

DECISION

Case Number: NDR122-14
Applicants: Allan John Ridley and Winifred Anne Ridley
Respondent: Adelheide Childs

Before: Member Browne
Date: 22 December 2015
Proceeding Type: Tribunal Hearing – 8 October 2015 & 27 November 2015

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The registered owners of 12 Amaroo Drive, Buderim (the neighbour) will within two (2) months from the date of this order, arrange a suitable time with the registered owner of 17 Parle Crescent, Buderim (the tree keeper) and Jeremy Young and Brendan Martin (the arborists) for the arborists to supervise an appropriately qualified and insured arboricultural contractor with a Level 3 Certificate in Arboriculture and a minimum of 5 years experience with Australian tree species (the contractor) to perform the following (the initial pruning work):-

Initial pruning work:

- (a) In respect of the Tree Waratah (Tree 2) prune the upper crown to approximately 1 metre above the apex of the tree keeper's hut in the rear garden;
 - (b) In respect of the Mango Tree (Tree 3) prune the upper crown to approximately 1 metre above the apex of the tree keeper's hut in the rear garden;
 - (c) In respect of the Mango Tree (Tree 4) prune the upper crown to approximately 1 metre above the apex of the tree keeper's hut in the rear garden;
 - (d) In respect of the Lemon Scented Myrtle (Tree 5) prune the upper crown to approximately 1 metre above the apex of the tree keeper's hut in the rear garden;
 - (e) In respect of the Unknown Rainforest Tree (Tree 6) prune past the pruning point at the stump to manage regrowth from the decayed union.
2. The initial pruning work is to be carried out in accordance with Australian Standards AS 4373.
 3. A consulting arborist with a Level 5 Diploma in Arboriculture must document the initial pruning work and photograph the finished pruning in respect of Tree 2, 3, 4, 5 and 6 for reference at the next pruning cycle.
 4. A copy of the consulting arborist's document referred to in paragraph 3 must be given to the tree keeper.

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5. The initial pruning work and documenting of the pruning specified in paragraph 1(a) to (e) inclusive and paragraph 3 must be carried out within 60 days from the date of this order.

Further inspections and maintenance work:

6. That 12 months from the date of the initial pruning work and annually thereafter there be an inspection of Trees 2, 3, 4, 5 and 6 by the contractor with reference to the consulting arborist's document mentioned in paragraph 3 to determine if any subsequent pruning work is necessary to maintain the crown level of Trees 2, 3, 4, 5 and 6 at a maximum of 1 metre above the apex of the tree keeper's hut and in respect of Tree 6 to re-prune back to stump to manage poor structure.
7. Any ongoing maintenance work to be carried out as detailed in paragraph 6 must be done by the contractor and in accordance with the Australian Standards AS 4373.
8. The neighbour will arrange a suitable time with the tree keeper and the contractor for the contractor to perform any ongoing maintenance work referred to in paragraphs 6 and 7.
9. A consulting arborist with a Level 5 Diploma in Arboriculture must document any maintenance pruning work referred to in paragraph 6 and photograph the finished pruning in respect of Trees 2, 3, 4, 5 and 6 for reference at the next pruning cycle.
10. A copy of the consulting arborist's document referred to in paragraph 9 must be given to the tree keeper after any maintenance pruning work.
11. If the tree keeper and neighbour cannot agree upon a suitable date and time for the initial pruning work, documenting of the pruning work, inspections and any future maintenance work to be carried out, the neighbour will give written notice to the tree keeper of a date and time and this will be the final date and time for the initial pruning work, documenting of the pruning work, inspections and future maintenance work detailed in this order.
12. The neighbour will make all necessary arrangements to contact the arborists, the contractor and the consulting arborists so that the initial pruning work, documenting of the pruning work, inspections and future maintenance work detailed in this order can be performed.
13. The tree keeper must give access to the arborists, the consulting arborist and contractor so that the initial pruning work, documenting of the pruning work, inspections and future maintenance work detailed in this order can be performed.

Costs of the initial pruning work, documenting the pruning work, inspections and any future maintenance pruning:

14. The costs of the initial pruning work, documenting of the pruning work, inspections and any future maintenance work shall be paid by the neighbour.

Signed

Member Browne
Queensland Civil and Administrative Tribunal