

DECISIONS

Case number: NDR120-18
Applicant: Paul James Goopy
Kerrie Lee Goopy
Respondent: Neil Bevan
Barbara Krystyna Walters

Before: Member Paratz
Date: 6 June 2019
Proceeding type: Compulsory Conference
Initiating document: Application for a tree dispute

BY CONSENT, THE TRIBUNAL ORDERS:

1. The following definitions apply to this Order:

- (a) 'the neighbours'– Paul Goopy and Kerrie Lee Goopy
- (b) 'the tree keepers'– Neil Bevan and Barbara Walters
- (c) 'the neighbours property'– 8 Kimberley Court, Eatons Hills, 4037
- (d) 'the tree keepers property'– 10 Kimberley Court, Eatons Hills, 4037
- (e) 'the trees' – 2 x Eucalyptus Microcorys (Tallow Wood)
2 x Corymbia Citriodora (Spotted Gum)
1 x Eucalyptus Propinqua, (Small Fruited Grey Gum)

2. The 'Initial Tree Works' are as follows:

- (a) Remove Tree 3 (Tallow Wood) which is the tree approximately 500 mm from the dividing fence line, and is approximately six metres South of the dwelling at 8 Kimberley Court, and is the middle tree of the subject trees.
- (b) Prune three of the other subject trees as follows:
 - (1) Tree One (Tallow Wood) (the tree closest to the carport at 10 Kimberley Court, Eatons Hill), is to be trimmed to remove branches that overhang the roof of 8 Kimberley Court back to the fenceline, and prune deadwood from the canopy of the tree.

For more information on QCAT

(2) Tree Two (Spotted Gum) (the next tree down the slope) is to be trimmed to prune branches back from overhanging the roof of 8 Kimberley Court to the main trunk.

(3) Tree Five (Spotted Gum) is to be trimmed to reduce branches back from overhanging the roof of 8 Kimberley Court to the fenceline, and prune deadwood from the canopy.

3. All five trees are to be re-inspected every two (2) years, or after a weather event with a rating of Beaufort Scale 9 (strong gale 76-87 Km/h, 41-47 knots) or greater; by an appropriately insured arborist with an Australian Qualifications Framework level 5 in Arboriculture.

4. The 'Ongoing Tree Works 'are:

(a) Trim the trees following the re-inspection to accord with the initial tree works, or as required by the re-inspection for risk mitigation.

5. The cost of the tree works will be borne as follows: –

(a) the tree keepers will pay the cost of the initial tree works

(b) the neighbours will pay the tree keepers five hundred dollars (\$500.00) upon performance of the initial tree works

(c) the tree keepers and the neighbours will share equally the costs of the re-inspections and ongoing tree works.

6. The initial tree works must be carried out within 90 days of this Order.

7. The ongoing tree works must be conducted as described in this Order.

8. The initial tree works, and the ongoing tree works, must be carried out:

(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.

Signed 

Member Paratz
Queensland Civil and Administrative Tribunal