

TREE DISPUTE APPLICATION

Tree dispute information (including the Practice Note – Class 2 Tree Applications) is available on the Court's website at www.lec.nsw.gov.au or at the Court registry.

COURT DETAILS	
Court	Land and Environment Court of New South Wales
Class	2
Case number [The Court will complete this]	
APPLICANT'S DETAILS	
Full name	
Residential address	
Postal address	
Telephone	
Email	
IF THE APPLICANT IS REPRESENTED BY A LEGAL REPRESENTATIVE, AGENT OR AUTHORISED OFFICER: [The representative will also need to complete the section entitled "Further Details about Applicant's Representative".]	
#Legal representative	
#Authorised agent name	
#Authorised officer name	
#Contact name and telephone	
Contact email	
DETAILS OF THE PROPERTY WHERE TREES ARE LOCATED	
Property address	
Lot & Deposited Plan Number	
Local council	
Zoning of property [state name of zone and environmental planning instrument under which property is zoned]	
(Respondent) Full name of all owner/s of the property	1. 2.
Property owners' address [state address or write "same as above"]	
Property owners' telephone	
Property owners' email	

#Occupier's name (Respondent) [Complete if property owner does not live at the address where tree is located.]	
#Occupier's telephone	

DETAILS OF TIME AND PLACE OF FIRST COURT ATTENDANCE

The parties should attend the Court at the time and place specified below.
[The Court will complete these details.]

Time	
Place	

NOTICE TO THE PROPERTY OWNER, OCCUPIER (if not the owner) ("Respondents"), COUNCIL (if it wishes to take part) AND HERITAGE COUNCIL (if applicable)

If there is no attendance by you at the first court attendance, orders may be made in your absence.

THE ORDERS THE APPLICANT IS ASKING THE COURT TO MAKE:

[The only orders the Court can make are those permitted by s 9 or s 14D of the Trees (Disputes Between Neighbours) Act 2006]

Proposed orders for Part 2: Applications – Damage to Property or Risk of Injury
(Attach separate sheets if more than 3 orders are sought)

1.
.....
2.
.....
3.
.....

Proposed orders for Part 2A: Applications – High Hedges
(Attach separate sheets if more than 3 orders are sought)

1.
.....
2.
.....
3.
.....

FILING OF APPLICATIONS

How many copies of the application are required?

When lodging your application at the Court you must provide sufficient copies for each of the parties (including a copy for the local council). A copy will be needed for the Heritage Council if the tree is heritage listed. The table below will enable you to work out how many copies of the application and supporting documents you must provide:

	Number of copies
If the owner of the tree property is also its occupier	Original + 3
If the owner of the tree property is not its occupier	Original + 4
If the tree is heritage listed	1 copy in addition to the relevant number above

COURT FILING FEES

There is a court filing fee payable for each application. The appropriate filing fee must be paid at the time of lodging the application. Current filing fees can be found on the Court's website <https://www.lec.nsw.gov.au/lec/forms-and-fees/fees/schedule-of-court-fees.html> Applications to waive filing fees may be made to the Registrar on the fee waiver form which is also available on the Court's website.

SERVICE OF APPLICATIONS

Giving copies of the application to other parties

After you lodge this application with the Court, you are required to give a copy of this form and all supporting documents to:

- The owner of the property (respondent)
- The occupier of the property (if not the owner) (respondent)
- The local council, and
- The Heritage Council (if the tree or property on which the tree is located is heritage listed)

These copies must be given to each of the above by 5pm on
[date will be completed by the Court]

Notes on the requirements for service of documents are available on the Court's website www.lec.nsw.gov.au (in the Self Help pages for Persons without a Legal Background) through the link to Service of Documents - A guide for Self-Represented Litigants.

#FURTHER DETAILS ABOUT APPLICANT'S REPRESENTATIVE

[to be completed only if the applicant is represented by a legal representative, agent or authorised officer]

#Legal representative for applicant

Name	[name of solicitor on record]		
Practising certificate number			
Firm	[name of firm]		
#Contact solicitor	[include name of contact solicitor if different to solicitor on record]		
Address	#[unit/level number]		#[building name]
	[street number]	[street name]	[street type]
	[suburb/city]	[state/territory]	[postcode]
DX address			
Telephone			
Fax			
Email			

Agent* or authorised officer for applicant (to be completed only if the applicant is represented by an agent or if the applicant is a company, is acting through an authorised officer)

Name of agent* or authorised officer	
Capacity to act for applicant	
Address [The filing party must give an address for service. This must be a street address in NSW containing the unit number, street number, street name, suburb and postcode unless the exceptions listed in UCPR 4.5(3) apply. State "as above" if the filing party's address for service is the same as the filing party's address on page 1 of the application.]	
Telephone	
Fax	
Email	

***If represented by an agent, a letter from the applicant is required which gives the agent authority to act on behalf of the applicant.**

CHECKLIST OF FORMS

THE FOLLOWING FORMS ARE ATTACHED TO AND ARE PART OF THIS APPLICATION [please put X in each relevant box]

PART 2: APPLICATIONS – DAMAGE TO PROPERTY or INJURY TO A PERSON

Claim Details (Damage to property or injury to a person) – s 7 of the Act

PART 2A: APPLICATIONS – HIGH HEDGES

Claim Details (High hedges) – s 14B of the Act

Note: You may attach supplementary sheets and you must include a copy of any documents you have which are relevant to your answers in this application.

NOTE TO PERSONS SERVED WITH THIS APPLICATION ("RESPONDENTS") AND WISHING TO TAKE PART IN THE HEARING OF THIS APPLICATION

You must complete the attached Appearance form and lodge it with the Court. You must also provide a copy to the applicant, the local council and any other person named as an owner or occupier of the property where the tree is located.

APPEARANCE

[to be left blank for completion by each respondent (property owner or occupier)]

COURT DETAILS	
Court	Land and Environment Court of NSW
Division	Class 2
Case number	
TITLE OF PROCEEDINGS	
Applicant	
Respondent	
FILING DETAILS	
Filed for	Respondent
Contact name and telephone	
Contact email	
APPEARANCE	
The respondent appears.	

SIGNATURE	
Signature of or on behalf of party if not legally represented	
Capacity	
Date of signature	

Note for the respondent: Detach this page and the following page, complete both pages and send to the Court with copies to the applicant, each of the property owners, occupiers and to the local Council.

[on separate page]

DETAILS ABOUT FILING PARTY

First Respondent details

Name	
------	--

Address [The filing party must give the party's address.]	
--	--

Second Respondent details (if applicable)
--

Name	
------	--

Address [The filing party must give the party's address.]	
--	--

#Legal representative or agent* for respondent

Name	
------	--

Firm	
------	--

Address	
---------	--

DX address	
------------	--

Telephone	
-----------	--

Fax	
-----	--

Email	
-------	--

***If represented by an agent, a letter from the respondent is required which gives the agent authority to act on behalf of the respondent.**