

DECISION

Case number: NDR120-21
Applicant: Pamela Cheryl Rogowski
Respondent: Lynden Thomas

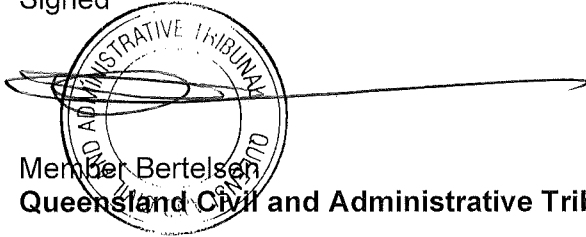
Before: Member Bertelsen
Delivered on: 30 JANUARY 2025
Hearing date: 20 JANUARY 2025
Proceeding type: Tribunal Hearing
Initiating document: Application for a tree dispute filed on 21 July 2021

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The respondent tree keeper shall perform the work in respect of the tree as described in the attached schedule to this order, on the land at 18 Hill Street Palmwoods QLD 4555 by the dates stated in the schedule.
2. The work is to be undertaken by a suitably qualified tree lopper with appropriate insurance cover under the supervision of a suitably qualified arborist at the cost of the tree keeper unless otherwise specified in the schedule.
3. If the work is not completed within the time stated in the schedule the applicant shall be entitled to have the work performed by a suitably qualified tree lopper with appropriate insurance cover under the supervision of a suitably qualified arborist.
4. If the applicant is required to carry out the work in default of it being done by the tree keeper:
 - (a) A suitably qualified tree lopper with appropriate insurance cover under the supervision of a suitably qualified arborist engaged by the applicant (or successor in title) shall be entitled to enter the tree keepers land to carry out the work subject to the applicant giving 14 days written notice of that intention to the tree keeper at the tree keepers' last known address; and
 - (b) The costs incurred by the applicant engaging a tree lopper and arborist to do the work in default of the tree keeper shall be recoverable from the tree keeper as a debt without further notice being required to be given.
5. The tree keeper and any tree lopper or arborist engaged by the tree keeper to perform the work shall be entitled to enter the applicants land at 20 Hill Street Palmwoods QLD 4555, subject to 24 hours written notice being given of the work to be done.
6. These orders shall remain in force and effect for a period of ten years from the date of delivery of the Tribunal's decision.

7. In compliance with Part 6 of the Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 (Qld) details of these orders will be entered in the register of orders maintained as a public record by the Queensland Civil and Administrative Tribunal.

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. A handwritten signature, which appears to be "Member Bertelsen", is written across the seal. A long horizontal line extends from the end of the signature to the right.

Member Bertelsen
Queensland Civil and Administrative Tribunal

Schedule

The mango tree

The work

1. Corrective works to be carried out on the tree to mitigate the indiscriminate wounding that has occurred to be undertaken at the applicants cost and works to remedy limb encroachment in the short term to be undertaken at the tree keepers cost, by 30 April 2025.
2. Minor pruning works to be carried out every 24 months over the next 6 years following immediate works to rectify recent wounding, comprising branch selection and directional pruning to sculpt the canopy effectively to create a situation that allows for tree health, whilst reducing in as much as is practicable ongoing tree nuisance-
 - (a) Works must be carried out by a minimum AQF level 3 arborist with experience in restorative pruning with all necessary insurances and industry affiliations. The company that is engaged will be required to be made aware of the pruning intervals needed and used for all of the pruning stages. This will ensure continuity and dose.
 - (b) Works must be carried out in accordance with AS4373

