







## trees



Just about everybody can appreciate a good tree!

However, a tree positioned in the wrong spot can be a disaster!

For example:

	Cracking walls and foundations
	Cracking and lifting roadways and paving
	Blocking pipes
	Blocking sun
	Causing a litter mess
	Obscuring views

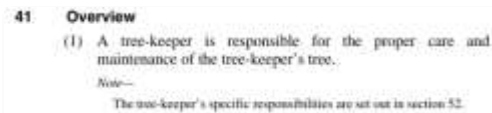
## Trees

The neighbourhood tree issues are regulated by the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*

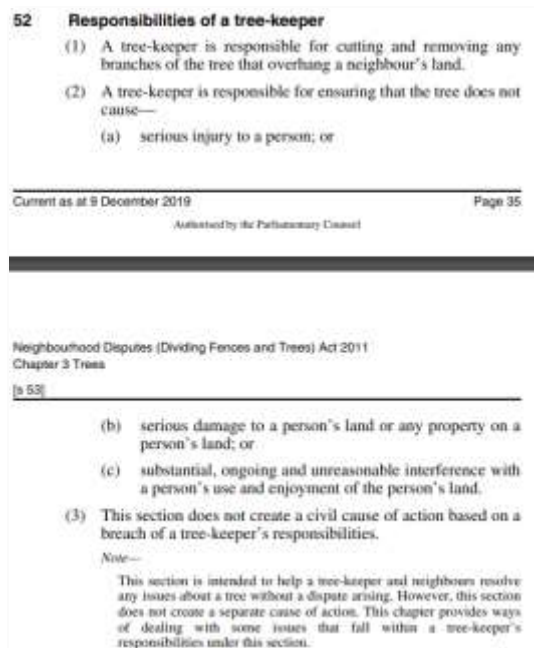


## Who is responsible?

The Tree-Keeper is clearly defined by the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*

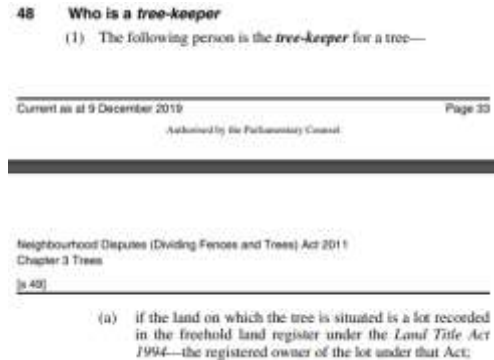


## Further



## Who is the 'Tree-Keeper'?

If you own the land, you are the 'Tree-Keeper'



## Some common misconceptions!

The tree was planted by the previous owner	Does not matter as soon as you own the land you become the responsible person as the "Tree-Keeper"
The tree was planted a long time ago and my neighbour should not have built so close to the boundary	Does not matter how long ago the tree was planted or how close the neighbours built towards your boundary – you are the "Tree-Keeper"
I like my tree and I like the privacy it gives me	Does not matter if the tree interferes with your neighbour, you have legal responsibilities to comply with the law
I can't afford to cut down my tree	Being a property owner comes with responsibilities like paying rates and complying with legislation like the <i>Neighbourhood Disputes (Dividing Fences and Trees) Act 2011</i> .  Sadly, some owners are forced to sell their property to comply with the law.

## The law does not apply to me! My circumstances are special!

Wrong! The law applies to every property owner regardless of their 'special circumstances'.

## What happens if I simply refuse? Will I go to jail?

It is highly unlikely anybody would be forced to go jail but you may be forced to appear in QCAT in front of the local Magistrate at the local Court House.



## Heritage Protected Trees

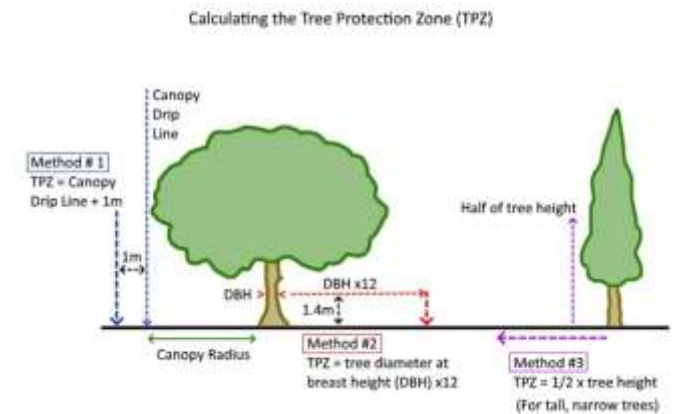
Where a property is heritage listed it is possible that the vegetation may be protected for historical purposes. This aspect is largely governed by the Department of Environmental and Heritage Protection.

Just because you and others consider your tree to be a 'magnificent specimen' does not mean it is 'protected'. As the 'Tree-Keeper' you still have responsibilities.

## Yes ... there is an Australian Standard for Trees



AS 4970-2009 develops the concept of a Tree Protection Zone



### Method 1 – Tree Canopy Method

The tree canopy should be at least 1 meter from the boundary

### Method 2 – Tree Diameter Method

Tree Diameter	Distance from Boundary
20 cm	2.4 meters away
40 cm	4.8 meters away
60 cm	7.2 meters away

### Method 3 – Tree Height Method

Tree Height	Distance from Boundary
5 meters tall tree	2.5 meters away
10 meters tall tree	5.0 meters away
15 meters tall tree	7.5 meters away

## Which Method do I choose?

You should be looking at all three!

Also as the tree grows then the distances will get greater.

For example, a tree that is only just planted might be OK to be reasonably close to the boundary but to keep the tree you might be forced to significantly trim the tree.

## Why is it to boundary line and not the building next door?

You are trying to protect more than just the neighbouring building you are trying to protect all the plumbing services etc that maybe contained the neighbours yard.

## Solutions

Talk and discuss options

- Trimming trees versus full tree removal
- Installing a root barrier system to protect my neighbour
- Cost sharing

Reaching a compromise solution is great! However, that does not always work and you are still the 'Tree-Keeper' and you still have obligations.

## Final Word

- Measure the tree protection zone.
- Does the tree protection zone encroach onto the neighbour's land? Even if it is just their courtyard.
- Consider carefully if the tree should just be removed.