

# TEA News

THE NEWSLETTER OF THE ENVIRONMENT ASSOCIATION INC

## ***HOPES TO CONSERVE WOODVILLE DWINDLE AS SUPREME COURT REJECTS APPEAL***



by Andrew Ricketts and Annemaree Woodward

View of Woodville from the Bass Highway at Exton Photo © Andrew Ricketts

In the last TEA News we told you that The Environment Association had lodged an appeal in the Supreme Court to review the Forest Practices Tribunal's decision under the Judicial Review Act over Private Timber Reserve 1698.

At the same time a Reedy Marsh resident lodged an appeal on his personal grounds.

Unfortunately The Environment Association was unable to find a solicitor willing to face Gunns Ltd. so the conservation case for the land has not come up before the Supreme Court.

On 13 January 2008, the Court handed down its decision denying the appeal against the private timber reserve.

We still say the decision of the Forest Practices Tribunal is wrong and unjust. It's a great shame TEA was not able to bring the conservation issues to a higher court because we think our appeal had potential to set important precedents under Tasmanian Law for forests and threatened species on private land.

It's now eight years since local people in Reedy Marsh started work to conserve "Woodville" but now that there is nowhere else to go with the legal system options for this beautiful forested land have dwindled.

Conservation is perilous and the plight of threatened species pressing on private land. The rate of forest extraction, clearance and conversion on private land is aided by private timber reserves.

Significant private forest conservation is urgently needed to avoid extinctions.

'Woodville' is rich in Threatened, Rare, Endangered and Priority Species - the Spotted Tailed Quoll, Wedge Tailed Eagle, Grey Goshawk, Swift Parrot, Eastern Barred Bandicoot, Green and Gold Frog, Masked Owl, Tasmanian Devil, Eastern Quoll, Tasmanian Bettong and Rare plants *Pimelia filiformis* and *P. curviflora*.

With its diverse geographical environments from rocky hilltops and rock shelves, aeolian dune systems, forests and woodlands to grasslands, steep slopes, swamps and ephemeral watercourses it's an important large remnant of high biodiversity, linking the Meander River with the existing state reserves in Reedy Marsh.

Gunns Ltd announced before the Supreme Court handed down its decision that it intends to start logging on "Woodville" during January 2008. It's amazing how confident they were that the decision would go in their favour.

Most of this logging would be for export woodchips. All that wonderful biodiversity to be chopped, chipped and sent to Japan—what a waste!

We still have a long-term aspiration to protect "Woodville" with all its biodiversity for the benefit and enjoyment of all.

Currently it seems the only way to save forest of private land is to buy the land.

If you are a millionaire with a desire to save forests or if you know someone else who is please give this beautiful land your attention.

Contact TEA on 6368 1343 for more information.

# ENVIRONMENT HOUSE UPDATE



## **Unit share values go up**

The Valuer General has revalued Environment House to \$170,000 so if you are a lucky unit holder of Environment House your unit share price is now more than 3 times what you paid for it.

What a great investment!

There are still units for sale. Buy now and ready before the next revaluation.

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## **Solar Upgrade**

Last issue we invited you to be involved in planning and implementing a solar redevelopment of Environment House for electricity, water and heating.

If you wish to do so please contact:

**The Trustees Ross Ulman & Annie Willock PO Box 75 Deloraine 7304 or phone Annie on 63635171 or Ross on 63631230.**

Find out about the solar rebate scheme at The Australian Greenhouse Office website.

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## **Rooms available for rent**

Deloraine First National has leased one of the two commercial rooms at Environment House bringing in much needed funds to cover TEA's running expenses.

There is still another room available. If you need a commercial room in Deloraine please contact Len-nice Leonard at Deloraine First National Real Estate on 63623570

## **Meeting room available**

The meeting room is available for hire on a half day or full day basis. It's a good space meetings, craft activities, discussion groups, lectures etc and seats 20 to 25 people.

Hire fee is \$40 for a Full day and \$20 for a half day—with concessions for non-funded groups and includes Public Liability insurance and use of the kitchen.

To book the meeting room please call Annemaree on 6368 1343.

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## **Meander Valley Council Draft Planning Scheme**

Meander Valley Council has released the first draft of its new Planning Scheme for an initial phase of public comment.

This is the last stage of public consultation before a new Planning Scheme is ultimately ratified by the Resource Planning and Development Commission (RPDC).

You can see the documents and maps can at Council offices, download it from Council's website or purchase hard copies from Council's office for \$20 or \$5 for a CD.

The comment period closes **15th February 2008**.

To submit comments on the draft write to:-

The General Manager  
Meander Valley Council  
PO Box 102 Westbury 7303  
or fax to 6393 1474; or  
by email to [jan.richardson@mvc.tas.gov.au](mailto:jan.richardson@mvc.tas.gov.au)

For further enquiries contact:-  
Meander Valley Council Planning  
Department on 6393 5320.



For TEA's comments on the MVC draft planning scheme see article by Andrew Ricketts starting on page 5.

# The Great Western Tiers National Park Campaign

Deb Hunter

In the late 1980's people formerly involved in The Save Quamby and the Tiers Campaign and The Western Tiers Interest Group amalgamated to create The Great Western Tiers National Park Campaign [GWTNPC].

The Great Western Tiers National Park proposal was released in 1990 with a revision and an extended proposal published in 1995. It has always been a community based grass roots

Campaign.

An information and strategy meeting for the conservation of the forests of the Tiers will be held on Sunday afternoon of the 2008 at the Jackeys Marsh Forest Festival on 1st to 3rd February. If you going to the festival please come along to the meeting if you are interested in the protection of the great forests of the Tiers that form such a significant and vital backdrop to our region.

After a number of low activity years, members reconfirmed the GWTNPC during 1996 in the lead up to the Regional Forest Agreement. Unfortunately The National Park was not instigated during the RFA process.

Since then Deb Hunter has represented the Campaign and now her son Evan Hunter has become involved too, representing GWTNPC at statewide meetings of Environment Tasmania.

Late last year members got together again and re-

confirmed that they wanted to bring about a National Park on the Great Western Tiers.

They identified that the proposal needed to brought up to date and Evan Hunter volunteered to do that.

After that meeting GWTNPC met with other groups interested in protection of the Great Western Tiers region to explore common ground, especially relating to plantations and

catchments.

At the Jackeys Marsh Forest Festival forest and cave ecology field trips like those 2007 festival will be offered.

The Campaign has reprinted the popular Tony Smibert designed t-shirts of the 90's sales to debut at the 2008 .

Not only will these raise awareness at this 11th hour for the forests, the proceeds will fund production of this next revision of the Proposal. Contributors will be welcomed to help.

The Campaign is a grass roots community organisation and involves you if you choose.

We hope to see you at the Great Western Tiers National Park Campaign stall during the festival. We'll have information to give away, tours on offer and T-shirts and memorabilia for sale.

Contacts:

Evan Hunter 6225 2956 or Deb Hunter 6367 8142

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## *TEA urgently needs financial help*



The Environment Association has urgent need for funds for legal fees arising from our attempt to run a landmark Supreme Court action to protect forests and threatened species on "Woodville" in Reedy Marsh. We've worked hard to protect forests and threatened species as well as the rural residential neighborhood of Reedy Marsh by mounting this appeal but due to not being able to engage a solicitor or raise sufficient funds we now have to abandon it. Nevertheless the lawyer who prepared the case for us still must be paid.

To everyone who generously gave financial help for the appeal we want to say a very special thank you.

One of the members suggested asking each member to make a donation for the current legal bill. So members, if you are can make a donation now it would be timely as the Association is about \$8,000 in debt. If we are unable to pay this debt The Environment Association could be wound up. We also ask readers of TEA News who aren't members to give a donation.

Please, if you can make a donation now. If everyone who receives this issue of TEA News could give \$100 or more this bill would be covered.

Don't forget The Environment Association is a not-for-profit, self-funding, independent, incorporated community association, run entirely by volunteers that's worked for environment outcomes for 18 years.

# Climate chaos is upon us

by Phill Parsons

The National Climate Centre has given up attempting to forecast the climate with the longest drought on record running into its 7<sup>th</sup> year for some.

Leaders in the overdeveloped world, have begun to notice voter concern and are moving beyond their previous denial of human caused changes to promising too little too late in more strident tones.

Of interest is the change in rate of melt of the Greenland ice sheet that has occurred since the data for the last IPCC report was closed off. Melting has now reached the point predicted for 2040 and by the time Australia's target free carbon trading is introduced in 2012 it could be at the point modelled for 2100 only 3 years ago.

Melt will be 9 decades ahead of prediction by that time and will give no signal for the climate destabilizing practices of fossil fuel burning to change.

These Arctic changes are driving plate movement in Alaska.



**Figure 1** The 2007 ice is now aground, roughly where the shading ends on the left. Note the distance melted and the time taken to give an idea of the rate of changes. This glacier is half way up the west coast of Greenland.

Whilst our hemisphere is behind the rate of warming in the northern, where land masses hold sway and sea ice has a major albedo affect until it melts, the Antarctic is also melting.

The rate of melting is explained by the fact the CO<sub>2</sub> equivalents are now at 455 ppm, entering the dangerous zone in 2005, some 10 years ahead of modeling.

This is due to the effects of feedback

mechanisms that have come into play as much as the activity of developing and developed economies increasing the levels of greenhouse gases.

With a continuation of this growth at a rate ahead of our understanding the decarbonization of the economy and the capture of carbon from the atmosphere has the immediacy of determining all action to avoid further impacts including the mass extinction of species not adapted to the new climate.

Rainfall in Tasmania and the Snowy is well below average with the Hydro system 73% empty and Tasmania reliant on very dirty [carbon rich] brown coal. The predicted mega-fires that will follow a drying of the climate will drive changes in vegetation and thus the resident animals. Those dependent on wetter forest and colder temperatures will become more endangered perhaps even extinct.

Fire will be the change agent, the more moisture dependent plants less able to regenerate. This is the predicted fate of the Amazon as it dries out over the next 30 years releasing more carbon as its forest storage mechanisms, along with those of all drying and dying vegetation systems tip into a carbon releasing mode.

The picture for nature and thus the dependent humans is for one of major social and economic turbulence.

Current human populations have never faced climate chaos and therefore have no reference to it although Australian experience with drought and fire is a good indicator for us.

What to do for the future of your descendants? Vote for real action on carbon emissions and encourage everyone else to do the same. Don't be discouraged in your efforts if people call your predictions doom-saying.

Grow your own. Put in a water tank. Solar power will become cheaper soon - take it up then. There are already Commonwealth government financial incentives. Walk or cycle where you can. Plant more trees and gardens to soak up carbon.

# THE DRAFT MEANDER VALLEY PLANNING SCHEME

by Andrew Ricketts

## General

The Draft Meander Valley Council Planning Scheme 2007 has zones that provide for various uses and standards and conditions for those uses. The rationale for planning is ostensibly to consider the public interest in allowing or preventing a particular development pursuant to the private interest of the developer.

There are many development interests in the Meander Valley Municipality including the obvious one where a person wishes to build a dwelling or to extend a dwelling and must make application, often seeking Council approval at its discretion.

Basically there are three different types of Permit status in the Draft 2007 Scheme:

- Permitted Use with a Permit
- Discretionary Use
- Prohibited Use

When a use is Permitted under the planning scheme Council must approve the development. It can add conditions but it must approve the development. There is little real consideration in issuing a permit.

When a use is Discretionary under the planning scheme Council can either approve the development or not and can place conditions. The Discretionary category allows Council to place the public interest over the interests of the developer where appropriate.

Obviously if a use is Prohibited then Council must not approve.

A use may be Permitted in one zone but Prohibited in another or Discretionary in yet another. This scheme is an example where the primary purpose of the zone supports a permitted use. There is no reason for that to be the case.

In Tasmania planning schemes occur under the Resource Planning System, which commits to sustainable development - development that supports intergenerational equity and does not cause a loss in natural or social capital. We argue that this scheme does not support sustainable development because the people of the Municipality cannot act to protect the natural and cultural capital be-

cause many harmful and extractive industries have a Permitted Use status.

A person aggrieved by a Discretionary development may appeal the approval of a permit through the Resource Management Appeals Tribunal (RMPAT) under the Land Use Approvals Act (LUPAA). Councils usually defend their decision to approve or reject a permit application.

In general if a use is Permitted a citizen cannot appeal the approval of that development. One can lobby for additional conditions not argue to stop the development.

Permitted Use developments are not advertised so you have to find out about them some other way. so there really is no public interest scrutiny of Permitted uses.

Discretionary use developments are advertised in the newspaper so the general public can know about them, inspect the plans and can object and appeal. We advocate this more equitable situation be applied to Forestry Use in Meander Valley.

## Forestry in Meander Valley

Forestry in Meander Valley Council is currently a Permitted Use in the Rural Zone provided the operation is in accordance with an approved Forest Practices Plan (FPP).

A FPP plan must be consistent with the Forest Practices Code. The Code is not a very precise enforceable document giving a litany of ifs, buts, shoulds and maybes. Often it is not based on science. Does it protect the public, does it protect neighbours? We do not think so.

Virtually all forestry operations have a Forest Practices Plan. The 'in accordance' words are meaningless because Council does not necessarily scrutinise the plan.

That Permitted Use status of forestry gives you virtually no opportunity to stop, constrain or modify any forestry developments in Meander Valley area Rural Zone. We believe this is unjust and unacceptable and must change. This is about choice and democracy and currently Forestry has no democracy and thus no intergenerational equity.

The implication of the Permitted Use status of forestry is that Council also has little knowledge of the forestry activities in the Council area. The people of the municipality have no right of redress through the Land Use Approvals Process (LUPAA). Forestry in effect ceases to become a part of the sustainable development system.

The Forest Practices System provides for no appeal rights whatsoever and one has no right of input into a Forest Practices Plan. Usually you won't even know that one is written.

There is a forestry notification system called the "good neighbour charter" but it has no appeal rights either. It just looks like consultation. A sham.

When a Forest Practices Plan is created under the Forest Practices Act there appears no obligation for a person requesting such a plan to be provided a copy of the plan. Such plans are often complex and detailed and whilst most forestry companies will show you a plan they mostly seek to reduce your knowledge of their operation by withholding a copy of the plan. This scurrilous behaviour is just one of the reasons for making forestry a Discretionary Use in the Rural Zone.

Meander Valley Council now considers Forestry an agricultural use. This is an entirely incorrect distortion of the meaning of the words forestry and agriculture.

Forestry has two components, native forest extraction and management and artificial tree plantation establishment and management. These two different uses have different impacts, social outcomes and consequences for the environment. They should be regarded as separate uses as well as being separate to agriculture.

Forestry is regarded as an agricultural use in the state Protection of Agricultural Land (PAL) policy. The policy is designed to protect prime agricultural land and is used to stop people building in the rural areas regardless of the quality of the rural land or its ability to be used for agriculture. Meander Valley in fact has little prime land (classes 1, 2, 3).

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*(Continued from page 5)*

Forestry displaces agriculture and will cause rural decline because forestry employs far less people than agricultural. The threat to agriculture is forestry and not rural living encroachment.

Forestry cannot claim sustainability until people have a right of objection and appeal. Because the Forest Practices System only provides for complaint and not a proper appeal it does not provide for sustainability in the cultural sense. One can write a letter and the Forest Practices Authority can ignore it or worse pass it on to the loggers.

Forestry often scars and degrades the landscape as you can see in Meander Valley Municipality.

Forestry often degrades the amenity of an area. This means different things to different people but in Meander Valley regardless of what issue concerns you, you can do nothing about it through any formal LUPAA process.

Forestry can destroy a local community through the massive buy-up of most lands in an area. There is nothing in the Meander Valley planning scheme to prevent or mitigate this.

Meander Valley has no catchment protection where forestry is Discretionary. We believe Meander Valley's water quality is declining. Science shows the impact of forestry degrades water quality. Hydrologist Dr David Leaman raises grave concerns about the maintenance of water quantity under intensive silvicultural forestry regimes.

Forestry can often destroy or degrade important remnant vegetation and threatened species habitat.

Such matters currently are regulated though the Forest Practices Authority while the state Threatened Species Unit has no power to intervene.

Forestry is a fire safety and smoke pollution hazard of large proportions and fire safety setbacks and recommendations are ignored in the 2007 draft scheme. It is reprehensible that forestry can burn thousands upon thousands of tons of wood in a single burn and yet people are educated to burn less wood due to its harmful effects.

Forestry is often conducted down small roads that meet no standards. Log trucks often present a safety problem where the truck takes up the whole road putting other motorists are under threat.

There is a host of other impacts of forestry that a new planning scheme should consider and control. These cannot have any force without a right of appeal.

Forestry already has Private Timber Reserves (PTR) to remove land permanently and entirely from the planning scheme. These also provide for virtually no objection other than at the time of application and such applications are managed by Private Forests Tasmania - the forestry encouragement agency. Most people have no rights of objection to a PTR. Council can object if there is community pressure. Without a Discretionary Use status of forestry in Meander Valley's Planning Scheme the arguments are likely to be discarded by the Forest Practices Tribunal who hears such appeals.

The proposed and approved pulp mill makes seeking a change all the more imperative. The industry plan is a large increase in wood volume processing especially in Meander Valley and other northern municipalities.

Without regulation to control the excesses of forestry there will be potentially disastrous permanent effects on the environment and agriculture and consequently on the viability and health of our Municipality.

## **Other issues**

We expect a number of Councillors have a conflict of interest when making decisions about forestry. We suggest people lobby those Councillors to declare their conflict of interest and leave the room whenever such a matter is raised.

In summary, Meander Valley's Council's planning scheme supports Gunns Limited and the other smaller forestry corporations in an open slather arrangement that leaves the ratepayers totally disadvantaged and Council with no vestige of control in the Rural Zone other than recourse through the Environmental Management and Pollution Control Act.

One must ask why the great injustice and why does the Council act like a puppet of the pulp industry? Do you want the rural surrounds to be dominated by forestry?

This is a crucial time where we must advocate change for the better. Your views must be made known in submissions. A large number of submissions is essential at this consultation stage in the development of a new planning scheme. Please advocate that forestry be made Discretionary in the rural zone of Meander Valley.

Changing this unjust situation will require persistence and dedication by the community now at this consultation draft stage as well as at the next certified draft stage.

## **Points of disputes on the Meander Valley Council Draft Planning Scheme**

(Note these reasons and issues are not in any order of priority)

1. The Draft 2007 Scheme is based upon the Table 3.2.1 Defined Use and its associated clauses 4.7 and 4.8. This table of Defined Use is extremely limiting. The worst of it is that forestry and agriculture become "Resource Development" so the impacts of bee keeping get a similar treatment to forestry. Clearly this stupid idea is designed to grease the wheels of forestry.
2. Table 3.2.1 is a very clumsy planning device that is a part of the RPDC's Common Key Elements Template.
3. Forestry in its guise as a part of Resource Development is a Permitted Use in the Rural Resource Zone (formerly the Rural Zone). Thus in that zone a forestry development cannot be appealed and cannot be stopped by Council regardless of its impacts. In order to achieve that outcome in this scheme there are several exemptions to forestry in the various schedules. The Rural Resource Zone covers a majority of the private land in the Municipality. In the current 1995 Scheme Forestry is a separate identified Use.

*(Continued on page 7)*

4. The document is incomplete without a Rural Zone provisions and without a Karst schedule making the most contentious parts of the planning scheme hidden and are unlikely to be available for preliminary comment.
5. Council may seek to rely upon the 1995 scheme's PAL amendment for its Rural Resource Zone provisions without saying so but we can't know because if it's not in the draft. We argue PAL amendment can't be transposed, as the whole structure of the scheme is different.
6. The document does not meet the LUPAA objectives.
7. It's against the public interest. It has actually removed public interest considerations.
8. It is unbalanced and discriminatory, favouring one or two industries or sectors that receive almost no regulation and numerous exemptions whilst providing a plethora of regulation that onerously constrains everyone else. Reasons for such discrimination are not provided. It disadvantages Tourism for example which is a major income earner for the area.
9. Many of the problems of the current draft arise from the RPDC's 2003 Common Key Elements Template - an outdated form of planning and government attempt to sneak in a state-wide planning scheme that undermines the whole reason for local government planning. Only if a Council seeks a variation from the template from the RPDC may it not comply in full with the template. Council should seek a variation from the RPDC especially regarding Table 3.2.1.
10. The document relies upon several maps not included in the draft. The legality of this approach is questionable.
11. It's based on a set of presumptions, opinions and judgments many of which are either not substantiated, not proven or which we consider false;
12. It's been years in preparation and is not transparent and seeks to control uses back to 2004.
13. It relies on some state-wide standards and integrates with some of those whilst using other state-wide standards (such as Forest Practices Plans) as an excuse for not having any controls at all.
14. It ignores the fact that under the Forest Practices Act 1985 there is an unjust situation where there are no appeal rights for citizens against a Forest Practices Plan.
15. Forestry is not a defined use so there is no separation from forestry and other rural resource developments even though they are very different uses with different impacts.
16. The document would allow the destruction of the unprotected cultural heritage landscapes thus denying intergenerational equity.
17. It would allow the destruction of priority vegetation by forestry as long as a Forest Practices Plan sanctions it.
18. It would allow the destruction of threatened fauna habitat thus denying intergenerational equity.
19. It reduces protection of natural and cultural values.
20. It reduces the purpose and intent of the rural zone denying the wide range of uses occurring in that zone. There is no protection for the environment in the purpose of the zone.
21. It has an illegitimate Environmental Management Zone that is completely unsupportive of the National Reserve System and does not support the Regional Forest Agreement. Only some conservation reserves are mapped into that zone thus distorting the public reserve system and providing a misinformed status of land to the public.
22. It is unsustainable because it does not mitigate threatening processes at their source.
23. It removes obligations - that are in the current 1995 scheme - to consider the public interest.
24. It removes obligations to protect the landscape from scarring and fails to incorporate the vast amount of landscape management work by "Inspiring Place" that cost Council over \$50,000 of public funds. It is buried but not officially discarded.
25. The document has many errors, in particular the references to other parts of the document, that the meaning of many of the provisions is lost. The Draft was clearly cobbled together from other planning schemes in a giant cut and paste exercise and since it was finalised in April 2007 between April and November 2007 when it was released no one bothered to proof read it and fix the errors.
26. Intensification of use does not result in a Discretionary status in many instances and thus no constraint is retained.
27. The does not map all the Private Timber Reserves that are excluded from Council control.
28. It adopts the approach of stepping back "Sensitive Use" from the boundary by using your land as a buffer rather than ensuring the land on which the hazardous activity is occurring incorporates the buffer.
29. Many areas of rural lifestyle habitation are not zoned Rural Living. We advocate that people who live in an area of rural lifestyle allotments should seek rezoning now. There are many such places not proposed for the correct zone.
30. It is not reasonable to zone people into residential zones and allow the surrounding rural amenity to be desecrated and degraded.
31. National Estate values of the area are not protected.
32. There is no industrial zone for Westbury even though there is industrial use.
33. The document sanctions the destruction of roadside vegetation, which may be endangered, including Crown road reserves.
34. It fails to recognise ongoing land use conflict over forestry and or to provide any equitable way of resolving the conflict.
35. It fails to respond to the community concerns voiced over and over again to Council regarding forestry impacts. This is unsustainable and irresponsible.

# TEA News

THE NEWSLETTER OF THE ENVIRONMENT ASSOCIATION INC

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This newsletter is printed on recycled paper.



## Noticeboard

Jackeys Marsh Forest Festival—Tallahassee Jackeys Marsh— February 1st to 3rd

The Environment Association Inc Annual General Meeting—February 8th, 6 pm at Environment House

Submissions to Meander Valley Council Draft Planning Scheme close 15 February