Form 3

NOTICE FOR REMOVAL OF PARTICULAR OVERHANGING BRANCHES

Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 – Chapter 3 Part 4

THIS NOTICE ONLY APPLIES TO BRANCHES THAT EXTEND AT LEAST 50CM FROM THE COMMON BOUNDARY AND THAT ARE 2.5M OR LESS ABOVE THE GROUND

To:

Address:

Please take notice that I am asking you (the tree-keeper) to cut and remove the overhanging branches of the tree situated on your land at:

(Insert description of land e.g. street address, lot number or other identifying particulars)

which overhang my land at:

(Insert description of land e.g. street address, lot number or other identifying particulars)

Please carry out this work on or before the:

(Date must be at least 30 days after day this notice is given to the tree-keeper)

Location of the tree:

(Describe location of tree on the tree-keeper's land)

Description of tree:

(Describe the tree – this does not have to be a botanical description)

I propose that the work on the tree be carried out to the common boundary line of the adjoining lands described above.

The following documents are attached to this notice in accordance with the requirements of Chapter 3 Part 4 s57(3)(d) of the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*:

1. A copy of one (1) written quotation which states that the estimated cost of work on the tree is: $

(The tree-keeper may obtain an independent quote, do the work themselves, or hire a contractor of their choice).

2. A copy of Chapter 3 Part 4 of the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*.

If you agree to cut and remove the overhanging branches, please complete the attached 'Response to Notice for Removal of Particular Overhanging Branches' and return a signed copy to me **at least one (1) day** before anyone enters my land to cut and remove the branches.

The 'Response to Notice for Removal of Particular Overhanging Branches' must state the name of the person who will cut and remove the overhanging branches and the day on which the work will be carried out.

I/We give permission to you or your contractor to enter my land to cut and remove the overhanging branches on the day and time advised by you in your 'Response to Notice for Removal of Particular Overhanging Branches'.

If you do not agree to cut and remove the overhanging branches within the time specified above, then section 58 of the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011* provides that I may cut and remove the overhanging branches, or arrange for someone else to cut and remove the overhanging branches and recover a maximum of $300.00 per annum as a debt for reasonable expenses incurred by me in cutting and removing the overhanging branches (this does not include the cost of my/our labour).

Name:

Address:

Signature/s:

Date:

Notes:
Section 56(1) of the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011* (the Act) encourages tree-keepers and neighbours to resolve tree issues informally.

Section 57(1) applies only if the branch extends to a point over the neighbour's land that is more than 50cm from the common boundary and only to the extent the branch is 2.5m or less above the ground.

Section 57(3)(b) of the Act requires that the neighbour must ask the tree-keeper to give a written notice no later than the day before anyone enters the neighbour's land to cut and remove the branches that states the person who will cut and remove the overhanging branches and the date and time when the work will be carried out. The work must be carried out at a time at least 30 days after the date the notice is given and between the hours of 8.00am and 5.00pm or as otherwise agreed.

Section 57(3)(c) of the Act requires that the neighbour must give permission to the tree-keeper or the tree-keeper's contractor to enter the neighbour's land on the day advised to cut and remove the overhanging branches.

It is the neighbour's responsibility to consider public liability insurance before giving a person permission to enter the neighbour's land.

It is the tree-keeper's responsibility to consider contractor's insurance before engaging a contractor to carry out work on a tree.

A copy of the Act may be accessed at www.legislation.qld.gov.au.

PLEASE KEEP A COPY OF THIS NOTICE FOR YOUR RECORDS AND MAKE A NOTE OF THE DATE THIS NOTICE WAS GIVEN TO YOUR NEIGHBOUR.

RESPONSE TO NOTICE FOR REMOVAL OF PARTICULAR OVERHANGING BRANCHES

I/We hereby agree to the your proposal contained in the 'Notice for Removal of Particular Overhanging Branches' dated:

and given to me/us on the:

by:

of:

The name of the person/contractor who will cut and remove the overhanging branches is:

Name:

Address:

The work on the tree will be carried out on the / / at am/pm.

Name:

Address:

Signature/s:

Date:

PLEASE KEEP A COPY OF THIS NOTICE FOR YOUR RECORDS AND MAKE A NOTE OF THE DATE THIS AGREEMENT WAS GIVEN TO YOUR NEIGHBOUR.