

Policy Type	Corporate
Function	Parks, Reserves, Sport and Other Physical Recreation
Policy Owner	Manager Operations
Policy Contact	Parks Coordinator
Effective Date	10 August 2021

Purpose

This policy provides the principles and requirements for the management and maintenance of trees within the shire to reduce future liability and maintenance costs to Council, reduce the risks to people and property and improve the natural local amenity.

Scope

This policy relates to management of trees located on privately owned land, Council owned and controlled land including but not limited to parks, footpaths and reserves that may be interfering with or threatening to interfere with privately owned or Council owned assets.

Objectives

The objectives of this policy are to:

- minimise interference with the normal function of above and below ground utility services, traffic visibility, street lighting, public infrastructure and private structures;
- uphold Council's duty of care and commitment to public safety including a "good neighbour" approach to the management of trees on Council land adjacent to private property;
- achieve efficient, cost-effective and sustainable management of the local government area's trees;
- minimise adverse impacts on trees of significant environmental, cultural or historical value;
- provide open and accountable decision making relating to tree management;
- provide guidance regarding the retention, planting and management of trees;
- set appropriate community engagement standards relating to tree management.

Principles

Tree Management and Replacement

All trees go through a natural life cycle of establishment, growth, maturity, decline and replacement. For trees growing in an urban environment there are times when Council needs to intervene in the life cycle to address concerns regarding tree health, structure, risks, emergencies, nuisance (as defined by common law) or weed management. The extent of intervention will depend on the species, location, significance and functions of the tree, with regular monitoring and assessment required for trees growing closest to high pedestrian use areas such as the CBD, walking paths or popular playgrounds. Council may consider replacing trees at its discretion.

Retaining Trees

Keeping established trees, particularly in areas undergoing a change in land use, is the most cost-effective way to sustain Council's tree landscape.

Tree Planting Guidelines

Planting of trees should seek to conform to the following guidelines:

Street Trees

The planting of street trees should:

- encourage high quality vistas that contribute to local area amenity;
- be guided by existing canopy cover density and resident request;
- favour clear trunked, small to medium shade tree species in residential streets to minimise nuisance;
- favour tree species that are not deciduous, do not drop fruit, seed pods or fronds which may cause blockages to drainage inlets and gutters;
- encourage community participation to promote ongoing stewardship.

Search for suitable planting under or near powerlines on the below link:

<https://www.ergon.com.au/network/safety/home-safety/trees-and-powerlines/plant-smart-search>

Council Parks and Reserves

Tree planting in Council parks and reserves should:

- conserve historically significant tree plantings;
- promote shade and amenity at picnic nodes, pathways, spectator areas, playgrounds and car parks;
- use the placement of groups of trees to minimise maintenance and risk exposure;
- enhance and protect habitats and waterways.

Community Engagement

To help encourage community involvement in establishing and maintaining trees within the Burdekin Shire Council, Council will:

- encourage and support partnerships with Landcare, Greening Australia, BBIFMAC, Ergon Energy, National Tree Planting Day, Gudjuda Reference Group, NQ Dry Tropics and other interested community organisations;
- encourage partnership groups to consider the ongoing maintenance of any trees they plant and water supplies needed to support the healthy, long term growth of these trees;
- adopt a 'good-neighbour' approach to managing trees near property boundaries by undertaking tree maintenance works that address genuine nuisance to the adjacent property owner.

Policy Statement

Council has the right to manage the planting, removal, maintenance or replacement of any tree or shrub on Council land or land under Council control.

Where an assessment of a tree has been made by a relevant Council Officer or a qualified arborist and the tree is found to be:

On council land, and:

- causing or threatening to cause interference with utilities; or
- causing or threatening to cause a hazard to traffic or interference with the line of sight for traffic; or
- causing or threatening to cause damage to public or private property; or
- causing or threatening to cause a hazard to pedestrians; or
- dead or infected by disease;

Council shall decide the appropriate course of action for removal, maintenance or replacement of the tree.

Where a tree is on Council land and overhangs an adjoining property, Council will endeavour to ensure that overhanging branches do not cause interference to the enjoyment or utility of the adjoining property. Council will remove branches which overhang adjoining property, upon request from owner/occupier of the adjoining property.

Where it is established that a tree was or was likely planted by Council, then Council will bear the cost of the removal or maintenance. Where the responsibility for planting the tree cannot be ascertained with certainty, Council will bear the cost of the removal or maintenance.

Property owners must make an application to Council to plant trees or shrubs on Council owned or controlled land prior to planting. The application should include the location and purpose of planting and the proposed species for planting. Any tree planted without approval may be removed at Council's discretion.

Where a request is received for a member of the public to maintain or remove a tree on Council land immediately adjacent to that person's property, Council will inspect the tree and make an assessment. If the tree is found to be:

- not causing or threatening to cause interference with utilities; or
- not causing or threatening to cause a hazard to traffic or interference with the line of sight for traffic; or
- not causing or threatening to cause damage to public or private property; or
- not causing or threatening to cause a hazard to pedestrians;

Council may grant approval for the person making the request to maintain or remove the tree at their full expense.

Where a tree is found to be on private land and is:

- causing or threatening to cause interference with utilities; or
- causing or threatening to cause a hazard to traffic or interference with the line of sight for traffic; or
- causing or threatening to cause damage to public or private property; or
- causing or threatening to cause a hazard to pedestrians;

written notice will be served on the owner of the adjacent land to rectify the issue to the satisfaction of Council within 60 days of such notice.

A person may appeal a notice to remove a tree in writing to the CEO. A written appeal must be received by Council within the 60 day notice period.

Where a tree is deemed to interfere with a road or its operation and requires removal or maintenance, Council may take action under the provisions of section 75 of the *Local Government Act 2009*, Local Law No. 4, Subordinate Local Law No. 1.1, Subordinate Local Law No. 1.15 or exercise its common law rights.

Enforcement

Where a decision has been made by Council to remove a tree from Council land, the following will apply:

- Where the tree was planted by the owner/occupier of adjacent land, a written notice will be served on the owner of the adjacent land to arrange for removal of the tree within 60 days of such notice.
- If, after being provided with a written notice to remove a tree, the owner has failed to respond to Council and the tree has not been removed, Council will remove the tree and recover the costs of doing so from the owner.

Exceptions

- Where it is deemed necessary by a relevant Council Officer or qualified arborist 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 adjacent land without first providing written notice.
- 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.

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 road reserves or on Council owned or controlled areas, whilst maintaining the benefits and aesthetic quality of the natural landscape provided by trees.

Legislation

Local Government Act 2009 (Qld) s 75.

Local Law No. 1 (Administration) 2012

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012

Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2012

Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2012

References

<https://www.ergon.com.au/network/safety/home-safety/trees-and-powerlines/plant-smart>

Related Documents

Reference Number	Document Title
PGC-FRM-0018	Application to Plant a Tree on Council Owned or Controlled Land
AS 4373-2007	Australian Standard – Pruning of amenity trees
AS 4970-2009	Australian Standard – Protection of trees on development sites

Document History and Version Control

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