

VEGETATION MANAGEMENT GUIDELINES



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1 PURPOSE

The *Vegetation Management Guideline* supports, and should be used with reference to, the *Vegetation Management Policy*.

The *Vegetation Management Guideline* provides guidance on the approval processes and requirements involved in the management and clearing of vegetation and provides a guide to the management of both public and private vegetation and the systems and processes required to manage these in the Willoughby LGA.

2 SCOPE

This guideline applies to management of vegetation within the Willoughby LGA in relation to vegetation described in *Vegetation Management Policy*.

3 CONTEXT

Vegetation within Willoughby LGA is covered by Part 3 of the Vegetation SEPP, and is managed under this Guideline. A property owner is responsible for vegetation, growing from within the boundaries of their property. This includes branches, and roots, which overhang or grow into adjoining properties or public land.

All clearing of vegetation by non-Council entities on private and public land requires a permit from Council unless meeting one or more of the criteria laid out in the Draft C.9 Vegetation Management of *Willoughby Development Control Plan (WDCP)*, or if the clearing exceeds the Biodiversity Offsets Scheme Entry Threshold (BOSET) as outlined in *Works Not Approved by Council*, below.

Vegetation covered by this guideline, as defined in the accompanying Policy, cannot be cleared without a permit granted by Council (Clause 10(1) of the Vegetation SEPP).

This guideline forms a part of a comprehensive suite of documents used by Council to manage vegetation in the Willoughby LGA. Each of these documents have been prepared in accordance with Council Development Planning Documents, with direction from State Environmental Planning Policies (SEPPs).

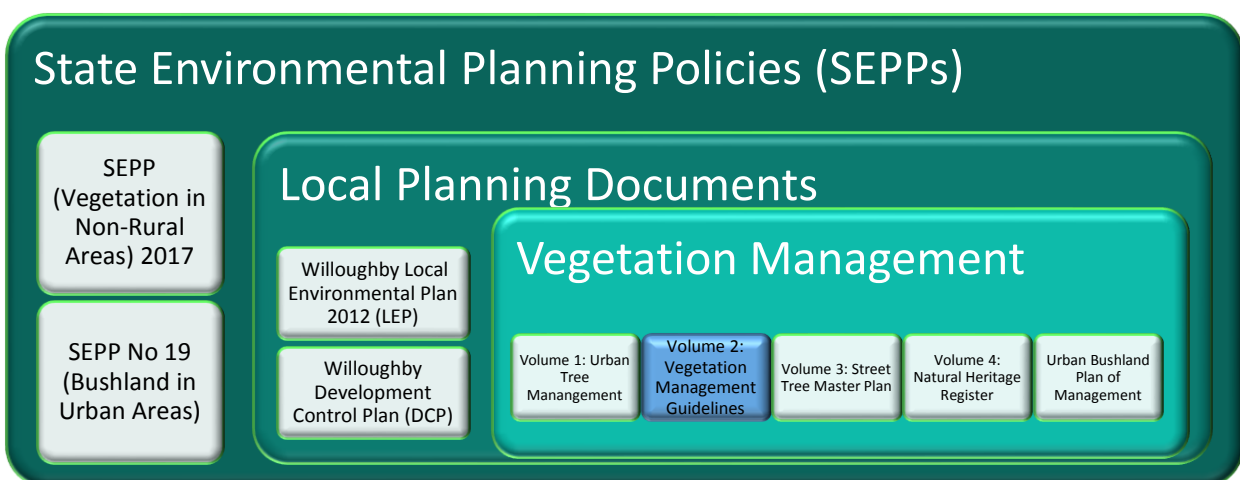


Figure 1: *Vegetation management Guidelines Context*

4 VEGETATION MANAGEMENT

The following Section outlines in detail vegetation to which this guideline applies, and the conditions under which an exemption from the permit application process is available.

Management of vegetation in Willoughby LGA will be in line with best practice standards including *Australian Standard AS 4373 (2007) Pruning of Amenity Trees* and *AS 4970 (2009) Protection of Trees on Development Sites*. Council implements a whole of life approach to vegetation management to balance potential risks against the benefits that vegetation provides.

In general, vegetation management will consider this guideline, any relevant provisions in the *Willoughby Local Environmental Plan 2012* (Willoughby LEP) and *Development Control Plan*, any State Environmental Planning Policy's, and the relevant provisions of the *Environmental Planning & Assessment Act 1979* to support Council's aims and objectives for sustainable development.

In determinations regarding clearing trees and vegetation, Council will take into consideration, but not be limited to the following:

1. The health and safety of the occupants of the property;
2. The contribution of the vegetation to the property and surrounding area;
3. The health and structural condition of the vegetation;
4. Evidence of habitat by native fauna such as nests;
5. Whether the vegetation forms part of native bushland;
6. Whether the vegetation is suitable for the location given potential size, soil type and other site conditions;
7. Whether the vegetation has caused or will be likely to cause damage to property¹, and the potential extent of that damage;
8. The viability of replacement planting;
9. Whether reasonable alternative options are available to avoid the necessity for tree and vegetation removal;
10. The existence and suitability of other trees and vegetation on the property; and
11. Relevant Environmental Planning Legislation, Instruments and Policies.

While maintenance of canopy cover is important, it is vital to recognise the importance of having the right trees and vegetation growing in the right place. Without considered planning and management, problems and risks to public and the environment can arise.

In selection of **vegetation** for planting within the Willoughby LGA, the following non-exhaustive principles shall be followed:

1. Climate suitability and adaptability;
2. Physical, environmental, and social contexts, including Heritage Conservation Areas;
3. Ecological – habitat connectivity;
4. Urban tolerances and infrastructure limitations;

¹ Where **vegetation** may be causing damage to a structure not considered a core element of a building, a solution to maintain both the tree and the structure will be sought as a preference to removal.

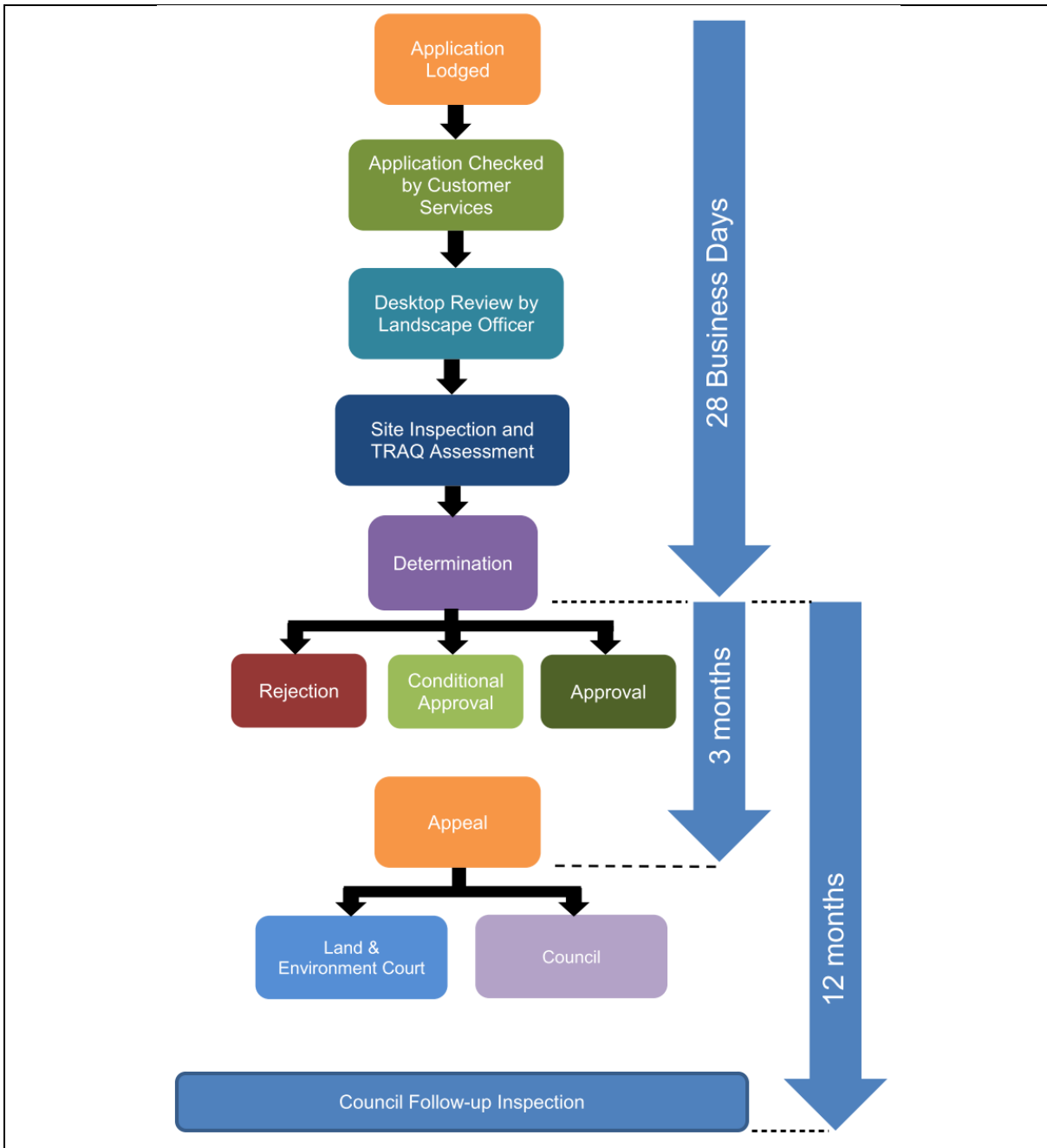
5. Visual and community aesthetic;
6. Resistance to pests and disease;
7. Native species; and
8. Emerging canopy.

A more detailed description of considerations for planting and species selection can be found in Volume 1: Urban Tree Management Policy, Volume 3: Willoughby Street Tree Master Plan, and the Urban Bushland Plan of Management, where specific Precinct Plans are defined.

5 CLEARING TREES AND VEGETATION

Under the Willoughby DCP, this guideline applies to all vegetation listed in the accompanying Policy. All work on vegetation declared by the DCP may only be carried out with the prior written consent of Council, and may be subject to conditions attached to the consent.

Applications to clear vegetation on private land will follow the process illustrated below in Figure 1. Assessment of applications will refer to the principles outlined in Section 4 above, the TRAQ assessment protocol outlined below and the guidelines contained in *Australian Standard AS 4373 (2007) Pruning of Amenity Trees*.



5.1 Applications Associated with Development Applications

Vegetation clearing applications affected by Development Proposals under Part 4 of the *Environmental Planning & Assessment Act 1979* are assessed as part of the Development Application process and in accordance with controls outlined in the Willoughby LEP and DCP.

In assessing an application to clear vegetation as part of a Development Approval, Council will consider this Guideline, any relevant provisions in the Willoughby LEP and DCP, any SEPPs, and Council's aims and objectives for sustainable development.

Criteria for consideration in Development Applications include, but are not limited to the species, health, resilience, and visual impact of the vegetation. Any trees that may be affected by development works (including vegetation to be retained, or on neighbouring land), that are otherwise not covered by the Development Approval are to be managed in line with *AS 4970 (2009) Protection of Trees on Development Sites*.

Applications to clear vegetation as part of a Development Application should include a Landscape Plan, which should include supporting documentation outlining the extent, type and location of proposed landscaping and planting that includes:

1. A scale at 1:100 or 1:200 and 1:10, 1:20 or 1:50 for section information.
2. All existing trees to be retained and removed, including those on adjoining sites within 5m of the boundary.
3. Plant schedule including species, pot size and maturity height with appropriate symbols.
4. Location of planting of proposed species.
5. All proposed natural/soft landscaped areas.
6. Existing natural landscape features of a site such as cliffs or rock outcrops.
7. All existing natural site levels (contours) to AHD.
8. Proposed finished levels to AHD.
9. Proposed hard paved surfaces including materials.
10. Planting layout of proposed vegetation.
11. Location, height, construction details and materials of fencing and retaining walls.
12. Sectional details of retaining walls, paving, edging turf, mulched gardens and other relevant works.
13. Proposed drainage and irrigating systems.

Note: See WDCP for more information and specific controls:

Part D.1.8 – single dwellings, dual occupancies, secondary dwellings; Part D.2.10 – attached dwellings, multi-dwelling housing, and residential flat buildings;

Part E.1.6 – commercial and shoptop development;

Part F.3.6 – industrial development.

A development application should include a report prepared by a qualified arborist with minimum qualifications equivalent to AQF Level 5.

The report is to incorporate an assessment of trees on the site as well as discussing the impact of the proposed development on the trees. The report will also include recommendations on the protection, management and replacement of trees.

LANDSCAPE MATTERS FOR CONSIDERATION

Other factors which will be taken into account will include:

Bush Fire Prone Land

- impact on vegetation on site / adjacent properties

Aboriginal Heritage

Natural Heritage Register

Threatened Species and Processes

Bushland Reserves

- Assess impacts on bushland

Sydney Harbour Catchment

- Designated landscape requirements

Tree & Bushland Management

- Impacts on trees and bushland

Landscape Design

- Adequate documentation
- Tree retention
- Tree replacement
- Noxious / Environmental weeds
- % site coverage for landscape / stormwater management
- Screening / privacy issues
- Land modification / shaping – impacts on trees / vegetation
- Requirements for scenic / conservation / specific areas
- Bushland on site and adjacent reserves – protection / restoration etc
- Sustainability – water / species selection / etc

Stormwater Management

- Impact of works on trees / vegetation / natural features
- Impacts of works on adjacent reserves and bushland
- Controls / conditions

Streetscape Issues

- Impacts on street trees (Note that approval to remove a street tree in order to facilitate construction of a driveway will not be granted)

An approval to clear vegetation as part of a Development Approval may contain conditions of appropriate replanting and protection of vegetation during development.

Where a clear vegetation approval is granted to remove vegetation, under any condition, replacement planting may occur in order to restore the loss of canopy and maintain the amenity of the area.

Vegetation for replacement planting is to be selected based on native species selection, local area compatibility given potential size, soil type and other site conditions, and potential interaction with nearby structures such as overhead wires. Planting requirements and selection processes are described in detail in Section 7.

5.2 Application Assessment Process - Permits

Once an application to clear vegetation is lodged with Council, a Customer Service Officer will check it to ensure all required documentation, including relevant reports and application fees are included. It is then allocated to a Landscape Officer for assessment.

The Council Officer will review the application to determine next steps. This desktop review will follow a similar process to that illustrated in Appendix A, with checks against relevant databases for Heritage Listing, existing Development Consent conditions, Threatened or Endangered species, relevant zoning restrictions, Council maintenance schedules, and Biodiversity Offsets Scheme Entry Threshold (BOSET) threshold triggers.

The desktop review will have one of several outcomes:

14. An approval from Council is not required as the vegetation satisfies the exemption criteria listing in the accompanying policy section - Exemptions.
The application will be returned to the applicant.
15. The application is rejected due to insufficient information provided in reports.
The application will be returned to the applicant with information on the requirements for any future applications.
16. The application is rejected because the proposed vegetation is associated with a Development, or the vegetation is listed on the Willoughby Natural Heritage Register (and has significant impact).
The application will be returned to the applicant with instruction to complete a Development Application.
17. The application is rejected because the proposed clearing exceeds the BOSET.
Council cannot approve this application, and an application needs to be lodged with the Native Vegetation Panel. The application will be returned to the applicant with this information included.
18. The application is progressed to the next stage of the approvals process.
The applicant will be contacted by the Council Officer to inform them of the next steps

If the application is progressed to the next stage of the approvals process, a site inspection by a Council Officer is required. The Council Officer will contact the applicant to arrange a time to conduct a site inspection where an appointment has been requested, where no appointment has been requested the Council Officer will carry out an inspection without pre-arranging a time. Prior to the site inspection, site safety conditions should be communicated to the Council Officer (access, dogs on site etc.). Failure to adequately communicate site safety conditions may result in forfeiture of application fee, and requirement for resubmission.

Applications completed by a TRAQ qualified arborist (AQF5 minimum), and accompanied by a TRAQ assessment report will have a reduced turnaround time (*Except where part of a Development Application*). It is not necessary for arborist reports prepared for Council to follow the TRAQ assessment procedure; however, the review of an application by Council will utilise this tool.

When assessing an application to clear vegetation, Council will apply the peer reviewed Tree Risk Assessment Qualification (TRAQ) tool. This assessment tool provides an output of a risk rating descriptor

as compared with average vegetation. The risk rating is categorised using the terms low, moderate, high, and extreme. This system considers the overall health and condition of the vegetation with subjective terms used for calculations.

A risk analysis is applied whereby the likelihood of an impact occurring is compared against the potential consequence of that impact. A risk rating can then be determined. The TRAQ assessment form that will be used by Council is in Appendices.

The TRAQ assessment along with any supporting information submitted with an application allows the assessing officer to make an informed and fact-based determination.

During a site inspection, the Council Officer will carry out an assessment of the proposed vegetation to be cleared. This will be done using the Tree Risk Assessment Qualification (TRAQ).

Any application submitted with a completed TRAQ assessment report will not require a site inspection (provided the assessment report is completed by a AQF5 Arborist with Certification in TRAQ assessment).

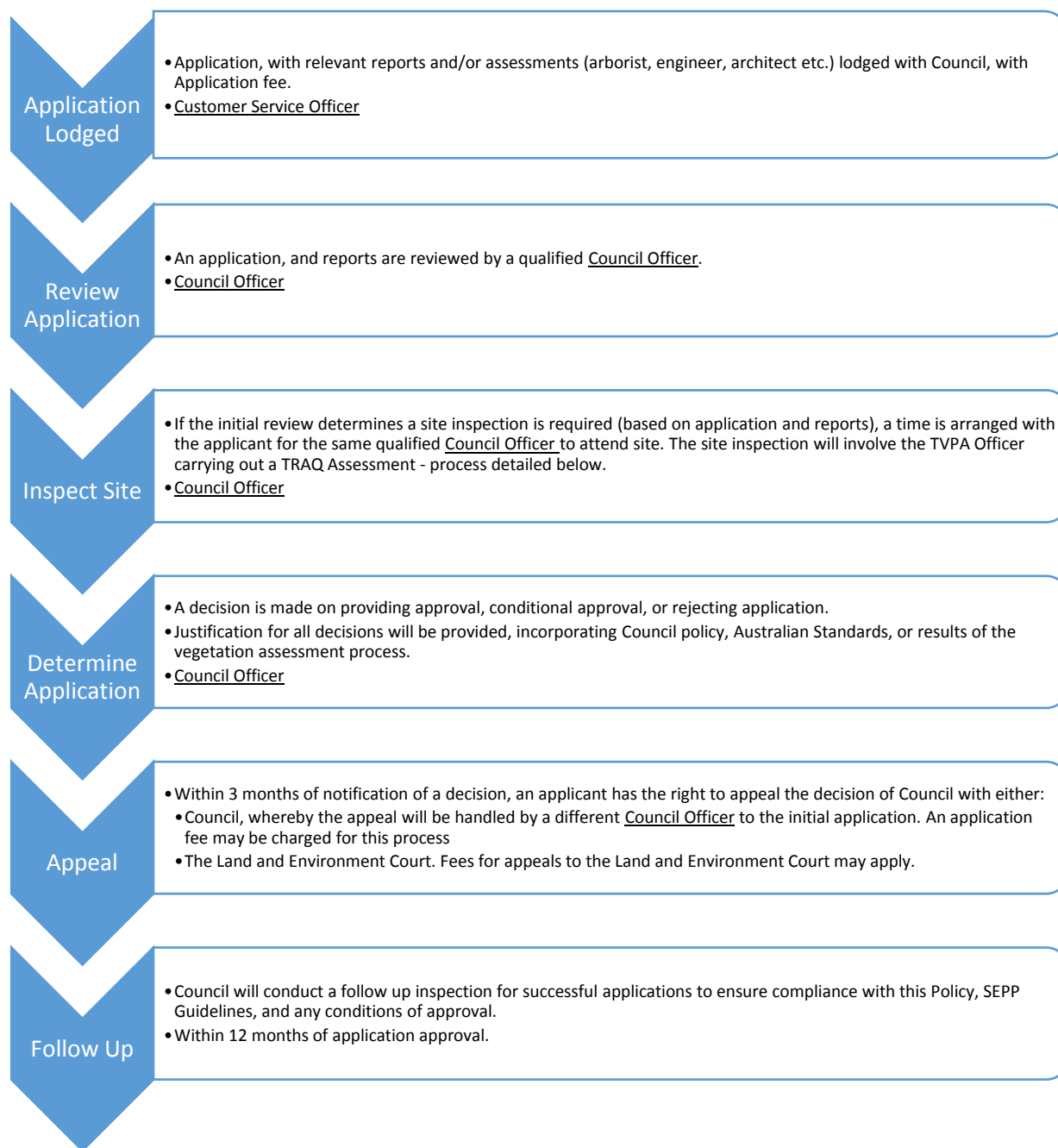
Following the site inspection and TRAQ assessment, a decision will be made by the Council Officer on whether or not to approve the application. If approved, an approval of an application may be complete, or conditional. Depending on conditions, Council will conduct a follow up inspection within 12 months of approval to confirm that any conditions of an approval have been met.

Determinations of applications will be made within 28 business days of lodgement, or another longer time agreed upon by both the applicant and Council.

If an application is rejected, reasons for the rejection will be provided to the applicant. The applicant then has 3 months from the date of decision to appeal the decision. The applicant can appeal the decision in two different ways:

1. Through Council, in which case a different Council Officer will handle the application. An additional application fee will be applied.
2. Through the Land and Environment Court. Fees for the Land and Environment Court apply and are not administered by Council.

Figure 1, illustrates the stages of an application for a permit once Council receives it. At each stage, the role responsible for handling the application is underlined.



Note: the provision of false or misleading information in connection with tree permits, or the development application, by the applicant, or those engaged by the applicant, is an offence under section 10.6 of the Environmental Planning and Assessment Act 1979.

5.3 Application Notifications

Applications to clear vegetation will be detailed on Council's website for public comment.

Applications can be viewed on Council's website using the [DA Tracker](#).

1. When an application for tree removal is submitted to Council, owners of properties which could be affected are notified in writing by Council. The application can be discussed with the Landscape Officer processing the application. Council's Landscape Officers are available to discuss the proposal between 8:30 am and 10.00 am, Monday to Friday via the phone number shown at the bottom of the accompanying letter.
2. You can make a submission setting out any concerns you have about the proposal, or indicating why you believe the proposal should be supported or refused by Council. You do not have to make a submission.
3. Submissions can be in writing, addressed to Willoughby City Council, PO Box 57, Chatswood NSW 2057 quoting the application number and the address of the property (as specified in the notification letter) and provide a telephone number for Council to contact you regarding your submission if necessary. Alternatively a submission can be lodged via Council's website <http://www.willoughby.nsw.gov.au/> under Development – Application Tracking.
4. If you have specific questions or concerns you wish to discuss, please contact a Landscape Officer by telephone to discuss the application or your submission.
5. If you do wish to come in and discuss an application, you will need to make an appointment with the relevant officer.
6. Please note that all submissions received, including the names and addresses of the persons making the submissions, may be accessed by any person.

Additional notifications may be made in accordance with the [Willoughby Community Participation Plan](#) (<http://www.willoughby.nsw.gov.au/About-Council/Forms-Policies---Publications/Publications/willoughby-community-participation-plan/>)

5.4 Trees (Disputes Between Neighbours)

Laws have been introduced by the New South Wales Parliament allowing tree disputes between neighbours to be referred to the [NSW Land & Environment Court](#).

The Trees (Disputes Between Neighbours) Amended Act 2010 allows an owner of land to apply to the Court for an order to remedy, restrain or prevent damage to the owner's property or injury as a consequence of a tree situated on adjoining land. The Court may also order compensation for damage already caused by such a tree.

An individual must make a reasonable attempt to resolve the situation before an approach is made to the Court.

Additional information about the way the laws work can be obtained on the Land and Environment Court [Tree Disputes webpage](#).

Where the agreed solution between neighbours involves the removal or the pruning of a tree , an application under the DCP may need to be submitted by the owner of the property on which the tree is situated and written approval received prior to undertaking any work.

The Act does not apply to trees on land owned or managed by Council.

5.5 Undesirable species exempt from permit approval

The following table lists trees that can be removed without a permit from Council.
(This list is contained in the WDCP C.9 Vegetation Management)

Common Name	Botanical Name	Restrictions
Cootamundra Wattle	<i>Acacia baileyana</i>	
Golden Wattle	<i>Acacia siligna</i>	
Box Elder Maple	<i>Acer negundo</i>	
Tree of Heaven	<i>Ailanthus altissima</i>	
Evergreen Alder	<i>Alnus jorullensis</i>	
Nettle Berry	<i>Celtis spp.</i>	
Camphor Laurel	<i>Cinnamon camphora</i>	Only if less than 10m in height
Cotoneaster (all species)	<i>Cotoneaster spp.</i>	
Leighton Cypress	<i>Cupressocyparis, leylandii</i> "Leighton Green"	
Loquat tree	<i>Eriobotrya japonica</i>	
Coral Tree	<i>Erythrina spp.</i>	
Rubber tree	<i>Ficus elastia and cvs.</i>	
Honey Locust	<i>Gleditsia triacanthos</i>	
Silky Oak	<i>Grevillea robusta</i>	
Privet (all species)	<i>Ligustrum spp.</i>	
Liquidambar	<i>Liquidambar styraciflua</i>	
African Olive	<i>Olea europaea var. africana</i>	
Canary Island Date Palm	<i>Phoenix canariensis</i>	Only if trunk is less than 7m in height
Poplar (all species)	<i>Populus spp.</i>	
Willow (all species)	<i>Salix spp.</i>	
Cocos Palm	<i>Syagrus romanzoffianum</i>	
Robinia	<i>Robina pseudocacia</i>	
Frangipani	<i>Plumeria spp.</i>	
Narrow-leaved Black Peppermint/Willow Peppermint	<i>Eucalyptus nicholii</i>	
Pyramid Tree/Sally Wood/Itchy Bomb Tree/Cow Itch Tree	<i>Lagunaria petersonia</i>	
Oleander	<i>Nerium oleander</i>	
Narrow-leaved Black Peppermint/Willow Peppermint	<i>Eucalyptus nicholii</i>	
Chinese Tallow	<i>Triadica sebifera</i>	
Umbrella Tree	<i>Schefflera spp.</i>	
Evergreen Ash	<i>Fraxinus griffithii</i>	
Plants or weeds that are declared to be a biosecurity risk by Council or the Department of Primary Industries, including those legislated as notifiable or a prohibited matter under the Biosecurity Act 2015.		

Where exempt works are being carried out, Council advises residents to take before and after photos so that evidence that work completed was exempt can be provided if needed. It is not uncommon for neighbours to report unauthorised tree works to Council for investigation.

5.6 Infrastructure Damage

Tree removal on the basis of structural impacts to Primary Residence, Granny Flats, Garages or Swimming Pools will only be permitted when an application is supported by a structural engineer's report demonstrating significant existing or likely future impacts and it has been demonstrated that all alternate amelioration methods are not feasible.

Where pipes and fences are impacted by trees or tree roots, tree removal will only be considered where it is demonstrated that amelioration measures are impractical or unfeasible and damage is visibly significant. Applications should include supporting evidence (such as a plumbers report or builders report) and should include information regarding any amelioration measures investigated.

Tree roots causing structural impacts on pathways and driveways will be considered for removal where it is demonstrated that amelioration measures are impractical, unfeasible and the damage is significant. The standards of construction will be taken into consideration when assessing the cause of the impacts (a poorly constructed pathway is not likely to result in approval to remove a tree).

5.7 Solar Panels

Clearing of vegetation for solar access will be considered where vegetation has a significant impact on existing solar panels. Assessment of solar panel access clearing will take into consideration the health of the vegetation and aim to provide a balance between public and private interests.

Assessment of applications for solar panel access clearing will only be considered for solar panels already installed on a property, which have subsequently been obstructed through vegetation growth. Documentary evidence of installation of solar panels from the current land owner will be required in the assessment process. Consideration for solar panel access clearing will not be given to facilitate future, or planned solar panel installation.

5.8 Views

Council will not approve the removal of otherwise healthy and safe trees for the enhancement of views. Pruning on private property will be considered provided it will not disfigure the tree. The term "disfigure" will generally mean pruning beyond the guidelines of the Australian Standard for the Pruning of Amenity Trees AS4373.

Applications for pruning of public trees to provide improved views for private purposes are generally not supported by the community and will not be carried out.

5.9 Exempt Pruning Allowances for Routine Maintenance

An exemption has been included within the Draft C.9 Vegetation Management DCP to allow for selective pruning for up to a total of 10% of an individual tree's canopy over a 5-year period.

This exemption should assist residents in maintaining trees on their property and allow pruning for clearances, minor shadowing and maintaining a healthy environment. All pruning should be carried out consistent with the requirements of AS4373 – Pruning of Amenity Trees in order to maintain good tree health.

Residents are advised to keep records of any pruning works carried out in order to prove the works were exempt should it be needed.

5.10 Appeals Process / Request for Review

If an applicant wishes to appeal a tree permit refusal, the applicant has 3 months from the date of decision to appeal the decision. The applicant can appeal the decision in two different ways:

1. Through Council. An additional application fee will be applied.
2. Through the Land and Environment Court. Fees for the Land and Environment Court apply and are not administered by Council.

Where the application is made to Council, additional information should accompany the request for review and may include: reports from a consultant arborist (AQF Level 5), a qualified engineer or a licensed plumber.

The review will be completed by a different Council Officer

5.11 Works Not Approved by Council

Generally, Council will only approve applications to clear vegetation if there is a demonstrated risk to personal safety or risk of significant to severe property damage. The classification of these risks are determined using the TRAQ assessment tool described above.

Council will generally not approve applications for a permit to clear vegetation where:

1. Vegetation is shedding leaves, fruit or bark, as this is considered a natural process
2. Vegetation is causing minor damage to property (e.g. driveways, fences, lawns)
3. There are unsubstantiated fears about large vegetation
4. Vegetation is causing a blockage to pipes, unless the damage is serious and recurring
5. Vegetation is causing minor shading, or obstructing photovoltaic (solar) panels
6. To allow for a proposed development – this application should be considered under the Development Application
7. The vegetation does not suit the existing or proposed landscape.

If proposed clearing of vegetation on public or private land exceeds the Biodiversity Offsets Scheme Entry Threshold (BOSET), an application for works is to be submitted to the Native Vegetation Panel. Council cannot issue a permit for these works.

The proposed clearing of vegetation exceeds the BOSET if it is:

- > The clearing of native trees and native vegetation of an area that exceeds the threshold (Refer to Figure 2)
- > The clearing of native trees and native vegetation is on land mapped as ‘Sensitive Values’ on the Biodiversity Values Map prepared by the Office of Environment and Heritage (OEH). This can be found at <https://www.environment.nsw.gov.au/biodiversity/biodiversity-values-map.htm>

Figure 2 Threshold by minimum lot size

Minimum lot size of land	Area of clearing
Less than 1 hectare	0.25 hectare or more
Less than 40 hectares but not less than 1 hectare	0.5 hectare or more
Less than 1000 hectares but not less than 40 hectares	1 hectare or more
1000 hectares or more	2 hectares or more

Lot sizes are as shown on the Willoughby LEP Lot Size Map -

<http://www.willoughby.nsw.gov.au/about-council/maps/>

Under Part 4 of the Vegetation SEPP, if the proposed clearing of vegetation exceeds the BOSET, an approval from the Native Vegetation Panel is required in order to proceed, and this Guideline does not apply.

5.12 Bushfire Risk Management

Private requests to clear vegetation on public land to mitigate bushfire risk are to be submitted to the NSW Rural Fire Service, who will assess the potential risk.

Council co-operates closely with the fire authorities and other councils as part of a regional Mosman Willoughby North Sydney Bush Fire Management Committee.

The committee has prepared a Bush Fire Risk Management Plan that sets out a five year program of co-ordinated multi-agency treatments to reduce the risk of bush fires to assets.

Treatments may include hazard reduction burning, mechanical and manual works, community education, fire trail maintenance and establishing community fireguard groups. Annual programs to implement treatments identified in the plan will be undertaken by the relevant land managers and fire fighting authorities.

The plan is available at: <https://www.rfs.nsw.gov.au/plan-and-prepare/know-your-risk/bush-fire-risk-management-plans>

Fire & Rescue NSW (FRNSW) assist by prioritising areas to conduct hazard reduction burns, undertake inspections and respond to bushfire emergencies.

5.13 NSW Rural Fire Service 10/50 Rule

The *10/50 Vegetation Clearing Scheme* allows those in a Vegetation Clearing Entitlement Area to:

- > Clear trees on their property within 10 metres of a home; and
- > Clear underlying vegetation such as shrubs (but not trees) on their property within 50 metres of a home.

Clearing vegetation lawfully conducted in accordance with the *10/50 Vegetation Clearing Scheme*, as per the requirements of the NSW Rural Fire Service, does not require approval from Council.

To determine if land is within the 10/50 Vegetation Clearing Entitlement Area, visit <https://www.rfs.nsw.gov.au/plan-and-prepare/1050-vegetation-clearing/tool>

Where land is not within the *10/50 Vegetation Clearing Entitlement Area*, an application must be submitted to Council. To review classification of 10/50 zoning, contact the NSW Rural Fire Service at <https://www.rfs.nsw.gov.au/>.

The *10/50 Vegetation Clearing Scheme* applies to privately owned land. Vegetation on land managed by a public entity (including Council) cannot be cleared under the *10/50 Vegetation Clearing Scheme*, and an application to the NSW Rural Fire Service, or Council must be submitted to clear.

5.14 Clearing Trees and Vegetation on Public Land

Council is responsible for the maintaining of street, park and bushland trees, where a request to carry out pruning or removal on a Council tree is made a Council officer will inspect the tree to determine any actions required.

Works Council will carry out:

1. Removal of dead, dying, hazardous or unsuitable trees
2. Pruning or removal of trees in conflict with adjacent utilities or built structures, if no other viable option is available
3. Pruning for overhead line clearance
4. Crown cleaning pruning to remove dead, diseased or defective branches or to improve pedestrian and vehicle access
5. Selective pruning for vehicle and signage sight lines
6. Root pruning to limit damage to built structure where feasible
7. Termite treatment where necessary
8. Minor pruning for views at iconic public locations

5.15 Community Notice of intent to clear vegetation

Where it intends to remove a tree/vegetation located in a public area/place for which it is responsible for maintenance/management the public will be notified of the proposed removal.

Public notification includes but is not limited to:

- > a notice attached to the tree/vegetation
- > inclusion in landscape or playground upgrade consultations
- > letterbox drop to residents living in the tree's immediate vicinity
- > advice to Councillors where relevant.

5.16 Tree/Vegetation Vandalism

The management and preservation of all vegetation within Willoughby LGA is governed by this Guideline, the Willoughby DCP and LEP, and the Vegetation SEPP. Unless otherwise permitted by an approval to clear vegetation or a Development Consent, vandalism, damaging and poisoning of vegetation are specifically prohibited acts. Penalties are in place for breaches of this Guideline.

The following procedures for investigating instances of vegetation vandalism in Willoughby LGA have been adopted by the Council:

1. Letter boxing the houses within vision of the vegetation requesting information
2. Erection for a minimum period of 60 days, of a large sign or banner indicating that the vegetation has been subjected to vandalism and offering rewards (up to \$10,000) for information leading to a successful prosecution
3. The vegetation is assessed as to the next appropriate action; if the vegetation is in bushland, it is left as part of the forest 'decay' cycle. If it is located in a public place where a public liability may arise i.e. park or street verge, then suitable pruning of outer branches may occur to make the vegetation more structurally 'safe' and is left in situ
4. Replace severely damaged vegetation with advanced vegetation where appropriate
5. A media release is prepared
6. Where sufficient information is obtained, progress the investigation in co-ordination with legal advice.

Any persons found guilty of Vegetation Vandalism may be liable to a fine of up to 10,000 Penalty Units² in the Land and Environment Court, or on the spot fines may be issued.

Section 9.50-9.58 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) sets out the full range of enforcement that may be undertaken for criminal proceedings. Civil enforcement is covered under sections 9.44 – 9.46 and 9.49 of the EP&A Act. The Act can be found at <https://www.legislation.nsw.gov.au/~view/act/1979/203/part9>.

² 1 Penalty Unit - \$110 as at 1 June 2002

6 TREE REPORT REQUIREMENTS

An arboriculture report may be needed for applications to clear vegetation.

Arboriculture reports will only be accepted when prepared by a Consultant Arborist with a **minimum qualification of Level 5 under the Australian Qualification Framework (AQF Level 5)**. The company preparing the report shall also not be financially affiliated or have a business relationship with a tree removal/pruning company. All reports must be prepared in accordance with the guidelines established within *Australian Standard AS 4373 (2007) Pruning of Amenity Trees* and *AS 4970 (2009) Protection of Trees on Development Sites*.

It is not necessary for arborist reports prepared for Council to follow the TRAQ assessment procedure; however, the review of an application by Council will utilise this tool, as will the appeals process.

The following information is required in the preparation of an arborist's report:

A template for completion of this information can be found on Council's website:

1. The name, address and phone number of the person or company preparing the report;
2. Title and qualifications of the person preparing the report;
3. Applicant's name and address;
4. The address or lot number where the vegetation is located;
5. The land owner where the vegetation is located;
6. Date of site inspection;
7. The purpose of the report (the Brief) and who commissioned the report;
8. Reference to all relevant planning laws, regulations and planning instruments pertaining to site;
9. Methodology of techniques used in the report;
10. A site plan showing the location of all relevant vegetation, numbered to correspond with text in the report. The site plan must accurately show the location of vegetation and existing or proposed buildings/structures and above/underground services, and wildlife habitats;
11. A summary of findings;
12. A table for each identified vegetation detailing:
 - 12.1 Common name and scientific name;
 - 12.2 Approximate height and age;
 - 12.3 Canopy spread;
 - 12.4 Diameter at 1.4m height (and number of trunks if more than one);
 - 12.5 Condition and structural health of the vegetation e.g. signs of dieback and other trunk indications, loss of branches, leaves, stunted/distorted growth, wounds, cavities, cracks, included bark/co-dominant branches, pests and diseases and root conditions/issues;
 - 12.6 Hazard assessment of any of the above where relevant;
 - 12.8 Estimates of the vegetation's useful life expectancy using accepted industry methods;
 - 12.9 A summary and discussion of other relevant vegetation and site information e.g. nearby structures; soil and drainage characteristics; landscape and amenity values; weather exposure; previous human intervention etc.;
 - 12.10 If pest or disease problems are affecting the health of the vegetation, further expert diagnosis and discussion of treatment may be required;

- 12.11 Supporting evidence such as test results, annotated and relevant photographs, engineers' reports etc.;
- 12.12 Discussion of all available options and the reasons why they are recommended or not recommended e.g. can services be diverted to avoid root pruning; can a structure be relocated or rebuilt and retain the vegetation;
- 12.13 Recommended actions and the reasons for their adoption;
- 12.14 Details of any replacement vegetation planting on site, including site plan showing proposed planting locations; and
- 12.15 Resource material to be referenced in an accepted method. References not used in the report are not to be included.

6.1 Arboricultural Method Statement (AMS)

An Arboricultural Method Statement (AMS) is a document that describes all the measures to be undertaken to ensure the protection and ongoing health and viability of all the trees to be retained on a development site.

1. The Arboricultural Method Statement addresses detailed on-site tree management – including tree works and protection measures - and must comply with the following requirements:
 - a. The AMS must be prepared by a qualified arborist with a sound knowledge of construction site impacts on trees and vegetation, and experienced in construction site processes and management;
 - b. The AMS must provide for the implementation of tree management measures for the preconstruction, construction, and post-construction phases of the development, including rehabilitation measures, and a minimum of 24 months on-site monitoring and maintenance of the subject trees;
 - c. A Tree Plan (to scale) clearly showing all the trees to be removed, trees to be retained and protected, together with the locations of the relevant Tree Protection Zones (TPZ, shall form part of the AMS. The Plan shall include trees on neighbouring properties,
 - d. The AMS shall set up an agreed framework for maintaining effective communication between the arborist and all other involved parties;
 - e. The minimum general standards for tree protection and management measures shall comply with Australian Standard AS4970-2009 Protection of Trees on Development Sites, Australian Standard AS 4373-2007 Pruning of amenity trees;
 - f. The precise location and type of all tree and vegetation protection measures and TPZs must be confirmed on site, and protective fencing, barriers and other measures must be in place before site clearing and demolition activity commences;
 - g. Tree and vegetation protective fencing and barriers must remain in place in a functioning condition for the duration of the development.
 - h. The AMS must provide for the implementation, monitoring and supervision of any approved works within the defined TPZs. Work within the TPZ shall utilise special measures to avoid or minimise adverse impacts on the trees - including such measures as ground surface protection to avoid soil compaction, hand digging for footings and foundations, trenchless installation of services, porous paving, and similar. Specifications shall be provided for all work carried out within the TPZ. The specifications shall include appropriate documentation and illustrations, and be incorporated into the AMS and all relevant drawings and documentation relating to the development;

- i. The AMS must include a schedule of inspection hold points consistent with the phasing of construction activity, and provide for the arborist to inspect and certify that all relevant tree protection measures and specified construction techniques are implemented prior to work being undertaken adjacent to or within a designated TPZ.
 - j. The AMS is to include provision for supervising, monitoring and compliance certification by a qualified Arborist for the duration of the development and any subsequent maintenance period. Compliance Certificates must be incorporated into the copy of the AMS held on site within 24 hours of inspection, and must be available for inspection by Council Officers.
2. A copy of the AMS must be issued to the site manager prior to commencement of works;
 3. A copy of the AMS must be available on site for the duration of the development as a reference guide for site management, staff, contractors and for compliance inspections;
 4. All contractors and staff involved in works on the site are to be briefed on the tree protection and management procedures in place, and the reasons for such measures, as part of their site induction.

6.2 Other Report Types

Other reports should include at *minimum* the following *requirements*:

1. Name, Business and contact details for the professional who inspected and prepared the report
2. Qualifications and experience
3. The date of inspection
4. Name of the person or business who commissioned the report
5. Address where the tree is located
6. The purpose of the report
7. The methodology used
8. Any observations made
9. A discussion of the observations made, including all management options available
10. Supporting evidence such as photos or other inspection reports or test results

6.3 Qualified Plumbers Report

In addition to the minimum requirements the report should contain CCTV, show where the issue is located, the proximity of pipes to the tree and any alternative treatments available such as relining or realignment.

6.4 Structural Engineers Report

In addition to the minimum requirements any reports on structural damage to buildings evidence of the cause should be included. Damage to footpaths and driveways are not considered evidence of damage to buildings and this type of damage can be managed by other means.

6.5 Root Mapping

Roots should be located and exposed using minimally destructive or non-destructive techniques such as sonic tomograph, hand digging or air spades.

In addition to the minimum requirements reports should contain a plan showing the location of all excavation lines including the distances, number of roots found the condition and diameter of the roots, including where they are found.

6.6 Resistograph Reports

In addition to the minimum requirements the report must contain:

The reason why the assessment is being completed, the type of defect being tested, resonance settings and drill depth, the type and model of resistograph being used, the location of drill readings, any failure criteria being used, copies of the results from the test and assessment as to whether the defect(s) pass or fail and the reasoning behind recommendations.

6.7 Tree Protection Zones

A Tree Protection Zone (TPZ) is the area surrounding a tree that must not be disturbed by construction work to ensure the tree remains healthy.

Tree protection measures include a range of activities and structures. The most common measure used to restrict access to a TPZ is the installation of protective fencing.

If protective fencing can't be installed, or must be temporarily removed, other tree protection measures must be used including:

- > signage
- > trunk and branch protection
- > ground protection
- > root protection during works within the TPZ
- > scaffolding

How is a TPZ determined?

By multiplying a tree's DBH(m) x 12. (DBH=Diameter at breast height)

Eg. A tree with a trunk diameter of 500mm will require a 6m radius (0.5m x 12 = 6.0m radius TPZ)

Tree Protection Zones should be completed in accordance with AS4970 – Protection of Trees on Development Sites

What can't happen in a TPZ?

- > machine excavation including trenching
- > excavation for silt fencing
- > removal of turf and topsoil
- > storage/stacking of items
- > preparation of chemicals (including cement products)
- > vehicle and plant parking
- > dumping of waste
- > washing and cleaning of equipment
- > placement of fill
- > changing of soil levels
- > physical damage to the tree.

7 REPLACEMENT PLANTING

Selection of vegetation for replacement planting, planting in public spaces including streets, parks and reserves, as well as private property, must consider a range of criteria. A detailed plan of vegetation selection for public land is found in both the Urban Bushland Plan of Management, and Volume 3: Street Tree Master Plan.

Additional consideration for planting in parks and reserves will be given to relevant Reserve Action Plans and Park Masterplans, which are periodically reviewed.

These plans may assist in selecting replacement trees for use where vegetation is approved for removal as part of either development consent or a permit.

7.1 Tree Planting

Where removal of vegetation is approved, replacement planting will try to occur at or near to the removal site, but must be on the same lot of land as the removal. Generally, replacement vegetation species will be selected based on criteria outlined above, and the related Council plans.

In instances where a large or mature tree is to be removed, multiple replacement species will be considered of smaller or varied sizes, in order to maintain and encourage emerging canopy.

Vegetation used as replacement planting is to be grown to best practice nursery standards as described in *AS 2303:2015 Tree Stock for Landscape Use*.

Permission is required to clear vegetation when it is vegetation planted as replacement planting under a condition of a Development Consent or other Council approval.

7.2 Tree Replacement Conditions

Where removal of vegetation is approved, replacement planting will be conditioned at a ratio of 3:1. This ratio applies to removal of private and public trees.

7.3 Tree Offset Scheme

If tree replacement is not possible on the applicant's property, the applicant may be able to enter into a deed of agreement with Council for the planting of a replacement tree/s on public land by Council (Where Council considers there is insufficient space on the property and officers grant access to the program – this may also be a partial access).

The aims of the offset planting program are:

1. To preserve and enhance Willoughby's tree canopy cover
2. To ensure replacement trees are planted when trees are approved for removal

The replacement planting offsets will generally be completed in the following order of preference:

1. As a street tree in front of the property
2. Other location within the street
3. Other streets within the surrounding suburb
4. Parks and Reserves

Offset planting will require the applicant to pay a fee per tree, with that fee covering the cost of supply, planting and maintenance for a 24 month period.

The fee payable to Council will be listed in its published Fees & Charges.

7.4 Planting Guidelines

Successful planting depends on the ability of the vegetation to rapidly establish in the selected planting location. Optimal timing for planting should be considered given existing conditions, species selected and its particular requirements regarding water, light, and temperature. In general, planting is best carried out in Autumn, during months of lower air temperatures and higher soil temperatures. Planting in summer is not recommended due to the additional stress placed on trees by high temperatures and watering requirements.

The success and long-term objectives of any planting is achieved by:

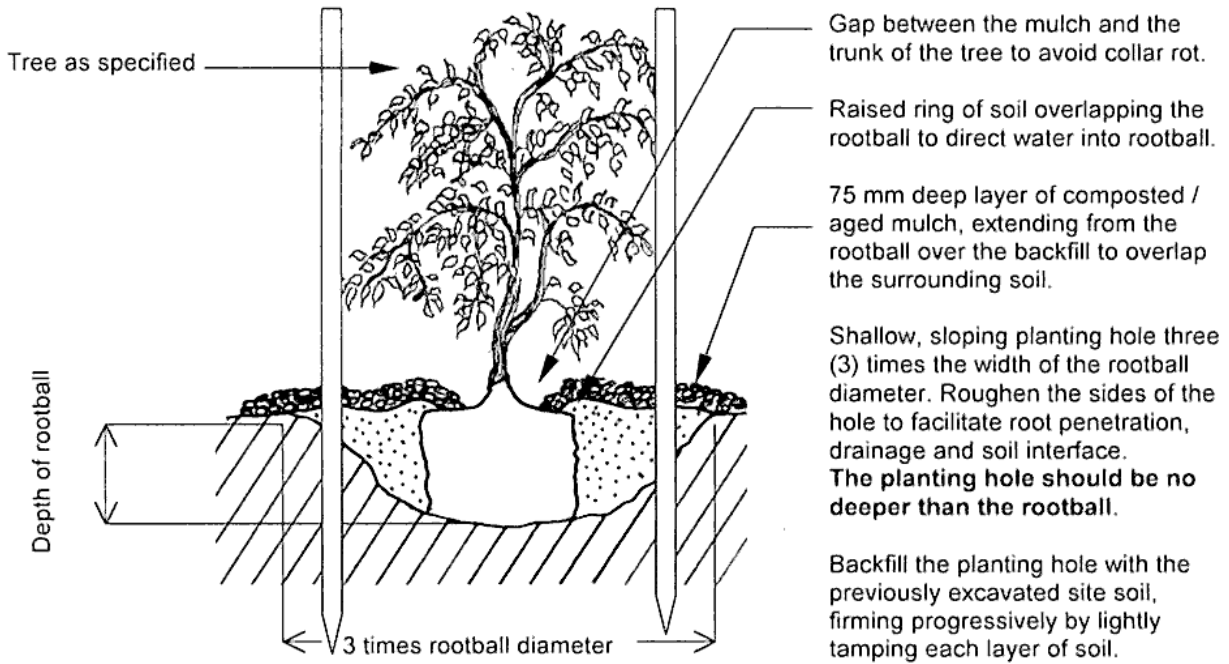
- > Completing a full assessment of the site, e.g. soils, microclimate, drainage, and
- > Selecting species appropriate to the site and suitable to the space, and
- > Application of best practice site preparation, stock handling, and
- > Planting in accordance with best practice, and
- > Ensuring adequate establishment maintenance for the circumstance.

7.5 Site Assessment and Preparation

Physical attributes of soil can affect water and oxygen availability, while chemical attributes can affect nutrient uptake in new vegetation. A soil testing kit is available from most hardware stores and provides a good indication of soil quality. Most vegetation is best planted in existing soil, however where existing soil is not suitable, imported soil or soil additives (e.g. fertiliser), should be added as per instructions from the supplier.

The following Figure (3) provides a visual guide for tree planting.

Figure 3 Planting diagram



Three (3) 38 x 38 x 1800mm hardwood stakes in triangular grid pattern located outside the rootball. No ties to tree trunk. Stakes to protect tree, not support tree. Remove stakes after two years.

8 STREET TREES

8.1 Street Tree Maintenance

Council is responsible for planting and maintaining street trees, so if you think one needs attention [contact Council](#) or call 9777 1000.

If the tree is wholly on private property it may be protected by the WDCP and may require an application to prune or remove it.

Works Council will carry out:

- > Removal of dead, dying, hazardous or unsuitable trees
 - > Pruning or removal of trees in conflict with adjacent utilities or built structures, if no other viable option is available
 - > Pruning for overhead line clearance
 - > Crown cleaning pruning to remove dead, diseased or defective branches or to improve pedestrian and vehicle access
 - > Selective pruning for vehicle and signage sight lines
 - > Root pruning to limit damage to built structure where feasible
 - > Termite treatment where necessary
- All pruning is carried out in accordance with Australian Standard 4373 Pruning of amenity trees.

Council is unlikely to remove or prune trees:

- > if they are healthy, stable and viable
- > if they shade lawns or inhibit grass growth
- > to facilitate driveway crossing where other options are available
- > to reduce fruit and leaf fall, sap drop, bird droppings or similar natural processes

An additional consultation process will be undertaken with nearby residents where requests to remove street trees (for reasons other than health) that are significant and provide positive contributions to the streetscape are received, prior to a final determination being made.

8.2 Planting New Street Trees

Council is responsible for the planting of street trees. Council does not allow residents to plant their own trees on the nature strip due to safety and liability due to underground services (except where carried out as part of an approved verge planting).

Council also considers the distance from services, disabled and pram access and footpath clearance when considering where street trees are planted.

If you would like Council to plant a tree in front of your house contact [Council](#) or call 9777 1000. Council's Streetscapes team will then inspect the location and determine whether the location is suitable for a new tree.

Tree selection is based on the trees identified in the Street Tree Masterplan.

Council undertakes an annual street tree planting program to replace trees that have been removed as well as planting new trees in areas where opportunities for additional planting are identified. New plantings are guided by the Street Tree Masterplan and aim to increase tree canopy and enhance known habitat corridors.

The main tree planting program usually commences in Autumn when conditions are optimal for the planting establishment of new trees. Additional plantings will occur throughout the year as opportunities arise.

9 NATURE STRIP / VERGE MANAGEMENT

9.1 Lawn Maintenance

All residents are responsible for caring for the nature strip that fronts or adjoins onto the property in which they reside.

Council does not engage in the regular maintenance of the nature strip/road verge outside private property, this includes mowing and broadleaf weed control.

However, Council will permit alternative planting plans for nature strips/road verges on the condition that they are first approved by Council and in accordance with the guidelines below.

In circumstances where Council works (footpath reconstruction, kerb & guttering, etc.) have disturbed the nature strip, Council will assist property owners:

- a) in restoring the Council-owned verge by preparing the site and laying turf grass suitable to the site
- b) with mulch and tubestock, subject to site assessment.

9.2 Naturestrip / Verge Plantings

A turfed nature strip requires very little maintenance (mowing, watering) although it does consume fossil fuel, time and human energy, produces nothing useful and has minimum biodiversity value.

Another option is to turn the nature strip into a garden. Nature strip gardens can provide:

1. beautification and visual amenity
2. healthy exercise
3. urban re-greening
4. global warming amelioration through capturing carbon in garden soils
5. reduction of the heat island effect that raises air temperatures in cities
6. increased water retention on site
7. increased biodiversity by attracting insects and other small animals that interact through the food web
8. opportunities for community engagement and development of social capital
9. a means by which community can be engaged with caring for and respecting public lands

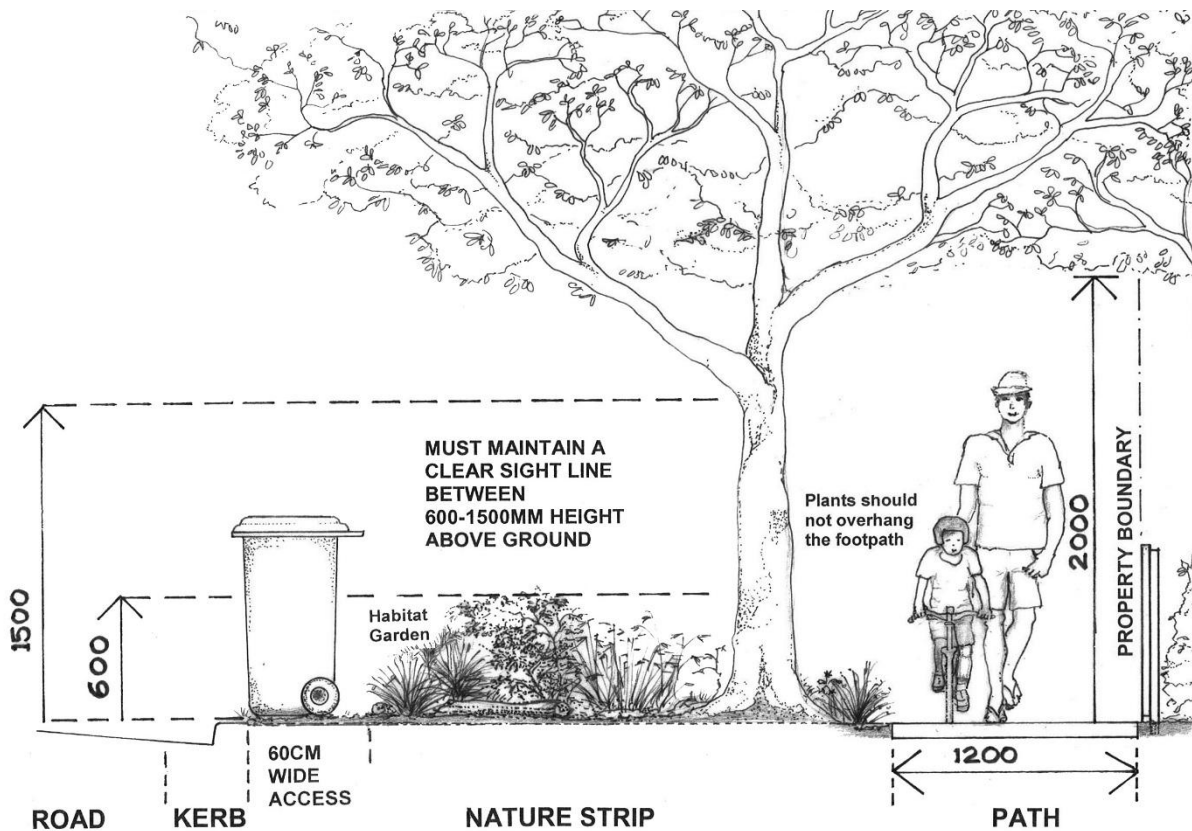
Modifying nature strips with suitable landscaping is permitted, provided the modifications comply with the following guidelines:

9.3 Access

1. A pathway of 1.2 metres minimum width along the length of property is to be kept clear to allow for pedestrian access, mail, paper and other deliveries. (see Figure 4)
2. Allow min. 60cm access to vehicles and the unimpeded opening of vehicle doors from the back of the kerb to edge of plantings. (see Figure 4)
3. Provide pedestrian and disabled access between the public footpath and the roadside kerb. (see Figure 4)
4. Adequate space is left for placing rubbish and recycling bins for collection. (see Figure 4)

- Allow pedestrians to cross the garden at every 4m interval via a path if the length of the nature strip/verge is very long beside your property.

Figure 4 Access and Site Guidelines



PLANTS

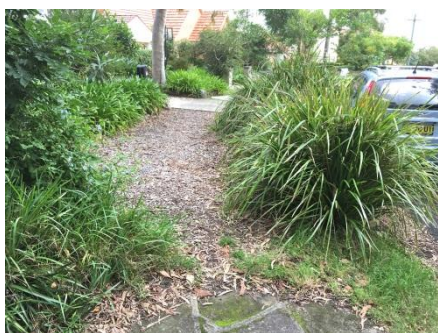
- Plantings on corner blocks are limited to ground cover plants no greater than 300mm in height to ensure a good line of sight for motorists and pedestrians.
- When choosing plants take into account the mature size of plants, to ensure they will not cause an obstruction for pedestrians or line of sight problems for motorists. Plants must be below 600mm/60cm or higher than 1.5m to maintain clear sight lines.
- Plants must not have thorns, spikes, or prickles.
- Plants must not protrude onto the footpath or pedestrian access, roads or driveways and must be maintained as such.
- Plants should not be noxious or environmental weeds.
- To encourage native biodiversity and to reduce water and energy consumption residents are encouraged to plant native plants, these can be food producing as well e.g. 'bush food' plants.

SITE PREPARATION

- Removal of turf should be done by hand as mechanical excavation (bobcat/dingo) or cultivator may cause damage to underground infrastructure services. Contact Dial-Before-You-Dig p: 11 00 or visit

1100.com.au, a free referral service, before you start, to establish the location of underground services and utilities. Care should be taken when removing turf beneath street trees to avoid damage to roots.

2. You are responsible for preparing the ground, supplying the plants and meeting any associated costs.
3. Alternatively to avoid turf removal place weed matting preferably organic biodegradable jute matting or layers of newspaper over turf and mound ground above with imported topsoil no greater than 30cm suitable for type of plants you want to plant. Don't mound or change the soil level under tree canopies. Ground which has been raised may need to be contained by raised garden bed edging with minimum height of 30cm to avoid trip hazard, but no higher than 60cm to maintain sight lines and for structural safety.
4. Trees in a good healthy condition will not be removed for the purposes of installing a verge/ nature strip garden.
5. Allow pedestrian access to beds so that you can plant and maintain without interfering with pedestrians on nearby footpath.
6. Placement of any landscape features e.g. rocks, logs, pots, water bowls should be placed a min. 80cm away from garden bed edges and be of height no greater than 60cm and dug into a prepared level surface.



PLANTING

1. Holes should be dug to maximum of twice the size and depth of the pot size. The plant is removed from the pot and planted vertically in the middle of the hole, ensuring the soil level of the potted plant is planted level with the existing soil level. Ensure plants are watered in after planting and then watered as required to ensure survival.
2. Leave a distance of 1 metre around tree trunks that are less than 300mm in diameter, to protect the health of trees and their root systems. For trees trunks greater than 300mm in diameter, 2m should be left. It is not permitted to cut, damage or remove tree roots to facilitate planting and it does not include the planting of trees or pruning of existing trees. Council is responsible for this work. Requests for new or replacement trees should be directed to the Council's Landscape Officer.

MULCHING

1. Mulching a garden will help to reduce weed growth, retain moisture and promote healthy plant growth. The mulch should be 75mm thick and kept away from the plant stem. Mulches must be stable and properly contained. Care must be taken to ensure that the road, drains and footpaths are protected from the mulch for environmental and safety purposes. Remember that the road drains alongside your verge empty into our streams, rivers and harbour.

RESOURCE CONSERVATION

1. Residents are encouraged to use native or water-wise plants. Residents are responsible for watering the plants which should be done by hand preferably with collected rainwater or recycled water. Irrigation systems are not permitted and water must not flow onto the public footpaths or into street drains.
2. Council strongly encourages using organic products rather than synthetic fertilisers, pesticides and other chemicals.

WORK, HEALTH AND SAFETY

1. Do not leave tools, materials and equipment on the public footpath or road.
2. Avoid any holes or trip hazards.
3. Stay sun safe.
4. Wear gloves.
5. Keep site in a safe, healthy and attractive condition, free of disease, foreign matter, large amounts of dead plant material and hazards.

INSURANCE

1. Willoughby City Council's public liability insurance policy provides coverage to Council for assets under its care and control including road reserve areas such as nature strips/ verges.
2. The installation of a footpath verge garden will need to comply with these GUIDELINES.
3. Please note that Willoughby City Council's indemnity does not prevent a third party from making a claim against the gardener responsible for the footpath verge garden for any injury, loss or damage caused by a footpath garden.

NOTE

1. Keep in mind that as this is Council owned land Council has the right to remove the garden beds if guidelines are not adhered to, beds are not maintained or for other purposes as may be required e.g. access to underground services. Council takes no responsibility for any damage to the garden.

Checklist

For a checklist on planting your naturestrip see Appendix A - CHECKLIST FOR FOOTPATH NATURE STRIP/VERGE GARDENS

10 VOLUNTEER PROGRAM

A volunteer program will be investigated that would assist those that are having difficulties in dealing with issues occurring due to natural processes (such as leaf drop).

This may involve volunteers periodically sweeping pathways of leaves for residents that are physically unable so that a healthy tree can be retained.

Interest in such a program will be evaluated as part of the community consultation process.

11 EDUCATION PROGRAM

Council will further develop its community education programs to highlight the importance of urban trees and the values and benefits they provide.

The program will include information on:

- The values of trees to the community
- Managing trees in an urban environment
- Tree planting
- Retention of dead trees as habitat
- Living with large trees

12 COMMUNITY GARDENS

Council supports the concept of community gardens as a means to develop meaningful relationships within the community to strengthen social cohesion and demonstrate leadership in the area of sustainable gardening and / or food production.

Council will assist in locating suitable community garden sites:

1. where available land exists
2. where neighbours are supportive, and
3. where a community group demonstrates interest and commitment

Suitable community garden sites can be located in private or public land, such as: schools, churches, community centres, road verges / nature strips, un-made road reserves and parks.

Any community garden developed on public land will be run by management committee, with a license agreement covering the use of the land and the committee's responsibilities.

12.1 Council's Role

Council's role in supporting the gardeners to manage Community Gardens may include:

- Providing advice, support and assistance in the establishment of the garden
- Working in co-operation with the community gardeners
- Providing input into planning and assessment and approval of community garden design proposals
- Provision of materials (compost, building materials etc) in accordance with available resources
- Where approved provide assistance with connection to water supply (no charge for ongoing water usage)
- Providing a range of garden tools (Council conducts an annual check of all Council provided tools)
- Contributing of other resources ('in kind', people, materials)
- Facilitating of community engagement with surrounding communities, local schools, developing partnerships with other garden groups and volunteers involved in community greening activities
- Assisting with promotions, media, publications and raising community awareness at events
- Informing on best practice and resources including occupational health & safety and sustainable practices
- Providing access to and delivery of educational workshops
- Guiding in developing a management plan for the community garden as required
- Reviewing and advising on possible future fee structure if required
- Ensuring the community gardeners are enjoying and receiving the benefits intended to be gained from the community garden
- Council's community garden officer is to be consulted about any garden design, planting or maintenance proposals or public events to be held on site (where on public land)
- Council retains the right to use the garden as a demonstration site for community education activities, such as tours and workshops. Council will work with the Garden Group to ensure that organised activities do not conflict inappropriately with other garden uses, such as regular working bees.
- Implementing a Licence Agreement between the garden group and Council or the land owner
- A licence agreement with the Group could be revoked or not renewed if:

- the Group disbands or ceases to function due to internal conflict. In this situation Council may try to assist the Group to resolve the conflict first by mediation or;
- the garden is not maintained or becomes unsafe for public access.

12.2 Establishing a Community Garden

Establishing a community garden can be a complex process that requires consultation with a range of stakeholders and there are a number of issues that need to be considered before a community garden is initiated.

Residents are encouraged to work in partnership with Council and other relevant organisations in the establishment of new community gardens.

In order for Council to consider supporting the development of a new community garden, applicants will need to address the site selection criteria and follow the procedures for starting a new community garden

Step 1

Form a group of interested people

Step 2

Identify a potential site and complete the basic site assessment and community garden checklist (See Appendix)

Step 3

Discuss the proposal with the land owner. *(In cases where Council is not the owner of the land, Council may assist in facilitating discussions between the group and the land owner.)*

Groups should prepare themselves for this meeting

by establishing what they want to achieve

from gaining access to the land, be able to prove their dedication to operating and effectively managing a garden, and being able to explain how the garden would operate.

Step 4

Submit an application to the land owner and include any other supporting documentation.

Step 5

Assessment by land owner.

Step 6

Application Approval

Where the application is not supported, an alternate site may be suggested. Written feedback will be provided by Council.

Step 7

Written agreements and licences established with land owner.

12.3 Community Gardener's Role

- Community gardeners are responsible for the safe maintenance, upkeep and activation of the garden spaces for the enjoyment of the community
- Each member needs to agree to the gardener's guidelines
- These guidelines are designed to define a common direction and shared values for the garden
- New garden members should be given a copy to read and sign when joining the garden

12.4 Community Gardener's Guidelines

The Garden is to provide opportunities for:

- learning the principles of organic gardening
- sharing gardening knowledge with each other and the community
- teaching residents, through public workshops, about recycling resources, reduction of water and waste, composting and other techniques associated with sustainable living; Council will assist with this if requested
- hosting events for the wider community such as gardening groups, Neighbour Day, cultural groups, art groups, schools and kindergartens etc.
- meeting and socializing with other like-minded people and
- welcoming all members of the local community.

Garden members are:

- coming together to grow vegetables, herbs, fruits and flowers using organic gardening methods by encouraging healthy soils, biodiversity and crop rotation to promote good plant health and natural pest and disease control. Chemical pesticides and fertilizers are not to be part of this approach and are not to be used.
- to incorporate efficient water use in the garden and techniques such as hand watering and mulching are strongly encouraged. When Sydney Water restrictions prevail they must be complied with.
- to ensure the garden is to be bush-friendly and should contain soil nutrients within garden beds; prevent weed infestation without harming wildlife; and provide habitat for native fauna.

Management:

- The garden is managed by a committee of members democratically elected at an Annual General Meeting each year. The Committee may consist of a number of teams working on specific aspects to ensure the above goals of the garden are met.
- Garden members are responsible for cultivating a friendly garden atmosphere. This is a shared community space, so please be respectful of your fellow community members.
- Everyone is welcome and encouraged to participate in all the joys of gardening.
- Children are strongly encouraged to participate. Adult family members or guardians are responsible for their children at all times.
- Garden members are to work in communal gardens together with others. Please sign in and out when you work in the garden.
- Produce from communal gardens will be shared with those helping to maintain these gardens.
- All garden members are expected to participate in regular working bees to maintain all areas of the garden.
- Language used should be suitable for a family environment and never abusive, threatening or rude.

- Unless a specific social occasion has been arranged, alcohol is not to be consumed at the garden and smoking is not allowed.
- Any disputes should be resolved amicably, but if this is not possible they should be referred to the Management Committee and Council's Community Garden's Officer whose decision is final.
- Shared tools and equipment should be returned to the allocated tool store and maintained in good order. If you are last on site please check that none are left on site.
- Safety is important in the garden and should be considered at all times. Please keep yourself and others safe. No electrical or motorised equipment is to be used without the express permission of the Management Committee and Council Officer. Tools should not be left on pathways. If you see a potential danger or experience a 'near miss', inform a committee member who will make a record for future action. Members are expected to read and sign the Risk Assessment & Work Health & Safety Form.

12.5 Management Committee

- Community gardens need the assistance of interested community members who are willing to donate their time and effort towards the project.
- Council recommends a core group with a range of skills and experience should form the garden management committee.
- The group should comprise at least 4 people to ensure that responsibility is shared.
- Community gardeners may wish to make a difference in the community, learn new skills or make new connections. The group will need a person to coordinate the activities of gardeners and processes for training them.

Roles

The following roles are suggested as a starting point for the group and may change over time. The roles may be combined and other gardeners are expected to work with these team members and assist when members are not available or are on holiday.

Garden Coordinator

Provide ongoing communication between gardeners, gardeners and Council and the wider community. Provide 'Welcome Packs' to new members and conduct inductions and OH & S (risk assessments). Conduct site inductions/record inductions and keep records.

Secretary/Social Management

Organise meetings, agendas, minutes, and manage correspondence. This role manages communications, both internal and external via social media, external publications and manages internal email groups; organises social or fundraising functions; coordinates workshops /events.

Garden Planning and Planting

Work with the rest of the team and importantly Council to determine planting, sourcing and harvesting. Plan various garden beds, order and purchase seeds/plants, manage crop rotation, green manure crops, crops for visitor's picking; responsible for irrigation timetable &/or systems; contributes to workshops and events.

Garden Maintenance

Coordinate working bees, soil management, composting, worm farming, pruning, organic pest management. Contribute to workshops and events. Manage garden tools, supplies, cleaning and storage.

Financial Management (also known as the Treasurer)

Administer funds and garden fee payments, manage reimbursements, reporting of financial matters i.e. grant funding, preparing financial reports/records for meetings

Depending on number of members these roles can be combined especially in early establishment. These roles can be beneficial for the garden group as it maintains a structure that can address management issues; having a committee also helps share the tasks of garden management and avoids excessive responsibility being placed on a few people or the garden management becoming dominated by one person.

12.6 Licence Agreement, Incorporation & Insurance

As part of its responsibilities, Council approval must be obtained for the use of Council owned parks and reserves and Crown Land for community garden purposes. This assists Council and other authorities in responding to potential health and safety issues and incidents. On approval from Council for a proposed community garden, Council will enter a legal arrangement permitting the use of an area of land for the specific, agreed purpose under a licence agreement. Council recommends the licensee to occupy the approved area as an incorporated association that is required to hold a current Public Liability Insurance Policy. A community garden group will be expected to maintain the land they licence in good condition.

Why does Council encourage a community garden organisation become incorporated and obtain public liability insurance?

Council expects:

- community garden organisations to become an Incorporated Association with the NSW Department of Fair Trading so as to remain accountable to members and to operate in a legal and fair manner
- that community garden organisations obtain public liability insurance to a minimum value of \$10 million because Council does not insure organisations making use of Council owned or controlled lands. Incorporation and public liability insurance can be seen as an investment because it makes available to community garden organisations a greater range of grants than are available to unincorporated and uninsured organisations. Discounted public liability insurance may be obtained after joining Landcare Australia, The Garden Club of Australia or other organisations. Public liability insurance insures the community garden and its office holders against legal liability in the event of injury and legal action by a gardener or visitor.

Incorporation will stipulate that an organisation:

- Establish roles
 - Co-ordinator/President: Responsible for the agreed development of the community garden
 - Secretary: Organises meetings; keeps records; correspondence
 - Treasurer: Manages community garden funds; banking payments; management of grant funds; needs ability to produce a balance sheet of incoming/outgoing funds. Produces financial reports for meetings and reporting to state government authority that administers community associations.
 - Public Officer: A role called for when incorporating the public officer is a signatory for the association and a contact for official business.

The Department of Fair Trading rules will also require the group to:

- provide an annual report to the Department of Fair Trading
- adopt a constitution and set of rules; the Department has a model constitution and set of model rules that community garden groups commonly modify and submit
- hold a number of general meetings through the year, one of which will be an annual general meeting.

13 TEMPORARY ACCESS OVER COMMUNITY LAND

Council will permit temporary access over community land where there is no viable alternative and safe method of gaining access to private property for the purposes of approved construction and /or essential maintenance work.

Examples of requests that would be considered include, but are not limited to the following:

Delivery of materials and equipment or removal of wastes associated with:

- Landscape works
- Retaining wall construction
- Water recycling tanks
- Alterations and additions
- Construction of swimming pools and tennis courts

Temporary access will not be permitted:

- across/ through bushland; and
- where there would be potential impact on substantial trees and vegetation.

Requests for temporary access over community land must be made on the appropriate Application form. (<http://www.willoughby.nsw.gov.au/about-council/councilforms/122/>)

Criteria for assessing requests to access community land include, but are not limited to:

- Current site condition over total access route
- Existing trees / their health and protection zones
- Vegetation type and natural features
- Presence of utilities - above and below ground
- Existing built assets – eg fences, walls, park furniture
- Silt and sediment controls
- Public liability insurance and public protection
- Vehicle movements across the land
- Effect of access on visual amenity of the land
- Capacity of applicant to minimise any impact on the land.

Applications will be assessed by nominated staff within the Planning and Infrastructure Directorate.

A non-refundable Permit fee will be charged for all Applications, except for Pensioners and Health Card holders. There will be an additional Damage Bond to be paid to cover the extent of potential repairs / remediation; this bond will be returned in full once the site is restored to its normal pre-access state. The Permit Fee is listed in Council's published Fees and Charges and will be indexed each year with the Council's annual Budget and Management Plan.

The permit process allows Council to protect and manage community land in a manner consistent with the Local Government Act 1993, Section 36. The guidelines for considering the granting of access over community land as listed above provide a fair and reasonable process to assess temporary access requests.

14 DEFINITIONS

Clear vegetation: Has the same meaning as in the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*:

Cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or
Lop or otherwise remove a substantial part of the vegetation

Bushland: Has the same meaning as in *State Environmental Planning Policy No 19 (Bushland in Urban Areas) 1986*:

Land on which there is **vegetation**, which either is a remainder of the natural **vegetation** of the land or, if altered, is still representative of the structure and floristics of the natural **vegetation**

Native Vegetation: Has the same meaning as in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and *Part 5A of the Local Land Services Act 2013*:

Any of the following types of plants native to New South Wales:

- > **Trees** (including sapling or shrub or any scrub),
- > Understory plants,
- > Groundcover (being any type of herbaceous **vegetation**),
- > Plants occurring in a wetland.

A plant is native to New South Wales if it was established in New South Wales before European settlement

Public Tree: Trees located on land managed by Council (**Trees** under Council's care and control)

Tree: A long lived perennial plant greater than 3m height (or will be at maturity), with one or relatively few main stems or trunks

Vegetation: Any of the following:

- > **Tree(s)** (as identified above),
- > Understory plants,
- > Groundcover (being any type of herbaceous plant),
- > Plants occurring in a wetland

15 RELATED LEGISLATION AND DOCUMENTS

- > Biodiversity Conservation Act (NSW) 2016
- > Biosecurity Act (NSW) 2015
- > Environmental Planning and Assessment Act (NSW) 1979
- > Local Land Services Act (NSW) 2013
- > Rural Fires Amendment (Vegetation Clearing) Act (NSW) 2014
- > State Environmental Planning Policy No 19 – Bushland in Urban Areas (NSW) 1986
- > State Environmental Planning Policy (Vegetation in Non-Rural Areas) (NSW) 2017

16 FEEDBACK

Officers may provide feedback about this document by emailing, Council's Works Manager.

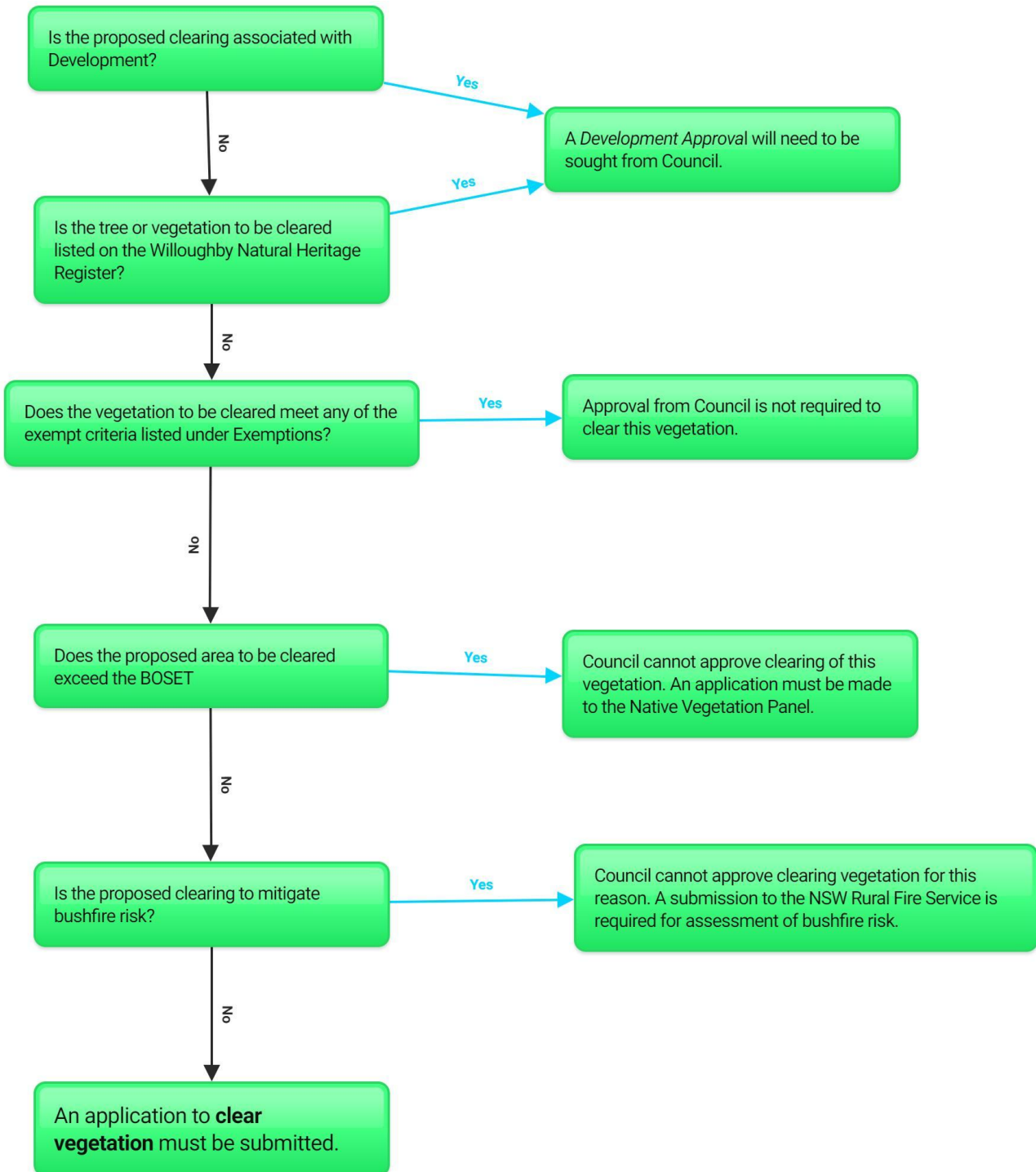
17 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Directorate	Planning and Infrastructure
Owner	Planning Manager, Environment Manager, Works Manager
Administrator	Recreation Assets Officer
Approval Date	10 February 2020
Administration Reference	ECM Doc ID Number: 5804937
Loaded on Intranet/Internet	Council Website & Intranet
Next Review Date	February 2024

Approval and Amendment History	Details
Original Approval Authority & Date	Council – 10 February 2020
Amendment Authority and Date	Council / CEO
Notes	

18 APPENDICES

18.1 Application Process



created with www.bubbl.us

Appendix A: Approval to **clear** vegetation

18.2 Checklist For Footpath Nature Strip/Verge Gardens

It is intended that this form will be digitised for online completion

1. Make sure you have read and understand the **NATURE STRIP/VERGE GARDENING GUIDELINES**. If you have any questions or would like to discuss your proposal please contact Council.
2. Plan your nature-strip/verge garden. Useful things to consider include the amount of sunlight the garden will receive; the type of soil present, potential run off; what style of garden will work best; proximity to trees, other gardens and other physical constraints.
3. Discuss your plans for a street garden with your neighbours and attempt to accommodate any concerns they may have.
4. Once you and your neighbours are happy with your plans, fill out the **CHECKLIST** and send it in to Council.
5. If you cannot answer **YES** for each, please call Council's Landscape Officer p: 9777 7757 to discuss.

Once completed send your checklist via:

Email: email@willoughby.nsw.gov.au

Post: Attention: Willoughby City Council PO Box 57 Chatswood NSW 2057

In person: 31 Victor Street Chatswood NSW

COMPLETE THIS CHECKLIST BEFORE STARTING YOUR GARDEN ON THE FOOTPATH VERGE

		N/A	YES	NO
1	Is the nature-strip/verge you wish to plant out located outside your property?			
2	Will the garden be free of stakes, guide wires or protrusions which may cause a hazard to users of the footpath and road?			
3	Are the plants to be used free of thorns, spines and other sharp edges?			
4	Will the planting avoid the use of noxious or environmental weeds or plants that are known to be toxic?			
5	Have you contacted Dial Before You Dig and have you identified any underground services?			
6	Will the digging be undertaken using hand tools with excavation no deeper than 30cm? Note: Mechanised tools and equipment should not be used and care should be taken around drain pipes.			
7	Will a sufficient distance be left around trees to avoid damaging existing root systems? Note: It is not permitted to cut damage or remove tree roots to facilitate planting.			
8	Will the planting allow pedestrians to cross the garden at every 4m interval via a path?			
9	Is there enough room for opening car doors?			
10	Is there enough room for the placement of bins on collection day?			
11	Will the garden be designed to prevent water, soil, mulch or debris running off onto the road, footpath or drain?			

MAINTENANCE

1	Will the verge be regularly maintained by you to ensure it remains safe, healthy, tidy, and attractive?			
2	Will you ensure that your gardening activities will not disturb users of the footpath i.e. tools, materials and equipment will not encroach or be left on the public footpath.			

SPEAK WITH YOUR NEIGHBOURS

1	Have occupants of neighbouring properties agreed to this footpath garden?			
2	If you are a resident of a strata scheme have you consulted with the Owners Corporation?			
3	If you are not the owner of the property fronting the proposed work, do you have their agreement in writing?			

DECLARATION

I have completed the above checklist accurately and honestly, and confirm that the PLANNED NATURE STRIP/VERGE GARDEN meets the requirements of this Policy.

Name:

.....

Email:

.....

Address of property:

.....

Signature:

.....

Date:

.....

INSURANCE NOTE

- Willoughby City Council's public liability insurance policy provides coverage to Council for assets under its care and control including road reserve areas such as nature strips/ verges.
- The installation of a footpath verge garden will need to comply with Council's Vegetation Management Policy and Guidelines.
- Please note that Willoughby City Council's indemnity does not prevent a third party from making a claim against the gardener responsible for the footpath verge garden for any injury, loss or damage caused by a footpath garden.

PRIVACY NOTE

The purpose for which this information is being collected is for the Council to keep on record the completed checklists from residents or business owners who want to set up a verge/nature strip garden.

18.3 Community Garden Site Assessment and Checklist

It is intended that this form will be digitised for online completion

Proposed Garden Location:

Contact Information

Name:

Phone:

Email:

Address:

(A) BASIC SITE ASSESSMENT

You will need to carry out a basic site assessment to determine if your site is suitable for a community garden. Attach additional information if needed.

Assessment criteria:

Your assessment should take the following items into consideration

- Sun exposure
- Wind protection
- Safety
- Size of area
- Land ownership
- Community Support
- Water availability
- Accessibility
- Current land use
- Tool storage

Additional Information:

(B) COMMUNITY GARDEN CHECKLIST

This checklist presents ideas to consider before starting a community garden. It will form part of your application.

How many people do you have in your community garden group?

What type of community garden do you want?

Will the community garden be:

- a shared garden
- an allotment garden

- a garden with both shared and allotments

What type of plants do you want to grow?

- herbs vegetables fruit trees
- bush foods flowers other

What facilities will you have in the garden?

- shelter tool storage
- water tank other

If other, please specify

.....

What training would you find beneficial?

- composting worm farming
- plant propagation
- garden establishment
- organic pest management

How will your garden fit in with Council Programs?

- waste reduction water conservation
- education other

If other, please specify

How will the garden be funded?

- membership fee apply for grants
- other types of self-funding.....

How will the garden be managed?

- incorporated association
- work committee
- other

How will decisions for the garden be made?

How will conflicts in the garden be resolved?

How will the garden obtain public liability insurance? (see website for further information)

- Have its own insurance
- Be covered by an existing policy
- Other

18.4 TRAQ Assessment Form

ISA Basic Tree Risk Assessment Form

Client _____ Date _____ Time _____
 Address/Tree location _____ Tree no. _____ Sheet _____ of Tree
 species _____ dbh _____ Height _____ Crown spread dia. _____
 Assessor(s) _____ Tools used _____ Time frame _____

Target Assessment								
Target number	Target description	Target protection	Target zone			Occupancy rate 1 = rare 2 = occasional 3 = frequent 4 = constant	Practical to move target?	Restriction practical?
			Target within drip line	Target within 1 x Ht.	Target within 1.5 x Ht.			
1								
2								
3								
4								

Site Factors

History of failures _____ Topography Flat Slope 0% Aspect Site
 changes None Grade change Site clearing Changed soil hydrology Root cuts Describe _____
 Soil conditions Limited volume Saturated Shallow Compacted Pavement over roots 0% Describe _____
 Prevailing wind direction _____ Common weather Strong winds Ice Snow Heavy rain Describe _____

Tree Health and Species Profile

Vigor Low Normal High Foliage None (seasonal) None (dead) Normal 0% Chlorotic 0% Necrotic 0%
 Pests/Biotic _____ Abiotic _____
 Species failure profile Branches Trunk Roots Describe _____

Load Factors

Wind exposure Protected Partial Full Wind funneling 0% Relative crown size Small Medium Large
 Crown density Sparse Normal Dense Interior branches Few Normal Dense Vines/Mistletoe/Moss _____
 Recent or expected change in load factors _____

Tree Defects and Conditions Affecting the Likelihood of Failure

— Crown and Branches —		— Trunk —	
Unbalanced crown <input type="checkbox"/> LCR <u>0%</u> Dead twigs/branches <input type="checkbox"/> <u>0%</u> overall Broken/Hangers Number _____ Max. dia. _____ Over-extended branches <input type="checkbox"/> Max. dia. _____ Pruning history Crown cleaned <input type="checkbox"/> <u>Thinned</u> <input type="checkbox"/> Raised <input type="checkbox"/> Reduced <input type="checkbox"/> Topped <input type="checkbox"/> Lion-tailed <input type="checkbox"/> Flush cuts <input type="checkbox"/> Other _____	Cracks <input type="checkbox"/> _____ Lightning damage <input type="checkbox"/> Codominant <input type="checkbox"/> _____ Included bark <input type="checkbox"/> Weak attachments <input type="checkbox"/> _____ Cavity/Nest hole <u>0%</u> circ. Previous branch failures <input type="checkbox"/> _____ Similar branches present <input type="checkbox"/> Dead/Missing bark <input type="checkbox"/> Cankers/Galls/Burls <input type="checkbox"/> Sapwood damage/decay <input type="checkbox"/> Conks <input type="checkbox"/> Heartwood decay <input type="checkbox"/> _____ Response growth _____	Part Size _____ Fall Distance _____ Load on defect N/A <input type="checkbox"/> Minor <input type="checkbox"/> Moderate <input type="checkbox"/> Significant <input type="checkbox"/> Likelihood of failure Improbable <input type="checkbox"/> Possible <input type="checkbox"/> Probable <input type="checkbox"/> Imminent <input type="checkbox"/>	Part Size _____ Fall Distance _____ Load on defect N/A <input type="checkbox"/> Minor <input type="checkbox"/> Moderate <input type="checkbox"/> Significant <input type="checkbox"/> Likelihood of failure Improbable <input type="checkbox"/> Possible <input type="checkbox"/> Probable <input type="checkbox"/> Imminent <input type="checkbox"/>

— Trunk —		— Roots and Root Collar —	
Dead/Missing bark <input type="checkbox"/> Abnormal bark texture/color <input type="checkbox"/> Codominant stems <input type="checkbox"/> Included bark <input type="checkbox"/> Cracks <input type="checkbox"/> Sapwood damage/decay <input type="checkbox"/> Cankers/Galls/Burls <input type="checkbox"/> Sap ooze <input type="checkbox"/> Lightning damage <input type="checkbox"/> Heartwood decay <input type="checkbox"/> Conks/Mushrooms <input type="checkbox"/> Cavity/Nest hole <u>0%</u> circ. Depth _____ Poor taper <input type="checkbox"/> Lean <u>0°</u> Corrected? _____ Response growth _____ Condition (s) of concern _____ Part Size _____ Fall Distance _____ Load on defect N/A <input type="checkbox"/> Minor <input type="checkbox"/> Moderate <input type="checkbox"/> Significant <input type="checkbox"/> Likelihood of failure Improbable <input type="checkbox"/> Possible <input type="checkbox"/> <u>Probable</u> <input type="checkbox"/> Imminent <input type="checkbox"/>	Collar buried/Not visible <input type="checkbox"/> Depth _____ Stem girdling <input type="checkbox"/> Dead <input type="checkbox"/> Decay <input type="checkbox"/> Conks/Mushrooms <input type="checkbox"/> Ooze <input type="checkbox"/> Cavity <u>0%</u> circ. Cracks <input type="checkbox"/> Cut/Damaged roots <input type="checkbox"/> Distance from trunk _____ Root plate lifting <input type="checkbox"/> Soil weakness <input type="checkbox"/> Response growth _____ Condition (s) of concern _____ Part Size _____ Fall Distance _____ Load on defect N/A <input type="checkbox"/> Minor <input type="checkbox"/> Moderate <input type="checkbox"/> Significant <input type="checkbox"/> Likelihood of failure Improbable <input type="checkbox"/> Possible <input type="checkbox"/> <u>Probable</u> <input type="checkbox"/> Imminent <input type="checkbox"/>		

Risk Categorization

Target (Target number or description)	Tree part	Condition(s) of concern	Likelihood											Consequences				Risk rating (from Matrix 2)				
			Failure				Impact				Failure & Impact <i>(from Matrix 1)</i>			Negligible	Minor	Significant	Severe					
			Improbable	Possible	Probable	Imminent	Very low	Low	Medium	High	Unlikely	Somewhat	Likely						Very likely			

Matrix 1. Likelihood matrix.

Likelihood of Failure	Likelihood of Impact			
	Very low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

Matrix 2. Risk rating matrix.

Likelihood of Failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low



Notes, explanations, descriptions

Mitigation options

1. _____ Residual risk _____
 2. _____ Residual risk _____
 3. _____ Residual risk _____
 4. _____ Residual risk _____

Overall tree risk rating Low Moderate High Extreme

Overall residual risk None Low Moderate High Extreme Recommended inspection interval _____

Data Final Preliminary Advanced assessment needed No Yes-Type/Reason _____

Inspection limitations None Visibility Access Vines Root collar buried Describe _____

