

FORESTRY ACT 2012

**AMENDMENT No. 2 TO INTEGRATED FORESTRY OPERATIONS APPROVAL
FOR THE SOUTH WESTERN CYPRESS REGION**

**SCHEDULE 2 – AMENDMENTS TO THE INTEGRATED FORESTRY OPERATIONS
APPROVAL
FOR SOUTH-WESTERN CYPRESS REGION**

[1] Clause 5(2) and note to clause 5(2)

Omit clause 5(2) and the note below it and insert the following subclause and note instead:

- (2) This approval applies to the following logging operations:
- (a) logging operations in that portion of the South-Western Cypress Region that is south of the Mitchell Highway (excluding logging operations on western land leases) for the purpose of producing logs (of any quality and kind) from white cypress trees (being trees of the species *Callitris glaucophylla*), but no more than 328,895 m³ of logs (that is, (22,390 m³ x 14.5) + 4,240 m³) over the 14.5 year period commencing 1 July 2011, and no more than 31,346 m³ of logs (that is, 22,390 m³ + (40% x 22,390 m³)) in any one financial year,

Note: The figure of 22,390 m³ in the above paragraph reflects the annual allocation of white cypress logs under long-term Wood Supply Agreements entered into in 2006. The figure of 4,240 m³ represents the estimated quantity of undercut wood as at the date of signing this approval.

- (b) logging operations in that portion of the South-Western Cypress Region that is north of the Mitchell Highway (excluding logging operations on western land leases) for the purpose of producing logs (of any quality and kind) from white cypress trees (being trees of the species *Callitris glaucophylla*), but no more than 43,500 m³ of logs (that is, (3,000 m³ x 14.5) over the 14.5 year period commencing on 1 July 2011,
- (c) logging operations for the purpose of producing timber products, other than residue timber or timber that meets the specifications for logs as allocated under long-term Wood Supply Agreements entered into in 2006, from white cypress trees, but no more than 5,000 m³ of such timber products in any one financial year,
- (d) logging operations for the purpose of residue timber from white cypress or bull oak trees (being trees of the *Allocasuarina luehmannii*) carried out in accordance with clause 32G, and
- (e) logging operations for the purpose of producing logs (of any quality and kind) from white cypress trees (being trees of the species *Callitris glaucophylla*) in western lands leases but no more than 25 000 m³ of logs (that is, 5,000 m³ x 5) over the 5 year period commencing 1 July 2013 and no more than 6,000 m³ of logs (that is, 5,000 m³ + (40% x 5,000 m³)) in any one financial year.

Note: FCNSW to carry out a review to determine the allowable volume beyond 30 June 2018 in accordance with clause 26A.

[2] Clause 9 Dictionary for approval

Insert the following definitions into clause 9(1) in alphabetical order:

“existing log dump” means a log dump that was created before 1 July 2011, being the date of the commencement of this approval.

“high density area” means a net operational area for a compartment that contains large habitat trees at an average density of more than 0.2 trees per hectare.

“large habitat tree” means a tree (living or dead) with a dbhob of 81 centimetres or more

“western land lease” means land held under a lease granted or issued under the *Western Lands Act 1901*.

[3] Clause 12 References to certain areas within a compartment or other tract of land

Insert at the end of clause 12(2):

For the purposes of the definition of “high density area” in this approval, **net operational area** also includes any environmentally significant area within that compartment.

[4] Part 1.1 Division 4

Insert after Division 4 in Part 1.1:

Division 4 – Reviews and future projects

Division 4 – Reviews and future projects

26A. Logging operations in the western land leases

- (1) Forests NSW will conduct a review for the purpose of recommending the maximum volume of logs (of any quality and kind) from white cypress trees that may be produced from logging operations in the western land leases for any period commencing on or after 1 July 2018.
- (2) The terms of reference for the review will be set jointly by Forests NSW and the EPA no later than 1 July 2017.
- (3) The review will include:
 - (a) an assessment of the resource; and
 - (b) the silvicultural implications of continuing, and of discontinuing, the logging operation under review; and
 - (c) an environmental assessment of the impact of continuing, and of discontinuing, the operations.
- (4) Forests NSW will send a copy of the review and its recommendations to the EPA for its assessment no later than 1 January 2018.
- (5) Following the EPA’s assessment of Forestry Corporation of NSW’s review and recommendations, Forestry Corporation of NSW will develop, in consultation with the EPA, joint recommendations for the amendment of this approval in relation to any future volume limits by the Ministers who are parties to this approval.

Note: It is proposed that the Ministers will consider the joint recommendations before amending the licence to set relevant volume limits under clause 5 for any licence periods commencing on or after 1 July 2018.

[5] Clause 90 Compartment histories

Insert the following paragraphs after clause 90(g):

- (h) if a high density area was determined for the compartment, the details of the calculations used to make that determination,
- (i) the location of each tree, within that compartment, to which an environmentally significant area does not apply because of clause 244A (to be referred to as an “ESA free” tree in the compartment history),
- (j) the location of each “ESA free” tree within that compartment for the purposes of clause 244C(1)(c).

[6] Clause 170(1)

In clause 170(1)(b2)(ii), insert “, but excluding stumps” after “more”.

[7] Clause 170

Insert the following subclause after clause 170(7):

- (8) For the purposes of this clause, “stump” means a dead tree that:
 - (a) does not have any limbs or branches; and
 - (b) is less than 5 metres in height from the ground.

[8] Clause 182 Operational map for forestry operation

Insert the following paragraph after clause 182(1)(f):

- (g) any pre-existing log dump to which clause 244B applies.

[9] Clause 189 “Marking up” of boundaries of certain environmentally significant areas and wetlands...

Insert the following subclause after clause 189(4):

- (4a) To avoid doubt, and without limiting any other requirement of this clause, an environmentally significant area referred to in subclause 244C(1)(b)(ii) is an area of land that is protected in relation to a particular forestry operation if the forestry operation is prohibited in the area.

[10] Clause 207 Retention of dead trees

In clause 207(2), insert “for the purposes of producing a timber product of any kind” after “operation”.

[11] Clause 207A Protection of large habitat trees

Insert the following clause after clause 207:

207A. Protection of large habitat trees

A large habitat tree that is not surrounded by an environmentally significant area because of clause 244C must not be felled in a forestry operation.

[12] Clause 225A Marking large habitat trees for retention

Insert the following clause after clause 225:

225A. Marking large habitat trees for retention

A tree that must not be felled under clause 207A must be marked for retention.

[13] Clause 228 Scope of Division

In clause 228(1), insert “unless it is a tree required to be marked under clause 225A” after “Division”.

[14] New clauses 244A - 244C

Insert the following clauses after clause 244:

244A. Removal of environmentally significant areas close to other environmentally significant areas

Despite clause 244(1)(g1), the area of land within 20 metres of a large habitat tree is not an environmentally significant area for the purposes of this approval if that tree is:

- (a) within a high density area; and
- (b) within 40 metres of an environmentally significant area, within the same high density area, other than one that relates to a large habitat tree.

244B. Removal of environmentally significant areas around pre-existing log dumps

Despite clause 244(1)(g1), the area of land within 20 metres of a large habitat tree is not an environmentally significant area for the purposes of this approval if there is a pre-existing log dump, or any part of a pre-existing log dump, in that area of land and that log dump is identified in the operational map.

244C. Removal or modification of environmentally significant areas around large habitat trees in high density areas

- (1) Despite clause 244(1)(g1), the area of land within 20 metres of a large habitat tree is not an environmentally significant area for the purposes of this approval if the tree is:
 - (a) within a high density area; and
 - (b) within 60 metres of another large habitat tree that:
 - i. is within the same high density area; and
 - ii. will retain the environmentally significant area within 20 metres of its trunk; and
 - (c) identified as “ESA free” in the compartment history for the compartment that it is within.
- (2) For the avoidance of doubt, subclause (1) does not apply to the environmentally significant area referred to in s 244C(1)(b)(ii) to the extent that it falls within 20 metres of the large habitat tree.

[15] Schedule 1

In Schedule 1, insert after “Areas”:

24a. any pre-existing log dump to which clause 244B applies

[16] Table of contents – clause 26A

Insert the following after the row for clause 26 in the table of contents:

Division 4 – Reviews and future projects
26A. Logging operations in the western land leases

[17] Table of contents – clause 207A

Insert the following after the row for clause 207 in the table of contents:

207A. Protection of large habitat trees

[18] Table of contents – clause 225A

Insert the following after the row for clause 225 in the table of contents:

225A. Marking large habitat trees for retention

[19] Table of contents – clauses 244A – 244C

Insert the following after the row for clause 244 in the table of contents:

244A. Removal of environmentally significant areas close to other environmentally significant areas
244B. Removal of environmentally significant areas around pre-existing log dumps
244C. Removal or modification of environmentally significant areas around large habitat trees in high density areas

[20] Table of contents – page numbers

Amend the page numbers listed in the table of contents to reflect the Integrated Forestry Operations Approval for South-Western Cypress Region as amended by this instrument.