

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
VALUATION, COMPENSATION AND
PLANNING LIST

S ECI 2020 04058

BETWEEN:

**KINGLAKE FRIENDS OF THE FOREST
INC. (ABN 35 186 838 48)**

Plaintiff

- and -

VICFORESTS

Defendant

ORDERS BY CONSENT

JUDGE: The Honourable Justice Ginnane

DATE MADE: 10 November 2020

ORIGINATING PROCESS: Writ filed 26 October 2020.

HOW OBTAINED: Return of summons filed 6 November 2020.

ATTENDANCE: Mr J Korman for the plaintiff.
Mr E Nekvapil for the defendant.

OTHER MATTERS:

- A. This order is signed by the Judge pursuant to Rule 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules 2015*.
- B. **UPON** the Defendant, by its counsel, undertaking, from 5.00pm on 10 November 2020, until further order of the Court, that it will not, without first giving 21 days' notice, harvest timber within any "Kinglake FoF Polygon selections" marked with cross-hatch on the map which is Annexure A to this Order, in the following coupes:
 - a. 284-504-0003 ("Glendale South")
 - b. 301-542-0001 ("Crosby")
 - c. 282-507-0003 ("Sky Diver")
 - d. 282-511-0007 ("Squirtle")
 - e. 282-512-0013 ("Vicuna")
 - f. 282-512-0007 ("Charmander")
 - g. 282-512-0012 ("Camel")
 - h. 295-548-0020 ("Wallaces")
 - i. 298-526-0001 ("Tories")
 - j. 298-526-0002 ("Conservative")
 - k. 298-526-0003 ("Marginalise")

- l. 297-518-0001 (“Nellie”)
- m. 347-517-0003 (“Beat the Heat”)
- n. 347-517-0004 (“King Kawhi”)
- o. 347-517-0005 (“Patty Thrills”)
- p. 347-517-0006 (“Durantula”)
- q. 347-518-0006 (“Vinsanity”)
- r. 347-518-0007 (“Woorlleys”)
- s. 295-539-0001 (“Spyglass”)
- t. 295-527-0003 (“Hunter”)
- u. 297-520-0001 (“Fascia”)
- v. 297-517-0001 (“Eaves”)

For the avoidance of doubt, nothing in this undertaking prevents the Defendant from removing felled timber as at 10 November 2020 in any of the above coupes, or prevents the Defendant from felling trees or parts of trees for the creation or maintenance of any road or in order to address a risk to human safety.

THE COURT ORDERS BY CONSENT THAT:

1. On or before 23 November 2020, the Defendant file and serve a Defence.
2. On or before 23 November 2020 the Defendant provide the Plaintiff with a draft proposed statement of agreed facts and issues in dispute.
3. On or before 30 November 2020, the Plaintiff file and serve a Reply (if any).
4. Within 7 days of receiving the draft proposed statement of agreed facts and issues, the Plaintiff provide the Defendant with its comments on the draft statement of agreed facts and issues in dispute.
5. Within 3 days after receiving the Plaintiff’s comments, the Defendant, after conferral and agreement with the Plaintiff, file and serve a statement of agreed facts and issues in dispute.
6. Within 3 days after the Plaintiff provides its comments in accordance with order 5, the parties file any further evidence upon which they intend to rely at trial.
7. On or before 3 December 2020, the parties file and serve a written outline of submissions.
8. On or before 4 December 2020, the Defendant, after conferral and agreement with the Plaintiff, will provide to the Associate to the trial Judge:

- a. an electronic copy of the court book;
 - b. a combined list of authorities; and
 - c. an electronic copy of the authorities upon which the parties intend to rely.
9. On or before 10am on 8 December 2020, the parties file and serve any written submissions in reply.
10. The matter be listed for hearing on 9 December 2020 on an estimate of 1-2 days.
11. Liberty to apply.
12. Costs reserved.

DATE AUTHENTICATED: 10 November 2020

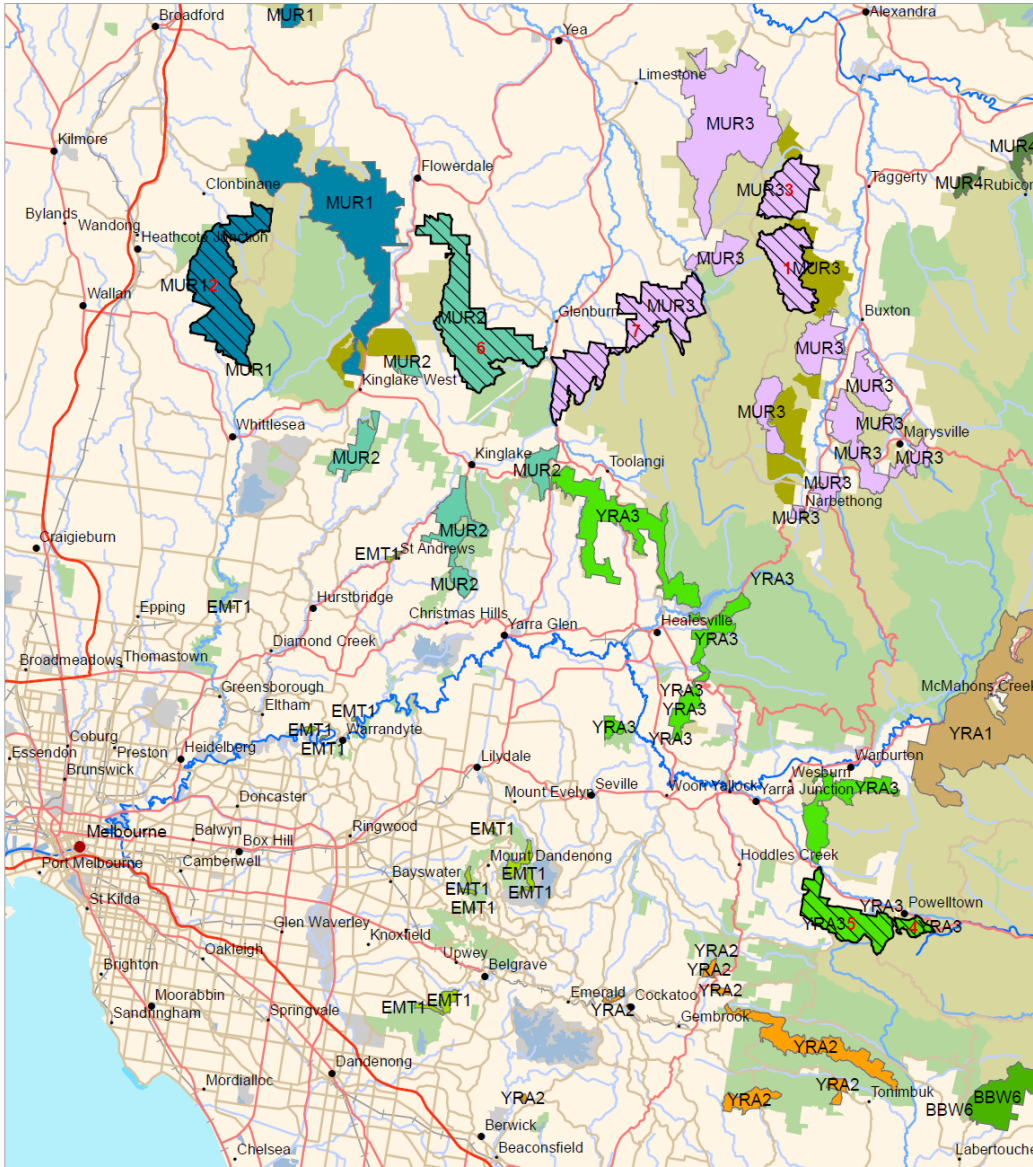


THE HONOURABLE JUSTICE GINNANE

Annexure A



Bushfire Moderation Zone Management Units with Kinglake FoF polygon selections



<p>LEGEND</p> <ul style="list-style-type: none"> — Roads — Watercourses — Contour 	<p>Legend</p> <ul style="list-style-type: none"> Kinglake FoF polygon selections FireFMZ100_BMZ BBW6 EMT1 MUR1 MUR2 MUR3 MUR4 YRA1 YRA2 YRA3 	<p>Legend</p> <ul style="list-style-type: none"> ● Locality 1 ● Locality 3 ● Locality 5 — Rail Water bodies 1 Public Land 5 COASTAL WATERS MARINE PARKS AND RESERVES OTHER PUBLIC LAND PARKS AND RESERVES SOFTWOOD PLANTATION STATE FOREST 	<p>Map Scale 1:500,000</p> <p>0 100 200 400</p> <p>Meters</p> <p>Map Date: 27 June 2019</p> <p>Projection: GDA 94 (Zone 55)</p>
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Disclaimer: This map is generated from VicForests and Victorian Government data and may be of assistance to you. However, VicForests does not guarantee that the publication is without flaw of any kind and therefore disclaims all liability for error, loss or damage which may arise from reliance upon it.