



# Old growth forest and timber harvesting

Regulatory Guide

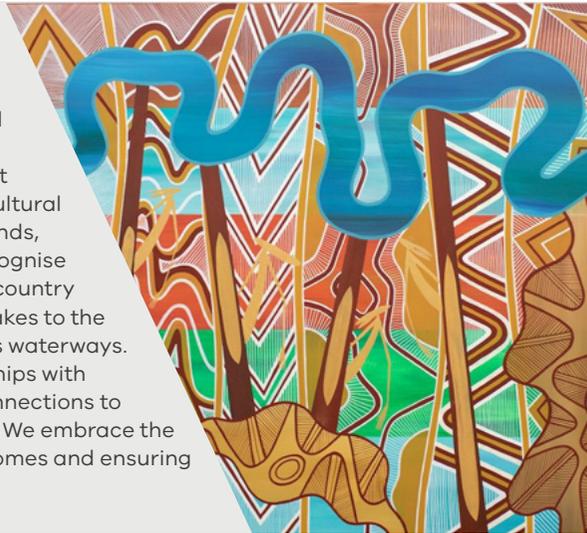
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CONSERVATION  
REGULATOR VICTORIA

# Old growth forest and timber harvesting Regulatory Guide

## Aboriginal acknowledgment

The State Government proudly acknowledges the Traditional Owners of the Victorian marine and coastal environment as the traditional custodians of the land. We pay our respects to their ancestors and elders, past and present. We recognise and respect their unique cultural heritage, beliefs and relationship to their traditional lands, which continue to be important to them today. We recognise the intrinsic connection of Traditional Owners to their country and value the contribution their Caring for Country makes to the management of the land, its coastlines, its seas and its waterways. We support the need for genuine and lasting partnerships with Traditional Owners to understand their culture and connections to country in the way we plan for and manage the coast. We embrace the spirit of reconciliation, working towards equity of outcomes and ensuring an equal voice for Australia's first people.



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## Accessibility

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## Abbreviations/Acronyms

<b>BAF</b>	Basal Area Factor
<b>CIP</b>	Coordinated Image Program
<b>CSDL/VSDL</b>	Corporate Spatial Data Library or Victorian Spatial Data Library
<b>DBHOB</b>	Diameter at Breast Height Over Bark
<b>DELWP</b>	Department of Environment, Land, Water and Planning
<b>EVC</b>	Ecological Vegetation Class
<b>FMZ</b>	Forest Management Zone
<b>FPSP</b>	Forest Protection Survey Program
<b>GPS</b>	Global Positioning System
<b>IWS</b>	Image Web Server
<b>MOG</b>	Modelled Old Growth
<b>PRF</b>	Plot Radius Factor
<b>SFRI</b>	State Forest Resource Inventory
<b>SMZ</b>	Special Management Zone
<b>SPZ</b>	Special Protection Zone
<b>THCU</b>	Timber Harvesting Compliance Unit
<b>TRP</b>	Timber Release Plan
<b>TUP</b>	Timber Utilisation Plan

## Glossary

<b>Allocation order</b>	Defined in the <i>Sustainable Forests (Timber) Act 2004</i> meaning an order made in accordance with Part 3.
<b>Assessment Tool</b>	Means the associated document Old growth forest identification – Assessment Tool.
<b>Associated management activities</b>	Means activities including: <ul style="list-style-type: none"> <li>• Preparation of sites for timber harvesting.</li> <li>• Construction of access roads to coupes.</li> <li>• Site rehabilitation.</li> <li>• Forest regeneration.</li> <li>• Any other activities specified in the allocation order.</li> </ul>
<b>Basal area</b>	As per the <i>Code of Practice for Timber Production 2014</i> means the sum of the cross-sectional areas measured at breast height (1.3m) of the trees in a given stand (or plot). Usually expressed as square meters per hectare (m <sup>2</sup> /ha).
<b>Basal sweep</b>	Means a technique used to measure tree basal area. An example of its application is provided in the Assessment Tool.
<b>Basal sweep tool</b>	Means a tool used for the purposes of conducting a basal sweep.
<b>Centroid</b>	Means the survey point at the centre of each grid unit (100m x 100m square = one-hectare).
<b>Coupe</b>	As per the <i>Code of Practice for Timber Production 2014</i> , as defined in the <i>Sustainable Forests (Timber) Act 2004</i> meaning a specific area of State forest identified for the purposes of a timber harvesting operation in a timber release plan or, on private land a single area of forest or plantation of variable size, shape and orientation from which timber is harvested in one operation.
<b>Diameter at breast height over bark</b>	Means the diameter of a tree trunk at breast height of the observer, with the measuring tape placed over the tree bark. An example of its application is provided in the Assessment Tool.

<b>Domestic</b>	As per the <i>Code of Practice for Timber Production 2014</i> meaning firewood that is collected for personal use and is not sold to a third party or used in a commercial enterprise.
<b>Engagement Report</b>	Means the associated document Old growth forest field identification procedure – Engagement Report.
<b>Flora</b>	Means any type of plant.
<b>Harvesting entity</b>	As per the <i>Code of Practice for Timber Production 2014</i> meaning an organisation or person responsible for conducting a timber harvesting operation. In State forest the harvesting entity is either VicForests or the holder of a licence granted under section 52 of the <i>Forests Act 1958</i> .
<b>Management standards and procedures</b>	Means the <i>Management Standards and Procedures for timber harvesting operations in Victoria's State forests 2014</i> .
<b>Old growth</b>	Defined in the <i>Management Standards and Procedures for timber harvesting operations in Victoria's State forests 2014</i> as 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 per cent 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.
<b>Operators</b>	As per the <i>Code of Practice for Timber Production 2014</i> meaning a person who conducts a timber harvesting operation. Typically, a machine or chainsaw operator.
<b>Senescent</b>	Means growing old; aging. Refer to Table 2 of the Assessment Tool for further information.
<b>State forest</b>	For the purposes of this document is defined in the <i>Forests Act 1958</i> .

<b>The code</b>	Means the <i>Code of Practice for Timber Production 2014</i> .
<b>Timber</b>	As per the <i>Code of Practice for Timber Production 2014</i> meaning a general term used to describe standing trees or felled logs before processing into wood products. This includes timber from trees or parts of trees which are specified as available for timber harvesting operations but does not include firewood collected for domestic use.
<b>Timber harvesting operations</b>	Defined in the <i>Sustainable Forests (Timber) Act 2004</i> meaning any of the following kinds of activities carried out by VicForests or by any other person or body— <ul style="list-style-type: none"> <li>a For the primary purpose of the sale, or the processing and sale— <ul style="list-style-type: none"> <li>i Felling or cutting trees or parts of trees.</li> <li>ii Taking or removing timber.</li> <li>iii Delivering timber to a buyer or transporting to a place for collection by a buyer or sale to a buyer.</li> <li>iv Any works, including road works, ancillary to any of the activities referred to in sub-paragraphs (i) to (iii).</li> </ul> </li> <li>b For the supply of pulpwood in accordance with a plan of utilization within the meaning of the agreement set out in the schedule to the forests (wood pulp agreement) act 1996 , an activity of a kind referred to in paragraph (a)(i) to (iv).</li> <li>c Regeneration burning.</li> </ul> But does not include the collection of firewood for domestic use.
<b>Timber release plan</b>	Defined in the <i>Sustainable Forests (Timber) Act 2004</i> meaning a plan prepared under section 37, notice of which has been published under section 41.
<b>Timber utilisation plan</b>	Means a plan prepared to allow timber harvesting in areas not subject to an Allocation Order under the <i>Forests Act 1958</i> .

### Regulatory Guide

Regulatory Guides are intended to provide information on the legislative and regulatory framework, how to comply, and how the Conservation Regulator will ensure compliance. This document sets out requirements to identify and protect old growth forest before timber harvesting is undertaken and describes how the Conservation Regulator will monitor and report on compliance.

### Conservation Regulator

The Conservation Regulator was established by the Department of Environment, Land, Water and Planning (DELWP) in 2019 following an independent review of DELWP's approach to timber harvesting regulation in Victoria's public native forests. The Conservation Regulator oversees DELWP's regulatory functions, including the compliance and enforcement of timber harvesting in State forests.

## Protecting old growth forests

On 7 November 2019, the Victorian Government announced Victoria's Forestry Plan. Victoria's Forestry Plan included an announcement to end timber harvesting in native forests in Victoria by 2030. Ahead of this the Victorian Government announced the immediate end to harvesting of old growth forests.

The government's policy to immediately cease harvesting of timber from old growth forests has been given effect by direction to VicForests. It is the responsibility of VicForests and its contractors to identify and protect old growth from timber harvesting.

Until such time as the old growth protection policy can be made legally enforceable, the Minister for Energy, Environment and Climate Change has asked the Conservation Regulator to provide independent oversight to monitor and publicly report on implementation. To achieve this, a clear and consistent procedure to identify and determine the extent of old growth forests was required.

Subsequently, the Conservation Regulator developed a procedure to be applied in the field in all areas suitable for timber harvesting throughout Victoria, with a requirement that it be applied consistently during pre-harvest surveys and compliance assessments.

The draft procedure was opened for public feedback in November 2019. Following review of the feedback received, a Regulatory Guide (this document), an Assessment Tool and an Engagement Report were finalised in July 2020.

#### WHO THIS APPLIES TO

Those undertaking pre-harvest surveys and compliance assessments.

#### WHY THIS IS IMPORTANT

The regulatory approach is in place to protect old growth forest from harvesting.

#### WHAT YOU MUST DO

You must consistently apply the Assessment Tool prior to timber harvesting throughout the State of Victoria.

## Objectives of the regulatory approach

The regulatory approach seeks to protect old growth forest by:

- Implementing a clear procedure for the identification of old growth forest, with the expectation that this procedure will be applied to identify and protect old growth forest before timber harvesting is undertaken.
- Ensuring the identification procedure is transparent, simple, consistent and repeatable, efficient, targeted and fit for purpose.
- Providing appropriate oversight, monitoring and reporting.

## Associated documents

This document should be read in conjunction with the Old growth forest identification Assessment Tool. For information on the feedback obtained on the draft procedure please refer to the Old growth forest field identification procedure Engagement Report.

Note: these documents may be amended and updated as required.

## Roles and responsibilities

Key roles and responsibilities for the protection of old growth forest from timber harvesting:

Role	Responsibilities
<b>Harvesting entities</b> e.g. VicForests	<p>It is the responsibility of harvesting entities to identify and protect old growth forest from timber harvesting. Old growth forest should be protected in line with the Victorian Forestry Plan with the step-by-step procedure outlined in the Assessment Tool applied prior to timber harvesting throughout Victoria's State forests.</p> <p>Where VicForests is the harvesting entity, it is their responsibility as the State-owned enterprise for the sustainable harvest, regrowing and commercial sale of timber from Victoria's State forests on behalf of the Victorian Government, to ensure that contractors and operators identify and protect old growth forest during timber harvesting operations (including associated management activities).</p>
<b>Conservation Regulator</b>	<p>The Conservation Regulator's Forest Protection Survey Program (FPSP) conducts surveys to identify forest values that should be protected. The FPSP is targeted to those locations where protected values are most likely to occur. The FPSP will be able to conduct surveys for old growth forest at a limited proportion of timber harvesting coupes under current budget availability. As for any FPSP work, these surveys support the identification of forest values that require protection, but they do not take the obligation away from the harvesting entity conducting timber harvesting to identify and protect all values required by legislation and government policy.</p> <p>The Conservation Regulator's Timber Harvesting Compliance Unit (THCU) has the responsibility to ensure that timber harvesting and associated activities are planned and conducted in Victoria's State forests in accordance with environmental law. The THCU will conduct risk-based audits and inspections to monitor VicForests' compliance with government policy for the protection of old growth forests across the planning and conduct of harvesting operations.</p>



# How to comply

To ensure the protection of old growth forest, the steps outlined within the Assessment Tool must be undertaken prior to timber harvesting throughout Victoria's State forests. Clarification on the definition of old growth is provided below. Where old growth is defined as per the Assessment Tool, all timber harvesting operations and associated management activities are to be excluded from the area in question.

## Definition of old growth forest

Within the *Management Standards and Procedures for timber harvesting operations in Victoria's State forests 2014*, old growth is defined as:

**'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 per cent 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.

For application, the Conservation Regulator defines the following key words:

### **'significant amounts'**

The forest should be dominated (in terms of crown cover or basal area) by the oldest growth stage. Whilst the stand may be dominated by mature growth,  $\geq 10\%$  must be of the oldest growth stage.

### **'oldest growth stage'**

Typically, senescent trees which have dead branches and declining crown leaf area, trunks that likely contain burls and bumps, and the top invariably broken off (in some cases). Refer to Table 2 of the Assessment Tool for further information.

### **'upper stratum'**

Generally, the dominant height class within a vegetation stand with a crown cover of  $>20\%$ . Trees within the upper stratum are generally 10 metres or taller (dependent on vegetation community present).

### **'disturbance'**

Events that cause short-term (e.g. impacts of a low intensity fire) or long-term (e.g. harvesting operations, associated management activities and/or a high severity fire) changes to forest structure and/or composition.

### **'regrowth growth stage'**

Trees that have strongly developed main stems, narrow, conical crowns with relatively high individual crown densities, and semi-permanent branches growing on the main stem below the upper crown. Refer to Table 2 of the Assessment Tool for further information.

### **'usual species composition'**

As old growth is not limited to a specific species, classification is made according to forest structure.

## Objective of the Assessment Tool

The Assessment Tool outlines a step-by-step procedure that must be followed to identify old growth forest, ensuring its protection from timber harvesting operations and associated management activities.

This procedure is to be applied prior to timber harvesting throughout Victoria's State forests. It is to be applied consistently during pre-harvest surveys undertaken by harvesting entities (e.g. VicForests) and the Conservation Regulator's Forest Protection Survey Program (FPSP) and contractors. It should also be applied consistently during any old growth forest compliance assessments undertaken by the Conservation Regulator's Timber Harvesting Compliance Unit (THCU). The Conservation Regulator expects that timber harvesting operations (including all associated management activities) that occur adjacent to identified old growth forest is appropriately planned to ensure no disturbance or adverse impacts occur.

A precautionary approach should always be adopted (including during; identification of centroids to be surveyed, determination of presence/absence at each centroid, boundary delineation and timber harvesting operations that follow), with any concerns or queries directed to the Conservation Regulator [OCR@delwp.vic.gov.au](mailto:OCR@delwp.vic.gov.au).

## Application of the old growth forest definition

To support effective and consistent assessment, a systematic grid, published by DELWP, splits the State of Victoria up into units (100m x 100m square = one-hectare). Within every unit, a survey point (termed a 'centroid') is established. The Assessment Tool requires that centroids are assessed for the likelihood of old growth forest (desktop assessment) and verification of presence/absence in the field (field assessment).

When applying the old growth definition in the field, a precautionary approach has been adopted by the Conservation Regulator to account for both variation in natural ecosystems (e.g. differences in environmental conditions between coupes) and the procedure outlined within the Assessment Tool.

This has resulted in broadening of the regrowth stage and senescent stage tree requirements outlined in the definition. As such, old growth forest is determined to be present in the field if following a basal sweep the proportion of regrowth stage trees is  $\leq 15\%$  and senescent stage trees is  $\geq 10\%$ .

Following determination of presence in the field, a desktop assessment is then undertaken to map and mark a boundary around areas deemed to contain old growth forest. A minimum one-hectare size requirement for each area has been adopted to reflect a focus on protecting forests and not individual or isolated areas of mature trees. The area within the boundary is to be protected from timber harvesting and associated management activities.



# Monitoring compliance and reporting

The Conservation Regulator's approach to monitoring and reporting on compliance will be consistent with the Compliance and Enforcement Policy 2019 (DELWP, 2019).

## Supporting compliance

The Conservation Regulator has developed the Assessment Tool to provide a robust method for the identification of old growth forest in areas suitable for timber harvesting. The procedure outlined within the Assessment Tool is to be applied consistently during pre-harvest surveys and any old growth forest compliance assessments. Implementation of the procedure requires personnel with high-level skills and experience in desktop and field data collection and analysis.

## Monitoring compliance

Any area of forest confirmed as old growth must be protected as required by government policy. The Conservation Regulator expects that any timber harvesting operations and associated management activities adjacent to old growth forest are conducted in a manner which avoids disturbance.

The Conservation Regulator's Timber Harvesting Compliance Unit (THCU) will monitor the protection of old growth forest that has been identified in accordance with the Assessment Tool.

The results of all assessments are to be submitted to the Conservation Regulator (5 business days or as soon as practicable) prior to the commencement of harvesting operations, allowing for "appropriate" oversight as to the application of the Assessment Tool.

To report information regarding potential timber harvesting compliance issues or the detection of threatened species in timber harvesting areas, third parties are requested to submit their information to the Conservation Regulator via email [forest\\_reports@delwp.vic.gov.au](mailto:forest_reports@delwp.vic.gov.au). When submitting information, it is important that the submission guidelines are followed as processing cannot commence without adequate details ([forestsandreserves.vic.gov.au/forest-management/forest-reports](https://forestsandreserves.vic.gov.au/forest-management/forest-reports)). Information will then be forwarded to VicForests so that they and their contractors meet their responsibility to identify and protect old growth forest from timber harvesting.

## Reporting

The Conservation Regulator is committed to being transparent and will ensure that the Assessment Tool, along with this document, are made publicly available. Additionally, the Conservation Regulator will publicly report on the findings of audits and inspections.



# References and further information

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[‘Compliance and Enforcement Policy, Conservation Regulator 2019’](#)

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[Department of Environment and Primary Industries 2014. ‘Code of Practice for Timber Production’](#)

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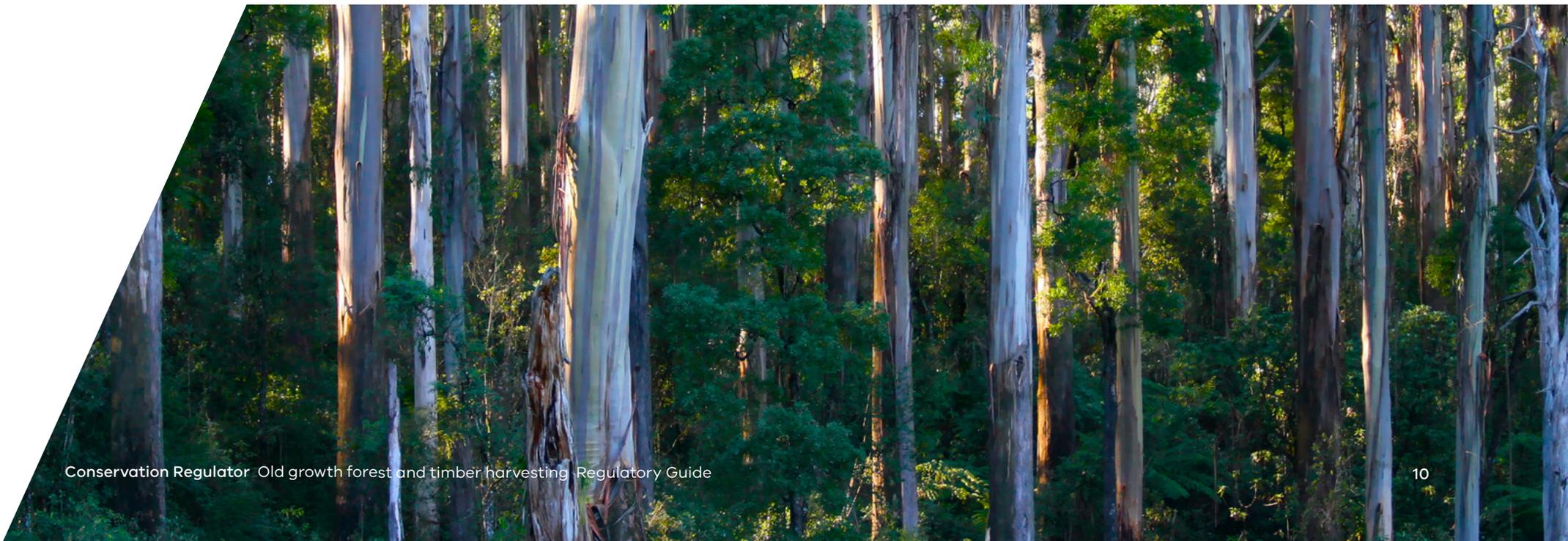
[Department of Environment and Primary Industries 2014. ‘Management Standards and Procedures for timber harvesting operations in Victoria’s State forests’](#)

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[Further information on the Conservation Regulator](#)

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[Further information on the regulation of timber harvesting](#)





[conservationregulator.vic.gov.au](http://conservationregulator.vic.gov.au)