



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

MAINTENANCE AND SAFETY OF TREES ON THE SIGNIFICANT TREE REGISTER

Meeting: Parks and Recreation Committee

Meeting date: 15 October 2020

Raised by: Alderman Behrakis

Question:

If a tree which has been listed on the Significant Tree Register is reported to be unsafe by a constituent and requests for it to be trimmed and / or for it to be removed, however the Council deems the tree to be safe, could the Director please advise if the Council would be liable if a tree malfunction occurred?

Response:

All of the City's street tree assets, including those on the Significant Tree Register, that are on City-owned or managed land are inspected and maintained in accordance with the City's procedures and industry standards.

These assets are proactively inspected by a qualified arborist based on a well-established risk-based assessment methodology.

Should the arborist determine that a tree presents an unacceptable risk or that works are required, works are programmed in accordance with the City's procedures.

In addition to the cyclic proactive inspection program, trees may be subject to a reactive inspection if concern is raised by a member of the public.

Should an incident occur in relation to a City tree asset, the claimant would need to show that the City's duty of care was breached and that breach caused the loss or damage. Ultimately the determination of liability would be determined by arbitration or a court.

However, should it be demonstrated that the City maintains its street tree assets in accordance with the risk-based documented procedures, the City would be in a favourable position to defend any such claim.

Private Tree

A tree on the Significant Tree Register on private land remains the responsibility of the property owner to manage. The City does not inspect trees on private property.

Should a resident believe that a Significant Tree on their property is hazardous, the property owner should seek their own expert advice.

If the expert determines that the tree presents an immediate danger, there is an exemption within the Planning Scheme allowing the removal of the tree without a permit.

If the tree does not pose an 'immediate' danger but the owner wishes to remove the tree for other reasons, or because they believe the tree could become hazardous in the future, then the owner would need to submit an development application to remove the tree, along with an expert report supporting the reasoning.

The application would then be assessed under the provisions of the planning scheme.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



Lee Farnhill
**MANAGER PARKS AND
RECREATION**



Glenn Doyle
DIRECTOR CITY AMENITY

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