

## DECISION

**Case Number:** NDR027-12  
**Applicants:** Debra Anne Prendergast & Joseph Bowen  
**Respondent:** Myrna Pearce  
**Before:** David Paratz, Member  
**Date:** 22 February 2013  
**Proceeding Type:** Tribunal Hearing

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IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The *Jacaranda Mimosifolia* (Jacaranda Tree) and the *Schefflera Actinophylla* (Queensland Umbrella Tree) located on and adjacent to the boundary between 156 and 158 Monaco Street, Broadbeach Waters, are to be completely removed.
2. The registered owners of the lot at 158 Monaco Street are to arrange for the work to be conducted.
3. The removal is to be conducted by an appropriately qualified and insured arborist with a minimum qualification of an Australian Qualifications Framework Level 3.
4. The registered owner of the lot at 156 Monaco Street, Mrs Pearce will give access to the arborist engaged to carry out the removal.
5. The registered owners of the lot 158 Monaco Street will take all reasonable steps to ensure compliance with s.94 of the *Neighbourhood Dispute Resolution Act 2011* by:
  - a) Providing written notice of their intention to enter the land and carry out the work, at least seven (7) days prior to entering the land, to Mrs Pearce; and
  - b) Directing the arborist to enter the land for the purpose of completing the work only at a reasonable time and only to a reasonable extent needed to carry out the work.
6. The registered owners of the lot at 158 Monaco Street are to pay the full cost of the removal of the trees.
7. The removal is to be carried out within six (6) months of the date of this order.

Signed

David Paratz  
Member  
**Queensland Civil and Administrative Tribunal**

Date: 25 February 2013

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