



13 April 2022

Ms Ann Cunningham  
Tasmanian Planning Commission  
Level 3, 144 Macquarie Street  
Hobart TAS 7000

**By Email only:** [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

Dear Ms Cunningham,

### **ZONING OF THE HOLLYBANK FOREST RESERVE**

I refer to your letter to Mr Steve Whiteley dated 25 March 2022, and advise that we act for Sustainable Timber Tasmania ('STT').

STT has instructed us to provide this response on their behalf.

Our client's position is that the zoning proposed in the draft LPS, being the Rural Zone, is the appropriate zoning for the Hollybank Forest Reserve. The reasons for that position are as follows.

1. As you know, the entirety of the Hollybank Forest Reserve is located on Permanent Timber Production Zone Land ('PTPZL'), for which our client is the Forest Manager pursuant to s. 7 of the *Forest Management Act 2013*.
2. Pursuant to s. 8 of the *Forest Management Act 2013*, our client's statutory functions include:
  - (a) to manage and control all PTPZL; and
  - (b) to undertake forest operations on PTPZL for the purpose of selling forest products.
3. As you will be aware, resource development, which includes "*forest operations*" is a use for which no permit is required in the Rural Zone under the state planning provisions ('SPPs'). By contrast, within the Environmental Management Zone, resource development is discretionary if not for grazing.
4. It is noted that the Launceston City Council ('**Council**') has given the following reason for its recommendation in representation 9:

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*The site is currently zoned Environmental Management. In accordance with the zone application guidelines, it was proposed to transition into the Environmental Management Zone under the LPS.*

*...the Planning Authority maintains its original view that that the zoning should remain Environmental Management.*

*This was a straight translation and Council believes it meets the transitional guidelines. Whilst the site does not contain land reserved under the Nature Conservation Act 2002, the land contains significant biodiversity values and requires protection*

5. The zone application guidelines, at EMZ 1, provide that the Environmental Management Zone should be applied to land with significant ecological, scientific, cultural or scenic values. EMZ 1 then lists specific examples of such land. Those examples are:
  - (a) Land reserved under the *Nature Conservation Act 2002* – the Council acknowledges that this does not apply to the Hollybank Reserve;
  - (b) Land within the Tasmanian Wilderness World Heritage Area – this does not apply to the area;
  - (c) Riparian, littoral or coastal reserves – none of these apply to the area;
  - (d) Ramsar sites – again, this does not apply;
  - (e) Any other public land where the primary purpose is for the protection and conservation of such values; and
  - (f) Any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.
6. While land classed as PTPZL can be owned by STT in its own name, as opposed to the Crown, for planning purposes, PTPZL is better described as public land. Therefore, the only applicable example in EMZ 1 is that in paragraph (e).
7. It is noted that of the land identified in Attachment A to your letter of 25 March 2022, part of that land is identified in the Tasmanian Reserve Estate dataset as an informal reserve. This reserve is governed by the Tasmanian Regional Forest Agreement, and the biodiversity values in the reserve are managed by STT in accordance with that agreement and the surrounding legislative framework.
8. That framework includes regulation under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth), the *Forest Practices Act 1985* (Tas), the *Forest Management Act 2013* (Tas) and the *Forest Practices Code 2020*, among other instruments, all of which regulate forestry operations in Tasmania.
9. That legislative framework already makes extensive provision for conservation and the protection of biodiversity in Tasmanian forests.



10. As a result, our client submits that there is no need to apply the Environmental Management Zone to PTPZL to protect biodiversity values generally, as such values are already protected by the targeted regulatory framework applicable to all PTPZL in Tasmania. In the absence of evidence that a specific risk to biodiversity or natural values in the Hollybank Reserve is not adequately addressed in that existing framework, there is no need for the additional protection proposed.
11. The legislative framework provides for the protection of biodiversity and natural values, but allows STT to conduct sustainable forestry operations where it is appropriate to do so. The assessment of whether forestry operations are appropriate in the circumstances ought to be left to the governance of that framework, as it is specifically designed for and targeted to that purpose.
12. For the above reasons, STT submits that the land ought to be zoned Rural, as provided in the draft LPS.

Please do contact me if you have any queries in respect of the above submission.

Yours faithfully

**ABETZ CURTIS**

Per:

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