

Questions from Mr Vincent De Luca

Subject: Trees – Neighbour Disputes - NSW Law Reform Commission – Report 88 – Neighbour and Neighbour Relations

Meeting Date: 26 October 2004

Question: Did Council make a submission about this report and if so could I please be provided with a copy?

Response: The Director Customer and Community Services advised the meeting that no submission to the report has been identified.

Question: Has Council considered the precedents established in *TIMBS v SHOALHAVEN CITY COUNCIL* [2004] NSWCA 81 with regard to Council's liability as to damage caused to people and properties by trees / bushes on public land?

Response: The Director Customer and Community Services advised that Council is aware of the decision; processes have been reviewed as a result of the precedent established and Council is confident that it is complying with the intent of that decision.

Question: What is Council's policy regarding the planting and maintenance of trees/bushes etc on public land? Are adjoining or affected residents informed of such planting and given an opportunity to object before Council allows planting of trees/bushes etc on public land such as parks, reserves, nature strips etc.?

Response:

The Director Customer and Community Services informed the meeting that Council does consult with residents before proceeding with street tree planting, and that if a significant number of objections are raised planting in the area will not proceed.

The Administrator advised that a strategic approach is required for street tree planting and that Council is working towards a street tree master plan. He informed the meeting that residents and stakeholders would be instrumental in the process of developing a strategic plan; a public forum and local seminars are two avenues of consultation that will be undertaken to involve local residents and gauge community opinion towards the issue.