

DECISION

Case Number: NDR011-14
Applicant: Rudi Turkovic & Anna Turkovic
Respondent: Dianne Morris
Before: Member Allen
Date: 12 September 2014
Initiating Document: Proposed agreement

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

Case Number: NDR011-14
Applicant: Rudi Turkovic & Anna Turkovic
Respondent: Dianne Morris
Before: Member Allen
Date: 12 September 2014

THE PARTIES AGREE THAT:

1. The registered owner of the lot at 11 Rebecca Court BROADBEACH WATERS QLD 4218 ("the Tree-Keeper") arrange to have the following works carried out on the trees the subject of the dispute ("the Initial Works"):
 - (a) The Swamp Bloodwood (*Corymbia ptychocarpa*) identified as Tree 8 in Attachment A be pruned to correct previous lopping cuts and to establish appropriate directional growth to limit overhanging foliage to no greater than 1 metre and clear of boundary to a height greater than 2.5 metres.
 - (b) The Swamp Mahogany (*Eucalyptus robusta*) identified as Tree 9 in Attachment A be pruned to correct previous lopping cuts and to establish appropriate directional growth to limit overhanging foliage to no greater than 1 metre and clear of boundary to a height greater than 2.5 metres
 - (c) All vine growth be removed from the canopy of Trees 5, 6, 7, 8 and 9.
 - (d) The juvenile Umbrella tree and Black Wattle from the canal end near tree 9 be removed or growth limited so that it does not extend across the boundary by more than 0.5 metres.
2. The Tree-Keeper arrange to have the following works carried out on the trees the subject of the dispute ("the Subsequent Works"):
 - (a) Carry out annual removal of flowers, fruit and dead fronds of the Cocos Palm (*Syagrus romazoffiana*) identified as Tree 1 in Attachment A so that they do not drop into the applicants' land.
 - (b) Prune and maintain the canopies to limit the overhanging foliage to no greater than 0.5 metre lateral spread beyond the boundary and clear to a height of 2.5 metres of the following:
 - (i) The Bottlebrush (*Melaleuca viminalis cv*) identified as Tree 2 in Attachment A;
 - (ii) The Paw Paw (*Papaya cairica*) identified as Tree 3 in Attachment A;
 - (iii) The Frangipani (*Plumeria acutifolia*) identified as Tree 4 in Attachment A.

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- (c) The Leopard Tree (*Caesalpineae ferrea*) identified as Tree 5 in Attachment A be pruned annually to limit lateral spread over the boundary and to reduce laterally so that the canopy does not extend over the roof line specifically no greater than 2.0 metres.
 - (d) The Orchid Tree (*Bauhinia blakeana*) identified as Tree 6 in Attachment A be pruned annually to limit lateral spread over the boundary to no greater than 1.5 metres.
 - (e) The Roly Poly Satinash (*Syzygium unipuntatum*) identified as Tree 7 in Attachment A be pruned annually to limit lateral spread to no greater than 1.5 metres and reduce the height by 1 metre specifically reducing seasonal growth.
3. The Initial Works and Subsequent Works must be carried out:
 - (a) In accordance with AS4373-2007 – *Pruning of Amenity Trees*;
 - (b) By an appropriately insured Arborist with a minimum Australian Qualification Framework level 3 in Arboriculture.
4. The Initial Work must be completed within 60 days of the date of the final agreement.

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