

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 7/08/2019 5:45:57 PM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged:	Submissions
File Number:	VID1228/2017
File Title:	FRIENDS OF LEADBEATER'S POSSUM INC v VICFORESTS
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Dated: 7/08/2019 5:46:05 PM AEST

A handwritten signature in blue ink, reading 'Warwick Soden'.

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.

Annexure C to Applicant's Closing Submissions

(Agreed between the parties for the purposes of s 50 of the *Evidence Act 1995* (Cth))

Coupes harvested since 31 August 2018 not subject of proceeding in which LbP or GG was detected or reported to the Respondent

Coupe group location	Coupe name & number	Species detections	Date of report	Date of Coupe Plan/s	Silviculture System designated on Coupe Plan/s	Gross/Nett area on Coupe plan	Silviculture System designated on TRP 2017	Gross/ Nett area on TRP	Gross/Nett on Post harvest or other map
A. Brimbonga	1. Pieces of Eight 344-520-0003	8-9 Jan 2019: 2 GGs within or bordering coupe (Fourth McKenzie, CB 2.12 at [66], p16) Respondent notes: both GGs on border, with 1 potentially outside coupe border (CB 2.12.191)	-	14 Jan 2019 (CB 11.39, p10)	CFE (CB 11.39, p3)	33.7/14 ha CB 11.39 p2	CFE CB 6.6, p15	33.7/18 ha CB 6.6, p15	33.7/14 ha CB 12.35
B. Easton	2. Pamir 457-508-0005	GG species observations within coupe boundary and adjacent to coupe, and LbP sightings are west of the coupe boundary (Pamir Coupe Plan, CB 11.42, pp21,22) Respondent notes: LBP sighting is historic, dated December 1995 (CB 11.42, p22).	-	19 Dec 2018 (CB 11.42, p12)	CFE (CB 11.42, p5)	27.3/18.6 ha CB 11.42 p3	CFE CB 6.6, p18	27.3/13 ha CB 6.6 p18	18.6 nett. 5.3 ha logged as at 18 Feb 2019. [NB this is not a post harvest map, it states further area to be harvested to mapped 18.6ha nett area.] CB 12.33
C. Kalatha	3. Twisting 298-502-0002	GG species observation records within coupe and within 500m of boundary (Twisting Coupe Plan, CB 11.44, pp18,21)	-	16 Oct 2018 (CB 11.44, p12)	STR (includes retained overwood) (CB 11.44, p5)	24.4/23 ha CB 11.44 p3	CFE CB 6.6, p10	24.3/11 ha CB 6.6, p10	24.4/14.6 ha CB 12.49

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D. Lady	4. Fire Scan 484-504-0003	29 Aug 2018: 2 GGs within coupe (Fourth McKenzie, CB 2.12 at [38], p13)	2 Sep 2018 (Fourth McKenzie, CB 2.12 at [43], p13-14), reported to DELWP	8 Oct 2018 (CB 11.45, p12)	STR (includes retained overwood) (CB 11.45, p5)	26.7/ 12.1 ha CB 11.45 p3	STR (includes retained overwood) CB 6.6, p23	26.7/12 ha CB 6.6 p23	12.1 estimated nett area. 11 ha harvested as at 2 November 2018. CB 12.20 [NB: this is not the post harvest map. It shows a 1ha difference between estimated net area on the TRP & the harvested area]
	5. Puerile 484-501-0043	22-23 Jun 2018: 3 GGs within coupe (First McKenzie, CB 2.3 at [393], p88)	27 Jun 2018 (First McKenzie, CB 2.3 at [396], p88)	31 Aug 2018 (CB 11.46, p12)	STR (includes retained overwood) (CB 11.46, p5)	47.2/39.8 ha CB 11.46 p3	STR (includes retained overwood) CB 6.6, p23	47.2/29 ha CB 6.6 p23	47.2/37 ha CB 12.38
E. Loch	6. Teamwork 462-506-0017	Post Feb 2014: 2 LbP (Fourth McKenzie, CB 2.12 at [97], p23)	-	4 Feb 2019 (CB 11.48, p11)	CFE (CB 11.48, p4)	38.5/6.4 ha CB 11.48, p3	CFE CB 6.6, p20	38.4/27 ha CB 6.6, p20	38.5/5.6 ha CB 12.44
	7. Tropical 462-506-0003	GG record within 500 m of coupe boundary (Tropical Coupe Plan, CB 11.49, p22)		27 Feb 2019 (CB 11.49, p11)	CFE (CB 11.49, p4)	41.7/12.1 ha nett in 2019. CB 11.49 p2	CFE CB 6.6, p20	41.7/25 ha CB 6.6, p20	41.7/11.9 ha nett in 2019. Comparable area within coupe already logged prior in 2015/16.

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		Respondent notes: GG record is historic, dated 1996 (CB 11.49, p22).				<p>p24 coupe plan map shows comparable area within coupe was already logged prior to this version of coupe plan.</p> <p>Respondent notes: Map on CB 11.49 p 23 shows incorrect gross ha. Map on CB 11.49 p24 is correct.</p>			CB 12.48
F. Little Yarra	8. Below Learmonth 347-515-0002	21-22 Jan 2019: 1 LbP adjacent to coupe (Fourth Lincoln CB 2.14, at [3] – [4], p2; Fourth McKenzie, CB 2.12 at [72], p19)	22 Jan 2019 (Fourth Lincoln, CB 2.14 at [5], p2), reported to DELWP and VF	14 Jan 2019 (CB 11.50, p14)	CFE (CB 11.50, p6)	33.8/16.8 ha CB 11.50, p3	CFE CB 6.6, p16	33.8/14 ha CB 6.6, p16	13.9h estimated nett area. 12.4 ha harvested area. CB 12.13

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		<p>22-23 Jan 2019: 7 GGs (Fourth McKenzie, CB 2.12 at [75], p19 and JRM-196, CB 2.12.196 p9)</p> <p>16 Feb 2019: 3 GGs (Fourth McKenzie, CB 2.12 at [83], p20)</p>	<p>27 Jan 2019 (Fourth McKenzie, CB 2.12 at [78], p20), reported to DELWP</p> <p>18 Feb 2019 (Fourth McKenzie, CB 2.12 at [86], p21), reported to DELWP</p>						[NB: this is not a post harvest map. It shows a 1.5 ha difference between the estimated net area on the TRP and the harvested area]	
	9. Jumping Jack Flash 347-520-0008	Post February 2014: 1 LbP (Fourth McKenzie, CB 2.12 at [96], p23 and JRM-208, CB 2.12.208; DEWLP Leadbeater's Possum Interactive Map)	-	-	<i>(Jake McKenzie observes logging underway at this coupe as at 19 March 2019, CB 2.12 at [96], p23)</i>	-	-	CFE CB 6.6, p16	49.7/24 ha CB 6.6, p16	N/a

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				Respondent notes: 19 March logging first observed (CB 2.12 at [96] p23).					
G. Murrindindi	10. Floater 300-501-0003	LbP record from 1997 within coupe boundary and within 500m of coupe, and new LbP detection made during DELWP pre-harvest survey (Floater Coupe Plan, CB 11.52, pp22, 25) Respondent notes: 200m LBP buffer zone in place (CB 11.52, p25).	-	3 May 2019 (CB 11.52, p11)	RRH (CB 11.52, p4)	51.2/5.5 ha CB 11.52 p3 p26 coupe plan map shows majority of coupe was already logged prior to this version of coupe plan Respondent notes: approximately half of coupe logged (CB 11.52, p26).	CFE CB 6.6, p10	51.2/29.5 ha CB 6.6, p10	N/a

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H. Narbethong	11. Flow Zone 307-503-0003	Several GG and LbP records within coupe boundary (Flow Zone Coupe Plan, CB 11.54, pp22, 25, 33) Respondent notes: 200m LBP buffer zone in place (CB 11.54, p25).	-	17 Oct 2018 (CB 11.54, p11)	RRH (CB 11.54, p4)	51.5/11.5 ha CB 11.54 p3	CFE CB 6.6, p11	51.5/ 24.9 ha CB 6.6, p11	51.5/12.8 ha CB 12.24
I. Snobs	12. Impala 288-518-0006	LbP colony located within coupe (Impala Coupe Plan, CB 11.58, p18) Respondent notes: LBP Colony Protection Reserve located within coupe and within 500m of coupe (CB 11.58 p18, 19).	-	3 Jan 2019 (CB 11.58, p11)	RRH (CB 11.58, p4)	43.1/9.4 ha CB 11.58 p3	CFE CB 6.6, p9	43.1/22 ha CB 6.6, p9	N/a
	13. Ivanhoe 288-519-0002	GG record within coupe and adjacent to coupe boundary; LbP colony within coupe and numerous LbP within 500m of coupe (Ivanhoe Coupe Plan, CB 11.59, pp20, 21, 24)	-	6 Dec 2018 (CB 11.59, p12)	CFE (CB 11.59, p5)	39.8/6.2 ha CB 11.59 p3	CFE CB 6.6, p9	39.8/7 ha CB 6.6, p9	39.8/6 ha CB 12.27

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		Respondent notes: 200m LBP buffer zone in place for colonies within coupe and within 500m of coupe (CB 11.59, p20, 21).							
J. Toorongo	14. Simpsons Road 461-501-0002	14-15 May 2018: 5 GGs within coupe (Fourth McKenzie, CB 2.12 at [25], p10)	17 May 2018 (Fourth McKenzie, CB 2.12 at [28], p11), reported to DELWP	22 May 2018 (CB 11.61, p12)	STR (CB 11.61, p5)	36.8/24.4 ha CB 11.61, p3	CFE CB 6.6 p137	36.8/14 ha CB 6.6 p137	72.7ha gross across Simpsons Road & Squeezee together 35ha nett across Simpsons Road & Squeezee together (20.1ha plus 14.9ha) CB 12.40p1-2
	15. Squeezee 461-501-0004	14-15 May 2018: 3 GGs within coupe (Fourth McKenzie, CB 2.12 at [25], p10)	17 May 2018 (Fourth McKenzie, CB 2.12 at [28], p11), reported to DELWP	24 May 2018 (CB 11.62, p11)	CFE (CB 11.62, p4)	36.9/18.8 ha CB 11.62 p3	CFE CB 6.6 p137	36.9/15 ha CB 6.6 p137	72.7ha gross across Simpsons Road & Squeezee together 35ha nett across Simpsons Road & Squeezee together (20.1ha plus 14.9ha)

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									CB 12.42p1-2
K. Torbreck River	16. Bayern Munich 312-509-0007	LbP colony located with 500m of coupe boundary (Bayern Munich Coupe Plan, CB 11.65, p11) Respondent notes: 200m LBP buffer zone in place (CB 11.65, p11).	-	15 Mar 2019 (CB 11.65, p6)	RRH (CB 11.65, p3)	29.5/5.9 ha CB 11.65 p2	CFE CB 6.6, p13	29.5/18 ha CB 6.6, p13	N/a
	17. Dejavu 312-011-0015	18 Jul 2017: 1 LbP (Fourth McKenzie, CB 2.12 at [95], p22)	20 Jun 2017 (Fourth McKenzie, CB 2.12 at [95] and 2.12.205), reported to DELWP	13 Dec 2018 (CB 11.66, p11)	RRH (CB 11.66, p4)	31.5/16 ha CB 11.66 p3	CFE CB 6.6, p12	31.5/13 ha CB 6.6, p12	N/a
L. Western Tyers	18. Lure 483-504-0001	15-16 Apr 2018: 1 GG within coupe (Fourth McKenzie, CB 2.12 at [7,9], p8)	1 May 2018 (CB 2.12 at [12], p9), reported to VF & DELWP	11 Dec 2018 (CB 11.69, p12)	CFE (CB 11.69, p5)	35.4/23.2 ha CB 11.69 p3	CFE CB 6.6, p22	35.4/18 ha CB 6.6, p22	35.4/12.2 ha CB 12.32