

MANAGEMENT OF VEGETATION ON COUNCIL CONTROLLED LAND POLICY

(COMMUNITY POLICY)

1. Scope

The Management of Vegetation on Council Controlled Land Policy (this 'Policy') applies to the management of all vegetation on land under Council control but does not apply to the establishment of vegetation in new developments.

2. Purpose

The purpose of this Policy is:

- a) to ensure that the visual appeal and character of the Livingstone region is maintained through appropriate vegetation and plantings; and
- b) to outline Council's objectives in relation to vegetation management.

3. References (legislation/related documents):

Legislative reference

Environmental Protection Act 1994

Land Act 1994

Local Government Act 2009

Nature Conservation Act 1992

Public Health Act 2005

Vegetation Management Act 1999

Australian Standards

AS 4970:2009 – Protection of Trees on Development Sites

AS 4373:2007 – Pruning of Amenity Trees

AS 2303:2018 – Tree Stock for Landscape Use

Related documents

Biosecurity Plan 2019-2024

Management of Vegetation on Council Controlled Land Procedure

Livingstone Open Space Framework

Tree and/or Vegetation Vandalism Policy

Local Law

Local Law No. 1 (Administration) 2011

Local Law No. 3 (Community and Environmental Management) 2011

Subordinate Local Law No. 3 (Community and Environmental Management) 2011

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

4. Definitions

To assist in interpretation, the following definitions shall apply:

Asset management (non-financial)	All public trees on Council controlled land shall be assessed and recorded as non-financial assets. Council's Parks and Facilities team shall be the custodian of Council's Public Tree Assets.
Australian Qualifications Framework (AQF)	Quality assured national framework for education and training. It provides nationally recognised and endorsed qualifications through a competency-based training system.
Consulting Arborist	A qualified arborist (Level 5 in Australian Qualification Framework – Diploma) to complete an Arborist Report for higher risk and more complex assessments.
Council	Livingstone Shire Council.
Council controlled land	Land under Council freehold ownership or Crown Land (reserve) managed by Council under trust or gazetted bathing reserve or gazetted foreshore. It also includes Council controlled road reserves and State Controlled Road reserves that are managed by Council.
Executive Leadership Team	Executive Leadership Team – the group of employees of Livingstone Shire Council: a) who report directly to the Chief Executive Officer, and b) whose position ordinarily would be considered to be a senior position in the local government's corporate structure. This includes a person acting in this position.
Public Tree	Within this Policy, Public Tree refers to any tree within the Local Government Area that has any part of its trunk growing from Council controlled land.
Road Reserve	An area of land set aside for road purposes, extending from property boundary to property boundary. It includes not only the area covered by the actual road formation (carriageway) but encompasses the entire area of land dedicated for the use of travelling public.
Significant Tree Register	A register managed by Council which aims to recognise and record trees that have been identified as significant for cultural, environment and or social values.
Vegetation	Includes trees, shrubs and ground cover.

5. Policy Statement

Council recognises the important role of vegetation in ensuring the visual amenity and character of the region and maintaining a healthy environment and community wellbeing.

Vegetation provides many benefits to the region such as:

- a) a natural structure which highlights Livingstone Shire Council's subtropical character and scenic amenity;
- b) assisting with the management of storm water run-off and soil erosion;
- c) strong links to nature, our natural and cultural history and a sense of local identity within Livingstone Shire Council's coastal and rural communities; and

- d) contributing to individual property values, tourism and injecting vitality into business precincts.

Council is responsible for the maintenance and management of vegetation in numerous areas under its control such as road reserves, parks, reserves, cemeteries and freehold land owned by Council. This responsibility places a large financial burden on Council and its ratepayers. To ensure that Council resources are utilised in an efficient and effective manner, Council has adopted the following objectives which it aims to achieve through the implementation of a supporting procedure.

To achieve the objectives of this Policy, Council will:

- a) establish Council's commitment and strategic direction for the enhancement, preservation and maintenance management of Public Trees on Council Controlled Land within the Livingstone Shire Local Government Area; and
- b) address Public Tree management and maintenance issues faced by Council.

The Policy excludes:

- a) Public Trees within Council leased areas where vegetation management is explicitly stated as a responsibility of the Lessee;
- b) trees on privately owned land;
- c) trees in State controlled road reserves maintained by Department of Transport and Main Roads or their contractors, but excluding areas maintained by Council under Road Maintenance Performance Contracts;
- d) trees in National or State reserves managed by Queensland Parks and Wildlife Service or the Department of Resources;
- e) trees in Council controlled bushland and natural reserves;
- f) any vegetation in drainage reserves and firebreaks; or
- g) invasive species as listed in the Biosecurity Act 2014 and as identified in Livingstone Shire Council Biosecurity Plan 2019-2024.

5.1 Objectives

To ensure that Council resources are utilised efficiently and effectively, Council has adopted the following objectives which it aims to achieve through the implementation of a supporting procedure.

5.1.1 Protection of Trees

- a) Maintain a significant Public Tree register to assist with identifying, assessing, recording and protecting significant public trees and their supporting habitats.
- b) Consider necessary requirements for public tree protection and long-term viability when undertaking maintenance or constructing new infrastructure. In situations where conflict may occur, infrastructure should be designed to minimise harmful impacts without compromising the relevant design standards.
- c) Use the Australian Standard for the *Protection of Trees on Development Sites* to achieve consistency and equity in public tree protection requirements. As required, the application of the standard will occur within all capital project and maintenance phases.
- d) Investigate unauthorised public tree damage (pruning, poisoning or removal) and pursue enforcement action where appropriate in accordance with relevant Local Laws. All incidents of public tree damage will be managed under Council's Tree and Vegetation Vandalism Policy.

5.1.2 Management of Trees

- a) Consider removal and reinstatement of public trees causing damage to infrastructure due to improper species selection or improper installation techniques with a more suitable species or options such as root barrier and or permeable paving.
- b) Increase the range of public tree species across the region by the promotion and use of local responsive indigenous species while retaining continuity of species that reflects or complements existing character and design intent of local neighbourhood landscapes.
- c) Public trees on Council controlled land shall be recorded as non-financial assets for inclusion and management within Council's asset management system. The data will be collected and included into the asset management system over time as resources permit. Council's Parks and Facilities Business Unit shall be the custodian of Council's Public Tree Assets.
- d) Manage public trees utilising recognised arboriculture practices. Continue to investigate and implement appropriate new and innovative technologies by applying accepted industry tree evaluation and retentions methods.
- e) Determine public tree planting priorities for connecting biodiversity corridors and providing buffer plantings to natural environments, while recognising the importance of maintaining wildlife habitats.
- f) Achieve sustainable management of public trees by appropriate tree species selection for reduced infrastructure damage, encouraging healthy growth and long-term viability, while reducing maintenance costs and achieving improved environmental benefits. The Australian Standard for Tree Stock for Landscape Use (AS2303:2018) will be used to achieve consistency in public tree quality requirements.

5.1.3 Public Tree Maintenance

- a) Prioritise proactive public tree inspection and maintenance activities based on the hierarchical objectives of this Policy. In addition, Council will carry out visual and technical inspections in response to community concerns or suspicion of a public tree's health or safety risk.
- b) Ensure that all public tree inspections are consistent with national and international assessment systems such as the Visual Tree Assessment (VTA) and Quantified Tree Risk Assessment (QTRA), with priority given to failure hazard potential, size and part most likely to fail and frequency of site occupancy.
- c) Ensure all Inspecting Officers have a minimum Australian Qualifications Framework – Certificate III (Trade Arborist) in Arboriculture to complete the International Society of Arboriculture Basic Tree Risk Assessment Form. For higher risk and more complex assessments it will be necessary to have an Australian Qualifications Framework – Diploma (Level 5) Consulting Arborist to complete an Arborist Report.
- d) Ensure all public tree pruning completed by Council and its contractors is in accordance with the Pruning of Amenity Trees (AS4373:2007), relevant codes of practice and Acts of legislation, both State and Federal.
- e) Engagement with Council's Natural Resource Management Team will occur when tree removal is being assessed within Council managed natural environments or where the tree is considered locally significant. Where tree management is defined as an imminent risk to public safety, this practice is secondary.

- f) Ensure that a professional assessment method is applied in considering all requests for public tree removal, while ensuring all practical and reasonable solutions are considered through an exhausted cost versus benefit rationale to maximise the likelihood of public tree retention.
- g) Public tree removal will only occur if the risk associated with the identified hazard cannot be managed and mitigated through arboricultural means or achieved through reasonable and practical design and engineering solutions.
- h) Unacceptable reasons for public tree removal include where the request relates to improved views; the public tree species is disliked; the public tree is causing a nuisance by the way of normal natural process ie leaf, bark, or fruit drop; supporting habitat for nesting or roosting fauna; unqualified health problems such as allergies or phobia; infrastructure considerations that can be reasonably modified and/or shading of solar panels and private gardens; and removal of trees for private insurance purposes.
- i) Where it can be justified that a public tree is causing a legitimate health problem and the public tree is not considered to be significant and/or can be removed and replaced at the expense of the resident with an alternative suitable species, then further consideration of suitable options will be considered.
- j) Where identified, Council has the option to implement a targeted public tree removal program in accordance with Council's Biosecurity Plan. For this to occur, consideration and endorsement of the Executive Leadership Team is required.

6. Changes to this Policy

This Policy is to remain in force until any of the following occur:

- 1) The related information is amended/replaced; or
- 2) Other circumstances as determined from time to time by the Council.

7. Repeals/Amendments

This Policy repeals the former Livingstone Shire Council Policy titled 'Management of Vegetation on Council Controlled Land Policy (v1.1).

Version	Date	Action
1	08/03/2016	Adopted
1.1	03/09/2018	Administrative Amendments – reflect organisational restructure and update of Chief Executive Officer
2.0	19/12/2023	Adopted – full review undertaken

CALE DENDLE
CHIEF EXECUTIVE OFFICER