

DECISION

Case number: NDR102-22
Applicant: James Albert William Goodey, Vicki Brewer
Respondent: Emma Kate Nicholls
Before: Member Burke
Delivered on: 16 January 2025
Hearing Date: 26 November 2024
Proceeding Type: On-Papers Hearing

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The Applicants' application for removal of all the trees the subject of the complaint is dismissed.
2. The trees in Groups 1, 2, 3 and 5, referred to in the tree assessor report dated 18 August 2023, are to be maintained to a height which does not interfere with the views from the Applicants' property.
3. The Trees in Group 4, referred to in the tree assessor report dated 18 August 2023, are to be pruned to reduce the overall height of the trees to that of the Group 3 trees.
4. The stems of the Golden Canes in Group 5, referred to in the tree assessor report dated 18 August 2023, are to be removed to reduce their height by at least 3 metres to restore the pre-existing view enjoyed by the Applicants.
5. Strict maintenance of all the subject trees is to be carried out on a regular basis by the Respondent.
6. Maintenance works are to be carried out by a qualified AQF Level 3 arborist every 12 months.
7. The cost of all maintenance of the subject trees is to be borne by the Respondent.
8. The Respondent is to carry out the initial maintenance works on or before 10 March 2025.

Signed



Member Burke
Queensland Civil and Administrative Tribunal