

Tree branch root of fallout

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A MAN was left with anxiety and psychiatric problems after a branch from a neighbour's gum tree fell on his clothesline.

Peter and Karen Taylor, from Yarrowarrah in Sydney's south, told the Land and Environment Court they now lived in fear after the limb came down in their garden during high winds on August

17 last year. They have asked for the tree to be removed to prevent future incidences.

Their neighbours, Michael and Judith Guttenberg, said the tree fall was "an act of God" and if the tree were to be cut down they would be left with "decaying roots" that would put their property at risk of a landslide.

Last month, the court ordered Mr and Mrs Guttenberg to pay their neighbours \$685 to cover the cost of replacing

the clothesline and other damages. They will also have to get an arborist to remove the branch, which hangs over the Taylors' home, within 30 days.

David Gawley, acting commissioner of the court, said "while I appreciate it is often inevitable that parties want to vent their (personal) frustrations in ongoing neighbourly disputes, these were generally not relevant (in court)".

"The (Guttenberg) tree has

caused damage to the (Taylor) property," he said.

"Compensation will be ordered for the expenses incurred in cleaning up the fallen limb and replacing their clothesline. Although (the Taylors) have applied for removal of the tree, orders requiring less severe interference can deal with the risk of future damage or injury, while preserving a tree of value."

But Mr Taylor and his wife say it's not enough — and

they "live in fear" that more branches will fall.

"The day it happened, I had been standing at the clothesline half an hour earlier," Mrs Taylor said yesterday.

"If I had been standing there when it had fallen, I would be dead. It's not right because you're supposed to feel safe in your own home."

The court heard Mr Taylor had suffered a "relapse" of a depressive disorder.

"No one can guarantee it

won't happen again. The whole tree needs to be removed," he said.

But the Guttenbergs want the tree to stay to protect their home from the sun and said their neighbours had grown bamboo plants against the fence to try to block their view over the Royal National Park.

"The whole dispute hasn't been very nice," Mr Guttenberg said yesterday. "This area is full of trees and we believe that tree is secure."