



NSW NATIONAL PARKS & WILDLIFE SERVICE

Annual Compliance Report 2022

**Ecological Thinning Trial in New South Wales
River Red Gum Forests**



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Published by:

Environment and Heritage Group
Department of Planning and Environment
Locked Bag 5022, Parramatta NSW 2124
Phone: +61 2 9995 5000 (switchboard)
Phone: 1300 361 967 (Environment and Heritage enquiries)
TTY users: phone 133 677, then ask for 1300 361 967
Speak and listen users: phone 1300 555 727, then ask for 1300 361 967
Email: info@environment.nsw.gov.au
Website: www.environment.nsw.gov.au

Report pollution and environmental incidents
Environment Line: 131 555 (NSW only) or info@environment.nsw.gov.au
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Introduction

The 2022 Annual Compliance Report, *Ecological Thinning Trial in New South Wales River Red Gum Forests (EPBC 2013/6713)*, shows how the Department of Planning and Environment has complied with the conditions of approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) when conducting ecological thinning trials within River Red Gum parks in southern NSW.

This report has been prepared for the period 14 June 2021 to 15 October 2022.

Thinning operations were completed in August 2017.

Compliance conditions and activities

No	Condition	Compliance	Evidence/comments
1	<p>Minimise the impacts to listed threatened species and communities and listed migratory species and wetlands of international importance.</p> <p>The approval holder must conduct the ecological thinning trial in accordance with the Public Environment Report, and in particular, in accordance with the Environmental Management Plan (Chapter 6) and Experimental Design and Monitoring Plan (Appendix 1).</p> <p>These documents are available at: www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-management/river-red-gum-forests/research-in-the-river-red-gum-forests</p>	Compliant	<p>Thinning operations were completed in August 2017.</p> <p>Post-thinning monitoring continued in accordance with the Experimental Design and Monitoring Plan.</p> <p>There have no impacts to listed threatened species and communities and listed migratory species and wetlands of international importance during this reporting period.</p>
2	<p>Minimise disruption of the superb parrot during the superb parrot breeding season.</p> <p>The approval holder must not conduct thinning operations within 100 metres of any superb parrot nest site or colony.</p>	Compliant	Thinning did not occur during this reporting period.
3	<p>Ensure unplanned impacts to listed threatened species and communities, listed migratory species and wetlands of international importance are documented and appropriate remedial action is taken.</p> <p>The approval holder must:</p> <ul style="list-style-type: none"> report all spills or contamination of waterways as a result of the action to the department on completion of thinning operations notify the department on completion of thinning operations of any (real or suspected) adverse impacts on non-target species as a result of herbicide use during thinning operations notify the department on completion of thinning operations of any breaches to the standards and procedures for storage and disposal of fuels, chemicals and waste products during the action undertake remedial action and report this to the department on completion of thinning operations, if 	Compliant	<p>There have been no unplanned impacts to listed threatened species and communities, listed migratory species and wetlands of international importance.</p>

No	Condition	Compliance	Evidence/comments
	<p>any unplanned impacts occur to listed threatened species and communities, listed migratory species and wetlands of international importance as a result of the action.</p>		
4	<p>The approval holder must provide the department with annual monitoring reports for the first five years from commencement of the action.</p> <p>The approval holder must ensure monitoring reports are accessible on their website for a period of five years from the date of publication.</p>	Compliant	<p>Due to monitoring program being severely impacted by flooding this year – attributing to a four month delay in data capture/analysis, the annual monitoring report will become available 31 October 2022 in the same location as the 2021, 2020 and 2019 annual monitoring reports at: www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-management/river-red-gum-forests/research-in-the-river-red-gum-forests</p>
5	<p>Within 5 days after the commencement of the action, the approval holder must advise the department in writing of the actual date of commencement.</p>	Compliant	<p>On 13 April 2016, the approval holder notified the Australian Department of the Environment via email of the commencement of the ecological thinning action on 12 April 2016 (TRIM:DOC16/204072).</p>
6	<p>The approval holder must maintain accurate records substantiating all activities associated with, or relevant to, the conditions of approval, including measures taken to implement the Public Environment Report required by this approval, and make them available upon request to the department.</p> <p>Such records may be subject to audit by the department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the department's website. The results of audits may also be publicised through the general media.</p>	Compliant	<p>Accurate records are being maintained by the approval holder and are available upon request to the Australian Department of Climate Change, Energy, the Environment and Water.</p>
7	<p>By 30 June of each year after the commencement of the action, the approval holder must publish a report on their website addressing compliance with the conditions of this approval over the previous 12 months, including implementation of any management plans as specified in the conditions.</p> <p>Non-compliance with any of the conditions of this approval must be reported to the department at the</p>	Compliant	<p>This 2022 Annual Compliance Report has been written and published to satisfy this condition. The 2022 Annual Compliance Report and previous years' Compliance Reports (2016–2021) are accessible at: www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-management/river-red-gum-forests/research-in-the-river-red-gum-forests</p>

No	Condition	Compliance	Evidence/comments
	<p>same time as the compliance report is published. The approval holder must ensure compliance reports remain accessible on their website for a period of 5 years from the date of publication.</p>		<p>gum-forests/research-in-the-river-red-gum-forests</p>
8	<p>Upon the direction of the Minister, the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister.</p> <p>The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.</p>	N/A	<p>The Australian Minister for Agriculture, Water and the Environment has not directed that an independent audit of compliance be undertaken.</p>
9	<p>The approval holder may choose to revise a plan approved by the Minister under Condition 1 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan would not be likely to have a new or increased impact.</p> <p>If the approval holder makes this choice they must:</p> <ol style="list-style-type: none"> i. notify the department in writing that the approved plan has been revised and provide the department with an electronic copy of the revised plan ii. implement the revised plan from the date that the plan is submitted to the department iii. for the life of this approval, maintain a record of the reasons the approval holder considers that taking the action in accordance with the revised plan would not be likely to have a new or increased impact. 	N/A	<p>The Department of Planning and Environment has not chosen to revise the Environmental Management Plan and Experimental Design and Monitoring Plan under Condition 1. The plan approved by the Minister is being implemented.</p>
9A	<p>The person taking the action may revoke their choice under Condition 9 at any time by notice to the department.</p> <p>If the person taking the action revokes the choice to implement a revised plan, without approval under section 143A of the Act, the plan approved by the Minister must be implemented.</p>	N/A	<p>The Department of Planning and Environment has not chosen to revise the Environmental Management Plan and Experimental Design and Monitoring Plan. The plan approved by the Minister is being implemented.</p>

No	Condition	Compliance	Evidence/comments
9B	<p>If the Minister gives notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the revised plan would be likely to have a new or increased impact, then:</p> <ul style="list-style-type: none"> i. Condition 9 does not apply, or ceases to apply, in relation to the revised plan ii. the approval holder must implement the plan approved by the Minister. <p>To avoid any doubt, this condition does not affect any operation of conditions 9 and 9A in the period before the day the notice is given.</p> <p>At the time of giving the notice the Minister may also notify that for a specified period of time that condition 9 does not apply for one or more specified plans required under the approval.</p>	N/A	The Department of Planning and Environment has not chosen to revise the Environmental Management Plan and Experimental Design and Monitoring Plan. The plan approved by the Minister is being implemented.
9C	<p>Conditions 9, 9A and 9B are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised plan to the Minister for approval</p>	N/A	The Department of Planning and Environment has not chosen to revise the Environmental Management Plan and Experimental Design and Monitoring Plan.
10	<p>If, at any time after 3 years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written agreement of the Minister.</p>	N/A	<p>Approval for this action was obtained on 29 January 2016.</p> <p>The ecological thinning action commenced on 12 April 2016 and was completed on 14 August 2017.</p>
11	<p>Unless otherwise agreed to in writing by the Minister, the approval holder must publish all plans and reports referred to in these conditions of approval on their website, and ensure all plans and reports remain accessible on their website for a period of five years from the date of publication.</p> <p>Each plan and report must be published on the website within 1 month of being approved by the Minister or being submitted under Condition 9 (i).</p>	Compliant	<p>All plans and reports referred to in these conditions of approval are published on the NSW Department of Planning and Environment website:</p> <p>www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-management/river-red-gum-forests/research-in-the-river-red-gum-forests</p>