

## DECISION

**Case number:** NDR197-16  
**Applicant:** Kenneth William Attwell, Shirley Attwell  
**Respondent:** Hayley Nyree Oman, Karl Henry Oman

**Before:** Member Bridgman

**Date:** 19 July 2017  
**Proceeding Type:** On-Papers Hearing

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IT IS THE DECISION OF THE TRIBUNAL THAT:

1. Hayley Nyree Oman and Karl Henry Oman must undertake the following tree works in relation to the *Persea americana* ('the avocado tree') situated on land at 32 Wareham St, Aitkenvale:
  - a) The branches of the avocado tree overhanging the boundary between 32 and 34 Wareham St, Aitkenvale must be cut and removed;
  - b) A crown clean of the canopy of the avocado tree is to be undertaken to reduce the canopy to a safe level; and
  - c) Annual maintenance must be undertaken to ensure the continued safety of the tree and its canopy(together, 'the tree works');
2. Hayley Nyree Oman and Karl Henry Oman are equally responsible for the cost of the tree works.
3. The tree works must be completed by no later than sixty (60) days from the date of this order and annually within 60 days of the anniversary of this order.
4. The tree works must be undertaken by a suitably qualified and insured person or persons with a minimum of AQF Level 3 Arborist.
5. Should Hayley Nyree Oman and Karl Henry Oman fail to comply with orders 1 and 3, Kenneth William Attwell and Shirley Attwell by their servants or agents are authorised to enter upon 32 Wareham St, Aitkenvale to cause the tree works to be undertaken by a suitably qualified and insured person or persons with a minimum of AQF Level 3 Arborist;
6. Kenneth William Attwell and Shirley Attwell may recover from Hayley Nyree Oman and Karl Henry Oman the cost of the tree works.

7. On or before 4:00pm on 27 July 2017, Hayley Nyree Oman and Karl Henry Oman must pay Kenneth William Attwell and Shirley Attwell costs fixed at \$701.45 as follows:
- a) Costs for this application fixed at \$315.70;
  - b) The costs of conducting property searches fixed at \$55.75;
  - c) 100% of the costs of the arborist's report fixed at \$330.

Signed

**Member Bridgman**  
**Queensland Civil and Administrative Tribunal**