

Shire of Manjimup
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CC. Steve Thompson

9 September 2005

RE: Comments on Draft Local Planning Policy 6.1.40 - Agroforestry and Tree Plantations

Dear Vern

The Shire of Manjimup councillors and staff are to be commended for taking an inclusive and leadership role to bring this draft policy together. This is indicative of the level of information, knowledge, awareness, interest and development in the shire.

Timber plantations, largely softwood, have been present in southern Australia for much of the past century, although hardwood plantations only emerged as a tree crop in the late 1980's. Changing rural economies and a decline in returns from broadacre cropping and grazing have coincided with the expansion of plantation forestry (Department of Planning & Infrastructure, 2004). In an environmental sense, plantations - as deep rooted vegetation - have a beneficial impact on rising water tables and may assist with salinity control. Significant long-term economic, social and environmental benefits also accrue from farm forestry (Department of Planning & Infrastructure 2004; Keenan *et al* 2004). However, within this local government area, the location, size and design of recently approved plantations, combined with areas already established in plantation, has raised concerns about the environmental sustainability and pressure on highly valued land and water resources.

The approach by Warren Catchments Council (WCC) is, the optimisation of tree planting for a balance of environmental, economic and social benefits. Hence the context of this submission concerns the WCC view is that the shire plantation policy needs to address applications on an individual, sub catchment basis. Fundamentally, across the shire, the land base and the uses to which it is put is not a homogenous. Rather, within each catchment we find variability of soil type and structure, vegetation (type, condition and growth stage), as well as different approaches to crop management. These defining factors, in our opinion, mean that a whole-of-shire approach may not be suitable and may not adequately address the environmental factors and inter-related economic and social impacts. Opportunities clearly do exist for optimising the benefits resulting from plantations.

Recently expressed concerns associated with plantations are in relation to their specific impact of such upon water availability and stream flows. Water harnessed for agriculture/horticulture/viticulture and industry, as well as water in natural streams, are regarded as resource assets. Studies elsewhere have been conducted investigating the effect of plantations on water flows; these have returned a number of pertinent findings (Benyon & Doody 2004; Keenan *et al* 2004):

- runoff from forested catchments is generally lower than catchment with other land uses
- the reduction in runoff (for a forested as opposed to non forested catchment) increases with increasing rainfall (and as such is of primary concern in the shire, which has high rainfall)
- stream flows in some catchments may become increasingly intermittent after reforestation
- the effects of plantations on stream flow is related to the area of catchment affected (this means that the effect of plantations on water flows varies between small and larger sized catchments)
- the change in stream flow as a result of plantations is difficult to determine in smaller catchments (<100ha), where less than 20% of the catchment is under plantation (as such the effects of plantations in smaller catchments is unknown)
- water use by plantation trees is highly variable and site-specific.

The catchments of the Manjimup shire are not uniform in composition or vegetation cover; different levels of clearing are present in different catchments. As such, the existence of a shire-wide plantation policy is likely to be problematic when assessing possible environmental impacts. The Warren Catchments Council urges the shire to adopt a smaller-scale approach to the assessment of plantation approvals through areas similar to the 'sensitive areas' nominated for visual amenity.

Planning Precincts considerations have omitted a significant current situation. The sub-catchments locally which are not affected by salinity ie Lefroy and Lower Warren - contribute significant freshwater which dilutes the salinity in the Warren River. This may be even more important where there are summer flows that feed river pools. Long term this can potentially become less significant when the proposed recovery catchment actions to reduce the source of salinity take effect in the Upper Warren Catchment.

State government agencies like the Department of Environment must take note of situations in some eastern states where there is a compounding problem of over allocation of water use due to inadequate or oversight in estimating use of water by plantations as well as other licensed users. The result is poor environmental flows.

There are a number of research deficiencies in regards to the impact of plantations on water flows that cause the WCC concern over the intended shire plantation policy.

- In a scientific sense, there is significant uncertainty associated with the estimation of plantation impacts on stream flow. In line with the precautionary principle, therefore, approvals should not be given unqualified approval where uncertainty exists in regards to the subsequent environmental effects of plantations.
- Potential for a continuation of reduced annual rainfall is of necessity a fundamental aspect of the plantations/water discussion, as rainfall determines to a large extent an area's water flows. Across different catchment areas actual rainfall can vary a lot.
- Most water impact studies to date have been carried out in smaller catchments (<50-100ha), leading to problems when data is extrapolated to larger catchment areas.
- Models used to analyse the effects of plantations on stream flows have a number of inherent assumptions, notably in regards to forest structure, which as mentioned above is highly variable in the Manjimup shire.

- Previous research demonstrates significant regional variation in plantation impacts, highlighting the need for flexible management policies able to adapt to changing biophysical, legal and institutional conditions (Keenan *et al*, 2004). The WCC fully supports this notion and urges the shire to take into account the existence of catchment variation when considering any plantation approval.

The Warren Catchments Council is also concerned with some elements of wording within the draft policy, notably that the shire 'encourages' applicants to submit impact statements and landscape assessments. The council feels that this particular wording is not strong enough and may allow some proponents to ignore addressing various environmental and social equity concerns. Wording like "at Councils discretion it can or will request impact statements and/or landscape assessments".

Other points that Warren Catchments Council will advocate;

- Paddock trees that have or may have habitat values be kept. This is due to uncertainties regarding some of the Forest Red Tail and Forest Black (Baudins) Cockatoo populations. These trees if left can outlast the plantation. Until a better understanding of breeding suppression of these Cockatoos is gathered the utilised breeding hollows are vital.
- Consideration be given to utilising the plantation landuse period to reinstate and/or enable regeneration of native vegetation in watercourses and wetland (water-logged unplatable) areas. This is the most viable time for such works due to reduction of livestock and the logistics of combining rehabilitation planting within plantation planting programs.
- Public consultation for the SW Natural Resource Management Strategy found there was strong support in the Warren Subregion to maintain and improve water quality and quantity.

The Warren Catchments Council (MJLDC) intends to review and update information, policies and actions as a part of a Subregional Natural Resource Management Strategy and actions. This would include opportunities to encourage, facilitate, coordinate and support if needed with resources to enable onground works.

Also there will be formal submission from WCC to follow informal comments to the Australian Government Review of Taxation Regimes for Plantations.

We would welcome further discussion regarding these comments

Paul Owens
Chairman

Manjimup Land Conservation District Committee

References:

Benyon, R.G. and Doody, T.M. (2004). *Water Use by Tree Plantations in South East South Australia*. CSIRO Forestry and Forest Products, Mt Gambier.
 Department of Planning and Infrastructure (2004). *Warren-Blackwood Rural Strategy*. Western Australia Planning Commission, Perth.
 Keenan, R.J., Gerrand, A., Nambiar, S. and Parsons, M. (2004). *Science for Decision Makers: Plantations and Water*. Bureau of Rural Sciences, Canberra

ATTACHMENT 1 - Warren Catchments Council (MJLCDC) Comments on wording of policy in bold italics underlined

Draft Local Planning Policy 6.1.40 - Agroforestry and Tree Plantations

1. Background and Issues

There has been an increase in the number of agroforestry/tree plantation applications received in this Shire and correspondingly, there has been considerable community interest.

(reference required to put in context the number and ha of plantations over the last 5 years and any associated productivity data)

Given it is likely that additional Agroforestry and tree plantation applications are anticipated, it is timely for the Council to form a policy position.

(reference required to the land capability mapping that indicates the areas suitable for standard Agroforestry and Tree Plantations)

This draft policy aims to do this. It is highlighted that there are numerous pieces of legislation, strategies and policies relating to agroforestry/tree plantations and wide-ranging government agencies and other stakeholders that are involved in the regulation and management of issues associated with agroforestry/tree plantations.

Background information relating to agroforestry/tree plantations is provided in the Issues Paper that accompanies this draft policy.

2. Objectives

The objectives of this draft policy are to:

- recognise the increasing market demand for plantations within the Shire of Manjimup and to provide operators and other stakeholders with clarity on the issues that Council wishes to address;
- actively encourage agroforestry as an alternative to tree plantations;
- actively encourage tree plantations in areas subject to land degradation; **primarily for remediation of salinity and/or waterlogging due to changed groundwater regimes; some situations and/or sites to buffer or ameliorate soil erosion due to water & wind, soil slumping; and** where there is a clear natural resource management benefit;
- consider road infrastructure and fire risk/management issues in all applications;
- consider the visual impact of agroforestry/tree plantations in close proximity to townsites from designated regional roads;
- encourage operators to abide by the Industry Code of Practice, relevant legislation and this policy;
- encourage operators, **plantation managers & owners and/or landholders** to work in partnership wherever possible and to develop a 'Good Neighbour Strategy'; and
- outline what matters the Council will address through the planning system and outline which matters are addressed through other legislation and other agencies.

3. Areas of Application

This policy applies to all 'Rural' zoned land in the Shire of Manjimup Town Planning Scheme No. 2 (TPS2) given agroforestry and tree plantations are not permitted in any zone other than the 'Rural' zone. In the Rural Zone, 'Agroforestry' is a 'P' use (a use that is permitted under TPS2), while a 'Plantation' is an 'AA' use in the 'Rural' Zone (a use that is not permitted unless approval is granted by the Council).

In TPS2, 'Agroforestry' is defined as 'means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare', while a 'Plantation' is defined 'has the same meaning as in the *Code of Practice for Timber*

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Plantations in Western Australia (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers.'

4. Links to Town Planning Scheme/Local Planning Strategy

This policy relates directly to the provisions set out in TPS2, the guidelines provided in the Local Planning Strategy and also to the overall principles and guidelines set out in the State Government's Statement of Planning Policy 2.5 Agriculture and Rural Land Use Planning, the Draft Farm Forestry Policy, the Warren-Blackwood Regional Strategy and the Warren-Blackwood Rural Strategy.

5. Policy Measures

5.1 General

Provided the applicant suitably addresses matters deemed relevant by Council, the Council will:

- actively support agroforestry;
- support tree plantations within areas designated as 'General Agriculture' in the Local Planning Strategy; and
- consider, on its merits, tree plantations within areas designated as 'Priority Agriculture' in the Local Planning Strategy.

Matters deemed relevant to the Council, for the purposes of administering its obligations under TPS2 and for the purposes of this policy, are:

- road infrastructure and impacts;
- fire risk and management;
- water quantity;
- visual impact (in defined areas); and
- natural resource management .

Other matters not listed above, which may be raised during the assessment of applications, such as submissions by third parties, will be noted but may not be used to determine the application given they are covered by other legislation/other agencies or are not considered to be valid planning considerations.

5.2 Road infrastructure and impacts

As part of the planning application, the Council will require the applicant to outline the preferred route/s for future harvesting.

The Council, in conjunction with relevant agencies (such as Main Roads Western Australia and the Department for Conservation and Land Management), will consider whether the proposed access to/from the application site and the proposed haulage route/s are suitable and safe. Where the Council 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 can not be identified and there is likelihood that this can not be secured or improved, the Council may refuse the application.

Should the application be conditionally approved, the Council will require the applicant/operator to operate in accordance with the planning conditions and the Code of Practice including in relation to notification, inspection and post-harvesting

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repair of roads. For instance, a Timber Harvesting Plan is required two years prior to proposed harvesting and to be approved by the Council.

5.3 Fire Risk and Management

As part of the planning application, the Council will require the applicant to submit an appropriate Fire Management Plan in accordance with Council and Fire and Rescue Authority (FESA) requirements for plantations (this includes the Bush Fires Act and 'Guidelines for Plantation Fire Protection'). The Fire Management Plan will, for instance, include details on access, firebreaks and setbacks from off-site dwellings. If an appropriate Fire Management Plan is not provided and/or there are concerns that fire risk can not be suitably addressed, the Council may refuse the application.

5.4 Water quantity

In areas designated as 'Priority Agriculture' and/or in **Planning precincts that have significant good quality 'fresh' water that dilutes the salinity of the Warren River MR2, MR 6 and possibly Frankland river MR7** in the Local Planning Strategy, **and at councils discretion in the Rural Zone TPS 2**, the Council encourages **or may request** applicants to submit an impact statement, by a suitably qualified professional, regarding the anticipated effects of the proposed tree crop on downstream water quantity **OR provide qualified estimate of water use based on site characteristics (soil, slope, rainfall, stem per ha, water use per tree) and monitoring schedule.**

The Council may seek advice from the Department of Environment **and Warren Catchments Council (MJLCDC)** to assist in determining the application. Should the Department of Environment **and/or Warren Catchments Council (MJLCDC)** raise objections regarding the application, the Council may refuse the application.

5.5 Visual impact

The Council seeks to carefully consider planning applications for agroforestry/tree plantations near townsites which adjoin or are near designated regional roads. The area subject to these requirements is shown in **Attachment 1**.

The Council's assessment of visual impact is primarily concerned when viewed from the designated regional roads in the defined locations. The *Draft Local Planning Policy 6.1.40 – Agroforestry and Tree Plantations* for purpose of the assessment is not in relation to views from other properties in the defined locations.

Applicants proposing tree plantations in the defined locations are encouraged to submit a landscape assessment of the proposal, from a suitably qualified consultant, with the planning application.

The Council may refuse applications where they detrimentally impact on the visual landscape values of the locality.

5.6 Natural resource management

The Council encourages the retention **and regeneration** of riparian vegetation and where appropriate, replanting areas adjacent to watercourses with local indigenous vegetation. To promote better overall natural resource management practices **that will maintain and improve riverine ecosystem function and water quality.** **The Council encourages the retention and regeneration of other local indigenous vegetation particularly where there is known ground or surface water salinity risk and specific habitat values.**

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As part of the application, the Council will require the applicant to provide a statement confirming whether the application proposes any clearing of indigenous vegetation. If indigenous vegetation is proposed to be cleared, the site plan/plantation management plan will need to clearly identify these areas.

The Council may seek advice from the Department of Environment, relevant Agencies and **Warren Catchments Council (MJLDC)** in determining the application. Should the Department of Environment raise objections regarding the application, the Council may refuse the application. The Council may impose planning conditions restricting the clearing of indigenous vegetation or may require any clearing requests to be separately considered by the Department of Environment as part of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

Where Community Catchment Management Plans or Projects exist that inter-relate with the proposal, Council will refer to and provide information and contacts to encourage coordination and support of these initiatives.

The Council encourages the applicant/operators to work in partnership with relevant government agencies, catchment management groups and the local community to continually develop relevant Best Management/Code of Practice.

6. Administration

6.1 Need for applications

All agroforestry and tree plantation proposals shall continue to be the subject of a formal application for Council planning approval and shall be assessed in accordance with the principles and objectives of this Policy, TPS2 and the Local Planning Strategy.

6.2 Application requirements

The Council shall, prior to considering Agroforestry/Plantations in the 'Rural' zone, require the submission of an appropriate:

- planning application fee;
- details relating to the preferred route/s for future harvesting;

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- site plan/plantation management plan;
- fire management plan; and
- statement confirming whether the application proposes any clearing of indigenous vegetation.

The Site Plan/Plantation Management Plan can be combined with the Fire Management Plan provided appropriate details are included. Applicants are encouraged to submit an impact statement, by a suitably qualified professional, regarding the anticipated effects of the proposed tree crop on downstream water quantity **or quantified estimate of change to ground/surface water** for sites identified as **Planning precincts that have significant good quality 'fresh' water that dilutes the salinity of the Warren River MR2, MR 6 and possibly Frankland river MR7 and 'Priority Agriculture' in the Local Planning Strategy also in some circumstances Rural Zone TPS2.** Applicants proposing tree plantations, in the defined locations, are encouraged to submit a landscape assessment of the proposal (from a suitably qualified consultant) with the planning application.

6.3 Sensitive Sites

For the purpose of this policy, a 'sensitive site' is defined as a Council approved aquaculture development that has current approvals. In relation to tree crop applications (including agroforestry applications) that adjoin sites that the Council deems to be

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'sensitive', the Council will inform owners of the sensitive sites of the application. Should the agroforestry/tree plantation application be approved, the onus is then on the proponent to manage the tree crop in such a way that is considerate of the management practices of the sensitive site wherever possible. If there is a contamination outcome, it will be a civil matter between the affected parties.

6.4 Procedural requirements

The Council will:

- not advertise planning applications for 'agroforestry' uses where Council considers the application fits the agroforestry definition as opposed to the 'plantation' definition and the application is consistent with this policy and the Code of Practice;
- publicly advertise tree plantation applications, for a minimum of 14 days, through writing to adjoining/nearby landowners; and
- seek comments, as determined by Council, from relevant government agencies and stakeholders.

In the event that substantive objections are received against the application, the following will apply:

- objections from State Government authorities will require the matter to be considered by Council;
- where the objection is for matters not deemed relevant to the Council, for the purposes of this policy (outlined in section 5.1), then Planning Services will assess the application based on all relevant information and advice in accordance with the policy, TPS2 and the Local Planning Strategy; and
- where the objection falls within the range of relevant issues (section 5.1), then Planning Services will assess the application based on all relevant information and advice in accordance with this policy, TPS2 and the Local Planning Strategy and determine whether the matter needs to be considered by Council. Applications that are recommended for refusal are to be determined by Council.

6.5 Implementation

It is expected that all agroforestry and tree plantation applications, when approved, will be implemented under the principle of sustainable land management based on endorsed Best Management Practice/ Code of Practice documents and natural resource management targets for key land, water and biodiversity areas. Additionally, any approved application, if implemented, shall be carried out in full compliance with any conditions imposed with that planning approval.

7. Future Directions

The Council is reviewing TPS2 and will reconsider this policy as required to ensure consistency between the gazetted Town Planning Scheme and the adopted policy. The policy will be reviewed as required including with the finalisation of the State Government's Farm Forestry Policy and/or the timber industry's Code of Practice.

8. Approval Authorisation

Authority to approve applications in conformity with this policy has been delegated to the Chief Executive Officer.

9. Endorsement

This policy was endorsed by the Council on _____ 2005.