

POLICY



Date adopted: 30/05/2017
File no: 128792-1
Minute number: 148/2017

Policy title: TREE DAMAGE MANAGEMENT
Directorate: COMMUNITY AND LIFESTYLE
Branch: PARKS
Policy objective: To address the Council's responsibility for tree growing on land controlled by the Council.

Policy scope:

To enable Council employees to deal with cases where trees or branches from trees growing on land controlled by the Council, fall into private property causing nuisance or damage to property.

Definitions:

Not applicable.

Policy statement:

The following procedure is to be undertaken for this policy:

1. This Policy applies only where private property owners or tenants contact the Council in respect of trees or tree branches from trees growing on land controlled by the Council, falling into private property.
2. In accordance with the terms and conditions of the Council's insurance policies, the Council will not, in the first instance, accept any responsibility for financial claims arising from circumstances detailed under this policy.
3. The Council expects property owners to make their own arrangements where a property owner's insurance policy would normally cover the cost of clean up and repairs. The Council will, however, remove any part of a tree left extending over land controlled by the Council.
4. Where a request is made of the Council to clean up debris on private property, the Council will undertake this work where there is no property damage.
5. Where a request is made of the Council to undertake repairs to property caused by fallen trees or branches, the Council will only undertake repairs and associated clean up of debris where the property damage is:
 - (a) negligible
 - (b) can easily be repaired by the Council, for example, retying or restraining wire fences

- (c) does not exceed a maximum value of \$500 (GST inclusive) to repair.
- 6. Prior to undertaking any clean up works, the Council’s employees shall first obtain from the property owner or occupier the necessary permit to enter, including the acceptance by the owner or occupier that the Council is indemnified and that the Council's actions do not indicate any acceptance of liability.
- 7. Where a claim is lodged against the Council, claiming negligence as a result of tree damage to property such as where the Council has not responded to previous complaints or requests for removal or pruning of trees claimed to be dangerous, such claims shall be referred to the Director of Organisational Services for referral to the Council's insurers.

Related policies/legislation/other documents:

DOC ID	DOCUMENT TYPE	DOCUMENT NAME