

**LANDSCAPING AND GARDENS ON COUNCIL CONTROLLED LAND:  
PLANTING, MAINTENANCE AND REMOVAL**

**Intent:** To provide clear direction on the establishment and management of vegetation, community gardens and pocket gardens on Council controlled land.

**Scope:** The provisions within this General Policy apply to Cairns Regional Council controlled land. This General Policy applies to any person or organisation undertaking maintenance and or modification to the road verge adjacent to their property, anyone who undertakes landscaping on public open space and those who manage community gardens and pocket gardens.

This General Policy does not apply to the planting, removal or maintenance of landscaping with the following:

- Private property unless it is potentially hazardous to persons on Council controlled land, Council infrastructure/ assets, or Council controlled assets or it is a declared weed species;
- The planting of trees on Council controlled land (refer *Tree Management General Policy*);
- Conservation and natural bushland reserve areas except where they abut private land;
- Regrowth at identified sites in accordance with Council's Fire and Risk Mitigation Program;
- Regrowth in constructed drains;
- Species identified in Council's biosecurity and invasive weed control strategies in accordance with the *Queensland Biodiversity Act 2014*;
- Species identified in the FNQROC Regional Development Manual Cairns Regional Council's Specific Requirements Appendix F *Extended Environmental Weed List*<sup>1</sup>
- Land owned and controlled by the State Government.

**PRINCIPLES**

The following guiding principles provide a framework for consistent decision making regarding the planting, maintenance and removal of vegetation, community gardens and pocket gardens on Council controlled land.

- The primary purpose of a road verge is for accommodating essential infrastructure services and providing a transport corridor for pedestrians;
- To ensure public safety (eg no hazards, clear sightlines, access to residential lots);
- Ensure minimal disruption to assets and infrastructure services;
- Maintain a consistent approach to assessing risks and benefits posed by vegetation, community gardens and pocket gardens in the public domain;
- Promote high quality streetscapes that foster a sense of community pride and promotes local native and hardy tropical species and waterwise initiatives;
- Complement the *Tree Management General Policy* as a means of contributing to the improved amenity, aesthetics and encourage diversity of vegetation in urban areas;
- Ensure decisions and actions related to management are undertaken in a structured, transparent and consistent manner.

**PROVISIONS**

**1. Vegetation on Road Verges**

a) Residential Planting on Road Verge

Residents may plant appropriate vegetation within the road verge area without Council approval. All plantings must be in accordance with the following provisions:

- i. Vegetation shall be a well-prepared cultivated area within the natural ground, set back a minimum of 3.3 metres from a kerb without a footpath and 3.8 metres with a footpath (refer Attachment One).

<sup>1</sup> [FNQROC Design Guidelines](#)

- ii. The planting position of vegetation must be set back a minimum of 0.5 metre from a footpath, driveway or bus stop and maintained by the resident to avoid any encroachment. This will ensure planting is not within the proximity of the services augment (power/communications/gas).
- iii. Low growing species (not more than 0.5m in height) that are well maintained, non-hazardous and waterwise plants shall be installed to ensure vegetation is appropriate for installation within the proximity of services augment (refer attachment Two – list of preferred species). Examples of species/ plant types that Council would not accept include:
  - o Trees and large shrubs
  - o Fruit trees
  - o Clumping and solitary palms
  - o Tree ferns
  - o Pandanus
  - o Gingers, Heliconias, Costus
  - o Cycads and Zamias
  - o Alocasias
  - o Bamboo
  - o Draceanas
- iv. The use of loose, inorganic materials (eg gravel, stones, rocks or bricks) are not permitted;
- v. The installation of hard landscaping and paving elements to retain soil around street trees, or adjacent to any proposed or existing footpaths, crossovers, and/ or kerbs is not permitted;
- vi. Ensure the verge remains accessible for pedestrians, utilities and other users;
- vii. Vegetation will not pose a risk of damage to property, structures or persons by avoiding sharp, serrated or dangerous plant features and does not attract nuisance wildlife (eg wasps);
- viii. Vegetation must not impede pedestrians, vehicle or cyclists' movements, and must not obstruct safe sight lines to ensure safe movement of traffic within Council controlled land or roads;
- ix. Vegetation shall be designed and established without the requirement for permanent irrigation. Temporary irrigation may be installed for the establishment and maintenance of a verge garden bed and must operate efficiently in accordance with the *Cairns Water Security Strategy (CWSS)* and promote sustainable water consumption. Water must be provided from within the adjacent property. The design and installation of any temporary irrigation within the verge must ensure public safety. Above ground conduit/pipe/value boxes are not permitted.
- x. Residents should utilise the 'Dial before the dig' services location.

Residents are not permitted to plant street trees (refer *Tree Management on Council Controlled Land General Policy*).

Any planting not in accordance with the above provisions is subject to an application lodgement and Council assessment detailed at Section 1b) Permitted Development.

#### b) Permitted Development

Local Law No. 1 (Administration) 2016 requires a Local Law Permit to be obtained from Council prior to the planting of vegetation or landscaping on Council controlled land if the vegetation or landscaping is not in accordance with the following:

- The FNQROC Regional Development Manual;
- CairnsPlan 2016 (v3.1) Planning Scheme and Policies – Landscape Values, Landscaping; and
- This General Policy, Landscaping and Gardens on Council Controlled Land General Policy

Information Council may require to be able to assess an application for landscaping on Council land under the Local Law provisions that requires a permit (a prescribed activity under Local Law 11) is available in the Planning Scheme Policy for Landscaping: Section: SC6.8.3 Information Council May Request and generally includes:

- Project description and summary.
- A Landscaping Plan: SC6.8.3. a Details on Preparing a Landscaping plan (can be hand prepared).
- The specifications for the materials and construction, inclusive of the proposed species (Council can assist with species selection if required).
- Consultation with Dial Before You Dig as a referral service for information on locating underground utilities such as services and sewer.
- Demonstrate appropriate setbacks for landscaping in accordance with the FNQROC Development Landscaping Guidelines

Any proposed landscaping within the verge associated with a Development Permit for Material Change of Use, Reconfiguring a Lot or Operational Works is not considered to be a verge garden, and must be designed and established in accordance with an approved Landscaping Plan required in the relevant development unit.

Council may permit a property owner to landscape or part landscape their verge under a local law permit. The property fronting the verge is responsible for ensuring compliance with the local law permit conditions. The permit is transferable to new property owners.

## **2. Pocket Gardens**

Pocket gardens provide an area for residents registered with Council's Green Space Our Place volunteer program to grow fruit and vegetables in their suburb.

### **a) General Provisions**

To satisfy the objectives and provisions of the Policy, all proposed and existing pocket gardens must address and comply with the requirements of the *Cairns Regional Council Pocket Gardens Guidelines*. The following provisions apply for residents wishing to establish a pocket garden.

- i. Pocket gardens are not fenced and accessible by the general public. They are intended to be used and cultivated by local residents who live in close proximity to provide an inclusive, communal type environment.
- ii. Pocket gardens are not for exclusive use and produce must be shared.
- iii. There must be a minimum of 10 volunteers interested in developing a pocket garden in the immediate vicinity of their residence before an application is submitted to Council. Nearby residents of a proposed pocket garden must be consulted prior to its establishment.
- iv. Volunteers must be registered in the *Green Space Our Place* volunteer program which is covered under Council's volunteer insurance. Registered volunteers are responsible for the construction and on-going operation of the pocket garden and must store tools and equipment off-site. Council may provide landscaping materials and trees for the pocket garden through its services and programs if availability allows.
- v. Upon receipt of an application, Council officers will assess the park or reserve suitability. The pocket garden must not significantly diminish the general public's access or use of a park or reserve for recreation purposes.
- vi. Permanent infrastructure such as sheds and fences, are not permitted.
- vii. If the initiative is deemed to be abandoned or not appropriately maintained, all plants and materials will be removed at Council's sole discretion

## **3. Community Gardens**

To satisfy the objectives and provisions of the Policy, all proposed and existing pocket gardens must address and comply with the requirements of the *Cairns Regional Council Community Gardens Guidelines*. Community gardens are fenced gardens managed exclusively by incorporated community groups who have entered a formal agreement arrangement with Council to manage and who have exclusive use of the garden.

### **a) General Provisions**

The following provisions apply for residents wishing to establish a community garden.

- i. Community gardens may be used to grow and cultivate fruit, vegetables, flowers, plants and the production of compost.
- ii. Community gardens are not permitted on road verges or in natural areas protected for their conservation values.
- iii. Community Gardens may be in parks, within a leased/ managed facility (e.g. community hall) or at an area approved by Council.
- iv. Nearby residents of a proposed community garden must be consulted prior to the establishment of a community garden.
- v. A community garden must not significantly diminish the general public's access or use of the park or reserve for recreation purposes.
- vi. Animals are not permitted in the community garden with exception of assistance animals.
- vii. Existing vegetation will not be removed for the purpose of establishing a community garden.
- viii. Approval must be provided by Council prior for the establishment of a community garden.
- ix. All costs associated with the establishment and ongoing operations of the community garden is the sole responsibility of the Management Group who must have their own insurance and will not be indemnified by Council.
- x. Community gardens are limited to one garden per suburb and ideally not within 1km of another approved community garden.

## **4. General provisions for all categories**

a) The following general provisions apply to vegetation on road verges, pocket gardens and community gardens:

- i. All sites required to comply with Crime Prevention through Environmental Design principles.
- ii. Council operations take precedence. Sites must allow for maintenance and service vehicle access as required.
- iii. Vegetation is not permitted to be operated for personal financial gain.

- iv. Planting of weeds or plants which are toxic when ingested, that are illegal substances or that are listed in the FNQROC Cairns Regional Council's Specific Requirements Appendix F *Extended Environmental Weed List* shall not be planted by residents on Council land will be removed.
- v. Residents should always 'Dial before you Dig' to avoid conflict with underground services.

## **5. General Maintenance for all Vegetation on Council Controlled Land**

### a) Council Responsibility

Road verges provide open space that allows safe movement of pedestrians and clear sight lines for vehicles and cyclists. Residents should maintain turfed areas within the road verges (excluding street trees) abutting their properties. Council does not:

- i. Carry out routine mowing on road verges.
- ii. Maintain vegetation planted by residents.
- iii. Maintain pocket gardens or community gardens.

### b) Resident and Community Group Responsibility

- i. Residents must continue to maintain turfed areas within the road verges (excluding street trees) abutting their properties.
- ii. All vegetation planted by residents or community groups must be maintained by the resident or community group to a healthy and aesthetically pleasing standard, however, all structural works to and around trees may only be performed in consultation with Council and where applicable, as per the relevant lease agreement in accordance with *General Policy Management of Trees on Council Controlled Land*.
- iii. Plantings must not impede pedestrians, vehicle or cyclists' movements, and must not obstruct sight lines to ensure safe movement of traffic within Council controlled land or roads.
- iv. Vegetation on the road verge or nature strips is the sole responsibility of the adjacent owner/ occupier and must be maintained to a standard that does not negatively impact safety, visual amenity or contribute to environmental harm. Vegetation is subject to achieving the following criteria.
  - Vegetation shall exhibit signs of healthy growth.
  - Vegetation shall be well formed.
  - Vegetation shall be free from disease or insect pests.
  - Vegetation shall be free of physiological disease symptoms (yellowing, wilting etc).
  - Mulch shall be an aged blend of composted forest and hardwood woodchip, free from rocks, weeds, sticks, rubbish and other deleterious material and installed and maintained at a minimum depth of 100-150mm.
  - Edging shall be maintained as a natural spade edge that clearly defines the boundary of the landscaping.

### c) Cairns Regional Council Personal Hardship Policy – Green Waste

This policy will allow Council to consider assistance for vulnerable residents requiring support to fell, remove or dispose of low risk green waste.

## **6. Vegetation Removal on Council Controlled Land**

### a) Council Removal of Vegetation

Following receipt of a complaint or request to remove vegetation, Council officers will conduct an inspection and provide a recommendation for action based on the provisions of this General Policy and the provisions contained within Cairns Regional Council Administrative Instruction *Dealing with Vegetation Matters on Council Controlled Land*.

Council reserves the right to remove landscaping or gardens at any time without compensation to the resident in the following circumstance;

- i. Operational requirements require the removal of the vegetation or landscaping;
- ii. Removal of a vegetation or landscaping by a third party to undertake necessary maintenance to essential services (eg phone, NBN, electricity, water) may be required from time to time without compensation to the resident.
- iii. It is assessed by Council officers the vegetation or landscaping is not in accordance with the provisions of this General Policy.

### b) Residential Removal of Vegetation

A resident may not remove vegetation on Council controlled land unless it is on the road verge abutting their 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 as outlined within Local Law No.11 (Administration) 2016 will apply.

## **7. Consultation**

### a) Emergency Removal

Circumstances where Council may not be required to consult with residents regarding the removal of vegetation include the following:

- i. Removal of restricted pests or environmental weeds as determined by legislation, local laws, or Cairns Regional Council's Pest Management Plan
- ii. Emergency works – any works carried out by Council or Emergency services, in response to an emergency.
- iii. Emergency removals by Council where vegetation is classified as “dangerous”, as defined in this policy
- iv. Removal approved by a valid development permit.
- v. Vegetation damage associated with the outlay of new or upgrades public utilities.
- vi. Vegetation damage undertaken by a utility provider to prevent vegetation disrupting efficient provision of existing infrastructure

b) Non-urgent Removal

For non-urgent vegetation removals, Council will notify the resident of the allotment where the vegetation is located prior to removal. Council will provide the resident opportunity to fix or remove the vegetation. If the resident is not willing to fix the vegetation in accordance with the provisions of this General Policy then Council will remove the vegetation at the cost of the resident.

When a situation arises that Council may need to remove vegetation as part of infrastructure works and maintenance, Council will endeavour to notify the resident. If the resident is unable to move the vegetation then Council will undertake the works and any loss of vegetation will be without compensation to the resident.

## RELATIONSHIP WITH OTHER POLICIES, STRATEGIES AND PLANS

- Administrative Instruction Dealing with Vegetation Matters on Council Controlled Land (#3654112);
- CairnsPlan 2016 (v3.1) Planning Scheme Policy - FNQROC Regional Development Manual (Version 8);
- FNQROC Development Manual Cairns Regional Council's Specific Requirements
- FNQROC Development Manual Design Guidelines – D9 'Landscaping'
- Tree Management General Policy
- Cairns City Planning Scheme Policy 4:03:04
- Cairns City Planning Scheme Policy 4:03:03
- Cairns CBD Streetscapes Master Plan;
- Local Law No. 1 (Administration) 2016
- Local Law No. 11 (Local Government Controlled Areas & Roads) 2016 & Subordinate Local Law No. 11 (Local Government Controlled Areas & Roads) 2016;
- Councils Planning Scheme Policy – Landscaping
- Community Gardens Guidelines
- Pocket Gardens Guidelines
- CRC website, “Tree, Land & Pest Management”
- Biosecurity Act 2014 *Queensland Heritage Act 1992*
- QLD State Government, *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*
- Administration Instruction – Dealing with Vegetation Matters on Council Controlled Land (#3654112);

## DEFINITIONS

- **Bushland/ Conservation Area** - An area with the primary purpose of retaining native vegetation, landforms, features, waterways and the like that remains largely undeveloped except for tracks, trails, trailheads and associated necessary improvements
- **Council controlled land** - any and all land owned, controlled, or held in trust by Council.
- **Council managed volunteer group** – groups that form part of a Council managed program and who are covered under Council public liability insurance. Examples may include, Green Space Our Place volunteers.
- **Landscaping** – any activity that modifies the visible features of an area of land.
- **Vegetation** - plants and all other organisms of vegetable origin (whether living or dead).
- **Damage** - remove, cut down, ringbark, push over, poison or destroy in any way including by burning, flooding or draining.
- **Dangerous vegetation** - vegetation is considered to be “dangerous” when it poses an immediate risk of serious injury to persons or severe damage to property or structures. This does not include the potential for a tree of good condition to be damaged during a severe weather event and cause injury or property damage.

- **Road verge** – is the area of public land located between a property boundary and the adjacent road kerb. The verge allows for access to private and public properties and accommodates above and below ground service utilities. May also be referred to as a nature strip or street verge.
- **Community garden** - a garden which is started by a group of individuals in a local area for the purpose of growing plants and/or food for the community. The garden may be used for growing, propagation and cultivation of fruit, vegetables, flowers, plants and for the production of compost all which can then be provided to the local community for no cost.
- **Pocket garden** - a garden which is started by a group of volunteers in a local area for the purpose of growing produce for the community. Pocket gardens may come in many shapes and forms, but they are unfenced, and all garden beds must be communal, and the produce shared.
- **Verge garden** – are plantings that residents establish on the Council land between the resident's private property boundary and the road kerb.
- **Street tree** – are planted within the road verge of the area, the area between the property boundary line and the kerb, or the edge of pavement in areas without a kerb. Generally, they are a single stemmed tree with a minimum maturity height of 1.5m.

◆◆◆◆◆

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

**Director responsible for review:**

**Lifestyle & Community**

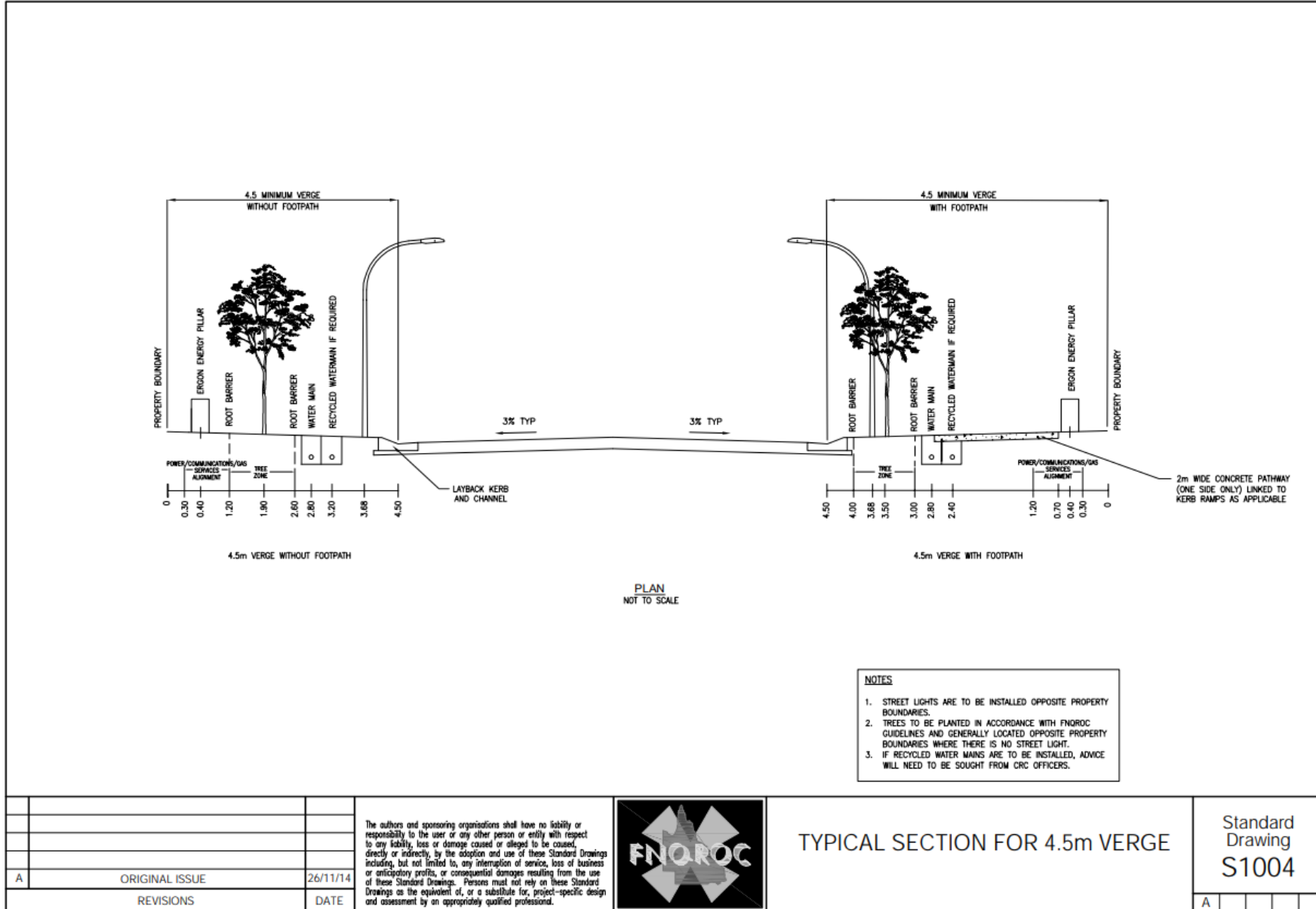
**ORIGINALLY ADOPTED: 26/10/2022**

**CURRENT ADOPTION: 26/10/2022**

**DUE FOR REVISION: 26/10/2026**



**Mica Martin  
Chief Executive Officer**



Verge<sup>2</sup>

<sup>2</sup> [S1004\\_A\\_S \(fngroc.qld.gov.au\)](http://S1004_A_S(fngroc.qld.gov.au))

## Attachment Two – Council approved low-lying species

### Groundcovers

| Common name | Species name                                      |
|-------------|---|
|             | <i>Casuarina glauca prostrate</i> 'Cousin It'     |
|             | <i>Gardenia psidioides</i> 'Glennie River'        |
|             | <i>Cuphea</i> sp*                                 |
|             | <i>Gardenia radicans</i> *                        |
|             | <i>Hibbertia scandens</i>                         |
|             | <i>Hymenocallis littoralis variegata</i> *        |
|             | <i>Hymenocallis littoralis</i> *                  |
|             | <i>Hymenocallis speciosa</i> *                    |
|             | <i>Eucharis amazonica</i>                         |
|             | <i>Neomarica gracilis</i>                         |
|             | <i>Ophiopogon japonicus Nana</i> *                |
|             | <i>Ophiopogon japonicus</i> *                     |
|             | <i>Ophiopogon variegata</i> *                     |
|             | <i>Rhoeo spathacea</i> *                          |
|             | <i>Hemerocallis</i> cultivars                     |
|             | <i>Hippeastrum</i> cultivars                      |
|             | <i>Juniperus conferta</i>                         |
|             | <i>Liriope muscari</i> 'Evergreen Giant'          |
|             | <i>Lomandra hystrix</i>                           |
|             | <i>Pennisetum advena Rubrum Dwarf</i>             |
|             | <i>Rhoeo spathacea</i>                            |
|             | <i>Russelia equisetiformis</i> Ruby/Yellow/Orange |
|             | <i>Tulbaghia violacea</i>                         |
|             | <i>Ipomoea pes-caprae</i>                         |
|             | <i>Zephyranthes andida</i>                        |

### Shrubs

| Common name | Species name   |
|-------------|--|
|             | <i>Austromyrtus dulcis x tenuifolia</i> 'Copper Tops'  |
|             | <i>Alamanda cathartica</i> 'Sunee'*  |
|             | <i>Baeckea</i> sp. Mount Tozer   |
|             | <i>Gardenia</i> 'Ocean Pearl'*   |
|             | <i>Melaleuca</i> (syn. <i>Callistemon</i> ) Dwarf in Variety Little John, Little Caroline, Little Silver |
|             | <i>Codiaeum</i> sp Dwarf in Variety*   |
|             | <i>Dieties bicolor</i> *   |
|             | <i>Dieties grandiflora</i> *   |
|             | <i>Ficus microcarpa</i> 'Green Island'*  |
|             | <i>Ixora</i> Dwarf in Variety*   |
|             | <i>Jasminum nitidum</i>  |
|             | <i>Murraya</i> 'Min a min'*  |
|             | <i>Philodendron</i> 'Xanadu'*  |
|             | <i>Phyllanthus lamprophyllus</i>   |
|             | <i>Phyllanthus multifolius</i> *   |
|             | <i>Plumbago capensis</i> 'Royal Cape'*   |
|             | <i>Pseuderanthemum carruthersii</i>  |
|             | <i>Pseuderanthemum crenulatum</i>  |
|             | <i>Schefflera arboricola variegatum</i>  |
|             | <i>Serissa foetida</i> *   |
|             | <i>Wrightia antidysenterica</i> 'Artic Snow'   |
|             | <i>Xanthostemon</i> 'Little Goldie'  |

### Edible

| Common name | Species name                  |
|-------------|-------------------------------|
| Dill        | <i>Anethum graveolens</i>     |
| Basil       |                               |
| Parsley     | <i>Petroselinum crispum</i>   |
| Rosemary    | <i>Rosmarinus officinalis</i> |
| Mint        | <i>Mentha</i> spp.            |



