

Chairperson
Environmental Protection Policy Review Panel
GPO Box 2036
Hobart, 7001

14 March, 2003

Faxed to: 6233 5400

Dear Sir/Madam,

Re: Environment Protection Policy (Noise)

The Forest Industries Association of Tasmania (FIAT) is an industry association formed in 1983 to represent the interests of processors of Tasmanian forest products. Our members activities are diverse and include the production of veneers, hardwood and softwood timber, pulp and paper production, woodchip production and plantation forestry.

FIAT 18 member businesses include all of the State's larger processors of forest products and a significant proportion of the crown sawlog output, as well as all of the veneer product processed by the members of FIAT – accounting for more than 75% of the gross value of production in the forest and wood products industry in Tasmania.

On behalf of its members FIAT made a previous submission to this noise policy through correspondence to Dr Frank Cattell but, from the appearance of draft 8, none of our amendments were adopted. Given the importance of the issues previously raised by us, we feel compelled to again bring them to the review panel's attention for without amendment this draft, if enacted in its current status, it would effectively shut down our forest-based industries.

At a recent executive meeting, members requested we present an industry submission on their behalf to have draft 8 amended. Of particular concern to them were those sections relating to noise levels for chainsaws and the fact this policy makes no provision to exempt existing businesses.

The EPP should include a general provision at the front relating to existing use. Our main reasons are covered throughout the body of this letter but our immediate suggestion is the following insertion:

Existing Use Rights: *“Where the use of land for an activity including without loss of generality a Level 1 or Level 2 activity is lawful at the date of commencement of this policy nothing in this policy restricts in any way the continuation or lawful intensification of that use.”*

Further, the definition of “farming” may well have been included to offer protection to farmers as in their “right to farm”. However, farming by definition does not include forestry, whereas primary production in the broader sense includes all agricultural activities (forestry operations included).

As such, we suggest the term “*farming*” or “*farmer*” throughout the draft be replaced with the term “*primary production*” or “*primary producer*” to offer some exemption to forestry operations in the field. There should also be the inclusion of a definition early in the piece worded similar to:

“primary production” includes all farming activities related to the production and harvest of agriculture.

Sections relating to noise levels

Schedule 10 – Noise Levels for Chainsaws

Almost all current model chainsaws exceed the noise level listed in Schedule 10 and generate noise levels up to 105 dB(A). This point has been validated by chainsaw manufacturer Stihl through its retailer Roberts DonMac. Given our industry cannot purchase a suitably powered chainsaw to operate below 90 dB(A), the introduction of such a low level before technology has adapted is inappropriate and unachievable. Schedule 10 should, therefore, adopt a level of 105 dB(A).

If this proposed low level is to be a future standard for manufacturers to achieve, then it should be so noted and a realistic phase-out time set for existing models taking into account that the capital purchase of such items by industry is a major expense and one which is depreciated over several years.

Schedule 1 and 2 – Acoustic Environmental Quality Objectives

The term “domestic premises” needs to be clearly defined as the building, so as not to be confused with the boundary of the property.

As mentioned, the achievable acoustic level for chainsaws is 105 dB(A). Schedule 1 only allows for a maximum level of 67 dB(A) next to noise sensitive premises, 80 for commercial premises and 90 for industrial premises.

Given that local government has allowed residential development right up to and alongside both commercial and industrial zones, there will be many instances where “noise sensitive premises” will fall within the 25 metre zone and certainly within the 300m buffer.

The example already given regarding chainsaw technology unable to meet the 90 dB(A) also applies to other saws and industrial machinery operating at existing premises established in zones designated for their activity. These maximum levels must be addressed to take into account existing businesses and current technology.

Clause 54

Sections within this clause appear overly weighted against industry right through to the weekend wood-cutter. This is backed by the public information briefing session where we were told only a small number of complaints related to industry. By far the largest source of complaint was barking dogs followed by traffic/vehicle noise.

In Clause 54 (3) the term tree pruning does not, by definition, cover felling operations. Therefore, with respect to Clause 54 we suggest the following changes:

54 (3) (a) (i) redraft as follows: *“Where the person operating the chainsaw is the owner or occupier of the land or is a partner in or proprietor of or an employee of a business engaged solely or substantially in tree pruning, tree felling or processing, garden maintenance or machinery maintenance; and ...”*

We believe the term “employee” should be given an extended meaning to include a director of a company. This could be done as part of definition s.4 (1) by inserting:

“employee” includes a director within the meaning of the Act.

Because of the redrafting of (i), Clause 54 (3) (a) may be simplified by the deletion of sub-clauses (iii) and (v).

Clause 54 (3) section (b) could be further simplified by deleting sub-clauses (iii) and (iv). Clause 54 (3) sub-clauses (c) (d) (e) could then be replaced with a new sub-clause (c) as follows:

54 (3) (c) *“the operation is conducted within or as part of a level 1 activity or level 2 activity which, disregarding clause 54 (2) of this policy, is a lawful use of the land on which it is located.*

We submit these changes are significantly important to the maintenance and growth of all industry, not just forest-based.

Yours sincerely,

Terry Edwards
Chief Executive