



AUSTRALIAN FOREST GROWERS

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The Project Team - Review of the *Primary Industry Activities Protection Act 1995*
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Submission - Review of Primary Industry Activities Protection Act 1995

Australian Forest Growers strongly believes that the Primary Industry Activities Protection Act 1995:

1. Must protect persons engaged in primary industry by limiting the operation of the common law of nuisance in respect of certain activities that are incidental to efficient and commercially viable primary production;
2. Must strengthen the legal position of farmers especially to stop the common law action of nuisance to prevent neighbours from suing farmers.
3. Must be expanded to include both (1) plantations established on private farmland or ex-native forest sites and (2) native forests on private land. Often these activities have been cited as primary industry. These activities have longer cropping times than conventional agricultural activities. They meet the definition of 'primary industry activity and use' in the Act. Plantation forestry certainly is; 'planting, growing or harvesting crops' and native forestry includes these elements. Often these activities are undertaken in and on agricultural land.
4. We emphasise that both plantation forestry and native forest management are agricultural uses as defined by the State Policy on the Protection of Agricultural Land 2009 and as set out in this policy are dependent upon the soil as the growth medium.
5. We support the linking of the Right to Farm to a new State-wide Planning Scheme so that individual Councils are not able to influence rural practices

due to lobbying pressures at a municipal level. This linkage could be by making the Right to Farm legislation apply to all land zoned as Rural under this Planning Scheme and in the interim to all land as zoned as Rural in existing Schemes. This would assist to meet the State Government's aim to reduce red tape by simplifying, which land the Right to Farm legislation applies to.

6. Embrace the concept of 'good neighbour charters'. The forest industry developed a 'Good Neighbour Charter' in the early 2000's which was voluntarily embraced by all sectors of the industry. This had an immediate and positive effect in reducing both neighbour and community concern and conflict. A similar process was followed by mainly NW vegetable growers to reduce mounting concerns about the aerial spraying of their crops. Such charters could be developed for the sector as a whole or for specific industries on a voluntary basis. (It should be noted that there was also work done on an Environmental Management and Pollution Control Act 1994 draft into guidelines for Farming Practices. I would not support going down this track as it would open a whole new Pandora's box. This does not appear to have resurfaced.)
7. Information about primary industries be made available to those who live/choose to live in a locality so they can make informed choices about living or conducting business activities there. Providing such information is both a sensible and responsible conduct.

For example, Real Estate agents could be required to warn prospective purchasers of real estate in rural areas of matters such as; the view and landscape are not included in the purchase price and may change quickly and without warning, that wind changes may bring unpleasant aromas, animals can be noisy; land cultivation can create dust and involve the use of chemicals as well as night noise from irrigators and machinery.

We note that the Victorian Parliament has recently passed legislation to include a checklist so that the activities, which may occur on neighbouring land is made available to potential purchasers. This has been an element of Real Estate contracts in northern NSW for at least 15 years, where declarations of the activities which are as of right on rural land in particular shires, are included in these contracts prior to their signing by purchasers. We support similar inclusions in Real estate contracts.

8. Better utilise existing data on land use. For example many plantations and forests on private land have a Private Timber Reserve registered on title. A prospective purchaser can quickly search theLIST to see the location and

distribution of PTR's. This gives an indication of the nature, distribution and intensity of the land use (e.g. growing, managing and harvesting trees) above the zoning in Local Government Planning Schemes. Viewing PTR's together with cadastre and photos images from theLIST further enhances the information about the nature of forest/plantation land use and potential future impacts (such as harvesting plantations) may be identified. Prospective purchasers could also view DPIPWE Land Use Trends to gain a better appreciation of the nature of agricultural activities at local or regional levels.

Currently, it is unlikely that prospective purchasers and many real estate agents utilise this information.

9. If the land is zoned Rural under existing Planning Schemes or under a future State-wide Planning Scheme. we do not believe that the legislation should have a reset date caused by any change in rural activities due to a change of operations or methods in a rural zone. New rural enterprises and changes in technology that are adopted by land based enterprises will continue to evolve and possibly with increasing rapidity. There would be a risk to the viability of rural activities if a reset date was able to be applied to these operations.

Private forestry has been and will continue to an important contributor to both regional and State economies. It has increasingly been an undeserving target of vested interest groups and individuals wishing to stop forestry land use. In many cases the most vocal critics have been people moving into rural areas, who are not dependent upon these activities for their livelihood. We support any measures that would cause these people to be better informed about rural practices before they commit to live in these areas.

We applaud the Government on its commitment to strengthen the legal position of farmers, many of whom have native forests and or plantations on their land.

Yours sincerely,



Frank O'Connor
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