

## **SCHEDULE 1 – AMENDMENTS TO THE “NON-LICENCE” TERMS OF THE INTEGRATED FORESTRY OPERATIONS APPROVAL FOR THE LOWER NORTH EAST REGION**

### **[1] Clause 1 (2)**

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

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

### **[2] Note to clause 1 (4)**

Omit the note following clause 1 (4).

### **[3] Clause 1 (5)**

Insert after clause 1 (4):

- (5) On and from the commencement of this subclause, any reference in this approval to the Environment Protection Authority is to be construed as a reference to the Department of Environment and Conservation if the reference to the Authority was (before 24 September 2003) a reference to the group of Public Service staff attached to the Authority (being the statutory corporation constituted by the *Protection of the Environment Administration Act 1991*).

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

#### ***Resource and Conservation Division***

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

#### ***Environment Protection Authority***

*The Environment Protection Authority is constituted as a body corporate by the Protection of the Environment Administration Act 1991. At the time the approval was granted, the group of staff attached to the Authority was constituted as a separate Department of the Public Service and was also known as the Environment Protection Authority. However, on 24 September 2003 that Department was abolished and all its staff transferred to a new Department of Environment and Conservation. As the EPA (being the statutory corporation) has responsibility for enforcement of the terms of the licence under the Protection of the Environment Operations Act 1997 set out in the approval, references to the EPA in the approval are generally intended to be references to the statutory corporation. However, in some contexts, it is clear that references to the EPA must be construed as references to the former Department, for example, references to the Manager of the Forestry Unit of the EPA. Subclause (5)*

*requires such references to be construed as references to the new Department of Environment and Conservation.*

***National Parks and Wildlife Service***

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

**[4] Clause 10 (14)**

Omit “2 Dec 1999” from paragraph (a) of the definition of “high conservation value old growth forest” in clause 10 (14). Insert instead “21 Dec 1999”.

**[5] Clause 16 (3)**

Omit “harvest plan prepared by SFNSW” from clause 16 (3). Insert instead “site specific plan”.

**[6] Clause 16 (4)**

Omit clause 16 (4). Insert instead:

- (4) In this clause, “site specific plan” means a site specific plan prepared by SFNSW under clause 23A or clause 29B.

**[7] Clause 23 (1)-(2A)**

Omit clause 23 (1) and (2). Insert instead:

- (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 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 order in which it is intended to carry out the proposed logging operations;
  - (c) 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
  - (d) any other matter relating to the matters set out in paragraph (a), (b) or (c) that the Resource and Conservation Division notifies SFNSW is to be specified.

*Note: The Resource and Conservation Division was part of the former Department of Urban Affairs and Planning when the approval was granted. On 1 July 2003 the*

*Division became part of the Department of Infrastructure, Planning and Natural Resources.*

- (2) In planning the location and order 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.
- (2A) Logging operations may be carried out other than at the locations and in the order proposed in the annual plan of logging operations, if that is necessary or desirable having regard to the particular circumstances or conditions (such as weather or market factors) at the relevant time.

**[8] Clause 23 (4)-(6)**

Omit clause 23 (4)-(6).

**[9] Clauses 23A-23C**

Omit clause 23A. Insert instead:

**23A. Site specific plans of harvesting operations**

*Note: SFNSW may combine the site specific plans required by this clause, clause 29B and the planning documentation referred to in the terms of the licences under the Protection of the Environment Operations Act 1997, the Threatened Species Conservation Act 1995 and Part 7A of the Fisheries Management Act 1994. See further note following subclause (5) below.*

- (1) Before any harvesting operation is carried out, SFNSW is to prepare a site specific plan in respect of the harvesting operation.
- (2) The plan is to contain one or more maps identifying the following:
  - (a) the location of the proposed harvesting operation, and where this is a State forest, the relevant State forest name and compartment number; and
  - (b) any area within this location where harvesting is not to be carried out, including any area within which harvesting is prohibited or restricted under this approval (such as high conservation value old growth forest).
- (3) The plan must also specify:
  - (a) whether it is proposed to produce timber by means of thinning; and
  - (b) the selection method proposed to be used (that is, Australian Group Selection or Single Tree Selection, as described in clause 5 (3)) where it is proposed to produce timber other than timber for fencing or sleepers, or firewood or craftwood, or by means of thinning; and

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

*Note: SFNSW may combine any site specific plan required by this clause or clause 29B with the planning documentation prepared under condition 12 of the terms of the licence under the Protection of the Environment Operations Act 1997 set out in this approval ("the licence"). If SFNSW chooses to do so, it should ensure that the site specific conditions required to be included by condition 12 of the licence are clearly identified, as these site specific plans must be complied with unless varied in advance and in accordance with the licence. Contrast with above subclause and see conditions 16-18 of the licence.*

- (6) To the extent of any inconsistency between this approval and a plan prepared under this clause, this approval prevails.
- (7) In this clause, "harvesting operation" means a harvesting operation carried out for the purpose of timber production.

### **23B. Monthly advance notice of harvesting operations**

*Note: SFNSW may combine the written notices and reports required each month under this clause, clause 23C, clause 29C and clause 29D.*

- (1) By the first working day of each month, SFNSW must submit to the regulatory agencies a written notice that specifies the following:
  - (a) each new harvesting operation that is proposed to commence that month or the following month, by reference to the event ID for the operation and, if the associated site specific plan, prepared under clause 23A, has been approved by SFNSW, to the date on which it was approved;
  - (b) each suspended harvesting operation proposed to recommence that month or the following month, by reference to the event ID for the operation and to the date on which the associated site specific plan, prepared under clause 23A, was approved by SFNSW;
  - (c) the location of each harvesting operation specified, by reference to State forest name and compartment number or other identifying particulars (in the case of Crown-timber lands other than State forests);
  - (d) the proposed commencement or recommencement date of each harvesting operation specified; and

- (e) the quantity of timber that SFNSW estimates will be yielded for each harvesting operation specified.
- (2) In specifying the estimated yield under subclause (1) (e), the Resource and Conservation Division may authorise SFNSW to nominate a figure or a range.

*Note: The Resource and Conservation Division was part of the former Department of Urban Affairs and Planning when the approval was granted. On 1 July 2003 the Division became part of the Department of Infrastructure, Planning and Natural Resources.*

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

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

- (4) If a new harvesting operation specified in the written notice under subclause (1) is to be carried out (including in part):
  - (a) at a location that has not been identified in the relevant annual plan of logging operations as an intended location of a logging operation; or
  - (b) other than in accordance with the order of operations proposed in that annual plan,

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

- (5) A harvesting operation may be commenced or recommenced only:
  - (a) where it has been specified in a written notice submitted to the regulatory agencies under subclause (1); and
  - (b) on or after the date, and in the location, specified in such a notice.
- (6) Subclauses (1) to (5) do not apply to a harvesting operation that has been suspended and is subsequently recommenced in the same month.
- (7) SFNSW may carry out a harvesting operation other than at the time or location specified in a written notice submitted to the regulatory agencies under subclause (1), provided that the regulatory agencies are notified in writing and in advance of any such variation being implemented.

(8) In this clause:

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

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

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

### **23C. Monthly report on harvesting operations**

(1) By the first working day of each month, SFNSW must submit to the regulatory agencies a report that specifies the following:

- (a) each harvesting operation that has commenced, recommenced or continued in the financial year within which the previous month falls, by reference to the event ID for the operation and to the date on which the associated site specific plan, prepared under clause 23A, was approved by SFNSW;
- (b) the location of each harvesting operation specified, by reference to State forest name and compartment number or other identifying particulars (in the case of Crown timber-lands other than State forests);
- (c) the date on which any such harvesting operation was commenced or recommenced;
- (d) where the operation has been and remains suspended at the date of the report, the date on which it was suspended;
- (e) where the operation has been completed, the date on which it was completed.

(2) In this clause:

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

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

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

(3) This clause applies from 1 August 2004.

### **[10] Clause 24 (2)**

Omit “harvest plans” from clause 24 (2). Insert instead “site specific plans”.

**[11] Clause 24 (5), definition of “harvest plan”**

Omit the definition of “harvest plan” from clause 24 (5).

**[12] Clause 24 (5), definition of “Single Tree Selection”**

Omit “clause 5.” from the definition of “Single Tree Selection” in clause 24 (5). Insert instead “clause 5; and”

**[13] Clause 24 (5), definition of “site specific plan”**

Insert the following definition after the definition of “Single Tree Selection” in clause 24 (5):

“site specific plan” means a site specific plan prepared under clause 23A and includes any other harvest plan that contains site specific information and instructions to staff of SFNSW and other persons concerning logging operations in the Lower North East Region.

**[14] Clauses 29A-29D**

Insert after clause 29:

**29A. Annual plan of thinning operations**

*Note: This clause (clause 29A) and the following clauses (clauses 29B, 29C and 29D) contain planning, notification and reporting requirements with respect to thinning operations. They are in similar terms to clauses 23-23C that relate to harvesting operations. A thinning operation may have more than one purpose, that is, it may be carried out, not only for silvicultural purposes, but also to produce timber products. If timber production is the primary purpose of an operation, then the operation should be dealt with and documented under those provisions of the approval that relate to harvesting operations (that is, clauses 23-23C). However, if the sole or predominant purpose of cutting and removing trees is to thin the relevant stand of forest (for silvicultural objectives) then the operation should be dealt with as a thinning operation under clauses 29A-29D.*

- (1) The first financial year to which this clause applies is the year commencing 1 July 2004.
- (2) SFNSW is to prepare a plan of thinning operations for each financial year (“annual plan of thinning operations”) that specifies each of the following matters:
  - (a) the intended location of proposed thinning 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 order in which it is intended to carry out the proposed thinning operations;

- (c) any other matter related to the location and order of the proposed thinning operations that the Resource and Conservation Division notifies SFNSW is to be specified.

*Note: The Resource and Conservation Division was part of the former Department of Urban Affairs and Planning when the approval was granted. On 1 July 2003 the Division became part of the Department of Infrastructure, Planning and Natural Resources.*

- (3) In planning the location and order of proposed thinning operations under subclause (2), 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 thinning operations in any part of the Region.
- (4) Thinning operations may be carried out other than at the locations and in the order proposed in the annual plan of thinning operations, if that is necessary or desirable having regard to the particular circumstances or conditions (such as weather) at the relevant time.
- (5) SFNSW must forward to the regulatory agencies a copy of the annual plan of thinning operations for each financial year by 1 June of the preceding financial year.
- (6) In this clause, “financial year” means the period from 1 July to the following 30 June.

#### **29B. Site specific plans of thinning operations**

*Note: SFNSW may combine the site specific plans required by this clause, clause 23A and the planning documentation referred to in the terms of the licences under the Protection of the Environment Operations Act 1997, the Threatened Species Conservation Act 1995 and Part 7A of the Fisheries Management Act 1994. See further note following subclause (5) below.*

- (1) Before any thinning operation is carried out, SFNSW is to prepare a site specific plan in respect of the operation.
- (2) The plan is to contain one or more maps identifying the following:
  - (a) the location of the proposed thinning operation, and where this is a State forest, the relevant State forest name and compartment number; and
  - (b) any area within this location where thinning is not to be carried out, including any area within which thinning is prohibited under this approval (for example, high conservation value old growth forest or rainforest).
- (3) The plan must also specify such other information and instructions as SFNSW considers necessary to enable staff of SFNSW and other persons to carry out thinning in conformity with this approval.



- (4) In preparing the plan, SFNSW must consider the application of this approval to the thinning operation.
- (5) A thinning operation should only be carried out in accordance with a plan prepared under this clause. However, if a thinning operation varies from a plan prepared under this clause, then SFNSW must:
  - (a) prepare a document that sets out the reason for such a variation; and
  - (b) amend the plan, or prepare a document that sets out how the thinning operation varies from the plan and keep this document with the plan.

*Note: SFNSW may combine any site specific plan required by this clause or clause 23A with the planning documentation prepared under condition 12 of the terms of the licence under the Protection of the Environment Operations Act 1997 set out in this approval ("the licence"). If SFNSW chooses to do so, it should ensure that the site specific conditions required to be included by condition 12 of the licence are clearly identified, as these site specific plans must be complied with unless varied in advance and in accordance with the licence. Contrast with above subclause and see conditions 16-18 of the licence.*

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

## **29C. Monthly advance notice of thinning operations**

*Note: SFNSW may combine the written notices and reports required each month under this clause, clause 29D, clause 23B and clause 23C.*

- (1) By the first working day of each month, SFNSW must submit to the regulatory agencies a written notice that specifies the following:
  - (a) each new thinning operation that is proposed to commence that month or the following month, by reference to the event ID for the operation and, if the associated site specific plan, prepared under clause 29B, has been approved by SFNSW, to the date on which it was approved;
  - (b) each suspended thinning operation proposed to recommence that month or the following month, by reference to the event ID for the operation and to the date on which the associated site specific plan, prepared under clause 29B, was approved by SFNSW;
  - (c) the location of each thinning operation specified, by reference to State forest name and compartment number or other identifying particulars (in the case of Crown-timber lands other than State forests);
  - (d) the proposed commencement or recommencement date for each thinning operation specified; and
  - (e) the approximate size of the area proposed to be thinned for each operation specified.
- (2) If a new thinning operation specified in the written notice under subclause (1) (for July 2004 or any subsequent month) is to be carried out (including in part):

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

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

- (3) A thinning operation may be commenced or recommenced only:
  - (a) where it has been specified in a written notice submitted to the regulatory agencies under subclause (1); and
  - (b) on or after the date, and in the location, specified in such a notice.
- (4) Subclauses (1) to (3) do not apply to a thinning operation that has been suspended and is subsequently recommenced in the same month.
- (5) SFNSW may carry out a thinning operation other than at the time or location specified in a written notice submitted to the regulatory agencies under subclause (1), provided that the regulatory agencies are notified in writing and in advance of any such variation being implemented.
- (6) In this clause, “event ID” means a unique identification number generated by SFNSW’s Harvest Tracking System (HTS) that exclusively represents a forestry operation, such as a thinning operation.

#### **29D. Monthly report on thinning operations**

- (1) By the first working day of each month, SFNSW must submit to the regulatory agencies a report that specifies the following:
  - (a) each thinning operation that has commenced, recommenced or continued in the financial year within which the previous month falls, by reference to the event ID for the operation and to the date on which the associated site specific plan, prepared under clause 29B, was approved by SFNSW;
  - (b) the location of each operation specified, by reference to State forest name and compartment number or other identifying particulars (in the case of Crown-timber lands other than State forests);
  - (c) the date on which any such operation commenced or recommenced;
  - (d) where the operation has been and remains suspended at the date of the report, the date on which it was suspended; and
  - (e) where the operation has been completed, the date on which it was completed.
- (2) In this clause:
 

“event ID” means a unique identification number generated by SFNSW’s Harvest Tracking System (HTS) that exclusively represents a forestry operation, such as a thinning operation; and

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

(3) This clause applies from 1 August 2004.

**[15] Clause 48 (1) (e)-(e2)**

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

- (e) any annual plan of logging operations prepared under clause 23 of this approval;
- (e1) any written notice of harvesting operations prepared under clause 23B of this approval;
- (e2) any monthly report on harvesting operations prepared under clause 23C of this approval;

**[16] Clause 48 (1) (h1)-(h3)**

Insert after clause 48 (1) (h):

- (h1) any annual plan of thinning operations prepared under clause 29A of this approval;
- (h2) any written notice of thinning operations prepared under clause 29C of this approval;
- (h3) any monthly report on thinning operations prepared under clause 29D of this approval;

**[17] Clause 48 (1) (p)**

Omit clause 48 (1) (p).

**[18] Clause 48 (1A)**

Insert after clause 48 (1):

- (1A) SFNSW must ensure that copies of each of the following documents are available for public inspection during ordinary office hours at the regional office of SFNSW responsible for managing the land in the Lower North East Region to which the document applies:
  - (a) any site specific plan of harvesting operations prepared under clause 23A of this approval;
  - (b) any other harvest plan, being a plan that includes site specific information and instructions to staff of SFNSW and other persons concerning logging operations that are proposed or on-going at the commencement of this subclause;
  - (c) any site specific plan of thinning operations prepared under clause 29B of this approval.

**[19] Clause 48 (2)**

Omit “Any person may take copies of any of the documents referred to paragraphs (a) and (d) to (t) of subclause (1)” from clause 48 (2). Insert instead “Any person may take copies of any of the documents (or, if SFNSW and the person agree, extracts from any of the documents) referred to in paragraphs (a), and (d) to (t), of subclause (1) or in subclause (1A)”.

**[20] Clause 48 (3)**

Omit “subclauses (1) and (2)” from clause 48 (3). Insert instead “subclauses (1), (1A) and (2)”.

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

**[1] Condition 10.1**

Omit condition 10.1. Insert instead:

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

**[2] Condition 10.3**

Insert after condition 10.2:

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

**[3] Condition 14**

Omit condition 14. Insert instead:

**14. Commencement of licence authority**

- 14.1 Licence authority applies with respect to a scheduled or non-scheduled forestry activity if:
- (a) a summary of operations for that activity has been submitted to the Manager of the Forestry Unit of the Department of Environment and Conservation in accordance with Division 1; and
  - (b) a notification for the commencement of licence authority for the activity (in the form of Form 3 set out in Schedule 1 to this licence) is completed by State Forests.
- 14.2 State Forests must place a copy of the completed notification for the commencement of licence authority for the activity on the operations register (as required by condition 33 of this licence) on the day on which the activity commences.
- 14.3 On the same day as the activity commences (but not until it has actually commenced) that day's date must be inserted next to the words "Date on which licence authority commences under condition 14" on the notification for

the commencement of licence authority for the activity. (The notification is not completed until a date is inserted next to the relevant words.)

- 14.4 Licence authority for the activity is taken to have commenced on the commencement of the day whose date is inserted on the notification for commencement of licence authority for the activity (even though, as required by condition 14.3, the insertion of that date occurs after the actual commencement of the activity in the compartment or roading area concerned). Accordingly, the conditions of this licence must be complied with in respect of the activity on and from that day.
- 14.5 Licence authority continues to apply to the activity unless it temporarily ceases under condition 19A or until it finally ceases under condition 20.

**[4] Condition 15.1**

Omit condition 15.1. Insert instead:

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

**[5] Condition 17.4**

Omit condition 17.4. Insert instead:

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

**[6] Conditions 19A and 19B**

Insert after condition 19:

**19A. Licence authority temporarily ceased**

- 19A.1 Licence authority temporarily ceases to apply with respect to a scheduled or non-scheduled forestry activity:
- (a) if a notification for the temporary cessation of licence authority for the activity (in the form of Form 2 set out in Schedule 1 to this licence) is completed by State Forests; and
  - (b) on and from the day on which the notification is signed by an officer of State Forests (being an officer not below the rank of Regional Manager).

- 19A.2 The date of the day on which the notification for the temporary cessation of licence authority is signed by the officer of State Forests (being an officer not below the rank of Regional Manager) must be inserted next to the words “Date licence authority ceases” on the notification.
- 19A.3 State Forests must place a copy of the completed notification on the operations register (as required by condition 33 of this licence) within five days of licence authority temporarily ceasing to apply with respect to the activity concerned (that is, within five days of the notification being signed).
- 19A.4 State Forests must forward the completed notification to the Manager of the Forestry Unit of the Department of Environment and Conservation within two weeks of licence authority temporarily ceasing to apply with respect to the activity concerned. The notification may be forwarded only by mail, fax or electronic transfer.
- 19A.5 Licence authority with respect to an activity temporarily ceases unless it is recommenced under condition 19B or until it finally ceases under condition 20.

**19B. Recommencement of licence authority**

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

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

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

**Part 2: Final cessation of licence authority**

**20. When licence authority finally ceases to apply**

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

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

**[8] Condition 24.1**

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

**[9] Condition 25.1**

Omit condition 25.1. Insert instead:

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



**[10] Condition 33.2**

Omit condition 33.2. Insert instead:

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

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

**[11] Condition 37A**

Insert after condition 37:

**37A. Electronic transfer of data**

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

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

agreed to in writing by the EPA and State Forests) is to be used to identify the officer and his or her approval of the contents of the document when it is forwarded.

**[12] Dictionary**

Omit the definition of “timber logs” from the Dictionary. Insert instead the following definitions into the Dictionary in appropriate alphabetical order:

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

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

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

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

**[13] Schedule 1**

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

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

**Part A: Forms required to be used under operating conditions**

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

**[14] Schedule 1, Part A, Forms 1-3**

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

## **Part A – Form 1**

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

#### **1. General Information**

Event ID: \_\_\_\_\_

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

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

Licence Number: \_\_\_\_\_

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

Operation  
Type: \_\_\_\_\_

#### **2. Forestry Operation Location Details**

State Forest Region: \_\_\_\_\_

State Forest Name: \_\_\_\_\_

State Forest Number: \_\_\_\_\_

Compartment: \_\_\_\_\_

Age Class:  
(If applicable) \_\_\_\_\_

Total Area: \_\_\_\_\_ (ha)      Net Harvest Area: \_\_\_\_\_ (ha)

#### **3. Soil Erosion and Water Pollution Hazard Assessment**

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

Rainfall Zone: \_\_\_\_\_  
Rainfall Erosivity: \_\_\_\_\_  
Soil Regolith Class(es): \_\_\_\_\_  
Soil Regolith verified by: \_\_\_\_\_  
Inherent Hazard Level: \_\_\_\_\_

Seasonality Restrictions apply:

Yes/No (please select one)

#### 4. Dispersible Soil Assessment

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

Dispersible soil identified by: \_\_\_\_\_

#### 5. Mass Movement

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

Mass movement identified by: \_\_\_\_\_

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### **Site-Specific Operational Conditions**

#### 6. Road Construction/Maintenance

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

#### 7. Road Drainage Feature Crossings to be Constructed

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

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

#### 8. Existing Roads Drainage Feature Crossings

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

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

#### 9. Snig & Extraction Tracks

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

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

#### 10. Borrow Pits & Gravel Pits

Number of borrow pits or gravel pits to be used: \_\_\_\_\_

## 11. Post-harvest Burning

Is post-harvest burning proposed:

Yes/No (please select one)

Preferred season of burn: \_\_\_\_\_

Method of ignition: \_\_\_\_\_

## 12. Compliance

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

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

**Regional Manager's Name:** \_\_\_\_\_

(Block letters)

**Regional Manager's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Part A - Form 2

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

On behalf of State Forests I hereby notify the EPA that the licence authority ceases to apply to the land identified below:

**Event ID:** \_\_\_\_\_

**Type of Cessation:** **Temporary/Final**  
(Please select one)

**State Forests' Region:**

**State Forest Name:** \_\_\_\_\_

**State Forest Number:** \_\_\_\_\_

**Compartment:**

**Age Class (if applicable):**

**Operation Type:**

**Commencement date of licence authority:** \_\_\_\_\_ \*

(\*please note this is the commencement date not the recommencement date)

**Road Name(s) (if applicable):** \_\_\_\_\_

**Regional Manager's Name:** \_\_\_\_\_  
(Block letters)

**Regional Manager's Signature:**

**Date licence authority ceases:**

**Part A - Form 3**

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

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

**Event ID:** \_\_\_\_\_

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

**State Forests' Region:** \_\_\_\_\_

**State Forest Name:** \_\_\_\_\_

**State Forest Number:** \_\_\_\_\_

**Compartment(s):** \_\_\_\_\_

**Age Class (if applicable):** \_\_\_\_\_

**Operation Type:** \_\_\_\_\_

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

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

**\*\* Please select appropriate one**

**[15] Schedule 1 Part B Operational Map Requirements (Drainage feature protection) – item B2**

Omit “, protection zone and operational zone” from item B2 in Part B of Schedule 1. Insert instead “and protection zone”.

**[16] Schedule 1 Part B Operational Map Requirements (Drainage feature protection) – item B2A**

Omit “and operational zone” from item B2A in Part B of Schedule 1.

**[17] Schedule 4 (D. Protection of Drainage Features) Condition 10**

Omit condition 10 from Schedule 4.

**[18] Schedule 4 (D. Protection of Drainage Features) Condition 17**

Omit condition 17 from Schedule 4. Insert instead:

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

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

**[19] Schedule 4 (D. Protection of Drainage Features) Conditions 19 and 19A**

Omit condition 19 (and the note following it) and condition 19A from Schedule 4. Insert instead:

19. Trees that have been accidentally felled into a filter strip may be removed from the filter strip. The crown must be left where it has fallen unless the tree is lifted out of the filter strip, or lifted and moved within the filter strip, using a mechanical harvester.

*(Notes:*

- 1. a tree will be considered as having been accidentally felled into a filter strip if techniques of directional felling were used in an attempt to fell the tree away from the filter strip or an attempt was made using some other method (such as using a mechanical harvester) to fell the tree away from the filter strip;*
- 2. it is intended that a tree will be removed from a filter strip only if the tree will produce at least one timber product that is not low quality timber or pulp grade timber.)*

- 19A. Where a log is removed from a filter strip, the log furrow produced by this extraction must be:

- a) infilled with soil; or



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

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

**[20] Schedule 4 (D. Protection of Drainage Features) Condition 20**

Omit condition 20 from Schedule 4. Insert instead:

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

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

**[21] Schedule 4 (D. Protection of Drainage Features) Conditions 20B, 20C and 20D**

Omit conditions 20B, 20C and 20D from Schedule 4. Insert instead:

- 20B. Where a tree is felled into a protection zone, the crown must be left where it has fallen, unless the tree is lifted out of the protection zone, or lifted and moved within the protection zone, using a mechanical harvester.
- 20C. Trees in a protection zone must not be felled, except for the purpose of constructing a road crossing, extraction track crossing or snig track crossing.
- 20D. Machinery may operate within 5 metres of the boundary of the protection zone and the adjoining operational zone (but at no greater distance from that boundary) for the following purposes:
  - a) felling and removing a tree located in the operational zone;
  - b) reinstating ground cover in the protection zone and its adjoining filter strip;
  - c) removing trees felled into the protection zone;
  - d) removing trees accidentally felled into the filter strip.

*(Note: It is intended that machinery will enter the protection zone to fell a tree in the operational zone only where the tree will produce at least one timber product that is not low quality timber or pulp grade timber.*

*Conditions 20F and 20G are the only other conditions that permit the entry of machinery into a protection zone for limited purposes.)*

**[22] Schedule 4 (D. Protection of Drainage Features) Conditions 20F, 20G and 20H**

Omit conditions 20F, 20G and 20H from Schedule 4. Insert instead:

- 20F. Machinery may enter a protection zone for the purpose of constructing or using a road crossing, extraction track crossing or snig track crossing.
- 20G. Machinery must not enter a protection zone to construct or use a road, extraction track or snig track, except in connection with the construction or use of a crossing referred to in condition 20F.
- 20H. Machinery operating within a protection zone for any of the purposes outlined in condition 20D must:
- a) use walkover techniques;
  - b) minimise the skewing of machinery tracks to the greatest extent practicable; and
  - c) operate with any blades, rippers or any other attachments in a position that does not disturb the ground surface.

**[23] Schedule 4 (D. Protection of Drainage Features) Condition 20I**

Omit condition 20I from Schedule 4. Insert instead:

- 20I. Log furrows produced by log extraction from a protection zone must be:
- a) infilled with soil; or
  - b) drained onto a stable surface capable of handling concentrated water flow.

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

**[24] Schedule 4 (D. Protection of Drainage Features) Conditions 20Q, 20R, 20S, 20T and 20U**

Omit conditions 20Q, 20R, 20S, 20T and 20U from Schedule 4. Insert instead:

- 20Q. Machinery operating within operational zones must (except when being used to construct or when using a snig track, extraction track or road):
- a) use walkover techniques; and
  - b) minimise the skewing of machinery tracks to the greatest extent practicable.
- 20R. Machinery must not be used to construct a snig track in an operational zone, except where:
- a) the construction of a snig track immediately adjacent to the operational zone would result in a sidecut; or
  - b) the snig track is to be used to access a snig track crossing.

- 20S. State Forests must document the location of any snig track that has been constructed in an operational zone, and the date on which it was constructed, under condition 20R.
- 20T. Where a log furrow within an operational zone (produced by log extraction) is located, wholly or partly, within 10 metres of an area of disturbed soil in the adjoining protection zone or adjoining filter strip (in the case of land classified as inherent hazard level 3), the log furrow must be:
- a) infilled with soil; or
  - b) drained onto a stable surface capable of handling concentrated water flow.

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

- 20U. Where soil has been disturbed in a protection zone or a filter strip (in the case of land classified as inherent hazard level 3), then 70% ground cover must also be achieved on disturbed soil in the adjoining operational zone in all of the following areas within that zone:
- a) any area adjacent to soil disturbed in the protection zone or the filter strip;
  - b) any area within 10 metres of any soil disturbed in the protection zone or the filter strip.

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

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

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

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

**[25] Schedule 4 (D. Protection of Drainage Features) Condition 23**

Omit condition 23 from Schedule 4. Insert instead:

23. Earthworks must not be undertaken within buffer strips except for the purpose of constructing a road crossing, extraction track crossing or snig track crossing.

**[26] Schedule 4 (F. Log Dumps) Conditions 29 and 32**

Omit “protection zone” wherever occurring in conditions 29 and 32. Insert instead “filter strip”.

**[27] Schedule 6 Condition 3 (f)**

Insert at the end of condition 3 of Schedule 6:

- f) the location of any snig track constructed in an operational zone, and the date on which it was constructed, under condition 20R of Schedule 4.

**SCHEDULE 3 – AMENDMENT TO THE TERMS OF LICENCE UNDER THE  
THREATENED SPECIES CONSERVATION ACT 1995 SET OUT IN  
APPENDIX B OF THE APPROVAL**

Omit “2 Dec 1999” from paragraph (i) of the definition of “High Conservation Value Old Growth Forest” in the Definitions and Abbreviations and from condition 5.3 (m) (i). Insert instead “21 Dec 1999”.