

2. Legal advice

Issues with neighbours trees fall under the Tree (Disputes between Neighbour's) Act 2007.

The local magistrate (Attorney General's Department) can advise you of the act and may suggest a way forward. This is a free service. A mediation service may be available to assist with solving neighbours tree issues.

In seeking legal advice, you may wish to discuss the problem with your solicitor. Legal advice is also available from the North and North West Community Legal Centre. Appointments may be made by calling 6772 8100.

Take along some photographs of the problem to explain your concerns.

Remember that legal avenues of resolution may be a costly option and every effort should be made to resolve the problem through discussions with your neighbour.

Your legal adviser may tell you to seek a report on the problem

3. Tree Preservation Orders

If your discussions result in an agreement to carry out any works on the tree, remember to consult Council regarding any Tree Preservation Orders.

If the tree is covered by Council's Tree Preservation Order, an application signed by the owner of the tree/trees is required. Fines can be issued for trimming or removing trees without Council consent, so please check with Council before taking action.

If the tree belongs to Council, please contact us on 6770 3600

4. Contacts

***Law Access NSW website:**
www.lawaccess.nsw.gov.au/Pages/my-legal-problem-is-about/neighbours.aspx
Free call: 1800 888 529

Community Justice Centre
1800 990 777
www.cjc.justice.nsw.gov.au

North and North West Community
Legal Service Inc
107 Faulkner Street Armidale
Free call: 1800 687 687

Armidale Dumaresq Council
Ph: (02) 6770 3600
Hours: 8.30am to 5.00pm

HANDLING PROBLEM TREE ISSUES WITH YOUR NEIGHBOURS



Problems with neighbour's trees

Residents may experience problems caused by trees in neighbouring properties.

Residents may have concerns about overshadowing of gardens, root encroachment and damage, or leaves accumulating in roof gutters or outdoor living areas.

Roots can sometimes affect the foundations of a dwelling, or other hard landscaping items such as paving or garden edging.

On the other hand trees have many benefits such as shading in summer heat and wildlife habitat. A well treed subdivision is attractive and can increase property values.

Some level of tolerance is required when living in a neighbourhood where people often have different values.

Many people like to live surrounded by trees and others like a more open environment. Some people find trees are messy while others are not concerned about leave litter that may be used for compost or mulch.

If leaves clogging your gutters are a problem, then gutter guard or regular maintenance may solve your concerns.

Who becomes involved?

Council will only become involved if the tree belongs to the Council, such as a street tree or park tree.

If your concerns are with a tree on neighbouring private property then you must advise the owner of the tree of your concerns.

What Can I Do?

If you feel that a neighbour's tree is a problem, then it is important to establish exactly what the problem is before making any accusations. Also, try to consider the neighbour's perspective before you act. In most cases your neighbour will not be aware of the issue.

The following course of action is suggested:

1. Approach your neighbour directly to discuss the problem.

Calmly explain the issue that you are concerned with. An inspection of the problem may provide the neighbour with a better understanding.

Be courteous to your neighbour and seek out suggestions as to how the problem may be solved.

You may wish to write to your neighbour clearly outlining your concerns.

Remember to keep notes of your discussions and copies of any correspondence between you and your neighbour.

If a cost is involved, such as tree trimming or removal, you may consider a contribution to the costs.

If no agreement is reached, then consider putting your concerns in writing. If damage to your property has occurred, then you could advise of the costs incurred.

Finally, if your efforts are not successful and you still believe that the neighbour's tree is the cause of the problem, you may wish to seek legal advice. Remember that legal action can be expensive. It may be worth advising your neighbour of your intentions prior to acting.