

DECISION

Case number: NDR028-24
Applicant: Rodney Ernest O'Kane
Respondent: Mark Francis Caughley
Roberta Rosina Battaglia

Before: Member Chapple
Delivered on: 2 June 2025
Proceeding type: On the papers
Initiating document: Application for a tree dispute filed 19 February 2024

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The Respondent must undertake, on an annual basis, pruning of the three Golden Penda trees to the fence line of the Applicant's property to formalise a hedge façade.
2. The Respondent must engage an arborist with a minimum qualification of Australian Qualification Framework level 3 in arboriculture with appropriate insurances to undertake the work associated with Order 1; and the work must be performed in accordance with AS 4373-2007 Pruning of amenity trees.
3. The Respondent must ensure that the initial work associated with Order 1 is undertaken in August 2025, and by no later than 24 August 2025, and that the ongoing annual work associated with Order 1 is undertaken in August of each year, and by no later than the end of the third week of August of each year.
4. The Applicant must allow the Respondent's chosen arborist with appropriate insurances, and where necessary, the Respondent, access to the Applicant's land to undertake the work associated with Order 1 subject to the Respondent giving at least 3 days' prior written notice to the Applicant.
5. The Respondent will be responsible for all costs of complying with Order 1.
6. If the Respondent fails to undertake any of the work associated with Order 1 ('Incomplete Work'), the Applicant will be entitled to undertake any of the Incomplete Work in accordance with these orders. Where necessary to comply with these orders, the Applicant's chosen arborist with appropriate insurances will be entitled to enter the Respondent's land and undertake any of the Incomplete Work subject to the Applicant giving 14 days' prior written notice to the Respondent.
7. If the Respondent undertakes all of the outstanding Incomplete Work before the expiration of the 14 days' prior written notice, the Applicant's entitlement to enter the Respondent's land, with or without their chosen arborist, is extinguished.
8. The costs incurred by the Applicant to undertake any of the Incomplete Work in accordance with these orders in default of the Respondent will be recoverable from the Respondent as a debt without further notice being required to be given.

9. The Applicant's Application for miscellaneous matters filed 5 March 2025 is dismissed.
10. The Respondent's Application for miscellaneous matters filed 31 March 2025 is dismissed.
11. Each party must bear their own costs of and incidental to the Application and the subsequent dismissed applications.

Signed



Member Chapple
Queensland Civil and Administrative Tribunal