

AMENDED MOTION BY COUNCILLOR BROUGH

ITEM NUMBER: DIS333

ITEM TITLE: ADOPTION OF DRAFT LOCAL PLANNING SCHEME NO. 2

DATE & TIME RECEIVED: Monday 27 February 2023 at 7.33AM

DIS333: AMENDMENT BY COUNCILLOR BROUGH
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Tree Farm Use remain a “D” Use instead of an “A” Use in Priority Agriculture Zones, as originally advertised during the LPS2 advertisement period.

Councillor Reason:

1. LPS2 was advertised to the community with tree farming being a “D” use in priority agriculture land.
2. A “D” use enables City of Albany officers to refuse the establishment of a tree farm at the development application stage to ensure that the tree farm is not established on land that is of local, regional or state significance for food production.
3. DPIRD made a submission recommending tree farm use in priority agriculture be changed from “D” use to “A” use, to ensure that there was more time for consideration to refuse an application with regard to carbon farming threatening food production.
4. The DPIRD recommendation was upheld, however in citing reasons why, DPIRD’s two sentences of justification were quoted verbatim without additional analysis as to why DPIRD’s request should be upheld.
5. Regarding DPIRD’s moot concerns about food security in priority agricultural land:
 - (i) None of the activities in the Albany region are critical for food security of our local society, or regionally or for the state of WA; most of the agriculture in our region is focussed on export products that compete in a world market with producers who have less government red tape; and
 - (ii) With a “D” use, City of Albany still reserves the right to not grant development approval on the basis of carbon farms gobbling up strategic food-producing lands
6. Regarding concerns about carbon farms, current federal legislation dictates plantation cycles of 25 years (the same duration as a pine plantation cycle), or 100 years. Although 100-year plantation cycles tie up land for a century, they are currently unable to economically compete with other priority agriculture pursuits within City of Albany, and would nevertheless be able to be refused by planning officers under a “D” use on the basis of interference with food production purposes.
7. State Government policy is that tree plantations are an agricultural pursuit like any other; indeed they are a plant-based crop.
8. A ubiquitous aspect of planting any crop, be it canola, wheat, or eucalypts, is that planting must be timed in accordance with the seasons. Just as wheat is not planted in midsummer, nor are eucalypts or pines. Yet the lead time for preparing tree plantations is long. Seedlings must be ordered and raised late in the year, and planting must occur in the coming June-July.
9. Delays in planting due to complications arising from advertising will result in flow-on effects include wasted stock (unlike cereal seeds, infant trees can’t be saved for next year and net a total financial loss) or plantation failure due to establishment too late in the season.

10. By requiring an advertisement process in addition to a discretionary use development application, there is:

- (i) A net increase in administrative burden on the farmer; and
- (ii) Risk of impairment of establishment of the crop with potential lost outlays for seedlings and/or the need to postpone planting for a year.

11. To contextualise, at current market rates, the real economic cost to a farmer wanting to establish a 100Ha eucalypt plantation, who is forced to delay planting by one year due to a lost planting window because of advertising requirements is ~\$150,000 in lost earnings (rainfall band ~800mm/yr), excluding any unrecoverable costs in seedlings purchased.

12. Property owners have a right to decide how they use their land, provided it is consistent with the zoning; tree farms, as an agricultural pursuit like any other, are consistent with a priority agriculture zoning.

13. Establishment of an advertising process for a specific type of agricultural development that vests power in the opinions of adjacent landowners' on essential food production, is inconsistent with good planning principle.

14. By reverting the Priority Agricultural land use to "D", City of Albany officers remain empowered to refuse any tree farm development application in priority agricultural land on the basis of the inappropriate location, as well as DPIRDs concerns for food security.

15. Simultaneously, the "D" use will deliver justice to farmers through allowing the approval/refusal process to occur in a timely fashion, respectful of the nature of the seasons and the agricultural enterprise.

Officer Comment:

As stated in the draft scheme, the purpose of the 'Priority Agriculture' zone is:

*'To identify land of State, regional or local significance for **food production purposes.**'*

The Department of Primary Industries and Regional Development (DPIRD) works to protect the sustainability of agriculture, including food production and made a submission on the scheme

DPIRD provided the following in their submission;

'Tree Farm can remain a 'D' use in the Rural zone but should be an 'A' use in the Priority Agriculture zone to ensure that a tree farm is not established on land that is of local, regional, or state significance for food production. This is especially important if the tree farm is for carbon storage (carbon farming) as this has the potential to exclude the land from being used for food production in permanently.'

Staff recommend upholding the DPIRD submission.

- Both classifications 'D' and 'A', allow for development refusal.
- The 'A' classification requires advertising.
- Advertising gives the DPIRD the opportunity to assess any impact on food security.

In support of this position the Lower Great Southern Strategy 2016 states (section 2.8):

- Given that agriculture is the cornerstone of the economy in the Lower Great Southern, planning should ensure that its agricultural base is protected from loss of agricultural land due to unplanned subdivision and **permanent** land use changes.
- In order to protect agricultural land and guide future land use, zoning, subdivision and development in these areas, WAPC rural planning policy (SPP 2.5) requires priority agricultural land to be zoned priority agriculture in local planning schemes.

- A key difference between priority agriculture and general agriculture zones is the way land uses are treated through local planning schemes. In general, land uses that provide for food production should be given greater permissibility than other land uses in priority agricultural areas.
- From 1988 to the mid-2000s, there was rapid growth in the plantation timber industry in the higher rainfall belt of the Great Southern region. This growth resulted in changes to the landscape, transport usage and rural populations in the Lower Great Southern. More recently farm forestry production has declined following issues with investment schemes: however, there are signs that the industry is stabilising in the region. In addition carbon sequestration plantations may increase into the future. This land use can have impacts from a visual landscape perspective, can result in long term land use change and **can compete with food production land uses on priority agricultural land**. As such there remains a need for State and local planning to manage tree plantations through policies, strategies and schemes.

And State Planning Policy SPP 2.5 Rural Planning also support this position;

- “5.6: Tree farming Tree farming is an umbrella term used to describe the planting of trees to generate economic return and/or environmental benefits. It has been a rapidly emerging industry in a number of rural locations across the State. Usually this has involved the planting of trees for harvest. However, more recently the planting of trees for carbon sequestration has emerged as a new rural land use. Tree farming which involves harvesting is a primary production activity that also sequesters carbon. The different types of tree farms, i.e., integrated, chip logs or saw logs, require varied planning approaches.
 - (a) *tree farming is supported and encouraged on rural land as a means of diversifying rural economies and providing economic and environmental benefit;*
 - (b) *tree farming should generally not occur on priority agricultural land;*
 - (c) *tree farming should generally be a permitted use on rural land, except where development of a tree farm would create an extreme or unacceptable bushfire risk or when responding to specific local circumstances as identified in a strategy or scheme;*
 - (d) *local governments should manage the location, extent and application requirements for tree farming in their communities through local planning strategies, schemes and/or local planning policies;*
 - (e) *in planning for tree farming, local government considerations should include but are not limited to, potential bushfire risk, environmental and economic factors, water availability and recharge, visual landscape impacts, transport impacts of tree farming (where harvesting is proposed), planting thresholds, appropriate buffers, and location relative to conservation estates and sensitive land uses;*
 - (f) *where tree farm proposals are integrated with farm management for the purpose of natural resource management and occupy no more than 10 per cent of the farm, the proposal should not require local government development approval; and*
 - (g) *the establishment of tree farms does not warrant the creation of new or smaller rural lots.”*

It should also be noted that, the Department of Planning Lands and Heritage is unlikely to support a position that will contradict their policy, the Lower Great Southern Strategy and the advice from DPIRD.