VEGETATION EXEMPTIONS PROTECTION POLICY

POLICY NUMBER:	78
NAME OF POLICY:	VEGETATION EXEMPTIONS PROTECTION
DATE AMENDED:	October 2015
DATE OF NEXT REVIEW:	June 2018
DATE ADOPTED:	17 June 2014
RESPONSIBLE OFFICER:	Manager Planning

REFERENCES:

In dealing with requests to remove vegetation in Hepburn Shire where the tree/vegetation presents an immediate risk or personal injury or damage to property, Council will defer to the information and provisions of the following documents.

- *Planning and Environment Act 1987.*
- The Hepburn Shire Planning Scheme, Clause 43.01-1, Heritage Overlay if the tree presents an immediate risk of personal injury or damage to property.
- The Hepburn Shire Planning Scheme, Clause 43.05-2, Neighbourhood Character Overlay if the tree presents an immediate risk of personal injury or damage to property.
- The Hepburn Shire Planning Scheme, Clause 52.17-7, Native Vegetation list of exemptions.
- The Hepburn Shire Planning Scheme, Clause 42.02-3, Vegetation Protection Overlay list of exemptions.
- The Hepburn Shire Planning Scheme, Clause 42.01-3, Environmental Significance Overlay list of exemptions.
- The Hepburn Shire Planning Scheme, Clause 44.01-3, Erosion Management Overlay list of exemptions.
- Attachment 1 - Aboricultural Risk Assessment Checklist

Best Value Principles

Hepburn Shire Council has the responsibility to provide its ratepayers with best value, with all services provided by Council meeting the expectations in terms of quality and cost. In providing this, all services need to be accessible, responsive to the needs of the community, considerate of the natural environment and subject to continuous improvement.

To achieve the best over life outcome for Council's expenditures, which meets quality and service expectations, there will be periodic review of services against best on offer in both the public and private sectors.

All Council staff members are responsible for supporting best value principles in their normal day to day actions to ensure services are recognised by the community as delivering best value.

Background

Council encourages the retention of vegetation within the shire. This is captured in the protection that trees/vegetation is offered in the Hepburn Planning Scheme. Certain exemptions to protection are contained in the Hepburn Planning Scheme, to allow under certain circumstances, the removal of trees/vegetation, which, is exempt from planning permission.

Purpose

The Policy is intended:

- to provide guidance to Council, developers, public agencies, landowners/occupiers and the general community with guidance when seeking to remove trees/vegetation, specifically when an exemption is being used to remove the trees/vegetation under a planning scheme exemption, particularly where the tree presents an immediate risk of injury or damage to property.

Policy Objectives

It will be Council's policy to:

- to ensure the removal/lopping of trees/vegetation allowed under any exemption is to the minimum extent necessary.
- to provide certainty to Council and residents that trees/vegetation removed under any planning scheme exemption is independently assessed and monitored to the satisfaction of Council.

Council's Role

Council will:

- Advise any person(s) that any removal of trees/vegetation using a planning scheme exemption must be accompanied by an independent risk assessment, known as a Aboricultural Vegetation Risk Assessment (AVRA). The report must be completed by a qualified aborist.
- Advise that any damage thought to be occurring to a building must be evidenced in the form of a structural engineers report.
- Write to the landowner/occupier or other person(s) advising if the AVRA is accepted.
- Seek to work with the landowner/occupier or person(s) (seeking to remove the vegetation) to monitor the removal of vegetation if approval is given to remove the vegetation through a planning scheme exemption.

Aboricultural Vegetation Risk Assessment (AVRA)

For a tree failure hazard to exist, there must be a potential for failure of the tree/vegetation and potential injury or damage to result. The assessment must consider the likelihood of a combination of tree failure, to harm people and property, and the likely level of harm.

The AVRA must contain:

- Target;
- Impact potential and;
- Probability of failure.

The combination of these three factors produces the risk of significant harm and will advise whether the vegetation should be removed, lopped, managed or a combination of all of these outcomes.

The attached Arboricultural Vegetation Assessment Checklist must form the basis of the AVRA and must be submitted to Council.

Attachment 1 - Aboricultural Risk Assessment Checklist

ARBORICULTURAL VEGETATION RISK ASSESSMENT

Please note this form must only be completed by a qualified arborist or similar.
Council bears no liability for the accuracy of content of this risk assessment.

Arborist details

Name	
Qualifications	
Date of inspection	
Phone	

Tree inspection checklist

Tree Number	
Location	
Genus, Species	
DBH	
Height and Radial Spread	

Site factors and past history

Inspections	Observations
Intensity of use	
Soil condition	☐compaction ☐paving ☐grade changes ☐other
Prevailing winds	
Exposure	
Previous mistreatments	
Construction injury	
Incorrect planting	

Target

Inspections	Observations
Buildings	
Other structures	
High/low pedestrian use	
High/low vehicle use	
Proximity to power lines	

Decay

Inspections	Observations
Cavities	
Holes	
Cankers	
Branch stubs	
Fruiting structures of decay organisms	
Stem bulge	
Stem swelling	
Amount of sound wood %	

Pest and Disease

Inspections	Observations
Termites	
Other insects	
Vines or creepers	
Nutrient deficiencies	
Viral	
Fungal	
Canopy status	

Overall health (refer to appendix 1 for definitions)

☐Dead ☐Poor ☐Stressed ☐Good ☐Excellent

Environmental features/assessment of significance

Inspections	Observations
Presence of hollows	
Is the tree large or very old?	
Connectivity to adjacent native vegetation	

Additional Notes:

Structure

Inspections	Observations
Form	
Bifurcations	
Included Bark	
Wound wood present	

Structural defects

Inspections	Observations
Branch attachment	
Epicormic	
Included bark	
Open cracks	
Decay	
Leaning	
Soil lifting/mounding	
Soil movement/cracks	
Compressed of buckled fibres at base on compression side	
Horizontal tension cracks on tension side	
Severed roots	
Cracks	
Extent of compromise to branch or stem	
Association with other defect	
Mould or cankers	
Dead wood	
Hangers	

Management options

Inspections	Observations
Can horticultural pruning be undertaken to retain the tree?	
Can target asset or the threatened audience be diverted away from the tree?	
Can nest boxes be inserted to offset loss of habitat hollows?	
Can offset planting be undertaken with indigenous plants?	

Risk assessment (refer to appendix 2)

Inspections	Observations
Assessment of likelihood	

Assessment of consequence	

Risk level

☐Severe ☐Very High ☐High ☐Medium ☐Low

State reason for selection:

Recommendation (i.e. Remove immediately, prune, monitor, no action):

Additional recommendations:

Declaration

This must be completed before assessment will be considered.

I,_____ declare that the information described in this assessment is true and accurate.

Signature: _____

Date:_____

Appendix 1 - Health description

0 – DEAD: Tree is completely dead, non-functional crown (no green leaves), stem cambium completely dead, no evidence of root suckers or lignotuberous sprouts.

1 – POOR: Tree is presenting symptoms of strain, large quantities of crown dieback extending from tip dieback to major scaffold branches. Persistent infections of pathogens, borers, fungal cankers and root disease. Irreversible condition ultimately leading to premature death. Any treatments may only be seen as temporary to achieve hazard reduction prior to tree removal.

2 – STRESSED: Tree is presenting symptoms of stress that may be due to seasonal biotic or abiotic conditions, for example water stress, seasonal defoliators. The symptoms may include tip dieback (less than 25mm diameter), crown thinning, defoliation, leaf discolouration, reduced leaf and or internode length (less than 75 per cent normal average size of non-stressed specimen): up to 50 per cent of the crown is epicormic/ juvenile regrowth. These symptoms should be present over more than 25 per cent of the total tree parts concerned. The condition is reversible.

3 – GOOD: Tree is generally free of pests and disease. Symptoms of any biotic or abiotic stress should not be present over more than 25 per cent of the tree parts concerned. Internode length may be variable but generally consistent in length for the last three annual increments.

4 – EXCELLENT: Tree is virtually completely free from evidence of pest or disease organisms. Tree has no signs of abiotic stress such as tip dieback or loss of foliage. Growth is of typical colouration, size and quantity for that species at the location. Internode length is consistent or increasing in length from previous three annual increments. The tree crown appears complete and balanced.

Appendix 2 - Risk Tables and Risk Matrix

Likelihood

Level	Descriptor	Indicative faults
A	Failure certain	Unsupported failure or imminent failure of scaffold branch or equivalent deadwood. Bifurcated structure of trunk or scaffold branch with visible movement indicating imminent failure, recent tree movement as a result of structural failure or imminent visual failure of the structural root plate indicated by apparent or visible heave.
B	Failure likely	Supported failure of a scaffold branch or equivalent deadwood. Scaffold branch or equivalent deadwood protruding into (>0.5 metres) the statutory clearance code, over-weighted limbs or unbalanced tree associated with a visible structural defect, disease or pathogens apparent that have a significance effect on structure (termites, borers, decay), or history of branch failure as a result of advancing senescence.
C	Failure possible	Tree in declining–average condition showing potential for branch drop due to branch over-extension, branch collar formation or developing structural faults. Scaffold branch or equivalent deadwood or major disease symptoms pathogens apparent that may over time (12 months) affect a tree's vigour or structure. Significant changes in growing environment such as the removal of adjacent trees (wind exposure), disease or pathogens apparent that may have effect on structure (termites, borers, decay, fungal fruiting body). Major obvious root activity (surface roots, damage asset etc).
D	Failure unlikely	Tree in average–good condition showing future potential for branch drop – due to branch over-extension, branch collar formation or developing structural faults. Through normal growth, the tree has the potential to develop over-extension of branches. Minor branch attrition collar development and deadwood (<50mm apparent) may be apparent. Minor obvious root activity.
E	No fault detected	The tree appears healthy with good open branch structure. No apparent sign of disease or damage that would lead to future failure.

Consequence

Level	Descriptor	Example detail of description
5	Catastrophic	Tree is located in close proximity to dwelling or other high use non-portable asset. Fatality and/or severe injury/major damage would result from tree failure.
4	Major	Tree is in an area likely to attract people, such as low use or non-portable structures. Major property damage or minor personal injury would result from tree failure.
3	Moderate	Tree is in an area with a reduced likelihood of attracting people or low use area. Moderate property damage or minor personal injury would result from tree failure.
2	Minor	Tree is in an area unlikely to attract people or have any significant impact on portable or non-portable assets. Minor property damage or minor personal injury would result from tree failure.
1	Insignificant	Tree is in an out-of-the-way location with no significant assets or people attracting structures in close proximity. No significant impacts would result from tree failure.

Risk matrix

Likelihood	Consequences				
	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (Certain)	Low	Medium	Very High	Severe	Severe
B (Likely)	Low	Medium	High	Very High	Very High
C (Possible)	Low	Low	Medium	High	High
D (Unlikely)	Low	Low	Low	Medium	Medium
E (No faults)	Low	Low	Low	Low	Medium