is evidence that a species, population or ecological community is present, or is likely to be present, in any part of the Southern Region or in any area likely to be affected by the carrying out of forestry operations; and
- (b) there is evidence that the carrying out of forestry operations has, or is likely to have, an adverse impact on the species, population or ecological community; and
- (c) (i) the Minister administering the *National Parks and Wildlife Act 1974* has requested that the Scientific Committee consider a proposal to insert the species, population or ecological community in Schedule 1 or 2 to the *Threatened Species Conservation Act 1995*, or
- (ii) the Director-General of National Parks and Wildlife has nominated the species, population or ecological community for insertion in Schedule 1 or 2 to the *Threatened Species Conservation Act 1995*, or
- (iii) the Scientific Committee has initiated for consideration a proposal to insert the species, population or ecological community in Schedule 1 or 2 to the *Threatened Species Conservation Act 1995*, or
- (iv) the Scientific Committee has made a preliminary determination that a proposal to insert the species, population or ecological community in Schedule 1 or 2 to the *Threatened Species Conservation Act 1995* should be supported; and

- (d) the species, population or ecological community is not already listed in Schedule 1 or 2 to the *Threatened Species Conservation Act 1995*.

*Note:* There is nothing in the *Threatened Species Conservation Act 1995* to prevent a relevant nomination or proposal being made by more than one person. Accordingly, the Director-General may nominate a species, population or ecological community for insertion in Schedule 1 or 2 to the Act, even where the Director-General is aware that another person has made an identical proposal.

- (2) SFNSW must, as far as is reasonably practicable, mitigate any adverse impact of forestry operations on animals or plants of the species, population or ecological community occurring prior to notification by NPWS.
- (3) SFNSW must ensure that any adverse impact of forestry operations on animals or plants of the species, population or ecological community is minimised until one of the following occurs:
- (a) it receives a written notice from NPWS to the effect that it need no longer comply with the requirements of this subclause;
- (b) where amendments to the approval relating to the species, population or ecological community are submitted to the Ministers, until this approval is amended for that purpose or until a decision is made not to amend this approval for that purpose;
- (c) the Scientific Committee has made a final determination not to insert the species, population or ecological community in Schedule 1 or 2 to the *Threatened Species Conservation Act 1995*; or
- (d) a period of 12 months has elapsed since the date of the relevant written notice under subclause (1).

*Note:* Section 32(2) of the *Threatened Species Conservation Act 1995* provides that the Scientific Committee must make a determination about a nomination within 6 months after it is made, or if it has requested additional information about the nomination, after that information has been provided or the period specified in the request by the Scientific Committee has expired.

- (4) In determining, for the purposes of subclauses (2) and (3), how to mitigate or minimise any adverse impact of forestry operations on animals or plants of the species, population or ecological community concerned, SFNSW must be guided by any relevant advice provided by NPWS.

*Note:* It will not be sufficient for SFNSW to ensure that the adverse impacts of forestry operations are minimised under this clause where:

- a population or ecological community has been inserted in Schedule 1 or 2 to the *Threatened Species Act 1995* (“TSC Act”); and
- the relevant harm to, or the picking of, or damage to the habitat of, the population or ecological community, has not been authorised by the terms of the licences under the TSC Act or any other licence under that Act.

*In particular, subject to certain exceptions, the relevant offences in the National Parks and Wildlife Act 1974 prohibit any harm to, or picking of, or damage to the habitat of, any threatened*

*population or threatened ecological community (sections 118A and 118D of the National Parks and Wildlife Act).*

(5) In this clause:

“adverse impact”, in relation to a species, population or ecological community (or an animal or plant of a species, population or ecological community), includes:

- (a) harm to,
- (b) the picking of, or
- (c) damage to any habitat of,

the species, population or ecological community concerned (or an animal or plant of the species, population or ecological community concerned);

“animal”, “ecological community”, “harm”, “habitat”, “species”, “picking”, “plant” and “population” have the same meanings as in the *Threatened Species Conservation Act 1995*; and

“Scientific Committee” means the Scientific Committee constituted under Part 8 of the *Threatened Species Conservation Act 1995*.

## **12. SFNSW to notify NPWS of making of new records**

- (1) SFNSW must notify NPWS of the making of any new record of a species of plant or animal of which it becomes aware.
- (2) Subclause (1) does not apply where SFNSW becomes aware of the making of a new record of a species of plant or animal as a result of being informed by NPWS of the new record.

(3) In this clause:

“animal” has the same meaning as in the *Threatened Species Conservation Act 1995*;

“new record” means evidence that is obtained while this approval applies that:

- (a) a species of plant or animal not previously known to be present in the South Coast Subregion or the Tumut Subregion (or in any area likely to be affected by the carrying out of forestry operations) is present in that subregion (or in any area likely to be affected by the carrying out of forestry operations),
- (b) the range of a species of plant or animal in the South Coast Subregion or the Tumut Subregion (or in any area likely to be affected by the carrying out of forestry operations) has significantly expanded in that subregion (or in any area likely to be affected by the carrying out of forestry operations),
- (c) a species of plant or animal that has not been recorded in the South Coast Subregion or the Tumut Subregion (or in any area likely to be affected by the carrying out of forestry operations) within the previous 10 years, is present in that subregion (or in any area likely to be affected by the carrying out of

forestry operations);

“plant” has the same meaning as in the *Threatened Species Conservation Act 1995*;  
and

“species” has the same meaning as in the *Threatened Species Conservation Act 1995*.

### **13. Fisheries Management Act – proposed new listings**

- (1) SFNSW must comply with subclauses (2) to (4) on receiving a written notice from NSW Fisheries to the effect of the following:
  - (a) there is evidence that a species, population or ecological community is present, or is likely to be present, in any part of the Southern Region or in any area likely to be affected by the carrying out of forestry operations; and
  - (b) there is evidence that the carrying out of forestry operations has, or is likely to have, an adverse impact on the species, population or ecological community; and
  - (c)
    - (i) the Minister administering Part 7A of the *Fisheries Management Act 1994* has requested that the Fisheries Scientific Committee consider a proposal to list the species, population or ecological community in Schedule 4 or 5 to the *Fisheries Management Act 1994*, or
    - (ii) the Director of NSW Fisheries has nominated the species, population or ecological community for listing in Schedule 4 or 5 to the *Fisheries Management Act 1994*, or
    - (iii) the Fisheries Scientific Committee has proposed to recommend that the species, population or ecological community be listed in Schedule 4 or 5 to the *Fisheries Management Act 1994*; and
  - (d) the species, population or ecological community has not been listed in Schedule 4 or 5 to the *Fisheries Management Act 1994*.

*Note: There is nothing in the Fisheries Management Act 1994 to prevent a relevant nomination or proposal being made by more than one person. Accordingly, the Director may nominate a species, population or ecological community for insertion in Schedule 4 or 5 to the Act, even where the Director is aware that another person has made an identical proposal.*

- (2) SFNSW must, as far as is reasonably practicable, mitigate any adverse impact of forestry operations on fish of the species, population or ecological community occurring prior to notification by NSW Fisheries.
- (3) SFNSW must ensure that any adverse impact of forestry operations on fish of the species, population or ecological community is minimised until one of the following occurs:
  - (a) it receives a written notice from NSW Fisheries to the effect that it need no longer comply with the requirements of this subclause;

- (b) where amendments to the approval relating to the species, population or ecological community are submitted to the Ministers, until this approval is amended for that purpose or until a decision is made not to amend this approval for that purpose;
  - (c) the Fisheries Scientific Committee has determined not to recommend that the species, population or ecological community be listed in Schedule 4 or 5 to the *Fisheries Management Act 1994*;
  - (d) if a recommendation to list the species, population or ecological community in Schedule 4 or 5 to the *Fisheries Management Act 1994* has been referred back to the Fisheries Scientific Committee for further consideration, the Committee has decided not to proceed with the recommendation; or
  - (e) a period of 12 months has elapsed since the date of the relevant written notice under subclause (1).
- (4) In determining, for the purposes of subclauses (2) and (3), how to mitigate or minimise any adverse impact of forestry operations on fish of the species, population or ecological community concerned, SFNSW must be guided by any relevant advice provided by NSW Fisheries.

*Note: It will not be sufficient for SFNSW to ensure that the adverse impacts of forestry operations are minimised under this clause where:*

- *a population or ecological community has been inserted in Schedule 4 or 5 to the Fisheries Management Act 1994 (“FM Act”); and*
- *the relevant harm to, or damage to the habitat of, the population or ecological community, has not been authorised by the terms of the licence under the FM Act, or any other licence under that Act.*

*In particular, subject to certain exceptions, the relevant offences in the FM Act prohibit any harm to any fish, or damage to the habitat, of a threatened population or threatened ecological community (sections 220ZA and 220ZD of the FM Act).*

- (5) In this clause:

“adverse impact”, in relation to fish of a species, population or ecological community, includes:

- (a) harm to, or
- (b) damage to any habitat of,

fish of the species, population or ecological community concerned;

“ecological community”, “fish”, “habitat”, “harm” “species” and “population” have the same meanings as in Part 7A of the *Fisheries Management Act 1994*; and

“Fisheries Scientific Committee” means the Fisheries Scientific Committee constituted under Division 9 of Part 7A of the *Fisheries Management Act 1994*.

## 14. Cultural Heritage Guidelines

In carrying out, or authorising the carrying out of, forestry operations, SFNSW must take into consideration the document entitled, “Cultural Heritage Guidelines” (State Forests of New South Wales, December 1999, as amended from time to time).

*Note: The above document is available for public inspection and copying under clause 63 of this approval.*

## 15. Records concerning heritage items

- (1) SFNSW must periodically and regularly review their records concerning heritage items within the Southern Region.

*Note: “heritage item” is defined in clause 1 of this approval as follows:*

*“‘heritage item’ means:*

- (a) any item of environmental heritage within the meaning of the Heritage Act 1977,*
- (b) any relic within the meaning of the National Parks and Wildlife Act 1974,*
- (c) on the commencement of the National Parks and Wildlife Amendment Act 2001, any Aboriginal object within the meaning of the National Parks and Wildlife Act 1974, or*
- (d) any Aboriginal place within the meaning of the National Parks and Wildlife Act 1974.”*

*Items of environmental heritage under the Heritage Act 1977 may include places of significance to Aboriginal people.*

- (2) For the purposes of subclause (1), SFNSW must consult with the Heritage Office and NPWS.
- (3) SFNSW must consult with relevant Aboriginal communities for the purposes of subclause (1) and for the purposes of determining the measures that are to be taken to ensure that appropriate levels of confidentiality are maintained regarding the location of, and other details concerning, indigenous heritage.
- (4) Where, as a result of any review of its records under this clause, SFNSW is made aware of the existence of a heritage item of which it was previously unaware, it must, as soon as practicable after becoming so aware:
  - (a) notify the Heritage Office of the location of the heritage item, where the heritage item is an item of environmental heritage within the meaning of the *Heritage Act 1977*; and
  - (b) notify the National Parks and Wildlife Service of the location of the heritage item, where the heritage item is a relic, or (on commencement of the *National Parks and Wildlife Amendment Act 2001*) an Aboriginal object, within the meaning of the *National Parks and Wildlife Act 1974*.

*Note: Section 91 of the National Parks and Wildlife Act 1974 provides that it is an offence for a person to fail to notify the Director-General of National Parks and Wildlife of the location of certain relics or (after the commencement of the National Parks and Wildlife Amendment Act 2001) Aboriginal objects unless the person believes on reasonable grounds that the Director-General is aware of the location of those relics or Aboriginal objects.*

- (5) Subclause (4) is subject to any restrictions that SFNSW considers to be necessary for the purposes of ensuring that in the case of indigenous heritage appropriate levels of confidentiality are maintained regarding the location of, and other details concerning, indigenous heritage.

In this clause, “indigenous heritage” includes:

- (a) relics or (after the commencement of the *National Parks and Wildlife Amendment Act 2001*) Aboriginal objects; and
- (b) Aboriginal places,

within the meaning of the *National Parks and Wildlife Act 1974*.

## **16. Identification and protection of heritage items in connection with forestry operations**

- (1) Prior to carrying out, or authorising the carrying out of, forestry operations under the *Forestry Act 1916*, SFNSW must take reasonable steps to identify any heritage item existing in the proposed locations of those forestry operations.

*Note:* See note appearing under clause 15(1) concerning the meaning of “heritage item”.

- (2) Where SFNSW identifies a heritage item in the proposed locations of forestry operations, it must take reasonable measures to ensure that the item is protected from any adverse impacts of those forestry operations.
- (3) The measures to be taken to ensure that a heritage item is protected from any adverse impacts of forestry operations must be identified in any site specific plan prepared by SFNSW under clauses 28 and 41 that applies to the forestry operations concerned.

*Note 1:* The *Heritage Act 1977* and the *National Parks and Wildlife Act 1974* contain requirements relating to the identification and conservation of heritage items. There may be requirements under those Acts (including requirements for certain approvals or permits) that apply to the carrying out of forestry operations.

*Note 2:* The management of natural heritage is undertaken through the establishment of flora reserves and special management zones under the *Forestry Act 1916*, and the implementation of other measures (management prescriptions). Land set apart or dedicated as a flora reserve cannot be the subject of this approval. Logging operations are restricted by clause 19 of this approval in special management zones and land classified as Forest Management Zone 2 or 3A. See also restrictions applying to these zones in clauses 32, 35, 46 and 53.

## **17. Policy on Aboriginal involvement in management of indigenous heritage**

- (1) SFNSW must prepare a policy on Aboriginal involvement in the management of indigenous heritage in connection with forestry operations. SFNSW must consult with relevant Aboriginal communities and NPWS in relation to the content of the policy.

- (2) The policy must cover the following matters:
  - (a) access to relevant sites;
  - (b) monitoring and maintenance of those sites; and
  - (c) cross-cultural training for officers, employees and other persons referred to in section 10 of the *Forestry Act 1916*.
- (3) SFNSW must give effect to the policy.
- (4) In this clause, “indigenous heritage” has the same meaning as in clause 15.

#### **18. Training program to be developed concerning heritage management**

- (1) SFNSW must develop a training program for officers, employees and other persons referred to in section 10 of the *Forestry Act 1916* in relation to the management of heritage in connection with forestry operations.
- (2) The training program must address the identification of heritage items, the measures to be taken to protect heritage items in connection with forestry operations, and the planning of operations to ensure that heritage items are so protected.

*Note:* See note appearing under clause 15(1) concerning the meaning of “heritage item”.

- (3) SFNSW must keep the training program under regular and periodic review for the purpose of ensuring that the program reflects current information, techniques and legal requirements relating to the management of heritage in connection with forestry operations.
- (4) SFNSW must commence the training program by 30 April 2003.

### **PART 3 – Logging Operations**

#### **19. Logging operations restricted in certain zones**

- (1) This clause applies to the following land in the Southern Region:
  - (a) any area that is, or is within, an area of State forest declared to be a special management zone under the *Forestry Act 1916*; or
  - (b) any area that is, or is within, an area classified as Forest Management Zone 2 or 3A in accordance with the Forest Management Zoning System.

*Note:* “Forest Management Zoning System” is defined in clause 1 of this approval by reference to the document entitled, “Forest Management Zoning in NSW State Forests” (*State Forests of New South Wales, December 1999*). That document is available for public inspection and copying under clause 63.

*The Forest Management Zones for the Southern Region are mapped. These maps are available for public inspection and copying under clause 63 of this approval.*

- (2) Logging operations may not be carried out on land to which this clause applies.
- (3) Despite subclause (2), timber cut on land other than land to which this clause applies, may be removed by snigging through, or via any road on, land to which this clause applies, where:
  - (a) there is no alternative route available;
  - (b) the manager of the regional office of SFNSW that is responsible for managing the relevant land (or a more senior officer), has authorised the snigging or use of the road in writing; and
  - (c) all practicable measures are taken to minimise any adverse impacts of the snigging or road use, on the environment.

*Note:* “Logging operations” involve the cutting and removal of certain timber products as described in clause 5. The effect of subclause (3) is that the removal of timber through land to which this clause applies is not prohibited.

- (4) Nothing in this clause affects any lease or licence from the Crown to which section 25 of the *Forestry Act 1916* applies.

*Note:* The above clause does not identify all land on which the carrying out of logging operations is restricted. See, for example, clause 10 of this approval (“Protection of high conservation value old growth forest, rainforest and rare non-commercial forest ecosystems”). The terms of the licences set out in this approval identify other areas of land in which the carrying out of logging operations is restricted.

## **20. Australian Group Selection and Single Tree Selection to be carried out in accordance with guidelines**

- (1) The silvicultural practices of AGS Light, AGS Medium, AGS Heavy or Single Tree Selection are to be applied in the Southern Region in accordance with the document, “Implementation of IFOA Silviculture in the Southern Forest Agreement Region” (State Forests of New South Wales, April 2002).
- (2) In this clause, “AGS Light”, “AGS Medium”, “AGS Heavy” and “Single Tree Selection” have the same meanings as in clause 5.

*Note:* “Implementation of IFOA Silviculture in the Southern Forest Agreement Region” is available for public inspection and copying under clause 63 of this approval.

## **21. Pulp only and charcoal only operations prohibited**

- (1) Harvesting operations having the purpose of producing pulp grade timber or timber for converting into charcoal (or both), 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) Thinning having as a purpose the production of timber for converting into charcoal, may only be carried out in the Southern Region if the production of another kind of timber is also one of its purposes.

*Note: Thinning having as one of its purposes the production of charcoal is authorised only in the South Coast Subregion of the Southern Region (clauses 5(2)(f) and 5(5)).*

- (4) 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.

## **22. Principal purpose of harvesting operations**

- (1) The cutting and removal of timber in the Southern Region for the purposes of producing products other than:

- (a) poles;
- (b) High Quality Large Logs (within the meaning of clause 5); or
- (c) (in the case of Ingebirah State Forest and Crown-timber lands within the Tumut Subregion that lie to the east of Kosciusko National Park) sawlogs having the dimensions set out in paragraph (e) of clause 5(2) that, in the opinion of SFNSW, are of a high quality,

may only be carried out in harvesting operations having the principal purpose of producing one or more of the products referred to in paragraphs (a) to (c).

- (2) In determining the principal purpose of any one harvesting operation, SFNSW is to take into account the monetary value and volume of each of the kinds of timber products that SFNSW predicts will be produced, together with other relevant factors.
- (3) For the purposes of subclause (2), the monetary value of each kind of timber product is to be determined by reference to:
  - (a) the royalties payable for such products; or
  - (b) where no royalty is payable to SFNSW, the sale price fixed by SFNSW for such timber products.
- (4) This clause does not apply to harvesting operations whose purpose is to produce one or more of the following kinds of timber, but no other kinds of timber: timber for fencing or sleepers, or firewood or craftwood.
- (5) This clause does not apply to thinning even where one of the purposes of thinning is to produce timber.

### **23. Categorisation of timber**

- (1) SFNSW is to categorise each log cut and removed in logging operations as follows:
  - (a) a high quality log; or
  - (b) (if the log cannot be categorised as a high quality log) as a sawlog, unless it cannot be categorised as such.
- (2) SFNSW may only make available or sell logs in accordance with the category of each log determined under subclause (1).
- (3) In this clause, “high quality log” has the same meaning as in clause 21.

### **24. Restrictions on availability or sale of timber for converting into charcoal**

- (1) SFNSW may only make available or sell timber for converting into charcoal where the source of the timber concerned is residue timber.
- (2) SFNSW may only make available or sell timber for converting into charcoal that is removed in the course of thinning, where the source of the timber concerned is residue timber.

*Note: This approval authorises the cutting and removal of timber for the purpose of producing timber for converting into charcoal only in the South Coast Subregion (clause 5(2)).*

- (3) In this clause, “residue timber” means timber remaining in individual trees after logs have been cut and removed from those trees.

### **25. Reporting on timber products made available or sold before and after SFNSW commences to make available or sell timber for converting into charcoal**

#### **Baseline data**

- (1) SFNSW is to provide NPWS and DoP with a report in respect of sawlogs, piles, poles and girder logs made available or sold by SFNSW prior to the date on which it commences making available or selling timber for converting into charcoal.
- (2) The report is to cover a period (during which SFNSW has sold or made available the timber products concerned) and a range of locations (from which the timber products concerned have been sourced) determined in consultation with NPWS and DoP.
- (3) To the extent that SFNSW has records containing the relevant information, the report is to identify the following:
  - (a) the location from which the timber products concerned have been sourced, by reference to State forest name and compartment number or other identifying particulars (in the case of Crown-timber lands other than State forests);
  - (b) for each location identified, the species of timber concerned;

- (c) for each species of timber identified, the quantity and dimensions of each of the timber products concerned; and
  - (d) such other information as NPWS and DoP request.
- (4) The report is to be provided to NPWS and DoP by a date specified by DoP.

**Ongoing reporting**

- (5) By 31 August of each year (other than 2002), SFNSW is to provide a report to NPWS and DoP in respect of sawlogs, piles, poles, girder logs and timber for converting into charcoal made available or sold by SFNSW in the previous financial year. This report is only to be provided where SFNSW has made available or sold timber for converting into charcoal in the previous financial year.
- (6) The report is to cover a range of locations (from which the timber products concerned have been sourced) determined in consultation with NPWS and DoP.
- (7) The report is to identify the following in respect of sawlogs, piles, poles and girder logs made available or sold by SFNSW:
- (a) the location from which the timber products concerned have been sourced, by reference to State forest name and compartment number or other identifying particulars (in the case of Crown-timber lands other than State forests);
  - (b) for each location identified, the species of timber concerned;
  - (c) for each species of timber identified, the quantity and dimensions of each of the timber products concerned; and
  - (d) such other information as NPWS and DoP request.
- (8) The report is to identify the following in respect of timber for converting into charcoal made available or sold by SFNSW:
- (a) the location from which the timber concerned has been sourced, by reference to State forest name and compartment number or other identifying particulars (in the case of Crown-timber lands other than State forests);
  - (b) the quantity of the timber concerned; and
  - (c) such other information as NPWS and DoP request

**26. Harvesting operations involving AGS Heavy**

- (1) A harvesting operation in which trees are selected for logging using AGS Heavy in the South Coast Subregion, may only be carried out where 75% or more of the sum of the basal areas of trees selected is comprised of trees having the following characteristics:
- (a) they are mature;
  - (b) they are 30 metres or more in height; and
  - (c) they have a diameter at breast height over bark of 60cm or more.

*Note: Clause 5 of this approval authorises the use of AGS Heavy on certain land in the South Coast Subregion only.*

- (2) In this clause, “mature” has the same meaning as in WD Woodgate, WD Peel, KT Ritman, JE Coram, A Brady, AJ Rule and JCG Banks, “A Study of the Old-Growth Forests of East Gippsland” (Department of Conservation and Natural Resources, Victoria, 1994).

## **27. Annual plan of logging operations**

- (1) SFNSW is to prepare a plan of logging operations in respect of each financial year (“annual plan of logging operations”) that specifies each of the following matters:
- (a) the intended timing and location of proposed 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);
  - (b) the predicted kinds and quantities of timber products that will be yielded from the proposed logging operations; and
  - (c) any other matter relating to the matters set out in paragraphs (a) or (b) that DoP notifies SFNSW is to be specified.
- (2) In planning the location and timing of proposed 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.
- (3) SFNSW must forward to the regulatory agencies a copy of the annual plan of logging operations for each financial year by 1 June of the preceding financial year.

## **28. Site specific plans of harvesting operations**

*Note: SFNSW may combine the site specific plans required by this clause, clause 41 and the planning documentation referred to in the terms of the licences under the Protection of the Environment Operations Act 1997, the Threatened Species Conservation Act 1995 and Part 7A of the Fisheries Management Act 1994. See further note following subclause (5) below.*

- (1) Prior to any harvesting operation being carried out, SFNSW is to prepare a site specific plan in respect of the harvesting operation.
- (2) The plan is to contain one or more maps identifying the following:
- (a) the location of the proposed harvesting operation, and where this is a State forest, the relevant State forest name and compartment number; and
  - (b) any area within this location where harvesting is not to be carried out, including any area within which harvesting is prohibited under this approval.
- (3) The plan must also specify:
- (a) whether it is proposed to produce timber by means of thinning;
  - (b) where it is proposed to produce timber other than:

- (i) timber for fencing or sleepers, or firewood or craftwood, or
- (ii) by means of thinning,

the selection method proposed to be used (Single Tree Selection, AGS Light, AGS Medium or AGS Heavy); and

- (c) such other information and instructions as SFNSW considers necessary to enable staff of SFNSW and other persons to carry out harvesting operations in conformity with this approval.
- (4) In preparing the plan, SFNSW must consider the application of this approval to the harvesting operation.
- (5) A harvesting operation should only be carried out in accordance with a plan prepared under this clause. However, if a harvesting operation varies from a plan prepared under this clause, then SFNSW must:
  - (a) prepare a document that sets out the reason for such a variation; and
  - (b) amend the plan, or prepare a document that sets out how the harvesting operation varies from the plan and keep this document with the plan.

*Note: SFNSW may combine any site specific plan required by this clause or clause 41 with the planning documentation prepared under condition 12 of the terms of the licence under the Protection of the Environment Operations Act 1997 set out in this approval (“the licence”). If SFNSW chooses to do so, it should ensure that the site specific conditions required to be included by condition 12 of the licence are clearly identified, as these site specific conditions must be complied with unless varied in advance and in accordance with the licence. Contrast with above subclause and see conditions 16 - 18 of the licence. See also clause 58 of this approval (“Most restrictive requirement to be complied with”).*

- (6) To the extent of any inconsistency between this approval and a plan prepared under this clause, this approval prevails.
- (7) In this clause, “AGS Light”, “AGS Medium”, “AGS Heavy” and “Single Tree Selection” have the same meanings as in clause 5.

## **29. Monthly advance notice of harvesting operations**

*Note: SFNSW may combine the written notices and reports required each month under this, the next clause, clause 42 and clause 43.*

- (1) This clause applies from 1 July 2002.
- (2) By the first working day of each month, SFNSW must submit to the regulatory agencies a written notice that specifies the following:
  - (a) each new harvesting operation that is proposed to commence that month or the following month, by reference to the date on which the associated site specific plan, prepared under clause 28, is approved by SFNSW;
  - (b) each suspended harvesting operation proposed to recommence that month or the following month, by reference to the date on which the associated site specific plan, prepared under clause 28, is approved by SFNSW;

- (c) the location of each harvesting operation specified, by reference to State forest name and compartment number or other identifying particulars (in the case of Crown-timber lands other than State forests);
  - (d) the proposed commencement or recommencement date for each harvesting operation specified; and
  - (e) the quantity of timber that SFNSW estimates will be yielded for each harvesting operation specified.
- (3) In specifying the estimated yield under paragraph (e) of subclause (2), DoP may authorise SFNSW to nominate a figure or a range.
- (4) A harvesting operation may be commenced or recommenced only:
- (a) where it has been specified in a written notice submitted to the regulatory agencies under subclause (2); and
  - (b) on or after the date, and in the location, specified in such a notice.
- (5) Subclauses (2) to (4) do not apply to a harvesting operation that has been suspended and is subsequently recommenced in the same month.
- (6) SFNSW may carry out a harvesting operation other than at the time or location specified in a written notice submitted to the regulatory agencies under subclause (2), provided that the regulatory agencies are notified in writing and in advance of any such variation being implemented.

### **30. Monthly report on harvesting operations**

- (1) This clause applies from 1 August 2002.
- (2) By the first working day of each month, SFNSW must submit to the regulatory agencies a report that specifies the following:
- (a) each harvesting operation that has commenced or continued in the financial year within which that month falls, by reference to the date on which the associated site specific plan, prepared under clause 28, was approved by SFNSW;
  - (b) (in the case of a report to be provided by 1 July of any year) each operation that has commenced or continued in the financial year ending prior to 1 July of that year;
  - (c) the location of each harvesting operation specified, by reference to State forest name and compartment number or other identifying particulars (in the case of Crown-timber lands other than State forests);
  - (d) the date on which any such harvesting operation was commenced;
  - (e) where the operation has been and remains suspended at the date of the report, the date on which it was suspended; and
  - (f) where the operation has been completed, the date on which it was completed.

### **31. Annual reports on logging operations**

- (1) From 1 July 2002, SFNSW is to progressively record the following information relating to logging operations in the Southern Region:
  - (a) the quantity of each timber product harvested (as described in clause 5(2)) in the course of thinning;
  - (b) the quantity of each timber product harvested (as described in clause 5(2)) other than in the course of thinning;
  - (c) in the case of logging operations involving thinning, the total area subject to thinning;
  - (d) the total area selected for logging using AGS Light, the total area selected for logging using AGS Medium, the total area selected for logging using AGS Heavy, and the total area selected for logging using Single Tree Selection;
  - (e) where harvesting has been completed, the area that has been logged together with the total area of the relevant net harvestable areas; and
  - (f) the location of the relevant 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).
- (2) SFNSW may derive the information referred to in paragraphs (d) and (e) of subclause (1) from information contained in plans prepared prior to the commencement of this approval, site specific plans prepared under clause 28 and the compartment histories referred to in clause 56.
- (3) Paragraphs (d) and (e) of subclause (1) do not apply to logging operations involving thinning or those carried out for the purposes of producing timber for fencing or sleepers, or firewood or craftwood, but no other kinds of timber.
- (4) SFNSW is to provide a report to the regulatory agencies setting out the above information in respect of each financial year (other than the financial year ending on 30 June 2002) by 31 August of the following financial year.
- (5) “AGS Light”, “AGS Medium”, “AGS Heavy” and “Single Tree Selection” have the same meanings as in clause 5.

## **PART 4 - Forest Products Operations**

### **32. Forest products operations restricted in certain zones**

- (1) This clause applies to the following land in the Southern Region:
  - (a) any area that is, or is within, an area of State forest declared to be a special management zone under the *Forestry Act 1916*; or
  - (b) any area that is, or is within, an area classified as Forest Management Zone 2 or 3A in accordance with the Forest Management Zoning System.

*Note:* “Forest Management Zoning System” is defined in clause 1 of this approval by reference to the document entitled, “Forest Management Zoning in NSW State Forests” (State Forests of

*New South Wales, December 1999). That document is available for public inspection and copying under clause 63.*

*The Forest Management Zones for the Southern Region are mapped. These maps are available for public inspection and copying under clause 63 of this approval.*

- (2) SFNSW must not carry out, or authorise the carrying out of, forest products operations on land to which this clause applies.
- (3) Despite subclause (2), SFNSW may collect, or authorise the collection of, seeds on land to which this clause applies.
- (4) Despite subclause (2), SFNSW may authorise an Aboriginal person to carry out forest products operations on land to which this clause applies provided that:
  - (a) SFNSW is of the opinion that there is no other land reasonably accessible to the Aboriginal person on which the relevant trees, shrubs or other vegetation may be harvested; and
  - (b) the authority limits harvesting to a scale and intensity that are not inconsistent with the maintenance of the conservation values that the zoning of the relevant land aims to protect.

*Note: Under section 21A of the Forestry Act 1916, the Minister for Forestry may declare any area of State forest (other than a flora reserve) to be a special management zone if the Minister is satisfied that the area has special conservation value.*

*The protection of conservation values is also one of the purposes of classifying land as Forest Management Zones 2 or 3A.*

- (5) To avoid doubt, nothing in this clause affects any native title rights and interests existing in relation to any land to which this clause applies or the operation of the *Native Title Act 1993* of the Commonwealth.
- (6) In this clause, “native title rights and interests” has the same meaning as in the *Native Title Act 1993* of the Commonwealth.

### **33. Ecological viability of species**

SFNSW must ensure that the scale and intensity at which it carries out, or authorises the carrying out of, forest products operations in any part of the Southern Region, does not hinder the sustained ecological viability of the relevant species of tree, shrub or other vegetation within the part.

### **34. Annual reports on forest products operations**

SFNSW is to provide a report to the regulatory agencies setting out the following information in respect of each financial year (other than the financial year ending 30 June 2002) by 31 August of the following financial year:

- (a) the types of forest products operations that have been authorised under the *Forestry Act 1916* during the year to which the report relates;

- (b) the location of each type of forest products operation specified, by reference to State forest name and compartment number or other identifying particulars (in the case of Crown-timber lands other than State forest); and
- (c) any other matter relating to the matters set out in paragraphs (a) or (b) that DoP informs SFNSW is to be specified.

## **PART 5 - On-going Forest Management Operations**

### **35. Thinning and culling restricted in certain zones**

- (1) This clause applies to the following land in the Southern Region:
  - (a) any area that is, or is within, an area of State forest declared to be a special management zone under the *Forestry Act 1916*; or
  - (b) any area that is, or is within, an area classified as Forest Management Zone 2 or 3A in accordance with the Forest Management Zoning System.

*Note: "Forest Management Zoning System" is defined in clause 1 of this approval by reference to the document entitled, "Forest Management Zoning in NSW State Forests" (State Forests of New South Wales, December 1999). That document is available for public inspection and copying under clause 63.*

*The Forest Management Zones for the Southern Region are mapped. These maps are available for public inspection and copying under clause 63 of this approval.*

- (2) Thinning and culling may not be carried out on land to which this clause applies.
- (3) Despite subclause (2), where thinning has as one of its purposes the production of timber, clause 19(3) applies.
- (4) Nothing in this clause affects any lease or licence from the Crown to which section 25 of the *Forestry Act 1916* applies.

### **36. Other restrictions on thinning**

- (1) Thinning may be carried out in the Southern Region only in stands of regrowth forest and early mature stands of forest. In addition, thinning may be carried out in a particular stand only where no more than approximately 60% of the sum of the basal areas of trees in the stand immediately prior to thinning, is removed in any one operation.

- (2) In this clause:

“basal area” of a tree means the area of a cross-section of its trunk, as measured 1.3 metres above ground level prior to the logging of the tree; and

“early mature” and “regrowth”, in relation to a forest, have the same meanings as in WD Woodgate, WD Peel, KT Ritman, JE Coram, A Brady, AJ Rule and JCG Banks, “A Study of the Old-Growth Forests of East Gippsland” (Department of Conservation and Natural Resources, Victoria, 1994).

**37. Culling not to be carried out for timber production**

- (1) Culling is not to be carried out for the purpose of producing timber.
- (2) SFNSW must not make available or sell any timber that comes from a tree that has been culled other than timber for fencing or sleepers, firewood or craftwood.

**38. Restriction on culling where trees selected are those remaining within a gap created by AGS**

- (1) This clause applies to culling where trees selected for culling are those remaining within a gap in a tract of forested land created by the removal of trees in a harvesting operation involving AGS Light, AGS Medium or AGS Heavy.

*Note: Clause 5(8) authorises culling where the trees selected for culling are selected using Single Tree Selection, or are selected in the circumstances set out in subclause (1).*

- (2) Culling to which this clause applies may only be carried out where, at the time that the harvesting operation was carried out, the trees selected did not have any potential to produce timber that could be categorised as a high quality log or a sawlog.

**39. Scientific trials concerning thinning and culling**

- (1) SFNSW must carry out scientific trials to assess the economic and environmental impacts of thinning and culling in the Southern Region.
- (2) SFNSW must consult with DoP and NPWS, and take their comments into account, in relation to the design of the trials. The design of the trials is to involve the use of replicates and controls.

**40. Annual plan of thinning and culling operations**

- (1) SFNSW is to prepare a plan of thinning and culling operations in respect of each financial year (“annual plan of thinning and culling operations”) that specifies each of the following matters:
  - (a) the intended timing and location of proposed 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);
  - (b) any other matter relating to the matter set out in paragraph (a) that DoP notifies SFNSW is to be specified.
- (2) In planning the location and timing of proposed 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.

- (3) SFNSW must forward to the regulatory agencies a copy of the annual plan of thinning and culling operations for each financial year by 1 June of the preceding financial year.

#### **41. Site specific plans of thinning or culling operations**

*Note: SFNSW may combine the site specific plans required by this clause, clause 28 and the planning documentation referred to in the terms of the licences under the Protection of the Environment Operations Act 1997, the Threatened Species Conservation Act 1995 and Part 7A of the Fisheries Management Act 1994. See further note following subclause (5) below.*

- (1) Prior to any thinning or culling operation being carried out, SFNSW is to prepare a site specific plan in respect of the operation.
- (2) The plan is to contain one or more maps identifying the following:
  - (a) the location of the proposed thinning or culling operation, and where this is a State forest, the relevant State forest name and compartment number; and
  - (b) any area within this location where thinning or culling is not to be carried out, including any area within which thinning or culling is prohibited under this approval.
- (3) The plan must also specify such other information and instructions as SFNSW considers necessary to enable staff of SFNSW and other persons to carry out thinning or culling in conformity with this approval.
- (4) In preparing the plan, SFNSW must consider the application of this approval to the thinning or culling operation.
- (5) A thinning or culling operation should only be carried out in accordance with a plan prepared under this clause. However, if a thinning or culling operation varies from a plan prepared under this clause, then SFNSW must:
  - (a) prepare a document that sets out the reason for such a variation; and
  - (b) amend the plan, or prepare a document that sets out how the thinning or culling operation varies from the plan and keep this document with the plan.

*Note: SFNSW may combine any site specific plan required by this clause or clause 28 with the planning documentation prepared under condition 12 of the terms of the licence under the Protection of the Environment Operations Act 1997 set out in this approval (“the licence”). If SFNSW chooses to do so, it should ensure that the site specific conditions required to be included by condition 12 of the licence are clearly identified, as these site specific conditions must be complied with unless varied in advance and in accordance with the licence. Contrast with above subclause and see conditions 16 - 18 of the licence. See also clause 58 of this approval (“Most restrictive requirement to be complied with”).*

- (6) To the extent of any inconsistency between this approval and a plan prepared under this clause, this approval prevails.

- (7) In this clause, “AGS Light”, “AGS Medium” and “Single Tree Selection” have the same meanings as in clause 5.

#### **42. Monthly advance notice of thinning or culling operations**

*Note: SFNSW may combine the written notices and reports required each month under this, the next clause, clause 29 and clause 30.*

- (1) This clause applies from 1 July 2002.
- (2) By the first working day of each month, SFNSW must submit to the regulatory agencies a written notice that specifies the following:
- (a) each new thinning or culling operation that is proposed to commence that month or the following month, by reference to the date on which the associated site specific plan, prepared under clause 41, is approved by SFNSW;
  - (b) each suspended thinning or culling operation proposed to recommence that month or the following month, by reference to the date on which the associated site specific plan, prepared under clause 41, is approved by SFNSW;
  - (c) the location of each thinning or culling operation specified, by reference to State forest name and compartment number or other identifying particulars (in the case of Crown-timber lands other than State forests);
  - (d) the proposed commencement or recommencement date for each thinning or culling operation specified; and
  - (e) the approximate size of the area proposed to be culled or thinned for each operation specified.
- (3) Thinning or culling operations may be commenced or recommenced only:
- (a) where it has been specified in a written notice submitted to the regulatory agencies under subclause (2); and
  - (b) on or after the date, and in the location, specified in such a notice.
- (4) Subclauses (2) and (3) do not apply to a thinning or culling operation that has been suspended and is subsequently recommenced in the same month.
- (5) SFNSW may carry out a thinning or culling operation other than at the time or location specified in a written notice submitted to the regulatory agencies under subclause (2), provided that the regulatory agencies are notified in writing and in advance of any such variation being implemented.

#### **43. Monthly report on thinning or culling operations**

- (1) This clause applies from 1 August 2002.
- (2) By the first working day of each month, SFNSW must submit to the regulatory agencies a report that specifies the following:

- (a) each thinning or culling operation that has commenced or continued in the financial year within which that month falls, by reference to the date on which the associated site specific plan, prepared under clause 41, was approved by SFNSW;
- (b) (in the case of the report to be provided by 1 July of any year) each operation that has commenced or continued in the financial year ending prior to 1 July of that year;
- (c) the location of each operation specified, by reference to State forest name and compartment number or other identifying particulars (in the case of Crown-timber lands other than State forests);
- (d) the date on which any such operation was commenced;
- (e) where the operation has been and remains suspended at the date of the report, the date on which it was suspended; and
- (f) where the operation has been completed, the date on which it was completed.

#### **44. Planning burning operations**

##### **Annual plan of burning operations**

- (1) SFNSW is to prepare an annual plan (“annual plan of burning operations”) in relation to proposed burning for the purposes of bush fire hazard reduction or regeneration (“burning operations”) in the Southern Region.
- (2) The annual plan of burning operations is to specify the following matters in respect of the 12 months to which the plan relates:
  - (a) the location and timing (including season and frequency) of proposed burning 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); and
  - (b) any other matter relating to the matters set out in paragraph (a) that DoP informs SFNSW is to be specified.
- (3) Burning operations may only be carried out in the locations and at the times specified in the annual plan of burning operations.
- (4) SFNSW may, from time to time, amend the annual plan of burning operations, and where it does so, burning operations may be carried out in accordance with the amended plan.

##### **Assessment prior to burning**

- (5) Prior to burning operations being carried out on any tract of forested land in the Southern Region, SFNSW must carry out a comparative assessment of the potential impacts on the environment of proceeding with the operations and the potential impacts on the environment of not proceeding with the operations.
- (6) Without limiting the generality of subclause (5), in carrying out the comparative assessment, SFNSW must consider the frequency and intensity of any fires (including wildfires) that have occurred on the relevant tract of forested land.

**Site specific plan of burning operations**

- (7) Subject to subclause (13), prior to burning operations being carried out on any tract of forested land in the Southern Region, SFNSW must prepare a plan in respect of the tract (“site specific plan of burning operations”) which specifies the following:
- (a) the measures to be taken to minimise any adverse impacts of the operations on the environment and the risk of wildfire resulting from the operations; and
  - (b) the steps to be taken to monitor the impacts of the operations on the environment.
- (8) SFNSW must give effect to the site specific plan of burning operations.
- (9) SFNSW may amend the site specific plan of burning operations (wholly or in part), and where it does so, SFNSW must give effect to the plan as amended and subclause (8) no longer applies.
- (10) To the extent of any inconsistency between this approval and a site specific plan of burning operations (including an amended site specific plan of burning operations), this approval prevails.

**Model site specific plan of burning operations**

- (11) SFNSW must prepare a model document setting out the proposed format and general contents of site specific plans of burning operations.
- (12) The model document must be submitted for the approval of DoP by 30 April 2003.

*Note: DoP will consult with NPWS and NSW Fisheries on the content of the model document submitted for approval under subclause (12).*

- (13) The requirement in subclause (7) for SFNSW to prepare a site specific plan of burning operations prior to burning operations being carried out, applies to all burning operations carried out on or after 12 months after the date on which the model document has been approved.
- (14) Site specific plans of burning operations are not to be inconsistent with the model document approved by DoP, except to the extent that any such inconsistency has been approved by DoP in advance of the relevant burning operations.

**Relationship with Rural Fires Act 1997**

- (15) To avoid doubt, this clause does not affect any obligations that SFNSW may have under the *Rural Fires Act 1997*.

**45. Scientific trials concerning burning**

- (1) SFNSW must carry out scientific trials to assess the impacts on the environment of burning for the purposes of bush fire hazard reduction or regeneration in the Southern Region.
- (2) SFNSW must consult with DoP, NPWS and NSW Fisheries, and take their comments into account, in relation to the design of the trials. The design of the trials is to involve the use of replicates and controls.

**46. Destruction of native vegetation for the purpose of beekeeping**

*Note: The terms of the licences under the Threatened Species Conservation Act 1995 applying to the South Coast Subregion and the Tumut Subregion that are set out in this approval contain conditions similar to the following clause. See, in particular, condition 5.20 of the terms of the licence applying to the South Coast Subregion and condition 5.17 of the terms of the licence applying to the Tumut Subregion.*

**Trees having a dbhob of 20cm or more not to be destroyed, cut or lopped**

- (1) Despite any other provision in this clause, trees (that are native vegetation) in the Southern Region that have a diameter at breast height over bark of 20 cm or more may not be destroyed, cut or lopped for the sole purpose of beekeeping.

**Destruction, cutting or lopping of native vegetation for beekeeping purposes**

- (2) Native vegetation may not be destroyed, cut or lopped in the Southern Region for the sole purpose of beekeeping unless this is necessary to enable:
  - (a) a beehive to be set down on a site;
  - (b) access to a beehive set down site; or
  - (c) a beehive to be protected from the possibility of bushfire (but only where authorised by a permit, granted under the *Forestry Act 1916*, to occupy land for the purposes of bee-farming).

However, a person must not knowingly pick a plant that is a member of a threatened species in the course of destroying, cutting or lopping native vegetation for the sole purpose of beekeeping, even where this is necessary to enable any of the activities referred to in paragraphs (a) to (c).

**Destruction, cutting or lopping of native vegetation for the purposes of enabling beehives to be set down – Land other than environmentally sensitive land**

- (3) Destroying, cutting or lopping native vegetation for the purposes of enabling a beehive to be set down on a site within the Southern Region (other than within environmentally sensitive land) is authorised by paragraph (a) of subclause (2) only if:
  - (a) the relevant regional manager is satisfied that the site has been used as a beehive set down site at least once since 1 January 1990; or

- (b) the site is within an area that has been logged in a harvesting operation carried out since 1 January 1995.

*Note: The above subclause does not apply to “environmentally sensitive land”, which is defined by this clause to include buffer zones or exclusion zones around records of certain threatened species. Such records may be made during surveys carried out prior to logging. The significance of the reference to 1 January 1995 in the above subclause is that since that date licences under the Threatened Species Conservation Act 1995 applying to the Southern Region have required surveying for threatened species to be carried out prior to logging. .*

*See subclauses (4) to (7) for controls on destroying, cutting or lopping native vegetation within “environmentally sensitive land.”*

**Destruction, cutting or lopping of native vegetation for the purpose of enabling beehives to be set down – Land that is environmentally sensitive land at 13 May 2002**

- (4) This subclause applies to land that is environmentally sensitive land at 13 May 2002 (being the day on which this approval commences). From 1 September 2002 onwards, destroying, cutting or lopping native vegetation for the purpose of enabling a beehive to be set down within such land is authorised by paragraph (a) of subclause (2) only if the following conditions have been met prior to 1 September 2002:

- (a) a map has been prepared which identifies any site within such land on which a beehive may be set down; and
- (b) the relevant regional manager has endorsed the map.

- (5) The relevant regional manager may endorse the map under paragraph (b) of subclause (4) only if satisfied that any site identified by the map as a beehive set down site has been used as such prior to 13 May 2002.

**Destruction, cutting or lopping of native vegetation for the purpose of enabling beehives to be set down – Land that becomes environmentally sensitive land after 13 May 2002**

- (6) This subclause applies to land that becomes environmentally sensitive land after 13 May 2002. From 12 months after becoming environmentally sensitive land, destroying, cutting or lopping native vegetation for the purpose of enabling a beehive to be set down within such land, is authorised by paragraph (a) of subclause (2) only if the following conditions have been met prior to that date:

- (a) a map has been prepared which identifies any site within such land on which a beehive may be set down; and
- (b) the relevant regional manager has endorsed the map.

- (7) The relevant regional manager may endorse the map under paragraph (b) of subclause (6) only if satisfied that any site identified by the map as a beehive set down site has been used as such prior to the date on which the land became environmentally sensitive land.

*Note: Maps prepared under this clause are available for inspection and copying under clause 63.*

- (8) Nothing in this clause prevents a beehive being set down on any site in the Southern Region in circumstances where it is not necessary to destroy, cut or lop native vegetation to enable this to occur.

- (9) In this clause:
- (a) the following expressions have the same meaning 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”,
  - “high conservation value old growth forest”,
  - “rainforest”,
  - “rare non-commercial forest ecosystem”, and
  - “warm temperate rainforest”; and
- (b) the following expressions have the same meaning as in the terms of the licences set out in this approval:
- “heath and scrub”,
  - “record of a flying-fox camp”, and
  - “wetland”; and
- (c) “environmentally sensitive land” means any area of land in the Southern Region:
- that is, or is within, an area of State forest declared to be a special management zone under the *Forestry Act 1916*;
  - that is, or is within, an area classified as Forest Management Zone 2 or 3A in accordance with the Forest Management Zoning System;
  - that is, or is within, a high conservation value old growth forest;
  - that is, or is within, a rainforest;
  - that is, or is within, a rainforest exclusion zone,
  - that is, or is within, a rare non-commercial forest ecosystem”;
  - that is, or is within, a wetland;
  - that is, or is within, heath and scrub, having a surface area of more than 0.2 hectares;
  - that is, or is within, an area in relation to which there is a record of a flying-fox camp;
  - that is, or is within, an exclusion zone or a buffer zone 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 5.7 (“Stream Exclusion Zones”),
    - 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 5.12 (“Threatened Frog General Protection Measures”),
    - 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 5.14.4 (“Protection of Flying-fox camps”),
  - 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 6.7 (“Long-nosed Potoroo *Potorous tridactylus*”),
  - condition 6.8 (“Smoky Mouse *Pseudomys fumeus*”),
  - condition 6.9 (“Brush-tailed Phascogale *Phascogale tapoatafa*”),
  - condition 6.10 (“Spotted-tailed Quoll *Dasyurus masculatus*”),
  - 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 Bat *Myotis adversus*”),or
  - 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”);
- or
- that is, or is within, an exclusion zone or a buffer zone referred to in the following conditions of the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the Tumut Subregion and set out in this approval:
    - condition 5.4 (“Stream Exclusion Zones”),
    - condition 5.5 (“Ridge and Headwater Habitat”),
    - condition 5.6 (“Wetlands”),
    - condition 5.7 (“Heath and Scrub”),
    - condition 5.8 (“Rocky Outcrops and Cliffs”),
    - condition 5.9 (“Threatened Frog General Protection Measures”),
    - condition 5.10 (“Bird Nest and Roost Site Protection”),
    - condition 5.11.1 (“Tree Roost Protection”),
    - condition 5.11.2 (“Subterranean Roost Protection”),
    - condition 5.11.3 (“Significant Subterranean Roost Protection”),
    - condition 5.11.4 (“Protection of Flying-fox camps”),
    - condition 6.1.1 (“Large Forest Owls: Site Based Approach”),
    - condition 6.1.2 (“Large Forest Owls: Landscape Approach”),
    - condition 6.3 (“Smoky Mouse *Pseudomys fumeus*”),
    - condition 6.4 (“Brush-tailed Phascogale *Phascogale tapoatafa*”),
    - condition 6.5 (“Spotted-tailed Quoll *Dasyurus maculatus*”),
    - condition 6.6 (“Koala *Phascolarctos cinereus*”),
    - condition 6.7 (“Squirrel Glider *Petaurus norfolcensis*”),
    - condition 6.8 (“Yellow-bellied Glider *Petaurus australis*”),
    - condition 6.9 (“Northern Corroboree Frog *Pseudophryne pengilleyi*”),
    - condition 6.10 (“Large-footed Mouse-eared Bat *Myotis adversus*”), or
    - condition 6.11.2 (“Exclusion of specified forestry activities from 100% of individuals with a 10 metre exclusion zone and a further 10 metre buffer”);

and
- (d) “native vegetation” means any plant within the meaning of the *Threatened Species Conservation Act 1995*;

- (e) “pick” has the same meaning as in the *Threatened Species Conservation Act 1995*;
- (f) “rainforest exclusion zone” means any area of land within 20 metres of the boundaries of warm temperate rainforest or cool temperate rainforest”;
- (g) “relevant regional manager” means the manager of the regional office of SFNSW that is responsible for managing the relevant land or a more senior officer; and
- (h) “threatened species” has the same meaning as in the *Threatened Species Conservation Act 1995*.

**47. Grazing management plans**

- (1) SFNSW must prepare a plan (“grazing management plan”) (or plans) that specifies (or specify) strategies to be adopted in relation to controlling any adverse impacts on the environment of grazing domestic animals in the Southern Region.

*Note: The terms of the licences under the Threatened Species Conservation Act 1995 and Part 7A of the Fisheries Management Act 1994 set out in this approval also require the preparation of grazing management plans. SFNSW may opt to prepare a consolidated plan or plans to comply with the three sets of requirements.*

- (2) In preparing the grazing management plan (or plans), SFNSW must consult with the relevant rural lands protection boards and take into consideration any comments they make on the content of the plan (or plans).

**Model plan**

- (3) SFNSW must prepare a model document setting out the proposed format and general contents of the grazing management plan (or plans).
- (4) SFNSW must submit the model document for the approval of DoP by 30 April 2003.

*Note: DoP will consult with NPWS and NSW Fisheries on the content of the model document submitted for approval under subclause (4).*

- (5) SFNSW must prepare a grazing management plan (or plans) to cover the entirety of the Southern Region within 12 months after the model document has been approved.
- (6) Any grazing management plan so prepared is not to be inconsistent with the model document approved by DoP, unless DoP has approved such an inconsistency.

**SFNSW must give effect to grazing management plan**

- (7) SFNSW must give effect to any grazing management plan prepared under this clause.

- (8) SFNSW may, from time to time, amend any grazing management plan (wholly or in part), and where it does so, SFNSW must give effect to the plan as amended and subclause (7) no longer applies.

**Inconsistency with approval**

- (9) To the extent of any inconsistency between this approval and a grazing management plan (including an amended grazing management plan), this approval prevails.

**Periodic review**

- (10) SFNSW must review any grazing management plan applying to the Southern Region, regularly and periodically (and at least every 5 years after any such plan has been prepared). Each review is to include consideration of:

- (a) information that has become available in relation to the impacts on the environment of grazing animals in the Southern Region; and
- (b) techniques that have been developed in relation to controlling any adverse impacts on the environment of those animals,

since the relevant plans have been prepared.

- (11) To avoid doubt, this clause only applies to grazing in so far as it is a forestry operation.
- (12) In this clause, “rural lands protection boards” means rural lands protection boards established by or under the *Rural Lands Protection Act 1989* or the *Rural Lands Protection Act 1998*.

**48. Weed management plans**

- (1) SFNSW must prepare a plan (“weed management plan”) (or plans) that specifies (or specify) strategies to be adopted in relation to the control of weeds in the Southern Region.
- (2) In preparing the weed management plan (or plans), SFNSW must:
- (a) consider the impacts on the environment of different weed control techniques;
  - (b) consider using weed control methods other than the application of herbicides (such as biological and mechanical methods), where the use of those methods would have less adverse impacts on the environment than would the application of herbicides; and
  - (c) consider adopting weed control practices, including integrated weed management practices, with a view to minimising the possibility of herbicide resistance in weed species to be targeted for treatment.
- (3) The weed management plan (or plans) must specify weed species to be targeted for treatment, and for each such weed species:
- (a) their known or possible locations within the Southern Region;

- (b) the weed control methods and practices to be adopted for each weed species targeted for treatment; and
  - (c) other relevant matters.
- (4) Where it is proposed that herbicides be used, the weed management plan (or plans) must also specify:
- (a) the particular herbicides to be used;
  - (b) how the herbicides are to be applied;
  - (c) where the use of herbicides may affect waters, the measures to be taken to minimise the possible pollution of waters from those herbicides (taking into account weather conditions occurring at the time of treatment);
  - (d) measures to be adopted to safely store or dispose of herbicides and their containers left over after treatment; and
  - (e) other relevant matters.
- (5) The weed management plan (or plans) must not be inconsistent with the “New South Wales Weeds Management Strategy” (NSW Agriculture, 1998).

*Note: The above document is available on the Internet website of NSW Agriculture at [www.agric.nsw.gov.au/ap/weeds/strategy/nswstrat.htm](http://www.agric.nsw.gov.au/ap/weeds/strategy/nswstrat.htm).*

- (6) In preparing the weed management plan (or plans), SFNSW must consult with the relevant local control authorities and NSW Agriculture and take into consideration any comments they make on the content of the weed management plan (or plans).

**Model document**

- (7) SFNSW must prepare a model document setting out the proposed format and general contents of the weed management plan (or plans).
- (8) SFNSW must submit the model document for the approval of DoP by 30 April 2003.

*Note: DoP will consult with NPWS on the content of the model document submitted for approval under subclause (8).*

- (9) SFNSW must prepare a weed management plan (or plans) to cover the entirety of the Southern Region within 12 months after the model document has been approved.
- (10) Any weed management plan so prepared is not to be inconsistent with the model document approved by DoP, unless DoP has approved such an inconsistency.

**SFNSW must give effect to weed management plan**

- (11) SFNSW must give effect to any weed management plan prepared under this clause.

- (12) SFNSW may, from time to time, amend any weed management plan (wholly or in part), and where it does so, SFNSW must give effect to the plan as amended and subclause (11) no longer applies.

**Inconsistency with approval**

- (13) To the extent of any inconsistency between this approval and a weed management plan (including an amended weed management plan), this approval prevails.

**Periodic review**

- (14) SFNSW must review any weed management plan applying to the Southern Region, regularly and periodically (and at least every 5 years after any such plan has been prepared). Each review is to include consideration of:

- (a) information that has become available in relation to the existence and control of weeds in the Southern Region; and  
(b) techniques that have been developed in relation to the control of those weeds,

since the relevant plans have been prepared.

- (15) In this clause:

“local control authorities” has the same meaning as in the *Noxious Weeds Act 1993*; and

“pollution of waters” and “waters” have the same meanings as in the *Protection of the Environment Operations Act 1997*.

**49. Feral and introduced animal management plan**

- (1) SFNSW must prepare a plan (“feral and introduced animal management plan”) (or plans) that specifies (or specify) strategies to be adopted in relation to the control of feral and introduced animals in the Southern Region, where the presence of those animals in the Region may have an adverse impact on the environment.

*The terms of the licences under the Threatened Species Conservation Act 1995 set out in this approval contain requirements for the implementation of a “Feral and Introduced Predator Control Plan”. SFNSW may wish to prepare a consolidated plan or plans to deal with the two sets of requirements.*

- (2) In preparing the feral and introduced animal management plan (or plans), SFNSW must consult with the relevant rural lands protection boards and take into consideration any comments they make on the content of the plan (or plans).

**Model document**

- (3) SFNSW must prepare a model document setting out the proposed format and general contents of the feral and introduced animal management plan (or plans).

- (4) SFNSW must submit the model document for the approval of DoP by 30 April 2003.

*Note: DoP will consult with NPWS on the content of the model document submitted for approval under subclause (4).*

- (5) SFNSW must prepare a feral and introduced animal management plan (or plans) to cover the entirety of the Southern Region within 12 months after the model document has been approved.
- (6) Any feral and introduced animal management plan so prepared is not to be inconsistent with the model document approved by DoP, unless DoP has approved such an inconsistency.

**SFNSW must give effect to feral and introduced animal management plan**

- (7) SFNSW must give effect to any feral and introduced animal management plan prepared under this clause.
- (8) SFNSW may, from time to time, amend (wholly or in part) any feral and introduced animal management plan, and where it does so, SFNSW must give effect to the plan as amended and subclause (7) no longer applies.

**Inconsistency with approval**

- (9) To the extent of any inconsistency between this approval and a feral and introduced animal management plan (including an amended feral and introduced animal management plan), this approval prevails.

**Periodic review**

- (10) SFNSW must review any feral and introduced animal management plan applying to the Southern Region, regularly and periodically (and at least every 5 years after any such plan has been prepared). Each review is to include consideration of:
  - (a) information that has become available in relation to the existence and impacts on the environment of feral and introduced animals in the Southern Region, and
  - (b) techniques that have been developed in relation to controlling any adverse impacts on the environment caused by those animals,

since the relevant plans have been prepared.

- (11) In this clause, “rural lands protection boards” means rural lands protection boards established by or under the *Rural Lands Protection Act 1989* or the *Rural Lands Protection Act 1998*.

**50. Application of fertiliser**

- (1) Immediately prior to any trees being planted in the Southern Region, pellets of fertiliser may be placed in the soil into which each tree is to be planted.

- (2) Fertiliser may only be applied in the Southern Region in accordance with subclause (1) unless the fertiliser is applied for the purposes of a scientific trial.

**51. Replanting**

- (1) SFNSW must ensure that trees planted for the purposes of regenerating the overstorey following the carrying out of logging operations are of the same species as those in the overstorey prior to those operations being carried out.
- (2) SFNSW must ensure that the relative proportions of different species of trees present following planting are similar to the relative proportions of those species of trees present prior to logging operations being carried out.

**52. Assessments of regeneration following cessation of logging operations or culling**

- (1) SFNSW must assess the extent and nature of regeneration following the cessation of logging operations or culling, in areas within the Southern Region on a regular and periodic basis.
- (2) The first such assessment is to be completed no later than 31 December 2006.
- (3) SFNSW must consult with DoP and NPWS regarding the nature, collection (including timing) and analysis of data on which each such assessment is to be based.

**PART 6 - Ancillary Road Construction**

**53. Road construction, road re-opening and routine road maintenance restricted in certain zones**

- (1) This clause applies to the following land in the Southern Region:
  - (a) any area that is, or is within, an area of State forest declared to be a special management zone under the *Forestry Act 1916*; or
  - (b) any area that is, or is within, an area classified as Forest Management Zone 2 or 3A in accordance with the Forest Management Zoning System.

*Note: "Forest Management Zoning System" is defined in clause 1 of this approval by reference to the document entitled, "Forest Management Zoning in NSW State Forests" (State Forests of New South Wales, December 1999). That document is available for public inspection and copying under clause 63 of this approval.*

*Clause 2.2.2 of the NSW Forest Agreement for the Southern Region requires SFNSW to include maps of the Forest Management Zones for the Southern Region within a Regional ESFM plan to be prepared by 31 August 2002. These maps, and any amended versions, are to be made available from that date for public inspection and copying under clause 63 of this approval.*

- (2) Road construction, road re-opening or routine road maintenance on land to which this clause applies may only be carried out where:

- (a) there is no alternative site available for the purposes of the road;
  - (b) the manager of the regional office of SFNSW that is responsible for managing the relevant land (or a more senior officer) has authorised the road construction, road re-opening or routine road maintenance in writing, before its commencement; and
  - (b) all practicable measures are taken to minimise any adverse impacts of the road construction, road re-opening or routine road maintenance on the environment.
- (3) In this clause, “road re-opening” and “routine road maintenance” have the same meanings as in clause 10 of this approval.

#### **54. Road and fire trail management plans**

##### **General**

- (1) SFNSW must prepare a plan (“road and fire trail management plan”) (or plans) that contains (or contain) the matters set out in subclauses (2) to (5) in relation to ancillary road construction in the Southern Region.
- (2) Each road and fire trail management plan must contain a 1:25,000 scale map which identifies the location of the following on the land to which the plan applies:
  - (a) any existing roads and fire trails;
  - (b) any proposed roads and fire trails; and
  - (c) any mapped drainage features (other than drainage depressions) within the meaning of the terms of the licence under the *Protection of the Environment Operations Act 1997* set out in this approval.
- (3) In relation to the existing and proposed roads and fire trails identified on the map referred to in subclause (2), each road and fire trail management plan, must specify the following:
  - (a) the uses to which it is intended that those roads and fire trails be put; and
  - (b) the circumstances in which, and the persons and bodies with whom, SFNSW is to consult in relation to the use, and proposals to alter or cease the use, of those roads and fire trails.

*Note: Clause 55 requires roads and fire trails to be closed and the relevant land rehabilitated as soon as practicable after it is no longer required for the carrying out of forestry operations, with certain exceptions. One of those exceptions is where it is intended that the relevant roads or fire trails be used for future forestry operations (but only in so far as this intention is identified in any relevant road and fire trail management plan).*

- (4) Each road and fire trail management plan must provide for the progressive attainment of the standards relating to ancillary road construction in Schedule 5 to the terms of the licence under the *Protection of the Environment Operations Act 1997* set out in this approval.
- (5) Each road and fire trail management plan must specify the measures to be taken by SFNSW to address the following effects arising from the provision

and maintenance of roads and fire trails identified on the map referred to in subclause (2):

- (a) any pollution of waters within the meaning of the *Protection of the Environment Operations Act 1997*;
  - (b) any adverse impact (as defined in clause 11 of this approval) on a threatened species, population or ecological community within the meaning of the *Threatened Species Conservation Act 1995*;
  - (c) any harm to fish, or damage to the habitat, of a threatened species, population or ecological community within the meaning of Part 7A of the *Fisheries Management Act 1994*;
  - (d) any adverse impact on heritage items; and
  - (e) any adverse impact on the visual quality of the environment.
- (6) In determining the measures to be specified in any road and fire trail management plan for the purposes of subclause (5)(c), SFNSW must take into consideration the document entitled, "Policy and Guidelines for Bridges, Roads, Causeways, Culverts and Similar Structures" (NSW Fisheries, 1999).

*Note: The above document is available on the Internet website of NSW Fisheries (www.fisheries.nsw.gov.au) as well as directly through NSW Fisheries.*

**Model plan**

- (7) SFNSW must prepare a model document setting out the proposed format and general contents of the road and fire trail management plan (or plans).
- (8) SFNSW must submit the model document for the approval of DoP no later than 30 April 2003.

*Note: DoP will consult with the other regulatory agencies on the content of the model document submitted for approval under subclause (8).*

- (9) SFNSW must prepare a road and fire trail management plan (or plans) to cover the entirety of the Southern Region within 2 years after the model document has been approved.
- (10) Any road and fire trail management plan (or plans) so prepared is not to be inconsistent with the model document approved by DoP, unless such an inconsistency has been approved by DoP.
- (11) Following the preparation of the road and fire trail management plan (or plans), ancillary road construction may only be carried out in accordance with the plan (or plans).
- (12) SFNSW may, from time to time, amend any road and fire trail management plan (wholly or in part), and where it does so, ancillary road construction may be carried out in accordance with the amended plan.

**Inconsistency with approval**

- (13) To the extent of any inconsistency between this approval and a road and fire trail management plan (including an amended road and fire trail management plan), this approval prevails.

## **55. Closure of roads**

- (1) A road or fire trail must be closed, and the relevant land rehabilitated, as soon as practicable after it is no longer required for the carrying out of forestry operations.
- (2) Subclause (1) does not apply where the road or fire trail concerned:
  - (a) is being used, or is proposed to be used, for activities other than forestry operations; or
  - (b) where it is intended that the road or fire trail be used for future forestry operations (but only in so far as this intention is identified in any relevant road and fire trail management plan, prepared and adopted under clause 54).
- (3) In this clause, “forestry operations” has the same meaning as in the *Forestry and National Park Estate Act 1998*.

## **PART 7 - Miscellaneous**

### **56. Compartment histories**

SFNSW must keep records on a compartment by compartment basis (“compartment histories”) identifying the following matters:

- (a) any land within the compartment comprising, or forming part of, a tract of forested land on which AGS Light, AGS Medium or AGS Heavy (as described in clause 5 of this approval) has been, or is intended to be, carried out;
- (b) any land within the compartment comprising, or forming part of, a tract of forested land on which Single Tree Selection (as described in clause 5 of this approval) has been, or is intended to be, carried out;
- (c) where land within the compartment forms part of a tract of forested land referred to in paragraphs (a) or (b), the land forming the remainder of the tract;
- (d) the matters required to be the subject of the report referred to in clause 31 (“Annual reports on logging operations”) applying to the compartment concerned;
- (e) the matters required to be the subject of the report referred to in clause 34 (“Annual reports on forest products operations”) applying to the compartment concerned;
- (f) any thinning or culling undertaken in the compartment concerned;
- (g) any fires (including wildfire and burning operations undertaken for the purposes of bush fire hazard reduction or regeneration) that have occurred in the compartment concerned;
- (h) any activities undertaken in the compartment concerned to control weeds and pests; and
- (i) any activities undertaken in the compartment concerned to promote regeneration following timber harvesting or forest products operations.

## 57. SFNSW to ensure compliance by certain persons

- (1) SFNSW must expressly require as a condition of any licence, permit or other authority that it issues or grants under the *Forestry Act 1916*, authorising the carrying out of forestry operations, that the holder of the licence, permit or authority comply with the applicable terms of this approval.

*Note:* The purposes of the above condition are:

- to promote awareness among holders of authorities under the *Forestry Act 1916* of their responsibilities under this approval; and
- to ensure that, by including relevant express conditions in authorities, SFNSW is effectively able to enforce compliance with this approval under the *Forestry Act 1916*.

Section 26(2) of the *Forestry and National Park Estate Act 1998* requires that all persons carrying out forestry operations to which this approval applies comply with its terms. This means that even holders of authorities that are issued or granted under the *Forestry Act 1916* prior to the granting of this approval must comply with the terms of this approval.

- (2) SFNSW must include a condition in such an authority that, where there is an inconsistency between the authority and the approval, the approval prevails.
- (3) SFNSW must take all reasonably practicable steps to ensure that in so far as they are authorised by SFNSW to carry out forestry operations, the following persons comply with the applicable terms of this approval:
  - (a) officers, employees and other persons referred to in section 10 of the *Forestry Act 1916*;
  - (b) contractors, subcontractors and agents of SFNSW;
  - (c) licence holders under the *Forestry Act 1916*;
  - (d) permit holders under the *Forestry Act 1916*; and
  - (e) other persons authorised under the *Forestry Act 1916*.
- (4) For the purposes of subclause (3), SFNSW must:
  - (a) ensure that the persons referred to in subclause (3) are provided with sufficient information about, and training in, their responsibilities under this approval;
  - (b) ensure that the persons referred to in subclause (3) are adequately supervised when carrying out forestry operations, or that the carrying out of forestry operations is monitored, and that particulars of these supervisory or monitoring arrangements are recorded;
  - (c) ensure that particulars of non-compliance with this approval that come to the attention of SFNSW (including persons engaged to supervise or monitor operations under paragraph (b)) are recorded;
  - (d) ensure that measures taken to address instances of non-compliance (referred to in paragraph (c)) are recorded; and
  - (e) take such other measures as may be necessary to ensure that its obligations under subclause (3) are fulfilled.

**58. Most restrictive requirement to be complied with**

- (1) If, in a particular set of circumstances:
  - (a) more than one requirement applies to the carrying out of forestry operations, and
  - (b) by complying with the most restrictive of those requirements, all of the requirements will be satisfied,

then the most restrictive of the requirements is the one which must be complied with.

- (2) A requirement for the purposes of this clause is a requirement imposed by a term of this approval (including a term of a licence set out in this approval) or a document with which this approval requires compliance.

**59. Inconsistencies between approval, Forest Agreement and other documents**

- (1) Where there is an inconsistency between any term of this approval and the NSW Southern Region Forest Agreement, the terms of this approval prevail to the extent of the inconsistency.
- (2) Where there is an inconsistency between any term of this approval and any other document with which this approval requires compliance, the terms of this approval prevail to the extent of the inconsistency.
- (3) If SFNSW is aware of the inconsistency, SFNSW is to advise DoP and, where the term of the approval is a term of a licence set out in this approval, the relevant regulatory agency, of the inconsistency.
- (4) Where there is a dispute between SFNSW and DoP or any other regulatory agency as to whether or not there is an inconsistency of the kind referred to in subclauses (1) or (2), then SFNSW is to endeavour to resolve that dispute.
- (5) Nothing in this clause is to be taken as authorising the carrying out of forestry operations in breach of this approval.
- (6) In this clause, “relevant regulatory agency” means:
  - (a) EPA, in the case of the terms of the licence under the *Protection of the Environment Operations Act 1997* set out in Appendix A to this approval;
  - (b) NPWS, in the case of the terms of the licences under the *Threatened Species Conservation Act 1995* set out in Appendices B and C to this approval; and
  - (c) NSW Fisheries, in the case of the terms of the licence under Part 7A of the *Fisheries Management Act 1994* set out in Appendix D to this approval.

**60. SFNSW must assist officers of DoP to collect information**

- (1) SFNSW must assist officers or employees of DoP to collect information with respect to compliance with this approval.
- (2) Such assistance is to extend to allowing DoP officers access to any part of the Southern Region.

*Note: The purposes for which DoP officers may rely on this clause include collecting information to assist the Minister administering the Environmental Planning and Assessment Act 1979 to prepare the annual report referred to in section 21 of the Forestry and National Park Estate Act 1998.*

**61. Requirement to provide information and copies of records**

- (1) SFNSW must provide a regulatory agency with such information or copies of records (or both) as are specified in a written notice given to SFNSW by the agency that relate to any matter connected with this approval.
- (2) Any other person must provide a regulatory agency with such information or copies of records (or both) as are specified in a written notice given to the person by the agency that relate to forestry operations that the person has carried out, is carrying out or proposes to carry out.
- (3) Where a notice is issued under subclauses (1) or (2), SFNSW or the other person, as the case may be, must provide the information or copies of records:
  - (a) within 21 days of the date of the notice or within such other period as the notice specifies; and
  - (b) in the case of information (not being copies of records) such manner and form (if any) as the notice specifies.
- (4) Nothing in this clause requires a person to provide:
  - (a) any information or copies of records where the person could resist production of that information or those records in, or in connection with, court proceedings; or
  - (b) copies of records other than records that are in the person's possession or that are within the person's power to obtain lawfully.
- (5) Nothing in this clause relieves a person of any obligation to provide a regulatory agency or an officer of a regulatory agency with information or copies of records where the obligation is imposed by or under any Act or any term of a licence set out in this approval.

*Note: Section 191 of the Protection of the Environment Operations Act 1997 provides an example of a power held by a regulatory agency (EPA) to require the furnishing of information or records which may be used in addition, or as an alternative, to this clause.*

- (6) In this clause, “record” includes any document that this approval requires be prepared by SFNSW.

**62. Requirement to provide documents in electronic form where requested**

- (1) This clause applies to any document that this approval requires be prepared by SFNSW and forwarded to any of the regulatory agencies.
- (2) Any document to which this clause applies is to be provided by SFNSW in electronic form to a regulatory agency, if the regulatory agency requests that it be provided in this form.

**63. Public availability of documents**

- (1) SFNSW must ensure that copies of the following documents are available for public inspection during ordinary office hours at each regional office of SFNSW responsible for managing land in the Southern Region:
- (a) the document entitled, “Forest Management Zoning in NSW State Forests” (State Forests of New South Wales, December 1999);
  - (b) from 31 August 2002, forest management zoning maps (being maps which indicate how land in the Southern Region has been classified under the Forest Management Zoning System);
  - (c) the document entitled, “Cultural Heritage Guidelines” (State Forests of New South Wales, December 1999) (referred to in clause 14 of this approval);
  - (d) the document entitled, “Implementation of IFOA Silviculture in the Southern Forest Agreement Region” (State Forests of New South Wales, April 2002);
  - (e) any report prepared under clause 25 of this approval;
  - (f) any annual plan of logging operations prepared under clause 27 of this approval;
  - (g) any written notice concerning harvesting operations prepared under clause 29 of this approval;
  - (h) any report concerning harvesting operations prepared under clause 30 of this approval;
  - (i) any report concerning logging operations prepared under clause 31 of this approval;
  - (j) any report concerning forest products operations prepared under clause 34 of this approval;
  - (k) documentation showing the methodology, results and analyses of the scientific trials concerning thinning and culling referred to in clause 39 of this approval after they have been carried out;
  - (l) any annual plan of thinning and culling operations prepared under clause 40 of this approval;
  - (m) any written notice concerning thinning or culling operations prepared under clause 42 of this approval;
  - (n) any report concerning thinning or culling operations prepared under clause 43 of this approval;
  - (o) any annual plan of burning operations, assessment, site specific plan of burning operations or model document prepared under clause 44 of this approval;

- (p) documentation showing the methodology, results and analyses of the scientific trials concerning burning referred to in clause 45 of this approval after they have been carried out;
  - (q) any map (concerning disturbance of native vegetation and beehive set down sites within certain environmentally sensitive land) approved under clause 46 of this approval;
  - (r) any grazing management plan or model document prepared under clause 47 of this approval;
  - (s) any weed management plan or model document prepared under clause 48 of this approval;
  - (t) any feral and introduced animal management plan or model document prepared under clause 49 of this approval;
  - (u) any assessment concerning regeneration prepared under clause 52 of this approval;
  - (v) any road and fire trail management plan or model document prepared under clause 54 of this approval;
  - (w) the CD-Rom referred to in the definitions of “high conservation value old growth forest”, “rare non-commercial forest ecosystems” and “regrowth zone” and “non-regrowth zone” in the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion and set out in Appendix B to this approval);
  - (x) the document entitled, “Research Note No 17 Forest Types in New South Wales” (Forestry Commission of New South Wales, 1989) referred to in the definitions of “cool temperate rainforest”, “rainforest” and “warm temperate rainforest” in the terms of the licence under the *Threatened Species Conservation Act 1995* applying to the South Coast Subregion and set out in Appendix B to this approval;
  - (y) Forest Practices Codes published by SFNSW and applying to forestry operations in the Southern Region;
  - (z) any annual Regional ESFM report as referred to in the NSW Southern Region Forest Agreement; and
  - (aa) any annual Environmental and Social Values Report as referred to in the NSW Southern Region Forest Agreement.
- (2) SFNSW must ensure that copies of each of the following documents are available for public inspection during ordinary office hours at the regional office of SFNSW responsible for managing the land in the Southern Region to which the document applies:
- (a) any harvest plan (prepared prior to 13 May 2002, and applying to harvesting operations in the Southern Region that are proposed or ongoing at 13 May 2002), being a plan which includes site specific information and instructions to staff of SFNSW and other persons concerning logging operations;
  - (b) any site specific plan concerning harvesting operations prepared under clause 28 of this approval; and
  - (c) any site specific plan concerning thinning or culling operations prepared under clause 41 of this approval.

- (3) Any person may take copies of any of the documents (or, if SFNSW and the person agree, extracts of any of the documents) referred to in subclauses (1) and (2) (other than the CD-Rom referred to in paragraph (w) of subclause (1)):
- (a) on payment of reasonable fees (determined by the Chief Executive Officer of SFNSW) to cover the actual cost of copying; or
  - (b) (where the Chief Executive Officer has not determined a fee in respect of the document or documents concerned) free of charge.

*Note:* The CD-Rom referred to in paragraph (w) of subclause (1) may be inspected and purchased at the head office of DoP.

- (4) Despite subclauses (1) to (3), where SFNSW has received a direction in writing from NPWS to the effect that specified information relating to the location of a threatened species may only be disclosed or provided to persons (or a class of persons) specified in the direction, SFNSW may only disclose or provide that information to the persons (or class of persons) so specified.

*Note:* The terms of the licences under the *Threatened Species Conservation Act 1995* set out in this approval contain a provision similar to the above in relation to the provision of information under the licence.

- (4) In this clause, “threatened species” has the same meaning as in the *Threatened Species Conservation Act 1995*.

#### **64. Assessment of effectiveness of approval**

- (1) SFNSW must assist the regulatory agencies in any assessment of this approval that the regulatory agencies decide to carry out.
- (2) For the purposes of this clause, the assessment referred to is an assessment of whether the terms of this approval are effective in achieving the purposes of those terms, including consideration of any of the following matters:
- (a) new information that has become available, and techniques that have been developed, relating to the carrying out of forestry operations, since the approval was granted;
  - (b) difficulties in implementing the approval that have become apparent since the approval was granted, including any concerns relating to the enforcement of the approval; and
  - (c) such other matters as the regulatory agencies consider relevant.

**Appendix A      Terms of licence under the Protection of the Environment Operations Act 1997.**

(Clause 6)

**Appendix B**

**Terms of licence under the Threatened Species Conservation Act 1995 applying to the South Coast Subregion.**

(Clause 6)

**Appendix C      Terms of licence under the Threatened Species  
Conservation Act 1995 applying to the Tumut  
Subregion.**

**Appendix D**

**Terms of licence under Part 7A of the Fisheries  
Management Act 1994.**

(Clause 6)