

VEGETATION ON COUNCIL CONTROLLED LAND:
PLANTING, REMOVAL AND MAINTENANCE

- Intent:** To provide clear direction regarding vegetation planting, removal and maintenance on Council controlled land.
- Scope:** This policy applies to all Cairns Regional Council controlled land.
- Purpose:** The purpose of this policy is to outline the manner in which Council will manage vegetation situated on Council controlled land, including vegetation planting, removal, and maintenance.

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.

PROVISIONS**Vegetation planting and landscaping**

Residents may plant appropriate 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.

Planting vegetation in accordance with the Far North Queensland Regional Organisation of Council's (FNQROC) Development Manual landscaping requirements is deemed to be approved by Council.

Local Law No. 1 (Administration) 2016 requires written approval to be obtained from Council prior to the planting of vegetation on Council controlled land if not in accordance with FNQROC requirements.

Failure to comply with these provisions may result in the removal of the vegetation.

Vegetation Removal

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.1 (Administration) 2016 will apply.

Following receipt of a complaint or request to remove vegetation, Council officers in consultation with the Divisional Councillor will undertake an assessment to determine whether the subject vegetation should be removed or pruned. This assessment is based upon the provisions contained within Cairns Regional Council Administrative Instruction Dealing with Vegetation Matters on Council Controlled Land.

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

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 vegetation.

Where planned construction activities related to private land will result in damage to vegetation on Council managed land and such damage constitute a safety risk to people, services or infrastructure, Council may grant written approval for the landowner to remove the vegetation at their cost and only after relevant public notification has been conducted.

Circumstances where Council approval is not required for vegetation removal/damage include the following:

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

Where Council removes or grants written approval for removal of a tree, trees or landscaping, replacement trees and/ or landscaping may be planted in an appropriate location on - site or nearby. The number and location of trees and/ or the extent of landscaping will be determined in consultation with the Divisional Councillor, and a Council Arborist or Environmental Officer, to ensure where possible no net loss of trees or landscaping occurs.

Vegetation Maintenance

Council maintains vegetation on Council controlled land by pruning trees to remove damaged branches and removing trees and vegetation that pose a hazard to person or property, based on assessment by Council Arborists.

All plantings 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. Such 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.

Consultation

For non-urgent remedial works Council will notify the immediately neighbouring allotments of where vegetation is located prior to its removal. In the case of emergency works, consultation may not be possible or practical.

Complimentary documents

- Administrative Instruction Dealing with Vegetation Matters on Council Controlled Land (#3654112);
- Cairns City Planning Scheme Policy 4:03:04 City in a Rainforest Master Plan;
- Cairns City Planning Scheme Policy 4:03:03 Cairns CBD Streetscapes Master Plan;
- CairnsPlan 2016 Planning Scheme Policy - FNQROC Development Manual (Version 7);
- 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*

DEFINITIONS

Council controlled land - any and all land owned, controlled, or held in trust by Council.

Vegetation - an individual tree or trees, 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.

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

General Manager responsible for review:

Infrastructure Services

ORIGINALLY ADOPTED: 01/01/2012
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DUE FOR REVISION: 27/05/2024



John Andrejic
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