



WS13 Dangerous Trees on Private Property

Policy Objective

To ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.

Policy

The issuing of Notices under the *Local Government Act 1995* 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.

Requests from residents for the issuing of a Notice regarding trees on neighbouring private property are to be received in writing.

The complainant will be required to:

- demonstrate what actions they have taken previously to resolve the issue privately with the tree owner; and
- commission and submit, at the complainant's cost, a Tree Inspection Report from an independent, professional arborculturalist recognised by the Tree Guild of Western Australia, prior to the Shire proceeding with any consideration of the request.

Where the request meets the requirements above, a Notice will be issued to the tree owner to make the tree safe.

This policy shall not prevent the Shire or Authorised Officers from intervening in emergency situations as provided for by the *Local Government Act 1995*.

DOCUMENT CONTROL BOX		
Custodian: Chief Executive Officer		Decision Maker: Council
Compliance Requirements:		
Legislation: s3.25 [Notices requiring certain things to be done by owner or occupier of land], s3.26 [Additional powers when notices given], s3.34 [Entry in emergency] and Schedule 3.1.9 [Things a notice may require to be done] of the Local Government Act 1995		
Industry:	https://www.legalaid.wa.gov.au/sites/default/files/inline-files/Video-Fact-Sheet-Dividing-fences- other-boundary-issues.pdf Dividing Fences a Guide – Building Commission of WA	
Organisational:		
Document Management:		
Risk Rating: Medium	Review Frequency: 2 Years	Next Due:
Version #	Decision Reference:	Description:
a	OCM 21/07/20 – Item 13.2	Comprehensive policy register review.
b	OCM 19/07/2022 Item 12.1.2	Comprehensive Policy Register Review
c	OCM 15/12/2025 Item 12.1.1	Policy Reconfirmed – No Amendments