



Shire of Cranbrook Local Planning Policy No 1 - Plantations



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SHIRE OF CRANBROOK
LOCAL PLANNING POLICY NO 1 - PLANTATIONS

1. BACKGROUND

Under the Shire of Cranbrook's Town Planning Scheme No. 4 ('the Scheme') planning approval is required for any proposed plantation; therefore this Policy has been developed as a guide for applicants. The Policy sets out the Council's position on plantations proposed in the Rural zone.

It should be noted that the Local Planning Policy is a guide for the exercise of discretion. The Council will have significant due regard to the Policy requirements in the assessment of any new planning application.

2. POLICY BASIS

Division 2 – Local planning policies under Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows local governments to prepare local planning policies, and outlines the statutory procedure for making a local planning policy.

3. SCHEME REQUIREMENTS

Council has the discretion under the Scheme to consider 'plantations' within the 'Rural' zone.

Clause 5.20.2(a) of the Scheme lists specific issues that Council will have regard for in assessing applications for plantations. These are listed and discussed in Section 8 of this policy.

Clause 5.20.2(b) of the Scheme outlines conditions that Council may impose on applications relating to fire management measures and compliance with the Code of Practice.

It should be noted that the Scheme contains statutory requirements, and this Policy expands on and complements the existing Scheme requirements. The Policy cannot override any aspect of the Scheme.

4. POLICY STATEMENT

This Policy applies to all 'Rural' zoned land in the Shire of Cranbrook.

5. POLICY OBJECTIVE

- To actively encourage the integration of plantations with existing agricultural uses over the Shire as a complementary but ancillary use. Traditional agricultural activities such as cropping, grazing, and food production should generally remain the predominant use. The Shire supports a range of food production activities such as viticulture and horticulture.
- To facilitate retention of traditional agriculture and food production as the predominant use on Rural zoned land.
- To support applications that actively integrate plantations with farm lots in recognition of the economic, environmental and social benefits.
- To encourage planting areas with linkages to existing remnant vegetation on the same lot or adjacent lots. Where appropriate encourage linkages with vegetation on adjacent reserves however consult with the relevant reserve authority or manager.
- To protect and enhance native vegetation, wetlands and water courses and assist in the reduction of salinity, waterlogging and erosion.
- To support continuing broad acre agriculture and production as the primary and priority land use in the Rural zone, consistent with the planning framework's underlying theme to protect productive agricultural land.
- To actively oppose the use of farm lots or an entire lot area for plantations (particularly where it contains a dwelling) unless the applicant has clearly demonstrated extenuating circumstances or provided significant justification warranting support for a variation to any aspect of the Policy.
- To minimise the potential for any loss of population or agricultural land through the use of farm lots or an entire lot area for plantations and encourage plantations that provide a supplementary income to farmers.
- To achieve plantation layouts which do not compromise the fire safety of the local community or of biodiversity conservation and management of reserves.
- To achieve high quality bushfire management plans which are independent and self-sufficient.
- To encourage the selection of tree species that are complementary to native remnant vegetation and will assist in maintaining landscape function.

6. POLICY AIM

- To clearly outline the existing Scheme requirements, land use definitions and assist applicants by providing general guidelines.

To assist Council in determining applications for plantations by setting out matters Council take into consideration when assessing applications.

7. PLANNING APPROVAL

7.1 Need for Planning Controls

Whilst 'Extensive' Agriculture' is a permitted use in the 'Rural' zone, there are planning controls over other rural uses including and not limited to Rural Industry, Intensive Agriculture, Feedlots and Plantations. This is appropriate so that the Council can examine relevant planning considerations such as the objectives of the zone, land use compatibility, buffers, amenity and other relevant planning issues.

There are land use and community implications associated with plantation uses that are controlled through the planning process such as impacts on local roads for harvesting plantations, fire management, visual impact on any scenic routes, social impacts and concern over potential loss of agricultural land.

With new emerging plantations for carbon sequestration Council is concerned over the potential to develop plantations on entire lots or farm lots, and the accumulative impact over time in terms of population loss and a reduction of food production.

Some applicants may propose long term harvesting whilst other may not nominate to harvest at all (means the land may never revert back to agricultural uses.)

Whilst some of the issues are difficult to quantify this policy aims to encourage an integrated approach of plantings with more traditional farming or agricultural uses.

The Policy recognises that the development of whole lots or farm lots for plantations discourages the continuation of broad hectare farming in a way the development of a plantation at a smaller scale would not.

7.2 Statutory Requirements

Under Clause 60, Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* all development requires prior approval of the local government, unless specifically exempted under Clause 61.

A planning application is required for any plantation (involving planting areas of 10 hectares or more). This Policy proposes to process 'carbon sequestration plantations' the same as the more traditional 'plantations', as both are almost identical, and the only difference is that some applicants may not propose harvesting, or may only propose harvesting in the longer term (so it may be a more permanent land use change).

Planning approval is not required for the planting of trees for land rehabilitation, salinity affected area, wind belts etc which are not proposed to be used for harvesting or carbon sequestration.

8. DEFINITIONS & EXPLANATION OF LANDUSE

Land use definitions are contained in the Shire of Cranbrook's Town Planning Scheme No.4 and are repeated in this Policy for ease of reference.

Plantation is defined in the Scheme as:

“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”.

Plantation is defined in the Code of Practice as:

“a stand of trees of ten hectares, or larger, that has been established by sowing or planting of either native or exotic tree species selected and managed intensively for their commercial and/or environmental value. A plantation includes roads, tracks, firebreaks and small areas of native vegetation surrounded by plantation. Implicit in this definition is the recognition that plantations will be harvested.”

It is recognised that technically plantations involve the harvesting of trees. There are emerging new trends for plantations for carbon sequestration which may or not be planned to be harvested. These proposals will be processed as a 'tree farm' which is defined in the Planning and Development (Local Planning Schemes) Regulations 2015 as:

“means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the Carbon Rights Act 2003 Section 5. “

9. EXISTING SCHEME REQUIREMENTS

The Shire's Scheme is a statutory document which already lists some matters to be considered when dealing with plantation applications.

As per Clause 5.20.2 of the Scheme, Council will have regard for the following matters when assessing applications to use or develop land for plantations:

- The Code of Practice for Timber Plantations in Western Australia 2006 as amended from time to time ('Code of Practice').
- Submission of a plantation management plan in accordance with the protocol in the Code of Practice.
- The need to encourage the commercial production of trees which is of significance to the national, regional, and local economy.
- The benefits of agroforestry and plantations in addressing land degradation including soil erosion and salinity.
- The role of agroforestry and plantations in protecting water quality and preventing adverse effects on groundwater recharge.
- The location of the land in relation to land zoned for residential, industrial and commercial uses.
- The suitability of the current and future road systems.
- Any Local Planning Policy adopted by the local government.
- The objectives of the Rural zone under Part 4.

In determining applications for plantations, the local government may impose conditions relating to:

- The application of fire management measures and the provision of internal and boundary firebreaks and water supplies in accordance with the Guidelines for Plantation Fire Protection 1998 (Bush Fire Service of WA/FESA and CALM).
- Compliance with the Code of Practice.

10. POLICY REQUIREMENTS

In assessing any application for a plantation Council will have regard for the following matters;

10.1 Continuing Agricultural Activities

Traditional agricultural activities such as cropping, grazing and food production should generally remain the predominant land use with plantations as an ancillary and complementary use.

This Policy does not attempt to introduce maximum planting areas by means of a percentage of the lot area, simply because some flexibility needs to be afforded.

As a general rule the Shire will assess if a plantation area is 'ancillary' having regard for;

1. The area of each lot;
2. The proportion or percentage of the plantation area on a lot by lot basis. The Council generally considers a 30-35% maximum planting area as ancillary although each application will be assessed on its merits on a 'case by case' basis;
3. The extent of existing remnant vegetation areas; and
4. Whether a significant portion of each lot can continue to be used for traditional extensive agriculture or intensive agriculture involving food production.

Council will be able to clearly identify whether agriculture remains as the primary use, simply because detailed site plans are lodged for all applications and show the extent of planting areas.

This Policy aims to actively encourage the integration of tree planting with traditional agricultural farming activities. Whilst there are other factors contributing towards reductions of rural population, the Shire wishes to ensure that new land uses do not exacerbate an existing ongoing problem.

Council will not generally support the planting of whole lots or farm lots for tree planting due to the potential for the displacement of agricultural pursuits and loss of agricultural land.

There is a general presumption against 'whole of lot' plantations in the Rural zone, unless a proponent can demonstrate to the Council's satisfaction that there are exceptional circumstances that warrant a variation in accordance with Clause 10.1.1. Council considers that the development of whole lots with plantations is inconsistent with the Scheme's objective of ensuring that broad acre farming continues to be the principal land use in the district as:

- (a) Plantations may not be harvested except in the long term, or in the case of carbon sequestration plantations, not at all;
- (b) The concept of broad acre farming primarily contemplates the continuation of traditional productive agricultural activities;
- (c) The use of an entire lot for a plantation to the exclusion of traditional productive agricultural activities does not involve an appropriate integration of rural land uses, but instead runs the risk that the entire lot will never be returned to productive use, and at the very least involves a diminution of the productive capacity of the land;
- (d) Any proposed whole lot plantation discourages the continuation of broad acre farming in a way the development of a plantation at a smaller scale would not. Integrated ancillary plantings consistent with this Policy serve to encourage the retention of productive agricultural activities whereas whole farm lot plantings have the opposite effect;
- (e) Plantations that are not well managed or have no on site manager (with absentee ownership) or are abandoned, can cause significant long term land use conflict with surrounding broad acre farming or intensive agricultural activities due to increased bushfire risk, lack of fire break maintenance, lack of general property maintenance, uncontrolled weeds, and uncontrolled vermin or feral animals, including wild pigs.

10.1.1 Variations

In dealing with this matter, Council will have regard for any specific circumstances where a variation to this criteria 10.1 may be warranted, however in those cases the onus will be on the applicant to demonstrate the particular merits of a proposal or justification for an assessment on a 'whole lot' basis.

If an applicant seeks any variation or support for plantation areas on a 'whole lot' basis then the application should be accompanied by justification such as;

- Land Capability Studies;
- Farm Management Plan;
- Soil or water test results demonstrating areas not suitable for agricultural food production;
- Photographs showing shallow soils or rocky areas which visually demonstrate that the land is not suitable for agriculture.
- Demonstration that planting areas will have specific local environmental benefits for the lot(s) subject of the application (refer 10.3). For example, larger planting areas may be warranted as block planting adjacent to a creek line, or for salinity prone areas.

More detailed information would be required to be submitted to justify such an application.

10.2 LOCATION AND COMPATIBILITY WITH ADJACENT LAND USES

Some densely planted plantations may have a higher bushfire risk than broadacre crops, so the implications of locating plantations close to fire sensitive land uses such as hay plants, State forests and residential development needs to be considered.

For this reason, any larger scale plantations are discouraged in locations near any main townsites, areas with smaller lot sizes that have potential for dwellings, and rural residential lots. Plantations should also avoid locations near areas earmarked for future residential or rural development.

To reduce potential adverse impacts from inappropriate siting and development of plantations, Council will consider the following matters;

1. The proximity to any land zoned or earmarked for residential development, rural residential development or smaller lots with potential for dwelling development.
2. Separation distances between the proposed use and any commercial properties, or other areas such as public reserves, which may be sensitive to the exposure of pesticides (mainly if any aerial spraying is proposed).
3. Where harvesting is proposed, the suitability of the location in terms of the road network capabilities.
4. The visual impact if the plantation has potential to interrupt scenic views (particularly along main tourist routes). Scenic views should be protected, particularly along tourist routes or of specific landscape features.
5. Any strategic plan contained in a planning strategy or townsite expansion strategy.
6. Impact on any tourist and recreation uses. This may include vineyards and wineries with tourist attractions such as restaurants, cellar sales, tastings, or other facilities that cater for tourists.
7. Proximity to any airstrips.
8. Proximity to conservation areas and reserves. Any plantation in close proximity to a reserve under the care and management of an authority (such as the Water Corporation, Department for Environment and Conservation or the like) will be referred to the relevant authority for comment. Council will have regard for the advice of the relevant authority.
9. The potential for increased bushfire risk associated with mature plantings, and any increase of the Bushfire Attack Level for development on adjacent lots.

10.3 ENVIRONMENTAL BENEFITS

Council recognises that there are a variety of broad environmental benefits associated with tree planting that have the potential to contribute to the security and quality of water resources and salinity management.

Plantations can benefit water resources by improving water quality in catchments affected by saline surface water, reversing dryland salinity and waterlogging by controlling groundwater levels and assisting in the control of soil erosion.

In considering and any variation to the Policy, Council will have positive regard for any specific local environmental benefits to the development land and any application that;

1. Uses plantings on site to assist to mitigate salinity affected areas and demonstrates through soil analysis/mapping that there are salinity affected areas on the application land.
2. The use of native species is encouraged.

It is recognised that species that are native to Australia are often used (such as Mallees) for carbon sequestration, due to their growth rates, stock resistance, ability to survive in medium to low rainfall areas and minimal ongoing management needs.

Where feasible (taking into account continuing agricultural activities), the incorporation of some endemic local species plantings is encouraged particularly in areas such as;

- along watercourses including natural drainage lines and creeks.
- for revegetation of areas that do not qualify as forest sinks.
- for rehabilitation of land unsuitable for agriculture, or to provide connections between existing remnant vegetation areas remaining on site or on adjacent land.
- As a buffer or to expand / complement native vegetation corridors along Rivers.
- Along plantation edges adjoining conservation reserves or other Crown land.

The use of local native species is not compulsory however the Shire actively encourages applicants to look for opportunities to introduce species endemic to the area, especially for rehabilitation of creek lines and watercourses. Where feasible, the introduction of some areas of local native vegetation is also encouraged as part of each application.

3. The use of planting areas to provide vegetation corridors, linkages to remnant vegetation or assist to protect remaining cropping/grazing areas on the same property from wind erosion.
4. The use of planting areas to protect or enhance water courses, reduce waterlogging in affected areas and improvements to an existing situation (such as fencing of watercourses from stock).
5. The identification and protection of any existing local native vegetation.
6. Where commercially possible a mixture of planting species is encouraged even if it is only for a portion of the overall planting area. For example, the predominant planting areas may be Mallees but a mixture of local native species may be used along a creek line, as a wind break or adjacent to conservation / reserves areas.

10.4 CODE OF PRACTICE FOR TIMBER PLANTATIONS IN WESTERN AUSTRALIA (AS AMENDED)

In accordance with the Scheme Council will have regard for compliance with the Code of Practice for Timber Plantations in WA ('the Code') which sets out goals and guidelines for specific areas, including management plans, planning and design, plantation roads, weed and pest control, waterway protection, drainage, harvesting, fire prevention and control, research and development, safety and investment.

This Policy does not attempt to reiterate all of the requirements in the Code of Practice however they should be addressed by each applicant.

All plantation applications will be required to meet the minimum standards as outlined in the Code of Practice. All applications will be assessed having regard for the general principles of the Code.

10.4.1 Management of Plantations

The onus is on the owner / applicant to demonstrate to the satisfaction of Council that any plantations will be effectively managed.

Council must be satisfied that any Plantation Management Plan has measurable requirements that can be enforced by the local government through planning conditions. Management Plans that are generic in nature with ambiguous maintenance requirements will not be supported.

Any Management Plan must include:

1. Clear, regular scheduled and mandatory inspections;
2. A rigorous ongoing maintenance regime with identifiable triggers, clear maintenance actions and measurable outcomes (particularly for weed control, vermin control, feral animal control and general pest control);
3. A procedure to notify neighbours in writing prior to any proposed spraying.
4. A complaint handling procedure.

10.5 FIRE MANAGEMENT PLANS

Fire Management is an important issue which needs to be addressed as part of any new proposal, and applicants need to recognise that the local government has limited resources when dealing with Strategic Fire Management.

In accordance with the Timber Code of Practice a Fire Management Plan (FMP) will be required for all plantation applications.

Each FMP needs to be written and tailored specifically for the property subject of an application.

As a minimum all Fire Management Plans shall be compiled by a suitable qualified or experienced fire consultant and;

1. Address the Bushfires Act (1954), the FESA (now DFES) Guidelines for Plantation Fire Protection 2011 and the local government firebreak notices.
2. Generally follow the DFES Guidelines however also include;
 - Consideration of increased bushfire risk to any structure within 100 to 150 metres of any proposed planting areas and other land uses in the vicinity of the plantation lot – refer Clause 10.6.1.
 - Identify and address bushfire hazard as if it already existed, in accordance with State Planning Policy 3.7 (SPP3.7). FMPs should identify increased bushfire risk associated with the plantation in it's most mature state.

This is consistent with State Planning Policy 2.5 Rural Planning Guidelines Version 3 December 2016 which references SPP3.7.

- A fire suppression response examining the ability of the local fire brigade to respond to a fire on the property, having regard for distance, existing available local equipment and the location of on site water supply.
 - Outline the owners' responsibilities, neighbours' responsibilities, and applicant's responsibilities.
 - Fire Management Plans must nominate a local contact person or contractor who can attend the plantation site in the event of a fire emergency, for installation of fire breaks and regular ongoing maintenance of the plantation.
 - The Plan to have clear scheduled regular inspections, a rigorous ongoing maintenance regime with measurable outcomes, which demonstrates a strong management commitment;
 - Owners may need to consider providing on site water trucks for use in the event of a fire having regard for the property location, and realistic fire suppression response.
3. Include a location/ context plan examining the surrounding land uses and identifying;
- Other existing or approved plantations within the immediate vicinity.
 - Any significant surrounding industries or land uses which may impact on fire management such as Rural Industry (hay storage), wood stockpiling, fuel storage etc
 - Identify any residential, rural residential or built up townsites located within 1 kilometre.
 - Identify nearby well vegetated areas or sources which may increase the risk of fire.
 - Increased bushfire risk of mature plantations for existing development in the vicinity of the plantation.
4. Include a Fire Management Plan (site plan) addressing the guidelines for 'fire prevention and suppression' contained in the Code and clearly show;
- Compartments and compartment sizes.
 - Water supply / points. A rainwater tank with a minimum capacity of 50,000 litres is required.
 - Location of any powerlines passing through planting areas or in close proximity to planting areas and / or proposed firebreaks.
 - Location of fire breaks. The site plan is to clearly distinguish between boundary firebreaks, strategic firebreaks, compartment breaks, fire breaks along public roads and fire breaks along powerlines using a colour coded legend.
 - Turnaround areas for emergency vehicles.
 - Location for emergency signage.
 - Emergency access / egress points and internal accessways.
 - Existing or proposed gates where firebreaks/emergency accesses intersect with fencing that can accommodate a 4.4 fire appliance.
5. Identify the location of any existing structures and need for low fuel areas. DFES Guidelines recommend a 50 metre distance between a planted area and any non habitable structure.

This distance may need to be increased for protection of established land uses on adjacent lots – refer Clause 10.6.1.

6. Comply with the relevant minimum fire break standards outlined in the Shire of Cranbrook's Fire Break Notice.
7. Involve consultation with the relevant authority (such as; Department of Water and Environmental Regulation; Water Corporation, the local government or the like) where the land is adjacent to a reserve, conservation area or crown land. Fire Management Plans should be independently managed unless there is a formal written agreement from an adjacent reserve owner over issues such as major burning of land outside of the application.

Council must be satisfied that the Fire Management Plan has measurable requirements that can be enforced by the local government through planning conditions. Fire Management Plans that are generic in nature with ambiguous maintenance requirements for ongoing fire management will not be supported.

10.5.1 Bushfire Attack Level (BAL) Contour Map

A Bushfire Attack Level Contour Map may be required as part of any Fire Management Plan in context of any nearby existing development.

This would be particularly relevant where a plantation may increase the bushfire risk for:

- (i) Any existing habitable dwelling on the lot that is proposed to be retained; or
- (ii) Sensitive premises, short stay accommodation; workers accommodation, caravan parks, nature based parks, chalets, or any form of tourist accommodation.
- (iii) Any land use on an adjacent lot that may attract members of the general public to their premises:
- (iv) Established land uses nearby to the proposed plantation that may require a higher level of separation and protection.
This may include, and is not limited to hay plants, roadhouses, service stations, bulk storage of hazardous materials, chemical storage; farm machinery sheds, shearing sheds, vineyards, wineries, restaurants, wind farms, land fill sites, reception centres or general stores.

10.6 WATER QUALITY AND BUFFERS TO WATER BODIES (CREEK LINES)

Adequate buffers are required between any plantation and watercourses on private land where the end use is not for public water supply. Buffers play an important role in maintaining water quality, protecting ecological values of waterways and preventing erosion or sediment movement.

The Timber Code of Practice recognises the need to protect water quality and cites that non planted buffers of 6 metres should be maintained from the edge of a watercourse. A 6 metre buffer is relatively minimal and is not considered adequate. The Timber Code of Practice also refers to the Department of Water's Water Quality Protection note however it is only in reference to public drinking water course areas.

The Department of Water and Environmental Regulation (DWER) has a Water Quality Protection Note on '*Vegetation buffers to sensitive water resources*' which recommends minimum buffers in Reservoir protection zones, Priority areas or wellhead protection zones.

As a Guide this Policy recommends the following buffers:

- 50 metres for permanent water or greater ephemeral streams (intermittent) which can be reduced to 30 metres where the landowner uses a combination of practices (multiple contaminant barriers) to protect water quality.
- 30 metres for ephemeral streams and margins of water supply / drainage which can be reduced to 20 metres where the landowner uses a combination of practices (multiple contaminant barriers) to protect water quality.

The types of 'multiple contaminant barriers' listed by DWER include effectively trained operators, regular supervision of activities, quality assured contaminant processes etc

Council may refer any applications to DWER for advice where deemed appropriate. Examples of where referrals will occur include;

1. Any application proposing a buffer less than the generic 50 metres or 30 metres.
2. Any application where there is ambiguity on the plans over the exact buffer distances, or that does not clearly comply with the 50 and 30 metre generic buffers respectively.
3. Any application where the nature of the watercourse is unclear and it is considered advice is required from DWER for Council to make an informed decision and assessment.

Ultimately Council is the determining authority and can consider lesser buffers where sufficient justification is provided by the applicant. In considering buffers Council will also have regard for;

1. The recommendations and advice of the Department for Water and Environmental Regulation.
2. Whether the development will result in significant revegetation of creek lines using local native species or upgrading of existing vegetation corridors using local species and;
3. The creek line and remnant vegetation along a creek is fenced for protection against grazing animals; and
4. The applicant demonstrates environmental benefits which improve an existing situation such as combating erosion, mitigating salinity, stabilising banks etc and;
5. Whether the proposal substantially improves an existing situation and has an aerial spray application management plan.

10.7 PLANTATION MANAGEMENT PLAN

The Council requires the preparation of a Plantation Management Plan to accompany applications in accordance with the protocol of the Code of Practice.

Appendix 1 of the Code of Practice provides a detailed description of matters to be addressed so will not be replicated in this policy (eg. establishment and maintenance plan, fire management plan, weed control, planting details, native vegetation management etc).

10.8 THE SUITABILITY OF THE CURRENT AND FUTURE ROAD SYSTEMS (FOR HARVESTING ONLY).

Council needs to consider the adequacy of the existing road infrastructure to service any future harvest and will require the applicant to outline the preferred haulage routes to be used on public roads as part of the planning application.

In accordance to Appendix 3 of the Code of Practice, a Plantation Harvest Plan is generally produced in accordance with the haulage-management notification.

Council may also require a report on the general pre-condition of the main haulage roads as part of a Plantation Harvest Plan, and payment of a bond to cover any potential road damage.

In considering adequacy of the existing road structure and harvest plan, applicants and the Council shall have regard for any proposed use of Restricted Access Vehicles (larger than 19 metre semi-trailer, 42.5 ton).

Any application or Harvesting Plan with land parcels totalling 1000 hectares or greater and located within 10 kilometres of a state controlled road will be referred to Main Roads WA for comment, prior to determination.