

DECISION

Case number: NDR154-13
Applicant: Richard James King & Kiria Joy King
Respondent: Peter Samios
Before: Member Hughes
Date: 11 April 2014
Proceeding Type: On-Papers Hearing

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. Peter Samios, the registered owner of the lot at 146 Lexton Street, Stretton, Queensland, 4116 (“the Tree-Keeper”) will arrange to have the following works carried out on the trees the subject of the dispute (“the Initial Works”):
 - (a) Canopy reduction pruning to 7.0m in height of the entire group of trees (*Waterhousea floribunda*, *Melicope elleryana*) located on the eastern boundary of the Tree-Keeper’s property;
 - (b) Lateral reduction pruning of the group of trees (*Waterhousea floribunda*, *Melicope elleryana*) located on the eastern boundary of the Tree-Keeper’s property so that their canopies do not extend over the adjacent boundary fence line;
2. Maintenance pruning to be performed by the Tree-Keeper at intervals not exceeding one (1) year to maintain the canopy of the group of trees (*Waterhousea floribunda*, *Melicope elleryana*) located on the eastern boundary of the Tree-Keeper’s property at their height and spread after the Initial Works (“the Subsequent Works”);
3. All tree debris to be removed from the properties after the recommended pruning is performed;
4. Climbing spurs / climbing gaffs / climbing irons shall not be used during the pruning works;
5. The Initial Works and the Subsequent Works must be completed:
 - a) In accordance with Australian Standard 4373-2007 “Pruning of Amenity Trees”; and
 - (b) By an appropriately insured arborist with a minimum of Australian Qualifications Framework level 3 in Arboriculture;
6. Peter Samios is to apply for Brisbane City Council approval or exemption for the Initial Works and Subsequent Works within 14 days of this Order;
7. The Initial Works must be completed within 60 days of Brisbane City Council approval or exemption;
8. Peter Samios is to pay the costs of the Initial Works;

For more information on QCAT:

Call 1300 753 228 or visit www.qcat.qld.gov.au
GPO Box 1639, Brisbane Qld 4001 Fax: 07 3221 9156
Email: enquiries@qcat.qld.gov.au ABN: 13 846 673 994




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9. Richard King and Kiria King jointly pay to Peter Samios one half of the costs of the Subsequent Works as and when they fall due; and
10. Each party is to bear their own legal costs.

Signed

A handwritten signature in black ink, consisting of the letters 'B' and 'H' intertwined, enclosed within two overlapping horizontal ovals.

Member Hughes
Queensland Civil and Administrative Tribunal

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