QCAT

Queensland Civil and Administrative Tribunal

# AMENDED DECISION AND DIRECTIONS

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| **Case number:** | **NDR124-25** |
| **Applicant:** | **Frank John Galea** |
| **First Respondent:** | **Judy Tsai Bmate Corporation Pty Ltd** |
| **Second Respondent:** | **Brisbane City Council** |
| **Before:** | **Member D Brown** |
| **Date:** | **10 April 2026** |
| **Proceeding type:** | **On-Papers Hearing** |
| **Initiating document:** | **Application for a tree dispute filed on 15 May 2025** |

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BY CONSENT, IT IS THE DECISION OF THE TRIBUNAL THAT:

1. On or before 11 November 2026 Judy Tsai Bmate Corporation Pty Ltd, must engage an Australian Qualified Framework ('AQF') arborist, with a minimum AQF level three qualifications and supervised by a minimum AQF level five qualified arborist, with appropriate insurances to undertake the following tree works:

   (a) The complete removal of five trees being trees number 4, 5, 6, 10 & 12 as identified in the Tree Assessment Report of Mr Michael Sowden, dated 11 January 2026 ( "the tree assessor's report").

   (b) Pruning of trees number 1, 2, 3, 7, 8, 13 and 14 as identified in the tree assessor's report located along the southern boundary of the tree-keeper's property, to reduce their respective canopies back towards the boundary alignment and have torn stubs and deadwoods greater than 25mm diameter removed.

2. Between 1 January 2028 and 30 April 2028, and every 18 to 24 months thereafter, Judy Tsai Bmate Corporation Pty Ltd, must engage an AQF arborist, with a minimum AQF level three qualifications and supervised by a minimum AQF level five qualified arborist, with appropriate insurances to undertake pruning and maintenance of the trees located in Judy Tsai Bmate Corporation Pty Ltd's property at 2957 Old Cleveland Road, Chandler to maintain the canopy spread of the trees at the canopy dimensions of the trees after the pruning that occurred in line with Order 1 (b).

3. All pruning is to be performed in accordance with the requirements of Australian Standard 4373-2007 "Pruning of amenity trees" and climbing spurs, climbing gaffs and climbing irons shall not be used during pruning works.

4. All tree debris is to be removed from both properties after the recommended pruning is performed.

5. Judy Tsai Bmate Corporation Pty Ltd must notify Brisbane City Council of the intended trees works, at least 24-hours prior to the commencement of any tree work.

6. The order remains in force and effect for a period of 10 years from the date hereof.

THE TRIBUNAL NOTES THAT:

7. The parties do not agree as to how the costs of the Tree works in orders 1 and 2 should be apportioned.

IT IS THE DECISION OF THE TRIBUNAL THAT:

8. To enable the tree works to be performed in line with the 60 day requirement in Order 1, unless a further order of the Tribunal is made prior to the commencement of the tree works, Judy Tsai Bmate Corporation Pty Ltd is to pay all upfront costs of the tree works in Order 1.

THE TRIBUNAL DIRECTS THAT:

9. The final determination as to how the costs should be apportioned for the tree works in Orders 1 and 2 and whether there should be an award of costs to any party in the proceedings will be determined on the papers at a date to be set not before **13 May 2026.**

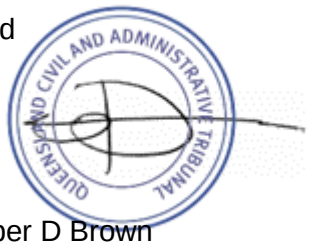
10. Any further submission that any party seeks to make in relation to the issues of how the costs in relation to the tree works should be apportioned or whether the Tribunal should make an order requiring a party to pay all or a part of the costs of another party in the proceedings must be filed in the Tribunal and a copy provided to all other parties by:

**4.00pm on 28 April 2026**

11. Any further submission any party seeks to make in reply to the submission of another party must be filed in the Tribunal and a copy given to all other parties by :

**4.00pm on 12 May 2026.**

Signed




Member D Brown
**Queensland Civil and Administrative Tribunal**
**As amended on 28 October 2026**