

Responsible tree management



The Cairns region is renowned for its tropical beauty. A rich diversity and maturity of trees are found within streetscapes, parkland and private gardens including tree-lined avenues, mature exotic gardens and specimen trees. The value of trees within an urban environment is widely accepted as high, due to their positive contribution towards maintaining a city's 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.

Trees provide social, environmental and economic benefits. They add beauty to our urban landscapes by softening the harsh lines of buildings, complementing architecture and 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. They reduce stormwater runoff and erosion, ameliorate climate, 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 and the disposal of leaves and branches and ultimately, tree removal. Planting the right tree in the right place will maximise benefit 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. Councils need to be responsible owners and managers of trees on Council-owned land and a caretaker of some State-owned land. Public safety is a priority in respect to the planning, provision and maintenance of Council trees. There are more than 2,000 Council managed trees in the CBD area alone.

Tree removal on Council-owned land

Council strives to protect trees and removal of a tree is the last resort when alleviating tree-related problems. All other options are assessed and used in preference to removal wherever reasonable. Options include root severance or barriers, pruning, 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 as an immediate hazard, removal may be undertaken immediately by Council. Hazardous trees are those considered to be of immediate danger to persons and property. They may be structurally unsound, dead or damaged with high potential for causing serious injury or significant damage to infrastructure or property.

Tree removal on private land

Trees on private land are protected under the Vegetation Management Code and some areas are covered by additional codes such as the Vegetation Conservation Overlay code, Hillslopes Overlay code, Heritage Overlay code, and Conservation Planning Area code. If you wish to remove a tree on your property, you should first check with Council for advice. Contractors should also ensure they have obtained written permission prior to removing trees.

Planting on public land

Establishing trees, other than those approved by Council, is not permitted on street verges or Council controlled land. Many issues arise from self-sown trees or those established by residents once they reach full size and huge costs are required to address these problems.

Residents may only plant trees on road verges in accordance with Local Law 11, Part 6 and the FNQROC guidelines, but you should contact Council for advice. These guidelines refer to such things as making sure that you choose suitable species, allowing clear sightlines for motorists and ensuring pedestrians can continue to walk past safely. You should never overplant these kinds of spaces as it can force pedestrians to walk on the road. Other factors to consider include crime prevention aspects such as overplanting in a way that allows hiding place for criminals. Tree roots should also not encroach to allow damage or interference with services and infrastructure. Residents wishing to plant vegetation on Council land should contact Council for advice. For other advice, refer to Useful Information on page 4 of this Fact Sheet.

Community garden enquiries should be directed to Council.

Tree removal and/or maintenance requests: Commonly asked questions regarding tree issues are discussed on the following pages. For other queries regarding trees, please contact Council to discuss and assess your request: **Tel** 1300 69 22 47 **Email** council@cairns.qld.gov.au

Responsible tree management



Frequently asked questions...

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 codes such as the Vegetation Conservation Overlay code, Hillslopes Overlay code, Heritage Overlay code, and Conservation Planning Area code.

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 Laws regarding tree protection. The tree may be an important host tree for rare and threatened species of fauna and flora and its removal may negatively affect the aesthetic character of the area. 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: 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 whole tree failure. If a resolution cannot be reached with your neighbour, contact the Queensland Civil and Administrative Tribunal (QCAT) for advice.

Q4: 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 page 4 for contact details. 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 or contact Council for general advice.



Q5: 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 don't cause tree decay or other hazards like epicormic regrowth at pruning wounds, decay unbalancing of the tree, resulting in larger roots developing on the pruned side of the tree. If in doubt, always seek the advice of a qualified Arborist (see Q4 above).

Q6: 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, cause larger roots to develop towards your property or it may cause disease or kill the tree. It may also make epicormic 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.

Q7: 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 it should be reported. You can also contact Council for advice on whether anything can be done to prevent access via the tree.

Q8: I'm building a new house and want a tree removed because it is in the way of where I want the driveway, or, I want to put in a second driveway but a tree is in the way, what do I do? A: Contact Council's Building Services unit to request tree removal to allow construction of 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 the removal.

Responsible tree management



Frequently asked questions...

Q9: 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.

Q10: 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 neighbor 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.

Q11: 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 its 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, whether it is from one's own trees or a neighbour's tree. Council does not prune, top or 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.

Q12: Continual leaf drop from a bordering tree is filling up the gutters on 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 cleaning 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 agreement with removal, it is the tree owner's responsibility to ensure compliance with local and state government laws before removal is carried out.

Q13: I've seen people dumping their green waste in parklands or reserves, what can I do about it? A: Illegal dumping of green waste, including lawn clippings, 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.

Q14: 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: Termite infestations in trees or land under ownership or control of Council will not normally be treated. The responsibility to protect property from termite attack rests solely with the owner of the property. Council has no legal responsibility to treat any termite infestation found in trees or land under its control and Council is not responsible for any damage to private property attributed to termites detected on land under its control. If you are concerned about damage from termites, call a pest/termite controller for advice.



Responsible tree management



Frequently asked questions...

Q15: Should I put grass clippings around my trees or around trees on Council land?

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 be no deeper than 75mm to 100mm, 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.

Q16: 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 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.



Q17: What if I can't reach a resolution with my neighbour concerning a tree issue? **A:**

Download a copy of the 'Avoiding Tree Disputes' brochure from the QAA 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). You can read more by visiting www.neighbourhooddisputes.qld.gov.au.

Useful contacts regarding tree issues:

Cairns Regional Council: Tel 1300 69 22 47 Email council@cairns.qld.gov.au; Log your request online at www.cairns.qld.gov.au/online/report-a-problem

Queensland Arboricultural Association (QAA): Tel (07) 3821 1488 Email admin@qaa.net.au Web www.qaa.net.au

Queensland Civil and Administrative Tribunal (QCAT): Tel 1300 753 228 Email enquiries@qcat.qld.gov.au Web www.qcat.qld.gov.au

Useful online advice if considering planting on footpaths or road verges:

Cairns Regional Council—refer to General Policies —Vegetation on Council controlled land: Planting, removal and maintenance

Crime Prevention through Environmental Design (CPTED) www.police.qld.gov.au/programs/cscp/safetypublic

Dial Before You Dig: www.1100.com.au

Ergon Energy www.ergon.com.au—Plant Smart

FNQROC (Far North Queensland Regional Organisation of Councils) Regional Development Manual for advice on Landscaping Design Guidelines, Street Tree Planting and Verge Landscaping Guidelines: www.fnqroc.qld.gov.au

