

nick

From: "nick" <nlegge@bigpond.net.au>
Date: Monday, 4 May 2020 10:47 AM
Attach: 20200424_Legge (2020-0023) Case Assessment Outcome_signed.pdf
Subject: Fw: FOREST REPORT 2020-0023, Case Closure, Forest Report applicable to VicForests' coupe 218-512-0001 (Snobs 13)

From: [Rubicon Forest Protection Group](#)
Sent: Friday, April 24, 2020 5:43 PM
To: [Roger Chao \(DELWP\)](#) ; Forest.Reports@delwp.vic.gov.au
Subject: Fw: FOREST REPORT 2020-0023, Case Closure, Forest Report applicable to VicForests' coupe 218-512-0001 (Snobs 13)

Dear Mr Chao and Mr Zanini

Thank you Mr Zanini for DELWP's response today to our alleged breach report (Case 2020-0023). We note that THCU has detected no wrong-doing by VicForests in this case.

However in your letter, Mr Zanini, you state that SPC (ie DELWP) is working with VicForests on a zoning amendment that would extending the river zone SPZ south of Snobs Bridge, but apparently only to around 100m either side of the the river. You would obviously be well aware that the LCC recommended a river zone of from 100m to 300m wide depending on local circumstances. The relevant part of the LCC's Melbourne Area 2 Recommendation E6 which governs river zone SPZs is set out below:

2. The hatching on the map should not be taken as delineating exact boundaries that these zones should include both the visual corridor (comprising those parts of the stream) and the environmental sequence from relatively dry foothill or intermediate zone, to the riverine section. In many areas the visual corridor will determine the width of the zone. In other places, however, not all of the environment from the stream and in these cases the natural features zone will extend beyond the intended that the width of river zones delineated under these guidelines would be streams required by forest management prescriptions or delineated by land-use catchment. While the extent of the zone will vary according to local circumstances be less than 100 m or greater than 300 m from the bank on either side of the zone delineated on management plans where appropriate.

Should DELWP proceed with the creation of a River Zone along Snobs Creek south of Snobs Bridge that is a mere 100m wide (and in some places even less) rather than extending up to 300m where required to meet the ecological and scenic values that the recommendation is designed to protect, DELWP will fail to meet its legal obligations to implement the LCC's recommendations as required by Clause 6.3.1.1 of the Planning Standards (below).

Indeed it is not clear why you, Mr Chao, would be working with VicForests on a zoning amendment, and not interested stakeholders such as RFPG. I can see no part of the LCC's recommendation E6 that would necessitate any consultation with VicForests, but I am well aware of hearing Mr Lee Miezi's wax lyrical two years ago at an IFA breakfast

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about how much consultation DELWP was committed to.

6.3.1.1 Maintain SPZ across all areas of State forest where River Zones apply to the extent defined within the Melbourne Area District 2 Review (LCC 1994). River Zones

I would point out that north of Snobs Bridge the River Zone SPZ is around 250m wide on the west (Royston Range) side and from 150m to 200m wide on the east (Torbreck Range) side. So 200m should have been the minimum basis for protecting coupes Shackle, Snobs 13 and Snobs 14. While Snobs 14 may have already commenced when the matter was first brought to DELWP's and VicForests' attention, but Shackle and Snobs 13 commenced after VicForests had already been warned by DELWP to take the likely rezoning into account.

VicForests is therefore in breach of Clause 6.3.1.1 of the Panning Standards and of failing to comply with what seems to have been a lawful instruction by Mr Chao as the Secretary's delegate under the CF&L.

ACTION REQUIRED - - Mr Chao

I seek your urgent assurance, Mr Chao, that DELWP will implement the LCC's recommendations as stated above and advise VicForests to desist from any further logging along Snobs Creek until the recommendation is implemented. The Rubicon Forest Protection Group would be pleased to assist you in relation to setting the proposed boundaries consistent with the LCC's Recommendation E6.

ACTION REQUIRED - - Mr Zanini

I seek your urgent assurance, Mr Zanini, that THCU will re-open this case and find VicForests to have breached of Clause 6.3.1.1 of the Panning Standards by logging the coupes Shackle and Snobs 13 within 200m of Snobs Creek and to have failed to comply with what seems to have been a lawful instruction by Mr Chao as the Secretary's delegate under the CF&L.

Kind Regards

Nick Legge
Rubicon Forest Protection Group



From: [Forest Reports \(DELWP\)](#)

Sent: Friday, April 24, 2020 3:26 PM

To: info@rubiconforest.org

Cc: [Forest Reports \(DELWP\)](#)

Subject: FOREST REPORT 2020-0023, Case Closure, Forest Report applicable to VicForests' coupe 218-512-0001 (Snobs 13)

Dear Mr. Legge,

Please find attached a letter of closure for a forest report submitted regarding the alleged non-compliance of VicForests' operations with respect to slope and forest zoning in VicForests' coupe 218-512-0001 (Snobs 13). The reference number for this matter is 2020-0023.

Kind Regards
Forest Reports

Timber Harvesting Compliance Unit | Office of the Conservation Regulator
Forest, Fire and Regions | Department of Environment, Land, Water and Planning

E: forest.reports@delwp.vic.gov.au | www.forestsandreserves.vic.gov.au/forest-management/forest-reports





Department of Environment, Land, Water and Planning

Nick LEGGE
Rubicon Forest Protection Group
By email only: info@rubiconforest.org

Ref: 2020-0023

Dear Mr. Legge,

INVESTIGATION OUTCOME: VICFORESTS TIMBER HARVESTING OPERATIONS AT COUPE 218-512-0001 (SNOBS 13)

The Timber Harvesting Compliance Unit (**the THCU**) of the Office of the Conservation Regulator (**the Conservation Regulator**), has investigated compliance of VicForests' timber harvesting operation at Coupe 288-512-0001 (**Snoobs 13**) with the *Code of Practice for Timber Production 2014 (the Code)* and the incorporated *Management Standards and Procedures for timber harvesting operations in Victoria's State forests 2014 (the MSPs)*. The following matters were investigated:

1. That the planned harvest area would exceed the 10 per cent of net harvest area within the coupe on slopes greater than 30 degrees, and;
2. That VicForests proposed to harvest (or already conducted) the Snoobs Creek Linear Reserve, which was designated for an imminent Forest Management Zone amendment.

Findings

1. Harvesting more than 10% net harvest area on slopes greater than 30 degrees

The relevant prescriptions are the Code and MSP clauses:

Code 2.5.1.9 Timber harvesting operations must not occur on slopes where they cannot be conducted safely, or they threaten the stability of the soil or have high potential for adverse off-site effects. The potential for mass soil movement must be assessed by the managing authority and necessary preventative actions undertaken.

MSP 3.4.1.2 Up to 10% of the net harvest area of any coupe can contain area greater than 30 degrees, where the risk of mass soil movement has been managed accordingly.

Finding: No breach detected.

VicForests provided data to THCU pertaining to in-field assessments and spatial analysis of slope within the coupe during the coupe marking phase. The information demonstrated the slope is less than 30 degrees. In addition, the area that was harvested earlier was also analysed using the 5-meter contour layer (derived from recent LiDAR

data) which confirmed that the area was less than 30 degrees slope when multiple rise over run transects were mapped and analysed.

Hand falling has been used in areas where harvesting machinery may have led to excessive soil disturbance and safety issues.

After significant rainfall events VicForests have inspected the coupe, reporting that water quality leaving the site has been clean, indicating that drainage structures are performing as designed.

I note that your allegations regarding slope and drainage were not accompanied by any credible supporting evidence. The THCU cannot continue investigations where no credible evidence is provided to substantiate an allegation, however please be advised that your subsequent allegations received on 12 April 2020 regarding road construction and maintenance provisions, are being assessed under case reference 2020-0055

2. Forest Management Zone amendment

The relevant prescription is the *Planning Standards for timber harvesting operations in Victoria's State forests 2014 (the Planning Standards)* clause:

6.3.1.1 Maintain SPZ across all areas of State forest where River Zones apply to the extent defined within the Melbourne Area District 2 Review (LCC 1994). River Zones apply along the upper Goulburn, Murrindindi, Acheron, Latrobe and Toorong Rivers and Snobs Creek.

Finding: No breach detected.

Clause 6.3.1.1 is a fixed zoning requirement. Fixed zoning requirements are the responsibility of DELWP to represent spatially in the Forest Management Zoning Scheme. The Strategic Policy and Coordination Unit (SPC) of the Policy and Planning Division of Forest and Fire Regions Group have recommended that a zoning amendment be prepared to (wherever practical) extend the Linear Reserve Special Protection Zone (**SPZ**) to be at least 100m each side of Snobs Creek for the entire southern length of Snobs Creek starting from the Bridge.

The SPC has advised the THCU that there is no harvesting planned within the preliminary area proposed for conversion to SPZ (noting final spatial data is not yet confirmed), and:

- That the guidelines for the *Process for amending the Forest Management Zoning Scheme – Standard Operating Procedure (2019)* should be followed, which outlines how zoning amendments should align with the Mandatory Actions and Operational Goals of the Code and be intelligently designed and conform to logical boundaries.
- This may mean that buffer width from each bank may not be 100m in all instances, but all reasonable attempts will be applied to achieve at least 100m where safe and practical to do so. It is the view of SPC that this also aligns with the LCC (1994) recommendation which indicates the extent of the zone will 'vary according to local

circumstances but will *'seldom be under 100m'* i.e. that zone *can* be under 100m in certain circumstances.

- There is likely to be some areas within coupes or along the length of Snobs Creek Road where 100m buffers are not practically achievable or recommended to be implemented as SPZ. It is recognised that at least 100m buffers are aspirational and not mandatory and where 100m is not able to be achieved, this does not constitute a legal breach by VicForests.
- The proposed zoning amendment is to be facilitated through a consultative process between SPC and VicForests to ensure the Snobs Creek River zone protection guidelines can be achieved as far as practicable.

It has been determined that VicForests' proposed (or already conducted) timber harvesting operations along Snobs Creek Road are not in breach of any requirements within the Code or the MSPs.

If you have any further questions regarding the proposed zoning amendment, please contact Mr. Roger CHAO, Director of Policy.

If you have any questions or would like to discuss this matter further, please contact me via email on matt.zanini@delwp.vic.gov.au or by telephone on 5172 2111.

Yours sincerely,



MATTHEW ZANINI

Acting Manager, Timber Harvesting Compliance Unit
Office of the Conservation Regulator

Date: 24 / 04 / 2020