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***Response submission for the Draft Circular Head LPS – Application of Zoning to
future potential production forest land (FPPFL) and permanent timber production
zone land (PTPZL).***

This submission is in response to the Commissions' inquiry to the Department of Primary Industries, Parks, Water and Environment (DPIPWE) in relation to the zoning of future potential production forest land (FPPFL) and permanent timber production zone land (PTPZL).

Zoning of FPPFL

DPIPWE clarified their position on the zoning of FPPFL on the 19th of February stating the FPPFL has been created to provide a "wood-bank" to for future sustainable forestry production. There is approximately 399,000 ha of FPPFL of which 25,400 ha is within the Tasmanian Wilderness World Heritage Area (TWWHA). DPIPWE recommended that the area of FPPFL within the TWWHA be zoned Environmental Management (consistent with the LPS Planning Guidelines for reserves) but considered that all FPPFL outside the TWWHA is most appropriately zoned Rural.

DPIPWE provided very little justification as to why the *Rural* zoning was more applicable to FPPFL land outside the reserve estate other than stating that the zoning they proposed was consistent with the Governments policy objectives for the management of FPPFL under the *Forestry (Rebuilding the Forestry Industry) Act (2014)*.

The management objectives of FPPFL in the *Forestry (Rebuilding the Forestry Industry) Act (2014)* Schedule 3 are:

- (a) to conserve natural biological diversity;
- (b) to conserve geological diversity;
- (c) to preserve the quality of water and protect catchments;
- (d) to conserve sites or areas of cultural significance;
- (e) to encourage education and research, consistent with the land's natural and cultural values;
- (f) to protect the future potential production forest land against, and rehabilitate that land following, adverse impacts such as those of fire, introduced species, diseases and soil erosion on that land's natural and cultural values and on assets within and adjacent to that land;

- (g) to encourage tourism, recreational use and enjoyment consistent with the conservation of the land's natural and cultural values;
- (h) to encourage cooperative management programs with Aboriginal people in areas of significance to them in a manner consistent with the other management objectives;
- (i) to provide for the taking, on an ecologically sustainable basis, of designated game species for commercial or private purposes, or both;
- (j) to provide for the controlled use of natural resources including special species timber harvesting;
- (k) to provide for exploration activities and utilisation of mineral resources;
- (l) to allow for private, commercial or industrial uses.

The objectives of the *Forestry (Rebuilding the Forestry Industry) Act (2014)* does not afford any priority to the protection of natural and cultural values over potential development, such as private, commercial or industrial uses. DPIPWE have stated that (at least in relation to threatened species and threatened native vegetation communities) that protection “are already built into” the approvals process for development in FPPFL. No further information was supplied to support this contention.

All forestry activities proposed in the FPPFL (currently only special species harvesting in accordance with *The Tasmanian Special Species Management Plan (2017)*) will be undertaken under the *Forest Practices Act (1985)* which is exempt from planning approval. *The Tasmanian Special Species Management Plan (2017)* considered the potential impacts on conservation, environmental, cultural and heritage values (pp8) and concluded that the Forest Practices System provides for the management of these values but only “in the context of special species timber harvesting.”

Development (other than forestry activities) on FPPFL will require the approval of the lands managing entity. Land managed by the Crown Lands Department requires the minister as the managing entity to “...have regard to the objectives for management of future potential production forest land ...” in Schedule 3. There are no provisions under the *Forestry (Rebuilding the Forestry Industry) Act (2014)* in relation to the management of FPPFL from managing entities other than the Crown Lands Department (State-owned companies or Government Business Enterprises).

As the current legislation stands protection of environmental, cultural and heritage values from developments other than forestry activities is at the discretion of the managing entity. Land administered by the Crown Lands Department would only need to “have regard to” the objectives in Schedule 3 of the *Forestry (Rebuilding the Forestry Industry) Act (2014)* as part of the approvals systems for developments. Consequently the type of zoning applied to FPPFL is highly relevant to the control of potential impacts of development (other than forestry) on natural and cultural values.

Decisions on which zone to apply to an area of land are made after consideration of the Zone Purpose Statements and the Application Guidelines.

ZONE PURPOSE STATEMENTS

The purpose of the **Rural Zone** is:

20.1.1 To provide for a range of use or development in a rural location:

- (a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;
- (b) that requires a rural location for operational reasons;
- (c) is compatible with agricultural use if occurring on agricultural land;
- (d) minimises adverse impacts on surrounding uses.

20.1.2 To minimise conversion of agricultural land for non-agricultural use.

20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.

The purpose of the **Landscape Conservation Zone** is:

22.1.1 To provide for the protection, conservation and management of landscape values.

22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.

The purpose of the **Environmental Management Zone** is:

23.1.1 To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value.

23.1.2 To allow for compatible use or development where it is consistent with:

- (a) the protection, conservation and management of the values of the land; and
- (b) applicable reserved land management objectives and objectives of reserve management plans.

The SPP Explanatory Document (7 March 2016) provides zone application guidelines and states that the Rural zone (my emphasis);

“ **should not** be applied to land that is:

- identified for commercial agricultural production (see Agriculture Zone);
- land **with significant environmental values** (see Landscape Conservation Zone and Environmental Management Zone). “

The LPS: zone and code application Guideline No. 1 (2018) provides additional information that state (my emphasis):

- RZ 1 The Rural Zone **should be applied** to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, **and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.**
- LCZ 1 The Landscape Conservation Zone **should be applied** to land **with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values**, where some small scale use or development may be appropriate.
- LCZ 2 The Landscape Conservation Zone **may be applied** to:
 - (a) **large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;**

Information available in the LPS: zone and code application Guideline No. 1 (2018) and the Explanatory Document for a draft of the SPPs (March 2016) provides additional guidance on the application of the Environmental Management and Landscape Conservation zones. Both these documents give emphasis to the use of the Landscape Conservation zone for the preservation of broad-scale environmental values by providing a new zone that has the primary objective of protection of landscape values whilst allowing complementary use or development. The Guidelines note that:

Together the Landscape Conservation Zone and the Environmental Management Zone, provide a suite of environmental zones to manage use and development in natural areas.

Similarly the Explanatory Document (2016) describes the recalibration of the previous Environmental Living and Environmental Management zones under the IPS in the SPPs to allow a more flexible application of zoning to protect significant environmental values, it states that:

The purpose of the Landscape Conservation Zone should be for the protection of bushland and biodiversity values as the first priority;

Although the application of the Landscape Conservation zone was initially intended for private land (with the Environmental Management zone used exclusively on public/Crown Land) there was recognition that these two zones would have implications on how zones like the Rural zone would be applied. The current Guideline No 1 (2018) extends the Environmental Management zone onto private land through EMZ 1 (f). Similarly the Landscape Conservation zone purpose and guidelines make no reference to land ownership and can be applied to private or public/Crown Land.

The final zoning of FPPFL will not have any implications in relation to the provision of special species timber as all native forest harvesting will be exempt from the planning provisions. FPPFL primarily consists of large areas of bushland containing important scenic, natural and cultural values (see Bob Brown Foundation- Circular Head LPS submission 7). Under RZ 1 this would point to its consideration for zoning as Environmental Management or Landscape Conservation. In general the objectives of Schedule 3 of the *Forestry (Rebuilding the Forestry Industry) Act (2014)* are consistent with zone purpose 22.1.1 and 22.2.2 and application guidelines LCZ 1 and LCZ 2 (a); as such FPPFL should in the first instance be zoned as Landscape Conservation unless significant ecological, scientific, cultural or scenic values have been identified.

Areas within the FPPFL that have identified to contain significant ecological, scientific, cultural or scenic values should be zoned Environmental Management consistent with EMZ 1 (e). To this end the Bob Brown Foundation (Circular Head LPS submission 7) provides important information in determining the areas that may be more suitable for Environmental Management zoning rather than Landscape Conservation. Similarly DSG refer to a “conservation assessment of FPPL land” that was undertaken as part of production of *The Tasmanian Special Species Management Plan (2017)*. This report would also be useful in identifying areas that may be better protected using the Landscape Conservation zoning.

Zoning of PTPZL

The arguments put forward above for the zoning of FPPFL are equally applicable to PTPZL which is managed by Sustainable Timber Tasmania. Management of the forest industry in Tasmania is underpinned by the Tasmanian Regional Forest Agreement (RFA) with the Federal Government. The RFA is premised on the principles of ecologically sustainable forest management which seeks to provide certainty for the conservation of environmental and heritage values. Ecologically sustainable forest management is guided by seven principles:

- Maintain and enhance long-term socio-economic benefits
- Protect and maintain biodiversity
- Maintain the productive capacity and sustainability of forest ecosystems
- Maintain forest ecosystem health and vitality.
- Protect soil and water resources
- Maintain forests' contribution to global carbon cycles
- Maintain natural and cultural heritage values

As PTPZL is primarily managed for wood production under the Forests Practices System it could be reasonably argued that this is consistent with Landscape Conservation zone purpose 21.1.2; that is the *“compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.”* Similarly areas within the PTPZL that have been reserved under previous or existing Forest Practise Plans as “informal reserves” to protect natural and landscape values could be reasonably considered as consistent with zone purpose of the Environmental Management zone 23.1.1 and EMZ 1 (e).

Conclusion

I support the use of the Environmental Management zone in all areas of FPPFL within the TWWHA.

DPIPWE have requested that FPPFL outside the TWWHA be zoned Rural. They provide no information to support this view based on the LPS process, the Zone Purpose or the Rural zone Planning Guidelines.

Both FPPFL and PTPZL are generally large areas of native vegetation which contain threatened native vegetation communities, threatened species and important scenic values consistent with the Zone Purpose and Application Guidelines of the Landscape Conservation or Environmental Management zones.

The zoning of both FPPFL and PTPZL as either Landscape Conservation or Environmental Management appears consistent with both the current uses (ecologically sustainable forest management) of these land parcels and the zone purposes and application guidelines. Landscape Conservation should be considered the default zoning both in FPPFL and PTPZL unless further evidence can be supplied to consider other zonings. In some areas of FPPFL and PTPZL Environmental Management zoning may be more applicable based on current knowledge of the presence of significant ecological, scientific, cultural or scenic values.