



SHIRE OF MANJIMUP AGROFORESTRY AND TREE PLANTATION ISSUES PAPER

**Accompanies Local Planning Policy 6.1.40 - Agroforestry and Tree
Plantations which was adopted by Council at its meeting on
15 December 2005**



DECEMBER 2005

SHIRE OF MANJIMUP AGROFORESTRY AND TREE PLANTATION ISSUES PAPER: DECEMBER 2005

1. Purpose and overview of Issues Paper

The purpose of this Issues Paper is to provide background information, a summary of issues and outline preliminary conclusions relating to agroforestry and tree plantations. The Issues Paper was primarily intended to encourage informed debate during the public comment on the Draft Agroforestry and Tree Plantation Local Planning Policy during July – September 2005, although it has been amended to reflect various submissions. While the Issues Paper is not intended to address matters in great depth, it has been produced with the goal of explaining the legislative and policy framework, the roles and responsibilities of relevant agencies and to encourage informed debate in the community.

The Issues Paper was formulated through discussions held with State Government departments, feedback provided to the Shire with recent planning applications for tree plantations, decisions made and comments provided by the Council, through undertaking a literature review and through an assessment of submissions on the Draft Agroforestry/Tree Plantation Local Planning Policy and the Draft Issues Paper.

This Issues Paper consists of the following sections:

1. Purpose and overview of Issues Paper
2. Background to agroforestry/tree plantations
3. Statutory and policy basis for agroforestry/tree plantations
4. Issues associated with agroforestry/tree plantations
5. Future statutory and policy framework for agroforestry/tree plantations
6. Conclusion and next steps

Attachments

2. Background

2.1 Number of plantings and coverage

Since 1994, the Shire has received approximately 100 planning applications for agroforestry and tree plantations and these cover an area of approximately 8800 hectares. To date, no planning application for agroforestry or tree plantations has been refused in this Shire.

The Council's Local Planning Strategy, using Agriculture Western Australia information from 1996/97, outlines that farming land in the Shire of Manjimup covers an area of approximately 94,000 hectares. If fully implemented, the area covered by approved tree plantations applications to date would result in

approximately 9.0% of the Shire's farming area being occupied by tree plantations.

2.2 Roles and responsibilities

There are a considerable number of stakeholders involved directly and indirectly with agroforestry and tree plantations. This section will summarise the roles and responsibilities of governments at a federal, state and local level and other stakeholders.

Federal Government – is clearly the major recipient of taxes compared to other levels of government including that it collects the fuel excise. Has key roles in transportation, natural resource management (including improving water quality) and provides taxation incentives for encouraging plantations (such as through its Plantations 2020 Strategy). Various departments are involved directly or indirectly on issues relating to agroforestry/tree plantations.

State Government – Again, various departments are involved directly or indirectly on issues relating to agroforestry/tree plantations. These include the Department for Planning and Infrastructure, Department of Agriculture, Department of Environment, Fire and Emergency Service Authority, Forest Products Commission, Department of Conservation and Land Management, Main Roads Western Australia, Department of Health and the State Administrative Tribunal. The State Government's role includes identifying 'Priority Agriculture' and 'General Agricultural' areas, addressing and regulating water quality and water quantity issues, natural resource management, fire management, undertaking regional planning, promoting regional development, addressing health impacts, providing/regulating key transportation infrastructure and determining planning appeals.

Local government – roles include developing local planning strategies, identifying 'Priority Agriculture' and 'General Agricultural' areas, assessing planning applications for tree plantations, maintaining the local road network, fire management and addressing health impacts.

Other stakeholders – include landowners, tree plantations operators, natural resource management groups, peak bodies, lobby groups and the local community. There are wide-ranging views within these stakeholders, with many undertaking a lobbying role or providing information to decision-making bodies and the broader community.

3. Statutory and policy basis for agroforestry/tree plantations

This section will summarise relevant legislation, strategies and policies that provide the statutory and policy framework for agroforestry/tree plantations in the Shire of Manjimup. Again, it is not intended to explain matters in depth, nor does it cover all relevant legislation and non-legislative documents relating

to agroforestry/tree plantations. This section is however intended to show that many government agencies and other stakeholders are involved in the regulation and management of issues associated with agroforestry and tree plantations.

3.1 Legislation

3.1.1 Town Planning and Development Act

Provides the legislative basis for Town Planning Schemes and is administered by the Western Australian Planning Commission and local government.

3.1.2 Shire of Manjimup Town Planning Scheme No. 2

Legally, under the Shire of Manjimup Town Planning Scheme No. 2 (TPS2), tree plantations are able to be planted in the 'Rural' zone (which covers the majority of privately owned land outside of townsites) subject to the Shire issuing planning approval.

An extract of TPS2 relating to agroforestry and tree plantations is provided in **Attachment 1**.

3.1.3 State Administrative Tribunal Act

Amongst matters, provides applicants the opportunity to appeal to the State Administrative Tribunal against planning decisions made by local government. This includes where a decision is refused, unacceptable planning conditions are applied or where the local government does not make a decision within the statutory timeframe.

3.1.4 Rights in Water and Irrigation Act

This legislation is administered by the Department of Environment and addresses, amongst matters, water allocation in licensed areas. Within the Shire of Manjimup, the licensed areas are the Donnelly River Catchment and the Warren River Catchment.

3.1.5 Environmental Protection Act

This legislation is administered by the Department of Environment and seeks to prevent, control and abate environmental pollution as well as conserve, preserve, protect and enhance the environment. Provides the basis to assess proposals and prepare environmental protection policies.

3.1.6 Aerial Spraying Control Act

This legislation is administered by the Department of Agriculture and is accompanied by Aerial Spraying Control Regulations. Applies to agriculture generally, not specific to plantations.

3.1.7 Agricultural Produce (Chemical Residues) Act

This Act is to provide for the regulation or prevention of certain chemical residues in agricultural produce and is accompanied by the Agricultural Produce (Chemical Residues) Regulations.

3.1.8 Tree Plantations Agreements Act

State legislation guaranteeing ownership and defines the relationship regarding carbon rights.

3.1.9 Health Act

Administered by the Department of Health and local government and is designed to ensure that standards of public health are maintained.

3.1.10 Soil and Land Conservation Act

This legislation is administered by the Commissioner for Soil and Land Conservation/Department of Agriculture and is designed, amongst matters, to prevent land degradation and encourage appropriate land management practices.

3.1.11 Bush Fires Act

Seeks appropriate fire protection measures on individual properties. The Act is administered by local government.

3.1.12 Forest Products Act

This legislation is administered by the Forest Products Commission and enables it to lease land and to share-farm with tree crops.

3.2 Policies and Adopted Strategies

3.2.1 Western Australian Planning Commission's Farm Forestry Policy

The Western Australian Planning Commission (WAPC), on behalf of the State Government, released its Draft Farm Forestry Policy for public comment in April 1999. The draft was amended following the receipt of submissions and was adopted as policy by the WAPC in April 2000. The Minister for Planning and Infrastructure subsequently required modifications and in February 2003, the revised Farm Forestry Policy was released for public comment (refer to **Attachment 2**). At this stage, the revised policy has not been finalised and is still subject to review.

3.2.2 Guidelines for Plantation Fire Protection Policy

Produced by the Fire & Emergency Services Authority and the WAPC and provides guidelines for effective management of tree plantations.

3.2.3 Warren-Blackwood Regional Strategy

Produced by the WAPC in 1997, it overall supports agroforestry/tree plantations (pages 67 – 68) but notes that there are still issues to resolve including water run-off, visual impact, fire management and maintaining local roads.

3.2.4 Warren-Blackwood Rural Strategy

The strategy, produced by the WAPC in 2004, seeks to introduce the principles of sustainability and natural resource management into the planning system. The strategy notes that there are significant advantages to the environment and the community of agroforestry over tree plantations.

3.2.5 Statement of Planning Policy 2.5 Agriculture and Rural Land Use Planning

Produced by the WAPC. Overall, the policy seeks to protect agricultural land resources and establishes a system of 'Priority Agriculture' and 'General Agriculture' areas across Western Australia.

3.2.6 Shire of Manjimup Local Planning Strategy

The Shire of Manjimup Local Planning Strategy (LPS) highlights the need for an appropriate policy framework to be established. There appears to be overall support for agroforestry. Tree plantations appear to be encouraged in some Planning Precincts and not mentioned (possibly discouraged) in other Planning Precincts. In various instances, the use is mentioned as part of the 'Planning and Land Management Considerations' section but not in the 'Land Uses' or "Subdivision and Development Guidelines'. Specific statements from the LPS are outlined in **Attachment 3**.

In line with State Government policy, the LPS identifies Priority Agriculture and General Agriculture areas (refer to **Attachment 4**) for rural areas of the Shire.

3.3 Codes of Practice and other information

3.3.1 Code of Practice for Timber Plantations in WA

The Code of Practice sets out goals and guidelines for specific areas, including management plans, plantation location, planning and design, plantation roads, weed and pest control, stream protection, drainage, harvesting, fire prevention and control, research and development, safety and investment.

The Code of Practice seeks to ensure that plantation practice is compatible with a range of environmental values and responsible land management. The Code of Practice is intended to complement related Acts, regulations, management plans, other codes of practice, local government planning

schemes and State and National statements that relate directly or indirectly to plantations.

3.3.2 Council policy, information sheets and standard planning conditions

Until now, the Council has not had a policy on tree plantations. In its absence, it has relied on the statutory basis from the Shire of Town Planning Scheme No. 2 and assessed individual applications on their merits. The Shire does however have an information sheet, produced a number of years ago, which in part states:

'The Shire of Manjimup supports the establishment of commercial tree plantations as a viable substitute for native forest timber production in the wake of new state government policy and timber allocation reductions and as a means of diversifying the local economy in an environmentally effective and sustainable manner.'

The standard conditions and advice that are typically applied to planning approvals are outlined in **Attachment 5**.

4. Issues with agroforestry/tree plantations

It is clear that the issue of agroforestry/tree plantations draws a range of views in the local community and other stakeholders from positive support to strong opposition. To determine the relevant benefits and disadvantages of agroforestry and tree plantations and to 'draw' out issues for discussion in the public comment period during July – September 2005, this section will outline a number of issues raised by the community and others on different occasions. Following an assessment of submissions, the next section is updated as considered appropriate by Council.

It is highlighted that the list of issues are not exhaustive and that many of the issues are interrelated, however they are outlined in separate sections for ease of discussion. At the end of each issue is the Council's concluded position to the issue.

Issues outlined in the section are:

1. Future expansion in the number and coverage of plantations
2. Are tree plantations a crop and should the planning system be involved?
3. Land use compatibility and risk
4. Loss of prime agriculture land
5. Agroforestry versus tree plantations
6. Water quality
7. Water quantity
8. Chemical impacts
9. Transportation (roads and rail)
10. Fire risk and management
11. Natural Resource Management
12. Socio-economic benefits and impacts

13. Visual impact
14. Impact on land values
15. Feasibility of removing tree stumps
16. Harvesting noise

4.1 Future expansion in the number and coverage of plantations

The Council acknowledges that it is difficult to determine what the future take-up rate of new tree plantations will be in this Shire, given investment decisions are a matter for landowners and tree plantation operators. The Council does however expect that in the foreseeable future, there will be on-going growth in the number of tree plantations locally, given factors such as the demand for plantations is likely to continue for the foreseeable future, the Federal Government tax treatment, market conditions are currently more favourable for tree cropping compared to various other agricultural activities and the favourable growing conditions for tree cropping within this Shire compared to lower rainfall areas.

While agroforestry/tree plantations are expected to be established on rural land throughout the Shire, it is expected that a larger proportion of tree plantations will occur on land with relatively lower capability where land prices are lower compared to higher capability land with more substantial water supplies. On higher capability land with more substantial water supplies, tree cropping faces greater costs and competition with other agricultural uses.

Over time, in response to changing market conditions, it is expected there will be corresponding changes in the number and coverage of plantations in this Shire, like there have been for other crops and agricultural uses. A significant unknown issue relates to Carbon Credits and the potential for land to be locked up indefinitely. Should the Federal Government sign, for instance, the Kyoto Agreement, it will be necessary to review the implications for this Shire.

Conclusion – The number and coverage of plantations is expected to increase in this Shire in the foreseeable future subject to the continued taxation policy prevailing.

4.2 Are tree plantations a crop and should the planning system be involved?

This is an important issue and includes wide-ranging considerations including:

- the role of government dictating which agricultural uses are acceptable or not acceptable;
- private landowner decisions and 'property right' considerations ('right to farm') issues;
- whether the planning system is the most appropriate method to control/enforce management; and
- consistency of approach between tree plantations and other rural uses.

Overall, the Council suggests that in a free market, agroforestry/tree plantations are considered an acceptable form of rural land use and are best

described as a 'crop' (for the purposes of the planning system). This position is consistent with the State Government's planning objectives, including the Warren-Blackwood Rural Strategy (page 47), which seeks to protect agricultural land from inappropriate non-agricultural activity. For instance, following post harvest, land occupied by tree crops can revert to other agricultural pursuits and is therefore not irreversibly lost to agriculture. Further, imposing controls over the type of crop which can be grown, be it potatoes, vines or trees could be seen as somewhat 'draconian' and may impact a landowner's ability to reasonably maximise the land's potential.

The above views have been clearly expressed in various planning studies which invariably show great indignation from landowners not wanting to be dictated to. This is even more critical if a higher financial return can be obtained through agroforestry/tree plantations compared to other agricultural pursuits.

Traditionally, town planning dealt with urban development and uses through a range of planning controls and town planning scheme provisions, but agricultural land uses were considered 'as-of-right' with no need for planning controls. With the introduction of new and more intensive agricultural uses, a range of environmental pressures and the introduction of a number of non-agricultural uses into rural areas, there has been a greater tendency to try to 'control' these new developments and uses with increasing planning regulation. However, strong regulatory control through the planning system is not always appropriate for agricultural uses for reasons including:

- there are inconsistencies between the various agricultural uses and the standards for applying controls between various local governments' leads to confusion among the community about the requirements and the reasons for each. For example, there are different legal requirements between agricultural uses (orchards, vineyards, broad acre cropping and grazing) which are considered to be 'as-of-right' and tree plantations which require the submission of a planning application;
- the system would be inefficient, requiring considerable staff resources for processing compliance inspections and involve significant paperwork and delays for farmers for a questionable benefit;
- reliance solely on conditions of planning approval as a means of planning control is weak and ineffective as the conditions can be difficult to enforce effectively through the legal system (especially where other legislation specifically addressed the issue); and
- Council has reservations as to whether it is an effective and efficient use of planning staff resources to receive numerous planning applications and undertake on-going compliance for all tree plantations.

While noting the above, the planning system at this stage still has a legal requirement to be involved in assessing planning applications for tree plantations in this Shire until there is a change to the Town Planning Scheme. This will be further considered by the Council, the community and stakeholders through the review of the Shire of Manjimup Town Planning Scheme No. 2.

Finally, the planning system has a clear role, backed up by legislation, to consider the appropriateness of non-rural uses and new buildings in rural areas.

Conclusion – While trees are considered to be a ‘crop’, for the purposes of the planning system, there is still a legal requirement to assess planning applications for agroforestry/tree plantations in this Shire until there is a change to the Town Planning Scheme.

4.3 Land use compatibility and risk

Concerns have been raised by sections of the community and adjoining/nearby landowners as to the risks associated with tree cropping. Questions have also been raised regarding the associated compatibility of agroforestry/tree plantations with adjoining/nearby land uses.

Overall, based on the information the Council has received from State Government agencies and through its own assessment, agroforestry/tree plantations may present a ‘risk’ to adjoining land uses/operations, however the key issues are considered to be the level of risk and whether appropriate management ‘systems’ are in place to manage the risk. Additionally, compared to other forms of agricultural production or non-rural uses, then the risks associated with agroforestry/tree plantations are considered to be relatively low.

It is likely there will be increased ‘land use conflicts’ and associated risks between many forms of rural activities in this Shire and throughout the South-West Region without actions, such as the following, being addressed:

- the provision of suitable information on anticipated/actual impacts of rural activities which are known by all stakeholders;
- adoption by all rural operators of ‘best practice’ for their industry;
- landowners/operators adopting a ‘Good Neighbour Strategy’ including for tree crops that adjoin ‘sensitive sites’ (considered to be a Council approved aquaculture development that has current approvals);
- the provision of suitable buffers in order that possible impacts are contained within the subject land. This will require landowners to be proactive to provide buffers on their own property to protect their land use; and
- the Department of Environment and/or Department of Environment ensuring that, in rural areas, water quality and quantity within watercourses and groundwater supplies is sustainable (economically, socially and environmentally).

The above points are not exhaustive, however they highlight the need for effective partnerships between a range of stakeholders to minimise land use conflicts and promote sustainability principles.

Conclusion – Agroforestry/tree plantations present a low level of risk to adjoining/nearby landowners and uses if the tree cropping is suitably managed within property boundaries and a ‘Good Neighbour Strategy’ is applied.

4.4 Loss of prime agriculture land

The community has raised the issue regarding the ‘loss’ of good quality agricultural land, in particular high capability horticultural land, as a result of tree plantations being approved and planted.

There is no question that significant sections of rural land within the Shire is ‘prime agricultural land’ given its high land capability, water availability and that considerable areas are identified as ‘Priority Agriculture’ in the endorsed Local Planning Strategy. The key planning objective within Priority Agricultural areas is that inappropriate non-agricultural land uses (such as residential or rural-residential development) are not developed on the land and the land is available in the longer term for rural uses.

In areas identified as ‘General Agriculture’ in the endorsed Local Planning Strategy, which also contain considerable areas of prime agricultural land, the purpose is:

‘To provide for the sustainable use of rural land which primarily accommodates a range of rural pursuits compatible with the capability of the land and which retains the rural character and amenity of the locality’ (page 182).

Agroforestry and tree plantations are land uses which are encouraged in General Agricultural areas in the Local Planning Strategy.

Many people may wish to see the ‘highest and best use’ being achieved for rural land, such as horticulture or viticulture and correspondingly suggest that tree plantations should locate onto either marginal land or into lower rainfall areas. While such an approach has merit, it raises important issues regarding the role of government agencies dictating which agricultural uses landowners can or can not undertake. The Council considers that subject to the land being appropriately managed and rural activities not causing demonstrated off-site impacts, then it is up to individual landowners to determine what agricultural uses should occur on their property.

While there is wide-ranging community views on tree plantations, the Council suggests that tree plantations are best described as a ‘crop’ (for the purposes of the planning system) and that tree plantations do not ‘take out’ good agricultural land permanently out of production. In terms of long-term planning, plantations are considered consistent with the Priority Agriculture classification.

Conclusion – Agroforestry/tree plantations do not permanently take land out of agricultural production and are considered consistent with the planning objectives for rural areas, however are considered more suitable in General Agricultural areas.

4.5 Agroforestry versus tree plantations

Ideally, on various properties, the Council suggests that agroforestry is preferable to tree plantations for reasons including:

- it enables multiple rural uses to co-exist and assists to diversify the income generated for the property and in a wider sense in the local economy;
- it may assist to foster social benefit and minimise potential impacts of 'whole of farm' tree crops;
- smaller areas of tree planting can assist to address natural resource management matters, may assist to minimise water quantity concerns and may assist to make it easier to manage fire risk; and
- it assists to increase the rural 'mosaic' of the landscape which can be beneficial in terms of visual amenity.

While noting the above, there are increasing pressures for larger plantations due to economies of scale and it is suggested this will be a matter for landowners and the market to decide (provided, for instance, that appropriate fire management measures are put in place). Again, unless substantive issues are demonstrated and the Council has appropriate legal backing, the Council has difficulties in refusing tree plantations. This however may not achieve a desired outcome from sections of the community and various stakeholders.

Some sections of the local community have raised issues regarding the 'monoculture' characteristics of tree plantations and that Tasmanian Bluegums are not indigenous to the Shire. In response, provided that no unauthorised clearing occurs without valid Department of Environment consent, these matters are not considered sound planning reasons to refuse tree plantation applications. For instance, rural areas within the Shire predominantly consist of non-indigenous crops/animals and many properties have monoculture characteristics.

Conclusion – Agroforestry is preferred to tree plantations in various instances, however it will be a matter for landowners and the market to decide which agricultural land use is suitable for the property.

4.6 Water quality

The Department of Environment and/or the Department of Water have responsibility for regulating surface water in licensed areas within the Shire of Manjimup including monitoring for water quality.

Overall, the advice received from relevant State Government agencies is that tree crops assist to improve catchment management including through controlling salinity and restoring water quality. For instance, nutrient levels applied to tree crops are low by comparison with other crops, therefore possible nutrient run-off is lower.

Water quality can be enhanced even further through the retention of riparian indigenous vegetation near watercourses or the replanting of indigenous vegetation near watercourses to create a buffer/filter.

To assist in raising awareness and to assist in promoting improvements to water quality, the Council requires proponents who submit a planning application for agroforestry and tree plantation uses to also submit an impact statement on water quality (and quantity). The impact statement is required to outline the anticipated effects of the proposed tree crop on downstream water quality (and quantity) of the property which is immediately downstream of the application site.

<p><i>Conclusion – Tree crops, overall, improve water quality and the retention/replanting of indigenous vegetation near watercourses is encouraged.</i></p>
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4.7 Water quantity

This is a key issue including the possible effect of tree crops reducing surface runoff to dams in horticultural areas.

In licensed areas, the Department of Environment has responsibility for ensuring that water quantity within watercourses and groundwater supplies is sustainable (economically, socially and environmentally). In this Shire, the Department of Environment is currently the agency responsible for licensing surface water (allocating and monitoring) within the Donnelly and Warren River Catchments through the Rights in Water and Irrigation Act. The Department of Environment is not required to licence water use from tree crops or native vegetation where water is captured from overland flow. Water that is taken directly from on-stream dams or watercourses and is then used for commercial purposes requires a licence.

Water quantity issues have been considered on numerous tree plantation applications in 2004 and 2005. While the Council seeks additional information on long-term implications on water quantity from the Department of Environment and/or Department of Water, the advice provided to the Council in recent months is that they have not raised any objection relating to individual tree plantations or have raised concerns regarding cumulative impacts of additional tree crops in this Shire. The Department of Environment has also advised that there is no landowner 'right' to receive water, from off-site, via non-defined watercourses. Even within defined watercourses, the Department of Environment can give no guarantee as to the availability or quantity of water available to landowners. As a consequence of the

regulatory limitations and anticipated changing climatic and rainfall patterns, the Department of Environment can not provide a guarantee of water supply for a specific purpose. Based on this advice, the Council suggests that landowners will need to recognise the limitations regarding the availability of water and also adjust their expectations regarding the 'right' to receive water.

Given the above, it is suggested there is a need for the Department of Environment and/or Department of Water to run models regarding various scenarios including the proportion of tree crops covering a catchment to determine possible future cumulative impacts on water quantity.

There are a number of key issues associated with water quantity including:

- current/future investment for agricultural uses (particularly horticulture) is based on obtaining a certain volume of water;
- the impacts on down-stream flow;
- a comparison of water take-up rates by bluegums versus indigenous vegetation (including pre-clearing stream flow rates);
- climate change has influenced the move of plantation companies' focus back to high rainfall area (in addition to economic factors). It is reported that there has been a 9% reduction in rainfall in the last 15 years and the CSIRO forecast a 20-25% decrease over next 20-25 years. This, in-turn, could result in a far greater decrease in the rate of surface water runoff and stream flows;
- an increased awareness for 'environmental' flows; and
- State Government advice reveals that the issue of surface water is a natural resource management issue rather than Shire concern at planning application stage.

The meeting held on 8 November 2005 by the Council, Shire administration and submitters, who identified water quantity in their submissions during July – September 2005, revealed there is a need for considerable more research by agencies such as the Department of Water, the plantation industry and others. Realistically, detailed information that can be critically relied on in appeals to the State Administrative Tribunal is likely to be a few years off, unless studies are 'fast-tracked' for certain catchments and sub-catchments. Based on the above, the Council recognises that there is a need for further research from specialised natural resource management agencies/groups.

To assist in raising awareness and to assist in addressing water quantity, the Council requires proponents who submit a planning application for agroforestry and tree plantation uses to also submit an impact statement on water quantity (and quality). The impact statement is required to outline the anticipated effects of the proposed tree crop on downstream water quantity (and quality) of the property which is immediately downstream of the application site.

Conclusion – A critical issue that will require further consideration from the Department of Environment, Department of Water and others through increased research, however it is suggested that landowners will need to

adjust their expectations regarding the 'right' to receive water unless there is legislative change.

4.8 Chemical impacts

This issue centres on the concern of spray drift, including aerial spraying, impacting human health, off-site plants and animals (including marron) and the natural environment.

The advice received from relevant State Government agencies is that the risk posed by chemicals applied on tree crops is low provided that landowners/operators adopt best practice. For instance, per hectare, tree crops have very low usage compared to vineyards (vineyards in comparison do not require planning approval in this Shire).

Advice received reveals that most blue gum plantations only use one insecticide for the first four years and tend not to spray after five years because of poor cost benefit

A particular issue raised is the impact of chemicals applied to tree crops on marron. The Council is advised that certain sprays are potentially lethal to marron. It is understood that research continues for better products and devising strategies to minimise risks. Part of this may involve examining the costs/benefits of not using chemicals, investigating chemicals that pose less risk to crustaceans and notifying of spray schedules. Accordingly, there appears to be a need for the tree plantations industry and the aquaculture industry, at a State and local level, to develop practical partnerships, share information and both seek to adopt best practice. The policy seeks to promote good neighbourly relations and management between tree crops and aquaculture operators.

Aerial application of chemicals is noisy and highly visible and attracts complaints. The advice provided to the Council, from relevant State Government agencies, is that pilots who apply chemicals are appropriately trained and are dependent on licence. Where over spraying has occurred, the advice received is that the sprays break down quickly, however the issue of evidence is very difficult to measure should any off-site impacts occur.

The Council, through determining recent planning applications, has not supported planning conditions limiting aerial and associated spraying of chemicals given:

- existing legislation, other than the Town Planning and Development Act, specifically and more effectively addresses chemical spraying issues;
- State Government agencies are primarily responsible for administering chemical use/management;
- there are resource and associated unbudgeted issues for local government to get involved; and

- planning conditions that seek to restrict chemical spraying are likely to be successfully appealed to the State Administrative Tribunal.

Conclusion - The risk posed by chemicals applied on tree crops is low provided that landowners/operators adopt best practice, including being particularly mindful of sensitive sites in the design and management of their plantation. Further, the planning system is not the appropriate mechanism to address chemical impacts.

4.9 Transportation (roads and rail)

Concerns have been raised regarding the use of the road network by timber haulage heavy vehicles. The timber industry represents a unique challenge to the road infrastructure network. Although harvests are infrequent (approximately every 7-10 years), the demand on roads at harvest time is heavy and the potential for damage to the road network is high.

In considering this matter, it is highlighted that the Council has an obligation and requirement to provide road access for vehicles up to a certain size (semi trailer). Larger vehicles (road trains, B doubles) have a standing right to access most State roads and highways and may access local roads with a permit. The Council, therefore, may not prohibit timber haulage and must accept responsibility for wear and tear on roads.

With respect to timber industry transport, the Shire administration has implemented the following procedures to manage the impact of timber harvesting on roads with the full cooperation of the major timber industry operators:

- roads are assessed prior to the Shire approving timber plantations to determine potential issues with harvest access;
- prior to harvest, the Shire and timber company assess the roads proposed to be used;
- where safe and practical, the Shire may authorise the use of larger trucks (B doubles) for haulage. The benefit of doing so is that the number of truck movements can be halved reducing the overall risks and damage to roads;
- where safety or road function issues are identified, improvements are carried out to the road, generally by the timber company, or by the Shire at the timber company's expense and sometimes by the Shire at the Shire's expense depending on determined responsibility;
- haulage operations proceed in accordance with the Timber Industry Code of Practice and conditions set by Council and Main Roads WA (including schedules and communication on school bus routes);
- operations are monitored by the Shire. Generally, the Shire has a good rapport with the timber industry and any problems which arise are quickly resolved by mutual cooperation. Further, various timber companies are more cooperative than other industries such as being proactive with school bus operators and pre-inspections; and

- the roads are inspected post-harvest and damage to the roads (other than normal wear and tear) is made good, generally at the harvesting company's expense.

There have been on-going negotiations and lobbying by Council regarding heavy haulage trucks on the South Western Highway and seeking increased money collected through the fuel excise spent on roads.

The issue of logging trucks on the highway system between Manjimup and Bunbury continues to be investigated by the Department for Planning and Infrastructure and Main Roads WA. The Council is participating in this investigation in an advisory and lobbying capacity. This issue crosses several Shire boundaries, impacts on many communities and is important to the State transport strategy, not just the local Shire transport strategy. Correspondingly, issues remain as to whether the railway between Manjimup and Bunbury will be upgraded and encouraged to be used by the timber industry.

In addition to the above, there are issues of consistency between the road use and impacts of other agricultural activities (including dairies, horticulture etc) which see more constant use compared to the harvesting of tree crops which occurs over short period. The Warren-Blackwood Rural Strategy (page 47) states there is a need to:

'develop a fair and equitable formula for road upgrading and maintenance contributions from all rural product hauliers in proportion to their impacts on those roads.'

Finally, when a tree plantation is located and or designed in a manner that requires the use of roads on Department of Conservation and Land Management (CALM) managed land, CALM cannot guarantee that access roads on land that it manages will be constantly available for use in the future or that they will be maintained to a standard that enables future use. If CALM managed roads are used for tree plantation management, it is understood that CALM will apply the 'user pay' principle.

Conclusion – Harvesting tree crops can cause impacts to the local road system however arrangements, to date, have seen effective partnerships with timber operators to address road issues. The Council would prefer to see the Manjimup-Bunbury rail system effectively used and/or the South Western Highway suitably upgraded.

4.10 Fire risk and management

Advice received from relevant State Government agencies, the Shire's Rangers and from other stakeholders suggests that plantations have higher fire risks in the first couple of years of being planted and then have reduced fire intensity for a number of years if appropriately managed. Therefore, fire risk varies at different stages of the tree crops development.

Plantation fires can be intense, although not as intense as native forest. Overall, if appropriately designed (through Fire Management Plans addressing matters such as firebreaks, setbacks, vehicle access), and if appropriately managed, the risks associated with tree crops are overall manageable.

Tree crops are required to be implemented and maintained in accordance with the requirements of the Bush Fires Act and annual fire break notices. Additionally, in accordance with the Code of Practice, most tree plantations are designed and managed in accordance with the State Government's 'Guidelines for Plantation Fire Protection'.

Consideration needs to be given to the cumulative impacts of tree crops on fire management including whether there are sufficient resources to protect the tree crops throughout this Shire, the South-West Region and the Great Southern Region. The Council considers that an audit is required to be conducted by the State Government in conjunction with local government and tree plantation companies. This should seek to determine whether there are sufficient fire management resources (number of people/type of equipment and funding) to address additional tree plantations and to clarify whether the premise of sufficient people resources is based essentially on volunteer assistance (which may not always be relied on in all areas). A contingency plan therefore needs to be considered to suitably address safety issues.

Subject to the results, there may be a need to review the Code of Practice to increase resources in certain areas and to increase coordination.

Currently, fire equipment and vehicles are funded through the Emergency Services Levy and this enables resources to be allocated on an 'as needs' basis to volunteer bushfire brigades. Tree plantations are one of the many factors considered by the State Government's Fire and Emergency Service Authority when determining funding allocations. Also, some tree plantation companies have made a considerable investment into personnel and equipment to protect their investments.

It should be added that the Council is continuing to work in partnership with relevant groups and tree plantation companies to ensure that there are appropriate fire management resources to manage risks wherever possible.

Conclusion – If tree crops are appropriately designed and managed, the fire risks associated with tree crops are overall manageable. There is however a concern of greater potential property damage through a proliferation of tree plantations which ultimately is an owner's risk.

4.11 Natural Resource Management

Natural resource management relates to many other issues. This section will therefore not duplicate the discussion in other sections.

Based on the advice received from relevant State Government agencies, tree crops can assist to produce positive natural resource management benefits including controlling rising water tables and associated salinity and a reduction in wind erosion impacts.

It is highlighted that applications for a tree crop, involving the clearing of indigenous vegetation, will require separate assessment from the Department of Environment. Importantly, the retention, protection and replanting of riparian vegetation is encouraged given this acts as filters for water quality and are usually areas of high biodiversity.

Conclusion – Tree crops can assist to produce positive natural resource management outcomes (although there are related issues to water quantity).

4.12 Socio-economic benefits and impacts

There are wide-ranging views regarding the possible cumulative benefits and impacts of additional tree crops in this Shire.

In terms of potential benefits, it could be suggested that:

- agroforestry/tree plantations are a continuation of a sound basis for the district's wood products industry and could be considered important for a diversified economy;
- the establishment of commercial tree plantations is a viable substitute for native forest timber production, in the wake of Federal and State Government policy and timber allocation reductions, and as a means of diversifying the local economy in an environmentally effective and sustainable manner;
- there are economic benefits for tree farms with plantation companies based locally. Various timber companies tend to be good corporate citizens who, for instance, use local employees or contractors, undertake fire duties, are involved with sponsorship etc.; and
- there may be some opportunities for local value-adding.

In terms of potential negative impacts, some have suggested that tree plantations result in population decline and have a negative impact on employment compared to 'traditional' farming. It should be also noted, however, that rural population decline in some areas is a trend not exclusively limited to tree plantations and is based on complex factors/structural changes including increased global competition. Recent research by the Federal Government's Forest and Wood Products Research and Development Corporation and the Bureau of Rural Sciences notes there are many factors involved in rural economies. In their report 'Socioeconomic Impacts of Plantation Forestry in the Great Southern Region (WA)' (November 2005) they state:

'Plantation expansion has not been associated with increased rates of rural population decline at the LGA scale. The three LGAs that experienced the highest rate of plantation expansion over 1996 to 2001 experienced rural population growth or lower rates of decline than most other areas of the Great Southern' (page 6).

While not related directly to the possible amount and distribution of tree crops, it is suggested that the local area has many environmental and lifestyle attributes that will assist it to retain and attract population and visitors more effectively than many other areas in Western Australia where tree cropping occurs.

There are a considerable range of variables in trying to determine medium to long term socio-economic benefits and impacts. For instance, subject to the approach adopted by the timber company, the farmer/landowner may remain on the property through the land being leased, while in other instances, the farmer/landowner may leave the property or the dwelling may be rented out.

Conclusion – The Council acknowledges that it is difficult to accurately predict the cumulative socio-economic benefits and impacts, however the local area has many environmental and lifestyle attributes that will assist it to retain and attract population and visitors more effectively than many other areas in Western Australia where tree cropping occurs. While unlikely to occur in this Shire, rural population decline is not exclusively linked to the establishment of tree plantations.

4.13 Visual impact

This issue relates to matters including the questionable appeal of plantations along scenic tourist routes and trees interfering with people's views. It is highlighted that there are a wide variety of opinions on visual impact issues (ranging from no concern to being a major issue) and different approaches for seeking increased planning controls in highly sensitive areas.

Without an appropriate and detailed visual impact analysis being undertaken in the Shire, which adopts agreed methodology by landscape architects and related professionals, there are limitations in relying on visual impact in determining planning applications which may be agreed by the State Administrative Tribunal. Such a study, if deemed appropriate, is expensive and currently unfunded. Additionally, should a study be commissioned, it is recommended that standard guidelines for visual impact assessment be developed throughout the South-West (which would apply to all relevant applications and not just plantations).

Visual impact is considered a valid planning issue, especially for non-agricultural uses in rural areas (where permanent structures are proposed), development along coastal areas or near key environmental/landscape features such as Mount Frankland. Further, landscape is significant to the local tourism industry and creating/retaining a 'sense of place'. However in the absence of a Shire wide visual impact study, the adopted agroforestry/tree plantation policy has only identified key visual 'corridors' adjacent to town

sites when viewed from the relevant regional road and not from local roads. The review of the Shire of Manjimup Town Planning Scheme No. 2 presents opportunities to show 'Special Control Areas' which establishes additional planning controls.

Conclusion – Visual impact is a valid planning issue however given tree crops are not permanent, the impacts are considered less significant. Unless an appropriate visual impact analysis of the Shire is undertaken, the key vistas to consider are adjoining regional roads immediately on the outskirts of townsites.

4.14 Impact on land values

This matter has been raised on occasions by neighbours with the concern that plantations will devalue their property. A corresponding position is that limiting the ability of landowners to plant tree crops will impact their land values. At this stage, no objective evidence has been presented to the Council justifying either position. Even if evidence was provided to the Council, provided the agroforestry/tree plantation use was legally permitted on the property and gained necessary approvals, impacts on land values are not considered valid planning considerations. Further, it is unlikely this argument if applied to refuse a planning application would be accepted by the State Administrative Tribunal.

Conclusion – Impacts on land values being devalued or enhanced by the establishment of tree crops are not considered valid planning considerations.

4.15 Feasibility of removing tree stumps

This issue centres on the feasibility of removing tree stumps to enable sustainable non-plantation rural uses to again occur.

From the advice received by relevant State Government agencies and tree plantation operators, Bluegum stumps in particular, will decay over 2 - 4 years. Some tree plantation operators are now addressing the matter as part of their agreement with the landowner and as part of the planning application.

The Council is also advised that subject to soil type, tree crops typically result in the loss of some soil fertility, however, with appropriate management, it improves in the short term. From the advice provided to the Council by relevant State Government departments, agroforestry/tree plantations may also assist to enhance longer-term agricultural potential with other crops being successfully planted.

Overall, it is suggested that it is 'best practice' that the matter of removing tree stumps is addressed 'up-front', however it is essentially a landowner issue.

Conclusion - The stumps of tree crops can be appropriately removed and this

appears to be increasingly addressed up-front in the process. Following the harvesting of tree crops, the land can be used for a range of agricultural uses.

4.16 Harvesting noise

There is no question that there will be noise at harvesting, however the reality is that harvesting is a limited time in relation to a considerably long period. The issue is not considered to be a valid planning consideration or a reason to refuse a planning application for agroforestry/tree plantation uses. The Code of Practice suitably addresses the matter and if necessary, harvesting noise can be enforced by local government Environmental Health Officers.

Conclusion – Not a valid planning consideration.

5. Future statutory and policy basis for agroforestry/tree plantations

5.1 Review of the State Government's Farm Forestry Policy

At this stage, the revised policy and is subject to review. Recent advice indicates that the draft policy may be released again for public comment early in 2006. Whether this occurs and when the policy is finalised is difficult to accurately predict. When finalised, the policy is intended to establish an 'all of government' approach.

From the preliminary advice received, consideration is being given by the State Government to tree plantations to become an 'as-of-right' use if consistent with the Code of Practice.

The policy is expected to be subject to consultation by the State Government with local government, key stakeholders (including the aquaculture industry, the Conservation Council and the local community etc).

5.2 Agricultural Land Management Bill

The proposed Agricultural Land Management Bill may increase certainty and effective outcomes if a lead agency is identified which has sufficient resources and the will to enforce the Legislation/Code in all areas (including the Shire of Manjimup). When the legislation will be finally gazetted is unclear.

Other protocols, such as those for the aerial spraying of pesticides, should also have legal backing and appropriate penalties for breaches. Additionally, Codes of Practice for other rural activities should also be legally backed, appropriately resourced and appropriately policed.

5.3 Draft Shire of Manjimup Town Planning Scheme No. 4

The preliminary 'consensus' by Council, at an informal briefing on the Draft Town Planning Scheme No. 4 late 2004, is that Council supported receiving

planning applications for tree plantations in rural areas. This position will be reconsidered as a result of the submissions expressed on the Agroforestry and Tree Plantation Local Planning Policy.

For land zoned 'Priority Agriculture in the proposed Shire of Manjimup Town Planning Scheme No. 4, there are a range of options including, but not limited, to:

- agroforestry/tree plantations being an 'as of right' (no need for planning applications). Plantation management is guided by the Code of Practice;
- agroforestry/tree plantations being a discretionary use (requiring planning approval) that places extra requirements on applicants to address soil testing, water impacts etc. The policy could encourage planting only on lower capability land; and
- not permitting tree plantations (an 'X' use). This has the advantage of providing a clear and consistent position, however it raises 'right to farm' issues. The only planting of trees is for local 'indigenous' species for catchment management/soil restoration reasons.

For land zoned 'General Agriculture', a similar range of options exist, although it is likely that requirements will be 'lower' than compared to the Priority Agricultural Zone. Overall, there is support for agroforestry/tree plantations in this zone. In other non-urban zones, such as Tourism Enterprise, Rural Conservation Zone and Rural Residential Zone, plantations could become a discretionary and/or incidental use requiring Shire approval.

5.4 Review of Code of Practice

It is understood that the Code of Practice is being reviewed. Subject to outcomes, it may have implications on local government and impact the way in which the Shire considers agroforestry/tree plantations. When this code will be formally considered is unclear.

5.5 Comment on future statutory and policy framework

There are a number of unknowns as to what the State Government and the timber industry will resolve relating to agroforestry/tree plantation regulation and management. Issues for the Shire and the local community include:

- whether the Code of Practice can be legally enforced unless it is linked to the proposed Agricultural Management Bill (which could be some time off gazettal or may never be finalised);
- which State Government department will be the lead agency to oversee and enforce the Code of Practice;
- whether the lead agency will have sufficient on-going resources to undertake statutory responsibilities to enforce the Code. The State Government tends to be tardy or invisible on certain local rural issues, which does not help to resolve real concerns of local residents in a timely manner. Related to this, is whether the lead agency will actually attend

- to local issues, or whether this will inevitably result in the policing role reverting to local government;
- whether local government's role is effectively limited to monitoring plantations (passing on ratepayer concerns to relevant State Government agencies for information and action); and
 - what matters the Code will actually address.

To ensure transparency and agencies taking appropriate responsibility, it would be preferable if there was one State Government lead agency responsible for farm forestry/timber plantations. A better resourced Department of Agriculture may be the most appropriate agency. Other agencies could be responsible for clearly identifiable aspects of the implementation provided their responsibilities are clearly spelt out (especially if the proposed Agricultural Management Bill is gazetted). In turn, any agency involved needs to be appropriately resourced and committed to meeting their statutory responsibilities.

It may be necessary to bolster the resources of the Agricultural Disputes Board to independently investigate complaints, should parties have exhausted avenues through the Department of Agriculture/other relevant agencies responsible for administering the Code.

6. Conclusion and next steps

This Issues Paper has outlined the legislative and policy framework, the roles and responsibilities of relevant agencies/stakeholders and considered relevant issues associated with agroforestry and tree plantations.

Importantly, there are a considerable number of stakeholders involved directly and indirectly with agroforestry/tree plantations and a number of relevant legislation, strategies and policies that regulate and manage various matters.

The Issues Paper outlined various issues associated with agroforestry/tree plantations, however, it has suggested that most issues can be adequately addressed by relevant agencies/stakeholders. It is suggested that key issues are water quantity, addressing effective and efficient transportation systems, ensuring there are adequate resources to address fire risk and management and ensuring there is effective on-the-ground management of agroforestry/tree plantations.

In terms of the current statutory and policy framework, it is suggested that unless there are clearly demonstrated substantive issues associated with agroforestry/tree plantations, then there are legal difficulties in the Council refusing applications in many instances, especially where the application is consistent with the Code of Practice etc. However, should substantive issues be demonstrated that are within the bounds of Council involvement, then there are opportunities to review the local legislative framework through the preparation of the Shire of Manjimup Town Planning Scheme No. 4.

Attachment 1 – Extract from the Shire of Manjimup Town Planning Scheme No. 2

Definitions

The following are relevant definitions from section 1.7:

agriculture - extensive - means premises used for the raising of stock or crops but does not include agriculture - intensive or animal husbandry – intensive.

agriculture - intensive - means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following -

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
- (b) the establishment and operation of plant or fruit nurseries;
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or
- (d) aquaculture;

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.

rural pursuit - means any premises used for -

- (a) the rearing or agistment of animals;
- (b) the stabling, agistment or training of horses;
- (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
- (d) the sale of produce grown solely on the lot,

but does not include agriculture – extensive or agriculture – intensive;

Rural Use - means uses carried out in pursuit of agriculture, horticulture, viticulture, grazing, dairying or farming generally and the expression includes market gardens, stables, horse training, nurseries or the like.

‘Agroforestry’ is not permitted in any zone other than the ‘Rural’ zone where it is a permitted use.

‘Tree plantation’ is not permitted in any zone other than the ‘Rural’ zone where it is a discretionary use.

Matters to be considered by Council

Matters to be considered by the Shire/Council in considering planning applications are outlined in section 7.1.4. Matters which are of relevance to tree plantations include:

- (i) the compatibility of a use or development with its setting;
- (j) any social issues that have an effect on the amenity of the locality;
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (w) whether the proposal is likely to cause soil erosion or land degradation;
- (x) the potential loss of any community service or benefit resulting from the planning approval;
- (y) any relevant submissions received on the application;
- (z) the comments or submissions received from any authority consulted under clause 7.1.2;
- (aa) any other planning consideration the local government considers relevant.

Rural Zone

Section 7.2.7 of TPS2 states that:

'Council in considering applications to commence to develop land within the rural zone shall take into consideration the following matters:

- (a) The need to protect the economic viability of the general farming areas.
- (b) The need to encourage developments which will improve the Shire's population base, including tourist and timber orientated activities.
- (c) The need to retain the rural character of the district.'

Procedure for Making or Amending a Local Planning Policy

Section 2.3.1 states:

If a local government resolves to prepare a local Planning Policy, the local government -

- (a) is to publish a notice of the proposed Policy once a week for two (2) consecutive weeks in a newspaper circulating in the Scheme area, giving details of -
 - (i) where the draft Policy may be inspected;
 - (ii) the subject and nature of the draft Policy; and
 - (iii) in what form and during what period (being no less than twenty one (21) days from the day the Notice is published) submissions may be made;

- (b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.

2.3.2 After expiry of the period with which submissions may be made, the local government is to -

- (a) review the proposed Policy in the light of any submissions made; and
- (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

2.3.3 If the local government resolves to adopt the Policy, the local government is to -

- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
- (b) If, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.

2.3.4 A Policy has effect on publication of a notice under Clause 2.3.3(a).

2.3.5 A copy of each Local Planning Policy, as amended from time to time, is to be kept available for public inspection during business hours at the offices of the local government.

Attachment 3 – Extracts from the Shire of Manjimup Local Planning Strategy

The following extract is from the Local Planning Strategy (pages 181 – 183):

6.6.3.1 Priority Agriculture

Purpose

To provide for the sustainable use of high quality agricultural land, particularly where water resources exist, preserving existing agricultural production and allowing for new agricultural production by securing suitable land and water resources.

To provide for intensive agricultural and horticultural production; including market gardens, orchards and vineyard enterprises.

To encourage:

- the protection of the current rural infrastructure and land resource;
- planning to avoid the introduction of land uses not related to agriculture;
- the improvement of resource and investment security for agricultural and allied industry production;
- protection and enhancement of bio-diversity of these areas;
- value-adding opportunities to agricultural products at source; and
- subdivision; where it provides for boundary adjustments, realignments, farm restructuring and new lot creation which promotes effective land management practices, environmental and landscape enhancement and infrastructure provision.

6.6.3.2 General Agriculture

Purpose

To provide for the sustainable use of rural land which primarily accommodates a range of rural pursuits compatible with the capability of the land and which retains the rural character and amenity of the locality.

To encourage:

- the protection of the current rural infrastructure and land resource;
- the use of rural land for commercial agricultural production including grazing, cropping, agro forestry, tree plantations, intensive agricultural products at source; and
- subdivision; where it provides for boundary adjustments, realignments and farm restructuring and new lot creation which promotes effective land management practices, environmental and landscape enhancement and infrastructure provision.'

Planning Precincts

The following summaries Local Planning Strategy statements on tree plantations related to each Planning Precinct:

MR1 Upper Donnelly – Upper Wilgarup: Overall support implied in the ‘Planning and Land Management Considerations’ section related to improving catchment management (page 187).

MR2 Lefroy: Not mentioned.

MR3 Perup: Overall support implied in the ‘Planning and Land Management Considerations’ section related to improving catchment management (page 194).

MR4 Tone: Overall support implied in the ‘Planning and Land Management Considerations’ section related to improving catchment management (page 195).

MR5 Lake Muir: Overall support implied in the ‘Planning and Land Management Considerations’ section related to improving catchment management (page 197).

MR6 Lower Warren – Shannon: In the ‘Planning and Land Management Considerations’ section it states ‘Higher rainfall areas are the location of choice for tree plantation companies for productivity reasons, although the environmental benefits are lesser than in medium and lower rainfall areas’ (page 199).

MR7 Frankland – Deep: In the ‘Planning and Land Management Considerations’ section it states ‘Higher rainfall areas are the location of choice for tree plantation companies for productivity reasons, although the environmental benefits are lesser than in medium and lower rainfall areas’ (page 202).

MR8 D’Entrecasteaux: Not mentioned.

MR9 CALM Estate: Not applicable as the precinct contains no freehold land.

Appendix 5 – Standard conditions and advice applied to planning approvals for agroforestry and tree plantations

1. The development hereby approved must be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and / or modified without the prior knowledge and written consent of the Manager Planning Services.
2. This planning approval shall lapse and be of no further effect if the plantation development hereby permitted has not been substantially commenced within 24 months of the date hereof. Where the Planning Approval has lapsed, no further development is to be carried out.
3. The Shire of Manjimup is to be advised (in GDA 94 format if possible) of the scope / dimensions of the plant out immediately upon the completion of the tree planting process.
4. A separate 'Harvesting Plan' is to be submitted to Council a minimum 24 months prior to the anticipated commencement of the harvesting of the subject Plantation. Such a 'Harvesting Plan' is to be prepared in accordance with the latest "Code of Practice for Timber Plantations" (or equivalent) that is applicable at that time.
5. A minimum of 12 months prior to any anticipated commercial harvesting occurring, the Plantation Operator / Manager shall notify the Shire of Manjimup so that the proposed access / haulage routes may be inspected by both parties.
6. Fire management measures outlined in the application are implemented in accordance with the submitted plan. Fire management measures are to meet the performance standards in the 'Guidelines for Plantation Fire Protection' document.
7. The installation and maintenance of firebreaks and low fuel zones are to be carried out around all boundaries and buildings on the subject property, in accordance with the requirements of the annual Shire Firebreak Notice endorsed by Council.

Advice:

- (i) In reference to Condition 2, complete preparation of the site and a majority of total approved plant out would satisfy the requirement of 'substantial' commencement.
- (ii) In reference to Condition 4, Council will require the Plantation Operator / Manager to reimburse the cost of any road repairs that become necessary as a result of wear and other damage to the local road network caused by heavy haulage vehicle associated with the transport of harvested Plantation trees. The Shire of Manjimup will undertake an audit of the local road system proposed to be used for log transport

both prior to, and following, Plantation harvesting so as to ascertain any remedial works required (and funds recoupable).

- (iii) The attention of the Plantation Operator / Manager is drawn to the need to comply with the requirements of any 'Firebreak Notice' issued by the Shire of Manjimup under the provisions of the "Bush Fire Act, 1954". Furthermore, the Plantation Operator / Manager is required to advise Council's Ranger of any commercial harvesting activities that may be proposed during restricted or prohibited burning seasons.
- (iv) Cultivation of land, spraying of pesticides or herbicides, or the application of nitrogenous fertilisers is not recommended within 30 metres of any stream. This provision does not preclude the carrying out of weed control in accordance with the requirements of the Agricultural Protection Board.
- (v) There is a requirement to obtain an approval from the Department of Environment, as required, before clearing indigenous vegetation.
- (vi) The proponent is encouraged to contact the Warren Catchments Council regarding natural resource management opportunities on the subject land which can result in positive off-site implications.
- (vii) The development hereby approved is to comply with the provisions and requirements of the Shire of Manjimup Town Planning Scheme No. 2.
- (viii) In conducting the activity hereby permitted, the Plantation Operator / Manager shall be required to comply with all relevant legislation, including the Health Act, 1911 (as Amended).
- (ix) Should you feel aggrieved by any of these conditions and advice, you are encouraged to initially discuss these with Planning Services and put your concerns in writing with appropriate justification for your position. Following the receipt of further advice and/or a written response from Planning Services, should you still be aggrieved by any aspect of the decision, you have the right of appeal to the State Administrative Tribunal. Any appeal must be lodged with the State Administrative Tribunal within twenty eight (28) days of the date of the Shire's original decision. The necessary appeal forms are available on their website www.sat.justice.wa.gov.au or through calling the State Administrative Tribunal on 9219 3111.