

## ATTACHMENT 2

Planning Infringement Protocol – Vegetation	
ISSUE 1.	
<p>Failure to install Tree Protection Fencing (TPF) with <u>no visible</u> damage to tree including:</p> <ul style="list-style-type: none"> <li>• Failure to install Tree Protection Zone signs</li> <li>• Failure to install mulching</li> <li>• Failure to install barriers</li> <li>• Failure to maintain barriers</li> <li>• Use of TPZ for storage of materials</li> </ul>	<ol style="list-style-type: none"> <li>1. Site inspection and officer to take evidence and speak to anyone on site (caution must be given first and the interview is to be recorded).</li> <li>2. If TPF not in place, Planning Infringement Notice to be issued to the land owner<sup>1</sup>.</li> <li>3. Letter also to be sent to the land owner, permit holder and developer (if known) advising that: <ol style="list-style-type: none"> <li>a. The TPF must be installed immediately.</li> <li>b. Once the Fence is installed, Council must be advised in writing.</li> <li>c. If advice is not received within 5 business days a further PIN will be issued to the land owner, and PINs will continue to be issued each day until the required written advice is received.</li> <li>d. Council reserves the right to carryout formal interviews to ascertain whether there are other parties accountable (developers, sub-consultants etc.), and where applicable further PINs will be issued.</li> </ol> </li> <li>4. PINs to be issued as described above.</li> </ol>
ISSUE 2.	
<p>Failure to engage or involve (refer log books) Site Arborist where this is required within the TMP or by a permit condition with no visible damage to tree.</p>	<ol style="list-style-type: none"> <li>1. Official warning letter sent to land owner, permit holder and developer (if known) advising: <ol style="list-style-type: none"> <li>a. A site arborist must be engaged and must inspect the site within 5 business days.</li> <li>b. Following this inspection the arborist must provide a written assessment to Council within 10 business days advising that they are the responsible project arborist and they are aware of the obligations of the permit.</li> <li>c. No works within the TPZ are to be carried out without the site arborist present.</li> <li>d. No further warning will be granted.</li> </ol> </li> </ol>

<sup>1</sup> For the purpose of this table where it states a PIN is to be issued, where applicable, instead a Bank Guarantee will be drawn upon.

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	<ol style="list-style-type: none"> <li>2. If letter from arborist is not received within 15 business days, a PIN should be issued to the land owner.</li> </ol>
ISSUE 3.	
<p>Removal or loss of tree to be protected</p> <p>(This is considered a significant breach of permit and a full investigation should be carried out).</p>	<ol style="list-style-type: none"> <li>1. Site Inspection and officer to take evidence and speak to anyone on site (caution must be given first and the interview is to be recorded).</li> <li>2. If site inspection confirms loss of protected tree, letter to be sent to the land owner, permit holder and developer (if known) advising: <ol style="list-style-type: none"> <li>a. Council has identified a breach of permit and will be pursuing prosecution against all persons responsible. The prosecution will result in the issue of Planning Infringement Notice(s) and / or Magistrate Court proceedings. At a minimum, a PIN should be issued – although further prosecution should also be pursued where appropriate.</li> <li>b. Advising a date for interviews at Council office.</li> <li>c. Proceed as per usual practice.</li> </ol> </li> </ol>
ISSUE 4.	
Lopping / pruning of a tree or its roots not in accordance with TMP	<ol style="list-style-type: none"> <li>1. Site Inspection and officer to take evidence and speak to anyone on site (caution must be given first and the interview is to be recorded).</li> <li>2. If site inspection confirms one of these events, PIN to be immediately issued to land owner.</li> <li>3. A letter should also be sent to the land owner, permit holder and developer (if known) advising that if the tree fails during or within 24 months of the construction period, further action will result (as per Issue 3 above).</li> <li>4. If the continuation of works have or will damage vegetation to be retained or the ability to establish new vegetation in accordance with the approved Landscape Plan consider an Application for Enforcement Order (s114 P&amp;A Act).</li> </ol>
Carrying out building works which are not in accordance with the endorsed plans and or the requirements of the TMP (i.e. works within TPZ not shown on endorsed plans – such as paving, piers or other building structure)	
Failure to install Tree Protection Fencing (TPF) with visible damage to tree	
Failure to engage or involve (refer log books) Site Arborist where this is required within the TMP or by a permit condition with visible damage to tree	

