

## DECISION

**Case number:** NDR170-14  
**Applicants:** Pamela McAlpine and Robin McAlpine  
**Respondent:** Linda Draper  
**Before:** Member Allen  
**Date:** 19 May 2015  
**Proceeding Type:** Compulsory Conference

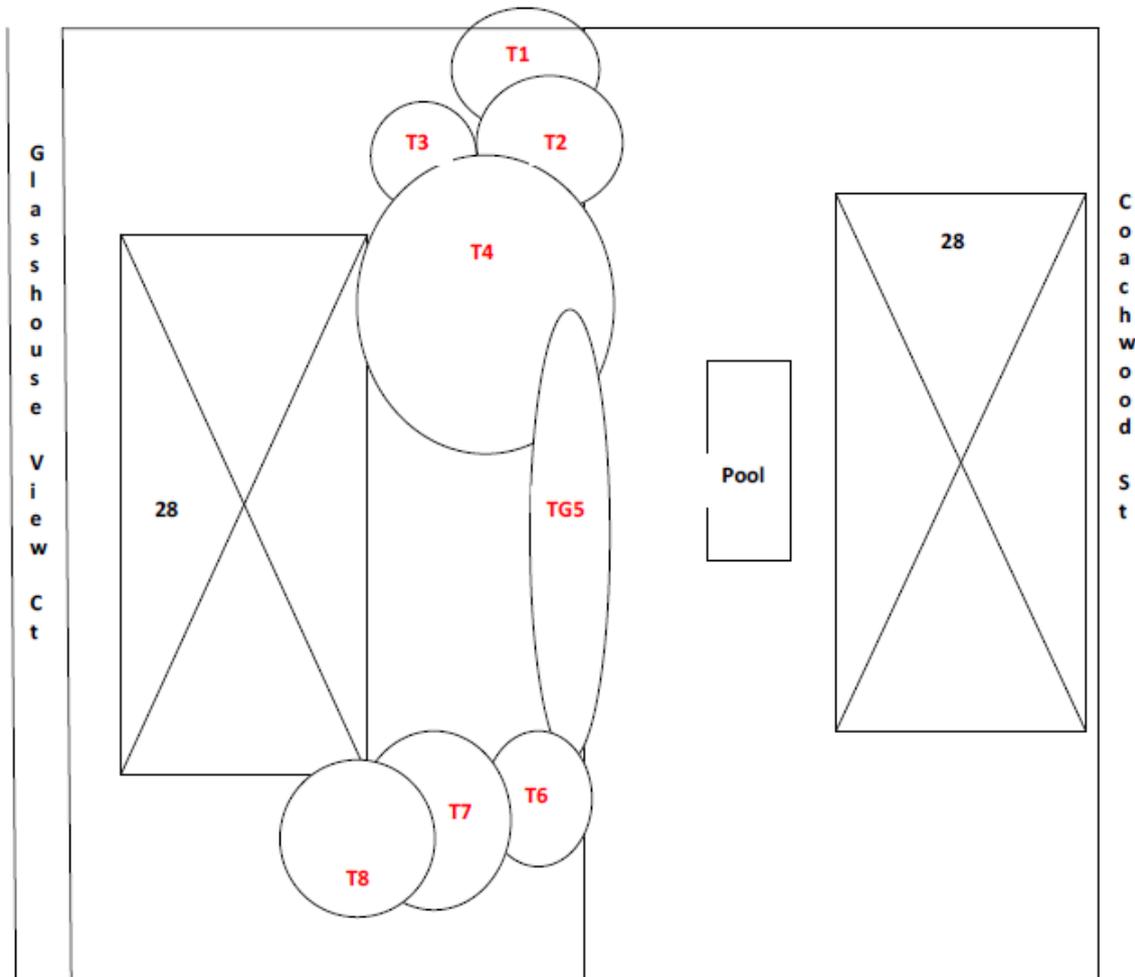
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IT IS THE DECISION OF THE TRIBUNAL THAT, BY CONSENT:

1. The registered owner of the lot at **28 Glasshouse View Court BUDERIM QLD 4556** (“the Tree-Keeper”) arrange to have the following works, or consents to works where relevant, to be carried out on the trees the subject of the dispute (“the Works”):
  - (a) Height reduction prune of T1 (to 7m) and to be maintained at this level (required frequency of repeated pruning – every 3 years).
  - (b) The removal of T2 to a 1m stump and poisoned. To be arranged and paid for by the Applicants.
  - (c) Height reduction prune of T3 (to 6m) and to be maintained at this level (required frequency of repeated pruning – every 3 years).
  - (d) Height reduction (by 3-4m) of T4 to suitable lateral branches, as well as directional pruning to be concentrated on the western, southern and eastern edges of the tree, to reduce overall spread. Ongoing pruning (in order to maintain the desired dimensions) will be required every 5 years.
  - (e) Height reduction of TG5 to 1.5m in order to maintain as a hedge. This form of maintenance will be performed by the Applicants up to the sleeper set along the edge of the rock wall as required upon giving the tree-keeper 48 hours notice in writing or by email. The Applicants will remove as much of the vegetation as possible when they perform maintenance work. Where any required maintenance cannot, in the Applicant’s view, be performed by them they are to give the tree-keeper notice of the required maintenance to be performed by her.
  - (f) Height reduction of T6 by 2.5m from existing height. Maintain every 2-3 years.
  - (g) Height reduction of T7 by 3-4m. Maintain every 5 years.
  - (h) Height reduction of T8 by 3-4m. Maintain every 5 years.

2. The Works must be carried out:

- (a) In accordance with Australian Standard 4373-2007 "Pruning of Amenity Trees";
- (b) By an appropriately insured arborist with a minimum of Australian Qualifications Framework level 3 in Arboriculture;
- (c) Rigging techniques shall be implemented which will minimise large branches or volumes of canopy making significant contact with bank and therefore causing displacement of rocks etc. onto the dwelling below (the applicants have indicated that they would be willing to allow access through their property);
- (d) The parties agree to give each other access to their respective properties in order to quote on and carry out the works on 48 hours notice in writing. Where any party will be away from their property they are to advise the other party of a person who will be able to give their arborist access to the first party's property for the purpose of quoting on or performing any works; and
- (e) Within 60 days of the date of this settlement agreement in respect of the initial height reduction and removal works.



Signed

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