Vegetation management on private land

Managing assessable vegetation

Vegetation within the City of Gold Coast is managed through the Vegetation management code of the City Plan. The purpose of the code is to provide for the protection and management of assessable vegetation.

The Vegetation management code provides guidance on what is considered acceptable removal of, or damage to, assessable vegetation, before it becomes assessable development and requires an application to the City to remove or damage the vegetation. Table 1 outlines the circumstances where removal of, or damage to vegetation is considered to be self assessable and does not require lodgement of a development application to the City.

What is assessable vegetation?

Assessable vegetation is defined within the City Plan as: Vegetation throughout the city that is:

1. greater than 4 metres in height; or
2. equal to, or in excess of 40 centimetres in girth (circumference) measured at 1.4 metres above ground level; or
3. remnant vegetation and its native under-storey as identified on the Vegetation Management Overlay Map; or
4. disturbed/re-growth/wetland vegetation and its native under-storey as identified on the Vegetation Management Overlay Map.

Where proposed removal or damage to vegetation does not meet self assessable criteria

If proposed works do not fall within the self assessable criteria, an application to the City of Gold Coast is required to be made. The application type is an Operational Works (Vegetation Clearing).

Applications will be assessed against the Vegetation management code and any applicable City Plan overlays such as the Environmental significance overlay maps. The City’s interactive mapping can be used to identify applicable overlay maps: http://cityplanmaps.goldcoast.qld.gov.au/CityPlan/index.html

Application requirements

There are three different types of Operational Works (Vegetation Clearing) applications:

- standard tree works (not associated with a Building or Development Approval)
- clearing associated with a Building Approval
- clearing associated with a Development Approval.

Each of these applications requires a different fee and supporting information to be provided.

The information below primarily relates to standard tree works applications. Additional information is required for vegetation removal or damage associated with a building or development approval, such as evidence of approval and more detailed site plans.

The following forms are required to be completed and submitted with all applications for Operational Works (Vegetation Clearing):

- IDAS Form 1
- IDAS Form 6
dilgp.qld.gov.au (Search IDAS form)
Applications must be submitted by the owner(s) of the property or submitted with written authorisation enabling others to apply on the owners behalf. Applicants are requested to state their reason(s) for wanting to remove or damage assessable vegetation and include a site plan with sufficient details to clearly identify the vegetation of concern to assist with the assessment process. Please note, absent or poorly prepared site plans may result in delay to the application and the applicant being required to provide more details. An example of a site plan is provided below (Figure 1).

**Other considerations**

Other factors that may impact on your application include:

- approved landscaping plans (these are common in body corporate complexes)
- trees on common property – an application must be submitted by the body corporate or its representative
- properties with an approved building envelope
- statutory environmental covenants (to preserve landscape features and vegetation)
- other conditions of approval requiring the retention of vegetation.

It is important to note that removal of, or damage to vegetation may require further approvals under additional State and Federal legislation. It is advised that you have all required approvals necessary before starting works.

You may also have duty of care responsibilities under the Nature Conservation Act 1992 and the Animal Care and Protection Act 2001 to take reasonable measures to avoid or protect wild animals and their breeding places from damage. The engagement of a Wildlife Spotter Catcher may assist you in meeting your duty of care obligations.

**Approved building envelopes**

Some larger properties may have approved building envelopes. A building envelope is defined in the City Plan as the area of a lot defined by metes and bounds within which all development including but not limited to a building, structure, private open space, car park, storage, on-site wastewater treatment and associated removal of vegetation must be confined other than a boundary fence. The term does not include a driveway from a road to the building envelope area.

While a building envelope defines the area where all structures must be confined, it does not afford rights for removal of, or damage to vegetation.

Vegetation proposed to be removed within the approved building footprint does not require City approval.

Vegetation proposed to be removed outside the building footprint, but within the approved building envelope (or elsewhere in the lot) will require an application to the City.

**Environmental offsets**

Assessable vegetation clearing within the City may attract environmental offsets. This requirement is guided by Schedule 6.8 City Plan Policy – Environmental offsets and the Environmental significance – Vegetation management overlay of the City Plan. Environmental offsets are used to balance the impact of the removal of the vegetation on site and can be located either on or external to the site at which assessable vegetation removal is proposed. For further information in relation to environmental offsets please see the [Overview of environmental offsets](http://www.goldcoast.qld.gov.au/city-plan-practice-notes-30532.html) practice note.

**For more information**

P 07 5582 8708
W cityofgoldcoast.com.au
# Vegetation Management on Private Land

## Damage Type

### Vegetation close to property boundaries

**SO1** – Damage to assessable vegetation can occur if it is within the following distance of a property boundary fence:

<table>
<thead>
<tr>
<th>Lot size</th>
<th>Distance to property boundary fence</th>
</tr>
</thead>
<tbody>
<tr>
<td>on lots less than 4,000m²</td>
<td>within 1.5m of the boundary</td>
</tr>
<tr>
<td>on lots between 4,000m² – 7,999m²</td>
<td>within 3m of the boundary</td>
</tr>
<tr>
<td>on lots 8,000m² and greater</td>
<td>within 6m of the boundary</td>
</tr>
</tbody>
</table>

Note: The distance between the property boundary fence (existing or proposed) and the assessable vegetation is measured from the centre of the diameter of the tree’s trunk at ground level to the nearest edge of the fence foundations.

Where the fence has not been built yet, the proposed fence is to be constructed within 21 days of the vegetation damage.

**SO2** – Damage to assessable vegetation can occur if it is essential to achieve a survey of an existing property boundary by a licensed cadastral surveyor.

### Vegetation close to buildings

**SO3** – Damage to assessable vegetation can occur if it is within the following distances of approved buildings:

<table>
<thead>
<tr>
<th>Lot size</th>
<th>Distance to approved building</th>
</tr>
</thead>
<tbody>
<tr>
<td>on lots less than 8,000m²</td>
<td>within 3m of the approved building</td>
</tr>
<tr>
<td>on lots 8,000m² and greater</td>
<td>within 10m of the approved building</td>
</tr>
</tbody>
</table>

### Vegetation close to pool fencing

**SO4** – Damage to assessable vegetation can occur if it is within 1.5m of a pool fence.

### Pest species vegetation

**SO5** – Damage to assessable vegetation can occur if:

a. It is a class 1, 2 or 3 listed pest in Schedule 2 of the Land Protection (Pest and Stock Route Management) Regulation 2003; or

b. It is one of the following plant species:
   - Cocos Palm, also known as Queen Palm (Syagrus romanzoffiania);
   - Coral Tree (Erythrina indica / E. crista galli & Erythrina x sykesii);
   - Cadaghi (Corymbia torelliana);
   - Slash Pine (Pinus elliottii); and
   - Umbrella Tree (Schefflera actinophylla).

Note: The assessable vegetation to be removed must be identified by an Australian Qualification Framework (AQF) – Level 3 – Arborist.

### Threatening vegetation

**SO6** – Damage to assessable vegetation can occur if it has been determined by a Council authorised Australian Qualification Framework (AQF) – Level 5 – Arborist that the assessable vegetation is one or more of the following:

a. Actually or potentially dangerous as a result of being dead, dying, diseased, structurally unsound or having a growth form or habitat which is hazardous;

b. A threat to the safety of persons, property or the environmental integrity; or

c. Poses a threat to the dwelling on the site.

### Damage to vegetation for fire safety

**SO7** – Damage to assessable vegetation can occur in order to reduce the potential bushfire hazard, around a dwelling house, when:

a. No approved Bushfire Management Plan exists for the site; and

b. The site is located in a Bushfire Hazard Area as identified on Bushfire hazard overlay map.

In these circumstances damage to assessable vegetation is permitted if it is:

a. Within 10m of the dwelling house (inner zone);

b. Native understorey vegetation (including any branches less than 2m above ground level) for a further 10m (outer zone); and

c. Located on a sloping site, the outer zone can be increased by:
   i. A maximum of 1 metre for every degree of slope, down slope of the dwelling house;
   ii. A maximum of half a metre for every degree of slope, upslope of the dwelling house.

### Damage on agricultural land

**SO8** – Damage to assessable vegetation can occur if it is essential for the operation of a lawfully established agricultural or animal husbandry use where the vegetation is not:

a. Within 60m of the high bank of a major waterway;

b. Within 30m of the high bank of all other waterways identified on Environmental significance – wetlands and watercourse overlay map; or

c. On land that has a slope in excess of 25%.

Note: Where no definable high bank is present, the buffer width is measured from the Highest Astronomical Tide (HAT) of tidal waterways or the normal water level of freshwater waterways.

### Vegetation maintenance

**SO9** – Damage to assessable vegetation that is native under storey can occur on lots less than 1,000m².
Steps to complete before you hire an arborist or tree contractor

Hiring an arborist or tree contractor deserves careful consideration and caution. A mistake can be expensive and long-lasting, but the right choice can assure safe healthy trees with a longer life. Trees can contribute up to 15 per cent of your property value and a shaded street can add up to 30% to the value of the street, so the cost of proper care is one of the best investments you can make.

The City cannot recommend arborists or tree contractors. However for information on hiring qualified and insured personnel in your area, the City and the Queensland Civil and Administrative Tribunal (QCAT) recommend you contact the Queensland Arboricultural Association (QAA) via qaa.net.au.

When choosing an arborist or tree contractor please consider the following:

- Ensure the contractor holds the appropriate level of arboriculture qualification required to complete works under the Australian Qualification Framework (AQF). A particular level of qualification may be required in the City of Gold Coast decision notice and the Australian Standards AS 4373-2007 Pruning of Amenity Trees or AS 4970-2009 Protection of Trees on Development Sites.
- Beware of door-knockers, they are common after storms when non-professionals see a chance to earn some quick money.
- Don’t be rushed by bargains “If you sign an agreement today, I can take 10 per cent off the price”.
- Don’t pay in advance.
- Ask for local references from previous works completed.
- Contact more than one service.
- Once you have selected a service, a contract or written agreement is essential to prevent misunderstandings and to ensure that the work is performed to the standards you expect.

Key items that a contract should include are:

- insurance requirements, including proof of liability for personal and property damage (such as your house and your neighbour’s)
- worker’s compensation details
- the dates that work will begin and end
- details of the work that will be completed
- details of any clean-up work required
- details of stump and root removal
- the total amount charged
- ensure your contract is complete and clear.
Advice regarding civil disputes involving vegetation and trees

Talk to your neighbours
In neighbourhood disputes, try to reach an amicable agreement directly or through an objective mediator such as the Dispute Resolution Centre or the Citizens Advice Bureau. Legal action can worsen neighbour relations. Liaising with a neighbour may be better than using a third party.

Resolving tree disputes
The Neighbourhood Disputes Resolution Act 2011 commenced on 1 November 2011 and makes it easier for neighbours to resolve their disputes over trees and fences.

Under the Act the proper care and maintenance of a tree will be the responsibility of the tree-keeper. The Act provides greater choices for neighbours about trees affecting their property.

The Queensland Civil and Administrative Tribunal provides the community with a more accessible, informal and responsive means of resolving neighbourhood disputes.

The Act does not apply to all trees
The Act does not apply to:
- trees situated on rural land
- land that is more than four hectares in size
- land owned by a local government that is used as a public park
- trees planted or maintained for commercial purposes or as a condition of a development approval.

The application of the trees provisions is limited to urban areas and to cases where the land affected by a tree adjoins a neighbour’s property or where the land is separated by a road.

For general information about the Act
Phone the Department of Justice and Attorney-General on 07 3239 3520 or visit neighbourhooddisputes.qld.gov.au

Please note: This advice was provided by the Department of Justice and Attorney General – Queensland Civil and Administrative Tribunal.

Further assistance

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<tr>
<th>Dispute Resolution Centre</th>
<th>Citizens Advice Bureau</th>
<th>Legal Aid Office</th>
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<tbody>
<tr>
<td>363 George Street,</td>
<td>24 Davenport Street,</td>
<td>100 Scarborough Street,</td>
</tr>
<tr>
<td>Brisbane Qld 4001</td>
<td>Southport Qld 4214</td>
<td>Southport Qld 4214</td>
</tr>
<tr>
<td>P 1800 017 288</td>
<td>P 07 5532 9611</td>
<td>P 1300 651 188 (freecall)</td>
</tr>
</tbody>
</table>

(follow links to dispute Resolution Centre)