



MEDIA RELEASE

Hon. John Hatzistergos MLC
Attorney General
Minister for Citizenship
Minister for Regulatory Reform

Saturday December 19, 2009

NEW LAWS TO RESOLVE NEIGHBOURHOOD ROWS OVER HEDGES

The Land and Environment Court will be given the power to resolve disputes between neighbours over high hedges that severely affect views and sunlight, NSW Attorney General John Hatzistergos announced today.

“Neighbourhood feuds over hedges are becoming increasingly common and there have even been reports of residents growing ‘spite hedges’ to deliberately block a neighbour’s view,” Mr Hatzistergos said.

“Hedge rage can fester for years because, up until now, there hasn’t been a simple legal avenue to help resolve such disputes.

“Now for the first time neighbours, whose sunlight or view has been severely impacted by high, dense hedges, can apply to the courts for a resolution.

“We will give courts the authority 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.”

Mr Hatzistergos said the new laws would cultivate community harmony by providing neighbours with a simple, accessible and inexpensive legal means for resolving hedge disputes, without the need for a lawyer.

“This is about empowering residents to negotiate in good faith with their neighbours to resolve disputes,” he said.

“But where resolutions prove difficult, residents can now be safe in the knowledge that they can apply to the courts to intervene.

“Refusing to comply with a court direction to trim or remove a tree will be a costly mistake.

“When residents ignore the court’s orders, councils can step in to carry out the work and they will now be able to charge the resident an administration fee on top of the cost of trimming or removing any trees,” he said.

The new laws, to be introduced into Parliament early next year, will amend the *Trees (Disputes Between Neighbours) Act 2006*. A recent review of the Act received hundreds of submissions from residents, councils, government agencies and community groups.

“More than half of the submissions called for the Act to be expanded to cover vegetation that blocks views and sunlight,” Mr Hatzistergos said.

Minister for Local Government, Barbara Perry, said she would encourage all councils to consider adopting the review's recommendations relating to pruning of overhanging branches.

"I would encourage councils to consider the proposed changes and amend their Tree Preservation Orders where appropriate," she said.

Other changes to the Trees (Disputes Between Neighbours) Act 2006 will include:

- giving the court authority to hear disputes over trees that have caused damage but have since been removed;
- allowing the court to make orders in relation to problem trees or hedges and damaged dividing fences;
- enabling the court to hear tree disputes on land zoned 'rural-residential' but only where a tree is causing damage or risking injury;
- including vines under the Act's definition of a tree.

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; and
- payment of compensation for damage caused by roots or trees.

The Land and Environment Court finalised 140 tree disputes last year, most of which sought tree removal on the grounds they posed risk of injury or damage to property.

The review is online at: http://www.lawlink.nsw.gov.au/lawlink/legislation_policy/ll_lpd.nsf/pages/lp_publications