



Forest Practices Officer Manual

June 2017

The FPA is responsible for administering the Tasmanian Forest Practices Act (the Act), the *Forest Practices Regulations 2017* and issuing the *Forest Practices Code*. The manual contains both mandatory requirements and recommended actions based on policies and instructions issued by the Chief Forest Practices Officer. The manual also provides information relating to relevant provisions of the Forest Practices Act and Regulations to assist Forest Practices Officers (FPOs) in their duties. FPOs must always strictly follow all of the provisions of the legislation in discharging their duties.

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A. Forest practices plans: Responsibilities and implementation

Note: This set of instructions and technical advice replaces the following instructions and technical advice previously issued by the CFPO.

Instruction/Technical advice	Date issued
A Guide for Forest Practices Officers (part)	October 1994
Certificates of compliance (Admin. Instruction 00/01)	24 March 2000
Certificates of Compliance	18 December 2000
Reporting of compliance with forest practices plans under s.25A of the Forest Practices Act	7 December 2001
FPP responsibilities and implementation (FPO planning manual)	June 2005

A.1 Applicants

Summary

- The applicant is the person(s) or organisation(s) who applies for the FPP to be certified. The applicant is required to sign the FPP on Acknowledgment Form 1.
- The applicant is the only person who can apply for a variation, or who can appeal to the Forest Practices Tribunal regarding FPPs.
- The applicant is responsible for ensuring that compliance reports are lodged within 30 days of the expiry of an FPP, and within 30 days of the completion of each discrete operational phase. Applicants may be required by the FPA to lodge progress reports during the lifetime of the FPP.
- The applicant cannot be changed by variation, but the applicant may authorise another person in a written agreement to assume certain roles and responsibilities of the applicant.

A.1.1 Who is the applicant?

The applicant is the person who applies for certification of the FPP under section 18(1)(b) of the Forest Practices Act. Any person (or organisation) can apply for certification of an FPP. In practice it is usually either the landowner or a forest manager. The name of the applicant is listed on the front page of the FPP, their signature and contact details are recorded on Acknowledgment Form 1, which is generally the last page of the FPP.

Where an individual signs as applicant on behalf of a forest management company or similar, that individual does not personally take on the rights and responsibilities of the applicant.

A.1.2 Can more than one party apply for a forest practices plan?

Yes. For example the landowner and a timber processor may apply for an FPP as joint applicants. In this case, both parties may jointly or individually exercise their rights as discussed in this section. Both or either may appeal against any refusal, amendment or variation of an FPP instigated by the FPA. Similarly, either or both of the joint applicants may apply for a variation to an FPP. In this circumstance the FPO should notify the other applicant and invite him or her to make submissions.

Where there is disagreement between the applicants, the FPA would consider the views of all applicants in making a decision. However, only the applicant who applied for the variation would have appeal rights with respect to any decision relating to that variation.

Where two or more parties are joint applicants, all are legally obliged to lodge compliance reports. To avoid duplication of effort, it is best for applicants to lodge joint certificates. Alternatively, the FPP could state which of the applicants will be responsible for lodgement of the compliance reports.

A.1.3 Applicant's rights

The applicant is the only person who can apply for a variation of a forest practices plan (section 23 of the Forest Practices Act).

The applicant is the only person who can formally appeal to the Forest Practices Tribunal against the refusal, amendment, variation, refusal to vary, or revocation of an FPP (section 25 of the Act).

The applicant may authorise in writing some other person to make an application to vary a plan in the name of the original applicant. See also [Can the applicant be changed by variation?](#)

A.1.4 Applicant's responsibilities

As the 'responsible person' for an FPP, it is the applicant's responsibility to ensure that a compliance report is lodged with the FPA within 30 days of the expiry of an FPP (section 25A of the *Forest Practices Act*). The applicant is also responsible for ensuring that compliance reports are lodged with the FPA within 30 days of completion of each discrete operational phase (DOP) identified in FPP.

In certain circumstances, the applicant may also be required by the FPA to provide a progress report(s) on the FPP (see section 25B of the Act). A progress report is defined as '*...a report, in a form approved by the Authority, specifying whether or not a forest practices plan has been complied with up to a date or during a period, or as regards a matter, nominated by the Authority*'. The FPA will ask for a progress report if it feels that it has reasonable grounds to not rely solely on compliance reports to monitor compliance with an FPP. A progress report must be provided within 21 days of receipt of a notice from the FPA, or as specified in the FPP.

An applicant who is also the landowner, and who sells land covered by an FPP, remains the applicant after the sale. He or she retains all the applicant's rights and responsibilities under the Act as described above, even though he or she has sold the land. The FPA is seeking to have the Act amended so the applicant rights and responsibilities are transferred to the new owner or nominee.

A.1.5 Can the applicant be changed by variation?

No. As the applicant, by definition, is the person who originally applied for certification of the FPP under s. 18(1)(b) of the Act, the applicant cannot be changed by variation.

Remember that the applicant remains the applicant of the FPP and the FPP stays in force even where the land is sold to another party who has not signed the FPP.

The new landowner becomes the 'responsible person' according to s. 17(1)(a) of the Act and they may assign their responsibilities as per s. 17(2).

S. 25A of the Act requires that compliance reports be completed by the responsible person. Unfortunately s.25A(3) defines the responsible person as the original applicant under s.18(1)(b). The FPA is seeking to amend the Act to remove this definition, so a broader definition of responsible person can be applied where land changes hands and the original applicant may no longer have an interest in the land or the plan that goes with it.

A.2 Landowners

For more information relating to landowner approval of FPPs see [Completion of the 'Acknowledgment of persons/organisations in relation to forest practices plan no.....' form](#) and [Verification of landowner](#).

Summary

- The landowner is defined under the Forest Practices Act
- The landowner must not carry out or cause the carrying out of forest practices unless there is a certified FPP in place.
- The landowner has a duty of care under a forest practices plan to contribute to the conservation of significant natural and cultural values.
- The landowner's approval must be obtained before an FPP is certified or varied. Where there are multiple landowners, the approval of all landowners must be obtained.
- An FPP continues to apply when a property is sold to a new landowner.

A.2.1 Definition of landowner

The landowner is generally the person or organisation listed on the current title deed but also includes tenants for life, lessees with 99 year leases, and holders of forestry rights.

A 'forestry right' as defined under the Act is limited essentially to situations under the previous *Forestry Act 1920* (and continued under the *Forest Management Act 2013*) whereby timber concessions were held over State forest by various pulp and paper companies.

Rights to timber on private land, leasehold, and joint venture arrangements on private land do **NOT** constitute forestry rights as defined under the Forest Practices Act.

A.2.2 Landowner's responsibilities

A landowner is a '*responsible person*' under section 17 of the Forest Practices Act, and as such '*must not carry out or cause or allow the carrying out of, an activity of the following kind on that land unless a certified forest practices plan exists in respect of that land when that activity is being carried out: (a) establishment of forests, (b) the harvesting of timber (ba) the clearing of trees (bb) the clearance and conversion of a threatened native vegetation community (c) the construction of a road in connection with an activity referred to in paragraph (a), (b), or (ba), or (d) the operation of a quarry in connection with an activity referred to in paragraph (a)(b) or (ba).*'

The requirement for a forest practices plan under the Act is not affected by whether or not the proposed harvesting is of a commercial nature. For example, a landowner may require an FPP for the taking of firewood from his or her own property for personal use, depending on the scale of the operation and whether or not vulnerable land is present). Section 4 of the *Forest Practices Regulations 2007* describes circumstances under which a forest practices plan is not required.

All forest practices within the forest practices plan boundary are subject to the provisions of the FPP. A landowner must ensure that any other activities they conduct or authorise within the FPP boundary, such as stock grazing or firewood cutting, are not in breach of the FPP. For example, a landowner who allowed their stock onto a recently regenerated area would risk being in breach of the plan, or may be directly in breach of the plan if it precluded stock.

Duty of care

A landowner has a 'duty of care' to contribute to the conservation of natural and cultural values within areas that are subject to an FPP. The duty of care is defined in the *Forest Practices Code*.

A.2.2.1 Communication of information contained within forest practices plans

A landowner or forest manager should be prepared to discuss the contents of an FPP with neighbours and other interested parties; or by arrangement, have an FPO perform this function. In practice, the FPA will generally refer interested parties to the FPP applicant. Where requested, the FPA will release information about FPPs in accordance with the Right to Information law.

A.2.3 Landowner's rights

An application for certification of a forest practices plan must be accompanied by a memorandum stating that the landowner(s) has given approval for the plan to be submitted to the Authority (s. 18(4) of the Act).

In practice this is done by the landowner(s) approval and contact details recorded on Acknowledgment Form 1, generally the last page of the plan.

Landowner(s) approval must also be obtained for any section 23 variations.

The landowner must also be advised when a plan is amended (section 19 of the Act) or varied by the FPA (section 22 of the Act). (See the sections on [Landowner approval for variations](#) and [Amendments for FPPs](#) for more information.)

Landowners must also be informed when a plan is to be revoked (section 24A of the Act).

A.2.4 Multiple landowners

See [forest practices plans covering areas with two or more landowners](#).

A.2.5 Absentee and joint landowners

See [Authorised agents](#).

A.2.6 Change of ownership

It is not necessary to vary a plan to incorporate a new landowner merely because of a change of ownership.

Ideally, a purchaser of property should become aware of the existence of an FPP when purchasing land. However, the existence of an FPP may not be disclosed by the vendors, and may not be identified in the normal series of requisitions prior to settlement.

The generic responsibilities of the landowner under an FPP become the responsibilities of the new landowner, for example a requirement to keep stock from grazing in an area until regeneration has been established. Section 21 of the Forest Practices Act deals with contravention of a certified plan, including by a landowner. A landowner who purchases a property over which there is a current FPP, and who acts in contravention of that plan, may be deemed to be in breach of the Act.

However, where the plan specifically names the original landowner as the person or organisation responsible for a given section of the plan, this responsibility remains with the named person (original landowner) unless a variation is done to transfer the responsibility to a new person.

A.2.6.1 What happens if a new landowner does not wish to proceed with a forest practices plan?

If an FPO is aware that land is to be sold with an active forest practices plan then the purchaser should be informed of the obligations they may be taking on as a plan, along with the obligations, goes with the land.

The landowner should inform the Authority that it does not wish to proceed with the forest practices plan. If operations under the Plan have commenced then a Certificate of Compliance will be required. The FPO may require additional works to be completed before the CoC can be signed off. Once the CoC is signed off then the Plan has been completed and is no longer valid.

If no operations have not commenced under the plan, the landowner should contact the FPA to have the plan revoked (s. 24A of the Act outlines the process for revocation). Only the CFPO has delegated power from the Authority to revoke plans.

A.3 Timber processors

Summary

- The term ‘timber processor’ is defined under section 3 the Forest Practices Act.
- A timber processor must not cause the harvesting of timber unless there is a certified FPP in place.
- Timber processors can play an active role in the forest practices system by employing FPOs, and ensuring that their staff and contractors have sufficient training.
- An FPP must contain the name of any timber processor by whom the timber harvested under the plan is intended or expected to be processed.
- Timber processors are encouraged to ensure that there is adequate supervision of operations under their control, and to take an active part in contractor training,
- Section 27 of the Act requires that Timber processors who harvest over 100,000 tonnes of timber per annum must submit a three year plan to the Forest Practices Authority by June 1st of each year.

A.3.1 Definition of timber processor

Under section 3 of the Forest Practices Act a ‘timber processor’ means a person who processes or harvests timber for the purpose of –

- a) producing logs for export; or
- b) producing for sale one or more of the following products:
 - i. fuel wood
 - ii. poles, piles, posts
 - iii. timber
 - iv. veneer
 - v. wood chips
 - vi. wood pulp
 - vii. tree ferns.

‘Timber’ includes the trunk, branch and any other part of a tree or fallen tree, whether or not it is cut up, sawn, hewn, split or otherwise dealt with.

A.3.2 Timber processors responsibilities

A.3.2.1 Accepting timber

Section 17 (5A) of the *Forest Practices Act* states that ‘A timber processor must not purchase or acquire timber that has been harvested from land in respect of which there is not in existence at the time of harvesting a certified forest practices plan.’ The only exception to this is the circumstances under which a FPP is not required (section 4 of the Regulations).

Therefore every timber processor should check whether a certified FPP exists before receiving timber from an operation or if the timber is being harvested under Regulation 4, where a FPP is not required.

The timber processor should check the *bona fides* of the supplier where timber is being supplied under exemptions contained in Regulation 4. In particular, suppliers claiming an exemption from requiring a certified FPP under Regulation 4 (a), where the volume of timber harvested is less than 100 tonnes for each area of applicable land for each year or the total area of land on which harvesting or clearing occurs is less than one hectare for each area of applicable land for each year, should be scrutinised. If there is any doubt the processor should refuse to accept the timber until such time as the supplier can prove that provisions of regulation 4 (a) are satisfied or a certified FPP is in place.

If a timber processor is in doubt over the legality of the source of any timber offered to them, they should seek advice from an FPO or the FPA.

A.3.2.2 Must not cause contravention of a certified FPP

Where there is a certified forest practices plan on any land in force under the Act a timber processor must not cause forest practices on that land or any operations associated with forest practices on that land to be carried out in contravention of the plan (see s.21 (1)(b)).

A.3.3 The role of the timber processor under the forest practices system

Many timber processors play an active role in the forest practices system. Larger timber processors may employ FPOs who prepare and certify FPPs, and manage operations under FPPs. A commitment by timber processors to the forest practices system will help to continue to deliver high compliance levels with FPPs.

In many cases a timber processor is the applicant for an FPP. This enables the timber processor to initiate variations, but the timber processor is also then responsible for lodgement of compliance reports.

Timber processors should ensure that their contractors and staff have sufficient forest practices training (see [Training for non-Forest Practices Officers](#)).

Timber processors can provide input into the ongoing development of the forest practices system through the Forest Practices Advisory Council which includes ‘a person with expertise in, and experience of, forest issues in relation to harvesting and processing ...’. , as per section 37A of the Act.

A.3.4 Naming a timber processor in a forest practices plan

Under section 18(2)(d) of the Forest Practices Act , an FPP is required to contain the name of any timber processors by whom the timber harvested under the plan is intended for or expected to be processed by. The name of an intended or expected processor should be entered on the Coverage

for any FPP that involves the harvesting of timber. A name is not required where no timber is expected to be processed. Any nomination is not binding, and a different processor may be used at the time when operations commence.

Naming a timber processor in an FPP does not by itself confer any rights or obligations on that timber processor.

A.3.5 Acknowledgement of timber processors with primary responsibility for management of forest practices under a forest practices plan

Regular oversight of operations under FPPs should be provided by FPOs and other trained supervisors. Statements are commonly placed in FPPs indicating where a forest manager or timber processor takes responsibility for certain aspects of the plan, e.g. timber harvesting or reforestation. These persons or organisations are not necessarily signatories to the plan.

To ensure that persons allocated agreed responsibilities under an FPP are aware of, and accept those responsibilities, the FPA has designed Acknowledgment forms 2,3 and 4 to be signed by the person acknowledging their responsibilities under the FPP. These forms are optional, and usually form the last pages of the FPP, after the mandatory Acknowledgment Form 1.

A.3.6 Requirement for large timber processors to lodge three year plans

Timber processors harvesting or causing the harvest of more than 100,000 tonnes of timber per annum are required to submit a three year plan for their proposed harvesting operations to the Forest Practices Authority under section 27 of the Act. They are also required to forward a copy of the plan to local government(s) in the areas of operations. The expectation is that consultation with local government will have occurred prior to lodging the plan with the FPA.

A.4 Contractors

Summary

- Contractors may be asked to sign Acknowledgment Forms 2,3, and/or 4 before operating under an FPP, but this is not mandatory. All contractors are bound by the provisions of an FPP whether or not they have signed an acknowledgement form.
- Contractors are responsible for their employees through vicarious liability.
- Contractors must comply with the requirements of section 41 notices.

A.4.1 Contractor's responsibilities

Contractors and their employees play a vital role in ensuring that high forest practices standards are achieved. Contractors and their employees are potentially liable to fines or prosecution under the Forest Practices Act if they breach the provisions of an FPP. Contractors should read the FPP and if unsure, query the Forest Practices Officer who signed the plan.

Contractors may be asked to sign an optional [Acknowledgement form](#). The purpose of this is to ensure that contractors are aware of the requirement to comply with the provisions of any plan that they operate under. However, this is not legally required.

The fact that a contractor has not signed an acknowledgement form does not diminish the contractor's responsibility to comply with the provisions of that FPP, nor reduce the contractor's potential liability in the event of the contractor causing a breach of the plan.

Contractors must ensure that their employees are aware of and comply with the requirements of the forest practices plan and the *Forest Practices Code*. The contractor should ensure that all employees are briefed at the commencement of operations on FPP requirements. Copies of the FPP and the Code must be available on site at all times while operations are in progress. The contractor should ensure that when an employee is taking over another's duties, a handover procedure takes place so that the incoming employee is aware of the FPP prescriptions and any other relevant matters. The contractor has vicarious responsibility for his/her employees (see [Vicarious liability for employees](#)).

A.4.2 Vicarious liability for employees

Vicarious liability means that an employer or contractor may be held legally responsible for the actions of his or her employees (section 47C of the Forest Practices Act).

Contractors should exercise due diligence to minimise his or her exposure to the vicarious liability provision by ensuring that their employees:

- a) have adequate training and instruction, and any new employees are inducted onto the job
- b) are briefed on and understand the requirements of the FPP before operations start
- c) have a copy of the relevant FPP is on the job at all times while operations are in progress
- d) have a copy of the *Forest Practices Code* is available to his or her employees
- e) understand the necessity of complying with the *Forest Practices Code* and FPP provisions
- f) where they are in doubt, refer matters to an FPO; and
- g) comply with any section 41 notices issued.

For a more details of the vicarious liability provision see section 47C of the Forest Practices Act.

A.4.3 Compliance with section 41 notices

The contractor must comply with the provisions of any notice issued under s.41 to them by an FPO (see [Section 41 notices](#)). The contractor has a right of appeal if they consider the notice is not justified. The contractor may be fined or prosecuted if they do not comply with a notice.

A.5 Reforestation

Summary

- The applicant (or the person named as responsible for reforestation in the FPP) must ensure that reforestation measures in the FPP, including a stocking survey, are undertaken in an appropriate and timely manner.
- If the stocking standard specified in the FPP cannot be achieved before expiry of the plan, the plan should be extended by variation or the FPA notified.

A.5.1 Responsibility for reforestation

The applicant is responsible for reforestation unless another person is specifically given this responsibility in an FPP. In such cases, the person or organisation assigned the responsibility should sign an [Acknowledgement form 2](#).

This person or organisation takes responsibility for ensuring that reforestation is undertaken as required under the plan. The person or organisation must ensure that if contractors are engaged to undertake the work they are aware of the requirements of the forest practices plan.

The person responsible for reforestation should have sufficient expertise or access to expertise to undertake reforestation including a stocking survey, and ensure that these measures are undertaken in an appropriate and timely manner. FPOs should not certify FPPs unless they are satisfied that the person assuming responsibility for reforestation has the ability and intent to ensure compliance with the plan. FPOs who fail to ensure this may be subject to disciplinary action. (See *Harvesting prescriptions and reforestation techniques*)

A.5.2 What to do when reforestation cannot be achieved before the forest practices plan expires

Reforestation standards to be achieved will be specified in the FPP, and follow one of the stocking standards specified in section E1.4 of the Code, on pages 85-86. Similarly, stocking standards for plantations must be specified in the FPP. Reforestation assessment methods which include sufficient documentation to determine whether the nominated stocking standard has been met must also be specified in the plan.

Sometimes roading and/or harvesting activities are delayed so that reforestation cannot be undertaken to the required stocking standard within the period of the plan. In this case it would be normal to vary the plan to extend the period of the plan. If the applicant or landowner does not agree to extend the period of the plan the person responsible for reforestation should contact the CFPO for advice. In instances where attempts have been made to establish regeneration but the required stocking standard has not yet been met, consideration should be given to drawing up a variation specifying remedial treatments which may be employed, such as scarification and/or broadcast burning, as well as extending the lifetime of the plan.

Circumstances may arise where reforestation is not achievable because a harvesting contractor has left a coupe and is unlikely to return. This can occur either where the landowner directs the contractor to leave -, or where the contractor leaves of their own volition.

In these instances, the CFPO should be notified as action may be required to ensure compliance with the plan.

A.6 Forest Practices Officers

For more information on the role of FPOs see [Forest Practices Officers](#) section; and FPP certification see [Part B FPP: certification, amendment, variation, refusal and revocation](#).

Summary

- FPOs must be diligent in the performance of their duties.
- FPOs should discuss key provisions of FPPs with contractors and their employees before operations under an FPP commence, and should have contractors refer issues of Code/FPP interpretation to them when in doubt.
- FPOs can enter land where forest practices are or were carried out, gather information and issue notices as appropriate.
- FPOs must report serious breaches to the FPA.
- FPOs are authorised to issue s. 41 notices where compliance with the provisions of an FPP or the Act is not occurring.
- FPOs may be asked by the FPA to assist with the investigation of complaints.
- FPOs have a role to assist landowners to provide information in FPPs to neighbours and other interested parties.

A.6.1 Diligence

Section 39 of the Forest Practices Act authorises the FPA to revoke the authorisation of an FPO who *'has been negligent or not diligent in performing the duties and exercising the powers of a forest practices officer'*. As agents of the FPA, FPOs must be diligent in performing their responsibilities, and clearly separate and differentiate their responsibilities to the FPA from those to their employer.

A.6.2 Implementation of *Forest Practices Code* and forest practices plan provisions

(see also [Forest Practices Code requirements](#)).

A.6.2.1 Supervision of contractors

The success of the forest practices system is largely dependent on FPOs who work as field supervisors and who make day-to-day decisions on interpretation and implementation of *Forest Practices Code* and FPP provisions.

It is essential that FPOs discuss key provisions of FPPs with supervisors, contractors or their bush bosses before operations commence, to ensure that the contractors are aware of and understand the provisions. Ideally this should extend to the contractor's employees on the job, or if not, the contractor should be made aware that they must brief employees. This procedure should also involve walking the coupe to discuss key aspects.

The contractor should have a copy of the FPP and the Code on site at all times while operations are in progress. FPOs are strongly encouraged to include this requirement in the 'A:GENERAL' section of FPPs.

Where an FPO is handing over responsibility for supervision of an operation to another FPO (e.g. when going on leave) the FPO should fully brief the other FPO on forest practices issues on their operations. This should include site visits. Similarly, when a contractor brings an employee onto a

forest operation that has already commenced, the contractor must brief the employee on forest practices requirements.

Contractors should be encouraged to refer any forest practices issues that arise on their operations to an FPO, for advice or interpretation. For example, if a contractor encounters what they think may be a Class 4 watercourse that is not shown on the FPP map, the contractor should consult the FPP to see what options are available to them. For example, the FPP may instruct contractors to cease work in that area until an FPO inspects the site and makes a determination, or to continue working but treat the feature as a Class 4 watercourse until an FPO makes a determination

Direct supervision of operations under an FPP should be the responsibility of the contractor and/or a supervisor appointed by the forest manager or timber processor. . Direction of the contractor's employees should lie with the contractor. However, in practice things may not be so straightforward because:

- a) some contractors do not visit their operations often enough
- b) on independent private property, there is often no experienced supervisor in charge of the operation
- c) supervisors may not inspect operations enough or may not be prepared to enforce requirements sufficiently
- d) some contractor's and operator's knowledge of *Forest Practices Code* and FPP requirements is inadequate (i.e. they require additional training)
- e) certain situations may require immediate attention. It may not be prudent to wait until the principal contractor can be contacted.

FPOs and supervisors should talk to operators in the bush, ideally in the presence of the contractor. Where an FPO gives any form of direction to an operator, the FPO should avoid telling the operator how to achieve the direction if safety issues may be involved. Otherwise the FPO may be responsible for causing a breach of the workplace health and safety legislation.

A.6.3 Monitoring and assessment of forest practices plans

The Act places an emphasis on self-regulation, and for this to work it is highly desirable that the implementation of FPPs is monitored on a regular basis by FPOs. Some forestry organisations have environmental management systems (EMS) or third-party forest certification (eg. AFS or FSC) that require them to monitor forest practices through formal audit processes, with follow-up corrective actions for incidents of non-compliance. The FPA fully supports this approach as desirable for achieving good forest practices outcomes.

The FPA has developed an assessment form that may be used by FPOs, or they may use a form developed by their own organisation FPOs should be aware that serious breaches of the Code or an FPP must be reported to the FPA, even if they have been dealt with via an internal corrective action process.

(see [Reporting of breaches](#)).

A.6.4 Boundaries

Note: Formal reserves include gazetted reserves such as Forest Reserves. Informal reserves, such as streamside reserves, are discussed under [Determination of informal reserve boundaries](#).

A.6.4.1 Determination of property and formal reserve boundaries

Background

Harvesting overcuts and other intrusions onto adjoining properties occur for a number of reasons:

- a) failure to mark a property boundary (e.g. commencing operations before all boundary marking has been completed and failing to inform contractors of this fact)
- b) Accepting the landowner's advice on boundary location without checking. Fencelines are often not accurately located on the actual boundary
- c) inadequate or confusing demarcation of a property boundary (e.g. insufficient tape used in dense undergrowth)
- d) human error or equipment failure.

All overcuts onto adjacent properties are serious procedural breaches, and must be reported to the FPA.

Procedure

Where operations under an FPP are to occur near a property boundary, the onus is on the applicant to ensure that boundaries are located correctly. When operations occur within 100m of a property boundary, the neighbour notification process will be triggered (see page 5 of the Code) and issues about the correct boundary location may arise. The FPO should make an effort to establish the correct boundary location to the satisfaction of both parties.

Suggested methods are:

- a) It is a legal requirement under the *Surveyors Act 2002* for a registered land surveyor or someone who is under the supervision of a registered land surveyor to survey land (i.e. to survey boundaries between properties)
- b) for a boundary that has been marked in the past by a registered surveyor, a forester with an understanding of surveying could remark the boundary (using survey notes, compass and chain, GPS etc.)
- c) accept an existing fence line or other existing marking as being the boundary, if it appears to be in the right place when verified with a GPS unit. However be aware that fence lines may not have been accurately located, especially in bush blocks.
- d) use a GPS from an agreed point.

Where there is a disagreement about the correct boundary location, FPO may decide to allow for a sufficient buffer between the operational boundary and the disputed boundary so as to ensure that overcuts cannot occur. Alternatively, a registered surveyor could be used to mark the boundary.

WARNING

The combination of GNSS uncertainty in a canopied environment and the imprecision of map based feature locations means that reliance on GNSS positioning for critical operational boundaries is highly risky as explained below:

GNSS, whilst being able to access increasing numbers of satellites from which to determine positioning solutions, is still affected by interference commonly called 'multipath', which refers to when incoming GNSS signals get distorted and weakened by objects in the signal path. In particular, canopy and aspect play a major interference role. Many forest environments cause major distortions to GNSS signals. In addition, single point positioning is rarely more precise than 5 metres, and in a canopy environment is potentially many times worse. Differential GNSS via correction signals improves precision, but is equally affected by multipath factors.

Gullies with tall trees are particularly bad, and using GNSS as the sole means of positioning in such an environment is likely to cause major errors in position. This is also a typical streamside reserve location.

The use of Smartphones for positioning is becoming much more prevalent, and whilst these are excellent new tools that offer unparalleled convenience for operators, they are just as susceptible to signal degradation as described. Within a few years, newly launched satellites and improved internal aerials will allow smartphones to record positions to the decimetre level, and augmented correction systems are already available for some versions. However none of these developments will prevent the impact of topographical and multipath factors from affecting precision.

Property boundaries depicted on the LIST for example are not necessarily spatially correct, even though an uninformed user may draw this conclusion in a digital environment. This is because the cadastre, or property boundary system originated in the early days of European settlement, and was conducted without connection to a unifying State Geodetic System of permanent survey marks.

The result was that individual grant surveys were only able to be plotted on mapping products with a variety of imprecise methods, particularly in rural areas when forestry operations are more prevalent. This imprecision has migrated across to the digital environment, except where modern surveys have been able to 'coordinate' property boundaries in which case the digital depiction may be more accurate.

Therefore finding the boundaries on the ground relies on surveying techniques which place greatest weight upon the location of original corner marks or monuments, or upon long standing occupation (fencing) that can reliably be related back to the age of the original surveys, and checked by accurate measurements.

Under no circumstances should anyone rely on coordinates derived from digital depictions of the cadastre as being accurately representative of the boundary on the ground.

Natural features such as streams and rivers were plotted for mapping purposes from photogrammetric means, where a skilled operator would manually trace the best available line of such a feature. In the heavily timbered areas this was at best an educated guess due to the impossibility of seeing through the canopy to the actual stream.

On 1:25,000 mapping products for example, 1mm on a map translates to 25m on the ground, so it must be realised that the purpose for which these features were derived are not the same as those for which they may be used in a forestry operation.

Therefore streamside reserves which are nominated at a fixed distance from the feature must be physically measured in relation to that feature to account for the very high likelihood of variations from the map to the real feature. Such variations can be of a very large magnitude and can have a material impact on coupe design and harvesting operations.

The advent of LiDAR which covers most public forest operations, has started to significantly improve knowledge of the real feature location.

A.6.4.2 Determination of informal reserve boundaries

The normal reserve widths used under the *Forest Practices Code* are 40, 30, 20 and 10 metres for Class 1, 2, 3 and 4 streamside reserves respectively, and 100 metres for wildlife habitat strips. Wider reserves, or reserves for other values, may be specified in individual FPPs.

The effectiveness of an informal reserve is not usually dependent on the specified width being adhered to precisely. To measure informal reserve boundaries precisely would be an expensive exercise, especially where the ground conditions are difficult and reserve boundaries are irregular, such as for meandering streams. For these reasons, the FPA accepts that practical methods of determining informal reserve boundaries are acceptable in most situations and that people will err on the side of caution.

For the purposes of monitoring and assessment the FPA will expect that field marking has been done in good faith and that:

- a) The reserve width that is marked will be consistent with that required under the *Forest Practices Code*, and;
- b) sections of reserve that are below the standard width will not comprise more than 10% of the length of the reserve, and will be no more than 10% below the required width at any point.
- c) Streamside reserves, wildlife habitat strips, and other reserves of fixed width, should be determined by methods that ensure reasonable accuracy to achieve the above specifications. The FPA recommends the following approach:
 - a. appropriate equipment should be used (e.g. tape measure, clinometer, vertex and transponder, and GPS)
 - b. as all reserve widths specified are horizontal distance, corrections for slope should be made for slopes in excess of 10% ,
- d) For streamside reserves in situations of good visibility (e.g. dry forests): a single experienced person can mark the reserve boundary by walking parallel to the creek, and estimating the streamside reserve width visually with occasional checks by actual measurement. When using this method of estimating the distance, a conservative approach is appropriate (i.e. for a 20 m reserve width aim for at least 22 m width).
- e) For streamside reserves in situations of poor visibility (e.g. wet forests): a similar approach to the above should be used, except that a second person who walks along the streambank in parallel to the first person should be used, and regular checks made (say every 50-100m) by actual measurement.
- f) For wider reserves such as wildlife habitat strips (100 m), landscape and flora reserves, a more sophisticated accurate approach should be employed (e.g. using a GPS).
- g) Logical points such as a break in slope should be used as boundaries, provided the minimum specified reserve width is obtained.

A.6.4.3 Marking of operational boundaries

The *Forest Practices Code* provides that:

- a) harvesting boundaries will be marked before falling commences unless they are clearly delineated by a change in vegetation such as a forest/pasture boundary (p. 32)
- b) the responsibility for boundary marking will be stated in the forest practices plan (p. 32)

- c) forest practices plan will include provisions relating to how boundaries are to be delineated in the field (p. 4), with recommended standard colours given in Appendix 1 of the Code.

Although the colours recommended in the *Protocol for Forestry Field Marking Colours* are in general use, the Protocol is not obligatory. Boundaries that are obvious, such as a plantation/pasture edge, do not need to be marked if they are clearly described in the FPP. When firebreaks or other tracks or roads form the boundary of a plan, they should be marked as lying within the plan to ensure any required maintenance arising from forest operations is covered by the plan and subject to compliance assessments.

Marking is usually done by attaching flagging tape along the boundary at intervals. The interval between each tape should depend on the overall visibility. In forests with dense understoreys (generally wetter forests) or where machine falling is being undertaken, a shorter interval between tapes will be appropriate. Where felling machines are to be used near a boundary, it is preferable to hang tapes as high as possible. In open forests a longer interval can be used. A minimum of 2 to 3 tapes should be visible in either direction along the boundary from any other tape. Corners and intersecting boundaries should be clearly identified by the use of multiple pieces of tape at the point of change of direction.

More secure systems of boundary marking should be used where there are concerns about the removal or re-location of flagging tape by unauthorised persons. For example, boundary trees may be marked by paint, blazing or branding, provided that care is taken to not unduly damage trees intended for retention.

All boundaries should be marked before operations commence under an FPP. Where this is not possible and an operation commences before all of the boundaries have been marked, it is suggested that the supervising FPO keeps a file record, including a map indicating the section of boundary already marked, and makes contractors aware of the marked boundaries. The contractor should be directed to operate only in areas where boundaries have been marked, and to obtain clearance from the FPO before moving to another section. If considered necessary, the restriction on the initial operating area can be written into the FPP, or into a variation. Supervising FPOs should also ensure that this information is passed on to any other supervisor that will be involved with the operation.

All contractors should be fully briefed on boundaries and their marking, and on the reason for the related provisions in the FPP (e.g. requirements for falling adjoining wildlife habitat strips). It is preferred that contractors and their crews walk each section of their boundaries before harvesting up to them. Where boundaries are marked around sites of significance (e.g. cultural heritage, threatened species,), contractors and their crews should be shown these boundaries and walk them prior to commencing operations in that area.

In October 2016 the FPA Board approved the use of a mobile phone based mapping application for one forestry company on the following terms:

- 1. The mapping application is to be used in plantation operations only, in lieu of hard marking (taping) of boundaries, streamside reserves and other features.*
- 2. Property boundaries between forest operations and land owned by another party will be marked where plantations cross the boundary and the other party's plantation is not part of the forest operation.*
- 3. Hard taping will be used if the contractor requests it in any situation.*
- 4. The Applicant will be held primarily responsible for any breaches of boundaries in its forest operations that are not taped in the field.*

5. *Taping will still be used where there are special features that require sub-metre accuracy.*

This procedure for identifying boundaries is done at the risk of the applicant and/or the operator. If a breach of a boundary is investigated, the FPA can only investigate that breach according to the prescriptions in the Code.

Other organisations or individual FPOs should seek permission from the Authority for approval to use similar apps on the same or similar terms.

A.6.5 Powers of FPOs to enter land to inspect forest practices

Under section 40 of the Forest Practices Act, a Forest Practices Officer, on production of his/her warrant of authorisation, may at any reasonable time and with such assistants as he or she considers necessary:

- a) enter and remain on any land on which forest practices are being carried out, or on which he or she believes have been carried out, to ensure compliance with any FPP and the Act
- b) enter and remain on any private timber reserve to ensure it is being used for establishing forest, or growing or harvesting timber, or other forest practices
- c) ask any person associated with the forest practices to produce documents relating to the forest practices, and answer any questions relating to the forest practices.

FPOs should use their discretion in using these powers. If an FPO observes forest practices being carried out and believes them to be in contravention of the Code, or that they are being undertaken without an FPP, the FPO has a duty to report the matter to the FPA.

If machinery is working and appears to be causing environmental damage, the FPO may act to stop the activity if it is a 'forest practice' providing that there is no risk to their personal safety. In this case the FPO should approach the person in charge and:

- a) politely inform them that they are an FPO with responsibilities under the Forest Practices Act, showing them their warrant of authorisation
- b) ask them if they have an FPP for the operation.

If there is no FPP (and the operations appear to be in excess of the exemptions under Section 4 of the Regulations) the FPO should:

- a) request them to cease operations (preferably issue a section 41(1) notice), explaining that they are likely to be in breach of the Forest Practices Act by undertaking the activity, and inform them that the matter will be reported to the FPA
- b) obtain the name and contact details of the person in charge, and the landowner
- c) advise the FPA as soon as possible so that it can conduct a more detailed investigation.

If there is an FPP, the FPO should:

- a) ask to see the FPP
- b) ask if there is an FPO or company supervisor responsible for the operation
- c) request the person in charge to stop operations and make good (as appropriate) if immediate environmental damage is occurring, issue a section 41(1) notice if considered appropriate (may be verbal),
- d) Advise the FPO who normally supervises the contractor, if any, as a courtesy

- e) if immediate environmental damage is not occurring, report the matter to the responsible FPO who can initiate any action necessary. If there is no supervising FPO, report the matter to the FPA as soon as possible so that it can conduct a more detailed investigation.

Before exercising these powers it is advisable that FPOs familiarise themselves with section 40 of the Act or obtain advice on the correct approach from the FPA.

A.6.6 Reporting of breaches

This section refers to breaches of the Forest Practices Act, including breaches of forest practices plans and the *Forest Practices Code*.

A.6.6.1 What type of breaches should be reported to the FPA?

The FPA becomes aware of breaches in a number of ways including:

- a) reports from FPOs
- b) public complaints
- c) issuing of section 41 notices
- d) FPA's monitoring and assessment program; and
- e) completed compliance reports lodged by FPOs.

Serious breaches must be reported to the FPA as soon as possible after they are detected, rather than at the time of completion of the compliance report.

Minor breaches

FPOs should exercise discretion as to whether minor breaches should be immediately reported to the FPA, noting that they must be reported later through compliance reports.

Examples of minor breaches are given in the [Explanatory notes for completion of compliance report forms](#).

Minor breaches that will be remedied through restoration do not need to be reported to the FPA (e.g. snig tracks that require additional grips). Other minor breaches should be recorded through internal mechanisms such as incident reports, and be reported later to the FPA through compliance reports. Where there has been a breach which has been addressed satisfactorily, this must still be reported on the compliance report as 'non-compliant – no further action recommended'.

All FPOs should maintain a transparent record of any minor breaches detected, and the action taken to correct and report the breach. Contact the FPA if in any doubt.

Serious breaches

Serious breaches must be reported to the FPA as soon as possible after they are detected. Most of the breaches that the FPA would consider to be a serious breach are actions that reflect a major systems error or environmental damage that cannot be remedied by corrective action. These include but are not limited to:

- a) undertaking forest practices without an FPP

- b) operating (harvesting, site preparation, herbicide spraying, etc.) outside a marked boundary
- c) constructing roads that do not comply with *Forest Practices Code* standards
- d) operating outside the wet weather provisions in the *Forest Practices Code*, resulting in serious environmental damage
- e) spraying chemicals into water bodies or onto another property
- f) failure to notify local government or neighbours of impending operations under an FPP
- g) ignoring or contravening prescriptions in an FPP that relate to natural or cultural values
- h) offering tree ferns for sale without tags
- i) any breaches where serious environmental damage is considered to have occurred
- j) any breaches for which a written s. 41(1) notice is given. (Copies of notices must be sent to the FPA by FPOs as part of normal procedures)
- k) repeated instances of lesser breaches by the same individual or organisation after receiving formal warnings.

If a detailed report regarding a serious breach cannot be provided quickly, brief details should be sent as soon as possible after the incident has been detected, with a more detailed report following. Reports should provide sufficient details (generally one or two pages including photos and maps) of the actual alleged breach and follow up corrective action taken (see table below).

Aspect to be reported	Details required
When and where occurred	Date incident occurred; FPP no.; copy of the relevant parts of the FPP; and a map or sketch indicating the location of the alleged breach; photos.
How detected	e.g. detected during FPO compliance check
When and who inspected	Date FPO inspected alleged breach; names of people present when the alleged breach was inspected on the ground.
Details of alleged breach	What part of the Act/Code/FPP has been breached? Date (if known) when occurred Person(s) responsible How did it occur? (describe what happened) Why did it occur? (e.g. because the operator had not seen the FPP map and was not briefed) Degree of environmental damage
Corrective actions	Details of restoration work necessary or undertaken Measures to minimise the risk of future breaches (e.g. specific operator training, improved communication).

When serious breaches are reported through section 41 notices or compliance reports, it may be necessary to provide a supplementary report to the FPA to ensure that all the aspects above are covered.

In all instances the FPA places a strong emphasis on corrective actions that will avert future breaches. The FPA will conduct its own investigation of serious breaches reported by FPOs. The FPO

will sometimes be requested to accompany an FPA investigating officer on a field investigation of the alleged breach.

A.6.6.2 What to do when it is anticipated that there will be breach of an FPP

Occasionally an FPO will become aware that it is likely that a breach of an FPP will occur (e.g. the FPO suspects that a contractor will continue operating after rain in contravention of the wet weather provisions of the Code).

Normally the FPO should caution the person responsible that it is an offence under section 21 of the Forest Practices Act to contravene the provisions of a certified plan.

A.6.7 In some circumstances it will be more appropriate to contact the FPA and seek advice. Section 41 notices

The purpose of section 41 notices is to require corrective action to comply with a plan (e.g. to undertake restoration; or stop operations due to wet conditions). It is not necessary to issue a section 41 notice for a breach if, in the opinion of the FPO, the situation can be addressed without one.

A.6.8 Dealing with the public

A.6.8.1 Handling of complaints – Enquiries and Investigations

The FPA responds to all complaints relating to alleged breaches of the Act or poor practice. Where appropriate, the FPA asks FPOs to investigate complaints relating to their operations and deal with complaints from the public. The decision to undertake an investigation is made according to the *FPA Investigation and Enforcement Protocols* on the FPA website.

The annual report provides information on investigations completed by the FPA.

A.6.8.2 Notice of Intent/Neighbour Notification

The Notice of Intent process is intended to provide information to neighbours on proposed forest practices. By providing information early on, neighbours' concerns may be addressed and resolved in a co-operative manner. Inquiries are often received from neighbours following delivery of the Notice of Intent.

A.6.8.3 Good Neighbour Charter

Many complaints received by the Forest Practices Authority do not relate directly to forest practices, but rather to more generic issues between neighbours such as the maintenance of boundary fences. The FPA believes that the *Good Neighbour Charter* is the appropriate dispute resolution device for dealing with such matters, and supports those sectors of the forest industry that have made commitments to implement this approach.

A.7 Compliance reports

(See also [Monitoring and assessment of forest practices plans](#))

Note: This set of instructions on compliance reports replaces the following instructions issued by the CFPO.

Instruction	Date issued
Certificates of compliance (Admin. Instruction 00/01)	24 March 2000
Certification of Compliance	18 December 2000
Reporting of compliance with forest practices plans under s. 25A of the Forest Practices Act	7 December 2001
FPP: Responsibilities and implementation (FPO planning manual)	June 2005

Summary

- It is the responsibility of the Applicant to make sure compliance reports are lodged.
- The compliance report process is designed to ensure that regular compliance checks of operations under FPPs takes place.
- Discrete operational phases (DOP) are forest practices specifically identified in an FPP (e.g. road construction, timber harvesting, forest establishment, non commercial thinning). The FPP must contain an estimated completion date for each operational phase. However, the date in the FPP is only a guide and the DOP compliance report must be lodged within 30 days after the actual completion of the operational phase, not within 30 days of the date in the FPP.
- There is no need to prepare a variation to a plan simply to extend the length of a DOP.
- A final compliance report must be lodged by an FPO within 30 days of expiry of an FPP.
- If all operations have been completed a compliance report can be completed and lodged before the expiry of an FPP, but any non-compliances should be rectified first. If a section 41 notice has been issued and not yet closed out the certificate should be lodged as 'Further Action Required – Section 41 notice issued'. If the problem has been addressed through a section 41 or another corrective action mechanism, the certificate should be lodged as 'No further action recommended'. This is to ensure that plans with compliance issues which have been resolved are distinguished from plans which complied in the first instance.
- Any remedial work identified in the final compliance report should be undertaken if the FPP has expired within the last 12 months.
- FPOs can sign and lodge a compliance report for a plan where someone else has done the compliance check. The person who completed the assessment should be noted when lodging the certificate on the Coverage system.
- Explanatory notes are provided on how to complete the compliance report forms.
Compliance reports must be lodged electronically onto FPA Coverage

A.7.1 What is the purpose of a compliance report?

Compliance report forms are completed by FPOs and submitted to the FPA via the Coverage database. They report on the degree of compliance of operations with an FPP. The purpose of this process is to ensure that operations under an FPP are regularly monitored and assessed.

The important thing to remember about compliance reports is that they are intended to ensure that any non-compliance are detected and rectified in a timely manner (preferably whilst equipment is on site to carry out any corrective actions). Compliance checks should be done progressively and not left until it is too late to take corrective action.

The compliance report process ensures that a compliance check is undertaken at least at the completion of each discrete operational phase and at expiry of FPPs.

The certificates must be in a form approved by the FPA. The FPA has a standard checklist which FPOs may choose to use.

The approved forms must be lodged by an FPO (see [Who can sign the compliance report](#)).

Before certifying an FPP FPOs should always inform the applicant of a plan of their responsibilities in terms of compliance reports. In this way, the preparation of compliance reports at the completion of each discrete operational phase should be straightforward 'report cards' and not a new and onerous responsibility for any party.

A.7.2 What are discrete operational phases (DOP)?

The Forest Practices Act includes provision under section 18 for discrete operational phases to be identified in FPPs. There are up to seven discrete operational phases under an FPP, which are listed near the bottom of the FPP Coverage page. They may include any or all of the following:

- a) roading
- b) tree fern harvesting
- c) timber harvesting
- d) reforestation (i.e. re-stocking land with trees)
- e) reforestation assessment (i.e. stocking surveys)
- f) non commercial clearing (i.e. tree clearing; non-commercial thinning)
- g) quarrying.

A.7.3 Responsibility for lodgement of compliance reports

The Forest Practices Act provides that it is the responsibility of the applicant to lodge compliance reports. Where an individual has signed as applicant on behalf of a company the FPA would regard the company as responsible for lodging the compliance reports, provided that the individual has clearly signed on behalf of the company.

A.7.4 When must interim compliance reports for discrete operational phases be lodged?

An interim compliance must be lodged within 30 days after the completion of works within each discrete operational phase.

The last DOP (generally *DOP Reforestation assessment*) will generally have the same date as the FPP expiry date. This is especially important when dealing with applicants for independent private property FPPs who generally would pay a consulting FPO to lodge the DOP interim compliance and final CoC on their behalf.

A.7.4.1 Can an interim compliance be lodged prior to the estimated completion date for the discrete operational phase in the FPP?

Yes. The estimated completion date for a DOP on a plan is the date the phase is anticipated to be completed. An interim compliance report must be lodged within 30 days after the completion of the activities covered by that discrete operational phase.

A.7.4.2 What should an FPO do if operations under a DOP will not be completed before the estimated completion date for that phase in the FPP?

The FPA does not require a variation to an FPP if the DOP completion date is exceeded but the plan has not yet expired. However, if a variation is being prepared for other changes to the plan, then it is recommended to include changes to DOP completion dates as well.

A.7.5 When must the final compliance report (CoC) be lodged?

The CoC must be lodged within 30 days of the plan expiry date. Section 41(1) notices will be issued to applicants who have not lodged a compliance report on their expired FPP within this time frame. Details of this process are given under Part C of the *FPA Investigation & Enforcement Protocols*.

A.7.5.1 Can the last compliance report for an FPP be lodged prior to the expiry of the Plan?

Yes. FPOs do not have to wait until expiry of an FPP before completing the last compliance report. The certificate can be completed as soon as all operations under an FPP are completed.

However if the operations have been completed, but work is outstanding e.g. additional road drainage is required or remedial regeneration works are required to meet a stocking standard, this work should be completed and then reported on in the compliance report.

A.7.5.2 What should an FPO do if an FPP is about to expire before operations under the plan have been completed?

If expiry of a plan is imminent and all the requirements under the FPP have not been completed (e.g. stocking survey, post-operation archaeological survey), the plan should be extended by variation. (See also [What to do when reforestation cannot be achieved before the forest practices plan expires](#)).

A.7.6 Can remedial work identified in a compliance report be undertaken if the forest practices plan has expired?

Yes. The FPO should issue a section 41 notice to cover such circumstances, as the contractor may be required to move back onto the site to conduct the remedial work. The Forest Practices Act provides that a section 41 notice may be issued up to 12 months after the expiry of an FPP.

A.7.7 Completion of the compliance report forms

An FPO must ensure that all provisions of the FPP have been complied with. The FPA has a standard checklist which FPOs may choose to use (see <http://www.fpa.tas.gov.au/compliance>).

Some organisations have checklists in place as part of their environmental management system, such as harvest monitoring forms and coupe clearance forms. These documents are suitable for the task of documenting compliance and FPOs do not have to duplicate processes by filling in the FPA checklist. All certified CoC forms and accompanying checklists should be retained in the event that the plan is selected as part of the FPA's independent monitoring and assessment process.

A.7.8 Who can sign the compliance report?

Any FPO can sign the compliance report. An FPO who signs a compliance report, where another person has assessed the operations, must have confidence that the person undertaking the compliance check was competent, had visited the operation, and had sufficient knowledge of the *Forest Practices Code*.

A.7.9 Changes to RFA communities

Any known changes to the vegetation community classification or number of hectares harvested or regenerated should be recorded on the FPA Coverpage system when lodging compliance reports. These changes should be shown by revising the table of RFA communities that appears on the Coverpage database under the relevant FPP. If appropriate, the report should be lodged as 'DOP complied –operational area is smaller than planned'.

This information enables the FPA to monitor changes in the native forest estate, as required under the Permanent Native Forest Estate Policy.

A.7.10 Explanatory notes for completion of the compliance report forms

Category	Comments
The activities under the plan did not proceed	None of the provisions in the FPP have been implemented (i.e. the FPP was certified, however the applicant did not follow through with ANY part of the FPP). If there was some activity implemented under the FPP, do not select this category.
DOP complied –	
Fully complied	The FPP (including the Code) has been fully or very substantially complied with. A few very minor non-compliances that are not considered to have any significant adverse effect on natural or cultural values are permitted in this category. Examples include: <ul style="list-style-type: none"> – a culvert on a road is located a few metres further from the previous culvert than the specified distance – not all grips on snig tracks will be fully effective – there are slight differences between the operational boundary indicated on the FPP map and the actual boundary (provided it does not compromise the boundary of a formal or informal reserve in any way).
Operational area is smaller than planned, but all other provisions of the plan have been fully complied with.	The FPA understands that there will almost always be minor discrepancies between planned operational areas and final operational areas. Use this category only if the FPP has been fully or very substantially complied with but <u>is substantially less than original</u> indicated area on the FPP Coverage.
Not complied with the provisions of the FPP –	
No further action recommended	The non-compliance(s) are of a relatively minor nature and either remedial action cannot rectify the non-compliance or remedial action is not considered necessary as a significant effect on natural or cultural values is not anticipated. Examples include: <ul style="list-style-type: none"> – a landing has <u>slightly exceeded</u> the Code area requirements – a partial harvesting prescription has been poorly followed on part of a coupe – windrow separation from streamside vegetation has been in some places less than specified in the Code, contributing to some burning of streamside vegetation. – Plantation stocking standard of 80% not met but site 65-70% occupied with established trees – little utility in infilling now with seedlings. – The FPO should enter notes regarding the identified non-compliances.

Category	Comments
Further action required – section 41(1) notice issued	<p>The non-compliance(s) are significant and require rectification through a section 41 notice. The FPO is of this opinion that investigation and action by the FPA will not be necessary provided the notice is complied with.</p> <p>Examples of a s.41 issued include:</p> <ul style="list-style-type: none"> – place additional culverts along new road construction, – complete restoration work, – remove temporary log crossings, <p>The FPO should forward the s.41 notice to the FPA and report summarised details on Coveragepage.</p>
Further investigation and action recommended	<p>The non-compliance(s) are significant and warrant investigation by the FPA. Generally these non-compliances are serious and/or cannot be fixed by remedial action through the issuing of a section 41 notice.</p> <p>Examples include:</p> <ul style="list-style-type: none"> – a road has been constructed for a considerable length parallel to a stream and in a different location to that shown on the FPP map – harvesting trees within a reserve marked off with flagging tape – harvesting trees on an adjoining property without landowner consent – soil cultivation during very wet conditions causing severe soil damage and stream siltation – substantial incursion into class 4 machinery exclusion zones. <p>The FPO should enter details as to what were the identified non-compliances.</p> <p>The FPO should note the particulars including responsible parties, how the non-compliance occurred, and any actions taken by the FPO in the 'Details' section of the CoC.</p>

A.7.11 Electronic lodgement of compliance reports

All lodgement of compliance reports compliance report must be done through the FPA Coveragepage database. Details on how to lodge a compliance report are contained in the *FPA Coveragepage Application User Manual* at http://www.fpa.tas.gov.au/fpa_services/fpo_documents.

B. Forest practices plans: Certification, Amendment, Variation, Refusal and Revocation

Status: Administrative Instruction to FPOs.

Note: This set of instructions replaces the following instructions issued by the CFPO

Instruction	Date issued
A Guide for Forest Practices Officers (part)	October 1994
Signature Page of THPs	29 May 1997
Variations to Timber Harvesting Plans	19 October 1998
Road reserves in areas covered by a THP	3 March 1999
Variations to forest practices plans (Administrative Instruction 00/02)	24 March 2000
Checking road reserves and checking the requirements of local government (Administrative Instruction 2001/01)	4 June 2001
Memo to all FPOs (planning) regarding checks when certifying FPPs	19 September 2001
Retention of forest practices plans and variations to plans	3 March 2003
Crown Road Reserves	12 August 2003
FPP: Certification, Amendment, Variation, Refusal and Revocation (FPO planning manual)	June 2005
Administrative guidelines for certification of FPPs for clearance and conversion of native vegetation under PNFEF	21 February 2010
Clarification of operation of the Forest Practices Act with respect to variation of forest practices plans	1 December 2015

B.1 General requirements under the Forest Practices Act (the Act)

Summary

- The FPA has the power to certify, refuse, amend, vary and revoke FPPs. The FPA delegates the power to certify, refuse, amend and vary FPPs to Planning FPOs. Inspecting FPOs are not delegated any of these powers.
- The powers delegated to Planning FPOs are indicated on their Instrument of Delegation.
- Prescribed forms must be used for certifying, refusing, amending or varying FPPs.
- The applicant has a right to appeal to the Forest Practices Tribunal if a plan is refused, amended, varied (under section 22) or revoked or if an application for variation of a plan (under section 23) is refused.
- A certified plan provides the authority to carry out forest practices on the land specified in the plan.
- A person failing to comply with a plan is guilty of an offence.

B.1.1 Delegation of powers to Planning FPOs to certify, refuse, amend or vary forest practices plans (FPPs)

The FPA has the power to:

- a) certify, refuse, or amend a FPP under section 19 of the Act
- b) vary or refuse to vary a plan under sections 22 and 23 of the Act; and
- c) revoke plans under section 24A of the Act.

The FPA may delegate some of these powers to FPOs.

FPOs are appointed by the FPA at two levels:

- a) a Planning FPO has powers delegated to him or her under some or all of sections 19, 22, 23 and 24 of the Act to certify, refuse, amend, or vary plans.
- b) an Inspecting FPO does not have any powers delegated to him or her under these sections of the Act.

The power to revoke plans under section 24A of the Act is not generally delegated to FPOs and rests with the CFPO.

B.1.2 How does a Planning FPO know what powers have been delegated to them?

Under section 43 of the Act the FPA may delegate certain powers to persons (usually identified as FPO Planning), including the power to certify, refuse, amend or vary plans. The powers delegated to such people are shown in his or her Instrument of Delegation given at the time of appointment.

An person's power to certify, amend or vary plans may be restricted to certain types of plans. Most Planning FPOs have the power to certify, refuse, amend or vary plans involving any combination of road construction, clearing, harvesting and reforestation. However, some FPOs Planning will have more limited powers. For example, their powers may be limited to plans involving road construction only.

Quarry plans can only be certified amended or varied by FPOs Planning who have been given specific authorisation after having completed relevant training conducted by the FPA.

FPOs Planning should check their Instrument of Delegation if unsure which powers they have been delegated. FPOs Planning can contact the FPA and request a copy of their delegation.

In October 2016 the FPA Board resolved that any applications for certification of FPPs that involved **clearance and conversion of threatened native vegetation communities** should be referred directly to the Board for consideration of the provisions of **s. 19 (1AA)** of the Act.

B.1.3 Forms

Forest Practices Officers are reminded to use the prescribed forms to certify, refuse, vary or amend.

B.1.4 Appeals

Under section 25 of the Act the applicant has a right of appeal when the FPA (or an FPO with a delegated authority from the FPA):

- a) refuses to certify a plan
- b) makes amendments to a plan
- c) varies a plan (under s. 22 of the Act)
- d) refuses an application for a variation (submitted under s. 23 of the Act); or
- e) revokes a plan
- f) Issues a section 41(2) notice.

Appeals must be made in writing on prescribed forms. The Forest Practices Tribunal hears appeals.

When an FPO refuses, amends, or varies a plan they should advise the applicant(s) of their right to appeal the decision to the Forest Practices Tribunal. (See also [Applicant's rights](#))

B.1.5 Authority of a certified FPP

Under section 20 of the Act *'a certified forest practices plan authorises forest practices and any operations associated with those forest practices to be carried out on the land specified in the plan in accordance with the provisions of that plan during the period specified in the plan'*.

B.1.6 Breach of a certified forest practices plan

Section 21(1) of the Act provides that Where a forest practices plan has been certified by the Authority in respect of forest practices on any land and is in force under this Act –

- (a) any person who *in carrying out any act, or in omitting to carry out any act, contravenes or fails to comply with the provisions of the plan ; or*
- (b) any timber processor who causes forest practices on that land or any operation associated with forest practices on that land to be carried out in contravention of the provisions of the plan; or
- (c) any owner of land who causes forest practices on that land or any operations associated with forest practices on that land to be carried out in contravention of the provisions of the plan- is guilty of an offence and is liable on summary conviction to a fine not exceeding 1000 penalty units or a daily fine not exceeding 50 penalty units.

Breaches must not be retrospectively authorised through variations (see [Applicant's rights](#)).

B.2 Certification of forest practices plans

Summary

The following checks are not mandatory for all FPPs. FPOs should exercise their judgement in determining which checks are appropriate for each individual plan. Some of the checks below should normally be undertaken well before certification of a plan to avoid time delays.

When certifying FPPs, FPOs must:

- Only certify the types of FPPs that the FPA has delegated them the authority to certify.
- Ensure that the FPP to be certified is of an adequate standard – use of a checklist and/or peer review system is recommended.
- Make sure that all matters within the FPP are resolved; otherwise delay certification of the plan, or at least ensure that the wording in the plan provides a clear intent for future management.
- Ensure that Code requirements are met including:
 - Code ‘Will’ statements are not negated in the FPP
 - consultation and notification has occurred as required through the planning process
 - adequate coupe dispersal is achieved
 - authorisation has been obtained from the CFPO where required
 - specifications are placed in the FPP where required.
- Check that for private timber reserves any area scheduled for harvesting is also scheduled for reforestation.
- Ensure that threatened native forest and non-forest communities are not scheduled for clearance and conversion unless authorised by the FPA.
- Ensure FPPs for broad scale conversion do not exceed 40 ha per property in any 12-month period.
- Ensure that agreed prescriptions have been transferred from the evaluation sheets to the body of the FPP and indicated on the FPP map where appropriate
- Ensure that the harvesting prescriptions and reforestation technique specified are appropriate for the forest type.
- Check with the landowner or the FPA database that there is not already another current FPP for the area.
- Ensure that widely separated non-contiguous areas are not included under the one plan.
- Check that there are no existing use rights or covenants on the land that may either affect or be affected by the FPP.
- Check that local government planning approval has been obtained where required.
- Ensure that a risk assessment has been done where appropriate.
- Check whether the harvesting and/or clearing are covered by an exemption under the Forest Practices Regulations and therefore do not require a certified FPP.
- Check that the commencement date is not prior to the date of certification.
- Check that the completion dates for discrete operational phases are reasonable, and that all

operational phases required under the plan have been listed on the Coverpage.

- Ensure there is a DOP Reforestation Assessment included in all plans requiring establishing of forest. This is still true even if the plan prescribes nothing more than natural seedfall and residual stocking to achieve the stocking standard.
- Ensure that at least one timber processor has been listed on the Coverpage if timber harvesting is to occur under the plan.
- Ensure the landowner's approval has been obtained before certifying the FPP. Applicant(s) and landowner(s) must sign the acknowledgement form attached to the FPP (Acknowledgment Form 1) **before** the FPP can be certified, amended or refused (**mandatory**). **The FPO must be the last person to sign the plan.**
- Note the following with regard to landowners:
 - FPOs need to be reasonably satisfied with respect to the ownership of the land
 - a 'forestry right' may apply under the Act, but only to Crown land
 - the consent of **all landowners** who hold land that is subject to any forest practices under the plan must be obtained (e.g. for road reserves the consent of Crown Land Services must be obtained)
 - authorised agents may sign for landowners.
- Accept any signatures transmitted electronically if satisfied as to their authenticity.
- Ensure that the applicant and landowner(s) are consenting to the final version of the FPP by having them initial and date each page of the FPP, including the map. The FPO should also initial and date each page.
- Obtain a certification number from the FPA's web site. FPPs must not be certified before the certification number has been given and inserted into the FPP.
- For plans certified prior to January 2011, retain the originals of FPPs and variations and associated documentation for a minimum of 3 years after the date of expiry, and preferably 5 years.
- Ensure that copies of certified FPPs are distributed to all relevant parties.
- For plans certified after January 2011 copies of all plans and variations must be uploaded on the FPA Coverpage database.

B.2.1 Standard of forest practices plans

It is the responsibility of the Planning FPO to check any FPP presented for certification (including planning information used in the development of the management prescriptions) to ensure that it is of a satisfactory standard. The FPA recommends that FPOs only certify plans for areas that they are familiar with on the ground. Use of a checklist is recommended to ensure that the required information is included in the FPP. A peer review process is also recommended for this purpose. A Planning FPO must only certify the plan if they are satisfied that the plan is of a satisfactory standard.

If the Planning FPO is not satisfied with the standard of a plan presented for certification, the Planning FPO can either amend and certify the plan, or refuse to certify the plan. (See the sections [Amendments to forest practices plans](#) and [Refusal of forest practices plans](#))

B.2.2 What to do when there are unresolved issues

(See also [Consent to the final version of the forest practices plan](#))

At the time of plan certification all major matters pertaining to the plan should have been resolved, otherwise plan certification should be delayed until the matters are resolved. FPOs should not certify plans that provide an 'open cheque' for what happens under the plan. For example, the following statement is not an acceptable provision, 'Some areas may be converted to pasture and other areas regenerated to native forest at the discretion of the landowner.'

Similarly, the use of 'should' statements in plans can be reflective of a decision not having been made. For example, 'A tracked fire break should be constructed along this section of the boundary.'

Plans should provide a clear statement of what is intended to occur upon the land and how it is to be done. The Act allows any subsequent changes in intent or practice to be addressed through variations to the plan (see [Variations to forest practices plans](#)).

B.2.3 Forest Practices Code requirements

The FPO should be confident that all Code requirements have been fulfilled before certifying the FPP.

In particular the FPO must ensure that:

- a) the FPP does not contain any statements that contradict the Code (i.e. prescriptions that negate 'Will' statements in the Code)
- b) local government has been consulted if required (as per page 5 of the Code)
- c) local government and near neighbours have been notified (as per page 5 of the Code)
- d) there is adequate coupe dispersal (see [Coupe dispersal](#))
- e) authorisation has been received from the CFPO where required (see section [Forest Practices Code references to approval by the Chief Forest Practices Officer](#))
- f) specifications have been included in the FPP where required by the Code (see section [Forest Practices Code references to forest practices plans](#)).

B.2.3.1 Consultation and notification

Page 5 of the *Forest Practices Codes* states: ' Notification with respect to planned forest practices will be provided to local government and to landholders within 100m of the boundary of the planned practices. The objective is to encourage effective communication and consultation with respect to proposed forest operations. The details in relation to the practices should be provided at least 30 days prior to the commencement of the operations.'

Note that the 100-metre reference above means the operational boundary, not the FPP boundary.

The FPO must ensure that consultation as required in the Code and any other consultation they consider appropriate has been carried out **before certification**.

It is good practice to issue an additional Notice of Intent if operations have not commenced within 12 months of the issue of the original Notice of Intent; or if substantial changes to the operations are proposed (for example changing the harvesting prescription from selective logging to clearfell).

B.2.3.2 Coupe dispersal

For harvesting FPPs the coupe dispersal requirements apply as per sections C1.1 and C6 of the *Forest Practices Code*. For Permanent Timber Production Zone Land the FPA accepts that Forestry Tasmania's *Landscape Context Planning System* coupe dispersal metric provides a reasonable approach for coupe dispersal.

B.2.3.3 Forest Practices Code references for approvals by the CFPO

Where the Code indicates referral to the CFPO is required, the FPO must refer the matter to the CFPO directly or through the relevant FPA specialist or the Forest Practices Advisor where appropriate. The CFPO will provide a written response (letter or email). A copy of the correspondence should be placed on the relevant FPP file as it may be subject to an FPA assessment (audit).

The following table summarises all the references in the Code to situations where CFPO approval is required. For the complete wording, the Code should be consulted. FPOs should also check planning tools for circumstances where CFPO approval may be required during the planning stages of an FPP.

Code Section	Code Provision (abbreviated, with Code page number in brackets)
Building Access to the Forest	The CFPO will be consulted before quarries are opened in karst areas or in the catchment of a Category A or B karst area (p. 21).
Harvesting of Timber	Clearfelling will not be permitted in areas with vulnerable karst soils unless authorised by the CFPO (p. 27). Operation outside Table 5 will only be undertaken in consultation with the CFPO (p. 31-32). Snig tracks can only cross a Class 1 or 2 water course where forwarders are authorised by the CFPO (p. 35). New caves or streamsinks found during harvesting will be reported to the CFPO as soon as possible (p. 37). The CFPO may exempt operations from the provisions of the Code in salvage areas, but will prescribe alternative provisions in the FPP (p. 49). Steep country clearfall coupes will be no greater than 50 ha unless approved by the CFPO (p. 50).
Conservation of Natural and Cultural Values	Where landslides have occurred they will be reported to the CFPO (p. 53).
Establishing and Maintaining Forests	Plantations will not be permitted on sites with vulnerable karst soils unless authorised by the CFPO (p. 81).

B.2.3.4 Checklist of Forest Practices Code requirements for forest practices plans

The following table provides a brief checklist of requirements in the Code for forest practices plans. More details are provided in the Code and associated planning tools.

Code Section	Code Provision (<i>abbreviated, with Code page number in brackets</i>)
Introduction	<p>Appropriate provisions to be included in forest practices plans (p. 4)</p> <p>Consultation with local government to occur prior to certification of a FPP regarding landscape, town water supply, access onto local government roads (p. 5).</p> <p>Notifications required (p. 5).</p> <p>Plans to be certified prior to commencement and at completion (p. 5).</p> <p>Relevant information in plans to be made available to interested parties (p. 5).</p> <p>All provisions to be consistent with safe working practices, other laws etc. (p. 5).</p>
Building Access to the Forest	<p>Approval required from DIER (now the Department of State Growth) before building/upgrading access onto a highway (p. 6).</p> <p>Surfacing material to be removed from large drainage structures prior to expiry of FPP if not built to withstand 1 in 10 to 50 year floods (p. 11)</p> <p>Temporary watercourse crossings to be removed prior to termination of a FPP (p. 18).</p> <p>Within 2 km upstream of a town water supply or freshwater aquaculture facility intake specific conditions will be placed in a plan regarding timing and methods of road construction (p. 25).</p>

Code Section	Code Provision (<i>abbreviated, with Code page number in brackets</i>)
Harvesting of Timber	<p>Plans should include an evaluation of fire risk (p. 27).</p> <p>The responsibility for boundary marking will be stated in a FPP (p. 32).</p> <p>Trees will not be felled outside harvesting boundaries in a FPP (p. 33).</p> <p>Snig track direction will be indicated on the FPP map (p. 33).</p> <p>An FPO may specify permissible machinery use of a road in a FPP (p. 38).</p> <p>Existing stabilised tracks within 10 m of a Class 4 watercourse can be used for snigging along (thinning only) under certain conditions if specified in a FPP (p. 38).</p> <p>An FPO may specify alternatives in a FPP for operations using exclusively C6 equipment (p. 39).</p> <p>Where machine clearing is specified in a FPP following harvesting, partial restoration can be undertaken, with full restoration later (p. 39).</p> <p>Where machine clearing is not specified in a FPP following harvesting full restoration by cross drains will be undertaken (p. 39).</p> <p>Where safety concerns are present a contractor may move a landing up to 50 m provided an FPO is notified (p. 41).</p> <p>Landings will not exceed 0.2 ha, except that landings up to 0.3 ha may be authorised in a plan (p. 41).</p> <p>Landings will not be permitted within 40 m of a streamside reserve or Class 4 machinery exclusion zone unless designated in a FPP and provided specific measures are placed in the plan to protect water quality (p. 42).</p> <p>Trees within streamside reserves will only be fallen where authorised in a FPP and within certain conditions (p. 46).</p> <p>Where authorised in a FPP feller bunchers can go to within 5 m of a Class 4 watercourse in native forest with certain conditions applying including that responsibility for marking will be stated in the plan (2 dot points – p. 46).</p> <p>Watercourse protection measures will need to be carefully considered in FPPs for plantations within streamside reserves (p. 47).</p> <p>Where authorised in a FPP feller bunchers can go to within 5 m of watercourses in plantations with certain conditions applying including that responsibility for marking will be stated in the plan (p. 47).</p> <p>On high to very high erodibility soils the FPO will specify additional measures to the above point in the FPP (p. 48).</p> <p>The CFPO may exempt operations from the provisions of the Code in salvage areas, but will prescribe alternative provisions in the FPP (p. 49).</p>

Code Section	Code Provision (<i>abbreviated, with Code page number in brackets</i>)
Conservation of Natural and Cultural Values	<p>Natural and cultural values will be evaluated during the preparation of FPPs (p. 51).</p> <p>On high to very high erodibility soils a specialist should be consulted during preparation of a FPP (p. 52).</p> <p>A soils or geotechnical specialist will assess areas with slopes greater than the threshold slope angle for landslide hazard before operations proceed under a FPP (p. 53).</p> <p>Wider streamside reserves should be specified in a FPP where necessary to protect certain values (p. 57).</p> <p>Catchment areas corresponding to town water supply intakes will be identified in FPPs (p. 57).</p> <p>Within 2 km upstream of a town water supply or freshwater aquaculture facility intake specific prescriptions will be placed in FPPs regarding timing of operations, use of chemicals, camps, methods of road construction, and management of fuels etc. (p. 57).</p> <p>Revegetation etc. of road batters will be specified in the FPP within water supply and other significant catchments (p. 58).</p> <p>Within 2 km upstream of known domestic water intakes additional measures may be prescribed in the FPP (p. 58).</p> <p>During preparation of a FPP the operational area will be assessed for botanical values (p. 60).</p> <p>During preparation of a FPP the operational area will be assessed for zoological values (p. 61).</p> <p>FPOs will obtain endorsed management prescriptions with regard to threatened species for operational areas of FPPs and incorporate them in the plan (p. 64).</p> <p>Relevant legislation and processes (cultural heritage) will be delivered through FPPs (p. 71).</p> <p>During preparation of a FPP known sites and Aboriginal potential zones will be identified and specialist advice obtained where necessary (p. 72).</p> <p>Protection requirements (cultural heritage) will be listed in a FPP (p. 72).</p> <p>During preparation of a FPP the operational area will be assessed for geomorphological values (p. 73).</p> <p>FPPs will specify significant (geomorphological) features for an area and protection measures (p. 73).</p>

Code Section	Code Provision (<i>abbreviated, with Code page number in brackets</i>)
Establishing and Maintaining Forests	<p>Persons/organisations responsible for reforestation will be listed in the FPP (p. 74).</p> <p>Reforestation factors will be considered and detailed (as per list) in the FPP (p. 74).</p> <p>Plantation treatments (as per list) need to be considered and appropriate prescriptions placed in the FPP (p. 78).</p> <p>Table 10 is to be applied in a practical manner unless alternative measures are prescribed by a specialist and included in the FPP (p. 79).</p> <p>Advice will be sought from a soil specialist before plantations are established on sites with high or very high erodibility soils, and appropriate prescriptions placed in the FPP (p. 80).</p> <p>Entry of machinery into cleared streamside reserves to carry out drainage works will be detailed in the FPP (p. 81).</p> <p>During plantation establishment no machinery will be permitted within 10 m of any watercourse except at points designated in a FPP (p. 82).</p> <p>During plantation establishment no machinery will be permitted within 10 m of any Class 4 watercourse except at points designated in a FPP, or as permitted in 'other situations' (p. 83).</p> <p>Construction of fire breaks and access tracks will not be permitted within streamside reserves or Class 4 machinery exclusion zones except to access crossing points designated in a FPP (p. 84 and p. 88).</p> <p>The FPP for the area will specify the establishment and maintenance treatments most likely to achieve full stocking (p. 86).</p> <p>FPPs will state whether the area is covered by a fire management plan (p. 91).</p> <p>The FPP for areas to be reforested but not covered by a fire management plan should specify measures to be provided for the protection of the new forest from fire (p. 91).</p> <p>Where applicable weed control measures will be specified in the FPP (p. 93).</p>
Appendix 3	<p>For operations on very high erodibility class soils drainage depressions will be marked on FPPs, crossed only at designated points, and crossings minimised (p. 113).</p>

B.2.4 Private timber reserves

An FPP that covers a private timber reserve **must** specify reforestation measures to take place after any harvesting. It is not permissible, for example, for harvesting to be followed by clearance and conversion to no-forest land use. This would not be compatible with the intent of a PTR. Section 12 of the Act states '*it [a PTR] shall be used only for establishing forests, or growing or harvesting timber in accordance with the Forest Practices Code and such other activities which the FPA considers to be compatible with establishing forests, or growing or harvesting timber.*'

If the land is to be cleared of forest (including plantation) and converted to non-forest use the PTR should be revoked prior to certification of the FPP. This may require the FPP to be considered under Land Use Planning Schemes. Checks should be made prior to certification.

B.2.5 Conservation of threatened native forest or non-forest communities

FPOs cannot authorise the clearance or conversion of threatened native forest or non-forest communities except on the specific authority of the CFPO and in exceptional circumstances. Check the Permanent Native Forest Estate policy and seek advice from the FPA. These communities are listed in the Nature Conservation Act 2002 and the FPA's 'Information on land clearing controls in Tasmania' sheet. Threatened forest communities are also indicated in each module of the Botany Manual.

FPOs must check with the FPA before preparing plans which authorise clearance and conversion.

B.2.6 Transfer of prescriptions from evaluation sheets to FPP

It is essential that the final prescriptions developed by an FPO in accordance with the Code and associated planning tools are transferred to the body of the FPP. Prescriptions not transferred to the body of the plan do not have any legal effect as the evaluation sheets are only supporting documents to the plan. Likewise, FPPs should not be 'cluttered up' with non-prescriptive planning information (see instructions under [FPP: Natural and cultural evaluation sheets](#))

B.2.7 Harvesting prescriptions and reforestation techniques

Appropriate reforestation techniques are listed in Table 9 (p. 76) of the *Forest Practices Code*, and are detailed in the Forestry Tasmania Native Forest Silviculture Technical Bulletin series referenced in the Code.

An FPO must not certify a plan unless he/she is confident that the harvesting prescription, reforestation technique, and stocking standard specified in the FPP are appropriate for the forest type and can be achieved. Inappropriate prescriptions can lead to situations where the stocking standard specified in the plan cannot be achieved, and therefore the plan will be non-compliant at expiry, e.g. clearfall on some grassy sites can lead to 'failed' regeneration and it then becomes extremely difficult to return a natural forest to some sites.

The person or organisation responsible for reforestation should have sufficient expertise or access to expertise to undertake reforestation. FPOs should **not** certify plans allocating responsibility for reforestation to the landowner unless they have reasonable confidence that the landowner has the intent and capacity to undertake the responsibilities allocated to them under the plan.

The landowner should also be informed of the consequences of not complying with the plan should reforestation be ineffective due to their actions (or lack of action).

The FPP must prescribe the type of stocking survey which is to be undertaken and the stocking standard to be achieved. Stocking standards for Clearfelling, Shelterwood, Even-Aged Regrowth, and Multi-Aged Stands operations are given on pp. 85-86 of the Code. Particular attention to correct reforestation techniques should be taken on PTRs, State forest, and/or where rare, vulnerable or endangered forest types are present, or where the landowner's primary intention is to return the area to a fully stocked forest. If none of these situations applies and the landowner does not wish to return his or her land to a fully restocked forest, it is appropriate to set a stocking standard according to the landowner's wishes. If the stocking standard prescribed is below the minimum defined in the Code for the prescribed operation, the operation is considered a conversion operation and it is subject to the constraints of the Permanent Native Forest Estate policy.

Stocking surveys should be conducted by persons with appropriate expertise. The FPO should ensure that the silvicultural prescriptions within the FPP contain clear requirements relating to the retention of growing stock, seed trees, assessment of seed crops, preparation of adequate seedbed and protection of seedlings from browsing by native animals and grazing by domestic stock.

Whenever a plan includes prescriptions for reforestation, the plan must also include a DOP for Reforestation Assessment on the Coverage page.

B.2.8 Can two forest practices plans cover the same area?

On occasions an FPO may be asked to certify a plan when there is already an existing plan covering part or all of the same area (i.e. the FPP boundary shown on the map for the existing FPP includes part of the operational area for the new FPP). This typically may occur when a harvesting FPP is prepared for an area over that already has a separate FPP for road construction.

If there is any reason to believe that there may be another plan already extant over the area (e.g. there is evidence of relatively recent forestry activity within the proposed plan area for the plan you are considering for certification), the FPO should check with the landowner, or contact the FPA and request a check of the FPA database.

In some instances there may already be a plan in existence, in which case the options are:

- a) ensure that the FPP boundary (as shown on the FPP map) for the new plan does not overlap with that of the existing plan; or
- b) vary the existing plan to terminate it on or before the commencement date for the new plan (noting that this should not be done if there are any outstanding non-compliance issues that will not be addressed under the new plan); or
- c) vary the existing plan to incorporate the changes required; or
- d) certify the plan after thorough checking to ensure there will be no inconsistencies between the two plans. Generally, only one plan should apply to a given area of land. Seek advice from the CFPO in these instances.

B.2.9 Inclusion of non-contiguous areas under the one forest practices plan

Sometimes an FPO may be asked to certify an FPP covering two or more non-contiguous areas. It is acceptable to cover harvesting of two or more patches of timber separated by agricultural land under the one plan. However, separate plans will normally be required for separate properties owned by the one landowner, or where there are two landowners involved. One plan may be sufficient if the areas are relatively close to each other and required very similar FPP prescriptions.

The general rule of thumb is that non-contiguous areas should be included under the one plan only if the:

- a) areas fit on the one map at acceptable scale (generally this should be limited to what will fit on an A3 sheet at 1:10,000 scale)
- b) areas are similar enough in terms of, natural and cultural values, forest type, silvicultural prescriptions etc., so that most prescriptions required under the FPP will be common to all areas covered under the plan.

B.2.10 Existing property rights and covenants

The FPO should determine if there are any existing property rights held by other parties or covenants that may need to be considered in developing the plan. For example, there may be mineral exploration rights held over the land, or there may be a conservation covenant on the land

title. In such cases care must be taken with preparation of the FPP so that existing property rights or covenants are not infringed. As part of the planning process the FPO should always check the title.

The landowner should also be made aware that the FPP might constrain other activities on his or her property within the plan boundary. For example, cutting of firewood by the landowner within the FPP boundary could only be done in accordance with the provisions of the FPP.

B.2.11 Local government planning approval

FPOs must be aware that the approval of local government may be required for forestry operations on non-PTR private land. It is the responsibility of the landowner or applicant to ensure that proper approvals from Council are obtained prior to the commencement of operations. It is not the responsibility of FPOs to obtain the approval.

The FPO should also be aware of any conditions that have been imposed by a Council permit. Where relevant these should be included in the FPP or in the instructions to the operators. Conversely, Council requirements that are not relevant to the *Forest Practices Code* (for example load limits on roads), should not be included in the FPP, and Council should be made aware that it must take responsibility for enforcement of such requirements. Remember that cooperation with local government is important for the efficient operation of the forest practices system.

Councils often request a copy of the FPP with a development application. Some Councils ask specifically for a certified plan whereas others ask for a draft plan. FPOs should try and resolve issues of particular interest to Councils, such as entry onto Council roads, prior to submission of the FPP to Council. Councils should be accommodated with a 'final' plan wherever possible. Changes to a certified plan as a result of conditions included in a Council's approval can be made by variation.

See also the section on application of the [Land Use Planning and Approvals Act 1993](#)

B.2.12 Risk assessment

The risk assessment procedure must be applied during FPP preparation in situations where the retention of trees under the Code (e.g. roadside trees retained for landscape purposes) may potentially result in an increased risk to public safety. Before certifying a plan an FPO must ensure that a risk assessment has been undertaken by a trained person, where appropriate, and that where the risk was determined to be unacceptable, modifications were made to the FPP to bring the risk within acceptable limits. (See *Risk assessment form*). In this section 'trained person' means a person who has successfully completed a training course in risk assessments for FPPs conducted by the FPA in collaboration with Worksafe Tasmania.

B.2.13 Forest practices that do not require a forest practices plan

Forest practices that do not require a forest practices plan are detailed in the Forest Practices Regulations, Section 4. FPOs must not certify a plan for an activity that is exempt under the Regulations, even if the landowner or company requests it. Seek advice from the FPA if you are unsure.

B.2.14 Period of plan

The *Forest Practices Act* requires (section 18(2)(c)(i)) that an estimate of the period during which forest practices are to be carried out be provided in the application for a plan to be certified. For administrative purposes, the estimate of the period of the plan is taken to be the commencement date and the expiry date of the plan as shown in the 'plan lifetime' box on the Coverpage of the certified plan or as modified by a subsequent variation to the plan.

The person who considers the application for certification must also consider the estimated start and finish dates of the plan. Once the plan is certified, if these dates have not been amended, they become the official start and finish dates of the plan and can only be changed by an application to vary the plan or a revocation.

The commencement date must not be earlier than the date the FPO certifies the plan. Failure to follow this procedure will render the plan legally invalid. The period of the plan should allow sufficient time for completion of all activities under the plan. This includes successful reforestation as indicated in a stocking survey. For plans involving road construction, harvesting and reforestation generally a period of 4 years will be sufficient.

The maximum period of a plan should be no more than five years. This is due to the potential for change in personnel and the rules and conditions pertaining to the plan over longer periods of time. If it is necessary to extend the life of a plan by a variation then take note of requirements in section B4.1.

Plans must not be certified to cover more than five years unless authorised by the CFPO.

Quarry plans can be certified for an initial period of up to ten years (without CFPO authorisation).

B.2.14.1 Discrete operational phases

Under s.18(2)(c)(ii) of the Forest Practices Act, an FPP is to provide an estimate of the period during which each operational phase of the plan is to be carried out.

Discrete operational phases (DOP) under a plan may include any or all of the following:

- a) road construction
- b) tree fern harvesting
- c) timber harvesting
- d) forest establishment
- e) assessment of reforestation
- f) tree clearing; and
- g) quarry operation.

The completion date for each discrete operational phase has to be recorded on the plan Coveragepage. The FPO should check that the completion dates are reasonable and realistic. For the last DOP on the plan, the end date should be the same as the expiry date of the plan.

Multiple DOPs can be used in a plan (e.g. a plan which has a section of native forest and a section of plantation could have, say, two DOP Timber Harvestings.). (See [When must compliance reports for discrete operational phases be lodged.](#))

B.2.15 Timber processors

Section 18(2)(d) of the *Forest Practices Act* requires that the name of the timber processor(s) by whom the timber harvested under the FPP is intended or expected to be processed, be stated in the FPP as a minimum. The name of at least one timber processor must be listed on the Coveragepage of the FPP. Where no timber is to be harvested under the FPP, there is no need to name a processor. The fact that a timber processor is not listed on a FPP will not preclude the processor from receiving timber nor affect the validity of the plan. Similarly, the fact that a processor listed on a plan does not receive timber will not affect its validity. A processor does not incur any liability for a breach of the Act merely because the processor is listed on a plan.

B.2.16 Forest practices plan signature page

FPPs need to be signed by the person certifying the FPP. Landowners and applicants must sign the acknowledgement form 1 before the plan is presented for certification. The FPA's administrative procedures require each party to initial and date each page of the FPP including the map so that there is no doubt about the status of versions of the plan that are held by each party. The requirements with regard to landowners, applicants, contractors and timber processors are covered in the following sections.

B.2.16.1 Completion of the 'Acknowledgment of persons/organisations in relation to forest practices plan no.....' form [acknowledgement form 1]

Landowner approval

Section 18(4) (b) of the *Forest Practices Act* requires that an application 'shall be accompanied by a memorandum in writing signed by the owner of the land referred to in the plan or, if the land is subject to a forestry right, the holder of the right, stating that he or she has given approval for the plan to be submitted to the Authority.' Failure to comply with this provision will render the FPP invalid, meaning that operations under the plan would be in breach of section 17 of the Act.

Landowners are required to give approval for an application to be submitted for certification by signing the Landowner consent section of Acknowledgment form 1. (See also [Verification of landowner](#)) This is generally found as the last text page of the plan.

Acknowledgement of applicant

The person applying for certification of the FPP must be asked to complete the acknowledgement of applicant section on acknowledgement form 1. FPOs should point out to the applicant their responsibilities with regard to the payment of the application fee under s.18 (4B) of the Act and the lodgement of compliance reports with the FPA under s.25A of the Act. These responsibilities are stated on Acknowledgment Form 1.

B.2.16.2 Completion of the 'Acknowledgement of persons or organisations with primary responsibility for management of forest practices' form [acknowledgement form 2]

To ensure that a person or organisation that is allocated responsibilities under a FPP is aware of, and accepts those responsibilities, FPOs should ask the person or the representative of the organisation to complete the appropriate section of acknowledgement form 2. Provision has been made on the form for persons or organisations to take primary responsibility for individual forest practices (discrete operational phases) of a plan.

B.2.16.3 Completion of the 'Acknowledgement of persons or organisations with specific responsibilities under forest practices plan No.' form [acknowledgement form 3]

Responsibilities for specific actions such as marking harvesting boundaries may be assigned under an FPP. To ensure that persons or organisations who are assigned such responsibilities understand and accept those responsibilities, they should be asked to sign acknowledgement form 3.

B.2.16.4 Completion of the 'Acknowledgement of persons or organisations operating under forest practices plan No.' form [acknowledgement form 4]

Contractors may be asked to complete the relevant part of acknowledgement form 4. This requirement is not obligatory, but is recommended by the FPA so that there is a record that the

contractor is aware of the existence of the FPP, and the requirement to comply with the provisions of the FPP.

B.2.17 Verification of landowner

The following notes provide details of checks that may be required to verify who is the landowner(s) with respect to a FPP presented for certification:

B.2.17.1 Proof of ownership

An FPP is invalid if it has been certified by an FPO before the landowner (or authorised agent) has given approval for the FPP to be submitted for certification (i.e. if an acknowledgement has not been signed by the landowner (or authorised agent)).

For ease of administration and reducing red tape the FPO can accept the word (and signature) of the person acting as the landowner who gives their consent for the FPP to be submitted. The FPO is not liable if they accept information given in good faith. However, further checks, such as a title search, are considered prudent for the protection of the FPO and other parties such as timber processors and contractors, if any doubt exists as to ownership. Note that it is an offence under s 45 of the Act for any person to make a false or misleading statement with respect to an application for the certification of an FPP. An FPO should point this out if there is any doubt about whether a person is duly authorised to sign as landowner.

Care is required where the property is under company or joint ownership, in which case the FPO must be satisfied that the person who signs the FPP is duly authorised to do so on behalf of other owners.

B.2.17.2 Land subject to a forestry right

Section 18(4)(b) of the *Forest Practices Act* provides that if the land is subject to a forestry right the written approval of the holder of the forestry right be obtained prior to certification. In such cases it is not necessary to also obtain the written approval of the landowner.

A 'forestry right' as defined under the Act is limited essentially to situations such as the timber concessions over Permanent Timber Production Zone Land that were held by various pulp and paper companies. Rights to timber on private land, leasehold and joint venture arrangements on private land do not constitute forestry rights as defined under the Act. Therefore it will be necessary in such circumstances to obtain the written approval of the landowner for submission of a FPP for certification. That is, even where the land is subject to a 'forestry right' as defined under the *Forestry Rights Registration Act 1990*, the approval of the landowner must still be obtained for submission of an FPP for certification, i.e. the landowner's signature must be obtained.

B.2.17.3 Forest practices plans covering areas with two or more landowners

Where an application is being made by a number of owners under section 18(1) of the Act for certification of a plan, each landowner must sign the Landowner consent part of the Acknowledgement form 1, unless there is evidence that an 'authorised agent' (see below) has been appointed. That is, an FPO cannot certify an FPP until all the landowners have approved the plan to be submitted for certification.

Road reserves and other Crown Land

Forest Practices Officers should be aware of the need to obtain the consent of the Crown Land Services Division of the DPIPW E prior to conducting any forest practices within Crown road reserves or other areas of Crown Land. FPPs must check on the title whether the land contains a Crown Land road reserve, particularly where the existence of a reserve may not be apparent on the ground. It is a breach of s.17 of the Act to conduct forest practices on road reserves without the consent of Crown Land Services.

FPOs will forward FPPs that contain Crown road reserves to Crown Land Services to seek landowner's consent as required under s.18(4)(b) of the *Forest Practices Act*. (NB It is not necessary to forward supporting documentation such as the evaluations for natural and cultural values.) If activities covered by the plan will occur on Crown Land, a representative of Crown Land Services must sign as a landowner on Acknowledgment Form 1, and also sign any subsequent variations.

The Applicant can ask Crown Land Services to enter into a written agreement that any subsequent variations which do not affect the Crown Land portion of the plan can be authorized by an FPO without obtaining a signature from Crown Land Services.

Note that the above procedures are subject to suitable arrangements being in place where relevant with respect to royalties or rights. FPOs should continue to liaise with Crown Land Services with respect to these matters.

All road reserves are shown on land titles – this information is available through the Internet (www.thelist.tas.gov.au) for a fee or contact Crown Land Services in DPIPW E.

Where an existing road on a Crown road reserve requires substantial upgrading for a harvesting or reforestation operation, the upgrading will need to be covered under the FPP.

B.2.17.4 Authorised agents

Landowners may authorise a person (an agent) to sign an FPP or variation on their behalf. Where an agent signs the consent on behalf of a landowner it should be noted on the Acknowledgement form. Such an agent may be an external party (e.g. a lawyer or company) signing on behalf of a landowner; one member of a family signing on behalf of others; an officer or employee signing on behalf of a company, etc. Such an agent must act in the interests of the landowner, and is subject to control by the landowner; therefore, normally the Applicant for the FPP should not act as an agent for the landowner in providing this consent (because of the natural potential for a conflict of interests). If an agent signs the consent for the landowner the FPO must be satisfied that the agent is authorised to do so. FPOs should do this by sighting the written authorisation and retaining a copy (in case disputes arise). If FPOs are not satisfied that the agent is authorised to sign for (and as) the landowner, the matter should be referred to the CFPO for advice before the FPP or variation is certified.

Absentee landowners

In some cases it will be difficult to obtain a landowner's signature consenting to a FPP being submitted for certification (e.g. where the landowner lives interstate or overseas). In this case a property manager or solicitor who is authorised in writing to conduct business relating to the property on the landowner's behalf, may sign as an authorised agent for the landowner.

Companies

Companies and authorities may authorise their officers to sign documents on their behalf. Persons employed by companies and authorities should only sign as landowner if so authorised in writing by that company or authority.

Joint or family ownership

Where there are joint or family landowners, e.g. a husband and wife, the approval (signature) of each party should normally be obtained as landowners. In some cases one party only may sign if authorised to do so by the other owners.

B.2.18 Electronic acknowledgements

Under the *Electronic Transactions Act 2000* a facsimile or email transaction is recognised legally in Tasmania. Therefore an FPO may accept an electronically transmitted signature of a person completing one of the Acknowledgement forms if satisfied as to its authenticity.

B.2.19 Consent to the final version of the forest practices plan

To ensure that the landowner has consented to the final version of the plan, the FPO, the applicant and the landowner(s) should initial and date all pages of the plan. Where the applicant or landowner is a company or other entity, the person who initials each page of the plan should be the same person who signed the Acknowledgement form 1 for the company or other entity.

B.2.20 Obtaining a certification number

Planning FPOs are reminded that the instructions from the FPA require FPOs to obtain a certification number **before** certification of the FPP. FPPs should not be certified before the certification number has been given and inserted into the FPP.

The FPP certification numbering system operates through the FPA Coveragepage database. For first-time users, a username and password can be obtained by contacting the FPA. An operating manual can be downloaded from the FPA website.

B.2.21 Submission of the FPP Coveragepage to the FPA

The FPA Coveragepage database can be used to create a Coveragepage, which can then be printed and attached once the FPP has been certified. FPOs are to ensure they initial the computer-generated Coveragepage once printed and attached to the certified FPP.

B.2.22 Retaining original copies of forest practices plans and variations

FPOs are reminded that they act under delegation from the FPA when certifying FPPs and variations to plans. FPOs must, on behalf of the FPA, maintain a copy of the original FPP plus any variations to the plan. FPOs should also keep the notification and evaluation forms and any other relevant planning information on file.

The FPO who certifies the plan must keep the plan and any variations in a secure place. The FPO, upon request by the FPA, must make the original copy available to the FPA or to an officer appointed by the FPA to conduct assessments. If an FPO cannot securely store FPPs (e.g. if they are retiring or transferring to a new position) they must transfer their FPPs to another FPO in the same work location, or forward the originals to the FPA in Hobart. Original copies of FPPs must be retained for a minimum of three years (preferably seven years) after their date of expiry.

As from January 2011 copies of all new FPPs and variations must be lodged with the FPA by uploading them to the Coveragepage database within 5 working days of certification.

B.2.23 Distribution of copies of forest practices plans and variations

It is the responsibility of the FPO who certifies the FPP to ensure that copies of the FPP and any variations are provided to relevant parties as soon as possible after certification. Copies must be provided to the applicant and the landowner, and should be provided to the principal processor, and any contractors who will operate under the plan. Variations should also be uploaded to Coverage within 5 working days of certification.

B.3 Amendments to forest practices plans

Reminder: Amendments are changes made to an FPP after it is submitted for certification and **before** the FPO certifies the plan.

Amendments will rarely be required. FPOs should seek advice from the CFPO before amending a plan.

The term ‘amendment’ has sometimes been used loosely for what is, in fact, a variation. FPOs should ensure that they are familiar with the difference between an amendment and a variation, as described in the following sections. In practice amendments are rarely required, as issues tend to be resolved between the parties involved before the FPP is finalised.

A Planning FPO can amend a plan presented for certification under section 19 of the Act as they consider necessary, and certify the plan as so amended by:

- a) inserting conditions and restrictions to be complied with in the harvesting of timber, the clearing of trees or the carrying out of other forest practices covered by the plan
- b) inserting new specifications in the plan or amending or omitting specifications contained in the plan as submitted
- c) identifying, for the purposes of section 25A(1) of the Act, the discrete operational phases of the plan.

The appropriate form for amendments under s.19 must be used.

The following examples are situations where an amendment to a FPP would be required:

- a) an FPP presented to an FPO for certification is found to contain a prescription that is not in accordance with a ‘will’ statement in the *Forest Practices Code*. (Alternatively, this circumstance would normally be remedied by getting the parties to agree to the change and having them sign and date a new plan)
- b) an FPP does not contain adequate provisions for setting aside forest for threatened species or threatened vegetation communities. Always contact the FPA for advice before proceeding to amend or refuse an FPP because of threatened species or threatened vegetation communities as any such amendment can lead to an ‘affected landowner’ lodging an appeal and potential compensation claim under the *Nature Conservation Act 2002*.

FPOs should only advise their clients that an ‘affected landowner’ may apply for compensation. Under no circumstances should an FPO advise that the landowner will be entitled to compensation. Clients should be referred to the provisions of the *Nature Conservation Act 2002* (Part 5, Division 4 – Covenants arising from forest practices plan applications) and recommend they obtain legal advice if they wish to make an application for compensation. If this situation arises contact the CFPO for advice before proceeding.

Amendments need to be dealt with within 28 days of a request for certification of a FPP. **The Act requires that the applicant and the owner of the land be informed in writing of proposed amendments.** The applicant can appeal against amendments proposed by the FPO (section 25 of the Act).

B.4 Variations to forest practices plans

Reminder: variations are changes made to a forest practices plan by an FPO **after** certification of the plan.

Summary

- FPOs should use Section 22 forms when they are acting as an agent of the FPA to make changes that are necessary to improve the standard of the FPP.
- FPOs should use Section 23 forms when extending the life of a plan or making changes of an operational nature (i.e. changes sought by the applicant).
- Only Planning FPOs are authorised to certify variations to FPPs. A different FPO to the one that certified the original FPP can certify a variation, but contact should be made with the original certifying FPO.
- Appropriate wording should be used in plans to minimise the likelihood of a variation being required in future.
- The plan period can be extended or reduced by variation. However, a plan cannot be extended once it has expired. A discrete operational phase (DOP) does not need a variation to extend its date, if this is the only purpose for the variation. However, discrete operational phases **MUST BE** reported on within 30 days of completion of that DOP.
- Checks are required when operational prescriptions are to be changed by variation. The operational area under a FPP can be reduced or extended (by up to 20 ha or 10% of the operational area whichever is lesser) by variation, provided any new areas to be included are not sufficiently different to the areas covered by the original special values. New evaluation sheets may be required, depending on the nature of the changes.
- It is not necessary to vary a plan for a change of landowner (property sale) or change of contractor.
- The applicant cannot be changed by variation.
- Variations cannot be made to retrospectively legitimise breaches that have occurred.
- New notices of intent must be sent out where, under a variation:
 - major changes are proposed to operational prescriptions; or
 - the operational area will be extended resulting in a neighbour not previously notified now being within 100 m of the operational boundary.
- FPOs must update changes on the FPA Coverpage, eg changes to the areas of RFA communities harvested or cleared; lengths of roads to be constructed, and changes to the expiry date of the plan.
- Each variation must be numbered sequentially.
- The signature of the landowner and applicant must be obtained **BEFORE** an FPO certifies or refuses a section 23 variation.
- Signatures transmitted electronically are acceptable if the FPO is satisfied as to their authenticity.
- The FPO, applicant and landowner(s) should initial each attached page of the variation to demonstrate that they are consenting to the final version of the variation.
- FPOs must retain the originals of variations.
- Copies of variations must be distributed to all relevant parties and uploaded to Coverpage

B.4.1 Types of variations

The purpose of a variation is to make changes to an existing certified FPP. FPOs must follow the statutory requirements of the Act in relation to all variations. The requirements are not onerous; they ensure proper consultation and rights of appeal.

The Forest Practices Act provides for two types of variations to certified FPPs; a variation instigated by the FPA under s.22 , and a variation requested by the applicant under s.23.

When considering any application to vary an FPP, including an application to vary the period an FPP is in effect, the FPA and its delegates (FPOs) will need to determine the application in the context of:

- the version of the *Forest Practices Code* that is current at the time the application to vary the FPP is made; and
- the version of the Permanent Native Forest Estate Policy (PNFEP) that is current at the time the application to vary the FPP is made; and
- all other provisions of the Act relevant at the time the application to vary the FPP is made.

These conditions apply to both s.22 and s. 23 variations.

B.4.1.1 Variation instigated by the FPA (Planning FPO) under s.22

Section 22 of the Act provides that the FPA may vary the provisions of a certified plan but only after it has offered the applicant and the landowner the opportunity to make submissions in relation to the variation. The power to make variations under s.22 of the Act has been delegated to Planning FPOs. The prescribed form must be used to ensure that the variation is legally valid.

This section of the Act is intended to be exercised where an FPO believes a variation is necessary in order to ensure a better result in accordance with the Code or any instruction or advice provided by the FPA.

The need to do a section 22 variation will generally only arise where either the applicant or the landowner is not willing to initiate a variation under s. 23 for certification.

A variation under section 22 does not take effect until 14 days after the notice has been served in writing on the applicant and landowner.

B.4.1.2 Variation requested by the applicant to a forest practices plan under s.23

This will be the type of variation normally used to make changes to a FPP.

Section 23 of the Act provides that the applicant to the plan may seek a variation, provided that they have obtained the consent (in writing) of the landowner for the variation. The prescribed form must be used to ensure that the variation is legally valid. Planning FPOs may certify the variation on behalf of the FPA, provided the variation is in accordance with the Code and other technical instructions.

If an FPO decides to refuse an application for a variation under section 23, they must inform the applicant of the refusal, and the reasons for the refusal (as required under section 24(2) of the Act). The other parties should also be informed. The FPO should also inform the CFPO, noting that the applicant may lodge an appeal against the refusal of a variation.

B.4.2 What matters are to be considered in an application for a variation

When an application to vary a FPP is prepared there are some aspects which need to be considered afresh. These include:

- the current version of Permanent Native Forest Estate Policy
- changes in status of threatened species or threatened native vegetation; and
- the current version of the *Forest Practices Code*.

The above matters may mean the variation significantly changes what can or can't be done on the property. Therefore the applicant needs to carefully consider whether the application for variation is necessary to complete the operations that were certified in the original plan.

B.4.3 Who can certify variations?

Ideally the person that certified the original plan should generally certify any variations required to that plan. Where a different person is intending to certify a variation, if possible they should contact the original certifier and discuss the variation. This will also ensure that they take account of any previous variations, and correctly number the current variation (see [Numbering of variations](#)). Once the variation has been certified the person should provide a copy of the variation to the original certifier for their records, and upload the variation to the Coverage database.

A Planning FPO may not have the power to certify variations for all types of plans, depending on his or her Instrument of Delegation. (See [How does a Planning FPO know what powers have been delegated to him or her](#)).

All applications for variation that involve clearance and conversion of a threatened native vegetation community must be submitted to the Board of the Authority for consideration of s. 19 (1AA) provisions of the Act.

B.4.4 When is a variation required?

There may be a fine line between minor and major changes (see below *Minor changes not requiring an FPP* and *Changes requiring a variation*). Use common sense and consider the potential environmental effect of any proposed change.

For example, a minor change to the location of a road would not normally require a variation, but if that minor change involved the road being relocated within the immediate catchment of a sinkhole, then additional provisions would need to be added through a variation.

The following points outline other situations when a variation is required.

B.4.4.1 Appropriate wording of FPPs to reduce the need for subsequent variations

'Anticipated' variations can be dealt with by including appropriate wording in the original FPP. Experienced FPOs know where such variations are likely to arise, e.g. moving the location of a landing by a small distance, authorising an additional crossing on a class 4 stream etc. Such variations can be accommodated by including provisions in the FPP such as 'Additional crossings on the class 4 stream may be authorised by an FPO who will mark the location of the crossing in the field, inform field staff and keep a record of such authorisation'. (See also *Does slight modification of an operational boundary require a variation?*)

Sometimes it may not be possible to avoid a future variation, as there may be issues that cannot be fully resolved at the time of plan certification. Plans must be carefully worded in this circumstance, so that a clear intent for future management is provided, and, where appropriate, a specific commitment to a future variation. (See *What to do when there are unresolved issues* and *Variation to incorporate a site preparation plan into an FPP*).

Generally it is best to avoid specifically naming a person in a plan when allocating responsibilities. Preferably state 'the landowner' or 'the harvesting contractor' etc. instead. This removes the need to vary the plan to ensure that the responsibility is transferred (such as to a new landowner or contractor), and reduces the risk of a potential technical breach of a plan if that person becomes unavailable to perform that responsibility. (See also *Preparing a forest practices plan.*)

B.4.4.2 Minor changes not requiring a variation

Minor changes that do not essentially affect the integrity of the certified FPP and are not likely to have substantial environmental effects should be resolved in the field between the contractor, the supervisor and the FPO. Common sense should prevail but examples are:

- a) minor extensions of roads or access tracks
- b) minor changes to landing locations
- c) minor modifications to boundaries (see *Does slight modification of a boundary require a variation?*)
- d) change in contractor.

Minor changes must be noted with the original copy of the FPP and made available to the FPA on request for monitoring and compliance purposes.

Where agreed, the FPO may enter into a general agreement with the landowner that minor changes can be dealt with without the need to consult with the landowner.

B.4.4.3 Changes requiring a variation

The following are examples of changes that will generally require a variation to the FPP. (*Road construction, timber harvesting, tree clearing and forest establishment plans*):

- a) major change to the location of a road re-alignment
- b) construction of an access track (not in the original plan) for log cartage
- c) construction of a borrow pit (not in the original plan) under a road construction FPP
- d) substantial changes in landing locations or provision of additional landings, if not specifically allowed for in the plan
- e) change from a predominantly uphill to a predominantly downhill snigging system
- f) change from conventional to cable harvesting and vice versa
- g) change in the harvesting or reforestation prescription. (See [Variation to change operational prescriptions](#))
- h) change of management objective e.g. from reforestation to agriculture
- i) change in the method of application of chemicals
- j) changes in natural and cultural value prescriptions or classifications (e.g. soil erodibility class)
- k) changes in watercourse classifications and therefore streamside reserve widths
- l) addition of class 4 watercourses not shown on the FPP map (unless provided for in FPP wording and provided appropriate measures are taken)
- m) changes in responsibilities under the plan. (See [Appropriate wording of forest practices plans to reduce the need for subsequent variations](#))
- n) where the original FPP states that a variation will be required (e.g. see *Variation to incorporate a site preparation plan into a forest practices plan*)
- o) extension of the period of a plan.. (See [Variation to extend or reduce the period of an FPP](#))

Quarry plans:

- a) extending quarry operations boundaries
- b) significant changes to quarry development and rehabilitation sequence
- c) moving from level 1 to level 2 production volumes.

B.4.4.4 Removal of FPP wording through a variation

In most cases it will not be necessary to formally delete existing FPP wording through a variation, as it will be evident that a certain part of the plan wording is being negated through the variation (e.g. where the harvesting prescription is changed).

One way of doing this is to draft the variation to read, for example, 'Section C3.4, Landing Restoration, will be replaced with the following:[insert new provisions]'

However, in some cases addition of a new provision to a plan through a variation could lead to the plan contradicting itself. FPOs should ensure that this does not occur by formally removing any wording which no longer applies.

B.4.4.5 Variation to extend or reduce the period of a FPP

Extension of the period

The expiry date of an FPP is the last date shown in the 'Plan lifetime' box on the Coverpage. The only way to extend the period of a FPP is through a variation. Once a plan has expired it ceases to exist legally and therefore cannot be extended. If a plan does expire before all intended activities are completed then operations should immediately cease. The land should be rehabilitated so that the final certificate of compliance for that plan can be completed.

If the applicant or the owner wishes for forest operations to continue on that land a new plan must be prepared and application made for certification. An application fee will apply.

It is appropriate to extend the period of a plan in some circumstances. If expiry of a plan is imminent but more time will be necessary to undertake a stocking survey for reforestation, the plan should be extended by variation to allow the stocking survey to be undertaken at the appropriate time.

Reduction of the period

Similarly, the expiry date of a plan may be brought forward through a variation. Occasionally FPOs may be requested to terminate a plan under which no activities have taken place. This may occur where a new landowner does not wish to proceed with the plan. In this case the expiry date of the plan can be the same as the date the variation is certified.

FPOs should not bring forward the expiry date on any plan under which operations have already commenced unless they are satisfied that all the operations under the plan are compliant (including, where appropriate, any stocking survey for regeneration) and can be completed by the new date.

Any changes to dates of an FPP by variation must be updated on the FPA Coverpage database in the appropriate fields.

B.4.4.6 Variation to change the completion date for a discrete operational phase (DOP)

There is no need to prepare and lodge a variation to change the completion date for a Discrete Operational Phase. Under section 25A of the Act, applicants are required to lodge interim compliance reports on each completed DOP within 30 days of the actual completion date (not the estimated date specified in the FPP) of the activities of that phase, and it is a breach under the Act not to do so. The DOP completion date stated in the plan is only an estimate and may well differ from the actual date on which operations are completed.

B.4.4.7 Checks when certifying variations

FPOs will need to undertake certain checks when certifying variations. These checks are covered under the headings below.

B.4.4.8 Variation to change the area of operations covered under a forest practices plan

Note that new evaluations for natural and cultural values may need to be completed if the area of operations is being increased through a variation. (See also *Natural and Cultural Values Evaluation Sheets*.)

The circumstances relating to extending or reducing the area of operations through a variation are discussed under the following headings:

Estimating operational area

The planned area of operations under a FPP is indicated on the Coverpage and is delineated on the FPP map. The planned area is used in calculating the FPP fee applied by the FPA. However, it is important that the area be calculated reasonably accurately, especially where RFA communities are being harvested or cleared, as the FPA is responsible for monitoring any changes to the areas of forest communities under the Permanent Native Forest Estate policy.

In most instances, operational areas will be approximately as planned or smaller, and the issue can be dealt with when the compliance report is lodged, by filing it as 'Operation complied – operational area is smaller than planned'

Does slight modification of an operational boundary require a variation?

Generally not. It is accepted that operational (harvesting, clearing and forest establishment) boundaries on FPP maps are not necessarily shown with a high level of precision.

It is advisable to use wording in the FPP such as '*the harvest boundary is as shown approximately on the FPP map*'. However, any increase in the operational area under an FPP beyond the above will require a variation before any activity occurs on the expanded operational area. In dealing with these situations FPOs should err on the side of caution, and consult with the FPA if in doubt. See also *How much can boundaries be extended under a variation?*

Examples of situations requiring a variation:

- a) An operational boundary is shown as being to the edge of a road on an FPP map, and it is decided that an area on the other side of the road should be added to the operational area.
- b) A slight change to an operational boundary is planned that will result in an area outside the FPP boundary as shown on the FPP map being included within the operational boundary.
- c) Any slight change to a boundary that may have implications for the management of natural and cultural values (in which case a new assessment may be required under the evaluation sheets).

Examples of situations not requiring a variation:

- a) An operational boundary is shown as being to the edge of a road on an FPP map, and it is subsequently found that the actual location of the road is slightly different to that shown on the FPP map, resulting in a slight increase to the operational area.
- b) An operational boundary is shown as being to the edge of a steep slope on an FPP map and in marking the operational boundary on the ground it is found that the

edge of the steep slope is slightly different to that shown on the map, resulting in a slight increase to the operational area.

How much can boundaries be extended under a variation?

Minor extensions of operational areas or FPP boundaries are permissible under variations. An extension to the total area to be harvested or reforested under a plan must not exceed 20 ha or 10% of the operational area covered by the plan, whichever is the lesser, provided that the natural and cultural values present in the additional area are similar to those covered by the original natural and cultural values evaluations for the coupe.

If an increase in area beyond these limits is desired, clearance from the CFPO must be obtained or a new FPP prepared. New evaluation sheets for natural and cultural values will be needed for any variation involving an increase in operational areas beyond the area covered by the original evaluation sheets.

Details of any changes to FPP Coveragepage information resulting from a variation, particularly a change to RFA community areas, must be changed on Coveragepage when certifying the variation (see [Do copies of variations need to be sent to the FPA](#)).

The consent of any landowner covered by the extended operational areas or FPP boundary under a variation must be obtained.

Additional notices of intent will need to be sent out if the extended operational boundary will be within 100m of neighbours not previously notified.

Where operational boundaries are extended by variation care should be taken to ensure that any property or reserve boundaries are correctly identified. (See [Determination of property and formal boundaries](#) and [Determination of informal reserve boundaries](#).)

Details of any changes to FPP Coveragepage information resulting from a variation, particularly changes to RFA community areas, should be uploaded to the Coveragepage database.

What if it is decided not to proceed with some areas under an FPP?

A decrease in the operational area under an FPP should be covered by a variation. Variations for decreases in operational areas should be done as soon as possible, and in any event, before the plan expires. If a variation has not been done then the compliance report will need to report on the operations that were not completed as prescribed in the FPP –i.e. the CoC should note that the plan was compliant but that the operational area was smaller than planned.

B.4.4.9 Variation to change operational prescriptions

Sometimes a landowner or applicant may wish to change the operational prescriptions for part or all of the area under a FPP (e.g. by changing the reforestation prescription from native forest to plantation). Any such change must be evaluated for its consistency with the Code and relevant planning tools in force at that time and be covered by a variation. Note that:

- a) if conversion to a non-forest land use is proposed, check that no part of the property is within a private timber reserve (see [Private Timber Reserves](#))
- b) if changes are proposed to include operational prescriptions that are not covered by the original evaluation sheets, new evaluation sheets will be required to cover the changes to the FPP (see [Natural and cultural values evaluation sheets](#)).

CFPO approval is required for more intensive harvest methods that involve a higher FPP fee category.

B.4.4.10 Is a variation necessary for minor changes to areas covered by different prescriptions?

A mix of silvicultural treatments may apply under some FPPs (e.g. various partial harvesting systems may be combined with clearfelling). The final proportions may vary according to forest type and site factors.

If it becomes apparent during operations that the final proportions are likely to be significantly different to that stated in the plan, a variation will be necessary. As a general rule, a variation should be prepared to cover any major change in the proportion of treatments (e.g. if >20 ha or 10% (whichever is the lesser) of the operational area is affected).

B.4.5 Is a variation required for a change of landowner, contractor etc?

(See also [Landowner's responsibilities](#).)

Generally there is no need to vary an FPP for a change in landowner, contractor(s), or timber processors. Where a landowner purchases a property over which there is a FPP they inherit the responsibilities of the previous landowner under that plan. However, it may be appropriate to vary an FPP to re-allocate responsibilities where a landowner or contractor was allocated responsibilities by name in the body of the FPP.

Where one contractor has completed works on a section of a coupe and a new contractor is to complete works on the remainder of the coupe, the new contractor may be concerned that they will assume responsibility for any non-compliances by the original contractor. In such circumstances it is recommended that a compliance check of the original contractor's operation be carried out prior to the commencement of the new contractor's operation. Another DOP can be added to Coverpage to cover the work performed by the second contractor -contact the FPA Compliance section.

B.4.6 Can the applicant be changed by variation?

No. Under the Act, the applicant is the person who first applied to have the plan certified.

However, some of the applicant's rights and responsibilities can be consigned to another party (see also *Applicants*). This can be achieved by through a legal document such as the sale contract on the land. The appropriate wording in either instance needs to be considered: '*Joe Bloggs assign the following rights and responsibilities as applicant under FPP ABC1234 to Joan Person*'. Note that not all of the responsibilities of the applicant can be re-assigned to a new party – check with the CFPO beforehand.

B.4.7 Variations are not to be done retrospectively to authorise actions or breaches

Under no circumstances can an FPO sign a variation that authorises activities that have already occurred and are not covered in a plan. Any breach must be recorded and reported to the FPA. Under some circumstances the CFPO may authorise a variation to carry out corrective actions.

B.4.8 Do notices of intent have to be sent out when a variation is done?

Notices of intent do not need to be sent when a variation is done, except in the following two circumstances where it may be necessary:

1. Where the plan operational area is increased by variation, notifications should be sent out to any neighbours not previously notified that are within 100 meters of the proposed new operational boundaries.
2. Where more intensive operational prescriptions are proposed (e.g. changing the harvesting prescription from partial harvesting to clearfall), new notifications should be sent to relevant

parties (including neighbours and local government). In some jurisdictions, a Development Application may be required from Council for some forms of harvesting but not others.

B.4.9 Do variations need to be referred to local government or other government authorities?

(See also *Local government planning approval*).

In short, consultation with local government should be done for the same forest practices issues whether they arise during the preparation of an FPP or of a variation.

Examples of matters that Councils may have a particular interest in would include:

- a) reduction to areas reserved for landscape protection under a plan
- b) change to the silvicultural prescription from native forest to plantation within a town water supply catchment; and
- c) an alteration to the agreed location for a new road planned to access onto a Council road.

FPOs will need to use their judgement in determining whether referral to local government or other authorities is necessary. In some cases it may also be necessary to send a new notice of intent to local government. (See *Do notices of intent have to be sent out when a variation is done?*)

B.4.10 Do copies of variations need to be sent to the FPA?

As of 1 January 2011, all certified variations must be uploaded as a document onto Coverpage under the relevant plan.

B.4.11 Numbering of variations

Each variation must be numbered sequentially for future reference (i.e. variation no. 1, variation no. 2, etc.).

This helps to ensure that anyone implementing the variation is aware of the existence of other variations. Copies of all variations should be provided to contractors, and be kept on site with the original plan. The FPP number and variation number should be clearly shown on each page of the variation including the map.

B.4.12 Landowner approval for a variation

As with the original FPP, the approval of the landowner(s) must be obtained before the FPO certifies any variation (under section 23).

The landowner will be required to sign the 'Landowners Consent' section attached to a section 23 variation form.

B.4.12.1 Is the approval of all landowners always required?

Yes. Sometimes variations are requested that will only affect one landowner on a multiple-landowner FPP (e.g. for a plan covering both private property and a Crown road reserve a variation may be submitted asking for an additional landing on the private property section). The Crown road reserve may be unaffected. The Forest Practices Act requires that the consent of all landowners be obtained to any variation to a plan therefore in this case the consent of Crown Land Services would still be required for the variation. See also forest practices plans covering areas with two or more landowners

B.4.12.2 Acknowledgement of applicant for a variation

The person who applied for certification of the original FPP must complete and sign the first section of a section 23 variation form.

B.4.12.3 Acknowledgement of persons or organisations with primary responsibility for management of forest practices

On occasions a variation may be used to record an agreed change in responsibilities allocated under a FPP (e.g. a change to the organisation with primary responsibility for reforestation).

B.4.12.4 Contractors

There is no need to record a change to contractors operating under an FPP by completing a variation, provided contractors aren't allocated responsibilities under the plan directly by name.

B.4.12.5 FPO certification of variation under s.23

The FPO must sign the variation AFTER the Applicant and landowner, as per the signature process for an FPP.

B.4.13 Electronic acknowledgements

Under the *Electronic Transactions Act 2000* a facsimile or email transaction is recognised legally in Tasmania. Therefore an FPO may accept an electronically transmitted signature of a person completing one of the acknowledgement forms if satisfied as to its authenticity.

B.4.14 Consent to the final version of a variation

The FPO, the applicant and the landowner(s) should initial and date all pages of the variation. This makes it clear that they are agreeing to the final version of the variation. See also *Consent to the final version of the forest practices plan*.

B.4.15 Retention of original copies of variations

The procedure outlined under [Retaining original copies of forest practices plans and variations](#) should be followed.

B.4.16 Distribution of copies of variations

The procedure outlined under [Distribution of copies of forest practices plans and variations](#) should be followed.

B.5 Refusal of forest practices plans

Planning FPOs have the power to refuse to certify or vary a FPP (section 19 of the *Forest Practices Act*). The prescribed form must be used (*Notice of refusal under s.19 form*). The applicant and the landowner have the right to appeal against the refusal.

The reason for the refusal must be stated on the form and must be justifiable. Examples of situations that may require refusal of a plan are:

- a) where the plan provides for harvesting of an area recommended for reservation by the FPA (e.g. a reserve for a wedge-tailed eagles nest)
- b) where the plan is deficient (e.g. inaccurate, inconsistent with the Code, statements are unclear in meaning); or

- c) where written approval has not been obtained from all landowners for submission of the plan for certification .

Amendment of the plan may be a more appropriate option in some circumstances. As instances requiring refusal of an FPP will be rare and can lead to an appeal to the Tribunal, FPOs should consult with the CFPO before refusing plans.

B.6 Revocation of forest practices plans

Current plans can be revoked by the FPA where considered necessary. The FPA has delegated the authority to revoke plans to the CFPO, but not to FPOs. Therefore FPOs are to contact the CFPO if they consider that revocation of a FPP has become necessary.

The main circumstances where revocation would be necessary are:

- a) where a certified plan is found to be significantly deficient
- b) where a property under an FPP is sold and the new landowner does not wish to proceed with the FPP, a revocation or variation could be used to terminate the FPP.

Revocations under section 24A of the *Forest Practices Act* cannot occur until the applicant and landowner have been given the opportunity to make submissions in relation to the proposed revocation. Revocations do not come into effect until 14 days after service of the notice on the applicant.

C. Forest Practices Officers

Status: General technical advice, except the section [Guide for the suspension, revocation or withdrawal of Forest Practices Officers warrants](#), which has the status of a FPA Policy Instruction.

This chapter covers a number of general matters relating to Forest Practices Officers such as appointment levels, qualifications for appointment, role, powers, disciplinary procedures and training. More specific details on FPOs responsibilities can be found in other sections of this manual (e.g. responsibilities when certifying FPPs can be found under [FPP: Certification, amendment, variation, refusal and revocation](#)).

C.1 Appointment of Forest Practices Officers

C.1.1 How are Forest Practices Officers appointed?

Forest Practices Officers are appointed by the FPA under section 38 of the Forest Practices Act and are authorised by warrant signed by the chairperson of the FPA (under s. 39 of the Act). FPOs may be delegated certain powers by the FPA under Section 43 of the Forest Practices Act (see the section below on [Powers of Forest Practices Officers](#)).

C.1.2 Appointment categories

For administrative purpose the FPA recognises two categories of FPO-

- a) Forest Practices Officer (Planning)
- b) Forest Practices Officer (Inspecting).

Additionally, the FPA has developed appointment non-statutory category of Forest Practices Manager, primarily for people who are involved in the management of FPOs. For details see the section titled [Forest Practices Manager](#).

The position of Chief Forest Practices Officer (CFPO) is a statutory appointment. The CFPO is responsible for the day to day administration of the forest practices system.

C.1.3 Appointments and delegations

C.1.3.1 Planning and Inspecting Forest Practices Officers

FPOs (Inspecting) are required to demonstrate that they are actively involved in forest practices and are actively exercising the relevant powers and functions under the Act, for example –

- undertaking monitoring and lodging compliance reports under s.25A of the Act
- assisting with the preparation of FPPs
- issuing notices under s.41 of the Act
- assisting with investigations into breaches under the Act
- assisting with forest practices training of staff or contractors .

FPOs (Planning) are those FPOs who are actively involved in the preparation and certification of FPPs and who have been given a delegation from the FPA to certify FPPs. FPOs (Planning) may also be involved in an inspecting role (as above). The FPA has determined that the continuation of delegations to FPOs (Planning) to certify FPPs is dependent on the FPO certifying at least two plans (which are of a satisfactory standard) per year. The FPA believes that Planning FPOs who are not regularly dealing with and certifying FPPs will gradually lose the appropriate skills, and will require retraining if they wish to continue to certify plans.

For FPOs who have delegations to certify quarry FPPs, the FPA's policy is that at least one quarry FPP or variation should be certified over each five year period.

Continued appointment of a Forest Practices Officer is subject to that person exercising the powers of a Forest Practices Officer in a diligent and proper manner, as evidenced by the maintenance of satisfactory standards and relevant matters such as continuing training, maintenance of skills and active involvement in forest practices within Tasmania.

The FPA may suspend or revoke the authorisation of a Forest Practices Officer if that officer has been negligent or not diligent in exercising his or her responsibilities. (See [Guide for the suspension, revocation or withdrawal of FPO warrants](#))

C.1.3.2 Forest Practices Managers

This administrative classification has been created to recognise the fact that there are forest managers and others who need an understanding and knowledge of the forest practices system, but who do not need the statutory powers associated with the inspection and certification of FPPs. These people will be given appropriate training, but will not be given a statutory appointment under the *Forest Practices Act*.

Forest Practices Managers will be appointed for a three year period subject to successfully meeting entry/renewal requirements. These are -

- a) successful completion of a short training course; and
- b) persons who have been a Forest Practices Officer with at least 5 year's experience, including the supervision of other Forest Practices Officers, and who are still actively associated with the forest practices system; or persons who are in senior positions and who are required to directly supervise Forest Practices Officers.

C.1.4 Qualifications and skills/knowledge required for appointment

The FPA has determined that to be appointed as an FPO a person will –

- a) have appropriate qualifications/experience in forestry
- b) have completed appropriate training and have satisfied the FPA that he or she is suitable for appointment
- c) be actively engaged in working in the forestry sector in Tasmania and have access to experienced FPOs who can act as mentors
- d) have demonstrated to the satisfaction of the FPA that their work requires them to exercise the powers of an FPO under Section 40 of the Act.

The qualifications and experience required for appointment as an FPO are –

- a) a tertiary qualification in forestry or suitable technical qualifications or demonstrated equivalent expertise
- b) successful completion of the Forest Practices Officer training course
- c) FPO (Planning) - at least five years of practical field forestry experience in planning and supervising the conduct of forestry operations
- d) FPO (Inspecting) - at least five years of practical field forestry experience in supervision of forestry operations.

The skills and knowledge required for appointment as an FPO include –

- a) ability to plan and organise work with minimal supervision

- b) ability to communicate effectively, including ability to negotiate, consult and deal with potentially difficult situations with a range of stakeholders
- c) knowledge of the requirements of the *Forest Practices Act* and *Forest Practices Code*
- d) ability to maintain records including monitoring of forest practices, and to prepare and present reports, including the collation of scientific information
- e) knowledge of forest operations and forest management appropriate to Tasmanian forests, specifically –
 - o location, construction, maintenance and rehabilitation of roads, tracks, bridges, quarries
 - o silvicultural systems and their application
 - o forest harvesting methods including conventional logging, cable logging mechanised harvesters, and shovel logging in native forests and plantations
 - o reforestation methods in native forest and plantations, including site preparation; species selection
 - o forest maintenance including control of weeds, insects, browsing, pathological agents
 - o fire management including fire behaviour, slash burns, hazard reduction, control techniques
- f) ability to understand and interpret work health and safety issues and their implications in relation to the *Forest Practices Code*
- g) ability to prepare, interpret and implement FPPs (see below *)
- h) knowledge of the natural and cultural values listed below and the management of forest operations under the forest practices system to provide reasonable protection to these values (see below*):
 - o ecology/silviculture
 - o soils
 - o water quality and flow
 - o biodiversity
 - o cultural heritage
 - o geomorphology
 - o landscape.

* The FPO (Planning) will be expected to have a higher level of proficiency with regards to these two categories.

C.2 Register of Forest Practices Officers

For a list of current FPOs including those offering consultancy services refer to the FPA website. The FPA provides public access to a register of Forest Practices Officers as follows –

- a) A list of all FPOs is published on the FPA web site to provide a publicly available record of officers appointed by the FPA. The list only contains the name and category (e.g. FPO Planning or Inspecting).
- b) A separate list of FPOs who offer consulting services to people intending to carry out forest practices on their land. Please note that the FPA does not 'recommend' any particular FPOs for private work. However, we often advise people that they need to contact a FPO, and for

this reason we refer people to a list of potential service-providers. Inclusion of FPOs on this list is entirely voluntary. To register for this list FPOs can forward their details to the FPA.

C.3 Role of Forest Practices Officers

The role of the Forest Practices Officer is to assist the FPA in the implementation of the *Forest Practices Act*. The primary objective of the Act is the achievement of sustainable management of Tasmania's forests with due care for the environment. The achievement of this objective is required to be as far as is possible self-funding and self-regulating. The appointment of FPOs from within the forest industry is part of a co-regulatory approach.

FPOs are expected to undertake their FPO duties at the same time as they are undertaking their normal duties for their employer or client. The FPO has a separate responsibility under the *Forest Practices Act* to the FPA that may on occasions have the potential to conflict with the FPO's responsibilities to the employer or client. The FPO should ensure that their employer or client understands that FPOs have statutory responsibilities under the Act, and that the effective functioning of the forest practices system requires that FPOs actions are consistent with the *Forest Practices Act* and any FPA directions.

Instances of FPOs not correctly exercising their responsibilities under the Act will be dealt with under the disciplinary provisions. (See [Guide for the suspension, revocation or withdrawal of FPO warrants.](#))

C.3.1 Functions

The functions of FPOs are –

- a) ensure that forest practices are carried out in accordance with the provisions of the *Forest Practices Act*, the *Forest Practices Code* and any certified forest practices plan
- b) ensure that private timber reserves are being used for establishing forests, or growing or harvesting timber
- c) perform any functions determined by the FPA and exercise any powers delegated by the FPA to individual officers, including the certification or refusal of FPPs.

C.3.2 Responsibilities

In exercising their responsibilities FPOs must be fully aware of their delegated powers under the *Forest Practices Act* and the various policies and instructions issued by the FPA and contained within this manual.

The responsibilities of FPOs are –

- a) prepare FPPs in accordance with the Code and associated planning tools
- b) inspect forest operations covered by FPPs to ensure compliance
- c) maintain records of monitoring work
- d) provide relevant and timely information to stakeholders on requirements of the *Forest Practices Act* and *Forest Practices Code*
- e) carry out such work as may be directed by the Chief Forest Practices Officer under the *Forest Practices Act*
- f) issue notices as required under section 41 of the *Forest Practices Act* and provide reports to the FPA on breaches of the Act, *Forest Practices Code* or FPPs

- g) appear at court proceedings or hearings of the Forest Practices Tribunal when requested by the FPA
- h) consult with local government, neighbours and other interest groups regarding forest practices
- i) complete compliance reports
- j) provide forest practices instruction to contractors and staff within the FPO's own organisation
- k) implement the various FPA policies and instructions included in this manual
- l) Planning FPOs only: certify, amend, vary or refuse FPP applications
- m) if requested to do so under the Judicial Review Act 2000, give a Statement of Reasons for a Decision (e.g. to certify a forest practices plan).

C.4 Powers of Forest Practices Officers

Section 40 – authority to enter land

Under section 40 of the *Forest Practices Act* a Forest Practices Officer, on production of his or her warrant of authorisation, may at any reasonable time and with such assistants, as he or she considers necessary –

- a) Enter and remain on any land on which forest practices are being carried out, or on which he or she believes have been carried out, to ensure compliance with any FPP and the Act.
- b) Enter and remain on any private timber reserve to ensure it is being used for establishing forest, or growing or harvesting timber, or other forest practices.
- c) Ask any person associated with the forest practices to produce documents relating to the forest practices and answer any questions relating to the forest practices.

See also the section *Powers of Forest Practices Officers to enter land to inspect forest practices* for advice on how to exercise these powers.

Section 41 – issue of notices

Under section 41 of the *Forest Practices Act* FPOs have the authority to issue notices to make good and report instances of non-compliance.

In addition to the above powers an FPO may also be given additional delegated powers by the FPA. Section 43 of the *Forest Practices Act* allows the FPA to delegate any of its functions or powers other than its power of delegation. Section 38(4) states –

'A person appointed under this section shall perform such functions as may be specified in the instrument of his or her appointment and such other functions as the Authority may from time to time determine.'

The powers delegated to some FPOs by the FPA primarily relate to the certification, amendment, variation and refusal of FPPs.

FPOs must have a good understanding of how to exercise these powers including a working knowledge of the relevant sections of the *Forest Practices Act*.

C.5 Disciplinary Procedures

It should be noted that under Section 39(3) of the *Forest Practices Act* the FPA may at any time revoke the appointment of a Forest Practices Officer (FPO) for reasons including negligence or not being diligent. Any instance of alleged poor performance by an FPO is dealt with in accordance with the FPA's *Investigation and Enforcement Protocols* on the FPA website.

Where instances of poor performance are found, the delegation and/or warrant of the FPO may be withdrawn.

C.6 Forest Practices Officer training

The FPA conducts the following training courses for FPOs –

- a) training for new FPOs
- b) refresher courses for existing FPOs
- c) briefings on specific topics such as issue of a new *Forest Practices Code*
- d) training in specific natural and cultural values, e.g. threatened species
- e) other training is offered from time to time in specific areas as advertised in Forest Practices News, e.g. risk assessment.

It is obligatory for FPOs to attend some courses, such as refresher courses.

C.6.1 Training course for new Forest Practices Officers

The prerequisite qualifications, skills and knowledge for appointment as a Forest Practices Officer are detailed under [Qualifications and skills/knowledge required for appointment](#).

Acceptance on the FPO training course is dependent on the person already having at least 3 years of experience in practical field forestry; and one year minimum experience in the Tasmanian forest practices system.

Where a person with less than 5 years of relevant experience satisfactorily completes the FPO training course, they may be issued with a certificate of Statement of Attainment or Attendance, but will not be appointed as an FPO until they have satisfied the FPA that they have relevant experience.

Details regarding FPO training courses can be viewed in the FPO training resource manual on the FPA website.

C.6.2 Training for non-Forest Practices Officers

The FPA is aware that people other than FPOs require training in various aspects of the forest practices system.

Whilst the training of non-FPOs is the responsibility of employers, the FPA does provide some assistance through field days and some courses for FPOs that are also open to non-FPOs. The FPA in partnership with Forestry Tasmania also supports a Forest Practices for Supervisors course, generally every second year, which caters for forest supervisors.

The FPA believes forest practices training for contractors and operators is very important in achieving good forest practices outcomes, and its policy is to facilitate appropriate training courses being available through appropriate training bodies.

D. Forest practices plans: Natural and cultural values evaluation sheets

Status: Administrative Instruction to Forest Practices Officers

The evaluation sheets constitute a risk assessment process for assessing the risk of the planned operation on significant natural and cultural values and for developing appropriate actions to make a reasonable contribution to the conservation of those values in accordance with the guiding principles of the *Forest Practices Code*.

Summary

- Evaluation sheets will be completed as part of the development of an FPP and prior to certification of each FPP.
- Evaluation sheets for draft FPPs should be reviewed when the FPA advises of major changes to requirements, or when prepared more than six months prior to certification of the FPP, and/or the commencement of operations.
- Evaluations for some values will need to extend beyond FPP boundaries.
- If (through a variation) changes are made to operational prescriptions, expiry date or to the area of planned operations that are not covered by the original evaluation sheets, new evaluation sheets may be required to cover the changes to the FPP (see B.4.1).
- Use of reference material, field surveys and advice from specialists, as appropriate, is essential in evaluation sheet preparation.
- Notifications will be made to FPA specialists where directed to on the evaluation sheets, and via the FPA notification database.
- If an FPA specialist recommends prescriptions in his or her reply these can only be substantially changed by the FPO after further consultation and agreement with the specialist. If agreement is not reached the matter must be referred to the CFPO.
- Prescriptions developed in the evaluation sheets and endorsed by the specialists (if required) must be transferred to the body of the FPP.
- The final biodiversity evaluation and any supporting information (e.g., maps, database outputs, and specialist advice) should be uploaded to the [FPA notification system](#).

D.1 General requirements

Natural and cultural values evaluation sheets will be completed prior to certification of an FPP or variation of a certified FPP (see section B.4.1). If FPA specialist endorsement is required, this must also be completed prior to certification or variation. The FPO certifying the FPP must be satisfied that the person who completed the evaluation sheets was competent to perform that task.

Evaluation sheets cover :

- Biodiversity (flora/fauna),
- Cultural Heritage and Earth Sciences
- Visual Landscape

The evaluation sheets are designed to ensure appropriate consideration of these values during the preparation of the FPP so that these values can be adequately managed through either prescriptions being placed in the FPP, or areas being excluded from operations.

The evaluation sheets and supporting documentation will be retained by the FPO who certified the FPP. Copies of the evaluation sheets do not form part of the FPP and therefore

do not need to be uploaded to the FPP Coverage system or provided to the FPP signatories, neighbours or other interested parties unless they specifically request such background information. The prescriptions for natural and cultural values, and how they were determined, should be explained through briefings or training programs to ensure that all parties fully understand the rationale for the prescriptions.

D.1.1 When should evaluation sheets be prepared?

Sufficient lead time should be allowed to enable notifications to be made to FPA specialists and for responses to be received from them. Sufficient time will need to be allowed in the event that a field visit by the FPA specialist is necessary.

Evaluation sheets can be completed at any time prior to certification or variation of a FPP. However, on occasions the requirement for a particular value (e.g. recommended prescriptions for a threatened species), may change between the time the evaluation sheets are completed and certification or variation of the FPP.

When important changes to recommended prescriptions occur, the FPA will formally notify all FPOs that evaluation sheets already prepared for draft FPPs will need to be reviewed by the FPO. Evaluations for FPPs already certified will not be affected (except as indicated in the next paragraph).

Where evaluation sheets have been completed more than 6 months prior to certification of the FPP it will also be necessary to check databases for new site listings/distribution information, and review evaluation sheets accordingly. These requirements are necessary to avoid situations where out of date prescriptions or advice has been used for a particular FPP, resulting in inadequate outcomes for natural or cultural values.

Sometimes the recommendations for threatened species may change during the course of operations under a FPP. Generally, once an FPP is certified the FPA will not require changes to be made other than in exceptional circumstances, for example where new information indicates that the impact on a threatened species may be substantially greater than previously known. In that case the FPA may make a S.22 variation if no application for variation is received under S. 23.

D.1.2 What area should the evaluations cover?

The evaluations obviously need to cover all areas over which there will be forest practices under the FPP. Evaluation for some values will need to extend beyond those limits. For example, landscape evaluations often need to include properties lying between the FPP area and viewpoints, searches for eagle nests may be required beyond FPP boundaries and the availability of mature forest habitat surrounding the operation area may influence the management prescription within the operation area.

Where a roading-only FPP is being prepared it is recommended that a full evaluation of areas to be serviced by the road be undertaken. That is, both the roading route and the planned operational areas that are to be accessed by the road should be considered at the time the roading plan is being developed. This avoids situations where although no restrictions were identified for road construction, a later evaluation for the harvesting area reveals that the harvesting and/or reforestation operation may be highly constrained (e.g. due to discovery of an eagles nest).

D.1.3 What if the planned area or operational prescriptions are changed after completion of the evaluation sheets?

A map showing the natural and cultural values being considered in the area covered by the evaluation sheets should be retained with the evaluation sheets. If during FPP preparation it is decided to change the planned area or operational prescriptions a check can then easily be made to determine whether the changes involve areas already covered by the evaluations. If not, new evaluation sheets may need to be prepared to cover the changes. If areas are adjacent and substantially similar to those already evaluated, FPOs should consult with the relevant FPA specialists to determine whether the new areas require new evaluation sheets.

Similarly, if changes are made to an existing FPP by variation a check will be required to see if the changes were covered by the original evaluation sheets. If not, FPOs should consult with the relevant FPA specialists to determine whether the new areas require new evaluation sheets.

Explanatory notes for completing evaluation sheets

Important points -

- a) It is essential that the person completing the evaluation sheets:
 - is aware of, has access to, and uses appropriate up-to-date reference material on natural and cultural values
 - ensures that field visits are used to collect specific information on natural and cultural values in the area to be covered by the FPP
 - contacts the FPA specialist for advice when a statement on the evaluation sheet requires this (see the section on [Notifications to Forest Practices Authority program specialists](#) below).

- b) It is essential that the person preparing the FPP transfers the prescriptions from the evaluation sheets to the body of the FPP after any specialist recommendations have been incorporated. This is covered under the section [Determining what prescriptions to place in the forest practices plan](#). Note that the recommended action delivered by FPA planning tools should be translated into a clear and concise management prescription in the FPP: the action must be clear to those responsible for conducting the operation (e.g. contractor and supervisor). Maps, photos and illustration should be provided to clarify actions required (e.g., location of caves, eagle nest etc.).

The evaluation sheets include instructions for completion, and guidance on the circumstances which require notification of FPA specialists.

Boxes are provided on the evaluation sheets to insert answers. All boxes should be completed. In some cases it will be necessary to answer 'not applicable'.

D.2 Notifications to Forest Practices Authority program specialists

Notifications are forwarded via the FPA notification system on the FPA website

The FPO user manual for the notifications system can also be accessed via the FPA website

Notifications for biodiversity, cultural heritage, soils and water must be sent to the relevant FPA program. For Visual Landscape Evaluation sheets, FPOs should complete the Evaluation Sheets. If the Landscape Management Objective (LMO) cannot be met, FPOs should contact

the FPA Compliance section to discuss. If agreement cannot be reached the matter will be referred to the CFPO.

D.3 Determining what prescriptions to place in the forest practices plan

The person preparing the evaluation sheets for a FPP will place prescriptions for natural and cultural values at the end of each evaluation sheet.

These will be considered as final prescriptions if advice from the relevant FPA specialist is not required, or as DRAFT prescriptions if advice from the relevant FPA specialist is required. Upon receipt of any advice from FPA specialists (see section immediately above), prescriptions can be finalised, noting the following requirements:

D.3.1 Further FPA specialist advice must be sought

- a) if the endorsed or recommended prescriptions are not understood or cannot be implemented
- b) if additional natural or cultural values are subsequently identified in the FPP area
- c) if the coupe is to be extended significantly
- d) if a variation is planned to the FPP, such as a change in silvicultural prescriptions or land use, that will affect natural or cultural values that are not covered by the original FPP recommendations or endorsements.

D.3.2 An FPO may only change a prescription recommended by a specialist

- a) following the above consultation; and
- b) after consideration of all other factors, including other natural and cultural values prescriptions, and operational and management objectives; and
- c) provided the relevant specialist is consulted and agrees to the alternative prescription being adopted. If agreement between the FPO and the specialist is not reached the matter will be referred to the CFPO for a final determination. An FPO must follow any instruction given by the CFPO.

Minor changes to wording to adapt the prescription to the needs of the particular FPP, while preserving the intent of the recommended prescription, are acceptable.

Remember, the specialist must be notified if a recommended prescription needs to be changed. If agreement is not reached the matter will be referred to the CFPO who will make a determination.

D.3.3 Why is it essential that prescriptions are transferred from the evaluation sheet to the FPP?

The final prescriptions on the evaluation sheet must be transferred into the body of the FPP. This is because the evaluation sheets are only supporting documents to the FPP, and are not part of the FPP. Therefore prescriptions in the evaluation sheets that are not transferred to the FPP are not legally enforceable. The FPO certifying the FPP must ensure that the prescriptions in the evaluation sheets have been transferred to the FPP.

Remember, do not clutter up the FPP with information other than clear and concise prescriptions for the people who are responsible for implementing the FPP. The evaluation

sheets etc. can be provided to interested parties but they do not form part of the body of the FPP.

E. Explanatory notes for preparing quarry FPPs

E.1 Quarry FPP Process

A quarry FPP is required for a quarry that is to be operated in connection with the establishment of forests, the harvesting of timber, the clearing of trees or the clearance and conversion of a threatened native vegetation community (as per section 17 of the Forest Practices Act). See Flow chart 1 and 2 for a summary of the requirements for an FPP (Flow chart 1) and requirements for approval under other legislation (*Environmental Management and Pollution Control Act* and the *Land Use Planning and Approvals Act*).

E.1.1 Variations to Quarry FPPs

A variation will be required when –

- a) extending quarry operation boundaries
- b) a significant change to the quarry development or rehabilitation sequence is proposed
- c) moving from level 1 to level 2 production volumes is proposed
- d) extending the period of a quarry FPP
- e) completing Quarry FPP forms.

E.1.2 Coverage

The Coverage must be completed as per standard procedures as for general FPPs. The plan type will be 'Quarry'.

E.1.3 Text of FPP

E.1.3.1 Previous Disturbance

- List the extent and type of any previous disturbance to the site.
- Was topsoil stockpiled?
- If yes, estimate the volume in m³.
- Indicate any ongoing drainage and erosion problems. Specify intended measures under water quality and erosion control measures below.

E.1.3.2 Planned Quarry Development

Road access development	Specify the proposed length and road class as per the <i>Forest Practices Code</i> , whether gravelled or not for class 3 and 4 roads, and proposed clearing width. Refer to map numbers or names if required.
Timber harvesting or vegetation clearing from quarry site	Specify the area to be cleared of vegetation, and how the boundary of the clearing is to be determined or marked. State what is to happen to the vegetation debris cleared from the site.
Planned sequence of operation	Describe how the site is to be operated including the sequence (timing) of each major activity.
Maximum anticipated bench/face height	Specify the maximum bench/face height (e.g. three steps of 5m each).
Estimated life of quarry	Estimate the life of the quarry in years.

E.1.3.3 Conservation of Natural and Cultural Values

Include prescriptions to manage, avoid or minimise disturbance to biodiversity, geomorphic, cultural heritage, landscape, and soil and water values.

The process for completion of FPA evaluation sheets is the same as for general FPPs. The final agreed prescriptions for natural and cultural values must be included in the FPP.

Biodiversity	<ul style="list-style-type: none"> ▪ Include prescriptions to manage flora values, including communities and species of high conservation significance, and to manage weeds (see the Tasmanian washdown guidelines for weed and disease control). ▪ Specify measures to protect (fauna) species of high conservation significance.
Earth Sciences and Cultural Heritage	<ul style="list-style-type: none"> ▪ Use the Code and the Earth Sciences and Cultural Heritage evaluation sheets to identify which Soil and Water or Geoscience or Cultural Heritage issues require exclusion from activities or management prescriptions; notify a specialist if required to do so by the evaluation sheet, and once a reply has been received from the specialist (if notified) include prescriptions covering the issues identified
Landscape	<ul style="list-style-type: none"> ▪ Describe how the landscape management objective will be achieved. ▪ Address the close proximity impact if there are local residences or passing traffic.

E.1.3.4 Other Environmental Prescriptions

Noise	<ul style="list-style-type: none"> ▪ Need to address the close proximity impact if there are local residences or passing traffic. ▪ Include consideration of blasting (times & conditions).
Dust	<ul style="list-style-type: none"> ▪ Need to address the close proximity impact if there are local residences or passing traffic.
Distance to nearest house	<ul style="list-style-type: none"> ▪ Specify the distance of the closest point of the quarry to the nearest house (to the nearest 100 metres if closer than 1km). If closer than 1km, residents and local government should be consulted regarding the management of noise, dust and visual impact (as appropriate).
Truck movements which may affect the public	<ul style="list-style-type: none"> ▪ Include the permitted hours of truck movements (consider other traffic e.g. school buses), and the likely number of truck movements per day. ▪ List the public roads to be used and the likely periods of use.
<i>Phytophthora</i> management	<ul style="list-style-type: none"> ▪ It is important that quarries are well managed so that <i>Phytophthora</i> is not brought into uncontaminated quarries, and material contaminated with <i>Phytophthora</i> is not taken from quarries to uncontaminated sites. ▪ Refer to technical note 8 for appropriate controls and prescriptions. ▪ <i>Reference documents: Flora Technical Note No. 8 – Management of Phytophthora cinnamomi in Production Forests; and the Tasmanian Washdown Guidelines for Weed and Disease Control.</i>
Water quality and erosion control measures	<ul style="list-style-type: none"> ▪ Describe the type and placement of sediment and drainage control structures, and their maintenance (e.g. catch drains around the top side of the quarry, silt traps.)

E.1.3.5 Planned Rehabilitation Procedures

Describe the rehabilitation measures to be incorporated progressively and at final site restoration. Rehabilitation should result in a stable site that is well drained and not eroding. Vegetation cover will normally be required to achieve this and to reduce the long term visual impact.

Soil re-spreading depth	<ul style="list-style-type: none">▪ Specify the intended thickness of top soil to be spread as part of the rehabilitation process.
Proposed revegetation activities	<ul style="list-style-type: none">▪ Specify species and source of seed or planting stock, and planting rate or distribution.▪ Specify the requirements for monitoring of revegetation.

E.1.3.6 Map/Site Plan

Locality map	<ul style="list-style-type: none">▪ A locality map (generally at 1:25,000) is required to place the quarry site in context with the surrounding area and features.
Site plan	<ul style="list-style-type: none">▪ This is a detailed plan of the quarry site showing the proposed location of quarry activities and features.
Cross section(s)	<ul style="list-style-type: none">▪ Include cross section diagrams (generally two at right angles to each other) showing the profile of the quarry at commencement of the plan and after final rehabilitation.▪ A three dimensional drawing may be desirable in some circumstances to clarify how the quarry is to be operated.

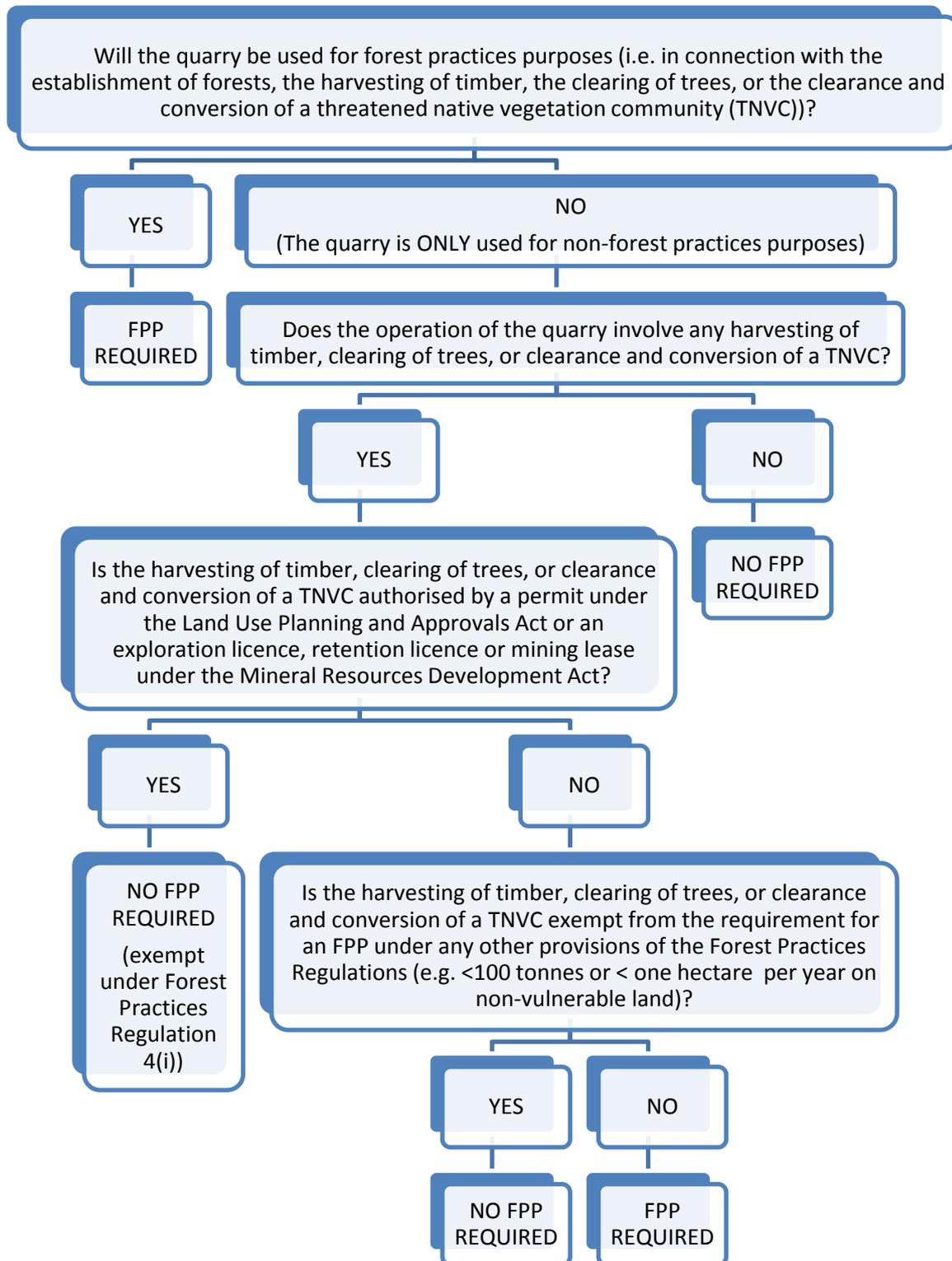
E.1.3.7 Signatures

Acknowledgement form 1 must be completed as per general FPPs (the quarry manager can sign acknowledgement form 1).

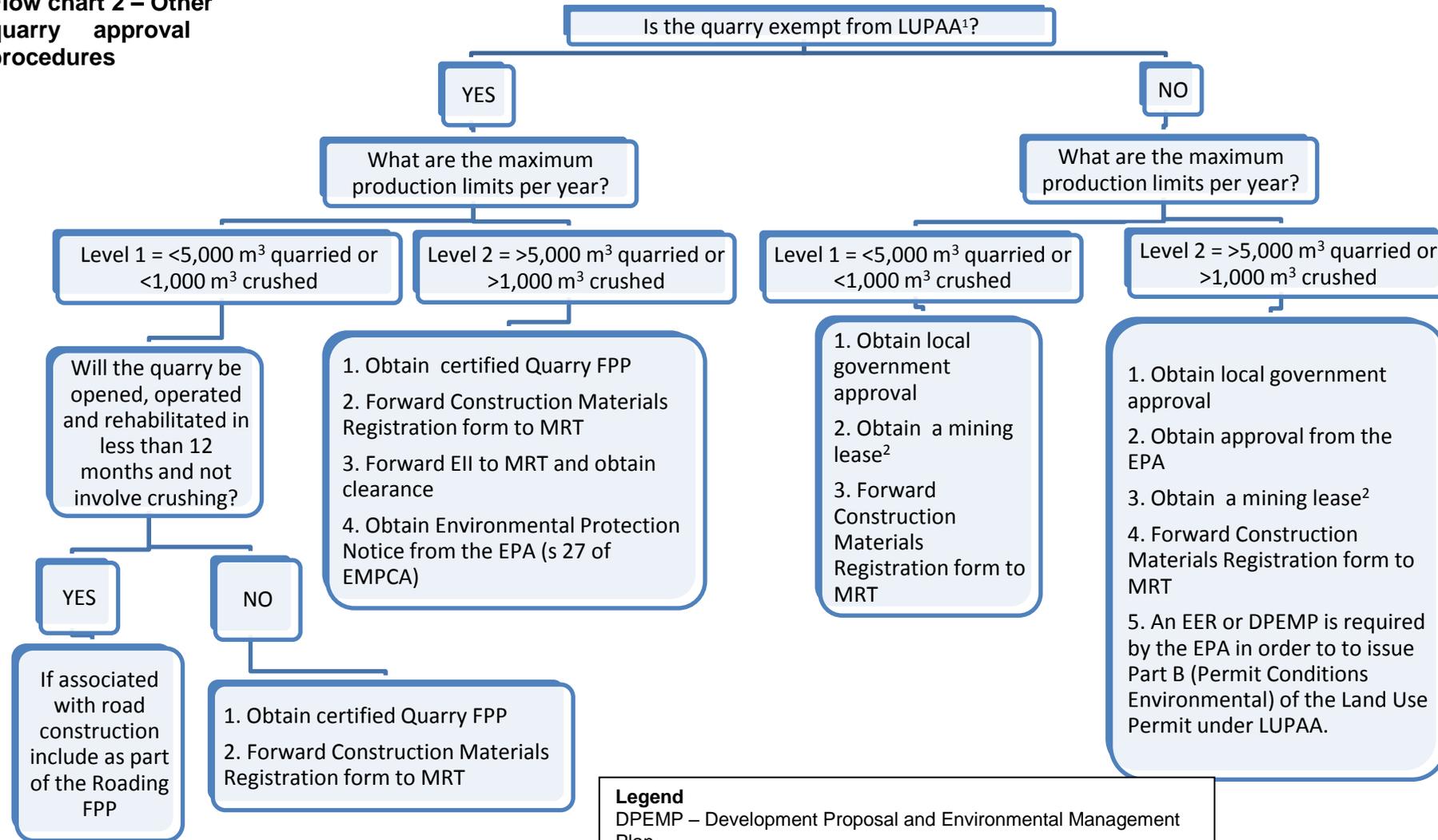
Each page of the FPP, including maps and site plans, should be initialled and dated by the landowner, applicant, and certifying FPO.

Only an FPO with specific delegation from the FPA to certify quarry FPPs can certify the plan or variations.

Flow chart 1 – when is an FPP required for a forest quarry?



Flow chart 2 – Other quarry approval procedures



Notes
 1 A quarry is exempt from LUPAA if it is operated only in connection with forest practices as defined in the Forest Practices Act, carried out in PTPZL or a Private Timber Reserve
 2 A mining lease is not required by Forestry Tasmania for quarries on PTPZL or by companies for private property where

Legend
 DPEMP – Development Proposal and Environmental Management Plan
 EER – Environmental Effects Report
 EII – Environmental Impact Information Mining Proforma
 EPA – Environmental Protection Authority
 FPP – forest practices plan
 LUPAA – Land Use Planning and Approvals Act
 MRT – Mineral Resources Tasmania
 PTPZL – Permanent Timber Production Zone Land

F. Instructions from CFPO on Code Interpretation

The following instructions have been issued by the CFPO to clarify sections of the Code that are ambiguous or do not cover specific circumstances that have developed since the last Code review.

The intention is that these instructions will be incorporated in the Code at the next review.

F.1 C3.2 Snig Track Restoration and Control

(Issued 16/3/17)

Section C3.2 'Snig Track Restoration and Control' of the *Forest Practices Code 2015* page 39 (specifically dot points 1 and 4 under 'Basic Approach') wasn't designed for forwarder tracks on outcrops, on which there is no ground contact between logs and the soil during forwarding operations. As forwarding of thinned logs on slash-covered outcrops is now routine in plantations, and gripping of undisturbed (or only slightly disturbed) soils on outcrops could be counter-productive, the following clarification of the Code is made:

On land with slope of 19° or less, having soils with erodibility no higher than moderate to high, plantation outcrops with 50% or more slash cover (i.e. <50% mineral soil exposed) and generally used for no more than four passes by a loaded forwarder are not subject to the drainage and grip (cross drain) requirements specified on page 39 of the Code, unless the harvest planner or supervising FPO considers that drainage and grips are required because of an erosion risk.

This prescription will be considered in the Code review. Until that time FPOs should utilise the above clarification in planning and supervision of plantation harvesting operations.

F.2 Aboriginal heritage surveys on land to be cleared and converted to non-forestry land use

(Issued 30/9/16)

An issue has come to my notice regarding the requirement for surveys to detect Aboriginal cultural heritage on land for which FPPs have been prepared for converting native forest or plantations to create agricultural land. The document Procedures for Managing Aboriginal Cultural Heritage when Preparing forest practices plans (March 2016) available at http://www.fpa.tas.gov.au/fpa_services/planning_assistance/heritage_and_landscape) contains specific requirements on pages 14 to 19 covering all phases of operations, from the planning stage to post-operation compliance checks.

FPOs are reminded that the requirement for Aboriginal cultural heritage surveys as specified in the Procedures document applies while the FPP is current, regardless of whether forestry operations have technically been completed or not.

For conversion-to-agriculture operations care needs to be taken to fulfil the requirements of the Code and Procedures document (as summarised above) while not creating a situation where the prescriptions of the Code and the Procedures document apply to what has become agricultural land.

It is recommended that the FPP expires when the harvesting or clearing operations and any rehabilitation works associated with harvesting or clearing have been completed. To this end it may

be necessary for the responsible person* to submit a variation (s. 23 of the FP Act) to the Plan to expire the plan when the final Certificate of Compliance has been completed by the responsible person (s. 25A (2) of the FP Act).

*In all cases the responsible person, for a certified forest practices plan, means the person who applied for the certification of the plan under section 18(1)(b) of the Forest Practices Act.

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1.0	June 2005 Dec 2004 May 2007 Aug 2005	Chris Mitchell	Document creation of each section comprising the <i>FPO Planning Manual</i> – Forest practices plans: Certification, Amendment, Variation, Refusal and Revocation. Forest practices plans: Responsibilities and implementation. Forest Practice Officers. Forest practices plans: Natural and cultural values evaluation sheets. Forest Practices Authority risk assessment Forest practices plan form
1.1	Oct 2011	Jo Field, Graham Wilkinson	Update all five sections and associated forms.
1.2	Jan 2012	Jo Field	Merge all five sections and associated forms into one document and rename complete document as <i>FPO Manual</i> .
1.3	Oct 2014	Ann La Sala and other FPA staff	Further changes to draft revised manual
1.4	29 Jan 2015	Graham Wilkinson	Final revisions and issue of revised manual to FPOs
1.5	15 May 2015	Chris Grove	Deleted second sentence about no need for variations if extending DOP as requested by MS
1.6	April 2017	Peter Volker	Extensive changes to update manual based on legal advice, changes in policy and clarification of roles.
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