

**TASMANIAN GOVERNMENT
POLICY FOR MAINTAINING A PERMANENT NATIVE
FOREST ESTATE
February 2007**

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.

This Policy specifically addresses the third of these elements and will ensure that Tasmania maintains a permanent native forest estate and effectively manages its sustainability. The Policy is not about maintaining 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 is a revision of the 1997 "Maintaining a Permanent Forest Estate" policy document referred to and developed in accordance with Attachment 9 of the Tasmanian Regional Forest Agreement and revised in accordance with clause 45 of the *Supplementary Regional Forest Agreement, May 2005*. 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 -

- 1.1 Maintain and sustainably manage Tasmania's native forest resource base and associated economic, nature conservation, ecosystem services, scenic, cultural and amenity values;
- 1.2 Ensure that the conservation status of forest communities is maintained or enhanced;
- 1.3 Provide for the reasonable aspirations of the Tasmanian community for sustainable economic development; and
- 1.4 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.

In meeting these objectives, the burden of transition will be borne in the first instance on public land and, for private land, flexibility will be developed into the implementation of this Policy to the extent that these objectives are met.

2. Native Forests

2.1 Statewide retention levels

- 2.1.1 95% of the 1996 CRA native forest area is to be maintained on a statewide basis.
- 2.1.2 Broadscale clearing and conversion of native forest on public land will be phased out by 2010.
- 2.1.3 Broadscale clearing and conversion of native forest on private land will be phased out over a period of ten years from 13th May 2005.

2.2 Forest Communities retention levels

- 2.2.1 *Threatened forest communities* – all viable threatened forest communities are to be maintained other than in those circumstances where conversion will not substantially detract from the conservation of that forest community or conservation values within the immediate area.
- 2.2.2 *Non-threatened forest 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% 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 (which ever is the higher) unless not of bioregional significance (as under 4.3.3 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 50% of the 1996 CRA native forest area of each community in each IBRA bioregion.

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

2.3 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: –

- 2.3.1 The protection of regional biodiversity is addressed through provisions in the Forest Practices Code, reflecting the guidelines in clauses 2.1, 2.2 and 3 of this Policy.
- 2.3.2 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 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.

3. Non-Forest Vegetation

Forestry operations must not include incidental clearance and conversion of threatened non-forest vegetation communities, except in those conditions where the activity will not substantially detract from the conservation of that non-forest vegetation community or conservation values within the immediate area.

4. Exercise of Discretion in approving the conversion of Native Forest or Threatened Non-Forest Vegetation

- 4.1 Consideration may be given to a 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.
- 4.2 Consideration may be given to whether the conversion of native forest or threatened non-forest can be offset by conditions on that approval designed to improve biodiversity, water quality, salinity or other land degradation outcomes.
- 4.3 The forest community retention levels need to be applied in a practical and meaningful way. For this reason, the levels may be exceeded where:
 - 4.3.1 the conversion of native forest does not result in the loss of significant nature conservation values in an IBRA bioregion; and
 - 4.3.2 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
 - 4.3.3 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.
- 4.4 The forest community retention levels may be exceeded where:

4.4.1 substantial public benefits will accrue to the Tasmanian community from the conversion of the forest area and the conversion will not substantially affect the conservation of that forest community or conservation values within the immediate area; or

4.4.2 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.

5. Implementation and Reporting

- 5.1 This Policy will be implemented in accordance with the Implementation Guidelines at Attachment 1.
- 5.2 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.
- 5.3 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.
- 5.4 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*.
- 5.5 The Forest Practices Authority independently audits a sample of Forest Practices Plans.
- 5.6 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.
- 5.7 The Forest Practices Authority has powers under the *Forest Practices Act 1985* to ensure compliance with this Policy.
- 5.8 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.

6. Review of the Policy

- 6.1 The implementation of this Policy will be reviewed as part of the successive five year reviews of the Regional Forest Agreement. The Policy itself will next be reviewed by the Tasmanian Government in conjunction with the 2012 five year review of the Regional Forest Agreement.
- 6.2 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.
- 6.3 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:

- definitions
- application of Policy limits
- allocation
- opportunities for landowners
- monitoring, reporting and mapping
- monitoring bioregional thresholds; and
- 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 clause 4 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 2 of the *Forest Practices Regulations 1997*:-

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

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*.”

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.

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.

Threatened forest communities means those forest communities listed in Schedule 1 of the *Forest Practices Regulations 1997*².

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 Under legislation before the Tasmanian Parliament in September 2006, Schedule 1 of the *Forest Practices Regulations 1997* is proposed to be deleted and a list of threatened native vegetation communities to be inserted as Schedule 3A in the *Nature Conservation Act 2002*. If the legislation is approved, the definition of threatened forest communities in this Policy will be those forest communities listed in Schedule 3A of the *Nature Conservation Act 2002*.

2.2 Application of Policy limits

The Policy requires 95 per cent of Tasmania's 1996 CRA native forest area to be maintained and broadscale clearing and conversion of native forest to be phased out on public land by 2010, and on private land by 2015.

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 bioregional retention thresholds 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) Small scale clearing and conversion for purposes other than as described in 2.2 i) **will** be limited by the Policy.

Explanatory Note: this means that small scale clearing and conversion can continue (subject to meeting all other regulatory requirements) within the 95% threshold. If the 95% 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 clause 4 of the Policy.

- iii) Broadscale clearing and conversion of native forest **will** be limited by the Policy.

Explanatory Note: this means that broadscale clearing and conversion can continue (subject to meeting all other regulatory requirements) unless the 95% threshold is triggered or until 2010 (on public land) or 2015 (on private land), whichever is the sooner. If either the retention threshold is triggered or the relevant time period is reached then proposals for broadscale clearing and conversion would not normally be approved. Note that the Forest Practices Authority may exercise discretion to approve Forest Practices Plans in accordance with clause 4 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.

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. Until recently, monitoring has been primarily on the basis of "planned" conversion not "actual" conversion. Preliminary comparison of planned conversion with actual indicates that planned conversion is an overestimate of the area of forest actually cleared. On the other hand, clearing for activities other than commercial forestry (eg for cropping or subdivisions) was not regulated under the *Forest Practices Act* until 2002, so the Forest Practices Authority's monitoring of clearing and conversion from 1996 to 2002 will be underestimated to that extent. In addition, definitions of forest have evolved since the RFA, so the accounting methodology has also evolved over time.

To provide a more accurate picture of clearing and conversion since 1996, a project will be commissioned by the Tasmanian Government to independently establish adjustment factors that can be applied to the existing conversion dataset. Adjustment factors relating to, but not limited to, the issues outlined above will be identified. Both negative and positive adjustment factors will be applied to gain the greater degree of precision in accounting for forest clearance sought by stakeholders. This work will be completed by August 2007.

The area currently reported as cleared and converted will have these adjustment factors applied to determine, for the purposes of implementing this Policy, the revised area of native forest cleared and converted since 1996.

The determination of native forest area is a continuing process and it is possible that future mapping or land use change estimates will provide a greater degree of precision than available at present. However, to avoid any doubt, 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 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 50% minimum retention level in a bioregion.

The process of monitoring non-threatened forest communities against bioregional thresholds is outlined in Appendix 1.

2.6 *Application of Policy to offshore islands*

The Policy includes Statewide, bioregional 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

- i) financial compensation where a private timber reserve application is refused under circumstances specified in the *Forest Practices Act 1985*;

- ii) financial compensation in prescribed circumstances where a Forest Practices Plan is refused/amended on the grounds of threatened species;

Other

- iii) financial incentives for forest owners to participate in voluntary private land conservation and/or stewardship programs, for example, as part of the Australian Government's Forest Conservation Fund and vegetation incentives funded through regional Natural Resource Management Committees;
- iv) Vegetation Management Agreements/property plans that provide regulatory simplification and management certainty;

Measures planned for the immediate future include:

- v) financial compensation in prescribed circumstances where a Forest Practices Plan is refused/amended on the grounds of threatened native vegetation communities;

Additional measures, to be pursued by the Tasmanian Government with the Australian Government, include:

- vi) market-based incentive programs; and
- vii) a program aimed at recognising the environmental stewardship role played by native forest owners (eg through payments for management services).

APPENDIX 1. Monitoring non-threatened forest communities against bioregional thresholds

The key steps in the review process undertaken by the Forest Practices Authority are:

- i) Appointment by the Forest Practices Authority of a working group with expertise in forest community mapping and conservation status to undertake a risk analysis of non-threatened forest communities at, approaching or below the Policy's bioregional retention thresholds;
- ii) The analysis will be confined to addressing the risk of a non-threatened forest community, as a result of continued conversion, either becoming a threatened forest community or falling below the 50% minimum retention level in a bioregion;
- iii) The risk analysis will separate communities into either "not at risk", "not of bioregional significance", or "at risk"; and
- iv) The Forest Practices Authority to recommend to the Minister responsible for administering the *Forest Practices Act 1985* for endorsement of the outcomes of the risk analysis.

While this process is being followed, clearing and conversion can continue without additional limitation unless any application(s) for the approval of a Forest Practices Plan would have the result of the community reaching or exceeding the 50% minimum bioregional retention threshold or becoming a threatened forest community.

Risk analysis procedure

The risk analysis procedure will be guided by the Policy settings using the following decision tree:

1. Is the forest community at, approaching or below 2000 hectares or at, approaching or below 75% of the 1996 CRA area of that community, in any bioregion?
If yes, go to 2.
*If no then "**not at risk**".*
2. Is the forest community at, approaching or below the thresholds in 1 above only because of inadequate mapping, inappropriate community classification, or because of the nature of fuzzy IBRA bioregional boundaries?
*If yes then "**not of bioregional significance**".*
If no go to 3.
3. Is the forest community subject to clearing and conversion plans that if approved would cause the community to become a "threatened community" or to fall below the required minimum retention level in a bioregion (50%), in the next 12 months?
*If yes then "**at risk**".*
*If no then "**not at risk**".*

Response to risk categories

Not at risk: Clearance and conversion of the community in the bioregion will not be constrained by the Policy at this time. The Forest Practices Authority to monitor for changes in risk factors.

Not of bioregional significance: Clearance and conversion of the community in the bioregion is not constrained by the bioregional thresholds in the Policy.

At risk: The Forest Practices Authority may exercise its discretion to constrain clearing and conversion within acceptable limits and consistent with the Policy.