

## **Making a Claim Against the Council for alleged tree related damage**

Roots or branches from Council trees can occasionally cause damage to private property. However, Council's ownership of the tree does not create an automatic liability in the event of a tree causing damage. There must be some demonstrated act or omission of negligence by Council.

For Council to consider a claim for tree damage, the claimant is required to put the claim in writing. The correspondence must include the claimant's details – name, address, email & phone contact, and as much detail as possible about the situation, such as:

- Date / Time of damage
- Circumstances
- Conditions (eg. weather, traffic, other)
- The address where the tree is located. Provide street name, house number, and suburb and the trees position in relation to the address (ie. in council reserve adjacent or verge planting in front of property)
- Photos of the hazard or incident the claimant believes has caused the loss and photos of any items allegedly damaged
- Quotation for works or invoice of costs
- An explanation of why the claimant believes Council is responsible for the alleged damage
- Details of what the claimant is seeking – eg, repair/remediation, reimbursement, other

Council may request the claimant to provide further evidence, such as:

- Expert plumber's report including qualifications of the plumber
- Expert arborist report including the qualifications of the arborist
- Expert engineer's report including qualifications of the engineer
- Survey reports/diagrams
- Witness details and/or statements

The above should be forwarded to:

Post:                   The Legal Officer  
                              Queanbeyan-Palerang Regional Council  
                              PO Box 90 Queanbeyan NSW 2620  
E-mail:                [Council@qprc.nsw.gov.au](mailto:Council@qprc.nsw.gov.au)

Council will investigate the claim and any evidence presented then make a determination whether to accept or deny the claim. If Council believes it has not been negligent, it reserves its right to deny the claim in line with the provisions of the NSW Civil Liability Act 2002.

Where a tree or part of a tree has fallen or caused damage during extreme weather conditions, this is considered out of Council's control and any claim made under these circumstances will be denied as damage caused by weather does not constitute negligence by the Council.

If a claim relates to a site or a project managed by a Council contractor, the claim may be referred to the Contractor for consideration / determination.

Please note that under no circumstances should Council trees be pruned or removed by residents. Penalties apply.