

TASMANIAN GOVERNMENT
POLICY FOR MAINTAINING A PERMANENT NATIVE
FOREST ESTATE
DATE 30 June 2017

The sustainable management of Tasmania's native forests is important to the Tasmanian community.

The Tasmanian Government recognises that a variety of mechanisms are needed to support Tasmania's forest owners and managers to achieve ecologically sustainable forest management (ESFM). There are three primary elements used, each with its own set of policy instruments:

- the statutory Forest Practices System to ensure implementation of ecologically sustainable forest management practices to all activities associated with harvesting and establishing forest;
- the maintenance of a comprehensive, adequate and representative forest reserve system to securely protect nature conservation values; and
- the maintenance of an extensive and permanent native forest estate to ensure that Tasmania's native forests are maintained in the long-term for all their various conservation, production and amenity values. This Policy is a key instrument in delivering this third element.

The Tasmanian Government has had a formal Permanent Native Forest Estate Policy since 1996. The primary driver for establishing the Policy was to regulate the extent to which native forests could be cleared and converted to other land uses, as part of the development of the first Tasmanian Regional Forest Agreement between the Commonwealth of Australia and the Tasmanian Government.

This Policy does not aim to maintain the native forest estate exactly as it is, because forest condition will change from place to place and from time to time, through regeneration after fire, or harvesting, or through natural succession as forests age. Nor is this Policy about reservation of native forests. It is about how native forests are maintained as native forest and managed for a variety of uses.

In this Policy, the maintenance of native forest refers to the limitations on the broad scale clearance and conversion of native forest to other land uses or non-native vegetation cover. It does not seek to limit or restrict the harvest of native forest types where the silvicultural system ensures successful regeneration and maintenance of that forest community. The Policy does not apply to the conversion of plantation forests to other land uses.

This Policy replaces the previous 30 June 2016 version of *Tasmanian Government Policy for Maintaining a Permanent Native Forest Estate*. Within this Policy, nominated minimum levels for retention of native forest on a statewide basis and within each IBRA region, are replaced with a ban on broad scale clearance and conversion of native forest.

The Policy is given effect through the Forest Practices Authority's consideration of applications for Forest Practices Plans under the *Forest Practices Act 1985*. The maintenance, management and monitoring of native forests outside of the Forest Practices System are implemented through a range of other State and Commonwealth policy and statutory instruments.

Key terms used in this document are defined in Attachment 1.

1. Objectives

Tasmania will maintain a permanent native forest estate that comprises areas of native forest managed on a sustainable basis across public and private land in order to maintain and sustainably manage Tasmania's native forest resource base and its associated economic, environmental, and social values.

2. Scope

- 2.1 This Policy applies to native forest operations defined by and subject to the *Forest Practices Act 1985* and is given effect through the Forest Practices Authority's consideration of applications for Forest Practices Plans.
- 2.2 The Policy does not apply to clearance and conversion of threatened native vegetation communities. Clearance and conversion of threatened native vegetation communities is regulated in accordance with the *Forest Practices Act 1985* and the *Nature Conservation Act 2002*.
- 2.3 This Policy does not apply to the clearance and conversion of non-forest vegetation or planted vegetation such as commercial forest plantations or agricultural shelterbelts.

3. Clearance and conversion of native forest on public or private land

- 3.1 Broad scale clearance and conversion of native forest on public or private land is not permitted as from the date of commencement of this version of the Policy.
- 3.2 Broad scale clearance and conversion of native forest on public or private land is not limited by the provisions of clause 3.1 of this Policy where it is permitted in a Forest Practices Plan that was certified by, or submitted for certification to, the Forest Practices Authority prior to the date of commencement of this version of the Policy. In the event that the Forest Practices Plan was submitted for certification prior to the date of commencement of this Policy, the previous version of this Policy, dated 30 June 2016, will apply.
- 3.3 Broad scale clearance and conversion of native forest on public or private land is not limited by the provisions of clause 3.1 of this Policy where it:
 - a) is for the construction of new significant infrastructure, or maintaining existing infrastructure; or
 - b) is for the purposes of undertaking routine management activities; or
 - c) is to facilitate any development, which, in its entirety demonstrates substantial public benefit, including the conservation benefits that will arise from the proposal through secured actions to improve biodiversity, water quality, soil or other environmental outcomes; or
 - d) is for agricultural purposes and where:
 - it amounts to less than 40 ha on a property in a twelve month period; and
 - the land subject to the application is zoned as Rural, Rural Resource, Agricultural or Significant Agricultural, under a current Local Government planning instrument, and

- the native forest, which is subject of the clearance and conversion, is not a threatened native vegetation community; or
 - e) has been authorised by the Forest Practices Authority in accordance with the provisions in clause 4 of this Policy.
- 3.4 Small scale clearance and conversion of native forest on public or private land is not limited by the provisions of clause 3.1 of this Policy.
- 3.5 In applying the provisions of clause 3.3, as Forest Practices Plans can cover operations where forestry is not the primary purpose, applicants should seek advice as to whether the activity requires separate approval under the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999*.
- 3.6 Application of the provisions in clause 3.3 does not obviate the need for Forest Practices Plan applicants to meet other requirements of the Forest Practices System in Tasmania, including (but not limited to) requirements in relation to the management of threatened species, threatened native vegetation communities, biodiversity, natural and cultural heritage, indigenous values, soil and water quality and potential impacts of salinity.

4. Exercise of discretion by the Forest Practices Authority in considering approval of broad scale clearance and conversion of native forest

- 4.1 Applications for broad scale clearance and conversion of native forest need to be considered in a practical way. For this reason, the Forest Practices Authority may approve an application for broad scale clearance and conversion of native forest, that is not a threatened native vegetation community, where:
- the clearance and conversion of the native forest does not result in the loss of significant nature conservation values in an IBRA bioregion; and
 - the native forest is a small patch sufficiently degraded such that it cannot be considered to be representative of that forest community and it is incapable of returning to an intact condition by natural regeneration with the mitigation of existing threatening processes; or
 - the native forest is part of an approved vegetation management agreement.
- 4.2 In approving applications for broad scale clearance and conversion under the provisions of clause 4.1 of this Policy, the Forest Practices Authority may give consideration to:
- the native forest contribution, and where converted to plantation, that plantation's contribution, to biodiversity, water quality, soil or other environmental outcomes; or
 - whether the conversion of native forest can be offset by conditions on that approval designed to improve biodiversity, water quality, soil or other environmental outcomes.

5. Implementation and reporting

- 5.1 This Policy will be implemented by the Forest Practices Authority in accordance with the *Forest Practices Act 1985*.
- 5.2 The Forest Practices Authority monitors the progressive total of all areas of native forest approved for conversion under Forest Practices Plans. The 1996 CRA native forest area is the best estimate of forest extent available at that time and, as agreed in the *Supplementary Regional Forest Agreement 2005*, this will be the baseline against which implementation of the Policy will be measured. It is not intended to review the baseline area as there is no practical or cost effective way of delivering this in a way that would have a greater degree of precision than that already available. For the purpose of monitoring this Policy, net areas of forest converted, as recorded in the Forest Practices Plan data base, will apply.
- 5.3 The Forest Practices Authority monitors and provides an Annual Report to Parliament on progress with the maintenance of the Permanent Native Forest Estate and reforestation success.

6. Compliance

- 6.1 The Forest Practices Authority has powers under the *Forest Practices Act 1985* to ensure compliance with this Policy.

7. Review of the Policy

- 7.1 The Tasmanian Government will progressively update and revise the mapping of native vegetation to provide a long term basis for monitoring changes in the extent and nature of the native forest estate.
- 7.2 Changes in native forest extent will be reported at five yearly intervals in conjunction with the State of the Forests reporting requirements under S4Z of the *Forest Practices Act 1985*.
- 7.3 The implementation of this Policy is to be reviewed in conjunction with both the five yearly reviews of the Tasmanian Regional Forest Agreement and five yearly State of the Forests reporting.

8. Amendments

- 8.1 Amendments to the Policy may be made either arising from, or outside the review process specified above, at the discretion of the Minister responsible for the *Forest Practices Act 1985*, and after consultation with relevant stakeholders.

Attachment 1

Definition of Key Terms

For the purposes of implementing the Policy:

Broad scale clearance and conversion means clearance and conversion of more than 20 hectares of native forest in any period of five consecutive years (based on calendar years) per property.

Clearance and conversion means the permanent or long-term removal of significant areas of native forest and its replacement by non-native vegetation, such as plantations, orchards, crops or pastures; different planted native species such as a blue gum plantation, or un-vegetated developments, such as artificial water bodies, buildings and other infrastructure.

Forest has the same meaning as in the *Forest Practices Act 1985*.

IBRA means the Interim Biogeographic Regions of Australia and for the purpose of this version of the Permanent Native Forest Estate Policy, IBRA 6.2 is the reference standard.

Native forest has the same meaning as “NF” in schedule 1 of the *Forest Practices Regulations 1997*.

Forest community has the same meaning as in the *Tasmanian Regional Forest Agreement 1997*.

1996 CRA native forest area means the total area of native forest in Attachment 1, Table 1 (column 2) of the *Supplementary Tasmanian Regional Forest Agreement 2005* being 3 207 250 hectares.

Plantation forest means a forest established by planting trees.

Property has the same meaning as “applicable land” in the *Forest Practices Regulations 1997*.

Routine management activities means the construction, operation and maintenance of agricultural and forestry infrastructure, which includes (but is not limited to) farm dams and irrigation facilities, drains, storage and processing facilities, permanent fences, access roads and easements, quarries buildings, bores, stockyards and any action required under the *Fire Service Act 1979*. Such activities also include clearing of woody vegetation on land previously cleared and converted to non-native vegetation for agricultural purposes up to 20 years prior to the date of commencement of this version of the Policy.

Secured actions, for the purposes of clause 3.3, mean actions secured under either:

- i) a vegetation management agreement as defined in the *Forest Practices Regulations 2007*;
- ii) a Management Agreement under S25 of the *Nature Conservation Act 2002*;
- iii) a Conservation Covenant under S34 of the *Nature Conservation Act 2002*;
- iv) an agreement arising from a land management plan under S30 of the *Threatened Species Protection Act 1995*; or,
- v) a Public Authority Management Agreement under S31 of the *Threatened Species Protection Act 1995*.

Significant infrastructure includes, but is not limited to:

- i) powerlines, gas pipelines, telecommunication infrastructure, water supply and sewerage networks and railways, mines, public roads and the easements within which they are contained;
- ii) residential housing and associated infrastructure;
- iii) agricultural and forestry infrastructure required for safety purposes including buildings, access roads and easements, building protection zones and fuel modified buffer zones consistent with local or State planning regulations; and
- iv) infrastructure associated with Projects of State or Regional Significance.

Small-scale clearing and conversion means clearing and conversion of 20 hectares or less of native forest in any period of five consecutive years (based on calendar years) per property.

Substantial public benefit is determined by the Minister administering the *Forest Practices Act 1985* following consideration of:

- i) a socio-economic analysis of the proposal prepared by an independent third party, and
- ii) the conservation benefits arising from the proposal; and
- iii) consideration of comments received on the socio-economic analysis and any conservation benefits by relevant agencies and authorities within the Tasmanian Government.

The Minister will make available guidelines for the process required to enable the Minister to make a determination.

Threatened native vegetation community has the same meaning as defined in the *Nature Conservation Act 2002*.

Vegetation management agreement has the same meaning as defined in the *Forest Practices Regulations 2007*.

Woody vegetation means plants that produce wood as the structural tissue for the stem. Typically these plants will be of a perennial or long lasting character.