

February 12<sup>th</sup> 2010

**Submission to the Gippsland RFA Review**

Dear Ms Leanne Wallace, (Independent Reviewer),

We have some concerns with the Gippsland RFA in particular. Many of these concerns hinge on the lack of inaction to the ecological problems in the Strzelecki Ranges. The Draft Report on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs) is also striking it its silence on these issues. We understand that this review does not open up the RFAs to re-negotiation, however given that both Parties may agree to modifications after consideration of the review findings, we plead that the Strzelecki Ranges be given special attention to mitigate the dearth of reserves, and the injustices outlined here.

In brief these issues are:

- the pre-empting of the CAR reserve system in the Gippsland RFA by the leasing of public native forest to Hancock Victorian Plantations in the middle of the Gippsland RFA.
- Approximately 7,000 hectares of native forest reforestation in the Strzelecki State Forest has been misclassified as plantation.
- The 7,000 ha. of misclassified native forest has been leased to Hancock Victorian Plantation and a further 20,000 ha. of native forest from the Strzelecki State Forest has been given to them to manage.
- The 7,000 hectares of reforestation, which the LCC recommended, be used as multiple use State Forest including hardwood production is now allowed to be cut frequently and replaced with plantation. This practice of converting state forest to plantation has been banned in Victoria since 1986.
- The Strzelecki bioregion is the most unprotected forest bioregion in Victoria.
- Private management also meant the Strzelecki State Forest missed out on the Sustainable Yield Review. The review resulted in a halving of West Gippsland's sawlog quota. A similar result should have occurred in the Strzeleckis but instead the Strzeleckis logging has increased.
- The removal of these leased areas from the Forests Act
- the public grief and dispossession from having their state forest removed from the public realm and public processes.

The Regional Forest Agreements have as their basis:

- to identify a Comprehensive, Adequate and Representative (CAR) Reserve System

and provide for the conservation of those areas

- to provide for the ecologically sustainable management and use of forests in each RFA region, and

- to provide for the long-term stability of forests and forest industries.

The CAR Reserve System is based on the JANIS criteria, which set targets for the amount of each ecosystem that should be reserved in each bioregion. Unfortunately this principle was not adhered to, resulting in some bioregions coming nowhere near adequate reserves for the protection of biodiversity. This should have been the priority before timber allocations and production was permitted and should be addressed as a major issue in the review.

Prior to the leasing of the Strzelecki State Forest to Hancocks, there were many protests regarding the leasing of the forest to private interests, the concerns that native forest was being leased as plantation and the lack of reserves.

*A Proposal for a 30, 000 Hectare National Park in the Strzelecki State Forest*<sup>1</sup> received wide public support. The petition organized by Susan Davies, MP, Gippsland West in support of the 'Proposal' received over 7,000 signatures in three months and was tabled in the Victorian Parliament. Groups supporting the "Proposal" included the Society for Growing Australian Plants, the South Gippsland Conservation Society, the Mt. Best Concerned Residents Association, the Latrobe Valley Field Naturalists, Environment Victoria, the Strzelecki Hills Branch ALP, Wonthaggi/Bass Branch ALP, Friends of the Tarra-Bulga National Park, Friends of Morwell National Park, Friends of the Gippsland Bush; Greens Party, Prom Coast Tourism, Foster Community Association and the Victorian National Parks Association. Senator Bob Brown has written a letter of support. Professor David Bellamy lent his support to the proposal on his visit to the Strzeleckis, December 1999.

The Gippsland RFA Social Assessment report stated that 'One of the major visions for Yarram is the desire to see a major National Park in the Strzelecki Ranges'. p.147

**Supplementary Material Showing the paucity of reserves and support for further reservation in the Strzelecki Ranges:**

1. *State of the Environment Report, Victoria 2008*

'Victoria's reserve system is considered to be more advanced than those in many other parts of Australia. However, there are still gaps in the system, including the south-west, Strzelecki Ranges, Gippsland Plain, Victorian Volcanic Plain and Riverina.'

'However, of these bioregions, the Strzelecki Ranges, Wimmera, Central Victoria Uplands and Goldfields all have significant areas of vegetated public land not in the reserve system'.

'The Victorian Government should strongly support the Commonwealth Government's program to build the National Reserve System, with a focus on under-reserved Victorian bioregions and EVCs.' p. 269

The report shows the Strzeleckis Bioregion has about 2% of the bioregion in reserve, and only 13% of EVCs meeting reserve targets.

## 2. *The Nature Conservation Review, 2001* by Barry Traill and Christine Porter.

This independent review was funded by the Victorian National Parks Association and launched on March 5th at the Royal Society.

There are four major recommendations for land based reserves, one being that 'a major new park system be established to conserve the biodiversity of the Strzelecki Ranges'. The Review continues, " The Strzelecki Ranges Bioregion forms a distinct and isolated area of tall wet forests and associated foothill forests. Land clearing and intensive forestry has fragmented and degraded the forests of the ranges. A major park system in the Strzelecki Ranges is needed to ensure protection of the remaining biodiversity of the wet and damp eucalypt forests and cool temperate rainforests of the regions. The special circumstances of land tenure in the Strzelecki Ranges are discussed briefly in Appendix 3.5. " (p. 108)

The Review acknowledges the lack of reserves in the Strzeleckis. "...the wetter forests of the Strzelecki Ranges Bioregion stand out as a forested bioregion requiring special attention due to the high level of threatened Ecological Vegetation Classes and very poor reservation." p. 107

This review raises again the problems of intensive plantation forestry in this remnant forest and the controversy surrounding the classification of some native forest as plantation.

## 3. West Gippsland Catchment Management Authority Native Vegetation Plan

The data in the Native Vegetation Plan suggests that only 4% of pre-1750 wet forest and 5% of pre 1750 cool temperate rainforest are formally protected in the Strzeleckis Bioregion. The Regional Forest Agreements and the Native Vegetation Plans are based on the JANIS criteria for conserving biodiversity. Both the Forest agreements and Vegetation Plans suggest that at least 15% of each common/non-threatened EVC be reserved across its geographic range and more for threatened EVC's e.g. rainforest and damp forest. **In the Strzelecki State Forest, all Cool temperate rainforest and damp forest must be reserved to meet minimum targets.** The CAR criteria say that wherever possible reserves should be made from public land.

Minimum Regional Vegetation Plan targets of 35% of extant Wet Forest would require 14,350 ha. reserved. At present there is approximately 3000 ha. protected in reserves, thus requiring an additional 11,350 ha. of Wet Forest to be reserved.

In all, under these criteria, reserves in the Strzelecki Ranges Bioregion need to cover 29,300 ha., some 25,000 ha. more than is presently reserved, to meet minimum reserve targets. This would bring overall reserve percentages for the bioregion as a whole from around 1.5% to around 10%.

4. Strzelecki Working Group: This group set up by the South Gippsland Shire in response to community concerns included representatives from South Gippsland Conservation Society, Friends of Gippsland Bush, Wellington, Latrobe and South Gippsland Shire, West Gippsland Catchment Management Authority, Department of Natural Resources and Environment, Hancocks Victorian Plantations (now Grand Ridge Plantations), Trust for Nature.

In December 1999, the SWG employed Biosis Research to undertake an independent biological survey of the Hancocks leasehold and make recommendations to assist the conservation of biodiversity. The 'Strzelecki Ranges Biodiversity Study' identified five core areas and 2 habitat links as high conservation areas. The Strzelecki Working Group asked the Victorian Government to assist in the reservation of the cores and links in line with Government policy of 'full protection of all conservation areas in the Strzelecki Ranges' as 'an urgent priority'. (Part of the Gunyah core area is already reserved, and the Tarra-Bulga National Park is a core area already reserved. The group is asking for the other areas to be reserved, thus linking Gunyah Rainforest Reserve with Tarra Bulga National Park. This would add approximately 8,700 ha. to the reserve system.)

Groups supporting the SWG Proposal include: Mount Best Concerned Residents, South Gippsland Conservation Society, Friends of the Gippsland Bush, Victorian National Parks Association, Friends of the Earth, Wilderness Society, Prom Coast Tourism, Field Naturalist Club of Victoria, Environment Victoria, Gippsland Local Government Network, Strzelecki Hills Branch ALP and Hancock Victorian Plantations, Australian Greens (Victoria); Brendan Jenkins, Member for Morwell.

5. Draft Report on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs) shows the dismal and disgraceful reserve system in Gippsland in Table 9 p. 39.

6. The Gippsland Local Government Network has acknowledged the need for a greater reserve system in the Strzelecki forests. Included in their major objectives is the creation of a major tourism asset in the form of an enlarged park or reserve system in the Strzelecki Ranges and to seek funds for the buy back of Hancock timber rights on public land. (FROM GLGN 'MEMORANDUM OF UNDERSTANDING, ACTION PLAN 1999-2000)

7. The Strzelecki Working Group also endorsed the proposal to have the 5,000 hectares of non-leased State Forest in the Strzeleckis added to the reserve system.

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Another major ecological problem in the Strzeleckis is the continued mistreatment of native forest as plantation. The Ombudsman's office enquiry into the Department's role in this matter uncovered a document entitled, 'Land Conservation Council —Review of Victorian Plantations Corporation Vested Lands —As requested by the Minister for Planning, August 1993'. The report arose from a request from the Minister for Natural Resources to the Minister for Planning arising from issues raised during Parliament's consideration of the VPC Bill in 1993.

This review makes it very clear that public concerns about the misclassification of native forest as plantation and inappropriate vesting of a state forest were correct. The Strzeleckis were given special mention in the LCC review, the most pertinent being the following extracts:

#### **Inclusion of native forest with vested lands**

'The most notable and extensive areas of included native forest are those vested lands in the Strzelecki Ranges whose government approved LCC land use recommendation is 'hardwood production area' or uncommitted land. These areas are in addition to reforested lands. It is understood that these areas were included in the vested land to avoid a mixture of management responsibility... Such native forests, upon being harvested, may be replanted as hardwood plantations — a major change of use. (p.9)

'This concern is further emphasized in that the Victorian Plantations Corporation Act 1993 does not prescribe requirements for the protection and management of non-plantation values, nor empower the Corporation to undertake such tasks.' (p.8)

#### **Consistency with Council recommendations**

'Given the foreshadowed possible need for minor modification, there is mostly a close correlation between the softwood plantation areas recommended by Council and the vested areas. The most notable exceptions are:

... (iii) the inclusion of extensive areas of mountain ash reforestation in the Strzelecki Ranges. These areas were recommended for hardwood timber production by Council, which noted that the objective of the hardwood planting was to restore the forest so that it will eventually have a similar structure to the original forest. A range of uses were to be provided and no differentiation was made between reforested areas and areas retaining the original forest cover. Examples include 93-78 to 93-84, 93-92, 93-100 and 93-107. This is a major change of use and it is unclear whether major changes in silvicultural practice and the provision for non-timber uses is envisaged.' (p.6-7)

#### **Inconsistent application of boundary 'principles'**

'In some regions, such as in South west Victoria, Ballarat and the Otways, the boundaries are very tightly focused on the areas planted. In other regions, such as in North East Victoria and South Gippsland, adjoining native forest areas, both within and outside Council recommended softwood plantation areas have been included.' (p.7)

In addition, the review commented that:

'It is understood that the process of establishing the boundaries of the vested areas took into consideration the boundaries of scheduled parks and gazetted reserves as well as advice from departmental staff. However, government approved LCC recommendations for parks and reserves not yet scheduled or gazetted were not systematically considered. This seems an unfortunate oversight.' p. 6

In other words, the Kennett Government in 1993 was warned that to vest the 7,000 ha. of reforestation in the Strzeleckis was against LCC recommended land use decisions. To vest a further 20,000 ha. of native forest was a failure to protect Victorian State forests under the Forests Act and other legislation, with provision for future protection based on scientific and public expectations. The rubbish that was spoken by various MPs at the time, that the native forest consisted of strips between plantations was indeed hogwash. It was not a mosaic of plantation and native forest, or mere strips of native bush along roadsides, but a core forest area of native forest and native forest reforestation. This was a major land use change that ignored all Victorian Government protective legislation for the protection of our forests.

The Gippsland Regional Forest Agreement Consultation Paper reported that 'The Victorian Government has indicated its intention to ensure full protection of all conservation areas in the Strzelecki Ranges and to refer the issues raised about the Strzelecki Ranges to the proposed Environmental Assessment Council to examine future opportunities for protection of native forests in the region.' The referral to VEAC did not happen. And there doesn't appear to be any firm commitment to the proper CAR reservation through legislated reserves in the Draft Report on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs). There are still proposed reserves since the LCC investigation in the early 1980s, which have not been formally reserved.

Given the lack of reserves in the Strzelecki Ranges and the Government's failure to address the leasing of native forest as plantation to HVP, this letter from Peter Watkinson, Executive Director, Public Land, 16/12/08 appears somewhat inadequate.

'...the Minister for Environment and Climate Change announced an agreement with Hancock Victorian Plantations that will permanently protect the 8,000 hectare Cores and Links and all native forest across HVPs estate in the Strzelecki Ranges. The once-only harvest and regeneration of 1,500 hectares of plantations in the Cores and Links will enable HVP to meet its wood supply obligations within the region. The Cores and Links will be included in the reserve system.'

This letter reveals that the Government and Hancocks continue to call and treat the reforestation in the Strzeleckis as plantation despite the LCC document cited above. This means that native forest continues to be logged and regenerated as plantation. It is also the excuse for allowing a one off logging of 1,500 ha. in the high biodiversity Cores and Links, a ecologically devastating decision given the depletion of Wet Forest in the Strzelecki Ranges Bioregion and stalls what was seen as an urgent priority by the Strzelecki Working Group for another 20 years. It also allows for the use of thousands of hectares of native forest to be treated as plantation under the HVP lease arrangements. This continues to fragment and degrade this last major remnant of public native forest in the Strzeleckis. The Gunyah Rainforest reserve should be made a national park and the Cores and Links added to it immediately without any further logging. This would still be a long way from the CMA's target of an extra 25,000 ha. of reserves and the grass roots push for a 30,000 hectare National Park.

However, if all the native forest in HVP's estate is to be protected as suggested in the letter from Mr. Watkinson, then there is an opportunity to add to this park. As the statement stands however, there are problems and inconsistencies. There is no suggestion about how these areas are to be protected. The public feels strongly about the protective nature of national parks with their formal legislative security. The Victorian Government is not being clear on the status of these areas. Another problem is that the area of native forest seems to have been reduced. The brochure 'What are the Cores and Links', produced by HVP describes the deal and talks about protection for 15,000 ha. of native forest. We are concerned that this figure is incorrect. There were 20,000 ha. of native forest included in the State Forest lease to Hancocks (not counting the 7,000 they incorrectly leased as plantation). Also, when HVP took over the APP lease, they took over 8,000 ha. of a mixture of plantation and native forest, as well as APP's private holdings of native forest. How has all this native forest been reduced to 15,000 hectares?

There have been calls for a public Inquiry into the state of the Strzeleckis, but the Government has refused. We hope that this review may provide an avenue to bring some ecological and social benefits to the Strzelecki Ranges. There has been a public loss in the leasing of the Strzelecki State Forest and its subsequent removal from public processes. The implementation of a highly intensive logging regime in the forest can only have detrimental effects. The Comprehensive Regional Assessment outlined the threats logging poses: soil disturbance; siltation; habitat modification; loss of opportunity to develop habitat elements characteristic of mature and senescent forests; edge effects on sensitive plants and plant communities; impacts on fauna species through habitat removal; long term effects on fauna through the effect of producing even-aged regrowth forests less suitable for some species; loss of hollow bearing trees; and habitat fragmentation. The formal reservation of 25,000 hectares in the Strzelecki State Forest would be supportive of the public's vision for a major national park, help to meet the criteria for a CAR reserve system, and have benefits in the protection of watersheds, waterways and biodiversity.

Thank you

Yours sincerely

Kim Devenish & Julie Constable

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<sup>1</sup> K Devenish, J Constable and A Standering. Launched 1998, funded by South Gippsland Conservation Society. The proposal may be viewed at <http://members.dcsi.net.au/kimjulie>.