



Concordia Pacific
Environmental, Government and Town Planning Law

FACT SHEET FOR TREES (*DISPUTES BETWEEN NEIGHBOURS*) ACT 2006

The *Trees (Disputes Between Neighbours) Act* has introduced new, streamlined procedures that enable property owners (including the owners of private homes, as well as the owners' corporations of strata schemes) to require their neighbours to pay for the repair damage that has been caused by a tree. The Act also provides a mechanism to compel the owners of trees to take prompt action to correct hazards to people.

The principal features of the Act are as follows:

- An order can be sought from the Land and Environment Court in relation to any tree that is located on land zoned residential, village, township, industrial or business.
- Reasonable efforts must be made with the owner of the land on which the tree is situated before an application for relief can be made to the Court.
- The Court can make an order requiring the owner of the tree to take remedial action if it is satisfied that the tree concerned has caused damage to property, or is likely to cause property damage or injury to a person in the near future.
- The types of orders that the Court can make may include an order for compensation for damage that has been caused to property; to require the owner of a tree to prevent or repair damage to property; and to allow a property owner to go onto neighbouring land in order to repair or prevent damage by a tree.
- An order that is made in relation to a tree remains in effect even if the land where the tree is located is sold.
- If a person fails to comply with a Court order made under the Act, the local council can enter the property, carry out the work required by the Court, and recover the costs.
- Any person who fails to comply with a remedial order made by the Court is subject to a penalty of \$11,000.

If your property has been damaged, or is threatened with damage, by a tree on neighboring land, Concordia Pacific can help you to obtain a remedy. We have thirty years of experience in environmental law and are highly skilled in Land and Environment Court proceedings. If you require our assistance in dealing with a tree matter, please contact us on **9233 4914**.

Concordia Pacific

Level 8, 70 Castlereagh Street, Sydney NSW 2000
T: 02 9233 4914 M: 0434 006 948 E: conpacif@tpg.com.au
W: www.concordiapacific.com.au