

6.2. NOTICE OF MOTION - PRUNING OF DANGEROUS TREE PLANTINGS COUNCIL ADMINISTRATION BUILDING AND HARPER STREET RESIDENTIAL PROPERTY BOUNDARY.

COUNCILLOR: Cr Terry Melchert

NOTICE OF MOTION:

I hereby give Notice of my intention to move the following Motion at the Council meeting scheduled for Wednesday 16th December 2015:-

“that Council move as soon as possible ,and prior to the cyclone season, to arrange for all the large and tall trees planted by Council on the boundary of the Administration Building and residential properties in Harper Street either pruned back to a maximum height of 6 metres, or removed completely.”

BACKGROUND:

I have received ongoing complaints (as had Cairns Regional Council) from affected residents that they are concerned the large trees planted by their neighbour the Douglas Shire Council now pose a physical threat to their safety and that of their properties.

I placed a similar motion before Council twelve months ago and unfortunately I did not receive support from a majority of Councillors.

This afternoon I have been approached by Mr Bob Pollock advising that he has again complained to Council about the issue. Likewise Ms Kaye MacDonald has indicated to me that she considers the trees behind her property threaten not only the structures on her property but her actual house.

Residents simply want the Council to remove the very high trees leaving the existing understorey to provide the required screening. Most of the offending trees have already been identified and marked by Council’s horticultural contractor.

When I last raised the issue it was suggested by the administration that it would cost a huge amount to redesign the garden. This is simply not what the residents want.

In my view the trees are at a height that Council is not fulfilling its duty of care to the adjoining property owners, and may not be fulfilling the requirements of its Liability insurance which requires Council to take reasonable steps to mitigate risks and damage to property

CHIEF EXECUTIVE OFFICER'S COMMENT:

This issue was raised by Cr Melchert in April and December 2014 and advice was provided to all Councillors through Council's internal administrative processes. The following information was then provided in the response to the December 2014 Notice of Motion, as follows:

RE : CRM 1164/2014 Removal of large trees in Administration building rear car park

- An inspection of the trees was initially undertaken by Council's team leader open spaces. The trees identified for removal will not respond favourably to heavy pruning. Pruning these large rainforest species trees to a lower height will result in killing the trees, leaving large dead stumps. Should the trees survive, they will re shoot resulting in weak limbs susceptible to failure in high winds. Pruning of the trees apart from dead limbing to remove any potential hazards is not considered an option. Therefore a quote to remove the 12 trees identified was obtained (\$9000) pending a decision.
- A further inspection was undertaken by the Team Leader Public Spaces and discussed in detail with the General Manager Operations. Results as follows:
 - I. Removal of the 12 identified rainforest trees will result in ongoing maintenance costs to DSC, by opening up the canopy and allowing the succession of further rainforest species to take their place. The current situation will be ongoing for years to come.
 - II. To remove trees because they become too large is totally against council policy on how we manage all tree complaints. Our current response to all customers regardless of location or the customer s "dead, dying and dangerous". We do not remove healthy trees for potential weather events. The identified trees are healthy and did not show any signs of failure in the recent cyclonic event (Cyclone ITA). They are not displaying any signs of being dangerous, that would warrant a formal safety inspection to be carried out by a qualified arborist. We do not cut down trees for "What if's". To do so sets a very bad precedent to the rest of the community that when a tree gets too big you can have it cut down. The situation we have in the council car park boundary is no different than any other council managed trees within our shire. For example: Large trees on our nature strip / streetscape, trees adjacent to property that backs onto council easements, esplanades along our creeks, parks and reserves. If a member of the public requested removal of trees in any location for the same reason, the answer would be straight out NO.
 - III. I do agree with Cr Melchert that the trees are of a species that are not suitable in a boundary planting, let alone an urban area car park. The proposed species to be planted in this location should have been flagged as inappropriate in the planning process prior to construction. Therefore should council insist on removing these trees, a long term solution should be implemented. Estimates have been obtained to remove all the vegetation in the rear car park gardens and replace with suitable landscaped / screening gardens. To do so requires total tree and stump removal, replacement of soil, irrigation, plants and mulch. The job costs have been estimated at \$68,000 and proposed as a capital works project in the forthcoming budget for council consideration.
- Yes council is covered for damage caused to property should the trees fall.

Cr Melchert states correctly that quotes were received but not actioned. This is because Council did not allocate funding in the 2014/2105 budget for this purpose.

No direct measurement of the trees height has been undertaken at this stage but from visual inspection it is acknowledged that the very tops of some of the trees could possibly hit one of the adjacent houses if the tree were to fall in the right direction. All the trees are located well away from the Pollack house. There is no direct allocation for the work in the 2015/16 budget and the cost is believed to be similar.

Council staff are of the view that the trees are healthy and it is recommended that the owners be advised that they can obtain an inspection and assessment from an independent arborist if they do not agree. A Tree Risk Management Guide supplied by Council's insurer advises that Council does not have liability for damage caused by trees in a weather event unless there was prior knowledge of the tree being unhealthy.

The response from field staff remains the same as previous Notice of Motion.