



REGULATION OF FOREST PRACTICES IN TASMANIA

Forest operations in Tasmania must comply with the Forest Practices Act 1985. On private land they must also comply with the provisions of the local Planning Scheme, if the land is not registered as a Private Timber Reserve. No other agricultural activity has this level of control.

Why do forest growers register their land as Private Timber Reserves?

Forestry is a long term business and forest owners need security, that if they invest in plantations, they will eventually be able to harvest their crop. There is a risk that amendments to the local Planning Scheme could interfere with forest operations, or even prevent harvesting of timber after substantial investment has been made.

Landowners can protect themselves from such risks by having their land declared a Private Timber Reserve (PTR). This gives them the right to undertake forest operations according to the Forest Practices Act. Council planning approval is then not required for forest operations, although other forms of development still must abide by the local Planning Scheme.

A PTR ensures that forest operations are subject to a single, consistent, state-wide system of planning and regulation, through the Forest Practices Act, and not to variable systems that may be applied under different council planning schemes, through the *Land Use Planning and Approvals Act 1993*.

Objections to an application for a PTR can be made by the local council, neighbours within 100m of the PTR boundary, anyone with a legal or monetary interest in the land or government agencies. Notices are posted in daily newspapers and a notice is sent to relevant local councils. A PTR cannot be declared if forestry is a prohibited use according to the local planning scheme. A PTR may be refused where an adjoining landowner is likely to be directly or materially disadvantaged. A PTR is revoked if the area is no longer used for forestry purposes. Approvals and revocations are listed in the government Gazette and local authorities are notified of this.

How are forest operations regulated?

Forestry in Tasmania is regulated under the Forest Practices Act and is administered by the Forest Practices Board. The Board is an independent statutory authority, with a Board of governance, the Chief Forest Practices Officer and specialist staff.

The Board fosters a cooperative approach to forest management and encourages self regulation of forest operations by industry. Day to day regulation of forest practices is undertaken by Forest Practices Officers who are trained foresters employed throughout the forest industry. Forest Practices Officers have responsibilities and powers under the Act to ensure that forest operations strictly comply with the Forest Practices Code. The Act requires a certified Forest Practices Plan (see *Plantation Information Series- Forest Practices Code and Forest Practices Plans*) for all forest operations, including those on a PTR. These Plans provide for the protection of natural and cultural values, as laid down in the Forest Practices Code 2000.

At the completion of all forest operations, a Forest Practices Officer must certify that the Forest Practices Plan was properly implemented, with a Certificate of Compliance. In addition to the 100% check by Forest Practices Officers, the Board independently audits a sample of about 15% of forest operations each year, to ensure that standards are being achieved. The results of the audit are included in the Board's annual report. The Forest Practices Board can prosecute and levy heavy fines for non-compliance.

These stringent measures are necessary if the forest industry is to maintain access to forests and markets, because of the very high level of environmental care which is rightly expected of all activities.



How can I have input into the planning processes?

The major forest companies have signed the Good Neighbour Charter, which commits them to consult with adjacent landholders, to resolve issues relating to tree farms on agricultural land. The Charter has been acknowledged by local government and endorsed by the Tasmanian Farmers and Graziers Association. The degree of regulation pertaining to plantations is demonstrated in the following table, which details the stages under the Land Use Planning and Approval Act and the Forest Practices Act, where individuals can actively participate in decision making.

<i>Land Use Planning and Approval Act</i>	<i>Forest Practices Act</i>
Amendment of Planning Scheme	Amendment of Forest Practices Code
Individuals can request Planning Scheme amendments. Section 43 (a)	Individuals can request Forest Practices Board to amend the Code. Section 32 (2).
Public exhibition of amendment, report prepared, hearings	Notice of intent to amend Code published. Section 32 (3)
Public exhibition 3 weeks-2 months s 38(a)(i)	60 day period for objections to amendments. Section 32 (4) c (ii).
Decision by Commission	Decision by Forest Practices Board
Appeal to Supreme Court.	
Development Approval	Private Timber Reserve
Notice in town hall, newspaper and adjoining properties re development	Notice in daily newspaper and notice sent to local authority.
If discretionary use, Council approves with or without conditions with third party involvement.	Prescribed persons can object to applications 7 (4) (d).
Third party able to appeal to Tribunal.	Neighbour able to appeal to Tribunal.
Appeal to Supreme Court only on matters of law	Appeal to Supreme Court only on matters of law

For further information: Forest Practices Act 1985 (www.thelaw.tas.gov.au)
Forest Practices Board - www.fpb.tas.gov.au

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More general forestry information and all information sheets in this series are available from the Private Forests Tasmania website www.privateforests.tas.gov.au
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