

FORESTRY AND NATIONAL PARK ESTATE ACT 1998

INTEGRATED FORESTRY OPERATIONS APPROVAL FOR LOWER NORTH EAST 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: 1999

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

Table of Contents

Clause

PART 1 – Preliminary

1. Definitions
2. Notes and headings
3. Duration
4. Description of the area of the State to which this approval applies
5. Description of forestry operations to which this approval applies
6. Terms of licences

PART 2 – Provisions applying to forestry operations generally

7. Ecologically sustainable forest management
8. Best practice
9. Forest Management Zoning System
10. Protection of rare non-commercial forest types, high conservation value old growth forest and rainforest
11. Threatened Species Conservation Act - proposed new listings
12. SFNSW to notify NPWS of making of new records
13. Fisheries Management Act – proposed new listings
14. Cultural Heritage Guidelines
15. Records concerning heritage items
16. Identification and protection of heritage items in connection with forestry operations
17. Policy on Aboriginal involvement in management of indigenous heritage
18. Training program to be developed concerning heritage management

PART 3 – Logging Operations

19. Logging operations restricted in certain zones
20. Pulp only operations prohibited
21. Principal purpose of harvesting operations
22. Categorisation of timber
23. Planning logging operations
- 23A. Notice of completion of harvesting operations
24. Annual reports on logging operations

PART 4 - Forest Products Operations

25. Forest products operations restricted in certain zones
26. Ecological viability of species
27. Plan of forest products operations

PART 5 - On-going Forest Management Operations

28. Thinning
29. Scientific trials concerning thinning

30. Planning burning operations
31. Scientific trials concerning burning
32. Bee-keeping restricted in certain zones
33. Grazing management plans
34. Weed management plans
35. Feral and introduced animal management plans
36. Application of fertiliser
37. Replanting
38. Assessment of regeneration following cessation of logging operations

PART 6 - Ancillary Road Construction

39. Road construction restricted in certain zones
40. Road and fire trail management plans
41. Closure of roads

PART 7 - Miscellaneous

42. Compartment histories
43. SFNSW to ensure compliance by certain persons
44. Most restrictive requirement to be complied with
45. Inconsistencies between approval, Forest Agreement and other documents
46. SFNSW must assist officers of DUAP to collect information
47. Requirement to provide information and copies of records
48. Public availability of documents
49. Assessment of effectiveness of approval

Appendices

- A. Terms of licence under the Protection of the Environment Operations Act 1997.
- B. Terms of licence under the Threatened Species Conservation Act 1995.
- C. Terms of licence under Part 7A of the Fisheries Management Act 1994.
- D. Maps 1 to 5 – Land to which this approval does not apply

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:

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

“environment” includes any heritage item;

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

“forestry operations” means those forestry operations described in clause 5 in the Lower North East Region;

“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*, or
- (c) 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 Lower North East 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 Lower North East 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 DUAP, NPWS, EPA and NSW Fisheries;

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

“thinning” means the cutting and removal of trees to increase distance between trees that have the potential to yield high quality timber, for the purpose of promoting their growth by:

- (a) removing poorer quality trees, and
- (b) if removing poorer quality trees does not result in sufficient distance between trees, removing other trees;

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

“NSW Lower North East Region Forest Agreement” means the Lower North East Region Forest Agreement made under Part 3 of the *Forestry and National Park Estate Act 1998* on 5 March 1999, as amended from time to time.

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

DUAP The Department of Urban Affairs and Planning

EPA The Environment Protection Authority

NPWS The National Parks and Wildlife Service

NSW Fisheries New South Wales Fisheries

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 1 January 2000 to 31 December 2018.

Note: Section 20 of the Forestry and National Park Estate Act 1998 requires five yearly Ministerial reviews of the NSW Lower North East Region Forest Agreement and this approval. The NSW Lower North East Region Forest Agreement was made on 5 March 1999. The public is to be given advance notice of the review (including the proposed terms of reference) by 5 September 2003 at the latest and the outcome of the review is to be tabled in each House of Parliament by 5 March 2005.

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 Lower North East Region shown on Map 1 to the NSW Lower North East 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 timber plantation within the meaning of the *Timber Plantations (Harvest Guarantee) Act 1995* or, after the repeal of that Act, 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 timber plantation within the meaning of the *Timber Plantations (Harvest Guarantee) Act 1995*, or
 - (iv) after the repeal of that Act, a plantation within the meaning of the *Plantations and Reafforestation Act 1999*,

while this approval applies; or

- (e) the land shown by diagonal hatching on the maps appearing at Appendix D to this approval, marked as follows:

“Map 1 - Integrated Forestry Operations Approval for Lower North East”.

“Map 2 – Integrated Forestry Operations Approval for Lower North East”.

“Map 3 – Integrated Forestry Operations Approval for Lower North East”.

“Map 4 – Integrated Forestry Operations Approval for Lower North East”.

“Map 5 – Integrated Forestry Operations Approval for Lower North East”.

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 even 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 State Forests” (State Forests of New South Wales, December 1999). That document is available for public inspection and copying under clause 48.

The Forest Management Zones for the Lower North East Region are mapped. These maps are available for public inspection and copying under clause 48 of this approval.

- (3) Section 39 of the *Forestry and National Park Estate Act 1998* provides that an area in which forestry operations authorised by an integrated forestry operations approval may be carried out cannot be proposed or identified as, or declared to be, a wilderness area under the *Wilderness Act 1987* or the *National Parks and Wildlife Act 1974*. The Ministers have agreed that this approval may be amended to exclude its application to any area of land that:
- (a) has been classified as Forest Management Zone 2 or 3A in accordance with the Forest Management Zoning System; and
 - (b) forms part of, or comprises, an area of land which was proposed as wilderness prior to 1 January 2000, and has been considered by the Director of National Parks and Wildlife under section 7 of the *Wilderness Act 1987* as being eligible (but for this approval) for identification as wilderness.

Note: See note appearing under subclause (2) in relation to the Forest Management Zoning System and availability of maps.

Clause 19 of this approval restricts the carrying out of logging operations on any area of land classified as Forest Management Zone 2 or 3A in accordance with the Forest Management Zoning System. See also restrictions appearing in clauses 25, 32 and 39.

- (4) To avoid doubt, nothing in subclause (3) affects the operation of section 31 of the *Forestry and National Park Estate Act 1998*.

Note: Section 31 of the Forestry and National Park Estate Act 1998 provides, among other things, that an integrated forestry operations approval may be amended, suspended or revoked at any time jointly by the Ministers authorised to grant the approval.

5. Description of forestry operations to which this approval applies

- (1) This approval applies to the forestry operations described in subclauses (2) to (8) in the Lower North East Region.
- (2) This approval applies to logging operations, being the cutting and removal of timber for the purposes of producing any of the following:

(a) High Quality Large Sawlogs and Large Veneer Logs, produced in the following quantities (being quantities which reflect contractual commitments existing at the date of this approval):

- (i) no more than 200,000m³ (that is, 160,000m³ + 25% of 160,000m³) per calendar year, and
- (ii) no more than 840,000m³ (that is, 160,000m³ x 5 + 5% of that total) in each of the periods 1 January 2000 to 31 December 2004, 1 January 2005 to 31 December 2009 and 1 January 2010 to 31 December 2014, and
- (iii) no more than 672,000m³ (that is, 160,000m³ x 4 + 5% of that total) in the period 1 January 2015 to 31 December 2018, and
- (iv) no more than 3,040,000m³ (that is, 160,000m³ x 19) over the duration of this approval; and

Note: The above paragraph authorises logging operations for the purposes of producing an average annual allocation of High Quality Large Sawlogs and Large Veneer Logs of 160,000m³ over the 19 year period of this approval (paragraph (a)(iv)). It authorises 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 allocation of 160,000m³.

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

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

(b) High Quality Large Sawlogs and Large Veneer Logs produced in the period 1 January 2000 to 31 December 2004, additional to those referred to in paragraph (a), but no more than 23,407m³ (being a quantity which reflects contractual commitments referred to in paragraph (a));

Note: The quantities referred to in the above paragraph reflect the undercuts for 1998 and 1999 and allow for their recovery over the first 5 year period of this approval.

(c) High Quality Large Sawlogs produced in 2000, additional to those referred to in paragraphs (a) and (b), but no more than 5,911m³ (being a quantity which reflects transitional arrangements existing in connection with contractual commitments referred to in paragraph (a)); and

(d) High Quality Small Sawlogs, Small Veneer Logs, piles, poles, girder logs, Pulp Grade Timber and Low Quality Timber.

(3) This approval applies only to logging operations where trees are selected for harvesting using Single Tree Selection or Australian Group Selection.

(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, the logging operations described in subclause (2) extend to thinning, where thinning has as one of its purposes, the production of any of

the products set out in paragraphs (a) to (d) 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 (d) of subclause (2).

Note: The description of logging operations to which this approval applies may cover salvage logging, provided trees are selected for harvesting using Single Tree Selection or Australian Group Selection (in accordance with subclause (3)), or the relevant products are those referred to in subclause (4). Other types of salvage logging may either trigger the application of Part 5 of the Environmental Planning and Assessment Act 1979, or require an amendment to this approval, before they are carried out.

(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) bush fire hazard reduction;
- (c) bee-keeping;
- (d) grazing;
- (e) weed and pest control; and
- (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 within the meaning of the *Forestry and National Park Estate Act 1998*.

(8) 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*.

(9) 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 *Timber Plantations (Harvest Guarantee) Act 1995*); or
- (b) (after the repeal of the *Timber Plantations (Harvest Guarantee) Act 1995*) to establish a plantation (within the meaning of the *Plantations and Reafforestation Act 1999*); or
- (c) for agricultural or other non-forestry uses.

(10) In this clause:

“Australian Group Selection” refers to a silvicultural practice, which in relation to a tract of forested land has the following elements:

(A) in any one harvesting operation:

- (a) 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) 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 no more than 0.25 hectares, and
- (c) 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)), is no more than 22.5% of the net harvestable area of the tract; and

Note to paragraph (b): 0.25 hectares is the area of a square of 50m x 50m.

- (B) once a harvesting operation has been completed, no logging (other than thinning) is carried out again on the relevant part or parts of the tract until at least 3 further harvesting operations (of the kind described in element (A) or involving Single Tree Selection) have been completed on different parts of the tract; and
- (C) there is a period of at least 5 years (and an average of at least 7 years over any 4 consecutive harvesting operations of the kind described in element (A)) between the completion of logging in one harvesting operation of the kind described in element (A) and commencement of another on the tract; and
- (D) logging is carried out with the objective of ensuring that following any 4 consecutive harvesting operations of the kind described in element (A), there remains an area within the tract which has not been logged in any of those operations (or in any Single Tree Selection or thinning carried out during that period), comprising an area of at least 10% of the net harvestable area in existence immediately before commencement of the first of those four operations.

Note 1. The above description of "Australian Group Selection" is consistent with the silvicultural practice commonly referred to as "Australian Group Selection medium".

Note 2. The expression "tract of forested land" has been used in the above description of Australian Group Selection as a convenient means of referring to any area of forested land in which this silvicultural practice 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.

“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.

“High Quality Large Sawlogs” means high quality sawlogs, having a centre diameter under bark of at least 40cm.

“high quality sawlogs” means sawlogs of 2.4 metres or more, which, in the opinion of SFNSW, are of a high quality.

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

“High Quality Small Sawlogs” means high quality sawlogs having a centre diameter under bark of less than 40cm.

“Large Veneer Logs” means veneer logs having a centre diameter under bark of at least 40cm.

“Low Quality Timber” means timber other than the following: high quality sawlogs, veneer logs, piles, poles, girder logs and pulp grade timber.

Note: The excluded products in the above definition are all the products of the kinds referred to in subclause (2) other than Low Quality Timber. “Low Quality Timber” is used here as a convenient catch-all for all remaining timber products not referred to in the description.

“Pulp Grade Timber” means timber suitable for the manufacture of reconstituted products including paper and panel board, and does not include timber suitable for high quality sawlogs, veneer logs, piles, poles or girder logs.

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

- (a) trees selected for logging have trunks, that in cross-section, measured 1.3 metres above ground level, have a diameter (including bark) of 20cm or more (that is, a diameter at breast height over bark of 20 cm or more); and
- (b) trees are selected for logging with the objective of ensuring that the sum of the basal areas of trees removed comprises no more than 40% of the sum of the basal areas of all trees existing immediately prior to logging within the net harvestable area of the tract.

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

See also note appearing under description of “Australian Group Selection” regarding use of the expression “tract of forested land”.

“Small Veneer Logs” means veneer logs having a centre diameter under bark of less than 40cm.

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* (set out in Appendix B); and
 - (c) a licence under Part 7A of the *Fisheries Management Act 1994* (set out in Appendix C).
- (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 Parks 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 licence 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*.

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 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 the Lower North East and Lower North East RFA Regions” (ESFM PA 3 Working Group, New South Wales and Commonwealth Governments, July 1999) for the Lower North East Region.
- (3) Prior to carrying out, or authorising the carrying out of, forestry operations, 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. Copies of these documents are

available on a website of the Commonwealth agency, Environment Australia (www.rfa.gov.au).

8. Best practice

- (1) In carrying out, or authorising the carrying out of, forestry operations 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, SFNSW must give effect to the document entitled, “Forest Management Zoning in 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 rare non-commercial forest types, high conservation value old growth forest and rainforest

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

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.

Harvesting of tea tree oil in rare non-commercial forest types

- (5) Despite subclauses (2) and (3), harvesting of tea tree oil may be carried out in any area that is, or is within, a rare non-commercial forest type where the area also comprises Forest Type 31 Paperbark.

Road re-opening and road maintenance

- (6) Despite subclauses (2) – (4), road re-opening and 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

- (7) 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.

- (8) The road or snig track may only be constructed 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* set out in this approval; and
 - (b) the relevant regional manager or a more senior officer has authorised the construction or snigging in writing.
- (9) A copy of the report and authority referred to in subclause (8) must be faxed to NPWS as soon as possible after they have been issued.
- (10) Where the construction of a road or snig track, or snigging is carried out in an 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.
- (11) 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 (8)), and subject to any conditions imposed by NPWS as part of its approval.

Note: See definition of “relevant exclusion zone” in subclause (14).

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

- (12) 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.

Felling trees into area to which this clause applies where subject of approved research program

- (13) Subclause (4) does not apply to that part of any area in which a research program is carried out in accordance with:
- (a) condition 22 of the terms of the licence under the *Protection of the Environment Operations Act 1997*; and
 - (b) condition 5.21 of the terms of the licence under the *Threatened Species Conservation Act 1995*,

for the duration of the research program.

- (14) For the purposes of this clause:

“diameter at breast height over bark” has the same meaning as in the terms of the licence under the *Threatened Species Conservation Act 1995* set out in this approval;

“Forest Type 31 Paperbark” means any area of land within the Lower North East Region identified as forest type number 31 on maps lodged with SFNSW;

“harvesting machinery” has the same meaning as in the terms of licence under the *Threatened Species Conservation Act 1995* set out in this approval;

“high conservation value old growth forest” means any area of land within the Lower North East Region:

- (a) depicted in the Geographic Information System theme in ESRI grid format called “hcovog2_prtctd” in the sub-directory called “Protected_HCVOG” on the CD-Rom, lodged with DUAP and having the volume label “991221_1516 (2 Dec 1999)”, and
- (b) further described in the corresponding metadata on the CD-Rom.

“rainforest” means any area of land within the Lower North East Region:

- (a) depicted in the Geographic Information System theme in ESRI shape file format called “lne_rf” in the sub-directory called “Rainforest” on the CD-Rom, lodged with DUAP and having the volume label “991221_1516 (21 Dec 1999)”, and
- (b) further described in the corresponding metadata on the CD-Rom.

“rainforest exclusion zone” means any area of land within 20 metres of the boundaries of warm temperate rainforest;

“rare non-commercial forest types” means any area of land within the Lower North East Region:

- (a) depicted in the Geographic Information System theme in ESRI shape file format called “all_rnc” in the sub-directory called “Rare_Non_Commercial_Forest” on the CD-Rom, lodged with DUAP and having the volume label “991221_1516 (21 Dec 1999)”, and
- (b) further described in the corresponding metadata on the CD-Rom

Note: The above CD-Rom referred to in the definitions of “high conservation old growth forest”, “rainforest” and “rare non-commercial forest types” are available for public inspection, and may also be copied for a charge, at the head office of DUAP. They are also available for public inspection (but not copying) under clause 48 at regional offices of SFNSW in the Lower North East Region.

“record” has the same meaning as in the terms of the licence under the *Threatened Species Conservation Act 1995* set out in this approval;

“relevant exclusion zone” refers to any exclusion zone referred to in the following conditions of the terms of the licence under the *Threatened Species Conservation Act 1995* set out in this approval where it is also, or is also within, high conservation value old growth forest, rainforest, a rainforest exclusion zone or a rare non-commercial forest type:

- (a) condition 5.13 (“Bird Nest and Roost Site Protection”),
- (b) condition 5.14 (“Bat Roost Protection”),
- (c) condition 6.1 (“Pouched Frog”),
- (d) condition 6.2 (“Green and Golden Bell Frog”),

- (e) condition 6.3 (“Giant Barred Frog, Fleays Frog, Stuttering Frog”),
- (f) condition 6.4 (“*Phyloria* spp”),
- (g) condition 6.5 (“White-crowned Snake”),
- (h) condition 6.6 (“Pale-headed Snake”),
- (i) condition 6.7 (“Albert’s Lyrebird”),
- (j) condition 6.8 (“Marbled Frogmouth”),
- (k) condition 6.9 (“Powerful Owl, Masked Owl, Barking Owl”),
- (l) condition 6.10 (“Rufous Scrub-bird”),
- (m) condition 6.12 (“Brush-tailed Phascogale”),
- (n) condition 6.13 (“Hastings River Mouse”),
- (o) condition 6.14 (“Koala”),
- (p) condition 6.15 (“Spotted-tailed Quoll”),
- (q) condition 6.16 (“Squirrel Glider”),
- (r) condition 6.17 (“Yellow-bellied Glider”),
- (s) condition 6.18 (“Wombat”),
- (t) condition 6.20 (“Golden-tipped Bat”),
- (u) condition 6.21 (“Large-footed Myotis”),
- (v) condition 6.22 (“Threatened Flora”),
- (w) condition 6.23 (“Threatened Flora”),
- (x) condition 6.24 (“Threatened Flora”),
- (y) condition 6.25 (“Threatened Flora”),
- (z) condition 6.26 (“Threatened Flora”), and
- (aa) condition 6.28 (“Threatened Flora”);

“road maintenance” means the clearing, scraping or treating of a revegetated road where none of the trees growing on the road have a diameter at breast height over bark of less than 20cm;

“road re-opening” means the clearing, scraping or treating of a revegetated road where none of the trees growing on the road have a diameter at breast height over bark of more than 20cm;

“specified forestry activities” has the same meaning as in the terms of the licence under the *Threatened Species Conservation Act 1995* set out in this approval; and

“warm temperate rainforest” means rainforest having the forest type number or numbers for “warm temperate rainforest” (as set out in the document entitled “Research Note No. 17 Forest types in New South Wales”, Forestry Commission of New South Wales, 1989) on maps lodged with SFNSW.

Note: The CD-Rom referred to in the definitions of “high conservation value old growth”, rainforest” and “rare non-commercial forest types” are available for inspection under clause 48. Copies of the CD-Rom may be purchased from the head office of DUAP. The maps referred to in the above definitions of “Forest Type 31 Paperbark” are available for inspection under clause 48.

11. Threatened Species Conservation Act - proposed new listings

- (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 Lower North East 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 licence 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 Lower North East Region (or in any area likely to be affected by the carrying out of forestry operations) is present in the Region (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 Lower North East Region (or in any area likely to be affected by the carrying out of forestry operations) has significantly expanded in the Region (or in any area likely to be affected by the carrying out of forestry operations), or
- (c) a species of plant or animal that has not been recorded in the Lower North East Region (or in any area likely to be affected by the carrying out of forestry operations) within the previous 10 years, is present in the Region (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 Lower North East 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).

Note: The above document is available for public inspection and copying under clause 48 of this approval.

15. Records concerning heritage items

- (1) SFNSW must periodically and regularly review their records concerning heritage items within the Lower North East 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, or*
- (c) *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 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 unless the person believes on reasonable grounds that the Director-General is aware of the location of those relics.

- (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.
- (6) In this clause, “indigenous heritage” includes relics and 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 harvest plan prepared by SFNSW that applies to the forestry operations concerned.

- (4) In this clause, “harvest plan” refers to a plan that includes site specific information and instructions to staff of SFNSW and other persons concerning logging operations.

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 25, 32 and 39.

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 31 December 2000.

PART 3 – Logging Operations

19. Logging operations restricted in certain zones

- (1) This clause applies to the following land in the Lower North East 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 State Forests” (State Forests of New South Wales, December 1999). That document is available for public inspection and copying under clause 48.

The Forest Management Zones for the Lower North East Region are mapped. These maps are available for public inspection and copying under 48 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;
 - (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 rare non-commercial forest types, high conservation value old growth forest and rainforest”). 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. Pulp only operations prohibited

- (1) Harvesting operations having the sole purpose of producing Pulp Grade Timber may not be carried out in the Lower North East Region.

- (2) This clause does not apply to thinning even where one of the purposes of thinning is the production of timber.
- (3) In this clause, “Pulp Grade Timber” has the same meaning as in clause 5.

21. Principal purpose of harvesting operations

- (1) The cutting and removal of timber in the Lower North East Region for the purposes of producing products other than:
 - (a) High Quality Large Sawlogs,
 - (b) Large Veneer Logs, or
 - (c) poles,

may only be carried out in harvesting operations having the principal purpose of producing any one or more of the kinds of 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 relevant factors, including the monetary value and volume of each of the kinds of timber products that SFNSW predicts will be produced.
- (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, or includes, the production of timber for fencing, sleepers, firewood or craftwood.
- (5) This clause does not apply to thinning even where one of the purposes of thinning is the production of timber.
- (6) In this clause, “High Quality Large Sawlogs” and “Large Veneer Logs” have the same meanings as in clause 5.

22. Categorisation of timber

- (1) SFNSW is to categorise each log cut and removed in logging operations as follows:
 - (a) as a high quality sawlog or veneer log; or
 - (b) (if the timber cannot be categorised as a high quality sawlog or veneer log) as a pile, pole or girder log; or

- (c) (if the timber cannot be categorised as a high quality sawlog, veneer log, pile, pole or girder log) as Pulp Grade Timber or Low Quality Timber.
- (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 sawlog”, “Pulp Grade Timber” and “Low Quality Timber” have the same meanings as in clause 5.

23. Planning logging operations

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, determined in accordance with the Forest Resource and Management Evaluation System; and
 - (c) any other matter relating to the matters set out in paragraphs (a) or (b) that DUAP notifies SFNSW is to be specified.

Note: As at the date of this approval, the Forest Resource and Management Evaluation System referred to in paragraph (b) of the above subclause does not enable predictions to be made on a single compartment basis.

- (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 Lower North East 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.

Written notice of particular harvesting operations

- (4) At least 5 working days prior to the commencement of any particular harvesting operation for the purposes of producing timber in the Lower North East Region, SFNSW must submit to the regulatory agencies a written notice specifying each of the following matters in respect of the harvesting operation:
 - (a) the timing and location of the proposed harvesting operation, 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) whether it is proposed to produce timber by means of thinning; and
 - (c) 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 (as described in clause 5(3)).

- (5) Subject to subclause (6), SFNSW may only carry out harvesting operations for the purposes of producing timber in accordance with any written notice submitted to the regulatory agencies under subclause (4).
- (6) SFNSW may carry out a harvesting operation for the purposes of producing timber other than in accordance with a written notice submitted to regulatory agencies under subclause (4), provided that the regulatory agencies are notified at least 5 working days in advance of any relevant changes.
- (7) In this clause:

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

“Forest Resource and Management Evaluation System” refers to the system described in the following reports:

- (a) “Strategic Inventory – Upper and Lower North East Region – A project undertaken as part of the NSW Comprehensive Regional Assessments” (Forest Resource and Management Evaluation System Technical Committee, New South Wales and Commonwealth Governments, 1999),
- (b) “Yield Simulator - Upper and Lower North East Region – A project undertaken as part of the NSW Comprehensive Regional Assessments” (Forest Resource and Management Evaluation System Technical Committee, New South Wales and Commonwealth Governments, 1999),
- (c) “Biometric Models - Upper and Lower North East Region – A project undertaken as part of the NSW Comprehensive Regional Assessments” (Forest Resource and Management Evaluation System Technical Committee, New South Wales and Commonwealth Governments, 1999), and
- (d) “Strategic Yield Scheduler - Upper and Lower North East Region – A project undertaken as part of the NSW Comprehensive Regional Assessments” (Forest Resource and Management Evaluation System Technical Committee, New South Wales and Commonwealth Governments, 1999).

Note: The documents referred to above 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. Copies of these documents are available on a website of the Commonwealth agency, Environment Australia (www.rfa.gov.au).

23A. Notice of completion of harvesting operations

On completion of any particular harvesting operation for the purposes of producing timber in the Lower North East Region, SFNSW must submit to the regulatory agencies a written notice specifying:

- (a) the date on which the particular harvesting operation ceased; and

- (b) the location of the proposed harvesting operation, by reference to State forest name and compartment number or other identifying particulars (in the case of Crown-timber lands other than State forests).

24. Annual reports on logging operations

- (1) SFNSW is to progressively record the following information relating to logging operations in the Lower North East Region:
 - (a) the quantity of each timber product harvested (as described in clause 5(2)) and in the course of thinning;
 - (b) the quantity of each timber product harvested 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 Australian Group Selection, 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 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) The information referred to in paragraphs (d) and (e) of subclause (1) may be derived from information contained in harvest plans and the compartment histories referred to in clause 42.
- (3) Paragraphs (d) and (e) of subclause (1) do not apply to logging operations involving thinning or those carried out for the sole purpose of producing timber for fencing or sleepers, or firewood or craftwood).
- (4) SFNSW is to provide a report to the regulatory agencies setting out the above information in respect of each calendar year by 31 January (from 2001 onwards) of the following year.
- (5) In this clause:

“Australian Group Selection” has the same meaning as in clause 5;

“harvest plan” refers to a plan that includes site specific information and instructions to staff of SFNSW and other persons concerning logging operations; and

“Single Tree Selection” has the same meaning as in clause 5.

PART 4 - Forest Products Operations

25. Forest products operations restricted in certain zones

- (1) This clause applies to the following land in the Lower North East 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 State Forests" (State Forests of New South Wales, December 1999). That document is available for public inspection and copying under clause 48.

The Forest Management Zones for the Lower North East Region are mapped. These maps are available for public inspection and copying under clause 48 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 is 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 and 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.

26. 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 Lower North East Region, does not hinder the sustained ecological viability of the relevant species of tree, shrub or other vegetation within the part.

27. Plan of forest products operations

- (1) SFNSW is to prepare a plan of forest products operations that specifies the following matters relating to the carrying out of forest products operations in the Lower North East Region:
 - (a) the types of forest products operations that are the subject of authorities in force under the *Forestry Act 1916* at the date on which the plan is prepared, or that SFNSW proposes to carry out or authorise;
 - (b) the location of each type of forest products operation, 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 DUAP informs SFNSW is to be specified.
- (2) SFNSW must submit the plan of forest products operations to regulatory agencies by 30 June 2000.
- (3) Forest products operations may only be carried out in accordance with the plan of forest products operations.
- (4) SFNSW may, from time to time, amend the plan wholly or in part, and where it does so, forest products operations may be carried out in accordance with the amended plan, provided that the regulatory agencies are notified in advance of any such amendment.

PART 5 - On-going Forest Management Operations

28. Thinning

- (1) Thinning may be carried out 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:
 - (a) most of the trees in the stand are approximately the same age; and
 - (b) 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.

29. Scientific trials concerning thinning

- (1) SFNSW must carry out scientific trials to assess the economic and environmental impacts of thinning in the Lower North East Region.
- (2) SFNSW must consult with DUAP 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.

30. 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 Lower North East 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 DUAP 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 Lower North East 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 Lower North East 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 DUAP by 30 June 2000.

Note: DUAP 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 6 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 DUAP, except to the extent that any such inconsistency has been approved by DUAP 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*.

31. 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 Lower North East Region.
- (2) SFNSW must consult with DUAP, 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.

32. Bee-keeping restricted in certain zones

- (1) This clause applies to the following land in the Lower North East 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 State Forests” (State Forests of New South Wales, December 1999). That document is available for public inspection and copying under clause 48.

The Forest Management Zones for the Lower North East Region are mapped. These maps are available for public inspection and copying under clause 48 of this approval.

- (2) Subject to subclauses (3) – (6), bee-keeping is not to be carried out on land to which this clause applies.
- (3) Subclause (2) does not apply to bee-keeping carried out under a relevant occupation permit that is:
 - (a) in force on 1 January 2000; or
 - (b) in force on 1 January 2000 and renewed after that date,

provided the permit holder is the same person as the permit holder on 1 January 2000, or a family member of that person.

- (4) SFNSW must not:
 - (a) grant a relevant occupation permit; or
 - (b) consent to the transfer of a relevant occupation permit to any person other than a family member of the existing permit holder.
- (5) Nothing in this clause prevents SFNSW:
 - (a) renewing a relevant occupation permit in force on, or immediately prior to, 1 January 2000; or
 - (b) granting a relevant occupation permit, provided the land to which it applies was the subject of a relevant occupation permit held by a family member of the permit holder immediately prior to the granting of the occupation permit.
- (6) Where a relevant occupation permit is renewed under subclause (5), SFNSW must not in renewing the permit, vary the land to which the permit applies by adding further land of the kinds to which this clause applies.
- (7) In this clause:

“family member” of a person (including a “permit holder” or “existing permit holder”) means a spouse, de facto partner (whether of the same or the opposite sex), sibling, parent or child (including a step-child, son in-law or daughter in-law) of the person; and

“relevant occupation permit” means an occupation permit to occupy land to which this clause applies for the purposes of bee-farming, granted under section 31 of the *Forestry Act 1916*.

Note: Under clause 42 of this approval SFNSW is required to record in compartment histories particulars of any occupation permit to occupy land for the purposes of bee-farming granted under section 31 of the Forestry Act 1916 applying to the compartment concerned.

33. 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 animals in the Lower North East 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 DUAP by 30 June 2000.

Note: DUAP 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 Lower North East Region within 6 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 DUAP, unless such an inconsistency has been approved by DUAP.

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 Lower North East 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 Lower North East 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*.

34. 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 Lower North East 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 Lower North East 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.

- (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 DUAP by 30 June 2000.

Note: DUAP 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 Lower North East Region within 6 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 DUAP, unless such an inconsistency has been approved by DUAP.

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 Lower North East 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 Lower North East 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*.

35. 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 Lower North East Region, where the presence of those animals in the Region may have an adverse impact on the environment.

The terms of the licence under the Threatened Species Conservation Act 1995 contain requirements for the implementation of a “Feral and Introduced Predator Control Plan”. SFNSW may wish to prepare a consolidated plan or plan 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 taken 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).

(6) SFNSW must submit the model document for the approval of DUAP by 30 June 2000.

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

(7) SFNSW must prepare a feral and introduced animal management plan (or plans) to cover the entirety of the Lower North East Region within 6 months after the model document has been approved.

(8) Any feral and introduced animal management plan so prepared is not to be inconsistent with the model document approved by DUAP, unless such an inconsistency has been approved by DUAP.

SFNSW must give effect to feral and introduced animal management plan

(9) SFNSW must give effect to any feral and introduced animal management plan prepared under this clause.

- (10) 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

- (11) 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

- (12) SFNSW must review any feral and introduced animal management plan applying to the Lower North East 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 Lower North East 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*.

36. Application of fertiliser

- (1) Immediately prior to any trees being planted in the Lower North East Region, one pellet of fertiliser per tree may be placed in the soil into which each tree is to be planted.
- (2) Fertiliser may only be applied in the Lower North East Region in accordance with subclause (1).

37. 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.

38. Assessments of regeneration following cessation of logging operations

- (1) SFNSW must assess the extent and nature of regeneration following the cessation of logging operations in areas within the Lower North East Region on a regular and periodic basis.
- (2) The first such assessment is to be completed no later than 31 December 2004, and further assessments are to be completed at intervals of no more than 5 years following the first assessment.
- (3) SFNSW must consult with DUAP 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

39. Road construction restricted in certain zones

- (1) This clause applies to the following land in the Lower North East 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 State Forests" (State Forests of New South Wales, December 1999). That document is available for public inspection and copying under clause 48.

The Forest Management Zones for the Lower North East Region are mapped. These maps are available for public inspection and copying under clause 48 of this approval.

- (2) Road construction, road re-opening and 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) prior to the construction of the road, 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 in writing; and
 - (c) all practicable measures are taken to minimise any adverse impacts of the road construction or road re-opening on the environment.
- (3) In this clause, "road maintenance" and "road re-opening" have the same meanings as in clause 10.

40. 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 Lower North East 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 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 41 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 prevent 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 DUAP no later than 30 June 2000.

Note: DUAP 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 Lower North East 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 DUAP, unless such an inconsistency has been approved by DUAP.
- (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.

41. 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 40).
- (3) In this clause, “forestry operations” has the same meaning as in the *Forestry and National Park Estate Act 1998*.

PART 7 - Miscellaneous

42. Compartment histories

- (1) 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 Australian Group Selection (as described in clause 5(10) 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(10) of this approval) has been, or is intended to be, carried out;
 - (c) where land within the compartment forms part of the tract of forested land referred to in paragraphs (a) or (b), particulars of the land forming the remainder of the tract;
 - (d) the matters required to be the subject of the report referred to in clause 24 (“Annual reports on logging operations” applying to the compartment concerned);
 - (e) the matters required to be the subject of the plan of forest products operations referred to in clause 27 (“Plan of forest products operations”) applying to the compartment concerned;
 - (f) particulars of any occupation permit to occupy land for the purposes of bee-farming, granted by SFNSW under section 31 of the *Forestry Act 1916* applying to the compartment concerned;
 - (g) particulars of any grazing permit granted by SFNSW under section 31 of the *Forestry Act 1916* applying to the compartment concerned;
 - (h) particulars of any forestry lease of land for grazing granted by SFNSW under section 33 of the *Forestry Act 1916* applying to the compartment concerned;
 - (i) any thinning undertaken in the compartment concerned;
 - (j) 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;
 - (k) any activities undertaken in the compartment concerned to control weeds and pests; and
 - (l) any activities undertaken in the compartment concerned to promote regeneration following timber harvesting or forest products operations.

43. 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 which 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 SFSNW (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.

44. 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.

45. Inconsistencies between approval, Forest Agreement and other documents

- (1) Where there is an inconsistency between any term of this approval and the NSW Lower North East 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 DUAP 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 DUAP 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 licence under the *Threatened Species Conservation Act 1995* set out in Appendix B 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 C to this approval.

46. SFNSW must assist officers of DUAP to collect information

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

Note: The purposes for which DUAP 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*.

47. 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.

48. 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 Lower North East Region:
 - (a) the document entitled, "Forest Management Zoning in State Forests" (State Forests of New South Wales, December 1999);
 - (b) the CD-Rom referred to in the definitions of "high conservation value old growth forest", "rainforest" and "rare non-commercial forest types" in clause 10 of this approval;
 - (c) the maps referred to in the definitions of "Forest Type 31 Paperbark" and "warm temperate rainforest" in clause 10 of this approval;
 - (d) the document entitled, "Cultural Heritage Guidelines" (State Forests of New South Wales, December 1999) (referred to in clause 14 of this approval);
 - (e) any annual plan of logging operations or written notice prepared in accordance with clause 23 of this approval;
 - (f) any report prepared in accordance with clause 24 of this approval;
 - (g) any plan of forest products operations prepared in accordance with clause 27 of this approval;

- (h) documentation showing the methodology, results and analyses of the scientific trials concerning thinning referred to in clause 29 of this approval after they have been carried out;
- (i) any annual plan of burning operations, assessment, site specific plan of burning operations or model document prepared in accordance with clause 30 of this approval;
- (j) documentation showing the methodology, results and analyses of the scientific trials concerning burning referred to in clause 31 of this approval after they have been carried out;
- (k) any grazing management plan or model document prepared in accordance with clause 33 of this approval;
- (l) any weed management plan or model document prepared in accordance with clause 34 of this approval;
- (m) any feral and introduced animal management plan or model document prepared in accordance with clause 35 of this approval;
- (n) any assessment prepared in accordance with clause 38 of this approval;
- (o) any road and fire trail management plan or model document prepared in accordance with clause 40 of this approval;
- (p) any harvest plan applicable to any area of land in the Lower North East Region, being plans which include site specific information and instructions to staff of SFNSW and other persons concerning logging operations;
- (q) Forest Practices Codes published by SFNSW and applying to forestry operations in the Lower North East Region;
- (r) any annual Regional ESFM report as referred to in the NSW Lower North East Region Forest Agreement;
- (s) any annual Environmental and Social Values Report as referred to in the NSW Lower North East Region Forest Agreement; and
- (t) Forest management zoning maps (being maps which indicate how land in the Lower North East Region has been classified in accordance with the Forest Management Zoning System).

(2) Any person may take copies of any of the documents referred to paragraphs (a) and (d) to (t) of subclause (1):

- (a) on payment of reasonable fees (determined by the Chief Executive Officer of SFSNW) 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 (b) of subclause (1) may be also be inspected and purchased at the head office of DUAP.

(3) Despite subclauses (1) and (2), 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 licence 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*.

49. 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.**

(Clause 6)

Appendix C

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

(Clause 6)

Appendix D Maps 1 to 5 – Land to which this approval does not apply

(Clause 4(2)(e))

Note: The following maps identify certain land to which this approval does not apply. They do not identify all of the land to which this approval does not apply. (See clause 4(2)).