ORDINARY MEETING 25 NOVEMBER 2026	5.10

MANAGEMENT OF TREES ON COUNCIL CONTROLLED LAND GENERAL POLICY

L&C | 52/8/1-01 | #7969270

RECOMMENDATION:

That Council adopts the Management of Trees on Council Controlled Land General Policy with proposed minor changes.

INTERESTED PARTIES:

Nil

Note: The identification of interested parties is provided on a best endeavours basis by Council Officers and may not be exhaustive.

EXECUTIVE SUMMARY:

Council Officers have undertaken a scheduled review of the *Management of Trees on Council Controlled Land General Policy* and concluded that the policy remains fit for purpose and continues to provide an appropriate framework for the management of public trees across the Cairns region. As a result, no substantive changes to the policy direction or intent are proposed with amendments limited to minor drafting, grammatical and formatting updates.

BACKGROUND:

A 2022 review of the former *Vegetation on Council Controlled Land: Planting, Removal and Maintenance General Policy* concluded that the previous policy was broad in scope and, in practice, difficult to communicate to the public. As a result, two new policies were developed to improve clarity and usability being the *Management of Trees on Council Controlled Land General Policy* and the *Landscaping and Gardens on Council Controlled Land General Policy*.

These two policies were adopted in 2022, replacing the previous *Vegetation on Council Controlled Land: Planting, Removal and Maintenance General Policy* with a review date set for 2026. A review of the *Management of Trees on Council Controlled Land General Policy* has now been conducted and a review of the *Landscaping and Gardens on Council Controlled Land General Policy* is also underway to be presented to Council consideration at a later date.

COMMENT:

A rich diversity of trees can be found within the streetscapes, parkland and gardens of Cairns. The high value of trees within an urban environment is widely accepted and Cairns has one of the largest urban canopies of any city in Australia. There are more than 2,000 Council managed trees in the CBD area alone. This contributes to our city's sustainability, community health and serenity.

A tree planted on Council controlled land is referred to as a 'Public Tree' and is the responsibility of Council regardless of who planted the tree. Our tropical climate also means that a tree can grow faster than in other areas of Australia and as such, care needs to be taken when choosing a suitable species and place to plant.

As the custodian of these public trees, Council has adopted this policy to ensure a consistent and transparent approach to managing the benefits, risks and responsibilities associated with trees in the public domain.

The recent review of the *Management of Trees on Council Controlled Land General Policy* focused on tree assessment, management interventions and stakeholder engagement. The review considered the existing Policy Principles and Provisions to determine whether they remain fit for purpose and continue to effectively support the policy intent in responding to contemporary issues and circumstances affecting the management of trees on Council-controlled land.

This review found that the policy remains fit for purpose and continues to provide an appropriate framework for the management of public trees across the Cairns region. The existing Policy Principles and Provisions were found to be relevant, effective and aligned with current operational practices and community expectations. As such, no substantive changes to the policy direction or intent are proposed.

The recommended amendments are limited to minor drafting, grammatical and formatting updates aimed at improving the readability, clarity and interpretation of the policy for both the community and Council officers. Additional updates have been made to document references, terminology and legislative citations to ensure the policy remains current, accurate and consistent with contemporary governance requirements.

OPTIONS:

Option 1: (Recommended)

That Council adopts the Management of Trees on Council Controlled Land General Policy with proposed minor changes.

Option 2:

That Council does not support the recommendation and adopts an alternate course of action.

CONSIDERATIONS:

Risk Management:

The proposed General Policy clearly sets out a position of Council regarding Tree Management. Council adheres to the Local Government Mutual Services (LGMS) Tree Risk Management Guide 2021. This General Policy seeks to limit the exposure to public liability damage and personal injury claims attributed to trees located on Council owned or controlled areas, whilst maintaining the benefits and aesthetic quality of the natural landscape provided by Trees.

Council Finance and the Local Economy:

The removal and planting of a tree/s are an operational cost.

Community and Cultural Heritage:

The proposed General Policy acknowledges the public's interest and concern with tree management in Cairns and identifies and defines 'Exceptional Trees' which may hold a higher community value than other public Trees.

Natural Environment:

Council recognises and values the significant contribution 'tree assets' make to the social, cultural, economic and environmental vitality of our region.

Corporate and Operational Plans:

The proposed General Policy aligns with Council's Corporate Plan:

- **Focus Two:** The promotion, protection, and enhancement of our natural environment now and for future generations.
- **Focus Five:** Focused and informed decision making that delivers positive outcomes for our community.

Statutory:

The proposed General Policy aligns with:

- Cairns Regional Council Local Law No. 1 (Administration) 2016.
- Cairns Regional Council Local Law No. 11 and Subordinate Local Law No. 11 (Local Government Controlled Areas and Roads) 2016.
- Cairns Plan 2016 (v3.1) - Planning Scheme Policy.

Policy:

The proposed General Policy aligns with Council's *Public Open Space General Policy* and the *Landscaping and Gardens on Council Controlled Land: Planting, Maintenance and Removal, General Policy*

CONSULTATION:

Internal stakeholder consultation with officers and Councillors has been conducted in the review of this General Policy.

ATTACHMENT:

Attachment 1 – #6970291 v.9 Draft Amended Policy (with Track Changes)
Attachment 2 – #6970291 v.6 Original Policy (clean)



Tim Dendle
Executive Manager Community Spaces



Destry Puia
Director Lifestyle and Community

Attachment 1 – Draft Amended Policy v. 9 (Track Changes)

CAIRNS REGIONAL COUNCIL

General Policy

MANAGEMENT OF TREES ON COUNCIL CONTROLLED LAND

Intent To inform Council's approach to the management of trees on Council controlled land.

Scope This Policy applies to all trees on Council ~~owned or~~ controlled land~~.~~. For the purposes of this policy, such trees will be referred to as 'Public Trees'~~.~~.'

Out of Scope:

- Trees located on private, leased, or residential property (unless impacting on a public space).
- Trees on State Government controlled ~~land~~land.
- Removal of regrowth in constructed drains and firebreaks.
- Species identified in Council's biosecurity and invasive weed control strategies in accordance with the Queensland Biodiversity Act 2014.

PRINCIPLES

Council recognises and values the significant contribution 'tree assets' make to the social, cultural, economic and environmental vitality of our region~~.~~. Through the Management of Trees on Council Controlled Land Policy ('The Policy') Council will:

1. Commit to the sustainable management of trees on public land and growing the 'leaf area index' of our region.
2. Preserve tree assets wherever possible whilst not compromising public safety ~~or impacting~~, infrastructure or services.
3. Maintain a consistent approach to assessing risks and benefits posed by trees in the public domain.
4. Ensure decisions and actions related to the management of trees are undertaken in a structured, transparent and consistent manner.
5. Where it is unavoidable that trees are to be removed from public land, Council will arrange offset planting.
6. Implement a ~~criteria~~criterion that identifies 'Exceptional Trees' to inform monitoring, management and engagement practices.
7. Wherever circumstances permit, conduct participatory engagement practices to ensure the community is ~~involved~~engaged in decision making relating to 'Exceptional Trees'~~.~~.'

PROVISIONS

All trees within the public domain form a network of assets that keep our city, neighbourhoods and parklands cool, capture water and provide shelter for a variety of wildlife species~~.~~. In the Tropical Far North, trees form part of the regions visual identity contributing to lush green landscapes, hillslopes, streets and suburbs~~.~~.

'~~Pubic~~Public Trees' represent the vast majority of this network and are the responsibility of Council regardless of who planted the tree~~.~~. Council aims to protect and enhance the network and ensure a balance between risks and benefits without compromising safety~~.~~. This General Policy outlines how Council manages its responsibility for Public Trees.

1. Street Trees

Street trees grow in urban environments and contribute to more liveable neighbourhoods and communities. Given their placement is within a verge or streetscape and within restricted space, some species are not suitable and can damage private or public infrastructure due to vigorous root and/or canopy growth.

Selection of the appropriate tree and the ongoing tree maintenance are critical in ensuring a street tree survives and forms a good mature specimen with minimal defects and risk issues.

All street trees must be planted in accordance with the *FNQROC*FNQ ROC Development Manual.

Generally, Council does not permit residents to plant trees on the verge. Should a resident, wish to have a street tree planted outside their residence, they are to submit a request to Council. Any street tree that fails to comply with this General Policy may be removed without compensation to the resident.

Residents are not permitted to remove or prune existing street trees located on a verge. Should a resident, wish to see a street tree outside their residence removed or pruned, they are to submit a request to Council.

Residents are not permitted to remove or prune existing street trees located on a verge for a permitted activity or Operational Works (e.g. construction of a new driveway etc.) without Council assessment and approval.

2. Parks and Open Spaces

Council's parks and public open space provide potential sites for additional planting. Council's Public Open Space General Policy recognises trees as critical infrastructure that support the development of a sustainable region.

It is Council's preference that natural shade from trees be provided at Council parks to promote natural shade at picnic nodes, pathways, spectator areas and playgrounds to reduce the future need for shade structures.

Residents are not permitted to remove or prune existing trees located in parks and open spaces. Should a resident wish to see a tree removed or pruned in a park or open space, they are to submit a request to Council.

Generally, Council does not permit residents to plant trees in parks and open spaces. Should a **resident** wish to have a tree planted in a park or open spaces, they are to submit a request to Council. Any tree that fails to comply with this General Policy may be removed without compensation to the resident.

Planting of trees on Council controlled public open space iswill not be permitted unless the planting is:

- Consistent with the principles and provisions of this policy;
- ByUndertaken by a Council officer or agent;
- Subject to a Development or Local Law Permit;
- Part of an official Council volunteer managed group or a supported tree planting program under the *Landscaping and Gardens on Council Controlled Land: Planting, Maintenance and Removal, General Policy*;
- A tree dedication that has been approved by Council under the guidelines of the General Policy Plaques, Memorials and Monuments. (DM #2841727-v5).

The work undertaken by volunteers is important to the integrity and amenity of the city's green spaces. To encourage collaboration between Council and the community in establishing public trees in Cairns, Council will promote and provide continued support and promotion ofto the Green Space Our Place program and the volunteer groups that are involved. they engage.

3. Exceptional Trees

Council acknowledges that due to a range of factors, certain public trees may be considered ~~exceptional or highly significant. This policy provides a framework for assessing~~Exceptional Trees. ~~trees of this nature~~.

Exceptional Trees retain at least one or more of these characteristics:

Category	Description
1. Character	A tree or group of trees with outstanding aesthetic value, provides a sense of 'place' or serves as a landmark.
2. Size	Any tree of ~~outstanding~~a significant: • Height • Canopy Spread • Diameter at Breast Height (DBH)
3. Age	Any tree ~~of an age~~ that makes it old for ~~its~~the species~~.~~
4. Botanic	Any tree that is an outstanding example of the species at an International / National / State~~.~~/ Regional / Local level: ~~Regional / Local level~~ • Meets categories under the International Union for Conservation of Nature (IUCN) or 'Read List' framework • Scientific • A rare specimen in the region
5. Commemorative	These trees are not necessarily old but serve to commemorate a particular occasion, individual or important historical event.
6. Cultural Heritage	The tree has been identified by traditional owners to be culturally significant
7. Habitat	The tree is observed to provide animal breeding places such as significant hollows for avian fauna or is clearly being used as a major food source for fauna. ~~major food source for fauna.~~
8. Legislative	A tree or group of trees are protected via State or Commonwealth Law such as the *Queensland Heritage Act 1992* or *Fisheries Act 1994*~~.~~ *or by a court order.*

Council's arboriculture team will ensure trees observed to meet the above criteria are appropriately recognised in the 'tree plotter database~~'~~.'

Exceptional trees often carry a high level of community interest and concern. ~~Therefore~~Therefore, Council will ensure any management actions being undertaken on these assets are accompanied by an appropriate level of engagement to ensure the public and key stakeholders are well informed and where appropriate able to provide feedback.

4. Permitted Development

Council will require ~~that~~ applicants to provide all necessary information relating to the potential impact of development activities on trees located on Council controlled land.

Council will apply tree protection and retention conditions, as appropriate, to ensure that development activities do not have negative impacts on either the long-term health or structural integrity of public ~~trees~~Trees~~.~~. Such conditions will be based on the following:

- Australian Standards including by not limited to AS4970-~~2009~~2025;
- FNQROC Development Manual;
- Planning Scheme Policy (~~CairnsPlan~~Cairns Plan 2016) – Applicable Benchmarks;
- This General Policy.

New tree planting can replace poorer quality trees lost through development and enhance the aesthetics of the local area. For any proposed clearing of Council vegetation to facilitate a proposed development, Council must be contacted to provide a tree health and suitability assessment and provide consent for the removal and replacement of public trees. The developer/applicant may be required to obtain

Secondary Arboriculture Assessment at their cost. Any supported vegetation clearing and replacement will be at no cost to Council.

In the event private works are not associated with a Development Planning Approval or considered acceptable under this policy, a Local Law Permit must be obtained by the proponent.

5. Request Management

Council places great importance upon retention and protection of all trees. As such, it is important to note that residents or property owners are not permitted to modify, prune or remove Public Trees or vegetation without obtaining written approval from Council.

All requests to undertake management or removal activities for Public Trees shall be made through Council's Customer Response Management (CRM) System. Following receipt of a request, Council's arboriculture team will undertake a Vegetation Removal/Retention Assessment (VRRA). The VRRA is undertaken in accordance with the principles and provisions of this policy ~~and Cairns Regional Council *Administrative Instruction Dealing with Tree Matters on Council Controlled Land*~~ to determine the most appropriate management course of action. The assessment will take into consideration the potential risk of damage to property or potential risk to the public, the condition, suitability, and significance of the Public Tree in question.

If ~~a resident~~the applicant does not agree with the assessment made by the Council officer, they may submit a report from an Arborist with minimum Australian Qualifications Framework Level 5 training, at their own expense. Such reports will be further considered by Council prior to making a final determination on removal or otherwise of ~~trees.~~Trees.

6. ~~T~~ree Maintenance

Council maintains public trees in the following situations:

- to remove dead, dying or defective branches that pose a hazard to person or property or infrastructure services, based on assessment by Council Arborists; or
- to remove branches that impact upon utilities and built structures where all other alternative options have been considered; or
- selective pruning on branches that are encroaching onto buildings; or
- to remove hazards to pedestrians or vehicle access; or
- to improve sight lines and remove obstructions to signage; or
- to improve the health and condition of trees; or
- to manage, where possible, disease and insect outbreaks.

Council will not undertake maintenance works on public trees in the following situations:

- to benefit private views; or
- do not present an unacceptable risk or hazard to the public; or
- facilitate private construction works (~~eg~~e.g. fence installations); or
- removal of trees or branches for the installation or benefit of solar panels; or
- removal of branches due to standard and/ or seasonal nuisance issues; or.
- where Bushland/Conservation areas abut private land.

All structural works to and around public trees may only be performed by Council or Council managed contractors.

7. Removal

Note: Excluding proposed tree removal to facilitate development regulated under the Planning Act 2016 and Planning Scheme.

Following a VRRA, Council may approve the removal of a Public Tree in the following situations:

a) The tree is determined to be presenting a danger ~~which~~that cannot be mitigated through elimination or isolation works.

~~a)~~b) The tree is dead or in significant decline.

b)c) There is evidence and/or risk of significant impact to infrastructure or ~~services~~services, and all reasonable retention options have been investigated and exhausted.

c)d) Where a Council capital works or infrastructure project requires tree removal (s) to facilitate the delivery of a safe project outcome.

e) For emergency access or work that is immediately required in response to an emergency event.

f) Facilitate the restoration of native plant communities and ~~habitats~~habitats.

In relation c) and d) above and following consultation with the Divisional Councillor, officers may seek feedback from the community to inform the decision-making process~~.~~.

8. Private Trees

Where a private tree has been identified or observed to be impacting the safety or functionality of Council owned or controlled land, the owner will be contacted to manage the issue. Council will discuss with the owner a management plan and a timeframe for action and provide these as a written direction to the owner following the discussion. Council may remove the hazard or address the issue if the resident does not comply within given timeframes and seek recourse according to its Local Laws.

Where it is deemed necessary by a relevant Council officer that a tree requires immediate removal due to imminent threat to life or property, Council may remove the tree immediately and then seek to recover costs from the owner of the land without first providing written notice. Council may not replace the tree.

Rectification of damage to surrounding infrastructure or services as a result of the removal of a tree will be the responsibility of the party who caused the damage.

9. Replacement Trees and Offsets

Where public trees are removed under this General Policy, best practice management will be for Council to replace the public trees if an assessment of the location confirms it appropriate to do so. A location suitability assessment includes aspects such as the species, alignment to other plantings in the area, diversity and the physical parameters and constraints of the site. Where this is not viable, replacement tree/s may be planted in nearby appropriate locations.

Council will proactively identify opportunities to increase the 'Leaf Area Index' cover across the region via its operational and capital works program as well as by supporting volunteer efforts where appropriate.

10. Risk Management

Council adheres to the Local Government Mutual Services (LGMS) Tree Risk Management Guide 2021. This policy seeks to limit the exposure to public liability damage and personal injury claims attributed to trees located on Council owned or controlled areas, whilst maintaining the benefits and aesthetic quality of the natural landscape provided by ~~trees~~Trees.

11. 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. Reference DM #6655904.

ROLES AND RESPONSIBILITIES:

This Policy applies to all Council officers, volunteers and contractors dealing with the management of trees on Council controlled land. Council's associated *Dealing with ~~Tree~~Vegetation Matters on Council Controlled Land Administrative Instruction* further clarifies the specific responsibilities and operational details for tree management on public land.

The Manager Community Spaces is responsible for developing and maintaining the abovementioned guideline in consultation with Councillors, contractors and staff.

Note:

For trees on private land and public land, the planning scheme (Cairns Plan 2016) also regulates vegetation damage and clearing and may require a Development Permit to be obtained before works can be undertaken.

In addition to the planning scheme and this policy, vegetation on private and public land is also regulated by the State Government through the provisions of the Vegetation Management Act (1999) and the Planning Act (2016) (QLD) and which may require a permit to be obtained by the State prior to the works being undertaken. This policy does not replace or remove the requirements determined by legislation and associated regulations, local laws or planning scheme requirements.

DEFINITIONS:

- **Council controlled land** - any and all land owned, controlled, or held in trust by Council.
- **Exceptional ~~Trees~~Tree** – means any tree(s) that have been assessed against the criteria detailed in this policy and/or listed on the Cairns Regional Council's ~~Exceptional~~ Tree ~~Register~~Plotter Data Base.
- **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 ~~improvements~~improvements.
- **Council 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.
- **Damage** - remove, cut down, ringbark, push over, poison or destroy in any way including by burning, flooding or draining.
- **Dangerous trees** ~~- trees are~~ – a tree is considered to be "dangerous" when it poses an immediate or high risk of partial or whole tree failure with the potential for serious injury to persons or severe damage to property, structures of services.
- **Leaf Area Index** - a dimensionless quantity that characterises plant canopies. It is calculated as half the area of all leaves per unit area of ground and is usually measured as the leaf area (m2) per ground area (m–2).
- **Lessee** - a community group who has entered into a lease arrangement with Council to have exclusive use of a location on Council land and who agree to take on responsibility of all matters at that location.
- Park Trees – trees occurring or planted in a public park as defined below.
- **Public Parks** - Public open space which is predominantly natural and developed specifically for use by the public for outdoor recreation and enhancement of the urban landscape.
- **Private Trees** – is any tree on land not under Council control and is within a residential property boundary.
- **Public Open Space** - Open space areas and linear systems owned or controlled by government and used for: the provision of parks and sporting areas; public plazas and built outdoor areas; buffering different land uses; or protecting waterway systems, habitat corridors, natural areas and conservation areas. Public parks are a subset of Public Open Space.
- **Public Trees** – any tree planted on Council controlled land regardless of who planted it.
- **Road Verge** – is the area of public land located between a property boundary and the adjacent road kerb or edge of seal if no 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.
- **Street Trees** - 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.
- **Tree Dedications** – a tree planted in parkland in memoriam of a person or an event. Refer General Policy *Plaques Memorial and Monuments General Policy*. ~~(DM reference #2841727-v5).~~
- **Vegetation Removal/Retention Assessment (VRRA)** – an assessment undertaken by a suitably qualified arborist on a Public Tree to determine the most appropriate management course of action.

RELATED LEGISLATION, POLICIES AND CONSIDERATIONS:

- Administrative Instruction Dealing with ~~Trees Matters~~Vegetation Matters on Council Controlled Land (~~#~~3654112);
- Planning Scheme ~~CairnsPlan~~Cairns Plan 2016 (v3.1);
- ~~CairnsPlan~~Cairns Plan 2016 (v3.1) Planning Scheme Policy - FNQROC Regional Development Manual (Version 8);
- 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;
- *Biosecurity Act 2014*;
- *Queensland Heritage Act 1992*;
- QLD State Government, *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*;
- Australian Standard AS4970-2009 Protection of Trees on Development Sites;
- Australian Standard AS4373-2007 Pruning of Amenity Trees;
- Cairns Regional Council *Public Open Space General Policy*.

~~In addition to the planning scheme and this policy, vegetation on private and public land is also regulated by the State Government through the provisions of the Vegetation Management Act (1999) and the Planning Act (2016) (QLD) and which may require a permit to be obtained by the State prior to the works being undertaken. This policy does not replace or remove the requirements determined by legislation and associated regulations, local laws or planning scheme requirements.~~

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

Director responsible for Review: **Director Lifestyle and Community**

ORIGINALLY ADOPTED: 26/10/2022
CURRENT ADOPTION: 26/10/2022
DUE FOR REVISION: 26/10/2026
REVOKED/SUPERSEDED:



.....
~~Mica Martin~~

.....
CHIEF EXECUTIVE OFFICER

Attachment 2 – Original Policy v.6 (clean)

CAIRNS REGIONAL COUNCIL

General Policy

MANAGEMENT OF TREES ON COUNCIL CONTROLLED LAND

Intent To inform Council's approach to the management of trees on Council controlled land.

Scope This Policy applies to all trees on Council owned or controlled land. For the purposes of this policy, such trees will be referred to as 'Public Trees'.

Out of Scope:

- Trees located on private, leased, or residential property (unless impacting on a public space).
- Trees on State Government controlled land
- Removal of regrowth in constructed drains and firebreaks.
- Species identified in Council's biosecurity and invasive weed control strategies in accordance with the Queensland Biodiversity Act 2014.

PRINCIPLES

Council recognises and values the significant contribution 'tree assets' make to the social, cultural, economic and environmental vitality of our region. Through the Management of Trees on Council Controlled Land Policy ('The Policy') Council will:

1. Commit to the sustainable management of trees on public land and growing the 'leaf area index' of our region.
2. Preserve tree assets wherever possible whilst not compromising public safety or impacting infrastructure or services.
3. Maintain a consistent approach to assessing risks and benefits posed by trees in the public domain.
4. Ensure decisions and actions related to the management of trees are undertaken in a structured, transparent and consistent manner.
5. Where it is unavoidable that trees are to be removed from public land, Council will arrange offset planting.
6. Implement a criteria that identifies 'Exceptional Trees' to inform monitoring, management and engagement practices.
7. Wherever circumstances permit, conduct participatory engagement practices to ensure the community is involved in decision making relating to 'Exceptional Trees'.

PROVISIONS

All trees within the public domain form a network of assets that keep our city, neighbourhoods and parklands cool, capture water and provide shelter for a variety of wildlife species. In the Tropical Far North, trees form part of the regions visual identity contributing to lush green landscapes, hillslopes, streets and suburbs.

'Public Trees' represent the vast majority of this network and are the responsibility of Council regardless of who planted the tree. Council aims to protect and enhance the network and ensure a balance between risks and benefits without compromising safety. This General Policy outlines how Council manages its responsibility for Public Trees.

1. Street Trees

Street trees grow in urban environments and contribute more liveable neighbourhoods and communities. Given their placement is within a verge or streetscape and within restricted space, some species are not suitable and can damage private or public infrastructure due to vigorous root and/or canopy growth.

Selection of appropriate tree and the ongoing tree maintenance are critical in ensuring a street tree survives and forms a good mature specimen with minimal defects and risk issues.

All street trees must be planted in accordance with the *FNQROC Development Manual*.

Generally, Council does not permit residents to plant trees on the verge. Should a resident wish to have a street tree planted outside their residence, they are to submit a request to Council. Any street tree that fails to comply with this General Policy may be removed without compensation to the resident.

2. Parks and Open Spaces

Council's parks and public open space provide potential sites for additional planting. Council's Public Open Space General Policy recognises trees as critical infrastructure that support the development of a sustainable region.

It is Council's preference that natural shade from trees be provided at Council parks to promote natural shade at picnic nodes, pathways, spectator areas and playgrounds to reduce the future need for shade structures.

Planting of trees on Council controlled public open space is not permitted unless the planting is:

- Consistent with the principles and provisions of this policy
- By a Council officer;
- Subject to a Development or Local Law Permit;
- Part of an official Council volunteer managed group or supported tree planting program;
- A tree dedication has been approved by Council under the guidelines of the General Policy Plaques, Memorials and Monuments (DM #2641727-v5).

The work undertaken by volunteers is important to the integrity and amenity of the city's green spaces. To encourage collaboration between Council and the community in establishing public trees in Cairns, Council will provide continued support and promotion of the Green Space Our Place program and the volunteer groups that are involved.

3. Exceptional Trees

Council acknowledges that due to a range of factors, certain public trees may be considered exceptional or highly significant. This policy provides a framework for assessing trees of this nature:

Category	Description
1. Character	A tree or group of trees with outstanding aesthetic value, provides a sense of 'place' or serves as a landmark.
2. Size	Any tree of outstanding: • Height • Canopy Spread • Diameter at Breast Height (DBH)
3. Age	Any tree of an age that makes it old for its species.
4. Botanic	Any tree that is an outstanding example of the species at an International / National / State / Regional / Local level • Meets categories under the International Union for Conservation of Nature (IUCN) or 'Read List' framework • Scientific • A rare specimen in the region
5. Commemorative	These trees are not necessarily old but serve to commemorate a particular occasion, individual or important historical event
6. Cultural Heritage	The tree has been identified by traditional owners to be culturally significant
7. Habitat	The tree is observed to provide animal breeding places such as significant hollows for avian fauna or is clearly being used as a

Category	Description
	major food source for fauna.
8. Legislative	A tree or group of trees are protected via State or Commonwealth Law such as the *Queensland Heritage Act 1992* or *Fisheries Act 1994*.

Council's arboriculture team will ensure trees observed to meet the above criteria are appropriately recognised in the 'tree plotter database'.

Exceptional trees often carry a high level of community interest and concern. Therefore Council will ensure any management actions being undertaken on these assets are accompanied by an appropriate level of engagement to ensure the public and key stakeholders are well informed and where appropriate able to provide feedback.

4. Permitted Development

Council will require that applicants provide all necessary information relating to the potential impact of development activities on trees located on Council controlled land.

Council will apply tree protection and retention conditions, as appropriate, to ensure that development activities do not have negative impacts on either the long-term health or structural integrity of public trees. Such conditions will be based on the following:

- Australian Standards including by not limited to AS4970-2009
- FNQROC Development Manual;
- Planning Scheme Policy (CairnsPlan 2016) – Applicable Benchmarks
- This General Policy

New tree planting can replace poorer quality trees lost through development and enhance the aesthetics of the local area. For any proposed clearing of Council vegetation to facilitate a proposed development, Council must be contacted to provide a tree health and suitability assessment and provide consent for the removal and replacement of public trees. The developer/applicant may be required to obtain Secondary Arboriculture Assessment at their cost. Any supported vegetation clearing and replacement will be at no cost to Council.

In the event private works are not associated with a Development Planning Approval or considered acceptable under this policy, a Local Law Permit must be obtained by the proponent.

5. Request Management

Council places great importance upon retention and protection of all trees. As such, it is important to note that residents or property owners are not permitted to modify, prune or remove Public Trees or vegetation without obtaining written approval from Council.

All requests to undertake management or removal activities for Public Trees shall be made through Council's Customer Response Management (CRM) System. Following receipt of a request, Council's arboriculture team will undertake a Vegetation Removal/Retention Assessment (VRRA). The VRRA is undertaken in accordance with the principles and provisions of this policy and Cairns Regional Council *Administrative Instruction Dealing with Tree Matters on Council Controlled Land* to determine the most appropriate management course of action. The assessment will take into consideration the potential risk of damage to property or potential risk to the public, the condition, suitability, and significance of the Public Tree in question.

If a resident does not agree with the assessment made by the Council officer, they may submit a report from an Arborist with minimum Australian Qualifications Framework Level 5 training, at their own expense. Such reports will be further considered by Council prior to making a final determination on removal or otherwise of trees.

6. Tree Maintenance

Council maintains public trees in the following situations:

- to remove dead, dying or defective branches that pose a hazard to person or property or infrastructure services, based on assessment by Council Arborists; or
- to remove branches that impact upon utilities and built structures where all other alternative options have been considered; or
- selective pruning on branches that are encroaching onto buildings; or
- to remove hazards to pedestrians or vehicle access; or
- to improve sight lines and remove obstructions to signage; or
- to improve the health and condition of trees; or
- to manage, where possible, disease and insect outbreaks.

Council will not undertake maintenance works on public trees in the following situations:

- to benefit private views; or
- do not present an unacceptable risk or hazard to the public; or
- facilitate private construction works (eg fence installations); or
- removal of trees or branches for the installation or benefit of solar panels; or
- removal of branches due to standard and/ or seasonal nuisance issues.

All structural works to and around public trees may only be performed by Council or Council managed contractors.

7. Removal

Note: Excluding proposed tree removal to facilitate development regulated under the Planning Act 2016 and Planning Scheme.

Following a VRRA Council may approve the removal of a Public Tree in the following situations:

a) The tree is determined to be presenting a danger which cannot be mitigated through elimination or isolation works.
b) The tree is dead or in significant decline.
c) There is evidence and/or risk of significant impact to infrastructure or services and all reasonable retention options have been investigated and exhausted.
d) Where a Council capital works or infrastructure project requires tree removal (s) to facilitate the delivery of a safe project outcome.
e) For emergency access or work that is immediately required in response to an emergency event.

In relation c) above and following consultation with the Divisional Councillor, officers may seek feedback from the community to inform the decision-making process.

8. Private Trees

Where a private tree has been identified or observed to be impacting the safety or functionality of Council owned or controlled land, the owner will be contacted to manage the issue. Council may remove the hazard or address the issue if the resident does not comply within given timeframes and seek recourse according to its Local Laws.

Where it is deemed necessary by a relevant Council officer that a tree requires immediate removal due to imminent threat to life or property, Council may remove the tree immediately and then seek to recover costs from the owner of the land without first providing written notice. Council may not replace the tree.

Rectification of damage to surrounding infrastructure or services as a result of the removal of a tree will be the responsibility of the party who caused the damage.

9. Replacement Trees and Offsets

Where public trees are removed under this General Policy, best practice management will be for Council to replace the public trees if an assessment of the location confirms it appropriate to do so. A location suitability assessment includes aspects such as the species, alignment to other plantings in the area,

diversity and the physical parameters and constraints of the site. Where this is not viable, replacement tree/s may be planted in nearby appropriate locations.

Council will proactively identify opportunities to increase the 'Leaf Area Index' cover across the region via its operational and capital works program as well as by supporting volunteer efforts where appropriate.

10. Risk Management

Council adheres to the Local Government Mutual Services (LGMS) Tree Risk Management Guide 2021. This policy seeks to limit the exposure to public liability damage and personal injury claims attributed to trees located on Council owned or controlled areas, whilst maintaining the benefits and aesthetic quality of the natural landscape provided by trees.

11. 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. Reference DM #6655904.

ROLES AND RESPONSIBILITIES:

This Policy applies to all Council officers, volunteers and contractors dealing with the management of trees on Council controlled land. Council's associated Dealing with Tree Matters on Council Controlled Land Administrative Instruction further clarifies the specific responsibilities and operational details for tree management on public land.

The Manager Community Spaces is responsible for developing and maintaining the abovementioned guideline in consultation with Councillors, contractors and staff.

DEFINITIONS:

- **Council controlled land** - any and all land owned, controlled, or held in trust by Council.
- **Exceptional Trees** – means any tree(s) that have been assessed against the criteria detailed in this policy and listed on Council's Exceptional Tree Register.
- **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 improvements
- **Council 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.
- **Damage** - remove, cut down, ringbark, push over, poison or destroy in any way including by burning, flooding or draining.
- **Dangerous trees** - trees are considered to be "dangerous" when it poses an immediate risk of serious injury to persons or severe damage to property, structures of services.
- **Leaf Area Index** - a dimensionless quantity that characterises plant canopies. It is calculated as half the area of all leaves per unit area of ground and is usually measured as the leaf area (m2) per ground area (m–2)
- **Lessee** - a community group who has entered into a lease arrangement with Council to have exclusive use of a location on Council land and who agree to take on responsibility of all matters at that location.
- **Public Parks** - Public open space which is predominantly natural and developed specifically for use by the public for outdoor recreation and enhancement of the urban landscape.
- **Private Trees** – is any tree on land not under Council control and is within a residential property boundary.
- **Public Open Space** - Open space areas and linear systems owned or controlled by government and used for: the provision of parks and sporting areas; public plazas and built outdoor areas; buffering different land uses; or protecting waterway systems, habitat corridors, natural areas and conservation areas. Public parks are a subset of Public Open Space.
- **Public Trees** – any tree planted on Council controlled land regardless of who planted it.
- **Road Verge** – is the area of public land located between a property boundary and the adjacent road kerb or edge of seal if no 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.

- **Street Trees** - 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.
- **Tree Dedications** – a tree planted in parkland in memoriam of a person or an event. Refer General Policy *Plaques Memorial and Monuments General Policy* (DM reference #2641727-v5).
- **Vegetation Removal/Retention Assessment (VRRA)** – an assessment undertaken by a suitably qualified arborist on a Public Tree to determine the most appropriate management course of action.

RELATED LEGISLATION, POLICIES AND CONSIDERATIONS:

- Administrative Instruction Dealing with Trees Matters on Council Controlled Land (#3654112);
- Planning Scheme CairnsPlan 2016 (v3.1);
- CairnsPlan 2016 (v3.1) Planning Scheme Policy - FNQROC Regional Development Manual (Version 8);
- 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;
- *Biosecurity Act 2014*
- *Queensland Heritage Act 1992*
- QLD State Government, *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*
- Australian Standard AS4970-2009 Protection of Trees on Development Sites
- Australian Standard AS4373-2007 Pruning of Amenity Trees
- Cairns Regional Council *Public Open Space General Policy*

For trees on private land and public land, the planning scheme (CairnsPlan 2016) also regulates vegetation damage and clearing and may require a Development Permit to be obtained before works can be undertaken. In addition to the planning scheme and this policy, vegetation on private and public land is also regulated by the State Government through the provisions of the Vegetation Management Act (1999) and the Planning Act (2016) (QLD) and which may require a permit to be obtained by the State prior to the works being undertaken This policy does not replace or remove the requirements determined by legislation and associated regulations, local laws or planning scheme requirements.

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

Director responsible for Review: **Director Lifestyle and Community**

ORIGINALLY ADOPTED: 26/10/2022
CURRENT ADOPTION: 26/10/2022
DUE FOR REVISION: 26/10/2026
REVOKED/SUPERSEDED:

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Mica Martin
CHIEF EXECUTIVE OFFICER