

DECISION

Case number: NDR084-14
Applicant: Linda Westerland
Respondent: Paul Price
Before: Member Dr Cullen
Date: 11 June 2015
Proceeding Type: Tribunal Hearing

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The registered owner of the lot at 40 Keith Street CAPALABA QLD 4157 (“the Tree-Keeper”) arrange to have the following works carried out on the Jacaranda tree the subject of the dispute (“the Works”):
 - (a) Prune 2 limbs off on the east side of the tree, back to attachment of limbs at the trunk of tree, in the lower canopy which are overhanging into the lot at 40 Willard Road CAPALABA QLD 4157, the Neighbour.
 - (b) Prune out 2 surface roots which have grown under the rear wooden boundary fence and into the Neighbour’s lot.
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; and
 - (c) Within 60 days of the date of decision.
3. In the event that the Respondent does not comply with Orders 1 and 2 above, the Applicant may engage an insured arborist with a minimum of Australian Qualifications Framework level 3 in Arboriculture to perform the work, and recover the costs of the work from the Respondent.

Signed

Member Dr Cullen
Queensland Civil and Administrative Tribunal