



Information Sheet

Asset Services Information Sheet 1

Dangerous Trees on Private Property

Introduction

Dangerous trees may fall under one or more of four criteria being dead, dying, diseased and/or structurally unsound with the potential to cause significant damage to an adjoining property or members of the public should it fall or drop limbs or branches.

A tree that drops leaf litter or fruit is not considered a dangerous tree.

A dangerous tree is one that has been determined by a suitably qualified and experienced person, such as an arboriculturalist, to be dangerous. There is therefore, a level of subjectivity in making the decision.

Encroaching Branches and/or Roots

If a branch or root from a neighbouring property encroaches on your land, you are entitled to cut and remove the offending branch or root at any point up to the boundary of your property.

It is courteous to discuss this matter with your neighbour; however the law does not require that you do so. You should ask your neighbour if they want to keep the pruned branches and if they don't you may dispose of them. Care must be taken when pruning or returning the pruned branches as you may be liable for any damage you cause.

Dangerous Trees

If you consider a tree in a neighbouring property is dangerous, you should first discuss this with your neighbour. The best way to resolve a problem with a dangerous tree is to talk it over with your neighbour and decide together what to do about it.

You will be required to demonstrate reasonable negotiation has taken place with your neighbour, and that no agreement can be reached before the Town of Bassendean will become involved.

If you cannot reach a suitable resolution with your neighbour you may request in writing, that the Town becomes involved under Section 3.25 of the Local Government Act. The tree will be inspected by a Council Officer and where there is no obvious evidence of the tree being dangerous, you will be required to include a report from a suitably qualified and experienced person, such as an arboriculturalist, declaring that the tree is dangerous.

Legal Advice

Many disputes with regards neighbouring trees are issues of trespass or common law nuisance. In these instances, if negotiation with your neighbour does not resolve the problem, you may choose to seek legal advice or phone the Citizens Advice Bureau of WA on 9274 3000.