



TREE REMOVAL

INFORMATION SHEET No. TP 8 – TREES AND BOUNDARIES

THE NEIGHBOUR'S TREE BRANCHES ARE OVERHANGING AND ROOTS ARE INVADING MY PROPERTY. CAN I PRUNE THEM?

Yes, however it is advisable to speak to your neighbours and reach an agreement before undertaking any pruning. Pruning should only be done to the minimum extent necessary (up to your property boundary) and in accordance with the *Australian Standard for Pruning of Amenity Trees (see AS4373-2007)* *. Pruning must not result in a detrimental impact to the future health or stability of the tree or compromise the form of the tree.

WHAT SHOULD I DO WITH THE PRUNINGS?

Any roots, fruit, branches you remove from your neighbour's tree remain your neighbour's property. Legally you should return them. Do not throw such things back over the fence; they should be placed neatly on an agreed site to stop any ill feeling.

WHAT IF I HAVE DIFFICULTY WITH MY NEIGHBOURS OVER DISCUSSIONS ABOUT THEIR TREES AND WOULD LIKE TO PRUNE OR REMOVE A TREE ON AN ADJOINING PROPERTY WHICH HAS CAUSED OR IS LIKELY TO CAUSE DAMAGE TO PROPERTY OR INJURY TO PERSONS ON MY LAND?

Legal advice should be sought regarding liability for damage caused by the tree/s or cost of maintenance to the trees. Tree disputes between neighbours are a civil matter.

Conflicts may be resolved through the Community Justice Centre on phone number 1800 990 777. Further advice can be obtained from LawAccess NSW, a free government telephone service that provides legal information advice and referrals for people who have a legal problem in NSW. Call LawAccess NSW on 1300 888 529 between 9am and 5 pm, Monday to Friday (excluding public holidays).

If the neighbour is unco-operative then if your land is within a zone designated "residential" (but not rural-residential), "village", "industrial" or "business" you may wish to apply to the Land and Environment Court to seek resolution under the *Trees (Disputes Between Neighbours) Act 2006*. Please refer to the following website for further information.

http://www.lawlink.nsw.gov.au/lawlink/lec/ll_ec.nsf/pages/LEC_tree_disputes_information

In rural zones you will need to seek other legal advice (See LawAccess above).

NOTE: THIS DOES NOT APPLY TO DISPUTES REGARDING TREES WHICH BLOCK VIEWS OR SUNLIGHT OR FOR TREES LOCATED ON COUNCIL LAND.

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