

DECISION

Case number: NDR116-20
Applicant: Robyn Faye Dearness
Respondent: Jane Sheldon

Before: Member Goodman
Date: 10 April 2024
Proceeding type: On-papers hearing

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The respondent is to pay \$500 to the applicant as a refund of half of the cost of the tree assessor's report by 4pm on 30 May 2024.
2. The respondent is to prune and maintain the seven trees bordering the applicant's property as deemed appropriate pursuant to good arboriculture practice, provided that:
 - (a) The pruning addresses risks associated with the epicormic growth identified in the report of the independent tree assessor dated 12 July 2022.
 - (b) All works are to be carried out by a properly insured and suitably qualified arboricultural contractor with a minimum AQF level 3 qualification, who must adhere to the guidelines set out in the Australian Standard for Pruning of Amenity Trees (AS4373-2007).
 - (c) The work is to be undertaken at the cost of the respondent.
 - (d) The work is to be completed annually no later than 30 June each year.
 - (e) If the work is not completed by 30 June each year, the applicant may arrange to have the work performed as above.
 - (f) Should the applicant be required to arrange the work in default of it being done by the respondent, the person(s) undertaking the work is/are entitled to enter the respondent's land to carry out the work upon the applicant giving 14 days written notice of that intention to the respondent.
 - (g) The costs incurred by the applicant engaging a contractor to do the work in default of the respondent are recoverable from the respondent as a debt without further notice being required to be given.
 - (h) The respondent and any contractor engaged by the respondent to perform the work are entitled to enter the applicant's land for the purpose of assessing and performing work necessary to comply with this decision subject to seven days written notice being given to the applicant.

- (i) These orders remain in force and effect for a period of 10 years from the date hereof.

Signed

A circular seal of the Queensland Civil and Administrative Tribunal (QCAT) is visible. The seal contains the text "QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL" around the perimeter. Overlaid on the seal is a handwritten signature in dark ink, which appears to be "P. Goodman".

Member Goodman
Queensland Civil and Administrative Tribunal