

It's important to try to maintain good relationships with your neighbours. The Shire encourages property owners who have matters of concern with their neighbour in regard to a tree or trees on their boundary line, to resolve the matter amicably to achieve the best possible outcome. Unfortunately, such matters are not always easy to resolve, and this can lead to misunderstanding between neighbours.

Who is responsible for trees on private property?

The landowner is responsible for any trees growing on their land; to be sure where your land ends, you may have to obtain a survey report (at your expense). If a tree straddles the boundary, it is hoped you and your neighbour can agree on who is responsible for it or share its upkeep.

Can I cut branches or roots that are encroaching onto my property?

You have the right to cut off branches overhanging your property (at your own expense), as long as you do not cut beyond the boundary line. The act of pruning must not damage the tree. The branches, however, remain the property of the tree owner. Whilst you don't have to give notice to your neighbour before taking this action, it is advisable to talk to them and let them know what you're intending to do anyway.

What can I do with any cuttings?

The owner of the tree that any cuttings come from is considered the owner of those cuttings. This means that any parts of your neighbour's tree you remove need to be returned to them. You should return the cuttings in a way that doesn't damage the neighbour's property or cause litter, otherwise you are liable for that.

Who is responsible if I rent the property?

If you rent a house, it is best if the responsibility of trees is set out in a written agreement. If the landlord is responsible for them, he/she generally has (subject to whatever is agreed) the right to come and attend to them and the tenant cannot work on them without the landlord's consent.

What can I do if the tree is dangerous?

If roots from your trees disturb your neighbour's foundations or swimming pool walls, lift their paving, tip over fences, or block their drains; your liability depends on a court determination. There is a legal obligation on your part not to allow the damage to continue or worsen once you have become aware of the problem.

It is up to you to prove that a tree owned by a neighbour, or the Council is causing damage to your foundations or mains. A professional Arboriculturist will be required to produce a written report proving where the roots are situated. Your neighbour may have an insurance policy that covers legal liability for damage to your foundations. Check with your insurance company to see whether you are covered for damage by falling trees or branches.

Please note the complainant (at the complainant's expense) must provide clear evidence of the trees condition and/or location being dangerous by obtaining a Arboriculturist Report. An Arboriculturist is a person with a Diploma Level of Arboriculture, five years' experience and indemnity insurance, who will provide a written report on the tree.

Trees impacting power lines.

You can be required by the appropriate authority to deal with any tree on your property that may interfere with powerlines, telephone cables, water, and gas and electricity mains. You are normally given time to trim. If you do not, the authority concerned will do the necessary work and charge you. In some cases, if the tree was there before the wires, cables or mains were put in; the authority may have to pay for the work. Where this amounts to a significant cost, it is worth checking the regulations with the authority.

What can I do if my neighbour and I can't reach an agreement?

If an agreement cannot be reached it is suggested, you contact a mediation agency such as the **Citizens Advice Bureau (CAB)** or **Legal Aid Western Australia's website**. Using a mediator is a process to help people to talk and settle their differences in a fair and acceptable manner. Mediation is low cost, quick, and more relaxed than Court procedures. The mediator will inform you of any relevant information that you may need and advise you of your rights so that you may be adequately prepared.

I don't know my neighbours name; how can I find this out?

Before you can take further action, you need to know your neighbour's full name. If you don't know their name, there are a few ways you can find it:

- If the property is rented or leased, ask the tenant, real estate agent, or property manager.
- Do a land title search through Landgate (note that this incurs a fee);

Site details

Information on your property, lot sizes, dimensions and recent aerial imagery is available from: -

- Shire's website – [public mapping](#)
- [Landgate Viewer Plus map website](#)

Further information.

For further information please visit the Shire's website at www.coolgardie.wa.gov.au or visit the Shires Customer Service Counters at the Coolgardie and Kambalda Recreation Centre or by phoning the Development Services on 9080 2111 or email (planning@coolgardie.wa.gov.au).