

Submission to Law Reform Commission re neighbourhood tree disputes

1. I have been a resident in the same property for 50 years. An adjoining property has had multiple owner residents and more recently multiple lessee residents. Forty five years ago the local council gave primary school students a 'native' 'eucalyptus nicholii' tree as a mother's day present which my neighbours planted in their rear yard along their northern boundary (my southern boundary). I have used abatement to trim my side of the tree but it is now about 17m high in two major trunks. The fence has been replaced and the trunk now interrupts the fence. This tree causes all my spouting gutters to be constantly filled with leaves and nuts and the roots upset anything I try to landscape in my back yard plus the tree does not allow many plants including grass to successfully grow in my yard. I applied and paid the local council to have the tree removed about 20 years ago when the then neighbour was amenable to the idea but it was refused. I am now left with gutters and downpipes full of leaves and debris which is a constant, expensive and losing battle for a 70 year old to maintain.

2.

3. I have taken the matter no further other than applying to the local council to have the tree removed. The current owners seem to have no interest in property amenity other than rental income. The tree is a potential risk of death to personnel and major damage to adjoining property.

4.

5. My personal opinion is that the council should not have total control over what is amenity or not. The standard 750m² block is not conducive to 17m trees. The council similarly plants inappropriate trees in nature strips which overshadow properties or require regular trimming from interfering with power lines. Residents are subject to additional stress and expense to deal with inappropriate tree growth.

1. Trees in residential situations such as mine should be limited to 4m in height and maintained accordingly.

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