

Reedy Marsh Forest Conservation Group

*780 Larcombes Road
Reedy Marsh
Tasmania 7304*

Update to PTR 1698 Appeal

16 May 2006

by Andrew Ricketts and Annemaree Woodward

Both TEA and RMFCG have been solidly working on an appeal against a Private Timber Reserve (PTR) proposed in Reedy Marsh. This has been ongoing since October 2004. At that time land owners, Mr and Mrs Porter, applied for PTR 1597. Several objections were lodged including via Meander Valley Council (MVC).

PTR 1597 was approved by the Forest Practices Board (FPB) and then in May 2005, when the hearing date had been set the FPB overturned its own decision, in mid May 2005 after the RMFCG and TEA had written under the Judicial Review Act asking for reasons for the decision.

Toward the end of May 2005 the Porters applied for PTR 1698. About 40 objections were lodged, including TEA, RMFCG, the AWPC and TWS all via MVC and 6 from Prescribed Persons (direct neighbours, prescribed under the Act).

MVC changed its PTR policy attempting to get rid of the objection. That failed. MVC asked all public interest objectors to indemnify it for costs. TEA and several individuals signed MVC's indemnity agreement. Some did not.

The Forest Practices Authority approved PTR 1698. It was appealed by many of the objectors including TEA through MVC. The FPA is automatically a party to the appeal for the proponent. Private Forests Tasmania and Gunns joined the appeal.

At the Directions Hearing TEA asked MVC to include an additional ground of appeal [that the land is not suitable to be a PTR]. When MVC withdrew that ground TEA applied to be joined as a party, in its own right, on that ground and was accepted by the Tribunal.

The Forest Practices Tribunal hearing, at the Deloraine Community Complex, in Alveston Drive Deloraine commenced with four days in late February 2006. So far 8 days of hearing have not completed the proponent's case. Gunns' witnesses have consumed about 6 days of the hearing.

The 22, 23, 24 May 2006 are the next hearing dates. MVC and TEA has about 24 witnesses and then there are the six Prescribed Persons. The next day will be spent cross-examining Private Forests Tasmania.

Grounds of appeal are very limited: *Not in the public interest* (MVC's), *not suitable* (TEA) and *direct and material disadvantage* (Prescribed Persons). Legal representation is not allowed.

Private Timber Reserves are administered under the Forest Practices Act 1985 and are a key strategic mechanism for industry expansion on private land throughout Tasmania taking land out of local government control.

The subject land is over 1,100 Ha, about 8 kms long. Over 40% of the area is Threatened Vegetation Communities, forest and non-forest. 100% is Vulnerable Land and key fauna habitat for Threatened Species. There are at least 7 Threatened Species present on the land. Reedy Marsh is a rural residential neighbourhood with 4 Low Density residential zones.

This is a landmark case, the largest ever appeal against a PTR. So far this appeal has cost TEA over \$6,000 all generously donated by supporters. We've now run out of funds and are in urgent need of more donations to support this important appeal.

We've had a steady stream of observers at the hearing. It's educational. Please come along and show the public interest.

TEA wishes to acknowledge the invaluable assistance of the Environmental Defenders Office and its lawyer Jess Feehely for the excellent advice.

END