

DECISION

Case Number: NDR015-18

Applicant: Shane Crook
Jennifer Compton Crook

Respondent: Andrea Hulena

Before: Member Hughes

Date: 15 February 2019

Initiating Document: Proposed agreement signed by both parties

IT IS THE DECISION OF THE TRIBUNAL, BY CONSENT OF THE PARTIES THAT:

1. The following definitions apply to this proposed agreement:
 - (a) "the neighbour" – Shane Crook and Jennifer Compton Crook
 - (b) "the tree keeper" – Andrea Hulena
 - (c) "the neighbours property" – 16 Bingo Street, Holmview QLD 4207
 - (d) "the tree keeper's property" – 14 Bingo Street, Holmview QLD 4207
 - (e) "the trees" – Spotted Gum, Brush Box, Iron Bark and Forest Red Gum
2. The tree works are as follows ("the works"):
 - (a) It is recommended that all tress are retained and trees 4,5,6,7 and 11 are recommended for formative pruning to reduce some impacts from tree debris falling onto the roof infrastructure of the applicant's property.
 - (b) To assist in maintaining the trees to a low risk rating it is also recommended that the trees are re-inspected every two years or after a strong gale weather event by a level 5 Arborist, along with completing any risk mitigation works if required.
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:
 - (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 5 in Arboriculture.
10. The Application is otherwise dismissed.

Signed

Member Hugh

Queensland Civil and Administrative Tribunal