

Scheme Provisions:

LPS #11 3.2 Zoning Table - Tree Farm
LPS #10 4.1 Zoning and Development Table - Agroforestry

Other References:

Shire of Northampton Local Planning Scheme No. 10
Shire of Northampton Local Planning Scheme No. 11
Planning and Development Act 2005
Code of Practice for Timber Plantations in Western Australia (2014)
Guidelines for Plantation Fire Protection (2011)

Special procedural considerations:

The Shire at its discretion may advertise the proposed use within a designated locality to ascertain the views of nearby residents and relevant government departments prior to the application being considered.

1.0 CITATION

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Shire of Northampton Local Planning Schemes: No. 10 - Northampton District; and No. 11 - Kalbarri Townsite* ('the Scheme'). It may be cited as the Agroforestry and Tree Farms local planning policy.

The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area. In making a determination under the Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with the Scheme.

2.0 OBJECTIVE

- 2.1 Achieve a consistent, efficient, and equitable system for assessing and approving tree crop applications.
- 2.2 Actively encourage the establishment of tree crops in appropriate locations across the Shire of Northampton.
- 2.3 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.
- 2.4 Tree crops are to be complementary and ancillary to the predominant traditional agricultural land uses of the area.
- 2.5 Consider impacts on local road infrastructure and fire risk/management issues in all applications.
- 2.6 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.

- 2.7 Encourage operators, managers, government and non-government agencies, investors, and land holders to work in partnership wherever possible.
- 2.8 Encourage operators to abide by the Industry Code of Practice, relevant legislation, State Strategy for Plantations and Farm Forestry and this policy.
- 2.9 Outline the matters required to be addressed for assessment to be undertaken under the planning system and other legislation.
- 2.10 The Council recognises that other matters, not listed above, may be raised during assessment of applications, such as submissions by third parties, which will be noted but not necessarily used in determining an application. As such matters may be covered by other legislation, fall under the responsibility of other agencies, or may not be considered relevant or valid planning considerations.

3.0 POLICY STATEMENT

3.1 Definitions

For the purposes of this policy:

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

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

'Plantation' has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia* (2006) 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.

'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.

3.2 Background

This Policy applies to agroforestry, tree farms and tree crops, otherwise termed 'Tree Crops' for the purpose of this Policy, that has the potential to become a prominent land-use across the Shire where landholders and private investors seek to:

- capitalise on emerging opportunities for farm forestry;
- diversify income streams; and
- gain on farm environmental benefits that can be realised from integrated tree crops.

Given the increasing opportunities and interest in tree crop development it is timely for local governments to ensure that these developments where possible are adequately managed to avoid environmental and/or land-use conflict that could potentially arise, and optimise the potential benefits to the community.

These issues now have been addressed in various ways, the most significant being the *Code of Practice for Timber Plantations in Western Australia* by the Australian Forest Growers (WA) group in conjunction with the Department of Conservation and Land Management, and the subsequent review of that document. The code of practice is available from: www.forestindustries.com.au

Therefore, this Policy seeks to clarify the Council's position on the establishment of tree crops.

3.3 General Planning Considerations & Application Requirements

This policy applies to all 'General Rural' zoned land in the *Shire of Northampton Local Planning Scheme No.10 - Northampton District* and 'Rural' zoned land within the *Shire of Northampton Local Planning Scheme No. 11 - Kalbarri Townsite*.

3.3.1 General Planning Considerations

In planning for tree farms consideration should be given to the following:

- a) The provisions of the code of practice.
- b) Impact of high-value land and water resources in areas of agricultural significance.
- c) The environmental, social and economic effects of tree farm development.
- d) The capacity of the regional and local road network to service timber harvesting needs.
- e) The visual landscape, including the need to protect and enhance areas of high scenic quality.
- f) The compatibility of tree farms with adjacent land uses.
- g) The proximity to any land zoned or earmarked for residential development, with the desire to maintain at least a 1 kilometre buffer.
- h) Acceptable separation distances between the tree farm use and any use which may be sensitive to the proposal or the exposure of pesticides (mainly if any aerial spraying is proposed).

3.3.2 Application Requirements

In the absence of more prescriptive details as to what the Council considers to constitute 'agroforestry' and 'tree farms', and recognising there could be a degree of overlap between the respective definitions, for the purpose of this policy in assessing applications, the Shire will require the following:

- a) Completion of an Application for Development Approval 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) 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. An explanation of how the application complies with the Code of Practice);
 - iv. Information pertaining to the projected volume of water usage;
 - v. A fire management plan which includes details on access, fire barrier, water supplies, separation distance between plantings and setbacks from onsite and off-

site dwellings (*Department of Fire and Emergency Services Guidelines for Plantation Fire Protection* (2011) will be used to assess Fire Management Plans in applications);

- vi. 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;
- vii. 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; and
- viii. Development application fee, charged as per Item 1(a) of Planning Service 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 Water and Environment Regulation to obtain the relevant approvals.

3.3.3 *Additional Considerations*

Water

The Shire may seek advice from the Department of Water and Environment Regulation to assist in determining the application, with specific reference to ground and surface water impacts. In particular applications will need to have regard for the Department's Water Quality Protection Note 'Vegetation buffers to sensitive water resources'. Should the Department 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 of a transport plan/strategy to be prepared to the requirements and approval of the Shire and Main Roads WA and that this plan be submitted twelve (12) months prior to the commencement of harvesting depending on scale and nature of harvest.

Where the Shire and/or Main Roads WA 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.

3.4 Consultation Requirements

3.4.1 In processing an application for tree crops 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.

3.4.2 Should there be no objection, and the application accord with the relevant provisions of this Policy as well as the Shire of Northampton Local Planning Schemes and Local Planning Strategies, the proposal may be approved by the Shire's Chief Executive Officer (CEO) under delegated authority afforded by the Shire Council.

3.5 Additional Information on 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 (2014)* inclusive of vermin and pest control strategy and weed control strategy; and
- b) Level of compliance with the specifications and guidelines in the *Code of Practice for Timber Plantations in Western Australia (2014)*.

4.0 RESPONSIBILITY	Chief Executive Officer as per the Delegations Policy and Register		
5.0 ADOPTION	16 December 2011	Advertising	(Minutes 12.8.4)
	14 March 2012	Final Adoption	(Minutes 12.8.4)
	V2 16 June 2014	Advertising / Final Adoption	(Minutes 6.8.1)
	V3 15 June 2018	Advertising / Final Approval	