

DECISION

Case Number: NDR200-20

Applicant: Paul Aaron Brown
Jaana-Liisa Brown

Respondent: Sunstone Developments Pty Ltd Trustee under Instrument
707761156

Before: A/Member Lember

Date: 5 SEPTEMBER 2022

Initiating Document: Application in a tree dispute filed
Proposed agreement

The parties have agreed to the works necessary to resolve this dispute in accordance with their agreement.

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The application for a tree dispute is dismissed on the basis that the parties have reached agreement regarding tree works.
2. Sunstone Developments Pty Ltd Trustee under Instrument 707761156 must pay Paul Aaron Brown and Jaana-Liisa Brown their costs of the application in the sum of \$852.00 by 30 September 2022.

Signed

A/Member Lember
Queensland Civil and Administrative Tribunal

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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

AGREEMENT

Case Number: NDR200-20

Applicant: Paul Aaron Brown
Jaana-Liisa Brown

Respondent: Sunstone Developments Pty Ltd Trustee under Instrument
707761156

Before: A/Member Lember

Date: 5 September 2022

THE PARTIES AGREE THAT:

1. The following definitions apply to this agreement:

- (a) "the neighbours" – Paul Aaron Brown and Jaana-Liisa Brown
- (b) "the tree keeper" – Sunstone Developments Pty Ltd Trustee under Instrument
707761156
- (c) "the neighbours property" – 6 Brendan Place, Goodna Qld 4300
- (d) "the tree keeper's property" – 6 William Street, Goodna Qld 4300
- (e) "the trees" – tree no 1 Spotted Gum – *Corymbia Citriodora*
tree no 2 Pink Bloodwood – *Corymbia intemedia*
tree no 3 Pink Bloodwood - *Corymbia intemedia*

2. The tree works are as follows ("the works"):

- a. **Tree numbers 1 and 2** - Fell both trees and either, grind down the stumps or treat with herbicide (in accordance with the manufacturer's instructions) to prevent regrowth.
- b. **Tree number 3** - Cut back those branches that overhang the applicant's property back towards the boundary fence, to a point where the branches can be pruned back to a suitable growing point that is identified by the climbing arborist (as defined below). Note, it is unlikely that the final pruning points will precisely align with the alignment of the fence and it should be expected that it may be necessary to make the final pruning cuts at points that still overhang the fence line but it is not envisaged that this would need to be much more than a metre or two and any overhang will decrease as the work progresses higher up the side of the tree's crown.
- c. Where possible, attention should be paid to the final shape (rather than just cutting all the branches back in a flat/straight line) i.e. the pruning should leave the trees with a tapered finish so as to leave the trees with as a natural 'curved' form as possible.
- d. Remove any major dead, dying and diseased branches.

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- e. The person tasked with the climbing and pruning of the tree, should be briefed to inspect the tree during the work and to report any significant defects to the respondent (Tree Keeper/owner).
 - f. It should be noted that the people carrying out the tree work are likely to require access to the applicants' and the respondent's properties to clear any prunings etc. All parties (including any adjoining properties that the tree grows over) should be advised of the date when the work is to be done so that access can be arranged.
 - g. The tree will grow back in time and may require additional ongoing maintenance pruning, the regularity of which will be influenced by future growing conditions (e.g. the frequency and quantity of rainfall).
 - h. All pruning work should be carried out by an arborist who is qualified to a minimum of Australian Qualifications Framework level 3 (or recognised equivalent) in Arboriculture, together with at least two years post-qualification experience. This person should also be adequately insured to undertake this work.
 - i. All tree pruning work must be carried in accordance with the Australian Standard 4373 - 2007: Pruning of Amenity Trees.
3. The neighbour and the tree keeper will each obtain one (1) quote from a suitably qualified contractor to perform the works and exchange such quotes within fourteen (14) days from the date of this agreement.
 4. The neighbour and the tree keeper will agree upon a suitably qualified contractor to perform the recommended works within seven (7) days of the exchange of quotes as referred to in (3).
 5. In the absence of agreement between the parties in accordance with (4), the contractor who provided the lower of the quotes will be engaged by the tree keeper to undertake the works.
 6. The tree keeper will pay the cost of the works.
 7. The works identified in paragraph (2(a)) must be carried out within 60 days of the occurrence of the later of the events referred to in (4) or (5).
 8. The works identified in paragraph (2(b)) must be carried out no later than the 12 month anniversary (and annually thereafter) of the date identified in (7).
 9. The Works must be carried out:
 - (f) In accordance with Australian Standard 4373-2007 "*Pruning of Amenity Trees*"; and
 - (g) By an appropriately insured arborist with a minimum of Australian Qualifications Framework level 3 in Arboriculture.

Signed

Member Member

Queensland Civil and Administrative Tribunal

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