

Policy Number:	LPP 16
Policy Type:	Local Planning Policy
Policy Name:	<b>Tree Farms</b>
Policy Owner:	Chief Executive Officer

**AUTHORITY:** Shire of Nannup Local Planning Scheme No. 4

## **POLICY BASIS**

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Nannup Local Planning Scheme No.4* (LPS4).

## **OBJECTIVES**

The objectives of this Policy are to:

1. Promote agroforestry where integrated with other rural and/or conservation activities and where it is effectively managed.
2. Outline areas favoured for tree farms along with non-preferred locations.
3. Ensure that relevant planning considerations are suitably addressed.
4. Conserve and enhance environmental assets.
5. Ensure best practice design and fire management practice for tree farms.
6. Assist the local government in determining applications for tree farms by setting out matters local government will have regard for in assessing applications.
7. Provide increased certainty for landowners, the community and others and to assist in providing greater consistency in decision making by the local government.

## **DEFINITIONS**

In this Policy, the following definitions apply:

**“Agroforestry”** - means land used commercially for both tree production and agriculture where trees are planted in blocks of more than one hectare. Agroforestry is the combining of agriculture and tree growing, to produce both agricultural products and tree products for commercial, land management or environmental purposes. It is also known as “farm forestry”.

**“Code of Practice”** - *Code of Practice for Timber Plantations in Western Australia* (2014), produced by Forest Industries Federation WA, Forest Products Commission and Australian Forest Growers, or as revised.

**“Plantation”** has the same meaning given to the term in the *Code of Practice for Timber Plantations in Western Australia* (2006). In this policy, plantation means ‘tree farm’.

**“Plantation Management Plan”** - provides details of the way in which a tree crop will be developed and managed, and aims to demonstrate the means by which the principles of environmental care, cultural and fire management objectives are achieved. A Plantation Management Plan generally includes a Plantation Map, Establishment Plan, Maintenance Plan and Fire Management Plan.

**“Relevant planning considerations”** include:

- Matters set out in Clause 67 of Schedule 2, Part 9 of the Regulations;
- the Code of Practice;
- the *Guidelines for Plantation Fire Protection* (2011 or any updates) produced by the former Fire and Emergency Services Authority of Western Australia; and

- matters set out in the Policy Provisions section of this Policy.

**“Sensitive Use”** is based on State Planning Policy 4.1 and includes residential dwellings, major recreational areas, hospitals, schools, and other institutional uses involving accommodation.

**“Tree farm”** means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5.

**“Vulnerable Use”** is as defined in *Guidelines for Planning in Bushfire Prone Areas*.

## APPLICATION OF THE POLICY

This Policy applies throughout the municipality. In this Policy, the municipality will be called the “district”.

## LINKS TO LOCAL PLANNING SCHEME AND OTHER DOCUMENTS

This Policy relates to various requirements set out in LPS4, the *Shire of Nannup Local Planning Strategy*, *State Planning Policy 2.5 Rural Planning*, the Code of Practice and the *Guidelines for Plantation Fire Protection*. Where there is an inconsistency between this Policy and LPS4, then LPS4 prevails and to the extent of such inconsistency.

## POLICY PROVISIONS

### 1. General

The local government:

- Supports tree farms on appropriately zoned land (including “Priority Agriculture”) subject to the proposal or application addressing relevant planning considerations;
- Encourages tree farms to be located on land zoned “Rural”, which are outside of Landscape Values Areas and more than 3 kilometres from the Nannup townsite (see Attachment 1), provided relevant planning considerations are suitably addressed; and
- Will positively consider, tree farms on land zoned “Priority Agriculture” on the Scott Coastal Plain subject to the application addressing relevant planning considerations.

Based on Table 5 of LPS4, a tree farm is not supported on Priority Agriculture zoned land in the Cundinup, Carlotta and Biddelia localities plus portions of other localities within the area set out in Attachment 2.

The local government generally discourages:

- Tree farms for the purpose of carbon sequestration (carbon farming) on land zoned Priority Agriculture;
- Tree farms that by virtue of their topography, physical size, their inability to access strategic water supplies for fire-fighting purposes, or their close proximity to vulnerable uses, sensitive uses or habitable buildings, present an unacceptable fire risk or otherwise are unable to satisfy the FESA *Guidelines for Plantation Fire Protection*;
- New tree farms in areas within Special Control Area SCA7 Landscape Values Area as set by LPS4 unless associated with a landscape assessment for land that has not been subject to a tree farm which was established prior to 16 September 1983 or to a previously approved tree farm; and
- New tree farms within 3 kilometres of the Nannup townsite (see Attachment 1).

The onus of proof rests with the applicant to justify their application based on the requirements of this Policy. Additionally, applicants are required to justify their application if variations are proposed

to this Policy.

## 2. When is a Development Application required?

Development approval is not required for the planting of trees for land rehabilitation, shelter belts or for other land management/environmental purposes or for small-scale tree farms provided the total area of planting is less than 10 hectares for the lot (on land zoned Rural or Priority Agriculture – other than on Priority Agriculture zoned land in the Cundinup, Carlotta and Biddelia localities plus portions of other localities within the area set out in Attachment 2. Landowners should however advise the local government in writing and via preparation of a site plan showing the proposed planting. There is a separate requirement to ensure the plantings are appropriately managed to address fire risk and comply with the local government's Firebreak Notice.

No Development Application is required for a tree farm provided no more than 10 hectares of planting occurs on any lot or location (other than on Priority Agriculture zoned land in the Cundinup, Carlotta and Biddelia localities plus portions of other localities within the area set out in Attachment 2. A Development Application must be submitted and approved by the local government prior to the commencement of agroforestry above 10 hectares.

No Development Application is required on the 'development footprint' where the tree farm was established prior to 16 September 1983 and where a plantation has operated since 16 September 1983 with gaps of no greater than 6 months.

A Development Application is required to be lodged for any proposed planting of trees, for commercial or land management/environmental purposes, exceeding 10 hectares on any lot or location, regardless of whether the trees are proposed to be harvested or not. The local government expects that the tree planting will be effectively managed on an on-going basis.

Where development approval has been obtained for a tree farm, no Development Application is required for a second rotation for hardwood plantations, however a second rotation will not form part of the development approval for softwood plantations.

Unless the tree farm was established prior to 16 September 1983, and where a tree farm has operated since 16 September 1983 with gaps of no greater than 6 months, a Development Application is required for

- the establishment of a new planting for softwood and hardwood plantations;
- every additional rotation for harvested softwood plantations where only a single rotation has previously been approved; and
- three or more rotations for hardwood plantations.

## 3. Agroforestry

The local government encourages the integration of tree planting with agricultural operations and conservation initiatives.

The local government will assess if the planting area is "agroforestry" having regard for:

- The area of the planting on each lot;
- The percentage of the planting area on a lot by lot basis. Generally, a 20% maximum planting area applies;
- The extent of existing remnant vegetation areas; and
- Whether a significant portion of each lot can continue to be used for agriculture.

## 4. Code of Practice and Guidelines for Plantation Fire Protection

The local government expects operators will design and manage their tree farm in accordance with the Code of Practice and the FESA Guidelines for Plantation Fire Protection.

The local government requires the preparation of an appropriate Plantation Management Plan to accompany applications in accordance with the Code of Practice.

#### 5. Location and compatibility with adjacent land uses

To reduce potential adverse impacts from inappropriate siting, development or management of tree farms, the local government will consider the following matters:

- The proximity to any land zoned in LPS4 or earmarked in the Local Planning Strategy for residential, rural residential or rural smallholding lots;
- Separation distances between the proposed planting and any “vulnerable land use” or “sensitive use”, including dwellings, holiday accommodation, commercial workplaces (as determined by the local government), or community/recreational area);
- The suitability of the application site in terms of the road network capabilities and public safety;
- The visual impact when viewed from State and regional roads, and from main tourist routes within Special Control Area SCA7 Landscape Values Area as set out in LPS4;
- Whether aerial spraying is proposed; and
- Impact on the population of the Nannup townsite and the sustainability of services and facilities in the Nannup townsite, particularly for tree farms proposed on Priority Agriculture land in the Cundinup, Carlotta and Biddelia locations plus portions of other localities within the area set out in Attachment 2.

The local government encourages operators, tree farm managers and landholders to work in partnership to develop and sustain being a “good neighbour”.

#### 6. Fire management plans

The local government:

- Expects that tree farm designs do not compromise the fire safety of the local community;
- Expects landowners and tree farm operators to have effective mitigation measures and assets to reduce fire risks of their planting and to reduce fire risks on the Nannup townsite and nearby rural living areas (rural residential and rural smallholding); and
- Seeks to reduce fire risks in and around the Nannup townsite. As a guideline, the local government discourages new tree farms within the area shown in Attachment 1 unless the applicant provides increased fire mitigation measures to the satisfaction of the local government.

As previously outlined, no Development Application is required on the ‘development footprint’ where the tree farm was established prior to 16 September 1983 and where a tree farm has operated since 16 September 1983 with gaps of no greater than 6 months.

Where there is an approved existing tree farm, within the area outlined in Attachment 1, the possibility of a second rotation is as per the development approval. If there are no details in the development approval regarding the number of rotations, the local government will adopt the approach of limiting the approval to:

- One rotation for softwood plantations;
- Two rotations for hardwood plantations.

Additional rotations are to be subject to a new Development Application.

Additionally, the replacement of an existing tree farm may be applied for via a Development Application provided the area of planting is no greater than the existing tree farm. This is however subject to suitable fire mitigation measures to the satisfaction of the local government which could



include:

- The provision of additional fire-fighting equipment/assets;
- Proposing agroforestry in relevant parts of the application site, especially closer to the Nannup townsite, with management measures such as grazing outlined to manage fuel load on an on-going basis; and
- The planting of suitable fire-suppression non-native/exotic trees.

The local government requires the preparation of an appropriate Fire Management Plan to accompany applications in accordance with the specifications and guidelines in the *Guidelines for Plantation Fire Protection* and the local government's Firebreak Notice.

The approved Fire Management Plan is to be implemented on an on-going basis to the satisfaction of the local government.

## 7. Visual impact

The local government will consider the visual impact of tree farms in general. In particular, the local government seeks to carefully consider development applications for tree farms:

- Within Landscape Values Areas; and
- Within 3 kilometres of the Nannup townsite (see Attachment 1).

The local government's assessment of visual impact is primarily concerned within Landscape Values Areas and near the Nannup townsite when viewed from State and regional roads and tourist routes. The purpose of the assessment is not in relation to views from other properties.

The local government encourages applicants to consider the planting of native vegetation that is endemic to the district and/or the planting of suitable fire-suppression non-native/exotic trees near State and regional roads and tourist routes, to complement the proposed tree farm.

Applicants proposing tree farms in highly valued landscapes, within a Landscape Values Area or within 3 km of the Nannup townsite, are encouraged to submit a landscape assessment from a suitably qualified consultant with the Development Application. The landscape assessment should have regard to the *Visual Landscape Planning Manual* (Western Australian Planning Commission 2008 or any updates).

## 8. Suitability of public roads for harvesting

The local government will:

- Require the applicant to outline the preferred haulage routes for future harvesting as part of the Development Application. Generally, potential haulage roads should be identified on the Plantation Map;
- Consider the suitability of access, in particularly the suitability of public roads for harvesting, in assessing the Development Application;
- Ensure there is appropriate access to tree farms and that the existing road network and public safety are not affected by heavy vehicles and that the local road network is not damaged by heavy vehicles; and
- Require as a condition of development approval, a Plantation Harvest Plan to be prepared and implemented to the satisfaction of the local government where harvesting occurs on Shire of Nannup managed roads which are unsealed. This is to address the Code of Practice including notification, inspection and post-harvesting repair of roads.

The local government may also require:

- An assessment on the pre-condition of the haulage roads as part of a Plantation Harvest Plan.

- The applicant/operator to undertake remedial works post harvesting to the satisfaction of the local government; and
- A Road Condition Assessment post harvesting to ensure the roads are reinstated to the same condition as pre harvesting to the satisfaction of the local government.

In considering the adequacy of the existing roads, the applicant and the local government will have regard for any proposed use of Restricted Access Vehicles (larger than 19 metre semi-trailer, 42.5 tonne). Main Roads Western Australia (MRWA) advise that roads not currently permitted for this type of vehicle will be required to be at a standard in conformance to Main Roads *Guidelines for Assessing the Suitability of Routes for Restricted Access Vehicles* before MRWA can allow access by this type of vehicle.

#### 9. Natural resource management

The local government:

- Requires that tree farm applications, as relevant, protect and enhance environmental assets;
- Supports the planting of native vegetation that is endemic to the district;
- Encourages tree farms in areas subject to land degradation including areas subject to salinity, waterlogging or erosion on the application site;
- Promotes the establishment and/or enhancement of foreshores with local endemic native vegetation along rivers, watercourses and drainage lines and/or providing environmental corridors;
- Will consider Department of Water and Environmental Regulation advice on foreshore widths to protect rivers and watercourses in accordance with Operational policy 4.3: Identifying and establishing waterways foreshore areas (DoW 2012), and require compliance with the Code of Practice for a six metre non planted buffer from the edge of the foreshore, site conditions and justification provided by the applicant; and
- Will seek suitable fencing of native vegetation should grazing be proposed.

In considering any variation to the Policy, the local government will have regard for any proposed land/water management and environmental benefits to the application site (or in the catchment/locality).

#### 10. Aerial spraying

The local government does not favour aerial spraying within 3 kilometres of the Nannup townsite as outlined in Attachment 1.

The local government will have regard to aerial spraying of tree farms, to control insect damage, for areas further from the Nannup townsite. If aerial spraying is proposed, the applicant is to set this out in the Development Application. 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.

Future spraying is to be undertaken in accordance with the Code of Practice. This includes that tree farm operators are to undertake notifications and as required field specifications in accordance with the Code of Practice.

#### 11. Rehabilitation of land

As part of the Plantation Management Plan, the local government will seek a statement on the number of proposed rotations and the expected approach to rehabilitating the land post tree farm e.g. removal of stumps and establishment of pasture at the end of the final rotation.

## ADMINISTRATION

### 1. Matters to be Addressed Prior to Formally Lodging the Application

Proponents are encouraged to discuss proposals that seek to vary Policy requirements with the Shire administration early in the planning process and prior to the formal lodgement of any Development Application.

### 2. Application Requirements

Development Applications are to include the following:

- Filling in the Form of Application for Development Approval;
- Payment of the local government Development Application fee; and
- A Plantation Management Plan that complies with Appendix 1 of the Code of Practice including a:
  - Plantation Map including the preferred haulage route;
  - Establishment Plan;
  - Maintenance Plan; and
  - Fire Management Plan that complies with the *Guidelines for Plantation Fire Protection*.

Subject to the proposed location, scale and intended management of the proposed tree farm, the local government may also require the applicant to provide the following:

- Landscape assessment;
- Any other plan or information that the local government may reasonably require to enable the application to be determined; and
- Written information setting out why Policy requirements should be varied.

### 3. Consultation with Landowners and Stakeholders

The local government will consult with adjoining/nearby landowners and other stakeholders as required by LPS4, the Regulations and as determined by the local government. The local government will also consult where an application does not comply with this Policy.

### 4. Assessing the Development Application

In assessing any application for a tree farm, the local government will have regard to various matters including:

- Clause 67 of Schedule 2, Part 9 of the Regulations;
- The Code of Practice;
- The benefits of tree farms in addressing land degradation including salinity, waterlogging and erosion and assisting in enhancing water quality;
- The zoning of the lot;
- Setbacks and location of the proposed tree farm;
- Separation distances to dwellings, habitable buildings, vulnerable uses and other sensitive uses as determined by the local government; and
- The impact on the population of the Nannup townsite and the sustainability of services and facilities in the Nannup townsite, particularly for tree farms proposed on Priority Agriculture land in the Cundinup, Carlotta and Biddelia locations plus portions of other localities within the area set out in Attachment 2.

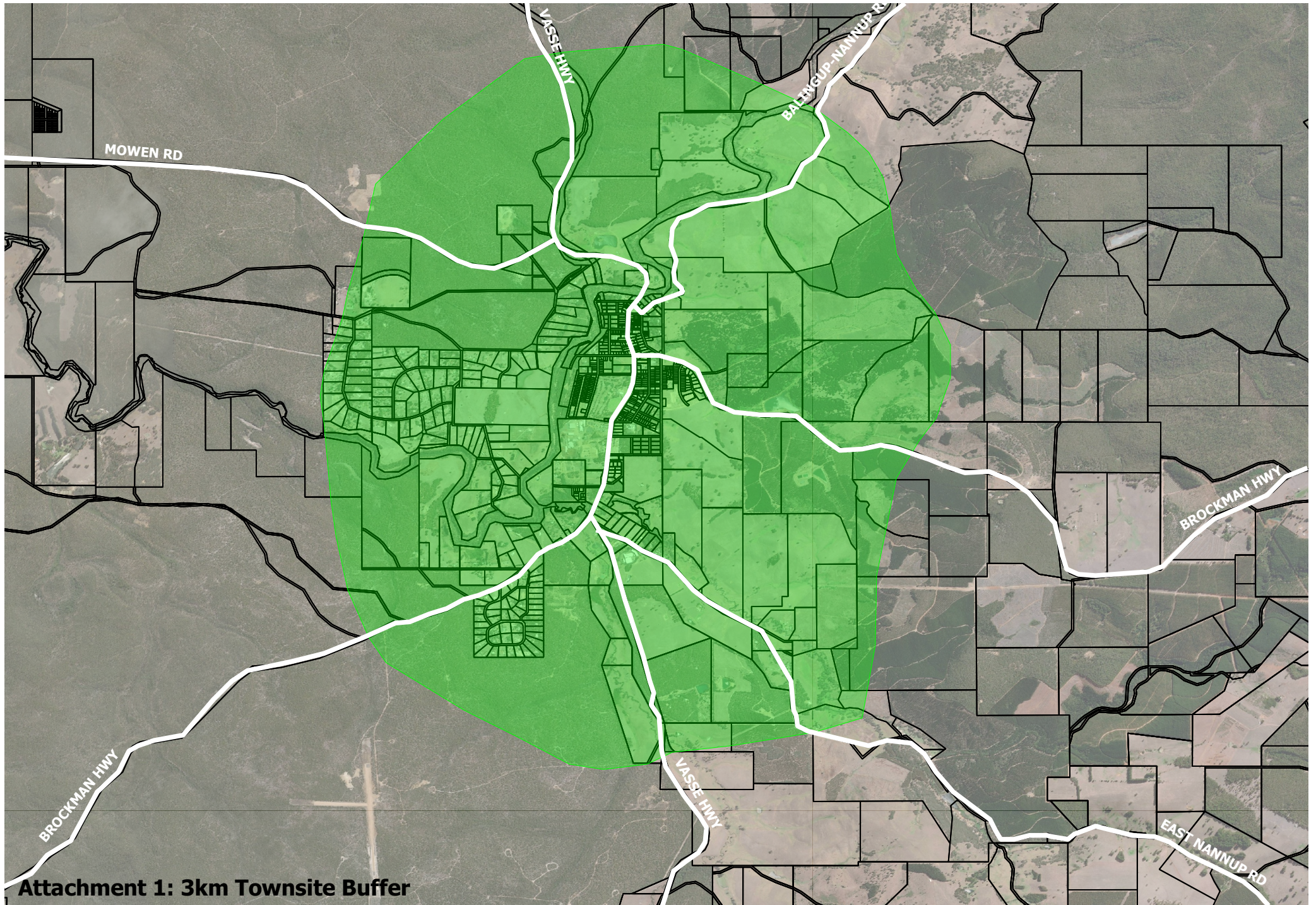
Where objections are received and the objections are not able to be adequately dealt with through conditions of approval, the application will be referred to the Council for determination.

The local government may refuse a Development Application where it is inconsistent with this

Policy, LPS4, the Code of Practice, based on the information provided by the applicant, or based on information set out in any submission.

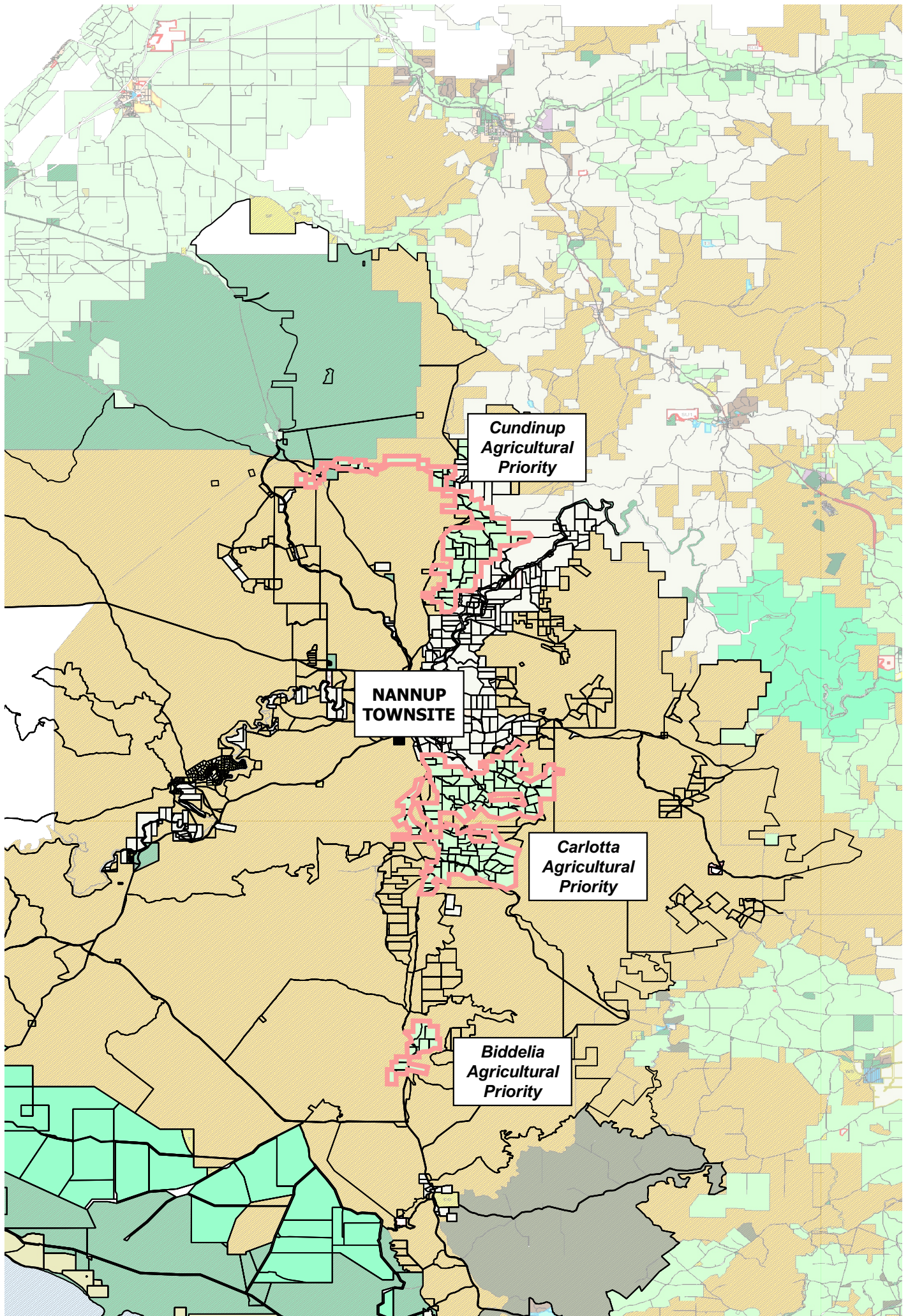
Related Policies:	LPP 10 Car Parking and Vehicular Access LPP 11 Dedication of Road Access LPP 14 Developer and Subdivider Contributions
Related Procedures/Documents:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>State Planning Policy 2.5 Rural Planning Guidelines</i> <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas</i> <i>Code of Practice for Timber Plantations in Western Australia</i> <i>FESA Guidelines: Guidelines for Plantation Fire Protection (2011), endorsed by DFES or as revised</i> <i>Guidelines for Planning in Bushfire Prone Areas</i> <i>Visual Landscape Planning Manual</i>
Delegation Level:	Chief Executive Officer or their Delegated Officer
Adopted:	OM 22 October 2020
Reviewed:	OM 27 June 2024





**Attachment 1: 3km Townsite Buffer**





**Attachment 2: Biddelia, Carlotta & Cundinup Priority Agriculture Areas**