

TOWN TREESCAPE POLICY

PURPOSE

Trees provide environmental, health and amenity benefits in relation to solar screening, microclimate, carbon absorption, bird and animal habitat, air quality and visual attractiveness.

Due to these benefits, trees can also enhance the monetary value of individual properties and the enjoyment of residing in a green, leafy neighbourhood.

It is a concern for the Shire that some trees and shrubs can pose problems to local infrastructure. This becomes an issue if individual species are not chosen correctly or if they are planting in an unsuitable position. This policy outlines ways to rectify problems associated with these situations. The policy also outlines ways to maintain environmental integrity throughout the Shire by using offset areas to maintain and increase tree and shrub populations in the event of tree and shrub removal.

OBJECTIVE

The objectives of this local Policy are to:

- (a) Encourage the Shire Works & Services staff and landholders to seek out best practices for tree management within the town sites.
- (b) Encourage off-set planting to be completed through appropriate measures.
- (c) To comply with government legislation including the *Environmental Protection Act 1986* and the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

DEFINITIONS

Road Reserve

The road reserve includes the road surface (including shoulders and drainage treatments) remnant vegetation up to an adjacent property's fence line.

Landholders

The holder or proprietor of land.

Environmentally Sensitive Area

There are a number of areas around Western Australia of environmental significance. These locations are generally areas where the vegetation has high conservation value and cannot be cleared. These areas are referred to as environmentally sensitive areas (ESAs), and are declared under section 51B of the EP Act and described in the Environmental Protection (Environmentally Sensitive Areas) Notice 2005. Section 51B of the EP Act allows the Minister to declare environmentally sensitive areas.

No such areas have been identified within the Road Reserves in the Quairading town site. However, the Shire acknowledges the presence of Jacksonia Quairading and Banksia Cuneata within the Quairading town site, in the borefield and old rifle range area.

POLICY

This policy applies to the Quairading town site. The Policy differentiates between existing remnant vegetation and species planted by the Council or Community Groups throughout the town for aesthetic purposes.

GUIDELINES

Environmental Protection Act 1986

Environmental Protection (Clearing of Native Vegetation) Regulations 2004


Annexure A – Procedures.

STATUTORY ENVIRONMENT

Environmental Protection Act 1986

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

Record of Policy Review

Version	Author	Council Adoption	Resolution	Reason for Review	Review Date	CEO Signature
01	Graeme Fardon	25/11/10	100-10/11	New Policy		
02	Graeme Fardon/ Allan Rourke	20/12/18	115-18/19	<i>Policy Review Project 5/12/2018</i>		
03	Graeme Fardon	17/12/20	97-20/21	Biennial Policy Review - Minor Amendment	Dec 2022	
04	Nicole Gibbs / Sarah Caporn	15/12/22	143-22/23	Biennial Policy Review - Minor Amendment	Dec 2024	

Annexure A

1. General Clearing Responsibilities for Council Employees

The Shire conducts tree removal or pruning in a reactive manner. The Shire is to provide direct resources for this activity to those trees that present a high risk to the community and infrastructure.

1.1 Clearing to maintain existing cleared areas around a building, fence line, fire risk reduction area for a building, vehicle or walking track and/or footpath

Item 15 of Regulation 5 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* provides an exemption for clearing to maintain existing cleared areas around infrastructure for the following purposes, provided that the land was lawfully cleared within the 10 years immediately prior and the clearing is to the extent previously lawfully cleared for that purpose: around a building or structure for the use of the building or structure; for a fire risk reduction area for a building; to maintain an area along a fence line to provide access to construct or maintain the fence; or to maintain a vehicle or walking track.

This exemption also applies to clearing of land that was previously lawfully cleared (possibly in excess of 10 years prior) for the following purposes, provided that the clearing does not exceed the extent specified for that purpose:

- (a) Around a building or structure for the use of the building or structure - maximum of 20 metres;
- (b) For a fire risk reduction area for a building - maximum of 20 metres;
- (c) To maintain an area along a fence line to provide access to construct/maintain the fence - maximum of 5 metres; or
- (d) To maintain a vehicle or walking track - maximum of 5 metres.
- (e) This exemption applies to the owner or occupier of the land on which the clearing is to take place. This exemption does not apply in environmentally sensitive areas (ESAs).

1.2 Clearing on a Public Roadside Facility

Exemptions to the clearing regulations exist for clearing for maintenance in existing transport corridors (being a stretch of road, whether public or private, or railway). Item 22 of regulation 5 (and schedule 2) enables local government to clear vegetation for the maintenance of an area that is a public roadside facility, provided that the clearing is to the extent necessary to maintain (but not extend) the intended use of the area. Any extension, widening, upgrading or realignment of road or railway infrastructure that requires the clearing of native vegetation is considered to be new works. New works are not covered under this exemption and will require a clearing permit.

2. Existing Remnant Vegetation

Plants grown on public roadsides that have existed for more than 10 years require a clearing permit prior to their removal except in the occurrence that they are being removed to maintain an existing walking track or pathway.

2.1 Existing Trees

Where a request for tree removal or pruning relates to the potential for injury to any person or damage to property, a suitably qualified staff member will assess the risk associated with the pruning or tree removal.

The Shire may consider the following, when determining if the above action is appropriate:

- (a) Whether the tree has significant amenity or aesthetic value or the significance of the tree(s) within the local area and regional landscape.
- (b) Whether the tree(s) provides habitat.
- (c) Whether the tree species is known to be an environmental weed as declared by the Department of Agriculture and Food WA.
- (d) Whether the tree(s) obstructs reasonable solar access to windows, openings of a building, solar appliances, clothes drying, and outdoor living areas.
- (e) Whether the tree is within five (5) metres of an approved building or structure.
- (f) Whether the tree is within one (1) metre of a sealed driveway.
- (g) Whether the tree (native or amenity) no longer fills its original purpose

2.2 Refusal of Requests

The Shire may/can refuse requests for removal or pruning of trees, if at the time of the inspection, the tree:

- (a) Is in a healthy and stable state, and
- (b) Does not interfere with overhead or underground services, and
- (c) Does not affect the sight lines of motorists or pedestrians, and
- (d) Is not causing damage to private or public property, and
- (e) Is not risking public safety, and
- (f) Is not likely to cause any of the above in the foreseeable future.

2.3 Termites/Bees/Pests

The Shire of Quairading undertakes the eradication of termites/bees/pests in tree(s) or tree stumps or any timber on Council road reserves and public reserves. It is the responsibility of the property owner to undertake any eradication activities on their land and protect all buildings from termite attack by installation and maintenance of recommended methods of control in accordance with Australian Standard 3660-1993 'Protection of Building for Subterranean Termites'.

2.4 Unique Environmental Values

To determine whether the clearing site has unique environmental values, the site must be assessed as to whether it contains:

- (a) Ecosystems and their constituent parts including people and communities; and
- (b) All natural and physical resources; and

- (c) Those qualities and characteristics of locations, places and areas, however large or small, that contribute to their biological diversity and integrity, intrinsic or attributed scientific value or interest, amenity, harmony and sense of community; and
- (d) Cultural heritage values for any community members.

3. Species planted by the shire or community groups throughout town for aesthetic purposes

Plants grown on public roadsides within 10 years are able to be removed without a clearing permit.

3.1 New Trees

The Shire does not encourage the planting of trees within road reserves or in public reserves by anyone other than Shire staff or its contractors due to the potential for liability. The Shire is responsible for the selection, planting and maintenance of any new trees planted. Selection of the tree / shrub types may be on the grounds of suitability to minimise the impact on the immediate locality and infrastructure.

4. Locating Suitable Offset Areas

The offset area must demonstrate that the proposed clearing site and the proposed offset area are ecologically equivalent. Ecological equivalence includes values associated with the following factors:

An offset area must:

- (a) Be of the same broad vegetation group.
- (b) Be a strategic position in landscape.
- (c) Be the same or similar in landform and soil type/s as found within the site to be cleared.
- (d) Be able to support the same or similar native vegetation associations/s as that present within the site to be cleared.
- (e) Likely to be successfully recreated as the habitats that are to be lost through clearing
- (f) Contribute to species diversity.
- (g) Match landscape context attributes - patch size, connectivity, context.

Offset areas must be planted in a 2:1 ratio from that vegetation that has been removed and/or cleared.

Suggested offset planting locations include: -

- (a) Reserve 36774 – (Area bounded by Parker Street, Ashton Street, Harris Street and MacDonald Street)
- (b) Reserve 16735 – Quairading Landfill Site
- (c) Reserve 14179 – Gravel Reserve, Cunderdin Road
- (d) Reserve 21459 – Borefield Reserve

The off-set areas will need to be monitored at 6-monthly intervals for 3 years to ensure establishment of the new sites.

There is also an opportunity to expand to the offset areas through 'contributing offsets' which may include additions such as fencing, security, removing threatening processes and associated community education to the offset area.