

**TASMANIAN GOVERNMENT
POLICY FOR MAINTAINING A PERMANENT NATIVE
FOREST ESTATE
21 December 2015**

The Tasmanian Government attaches the utmost importance to the sustainable management of Tasmania's native forests.

It recognises that a variety of mechanisms are needed to achieve ecologically sustainable forest management (ESFM). There are three primary elements to our approach in Tasmania, each with its own set of policy instruments. The first is ecologically sustainable forest management practice under the Forest Practices Code to ensure we get the best sustainable return from our forestry operations. The second is the development of a comprehensive, adequate and representative forest reserve system to securely protect nature conservation values. The third is the maintenance of a permanent native forest estate to ensure that we maintain our resource base for all its various conservation, production and amenity values.

The Tasmanian Government has had a formal policy in place since 1996 to regulate the extent of clearing and conversion of the native forest estate. 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 clearance or 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 application of the Policy to plantation forest is only in terms of the amount of native forest available to be converted to plantation.

This Policy is a revision of, and replaces, the December 2014 "Tasmanian Government Policy for Maintaining a Permanent Native Forest Estate".

Previous versions of this Policy identified the requirement to phase out broad scale clearing and conversion of native forest on public land by 2010 and on private land by 13 May 2015 in accordance with clause 45 of the *Supplementary Tasmanian Regional Forest Agreement, May 2005*.

Broad scale conversion of native forest on public land has now ceased and broadscale clearing on private land has substantially reduced while maintaining the Policy commitment to maintain the Statewide level of native forest above 95 per cent of the 1996 area. Consequently, this Policy sets out the Government's policy on clearing and conversion of native forest on private land for 2015-16, pending a review of the Policy as a related action to the third five yearly review of the RFA.

The Policy is given effect through the Forest Practices Authority's consideration of applications for Forest Practices Plans under the *Forest Practices Act 1985*.

Definitions of key terms used in this document are to be found at Attachment 1 – Implementation Guidelines.

1. Objectives

Tasmania will maintain a Permanent Forest Estate that comprises areas of native forest managed on a sustainable basis both within formal reserves and within multiple-use forests across public and private land in order to -

- i) Maintain and sustainably manage Tasmania's native forest resource base and associated economic, nature conservation, ecosystem services, scenic, cultural and amenity values;
- ii) Ensure that the conservation status of forest communities is maintained or enhanced;
- iii) Provide for the reasonable aspirations of the Tasmanian community for sustainable economic development; and
- iv) Ensure that private landholders continue to be able to manage native forest on private land on a sustainable basis, including existing sustainable uses of those forests.

2. Statewide retention levels

- 2.1. A minimum of 95 per cent of the 1996 CRA native forest area is to be maintained on a statewide basis.

3. Native Vegetation Community retention levels

- 3.1 *Threatened native vegetation communities* –clearance and conversion of all threatened native vegetation communities is to be regulated in accordance with the *Forest Practices Act 1995* and the *Nature Conservation Act 2002*.
- 3.2 *Non-threatened native vegetation communities* – the mapping and conservation status of any non-threatened forest community will be reviewed if the rate of conversion is likely to result in the area of a forest community falling below 75 per cent of the 1996 CRA native forest area of that community in an IBRA bioregion or, a minimum of 2,000 hectares in an IBRA bioregion¹ (whichever is the higher) unless not of bioregional significance (as under 6.3 below). Action will be taken to ensure that conversion does not result in any non-threatened forest community becoming threatened. Non-threatened forest communities must be maintained at a level no less than 75 per cent of the 1996 CRA native forest area, or a minimum of 2,000 hectares, for each community in each IBRA bioregion. If the extant area of non-threatened native forest is already below these levels, all extant areas are to be maintained unless not of bioregional significance.

This Policy does not apply to the clearance and conversion of non-threatened, non-forest native vegetation.

¹ Regionalisation is based upon IBRA Version 4 but may be updated over time.

4. Clearing and conversion of Native Forest on public and private land

- 4.1 Broadscale clearing and conversion of native forest on public land is not permitted.
- 4.2 Clearing and conversion of native forest on private land is permitted in accordance with the provisions and definitions contained in this Policy and in the *Forest Practices Act 1985*.
- 4.3 Broadscale clearing and conversion of native forest on private land is to be phased out by 1 July 2016, pending completion of the review of the overall Policy during 2016.
- 4.4 In order to maintain the Statewide retention level of a minimum of 95 per cent of the 1996 CRA native forest area, clearing and conversion of native forest on private land will not exceed 40 hectares on any property in any 12 consecutive month period.
- 4.5 If on 1 July 2016 the level of retention of native forests exceeds 95 per cent, then small scale clearing and conversion of native forest on private land may continue until the 95 per cent level is reached.
- 4.6 Clearance and conversion of native forest on public and private land for the purposes of undertaking Routine Management Activities, or for constructing or maintaining significant infrastructure, is permitted and not limited by statewide or forest community retention levels or property conversion limits.
- 4.7 Clearance and conversion of native forest on public and private land for any development proposal, which, in its entirety demonstrates substantial public benefits, including where conservation benefits will arise from the proposal through secured actions to improve biodiversity, water quality, salinity or other land degradation outcomes, is not limited by the forest community retention levels or property conversion limits.

5. Biodiversity, water quality and salinity

The Policy is underpinned by guidelines for biodiversity, water quality and salinity outcomes that will be implemented through regulation mechanisms: –

- 5.1 The protection of regional biodiversity is addressed through provisions in the Forest Practices Code, reflecting the guidelines in clauses 2 and 3 of this Policy.
- 5.2 The protection of water quality values including meeting salinity objectives is addressed through provisions in the Forest Practices Code. The Forest Practices Authority has advised that inclusion of salinity objectives consistent with the State Salinity Strategy will be considered in the next planned review of the Code. The Forest Practices Authority has also agreed that prior to the next Code review applications for clearance and conversion will be assessed having regard to available salinity risk mapping.

6. Exercise of Discretion in approving the conversion of Native Forest or Threatened Native Vegetation Communities

- 6.1 Consideration may be given to the native forest or threatened native vegetation community's contribution, and where converted to plantation, that plantation's contribution to biodiversity, ecosystem function and amenity, in the context of the surrounding landscape.
- 6.2 Consideration may be given to whether the conversion of native forest or threatened native vegetation can be offset by conditions on that approval designed to improve biodiversity, water quality, salinity or other land degradation outcomes.
- 6.3 The forest community retention levels and the property conversion limits need to be applied in a practical and meaningful way. For this reason, the levels and limits may be exceeded where:
- the conversion of native forest does not result in the loss of significant nature conservation values in an IBRA bioregion; and
 - the forest in question 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 forest in question is part of an approved property management plan; or
 - clearance of the forest in question would result in a more appropriate and practical management boundary, provided that the annual property conversion limit is not exceeded by more than 10 per cent; or
 - expert opinion indicates that the threshold is being triggered as a result of inadequate mapping, inappropriate community classification or the nature of fuzzy IBRA bioregional boundaries rather than because of the depletion of a bioregionally significant community.
- 6.4 The forest community retention levels and property conversion limits may be exceeded where:
- substantial private benefits will accrue from the conversion of the native forest area and the forest area represents only a small fraction of the area of that forest community in the immediate area and:
 - the loss of the area does not substantially detract from the nature conservation values of the forest community in that particular area; and
 - the remainder of the forest community is adequately protected in the immediate area to ensure its maintenance as part of the Permanent Native Forest Estate.

7. Implementation and Reporting

- 7.1 This Policy will be implemented by the Forest Practices Authority in accordance with the Implementation Guidelines at Attachment 1.

- 7.2 Forest Practices Plans submitted for certification and Conservation Covenants and Vegetation Management Agreements submitted for approval identify and provide details on the type and area of forest communities present.
- 7.3 Forest Practices Plans, and relevant Conservation Covenants and Vegetation Management Agreements prescribe the stocking standard to be achieved for forests that are to be maintained as part of the Permanent Native Forest Estate.
- 7.4 Information with respect to the maintenance of forest communities and the achievement of reforestation standards, including composition and the maintenance of forest communities, is reported for all operations on public and private land by way of the certificates of compliance required under s.25A of the *Forest Practices Act 1985*.
- 7.5 The Forest Practices Authority independently audits a sample of Forest Practices Plans.
- 7.6 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.
- 7.7 The Forest Practices Authority has powers under the *Forest Practices Act 1985* to ensure compliance with this Policy.
- 7.8 The Forest Practices Authority monitors the progressive total of all areas of native forest approved for conversion under Forest Practices Plans, Conservation Covenants and Vegetation Management Agreements. For the purpose of monitoring this Policy, net areas of forest converted, as recorded in the Forest Practices Plan data base, will apply except where more accurate information is available on the basis of revised mapping or assessments.

8. Review of the Policy

- 8.1 The implementation of this Policy is to be reviewed in 2015 – 2016 related to the third five yearly review of the Regional Forest Agreement.
- 8.2 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.
- 8.3 Amendments to the Policy may be made outside the review process specified above, at the discretion of the Minister responsible for the *Forest Practices Act 1985*.

Attachment 1

IMPLEMENTATION GUIDELINES

1. Purpose

These Implementation Guidelines (the Guidelines) form part of the Permanent Native Forest Estate Policy. They clarify issues including:

1. definitions
2. application of Policy limits
3. allocation
4. opportunities for landowners
5. monitoring, reporting and mapping
6. monitoring bioregional thresholds; and
7. offshore islands.

The Policy, including these Guidelines, does not seek to duplicate or restate matters already dealt with in the normal operation of the Forest Practices System.

The Forest Practices Authority implements the Permanent Native Forest Estate Policy in accordance with its responsibilities under the *Forest Practices Act 1985*. Stakeholders should use the Guidelines to assist in interpreting how the Policy will be implemented operationally.

2. The Guidelines

2.1 Definition of key terms

For the purposes of implementing the Policy and using these Guidelines:

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

Clearing 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 native species such as a blue gum plantation, or unvegetated developments, such as artificial water bodies, buildings and other infrastructure.

Discretionary activities means clearing and conversion for which the Forest Practices Authority may exercise discretion in accordance with section 6 of the Policy.

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

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

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

“a forest established by the natural or assisted regeneration of trees from seed or other natural propagules.”

Forest community retention levels means the bioregional retention levels for forest communities imposed under clause 3.2.

1996 CRA Native Forest Area means the total area of native forest in 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*:-

“(a) in relation to Crown land and State forest, any land that is not within 100 metres of any other Crown land or State forest that is subject to forest practices; and

(b) in relation to any other land, any land recorded as one valuation on the valuation roll under section 24(1) of the *Valuation of Land Act 2001*.”

Property conversion limit means the 40 ha conversion limit imposed under clause 4.4.

Property management plan has the same meaning as ‘vegetation management agreement’, as defined in the *Forest Practices Regulations 2007*.

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, 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 within the last 20 years.

Secured actions, for the purposes of clause 4.8, mean actions secured under either:

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

Significant infrastructure includes, but is not limited to:

- powerlines, gas pipelines, telecommunication infrastructure, water supply and sewerage networks and railways, mines, public roads and the easements within which they are contained;
- buildings and other infrastructure constructed for the public benefit;
- residential housing and associated infrastructure;
- 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

- infrastructure associated with Projects of State Significance.

Small scale clearing and conversion means clearing and conversion of less than 20 hectares 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 a third party, and
- ii) any conservation benefits arising from the proposal

and, consideration of comments received on the socio-economic analysis and any conservation benefits by relevant agencies and authorities within the Tasmanian Government.

Threatened native vegetation communities means those vegetation communities listed in Schedule 3A of the *Nature Conservation Act 2002*.

For the removal of any doubt, where definitions provided above are, or become, inconsistent with definitions provided for the same terms within the *Forest Practices Act 1985* or *Forest Practices Regulations 1997*, the definitions provided in the Act or Regulations prevail.

2.2 Application of Policy limits

The Policy requires a minimum of 95 per cent of Tasmania's 1996 CRA native forest area to be maintained and for broadscale clearing and conversion of native forest on private land to be phased out by 1 July 2016, pending the completion of the review of the Policy in 2016. As the level of retention is approaching the 95 per cent level, the Policy seeks to allow a low level of clearing and conversion by private landowners until 1 July 2016 or until the 95 per cent level is reached.

For clarity:

- i) Clearing and conversion for significant infrastructure, maintaining existing infrastructure, or for routine management activities **will not** be limited by the statewide, and forest community retention levels or property conversion limits in the Policy.

Explanatory Note: clearing and conversion for infrastructure and routine management activities constitutes a minor percentage of total forest clearance. It is not the intent of the Policy to place a finite limit on such activities. Where these activities result in the removal or harvesting of trees they will continue to be regulated in accordance with Tasmanian legislation (eg Forest Practices Act 1985, Environmental Management and Pollution Control Act 1994, Land Use Planning and Approvals Act 1993) and will therefore still be individually assessed in relation to economic, nature conservation, ecosystem services, scenic, cultural and amenity values. The standards and management prescriptions applied through the application of the Forest Practices Code and associated planning instruments will continue to apply.

- ii) Clearing and conversion for proposals demonstrating substantial public benefit in accordance with clause 4.8 **will not** be limited by the forest community retention levels or property conversion limits in the Policy.

Explanatory Note: During the phase-out of broadscale clearing and conversion it is not the intent of the Policy to limit major projects that can demonstrate

substantial public benefits to the Tasmanian community and where any associated conservation benefits are secured through formal agreements. Where any of these activities result in the removal or harvesting of trees they will continue to be regulated in accordance with Tasmanian legislation (eg Forest Practices Act 1985, Environmental Management and Pollution Control Act 1994, Land Use Planning and Approvals Act 1993) and will therefore still be individually assessed in relation to economic, nature conservation, ecosystem services, scenic, cultural and amenity values. The standards and management prescriptions applied through the application of the Forest Practices Code and associated planning instruments will continue to apply.

- iii) Clearing and conversion for purposes other than as described in 2.2 i) and ii) **will** be limited by the retention levels and conversion limits in the Policy.

Explanatory Note: this means that broadscale clearing and conversion on all public land and in excess of 40 hectares in any 12 month period on an individual private property is prohibited. Approved clearing and conversion must not commence any later than 30 June 2016. The Forest Practices Authority may require individual Forest Practices Plans or Discrete Operational Phases within a Forest Practices Plan to implement these requirements.

Clearing and conversion of up to 40 hectares in any 12 month period on an individual property can continue (subject to other provisions of this Policy and meeting all other regulatory requirements) within the 95 per cent threshold. If the 95 per cent threshold is triggered then, under the Policy, such clearing and conversion would only normally be approved if there was no nett loss of the forest estate (eg through the use of offsets). The Forest Practices Authority may exercise discretion to approve Forest Practices Plans in accordance with section 6 of the Policy.

- iv) All clearing and conversion of native forest, undertaken in accordance with a certified Forest Practices Plan, will be counted against the retention levels identified in the Policy, regardless of whether the activity falls within category i), ii) or iii) above.

The Forest Practices Authority, in applying this Policy, will continue to meet its obligations under the *Forest Practices Act 1985*. In this regard, subject to other provisions of the Policy, the Forest Practices Authority in considering applications for clearing and conversion of native forest on a property in excess of 40 hectares in any period may impose conditions of approval to limit clearing and conversion on that property in order to minimise adverse impacts on local natural and cultural values through concentrations of conversion over time.

2.3 Allocation

No allocation will be made to any specific landowner or land use for clearance and conversion of native forest under the Policy.

2.4 Monitoring, reporting and mapping

The Tasmanian Government recognises that there are limitations with datasets describing the extent of Tasmania's native forest vegetation and so continues to invest in programs to improve the precision of this information for the future.

These programs include the use of satellite imagery to detect change in vegetation extent.

The 1996 CRA native forest area is the best estimate of forest extent available at that time and, as agreed in the *Tasmanian Community Forest Agreement 2005*, this will be the baseline against which the Policy limits 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.

The area of native forest that has been cleared and converted **since** 1996 has been monitored by the Forest Practices Authority, on the basis of certified Forest Practices Plans. The database maintained by the Forest Practices Authority will continue to be the basis for reporting of forest area and for determining when thresholds within this Policy are triggered.

A decision at any point in time by the Forest Practices Authority, in relation to whether an individual Forest Practices Plan results in a threshold under this Policy being triggered, will be regarded as final.

2.5 Monitoring bioregional thresholds

The process for reviewing forest communities that are approaching bioregional retention thresholds outlined in clause 3.2 should be based on a risk management approach. That is, any review will assess the risk of a non-threatened forest community, as a result of continued conversion, either:

- i) becoming a threatened forest community; or
- ii) falling below the 75 per cent or 2,000 hectare minimum retention level in a bioregion.

2.6 Application of Policy to offshore islands

The Policy includes Statewide and forest community retention levels. The Policy does not imply or impose any specific native forest or native vegetation retention levels to islands. However, the Tasmanian Government recognises that offshore islands have biogeographic significance due to the ecological effects of isolation and an inherently greater risk from threatening processes.

Consequently the Tasmanian Government supports maximising the retention of native vegetation on offshore islands and managing further clearance and conversion where native vegetation is at risk of being seriously depleted [ie at 30% (or below) of its original cover]. Conversion of native forest on offshore islands may still be certified (eg through the use of offsets) where native vegetation has been seriously depleted and where the certification is consistent with clause 4 of the Policy. A decision at any point in time by the Forest Practices Authority, in relation to whether an individual Forest Practices Plan results in this threshold being triggered, will be regarded as final.

Landowners affected by the application of this principle may be eligible for the assistance measures as outlined in 2.7 below.

2.7 Opportunities for landowners

Implementation of the Policy may result in limitation of the management options available to existing forest owners over and above limitations that will occur in

the market-place, or already in place as a result of the existing regulatory environment.

The aim of the Tasmanian Government is to provide an environment that fosters a forest stewardship ethic amongst Tasmania's forest owners. As a consequence the Tasmanian Government seeks to reduce the impact that potential limitations may have on private forest owners and to provide other incentives and opportunities for managers of private forest land. A package of measures will be available for private forest owners.

Existing measures include:

Statutory

1. financial compensation where a private timber reserve application is refused under circumstances specified in the *Forest Practices Act 1985*;
2. financial compensation in prescribed circumstances where a Forest Practices Plan is refused/amended on the grounds of threatened species or threatened native vegetation community;

Other

3. financial incentives for forest owners to participate in voluntary private land conservation and/or stewardship programs;
4. Vegetation Management Agreements/property plans that provide regulatory simplification and management certainty.