

DECISION

Case number: NDR001-22
Applicant: Kellie Marie Lowrie
Respondent: David John Harvey
Belinda Caroline Harvey
Before: Member Burke
Date: 14 November 2024
Proceeding type: On-Papers Hearing
Initiating document: Application for a tree dispute filed 29 December 2021

THE TRIBUNAL DIRECTS THAT:

1. The Applicant's application for removal of all 21 trees the subject of the complaint is dismissed.
2. With reference to the Tree Data Table contained at pages 13 and 14 of the report dated 24 April 2024 prepared by Tree Knowledge Consulting, the tree identified as Tree 11 is to be removed.
3. The trees numbered 4, 5, 6, 7, 8, 9, 15, 17 and 20 in the Tree Data Table referred to in order 2 are to be pruned in accordance with AS4373-2007 *Pruning of Amenity Trees (2007)* with an experienced AQF Level 5 arborist on site to oversee the works.
4. Trees numbered 9, 15 and 17 in the Tree Data Table referred to in order 2 are to be pruned and maintained to ensure that the overhang does not unreasonably affect the sunlight exposure to the Applicant's property.
5. Tree numbered 20 in the Tree Data Table referred to in order 2 is to be monitored on an annual basis to ensure the root growth is not affecting the Applicant's property.
6. All works referred to in orders 2 and 3 ("the proposed works") are to be carried out on or before 17 March 2025 with an experienced AQF Level 5 arborist on site to oversee the proposed works.
7. All costs incurred in carrying out the proposed works are to be borne by the Respondents.
8. The Applicant is to provide access to the property at 8 Firetail Court Tanawha in order that the proposed works be carried out upon the receipt of notice in writing from the Respondents not less than 72 hours prior to the commencement of the proposed works.
9. The Respondents are to engage an AQF Level 5 arborist to assess the trees every two years (or in a suitable time period determined by the AQF Level 5 arborist) to determine any associated risk of tree parts falling and impacting a target zone.

10. The Respondents are to engage an AQF Level 5 arborist to perform or supervise all pruning and removal work at any time with respect to the subject trees identified in the Tree Data Table referred to in order 2.
11. The Respondents are to engage an AQF Level 5 arborist to record all work completed on the subject trees and to implement a tree management plan.

Signed



Susan Burke

Member Burke
Queensland Civil and Administrative Tribunal

QCAT

Queensland Civil and Administrative Tribunal