



Submission by the  
Forest Industries Association of Tasmania  
to the  
West Tamar Council  
in respect to the  
Draft Planning Scheme





The Forest Industries Association of Tasmania (FIAT) would like to thank the West Tamar Council for the opportunity to comment on the Draft West Tamar Council Planning Scheme.

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 including within the West Tamar Municipal area and as a consequence we have a significant interest in the creation and application of the West Tamar Council's Planning Scheme.





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 the West Tamar Municipality**

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 the State. The information collected was then broken down into local government areas. Appendix 1 details the results of this survey.

From this survey it can be seen that the industry contributes approximately \$16,000,000 annually within the West Tamar Council area in the form of expenditure on goods and services, wages and rates. It is important to note that this expenditure is only for the major processors and forest entities and does not include expenditure by the forest contracting force and smaller players.

It is clear that the forest industry operations contribute significantly to the economic fabric of the West Tamar Municipality and is regarded as a major industry.

### **General Comments**

FIAT makes this submission to oppose the adoption by the Council of the draft West Tamar Planning Scheme (“the Scheme”), and to oppose the lodgement by the Council of the Scheme in its current form with the RPDC.

The opposition of FIAT has three fundamental bases, namely:

- (a) the Scheme has been prepared in direct conflict with the State policy on the *Protection of Agricultural Land*





2000 (“the PAL policy”), and has therefore been prepared in direct contradiction of s.20(1)(b) of the *Land Use Planning & Approval Act 1993* (“LUPA”);

- (b) the Scheme otherwise conflicts directly with other Tasmanian legislation or subordinate legislation, including in particular the *Forest Practices Code*;
- (c) The scheme also conflicts with the spirit and intent of the National Forest Policy Statement, and the Permanent Native Forest Estate policy

### **The PAL Policy**

The purpose of the PAL policy “*is to foster sustainable agriculture in Tasmania by ensuring the continued productive capacity of the State’s agricultural land resource*”: clause 1. By clause 8 “agricultural uses” are defined to mean “*animal and crop production and (to include) intensive tree farming and plantation forestry*”.

By clause 2.2 of the PAL policy it is provided that one of two primary objectives is to “*foster the sustainable development of agriculture in Tasmania by:*

- (a) *Enabling farmers to undertake agricultural activities without being unreasonably constrained by conflicts with adjoining non-agricultural land users; and*
- (b) *Providing greater direction and certainty for landowners, developers, land managers and the*





*community in planning decisions involving agricultural land.”*

It is further provided by the principles governing the policy that “[p]rime agricultural land is a resource to be protected from conversion to non-agricultural use and development” (principle 1) and recognised that all “agricultural land is a valuable resource for Tasmania” (principle 5).

### **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.

## **The Scheme is Fundamentally Flawed**

Despite the PAL policy, the NFPS and the permanent native forest estate policy, the Scheme proposes to severely restrict and to create uncertain but very substantial barriers to one primary agricultural use of agricultural land, namely for forestry. It does so by:

- (a) threatening to impose as part of the statement “Vision 2025” under clause 2.3.3 “Built and Natural Environment” a blanket requirement that there be a “*net increase in biodiversity for the municipal area since 2001*”,<sup>1</sup> and by proceeding to set as “strategic directions” under that heading to:
  - (i) sterilise the development of farming land by “protecting” those parts of it which are “*strategically significant to primary production*” (strategic direction 1, A3);
  - (ii) sterilise from development “*significant native vegetation*” (strategic direction 2), and plan to remove native vegetation only where “*no prudent alternative exists*” and then only “*conditional upon the regeneration of an equivalent area of vegetation*” (A6 and also A7);

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<sup>1</sup> Page 3.





(iii) severely restrict the kind of forestry operations that may be undertaken by giving preference “to forestry based managed native forest practices rather than clearing native vegetation for plantations”, *inter alia* by implementing a “code of practice” for land clearing in areas of native vegetation (strategic direction 4, items A3 and A4) and by requiring the unlimited and extensive use of “buffer strips” (A13);

(iv) “control” the expansion of plantation forestry under strategic direction 5, by imposing severely restrictive conditions that will amount in practical terms to an attempt by this Council to ban by stealth the establishment of new plantations. The conditions include:

“A1 *Plantation forestry shall require permanent water sources to facilitate fire management and control.*

A2 *Clear felling of native vegetation for the purposes of establishing plantations shall be restricted.*

A3 *Plantations shall be restricted in visually sensitive areas and bushfire prone areas.*

A4 *Plantations shall be restricted in the area east of the West Tamar Highway.*

A5 *Plantations on properties adjoining tourist routes (A7; B71; C715) shall be screened with a native vegetational buffer.*

A6 *Promotion of plantations on predominantly cleared land as well as other areas subject to or contributing to land and water degradation (and it is presumably intended to confine*





*plantations to the land described by the two items recorded as 11 and 12 under this strategic direction 5”;*<sup>2</sup>

Condition A2 conflicts with the State’s Permanent Native Forest Estate policy which allows conversion of native forest on private land through until 2015 or unless thresholds are reached.

- (b) further emphasising within clause 2.3.4 that the “*growth of forestry and related timber sector activities*” is to be “*controlled*”, (strategic direction 4) and providing further that forestry activities “*shall be protected and encouraged in designated localities*” (principally in the western section of the municipal area) but “*restricted*” in the area east of the West Tamar Highway;
- (c) refusing to recognise that both the PAL policy and s.20(7) of LUPA, read together, yield the conclusion that all forestry operations in a Rural Resource Zone should be exempt from any planning requirement under the Scheme;<sup>3</sup>

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<sup>2</sup> Pp.3-19.

<sup>3</sup> LUPA s.20(7)(a) makes it *ultra vires* for the Scheme to purport to affect in any way forestry operations conducted on land declared as a private timber reserve under the *Forest Practices Act 1985*. The apparent attempt within the Scheme to affect forestry operations of that kind is both ludicrous and deplorable. Moreover the policy underlying the sub-section just mentioned and the PAL policy is that forestry operations on rural land are not to be affected by a planning scheme of the kind in issue. The lack of understanding, or deliberate disregard, of these propositions is reflected in the transparent inadequacy of footnote 6 of the Scheme, to the heading “Exemptions”.





- (d) planning to prohibit by Schedule S11 the use or development of land that is within “50 metres of a wetland or waterway”, with “waterway” being very widely defined to include a creek or stream with a defined bed or banks or some evidence of a natural stream: S11.3. The standards prescribed include “no development within 50 metres from the bank”: S11.5.1 “acceptable solution” A1. This conflicts directly, in relation to forestry operations, with the much narrower buffer zone limits defined by the Forest Practices Code. It imposes distance limits that cannot be complied with, and represents a transparent attempt to ban by stealth the clearing of native vegetation to the economic advantage of the owner of the vegetation. The same applies to the provisions governing riparian vegetation, clause S7.5.2 and “acceptable solution” A1.1;
- (e) including clause 13.0, which governs the Rural Resource Zone, and dovetails with the so-called “Vision 2025” provision by asserting the right to control the growth of forestry and “related timber sector activities” and the expansion of plantation forestry: clauses 13.1.3.6 and 13.1.3.7. This is then misleading and deceptively said to be undertaken to “ensure a broad based timber sector” and to “enable more productive use of rural land resource and (to minimise) the potential adverse effects of plantations on the landscape” respectively. The table of permitted uses emphasises the extent of control by permitting resource development only if not for forestry, and it is only





permitted west of the West Tamar Highway or Greens Beach Road. It is otherwise “discretionary”: p.13.2 and p.13.3; and

- (f) by setting attenuation distances under Table S15.1 for a sawmill and woodchipper which do not make any or any adequate allowance for existing uses and, in the case of the woodchipper, exceed the distance prescribed for a sawmill. In each case in any event the distances are too great. The table represents a further attempt to restrict the forest industries in the ordinary course of their business.

FIAT maintain that it is essential the Local Government Planning schemes be consistent with State and Federal Government policy and regulation. The Draft Planning Scheme fails to do this.

Taken together, these provisions comprise an egregious and deplorable attempt by this Council to gain the power to ban forestry activity, including plantations on any area of land east of the West Tamar Highway, which although only a small part of the municipality, still has areas earmarked for forestry operations. This is, FIAT emphasises, the antithesis of fostering the agricultural use of land in the municipality, and *ultra vires*. The Scheme should be rejected outright or, at least, all of the provisions attacked by this submission should be removed or rewritten.





<b>FOREST INDUSTRY CONTRIBUTION TO STATE ECONOMY 2003/04</b>				
FIAT - June 24, 2005				
<b>Council<sup>1</sup></b>	<b>Expenditure \$</b>			<b>Expenditure per Council</b>
	<b>GS Expenditure</b>	<b>Wages</b>	<b>Rates</b>	
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
<b>Total</b>	<b>\$907,279,898</b>	<b>\$156,022,625</b>	<b>\$2,388,823</b>	<b>\$1,065,691,346</b>

<sup>1</sup> 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

<b>Combined Expenditure of:</b>			
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	

