

DECISION

Case Number: NDR005-11

First Applicant: Kerri Sugars
Second Applicant: Ray Sugars

Respondent: Hazel Clarkson

Before: Kerrie O'Callaghan, Senior Member
Date: 27 March 2012

IT IS THE DECISION OF THE TRIBUNAL THAT, BY CONSENT:

1. An Australian Qualifications Framework level 3 qualified and appropriately insured arborist ("the Contractor") be engaged by the Respondent tree-keeper to carry out the following work on the tree the subject of the application ("the Works"):
 - (a) The complete removal of the lowest northern lateral limb that extends over the Applicants' property to its main trunk junction;
 - (b) The larger timber sections shall be placed within the Respondent tree-keeper's property and the smaller limbs and brush be removed by the contractor;
 - (c) The reduction/removal of smaller horizontal lateral limbs of the remaining canopy of the tree that extends over the Applicants' property after the removal of the lowest northern lateral limb;
 - (d) The removal of all the accessible deadwoods greater than 25mm in diameter throughout the remaining canopy of the trees;
 - (e) Climbing spurs / climbing irons shall not be used during the works.
2. The Applicants and Respondent tree-keeper will each obtain written quotations for the carrying out of the Works and will agree on the Contractor.
3. The Respondent tree-keeper will carry out ongoing maintenance to control regrowth of the canopy of the tree over the Applicants' property.

4. The Applicants and Respondent tree-keeper will each bear 50% of the costs of the Contractor and the application fee subject to a maximum contribution of \$1000.00 by the Respondent tree-keeper.

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The Works are to be completed by **18 May 2012**.
2. The Directions Hearing listed for 3 April 2012 is vacated.

Kerrie O'Callaghan
Senior Member
Queensland Civil and Administrative Tribunal

Date: 27 March 2012