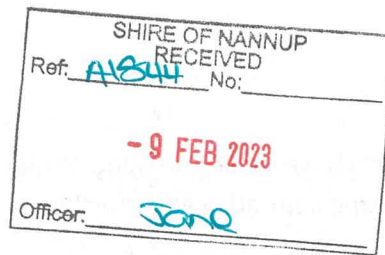


Attachment 11.1.3



Amanda Truscott and Chris Brooks
7 Habgood Street East Fremantle
Lot 11089, 58 Rowe Rd Nannup

Jane Buckland
Development Services Officer
Shire of Nannup

9th February 2023

RE: Development Application – Lots 1, 4, 31, 32, 33, 43, 44 & 45 Folly Road, Nannup – Proposed Tree Plantation (Pine)

Your Ref: A1844 & A1507

Dear Ms Buckland,

Thank you for allowing us the opportunity to comment on the proposed Tree Plantation on Folly Road. We would like to raise the following points in response to the application:

3.3 Access Roads and Firebreaks – Rowe Rd Access

We feel that Rowe Rd presents as a point of access to the area, particularly if it is opened up to the public. Google maps shows all roads, without giving any indication that they may be on private properties. We would ask that consideration is given to improving the visual and physical barriers to public access, such as

- A "No Through Road" sign off Brockman Highway
- A turnaround area and gated access to the proposed boundary firebreak at the corner junction of Lots 31 (one of the subject lots), Lot 30 and Lot 11089.

3.7 Control of Vermin and Declared Weeds

We note that no mention was made of the presence of feral pigs on the subject lots. They are definitely habitant on Lot 11089, we are anecdotally aware that pig shooters are active in the area, and we frequently hear the sound of gunshots from the surrounding forests. We ask that both the Forest Products Commission and the Shire of Nannup strongly consider an eradication strategy for these animals.

Whist it is a shame that the subject lots are not being purchased by a mysterious millionaire benefactor who wishes to return the land to its natural state, (and that the secret Zircon

Road Waterfall will no longer remain a secret!) we value the opportunity to make our views known. We would very much appreciate being kept advised of further planning in regards to public access to the site.

Kind regards,
Amanda Truscott and Chris Brooks.



Nannup Chamber of Commerce & Industry Inc
PO Box 209 Nannup 6275

SHIRE OF NANNUP RECEIVED	
Ref: <u>AKSLW</u>	No: _____
- 9 FEB 2023	
Officer: <u>Jone</u>	

Phone: 9756 1702
Mobile: 0457 838 408

Nannup Shire

7/2/2023

Adam Street Nannup

Development Officer: Jane Buckland

REF: Development Application Forest Products Commission – Old Folly Road

Dear Jane

Our members have expressed a concern for the negative impact the proposed expansion for Pine plantations will have in our region, on their businesses and our environment. By writing to the Nannup Shire Council, we are supporting our Councils position to oppose any further development of Pine Plantations in our region, within 3km of the town of Nannup.

NCCI believe the additional Resin and Toxin runoff into the waterways will have a significant and detrimental effect to the quality of the river, the ground water (that many farmers and residents rely upon for their main water source) and the Yarragadee Aquifer. The long-term potential damage to the region is a risk not worth taking. If these trees are replacing previous pine plantations, then the land preparation and planting should be consistent with all the environmental requirements as further disturbance of soils on undulating landforms could end up in streams and rivers i.e. catchments into the Blackwood River. Increased soil into rivers is destructive to the biota and increases salinity - the Blackwood is already partly saline.

NCCI believe that pine plantations provide a major fire risk and given that our shire includes 85% bush and plantation timbers already; a programme to produce larger fuel loads is potentially an extra danger to our region that should be avoided. Should the Development proceed then it would be prudent to ask for an increase of fire fighters and equipment, mirroring the numbers of employees in the past, prior to the government reducing Nannup's fire control officers and equipment. This issue is increasingly important with the closure of logging in our jarrah forests.

Government should not displace agriculture for such a long time – upwards of 30 years for pines to reach maturity for sawlogs.

During the assessment, fire must be considered as a significant threat to both the land and the community of Nannup. Any more trees planted east of the town which increases a timber resource and there is a fire, with a summer easterly wind, then without suitable fire protection it could be 'goodbye Nannup'. In the past this has been a concern with the increase of plantations especially east of the Nannup township. And the town does not have an adequate FESA fire protection in situ, it has been removed over the years.

Kind Regards

Lynne Craigie

President Nannup Chamber of Commerce and Industry Inc.



Scott Hedley
PO Box 23 (Lot 11090)
Nannup WA 6275

8th February 2023

Without Prejudice

Jane Buckland
Development Services Coordinator
Nannup Council
Adam Street
PO Box 11 Nannup WA 6275

Dear Jane

OBJECTION TO:

**Development Application Ref A1844 & A1507. FPC Ref S22/73
Proposed Tree Plantation (Pine) Old Folly Plantation**

I write in connection with the above planning application. I have examined the plans and I know the site well. I wish to object strongly to the proposed development application on the following grounds;

1. The proposed changes would become a temporary playground for a large number low budget transient travellers that make little to no (financial or other) contribution to the Nannup township or its community. The current Tank 7 trail has manifested into trespass laws blatantly abused, loss of privacy and constant intrusion on my property, increased threat of theft and invasion of my safe and peaceful living environment. The current fences with trespass sign clearly visible and multiple reports to the Nannup Ranger have not curbed the consistent flow of unwelcome traffic. This puts me at risk of Occupiers Liability where substantial economic loss is a real potential.
2. I have looked at the plans, I do not under any circumstances want the adjoining property being used by or for public use and or purpose. I value my privacy and believe that an increased flow in traffic in the area as a result of this future plan to extend the current trail would by its function, eliminate all privacy which was one of the main reasons I purchased the land in the first place.
3. I would also like to object on the grounds of potential anti-social behaviour, which despite the best intentions of the current measures in place, it cannot be avoided in a large public area. All of the FPC plantations around Nannup have no restrictions to access and therefore are open to the public. Currently the property being in private hands, the trespass signs are sufficient to stop public use and police involvement can be reported and prosecuted. Motorbike riders and 4x4 weekend campers are highly attracted to this area with the hill climbs, rough diverting tracks and slippery mud for challenges ripping up terrain causing the start of erosion. Pleasure shooters find this ideal territory with stray bullets and injured wildlife becoming a greater risk. In previous years pig hunters with dogs posed a real physical threat to livestock, pets and children.

4. There is no current fences erected on my boundary Lot 11090 and Lot 31. In the proposal it states on Page 11 under **Fences** that *such upgrades will be restricted to those situations where there is a neighbouring requirement* however it seems they have none. The **Dividing Fences Act 1961** can be used with the current owners however when the adjoining land is owned by the State government and is penned for public purpose, the Crown is not required to contribute to the costs of erecting or maintaining the fence under this Act. While I have been assured by David Guille that FPC have a good neighbour policy, it is not a documented policy but purely good will with which I can take no legal action to regain my significant financial costs.
5. My strongest objections fall under fire risk. In my personal experience as a volunteer with the local fire service, it is almost impossible to extinguish a fire in a plantation therefore it is common practice is to wait for the fire to leave the plantation before an attempt can be made to control it. Strong winds and dry conditions can cause fire that could destroy neighbouring properties and very potentially the township of Nannup. For the past 5 years an increasing trend of deliberately lit fires and accidental ignitions have plagued the Folly area (the hills to the east of town), this will become another daily risk area for many years ahead if the FPC Old Folly Plantation is given approval over renewed focus on the current work orders being completed.

Of course, I reserve the right to make further submissions especially in light of any issues or solutions raised by the applicants.

I would be grateful if you would acknowledge receipt of this planning objection.

Sent by email to: nannup@nannup.wa.gov.au



Scott Hedley

I reserve all rights under UCC1-308

9 February 2023

Shire of Nannup
15 Adam Street
NANNUP WA 6275

Attention: - Mr David Taylor
Chief Executive Officer

By e-mail only nannup@nannup.wa.gov.au

Cc: Ms Jane Buckland
Development Services Co-ordinator
jane.buckland@nannup.wa.gov.au

Dear Mr Taylor

Development Application
Lots 1, 4, 31, 32, 33, 43, 44 & 45 Folly Road, Nannup

We refer to your advertising of a development application from the Forest Products Commission ("FPC") for a new pine plantation to be planted and managed on the above lots ("the Planning Application").

We note the Planning Application is a pre-condition to an agreement entered into by the FPC to purchase the above lots ("the Proposed Purchase").

We act for Mr Craig McFarlane and Ms Maighread Nidheasuna ("our Client"), owners of Lot 11 Brockman Highway, Nannup ("Lot 11")

By contract for sale dated 13 September 2021, our Client purchased Lot 11, being vacant land, and became the registered owners on 12 November 2021.

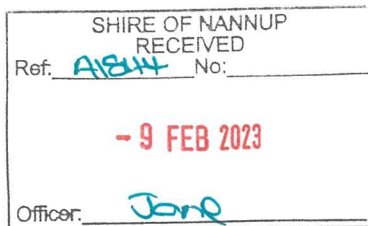
All the above lots -1, 4, 31, 32, 33, 43, 44 and 45 ("Subject Lots") sit immediately to the north of Lot 11. Lots 32, 33, 44 and 45 partly or wholly about the northern side of Lot 11.

An aerial photo showing the location of the Subject Lots in relation to Lot 11(hatched) is at Annexure 1

Lot 11 adjoins the Subject Lots on the southern boundary along a length of more than 1.8 kilometres.

No other private landowner has a longer boundary with the Subject Lots and the proposed pine plantation.

We consider our client's interest in the Planning Application to be most significant.



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Our submission is in four parts.

First, we look at the local authority planning regime.

Second, we look at impacts we consider significant on Lot 11, being the following:-

- (i) fire risk;
- (ii) chemical use;
- (iii) access;
- (iv) fencing; and
- (v) proposed public access for mountain bike trails.

Third, we look at the status of the three easements registered against the title of Lot 11.

Fourth, we summarise our Client's position in response to the Planning Application

Planning Regime for Pine Plantations in the Shire of Nannup.

The zoning of the Subject Lots under the Shire of Nannup's Local Planning Scheme No.4 ("Nannup LPS 4") is Rural. This is the same zoning as Lot 11.

Plantations are defined under the use "Tree Farms" which are a Discretionary Use in the Rural zone.

Clause 46 of the Nannup LPS 4 provides for additional requirements for consideration of approval by the Shire for a Tree Farm.

Clause 46 states:-

46. Tree farms

1. Applications for development approval of tree farms are to include

- (a) *submission of a plantation management plan in accordance with the protocol in the Code of Practice; and*
- (b) *provision and implementation of an adequate bushfire management plan to the satisfaction of the local government.*

2. The following matters are to be considered when determining applications for development approval of tree farm

- (a) *the Code of Practice for Timber Plantations in Western Australia 2006 as amended from time to time ('Code of Practice');*
- (b) *the Guidelines for Plantation Fire Protection or subsequent document, as amended from time to time;*
- (c) *protection of existing water courses, impacts on stream flows and groundwater resources, vegetation corridors, agricultural production, and mitigation of wind erosion, waterlogging and salinity;*
- (d) *land use compatibility and the location of the tree farm in relation to land zoned and/or planned for residential, industrial and commercial uses;*

- (e) *the suitability of the current and future road network, particularly in regard to any future intended logging operations;*
- (f) *the objectives of the zone;*
- (g) *any resulting benefits in supplementing continued traditional agriculture on the land; and*
- (h) *any relevant Local Planning Policy adopted by the local government.*

An applicable Local Planning Policy is Local Planning Policy 23 Plantations and Agroforestry ("LPP 23").

LPP 23 states at paragraph 1 that it "*generally discourages new plantations within 3 kilometres of the Nannup townsite.*"

A map showing the 3km radius of the Nannup townsite is included within LPP 23 and includes all of Lots 1, 4, 44 and 45 and the western third of lot 33. The 3km radius is also shown as dividing Lot 11 roughly down its centre.

Significant Impacts on Lot 11

The Planning Application included a Plantation Management Plan prepared by the FPC ("Management Plan") from which we have identified issues likely to have a significant impact on Lot 11. These are numbered 1-5, below:-

1. Fire risk

The Old Folly Plantation on the Subject Lots was first established in the 1960's.

Our view of aerial photography via www.landgate.wa.gov.au (using [Map Viewer Plus](#) which is available for free) shows the Subject Lots were largely cleared and bare of tree growth in 2004. A plantation of some sort or just natural re-growth then occurred, peaking in 2017. By 2022, most of the trees were removed.

Lot 11 was entirely a plantation of some sort as of 2001, peaking in growth as of 2010, before being gradually thinned and reduced until 2017.

Accordingly, plantations and their risk of fire have been part of the local community since the 1960's.

If the Subject Lots were left unmanaged and in private ownership, then natural re-growth would be likely which would present a fire risk without the benefit of a FPC fire management plan.

At paragraph 5.8 of the Management Plan, it is stated that firebreaks along external boundaries to the Subject Lots will be 15 metres wide, "*free of flammable material with a minimum 4m trafficable width and 4.5m vertical clearance.*"

Our Client believes the fire risk can be better managed by FPC who will:-

- (i) maintain horizontal and vertical fire breaks rather than the current private owners who our Client considers have not been diligent with their firebreaks;

- (ii) maintain and/or upgrade existing water points within the Subject Lots to *“provide permanent water within a twenty minute turnaround to all points within [the plantation].”*; and
- (iii) maintain FPC Nannup fire ready staff, equipment, vehicles and infrastructure.

However, our Client is concerned that a successful Planning Application would increase the Bushfire Attack Level (“BAL”) assessment rating on its Lot 11.

We put this question in writing to Mr David Guille, Manager of Forest Assets, and author of the letter to the Shire submitting the Planning Application.

Mr Guille replied in writing and said:-

“If you wanted to build a house within 100m of the edge of the proposed plantation (85m from the property boundary after deduction of the firebreak) then there would be an impact on the BAL rating with the actual increase dependent upon the specific separation distance and the fuels between the plantation and the house.”

Lot 11 is long and narrow as can be seen from the location plan at Annexure 1.

Nannup LPS 4 specifies a building setback of 20 metres for a Rural Zone.

A 100m building setback would make Lot 11 uneconomic for its Rural zoned uses because of Lot 11's long and narrow configuration. For instance, our client proposes to build a residence and take on stock.

Further, our client proposes to build some chalets which would be beneficial for visitors to the Shire using the Tank 7 Mountain Bike trails opposite on the southern side of Brockman Highway.

If Lot 11 was uneconomic for these purposes due to the pine plantation then that does not benefit the Shire or the FPC.

Lot 11 is the main buffer to the Tank 7 mountain bike trails, Brockman Highway and the wastewater treatment plant.

Accordingly, it is in the FPC's interests and the Shire's interests that Lot 11 is economic, occupied and maintained from a fire risk perspective.

If the Shire is minded to grant approval to the Planning Application then it is our submission that at the very minimum, the following conditions form part of that approval:-

- (i) The firebreak on the subject lots along the southern boundary with Lot 11 be increased to 50 metres.
- (ii) FPC supply at its cost a baseline BAL assessment rating for Lot 11(pre – plantation) and a comparative BAL assessment rating assuming a plantation is in place, to confirm that the BAL assessment rating is not impacted by the proposed plantation for any development within Lot 11 and beyond 50m from the boundary to the Subject Lots.

At paragraph 2.4.4, the Management Plan states that the FPC will install a 50m Fuel Reduced Buffer on the western boundary of the plantation in addition to the 15m firebreak due to the proximity to the Nannup townsite.

If by a valid BAL assessment rating paid for by the FPC, the FPC can prove that a similar 50m Fuel Reduced Buffer in addition to the 15m firebreak on the southern boundary to Lot 11 has the same effect as a 50 metre firebreak then our Client would be willing to accept that compromise.

2. Chemical use

At paragraph 3.4, the Management Plan states the following will occur regarding site preparation and planting technique:-

(4) *"Pre-plant chemical treatment for weed control. Application by air (helicopter) or ground (tractor towing a spray-rig), depending on accessibility."*

(6) *"Pre-plant chemical treatment for weed control"*

(8) *"Pre plant chemical treatment to control weeds"*

At paragraph 3.6, the Management Plan states the following will occur regarding weed control methods and buffer zones:-

"Broad and strip spray applications using a range of herbicides permitted for forestry use may be utilised, depending on the weed species present and those predicted to germinate during the establishment phase."

Ground applications are utilised wherever possible, but aerial application may be considered where access is restricted and/or time frames for application are reduced and large areas need to be sprayed within a short period of time."

Pesticide use in relation to planting within Public Drinking Water Supply Areas, or any other areas managed for drinking water, is always regulated in accord with the 'use of herbicides in water catchment areas', but as the property falls outside a PDWSA, the regulation does not apply in this case. Instead, the status of sensitive areas and the requirement to undertake precautionary measures will be reviewed prior to a spray event to ensure measures are current and appropriate."

All prescriptions for herbicide/pesticide application will adhere to FPC specifications and all herbicide/pesticide application will be carried out by FPC contractors having the appropriate Health Department Licenses."

Expected treatments

Broad spray / strip spray /spot spray may be required and if so, will be in accordance with FPC's Technical Specifications."

The Dry Brook adjacent to Zircon Rd is designated as a sensitive area. A minimum 20 metre wide spray-free buffer zone either side of the stream will be observed to prevent stream contamination"

LPP 23 further supports the creation of buffers to local watercourses at paragraph 9.

At paragraph 4, the Management Plan states the following will occur regarding the plantation tending plan:-

“4.1. Fertilising schedule

Fertiliser is generally applied to softwood plantations at establishment and after first thinning. FPC staff will monitor the progress of the plantation over its lifetime and prescribe fertiliser applications if nutrient deficiencies are highlighted from analysis of foliar and soil samples.

4.2. Weed management

Weed status will be monitored on a regular basis in the first year after establishment and intermittently thereafter via spot inspections

It is expected that some second year weed control will be necessary as part of the ongoing maintenance. All prescriptions applied will adhere to FPC specifications.

4.3. Monitoring and contingencies for disease and pests

The FPC is committed to minimising the risk of introduction and spread of pests, diseases and weeds; minimising damage from fire and disturbance activities and mitigating the adverse effects of weather related events.

Plantings will be monitored on a fortnightly basis during the period September through to January during the first year after establishment and 3-6 monthly in subsequent years. Pests will be controlled as and when required using registered APVMA pesticides and licensed operators operating under all specifications as required by relevant authorities and Acts.”

We believe there is a significant risk of pesticide and herbicide contamination on Lot 11 given:-

- (i) Lot 11 is immediately adjacent to the south;
- (ii) Dry Brook runs downstream into Lot 11;
- (iii) An open dam on Lot 11 connected to Dry Brook provides our Client's drinking water; and
- (iv) Our client's proposal to build a residence, stock its property with animals and build chalets for visitors.

The Management Plan states spraying is done aerially, by ground rig and by ground spot treating.

However, LPP 23 states at paragraph 10 the Shire of Nannup *“does not favour aerial spraying within 3 kilometres of the Nannup townsite.”*

LPP 23 further states at paragraph 10, *“the local government may require a condition of development approval that the applicant prepare an Aerial Spray Application Management Plan which addresses the Code of Practice for Timber Plantations in Western Australia (2014).”*

If the Shire is minded to grant approval to the Planning Application then it is our submission that at the very minimum, the following conditions form part of that approval:-

- (i) No aerial spraying within 3 kilometres of Nannup townsite in accordance with the map annexed to LPP 23.
- (ii) No aerial spraying within 250 metres of Dry Brook and the southern boundary to Lot 11.
- (iii) No pesticide or herbicide treatment within the area either side of Dry Brook not proposed for plantation, meaning up to a 50 metre buffer zone instead of the maximum 20m buffer zone proposed.
- (iv) The FPC at its cost provide a pesticide and herbicide application management plan to outline at a bare minimum:-
 - (a) neighbour consultation and notification;
 - (b) Suitable and adverse weather conditions in relation to overspray on adjoining lots.
 - (c) Frequent Dry Brook water testing;
 - (d) Frequent adjacent property (including Lot 11) soil, plant, brook and dam water testing
- (v) Any other reasonable condition to appropriately deal with our Client's concerns.

3. Access

At paragraph 2.2, the Management Plan states:-

"There are two main access roads into the property: Folly Road from the Western side and Folly Form from the east."

At paragraph 2.3.4(c)(ii), the Management Plan states:

"The FPC will support access to [Zircon Falls]."

We asked Mr Guille how the FPC would provide access and he did not know. We suggested Rowe Road which was not dismissed.

At paragraph 2.3.4(a), the Management Plan states:-

"the Shire expressed strong interest in retaining Asplin Arboretum... [located on the Subject Lots]. FPC recognizes the value of the arboretum and will undertake some improvements in due course, including general weed control and internal track maintenance. It might also consider ways of capitalising on the arboretum's recreation potential to the benefit of interest groups and the wider Nannup Community."

We note the entry point on Brockman Highway for the first and second easements is directly opposite a car park entry to the Tank 7 mountain bike trail course and a recently installed large Emu statue. There is no lane separation for turning at this location on Brockman Highway and it is at the bottom of a hill with a speed limit of 90km/hr. Accordingly, increased vehicle use of the first and second easements will increase the danger and risk of an accident at this location.

LPP 23 addresses access roads for plantations at paragraph 8, requiring applicants to outline preferred haulage routes and prepare a Plantation Harvest Plan. No such plan formed part of the advertised Planning Application.

Lot 11 has 3 easements registered on its title that following a successful Planning Application and Proposed Purchase would benefit the FPC in providing access to the Subject Lots.

However, the roads on Lot 11 are nothing more than narrow tracks and not suitable for forestry or public use purposes. The Dry Brook crossing and other creek crossings are inadequate except for small vehicles and rural landowner purposes.

We informed Mr David Guille, Manager Forest Assets at the FPC in a telephone discussion on Friday 3 February 2023 of the condition of the tracks on Lot 11.

Mr Guille said the FPC already had access from the north to properly manage the proposed pine plantation and believes that little, if any, use of this easement would be required. One example of use he did give was during emergency fire situations.

If the Shire is minded to grant approval to the Planning Application then it is our submission that at the very minimum, the following conditions form part of that approval:-

- (i) all vehicular access related to the Planning Application be via Folly Road and Folly Form except in the case of an emergency;
- (ii) any planned public access to Zircon Falls be on land owned by the FPC and/or public roads; and
- (iii) any planned public access to the arboretum be on land owned by the FPC and/or public roads.

4. Fencing

At paragraph 2.4.3, the Management Plan states:-

"It is not envisaged that grazing will be undertaken in the plantation and as such upgrades will be restricted to those situations where there is a neighbouring requirement."

We asked Mr Guille in our telephone discussion on 3 February 2023 what was meant by the above statement and he said that it meant the FPC would comply with the Dividing Fences Act 1961 (WA) like any other property owner.

The Management Plan states that kangaroos and rabbits are present on the Subject Lots but fails to mention wild pigs and emus.

The FPC has a responsibility to ensure all these animals do not escape on to adjoining land.

Properly fenced and stocked, Lot 11 will also lessen the locale's overall fire risk.

If the Shire is minded to grant approval to the Planning Application then it is our submission that at the very minimum, the following conditions form part of that approval:-

- (i) the FPC contribute 50% to the installation and/or upgrade of the fence bordering Lot 11 to a grade capable of fencing stock within Lot 11 and preventing feral and other animals from entering Lot 11..

5. Proposed mountain bike trails

At paragraph 2.1, the Management Plan states:-

"The FPC would welcome the opportunity to work with trail developers for an extension of the existing network onto the subject property should the proposed plantation be approved."

Ms Jane Buckland, Development Services Co-ordinator at the Shire of Nannup advised us by telephone discussion on Monday 6 February 2023 that any proposed use of the Subject Lots for mountain bike trails was not part of this Planning Application.

Ms Buckland further advised any proposed mountain bike trail use would require a separate development application. This Planning Application, Ms Buckland said is to consider approval only for a pine plantation.

It is our submission in advance of any future development application for mountain bike trails that:-

- (i) Our Client objects to the use of Lot 11 for any access to the Subject Lots for the purposes of mountain bike trails.

Status of 3 Easements on Lot 11

The following comments are made in the context of seeking co-operation from the FPC in the event of a successful Planning Application and Proposed Purchase

1. H301825 – Easement to the Executive Director of the Department of Conservation and Land Management

This easement was created in gross in 1999 under section 195 of the Land Administration Act 1997 and grants the Executive Director of the Department of Conservation and Land Management, its workmen, officers, servants, agents, invitees, contractors and others acting under the authority of the Executive Director full and free right and liberty from time to time and at all times to pass and repass with or without mechanised vehicles, laden or unladen, at one's will or pleasure through, over and along the affected land.

We spoke to Mr David Guille, Manager Forest Assets at the FPC on Friday 3 February 2023 and he said he did not think that the easement needs to be as broadly stated as it is because the FPC would not use the easement for heavy vehicles during planting and harvesting.

Mr Guille said the FPC already had access from the north to properly manage the proposed pine plantation and believes that little, if any, use of this easement would be required. One example of use he did give was during emergency fire situations. We believe such a situation does not require an easement.

Accordingly, our client seeks the co-operation of the FPC to surrender the easement or re-word the easement to limit its broad scope.

2. I785930 – Easement Burden.

This easement was created by reservation when Lot 11 was transferred by Mirannie Nominees Pty Ltd in 2004 and reserved the benefit of a right of carriageway over the same land shown at annexure A in Easement H301825, above, to it, its heirs or assigns as owners of the following adjoining land:-

- (i) volume 2138 folio 304, since cancelled and now volume 2739 folios 291 and 292 – Lots 33 and 44 on Deposited Plan 228954;
- (ii) volume 2138 folio 308 – Lot 31 on Deposited Plan 228954; and
- (iii) volume 2138 Folio 309 – Lot 32 on Deposited Plan 228954.

Upon purchase by the FPC of lots 31, 32, 33 and 44, the easement benefit will transfer to the FPC.

Mr Guille acknowledged this would be create similar rights to that provided for in Easement H301825, above, and effectively be a duplication.

If the FPC was successful with the Property Purchase and Planning Application, Mr Guille said an application could be made to request removal of the easement by agreement.

Accordingly, our client seeks the co-operation of the FPC for removal of the easement.

G841407 – Easement Burden

This easement was created by grant where land being transferred by the Executive Director of the Department of Conservation and Land Management to Mirannie Nominees Pty Ltd in 1998 also carried the benefit of an easement over Lot 11 belonging at the time of the grant to the Department but not forming part of the actual transfer.

The easement grants a right of carriageway over the same land shown at annexure B in Easement H301825, above, to the owners for the time being of the following land:-

- (i) volume 11 folio 20A, since cancelled and then issued as volume 2138 folio 304 since cancelled and now volume 2739 folios 291 and 292 – Lots 33 and 44 on Deposited Plan 228954;
- (ii) volume 2088 folio 876, since cancelled and then issued as volume 2138 folio 304 since cancelled and then issued as 2159/565 and now volume 2173 folio 897 – Lot 29 on Deposited Plan 228954;
- (iii) volume 2138 folio 307, since cancelled and now volume 2159 folio 564 – Lot 30 on Deposited Plan 228954;
- (iv) volume 2138 folio 308 – Lot 31 on Deposited Plan 228954;
- (v) volume 2138 folio 309 – Lot 32 on Deposited Plan 228954; and
- (vi) volume 2138 folio 305 – Lot 11090 on Deposited Plan 203132.

Upon purchase by the FPC of lots 31, 32, 33 and 44, the easement benefit on these lots will transfer to the FPC.

Mr Guille could not think of an immediate reason the FPC would require the easement.

Accordingly, our client seeks the co-operation of the FPC for removal of the easement.

Summary of our Client's Position

Plantations have been a continuous operation in the general locale since the 1960's.

However, the proposed plantation is within 3 kilometres of the Nannup Town and it impacts Lot 11 most significantly.

The Shire and the FPC will also be aware the threat of fire is greater now than in the 1960's due to a drying southwest climate.

The Management Plan is not fully satisfactory and is lacking in detail in a several areas, particularly in the use of chemicals.

Our Client's concerns as the landowner with the longest boundary to the Subject Lots are well founded, serious and if not addressed then risk the potential of Lot 11 becoming uneconomic.

A vacant, uneconomic Lot 11 will not help the Shire or the FPC in managing many of the concerns we have raised such as the risk of fire.

However, the minimum special conditions we have proposed can allow the FPC to meet our State's future needs for pine plantation timber.

Accordingly, if our client's concerns can be addressed including co-operation in respect of the future status of some of 3 easements registered on Lot 11 then our Client is supportive of the Planning Application.

Our Client wants to be an economic, supportive and co-operative neighbour but it is a two way street.

We thank you and the FPC in anticipation of a favourable outcome.

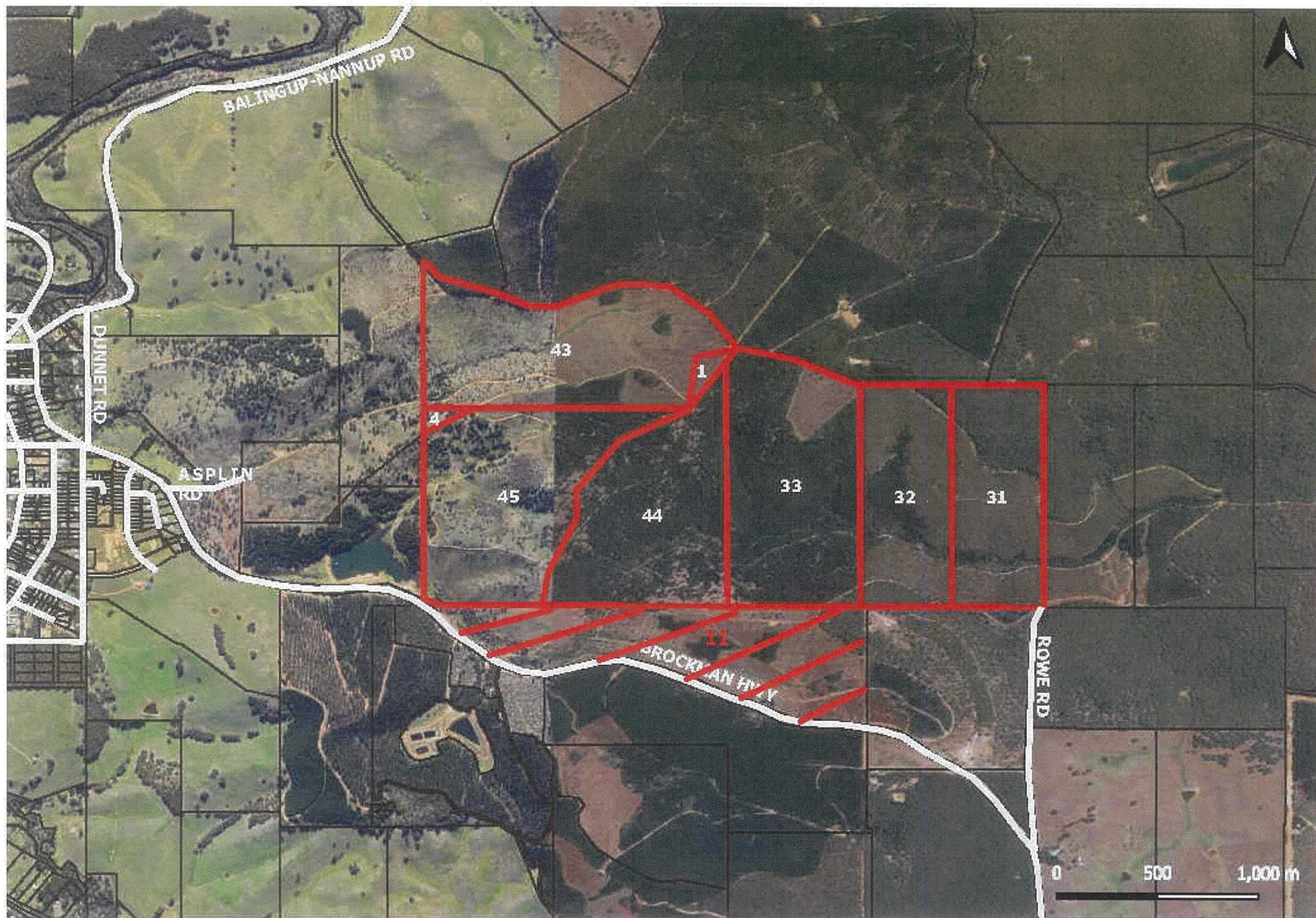
Yours faithfully,
Lloyd Collins Property Consultants



Paul J Collins, LLB(UWA) GAICD
Encl.

Annexure 1

Location Plan



N23/560A12C2

SHIRE OF NANNUP RECEIVED	
Ref: A1844	
09 FEB 2023	
Officer:	Jono

NANNUP SHIRE COUNCIL

REF: A1844 & 1507

DEVELOPMENT APPLICATION-LOTS 1, 4, 31, 32, 33, 43, 44 & 45 FOLLY ROAD, NANNUP – PROPOSED TREE PLANTATION (PINE)

Being the only farm bounded by the existing plantation to the NE, FPC's track record in the control of weeds and vermin has been poor to non-existent. I have complained to FPC on numerous occasions over a number of years only to be fobbed off from one dept to another eg FPC to CALM or FPC to DPIRD.

The main excuse is that FPC are responsible for the first 5 years then it is passed on to a Govt Dept. The result being nothing is ever done. Ask Ag Dept which is now DPIRD they tell you it is the property owners responsibility. It is extremely costly and frustrating for us when the neighbouring landowners do not comply with the rules and regulations.

Yours faithfully

David Dunnet

OMDunnet & Co



9th February 2023

Jane Buckland

From: Joni van der Laan
Sent: Wednesday, 8 February 2023 9:04 PM
To: Nannup Mailbox
Subject: Objection to Development Application- LOTS 1,4,31,32,33,43,44&45 Folly Road

8th of February 2023,
Nannup

Dear Jane,

I write to you in connection to the letter and paperwork I received on January the 18th 2023 in relation to a development application for a proposed pine plantation on Folly hill.

I strongly object to this application.

My by far main concern is in regards to fire safety. Those lots are very hilly and steep terrain, not easily accessible in case of fire and pine plantations are very volatile. It will be extremely difficult to extinguish a fire in that terrain under the best of circumstances, let alone when there is a massive pine plantation on it.

Effectively, our only official road to and from our property will be surrounded by pine plantation. In the attached paperwork I gather that FPC sees Folly Road as a 10m fire break. It is our only way in and out of town, 10m is not nearly enough of a buffer for it to remain a safe and accessible road in case of a fire. I cannot stress enough how dangerous it will be for us as that is our sole way of getting out.

I also do not wish to have any more unauthorised people up here than already is the case. We have worked hard in the 4 years we have been here to bring down the number of people on off road motorbikes trespassing onto our property. The pine plantations seem to be a free for all and as we have 1 next door already people have been going onto our property despite clear private property signage. I feel that if there were to be mountain bike tracks here it would attract way too many people, further increasing the danger of fires (as a great number of fires are started by human error, intended or unintended). Two hands are not enough to count the amount of times we have had people riding around on off-road motorbikes during TFB days, people just don't care if it is not their property, but our house and safety are at stake here.

As mentioned we already border a pine plantation on the western side of our property. FPC harvested there in the last couple of years and the track between the plantation and our block was left in a dire state and still is, so my confidence in FPC keeping these roads in decent condition is zero to none.

Another issue is that there will be even more pine trees popping up on my property, the western area of our property is already being invaded by pine trees and no responsibility is taken by FPC for this so it is up to us to try and eradicate these pine trees, effectively a massive weed, that are taking over the native growth on our property and make it more dangerous in case of fire.

I will bring in a printed copy of this letter to the shire tomorrow morning as well. I also reserve the right to make further submissions if the applicant raises any issues or solutions to objections.

Kind regards

Catharina van der Laan

Sent from [Mail](#) for Windows

Click [here](#) to report this email as spam.

Nannup Shire Council

3 February 2023

Development Services Coordinator

Jane Buckland

SHIRE OF NANNUP RECEIVED	
Ref. _____	No: _____
- 6 FEB 2023	
Officer: _____	

Good afternoon, Jane.

I refer to the Development application from FPC to develop a pine plantation at Old Folly Plantation Nannup, being lots 1,4,31,32,33,43,44 and 45.

Generally, I'm in support of this development and I make the following points.

I'm of the view that I would prefer the land to be available for agricultural pursuits; but as this land has not been farmed for some years, resulting in the land degradation and infestation with obnoxious weeds; impacting surrounding landowners it would serve the Nannup community better as a plantation. Supporting fire access and trails, which FPC does have a history of supporting Nannup Shire Councils' pursuits to enhance Tourist related Trails.

Although there is a 3-kilometer exclusion zone for developing Plantations around Nannup. Allowing pine plantations in this area will complement the town's entry along Brockman Highway. I feel that this development will have a more favourable impact on the entry and land use to Nannup as compared to the current use. There are plantations on the south side of the Brockman Hwy that are closer to Nannup CBD than the proposed Plantation.

If we do not have the trails embedded into plantations. I believe they will no longer deliver the best experience when visitors come to Nannup.

FPC in their application, does protect the various waterways and water points and will upgrade these areas. This needs to be monitored independently; to safeguard the streams and waterways. I believe that any approval should enforce the nominated improvements to access road maintenance and upgrade, and fire mitigation work, be revised and these works be implemented from the time of planting not the nominated 10-year timeline (6.3). This will reduce the risk to Nannup and surrounding properties, allow for the area to be accessible for public use earlier.

Thank you for the opportunity to comment.

Regards

Davina Gibb