

LOCAL PLANNING POLICY – TREE FARMS

BACKGROUND

Under the Shire of Quairading Town Planning Scheme No. 2 ('the Scheme') planning approval is required to use Farming zoned land as a tree farm.

This Policy has been developed as a guide for applicants and Council.

It should be noted that Council will have significant regard for the provisions of the Local Planning Policy however it is a guideline only.

PURPOSE

Regulation 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provide for local government to prepare Local Planning Policies. This Policy has been prepared in accordance with the provisions of the Regulations.

STATUTORY ENVIRONMENT

Council has the discretion under the Scheme to consider 'tree farms' within the 'Farming' zone.

Clause 4.14.4 of the Scheme lists specific issues that Council will have regard for in assessing 'tree farms'. These are listed and discussed in Section 8 of this policy.

Clause 4.14.4(b) of the Scheme outlines conditions that Council may impose on applications relating to fire management measures and compliance with the Code of Practice.

Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines the general matters that local governments must consider when assessing any application.

It should be noted that the Regulations and Scheme contain statutory requirements, and this Policy expands on and complements these requirements. The Policy cannot override any aspect of the Regulations or Scheme.

POLICY STATEMENT

This Policy applies to all 'Farming' zoned land in the Shire of Quairading.

POLICY OBJECTIVES

- (a) To actively encourage the integration of tree farms with existing agricultural uses over the Shire as a ancillary and complementary use.
- (b) To facilitate retention of traditional agriculture as the predominant use on the land.
- (c) To support applications that actively integrate tree farms with broad-hectare farming activities in recognition of the economic, environmental and social benefits.

- (d) To encourage planting areas with linkages to existing remnant vegetation on the same lot or adjacent lots. Where appropriate encourage linkages with vegetation on adjacent reserves however consult with the relevant reserve authority or manager.
- (e) To protect and enhance native vegetation, wetlands and water courses and assist in the reduction of salinity, waterlogging and erosion.
- (f) To support continuing broad acre agriculture and production as the primary and priority land use in the Farming zone.
- (g) To generally discourage the use of whole farms for plantations (particularly where it contains a dwelling) unless the applicant has clearly demonstrated extenuating circumstances or provided significant justification warranting support for a variation to any aspect of the Policy.
- (h) To achieve plantation designs which do not compromise the fire safety of the local community or of biodiversity conservation and management of reserves.
- (i) To minimise the potential for any loss of population or agricultural land through the use of whole farms for plantations and encourage plantations that provide a supplementary income to farmers.
- (j) To achieve high quality fire management plans which are independent and self-sufficient unless the relevant authority managing land outside of the application has endorsed a FMP which relies on external fire management methods (such as major protective burning of adjacent reserves).
- (k) To encourage the selection of tree species that are complimentary to native remnant vegetation will assist in maintaining landscape function.

POLICY AIMS

- (a) To clearly outline the existing Scheme requirements, land use definitions and assist applicants by providing general guidelines.
- (b) To assist Council in determining applications for tree farms setting out matters Council will have regard for in assessing applications.
- (c) To streamline the planning process in the longer term for applications that propose integration of plantings with existing farms / agricultural uses and that comply with the Scheme and local planning policy.

PLANNING APPROVAL

7.1 Need for Planning Controls

There has been some concern raised by some community members that landowners should be able to pursue agroforestry and/or plantations on their land without interference by local governments as they would normally do for any cropping or revegetation for land rehabilitation.

Whilst 'Extensive' Agriculture' is a permitted use in the 'Farming' zone, there are planning controls over other Farming uses including and not limited to Intensive Agriculture, Abattoirs and Extractive Industries. This is appropriate so that the Shire can examine relevant planning considerations such as the objectives of the zone, land use compatibility, buffers, amenity and other relevant planning issues.

There are land use and community implications associated with tree farms uses that are controlled through the planning process such as impacts on local roads for harvesting plantations, fire management, visual impact on any scenic routes, social impacts and concern over potential loss of prime agricultural land.

With new emerging plantations for carbon sequestration there has been Council and community concern over the potential to develop significant areas or whole farms. Some applicants propose long term harvesting whilst other may not nominate to harvest at all (meaning the land may never revert back to agricultural uses.)

This policy aims to encourage an integrated approach of plantings with more traditional farming or agricultural uses.

7.2 Statutory Requirements

Under Clause 60 of the Planning and Development (Local Planning Schemes) Regulations 2015 all development on zoned land requires prior approval of the local government, unless specifically exempted under Clause 61 of the Regulations.

A planning application is required to be lodged for any proposed planting of trees for commercial use exceeding a one hectare area and would be construed as a 'tree farm', regardless of whether the trees are proposed to be harvested or not.

This Policy proposes to process long-term plantations the same as the more traditional 'plantations', as both are almost identical, and the only difference is that some applicants may not propose harvesting, or may only propose harvesting in the longer term (so it may be a more permanent land use change).

Planning approval is not required for the planting of trees for land rehabilitation, salinity affected area, wind belts etc. which are not proposed to be used for any commercial use, production or carbon sequestration.

An application checklist has been developed for all tree farm applications, and must be lodged with all application forms. Refer to Attachment 1 of this Policy.

DEFINITIONS

'Farm' means the lots comprising the farming operations in a single ownership in a single locality that are bounded by unrelated lots.

'Lot' has the same meaning as in the Planning and Development Act 2005.

'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 rit is registered under the Carbon Rights Act 2003 section 5.

Note: Tree farms are also commonly known as agroforestry and plantations. It is a generic term used to describe land uses that centre on the planting of trees to generate economic return and/or environmental benefits.

SCHEME PROVISIONS

Under the provisions of the Shire of Quairading's Town Planning Scheme No. 2, tree farms are an 'A' use in the Farming zone and are considered to be an ancillary use to broad-hectare agricultural activities in the Shire.

The provisions of the Scheme will be considered in conjunction with the provisions of this Policy.

POLICY REQUIREMENTS

In assessing any application for a tree farm Council will have regard for the following matters in addition to the provisions of the Scheme:

10.1 Continuing Agricultural Activities

Traditional agricultural activities such as cropping, grazing and food production should generally remain the predominant land use with the tree farm as an ancillary and complementary use.

This Policy does not attempt to introduce maximum planting areas by means of a percentage of the lot area, simply because some flexibility needs to be afforded. As a general rule the Shire will assess if a plantation area is 'ancillary' having regard for:

- (a) The area of each lot.
- (b) The proportion or percentage of the plantation area on a lot by lot basis. Generally, the trees should cover no more than 40% of the farm's productive land area, although each application will be assessed on its merits on a 'case by case' basis.
- (c) The extent of existing remnant vegetation areas.
- (d) Whether a significant portion of each lot can continue to be used for agriculture.

Council will be able to clearly identify whether agriculture remains as the primary use, simply because detailed site plans are lodged for all applications and show the extent of planting areas.

This Policy aims to actively encourage the integration of tree planting with agricultural farms. Whilst there are other factors contributing towards reductions of farming population, the Shire wishes to ensure that new land uses do not exacerbate an existing ongoing problem.

Council will not generally support the planting of whole lots or farms for tree planting due to the potential for the displacement of agricultural pursuits and loss of agricultural land.

10.1.1 Variations

In dealing with this matter Council will have regard for any specific circumstances where a variation to this criteria 10.1 may be warranted, however in those cases the onus will be on the applicant to demonstrate the particular merits of a proposal or justification for an assessment on a 'whole farm' basis.

If an applicant seeks any variation or support for plantation areas on a 'whole farm' basis then the application should be accompanied by justification such as:

- (a) Land Capability Studies;
- (b) Farm Management Plan;
- (c) Soil or water test results demonstrating areas not suitable for agriculture;
- (d) Photographs showing shallow soils or rocky areas which visually demonstrate that the land is not suitable for agriculture; and

- (e) Demonstration that planting areas will have local environmental benefits for the specific location (refer 10.4). For example, larger planting areas may be warranted as block planting adjacent to a creek line, or for salinity prone areas. Note: More detailed information would be required to be submitted to justify such an application.

10.2 Location and Compatibility with Adjacent Land Uses

The larger scale plantations are encouraged to locate in Farming areas located away from any main townsites; areas with smaller lot sizes that have potential for dwellings; and Rural Residential / lifestyle lots. Plantations should avoid locations near areas earmarked for future residential or tourist development.

To reduce potential adverse impacts from inappropriate siting and development of tree farms, Council will consider the following matters:

- (a) The proximity to any land zoned or earmarked for residential development, Farming residential development or smaller lots with potential for dwelling development.
- (b) Separation distances between the proposed use and any commercial properties, or other areas such as public reserves, which may be sensitive to the exposure of pesticides (mainly if any aerial spraying is proposed).
- (c) Where harvesting is proposed, the suitability of the location in terms of the road network capabilities.
- (d) The visual impact if the plantation has potential to interrupt scenic views (particularly along main tourist routes). Scenic views should be protected, particularly along tourist routes or of specific landscape features, such as the ocean.
- (e) Any strategic plan contained in a planning strategy or townsite expansion strategy.
- (f) Impact on any tourist and recreation uses.
- (g) Proximity to conservation areas and reserves. Any plantation in close proximity to a reserve under the care and management of an authority (such as the Water Corporation, Department for Environment and Conservation or the like) will be referred to the relevant authority for comment. Council will have regard for the advice of the relevant authority.

10.3 Economic Benefits

Council will have regard for the economic benefits associated with tree farms. Most tree planting ventures are commercial propositions therefore the majority will result in some economic benefits.

It is often difficult to quantify the extent of any economic benefits or long term local economic impact. It is also impractical to assess in a balanced way the economic benefits of a large plantation versus the economic benefits of a continued agricultural/ farm use.

It is a complex issue due to the many influencing factors such as type of products produced, prices available for products, changing economic climate, demand, expenditure in the local area, extent or use of local persons for employment, how much employment is generated by a use, whether local suppliers are used, extent of employment (may be for short specific periods), transport etc.

Detailed business plans, clear measurable evidence of economic benefits or expert economic analysis are generally not provided to the Shire.

The Shire can only consider economic benefits in the broader sense and an integration of land uses will likely maximise potential for retention of farmers/population, diversification of farming land uses, assist agricultural productivity and often provide a secondary income to farmers.

10.4 Environmental Benefits

Council recognises that there are a variety of broad environmental benefits associated with tree planting that have the potential to contribute to the security and quality of water resources and salinity management.

Tree farms can benefit water resources by improving water quality in catchments affected by saline surface water, reversing dryland salinity and waterlogging by controlling groundwater levels and assisting in the control of soil erosion.

In considering and any variation to the Policy, Council will have positive regard for any specific environmental benefits to the development land and any application that:

- (a) Uses plantings on site to assist to mitigate salinity affected areas and demonstrates through soil analysis/mapping that there are salinity affected areas on the application land.
- (b) The use of native species is encouraged.

It is recognised that species that are native to Australia are often used (such as Mallees) for carbon sequestration, due to their growth rates, stock resistance, ability to survive in medium to low rainfall areas and minimal ongoing management needs.

Where feasible (taking into account continuing agricultural activities), the incorporation of some endemic local species plantings is encouraged particularly in areas such as:

- (i) Along watercourses including natural drainage lines and creeks.
- (ii) For revegetation of areas that do not qualify as forest sinks.
- (iii) For rehabilitation of land unsuitable for agriculture, or to provide connections between existing remnant vegetation areas remaining on site.
- (iv) As a buffer or to expand / complement native vegetation corridors along Rivers.
- (v) Along plantation edges adjoining conservation reserves or other Crown land.

The use of local native species is not compulsory however the Shire actively encourages applicants to investigate opportunities to introduce species endemic to the area, especially for rehabilitation of creek lines and watercourses. Where feasible, the introduction of some areas of local native vegetation is also encouraged as part of each application.

- (c) The use of planting areas to provide vegetation corridors, linkages to remnant vegetation or assist to protect remaining cropping/grazing areas on the same property from wind erosion.
- (d) The use of planting areas to protect or enhance water courses, reduce waterlogging in affected areas and improvements to an existing situation (such as fencing of watercourses from stock).
- (e) The identification and protection of any existing local native vegetation.

- (f) Where commercially possible a mixture of planting species is encouraged even if it is only for a portion of the overall planting area. For example, the predominant planting areas may be Sandalwood but a mixture of local native species may be used along a creek line, as a wind break or adjacent to conservation / reserves areas.

10.5 Code of Practice for Timber Plantations WA

In accordance with the Scheme Council will have regard for compliance with the Code of Practice for Timber Plantations in WA ('the Code') which sets out goals and guidelines for specific areas, including management plans, planning and design, plantation roads, weed and pest control, waterway protection, drainage, harvesting, fire prevention and control, research and development, safety and investment.

This Policy does not attempt to reiterate all of the requirements in the Code and therefore should be addressed by each applicant.

All plantation applications will be required to meet the minimum standards as outlined in the Code and will be assessed having regard for the Code's general principles.

10.6 Fire Management Plans

Fire Management is an important issue which needs to be addressed as part of any new proposal, and applicants need to recognise that the Shire has limited resources when dealing with strategic Fire Management.

In accordance with the Code of Practice for Timber Plantations WA, a Fire Management Plan will be required for all tree farm proposals.

As a minimum all Fire Management Plans shall be compiled by a suitable qualified or experienced fire consultant, and:

- (a) Address the requirements of Bushfires Act, the FESA Guidelines for Plantation Fire Protection and the local government firebreak notices.
- (b) Generally, follow the format of the 'Model Fire Management Plan' contained in the FESA Guidelines, together with:
 - (i) A bushfire hazard assessment using the methodology of 'Planning for Bushfire Protection' or detailed analysis of the risk of ignition.
 - (ii) A fire suppression response examining the ability of the local fire brigade to respond to a fire on the property, having regard for distance, existing available local equipment and the location of on-site water supply.
 - (iii) Outline the owners' responsibilities, neighbour responsibilities, applicant responsibilities and Shire responsibilities.
 - (iv) Where land is owned by an 'absentee owner', implementation of the fire management plan needs to be addressed.
 - (v) Owners may need to consider providing on site water trucks for use in the event of a fire having regard for the property location, and realistic fire suppression response.
- (a) Include a location/ context plan examining the surrounding land uses and identifying:
 - (i) Other existing or approved plantations within the immediate vicinity.

- (ii) Any significant surrounding industries or land uses which may impact on fire management such as Farming Industry (hay storage), wood stockpiling, fuel storage etc.
 - (iii) Identify any residential, Farming residential or built up townsites located within 1 kilometre.
 - (iv) Identify nearby well vegetated areas or sources which may increase the risk of fire.
- (b) Include a site plan within the Fire Management Plan addressing the guidelines for 'fire prevention and suppression' contained in the Code and clearly show:
- (i) Compartments and compartment sizes.
 - (ii) Water supply / points
 - (iii) Location of any powerlines passing through planting areas or in close proximity to planting areas and / or proposed firebreaks.
 - (iv) Location of fire breaks. The site plan is to clearly distinguish between boundary firebreaks, strategic firebreaks, compartment breaks, fire breaks along public roads and fire breaks along powerlines using a colour coded legend.
 - (v) Turnaround areas for emergency vehicles.
 - (vi) Location for emergency signage. All signage to be in accordance with the specifications / sizes outlined in 'Planning for Bushfire Protection' – AS 3.4.3(x).
 - (vii) Emergency access / egress points and internal accessways.
 - (viii) Existing or proposed gates where firebreaks/emergency accesses intersect with fencing that can accommodate a 3.4 fire appliance.
- (c) Identify the location of any existing structures and need for low fuel areas. FESA guidelines recommend:
- (i) A 50 metre distance between a planted area and any structure.
 - (ii) further 50 metre pruned area and reduced ground fuel levels for 100 metres.
 - (iii) These are to be clearly shown in the Fire Management Plan or on the development site plan.
- (d) Comply with the minimum fire break standards outlined in the existing FESA 'Guidelines for Plantation Fire Protection' which are outlined below:
- (i) 15 metres on the boundary of plantations;
 - (ii) 6 metres between compartments of up to 30 hectares;
 - (iii) 10 metres for compartments over 30 hectares;
 - (iv) 15 metres for firebreaks adjoining public roads; and
 - (v) Fire breaks adjacent to powerlines to meet Western Power specifications.
- (e) Involve consultation with the relevant authorities (such as Department of Environmental Regulation; Water Corporation, the Shire or the like) where the land is adjacent to a reserve, conservation area or crown land. Fire Management Plans should be independently managed unless there is a formal written agreement from an adjacent reserve owner over issues such as major burning of land outside of the application.

10.7 Water Quality and Buffers to Watercourses

Adequate buffers are required between any plantation and watercourses on private land where the end use is not for public water supply. Buffers play an important role in maintaining water quality, protecting ecological values of waterways and preventing erosion or sediment movement.

The Code of Practice for Timber Plantations WA recognises the need to protect water quality and cites that non planted buffers of 6 metres should be maintained from the edge of a watercourse. A 6 metre buffer is relatively minimal and is not considered adequate.

Council will have regard for the recommended buffers by Department of Water and may refer any applications for advice where deemed appropriate.

10.8 Plantation Management Plan

The Council requires the preparation of a Plantation Management Plan to accompany applications in accordance with the protocol of the Code of Practice for Timber Plantations WA.

Appendix 1 of the Code provides a detailed description of matters to be addressed so will not be replicated in this policy (e.g. establishment and maintenance plan, fire management plan, weed control, planting details, native vegetation management etc.).

10.9 Suitability of the Current and Future Road Systems

Council needs to consider the adequacy of the existing road infrastructure to service any future harvest and will require the applicant to outline the preferred haulage routes to be used on public roads as part of the planning application.

In accordance to Appendix 3 of the Code of Practice for Timber Plantations WA, a Plantation Harvest Plan is generally produced in accordance with the haulage-management notification.

In considering adequacy of the existing road structure and harvest plan, Applicants and the Council shall have regard for any proposed use of local roads and any relevant policy relating to heavy transport. Roads currently not permitted for this type of vehicle may be required to be upgraded to conform to the relevant standards prior to access by this type of vehicle being permitted.

Council may also require a report on the general pre-condition of the main haulage roads as part of a Plantation Harvest Plan, and payment of a bond to cover any potential road damage.

Any application or Harvesting Plan that is considered to have potential impacts on the State road network will be referred to Main Roads WA for comment during the assessment process.

Attachment 1

Shire of Quairading APPLICATION CHECKLIST FOR TREE FARM APPLICATIONS
FORMS
<p>A formal application must be lodged and signed by:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The owner of the land as registered on the Certificate of Title. <input type="checkbox"/> If the land is owned by a company, then it needs a minimum of one Director's signature and company seal (if a sole Director); or a minimum of 2 Directors signatures.
CERTIFICATE OF TITLE
<ul style="list-style-type: none"> <input type="checkbox"/> If there are any encumbrances registered on the Certificate of Title, then a copy of the Certificate of Title must be lodged with the application. Encumbrances may include conservation covenants, easements, rights of carriageway, reciprocal rights of access, caveats and notifications. Titles can be obtained from Landgate.
PLANNING APPLICATION FEES
<ul style="list-style-type: none"> <input type="checkbox"/> Is the estimated cost of the development indicated? <input type="checkbox"/> Is the estimated cost of development based on whole life costs? <input type="checkbox"/> If the estimated cost of development exceeds \$10 million, then the application is a compulsory DAP application. Have the additional fees been paid?
PLAN REQUIREMENTS
Location / Context Plan
<p>Three (3) copies of a location plan which clearly shows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The boundaries of all lots included in the application indicating the lot and plan numbers. <input type="checkbox"/> If the lot is part of a number of other lots as one farm operation, then the plan should outline the whole farm boundary and the written submission should list all farm lots. <input type="checkbox"/> All existing roads abutting the lot and the names of the roads. <input type="checkbox"/> A north point. <input type="checkbox"/> Identification of any major or nearby sensitive landuses such as Farming industries, residential, townsites within 1 kilometre, other plantations or any commercial landuses.
Copies of Site Plan
<ul style="list-style-type: none"> <input type="checkbox"/> Four (4) copies of a site plan drawn to scale. All plans to be a minimum of A3 size. <input type="checkbox"/> If the lot(s) contain any water features then the plan must include clear dimensions / setbacks between plantation areas and creek lines, swamps or watercourses. <input type="checkbox"/>

Site Plan Requirements – Details to be shown on the Site Plan

The site plan is to show:

- The boundaries of all lots included in the application indicating lot and plan numbers.
- If the lot is used with other lots as one farm operation, then this should be reflected on the plan or explained in the written submission.
- The dimension of each lot boundary to be clearly marked in metres.
- The site plan to clearly show all existing roads abutting the lot and the names of the roads.
- A north point.
- Contours at such intervals to adequately depict the landform of the area overlaid on aerial photography.
- Existing physical features such as rock outcrops, watercourses etc.
- All existing trees or groups of trees with a clear indication of retention or proposed clearing.
- The location and type of all existing structures such as dwellings and sheds (and clearly marked 'existing' or 'to be removed').
- An indication of any existing agricultural pursuits operating on the land (e.g. existing grazing area to be retained – 500 cattle; existing olive tree plantation to be retained – 100 trees). If this cannot be shown on the plan it should be explained in the written information.
- Existing and proposed driveway location and all proposed internal accessways (must show trafficable access to water points, turnaround bay for fire access and gates for firebreaks crossing any fencing).
- Existing and proposed crossovers.
- All proposed compartments/sections are to be clearly numbered on the plan with a legend listing the total planting area in each compartment. The plans to clearly show the form of planting (i.e. block or belts).
- All existing dams, watercourses, main drainage lines and areas subject to inundation.

WRITTEN INFORMATION

Detailed Submission

A detailed written submission or covering letter in support of the proposed application.

The detailed submission should include information on:

- Description of existing agricultural activities conducted on the land, explanation of how the proposed planting areas have been selected and details on how the application complements continued agricultural activities.
- Address the objectives and provisions of the Shire's Local Planning Scheme applicable to Farming zoned land.
- Explanation of how the application complies with the Shire's Local Planning Policy and the Code of Practice for Timber Plantations in WA. If proposing any variation to the

<p>Policy, Code of Practice or FESA Guidelines, detail the proposed variation and explain why the Shire should support a variation (i.e. provide justification).</p> <p><input type="checkbox"/> A detailed land capability report if it is proposed to develop a whole farm or substantial portion of the farm.</p> <p>OR</p> <p><input type="checkbox"/> A report by a suitably qualified farm management consultant demonstrating why the land is preferred for plantation as opposed to ongoing agricultural uses. This should be accompanied by soil analysis / mapping.</p>
<p>Management & Harvest Plan</p> <p><input type="checkbox"/> A Plantation Management Plan that complies with Appendix 1 of the Code of Practice for Timber Plantations in WA (e.g. establishment and maintenance plan, fire management plan, weed control, planting details, native vegetation management etc).</p> <p><input type="checkbox"/> A Plantation Harvest Plan including a clear map of the preferred haulage route. If harvesting is proposed as a long term option, then submission of a harvesting plan may be included as a condition at Councils discretion.</p>
<p>Photographs of the site (Preferred Requirement)</p> <p><input type="checkbox"/> General photographs of the existing agricultural areas, proposed planting areas, main access in and water sources for firefighting. Whilst photographs are optional they assist in the assessment of the application and provide a visual image of the property. Photographs also assist Councillors to gain a visual understanding of the property as site inspections to each lot are not feasible.</p>

Please lodge this checklist with your application. Applications lodged without a checklist may be returned to the applicant.

Name of person who completed checklist

Date

Record of Policy Review					
Version	Author	Council Adoption	Resolution	Reason for Review	Review Date
01	Graeme Fardon	17 December 2015	108-15/16	New Policy	