

*fact sheet*

# RESPONSIBLE TREE MANAGEMENT



*The Douglas Shire Council area is renowned for its stunning natural beauty, cultural landscapes and tropical streetscapes. Aside from its World Heritage protected landscapes, the area supports a rich diversity and maturity of trees.*

The trees we value are found within streetscapes, parkland, private gardens, tree-lined avenues, coastline, river banks and forests. They range from mature exotic species to the smallest, native regrowth trees. The value of trees within the rural landscape and urban environment is widely accepted as high due to their positive contribution towards maintaining sustainability, and to community health and serenity. Our tropical climate also means that a tree can grow larger than in other areas of Australia, and as such, care needs to be taken when choosing a suitable species to plant.

## The value of trees

Trees provide social, environmental and economic benefits. They add beauty to our urban landscapes by softening the harsh lines of buildings, complementing architecture, increasing property values, screening unsightly views, and providing privacy and a sense of security and place.

Trees absorb air pollutants, release oxygen and sequester carbon dioxide. Trees help to reduce stormwater runoff and erosion, ameliorate climatic conditions, can save energy, provide wildlife habitat and strengthen a sense of community within a given area. Trees also cool urban environments and help reduce energy consumption and air conditioning costs. While trees provide numerous benefits, they also incur some ongoing costs including maintenance, pruning, disposal of leaves and branches and ultimately, tree removal. Planting the right tree in the right place will maximise benefits while minimising the ongoing maintenance costs.

The long-term goal of urban tree management is sustainability; the maintenance of ecological, social and economic functions for the duration of a tree's useful life. Council needs to be a responsible owner and manager of trees on Council-owned land, and a caretaker of some State-owned land. Public safety is a priority with respect to the planning, provision and maintenance of trees.

# MANAGING TREES IN THE DOUGLAS SHIRE

## Tree removal on Council – owned land

Council strives to protect trees. The removal of a tree is the last resort when alleviating tree-related problems. All other options are assessed and used in preference to removal. Options include root severance or barriers, pruning, increased sweeper services, drain cleaning, infrastructure modification or other management programs.

All trees on Council-owned or managed land are protected and any trees planted on Council land become the responsibility of Council. As such, residents cannot remove, prune or otherwise damage such trees without applying for permission. If a tree on Council land is causing issues for you it will be inspected and assessed by a suitably qualified person.

Where a tree is identified by Council as an immediate hazard, removal may be undertaken immediately. Hazardous trees are those considered to be of immediate danger to persons and property. They may be structurally unsound, dying or dead, or causing significant damage to a Council utility or private infrastructure.

## Tree removal on private land

Trees on private land are protected under the Vegetation Management Code of the Douglas Shire Planning Scheme. Most areas of the Shire are also subject to additional vegetation management provisions in codes such as the Locality and Planning Area codes. If you want to remove a tree on your property you should first check with Council. Contractors should ensure that they have a thorough knowledge of Council's vegetation management provisions or that they seek written permission prior to removing trees.



## Planting on public land

Residents are not permitted to plant on road verges or in public parkland unless council approval has been granted. Approval is required to avoid the following tree related problems: traffic hazard caused by limited sight lines, obstruction of council drains, impact on service infrastructure or hiding places for criminals. Residents wishing to plant vegetation on Council land should contact Council for advice. Residents interested in starting a community garden should contact Council for advice and approval, however, commitment to the management of the venture must be demonstrated.

## Heritage listed trees

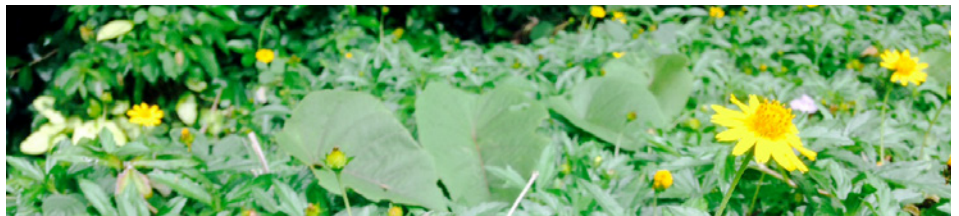
Some trees in the shire have been identified for their heritage values and included on the Queensland Heritage Register. These must be managed and maintained.



# REMOVING WEEDS & FAQs

## Removing weeds

Declared weeds must be removed, and other known weeds may be removed without approval. Declared weeds, (now called a Biosecurity Matter) are those plants declared under the Biosecurity Act 2014. Other known weeds are recorded in the Weed Pocket Guide – Agricultural and Environmental Weeds Far North Queensland will help you to be certain that the vegetation you are removing is actually a weed. Occasionally introduced plants hold special streetscape values. If in doubt, please contact Council.



**Residents are encouraged to remove declared weeds, and other weed plants, with care not to disturb existing or re-establishing native plants. *If in doubt*,** visit the state government websites regarding weed identification or contact Council for advice. Tree removal and/or maintenance requests: Some commonly asked questions regarding tree issues are discussed on the following pages of this Fact Sheet.

For any other queries regarding trees, please contact Council via the following methods and an officer will contact you to discuss and assess your request. **Tel (07) 4099 9444 Email [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au).**

## Frequently asked questions...

*Note: there is a table of useful links and contacts at the end of this document*

**Q1: A tree on my property is causing a nuisance (for example: leaf litter, fruit drop, falling fronds or branches), can I remove it?**

**A:** Before taking action to remove a tree, you should call Council for advice about the vegetation protection and conservation status in your area. Trees on private land are protected under the Vegetation Management Code and some areas are covered by additional planning scheme codes.

Vegetation is also protected where a Development Approval applies to the land, for example, unit developments, tourist developments and commercial premises.

Because of the high environmental values of the Douglas Shire, native vegetation, bush or rainforest on private land is likely to also be protected under state legislation such as the Vegetation Management Act; Nature Conservation (Wildlife Management)



Regulation 2006; Fisheries Act, the Wet Tropics World Heritage Protection and Management Act 1993 and its associated Wet Tropics Management Plan 1998. Vegetation may also be protected under federal legislation such as the Environmental Protection and Biodiversity Conservation Act 1999.

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**Q2: A tree on the footpath (or foreshore) in front of my property is blocking my view, can I remove it?**

**A:** No, you are not allowed to remove, prune or top a Council-owned tree and if you do you may be subject to prosecution under Council Local Laws and state or federal laws regarding tree protection. The tree may also be an important host tree for rare and threatened species of fauna and flora. The removal of foreshore trees may negatively affect the aesthetic character of the area valued by other residents. Lopping or topping a tree may make it dangerous due to the regrowth of epicormic branches or it may worsen tree structure or lead to fungal infection, or weaken the tree, making it unstable or susceptible to failure.

**Q3: Can I clear mangroves or other marine/coastal plants?**

**A:** No, marine plants are protected under Queensland law through the provision of the Fisheries Act 1994. Marine plants include plants such as mangroves, seagrass, saltcouch, algae, samphire (succulent) and adjacent plants such as melaleuca (paper barks and casurina (Coastal she-oaks). Coastal residents and landholders must apply for prior approval from Department of Agriculture

and Fisheries to undertake certain activities, such as building a jetty, that requires them to cut, trim or remove mangroves or other marine plants.

**Q4: Tree roots from my neighbour's land are invading my property and interfering with my fence (or drains or driveway), can I cut the roots back?**

**A:** You may be allowed to cut them but get permission from the tree owner first, whether your neighbour is Council or a private resident. It is also worthwhile getting advice from a qualified arborist (AQF Level 5) as cutting the roots too close to the tree trunk may affect the stability of the tree and could result in the whole tree failure. If a resolution cannot be reached with your neighbour, contact Queensland Civil and Administrative Tribunal (QCAT) for advice.

**Q5: How do I find a qualified Arborist?**

**A:** Check the Yellow Pages/Local Directory or contact the Queensland Arboricultural Association (QAA), who produces a Register of Qualified Arboricultural Consultants and Contractors – see link in useful contacts list below. If you cannot find a contractor in your area on their website search facility, contact them for advice



on finding an appropriately qualified arborist for the work you intend to have done.

**Q6: My neighbour's tree has long branches that are overhanging my property and causing a nuisance, what can I do?**

**A:** Before taking action it is always advisable to discuss the issue with your neighbour first. Any pruning should follow correct techniques that will not result in tree decay or other hazards.

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If in doubt, always seek the advice of a qualified Arborist regarding pruning to the Australian Standard for pruning of Amenity Trees – AS4373-2007.

**Q7: A tree growing on Council land is overhanging my fence, can I cut it back?**

**A:** As advised above, incorrect pruning techniques may make the tree unstable or in many, cause disease, or kill the tree. It may also make branch regrowth worse and actually increase the nuisance. It is preferred that you report the issue to Council and a qualified officer will assess the tree and advise the best course of action to help solve the issue.

**Q8: A tree growing on Council land next to my property is providing a way for children to climb into my pool, what do I do?**

**A:** Illegal entry into your property is a police matter and should be reported. You can also contact Council for advice on whether anything can be done to prevent access via the tree.

**Q9: I'm building a new house and want a footpath tree removed because it's in the way of where I want the driveway, what do I do?**

**A:** Contact Council's Public and Natural Areas team to request tree removal for the purpose of constructing a driveway. During the application process, you should highlight the tree issue. A council officer will carry out an inspection of the tree in relation to the proximity of the driveway for safety and stability, as well as the protection status of the tree. If the driveway crossover is approved and the tree needs to be removed, you may be liable for the cost of removal and replacement.

**Q10: A neighbour's palm tree is continually causing blockages in the drainage easement that borders my property and I'm sick of cleaning up after their trees, what can I do?**

**A:** Report this issue to council and an officer will inspect the tree and provide advice. Keeping a drainage easement clear from rubbish is the property owner's responsibility. Green waste blocking waterways, easements, or drains can cause millions of dollars in property damage by causing flooding.

**Q11: My neighbour's tree has grown so much that it shades my roof and now my solar cells are not receiving enough sunlight, what can I do?**

**A:** You should discuss the issue with

the tree owner. If the solar cells were installed after the planting of the tree then the neighbour has recourse not to prune the trees if they do not want to because the installation took place with knowledge that they would probably cause shading once grown. If the tree was planted after the installation of the solar cells you may ask your neighbour to prune or remove the tree because it was planted knowing that they may adversely affect the solar cells through shading once the tree had grown. You should consider the amenity that the tree provides and may choose to look into the latest developments in solar panel technology which allows for shading over the panels. If an agreement cannot be reached with your neighbour, please contact the Department of Justice to follow their mediation process under QCAT.

**Q12: The tree on Council land that borders my property is continually dropping leaves and fruit into my pool and this has damaged my pool filter. I now need to buy a new filter and I think Council should pay for it as it's their tree that caused the damage, how do I claim for damages?**

**A:** Living in the tropics where vegetation grows quickly, especially during the wet season, involves managing leaf drop from vegetation,



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whether it is from one's own trees or a neighbour's tree. Council does not remove trees due to nuisance issues as it inherently worsens the situation and reduces the amenity, and benefits of the urban forest. In some cases, if the relevant Council officer has classified the problem as an excessive nuisance the tree may be pruned, or replaced if pruning is deemed to be ineffective. Please contact Council for advice.

**Q13: Continual leaf drop from a bordering tree is filling up the gutters of my house. I'm sick of cleaning them and I want the tree removed, what do I do?**

**A:** As discussed above, life in the tropics goes hand in hand with trees and leaf drop. Residents should carry out regular clearing of gutters. You should also consider the installation of some form of gutter guard, or if you have gutter guard make sure that it has been correctly installed. You can also discuss the possibility of undertaking appropriate pruning with the tree owner to manage the amount of leaf litter that you are experiencing. Another possible course of action is to arrange a condition assessment of the tree by a qualified Arborist. There may be a reason that it is dropping more leaves than normal and this could be remedied. If the owner of the tree is



uncooperative, apply for assistance to QCAT. Where the owner of the tree is in an agreement with removal, it is the tree owner's responsibility to ensure compliance with local and state government laws before removal is carried out.

**Q14: I've seen people dumping their green waste in parklands or reserves, what can I do about it?**

**A:** Illegal dumping of green waste is

a significant cost to ratepayers with councils having to clean up the mess. Dumping green waste in waterways, easements or drains can also cause millions of dollars in property damage by blocking waterways and causing flooding. Many garden plants can also become weeds through the illegal dumping of garden waste. If you see someone illegally dumping green waste, please take their vehicle registration number and report it to Council for investigation.

**Q15: There is a termite nest in a tree on Council land and I am worried they will harm my property. What can I do?**

**A:** Termites in trees are not necessarily an indicator of them attacking the tree or that they will enter or damage property. Some termites use trees to build part of their nest off the ground and do not affect the tree. If you are concerned about damage from termites, call a pest/termite controller to inspect and report on any damage and to provide advice regarding the source of the termites and the treatment options.

**Q16 Should I put grass clippings around my trees or around trees on Council land?**

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**A:** Mulching is very beneficial to trees for nutrients and moisture retention in the soil however, mulching around the base of a tree with fresh material like grass clippings or fresh woodchips or other fresh mulch is not recommended. Instead you should mulch around the tree with well-composted mulch and spread it as wide as possible. It should not be deeper than 7.5cm to 10cm, depending on the type of mulch that you are using, and you should not mulch flush up against the trunk of the tree. If you do, there is a risk that the mulch will start or continue composting and may affect the bark of the tree, resulting in damage to the root collar.

**Q17 The tree next to my property is too tall. It will be dangerous in a cyclone and my house insurer makes me pay more premiums because of it, can I remove it?**

**A:** A well-maintained, healthy tree

can be beneficial for many reasons that outweigh the potential risk of failure in a cyclone. There is always a possibility that a tree may fail in severe weather events and potentially damage property, however, there is no way to know that it will definitely fail, or if it should fail, that it would damage your house. Healthy, well maintained trees around a building can help dissipate wind force thereby protecting the house from the wind. Once trees are removed there is no protection from the wind force and the building is fully exposed. Regular tree condition assessments by a suitably qualified Arborist or Forester (AQF Level 5 or higher) and carrying out any suggested maintenance work will ensure your trees are kept in good condition. The tree condition assessment will highlight any issues of concern and recommended remedial action. You could forward the condition assessment report and statement of maintenance from the arborist to your insurance

company as proof of responsible tree maintenance and ownership. This may assist in negotiating your premiums with the insurer, however this may differ from one insurance company to the next. Contact the Queensland Arboricultural Association for advice on the use of Certified Arborists and the type and quality of reports to expect.

**Q18 What if I can't reach a resolution with my neighbour concerning a tree issue?**

**A:** Download a copy of the 'Neighbourhood Mediation Kit' from the Queensland Government Publications website and follow their advice. If you are still unable to resolve your dispute through other options as listed in this brochure, genuine tree issues may be resolved through an application to the Queensland Civil and Administrative tribunal (QCAT).

# USEFUL CONTACTS:

INFORMATION SOURCE	WEB LINK
Biosecurity Act 2014 <i>Note: The Biosecurity Act 2014 commenced 1st July 2016, replacing the Land Protection (Pest and Stock Route Management) Act.</i>	<a href="https://www.daf.qld.gov.au/biosecurity/about-biosecurity/Biosecurity-Act-2014">https://www.daf.qld.gov.au/biosecurity/about-biosecurity/Biosecurity-Act-2014</a>
Crime prevention through Environmental Design (CPTED)	<a href="http://www.police.qld.gov.au/programs/cscp/safetypublic">www.police.qld.gov.au/programs/cscp/safetypublic</a>
Dial before you dig	<a href="http://www.1100.com.au">www.1100.com.au</a>
Declared weeds – information on weed control	<a href="https://www.business.qld.gov.au/industry/agriculture/land-management/health-pests-weeds-diseases/weeds-and-diseases/controlling-weeds-property/weed-control-laws">https://www.business.qld.gov.au/industry/agriculture/land-management/health-pests-weeds-diseases/weeds-and-diseases/controlling-weeds-property/weed-control-laws</a>
Douglas Shire Council Contact us	Phone (07) 4099 9444 or 1800 026 318 Email <a href="mailto:enquiries@douglas.qld.gov.au">enquiries@douglas.qld.gov.au</a>
Douglas Shire Council Local Laws	<a href="http://www.dilgp.qld.gov.au/local-government/laws/local-laws-online-database.html">http://www.dilgp.qld.gov.au/local-government/laws/local-laws-online-database.html</a>
Douglas Shire Council Planning Scheme	<a href="http://douglas.qld.gov.au/development/planning-services/douglas-shire-planning-scheme/">http://douglas.qld.gov.au/development/planning-services/douglas-shire-planning-scheme/</a>
Environmental Protection and Biodiversity Conservation Act 1999	<a href="http://www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/">http://www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/</a>
Ergon Energy	<a href="https://www.ergon.com.au/network/safety/home-safety/trees-and-powerlines/plant-smart">https://www.ergon.com.au/network/safety/home-safety/trees-and-powerlines/plant-smart</a>
FNQROC (Far North Queensland Regional Organisation of Councils) Regional Development Manual for advice on Landscaping Design Guidelines, Street Tree Planting and Verge Landscaping Guidelines	<a href="http://www.fnqroc.qld.gov.au">www.fnqroc.qld.gov.au</a> Go to D9 - Landscaping
Marine plant protection and management	<a href="https://www.daf.qld.gov.au/fisheries/habitats/marine-plants-including-mangroves/protection-and-management">https://www.daf.qld.gov.au/fisheries/habitats/marine-plants-including-mangroves/protection-and-management</a>
Department Agriculture and Fisheries	Phone 13 25 23
Nature Conservation (Wildlife Management) Regulation 2006	<a href="http://www.ehp.qld.gov.au/licences-permits/plants-animals/protected-plants/">http://www.ehp.qld.gov.au/licences-permits/plants-animals/protected-plants/</a>
Neighbourhood Mediation Kit	<a href="https://publications.qld.gov.au/dataset/neighbourhood-mediation-kit/resource/050c6991-1e22-4933-b185-c92f770eb78a">https://publications.qld.gov.au/dataset/neighbourhood-mediation-kit/resource/050c6991-1e22-4933-b185-c92f770eb78a</a>
QCAT - Queensland Civil and Administrative Tribunal	<a href="http://www.qcat.qld.gov.au/">http://www.qcat.qld.gov.au/</a> email: <a href="mailto:enquiries@qcat.qld.gov.au">enquiries@qcat.qld.gov.au</a> Phone: 1300 753 228
Queensland Arboricultural Association	<a href="http://www.qaa.net.au/">http://www.qaa.net.au/</a> Phone: 07 3821 1488
Queensland Heritage Register	<a href="https://www.qld.gov.au/environment/land/heritage/register/">https://www.qld.gov.au/environment/land/heritage/register/</a>
Vegetation Management Act	<a href="https://www.qld.gov.au/environment/land/vegetation/clearing/">https://www.qld.gov.au/environment/land/vegetation/clearing/</a>
Weed Pocket Guide – Agricultural and Environmental Weeds Far North Queensland	<a href="http://www.wettropics.gov.au/site/user-assets/docs/FNQWeedBook.PDF">http://www.wettropics.gov.au/site/user-assets/docs/FNQWeedBook.PDF</a>
Wet Tropics World Heritage Protection and Management Act 1993 and associated Wet Tropics Management Plan 1998	<a href="http://www.wettropics.gov.au/legislation">http://www.wettropics.gov.au/legislation</a>