

SHIRE OF JERRAMUNGUP



MINUTES

SPECIAL MEETING OF COUNCIL

8TH JUNE 2010

SHIRE OF JERRAMUNGUP

**SPECIAL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS,
VASEY STREET, JERRAMUNGUP ON TUESDAY 8TH JUNE 2010,
COMMENCING AT 9.10AM.**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President declared the meeting open at 9.10 am.

2. RECORD OF ATTENDANCE

Cr B Trevaskis	President
Cr W Bailey	Deputy President
Cr T Barrett	Member
Cr J Iffla	Member
Cr R Lester	Member
Cr C Hobbs	Member
Cr B Atkin	Member
Mr W Parker	Chief Executive Officer
Mr B Bailey	Deputy Chief Executive Officer
Mr C Pursey	Planning Officer
Mr Aaron Soanes	
Mr Quinton Clasen	
Mrs Yvonne Lynch	
Mr Jeff Henderson	

3. APOLOGIES

Nil.

4. LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil.

5. PUBLIC QUESTION TIME

Nil.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

7. PETITIONS / DEPUTATIONS / PRESENTATIONS

Mr Aaron Soanes from CO2 presented Council with a brief overview of their planning application and indicated support from neighbours and local businesses for a proposed plantation (whole farm – 1094 hectares) on Lot 1459 South Coast Highway, Gairdner.

8. DECLARATIONS OF FINANCIAL INTEREST

Nil.

9. OFFICERS REPORT

9.1 Council is to consider an application for a proposed Plantation (whole farm – 1094 hectares): Lot 1459 South Coast Highway, Gardiner.

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	9.1
SUBJECT:	Proposed Plantation (whole farm – 1094 hectares)
LOCATION/ADDRESS:	Lot 1459 South Coast Highway, Gardiner
NAME OF APPLICANT:	Applicant : Mallee Land Company Pty Ltd / Owner: Yvonne Lynch
FILEE REFERENCE:	
AUTHOR:	Gray & Lewis & Craig Pursey
DISCLOSURE OF ANY INTEREST:	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of <i>Local Government Act 1995</i>
DATE OF REPORT:	2 June 2010.

SUMMARY

Council is to consider an application for a carbon sequestration plantation & harvesting plantation (for bio-feed fuel stock) on Lot 1459 South Coast Highway, Gardiner.

Additional information has been provided following Council's consideration of this application at their May 2010 meeting.

The application has been assessed in accordance with Local Planning Policy No 10 (LPP 10). It proposes planting of a whole farm / lot therefore seeks a variation to the Policy.

The applicant has provided justification for the proposed planting area by lodging a land capability and an assessment of the property by a farm management consultant.

This report recommends that the application be conditionally approved.

ATTACHMENT

Confidential Attachment 9.1 (A)	Copy of site plan.
Confidential Attachment 9.1 (B)	Copy of Land Capability Report
Confidential Attachment 9.1 (C)	Copy of Farm Management Assessment report
Attachment 9.1 (D)	Summary of LPP 10 fire management plan requirements and assessment
Confidential Attachment 9.1 (E)	Copy of additional land capability information
Confidential Attachment 9.1 (F)	Full copy of application

BACKGROUND

Council's previous consideration

Council considered the current application at their meeting of the 18 May 2010 where it resolved as follows:

“That Council defer a decision on this matter until the June 2010 Ordinary meeting of Council and request more information from the applicant including soil & water test results linked to aerial imagery clearly demonstrating areas not suitable for agriculture as stated in Section 10.1.1 Local Planning Policy 10.”

Additional information has been provided by the applicant and a copy can be found at Confidential Attachment 9.1 (E).

Most of this report remains the same as previously submitted to Council. More comment on the additional information provided by the applicant is provided later in this report.

Location

The subject property is known as 'Lynch Block' and is located on the western side of South Coast Highway approximately 25 kilometres south of Jerramungup.

The property has an approximate area of 1398 hectares.

Site Description

The majority of the land is cleared with the exception of some pockets of remnant vegetation – refer Attachment 9.1 (A). Some drainage lines traverse the property.

Zoning & Landuse Permissibility

The subject lot is zoned 'Rural' under the Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme').

Under the Scheme, the proposed landuse is construed as a 'plantation' which is a discretionary use in the 'Rural' zone meaning that *'the use is not permitted unless the local government has exercised its discretion by granting planning approval'*.

COMMENT

Additional information

The applicant has provided more detailed information regarding the farm's capability in accordance with the requirements of section 10.1.1 of LPP10 in order to satisfy Council resolution of 18 May 2010. More particularly, section 10.1.1 suggests justification including "...*soil and water test results demonstrating areas not suitable for agriculture*" in order for Council to support a 'whole of farm' application. The information provided includes:

- a) A plan and details of soil test results;
- b) Copy of the EM survey of the farm;
- c) A plan of the evaluation pits across the farm showing the salinity levels, indication of the depth of the soils and the water repellence of the soils;
- d) A plan and supporting information regarding the salinity level in the dams with water; and
- e) A summary of the pertinent points within the previously submitted Farm Capability report supporting the application's case that the property is not suitable for agriculture.

Further justification reiterating the following:

- Environmental benefits to the sub-catchment and to adjoining landowners through improvement of water quality and reduction in salinity that tree planting brings;
- The application represents only 0.3% of the Shire's agricultural land resources;
- The proposed planting will not displace an agricultural use as the farm has been underutilised for the last 5 years;
- There is no loss of rural population as the farm is unoccupied and the dwelling condemnable.

A full copy of this information is at confidential attachment (E).

Comment on Additional Information

Section 10.1.1 of the LPP 10 states:

"If an applicant seeks any variation or support for plantation areas on a 'whole of farm' 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 agriculture;*

- *Photographs showing shallow soils, etc...*
- *Demonstration that planting areas will have local environmental benefits for the specific location..."*

The applicant has now provided most of the above information and a discussion regarding local environmental benefit.

The plans and information submitted appear to show large areas of the farm affected by salinity and as having low capability for cropping. It seems clear from the information submitted that the current poor state of the farm has been caused or exasperated by a lack of farm management in the past. This issue is not a consideration of the policy as written. However, it is clear that if the farm remains unmanaged then the farm will continue to deteriorate having impacts the ongoing viability of the farm and surrounding properties.

Description of application

The application proposes a 1094 hectare plantation area made up of 19 compartments.

The applicant has advised as follows;

- The block plantings consist of multiple pairs of rows, with rows 2 metres apart with 4 metres between pairs. Target tree spacing along the row is 2.22 metres to yield a stocking rate of 1500 stems per hectare.
- Access is from the eastern side of the property. No additional road construction is required for the establishment of the plantation and condition of access will be monitored as the property is visited to ensure access is of a sufficient standard for operations to be carried out (planting, monitoring, fire management).
- Ripping to a depth of 500mm will be conducted prior to planting and assist with infiltration, absorption and retention of soil moisture.
- Seedlings will usually be planted manually and the species used will be *Eucalyptus loxophleba* and *Eucalyptus polybractea*.
- Replanting will be carried out the following season in all areas below 80% stocking (i.e. less than 1200 stems average per hectare).
- Weed control will be monitored by CO2 staff and carried out as necessary using various methods such as pre-cultivation, spraying, slashing, grazing etc
- Each site will be inspected once a week for the first 3 months and then once a month for the following 3 months. Monitoring will decrease after the first 6 months but will still involve regular inspections.

Relevant Scheme Requirements

The objectives of the Rural zone include;

- *‘to ensure the continuation of broad hectare farming as the principal landuse in the district and encouraging where appropriate the retention and expansion of agricultural activities where the land is capable of such development.’*
- *‘To consider non rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources of the environment.’*
- *To help protect rural land from degradation and further loss of biodiversity byencouraging rehabilitation of salt affected areas...’.*
- *‘To promote the sustainable management of natural resources, and the prevention of land degradation.’*

Clause 5.26.3 of the Scheme has specific requirements applicable to the ‘Development of Agroforestry and Plantations’ and lists matters to be considered as summarised below;

Matters for consideration under the Scheme	Comment
The Code of Practice for Timber Plantations in WA	The Code of practice is mainly orientated towards commercial plantations such as timber harvesting. There are applicable aspects such as weed control etc which is discussed in the applicant’s management plan.
Submission of plantation management plan in accordance with the protocol in the Code of Practice	The applicant has lodged a management plan which examines matters such as plantation design, soils, weed control etc. The management plan text is supported with a detailed site plan an aerial photography. The plan provides information on compartment areas, access, dam locations and entrances.
The need to encourage the commercial production of trees which is of significance to the national, regional and local economy.	Complies. The applicant has advised that a harvesting plan would be lodged before any harvesting occurred.
The benefits of agroforestry and plantations in addressing land degradation including soil erosion and salinity.	Complies. There is evidence in the land capability report and Farm Management Consultants report that there is potential for increased area of salinity, increased acidity of the soil and further degradation of fertility (under current management measures).
The role of agroforestry and plantations in protecting water quality and preventing	Complies with condition LPP 10 requires a 30 metre buffer to drainage which can be reduced to 20 metres where the landowner practices protect water quality.

adverse effects on ground water re-charge.	The site plan shows a watercourse/ drainage line in the south east portion. The buffer on the plan appears sufficient, however Appendix 2 of the plantation management plan cites a 10 metre buffer. A 20 metre buffer is recommended (as a condition) unless the applicant can obtain written endorsement by DoW to a lesser buffer. The condition has been worded to provide flexibility.
The location of the land in relation to land zoned for residential, industrial, commercial uses.	Complies. The lot is surrounded by rural zoned land.
The suitability of the current and future road systems.	Complies. Conditions can be imposed relating to harvesting.

Local Planning Policy No 10 – Agroforestry and Plantations

The main Policy requirements are summarised in the table below.

Matters for consideration under the Draft Policy	Comment
<p>10.1 Continuing agricultural activities The policy is aimed at ensuring traditional agricultural activities such as cropping, grazing and food production remain the predominant landuse with agroforestry or plantations as an ancillary and complementary use.</p>	<p>Variation sought. The applicant is seeking to plant a whole lot which is discussed separately in this report.</p>
<p>10.2 Location and compatibility with adjacent land uses The policy recognises that there should be separation to residential and premises which are sensitive to chemical spraying.</p>	<p>Complies. Surrounded by rural land.</p>
<p>10.3 Economic benefits The policy recognises that Council is to have regard for economic benefits however places a higher priority on continued agricultural use in recognition that it is difficult to quantify the extent of any local economic benefits.</p>	<p>Complies.</p>

<p>10.4 Environmental benefits</p> <p>There are already broad environmental benefits associated with plantations and the policy lists more specific examples of environmental matters that will be taken into account such as mitigating salinity, creating vegetation links / corridors, using local native plantings to protect water courses.</p>	<p>Complies. There is evidence in the land capability report and Farm Management Consultants report that there is potential for increased area of salinity, increased acidity of the soil and further degradation of fertility (under current management measures).</p>
<p>10.5 Code of Practice for Timber Plantations in Western Australia (as amended)</p> <p>This Policy does not attempt to reiterate all of the requirements in the Codes of Practice however they should be addressed by each applicant.</p>	<p>Complies with conditions.</p> <p>If Council supports the application conditions are recommended to require a harvesting plan and aerial spray application management plan. It is unlikely that harvesting will occur in the medium term given the nature of the proposal, however it allows flexibility.</p>
<p>10.6 Fire Management Plans</p> <p>The draft policy seeks to outline minimum requirements for fire management plans and ensure that they are comprehensive. It also requires FMP to be compiled by a qualified fire consultant as many are compiled by consultants who do not have fire expertise.</p>	<p>Discussed separately in this report.</p>
<p>10.7 Water Quality</p> <p>Examines buffers</p>	<p>LPP 10 checklist requires the plan to require clear setbacks between plantation areas and watercourses.</p> <p>This has not been provided in the plan however the written information cites a 10 metre buffer which has been verbally confirmed with the applicant (although appears wider on site plan).</p> <p>A condition requiring a 20 metre buffer is included in the officer recommendation.</p>
<p>10.8 Plantation Management Plan</p> <p>The Policy requires submission of a Plantation Plan in accordance with Appendix 1 of the Code of Practice.</p>	<p>A plantation plan has been lodged as part of the application and includes the FMP, establishment plan, weed control methods etc</p>
<p>10.9 The suitability of the current and future road systems (for harvesting only).</p>	<p>As the property is located on South Coast Highway and will include harvesting, the Policy requires <u>its referral to Main Roads WA before determination</u>.</p> <p>Due to time constraints it is proposed that in this case <u>a condition be imposed requiring a harvest</u></p>

	<u>plan to be lodged and approved by Council on advice from Main Roads WA prior to any harvesting activities occurring.</u>
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Proposed Planting Area

The applicant is seeking a variation to the Shires Local Planning Policy No 10. The Policy states that *'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'*.

The Policy also states that *'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 agriculture;*
- *Photographs showing shallow soils or rocky areas which visually demonstrate that the land is not suitable for agriculture.*
- *Demonstration that planting areas will have local environmental benefits for the specific location (refer 10.3). For example, larger planting areas may be warranted as block planting adjacent to a creekline, or for salinity prone areas. '*

The applicant has lodged a Land Capability Report Attachment 9.1 (B) and a report by a Farm Management Consultant Attachment 9.1 (C) in support of the proposal. Each report is discussed under headings below:

- ***Land Capability***

Land capability refers to the ability of land to support a type of landuse without causing damage. It considers the specific requirements of the landuse such as rooting depth & soil water storage, plus the risks of degradation associated with the use (egg wind erosion).

As far as Gray & Lewis understand the land evaluation standards, land capability classifications range from 1-5. One (1) essentially means there are very few limitations and the risk of land degradation is negligible. The higher scale of five (5) means there are severe limitations and the use is usually prohibitive in terms of development costs or the risk associated with degradation.

The Land capability report examined capability for broad dryland cropping and includes a table examining rooting depth, salinity hazard, soil water storage,

water repellence, waterlogging and wind erosion. Of particular note is that salinity hazard ranged from Moderate to High hazard.

The report included an optimistic land capability rating of 3.6 and a pessimistic land capability rating of 4. This indicates a low land capability for broad dryland cropping.

- ***Property Condition Report***

A report on the condition of the property has been compiled by 'Farmanco' being a farm management consultant.

A summary of the main findings are included below:

- The property can only be described as in poor state of repair with limited infrastructure that is in a serviceable condition.
- The dams on the property are mostly dry and require cleaning out of the silt/ catchment areas which will severely restrict the management of a livestock enterprise in the short term.
- The house on the property is dilapidated and would be deemed uninhabitable. The shearing shed would require significant maintenance.
- The soil types across the property are typical of the region and consist of mallee duplex with mostly sandy surface layer above a clay or gravel base. 2010 CSBP soil tests indicate many sites have low soil acidity, low phosphorus and low potassium levels. CO2 soil tests indicate that much of the sand surface is non wetting.
- The weed burden across the property is significant and it is apparent that no weed control has taken place for many months.
- Economic analysis undertaken indicates that the property would be unlikely to generate a sufficient cash surplus to pay a reasonable price to the owner in its current form.
- There is potential for environmental benefit from the change of landuse to plantation with possible reduction in saline water flow from the property over the long term, particularly into the creek system on the southern boundary.
- The social impact of this change in landuse is limited as the property would only ever be an addition to an existing business and would not be capable of supporting a family unit in its own right.
- The property has been advertised for sale over the summer of 2009/2010 and there has been limited interest to date. The owner has previously leased the property (limited to grazing for stock only) for a considerable time previously and now seek to sell the property.

The report includes an executive summary – refer Attachment 9.1(C). The crux of the report appears to be that the property has been neglected, it is not prime agricultural land, and it is unlikely to generate sufficient income to operate as a 'stand alone' farm (even with significant investment).

Gray & Lewis supports the application based on the combined information provided in the Land Capability report and advice of the Farm Management Consultants.

The report is clear that the property in the short term is not viable as a stand alone farm, but indicates that good agricultural management could mitigate most of the threats. The report indicates that in the long term and under well resourced good management of an adequate scale the property should be able to produce district average yields of crops and pastures with an acceptable return.

The likeliness of this occurring may be remote given the current state of the property.

As Councillors are most familiar with the local conditions, and have a good understanding of farm management issues, Gray & Lewis would encourage all Councillors to read the farm consultants report. Support for this application will set a precedent therefore Council needs to be satisfied with the information provided.

Fire Management Plan

Gray & Lewis has been provided with two Fire Management Plans. The first appears to be a generic fire management plan used by CO2 for applications throughout Australia and includes broad information for all states. CO2 has advised that they lodged the generic report to demonstrate that they have broad experience dealing with fire management.

The second is a supplement document which includes more detailed fire management information relating to Lot 1459.

The Fire Management Plan(s) text do not address all of the matters listed under section 10.6 (fire management) of Local Planning Policy No 10 (LLP 10) – refer Attachment 9.1 (D).

The Fire Management Plan is supported by a detailed site plan which includes information on access, dam locations etc

Gray & Lewis initially had concerns that the FMP states that '*the property should be viewed as a 4 wheel drive property*' and whether this was sufficient for emergency vehicle access. Informal discussions with FESA indicate that it is not a major concern and the majority of their fire vehicles are 4 wheel drive.

There are some aspects of the fire management plan that require more detailed clarification. For example, the FMP advises that there are nine water points however that these are dams fed by natural drainage and 'not necessarily reliable'. The FMP needs to provide assurances that there is will be water supply on site for fire management and how the proponent will manage that.

The combination of the text and site plan is considered sufficient to be able to support the proposed use, however the Fire Management Plan is not approved as part of this application. It is recommended that a condition require a modified Fire Management Plan that complies with the Shires Policy. Once CO2 develop a 'template' that complies, then they can use that for any future applications in the Shire.

It is recommended that the proponent be provided with a copy of Attachment 9.1 (D).

A revised fire management plan can be included as a condition. Gray & Lewis has discussed the Fire Management Plan with the applicant so they are aware modifications are required.

Conclusion

Based on the information provided Gray & Lewis and the Council's Planning Officer recommend support for the plantation subject to conditions.

STRATEGIC IMPLICATIONS

There may be strategic implications associated with the growth of plantations in rural areas if it results in the loss of prime agricultural land – this is still a concern for plantations proposed on whole farms/ lots. In this case the applicants have provided significant justification for the proposed use, and demonstrated that the property is not prime agricultural land.

STATUTORY REQUIREMENTS

Scheme requirements Explained in the body of this report.

Right of Review Under the Planning and Development Act 2005
The applicant has a right of review to the State Administrative Tribunal if aggrieved by any decision made by the Council, including any conditions imposed on development.

FINANCIAL IMPLICATIONS

The Shire pays fees to Gray & Lewis for planning advice.

POLICY IMPLICATIONS

Local Planning Policy No 10 has been used as a basis for assessing this application.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

- A. Approve the application lodged by CO2 Australia for a plantation on Lot 1459 South Coast Highway, Gardiner subject to the following conditions:
1. The applicant to lodge a modified Fire Management Plan (FMP) with the Shire for separate written approval prior to commencement of planting or an alternative time frame approved in writing by the Shires Chief Executive Officer. The modified Fire Management Plan shall consolidate fire management information specific to the site, shall comply with the requirements of Local Planning Policy No 10 in the opinion of the Shire CEO and / or Shire Planning Officer.
 2. Any future reviewed/ revised Fire Management Plan is to be lodged with the Shire for written endorsement.
 3. The owner/ applicant to make suitable arrangements to implement the recommendations of the Fire Management Plan approved in writing by the Shire.
 4. The owner/ applicant is to provide the local fire brigade and FESA with a copy of the approved fire management plan for records and information.
 5. The owner/ applicant to ensure that a copy of the approved fire management plan is stored at the main entrance to the property in a secure, weatherproof and clearly labeled container at all times.
 6. Internal roads / access tracks are to be adequately sign posted to provide clear direction to water points (for fire emergencies), exit points and emergency vehicle turnaround areas.
 7. The owner to ensure that there are access connections to all water points / permanent dams required for fire management for access by emergency fire vehicles.
 8. The plantation is not to be harvested until a harvesting plan is lodged and approved separately in writing by the Shire on advice

from Main Roads WA. The Shire may require lodgement of a bond prior to harvesting to ensure existing roads are maintained to the pre-harvesting standard.

9. Any harvesting shall be in accordance with a harvesting plan approved in writing by the Shire and subject to any further conditions specified by the Shire.
10. All works to be conducted in accordance with the Plantation Management Plan submitted with the application (except the FMP to be approved separately) including measures such as weed management and retention of existing remnant vegetation.
11. The owner / applicant to submit an aerial spray application management plan prior to any aerial spraying on site for the proposed plantation areas. The plan is to be in accordance with Appendix 3 of the Timber Code of Practice and should ensure protection of any watercourses from any spray drift.
12. All planting compartments / areas shall have a minimum buffer separation distance of 20 metres to any water course / drainage line unless otherwise approved in written by the Shire having regard for advice of the Department of Water.

B. Include the following footnote advice on the approval;

- (i) The plantation is to operate in compliance with the Code of Practice for Timber Plantations and FESA 'Guidelines for Plantation Fire Protection'.
- (ii) In regards to Condition 1, the Shire seeks a revised FMP to comply with its Local Planning Policy requirements. Once a standard format is developed by CO2 it can be used for future applications. If CO2 reviews or updates its Fire Management Plan, then it must lodge updated copies with the Shire for endorsement.
- (iii) The owner / applicant is advised that to comply with Condition 1 you must formally lodge a written request with a revised fire management plan seeking the Shires separate written approval of the plan. If a revised plan cannot be produced before the planting commences on site, then you must advise Council in writing when a revised management plan will be lodged.

An approved fire management plan needs to be in place prior to commencement of fire season. To assist the Shire attaches a copy of the FMP assessment, LPP 10 and LPP 12. Council officers are able to assist with development of a revised plan, which can be used by CO2 as a basis for any new applications.

- (iv) In regards to Condition 12, a 20 metre buffer is required under the Shires Local Planning Policy No 10 in accordance with the Department for Water Water Quality Protection Note on '*Vegetation buffers to sensitive water resources*'. The 20 metre buffer is supported on the basis that the landowner / applicant uses a combination of practices (multiple contaminant barriers) to protect water quality. If the applicant seeks a lesser buffer they should liaise with Department of Water and provide the Shire with written DoW advice for review of this matter.

- (v) The applicant is advised that the application should have been referred to Main Roads WA for advice and comment as the property is located on South Coast Highway (under the care and control of Main Roads WA). MRWA advice has not been sought up front due to time limitations for the Council agenda, however it is recommended that the applicant liaise with MRWA regarding harvesting routes as soon as possible.

Any harvesting plan will require separate approval from the Shire, and will be referred to Main Roads WA for comment.

- (vi) The applicant is advised that this application has been supported based on the specific merits of this application and having regard for specific site characteristics. Support for the extent of the plantation area should not be construed as support for any future application.

- C. Attaches a copy of the Fire Management Plan Assessment Attachment 9.1 (D), Local Planning Policy No 10 and Draft Local Planning Policy No 12 to the planning approval letter.

SC061001 Moved Cr Barrett / Seconded Cr Hobbs

That Council;

- A. Approve the application lodged by CO2 Australia for a plantation on Lot 1459 South Coast Highway, Gardiner subject to the following conditions:**
 - 1. The applicant to lodge a modified Fire Management Plan (FMP) with the Shire for separate written approval prior to commencement of planting or an alternative time frame approved in writing by the Shires Chief Executive Officer. The modified Fire Management Plan shall consolidate fire management information specific to the site, shall comply with the requirements of Local Planning Policy No 10 in the opinion of the Shire CEO and / or Shire Planning Officer.**
 - 2. Any future reviewed/ revised Fire Management Plan is to be lodged with the Shire for written endorsement.**
 - 3. The owner/ applicant to make suitable arrangements to implement the recommendations of the Fire Management Plan approved in writing by the Shire.**
 - 4. The owner/ applicant is to provide the local fire brigade and FESA with a copy of the approved fire management plan for records and information.**

5. The owner/ applicant to ensure that a copy of the approved fire management plan is stored at the main entrance to the property in a secure, weatherproof and clearly labeled container at all times.
6. Internal roads / access tracks are to be adequately sign posted to provide clear direction to water points (for fire emergencies), exit points and emergency vehicle turnaround areas.
7. The owner to ensure that there are access connections to all water points / permanent dams required for fire management for access by emergency fire vehicles.
8. The plantation is not to be harvested until a harvesting plan is lodged and approved separately in writing by the Shire on advice from Main Roads WA. The Shire may require lodgement of a bond prior to harvesting to ensure existing roads are maintained to the pre-harvesting standard.
9. Any harvesting shall be in accordance with a harvesting plan approved in writing by the Shire and subject to any further conditions specified by the Shire.
10. All works to be conducted in accordance with the Plantation Management Plan submitted with the application (except the FMP to be approved separately) including measures such as weed management and retention of existing remnant vegetation.
11. The owner / applicant to submit an aerial spray application management plan prior to any aerial spraying on site for the proposed plantation areas. The plan is to be in accordance with Appendix 3 of the Timber Code of Practice and should ensure protection of any watercourses from any spray drift.
12. All planting compartments / areas shall have a minimum buffer separation distance of 20 metres to any water course / drainage line unless otherwise approved in written by the Shire having regard for advice of the Department of Water.
13. The owner/applicant is to provide the Shire with future access to the existing gravel supplies.

B. Include the following footnote advice on the approval;

- (i) The plantation is to operate in compliance with the Code of Practice for Timber Plantations and FESA 'Guidelines for Plantation Fire Protection'.
- (ii) In regards to Condition 1, the Shire seeks a revised FMP to comply with its Local Planning Policy requirements. Once a standard format is developed by CO2 it can be used for future applications. If CO2 reviews or updates its Fire Management Plan, then it must lodge updated copies with the Shire for endorsement.
- (iii) The owner / applicant is advised that to comply with Condition 1 you must formally lodge a written request with a revised fire management plan seeking the Shires separate written approval of the plan. If a revised plan cannot be

produced before the planting commences on site, then you must advise Council in writing when a revised management plan will be lodged.

An approved fire management plan needs to be in place prior to commencement of fire season. To assist the Shire attaches a copy of the FMP assessment, LPP 10 and LPP 12. Council officers are able to assist with development of a revised plan, which can be used by CO2 as a basis for any new applications.

- (iv) In regards to Condition 12, a 20 metre buffer is required under the Shires Local Planning Policy No 10 in accordance with the Department for Water Water Quality Protection Note on '*Vegetation buffers to sensitive water resources*'. The 20 metre buffer is supported on the basis that the landowner / applicant uses a combination of practices (multiple contaminant barriers) to protect water quality. If the applicant seeks a lesser buffer they should liaise with Department of Water and provide the Shire with written DoW advice for review of this matter.**
- (v) The applicant is advised that the application should have been referred to Main Roads WA for advice and comment as the property is located on South Coast Highway (under the care and control of Main Roads WA). MRWA advice has not been sought up front due to time limitations for the Council agenda, however it is recommended that the applicant liaise with MRWA regarding harvesting routes as soon as possible.**

Any harvesting plan will require separate approval from the Shire, and will be referred to Main Roads WA for comment.

- (vi) The applicant is advised that this application has been supported based on the specific merits of this application and having regard for specific site characteristics. Support for the extent of the plantation area should not be construed as support for any future application.**

D. Attaches a copy of the Fire Management Plan Assessment Attachment 9.1 (D), Local Planning Policy No 10 and Draft Local Planning Policy No 12 to the planning approval letter.

**Motion Carried 4-3
Against: Cr Trevaskis, Cr Bailey and Cr Iffla**

Note: Council requested that future access to existing gravel supplies be provided to the Shire.

10. NEXT MEETING

10.1 Ordinary Meeting – 15th June 2010 to be held at the Council Chambers, Jerramungup.

11. CLOSURE

The President declared the meeting closed at 9.32am.