

CONSERVATION FORESTS AND LANDS ACT 1987

VARIATION OF THE CODE OF PRACTICE FOR TIMBER PRODUCTION 2014

I, Liliana D'Ambrosio, Minister for Energy, Environment and Climate Change, vary the Code of Practice for Timber Production 2014, in accordance with Part 5 of the *Conservation, Forests and Lands Act 1987*, in the manner set out in this instrument.

Dated:

Responsible Minister:

HON. LILIANA D'AMBROSIO MP

MINISTER FOR ENERGY, ENVIRONMENT AND CLIMATE CHANGE

Part 1—Preliminary

1 Purposes

The purpose of this instrument is to vary the *Code of Practice for Timber Production 2014*, which was made on 28 October 2014.

2 Commencement

The variation of the Principal Code comes into operation on the date this instrument, or notice of the variation effected by this instrument, is published in the Government Gazette.

3 Principal Code

In this instrument, the *Code of Practice for Timber Production 2014* is called the Principal Code.

Part 2—Variation of the Code of Practice for Timber Production 2014

4 Glossary

(1) For the heading to the Glossary to the Principal Code for "Glossary" **substitute "Glossary:"**

(2) In the Glossary to the Principal Code **omit**—

"The first time a word from this glossary appears on each page, it has been highlighted in bold. Unless the context requires otherwise terms used have the following definitions:".

(3) In the Glossary to the Principal Code **insert** the following definitions—

"Action Statement" means an Action Statement prepared as part of the *Flora and Fauna Guarantee Act 1988* (Vic) for any listed taxon or community of flora or fauna or potentially threatening process as soon as possible after that taxon, community or process is listed.

'approved road' means the section of a road or extent of a significant road improvement operation to be constructed **within Special Protection Zone** that is authorised by the **Minister** or **delegate**.

'**Ash**' means any one or more of Mountain Ash (*Eucalyptus regnans*), Alpine Ash (*Eucalyptus delegatensis*) or Shining Gum (*Eucalyptus nitens*).

'**Box Ironbark**' means **forest** characterised by a **canopy** of box, ironbark and gum-barked eucalypts, growing to 25 m in height, over a sparse understorey of wattles, small-leaved and prostrate shrubs, herbs and grasses. The main trees are White Box (*Eucalyptus albens*), Red Box (*Eucalyptus polyanthemus*), Red Ironbark (*Eucalyptus tricarpa*), Mugga Ironbark (*Eucalyptus sideroxylon*), Yellow Gum (*Eucalyptus leucoxylon*) and Red Stringybark (*Eucalyptus macrorhyncha*). In some areas they may grow with, or be replaced by, Yellow Box (*Eucalyptus melliodora*), Long-leaf Box, Silver Bundy (*Eucalyptus nortonii*), Forest Red Gum (*Eucalyptus tereticornis*), Coast Grey Box (*Eucalyptus bosistoana*), Gippsland Grey Box (*Eucalyptus bosistoana*), Blue Box (*Eucalyptus baueriana*) and Yellow Stringybark (*Eucalyptus muelleriana*).

'**buffer**' means a protective margin of vegetation excluded from any **timber harvesting operations** abutting a **waterway** or an area of **rainforest** or other special area or value, which protects it from potentially detrimental disturbances in the surrounding **forest**. Buffer width or radius is defined as horizontal distance from which various **timber harvesting operations** are excluded.

'**Central Highlands FMA**' means the area of the Central Gippsland, Central and Dandenong FMAs which fall within the Central Highlands **Regional Forest Agreement** boundary.

'**compartment**' means a specific area of **State forest** usually bounded by natural features. One compartment is often broken up into several coupes.

'**confluent stream**' means where two or more flowing bodies of water join together to form a single stream.

'**cording**' means log material, eucalypt and non-eucalypt, with a **diameter** greater than 15cm placed in a corduroy fashion on **landings** and **snig tracks** to distribute machine loading over a larger area.

'**crown**' (tree) means the main **canopy** of a tree, including the main branches and leaves.

'**crown**' (roading) means the slope of a road surface to the outside for drainage.

'**Crown**' (governance) means the State of Victoria.

'**dead**' (Leadbeater's Possum Habitat) means a tree that is obviously (physiologically) dead. It must be self-supporting (rooted into the ground) and would remain standing should any supporting material be removed. Dead trees must be **mature** and more than 6 m in height and greater than 1.5 m in diameter at breast height. Dead trees must be one of the **Ash** species and where species cannot be determined all dead eucalypts in areas known to be in an Ash area are assumed to be Ash. In other contexts, 'dead' tree means a self-supporting (rooted into the ground) tree that is physiologically dead.

'**Department**' means the Department of Environment, Land, Water and Planning (DELWP), or its successor.

'**diameter**' means the width measurement of a tree or log. On a standing tree it is measured at 1.3 m above the upper ground level.

'**ecological vegetation class (EVC)**' means an area delineated and published by the **Department** (available on data.vic.gov.au) that contains

one or more native plant communities with similar floristic, life form and ecological characteristics and represents a grouping of broadly similar environments such as biogeographic range, and although differing in species, have similar habitat and ecological processes operating.

'even-aged' means forests or **stands** that are predominantly of the one age. Usually originating as a result of a wildfire or timber harvesting activity.

'existing road' means a permanent or **temporary road** of any class that with or without **road maintenance** may be used for timber **haulage**. A road is not considered an **existing road** if **road construction** or **significant road improvement operations** are required for it to be usable for **haulage**.

'Forest Management Area (FMA)' means a territorial unit for planning and management of **State forests** in Victoria. The approximate location and extent of FMA boundaries are defined by the **Department's** corporate spatial dataset FMA25.

'Forest Management Zoning Scheme (FMZS)' means an administrative planning scheme comprising zones that set priorities and permitted uses in different parts of State forest. The FMZS is established by the Forest Management Plans, which are working plans pursuant to section 22 of the *Forests Act 1958* (Vic).

'fuel hazard rating' is as defined by the **Department's Overall fuel hazard assessment guide**. For the purpose of this **Code**, the forest fire danger index threshold rating is < 50. 'High' **fuel hazard rating** means a high level of difficulty suppressing a bushfire at forest fire danger index <50, while 'moderate' **fuel hazard rating** means a moderate level of difficulty suppressing a bushfire at forest fire danger index <50.

'General Management Zone (GMZ)' means the component of the Forest Management Zoning Scheme (FMZS) managed for a range of uses and values, with sustainable timber production a major use.

'Gippsland FMAs' means the area of the Central Gippsland, North East and Tambo FMAs which fall within the Gippsland **Regional Forest Agreement** boundary.

'growth stage' means the system used to describe the life cycle of trees based mainly on **crown** form – the main growth stages being **regeneration, regrowth, mature** and **senescent**.

'haulage' means delivering timber from the **coupe** to a buyer or transporting timber on a truck to a place for collection by a buyer or sale to a buyer.

'heathland' means ecosystems that are characterised by a dense layer of small-leafed shrubs, usually 1-2 m tall, over a ground layer of sedges, coarse lilies, rope-rushes, prostrate shrubs and herbs. In most places there are occasional small, short-trunked, spreading trees, to 15 m tall, which may form a sparse **canopy** on deeper soils.

'historic place' means a building, a garden, a tree, the remains of a ship or part of a ship, an archaeological site, a precinct, a site or the land associated with any of these things that has **cultural heritage significance**.

'hollow bearing tree' in the context of Zone 1A habitat, means living **mature** or **senescent** trees of **Ash** eucalypt species containing **hollows**. Hollow bearing tree in the context of Zone 1B habitat means **dead mature** or **senescent** living trees of Ash eucalypt species containing **hollows**.

'in-coupe road' means a timber extraction road of class 5E or above constructed specifically for use during harvesting and associated activities and usually closed at the completion of **timber harvesting operations**. It is located completely within the approved **coupe** boundary.

'land manager' means the government department, agency, corporation or statutory authority responsible for managing **public land** for or on behalf of the Crown.

'land owner' means the person who is the owner or authorised occupier of freehold land.

'large tree' means a living tree of any species that has a diameter at breast height over bark (DBHOB) equal to or greater than 2.5 metres.

'matting' means smaller head material (branches), bark or other vegetation that is used to cover **cording** on **snig tracks** and **landings**.

'mature' means a **growth stage** of trees. **Mature Ash** species have the following characteristics, in order of assessment priority. Note that no single characteristic defines maturity on its own, although the first characteristic (apical dominance) holds the most significant assessment weight:

1. Lack of clear apical dominance within the upper **crown**
2. Presence of permanent shaping branches with **diameters** at least one third of the bole diameter at their junction with the bole (clear of collar)
3. Shaping branches are not related either to the presence of long term natural gaps in the **canopy**, or to an open grown tree position. In the case of a natural gap, such branches often occur only on one side of the tree, and the 'assessment weight' given to this characteristic may need to be downgraded (i.e. the need for other indicators increases as part of the overall assessment)
4. The shaping branches contribute significantly to lateral **crown** shape and may be competing with other shaping branches for tree height position, creating a rounded **crown** appearance (related to (1) above)
5. Apical dominance will also cease at the shaping branch level (having reached maximum length), and can induce secondary (epicormic) branch development along shaping branches, and
6. Some branch death (dieback) and breakage is typical, but not a dominant feature. This loss of leaf area (photosynthetic capacity) can also induce secondary (epicormic) growth to replace lost photosynthetic capacity

Diameters of early **mature** trees may occur between 90 to 200 cm DBHOB, with typical heights of 50 to 100 m. Diameters of full **mature** trees may be expected between 150 to 300 cm, with typical heights of 60 to 100 m. This overlap of ranges between trees in different stages indicates why diameter and height are not good indicators of **growth stage**.

'merchantable' means a tree or part of a tree from which saleable forest produce can be obtained.

'mature individuals', when used in reference to flora, means individuals which are capable of producing reproductive material such as buds, flowers, fruits, cones or seeds. Note that this terminology is distinct from age classes or **growth stages** of trees or **stands** of trees (see **mature** in **growth stages**).

'mixed species' means mountain mixed species, alpine mixed species, foothill mixed species and coastal mixed species.

'Montane Riparian Thicket (MRT)' means an area containing at least 40 % **canopy** cover of Mountain Tea-tree (*Leptospermum grandifolium*). Where other **rainforest canopy** species are present MRT is sometimes confused with **rainforest**. However areas with 40 % or more Mountain Tea-tree **canopy** cover are defined as MRT not **rainforest**. Key **understorey** species typically consist of a cover of 5 % Mountain Pepper (*Tasmannia lanceolata*), 1 % Common Bird-orchid (*Chiloglottis gunnii s.l.*), 40 % Red-fruit Saw-sedge (*Gahnia sieberiana*) and Billabomg Rush (*Juncus usitatus*), 1 % of at least 2 of either Mountain Club-sedge (*Isolepis subtilissima*) or tasman Flax-lily (*Dianella tasmanica*) or Forest Sedge (*Carex alsophila*), 20 % of at least 3 of either Common Finger-fern (*Grammitis Billardierei*) or Hard Water-fern (*Blechnum nudum*) or Mother Shield-fern (*polystichum proliferum*) or fishbone Water-fern (*Blechnum watsii*), 5 % Austral King-fern (*Todea Barbara*) or Soft Tree-fern (*Dicksonia Antarctica*), 1 % Kangaroo Fern (*Microsorium pustulatum ssp. Pustulstum*) or Alpine Filmy fern (*Hymenophyllum pelatum*) and 20 % Bryophytes/Lichens.

'North East FMAs' means the areas of the North East, Benalla-Mansfield and Central FMAs which fall within the North East **Regional Forest Agreement** boundary.

'old growth' means forest which contains significant amounts of its oldest **growth stage** - usually **senescent** trees - in the upper stratum and has been subject to any disturbance, the effect of which is now negligible. For a **stand** to qualify as old-growth, the **regrowth growth stage**, if present, must be sparse (less than 10% of the total **crown** cover of the **stand**). Negligibly disturbed forest is that in which disturbance is known to have occurred, but the disturbance is unlikely to have altered the structure (**growth stage** and crown cover) or the usual species composition which characterises a given vegetation class; or, if the alteration did occur in the past, it is no longer measurable.

'outrows' means roughly parallel, narrow corridors within a **coupe** from which all trees are harvested to allow access and egress by the harvesting machinery.

'overwood' means **mature** trees that are taller than trees at a lower level.

'permeability' means the ability of soils to directly absorb water. Soils with high permeability and low potential for overland flow are able to directly absorb large quantities of water without producing any significant run-off. These soils will be generally well structured with a friable surface and a high organic matter content. Soils with low permeability and high potential for overland flow will not readily absorb heavy falls of rain nor small surface flows of water. The soils will be generally poorly structured with poorly defined aggregation.

'planned burning' has the same meaning as in the *Code of Practice for Bushfire Management on Public Land, 2012*.

'population' means a group (2 or more) of individuals of the same species that are demographically, genetically, or spatially distinct from other groups of individuals.

'rare' in so far as it relates to **biodiversity**, means a group of species that are very uncommon, scarce, or infrequently encountered.

'Recovery Team (Regent Honeyeater)' means a team of experts established to guide, evaluate, review progress, and implement recommendations which may arise from research under the Regent Honeyeater **Action Statement**.

'regeneration' (growth stage) means a **growth stage** of trees. Eucalypt seedlings that haven't reached **reproductive maturity** (typically less than 10 years old) are classified as regeneration.

'regrowth' is a **growth stage** of trees. Regrowth eucalypts have narrow, conical **crowns** (pointed) with relatively high individual crown densities. The majority of branches lie at an acute angle to the main stem and overall height is still increasing.

'regularly used sites (Regent Honeyeater)' means a site known to have been used by Regent Honeyeaters at some time in at least three of the past six years.

'reproductive maturity' means the **life** stage when an organism can reproduce. In the case of trees it means when a tree can set enough seed to repopulate the area occupied by the parent tree if the parent tree were removed. **Ash** species typically reach **reproductive maturity** after 10 years of age.

'restricted access catchments' means catchments managed by agreement between Melbourne Water and the **Department**.

'road' means an area of land generally developed for the purpose of the driving or riding of motor vehicles.

'road construction' means the establishment and extension of a new road or new section of road; this does not include **road maintenance** or significant road improvement on already existing temporary or **permanent roads**.

'road maintenance' means works designed to restore the serviceability of the surface, drainage and verges of an existing temporary or **permanent road** to the condition of its original road class and within the original road footprint. **Road maintenance** works include:

- I. Grading / re-forming road carriage way surface;
- II. Re-surfacing / re-sheeting / or armouring carriage way surface with rock;
- III. Clearing table-drains and culverts to maintain water runoff;
- IV. Blading off of roads, where measures are in place to prevent adverse impacts on water quality; and
- V. the management of sight lines and road drying by the cutting of vegetation within the road verge to the maximum allowable width for original intended road class.

'road works' includes **road construction, significant road improvement operations** and **road maintenance**.

'run-off' with regard to road construction, means a short graded channel angled away from road edges to divert road drainage water off the road into undisturbed vegetation. Sometimes called a mitre drain.

'sanctioned road' means a road authorised by the **managing authority** to be constructed for the purpose of **coupe** access within **buffers** or **filters** identified in a **forest coupe plan**.

'Seasonally Closed Road' means a road which is temporarily closed on a seasonal basis usually for environmental reasons, under s21 (1) of the *Forests Act 1958* (Vic).

Note: the **Department**, as a registered State road authority, may also close a roadway or pathway, or part of a roadway or pathway, for a particular period during the year under provisions in the *Road Management Act 2004* (Vic)

'senescent' means a **growth stage** of trees. Senescent eucalypts are characterised by dead branches and declining **crown** leaf area, with the trunk of the tree likely to contain burls and bumps. The top of the tree is invariably broken off with the remaining crown more than 95 % secondary, being composed of branches of epicormic origin.

'significant road improvement operations' means operations on an **existing road** that:

- improve the road to a higher road classification (e.g., 5D to 5B); and/or;
- correct excess adverse (uphill >10%) and/or favourable (downhill >15%) road grades; and/or
- widens and/or correct the geometry of existing corners beyond the minimum clearance widths of a higher road class; and/or
- requires removal of **native vegetation** greater than the following thresholds:
 - 0.5 ha of **native vegetation** in an EVC with Bioregional Conservation Status of Endangered, Vulnerable or **Rare**; and
 - 1 ha of **native vegetation** in an EVC with Bioregional Conservation Status of Depleted or Least Concern.

In general these works include operations such as major resurfacing, major corner widening, significant bridge or other stream crossing structure works, including bridge replacement.

'Sites of Significance for Rainforest' means areas designated by the **Department** as containing the most significant **rainforest stands**.

'Special Management Zone (SMZ)' means a component of **Forest Management Zoning Scheme (FMZS)** which are managed to conserve specific features and values, while catering for sustainable timber production and other utilisation activities under certain conditions, specified in **SMZ** plans.

'Special Protection Zone (SPZ)' means a component of **Forest Management Zoning Scheme (FMZS)** which are managed primarily for conservation values, forming a part of Victoria's Comprehensive, Adequate and Representative reserve system. **Timber harvesting operations** are generally excluded from **SPZ**.

'temporary effluent' has the same meaning as **temporary stream**.

'uneven-aged' means forests or **stands** where at least two distinct age groups of trees are present.

'verified' means verified by the **Department** according to established survey standards."

(4) In the Glossary to the Principal Code, for the definition of:

(a) "agroforestry" **substitute**—

"agroforestry" means the simultaneous and substantial production of **forest** and other agricultural products from the same land unit (defined in the Victoria Planning Provisions).";

(b) "authorised officer" **substitute**—

"authorised officer" has the same meaning as in section 3 of the *Conservation Forests and Lands Act 1987 (Vic)*.";

(c) "code" **substitute**—

"Code" means *The Code of Practice for Timber Production 2014*.";

(d) "coupe" **substitute**—

"**coupe**", in relation to:

- a) **State forest**, has the same meaning as in the *Sustainable Forests (Timber) Act 2004 (Vic)*; and
- b) **private land**, means a single area of forest or **plantation** of variable size, shape and orientation from which timber is harvested in one operation.";

(e) "coupe-access road" **substitute**—

"**coupe-access road**" means a **temporary road** constructed to link existing **permanent roads** to **in-coupe roads**, sometimes referred to as a coupe driveway and is considered part of a **coupe**.";

(f) "cultural heritage significance" **substitute**—

"**cultural heritage significance**" means archaeological, anthropological, contemporary, historical, scientific, social or spiritual significance, and significance in accordance with Aboriginal tradition.";

(g) "delegate" **substitute**—

"**delegate**" means a person or role to whom the **Minister** or **Secretary** has delegated responsibilities and functions under Part 2 of the *Conservation, Forests and Land Act 1987 (Vic)* or has been authorised by the Minister to consider applications sought in accordance with the **Code** and the **Management Standards and Procedures**.";

(h) "domestic" **substitute**—

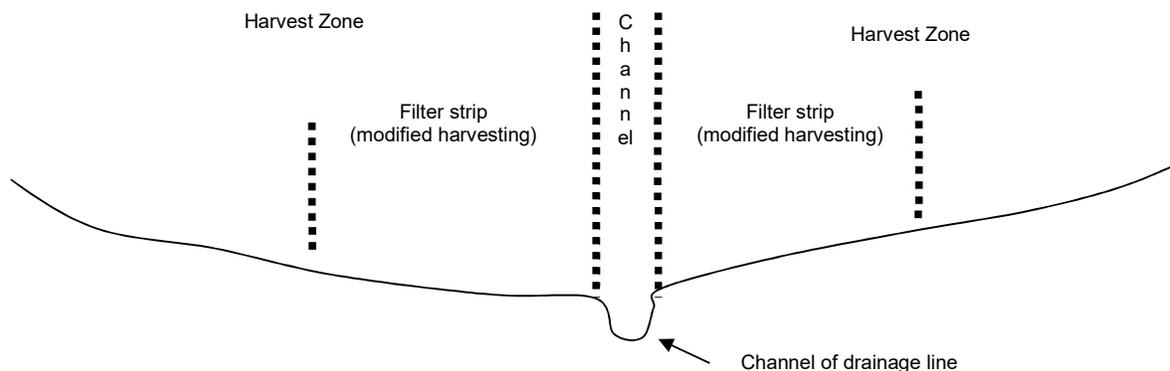
"**domestic**" (firewood) means firewood that is collected for personal use and is not sold to a third party or used in a commercial enterprise.";

(i) "drainage lines" **substitute**—

"**drainage lines**" means depressions that have visible evidence of periodically flowing water (including obvious sedimentation or other clear evidence of overland flow) that feed into **temporary** or **permanent streams**. A defined channel may or may not be present. Visible water flow would be expected after storm events or briefly in the wettest times of the year. Distinctive **riparian vegetation** is not likely to be present.

Artificial **drainage lines** that do not discharge directly into **waterways** are not considered within the above definition.

In **native forests**, **drainage lines** will generally be protected from harvesting by a **filter strip** (Glossary Figure 1). Refer to the **Management Standards and Procedures**.



Glossary Figure 1 – Drainage Lines in Native Forests

This figure demonstrates the use of filter strips and modified harvesting to minimise soil disturbance within drainage lines. Note: Diagram not to scale. Zone widths vary according to circumstances.";

(j) "exclusion area" **substitute**—

"**exclusion area**' means a term used in this **Code** to represent specific areas where **timber harvesting operations** are excluded in accordance with this **Code**, as distinct from existing **Special Protection Zones**, or areas requiring **buffers**.";

(k) "filter strip" **substitute**—

"**filter**' or '**filter strips**' means an area of vegetated ground adjacent to a forest attribute (where **merchantable overstorey** may have been removed, if present), designated to minimise soil disturbance and/or disturbance to the forest attribute. Trees may be felled from within a filter or filter strip subject to certain conditions, however machinery entry is not permitted unless related to **sanctioned** activities.";

(l) "hollow" **substitute**—

"**hollow**' means an opening in the trunk or branches of a tree. Hollows often form after a branch dies and falls off a tree. Hollows must have an entrance diameter in excess of 4 cm and not have a height in excess of 30 cm. However in the context of Leadbeater's Possum habitat hollows are cavities formed in the trunk or branches of a live or dead tree. They are formed in Ash eucalypt trees through a variety of processes but are generally related to ageing and decay, although physical injury and insect damage may also contribute. They vary in size, both in cavity opening diameter and cavity depth and volume, from small openings of 4 - 8 cm to very large with entrance diameters of 18 - 30 cm or more.";

(m) "local government" **substitute**—

"**local government**' means the relevant Council or Municipal District as defined in the *Local Government Act 1989 (Vic)*.";

(n) "Management Standards and Procedures" **substitute**—

"**Management Standards and Procedures**' means the *Management Standards and Procedures for timber harvesting operations in Victoria's State forests, 2019*.";

(o) "managing authority" **substitute**—

"**managing authority**' means the organisation responsible for the planning and management of a **timber harvesting operation**. In **State forests**, **VicForests** is the **managing authority** for **timber harvesting operations**.";

(p) "Minister" **substitute**—

"**Minister**' means the Minister for Energy, Environment and Climate Change or their successor.";

(q) "permanent road" **substitute**—

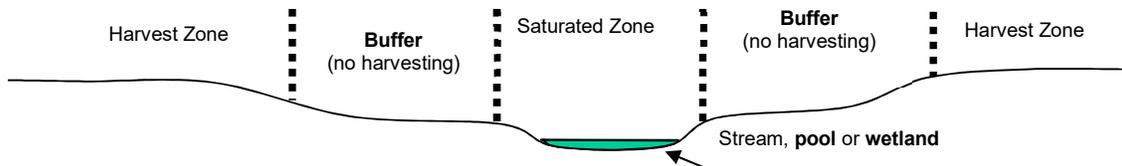
"**permanent road**' means a road or track of class 5E and above, and includes roads, tracks, bridges, crossings and culverts which are permanently required for the continuing management of the **forest**, including **timber harvesting operations**.";

(r) "permanent stream" **substitute**—

"**permanent stream**' means a river or stream that flows throughout the year. **Permanent streams** may stop flowing or dry out in extremely dry

years. **Permanent streams** will support distinctive **riparian vegetation** (except where previously removed by human activity, and not including *E camaldulensis*), indicative of extended periods of **saturation** and distinguishable from vegetation communities in surrounding areas. Streams have a well-defined incised permanent channel. See also **pools** and **wetlands**."

In **native forests**, **permanent streams**, **pools** and **wetlands** are buffered from harvesting (Glossary Figure 2). Refer to the **Management Standards and Procedures**.



Glossary Figure 2 – Permanent Streams, Pools or Wetlands in Native Forests

Permanent streams, pools or wetlands are shown in Figure 2. A saturated zone exists, which is a well-defined incised permanent channel. These must be protected by a buffer at all times where no harvesting is excluded. Note: Diagram not to scale. Zone widths vary according to circumstances.";

(s) "pesticide (and/or Chemical control agent)" **substitute**—

"**pesticide (and/or chemical control agent)**' means a chemical product that is used to control pest plants or animals. Includes herbicides, insecticides, fungicides, rodenticides and other similar products. Their registration for sale and use is controlled by State and Commonwealth legislation.";

(t) "rainforest" **substitute**—

"**rainforest**' means closed (>70 per cent projected foliage cover) broadleaved forest vegetation with a more or less continuous rainforest tree **canopy** of variable height, and with a characteristic composition of species and life forms, of at least 0.1 ha in area and 20 metres width. Rainforest includes closed transitional and seral communities with emergent eucalypts (including Cool Temperate Mixed Forest as a recognised subset of rainforest), that are of similar botanical composition to mature **rainforests** in which eucalypts are absent.";

(u) "regeneration" **substitute**—

"**regeneration**' (forestry) means the renewal or re-establishment of **native forest** flora by natural or artificial means following disturbance such as a **timber harvesting operation** or fire.";

(v) "regional forest agreements" **substitute**—

"**Regional Forest Agreements (RFAs)**' means agreements between the State of Victoria and the Commonwealth for the conservation and sustainable management of **native forests**. The RFAs provide certainty for forest-based industries, forest-dependent communities and conservation. They are the result of years of scientific study, consultation and negotiation covering a diverse range of interests.";

(w) "responsible authority" **substitute**—

"**responsible authority**' means the person or body that is specified to be the responsible authority in accordance with s.13 of the *Planning and Environment Act 1987* (Vic).

Note. Generally (but not always) the responsible authority is the **local government** responsible for administering the local planning scheme. It is

the responsible authority that administers the operation of the **Code** on **private land** and for **plantations**.";

(x) "Secretary" **substitute**—

"**Secretary**' means the body corporate established by Part 2 of the *Conservation, Forests and Lands Act 1987* (Vic).";

(y) "State forest" **substitute**—

"**State forest**' has the same meaning as in the *Forests Act 1958* (Vic), and any other category of **public land** where **timber harvesting operations** are a permitted land use but does not include land occupied under a licence under the *Victorian Plantations Corporation Act 1993* (Vic).";

(z) "temporary stream" **substitute**—

"**temporary stream**' means a stream that has a clearly defined continuous channel or streambed and flow during certain seasonal periods of the year, such as following snowmelt, but not throughout the year. Temporary streams contain distinctive **riparian vegetation** (except where previously removed by human activity, and not including *E camaldulensis*), indicative of periods of **saturation** and distinguishable from vegetation communities in surrounding areas. Note: in **native forests**, **temporary streams** may be protected from harvesting by **buffers** or **filter strips** (Figure 3). Refer to the **Management Standards and Procedures**.

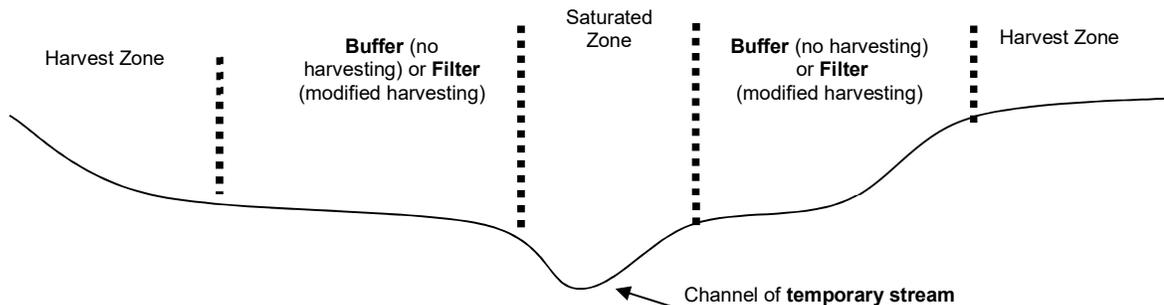


Figure 3 – Temporary Streams in Native Forests

Temporary Streams have a clearly defined continuous channel or streambed, that flows subject to seasonal periods throughout the year. These may be protected by a buffer where harvesting is excluded.

Note: Diagram not to scale. Zone widths vary according to circumstances.";

(aa) "timber harvesting operation" **substitute**—

"**timber harvesting operation**' has the same meaning as in the *Sustainable Forests (Timber) Act 2004* (Vic).";

(bb) "Timber Harvesting Plan" **substitute**—

"**Timber Harvesting Plan**' means a plan prepared under this **Code** for private **native forests** (Section 3.1.1) and **plantations** (Section 4.5.1), usually consisting of a map identifying the area(s) to be harvested and a statement of conditions applying to the timber production activity, and lodged with the **responsible authority**. The plan may apply to a single **coupe** or to an area in which a number of **coupes** are to be harvested.";

(cc) "timber release plan" **substitute**—

"**timber release plan**' has the same meaning as timber release plan defined in the *Sustainable Forests (Timber) Act 2004* (Vic).";

(dd) "water supply protection area" **substitute**—

"**water supply protection area**" means a catchment from which water is used for domestic water supply purposes, and includes **Special Water Supply Catchments**, designated catchments identified in forest management plans and catchments protected under the statutory planning provisions in the *Planning and Environment Act 1987* (Vic).";

(ee) "wildlife" **substitute**—

"**wildlife**" has the same meaning as in the *Wildlife Act 1975* (Vic).".

- (5) In the definition of "Allocation Order" in Glossary to the Principal Code, after "2004" **insert** "(Vic)".
- (6) In the definition of "Approved" in the Glossary to the Principal Code, for "under Part 6 of the *Conservation Forests and Lands Act 1987*" **substitute** "in accordance with this Code and its incorporated document".
- (7) The definition of "buffer (strip)" in the Glossary to the Principal Code is **revoked**.
- (8) In the definition of "fill disposal area" in the Glossary to the Principal Code, for "road construction" **substitute** "road construction".
- (9) In the definition of "habitat tree" in the Glossary to the Principal Code, for "may be living or dead" **substitute** "may include living trees or dead stags".
- (10) In the definition of "harvesting entity" in the Glossary to the Principal Code after "1958" **insert** "(Vic)".
- (11) In the definition of "harvesting team leader" in the Glossary to the Principal Code **omit** "or timber production operation".
- (12) In the definition of "native forest" in the Glossary to the Principal Code—
 - (a) for "mature" **substitute** "mature" (wherever occurring);
 - (b) for "plantations" **substitute** "plantations".
- (13) The definition of "Planning Standards" in the Glossary to the Principal Code is **revoked**.
- (14) In the definition of "plantation" in the Glossary to the Principal Code, for "may be living or dead" **substitute** "may include living trees or dead stags".
- (15) In the definition of "Plantation Development Notice" in the Glossary to the Principal Code—
 - (a) for "plantation" **substitute** "plantation";
 - (b) for "Code" **substitute** "Code".
- (16) In the definition of "private land" in the Glossary to the Principal Code—
 - (a) for "other than the Minister for Environment and Climate Change, the Minister for Agriculture and Food Security, or the Secretary" **substitute** "a person or body other than the Minister for Energy, Environment and Climate Change, the Minister for Agriculture, or the **Secretary** or their equivalents";
 - (b) after "1993" **insert** "(Vic)".
- (17) In the definition of "public land" in the Glossary to the Principal Code, after "1993" **insert** "(Vic)".
- (18) In the definition of "salvage harvesting operation" in the Glossary to the Principal Code, for "timber harvesting operation" **substitute** "timber harvesting operations".

- (19) In the definition of "sanctioned" in the Glossary to the Principal Code, for "approved" **substitute "approved"**.
- (20) In the definition of "saturation" in the Glossary to the Principal Code, for "waterways" **substitute "waterways"**.
- (21) In the definition of "shelterwood coupes" in the Glossary to the Principal Code—
- (a) for "timber harvesting operations" **substitute "timber harvesting operation"**;
 - (b) for "mature" **substitute "mature"**;
 - (c) for "regeneration" **substitute "regeneration"**.
- (22) In the definitions of "seed tree", "seed tree harvesting" and "selective harvesting" in the Glossary to the Principal Code, for "regeneration" **substitute "regeneration"** (wherever occurring).
- (23) In the definition of "snigging" in the Glossary to the Principal Code, for "snig track" **substitute "snig track"**.
- (24) In the definition of "Special Water Supply Catchment" in the Glossary to the Principal Code, after "1994" **insert "(Vic)"**.
- (25) In the definition of "temporary road" in the Glossary to the Principal Code—
- (a) for "timber harvesting operation" **substitute "timber harvesting operation"** (wherever occurring);
 - (b) for "in-coupe road" **substitute "in-coupe road"**;
 - (c) for "coupe driveways" **substitute "coupe access roads or driveways"**.
- (26) In the definition of "tending" in the Glossary to the Principal Code—
- (a) for "stand" **substitute "stand"**;
 - (b) for "**timber production**" **substitute "timber production"**.
- (27) The definition of "timber production" in the Glossary to the Principal Code is **revoked**.
- (28) In the definition of "VicForests" in the Glossary to the Principal Code after "1987" **insert "(Vic)"**.
- (29) In the definition of "waterway" in the Glossary to the Principal Code for "means" **substitute "includes (but is not limited to)"**.

5 Chapter 1 General

- (1) In section 1.1 of the Principal Code—
- (a) **omit** "Timber and fibre harvested from Victoria's **native forests** and **plantations** are vital to our way of life, providing a renewable, adaptable resource with a wide variety of uses. Timber production is an important component of regional economies across Victoria, creating jobs and wealth that are a cornerstone of the State's prosperity.";
 - (b) for "have" (where thirdly occurring) **substitute "has"**;
 - (c) for "National parks" **substitute "national parks"**;
 - (d) **omit** "appropriate, responsible";
 - (e) after "in late 1993" **insert**—
"The Code was further reviewed and published in 2007 and 2014.
In 2018, at the request of the Minister for Energy, Environment and Climate Change, the **Department** commissioned an independent review of timber

harvesting regulations to ensure that environmental, cultural and economic values of **State forests** are protected and enhanced for future generations. The review panel developed a report outlining 14 recommendations, all of which were accepted in full by the **Department**. Recommendation 10 of the report outlined the need to improve regulatory tools, including by engaging with stakeholders to develop a common understanding of the **Code**. As such, the 2019 proposed variations of the Code aim to provide greater regulatory certainty and improve environmental outcomes. This variation of the **Code** builds on previous reviews, further clarifying the legal requirements of the **managing authority, harvesting entities and operators** when conducting and planning **timber harvesting operations**. The objectives of the 2019 **Code** variation are to ensure it is clear, accurate, enforceable and aligned to existing commitments. The **Code** will continue to be reviewed on a regular basis, informed by a comprehensive review of relevant forestry science.”

- (f) **omit** “The Code was further reviewed and published in 2007 to incorporate advances in scientific knowledge, the substantial changes in legislation and regulation governing forest management in Victoria and improvements in timber harvesting operational practices since 1993. This version of the Code builds on the 2007 review by streamlining the environmental regulatory framework for **harvesting managers, harvesting entities and operators** conducting and planning timber harvesting operations.”;
 - (g) **omit** “The Code will continue to be reviewed on a regular basis, informed by a comprehensive review of forestry science. The result of the high level of public scrutiny, the extensive field based management experience and the world class reserve system is a well regulated and sustainable industry in Victoria.”.
- (2) In section 1.2.1 of the Principal Code, for "a Code of Practice" **substitute** "the Code".
 - (3) In section 1.2.2 of the Principal Code, for “timber harvesting managers” **substitute** “the **managing authority**”.
 - (4) In the heading to section 1.2.3 of the Principal Code, after “**made**” **insert** “?”.
 - (5) In section 1.2.3 of the Principal Code—
 - (a) For “Minister for Environment and Climate Change” **substitute** “**Minister**”;
 - (b) after “1987” **insert** “(Vic)”;
 - (c) after “1994” **insert** “(Vic)”.
 - (6) For section 1.2.4 of the Principal Code **substitute**—

“1.2.4 Scope of the Code

The **Code** applies to the planning and conducting of all commercial timber production and **timber harvesting operations** on both **public land** and **private land** in Victoria. **Timber harvesting operations** are defined in the *Sustainable Forests (Timber) Act 2004* (Vic) as any felling, cutting, removing and **haulage** activities carried out for the purposes of sale or processing and sale of **timber**. The **Code** does not apply to the collection or production of firewood for **domestic** use. Unless stated otherwise, any **haulage, road construction, significant road improvement or road maintenance works, tending, regeneration or rehabilitation** activities conducted in association with a **timber harvesting operation** are by definition, also a **timber harvesting operation**.”.
 - (7) For section 1.2.5 of the Principal Code **substitute**—

“1.2.5 Policy and Laws governing timber harvesting operations in Victoria

Timber harvesting in Victoria is governed by a wide range of Commonwealth and State legislation, regulations and policies. The **Code** addresses the legal obligations that the **managing authority, harvesting entities and operators** must comply with during the planning and conducting of **timber harvesting operations** in addition to existing relevant law. Therefore, the **Code** does not duplicate the legal obligations of the **managing authority, harvesting entities and operators** already existing in Commonwealth or State legislation including the relevant laws (legislation) listed in the *Conservation, Forests and Lands Act 1987 (Vic)*. Appendix A provides a list of the existing legislation, regulations and policies that apply to **timber harvesting operations** that are in addition to the **Code**. Appendix A is not an exhaustive list.”.

- (8) For section 1.2.6 of the Principal Code **substitute**—

“1.2.6 Application of the Code

This **Code** and any document incorporated into this **Code** (including the **Management Standards and Procedures**) apply only to the **managing authority, harvesting entities and operators**.”.

- (9) For section 1.2.7 of the Principal Code **substitute**—

“1.2.7 Description of Land to which Code Applies

The **Code** applies to all land in the State of Victoria that is either being used for or is intended to be used for timber production or **timber harvesting operations**.

On **public land**, the land to which this **Code** applies is **State forest** (Chapter two). On **private land** and leased **Crown land**, (chapters three and four), the land to which this **Code** applies includes land occupied under a licence under the *Victorian Plantations Corporation Act 1993 (Vic)*, land alienated from the Crown, unalienated land of the Crown occupied under a lease from the Crown, or unalienated land of the Crown managed and controlled by other than the Minister for Environment, Energy and Climate Change, the Minister for Agriculture, or the **Secretary**.

The **Code** does not apply to **domestic** firewood collection or production, **agroforestry**, windbreaks or other amenity plantings, or to the occasional felling of trees for local uses on the same property or by the same landowner or manager. Small **plantations** and woodlots of five hectares or less (total area existing or proposed on contiguous land which is in the same ownership) are also exempt from the **Code**, as are plantings established for non-commercial purposes. The **Code** does not apply to revegetation conducted for the purposes of erosion or salinity control.

The **Secretary** to the **Department** is a referral authority for **timber harvesting operations** applications as specified in Clause 66 of the Victoria Planning Provisions (VPPs) and all planning schemes. The **Code** is consistent with the VPPs in recognising that **plantations** are established primarily for **timber harvesting operations**. Thus, planning controls concerned with the development of **plantations** explicitly allow for their subsequent management and harvesting.

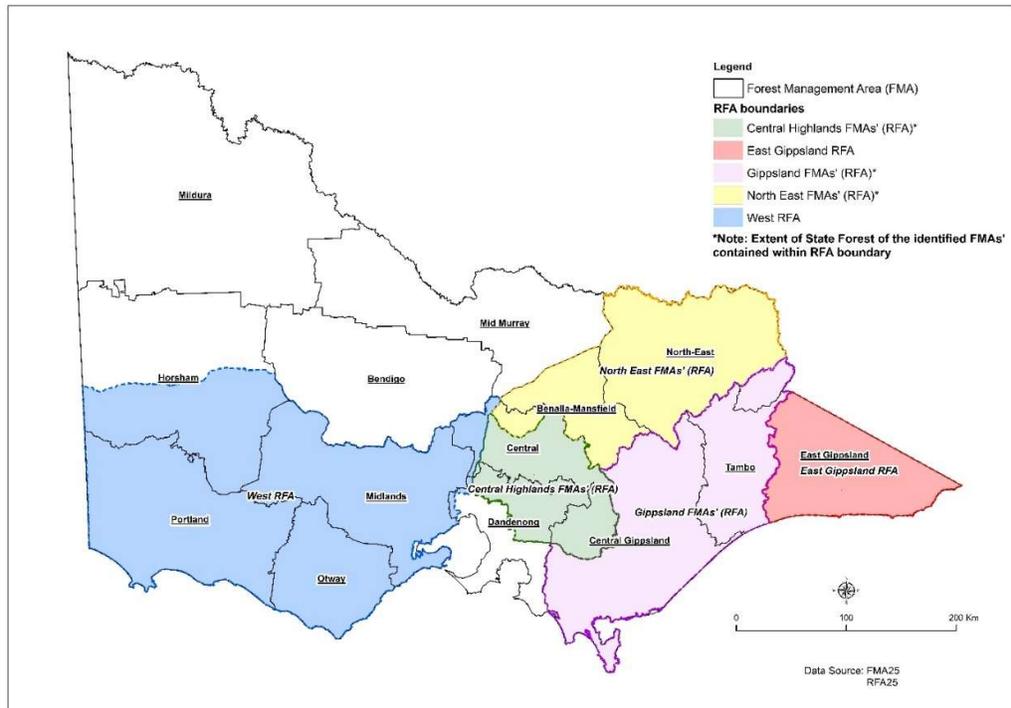


Figure 4: Indicative map of forest management areas relevant to the Code.

Several administrative management and planning and **forest management areas** exist across Victoria. These are important as they identify use of land and the how these areas of forest are managed.”.

(10) For section 1.2.8 of the Principal Code **substitute**—

“1.2.8 Long-term (Strategic) Forest Management Planning

As a matter of broad policy, sound planning ensures that the full range of **State forest** values are managed sustainably for current and future generations. These values include ecological diversity, cultural heritage, landscape, provision of recreation and educational opportunities as well as a range of renewable forest products. It is important to ensure that forest management is responsive to changing community expectations, expanding knowledge of forest ecosystems and techniques to improve planning approaches.

Long-term (strategic) forest management planning is undertaken in accordance with legislation and processes such as **Regional Forest Agreements (RFA's)** and includes outputs like policies relating to specific forest values (e.g. threatened species) and forest management plans.

The **Forest Management Zoning Scheme (FMZS)** is a product of broad strategic planning and is a spatial representation of forest values which are managed in Victoria’s **State forests**. The **FMZS** seeks to achieve a balance between a range of value inputs, conservation and forest use objectives, including consideration of legislative and policy constraints.

The **FMZS** identifies three management zones within **State forest**: the **Special Protection Zone (SPZ)**; the **Special Management Zone (SMZ)**; and the **General Management Zone (GMZ)**. **SMZs** are managed to conserve specific features and values, while catering for sustainable timber production and other utilisation activities under certain conditions, specified in **SMZ** plans. **SPZs** are managed primarily for conservation values, forming a part of Victoria’s

Comprehensive, Adequate and Representative reserve system. **Timber harvesting operations** are generally excluded from **SPZ**. **GMZs** are managed for a range of uses and values, with sustainable timber production a major use.

Long-term forest management planning aims to maintain an ecologically sustainable timber resource that mitigates the impacts on all forest values. Effective and inclusive long-term forest management planning processes provide the setting for which the **Code** and the **Management Standards and Procedures** have been established, and seek to:

- provide for the perpetuation of native **biodiversity**;
- maintain a range of forest age classes and structures;
- identify and mitigate impacts on all cultural heritage values;
- minimise impact on water quality and quantity within any particular catchment;
- minimise adverse visual impact in **landscape sensitivity areas**; and
- facilitate effective **regeneration** of harvested forest.”.

(11) After section 1.2.8 of the Principal Code **insert**—

“1.2.9 Compliance on State forest

Under the *Sustainable Forests (Timber) Act 2004* (Vic), compliance with this **Code** is mandatory for any person planning for or conducting a **timber harvesting operation on State forest**. Penalties for non-compliance may apply if **timber harvesting operations on State forest** are not in accordance with the **Code**.

Timber harvesting operations on public land other than **State forest** are governed by lease and licence conditions which may specify a requirement to comply with this **Code**.

The **Code** is a prescribed legislative instrument made and enforced under relevant law listed in the *Conservation, Forests and Lands Act 1987* (Vic). For the purposes of each relevant law the **Secretary** is an **authorised officer** and is therefore responsible for ensuring compliance with the **Code** on **State forest**. The **Department’s** Chief Conservation Regulator may be delegated by the **Secretary** to discharge these responsibilities and monitor compliance with authorised officers appointed by the **Secretary** pursuant to the *Conservation, Forests and Lands Act 1987* (Vic).

Certification schemes

In addition, **timber** producers on **State forest** may choose to adopt independent product accreditation under national and international systems, which have associated performance criteria and auditing requirements that meet or exceed the requirements of this **Code**.

Incorporated Documents

The *Management Standards and Procedures for timber harvesting operations in Victoria’s State forests* (**Management Standards and Procedures**) are incorporated into this **Code** to provide detailed mandatory operational instructions, including region specific instructions for **timber harvesting operations** in Victoria’s **State forests**.

The **Management Standards and Procedures** are consistent with the Operational Goals and Mandatory Actions of this **Code** and must be complied with for **timber harvesting operations** in Victoria's **State forests**.

The **Management Standards and Procedures** are informed by relevant policy documents including policies relating to specific forest values such as threatened species, guidelines and strategies within forest management plans made under the *Forests Act 1958* (Vic) and **Action Statements** made under the *Flora and Fauna Guarantee Act 1988* (Vic). The **Management Standards and Procedures** replace any directions relating to **timber harvesting operations** contained within these documents.

1.2.10 Compliance on Private Land

Timber production is a defined land use in the VPPs and all planning schemes. Clause 53.11 specifies the provisions relating to timber production and this **Code** is an incorporated document which must be considered.

Local government is responsible for ensuring compliance with the planning system. The **Code** must be complied with to the satisfaction of the **responsible authority** (usually **local government**), whether or not a permit is required.

Certification schemes

In addition, **timber** producers on **private land** may choose to adopt independent product accreditation under national and international systems, which have associated performance criteria and auditing requirements that meet or exceed the requirements of this **Code**.

Associated Documents

The *Management Guidelines for the Code of Practice for Timber Production on Private Land (native vegetation and plantations) in Victoria* (MGs) aid interpretation of the **Code** on **private land** and **plantations**. The MGs are consistent with the Operational Goals and Mandatory Actions of this **Code**. Variations to the MGs must address the Operational Goals and Mandatory Actions of this **Code**.

1.2.11 Terminology

The following terms are used in the **Code** to provide a structure for the **Code's** intended outcomes and the mechanisms within the **Code** to achieve these. The glossary provides further definitions.

A Code Principle is a broad outcome that expresses the intent of the **Code** for each aspect of sustainable forest management.

An Operational Goal states the desired outcome or goal for each of the specific areas of **timber harvesting operations**, to meet the Code Principles.

Mandatory Actions are actions to be conducted in order to achieve each operational goal. The **Managing authority, harvesting entities** and **operators** must undertake all relevant mandatory actions to meet the objectives of the **Code**. Mandatory Actions are focussed on practices or activities. Failure to undertake a relevant Mandatory Action would result in non-compliance with this **Code**.”.

(12) In section 1.3 of the Principal Code, for “Code principles” **substitute** “Code Principles”.

(13) After the heading to Table 1 in section 1.3 of the Principal Code **insert**—

"These high level operational principles each relate to achievable operational goals on the ground."

- (14) In the entry relating to 'biological diversity and ecological characteristics of native flora and fauna within forests' in Table 1 in section 1.3 of the Principal Code—
- (a) for "2.1.1, 2.3.1 and 3.1.1 Forest Planning" **substitute** "1.2.8, 2.3.1 Operational Planning and 3.1.1 Forest Planning";
 - (b) for "2.2.2 and 3.1.2" **substitute** "2.2.2 and 3.2.2";
 - (c) for "4.2.2" **substitute** "4.2.2".
- (15) In the entry relating to 'ecologically sustainable long-term timber production capacity for forests managed for timber harvesting operations' in Table 1 in section 1.3 of the Principal Code—
- (a) for "2.1.1 and 2.3.1 Forest Planning" **substitute** "1.2.8, 2.3.1 Operational Planning";
 - (b) for "3.5.2 Stocking Assessment" **substitute** "3.5.2 Stocking Assessment and Remedial Treatment";
 - (c) for "2.3.2 Record Keeping" **substitute** "2.3.3 Record Keeping";
 - (d) for "2.6.2 and 3.5.3 Tending" **substitute** "2.6.2 and 3.5.2 Tending".
- (16) In the entry relating to 'forest ecosystem health and vitality' in Table 1 in section 1.3 of the Principal Code, for "3.2.3" **substitute** "3.2.2".
- (17) In the entry relating to 'soil and water assets within forests' in Table 1 in section 1.3 of the Principal Code—
- (a) for "2.1.1 and 2.3.1 Forest Planning" **substitute** "2.2.1 Water quality and 2.3.1 Operational Planning";
 - (b) for "2.2.1, 3.1.1 and 4.2.1" (wherever occurring) **substitute** "2.2.1, 3.2.1 and 4.2.1".
- (18) In the entry relating to 'cultural heritage values within forests' in Table 1 in section 1.3 of the Principal Code, for "2.1.1 and 2.3.1 Forest Planning" **substitute** "1.2.8 and 2.3.1 Operational Planning".
- (19) In the entry relating to 'the conduct of planning' in Table 1 in section 1.3 of the Principal Code—
- (a) for "2.1.1 and 2.3.1 Forest Planning" **substitute** "1.2.8 and 2.3.1 Operational Planning";
 - (b) for "2.3.1 Forest Planning" **substitute** "2.3.1 Operational Planning".

6 Chapter 2 Code Application - State Forests

- (1) In chapter 2 of the Principal Code, for "Chapter" **substitute** "chapter".
- (2) Section 2.1 of the Principal Code, **substitute**—
"2.1 ***** Revoked ***** (Relevant content moved to Section 1.2.8)".
- (3) In section 2.2.2.10 of the Principal Code, for "hollow-bearing trees" **substitute** "hollow bearing trees".
- (4) In section 2.2.2.15 of the Principal Code, for "DEPI's" **substitute** "the Victorian Government's".
- (5) For section 2.3.1.2.i. of the Principal Code **substitute**—
"i be prepared by the **managing authority** prior to the commencement of a **timber harvesting operation** including **road construction coupes** or **significant road improvement operation coupes**;".

- (6) For section 2.3.1.2.iii. of the Principal Code **substitute**—
"iii be **sanctioned** by the **managing authority**;"
- (7) For section 2.3.1.2.iv. of the Principal Code **substitute**—
"iv record evidence of **timber harvesting operations** being **approved** if occurring within **SPZ** or outside the area identified in an **Allocation Order** or licensed to the harvesting entity;"
- (8) For section 2.3.1.2.vi. of the Principal Code **substitute**—
"vi document all exemptions or temporary variations to operational requirements of the **Management Standards and Procedures** and any **sanctioned** activities or decisions made until the timber harvesting **coupe** is successfully regenerated and rehabilitated."
- (9) In section 2.3.1.3 of the Principal Code, for "approved" **substitute** "planned".
- (10) In section 2.3.1.4 of the Principal Code, for "code" **substitute** "**Code**".
- (11) In sections 2.4.1.1, 2.4.2.1, 2.4.3.1, 2.4.4.1, 2.4.5.1 and 2.4.6.1 of the Principal Code, for "DEPI" **substitute** "the **Department**".
- (12) In section 2.4.2 of the Principal Code **omit** "road" (where sixthly and seventhly occurring).
- (13) In section 2.4.2.9 of the Principal Code, for "waterway" **substitute** "waterway,".
- (14) In section 2.4.5 of the Principal Code—
 - (a) after "Haulage" (where first occurring) **insert** "may need to cease";
 - (b) after "forest roads" **insert** "for periods";
 - (c) **omit** "Haulage may need to cease for a period where this is the case."
- (15) In section 2.5 of the Principal Code, for "section 2.3.1" **substitute** "Section 2.3.1".
- (16) For section 2.5.1.4 of the Principal Code, for "exempted in accordance with this Code" **substitute** "**approved** in accordance with this **Code** and the **Management Standards and Procedures**".
- (17) For section 2.5.1.5 of the Principal Code **substitute**—

"2.5.1.5 **Timber harvesting operations** (excluding **road maintenance** and **haulage** on **existing roads**, **approved roads** or **sanctioned roads**) are not permitted in **Special Protection Zones**, **buffers**, or **exclusion areas** identified on the **Forest Coupe Plan**, except where:

 - i. The **managing authority** has been **approved** to conduct **timber harvesting operations**, including the removal of a limited number of trees associated with the construction and use of a **coupe-access road**, **snig track** or associated stream crossings within a **Special Protection Zone** or **exclusion area**; or
 - ii. the **operator** has been **sanctioned** to construct and use an **in-coupe road** or **coupe driveway**, **snig track** or associated stream crossing, including the removal of a limited number of trees associated with these activities within a **buffer** or **filter**; or
 - iii. the **operator** has been **sanctioned** to remove a limited number of trees to protect public or worker safety; or

- iv. the **managing authority** has been **approved** to conduct **regeneration** or **rehabilitation** works of harvested **native forest** areas or use existing associated **coupe infrastructure** located within **Special Protection Zones** or **exclusion area**; or
- v. the **operator** has been **sanctioned** to conduct **regeneration** or **rehabilitation** works in **buffers** or **filters**; or
- vi. the **managing authority** has been **approved** to conduct seed collection activities within **Special Protection Zones** or **exclusion areas**."

- (18) In section 2.5.1.6 of the Principal Code, after "Trees" **insert** "or debris".
- (19) In section 2.5.2.2 of the Principal Code, for "areas excluded from harvesting" **substitute** "**SPZ** or **exclusion areas**".
- (20) In section 2.5.2.3 of the Principal Code—
 - (a) for "approved" **substitute** "authorised";
 - (b) for "section 2.6" **substitute** "section 2.6.1".
- (21) In section 2.6.1.3.i. of the Principal Code, for "approved" **substitute** "authorised".
- (22) In section 2.6.1.9 of the Principal Code, for "Section 2.2" **substitute** "section 2.2.1".

7 Chapter 3 Code Application - Private Native Forests

- (1) In chapter 3 of the Principal Code, for "Chapter applies to all **timber production**" **substitute** "chapter applies to all **timber harvesting operations**".
- (2) In section 3.1 of the Principal Code—
 - (a) for "timber production" (where secondly, fourthly and fifthly occurring) **substitute** "**timber harvesting operations**";
 - (b) for "Permitted clearing of native vegetation – Biodiversity assessment guidelines (2013)" **substitute** "*Guidelines for the removal, destruction or lopping of native vegetation (2017)*".
- (3) In sections 3.1.1.1, 3.1.1.3.i., 3.2.1.2, 3.3.6.1, 3.4.1, 3.4.2, 3.4.2.2 and 3.4.3.3 of the Principal Code, for "timber production" (wherever occurring) **substitute** "**timber harvesting operations**".
- (4) In section 3.1.1 of the Principal Code, for "timber harvesting managers" **substitute** "the **managing authority**".
- (5) In sections 3.1.1 and 3.2.1 of the Principal Code, for "timber production" **substitute** "the **timber harvesting operation**".
- (6) In sections 3.1.1.4, 3.1.1.9, 3.1.1.10, 3.2.1.3, 3.2.1.5, 3.2.1.18 and 3.2.2.1 of the Principal Code, for "timber production" (wherever occurring) **substitute** "**timber harvesting operation**".
- (7) In section 3.1.1.4.i. of the Principal Code, for "Landowners" **substitute** "landowners".
- (8) In section 3.1.1.4.iv. of the Principal Code, after "power lines;" **insert** "and".
- (9) In section 3.2 of the Principal Code—
 - (a) for "timber production" (where first occurring) **substitute** "**timber harvesting operations**";

- (b) for "timber production" (where secondly occurring) **substitute "timber harvesting operation"**.
- (10) In section 3.2.3.2 of the Principal Code, for "timber production" **substitute "timber harvesting operations have"**
- (11) In section 3.2.3.3 of the Principal Code, for "DEPI's" **substitute "the Victorian Government's"**.
- (12) In section 3.3 of the Principal Code—
 - (a) **omit "of Practice"**;
 - (b) for "intended purpose," **substitute "intended purpose"**.
- (13) In section 3.4.3 of the Principal Code, for "timber production is" **substitute "timber harvesting operations are"**.
- (14) In section 3.5.1 of the Principal Code, for "Permitted clearing of native vegetation – Biodiversity assessment guidelines (2013)" **substitute "Guidelines for the removal, destruction or lopping of native vegetation (2017)"**.
- (15) In section 3.5.1.6 of the Principal Code, for "Section 3.2" **substitute "section 3.2.1"**.

8 Chapter 4 Code Application - Plantations

- (1) In chapter 4 of the Principal Code—
 - (a) for "Chapter applies to timber production" **substitute "chapter applies to timber harvesting operations"**;
 - (b) for "Chapter Two" **substitute "chapter two"**;
 - (c) for "Department of Environment and Primary Industries" substitute **"Department"**.
- (2) In sections 4.2.1, 4.2.1.2, 4.2.1.9, 4.2.1.10, 4.2.2 and 4.2.2.1 of the Principal Code, for "timber production" **substitute "timber harvesting operations"**.
- (3) In sections 4.2.1.8.v. and 4.5.1.3.vi of the Principal Code, for "timber production" **substitute "the timber harvesting operation"**.
- (4) In section 4.3.3.1 of the Principal Code, for "DEPI's" **substitute "the Victorian Government's"**.
- (5) In section 4.4 of the Principal Code, for "takes" **substitute "take"**.
- (6) In sections 4.5.1.4 and 4.5.4 of the Principal Code, for "timber production is" **substitute "timber harvesting operations are"**.
- (7) In section 4.5.1.8.iii of the Principal Code, for "Haulage" **substitute "haulage"**.
- (8) In section 4.5.4.1 of the Principal Code, for "Harvesting operations" **substitute "Timber harvesting operations"**.

9 Appendix A

- (1) For Appendix A of the Principal Code **substitute—**

“Legislation, Regulations and Policies applying to timber harvesting operations on State forest and private land in Victoria.

Appendix A provides a list of legislation, regulations and policies applying to timber harvesting operations that are in addition to the Code. Appendix A is not an exhaustive list.

Commonwealth Legislation	Public	Private
<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>	Y	Y

<i>Agricultural and Veterinary Chemicals Act 1994</i>	Y	Y
<i>Australian Heritage Council Act 2003</i>	Y	Y
<i>Biosecurity Act 2015</i>	Y	Y
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Y	Y
<i>Export Control Act 1982</i>	Y	Y
<i>National Environment Protection Measures (Implementation) Act 1998</i>	Y	Y
<i>Native Title Act 1993</i>	Y	Y
<i>Regional Forests Agreement Act 2002</i>	Y	Y

State legislation	Public	Private
<i>Aboriginal Heritage Act 2006</i>	Y	Y
<i>Accident Compensation Act 1985</i>	Y	Y
<i>Agricultural and Veterinary Chemicals (Control of Use) Act 1992</i>	Y	Y
<i>Building Act 1993</i>	Y	Y
<i>Catchment and Land Protection Act 1994</i>	Y	Y
<i>Climate Change Act 2017</i>	Y	Y
<i>Conservation, Forests and Lands Act 1987</i>	Y	Y
<i>Country Fire Authority Act 1958</i>	Y	Y
<i>Crown Land (Reserves) Act 1978</i>	Y	N
<i>Dangerous Goods Act 1985</i>	Y	Y
<i>Electricity Safety Act 1998</i>	Y	Y
<i>Emergency Management Act 2013</i>	Y	Y
<i>Environment Protection Amendment Act 2018</i>	Y	Y
<i>Environment Protection Act 2017</i>	Y	Y
<i>Environmental Protection Act 1970</i>	Y	Y
<i>Fences Act 1968</i>	N	Y
<i>Firearms Act 1996</i>	Y	Y
<i>Fisheries Act 1995</i>	Y	Y
<i>Flora and Fauna Guarantee Act 1988</i>	Y	Y
<i>Forests Act 1958</i>	Y	Y
<i>Forests (Wood Pulp Agreement Act 1996)</i>	Y	N
<i>Heritage Act 2017</i>	Y	Y
<i>Heritage Rivers Act 1992</i>	Y	Y
<i>Land Act 1958</i>	Y	Y
<i>Land Conservation (Vehicle Control) Act 1972</i>	Y	
<i>Local Government Act 1989</i>	N	Y

<i>Marine and Coastal Act 2018</i>	Y	Y
<i>National Parks Act 1975</i>	Y	N
<i>Occupational Health and Safety Act 2004</i>	Y	Y
<i>Parks Victoria Act 2018</i>	Y	
<i>Planning and Environment Act 1987</i>	Y	Y
<i>Planning and Environment (Planning Schemes) Act 1996</i>	N	Y
<i>Plant Biosecurity Act 2010</i>	Y	Y
<i>Prevention of Cruelty to Animals Act 1986</i>	Y	Y
<i>Reference Areas Act 1978</i>	Y	N
<i>Road Management Act 2004</i>	Y	Y
<i>Safety on Public Land Act 2004</i>	Y	N
<i>State Owned Enterprises Act 1992</i>	Y	N
<i>Summary Offences Act 1966</i>	Y	N
<i>Sustainable Forests (Timber) Act 2004</i>	Y	N
<i>Subordinate Legislation Act 1994 (Vic)</i>	Y	Y
<i>Traditional Owner Settlement Act 2010</i>	Y	N
<i>Victorian Plantations Corporation Act 1993</i>	Y	Y
<i>Water Act 1989</i>	Y	Y
<i>Wildlife Act 1975</i>	Y	Y
<i>Workplace Injury Rehabilitation and Compensation Act 2013</i>	Y	Y

Regulations*	Public	Private
<i>Aboriginal Heritage Regulations 2018</i>	Y	Y
<i>Agricultural and Veterinary Chemicals (Control of Use) Regulations 2017</i>	Y	Y
<i>Conservation, Forests and Lands (Infringement Notice) Regulations 2017</i>	Y	Y
<i>Country Fire Authority Regulations 2014</i>	N	Y
<i>Dangerous Goods (Explosives) Regulations 2011</i>	Y	Y
<i>Dangerous Goods (HCGD) Regulations 2016</i>	Y	Y
<i>Dangerous Goods (Storage and Handling) Regulations 2012</i>	Y	Y
<i>Electricity Safety (Electric Line Clearance) Regulations 2015</i>	Y	Y
<i>Electricity Safety (Installations) Regulations 2009</i>	Y	Y
<i>Fences Regulations 2014</i>	N	Y
<i>Flora and Fauna Guarantee Regulations 2011</i>	Y	N

<i>Forests (Fire Protection) Regulations 2014</i>	Y	N
<i>Forests (Licenses and Permits) Regulations 2009</i>	Y	N
<i>Forests (Recreation) Regulations 2010</i>	Y	N
<i>Heritage Regulations 2017</i>	Y	Y
<i>Land Conservation (Vehicle Control) Regulations 2013</i>	Y	N
<i>Occupational Health and Safety Regulations 2017</i>	Y	Y
<i>Planning and Environment Regulations 2015</i>	Y	Y
<i>Subordinate Legislation (Legislative Instruments) Regulations 2011</i>	Y	Y
<i>Subordinate Legislation (Prevention of Cruelty to Animals Regulations 2008) Extension Regulations 2018</i>	Y	Y
<i>Road Management (General) Regulations 2016</i>	Y	N
<i>Traditional Owner Settlement Regulations 2017</i>	Y	N
<i>Victorian Plantations Corporation (Register of Plantation Licences) Regulations 2018</i>	Y	Y
<i>Wildlife Regulations 2013</i>	Y	Y
<i>Workplace Injury Rehabilitation and Compensation Regulations 2014</i>	Y	Y

Policy	Public	Private
<i>Australia's Biodiversity Conservation Strategy 2010-2030</i>	Y	Y
<i>Code of Practice for Bushfire Management on Public Land 2012</i>	Y	N
<i>Biodiversity 2037 – Protecting Victoria's Environment (2017)</i>	Y	Y
<i>Invasive Plants and Animals Framework (2017)</i>	Y	Y
<i>National Forest Policy Statement (1992)</i>	Y	Y
<i>National Forest Industries Plan (2018)</i>	Y	Y
<i>National Indigenous Forest Strategy (2005)</i>	Y	Y
<i>Our Forests, Our Future (2002)</i>	Y	Y
<i>State Environment Protection Policy (Air Quality Management)</i>	Y	Y
<i>State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade)</i>	Y	Y
<i>State Environment Protection Policy (Prevention and Management of Contamination of Land)</i>	Y	Y
<i>State Environment Protection Policy (Waters of Victoria)</i>	Y	Y
<i>Sustainability Charter for Victoria's State forests (2006)</i>	Y	N
<i>Victoria's Climate Change Adaptation Plan (2017-2020)</i>	Y	Y

<i>Water for Victoria (2016)</i>	Y	Y
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* Most statutory rules including many of these sunset after 10 years.”