

CODE OF PRACTICE

Code Title: TREE RISK MANAGEMENT – COUNCIL CONTROLLED LAND

Reason for Code: This code provides for the appropriate management of risks arising from trees on all land under Council's control and offers staff:

- guidelines for a systematic, measurable and quantifiable approach to the management of the potential risks from trees on Council controlled land to public safety and private assets acknowledging the limited financial resources available; and
- the basis for responding to customer enquiries on this issue and
- a link to the Eurobodalla Community Strategic Plan which outlines the objectives of Council now and into the future.

Introduction: The risk management of trees on public land is often difficult and requires a balance between managing the risks to the community's safety and infrastructure, whilst acknowledging the significant benefit of trees within the landscape to the social, environmental, economic and cultural wellbeing of our community. Council must also manage this issue within its limited financial resources in such a way as to limit Council's (the community's) potential liability and provide equity between people seeking action to address their concerns about trees.

Code Details: This code covers:

- [Rating the Risk](#)
- [Proposed Actions to Control or Mitigate the Risk](#)
- [Customer Service](#)
- [Record Keeping](#)
- [Replacement of Trees](#)
- [Tree Root Management](#)
- [Termite Management \(nuisance\)](#)
- [Boundary Line](#)

[Appendix A – Tree Assessment Form](#)
[Appendix B – Process for Tree Work on Council Controlled Land](#)
[Appendix C – Process for Enquiry Handling](#)
[Appendix D – Tree Root Management](#)
[Appendix E – Tree Risk Management Process](#)

Council-controlled land shall be taken to include public road reserves, public reserves, Crown land under Council's care, control and management or other Council controlled land utilised for a public purpose.

This Code does not address the risks posed by trees or other vegetation in terms of fire mitigation, protection of Council assets, or public safety on roadways e.g. sight lines around corners, trees within clear zones. These issues are addressed separately in the Bush Fire Risk Management policy, the Local and Regional Roads Risk Management Policy and Code of Practice and the Vegetation Clearing Roadsides and Infrastructure Lines policy.

<http://www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Bush-Fire-Risk-Management-Policy.pdf>

<http://www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Local-and-Regional-Roads-Risk-Management-Policy.pdf>

<http://www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Vegetation-Clearing-Roadsides-and-Infrastructure-Lines-Policy.pdf>

1. Rating the Risk

The risk score rating is the combination of three components.

These are all scored out of 4, allowing a maximum score of 12.

The three components are listed below.

- (a) The size of the defective part of the tree.
- (b) The likely failure potential of the defective part or the potential to cause structural damage.
- (c) The frequency of use of the target.

The form provided as Appendix A to this Code shall be used to undertake the risk rating of the tree(s) concerned.

The risk score rating approach allows all nominated trees to be assessed using a common methodology: The higher the risk rating of the tree, the greater the potential risk to the community and the greater the need to take action to manage that risk.

The risk rating score is then categorised into:

HIGH	A risk score rating of 10-12
MODERATE	A risk score rating of 8-9
LOW	A risk score rating of 0-7

Any dead or obviously dying tree within a commercial precinct or other location of commercial/tourism significance shall be treated regardless of the risk. This reflects the need to ensure the Shire is well presented given the social and economic importance of our commercial and high use tourism areas. This would only be applied in a limited number of prominent high use areas, thereby limiting the impact of this component on the expenditure of Council funds.

This strategy is consistent with the “triple bottom line” approach, taking account of social, environmental and economic factors in the decision making process.

2. Proposed Actions to Control or Mitigate the Risk

The following shall guide the actions of delegated Council staff in dealing with these matters. Acknowledging the difficulties in addressing every specific circumstance that may arise over the duration of this Code of Practice, the Director Infrastructure Services shall have discretion to make decisions outside of these guidelines where special circumstances warrant.

2.1 High Risk (score of 10-12)

Council will arrange at its cost, appropriate action to mitigate the risk from trees rated as having a high risk, regardless of the available budget. This may include either removal of the tree or pruning. Council will take account of, but not be bound by, the recommendations of the tree assessor in relation to the works recommended.

Where the delegated officer is of the view that there is significant likelihood that the medium term risks will not be mitigated by pruning, it may be appropriate to remove the whole of the tree (funds permitting). Where such decisions are made, consideration shall be given to any habitat value associated with the tree trunk/stump.

These actions reflect the need to give priority to public safety over the values of the tree where the risk to the public is identified as high.

2.2 Moderate Risk (score 8-9)

Council’s budget may not permit trees rated with a moderate risk score to be treated. Where Council is unable to fund the works on trees of a moderate risk, the customer shall be given the option of funding the works using one of Council’s contractors. The process outlined in Appendix B shall be used to deal with such situations. See [Appendix B](#)

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Where funds do permit Council to undertake some work on trees of having a moderate risk score, these works will be undertaken in priority order based on the risk score and technical judgement of the relevant Council officer.

Note: Notice shall be given to Council Rangers when works on trees are approved (both by Council and when the customer is completing works at their own cost).

2.3 Low Risk (score of 7 or below)

Limited action shall be undertaken on trees with a risk rated at 7 or below as they present a relatively low risk and should be retained as part of the landscape.

The exception to this requirement is trees that require removal/pruning for other reasons eg: fire risk management, to protect public assets or improve driver safety eg: clear zones, sight lines. These works shall be funded separately.

2.4 Ongoing Monitoring of Trees

There is a significant cost associated with ongoing monitoring of trees. Funds used to undertake this function reduce the funds available for carrying out the more important task of undertaking risk mitigation works on the trees.

Therefore, Council will not undertake ongoing monitoring of trees, noting that all trees with a “high risk rating” will be treated.

Where work is not undertaken to mitigate the risk from a tree, the customer shall be advised to report any noticeable and significant change in the condition of the tree. Should this occur, a new tree request shall be raised, with an appropriate notation back to the original enquiry.

3. Customer Service

3.1 Customer Service Goals and Measurement

Council aims to provide a high level of customer service to its ratepayers and residents. To comply with Council’s Customer Service Charter, a response to a written enquiry must be provided within 10 working days. It is therefore important that timely and accurate information is provided to the customer, especially in this first instance to make them aware of the processes that need to be followed to address the issues raised.

Performance targets are set and our outcomes are measured against these targets to continually review the level of service we provide.

3.2 Receipt of enquiry

All tree requests are initially entered into Council record keeping systems. Where required, inspections are carried out and the appropriate action taken as detailed below.

3.3 Tree Management System process

The Tree Management System (TMS) shall be used to generate a standard letter outlining the **processes** involved in:

- (a) investigating the request;
- (b) determining if works are needed and
- (c) determining whether or not any works will be funded by Council.

The process to be followed for enquiries about the potential risk from trees is outlined in full in Appendix C of this code. See [Appendix C](#).

The letter shall also contain a reference to Council’s website where the customer may view the relevant Council policy.

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3.4 Following Investigation/Assessment of the Tree

The Tree Management System will generate a standard response letter depending on the circumstances and risk score. This letter is similarly worded to provide the customer with an appropriate response without prejudicing any future legal defence.

As the circumstances of each enquiry vary considerably, a check shall be made to ensure each standard letter appropriately addresses the issues raised by the customer.

Differing standard letters appropriate to the circumstance will address the following outcomes:

Score/ Action	Customer Advice
No action proposed - low risk score (0-7)	The customer shall be advised that there is no action proposed.
No action proposed due to budget constraints – moderate risk score (8-9)	<ul style="list-style-type: none"> • The customer shall be advised that Council is unable to fund the works at this time. • The customer shall be requested to advise Council of any noticeable change in the condition of the tree. • The customer shall be given the option of undertaking the works recommended by the tree assessor at their cost.
Action proposed – moderate risk score (8-9)	The customer shall be advised of the works to be undertaken and the likely timing of the works.
Action proposed – high risk score (10-12)	The customer shall be advised of the works to be undertaken and the likely timing of the works.

3.5 Dispute Resolution:

If the customer is not satisfied with Council's response, they may arrange an independent arborist's report at their own expense, to submit to Council for consideration.

Council would require a suitably qualified and experienced person to prepare and carry out the independent Tree Assessment Report. A suitably qualified person is one who:

- Has level 4 or higher Certificate in Arboriculture Australian Standard AS4373- 2007 and
- at least five (5) years practical experience in tree diagnosis and reporting, and
- is not employed or in any way associated with the company that may be contracted to undertake the tree management work and
- must have professional indemnity and Public Liability Insurance

The arborist's report must contain the following information:

- Name, address, telephone number, qualifications and experience of the arborist carrying out the inspection and reporting;
- Address of the site containing the tree/s;
- Who the report was prepared for and the aims of the report;
- Methods and/or techniques used in the inspection;
- A plan, to scale that illustrates:
 - Property boundary, existing structures and access roads.
 - Location of all trees on the lot and identification of those trees or vegetation proposed for removal.
 - A description of the trees or vegetation proposed for removal.
 - Distance of those trees or vegetation proposed for removal.
 - A north arrow.
 - A table showing, for each tree the subject of the report:
 - Species name
 - Age/ classification
 - Height

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- Trunk diameter at 1 metre above ground
- Canopy spread
- Health and condition
- A discussion of other relevant information including details of tree hollows or potential hollows for wildlife, tree structure/weakness, root form and distribution, soil stability, scenic amenity, pests and diseases and/or a Tree Hazard Assessment.
- Supporting evidence such as photographs and laboratory results to confirm presence of soil pathogens or support soil assessment, where relevant.
- Any other relevant matters.

Upon receipt of the arborist's report, Council's Tree Inspector will arrange an onsite meeting with the arborist to determine an outcome. If no resolution is achieved, the final decision will be determined by Council.

4. Record Keeping

It is essential that Council maintain adequate records of all the steps of the tree risk management process to ensure:

- (a) traceability of all customer requests and actions;
- (b) adequate information exists to defend the Council against possible future insurance claims; and
- (c) probity in dealing with all such matters.

To facilitate appropriate record keeping, Council has developed a Tree Management System within its computer system. Council has protocols in place to ensure adequate security of the information held in this database.

All Council staff involved in dealing with these enquiries shall be made aware of their responsibilities under the provisions of the Privacy & Personal Information Protection Act, 1998.

5. Replacement of Trees

Council will, where appropriate, take measures to allow for the replacement of trees removed. This may include re-planting with an appropriate species if an appropriate position exists or via natural regrowth.

6. Tree Root Management

When Council is contacted regarding alleged tree root damage to private property, Council will inspect to determine the following course of action:

- If it is determined that the tree is causing damage, Council will provide treatment to prevent any further damage.
- If Council considers the source of the damage is inconclusive the property owner must provide Council with a professional industry expert report for Council to determine liability.
- Council is not liable for any damage to personal property which occurred prior to notification of tree root damage.

See [Appendix D](#).

7. Termite Management – (nuisance)

Termites are a natural element of the environment and Council will not treat for termites on council controlled land. If a land owner has concerns about a tree on council land with termites, Council will not object if the land owner would like to treat the tree at their expense.

8. Boundary Line Definition

Where a tree is growing on a boundary, ownership is determined by which side of the boundary the centre of the trunk originated, or which side of the boundary the majority of the trunk's diameter exists (at ground level).

Assessment is carried out as per Council's Tree Preservation Code:

<http://www.esc.nsw.gov.au/inside-council/council/council-policies/codes/Tree-Preservation-Code.pdf>

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EUROBODALLA SHIRE COUNCIL - TREE ASSESSMENT FORM

Application No:	Receipt No:	CSR No:	Date of Request:	Entered by:
Applicant's Name:			Telephone No:	
Applicant's Address:			PIN:	
Tree/s located (if different from above)			Cross Street:	
CSR Inspector (name):		CSR Inspection Date:		Time:
Tree Assessor's (name):		Tree Assessor Inspection Date:		Time:
CSR Inspector's Action: 1. No. of Trees Tagged <input type="checkbox"/> 2. Recommendations & Action to Works Crew <input type="checkbox"/> 3. Recommend Tree Assessor Inspect <input type="checkbox"/> 4. No Action <input type="checkbox"/> Reason:				
Genus and Species or Common Name				
Tree No: <input type="checkbox"/>				

Tree No: <input type="checkbox"/>				

TO USE THIS ASSESSMENT CRITERIA:				
Bold denotes code, estimate values in % or answer Yes or 3, No or 7, N/A or other				
Amenity Value of Tree	No	Comments	No	Comments
Isolated specimen (Remnant/Planted/Self)				
Group specimen (Remnant/Planted/Self)				
Street tree type (Avenue/Isolated tree/Self sown)				
Historical Planting/Remnant/Commemorative)				
Prominent feature due to location or stature				
Prominent due to age (regardless of stature)				
Special Significant (see key)				
Tree Risk Diagnosis				
Age (Young/Semi-mature/Mature/Over-mature) (see key)				
Height (Small, Medium, Large, Extra Large) (see key)				
Diameter (Small, Medium, Large, Extra Large, Multiple)				
Average crown spread (Small, Medium, Large, Extra Large)				
Crown condition - overall vigour & vitality (0, 1, 2, 3, 4, 5) (see key)				
Root zone (see key)				
Defects (see key)				
Services/adjacent structures (see key)				
Failure Potential (1 – Low – defects are minor) (2 - Medium - defects are present and obvious) (3 – High - numerous and/or significant defects) (4 – Severe – defects very severe)				
Size of defective part - failure less than or between: (1 – less than 150mm in dia) (2 - 150-450mm in dia) (3 – 450-750mm in dia) (4 - more than 750mm in dia)				


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Tree No:

Tree No:

Target rating – use and occupancy of area (1 – Occasional use) (2 - Intermittent use) (3 – Frequent use) (4 - Constant)				
Hazard Rating (FAILURE POTENTIAL + SIZE OF DEFECTIVE PART + TARGET RATING) Add each of the above for a score out of 12				The final number identifies the degree of risk. Refer to Tree Management Strategy.
RECOMMENDATIONS				USE IN CONJUNCTION WITH TABLE 3
Remove Tree				
Retain Tree				
Pruning - Use table from over & insert appropriate code				
Repair/ Replace surface				
Root pruning/ Root barrier (Rp or Rb)				
Replanting required				
Remove Target				

Sketch Pad:


 North

Notes:

Key	Criteria	
Tree No	Must relate to the number on your site diagram OR tree marked by owner/applicant	
Remnant/ Planted/ Self-Sown	Self-explanatory; of use when negotiating cost sharing for line clearing operations	
Special Significance	A Aboriginal C Commemorative E Endangered En Endemic Ha Habitat Hi Historic	M Memorial R Rare U Unique form I Indigenous O Other
Age Class	Y Young = recently planted or grown S Semi-mature (< 80% of life expectancy) M Mature (20-80% of life expectancy) O Over-mature (> 80% of life expectancy)	
Height (metres)	S Small < 3; M Medium 3 – 6 ; L Large 6 – 10; EL Extra Large > 10	
Diameter (millimetres)	S Small < 200; M Medium 200-500 ; L Large 500–1000; EL Extra Large > 1000 M Multiple 2 or more trunks within 3 metres of grade – estimate DBH for one stem	
Crown Spread (metres)	S Small < 3; M Medium 3 – 6 ; L Large 6–10; EL Extra Large > 10	
Crown condition	Overall vigour and vitality 0. Dead 1. Severe decline (<20% canopy; major dead wood) 2. Declining (20-60% canopy density; twig and branch dieback) 3. Average/low vigour (60-90% canopy density; twig dieback) 4. Good (90-100% crown cover; little or no dieback or other problems) 5. Excellent (100% crown cover, no deadwood or other problems)	
Root Zone	C Compaction D Damaged/ wounded roots (e.g. by mower) E Exposed roots Ga Tree in garden bed Gi Girdled roots Gr Grass	K Kerb close to tree L+ Raised soil level L- Lowered soil level M Mulched N Relatively Natural Pa Paving/concrete/bitumen Pr Roots pruned O Other
Defects	BH, BM, BL Borers (High, Medium or Low) C Cavity D Decay E Epicormic Growth (Small, Medium, Large) F Previous failures H Hollow HL Heavy Lean I Inclusions	B Bark damage BD Bird damage DW Dead Wood (cm.....) L Lopped M Mistletoe/Parasites PS Poor Structure S Splits/cracks T Termites O Other
Services/ Adjacent Structures	Bs Bus stop Bu Building within 3m-7m or > (record distance) Hvo High voltage open-wire construction HVb High Voltage bundled (ABC) Lvo Low Voltage open-wire construction LVb Low voltage bundled (ABC)	Na No services below ground O Other Si Signage Sl Street light T Transmission lines (>33KV) U Underground services

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Failure potential	Identifies the most likely failure and rates the likelihood that the structural defect(s) will result in failure within the inspection period. <ol style="list-style-type: none"> Low – defects are minor (e.g. dieback or twigs, small wounds with good wound wood development) Medium – defects are present and obvious (e.g. cavity encompassing 10-25% of the circumference of the trunk) High – numerous and significant defects present (e.g. cavity encompassing 30-50% of the circumference of the trunk, major bark inclusions) Severe – defects are very severe (e.g. heart rot fruiting bodies, cavity encompassing more than 50% of the trunk)
Size of defective part	Rates the size of the part most likely to fail or interfering with structures/services. The larger the part that fails or interferes with structures, the greater the potential for damage. <ol style="list-style-type: none"> Most likely failure less than 150mm in diameter Most likely failure 150-450mm in diameter Most likely failure 450-750mm in diameter Most likely failure more than 750mm in diameter
Target rating	Rates the use and occupancy of the area that would be struck or damaged by the defective part. <ol style="list-style-type: none"> Occasional use (e.g. jogging/cycle track) Intermittent use (e.g. picnic area, day use parking) Frequent use, secondary structure (e.g. seasonal camping area, storage facilities) Constant use, structures (e.g. year round use for a number of hours each day, residences)
Hazard Rating	Failure potential + size of part + target rating = add each of the above sections for a number out of 12
Recommendations	NB. See Table 3: Risk Management and Hazard Assessment, for a more comprehensive list of options
Pruning Amenity Tree	Use the table from AS 4373 –2007 and insert the appropriate code
Trees in Development Zones	Refer to AS 4970-2009 Protection of Trees on Development Sites.

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PROCESS FOR TREE WORK ON COUNCIL CONTROLLED LAND BY OTHERS

Council cannot fund all works recommended to mitigate the risk from trees. Instead, it takes a risk management approach, funding works on a priority basis. Council proposes to treat all trees having a risk rating of 10-12 i.e. “high risk” trees.

Where the trees are rated as having a moderate risk rating score (8 or 9), it is unlikely that Council will be able to fund the recommended works due to the limited funds available. In these cases, Council is often requested to allow the landowner to undertake the necessary works at their cost.

If the landowner wishes to pursue this course of action the following procedure shall be followed:

1. Council writes to the landowner offering to permit them to undertake the work as recommended by the tree assessor within a limited timeframe (3 months). This offer includes a necessity for the landowner to meet with Council’s delegated officer prior to arranging any work. This ensures a clear understanding of the limitations of the work permitted, noting that the affected trees are clearly marked in the field and photographed by Council prior to commencement.
2. The landowner can then arrange a Council approved contractor to undertake the work. The landowner must advise Council of the planned works date.
3. Council’s Rangers will be notified of any approvals given to undertake the works.
4. All arrangements for the work, including payment of the contractor, are made directly between the landowner and the contractor.
5. The delegated Council officer will randomly check that the works have been completed in accord with the recommendations of the tree assessor.

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PROCESS FOR HANDLING INQUIRIES ON TREE RISK MANAGEMENT

The following provides guidance for handling enquiries relating to the management of risk to public safety or private assets from trees on Council controlled land and covered under this Code of Practice.

The steps below include the notification, inspection assessment and action processes to be followed.

1. A customer enquiry is received by a Council officer.
2. The customer details are to be entered into Council's Customer Service Request (CSR) system. All relevant information, i.e. customer name, address and contact details, the location of the tree in question and the main point of concern needs to be gathered from the customer and entered into the CSR system.

The Council officer must confirm with the customer if the tree requires an emergency response and if so the Works Depot must be contacted and advised of the urgent issue. For example, a tree with a major split, trees that have increased in lean, have a large branch hung up in the canopy or other major incidents as indicated by the customer.

3. Upon notification of the need for an **emergency response**, the depot clerk or after hours telephone operator, shall notify the responsible Works Coordinator, work crew or other authorised officer to attend, assess the risk and take appropriate action (if required).
4. **Outside of an emergency response**, the request shall be referred to the relevant Council officer i.e. Tree/Parks Inspector or **CSR Officer**. The delegated Council officer determines the land tenure of the tree(s) in question. Where the tree(s) is located on land not controlled by Council, the customer will be advised. For a tree(s) located on Council controlled land the action will be as follows.
5. The **delegated Council officer** will inspect the tree and determine if the tree should be actioned by the Council works crew e.g. crown lifting to improve sight distance, or if the tree needs to be assessed under this Code of Practice. If the work is to be completed by the road or parks maintenance crew, the work is scheduled by the Works Coordinator as required. The customer is advised of the intended action.
6. The Tree/Parks Inspector will visually assess the tree using the Tree Assessment Form ([Appendix A](#)) to determine the risk rating and make recommendations to mitigate that risk.
7. The results of the assessment are to be entered in the TMS to provide a risk score rating and a response generated to the customer as per Section 3 of this Code [Customer Service](#).
8. If the **risk rating is high**, or where funds permit works on trees having a moderate risk, the delegated officer shall forward the proposed works to the work crew for action. Where a specialist tree contractor is required, quotes shall be called giving the contractor 10 working days to quote. Once the quotes have been received and assessed as being reasonable, the works shall be awarded to the appropriate contractor, giving the tree contractor an appropriate time to action the work (usually 20 working days).
9. The TMS records shall then be brought up to date and closed.

Note: The contractor is required to be prequalified to meet the requirements of tree works on Council controlled land as stipulated in the Expressions of Interest document. Contractors shall also be required to meet the minimum insurance requirements of Council applying to contractors at the time of the work and shall provide evidence of the same prior to acceptance of any quotations. All insurance matters shall be confirmed with Council's Governance, Insurance, Risk Co-ordinator.

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TREE ROOT MANAGEMENT

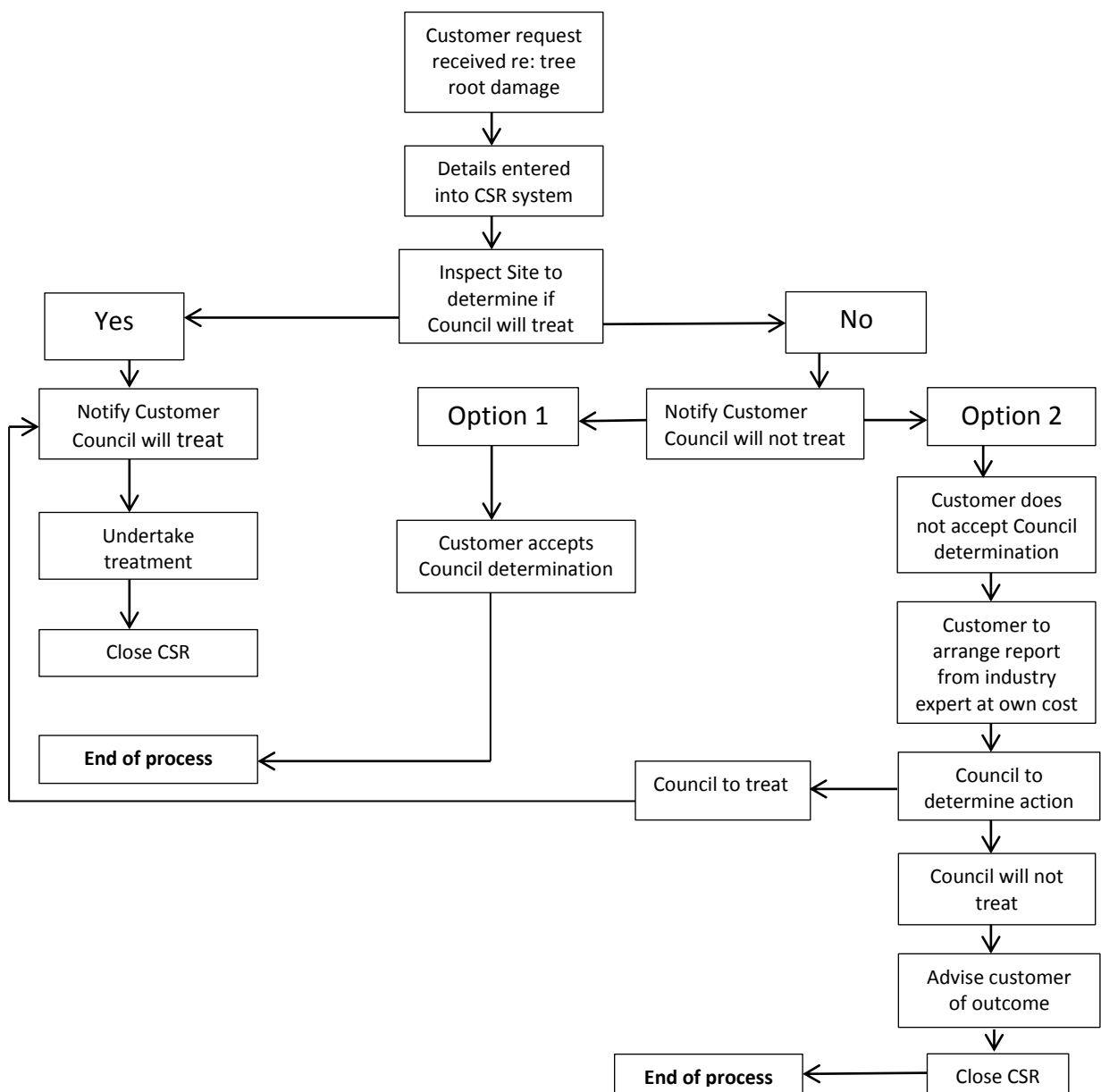
Council may require written evidence from a qualified arborist to determine what treatment, if any, may be carried out on tree roots.

When Council is contacted regarding a tree root from a tree on Council controlled land, the enquiry is entered into Council's CSR system. A trained officer will assess what damage (if any) the roots have caused.

Council will not be liable for any damage prior to notification being received.

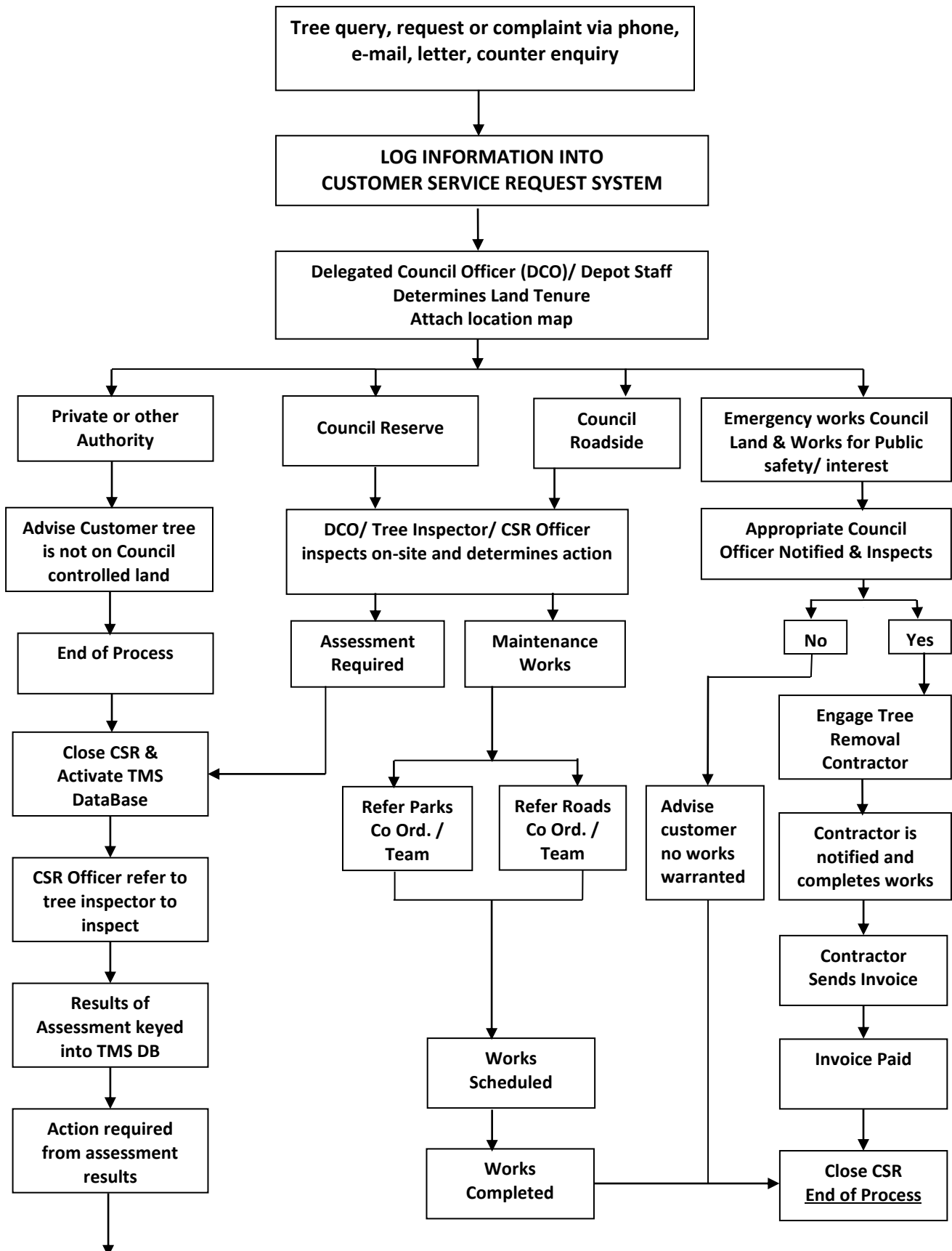
If it is assessed that the roots have caused damage to the property, then the tree must be treated to reduce any further damage. Possible treatments may be pruning, root barrier or tree removal.

TREE ROOT MANAGEMENT

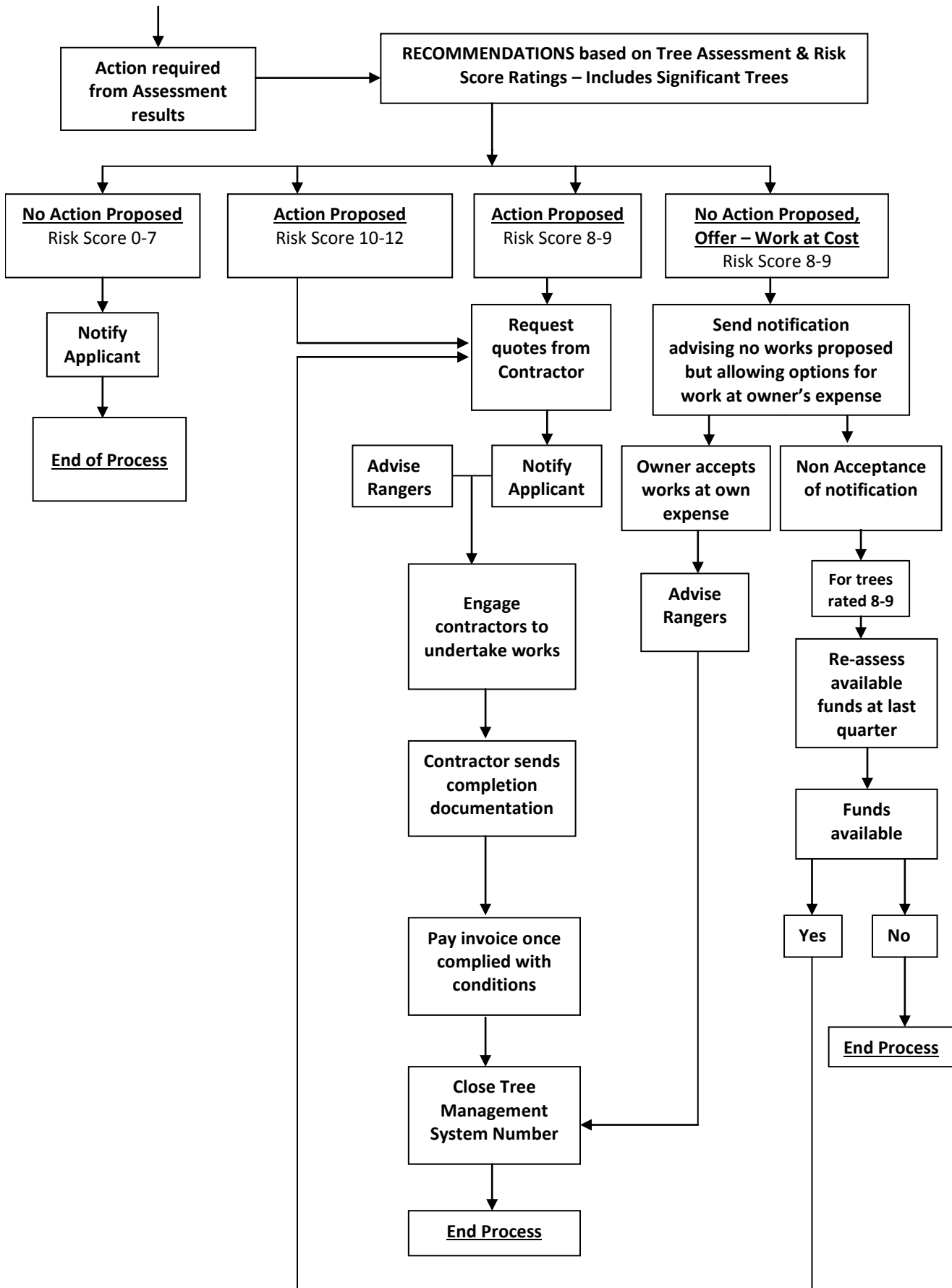


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**TREE RISK MANAGEMENT PROCESS
EXISTING TREES**



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