

Information on land clearing controls in Tasmania

This information sheet summarises the current controls on land clearing under the *Forest Practices Act 1985* and *Forest Practices Regulations 2007*. For further information, see the publication '*A guide to planning approvals for forestry in Tasmania*' on the Forest Practices Authority's website. It is important that the forest practices that you are planning to carry out comply with the legislation; failure to do so can result in substantial penalties. As the legislative requirements change from time to time, landowners are advised to seek up to date information from the FPA website before commencing any clearing operations.

1. Where in Tasmania do land clearing controls apply?

The land clearing controls apply to all land in Tasmania, both public and private. They apply to forest vegetation and threatened non-forest vegetation communities. The state government is phasing out all forest clearing and conversion by 2015 or sooner if the thresholds for maintaining defined forest areas at the regional or state-wide levels are reached (refer to the government's policy for maintaining a permanent native forest estate – at www.dier.tas.gov.au/forests/permanent_native_forest_estate_policy)

2. What is 'land clearing'?

The controls on land clearing differ between forest and non-forest vegetation.

Forest vegetation

The controls apply to the clearing, removal or destruction of native trees or other woody plants, including any seedlings, that are or have the potential to grow to a height of 5 metres or more.

Non-forest vegetation

The controls apply to clearing and conversion of *threatened* non-forest native vegetation. There are no controls under the Forest Practices Act on clearing non-forest vegetation that is not threatened. Clearing and conversion is defined as the deliberate removal of native vegetation and its permanent or long-term replacement with introduced vegetation or other material. Continuation of existing land management practices in non-forest communities is not regarded as clearing, provided that the essential character of the vegetation is maintained.

3. How is land clearing controlled?

A certified forest practices plan is required to authorise land clearing (clearing forest or clearing and converting threatened non-forest native vegetation). Exemptions apply in some circumstances. These are explained below under section 6.

Applying for a forest practices plan

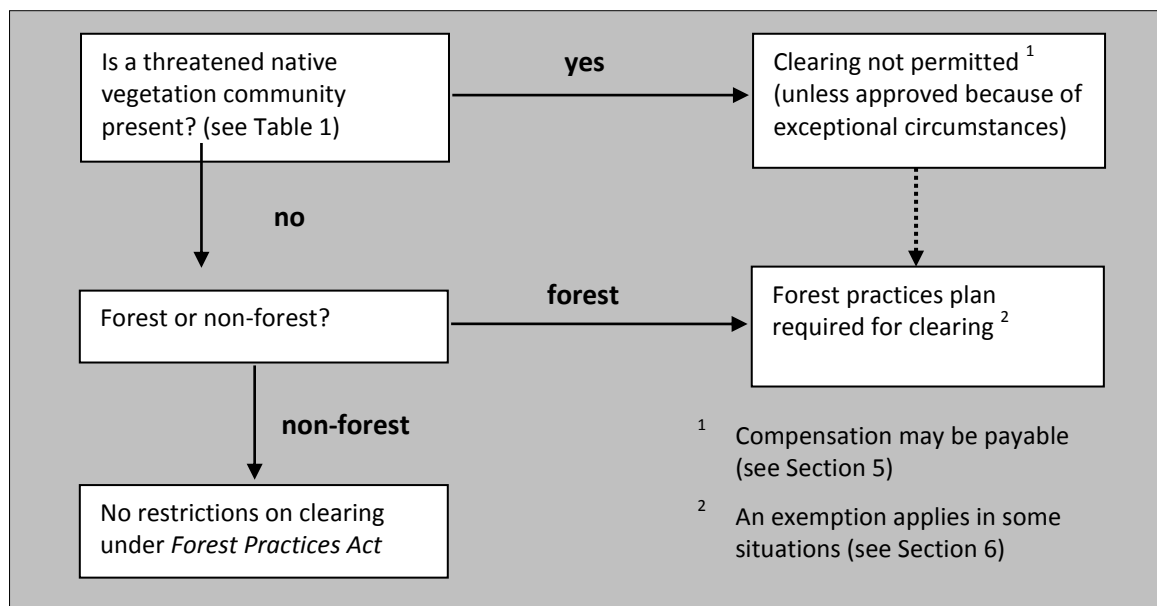
To obtain a certified forest practices plan you will need to engage a Forest Practices Officer. A list of consulting Forest Practices Officers can be found on the FPA's web site (www.fpa.tas.gov.au).

4. Will I be allowed to clear my land?

Clearing of forest is permitted where authorised under a forest practices plan or where an exemption is provided under the regulations (see section 6). Clearing is not permitted in some circumstances, even with a forest practices plan.

Clearance and conversion of threatened native vegetation communities is not permitted unless exceptional circumstances (as defined under the Forest Practices Act) exist. A list of threatened native vegetation communities is provided in Table 1 on the last page of this information sheet. A series of information sheets has been produced to assist land owners to identify vegetation communities. These are available on the internet (www.fpa.tas.gov.au) or by contacting the FPA.

Controls on native vegetation clearing



5. Is compensation payable if I'm prevented from clearing my land?

Compensation may be payable to affected landowners who are prevented from clearing threatened native vegetation. The *Nature Conservation Act 2002* sets out the processes and criteria for compensation. For further information contact a Forest Practices Officer or the FPA.

6. Are there any exemptions?

The Forest Practices Regulations provide some exemptions from the requirement to have a forest practices plan to authorise land clearing. These include:

- small scale clearing can take place providing:
 - the landowner has given consent and
 - the land is not 'vulnerable land' (see definition below) and

- **up to 1 hectare** per property per year is cleared or timber volumes removed or cleared do not exceed **100 tonnes** (clearing requires a forest practices plan if either of these thresholds is exceeded)
- clearing that is necessary to provide a reasonable buffer for existing infrastructure (e.g. dwellings, fences) or for public safety
- clearing native vegetation regrowth (containing no more than 20 eucalypts more than 2 metres tall within a 0.5 hectare area) on previously cleared and converted land (i.e. land that has not contained trees or threatened native vegetation for a period of at least 5 years since 1985)
- clearing associated with:
 - dam works authorised by a dam permit
 - easements for the construction and maintenance of electricity infrastructure and associated access tracks, where in accordance with an environmental management system endorsed by the FPA
 - construction and maintenance of gas pipelines and public roads
- clearing in accordance with a conservation covenant or a vegetation management agreement of a kind approved by the FPA
- clearing carried out in the course of fire management work that is part of a fire management program of a kind approved by the FPA
- clearing carried out for mining or mineral exploration activities that are authorised under a permit under the *Land Use Planning and Approvals Act 1993* or a licence or lease under the *Mineral Resources Development Act 1995*
- clearing carried out for the purposes of constructing buildings or associated developments, but only where they have been authorised under a permit issued under the *Land Use Planning and Approvals Act*
- clearing for railways within the meaning of the *Rail Infrastructure Act 2007*.

Vulnerable land means land that:

- is within a streamside reserve or a machinery exclusion zone as defined in the *Forest Practices Code* (streamside reserves vary from 10 metres from the streambanks for a Class 4 stream to 40 metres for a Class 1 river); or
- has steep slopes in excess of the limits prescribed in Table 7 (page 54) of the *Forest Practices Code* (these limits range from 11-19 degrees depending on the rock type); or
- is within the high or very high soil erodibility class within the meaning of the *Forest Practices Code* (see page 52 and Appendix 6 of the Code); or
- consists of, or contains, a threatened native vegetation community (see Table 1 below); or
- is inhabited by a threatened species; or
- contains vulnerable karst soils (see page 101 of the *Forest Practices Code*); or
- contains an area of trees reserved from harvesting or clearing under an expired forest practices plan.

Need help or more information on threatened native vegetation communities?

FPA: 30 Patrick St, Hobart 7000; ph. 6233 7966 www.fpa.tas.gov.au

DPIPWE: 134 Macquarie St, Hobart 7000; ph. 6233 8538 www.dpipwe.tas.gov.au

Table 1 Threatened native vegetation communities (as listed in the Nature Conservation Act 2002)

<p>Threatened forest communities</p> <p><i>Allocasuarina littoralis</i> forest (Bull oak forest)</p> <p>Pencil pine / Deciduous beech short rainforest</p> <p>Pencil pine open woodland</p> <p>Pencil pine rainforest</p> <p>King Billy pine / Deciduous beech short rainforest</p> <p>King Billy pine rainforest</p> <p><i>Banksia serrata</i> (saw-tooth banksia) woodland</p> <p><i>Callitris romboidea</i> (Oyster Bay Pine) forest</p> <p><i>Eucalyptus amygdalina</i> (black peppermint) forest and woodland on sandstone</p> <p><i>Eucalyptus amygdalina</i> (black peppermint) inland forest & woodland Cainozoic deposits</p> <p><i>Eucalyptus brookeriana</i> (Brookers gum) wet forest</p> <p><i>Eucalyptus globulus</i> (blue gum) dry forest and woodland</p> <p><i>Eucalyptus globulus</i> (blue gum) King Island forest</p> <p><i>Eucalyptus morrisbyi</i> (Morrisbys gum) forest and woodland</p> <p><i>Eucalyptus ovata</i> (black gum) forest and woodland</p> <p><i>Eucalyptus risdonii</i> (Risdon peppermint) forest and woodland</p> <p><i>Eucalyptus tenuiramis</i> (silver peppermint) forest and woodland on sediments</p> <p><i>Eucalyptus viminalis</i> – <i>E. globulus</i> (white gum – blue gum) coastal forest and woodland</p> <p><i>Eucalyptus viminalis</i> (white gum) Furneaux forest and woodland</p> <p><i>Eucalyptus viminalis</i> (white gum) wet forest</p> <p><i>Melaleuca ericifolia</i> (coast paperbark) swamp forest</p> <p><i>Notelaea</i> – <i>Pomaderris</i> – <i>Beyeria</i> forest (Native olive – dogwood – pinkwood forest)</p> <p>Subalpine <i>Leptospermum nitidum</i> (shining tea-tree) woodland</p>
<p>Threatened non-forest communities</p> <p>King Billy Pine subalpine scrub</p> <p><i>Banksia marginata</i> (silver banksia) wet scrub</p> <p>Heathland scrub complex at Wingaroo</p> <p><i>Melaleuca pustulata</i> scrub</p> <p>Riparian scrub</p> <p>Rainforest fernland</p> <p>Seabird rookery complex</p> <p>Highland <i>Poa</i> grassland</p> <p>Alkaline pans</p> <p>Cushion moorland</p> <p>Highland grassy sedgeland</p> <p>Subalpine <i>Diplarrena latifolia</i> rushland</p> <p>Coastal complex on King Island</p> <p>Heathland on calcarenite</p> <p><i>Sphagnum</i> peatland</p> <p>Wetlands</p>