How do I Deal with a Dangerous Tree?

Whose land is the damaged or dangerous tree on?

On my own land

Speak to council and seek permission to remove the trees

If Council says the tree is not dangerous you can seek a second opinion from an arborist at your own expense. Tell the council about the arborist's opinion

On my neighbours private land

Contact council and report the damaging or dangerous tree

The Land and Environment Court can make orders about a tree that: (a) has caused, is causing or is likely to cause damage to your property

The *Trees (Disputes Between Neighbours) Act 2006* applies to trees and hedges on private land

Try talking with your neighbour about the damaging or dangerous tree

First try and resolved the matter with your neighbour

You can try mediation through a Community Justice Centre

If you can't agree with your neighbour you should try mediation

If mediation fails, then the Land and Environment Court of NSW may be able to make an order about the tree. You should seek legal advice

On Council land

Contact council and report the damaging or dangerous tree

If Council says the tree is not dangerous you can seek a second opinion from an arborist at your own expense. Tell the council about the arborist's opinion

On NSW National Park land

The *national Parks and Wildlife Act 1974* applies to NSW National Parks. There are also National Park policies that apply such as:
- Tree Risk Management Policy
- Neighbour Relations Policy

Contact your local NPWS Office and report the damaging or dangerous tree

NPWS in addressing the tree risk to neighbours may involve managing the tree hazard (by conducting tree works) or choosing to tolerate the risk if the risk is assessed to be low

If you are unhappy with the NPWS's initial assessment, you can seek a second opinion from an arborist

If you are unhappy with the government department's response, you can complain to:

- The department's formal complaint process
- The NSW Ombudsman
- Get legal advice about nuisance or negligence claim

On NSW State Forest land

The *Forestry Act 2012* applies to NSW State Forests

Contact NSW Forestry Corporation and report the damaging or dangerous tree

Shoalcoast Community Legal Centre Inc.

Free Legal Advice

Shoalcoast Community Legal Centre : 1800 229 529