



Neighbourhood Disputes Trees & Branches



Trees and plants are a common cause of neighbourhood disputes. Overhanging tree branches, or tree roots encroaching onto your land, are the usual problems, although poisonous plants can also cause disputes between neighbours. The following outlines your rights and responsibilities and some tips on how to resolve a dispute using the private nuisance procedure.

Do's

- You are entitled to cut off the overhanging foliage, but only to the boundary line between your properties
- If tree roots are causing physical damage, such as lifting your concrete, you may cut the roots to the line of the boundary
- You do not have to notify your neighbor of your intention to prune or cut roots
- If the neighbor does not want the off cuts returned and you do not want to dispose of them yourself, you can place them on your neighbor's property taking care not to cause damage or trespass
- You are responsible for keeping plants on your property trimmed so that they do not overhang the footpath or nature strips below the required Council limit. This is often three meters, but you should check with your local Council

Don'ts

- You are not entitled to enter your neighbors land to carry out pruning without their permission-otherwise it may be considered trespassing
- The branch and root off cuts do not belong to you and should be returned to the neighbor- or at least offer them back
- You must be careful not to kill the tree or cause the tree to become unstable because if it falls you may be liable for the damage it causes
- If you hire someone to help you cut the branches or roots, you are not automatically entitled to a refund from your neighbor
- Do not cut down trees on your property without first checking Council restrictions as some Councils have a "Green Policy" and you are required to get a permit

What can you do

- Talk to your neighbour first
- Write a letter of demand
- Consider mediation-contact the Dispute Settlement Centre-9603 8370
- Make an appointment for legal advice at Central Highlands Community Legal Centre
- Issue a Magistrates Court Complaint