



# Victoria Government Gazette

No. S 153 Wednesday 24 April 2019  
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## **Sustainable Forests (Timber) Act 2004** ALLOCATION (AMENDMENT) ORDER 2019

I, Jaclyn Symes, Minister for Agriculture, having reviewed the allocation of timber resources in accordance with sections 18 and 19 of the **Sustainable Forests (Timber) Act 2004**, make the following Order:

### **Part 1 – Preliminary**

#### **1. Objectives**

The objective of this Order is to amend the Allocation Order 2013 made under the **Sustainable Forests (Timber) Act 2004** to implement changes required as a result of a review of the allocation of timber resources conducted in accordance with sections 18 and 19 of that Act.

#### **2. Authorising provision**

- (1) This Order is made under sections 17(1) and 20 of the **Sustainable Forests (Timber) Act 2004**.
- (2) This Order is made following a review of the allocation of timber resources conducted in accordance with sections 18 and 19 of the **Sustainable Forests (Timber) Act 2004**.

#### **3. Commencement**

This Order commences on 24 April 2019.

### **Part 2 – Amendments to the Allocation Order**

#### **4. Amendment of objectives**

For clause 2 of the Allocation Order 2013, **substitute –**

##### **‘2. Objectives**

The objectives of this Order are –

- a. to allocate specified timber in State forests to VicForests for the purposes of harvesting and selling, or harvesting or selling, timber resources;
- b. to permit VicForests to undertake associated management activities in relation to that allocated timber;
- c. to specify the conditions and limitations that apply under this Order.’

#### **5. Definitions**

In the Allocation Order 2013, after clause 3 **insert –**

##### **‘DEFINITIONS**

3A. In this Order –

##### **‘Allocation Area**

means the area of land identified by the spatial data layer certified by the Secretary to DJPR on 15 April 2019 known as **‘VicForests\_Allocation\_Apr2019’** and stored in the Victorian Spatial Data Library and available for downloading through Data.Vic at <https://www.data.vic.gov.au/data/dataset/vicforests-allocation-april-2019>

##### **Notes to definition of ‘Allocation Area’:**

- (1) An indicative map is set out at Appendix 1.
- (2) Downloading of the spatial data layer through Data.Vic requires access to geographic information systems (GIS) software.
- (3) The spatial data layer is also available for viewing through the MapShareVic platform. Access to the spatial data layer stored on the MapShareVic platform can be navigated through <http://agriculture.vic.gov.au/agriculture/forestry/timber-allocation-order>

**SPECIAL**

- (4) The spatial data layer available through MapShareVic is for public viewing purposes only.

**Allocation Order 2013** means the Order made under section 13 of the **Sustainable Forests (Timber) Act 2004**, entitled *Allocation Order 2013* published in Victoria Government Gazette No. S 343 dated 1 October 2013, pp.1–8 as amended by the *Allocation (Amendment) Order 2014* published in Victoria Government Gazette No. S 405 dated 30 October 2014, pp. 1–2;

**DELWP** means the Department of Environment, Land, Water and Planning;

**DJPR** means the Department of Jobs, Precincts and Regions;

**TRP** means any timber release plan made under section 37 of the **Sustainable Forests (Timber) Act 2004** including any amendments made under section 43 of that Act.?

#### 6. Substitution of clauses 4–8 – Allocation to VicForests

For clauses 4, 5, 6, 7 and 8 of the Allocation Order 2013, **substitute** –

4. Pursuant to section 13(a) and 15(1)(a)(i) and (ii) of the SFT Act, and subject to this Order, the timber resources in forest stands described in Items 1 and 2 of Table 1 that are located within the Allocation Area, are allocated to VicForests.
5. Pursuant to section 15(1)(a)(iii) of the SFT Act, the total area (in hectares) available for harvest in each forest stand to which this Order applies is described in Item 2 of Table 1 subject to the conditions and limitations referred to in this Order.
6. Pursuant to section 15(3) of the SFT Act, the total area harvested (in hectares) must not exceed the limits (if any) shown in Items 3 to 5 of Table 1 (known as the five year harvest area limit).
7. Pursuant to section 13(a) of the SFT Act, VicForests is permitted to harvest and sell, or harvest or sell, the timber allocated by this Order.?

#### 7. Substitution of clauses 9–11 – Authorised activities

For clauses 9, 10 and 11 of the Allocation Order 2013 **substitute** –

8. Pursuant to sections 13(b) and 15(1)(b) of the SFT Act, VicForests is permitted to carry out the following associated management activities in relation to that allocated timber:
  - a. preparation of sites for timber harvesting;
  - b. construction, upgrade and maintenance of roads, culverts and bridges, to provide access to and from, and within coupes (including incidental rock extraction and crossing of waterways);
  - c. site rehabilitation;
  - d. forest regeneration;
  - e. log storage;
  - f. removal of hazardous trees;
  - g. seed collection<sup>1</sup>;
  - h. harvest and sale of non-eucalypt species (such as Acacia and pine species);
  - i. monitoring; and
  - j. tending of forest stands (e.g. thinning).
9. Pursuant to section 15(2) and (3) of the SFT Act, any area in which timber is harvested incidental to any associated management activity referred to in clause 8 of this Order is not included in the relevant five year harvest area limit referred to in Table 1.?

**8 Substitution of clauses 12–20 – Specified conditions**

For clauses 12, 13, 14, 15, 16, 17, 18, 19 and 20 of the Allocation Order 2013 **substitute** –

‘10. Pursuant to section 15(2), (3) and (4) of the SFT Act, VicForests is required to comply with the following conditions:

- (1) VicForests must comply with all relevant laws including, but not limited to, the **Sustainable Forests (Timber) Act 2004**, the **Forests Act 1958**, the **Conservation, Forests and Lands Act 1987**, the **Flora and Fauna Guarantee Act 1988**, the **Road Management Act 2004** and the **Traditional Owner Settlement Act 2010**.
- (2) VicForests must comply with all relevant Codes of Practice made under the **Conservation, Forests and Lands Act 1987** (including all matters applied, adopted or incorporated into such Codes under the **Conservation, Forests and Lands Act 1987**) as in force from time to time, which as at the commencement of this Order includes the **Code of Practice for Timber Production 2014**, the **Management Standards and Procedures for Timber Harvesting Operations in Victoria’s State Forests 2014** and the **Code of Practice for Bushfire Management on Public Land 2012**.
- (3) VicForests must comply with the forest management zoning scheme established pursuant to any applicable forest management plan which is a working plan made under section 22 the **Forests Act 1958**.
- (4) VicForests must consult with traditional owner groups, the local community, DELWP, DJPR and the relevant land manager in preparing plans under section 37 of the SFT Act or in changing a **TRP**. The consultation that is required under this condition must give stakeholders a reasonable opportunity to comment on any plan prepared under section 37 of the SFT Act or any changes to a **TRP**.
- (5) If there is any uncertainty about identifying the relevant traditional owner groups in relation to an area to be affected by a plan prepared under section 37 of the SFT Act or any changes to a TRP, the relevant traditional owner groups must be identified in consultation with Aboriginal Victoria.
- (6) VicForests will consult with DELWP as part of the seed collection planning process for seed collection outside of a **TRP**.
- (7) VicForests must submit an annual report to the Secretary to **DJPR** by 30 September each year describing the area of timber harvested and regeneration results for the preceding financial year for Ash and Mixed species forest stands as described in Table 1. The report must include data demonstrating how VicForests is complying with the five year harvest area limit (as shown in Items 3, 4 and 5 of Table 1). The reporting period will be 1 July to 30 June annually.
- (8) VicForests may not offer timber supply contracts longer than 20 years unless otherwise approved by the Minister for Agriculture.
- (9) VicForests timber harvesting operations and associated activities will be subject to periodic external investigations and audits of compliance with the **TRP** and this Order. VicForests must make available information requested from it by **DJPR**, or an auditor appointed by **DJPR**, within 30 days of receiving that request.’

9. Substitution of Table 1

For Table 1 of the Allocation Order 2013 substitute –

‘Table 1 – Forest stands available for harvest and sale and five year harvest limits

1	Forests Stands	Ash <sup>1</sup> (ha)	Mixed Species <sup>2</sup> (ha)
2	Area of State forest available for harvest <sup>3</sup>	228,000	1,587,000
3	Five year harvest area limit for the period ending 30 June 2018	14,200	70,000
4	Five year harvest area limit from 1 July 2018 to 30 June 2023	13,700	70,500
5	Five year harvest area limits for 5 year periods commencing from 1 July 2023	13,700	70,500

Table 1 Notes

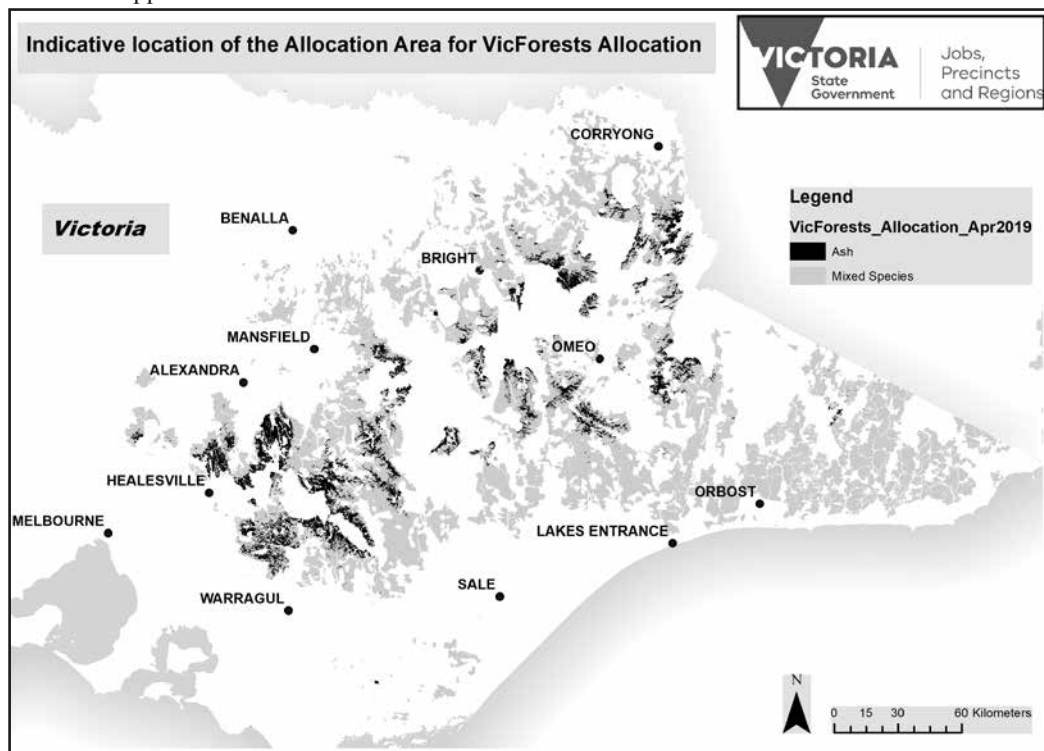
<sup>1</sup> Areas dominated by *Eucalyptus delegatensis*, *E. regnans* or *E. nitens*

<sup>2</sup> The major species typical of the mixed species forest stand type include, but are not limited to: *Eucalyptus obliqua*, *E. cypellocarpa*, *E. fastigata*, *E. radiata*, *E. denticulata*, *E. viminalis*, *E. robertsonii*, *E. bicostata*, *E. sieberi*, *E. globoidea*, *E. muelleriana*

<sup>3</sup> The total area of State forest available for harvest in each forest stand and the area available for harvesting within the five year harvest area limit may include areas where harvesting and selling is not permitted by the operation of the conditions to this Order.’

10. Substitution of Appendix 1

For Appendix 1 of the Allocation Order 2013 substitute –



**11. Endnotes**

At the end of the Allocation Order 2013 insert the following end notes:

‘<sup>1</sup> Seed collected for the purpose of regenerating the forest following timber harvesting constitutes timber resources allocated to VicForests as defined in section 3 of the SFT Act.’

**Part 3 – Implementation of reduction of timber resources allocated to VicForests**

- (1) The effect of the amendment provided for in clause 9 of this Order is to reduce the timber resources allocated to VicForests through the Allocation Order 2013 by 5,000 hectares.
- (2) In accordance with section 20(3)(a) of the SFT Act, the Minister and VicForests have agreed to implement the reduction from the commencement of this Order.

Dated 24 April 2019

HON. JACLYN SYMES MP  
Minister for Agriculture

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