

## DECISION

**Case number:** NDR072-16  
**Applicant:** Angelo Oliaro  
**Respondent:** Dianne Leigh Ross  
**Before:** Member Milburn  
**Date:** 23 June 2017  
**Proceeding Type:** Tribunal Hearing

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### IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The tribunal orders the tree keeper of Lot 2 SP 126011 to entirely remove the bloodwood tree (marked as 'C' on the site plan attached to the expert report of David Roberts dated 10 September 2016 within 28 days), and take appropriate action to prevent regrowth. The work is to be undertaken by a suitably qualified tree lopper, with appropriate insurance coverage, under the supervision of a suitably qualified arborist.
2. The tribunal orders the tree keeper of Lot 2 SP 126011 to entirely remove the dead eucalypt tree on the tree keeper's property (adjoining the driveway to the applicant's property) within 28 days. The work is to be undertaken by a suitably qualified tree lopper, with appropriate insurance coverage, under the supervision of a suitably qualified arborist.
3. The tribunal orders the tree keeper of Lot 2 SP 126011 to entirely remove the co-dominant trunk (that being the trunk that encroaches over the applicant's property) of the lemon scented gum tree (marked as 'A' on the site plan attached to the expert report of David Roberts dated 10 September 2016) by a suitably qualified tree lopper, with appropriate insurance coverage, at its union, under the supervision of a suitably qualified arborist, within 28 days.
4. The tribunal orders the tree keeper of Lot 2 SP 126011 to engage a suitably qualified arborist (minimum level III), with appropriate insurance coverage, to undertake maintenance work every twelve months with respect to the 22 cocos palms (or such number as it may be from time to time, to allow for an increase or decrease in the number of palms over time) as initially identified in the expert report of David Roberts dated 10 September 2016, by the removal of fronds and seed heads on each of the palms, with the first instance of the maintenance work to be undertaken within 28 days. The second instance of the maintenance work is to be undertaken by 30 June 2018 and then is to be undertaken by 30 June each year thereafter.
5. The tribunal orders the tree keeper of Lot 2 SP 126011 to engage a suitably qualified arborist (minimum level III), with appropriate insurance coverage, to undertake maintenance work every twelve months with respect to the canopy of the trees situated on the tree keepers property and adjacent to an overhanging the fence line of the applicant's property such that trees are trimmed above 2.5 m in height (or removed) as per an arborist's recommendations, with the first instance of the maintenance work to be undertaken within 28 days. The second instance of the maintenance work is to be undertaken by 30 June 2018 and then is to be undertaken by 30 June each year thereafter.

6. The tribunal orders the tree keeper of Lot 2 SP 126011 to remove all dead branches on any tree on that property that encroaches the applicant's property by a suitably qualified tree lopper, with appropriate insurance coverage, under supervision of a suitably qualified arborist, within 28 days.
7. Where not otherwise catered for by the tribunal orders, the tribunal orders the tree keeper to prune all trees (as defined in the Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 (Qld) on the tree keeper's property to the fence line of the applicant (or successor in title) as per AES4373.
8. The tribunal orders the tree keeper to pay for all expenses associated with the carrying out these orders.
9. The tribunal authorises a person, including the applicant (or successor in title) or person appointed by the applicant (or successor in title) to enter the tree keeper's land to carry out these orders.
10. If the applicant (or successor in title) intends to enter the tree keeper's property (Lot 2 SP 126011) to carry out these orders or engage consultants to do so, then the applicant (or successor in title) must first give 14 days' written notice to that effect to the tree keeper, at the tree keepers last known address.
11. If the applicant (or successor in title) undertakes work that should have been done by the tree keeper pursuant to the terms of this order, and incurs costs in doing so, then the tribunal orders the tree keeper to reimburse the applicant (or successor in title).
12. If the tree keeper reconfigures Lot 2 SP126011 (for example, through subdivision), then these orders continue to have effect over the property or properties created because of the reconfiguration.
13. These orders remain in force and effect for 10 years.

Signed



**Member Milburn**  
**Queensland Civil and Administrative Tribunal**

