



Policy Owner: Director Open Spaces & Infrastructure

Category: Operational

Direction: 1. Our Living Environment

1. STATEMENT OF INTENT

- 1.1 This Policy identifies North Sydney Council's position regarding overhanging branches from private property encroaching onto and impeding pedestrian access along Council's footpaths.

2. ELIGIBILITY

- 2.1 The Policy applies across the whole of the North Sydney local government area.
- 2.2 It is not the role of the Council to intervene in neighbourhood disputes regarding trees. Conflicts may be resolved through the Community Justice Centre's Dispute Resolution Services. Where attempts for mediation between the parties have failed, the opportunity exists for an owner of land to apply to the NSW Land and Environment Court, under the provisions of the *Tree (Disputes Between Neighbours) Act 2006*, for an order to remedy, restrain or prevent damage to the owner's property, or to prevent injury, as a consequence of a tree situated on adjoining land.

3. DEFINITIONS

- 3.1 Overhanging Branches - vegetation that overhangs the street alignment at a height less than 2.4 metres above the footpath level.

4. PROVISIONS

- 4.1 Where Council identifies that branches from private property are overhanging and impeding pedestrian use of a public footpath, the Council will issue a Notice to Comply to the property owner to remove the overhanging branches.
- 4.2 In the event the property owner does not remove the overhanging branches within a 21-day period from being notified, Council may remove the overhanging branches, and charge the costs to the responsible property owner.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Council's Open Space & Infrastructure Division is responsible for administering this Policy including issuing notices as defined in Section 4.1.

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Tree Vandalism Policy
- Tree Preservation Order 2006

The Policy should be read in conjunction with the following documents/legislation:

- Australian Standard AS4373 (2007) Pruning of Amenity Trees
- Tree (Disputes Between Neighbours) Act 2006

Version	Date Approved	Approved by	Resolution No.	Review Date
1	16 February 2009	Council	61	2012/13
2	18 February 2013	Council	61	2016/17
3	25 June 2018	Council	214	2020/21
4	22 August 2022	Council	251	2024/25