



MEDIA RELEASE

Hon. John Hatzistergos MLC
General
Minister for Citizenship
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COURTS GRANTED EXTRA POWERS TO RESOLVE TREE DISPUTES

Neighbours locked in disputes over trees that severely block sunlight or views will be able have their cases heard by Land and Environment Court, under new laws passed by the NSW Government last night.

Attorney General John Hatzistergos said the amendments to the *Trees (Disputes Between Neighbours) Act 2006* will provide a simple, inexpensive and accessible process for resolving neighbour disputes about hedges.

Under the new laws to commence on August 2, 2010, the Court must be satisfied that the applicant has made a reasonable effort to resolve the matter with the owner of the land on which the hedge is situated.

“Residents need to make every effort to negotiate in good faith with their neighbours to resolve disputes over problem trees or high hedges,” Mr Hatzistergos said.

“But where resolutions prove difficult residents can now be safe in the knowledge that they can apply to the courts to intervene without the need for a lawyer.

“The Court will have the power to intervene in extreme cases where a hedge has *severely* impacted a neighbour’s access to sunlight or views.

“The legislation empowers the Court to determine the appropriate height at which a hedge should be maintained by balancing the right to privacy versus the broader benefits of maintaining healthy urban vegetation.

“If a resident ignores the Court’s order, councils will now have the power to step in and enforce the order and charge both costs of enforcement and a prescribed administration fee.”

The amendments to the Act:

- empower the Land and Environment Court to hear disputes about high hedges that severely block sunlight to a window of a dwelling on adjoining land, or views from such a dwelling;
- support the enforcement of court orders by allowing councils to recover the cost of trimming or removing any trees plus a prescribed administration fee;
- give the subsequent owner of the property the right to enforce certain orders made under the Act;
- give the court authority to hear disputes over trees that have caused damage but have since been removed;
- allow the court to make orders in relation to problem trees and damaged dividing fences;
- enable the court to hear tree disputes on land zoned ‘rural-residential’ but only where a tree is causing damage or risking injury;
- include vines as a prescribed plant under the Act.

The new laws were drafted following a statutory review of the Act which received more than 230 submissions from residents, community groups, professional associations, councils and Government agencies

Under the Act, the Land and Environment Court has the power to order:

- the removal or pruning of trees;
- payment of costs associated with carrying out a court order;
- installation of root barriers;
- payment of compensation for damage caused by roots or trees.

The Land and Environment Court finalises hundreds of tree disputes each year, most relating to the removal of trees that pose a risk of injury or damage to property.

The review is online at: <http://www.lawlink.nsw.gov.au/lpd>