

## 1. PURPOSE

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the policy provisions and that mere compliance will result in an approval. This approach has produced many examples of inappropriate built form that has a long-term impact on the amenity and sustainability of the locality.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

## 2. SCOPE

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

## 3. OBJECTIVE

- 3.1 To Achieve a consistent, efficient, and equitable system for assessing and approving tree crop applications;
- 3.2 Actively encourage the establishment of tree crops in appropriate locations;
- 3.3 Actively encourage tree crops in areas subject to land degradation, including areas of high salinity, water logging, and high levels of chemical contamination where there are clear natural resource management benefits;
- 3.4 Ensure tree crop development is not undertaken upon land that is considered to be of high agricultural value;
- 3.5 Consider impacts on local road network infrastructure, and to protect surface gravel deposits for the maintenance and construction of these road networks;
- 3.6 Suitable gravel deposits must be made available to the Shire when deemed necessary by the Shire for adjoining road networks.
- 3.7 Recognise that gravel acquisition for adjoining road networks is essential.
- 3.8 To minimise the potential for any loss of population or agricultural land through the use of whole farms, and encourage tree crops that are ancillary to an existing agricultural land use (i.e. broadacre cropping or grazing).
- 3.9 Manage fire risk/management issues for all applications;
- 3.10 Consider the visual impact of tree crops in close proximity and/or viewing distance to town sites, roads of local and regional significance, and areas of scenic beauty;

- 3.11 Encourage operators, managers, government and non-government agencies, investors, and land holders to work in partnership wherever possible;
- 3.12 Encourage operators to abide by the Industry Code of Practice, relevant legislation, State Strategy for Plantations and Farm Forestry and this policy;
- 3.13 Outline the matters required to be addressed for assessment to be undertaken under the planning system and other legislation.

#### 4. POLICY STATEMENT

##### 4.1 Definitions

*'Agroforestry'* means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare.

*'Plantation'* has the same meaning as in the Code of Practice for Timber Plantations in Western Australia (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers.

*'Tree Crop'* means trees planted under the management of one Applicant with an aggregate area greater than 40 hectares and with the intent of producing commercial products. Commercial products include all wood and non-wood products that can be sold to a third party. Wood products are produced when trees are harvested, such as woodchips or sawlogs, while non-wood products include products such as carbon and potentially environmental services.

*'Fire Barrier'* comprising a 26m strip, cleared of vegetation to no more than 300mm with a 2m fire break on either side.

For the purposes of this Policy the term 'Tree Crop' will encompass the definitions of 'Tree Crop', 'Plantation' and 'Agroforestry'.

##### 4.2 Permissibility

Shire of Chapman Valley Local Planning Scheme No.2 lists the following permissibility for the land use of 'Agroforestry':

Zone	Permissibility
Residential	X
Townsite	X
Development	X
Rural-Residential	X
Rural Smallholdings	A
Rural	D

'D' means that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval.

'A' means that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4

'X' means a use that is not permitted by the Scheme.

### 4.3 Application requirements

- a. Completion of an application for Planning Consent Development Application Form

Note: (1) Please note that an application may be made upon land that is not in the ownership of the applicant where the application form is signed by the owner(s) of the land as specified upon the Certificate of Title AND the applicant(s). (2) An application can cover multiple tree crop developments, which may be on different titles, provided they are under the management of one Applicant (the form is required to be signed by the relevant landowners of each title).

- b. The application is to include or be accompanied by the following;
  - i. Map showing location of trees, access roads, structures and buildings, natural features (including native vegetation and water courses), surface gravel deposits and other relevant information, such as hazards and significant features (drawn to scale and to a professional standard);
  - ii. A species list (including approximate density and number to be planted) for the proposal;
  - iii. Information pertaining to the projected volume of water usage;
  - iv. A visual impact assessment may be required where the development site is in close proximity and/or viewing distance from townsite boundaries, roads of regional or local significance, or areas deemed by the Shire to have a high level of scenic or heritage value;
  - v. Provide estimated harvest time(s). It will be a condition of any development approval that a Harvest/Transport Plan be submitted to Council for separate approval 12 months prior to the commencement of harvesting that details expected transport routes, and proposed machinery requirements – refer to notes below;
  - vi. Planning application fee, charged as per Item 1(a) of Planning Fees.

Notes:

#### *Additional Approvals*

- Proposed new buildings and structures relating to a tree crop development may be subject to additional/other applications and approvals of the Local Government and other agencies.
- Should the application propose the clearing of existing remnant vegetation the applicant is required to liaise with the Department of Environment and Conservation to obtain the relevant approvals.

#### *Water*

The Shire may seek advice from the Department of Water to assist in determining the application, with specific reference to ground and surface water impacts. Should the Department of Water raise significant concerns or objections to the proposal the application may ultimately be refused by the Council.

### *Harvest and Transport*

The Shire recognises the future locations of processing facilities in or near the Mid-West region is currently unknown, and it is therefore difficult to prepare a transport plan prior to commencement of tree crop development. Nevertheless, the Shire will require an understanding of expected harvest and transport routes through the Shire at the application stage, with the requirement a transport plan/strategy to be prepared and submitted twelve (12) months prior to the commencement of harvesting depending on scale and nature of harvest.

Where the Shire considers the existing road infrastructure is not adequate to service the future harvest, the applicant/operator will be required to make suitable and safe access arrangements. If a suitable and safe arrangement cannot be identified and there is likelihood that this cannot be secured or improved, the Council may refuse the application.

## **4.4 Continuing Agricultural Activities**

- a. Traditional agricultural activities such as cropping, grazing and food production should generally remain the predominant landuse with agroforestry or plantations as an ancillary and complementary use.
- b. 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:
  - i. The area of each lot;
  - ii. The proportion or percentage of the plantation area on a lot by lot basis. Generally a 50% maximum planting area is encouraged, although each application will be assessed on its merits on a 'case by case' basis;
  - iii. The extent of existing remnant vegetation areas; and
  - iv. Whether a significant portion of each lot can continue to be used for agriculture.
- c. The Shire 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.
- d. This Policy aims to actively encourage the integration of tree planting with agricultural farms. Whilst there are other factors contributing towards reductions of rural population, the Shire wishes to ensure that new landuses do not exacerbate an existing ongoing problem.
- e. The Shire 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.

## **4.5 Application Process**

In processing an application for a tree crop the Shire may:

- a. publicly advertise the proposal for a minimum of 14 days through writing to adjoining/nearby landowners as deemed appropriate by the Shire (Note: the Chief Executive Officer (CEO) retains the right to extend the length of the advertising period); and / or

- b. seek comments, as determined by the Shire, from relevant government agencies and other stakeholders or affected parties.

#### **4.6 Delegation**

Should it be considered by Shire staff that any received submissions can be adequately addressed and/or dismissed, and the application accord with the relevant provisions of this Policy as well as the Shire of Chapman Valley Local Planning Scheme and Local Planning Strategy, the proposal may be approved by the Shire's CEO under delegated authority as afforded by the Shire Council.

#### **4.7 Post Approval**

Should approval be granted the applicant would be required to submit the following information to the satisfaction of the CEO, or in the case of a dispute to the satisfaction of Council, BEFORE planting commences:

- a. Management Plan as per checklist based on the Code of Practice for Timber Plantations in Western Australia (2006) inclusive of vermin and pest control strategy and weed control strategy;
- b. Level of compliance with the specifications and guidelines in the Code of Practice for Timber Plantations in Western Australia (2006);
- c. The preparation of a Fire Management Plan, to be included as a part of an overall Management Plan, that details access, fire barrier (minimum width of 30m for perimeter fire barrier), water supplies, separation distance between plantings and setbacks from off-site dwellings (FESA's Guidelines for Plantation Fire Protection (1998) will be used to assess Fire Management Plans in applications); &
- d. That tree planting areas shall not exceed 200ha without 30m fire barrier between tree planting areas.

### **5. REFERENCES AND ADOPTION**

Shire of Chapman Valley Local Planning Scheme No.2

*Planning & Development Act 20053*

Code of Practice for Timber Plantations in WA

Guidelines for Plantation Fire Protection

*Adopted at the 19 February 2014 Ordinary Meeting of Council*