



Queensland Civil and Administrative Tribunal

DECISION

Case number: NDR055-22

Applicant: Old Bones Pty Ltd as Trustee for (ATF)

Respondent: Robert Jackson McCartney, Barbara Theresa McCartney, Colin McCartney, Brisbane City Council, Tony O'Doherty

Before: Member Jensen

Date: 23 February 2026

Proceeding Type: Tribunal Hearing

IT IS THE DECISION OF THE TRIBUNAL THAT:

1.
 - a) On or before 4:00pm 31 May 2026 Tony O'Doherty must prune the branches of the tree to provide 20% reduction of the crown spread, carry out the removal of all deadwood in excess of 25mm diameter and remove all debris from the Applicant property; and
 - b) All the cost of the work carried out under order one (1) is to borne by Tony O'Doherty.
2.
 - a) Tony O'Doherty must undertake maintenance pruning of the tree to maintain the canopy to the same dimension as the initial pruning carried out under order one (1), and remove all deadwood in excess of 25mm diameter and all debris from the Applicants property;
 - b) The work in this order two (2) is to be carried out between the months of November 2026 and February 2027 and annually thereafter during the same period for a ten (10) year period; and
 - c) All the cost in carrying out the work under this order two (2) are to be borne as to 80% by Tony O'Doherty and 20% by the Applicant.
3. All pruning and other works are to be carried out;
 - a) By an Australian qualified framework level 3 arborist with appropriate insurance cover including public liability and Workcover; and
 - b) In accordance with Australia standard 4373- 2007 pruning of amenity trees.
4. The parties are to give 24 hours' prior notice to the Brisbane City Council before the commencement of works in orders one (1) and two (2).

QCAT

Queensland Civil and Administrative Tribunal

5. If Tony O'Doherty shall fail to carry out any works to pursuant to these orders, then the Applicant may engage contactors to carry out said work and recover the cost of so doing as a debt from Tony O'Doherty, in accordance with these orders.
6. The application against Robert Jackson McCartney, Barbara Theresa McCartney, and Colin McCartney is dismissed.

AND IT IS NOTED that the tree is 1 *Corymbia maculata* (spotted gum) located on the tree keepers land.

Signed

A handwritten signature in black ink is written over a blue circular seal. The seal contains the text "QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL" around the perimeter. The signature is stylized and appears to be "Member Jensen".

Member Jensen
Queensland Civil and Administrative Tribunal