



CPD COURSES

Newcastle

Sales & Prop Mgmt
Wed 22nd Jan

Castle Hill

Sales or Prop Mgmt
Thu 6th Feb

Sydney

Sales or Prop Mgmt
Mon 10th Feb

Bathurst

Stock & Station or
Sales & Prop Mgmt
Tue 11th Feb

Ballina

Sales or Prop Mgmt
Mon 17th Feb

Tweed Heads

Strata or
Sales & Prop Mgmt
Tue 18th Feb

Blue Mountains

Sales & Prop Mgmt
Wed 19th Feb

Northern Beaches

Sales & Prop Mgmt
Tue 25th Feb

Branching Out ... disputes about trees

Sydney's recent spate of wild weather has turned its usually quiet leafy suburbs into a battleground. Neighbours are waging war across their fences over that enduring suburban problem; falling branches and dangerous trees.

We have had several calls in the past month regarding this issue following severe storm activity. In particular, one question kept emerging: if a tree or branch falls from a neighbour's property and damages your property, who is responsible? The neighbour, or you? This question becomes particularly pertinent when the insurers become involved and also when landlords are asking their property managers to "deal with it".

For answers, we turn to the aptly named Trees (Disputes Between Neighbours) Act 2006 (NSW), called the 'Trees Act'. It allows applications to be made to the Land and Environment Court for orders concerning a neighbour's tree or trees that cause or are likely to cause harm to people or property.

Under the Act, the Court can make a range of orders to stop, prevent or remedy the harm to property. If your neighbour fails to comply with an order, they may face further proceedings and a fine of up to \$5,500 (Trees Act, section 15). In addition, the local council can carry out the work required in the order and recover the costs together with an administrative fee (section 17).

Under Part 2 of the Trees Act, a landowner or occupier can apply to the Court for an order to remedy, restrain or prevent damage to property or injury to any person that is caused or is likely to be caused by a tree on adjoining land (section 7). So, it is possible to take pre-emptive action to stop your neighbours big dead tree from collapsing on your house.



Strata Management Practices

for existing Real Estate, Stock & Station and
Business Broking Licensees

Tuesday 18th to Friday 21st March at Sydney CBD.
Ring 1300 88 48 10 to book!

**CPD
2 HOUR
BREAKFAST
SEMINARS**

Full 12 points!!

Parramatta
Sales/Prop Mgmt
Tue 21st Jan

Sydney
Sales/Prop Mgmt
Wed 29th Jan

Castle Hill
Sales/Prop Mgmt
Wed 29th Jan

Penrith
Sales/Prop Mgmt
Mon 3rd Feb

Bankstown
Sales/Prop Mgmt
Wed 5th Feb

Sydney
Business Broking
Fri 7th Feb

Liverpool
Sales/Prop Mgmt
Wed 12th Feb

Sydney
Evening Course
Sales/Prop Mgmt
Tue 25th Feb

Gosford
Sales/Prop Mgmt
Thu 27th Feb

The types of orders the Court can make under Part 2 (section 9) include an order:

- to remedy damage to property
- to restrain or prevent damage or (further damage) to property
- to prevent injury to any person
- authorising the applicant to take specific action to remedy, restrain or prevent damage or injury
- authorising entry onto land for the purpose of carrying out an order
- for the payment of costs associated with the carrying out of an order
- for compensation for damage to property
- requiring that a tree be replaced.

Some examples are for orders to:

- remove a tree, grind or poison its stump and remove offending roots
- prune overhanging tree limbs
- pay for roofing work and replacement of tiles damaged by fallen tree limbs
- pay for repair/replacement costs for sewer pipes, cracked walls or paths badly damaged by tree roots

Importantly, under section 10, the Court cannot make an order under Part 2 unless it is satisfied that the applicant has made a reasonable effort to reach agreement with the other party. This means the first step is always to resolve the issue by talking to your neighbour. If needed, free mediation sessions can be run by Community Justice Centres.

The Court must also be satisfied that:

- the applicant gave the proper notice (21 days) of the application to the other party
- the tree concerned has caused, is causing, or is likely, in the near future (that is, in the next 12 months) to cause damage to the applicant's property, or
- the tree concerned is likely to cause injury to any person.



CERTIFICATE OF REGISTRATION COURSES

Gosford

(Dist Ed + 1 day workshop)

Tue 21st Jan

Castle Hill

Mon 3rd – Wed 5th Feb

Bathurst

(Dist Ed + 1 day workshop)

Mon 10th Feb

Sydney

Mon 17th – Wed 19th Feb

Newcastle

(Dist Ed + 1 day workshop)

Fri 28th Feb

Port Macquarie

(Dist Ed + 1 day workshop)

Tue 4th Mar

Parramatta

Mon 10th – Wed 12th Mar

FINANCE AND MORTGAGE BROKING COURSES

Cert IV in Finance & Mortgage Broking Sydney

Mon 3rd - Wed 5th Mar

Dip of Finance & Mort Broking Mgmt

Upgrade for existing Cert IV holders

Sydney

Thu 6th - Fri 7th Mar

How does this affect the landlord?

The landlord is responsible for ensuring the premises are maintained and in a reasonable state of repair. Serious storm damage, or other damage that makes the premises unsafe or not secure are urgent repairs. Such repairs should be done as soon as possible. If the offending tree is positioned in the landlord's property they should effect immediate repair and/or maintenance.

Gardens (e.g. weeds) are the responsibility of the tenants NOT the trimming of trees, so a landlord should ensure any trees on their properties are maintained and not causing damage or safety concerns to the tenant. Should an offending tree be that of a neighboring property, the property manager should make the landlord aware of any possible damage or injury so the landlord can take action as set out above, under the Trees Act where necessary.

Til next time,

Wishing you every success in your business ventures,

Rosy Sullivan

News from the Office

Welcome back to work and to a fantastic 2014! The College staff has all returned from the Christmas/New Year break invigorated and energetic – which is fortunate as we have hit the ground running since returning on 6th January. We have all had a lovely Christmas, spending time with our families and friends and especially, for some of us, our little grandchildren.

At the end of December, we farewelled Kelly who has taken up a new position utilising her extensive administration skills in a more senior role. We wish Kelly all the best in her new role and now we will only experience her wicked sense of humour at social occasions.

We would like to welcome a new member of staff, Lyndal, who brings a wealth of administration experience to the college from both the public and the private sector. Please take the time to say hello to Lyndal when you are next in the College.



Social Media



Is it Time You Upgraded to Your Licence?

ACoP runs a Fast Track program which, in conjunction with Recognition of Prior Learning (RPL) assessment, will enable you to complete your Real Estate Licence qualification in 5 days with take home assessments.

We will also assist you with completion and submission of your licence application to NSW Fair Trading free of charge.

Free Assessment

Send us your resume & copies of any qualification transcripts you may have for a free and confidential preliminary RPL assessment.



**Australian College
of Professionals**

The College trainers will be conducting Certificate of Registration and CPD courses in city and country areas of NSW in 2014.

Ring 1300 88 48 10 to book

or

visit our website - www.acop.edu.au

Customised and in-house CPD courses are available.
We come to you!

Real Estate, Strata, Business Broking,
On-site Residential or Stock & Station.

In Sydney, courses are run at Bankstown, Castle Hill, the CBD at St Andrew's House, Hurstville, Liverpool, Northern Beaches and Parramatta.

