

DECISION


Case number: NDR158-13
Applicant: Kenneth Harry Sowden
Respondents: Clyde Francis Winzar & Wendy Catherine Winzar
Before: Senior Member Stilgoe OAM
Date: 2 March 2015
Proceeding Type: On Papers Hearing

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. Clyde Francis and Wendy Catherine Winzar, the registered owners of the lot at 34 Kathleen Street CORINDA QLD 4075 ("the Tree Keepers") shall arrange to have the following works carried out on the trees the subject of this proceeding ("The Works"):
 - (a) Lateral reduction pruning to be performed on the leopard tree (*Caesalpinia ferrea*) on its eastern side over the property at 30 Kathleen Street, CORINDA QLD 4075 ("the Neighbour") to reduce its spread over the Neighbour's driveway surface, clearance pruning to provide a minimum of 3.0m clearance from the corner of the Neighbour's dwelling, lifting of the canopy over the Neighbour's property to provide a minimum of 3.0m ground clearance and the removal of all accessible deadwoods greater than 25mm in diameter over the Neighbour's property.
 - (b) Lateral reduction pruning of the Tallowwood (*Eucalyptus microcorys*) to remove/reduce the three elongated lateral limbs that extend eastwards over the Neighbour's property back to behind the alignment of the dividing boundary fence line.
 - (c) The complete removal to ground level of the Fiddlewood (*Citharexylum spinosum*) identified as tree #4 of Michael Sowden's report dated 15 December 2013.
 - (d) Lateral reduction pruning of the Fiddlewood (*Citharexylum spinosum*) identified as tree #5 of Michael Sowden's report, to reduce its eastern canopy towards the alignment of the common boundary between the tree keepers and the Neighbour's properties.
2. Maintenance pruning to be performed at a minimum of two yearly intervals to maintain the canopies at their spread achieved after the initial pruning is performed, save that the leopard tree shall be pruned as required to ensure that the canopy is at least 2.5 metres clear of the ground in the vicinity of the driveway of the Neighbour's property.
3. All tree debris to be removed from the Neighbour's and the Tree Keepers' properties after any pruning is performed.
4. All pruning to be performed in compliance with the requirements of *Australian Standard 4373-2007 "Pruning of amenity trees"*.

For more information on QCAT

Call 1300 753 228 or visit www.qcat.qld.gov.au
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5. Climbing spurs/climbing gaffs/climbing irons shall not be used during pruning works. All works shall be performed by a minimum Australian Qualifications Framework level 3 qualified arborist.
6. All works shall be performed by a minimum Australian Qualifications Framework level 3 qualified arborist.
7. The attending arborist/company shall provide proof of current Public Liability and Work Cover insurances prior to works onsite.
8. The Initial Works must be completed **within 60 days** of the date of this decision.

Signed

Senior Member Stilgoe OAM
Queensland Civil and Administrative Tribunal