

# Urban Trees - Dealing With Problems

## Introduction

The solution to tree problems starts with identifying on whose land the tree is growing and then dealing with that problem appropriately.

## Public Land

Council is responsible for trees on public streets, roads and parks.

All requests for tree maintenance must be made by completing the application form for Tree Removal/Pruning on Public Land. (See the reverse of this brochure to find out where to obtain this form). It takes time to resolve the matter as it involves not only an inspection but also consideration of the views of other members of the public and a hazard assessment. **Approved** tree maintenance is then carried out or included on a forward works program subject to budget restraints.

At times Council will seek a financial contribution from the applicant when the work is of little benefit to the general public or where a tree straddles a property boundary.

## Private Property

Council does not have a Tree Preservation Order and therefore does not attempt to control maintenance or removal of trees on private property.

You may remove a tree on your property without Council consent if it does not have historical or habitat significance, or as

otherwise controlled by the Native Vegetation Act. You are of course responsible for the removal of all debris and you are not permitted to leave branches and limbs on the footpath because of public liability.

**Major clearing of an urban block, removal of a significant tree (historical or habitat) or clearing on steep land should be discussed with Council's Town Planning Officers (02) 6568 2555 before commencing.**

## Your Neighbour's Tree

If you are having problems with a tree growing on your neighbour's property you will need to discuss the matter with them and seek cooperation. You are generally entitled to cut back branches and roots to the boundary but agreement between neighbours is the best way to resolve the issue.

You will need to seek legal advice if agreement cannot be reached, as matters concerning liability for damage and cost of maintenance will need to be resolved. Council cannot resolve these disputes.

For legal information contact:

### LAW ACCESS

Ph: 1300 888 529

Web: [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au)

For mediation service contact:

### COMMUNITY JUSTICE CENTRES

Ph: 1800 990 777

Web: [www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au)

# Special Problems

## Under Power Lines

In many instances the tree can become a problem to the electricity supply company if branches grow up into the power lines. In these circumstances contact Essential Energy direct on 13 23 91 or view their website at [www.essentialenergy.com.au](http://www.essentialenergy.com.au).

## Pipelines

Trees planted over sewer and stormwater lines can result in the roots blocking the pipes. If this occurs on your property you will be responsible for the cost of having the tree removed and be liable for the cost of maintenance to Council's infrastructure. Tree species guides are available from Council to reduce the risk.

## Footpaths

Similarly, public footpaths can be damaged by trees and cause costs to the owner for remediation.

## Noxious Weeds

These are a special category of plants that must be destroyed. If you need further advice on these please contact the Noxious Weeds Inspector on 0417 271 378.

**A tree will generally not be removed or lopped because it is blocking views, interfering with television reception, shading a house or dropping leaves (untidy).**



## Request for Tree Removal / Pruning On Public Land

An application form for tree removal or pruning on public land can be obtained from:

- Council's website at [www.nambucca.nsw.gov.au](http://www.nambucca.nsw.gov.au)
  - Council Forms
  - General Forms
  - Tree Removal/Pruning on Public Land
- Council's Administration Centre  
44 Princess Street  
MACKSVILLE NSW 2447
- or a form can be mailed to you by contacting Council on (02) 6568 2555.

Contact:

**Manager Infrastructure Services** (02) 6568 0241  
**Green Space Coordinator** 0417 271 378

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**NAMBUCCA SHIRE COUNCIL**

# SOLVING URBAN TREE PROBLEMS



**NAMBUCCA SHIRE COUNCIL**  
**44 PRINCESS STREET**  
**MACKSVILLE NSW 2447**