

## DECISION

**Case Number:** NDR175-16  
**Applicant:** Julian Matthew Pollicina  
**Respondent:** Jestbourne Pty Ltd  
**Before:** A/Senior Member Allen  
**Date:** 24 July 2017  
**Initiating Document:** Proposed agreement

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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

A/Senior Member Allen  
**Queensland Civil and Administrative Tribunal**

## AGREEMENT

**Case Number:** NDR175-16  
**Applicant:** Julian Matthew Pollicina  
**Respondent:** Jestbourne Pty Ltd  
**Before:** A/Senior Member Allen  
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### THE PARTIES AGREE THAT:


1. The following definitions apply to this proposed agreement:
  - (a) "the neighbour" – Julian Matthew Pollicina
  - (b) "the tree keeper" – Jestbourne Pty Ltd
  - (c) "the neighbours property" – 207 Lillian Avenue, Salisbury QLD 4107
  - (d) "the tree keeper's property" – 205 Lillian Avenue, Salisbury QLD 4107
  - (e) "the trees" – Tipuana tipu, Cinnamomum camphora, Tipuana tipu and 10x Syagrus romanzoffiana.
2. The tree works are the complete removal of:
  - (a) Tipuana tipu;
  - (b) Cinnamomum camphora;
  - (c) Tipuana tipu; and
  - (d) 10x Syagrus romanzoffiana.
3. The neighbour and the tree keeper will each obtain one (1) quote from a suitably qualified contractor to perform the works and exchange such quotes within fourteen (14) days from the date of this agreement.
4. The neighbour and the tree keeper will agree upon a suitably qualified contractor to perform the recommended works within seven (7) days of the exchange of quotes as referred to in (3).
5. In the absence of agreement between the parties in accordance with (4), the contractor who provided the lower of the quotes will be engaged by the tree keeper to undertake the works.
6. The tree keeper will pay the cost of the works.
7. The works identified in paragraph (2(a)) must be carried out within 60 days of the occurrence of the later of the events referred to in (4) or (5).

#### For more information on QCAT

Call 1300 753 228 or visit [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au)

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Email: [enquiries@qcat.qld.gov.au](mailto:enquiries@qcat.qld.gov.au) ABN: 13 846 673 994



8. The Works must be carried out:
  - (a) In accordance with Australian Standard 4373-2007 "*Pruning of Amenity Trees*"; and
  - (b) By an appropriately insured arborist with a minimum of Australian Qualifications Framework level 3 in Arboriculture.

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