

Principles:

1. The FPA recognises the importance of transparent and effective communication in the operation of the forest practices system.
2. Forest Practices Officers will encourage appropriate consultation with respect to proposed forest practices operations. This will be facilitated by ensuring that:
 - adequate notification of proposed operations is given to adjoining landholders and local government
 - formal consultation occurs with local government in accordance with the provisions of the *Forest Practices Code*
 - information in relation to the proposed operations is communicated to interested parties in an effective and efficient manner.

1 Notification of intent to conduct forest practices

- 1.1 Notification of intent will be sent to the local council and to all holders of land within 100m of the boundary of the proposed forest practices plan.
- 1.2 The notification should be given at least 30 days prior to the commencement of operations. Ideally, the notice should be given three to six months in advance of operations. A new notice should be issued if operations have not commenced within 12 months of the issue of a notice of intent, or if substantial changes to the operations are proposed.
- 1.3 The notification of intent should provide basic information for each type of plan (roading, quarry, harvesting, reforestation) or combination of plan. Information to local government may be provided in the form of regular briefings, as agreed with individual councils.
- 1.4 Forest Practices Officers will not approve forest practices plans unless notification has been given in accordance with this instruction. The notification will be the responsibility of the applicant¹ or the applicant's nominee.

¹ 'applicant' means the person who has applied for the certification of a forest practices plan pursuant to s.18 of the *Forest Practices Act 1985*.

2 Consultation with local government

- 2.1 Forest Practices Officers are encouraged to consult and maintain good communication links with local government.
- 2.2 Formal consultation is required under the *Forest Practices Code* in relation to those operations which potentially affect:
 - areas zoned for landscape protection in planning schemes
 - water quality in a listed town water supply catchment
 - clearfelling within 50m of a permanent Class 1,2 or 3 stream for a distance of 2km upstream from a major town water supply intake
 - construction of new access or major upgrading of existing access for timber harvesting onto highways or municipal roads.

3 Response to requests for information

- 3.1 Requests for information should be directed to the applicant, or to the applicant's nominee as indicated in the notification of intent.
- 3.2 In the first instance, requests for information should be dealt with through verbal discussions. A meeting of the parties in the field or office should be encouraged.
- 3.3 Requests for written information should be dealt with in a reasonable manner, recognising that the applicant (or nominee) may seek to recover costs incurred in providing information. The aim should be to provide relevant information within the broader context of forest planning under the *Forest Practices Code*. Planning documentation such as natural and cultural evaluation forms are background documents and are not part of the forest practices plan. It is recognised that a forest practices plan is an operational document that needs to be interpreted within this broader planning framework. Information relating to this broader planning framework may be provided where appropriate. The forest practices plan should be made available for viewing. A copy or extract should be provided where this is relevant.
- 3.4 The FPA retains the right to make a copy of any forest practices plan available to any party, excluding any information that is exempt from release under the *Right to Information Act 2009*.
- 3.5 In making information or copies of forest practices plans available to other parties the FPA will follow the following procedures:
 - 3.5.1 In the first instance, requests for information on, or copies of, forest practices plans will be referred to the responsible applicant so that any queries or issues can be directly addressed through discussions and negotiations between the relevant parties.

- 3.5.2 Where a person has made a request to the applicant for information or a copy of a forest practices plan and the person is of the view that the request has not been satisfactorily addressed, the person may lodge a request in writing to the FPA.
- 3.5.3 A request in writing to the FPA must specify the details sought by the person making the request and a statement indicating the information provided or not provided by the applicant. This information is necessary to ensure administrative efficiency and avoid unnecessary duplication in responding to requests for information.
- 3.5.4 In response to a request made in 3.5.3, the FPA will, after considering information already provided under 3.5.2, provide any relevant information that it holds.
- 3.5.5 The provision of any information under 3.5.4, including copies of forest practices plans, will be subject to the Right to Information Act.² Where required, the FPA will remove:
- any exempt information that relates to the management or protection of rare and threatened species or sites or areas of scientific, cultural or historical significance³
 - any personal information that is exempt information under the Right to Information Act, including the personal names of the applicant and landowner and all personal addresses and contact details.
- 3.5.6 Before releasing information above the FPA will, as a courtesy, advise the applicant and the landowner of the name of the person who has made the request and the information to be provided to the person.

² Section 7 of the Right to Information Act states 'A person has a legally enforceable right to be provided, in accordance with this Act, with information in the possession of a public authority or a Minister unless the information is exempt information.'

³ Section 42 of the Right to Information Act provides that information is exempt if its disclosure would be likely to:

- (a) threaten the survival of a rare or endangered species of flora or fauna; or
- (b) prejudice any measures being taken, or proposed to be taken, for the management or protection of a rare or endangered species of flora or fauna; or
- (c) have an adverse effect on a site or area of scientific, cultural or historical significance; or
- (d) prejudice any measures being taken, or proposed to be taken, for the management or protection of a site or area of scientific, cultural or historical significance provided such measures would not themselves have any of the effects referred to in paragraph (a), (b) or (c).

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