

Private Forests Tasmania

INFORMATION SHEET PRIVATE TIMBER RESERVES

Securing the long term management of private forested land

In Tasmania private timber reserves are an integral part of the State's commitment to encouraging and fostering the sustainable management of private forests.

Forestry, as a major statewide industry, is covered by a statewide planning system in the form of the *Forest Practices Act 1985* and *Forest Practices Code*.

Private timber reserves create a secure environment for investment in private forestry within the State and help to deliver commitments for the sustainable management of private forests.

Introduction

A private timber reserve is an area of private land set aside for forestry purposes and registered on the title. It is land or forest used to establish forests, or grow or harvest timber in accordance with the Forest Practices Code.

It may be an area of:

- native forest; or
- a tree plantation; or
- an area of land intended to be planted in the near future.

Private timber reserves may cover a single title or several titles and be over the whole of a title or part of a title. It must be at least five (5) hectares (12 acres) in area.

Forest management is a long-term activity. An owner needs to secure their right to use the land for forestry purposes in the long term.

A private timber reserve provides that security. On land declared a private timber reserve local government approval is not required when undertaking forestry operations. Under the *Land Use Planning and Approvals Act 1993* section 20 (7), nothing in any planning scheme, or interim order, affects the management of land declared as a private timber reserve under the *Forest Practices Act 1985*.

Forestry operations

"forestry operations" includes the processes and works connected with:

- (a) the establishment of forests; and*
- (b) the growing of timber; and*
- (c) the harvesting of timber; and*
- (d) land clearing, land preparation, burning off, road construction and associated quarry works conducted in relation to an activity specified in (a), (b) or (c).*

Definition from section 20 (7A) Land Use and Planning Approval Act 1993

Other developments on land declared as a private timber reserve

Any other developments on the land are subject to regulation by local government. If the owner wishes to undertake any other developments on the land they may require local government approval.

Other compatible activities

Under section 12 (1) of the *Forest Practices Act 1985*, the Forest Practices Authority can determine what other activities can be undertaken on a private timber reserve. Such activities must be compatible with the use of the land as a private timber reserve. A private timber reserve is land or forest used to establish

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forests, or grow or harvest timber in accordance with the Forest Practices Code.

Compatible activities

The following activities are currently considered to be compatible;

- *grazing under well established trees*
- *nature based recreation*
- *hunting*
- *education and scientific purposes*
- *apiary sites*

Forest practices plans

A forest practices plan is required for most forest operations on both state and private land, before any work starts.

Forest practice plans

A plan is required before forestry operations commence. Plans are required for roading and quarries, harvesting, and plantation establishment.

A forest practices officer certifies the plans.

Forest practice officers

Forest practices officers are delegated by the Forest Practices Board to certify forest practices plans. They certify that the plans adhere to the Code.

Private Forests Tasmania, Forest companies, Forestry Tasmania and the Forest Practices Board all employ forest practices officers. There are also a number of forest practices officers working as forest consultants.

On land not dedicated as a private timber reserve the local planning scheme can require a development

application before forestry operations can be undertaken.

A development application may be required for any harvesting operations including selective logging, clear felling, firewood cutting, roading and converting forest to pasture or vice versa.

It is important to remember that a forest practices plan is required for forestry operations whether or not the land is a private timber reserve.

Forest practices code

The Forest Practices Code is a set of guidelines for forest operations. All forest practices plans are prepared using the guidelines in the Code. The Code is regularly reviewed and changes made following input from the public.

Forest Practices Code

The Forest Practices Code provides a set of standards to protect environmental values during forest operations. It does not apply utilisation standards. The Forest Practices Code is designed to take a practical approach to the protection of the following environmental values.

- *Soil*
- *Site productivity*
- *Landscape*
- *Geomorphology*
- *Water quality, flow*
- *Flora, fauna, genetic resource*
- *Archaeology*

Applying for a Private Timber Reserve

Application forms for private timber reserves are available from Private Forests Tasmania.

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The application form has two parts, Part A and Part B. Part A is to be completed by the applicant, the person(s) who owns the land. Part B is to be completed by a forest practices officer.

The application must be in the name of the registered title owner.

Also required are;

- a current copy of the title with title diagram,
- a location map showing the proposed private timber reserve (photocopy of 1:25,000 map), and
- the application fee.

An inspection of the proposed private timber reserve may be required to ensure the land is suitable for forestry and determine the boundaries.

The application is advertised in the local daily newspapers and relevant council is notified. There then is a period in which 'prescribed persons' can object to the application.

Prescribed persons

They are:

- a local authority; or*
- a State authority; or*
- a person who has a legal or equitable interest in the land, or in timber on the land; or*
- a person who is the owner of the land that adjoins, or is within 100 metres of, the boundary of the proposed private timber reserve.*

It takes several months to complete the application process and to finally register the private timber reserve on the title.

Objecting to a Private Timber Reserve application

After an application for a private timber reserve is advertised there is a period of

at least 28 days in which 'prescribed persons' can object.

There are six grounds on which an objection can be lodged.

Grounds on which objections can be lodged

They include:

- the application has not been made in good faith and honestly;*
- the land is not suitable for use for establishing forests, or growing or harvesting timber in accordance with the Code;*
- a person who has a legal or equitable interest in the land, or in the timber on the land, would be disadvantaged if the application was granted;*
- by virtue of the operation of any Act, the owner of the land is prohibited from establishing forests, or growing or harvesting timber on the land; or*
- it would not be in the public interest; or*
- persons as an owner of land that adjoins, or is within 100 metres of, the boundary of the proposed private timber reserve would be directly and materially disadvantaged if the application was granted.*

Applications can be inspected at the offices of Private Forests Tasmania during this period. Private Forests Tasmania has offices in Hobart, Launceston and Burnie.

There are simple forms objectors should use to lodge objections. Any objections must be lodged within the period specified in the advertisement. The

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objection must be lodged with Private Forests Tasmania and the applicant. The Board of the Forest Practices Authority considers the application and any objections. The Board can either grant or refuse the application for a private timber reserve.

Forest Practices Authority Board

The Board has five members and is responsible for the forest practices system, which includes forest practices plans, the forest practices code, forest practices officers and private timber reserves.

There are provisions for both the applicant and objectors to appeal to the Forest Practices Tribunal.

Forest Practices Tribunal

The Tribunal is an independent body and hears appeals relating to private timber reserve applications and forest practices plans. The decision of the Tribunal under the Act is final.

In certain restricted circumstances a landowner may be compensated if an application for the declaration of a Private Timber Reserve is refused.

It is important to remember a private timber reserve must be restocked with trees following harvesting.

Removing a Private Timber Reserve

A landowner may apply to Private Forests Tasmania, at any time to have a private timber reserve revoked or removed.

This will be granted provided there are no outstanding financial commitments resulting from development or maintenance of the reserve.

Private Forest Tasmania may also recommend that a private timber reserve be revoked if it is not being used for its intended use.

Please contact Private Forests Tasmania directly for details and revocation forms. Copies of forms are also available on our website.

Postal address and contact information

Private Forests Tasmania
PO Box 180
KINGS MEADOWS 7249
Telephone: (03) 6777 2720

Private Forests Tasmania
30 Patrick Street
HOBART 7000
Telephone: (03) 6165 4074

Private Forests Tasmania
PO Box 68
BURNIE 7320
Telephone: (03) 6477 7389

www.pft.tas.gov.au

Office locations for application inspection

- **Private Forests Tasmania Prospect**
State Government Offices
Prospect Launceston
- **Private Forests Tasmania Hobart**
30 Patrick Street
Hobart
- **Private Forests Tasmania Burnie**
State Growth Offices
Level 2, The Harris Building
49 Cattley Street
Burnie

It is advisable to contact the local office prior to any inspection.