



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

to the

**Tasman, Sorell, Glamorgan Spring Bay and
Break O'Day Councils**

in respect to the

**Vision East 2030 - Proposed Land Use
Framework**



Forest Industries Association
of Tasmania



The Forest Industries Association of Tasmania (FIAT) would like to thank the Tasman, Sorell, Glamorgan Spring Bay and Break O'Day Councils for the opportunity to comment on the Vision East 2030 Land Use Framework.

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, 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 and State 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

A survey was conducted of the major processors in the State to gain a greater understanding of the economic contribution that the forest industry makes to Tasmania. The information collected was then broken down into local government areas. Appendix 1 details the results of this survey. 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 suggest ways in which the forestry related sections of the Vision East 2030 land use 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. Including consistent and correct policy and actions in Vision East 2030 will have positive outcomes for Local Councils, landowners, the RPDC and industry.

Legislation Relevant to Forestry Issues in Vision East 2030

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 two). A short description of the most relevant legislation in relation to the Vision East 2030 framework is provided below.

Forest Practices Code

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 above processes
- 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.

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.”*

Permanent Native Forest Estate Policy

In the promulgation of the Tasmanian Regional Forest Agreement, Tasmania agreed to the creation of a Permanent Forest Estate Policy which was in turn implemented at 80% of the 1996 forest estate. That policy has recently been amended by way of the Permanent



Native Forest Estate Policy through the Tasmanian Community Forest Agreement with the native forest estate retention level being increased to 95% of the 1996 native forest estate. In both cases there were additional safeguards established through the policies for protection of forest communities on a bio-regional basis.

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, although plantations are defined as an agricultural use. 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 review 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.





Comments on the Vision East 2030 Land Use Framework

6.3 Resource Utilisation Forestry

The key forestry issue which the land use framework seeks to address is the location, layout and operation of forestry plantations located outside state forests/reserves, with extra focus on landscape, natural values and adjoining properties.

These aspects of plantations are already managed by existing legislation. The State Policy on Protection of Agricultural Land, clearly defines where plantations are or are not allowed in the landscape, and specifies that outside those principles councils may not further restrict establishment.

The forest practices system through the forest practices plan process ensures that aesthetic landscape values are taken into account and that plantations are developed in a way that is sympathetic to the surrounding environment; the forest practices system also ensures that natural values are managed and enhanced through the operational process.

In terms of neighbour relations the forest industry has developed a series of voluntary actions to maintain good neighbour relations as outlined in the “2008 Good neighbour Charter for Commercial Forestry in Tasmania”. There are also other regulations surrounding chemical application and neighbour notification which are enforced by the Department of Primary Industries and Water through the Agricultural and Veterinary Chemicals Control of Use Act 1995.





The issues for which the Vision East 2030 Framework seeks to create new provisions in planning schemes are already well covered by existing legislation.

The Forestry Section also includes an action requiring all forestry proposals to provide details of the proposed transportation routes prior to plantation establishment. This criteria is not identified as an issue or policy, and should be raised in one of those sections. Currently three year plan meetings as legislated by the Forest Practices Act 1985 are the formal process of consultation between councils and forestry companies, at these meetings the focus is generally on roading and route planning. These meetings are an opportunity for Councils to get accurate up to date information about upcoming harvest schedules and cartage routes within a reasonable 3 year horizon.

FIAT suggests section 6.3 of the Vision East 2030 framework be changed to.

The forestry issue which this Land Use Framework seeks to address is:

- The consistent application of existing state and federal legislation on plantations located outside state forests/reserves.

Policy 1. Ensure the location and layout of forestry plantations outside state forests and private timber reserves is in accordance with the State Policy on the Protection of Agricultural





Land 2009 (PAL 2009), and the Forest Practices Act 1985.

2. Ensure plantations and other agricultural operations outside State forests and private timber reserves are not unreasonably confined or restrained by non-agricultural land uses as per PAL 2009.

3. Ensure timely and accurate communication between councils and plantation owners regarding road use.

Actions RU9 Implement PAL 2009 policy in planning schemes.

RU10 Recognise the Forest Practices Act 1985 in planning schemes

RU11 Require all forestry proposals to provide details of proposed transportation routes at three year plan meetings.

6.2 Farming, Viticulture and Horticulture

The farming and horticultural issues which Vision East 2030 seeks to address includes but is not limited to;

- The protection of significant agricultural land for the regions farming, viticultural and horticultural uses.

It is noted that this is not followed up by a clear action; although the intent appears to be to restrict plantation development from areas identified as significant land. This position is not supported by PAL 2009, and furthermore it is inappropriate for the local councils to dictate to landholders which agricultural crops they may grow on land zoned for rural use.





FIAT suggests the following changes to 6.3;

- The protection of significant agricultural land for agricultural uses.

Actions RUX Include provisions in planning schemes which do not allow significant agricultural land to be converted to non agricultural use, accept as allowed by PAL 2009 for prime agricultural land.

5.4 Environment and Heritage Biodiversity and Ecosystems

Action EH27 requests planning schemes to include controls in planning schemes on the removal of non-threatened native vegetation. This action could be more strongly supported by linking it to the Permanent Native Forest Estate Policy (PNFEP) and the Forest Practices Act. The PNFEP requires that 95% of the 1996 extent of native forest is maintained on a bioregional scale and provides a rule set to enforce this. The Forest Practices Act is a method of controlling forest clearing operations that are greater than 1 hectare in size.

FIAT suggests the following changes to 5.4 EH27;

- a) Monitor the level of non-threatened forest clearing against the Permanent Native Forest Estate Policy, and require clearing operation greater than 1ha to undertake a Forest Practices Plan under the Forest Practices Act 1985.
- b) Include controls in planning schemes on the removal of non-threatened non-forest vegetation.





In Conclusion

FIAT maintains that it is essential that regional land use frameworks such as Vision East 2030 and 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 land use frameworks and planning schemes referring to and adopting State and Federal Government Legislation.

If you would like more information please contact
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Appendix One

FOREST INDUSTRY CONTRIBUTION TO STATE ECONOMY 2003/04				
FIAT - June 24, 2005				
Expenditure \$				
Council ¹	GS Expenditure	Wages	Rates	Expenditure per Council
King Island	\$45,004			\$45,004
West Coast	\$623,989	\$478,269	\$8,311	\$1,110,568
Circular Head	\$22,839,759	\$6,663,846	\$131,105	\$29,634,711
Waratah/Wynyard	\$18,369,996	\$2,467,638	\$155,122	\$20,992,756
Burnie	\$72,138,131	\$23,348,228	\$516,608	\$96,002,968
Central Coast	\$14,061,979	\$1,337,766	\$34,619	\$15,434,363
Devonport	\$39,427,113	\$20,196,349	\$66,600	\$59,690,062
Latrobe	\$7,736,931	\$6,086,212	\$114,542	\$13,937,685
Meander Valley	\$20,331,732	\$1,897,204	\$31,684	\$22,260,620
West Tamar	\$12,248,526	\$3,700,160	\$17,986	\$15,966,672
Georgetown	\$14,464,738	\$6,027,610	\$226,137	\$20,718,485
Launceston	\$291,258,442	\$29,449,111	\$403,806	\$321,111,359
Dorset	\$10,149,026	\$7,006,442	\$25,577	\$17,181,045
Kentish	\$4,110,044	\$84,667	\$21,626	\$4,216,336
Break O'Day	\$5,987,279	\$1,886,370	\$13,224	\$7,886,873
Northern Midlands	\$11,224,579	\$2,411,791	\$10,200	\$13,646,570
Central Highlands	\$13,991,912	\$1,225,489	\$23,380	\$15,240,781
Southern Midlands	\$1,565,501	\$66,493	\$6,400	\$1,638,394
Derwent Valley	\$18,738,543	\$5,734,778	\$257,621	\$24,730,941
Glamorgan/Spring Bay	\$19,235,431	\$2,317,480	\$16,347	\$21,569,258
Sorell	\$3,313,300	\$194,615	\$1,000	\$3,508,915
Tasman	\$635,317		\$5,000	\$640,317
Clarence City	\$13,834,053	\$1,698,867	\$4,500	\$15,537,420
Brighton	\$629,635	\$150,095	\$0	\$779,730
Glenorchy City	\$31,394,032	\$3,879,458	\$148,516	\$35,422,005
Hobart	\$218,626,431	\$21,667,279	\$12,755	\$240,306,465
Kingborough	\$18,012,713	\$654,246	\$1,900	\$18,668,859
Huon Valley	\$22,285,762	\$5,392,164	\$134,257	\$27,812,183
Total	\$907,279,898	\$156,022,625	\$2,388,823	\$1,065,691,346

¹ The expenditure in any particular Municipality may be impacted by payment for goods such as logs to the head office of Forest Company whilst the contractors live regionally and approx 40 country sawmillers expending an estimated \$60million/yr was not included

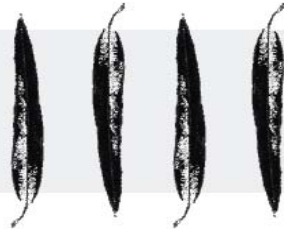
Combined Expenditure of:

Artec	Gunns Ltd
Auspine	Huon Valley Timber
Australian Paper	McKay Timber
Britton Timbers	Morgan Timbers (Tas)
Clennett Industries	Neville Smith (Tas)
Corrina Sawmills	Norske Skog (Aust)
Exeter Sawmills	Pinepanels
Forest Enterprises Australia	Porta (Tas)
Forestry Tasmania	Rayonier
Frenchpine	Tasmanian Special Timbers





Appendix Two
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>	✓	✓	✓	✓
Permanent Native Forest Estate Policy	✓	✓	✓	✓

*applies to private land declared as a Conservation Area