

Supplementary supportive evidence & explanation of legislative requirement relevant to: Rainforests in VicForest logging coupe 846-501-0022, Mt Jersey, East Gippsland

The issues. (1-9)

Linear reserve rainforest protection in East Gippsland FMA.

The Department of Environment, Land, Water and Planning (DELWP) has failed to meet obligations in relation to the regional fixed zoning prescription [4.6.4.1 \(Planning Standards\)](#). This has not been implemented at this site or thoroughly throughout East Gippsland. **DELWP** has not complied with [2.1.1.1 \(Planning Standards\)](#). **Issue. (1 a&b)**

VicForest has failed to exclude areas from logging that are afforded protection by regional prescription [4.6.4.1 \(Planning Standards\)](#). **VicForests** has not complied with [2.1.2.1 \(Planning Standards\)](#). **Issue. (2 a&b)**

Excerpts from: "Planning Standards for timber harvesting operations in Victoria's State forests 2014, Appendix 5 to the Management Standards and Procedures for timber harvesting operations in Victoria's State forests 2014".

[2.1.1.1 In establishing and maintaining a FMZ scheme, the planning standards in this document that apply to SPZ and SMZ establishment and amendment should be adhered to.\)](#)

[2.1.2.1 In conducting timber harvesting operations, the planning standards in this document that apply to SMZ or SPZ management actions \(which may or may not be represented spatially in the corporate forest management zoning scheme\) are to be adhered to.\)](#)

4.6 Vegetation communities – fixed zoning / 4.6.4 East Gippsland FMA

[4.6.4.1 Where rainforest stands coincide with linear reserves, include in the SPZ the rainforest stand plus a 100m buffer. Exceptions may apply where an alternative logical boundary exists within the buffer, for example an existing road. Avoid road construction across linear reserves containing rainforest wherever practicable.](#)

Rainforest identification& protection from logging in Victoria's state forest.

VicForests and DELWP have conducted rainforest assessment in the past based on "over-story canopy". This canopy assessment is no longer applicable in areas impacted by 2019/2020 bushfire. The use of the "differential species method" is to be used in fire affected areas. **Issue. (3)**

VicForests has not allowed enough time for rainforests to recover to the point where rainforest species regenerate sufficiently to allow identification and assessment. **Issue. (4)**

VicForests and DELWP must allow damaged rainforest areas ten years to recover after disturbance, before assessment of regeneration of rainforest canopy can be conducted and found not to be considered rainforest in relation to logging operations.

[\(Planning Standards\)-4.4.8.5 Special care is required when assessing the presence and extent of rainforest where disturbance such as fire has temporarily removed the rainforest canopy or has created temporary canopy gaps. In cases where the canopy disturbance is less than ten years old * and further guidance as to the boundary of rainforest is required, the 'differential species approach' is to be used \(Differential species keys for the delineation of rainforest boundaries can provide reference photos\)7.](#)

[\(Planning Standards\)-4.4.8.6 Where the rainforest canopy is absent and there is little or no evidence of the regeneration of a rainforest canopy after 10 years following disturbance the 'differential species approach' should not be used to identify rainforest and the stand should no longer be considered to be rainforest.](#)

Implementation of a precautionary approach: Obligations require the management and compliance of logging activities, including preemptive & preventive measures necessary to manage and regulate state forests from degradation of conservation values.

DELWP must apply the precautionary principle prescription [2.2.2.2 \(Code\)](#) in this situations where there is risk of significant damage to values such as, FFG listed Cool Temperate Rainforest community at this site. Rainforest at this site is at a vulnerable stage of development and regeneration due to bushfire. **Issue. (5)**

VicForests past and current operational rainforest assessment methods, demonstrate that VicForests is not capable and does not have the capacity of viable assessment of rainforest in these situations. **Issue. (6)**

VicForest operations have impacted on area required for protection, the risk of further significant impact in areas afforded legislative protection from logging is highly likely. **Issue. (7)**

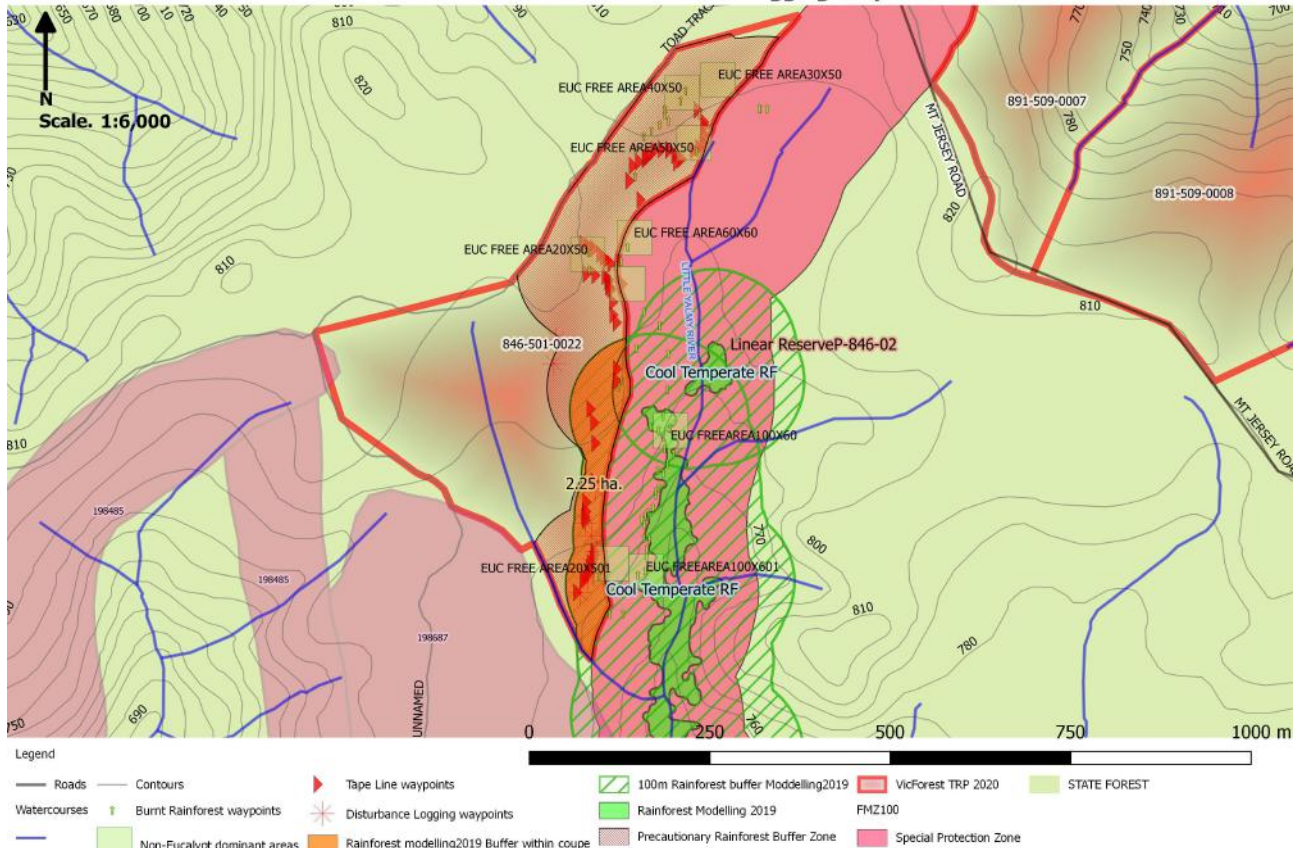
The Department's Compliance Unit THCU has had issues in past VicForest rainforest breach investigations, where significant damage had occurred to rainforest areas, and rainforest canopy had been removed. The Department's position taken in this case, is that they were unable to obtain and ensure adequate supportive evidence, and/ or conduct assessment in the field through use of rainforest canopy assessment (the 'differential species method' was not employed). There was further uncertainty regarding the use of aerial photography to determine pre-harvest canopy cover of the rainforest breach area. The investigation was not satisfactorily concluded, and no regulatory action was taken by Department. (THCU case No. 2015-0006 & 2015-0008, VicForest TRP-892-508-006, Hensleighy Creek Rd -East Gippsland in 2015). The issue surrounding the Department's ability to regulate, investigate and enforce compliance action post-harvest (after damage has occurred) is of major concern and calls for both caution and implement a precautionary approach. **Issue. (8)**

The regulatory framework does not take an approach to minimize or manage impacts on non-target species or non-target communities, where not defined as protected. Significant communities such as rainforest, including areas containing non-target species (ie. Obligate rainforest species such as *Dicksonia antarctica*) where the closed canopy patch is <0.2ha., or larger areas of rainforest where overstorey does not conform to a closed canopy (70% projected foliage cover) and contributed to by select few species. These areas warrant protection. **Issue. (9)**

Excerpts from: "Code of Practice for Timber Production 2014, Department of Environment and Primary Industries, The State of Victoria, 2014".

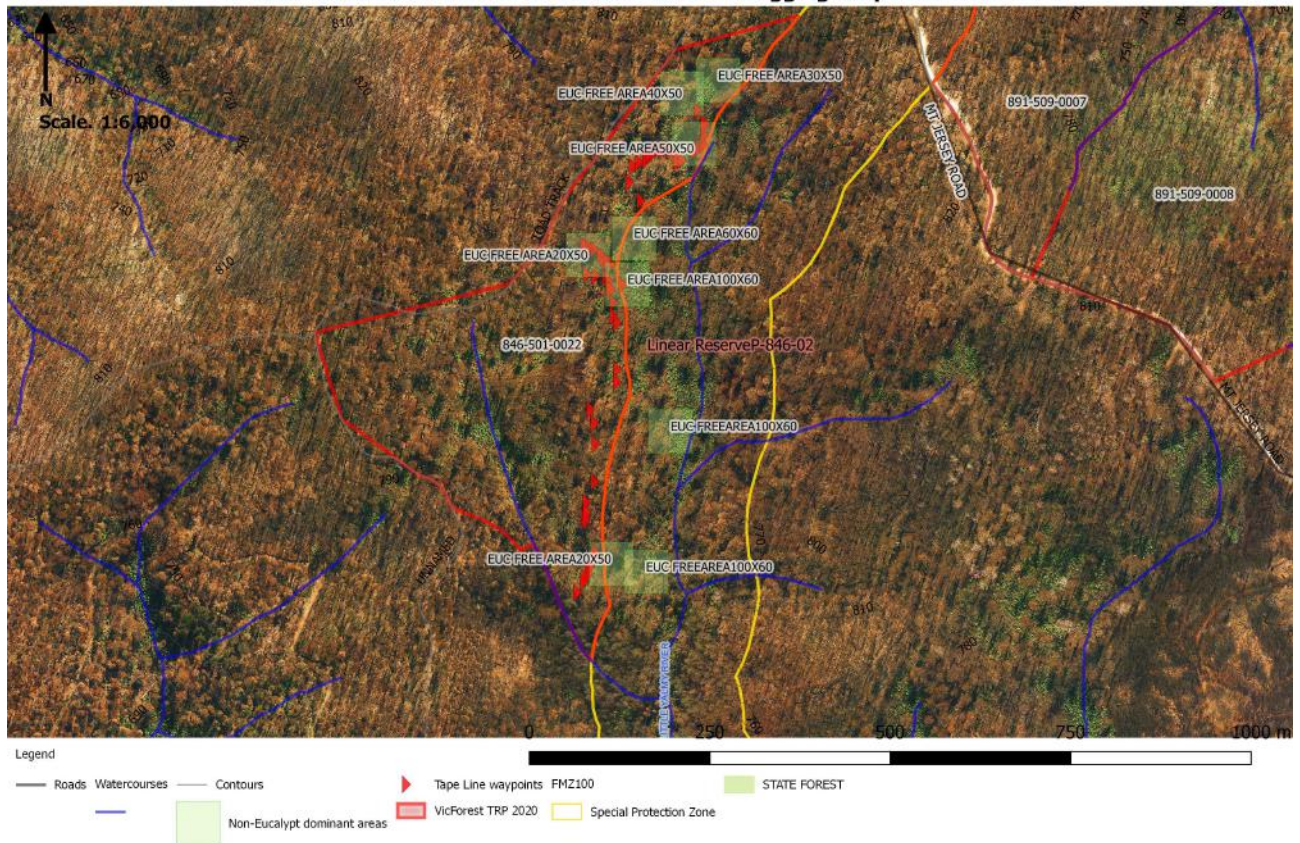
[2.2.2.2 The precautionary principle must be applied to the conservation of biodiversity values. The application of the precautionary principle will be consistent with relevant monitoring and research that has improved the understanding of the effects of forest management on forest ecology and conservation values.](#)

Linear Reserve Rainforest Protection: VicForest logging coupe 846-501-0022



Map2: Areas of rainforest within and adjacent VicForest logging coupe 846-501-0022, Mt Jersey East Gippsland

Linear Reserve Rainforest Protection: VicForest logging coupe 846-501-0022



Map3: Aerial post-fire of rainforest within and adjacent VicForest logging coupe 846-501-0022, Mt Jersey East Gippsland

Large Cool Temperate Rainforest areas containing Eucalypt free or non-Eucalypt dominated areas greater than 0.2ha. of which contributed by significant rainforest taxa:

Areas included contain Cool Temperate Rainforest obligate and canopy species that are re-sprouting throughout the areas.

 <p>UPM-UTS 55H 0645325-5869854 (1)</p>	 <p>UTM-UPS 55H 0645325-5869854 (2)</p>
 <p>UTM-UPS 55H 0645275-5869836</p>	 <p>UTM-UPS 55H 0645256-5869464 (Approximate location)</p>
 <p>UTM-UPS 55H 0645216-5869662</p>	 <p>UTM-UPS 55H 0645208-5869636</p>



UTM-UPS 55H 0645158-5869620



UTM-UPS 55H 0645200-5869571 (1)



UTM-UPS 55H 0645200-5869571 (2)



UTM-UPS 55H 0645200-5869571 (3)



UTM-UPS 55H 0645259-5869368



UTM-UPS 55H 0645177-5869184



Large burnt Cool Temperate Rainforest area. UTM-UPS 55H 0645226-5869173

Significant rainforest taxa: Cool Temperate Rainforest characteristic species throughout assessed area.





			
<i>Acacia melanoxylon</i>	<i>Atherosperma moschatum</i>	<i>Dicksonia antarctica</i>	<i>Elaeocarpus holopetalus</i>
			
<i>Hedycarya angustifolia</i>	<i>Parsonsia brownii</i>	<i>Pittosporum bicolor</i>	<i>Telopea oreades</i>

VicForest tape line in rainforest areas:

VicForest tapes within in Non-eucalypt dominate rainforest areas.

		
UTM-UPS 55H 0645276-5869843	UTM-UPS 55H 0645304-5869811	UTM-UPS 55H. 0645224-5869742 (Approximate location)

VicForest tapes under large rainforest canopy species.

		
UTM-UPS 55H 0645291-5869751 (1)	UTM-UPS 55H 0645291-5869751 (2)	UTM-UPS 55H. 0645276-5869843
	Large <i>Elaeocarpus holopetalus</i>	Large <i>Elaeocarpus holopetalus</i>
UTM-UPS 55H 0645314-5869773 (Approximate location)		



UTM-UPS 55H 0645183-5869600



UTM-UPS 55H 0645183-5869600 (Approximate location) Tapes under *Elaeocarpus holopetalus*, *Telopea oreades*, *Hedycarya angustifolia*.

VicForest logging contractor disturbance:



Southern end of coupe, looking up small tributary.



Logging edge at south/eastern boundary.



Looking up drainage line to left.

VicForest logging contractor disturbance:



Edge of wet forest against clearfell.



Landing cut out of wet forest.



Top of tributary looking up at landing.

Waypoint locations for rainforest areas encountered. 31-10-2020

ID	lat	lon	ID	lat	lon
1	-37.3069529794	148.6406190321	27	-37.3121640086	148.6388170067
2	-37.3069539852	148.6405119952	28	-37.3123420402	148.6388959643
3	-37.3069529794	148.6405059602	29	-37.3127390072	148.6388480198
4	-37.306980975	148.6390240397	30	-37.3130120058	148.6388299987
5	-37.3070470244	148.6390269734	31	-37.3132730182	148.638507966
6	-37.3071259819	148.6390869878	32	-37.3132880218	148.6383000109
7	-37.3071760219	148.6389460042	33	-37.3128120136	148.638123991
8	-37.3072480224	148.63882103	34	-37.3087799829	148.6378710251
9	-37.3073210288	148.638702007	35	-37.3068710044	148.6392689589
10	-37.3074819613	148.6385730095	36	-37.3074959591	148.6395319831
11	-37.3070460185	148.6395719647	37	-37.3067430127	148.6393449828
12	-37.3078250326	148.6385789607	38	-37.3091649637	148.6384920403
13	-37.3087059706	148.6384839937	39	-37.3088059667	148.6378609668
14	-37.3088880256	148.6383860093	40	-37.3126560263	148.6383130029
15	-37.3089389876	148.6383069679	41	-37.306597	148.63985301
16	-37.3089979962	148.6378889624	42	-37.3067689966	148.6392920092
17	-37.3099660221	148.6386429984	43	-37.307395963	148.6394909956
18	-37.310375981	148.6384249851	44	-37.3085860256	148.6385809723
19	-37.3104530107	148.6383870151	45	-37.3109870218	148.6392029934
20	-37.310942011	148.6388819665	46	-37.31274697	148.6388569884
21	-37.3109779693	148.6390159931	47	-37.3087639734	148.6379280221
22	-37.3109479621	148.6391960364	48	-37.3067109939	148.6393019836
23	-37.3112770356	148.6392500158	49	-37.3068180308	148.6393220164
24	-37.3113910295	148.6391599942	50	-37.3066069745	148.6396169756
25	-37.3115229607	148.6390960403	51	-37.3066059686	148.6395599786
26	-37.312036017	148.6388320103	52	-37.3086639773	148.6385330278

Way point locations VicForest tape lines encountered on the on the 31-10-2020.

ID	lat	lon	ID	lat	lon
1	-37.3076879885	148.6386210378	29	-37.3090669792	148.6380649824
2	-37.3076370265	148.6387160048	30	-37.3090750258	148.6382249929
3	-37.3076109588	148.63882103	31	-37.3091109842	148.6382710096
4	-37.3075810354	148.6388370395	32	-37.3091399856	148.6382700037
5	-37.3075419758	148.6388750095	33	-37.3092050292	148.6382829957
6	-37.3074959591	148.6389569845	34	-37.3092350364	148.6383140087
7	-37.3074790277	148.6390699726	35	-37.3091669753	148.6384920403
8	-37.3074829672	148.6391839664	36	-37.3093959689	148.6383470334
9	-37.3075500224	148.6392790172	37	-37.3095589969	148.6383570079
10	-37.3076360207	148.6393119581	38	-37.3096480127	148.6384109873
11	-37.3075989727	148.6393790133	39	-37.3102270346	148.6384280026
12	-37.3074849788	148.6395700369	40	-37.3103800043	148.6384280026
13	-37.3074510321	148.6396510061	41	-37.3125009611	148.6381249968
14	-37.307395963	148.63971496	42	-37.3125459719	148.6381270085
15	-37.3072849866	148.6397220008	43	-37.3125990294	148.6381120048
16	-37.307181973	148.6397309694	44	-37.3126530088	148.6380710173
17	-37.3071320169	148.6397250183	45	-37.3127160408	148.6380550079
18	-37.3069839925	148.6396209989	46	-37.3127810005	148.638035981
19	-37.3078810237	148.638569992	47	-37.3128310405	148.6379899643
20	-37.3081140406	148.6387510411	48	-37.3128799908	148.6379639804
21	-37.3089150153	148.6383079737	49	-37.3130189627	148.6378619727
22	-37.3088779673	148.6382330395	50	-37.3121169861	148.6379830074
23	-37.3088389914	148.6381890345	51	-37.3120709695	148.6379669979
24	-37.3087990098	148.6381359771	52	-37.3120110389	148.6379820015
25	-37.3087300267	148.6380349752	53	-37.3118930217	148.637985019
26	-37.3087049648	148.6379509885	54	-37.3116340209	148.6381039582
27	-37.3086769693	148.6378700193	55	-37.3111580126	148.6381099932
28	-37.3090470303	148.6379280221	56	-37.3109010234	148.6380860209
			57	-37.3107359838	148.6380250007