



## 10. WORKS AND SERVICES

### 10.1 WORKS

#### 10.1.8 Salvage of Fallen Naturally Occurring Timber in Road Reserves

##### Background & Issues

Trees within the road reserve, of roads vested in the Council, are the property of Council. As such, the Council has the right to deal with any timber won from these trees.

The right to the timber from trees on roads is coupled with some responsibility for the timber. In the case of trees planted by Council, the responsibility may extend to any damage or nuisance caused by the trees. In the case of naturally occurring trees, the responsibility is likely to be limited to clearing debris and fallen trees from roadways, and, within the reasonable constraints of Council's resources, taking a reasonable approach to any road user and adjacent property risk.

Naturally occurring trees in some cases have some value, so it is necessary for the Council to have a policy position on dealing with fallen timber, whether through natural causes or through normal Council operational activities. In addition, due to the quantum of naturally occurring timber on roads within the Shire, it is also necessary to determine the extent of responsibility Council will accept for naturally occurring trees, beyond making roads trafficable and safe.

Where naturally occurring timber does not fall in a way to create a hazard to traffic or a particular hazard in the road reserve, Council has no obligation to deal with the timber. In rural areas, it is unusual for a landowner to not own a chainsaw and it is a rare event for a landowner to not be able to deal with fallen timber that is located inconveniently. In some cases, however, while it may not be Council's responsibility, a fallen tree may be too large for a private landowner to deal with, and Council may want to offer a limited assistance service.

This policy details where Council will provide assistance to a landowner where a naturally occurring tree falls in an inconvenient location and the salvage of timber from road reserves.

##### Objectives

- To define how fallen naturally occurring timber within road reserves under the care, control and management of the Shire of Manjimup, will be managed.

##### Area of Application

All roads under the care, control and management of the Shire of Manjimup.

##### Policy Measures

Salvage of naturally occurring trees and timber:

- The Council has property rights in all naturally occurring timber within road reserves, and as such, reserves all rights to timber within the road reserve.



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- In the case that where a landowner desires to clear a fence line, in accordance with a fence line clearing permit, where the cleared timber has value, Council officers, at the landowner's cost, will apply for any necessary permits to allow the timber to be sold in order to offset the cost of the clearing. In the case that the value of the timber exceeds the cost to remove the timber (excluding any clearing on the private land), the difference will be remitted to Council.
- In the case that a tree falls by natural causes on a road verge, including over a fence, Council officers shall determine whether the tree should be recovered for use in Public Works, or, where the value of the timber exceeds the cost of recovery, sold. In the case that the tree is considered not to be of economic value, or otherwise not worthy of recovery, the landowner/occupier immediately adjacent to the location of the fallen tree shall have the right to the timber for private purposes, at no cost, providing the landowner/occupier can safely remove any component that is within the road reserve.
- In the case of trees being removed through road works or other Council operations, any timber of value, where it is economical to do so, shall be used to offset the cost of the clearing or tree removal works, except in the case that individual trees are of value in future Public Works where they will be retained for future use. In the case of trees considered not to be of economic value, or otherwise not worthy of recovery, the landowner/occupier immediately adjacent to the location of the clearing works shall have the right to the timber for private purposes, at no cost, providing the landowner/occupier can safely remove any component that is within the road reserve. In addition, timber of value may be offered to an adjacent landowner in exchange for assistance with Council's works, such as access to land, or in exchange for services.
- Where a tree falls by natural causes on a road verge, and is not desired by Council for sale or Public Works and is not desired by the adjacent property owner, the timber may be sold to any private resident landowner/occupier of the Shire, on application, for private purposes or use in a local cottage industry (other than for sale from a timber mill). In the case of sale to a private resident landowner/occupier, the timber shall be valued at 30% of its value landed at a timber mill (i.e. exclusive of all felling, handling and transport costs) calculated using the following green densities:

<b>Timber</b>	<b>Green Density in kg/ m<sup>3</sup></b>
Jarrah	1,170
Marri	1,200
Karri	1,200

The mass of the timber will be determined by measuring the usable length of the log, and the depth of the log in the middle of the usable length, and converted to a green weight using the following formula:



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*Green Weight =*

$$(Usable\ Length) \times \frac{(Depth\ of\ Log\ in\ the\ Middle\ of\ its\ Length)^2 \times \pi}{4} \times (Green\ Density)$$


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- In any case, Council officers may exchange timber for assistance or services from non-adjacent landowners or contractors.

Fallen naturally occurring timber generally:

- In rural areas (i.e. outside town sites) naturally occurring fallen trees and timber (where they have fallen from the road reserve) will generally be left where they fall, providing it is safe to do so. In the case that a tree of 450mm diameter or greater falls across a primary crossover, (i.e. the main crossover to the house), on request, Council will clear the crossover. The priority for the clearing of a primary crossover will be the lowest priority compared to all other roads (unless in the case of a *bona fide* emergency) within the Shire.
- In rural areas, where a naturally occurring tree falls across a boundary, the tree will be left where it falls, providing it does not create a road hazard. In the case that a tree exceeds 900mm in diameter, on request, and where it is reasonable, practical and safe to do so, Council will provide assistance by cutting the tree either side of the fence to allow a fence to be reinstated.
- Within a town site, in the case of blocks of one hectare in area, or greater, the same limit of assistance as provided to rural properties will be provided (if requested). In the case of properties of less than one hectare, fallen naturally occurring trees and timber of 250mm diameter and greater will, on request, be removed from within a property and will be removed from blocking each crossover. Where the streetscape aesthetics dictate, fallen trees and timber will also be removed from the road reserve.
- In all cases where trees planted in the road reserve have been planted by the adjacent landowner (as evidenced by a line of non-naturally occurring trees in front of a single property, obvious landscaping of the road verge, or an obvious connection with the trees or landscaping within the property), assistance will not be provided.
- In all cases, damage to fences or crossovers and other private assets, caused by naturally occurring trees, will be the responsibility of the landowner.



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Administration

Responsibility for implementing this policy is delegated to the Manager Works.

Adoption and Date Due for Revision

**ADOPTED 22 AUGUST 2013  
REVIEWED 18 NOVEMBER 2021**

**NEXT DUE FOR REVIEW NOVEMBER 2025**

**The Administration of this Policy is by Works and Services Division**