

AUSTRALIA / JUDGMENT

Williams v Liu

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Land and Environment Court New South Wales Medium Neutral Citation: Williams v Liu [2026]
NSWLEC 1584 Hearing dates: 3 September 2026 Date of orders: 3 September 2026 Decision date:
03 September 2026 Jurisdiction: Class 2 Before: Galwey AC Decision: The Court orders:

- (1) The application is granted to the extent of the following orders.
- (2) In May and November each year, beginning November 2026, the Respondents are to engage suitably experienced and insured arborists or landscape contractors to prune the cypress hedges around their back garden so that:
 - (a) no branches or foliage of trees in the northern hedge (being the 24 taller trees from the eastern end of the common boundary to the back of the Respondents' dwelling) and the eastern hedge are above the line of the top of the second brick above the top of the brick sill of the Respondents' east facing window (see Annexure A);
 - (b) no branches or foliage of trees in the southern hedge are above the line of the bottom of the brick sill of the Respondents' east facing window (see Annexure A).
- (3) The works in Order (2) are to be done in accordance with the SafeWork NSW (2026) 'Tree works' Code of Practice.
- (4) The Respondents are to give the Applicants at least 2 days notice of each occurrence of the works in Order (2).
- (5) The Applicants are to allow any access required to their property during reasonable hours of the day for the purpose of carrying out each occurrence of the works in Order (2).

Catchwords: TREES (DISPUTES BETWEEN NEIGHBOURS) — Pt 2A application — neighbouring hedges — Leyland cypress — obstruction of views — whether the obstruction is severe — nature of a previous agreement — impacts of pruning — balancing of interests — orders for pruning and maintenance Legislation Cited: Trees (Disputes Between Neighbours) Act 2006 (NSW), ss 14A, 14B, 14C, 14D, 14E, 14F Texts Cited: SafeWork NSW 'Tree works' Code of Practice (March 2026) Category: Principal judgment Parties: Coralie Anne Williams (First Applicant) Gregory Dale Wadley (Second Applicant) Wei Qi Liu (First Respondent) Hong Zhu (Second Respondent) Representation: Counsel: C Williams (Self-represented) (First Applicant) G Wadley (Self-represented) (Second Applicant) W Liu (Self-represented) (First Respondent) H Zhu (Self-represented) (Second Respondent) File Number(s): 2026/280009 Publication restriction: Nil

Judgment

This decision was given as an extemporaneous decision. It has been revised and edited prior to publication.

Background

COMMISSIONER: Coralie Williams and Gregory Wadley have applied to the Court pursuant to s 14B (Pt 2A) of the Trees (Disputes Between Neighbours) Act 2006 (NSW) (Trees Act) seeking orders for their neighbours, Wei Liu and Hong Zhu, to prune and maintain cypress hedges so as to restore Harbour views from their Cremorne Point dwelling. The on-site hearing allowed the Court to inspect the trees, both properties and all relevant issues. The application is made under Pt 2A of the Trees Act, which provides an opportunity for land owners to seek orders from the Court to remedy, restrain or prevent the obstruction of sunlight or views caused by neighbouring trees. The framework of Pt 2A also limits the circumstances in which orders may be made. The trees are planted so as to form hedges. The first restriction within Pt 2A of the Trees Act is found at s 14A(1). 14A Application of Part

- (1) This Part applies only to groups of 2 or more trees that—
 - (a) are planted (whether in the ground or otherwise) so as to form a hedge, and
 - (b) rise to a height of at least 2.5 metres (above existing ground level). The Respondents have Leyland cypress (*Cupressus × leylandii*) hedges around three side of their back garden. The trees are planted so as to form hedges and are approximately 4.5 metres tall. Part 2A of the Trees Act applies to the trees. Jurisdiction to make orders The orders that the Applicants seek to remedy and prevent a view obstruction are orders the Court can make at s 14D of the Trees Act. However, the Court is not required to make the orders they seek, but can make orders as it sees fit to remedy, restrain or prevent a severe obstruction of a view, having considered all relevant parts of the Trees Act. Reasonable effort to reach agreement and notice of the application Pursuant to s 14E(1) of the Trees Act, the Court must not make an order in these proceedings unless it is satisfied that the Applicants have made a reasonable effort to reach agreement with the Respondents and have given notice of the application in accordance with s 14C. The Applicants included in their application copies of correspondence showing their effort to reach agreement. I am satisfied that they have made a reasonable effort to reach agreement with the Respondents. The Applicants have also given notice of the application in accordance with s 14C of the Trees Act. Whether the trees severely obstruct a view The application relates to trees obstructing a view, not sunlight. Section 14E(2) of the Trees Act further restricts the circumstances in which the Court can make orders. 14E Matters of which Court must be satisfied before making an order
- (2) The Court must not make an order under this Part unless it is satisfied that—
 - (a) the trees concerned— (i)... (ii) are severely obstructing a view from a dwelling situated on the applicant's land, and

- (b) the severity and nature of the obstruction is such that the applicant's interest in having the obstruction removed, remedied or restrained outweighs any other matters that suggest the undesirability of disturbing or interfering with the trees by making an order under this Part. The hedges were last pruned in June 2025. The tops of the trees have grown sufficiently since then that they obstruct views of the Harbour in the southern outlook from the Applicants' property. The water views are of course highly valued by the Applicants, who purchased their property with the available water views in mind. The southern outlook is the principal outlook from their dwelling. The view is from their living room and balcony, both high-use areas. The trees are evergreen, forming dense walls of foliage year-round. Considering these factors, I find the trees severely obstruct the view from the Applicants' dwelling. Consideration of relevant matters Before determining the application, the Court is required to consider matters at s 14F of the Trees Act. The three hedges are located along the Respondents' boundaries around their back garden. The northern hedge is along the common boundary shared with the Applicants and is closest to the Applicants' dwelling. The tops of the northern and eastern hedges have grown recently to obstruct the Applicants' water views. The southern hedge does not obstruct a water view at present, but will obstruct the Applicants' water view if it is not pruned soon. The hedges are less than 5 metres tall so their maintenance would not ordinarily require consent from North Sydney Council. The Court is to consider various benefits of the trees. These hedges provide amenity and privacy for the Respondents' property. The trees are an exotic species with little environmental value. The history of a previous agreement is relevant here. The Applicants purchased their property only recently. After viewing the property in September 2025, they signed a contract on 5 November 2025 and, with the vendor's long settlement period, settled the contract on 5 February 2026. Mr Johnstone, the previous owner, had lived there for many years. Mr Johnstone provided the Applicants with the details of an agreement he had with the Respondents to maintain the Respondents' hedges. Mr Johnstone had arranged 6-monthly pruning of the hedges, engaged the contractor for pruning the hedges, determined the height of the hedges that would maintain his views and instructed the contractors accordingly, and shared the cost of the works 50/50 with the Respondents. Mr Johnstone last arranged hedge pruning in June 2025, missing the December pruning during the settlement period. The tops of the hedges have not been pruned since June 2025, causing them to grow into the Applicants water view. The Applicants want the trees reduced to what they say was their previous height, which would reduce their height by approximately 50 cm. Relying on the findings of Mark Kokot, an arborist engaged by the Respondents, the Respondents submit that this pruning would be excessive and would damage the trees, leaving dead bare branches at their tops. The Respondents want to continue sharing the cost of pruning works with their neighbours, but do not want the Applicants to be in control of the works as Mr Johnstone was. Reducing the hedges' height by 50 cm would adversely affect the trees and leave their upper surface bare and unattractive, at least for a while. Mr Kokot's report says as much, and I do not disagree with him. However, the Applicants submit this could have been avoided if the Respondents had pruned the hedges when first asked. The Court's role, pursuant to s 14E(2)(b) of the Trees Act, is to weigh in the balance the Applicants' interests

with any reasons to avoid interfering with the trees. The Trees Act does not create a right to a view but, importantly here, the Applicants bought their property with the available water view at that time being a key feature. The view can, I think, be restored by reducing the hedges' heights, but less significantly than the Applicants propose. Reducing the northern and eastern hedges by approximately 30 cm should restore their view. Maintaining the southern hedge at its current height will prevent it obstructing their view. To minimise the potential for future disagreement about tree heights, specific points on the Respondents' dwelling will provide reference for pruning heights. Pruning to the heights ordered below will minimise impacts to the trees, but will require frequent maintenance (every 6 months) to prevent a view obstruction between pruning events. The previous agreement between neighbours no longer exists here. There is no reason for the Applicants to pay for maintenance of hedges that are the Respondents' property. The Respondents will pay for the works ordered below, as is usual in these proceedings.

Orders

The Court orders: The application is granted to the extent of the following orders. In May and November each year, beginning November 2026, the Respondents are to engage suitably experienced and insured arborists or landscape contractors to prune the cypress hedges around their back garden so that: no branches or foliage of trees in the northern hedge (being the 24 taller trees from the eastern end of the common boundary to the back of the Respondents' dwelling) and the eastern hedge are above the line of the top of the second brick above the top of the brick sill of the Respondents' east facing window (see Annexure A); no branches or foliage of trees in the southern hedge are above the line of the bottom of the brick sill of the Respondents' east facing window (see Annexure A). The works in Order (2) are to be done in accordance with the SafeWork NSW (2026) 'Tree works' Code of Practice. The Respondents are to give the Applicants at least 2 days notice of each occurrence of the works in Order (2). The Applicants are to allow any access required to their property during reasonable hours of the day for the purpose of carrying out each occurrence of the works in Order (2). D Galwey Acting Commissioner of the Court 280009.26 Annexure A

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