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# BRANCH REMOVAL NOTICE

*Neighbourhood Disputes About Plants Act 2017 – Section 20*

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

**To be completed by affected landholder**

To:

Addresses:

Please take notice that I am asking you (the plant owner) to cut and remove the overhanging branches of the plant 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 plant owner)

Location of the plant:

Description of plant:

(Describe location of plant on the plant owner's land)
(Describe the plant – this does not have to be a botanical description)

The following documents are attached to this notice in accordance with the requirement of Part 3 of the *Neighbourhood Disputes About Plants Act 2017*:

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

\$ <input type="text"/>
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Note that a written quotation is not required if both parties agree that payment for the work is not required to be made to another person.

2. A copy of Part 3 of the *Neighbourhood Disputes About Plants Act 2017*.

If you **agree to cut and remove the overhanging branches**, please complete the attached 'Response to Branch Removal Notice' and return a signed copy to me **at least 24 hours** before anyone enters my land to cut and remove the branches.

The 'Response to Branch Removal Notice' must state the name of the person who will cut and remove the overhanging branches on the day and time advised by you in your 'Response to Branch Removal Notice'.

I/we give permission to you/your representative/your qualified contractor to enter my land to cut and remove the overhanging branches between the hours of 8am and 5pm on the day advised by you in your 'Response to Branch Removal Notice'.

Name:

Address:

Signature/s:

Date:

If you **do not agree to cut and remove the overhanging branches** within the time specified above, then section 21 of the *Neighbourhood Disputes About Plants Act 2017* provides that I may cut and remove the overhanging branches and recover from you the prescribed amount as a debt for reasonable expenses incurred by me in cutting and removing the overhanging branches.

Section 19 of the Neighbourhood Disputes About Plants Act 2017 (the Act) encourages plant-owners and neighbours to resolve plant issues informally.

Section 20(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 20(2) of the Act requires that a branch removal notice from an affected landholder to an owner of other land on which a plant with overhanging branches is situated must specify a day by which the owner is required to remove the branches and give the owner and person acting on their behalf permission to enter the affected land between 8.00 am and 5.00 pm on the day specified in the notice given by the plant owner.

Section 20(8) provides that permission given under a branch removal notice for a person to do work, does not give permission to a person who is not suitably qualified to carry out work on land, unless the affected landholder agrees.

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

It is the land owner's responsibility to consider contractor's insurance before engaging a contractor to carry out work on a plant.

Inquiries should be made with local council or other relevant authority to determine whether work can lawfully be carried out on a plant before arranging for the work to be done. Work may not be carried out on a plant if, under another Act it is unlawful to carry out that work or where consent or authorisation is required under another law before the work may be carried out.

A copy of the Act may be accessed at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au).

**PLEASE KEEP A COPY OF THIS NOTICE FOR YOUR RECORDS AND MAKE A NOTE OF THE DATE THIS NOTICE WAS GIVEN TO THE PLANT OWNER**

# RESPONSE TO BRANCH REMOVAL NOTICE

Neighbourhood Disputes About Plants Act 2017 – Section 20

To be completed by plant owner (owner of the land on which the plant is situated)

I/We hereby agree your proposal contained in the 'Branch Removal Notice'  
dated:

and given to me/us on the:

by:

of:

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

Name:

Address:

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

Name:

Address:

Signature/s:

Date:

Section 20(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 20(2) of the Act requires that a branch removal notice from an affected landholder to an owner of other land on which a plant with overhanging branches is situated must specify a day by which the owner is required to remove the branches and give the owner and person acting on their behalf permission to enter the affected land between 8.00 am and 5.00 pm on the day specified in the notice given by the plant owner.

Section 20(8) provides that permission given under a branch removal notice for a person to do work, does not give permission to a person who is not suitably qualified to carry out work on land, unless the affected landholder agrees.

It is the land owner's responsibility to consider public liability insurance before giving a person permission to enter the affected landholder's land. It is the land owner's responsibility to consider contractor's insurance before engaging a contractor to carry out work on a plant.

Inquiries should be made with local council or other relevant authority to determine whether work can lawfully be carried out on a plant before arranging for the work to be done. Work may not be carried out on a plant if, under another Act it is unlawful to carry out that work or where consent or authorisation is required under another law before the work may be carried out.

A copy of the Act may be accessed at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au)

**PLEASE KEEP A COPY OF THIS NOTICE FOR YOUR RECORDS AND MAKE A NOTE OF THE DATE THIS NOTICE WAS GIVEN TO THE AFFECTED LANDHOLDER**