

SHIRE OF PERENJORI LOCAL PLANNING POLICY NO 1 - TREE FARMS

1.0 BACKGROUND

Under the Shire of Perenjori's Local Planning Scheme No. 3 ('the Scheme') planning approval is required for any proposed tree farm. This Policy has been developed as a guide for applicants and sets out the Council's position on tree farms proposed in the Rural zone.

It should be noted that the Local Planning Policy is a guide for the exercise of discretion. The Council will have significant due regard to the Policy requirements in the assessment of any new planning application.

2.0 POLICY BASIS

Division 2 – Local planning policies under Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows local governments to prepare local planning policies, and outlines the statutory procedure for making a local planning policy.

3.0 POLICY STATEMENT

This Policy applies to all land zone Rural under the Scheme.

4.0 POLICY OBJECTIVE

- To actively encourage the integration of tree farms with existing agricultural uses as a complementary but integrated use. Traditional agricultural activities such as cropping, grazing, and food production should generally remain the predominant use.
- To actively oppose the use of an entire lot area for tree farms (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 this Policy.
- To support applications that actively integrate tree farms with existing agricultural activities on lots in recognition of the economic, environmental and social benefits.
- 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.

- To protect and enhance native vegetation, wetlands and water courses and assist in the reduction of salinity, waterlogging and erosion.
- To support continuing broad acre agriculture and production as the primary and priority land use in the Rural zone, consistent with the planning framework's underlying theme to protect productive agricultural land.
- To minimise the potential for any loss of population or agricultural land through the use of the entire lot area for tree farms, and encourage tree farms that provide a supplementary income to farmers.
- To achieve tree farm layouts which do not compromise the fire safety of the local community or the biodiversity conservation and management of reserves.
- To achieve high quality bushfire management plans which are independent and self-sufficient.
- To encourage the selection of tree species that are complementary to native remnant vegetation and will assist in maintaining landscape function.

5.0 POLICY AIM

- To assist applicants by providing general guidelines and a clear outline of the Shire's position.
- To assist Council in determining applications for tree farms by setting out matters to have regard for when assessing applications.

6.0 PLANNING APPROVAL

6.1 Requirement for approval

Under Clause 60, Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* all development requires prior approval of the local government, unless specifically exempted under Clause 61.

A planning application is required for any tree farm (involving planting in blocks more than one hectare). Council has the discretion to consider 'tree farms' within the Rural zone under the Shire of Perenjori's Local Planning Scheme No. 3 ('the Scheme').

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 commercially used for harvesting or carbon sequestration.

The Scheme contains statutory requirements, and this Policy expands on and complements the Scheme requirements.

6.2 Need for Planning Controls

Whilst 'Extensive' Agriculture' is a permitted use in the 'Rural' zone, there are planning controls over other rural uses including and not limited to Rural Industry and Intensive Agriculture. This is appropriate so that the Council 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 and bushfire management.

With new emerging tree farms for carbon sequestration, Council is concerned over the potential for these to be developed on whole lots. Council is particular concerned over the accumulative impact of tree farms on entire lots over time, and the potential for population loss and a reduction of food production.

Some applicants may propose long term harvesting whilst other may not nominate to harvest at all (means the land may never revert back to traditional agricultural uses.)

Whilst some of the issues are difficult to quantify, this policy aims to encourage an integrated approach of plantings with more traditional farming or agricultural uses.

The Policy recognises that the development of whole lots for tree farms discourages the continuation of broad hectare farming in a way the development of a tree farm at a smaller scale would not.

7.0 DEFINITIONS & EXPLANATION OF LANDUSE

Clause 40(1)(a) of the Shire of Perenjori Local Planning Scheme No 3 states that a category of land use in the Scheme has the same meaning as it has in the Planning and Development (Local Planning Schemes) Regulations 2015.

Under Schedule 1, Part 6 of the Regulations a tree farm is defined as '*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*'.

8.0 POLICY REQUIREMENTS

In assessing any application for a tree farm Council will have regard for the following matters;

8.1 Continuing Agricultural Activities

Traditional agricultural activities such as cropping, grazing and food production should generally remain the predominant land use with tree farms as an ancillary integrated 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 tree farm area is 'ancillary' having regard for;

1. The area of each lot;
2. The proportion or percentage of the tree farm area on a lot by lot basis. Generally a 30-35% maximum planting area is construed as ancillary although each application will be assessed on its merits on a 'case by case' basis;
3. The extent of existing remnant vegetation areas; and
4. Whether a significant portion of each lot can continue to be used for traditional extensive agriculture or for food production.

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 farms with traditional agricultural farming activities. Whilst there are other factors contributing towards reductions of rural population, Council wishes to ensure that new land uses do not exacerbate an existing ongoing problem.

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

There is a general presumption against 'whole of lot' tree farms in the Rural zone, unless a proponent can demonstrate to the Council's satisfaction that there are exceptional circumstances that warrant a variation in accordance with Clause 8.1.1.

Council considers that the development of whole lots with tree farms is inconsistent with the Scheme's objective to protect broad acre agricultural activities in the Rural zone as:

- (a) Tree farms may not be harvested except in the long term, or in the case of carbon sequestration plantings, not at all;
- (b) The concept of broad hectare farming primarily contemplates the continuation of traditional productive agricultural activities;
- (c) The use of an entire lot for a tree farm to the exclusion of traditional productive agricultural activities does not involve an appropriate integration of rural land uses, but instead runs the risk that the entire lot will never be returned to productive use, and at the very least involves a diminution of the productive capacity of the land;
- (d) Any proposed whole lot tree farm discourages the continuation of broad hectare farming in a way the development of a tree farm at a smaller scale would not. Integrated ancillary plantings consistent with this Policy serve to encourage the retention of productive agricultural activities whereas whole lot plantings have the opposite effect;
- (e) Tree farms that are not well managed or have no on site manager (with absentee ownership) or are abandoned, can cause significant long term land use conflict with surrounding broad acre farming or intensive agricultural activities due to increased bushfire risk, lack of fire break maintenance, lack of

general property maintenance, uncontrolled weeds, and uncontrolled vermin or feral animals, including wild pigs.

8.1.1 Variations

In dealing with this matter, Council will have regard for any specific circumstances where a variation to this criteria 8.1.1 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 lot' basis.

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

- Comprehensive Land Capability Studies specific to the lot by a suitably qualified environmental consultant;
- Farm Management Plan;
- Site specific soil or water test results demonstrating areas not suitable for agricultural food production;
- Photographs clearly showing shallow soils or rocky areas which visually demonstrate that areas on a lot are not suitable for traditional agriculture. A site plan should be provided that numbers each photograph, and shows the direction that the photograph was taken.
- Demonstration that planting areas will have specific local environmental benefits for the lot(s) subject of the application (refer 8.3). For example, larger planting areas may be warranted as native vegetation block planting adjacent to a creek line, or for salinity prone areas.

Information and justification for a variation to this Policy needs to rely on site specific studies and information. General broad land capability mapping is not by itself considered to be sufficient as justification for a variation of this Policy.

8.2 Location and Compatibility with adjacent land uses

Some densely planted tree farms may have a higher bushfire risk than broadacre crops, so the implications of locating tree farms close to fire sensitive land uses such as hay plants, commercial, industrial and residential development needs to be considered.

For this reason, any larger scale tree farms are discouraged in locations near any main townsites, areas with smaller lot sizes that have potential for dwellings, rural residential lots and rural townsites. Tree farms should also avoid locations near areas earmarked for future residential or rural development.

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

1. The proximity to any land zoned or earmarked for residential development, rural residential development or smaller lots with potential for dwelling development.
2. Separation distances between the proposed use and any commercial properties, or other areas such as public recreation reserves, which may be sensitive to the exposure of pesticides (mainly if any aerial spraying is proposed).

3. Where harvesting is proposed, the suitability of the location in terms of the road network capabilities.
4. Any strategic plan contained in a local planning strategy.
5. Impact on any tourist and recreation uses.
6. Proximity to any airstrips.
7. Proximity to conservation areas and reserves. Any tree farm in close proximity to a reserve under the care and management of an authority (such as the Water Corporation, Department of Biodiversity, Conservation and Attractions or the like) will be referred to the relevant authority for comment. Council will have regard for the advice of the relevant authority.
8. The potential for increased bushfire risk associated with mature plantings, and any increase of the Bushfire Attack Level for existing dwellings or sensitive development on adjacent lots.

8.3 Environmental Benefits

Council recognises that there are a variety of broad environmental benefits associated with some tree farms 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 local environmental benefits to the lot being developed and any application that:

1. 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.
2. Uses local native species.

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;

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

The use of local native species is not compulsory however the Shire actively encourages applicants to look for opportunities to introduce species endemic to the area, especially for rehabilitation of creek lines and watercourses.

3. 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.
4. 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).
5. The identification and protection of any existing local native vegetation.
6. 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 Mallees but a mixture of local native species may be used along a creek line, as a wind break or adjacent to conservation / reserves areas.

8.4 Code of Practice for Timber Plantations in Western Australia (as amended)

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 (if applicable), fire prevention and control, research and development, safety and investment.

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

All tree farm applications will be required to meet the minimum standards as outlined in the Code of Practice. All applications will be assessed having regard for the general (applicable) principles of the Code.

8.4.1 Management of Tree Farms

The onus is on the owner / applicant to demonstrate to the satisfaction of Council that any tree farm will be effectively managed.

Council must be satisfied that any Management Plan has measurable requirements that can be enforced by the local government through planning conditions.

Management Plans that are generic in nature with ambiguous maintenance requirements (and no clear triggers) will not be supported.

Any Management Plan must include:

1. Clear, regular scheduled and mandatory inspections;

2. A rigorous ongoing maintenance regime with identifiable triggers, clear maintenance actions and measurable outcomes (particularly for weed control, vermin control, feral animal control and general pest control);
3. A procedure to notify neighbours in writing prior to any proposed spraying.
4. A complaint handling procedure.

It is preferable that a caretaker/manager live on site.

As a minimum there should be a local tree farm manager, employee or local based contractor who can attend the site regularly to conduct property maintenance, ensure water tanks are in working order; check fire breaks, and can attend the lot in the event of a fire.

Any local tree farm manager, employee or local based contractor should live within a 60 kilometre distance from the lot proposed to be used as a tree farm. Lesser distances are preferred so that the local tree farm manager, employee or local based contractor can attend the tree farm in a timely manner in the event of a fire emergency.

8.5 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 local government has limited resources when dealing with Strategic Fire Management.

In accordance with the Timber Code of Practice a Fire Management Plan (FMP) will be required for all tree farm applications.

Each FMP needs to be written and tailored specifically for the property subject of an application.

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

1. Address the Bushfires Act (1954), the FESA (now DFES) Guidelines for Plantation Fire Protection 2011 and the local government firebreak notices.
2. Generally follow the DFES Guidelines however also include;
 - Consideration of increased bushfire risk to any structure within 100 to 150 metres of any proposed planting areas and other land uses in the vicinity of the tree farm lot – refer Clause 8.5.1.
 - Identify and address bushfire hazard as if it already existed, in accordance with State Planning Policy 3.7 (SPP3.7). FMPs should identify increased bushfire risk associated with new planting areas in their most mature state.
This is consistent with State Planning Policy 2.5 Rural Planning Guidelines Version 3 December 2016 which references SPP3.7.
 - 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.
 - Outline the owners' responsibilities, neighbours' responsibilities, and any engaged local contractor responsibilities.

- Fire Management Plans must nominate a local contact person or contractor who can attend the tree farm in the event of a fire emergency, for installation of fire breaks and regular ongoing maintenance of the tree farm. They must live within a 60 kilometre distance of the lot – refer Clause 8.4.1.
 - The Plan to have clear scheduled regular inspections, a rigorous ongoing maintenance regime with measurable outcomes, which demonstrates a strong management commitment;
 - 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.
3. Include a location/ context plan examining the surrounding land uses and identifying;
 - Other existing or approved tree farms within the immediate vicinity.
 - Any significant surrounding industries or land uses which may impact on fire management such as Rural Industry (hay storage), wood stockpiling, fuel storage etc
 - Identify any residential, rural residential or built up townsites located within 1 kilometre.
 - Identify nearby well vegetated areas or sources which may increase the risk of fire.
 - Increased bushfire risk of mature tree farms for existing development in the vicinity of the development site.
 4. Include a Fire Management Plan (site plan) addressing the guidelines for ‘fire prevention and suppression’ contained in the Code and clearly show;
 - Compartments and compartment sizes.
 - Water supply / points. A rainwater tank with a minimum capacity of 50,000 litres is required.
 - Location of any powerlines passing through planting areas or in close proximity to planting areas and / or proposed firebreaks.
 - 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.
 - Trafficable turnaround areas for emergency vehicles.
 - Location for emergency signage.
 - Emergency access / egress points and internal accessways.
 - Existing or proposed gates where firebreaks/emergency accesses intersect with fencing that can accommodate a 4.4 fire appliance.
 5. Identify the location of any existing habitable and non habitable structures and need for low fuel areas on the lot. DFES Guidelines recommend a 50 metre distance between a planted area and any non habitable structure, and a 100 metre distance to a habitable structure.
 6. Comply with the relevant minimum fire break standards outlined in the Shire of Perenjori’s Fire Break Notice.

Fire Management Plans shall include a clear ‘owners responsibility’ to self-report on firebreak compliance annually to the Shire using a checklist – Annexure 1.

7. Involve consultation with the relevant authority (such as; Department of Water and Environmental Regulation; Water Corporation, the local government 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.

Council must be satisfied that the Fire Management Plan has measurable requirements that can be enforced by the local government through planning conditions. Fire Management Plans that are generic in nature with ambiguous maintenance requirements for ongoing fire management will not be supported.

8.5.1 Bushfire Attack Level (BAL) Contour Map

A Bushfire Attack Level Contour Map may be required as part of any Fire Management Plan in context of any nearby existing development.

This would be particularly relevant where a tree farm may increase the bushfire risk for:

- (i) Any existing habitable dwelling on the lot that is proposed to be retained;
- (ii) Sensitive premises, short stay accommodation; workers accommodation, caravan parks, nature based parks, chalets, or any form of tourist accommodation on adjacent lots;
- (iii) Any land use on an adjacent lot that may attract members of the general public to their premises;
- (iv) Established land uses nearby to the proposed tree farm that may require a higher level of separation and protection.

This may include, and is not limited to hay plants, roadhouses, service stations, bulk storage of hazardous materials, chemical storage; farm machinery sheds, shearing sheds, vineyards, wineries, restaurants, wind farms, land fill sites, reception centres or general stores.

8.6 Water Quality

Adequate buffers are required between any tree farm and watercourses on private land where the end use is not for public water supply.

Buffers can play an important role in maintaining water quality, protecting ecological values of waterways and preventing erosion or sediment movement.

Tree farm applications may be referred to the Department of Water, Environment and Regulation for advice.

8.7 Suitability of road systems (for harvesting only)

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, a Harvest Plan is generally produced in accordance with the haulage-management notification.

Council may also require a report on the general pre-condition of the main haulage roads as part of a Harvest Plan.

In considering adequacy of the existing road structure and harvest plan, applicants and the Council shall have regard for any proposed use of Restricted Access Vehicles.

Any application or Harvesting Plan with land parcels totalling 1000 hectares or greater and located within 10 kilometres of a state controlled road will be referred to Main Roads WA for comment, prior to determination.

9.0 RECORD OF COUNCIL POLICY APPROVAL AND STATUTORY BASIS

Legislation	Description
Statutory Legislation	This Local Planning Policy has been prepared in accordance with Clause 3(1) Schedule 2, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Adoption (initial)	This Local Planning Policy was adopted by Council on the _____ for the purpose of conducting advertising to comply with Clause 4(1) Schedule 2, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Adoption (final)	This Local Planning Policy was adopted by Council on the _____ for final approval in accordance with Clause 4(3)(b) Schedule 3, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Version Control	Version 2 November 2023
Scheduled Internal Review Date	12 months after operation.

ANNEXURE 1

ANNUAL FIRE COMPLIANCE CHECKLIST

(for owners to lodge to the Shire and include in Fire Management Plans)

Lot Details: _____

Property Address: _____

Owners Name: _____

Owner Contact Number: _____ Email: _____

Name of Person Certifying Compliance: _____

Position: _____

Owner Contact Number: _____ Email: _____

Size of Tree Farm: _____

Shire of Perenjori Fire Hazard Reduction and Fire Break Notice			
We/ I certify that that all works have been undertaken to comply with the Shires Firebreak Notice for the year _____ / _____ as follows:			
Requirement of Fire Break Notice	Fire Break Width: _____	Vertical clearance: _____	Date installed Or N/A
We/I also Certify that all necessary works have been completed to comply with the following (as applicable): - <input type="checkbox"/> The DFES Guidelines for Fire Plantation Fire Protection and / or; <input type="checkbox"/> The Code of Practice for Timber Plantations and /or; <input type="checkbox"/> A Fire Management Plan approved by the Shire on the ___ / ___ / _____.			

Signed (Certifier for compliance): _____

Owners Signature: _____

Date: _____

Note: Please attach photographs of installed firebreaks to this checklist.