



**Submission by the
Forest Industries Association of Tasmania**

to

Northern Tasmania Development

in respect to

**North Plan - Proposed Policy Framework
and Discussion Paper**





The Forest Industries Association of Tasmania (FIAT) would like to thank Northern Tasmania Development for the opportunity to comment on the North Plan Proposed Policy Framework and Discussion Paper.

The Forest Industries Association of Tasmania (FIAT) is an industry association formed in 1983 to represent the interests of processors of Tasmanian forest products. FIAT was formed out of a predecessor Association, the Tasmanian Timber Association. FIAT and TTA collectively have provided representational services to the Tasmanian timber industry for in excess of 60 years. Our members' activities are diverse and include:

- the production of veneers, hardwood and softwood timber, pulp and paper
- woodchip production and export
- plantation and native forest management.

FIAT's 18 member businesses include all of the State's larger processors of forest products. They utilise a significant proportion of the crown sawlog output as well as all of the veneer produced in the State. FIAT Members' activities account for more than 75% of the gross value of production in the forest and wood products industry in Tasmania.

Included within the FIAT membership are the State's largest industrial forestry companies that account for the vast bulk of plantation development and management enterprises on private land in Tasmania, as a consequence we have a significant interest in the creation and application of planning schemes, policy frameworks and land use planning frameworks.





FIAT's role is described in our Annual Report as follows: -

“Role

In addressing its first objective, FIAT's role is characterised by helping to create the right external environment within which industry has to operate. This has two main dimensions - the policy environment and the public image of the industry in the eyes of the community.

The policy environment centres on government legislation and regulations which determine the limits to what industry can do. The policy environment must be tackled at both the Federal, State and Local Level.

Industry's public image rests on public opinion and the various factors which influence that opinion. This is important because public opinion has a strong bearing on the development of Government policy.

In addressing its second objective, FIAT's role is to facilitate discussion and joint action among its membership, and to project membership position in wider forums as appropriate.





Forest Industry Contribution to Tasmania

Table E2 taken from Schirmer (2008), CRC for Forestry Technical Report 184, Forestry, jobs and spending: Forest industry employment and expenditure in Tasmania, 2005-2006, shows the large numbers of people employed and the significant levels of expenditure by the forest industry. Of the NRM regions, NRM North has the greatest number of forest industry jobs and expenditure.

Table E2: Employment and expenditure by NRM region

NRM Region	Estimated employment in forest industry	Estimated forest industry expenditure in this region
NRM Cradle Coast	1,520 people	\$210-260 million
NRM North	2,620 people	\$540-660 million
NRM South	2,085 people	\$310-380 million
Outside Tasmania	45 people ¹	\$250-310 million

¹refers to workers directly supported by Tasmanian native forest and/or plantation-based activities.

It is clear that the forest industry contributes significantly to the economic fabric of Tasmania and is regarded as a major industry; as such it is important that all councils, planning schemes and land use frameworks are consistent in their treatment of the forest industry and industry related developments.





General Comments

FIAT makes this submission to bring attention to ways in which the North Plan policy framework may be streamlined and improved in relation to existing Federal and State policies. These suggestions are made drawing on recent experiences dealing with the development of draft planning schemes, where the same problems have been encountered across multiple councils. This has resulted in costly hearings due to the employment of a barrister to represent our case, and frustration on behalf of the RPDC because they have had to hear the same objections each time. FIAT notes the process of developing the strategy involves consultation with industry bodies and requests that FIAT is engaged with.

Including a consistent and correct policy framework in North Plan will have positive outcomes for Northern Tasmania, Local Governments and industry.

Legislation Relevant to Forestry and North Plan

Forestry is a highly regulated industry at both the state and national level; there are no less than 15 acts or policies applying to forestry operations (appendix one). A short description of the most relevant legislation in relation to the North Plan policy framework is provided below.

National Forest Policy

In 1992 the Australian, State and Territory Governments determined to enact a National Forest policy Statement (NFPS) that outlined the jointly agreed manner in which they would co-operate in ensuring the sustainability and economic viability of Australia's forests, both native forest and plantation. The NFPS was ultimately



signed by Tasmania on 12 April 1995. The NFPS indicates that *“there is a need for State and Local Governments to simplify planning procedures and to ensure that land use planning controls and land rating systems do not discriminate against plantation development.”*

In Tasmania this goal could be achieved through recognition of the role of Private Timber Reserves, and the *Forest Practices Act 1985* and consistent application of the State Policy for the Protection of Agricultural Land 2009.

Forest Practices Act 1985

The Forest Practices Act 1985 underpins the forest practices system in Tasmania. The forest practices system through the Forest Practices Code provides the standards which must be met to provide reasonable protection for the cultural and natural values of the forest. The system is administered by the Forest Practices Authority and applies state-wide to all land. A Forest Practices Plan is required for the following forest practices:

- Harvesting and regenerating native forest
- Harvesting and or establishing plantation
- Clearing forests for other purposes
- Clearing and converting threatened native vegetation communities
- Constructing roads and quarries for the forestry operations
- Harvesting tree ferns

The Forest Practices planning process ensures that the special values associated with soil, water, flora, fauna, cultural heritage,



landscape (aesthetics), geomorphology and biodiversity are all assessed and managed to maintain and enhance the natural environment.

The Forest Practices Act 1985 should be recognised by all planning schemes as the most appropriate legislation to apply to vegetation management. Planning schemes should not include provisions in addition to or conflicting with those required by the Forest Practices Act 1985 and Forest Practices Code.

Permanent Native Forest Estate Policy

The Permanent Native Forest Estate Policy was created as part of the Tasmanian Regional Forest Agreement and amended through the Tasmanian Community Forest Agreement. The Permanent Native Forest Estate Policy requires retention of 95% of the 1996 area of native forest estate. The policy also includes safeguards for the protection of forest communities on a bio-regional basis. The role of this policy in protecting the natural environment and restricting land clearing should be recognised in all planning schemes.

State Policy on the Protection of Agricultural Land

The State Policy on the Protection of Agricultural Land was made effective from the 3rd of September 2009. The policy deals mainly with the alienation of agricultural land to non-agricultural land uses, but does include plantation specific principles, noting that plantation forestry is considered an agricultural land use. Plantation relevant principles 9 and 10 are shown below for ease of reference, please note no one principle should be read in isolation and it is best to view the entire policy document.





9. Planning schemes must not prohibit or require a discretionary permit for an agricultural use on land zoned as for rural purposes where that use depends on the soil as the growth medium, except as prescribed in Principles 10 and 11.

10. New Plantation forestry must not be established on prime agricultural land unless a planning scheme reviewed in accordance with this Policy provides otherwise. Planning scheme provisions must take into account the operational practicalities of plantation management, the size of the areas of prime agricultural land, their location in relation to areas of non-prime agricultural land and existing plantation forestry, and any comprehensive management plans for the land.

Consistent application of the PAL Policy across the state and especially in Northern Tasmania is essential to provide a stable regulatory environment for business. FIAT has already been notified of councils in the North of the State incorrectly and inconsistently applying the PAL policy. An implementation guide and model planning scheme provisions are required as a matter of urgency. FIAT would welcome the opportunity to have input into the development of the PAL model planning guidelines.





Comments on North Plan Policy Framework

6.3 FIATs Vision for the Future

FIAT is supportive of a future where there is consistency between planning schemes and standard application of all State and Federal Policies. A stable regulatory environment across councils reduces the barriers to investment faced by some businesses. The North Plan policy framework is a step in the right direction towards achieving this.

6.2 Positive Concepts

FIAT is supportive of the following sentiments in the policy framework;

- Pg 7: *The importance of future planning schemes making provisions for the development of farming, fishing, forestry and tourism.*
- Pg 10: *Planning schemes must display consistency with regional planning priorities.*
- Pg 20: *Applying the Protection of Agricultural Land Policy consistently across the region.* This could be achieved through clear model planning guidelines.
- Pg 20: *Supporting the Forest Practices System.* This could be achieved through a clear recognition in planning schemes that vegetation management should be undertaken in accordance with the Forest Practices Act 1985, and the Forest Practices Code, and by not including additional or conflicting requirements.





- Pg 27: *The importance of environmental assets to economic growth.* The recognition of native and plantation forestry as sustainable industries dependant on the environment of benefit to Northern Tasmania.
- Pg 31: *It is suggested that the strategy should provide the presumption in favour of approval for renewable energy development unless there are overriding local or site-specific issues.* This is a positive move, especially if biomass energy is recognised.
- Pg 49: *The opportunity for this regional planning project is to align policy objectives and to develop consistent administrative provisions.* This goal is strongly supported by FIAT. As is the statement on page 50 that, “A regional strategy will not: replicate or work against the objectives of any other state or federal legislation.”

5.4 Concepts Which Should be Incorporated

FIAT believes the following concepts should be incorporated into the policy framework;

- Recognition of the Federal *Right to Farm* legislation.
- Pg 27: *The limits of planning control.* It needs to be recognised that even though local government does not have control of forestry operations, they are tightly regulated by the Forest Practices System, and all forestry land management activities are covered by Forest Practices Plans which ensure good management of soil, water, flora, fauna, aesthetics and other special values. Other farming operations do not have similar regulatory incentives to ensure good land management. There is currently a program in development to encourage farmers to





develop and adopt *property management plans*. Requiring farmers in northern Tasmania to develop these plans under Local Government laws would go a long way towards improving environmental outcomes on agricultural land.

- Pg 31, 33: *Renewable energy*. Biomass energy should be recognised as a renewable energy source in this document.
- Pg 32, 34: *Primary Production*. Where favourable conditions are created in planning schemes for primary production in areas with high or potentially high productivity due to irrigation, these favourable conditions should only go so far as to “protect” the land for agricultural uses including plantation forestry, and should not go further than this to try and dictate which crops may or may not be planted.

5.4 Concepts Which Should be Removed

FIAT is supportive of removing the following sentiments from the policy framework;

- Pg 28: *The regional strategy must develop a consistent approach to the assessment of environmental impacts of new development*. By implementing the PAL policy local government will be supporting the sustainable development of land through appropriate zoning. Local Councils should not be going beyond the restrictions already in PAL when zoning areas for development. There is also the question of whether local councils are equipped to be making subjective “sustainability assessments” of proposed developments.
- Pg 29: *Identifying and controlling emissions into air and water*. This is the role of the environmental protection authority under





the *Environmental Management and Pollution Control Act 1994* and does not need to be replicated by local councils.

- Pg 30: *requiring construction, layout, orientation and landscaping of new buildings to minimise energy consumption, including avoiding solar gain in the summer, and maximising natural ventilation and cooling.* Building design and thermal efficiency of buildings is thoroughly covered by the Building Code of Australia, and more specifically by the Five Star Thermal Performance requirements. These thermal building requirements are adopted at a State level and it is inappropriate for the process to be replicated by local councils.





In Conclusion

FIAT maintains that it is essential that regional planning frameworks such as North Plan and individual Local Government Planning schemes are consistent with State and Federal Government policy and regulation. Considerable confusion arises where there is incompatibility between regulation by Local Government and the legislative and policy positions of State and Federal Governments. This confusion can be overcome by regional planning frameworks and planning schemes referring to and adopting State and Federal Government Legislation.

FIAT would welcome ongoing engagement throughout the development of the strategy.

If you would like more information please contact
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Appendix One

Taken from “A guide to planning approvals for Forestry in Tasmania.”
 Prepared by the Local Government Consultative Committee. Available
 on the Forest Practices Authority Website www.fpa.tas.gov.au



LEGISLATION AND POLICY GOVERNING FORESTRY IN TASMANIA

All forest practices require approval under the *Forest Practices Act 1985*. Some may also require approval under the *Land Use Planning and Approvals Act 1993*. Other Acts also apply; see Table 2 below. Approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* may be required in some situations.

Table 2 Main Acts and policies applying to forestry in Tasmania

Act/policy	Description	Act/policy applies to			
		State forest	Other public land	Private land	Declared PTR
<i>Forest Practices Act 1985</i>	Establishes the framework for regulating forest practices across all tenures; requires development and implementation of the <i>Forest Practices Code</i>	✓	✓	✓	✓
<i>Land Use Planning and Approvals Act 1993</i>	Implements the Resource Planning and Management System to achieve sustainable outcomes from the use and development of the state's natural and physical resources		✓	✓	

More information can be found on the Tasmanian law website <www.thelaw.tas.gov.au/index.w3p>

Table 3 Additional Acts and policies applying to forestry in Tasmania

Tasmanian Act/policy	State forest	Other public land	Private land	Declared PTR
<i>Forestry Act 1920</i>	✓			
<i>National Parks and Reserves Management Act 2002</i>		✓	some*	
<i>Aboriginal Relics Act 1975</i>	✓	✓	✓	✓
<i>Crown Lands Act 1976</i>		✓		
<i>Fire Service Act 1979</i>	✓	✓	✓	✓
<i>Environmental Management and Pollution Control Act 1994</i>	✓	✓	✓	✓
<i>Threatened Species Protection Act 1995</i>	✓	✓	✓	✓
<i>Workplace Health and Safety Act 1995</i>	✓	✓	✓	✓
<i>Inland Fisheries Act 1995</i>	✓	✓	✓	✓
<i>Agricultural and Veterinary Chemicals (Control of Use) Act 1995</i>	✓	✓	✓	✓
<i>Regional Forest Agreement (Land Classification) Act 1998</i>	✓	✓	✓	✓
<i>Nature Conservation Act 2002</i>	✓	✓	✓	✓
<i>Permanent Native Forest Estate Policy</i>	✓	✓	✓	✓

*applies to private land declared as a Conservation Area

