



## SHIRE OF BEVERLEY LOCAL PLANNING POLICIES

Pursuant to Clause 5 of Schedule 2, Part 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, notice is hereby given of Council's intention to amend two Local Planning Policies – **Tree Farms & Outbuildings**.

The objectives of the amendments are:

- For the Outbuilding Policy: To align with contemporary tendencies in planning applications for Agricultural Outbuildings, minor corrections and clarifications;
- For the **Tree Farm Policy**: Revision to align with contemporary tendencies in Tree Farming planning applications for purposes of Carbon Sequestration and clarifying Council's position on such.

Submissions are invited on the amended policies with all comments to be submitted to PO Box 20 Beverley WA 6304, within 21 days of the date of this notice.

A copy of the policies can be obtained during normal business hours at Shire Offices, 136 Vincent Street, Beverley, or downloaded from the Shire's Website.

For further details regarding this matter, please contact Shire Planner Stefan de Beer on 9646 1200 or [stefan.debeer@beverley.wa.gov.au](mailto:stefan.debeer@beverley.wa.gov.au).

**Stephen Gollan**  
Chief Executive Officer



## LOCAL PLANNING POLICY: TREE FARMS

### PURPOSE

To provide a guide for considering applications for planning approval involving Tree Farms.

### AUTHORITY TO PREPARE AND ADOPT A PLANNING POLICY

Clause 4 of Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* enables a Local Government to prepare and adopt Local Planning Policies.

This policy supersedes Shire of Beverley **Local Planning Policy – Tree Farms (dated September 2019)** ~~Town Planning Policy No. 9 – Tree Crops~~ which is hereby revoked.

### OBJECTIVES OF THE POLICY

The objectives of this Local Planning Policy are to:

- Achieve a consistent efficient and equitable system for assessing ~~and approving~~ tree farm applications;
- Encourage tree farm developers to adhere to **best practice** industry guidelines and standards as specified in relevant codes of practice and other documents; ~~and~~
- Identify specific issues that the Shire wish to see addressed in the planning and development of tree farms- ;
- **Protect High Quality Agricultural Land (HQAL) from undesirable tree farm development proposals;**
- **Protect Native Vegetation from undesirable tree farm development proposals.**

Any tree farm development shall not be justification for an application for subdivision nor **shall** any proposed tree farming or an approved application for tree farming on any land be deemed a precursor to subdivision.

A body of legislation, policy and guidelines relevant to tree crops ~~already~~ exists and a range of government agencies and other stakeholders are involved in regulating and managing tree farming issues.

This policy aims to be consistent and complementary with existing regulations **and guidelines**. ~~and not to place additional undue burden on landowners and investors wishing to pursue tree farm development.~~

### APPLICATION OF THE POLICY

**This policy applies to all land situated within *Rural & Reserve* zoned land pursuant to *Shire of Beverley Local Planning Scheme No. 3 (LPS3)*.**

**All applications for tree farms are required to be advertised to the immediate neighbours of the subject land and other parties considered by the Shire to be affected by the development proposal.**



## BACKGROUND

Tree farms have the potential to become an important land use in ~~medium to low rainfall~~ agricultural areas in Western Australia. Landholders and private investors are **increasingly** looking to capitalise on emerging opportunities for **carbon sequestration** ~~farm forestry in these regions, diversify income streams and to gain the on-farm environmental benefits that integrated tree farms can provide.~~ Given the increasing opportunities and interest in tree farm development, it is important for the Shire to ensure these are adequately addressed in the local planning framework.

## DEFINITIONS

### APPLICANT

An Applicant is defined as the person or entity (e.g. company or organisation) responsible for management of the tree crop. The Applicant does not have to be the owner of the trees or the land on which trees are planted (e.g. the Applicant could be a third party management agency). The Applicant is responsible for ensuring adherence to this policy and other relevant legislation and regulations.

### TREE FARM

The *Shire of Beverley Local Planning Scheme No. 3 (LPS 3)* defines a Tree Farm as follows:

*Means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the Carbon Rights Act section 5.*

A *Tree Farm* Land Use is a discretionary Land Use in the *Rural* Zone in Zoning Table 3 of LPS 3.

### LANDOWNER

A Landowner is defined as the person or entity that holds the title to the land.

### CARBON SEQUESTRATION

Under Section 5 of the *Carbon Rights Act 2003*, carbon sequestration is defined as:

- *The absorption of carbon dioxide from the atmosphere by land or anything on land.*
- *The storage of carbon in land or in anything on land.*

This definition establishes the legal framework for carbon rights, allowing landowners to register and trade carbon sequestration benefits.

### HIGH QUALITY AGRICULTURAL LAND (HQAL)

For purposes of this Policy HQAL refers to land considered valuable for agriculture and which is prioritized for protection to support long-term food production and agricultural sustainability.

Key Criteria for HQAL in this context are:

- **Soil and Land Capability:** Assessed for its suitability to support various types of agriculture.
- **Water Resources:** Availability and quality of water for irrigation.
- **Climate:** Suitability of temperature and rainfall patterns for productive farming.
- **Current and Potential Agricultural Use:** Includes both established and potential irrigated agriculture.



## **NATIVE VEGETATION**

In Western Australia, native vegetation is defined under the *Environmental Protection Act 1986* and associated regulations. According to Section 3(1) and Section 51A of the Act:

*Native vegetation means indigenous aquatic or terrestrial vegetation, and includes dead vegetation, unless that dead vegetation is of a class excluded by regulation. It does not include vegetation in a plantation.*

Additionally, vegetation that was intentionally sown, planted, or propagated is not considered native vegetation, unless:

- It was planted as required under the Act or another written law, or
- It is of a class declared by regulation to be included in the definition [1].

This definition is important for regulating land clearing, as clearing native vegetation without a permit is generally prohibited unless an exemption applies. The legislation aims to protect biodiversity, land conservation, and water resources.

## **NATURAL RESOURCE INFO**

NRinfo (Natural Resource Information) refers to an online digital mapping and information dataset of natural resources across Western Australia. It is derived from databases maintained by the *Department of Primary Industries and Regional Development* (DPIRD).

## **GENERAL REQUIREMENTS FOR PLANNING APPLICATIONS**

### **HQAL & NATIVE VEGETATION**

The onus is on the applicant to show that HQAL or Native Vegetation would not be negatively impacted by the tree farm proposal, to the satisfaction of the Shire.

Reference should be made to the datasets contained in the NRinfo resource supported by appropriate mapping and/or specialist site specific studies.

## **MANAGEMENT PLAN**

Provides details of the way in which a tree farm will be developed and managed, and aims to demonstrate the means by which the principles of environmental care, cultural and fire management objectives are achieved.

### **A MANAGEMENT PLAN INCLUDES THE FOLLOWING COMPONENTS:**

- Establishment plan;
- Plantation Management plan; and
- Fire Management plan.

## **CODE OF PRACTICE**

The *Code of Practice for Timber Plantations in Western Australia* ~~2014~~ ~~2006~~, produced by *Forest Industries Federation WA*, ~~Forest Products Commission~~ ~~Australian Forest Growers~~, or as revised, shall apply.

## **GUIDELINES FOR PLANTATION FIRE PROTECTION**

The *Guidelines for Plantation Fire Protection* ~~2011 & 2022~~ ~~2001~~, produced by ~~the Department of Fire and Emergency Services (DFES)~~ ~~Fire and Emergency Services Authority WA~~, and *Plantation Fire Management and Protection from Forrest Products Commission WA* (2020) or as revised, shall apply.

## **AREAS OF APPLICATION**



~~This policy applies to land zoned 'Rural' in the Shire of Beverley Local Planning Schemes No.3.~~

## **APPLICATION AND APPROVAL REQUIREMENTS**

### **WHEN IS AN APPLICATION REQUIRED?**

A Tree Farm Development Application must be submitted and approved prior to the commencement of development.

An application is required for all tree farm developments greater than 1 hectares in size.

### **TREE FARM DEVELOPMENT APPLICATION REQUIREMENTS**

In addition to Shire requirements for Development Applications, a Tree Farm Development Application is to contain the following three parts:

#### **a) Registration - which must contain the following information:**

- Title details of the subject land;
- Name of the Landowner(s);
- Name of the Applicant (tree farm manager);
- Address and contact details of the Applicant;
- Area (hectares) to be planted and species to be planted; and
- Signatures of the Applicant and the Landowner(s).

#### **b) Management Plan:**

- ~~An Application for Planning Approval for a Tree Farm must include a Management Plan including the components as described in the *Code of Practice for Timber Plantations in Western Australia 2014 2006*, produced by *Forest Industries Federation WA*, checklist of information that should be included in a Management Plan is provided in Attachment 2. The checklist is based on the guidelines in the Code of Practice.~~
- ~~The Management Plan must address the policy measures described in Section 6 of this Policy.~~

#### **c) Map - which should show the following:**

- Location of tree crops;
- Access roads;
- Structures and buildings;
- Natural features including native vegetation and water courses; and
- Other relevant information such as hazards or significant features.

#### **d) Fire Fighting Protocols:**

- Location of water for fire fighting purposes;
- Fire Tenders/mobile equipment to be used, and location of such;
- Contact details of responsible persons;
- Compliance with Fire Breaks.

### **MODIFICATION TO TREE FARM DEVELOPMENT APPLICATION** ~~Modification to Tree Farm Development Application~~



An Applicant with an existing Tree Farm Development Application approval may modify the existing application, including the addition of new tree plantation areas or expansion of existing tree plantation areas. Additional areas of tree plantations may therefore be managed under existing Management Plans, without the need for the Applicant to prepare a new Management Plan for every new tree plantation development. However the Applicant must ensure that the management measures in an existing Management Plan are relevant to new tree plantation areas and the sites on which they will be developed, and meet the requirements of this policy.

If this is not the case the Applicant is required to submit a modified or new Management Plan.

If an Applicant transfer management responsibilities to another organisation they are required to notify the Shire and provide details of the new managing entity.

### **ADDITIONAL POLICY MEASURES**

The following policy measures must be addressed in the Management Plan.

### **GENERAL TREE FARM MANAGEMENT**

The Shire encourage all tree farm developments to be undertaken with appropriate consideration to the specifications and guidelines in the *Code of Practice and Guidelines for Plantation Fire Protection*.

The *Code of Practice* provides management goals and operational guidelines to tree farm managers to “*ensure tree crop operations in WA are conducted in a manner that is in accordance with accepted principles for good plantation management, while recognising that a primary aim of tree crops is to be economically competitive and sustainable*”.

### **ACCESS ROADS**

When planning tree farm developments, Applicants should consider how tree plantations will be accessed for management, harvesting and removal of products (if applicable). Potential access roads should be identified on the Map.

The harvest and haulage of tree farm products results in ‘wear and tear’ of roads and other transport infrastructure and the Shire is seeking to minimise adverse effects on local roads within its control.

The Shire reserves the right to require a reasonable annual financial contribution for road maintenance should access roads be considered adversely impacted by a tree farming operation. The calculation of such to be done through negotiation with the applicant to the satisfaction of the Shire.

### **FIRE MANAGEMENT**

A fire management plan must be included as part of the overall Management Plan (see Attachment 2).



Any Fire Management Plan must be consistent with *Guidelines for Plantation Fire Protection 2011 & 2022 2001*, produced by **DFES** ~~Fire and Emergency Services Authority WA~~, or as revised. Should the Fire Management Plan not be consistent with the guidelines then the application will normally be refused.

### **COMPLIANCE CERTIFICATION**

Any alleged breaches of the *Code of Practice for Timber Plantations in Western Australia* should, in the first instance, be referred to the plantation's owner or manager for attention. This should be done by the local government authority or government agency with authority under a relevant Act, regulation or planning scheme.

Where a written referral has been made, the plantation owner or manager has an obligation under this Code to respond to the notice within a reasonable timeframe.

Alleged breaches that relate to a failure to comply with Federal or State law that are not rectified within a reasonable timeframe following a notice issued by a local government authority or other government agency, should be referred to the relevant government agency for attention.

The plantation owner or manager may address an alleged breach that is referred to them by providing the relevant agency with a notice of response and following rectification action, if required, a *Certificate of Compliance* that the alleged breach has been dealt with and that the development is compliant or has been brought into compliance with the Code. Compliance certification can be obtained by the plantation owner or manager providing a certificate from one of the following entities:

1. An internal audit carried out by accredited auditors in response to the alleged breach.
2. An external independent audit carried out to satisfy compliance with relevant Federal or State legislation. For example, the *Management Investment Act 1988*, if applicable.
3. Independent certification undertaken by a person who is duly qualified to provide certification of compliance.

Where compliance is subsequently certified by one of the above entities and provided to the relevant government agency, no further action is required.

### **ANNUAL REPORT**

On every anniversary of the planning approval being granted, a report shall be submitted indicating compliance, over the reporting period, with the requirements of the Management Plan so approved, to the satisfaction of the Shire.



## RESOURCES

*Code of Practice for Timber Plantations in Western Australia*, Forest Industries Federation of WA (FIFWA). (2014). [Code of Practice](#)

*Guidelines for Plantation Fire Protection*, DFES 2011. (current at time of publication). [Guidelines for Plantation Fire Protection](#)

*Plantation fire management and protection*. Plantation information series. Forest Products Commission - Western Australia (2020).  
[Plantation-fire-management-and-protection.pdf](#)

NRinfo (Natural Resource Information) [NR-Info Map Resource](#)





## Attachment 1 Tree Farm Development Application Registration Form

### SECTION 1 – NEW APPLICATION OR MODIFICATION

Select one of the following:

- ☐ New Tree Farm Development Application  
(Complete all Sections except Section 6)
- ☐ Modification to existing Tree Farm Development Application  
(Complete all Sections except Section 5)

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### SECTION 2 – APPLICANT DETAILS

Name of Applicant \_\_\_\_\_  
(Company or individual): \_\_\_\_\_  
Name of contact person: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

Tel: \_\_\_\_\_  
Fax: \_\_\_\_\_

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### SECTION 3 – LANDOWNER DETAILS (If multiple Landowners provide details of additional Landowners on page 3)

☐ Tick if AS ABOVE or complete

Name of Landowner: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

Tel: \_\_\_\_\_  
Fax: \_\_\_\_\_

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### SECTION 4 – LAND TITLE

Title details of the land on which trees will be planted  
(If multiple titles, specify the area to be planted on each title):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## COMPLETE IF NEW APPLICATION

### SECTION 5 – TREE FARM INFORMATION (NEW APPLICATIONS ONLY)

Total area to be planted (hectares):	
Species to be planted (and area of each):	
Proposed planting dates:	
Management Plan attached	Tick applicable box <input type="checkbox"/> Yes plan is attached <input type="checkbox"/> No plan is not attached
Map attached	Tick applicable box <input type="checkbox"/> Yes plan is attached <input type="checkbox"/> No plan is not attached

Note: a Management Plan and a Map are prerequisites for approval of a new Tree Farm Development Application

## COMPLETE IF APPLICATION MODIFICATION

### SECTION 6 – TREE FARM INFORMATION (Modifications only).

Complete relevant sections

Reason for modification (e.g. new or changed tree plantation area)	
Additional area to be planted (hectares):	
Species to be planted:	
Proposed planting dates:	
Management Plan attached	Tick applicable box <input type="checkbox"/> Yes plan is attached <input type="checkbox"/> No plan is not attached
Map attached	Tick applicable box <input type="checkbox"/> Yes plan is attached <input type="checkbox"/> No plan is not attached

Note: Previously approved Management Plans and Maps may be used for modification if relevant.

If no, provide reference to relevant Management Plan and/or Map

Signature of Applicant:	
Print Name:	
Date:	
Signature of Landowner: (if landowner is not Applicant)	
Print Name:	
Date:	

### SHIRE USE ONLY

Application received on:		Reasons for non approval	
Application reviewed by		Advice provided to Applicant on:	
Approved/Not approved		Tree crop register updated on:	



## ADDITIONAL LANDOWNERS

### LANDOWNER 2

Name of Landowner: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Land Title: \_\_\_\_\_  
Tel: \_\_\_\_\_  
Fax: \_\_\_\_\_

### LANDOWNER 3

Name of Landowner: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Land Title: \_\_\_\_\_  
Tel: \_\_\_\_\_  
Fax: \_\_\_\_\_

### LANDOWNER 4

Name of Landowner: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Land Title: \_\_\_\_\_  
Tel: \_\_\_\_\_  
Fax: \_\_\_\_\_

### LANDOWNER 2

Signature of Applicant: \_\_\_\_\_  
Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

### LANDOWNER 3

Signature of Applicant: \_\_\_\_\_  
Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

### LANDOWNER 4

Signature of Applicant: \_\_\_\_\_  
Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Attachment 2 Tree Farm Development Application Management Plan Checklist****TREE FARM DEVELOPMENT APPLICATION****MANAGEMENT PLAN CHECKLIST**

The following is provided as a checklist of information recommended to be included in a tree farm Management Plan. It is based on the guidelines in the *Code of Practice for Timber Plantations in Western Australia* and provides a reference to the relevant sections of the Code of Practice where relevant.

<b>ESTABLISHMENT PLAN</b>	<b>Section in Code of Practice</b>
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This should outline the following topics and how they will be managed:

- |  |                   |
|--|-------------------|
| • Areas of native vegetation .....   | <b>4.3</b>        |
| • Management and protection, including setback distances, of watercourses, wetlands, reservoirs and significant features .....   | <b>4.3</b>        |
| • Setback distances to structures, dwellings and gazetted infrastructure<br>(Note: The Guidelines for Plantation Fire Protection recommend a setback distance of 50 metres.) |                   |
| • Areas to be planted and size of compartments<br>(The Guidelines for Plantation Fire Protection contain guidelines on compartment size.)                                    | <b>4.5, 4.7.6</b> |
| • Access and firebreaks .....  |                   |

Also refer to the *Guidelines for Plantation Fire Protection*

- |   |              |
|---|--------------|
| • Species to be planted .....   | <b>4.6.2</b> |
| • Direction of planting lines in relation to contours and natural drainage .....                          | <b>4.6.3</b> |
| • Soil preparation methods .....  | <b>4.6.3</b> |
| • Pest and weed control methods/prescription,<br>(including control of declared animals and plants) ..... | <b>4.6.5</b> |
| • Planting methods/prescription   | <b>4.6.7</b> |
| • Fertilising methods/prescription .....  | <b>4.6.4</b> |
| • .....   |              |

**MAINTENANCE PLAN**

This should outline the activities to be conducted during the tree plantation rotation and how they will be managed

- |  |                   |
|--|-------------------|
| • Pest and weed control methods/prescription, including control of declared animals and plants ..... | <b>4.6.5</b>      |
| • .....  | <b>4.6.7</b>      |
| • Grazing strategy .....   | <b>4.7.6</b>      |
| • .....  | <b>4.6.4</b>      |
| • Fertilising methods/prescription .....   | <b>4.6.9</b>      |
| • .....  | <b>4.5, 4.7.6</b> |
| • Pruning and thinning regimes .....   |                   |
| • Access and firebreak maintenance .....   |                   |

**FIRE MANAGEMENT PLAN**

This should contain the following details:

- Contact names and telephone numbers
- Names and addresses of local fire control bodies
- Map or details of access roads, firebreaks, water points etc.  
Note: this information may be included on the main Map that forms part of the Tree Farm Development Application



- ~~Location of firefighting equipment, including details of cooperative arrangements~~
- ~~Specific measures to protect services e.g. power lines and gas supplies, or surrounding values (if relevant)~~

*Refer to Guidelines for Plantation Fire Protection*