

## VEGETATION ON COUNCIL CONTROLLED LAND: PLANTING, REMOVAL AND MAINTENANCE GENERAL POLICY

### Intent

To establish a policy which provides clear direction regarding vegetation planting, removal and maintenance on Council controlled land.

### Scope

This policy applies to all Council controlled land within the Douglas Shire Council area.

### Purpose

The purpose of this policy is to outline the manner in which Council will manage vegetation situated on Council controlled land, including vegetation removal and maintenance and complaint resolution.

The policy aims to provide a practical and balanced approach to vegetation management that seeks to ensure public safety whilst striving to preserve and maintain, in a safe and healthy condition, vegetation on Council controlled land.

It is recognised that trees and associated vegetation form an integral component of the natural environment and compliment the built environment. However, there is a need to ensure the impact from vegetation on the built environment and human activity is managed so as to minimise the possibility of damage and injury occurring.

This policy aims to adopt a consistent and proactive approach to the identification and management of potential risks posed by vegetation on Council controlled land.

### Provisions

#### 1. Vegetation planting and landscaping

Residents may only plant vegetation within the road verge area, the area between the property boundary line and the kerb, or the edge of pavement in areas without a kerb if written approval is obtained from council . Planting is to be in accordance with the Far North Queensland Regional Organisation of Council's Development Manual landscaping requirements and the relevant documents in the **complimentary documents** section of this General Policy.

Planting in accordance with the above mentioned requirements in association with a single detached dwelling house requires Council Approval, and as such, a formal written application is required.

Planting not in accordance with the above, requirements or for any use other than a single detached dwelling house requires written approval from Council.

Council provides suitable native plants to residents for planting on their own property. The number of plants provided is at the discretion of the council nursery technician. Additional appropriate plants may be purchased by the property owner.

Plants must not include pest species that are listed in Council's Pest Management Plans and declared Pest Plans under the *Land Protection (Pest & Stock Route Management) Act 2002*.

Where Council has indicated that a planting theme exists in the streetscape, this theme must be adhered to.

## **2. General vegetation maintenance**

Council conducts a maintenance program of vegetation on Council controlled land. This works program generally consists of trimming trees to remove damaged branches and to remove dead trees and vegetation that pose a hazard to person or property.

Prior to removal or pruning of vegetation on Council controlled land, a person must have written approval from Council.

Should vegetation be removed without obtaining the written consent of Council penalties may apply.

## **3. Customer requests**

All customer complaints, notifications of potential problems and other request in relation to vegetation on Council controlled land are recorded and the issue is referred to the most appropriate Council officer for investigation and, if necessary, action.

It is preferable that Council receives all requests for vegetation removal on Council controlled land in writing. However, it is recognised that some requests will be by telephone and Council's Customer Service Centres.

## **4. Considerations for Vegetation Damage, Pruning or Removal**

Council officers will undertake an assessment to determine whether vegetation the subject of a complaint or otherwise, should be removed or pruned.

The assessment will take into consideration the potential risk of damage to property or potential risk to person, and the condition, suitability and significance of the vegetation. Requests shall be assessed and prioritised according to the level of risk and available resources.

Where an officer of Council has made a preliminary assessment of the vegetation about which concern is expressed, and the complainant disputes the findings of that assessment, the complainant should engage a suitably qualified person to the satisfaction of the Chief Executive Office, at the complainant's expense.

In most cases, where there is no practicable and economic alternative available to retain the vegetation, it will be removed by Council and replaced with a more suitable species (where possible).

## **5. Circumstances for vegetation removal/damage that does not require approval of Council**

1. Removal of declared pests or environmental weeds as determined by Legislation, Local Laws, or Douglas Shire Council's Pest Management Plan;
2. Emergency works – any works carried out by Council or any Public Sector Entity in response to an emergency;
3. Tree removal approved by a valid development permit;
4. Vegetation damage associated with the outlay of new or upgraded public utilities. However, consideration will be given to all practicable means to ensure vegetation damage is minimised; and
5. Vegetation damage undertaken by a utility provider to prevent vegetation disrupting the efficient provision of existing infrastructure.

## **6. Nuisance v. Risk**

The intrinsic nature of vegetation is such that it sheds leaves, bark, sticks, flowers, fruit etc as part of the normal lifecycle. Issues of nuisance will not generally constitute justification for vegetation

removal except where there is a risk. An example of such is when leaves or flowers are shed over a footpath and create a hazard.

In most circumstances Council will promote remedial action, such as pruning, rather than vegetation removal.

### **7. Easements & Statutory Covenants**

The owner of the land on which an easement or statutory covenant is situated is generally responsible for the management of vegetation within the easement or covenant area. The easement or covenant document should be referred to for further clarification.

Should vegetation removal be required within an easement or covenant area it may be necessary to obtain approval from Council for the proposed vegetation damage. Further clarification can be sought from Council's Duty Planning Officer on 4099 9444.

### **8. Consultation**

Apart from urgent remedial works Council will notify, at a minimum, the immediately neighbouring allotments of where vegetation is located, prior to its removal.

### **9. Private Property**

This General Policy does not apply to the planting, removal, or maintenance of vegetation on private property unless it is potentially hazardous to persons on Council controlled land, Council infrastructure, or Council controlled assets or it is a declared weed species.

Generally, vegetation removal on private property is assessed by Council under the Douglas Shire Planning Scheme for Vegetation Damage.

The Queensland Government's *Neighbourhood Disputes Resolution Act 2011* commenced on 1 November 2011. The Act provides more effective remedies for neighbours to help resolve disputes about trees. It also gives jurisdiction to the Queensland Civil and Administrative Tribunal (QCAT) to deal with these matters.

The Act states that the proper care and maintenance of a tree will be the responsibility of the tree keeper and provides choices for neighbours in relation to tree issues affecting their property, such as overhanging branches. Detailed information and advice in relation to neighbouring trees can be found on the Department of Justice website.

### **Complimentary documents**

- Douglas Shire Planning Scheme Policy No. 7 Landscaping;
- Douglas Shire Planning Scheme Policy No. 6 FNQROC Development Manual;
- Australian Standard *Pruning of amenity trees* AS 4373-2007;
- Australian Standard *Protection of trees on development sites* AS 4970-2009;
- Council adopted Master Plans.

### **Definitions**

1. **Council controlled land:** any and all land owned, controlled, or held in trust by Council.
2. **Vegetation:** An individual tree or trees, plants and all other organisms of vegetable origin (whether living or dead).
3. **Damage:** Remove, cut down, Ringbark, push over, poison or destroy in any way including by burning, flooding or draining, but does not include standing vegetation by stock.
4. **Tree:** Vegetation that has:

- a. A height equal to or exceeding 5 metres; or
  - b. A trunk or hole which has a diameter, at a height of 1.5 metres above natural ground level, equal to or exceeding 12 centimetres;
  - c. A combined diameter of two or more boles, at a height of 1.5 metres about natural ground level, equal to or exceeding 3 metres in diameter.
5. **Single Detached Dwelling House:** a premises comprising of single detached self- contained accommodation located on a lot for residential use.
6. **Public Sector Entity:** A department or part of a department; or an agency, authority, commission, corporation, instrumentality, office, or other entity, established under an Act for a public or State purpose.
7. **Public Utilities:** works:
- a. For the supply of drainage, electricity, gas, sewerage, telecommunications or water; or
  - b. For an infrastructure corridor under the *State Development and Public Works Organisation Act 1971*, section 82; or
  - c. For a purpose mentioned in the *State Development and Public Works Organisation Act 1971*, section 125; or
  - d. that are declared under a regulation to be a public utility.

**NOTE:** Trees planted on Road Reserves are exempt from the provisions of the *Neighbourhood Disputes Resolution Act 2011*.

This policy is to remain in force until otherwise determined by Council.

Manager responsible for review:

Manager Infrastructure Services

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