

## DECISION

**Case number:** NDR052-13  
**Applicant:** Matthew Wade Fitzgerald  
**Respondent:** Lesley Beath  
  
**Before:** Member Allen  
**Date:** 12 May 2014  
**Proceeding Type:** Directions Hearing

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The parties have agreed to the works necessary to resolve this dispute in accordance with their agreement.

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The Application for a tree dispute is dismissed.

Signed

**Member Allen**  
**Queensland Civil and Administrative Tribunal**

## AGREEMENT

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### THE PARTIES AGREE THAT:

The registered owner of the lot at 15 Killarney Ave MANLY WEST QLD 4179 ("the Tree-Keeper") arrange to have the following works carried out on the tree/s the subject of the dispute ("the Works"):

1.
  - a. **Tree 1** (*Corymbia maculata* commonly known as a Spotted Gum) to resolve the issue of tree branches overhanging the applicant's property reduce the branch length by removing the branch at the growth point at mid branch extension to resolve;
  - b. **Trees 3 to 6** (all *Melaleuca* sp. commonly known as Paperbarks) to be pruned to the most suitable growth points at around the boundary line so as to rectify damage caused by previous incorrect pruning;
  - c. and **Tree 7** (*Acmena* sp. commonly known as a Lillpilly) a reduction of no more than 50% of the existing canopy overhanging the applicant's property should be performed (pruning to be performed to natural branch junctions and should not result in any stubs) (the initial works)
2. The initial works are to be completed within 60 days of the date of this agreement.
3. Future maintenance is to be performed by the tree keeper to maintain the trees at their spread after the initial pruning at two (2) yearly intervals as regrowth develops (the subsequent works).
4.
  - a. All works are to be performed in compliance with the requirements of *Australian Standards 4373-2007 "Pruning of amenity of trees."*
  - b. Climbing spurs/climbing gaffs/climbing irons shall not be used during the works.
  - c. All works shall be performed by a minimum Australian Qualifications Framework (AQF) level three (3) qualified Arborist under supervision by a level 5 Arborist.
  - d. The attending Arborist/company shall provide proof of current public Liability.

#### For more information on QCAT:

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- e. Work Cover insurances prior to works onsite. All tree debris to be removed from the applicant's/tree keeper's property after the recommended pruning is performed.

Signed

**Member Allen**  
**Queensland Civil and Administrative Tribunal**