

SELF-HELP IS IT A GOOD IDEA?

You are entitled to lawfully remove parts of your neighbour's tree which *intrude onto your property*. However, there are **SIGNIFICANT RISKS** in taking this course of action, including;

- If you trim between the tree and your neighbour's side of the boundary you will be trespassing and may have to pay them money (damages)
- You are not allowed to cause **unnecessary damage** to the tree- unnecessary damage is difficult for people in backyard situations to determine
- If you employ a professional tree lopper, you cannot recover these costs from your neighbour. Additionally, you will be liable for damage caused by these workers

Accordingly NRCLC does not recommend this course of action

BUYING A NEW HOUSE?

If you are purchasing from a person who has received a court order concerning trees on their property, but has not done the required work, you will be required to meet the expense of having the trees trimmed or removed.

DID YOU KNOW!

There has never been a legal right to a view and you cannot trim trees that obscure views



Northern Rivers Community Legal Centre

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Last updated June 2010



What you need to know about



URBAN TREE DISPUTES

WHAT DO I DO IF MY NEIGHBOUR'S TREE HAS OVER-HANGING BRANCHES OR ROOTS WHICH INTRUDE ONTO MY PROPERTY?

STEP 1: Approach Neighbour:

Approach your neighbour directly (and courteously) to see if a resolution can be made.

Step 2: Mediation:

If this fails, contact the **Community Justice Centre on 1800 990 777**.

This is a free service in which a local trained mediator will attempt to establish a mediation session.

Your neighbour may refuse, but attempted mediation is important because the courts will not help you unless you can show you have made reasonable efforts to reach agreement with your neighbour.

Step 3: If you have not reached agreement

If there is still no agreement you can seek a court order in which your neighbour may be ordered to trim or remove their tree if it is likely to cause damage to property or injure someone.



It is **important to obtain legal advice** when seeking a court order about a tree dispute because:

- The Court Order process is only available if you live on land zoned 'residential'.
- It does not apply to trees based on council land.
- It will also not be available where you live in rural-residential areas.
- The relevant application forms can be found at the following internet address:
http://www.lawlink.nsw.gov.au/lawlink/lec/ll_lec.nsf/pages/LEC_tree_form_list
- The cost of applying for a court order is **\$189** for individuals.

Where Will My Dispute be Heard?

- All urban tree disputes are determined by the Land and Environment Court in Sydney.



WHAT SHOULD I DO IF I HAVE RECEIVED A COURT ORDER TO TRIM OR REMOVE MY TREE?

- You **MUST** comply with any order. Failure to do so is an **OFFENCE** punishable by substantial fines.
- A court order to trim your tree allows council representatives to enter your premises (without permission) and carry out the work if you fail to do so. The council is then able to recover the costs of such work from you.