



Policy Type:	Administrative
Date Adopted:	12 May 2009

Policy No:	ET528
Date Last Reviewed:	May 2009

Legal (Parent):
1. Local Government Act 1995 (As Amended) – Sections 3.25, 3.26, 5.42 and 5.43.

Legal (Subsidiary):

ADOPTED POLICY	
Title:	DANGEROUS TREES ON PRIVATE PROPERTY
Objective:	To ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.

- 1.0 Notices under Section 3.25(1)(a), Schedule 3.1.9 of the Local Government Act 1995 (As Amended), regarding trees on private property will only be issued where the tree concerned represents a definite threat of imminent harm to persons or ‘catastrophic’ damage to property and only after the complainant has taken reasonable steps to resolve the issue privately with the tree owner.
- 2.0 Requests from residents for the issuing of a Notice regarding dangerous trees on neighbouring private property are to be received in writing.
- 3.0 The applicant will be required to:
 - 3.1 Demonstrate what actions they have taken previously to resolve the issue privately with the tree owner; and
 - 3.2 Commission and submit, at the applicant’s cost, a written tree inspection report from a qualified arborist prior to the City proceeding with any consideration of the request.
- 4.0 The request will be declined if it does not meet the requirements of subclauses 1.0, 2.0 and 3.0 above.
- 5.0 Where the City determines that the request meets the requirements of subclauses 1.0, 2.0 and 3.0 above, a notice will be issued to the tree owner to make the tree safe.
- 6.0 Notices are to be issued in accordance with Section 3.25 (1)(a) of the Local Government Act 1995 (As Amended) and if not complied with, the notice shall be enforced by the City in accordance with Section 3.26 of the Local Government Act 1995 (As Amended).
- 7.0 This Policy shall not prevent the Council or its Officers from intervening in emergency situations, as provided for by Section 3.34 of the Local Government Act 1995 (As Amended).