

## DECISION

**Case Number:** NDR061-12

**Applicants:** Percival John Cooper & Valerie Anne Cooper

**Respondent:** Peter Hickey, Body Corporate Representative for "Woodgate Court"

**Before:** Kerrie O'Callaghan, Senior Member

**Date:** 10 July 2012

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

1. The registered owner of the lot at Unit 1/3 Rose Ct, WOODGATE QLD 4660 ("the Tree-Keeper") arrange to have the following works carried out on the trees the subject of the dispute ("the Initial Works").
  - (a) All overhanging branches and fronds into the property at 28 Acacia Street, WOODGATE BEACH QLD 4660 ("the Neighbour") be removed.
  - (b) Additional pruning works be done on the following trees (refer to attachment A and B):
    - (i) Tree 1 – removal of two (2) western most leaders (trunks) to a height of two (2) metres.
    - (ii) Tree 2 – removal of three (3) western most leaders (trunks) to a height of two (2) metres.
    - (iii) Tree 3 – removal of two (2) western most leaders (trunks) to a height of 2 metres.
    - (iv) Tree 4 & Tree 5 – Prune branches that overhang on to the Neighbour's property.
    - (v) Golden Cane Palms x 6 – Remove all large and overhanging canes greater than 2 metres in height. Small canes allowed to remain until a maximum height of two (2) metres is reached.
    - (vi) Triangle palm and Cocos palm – Remove overhanging fronds.

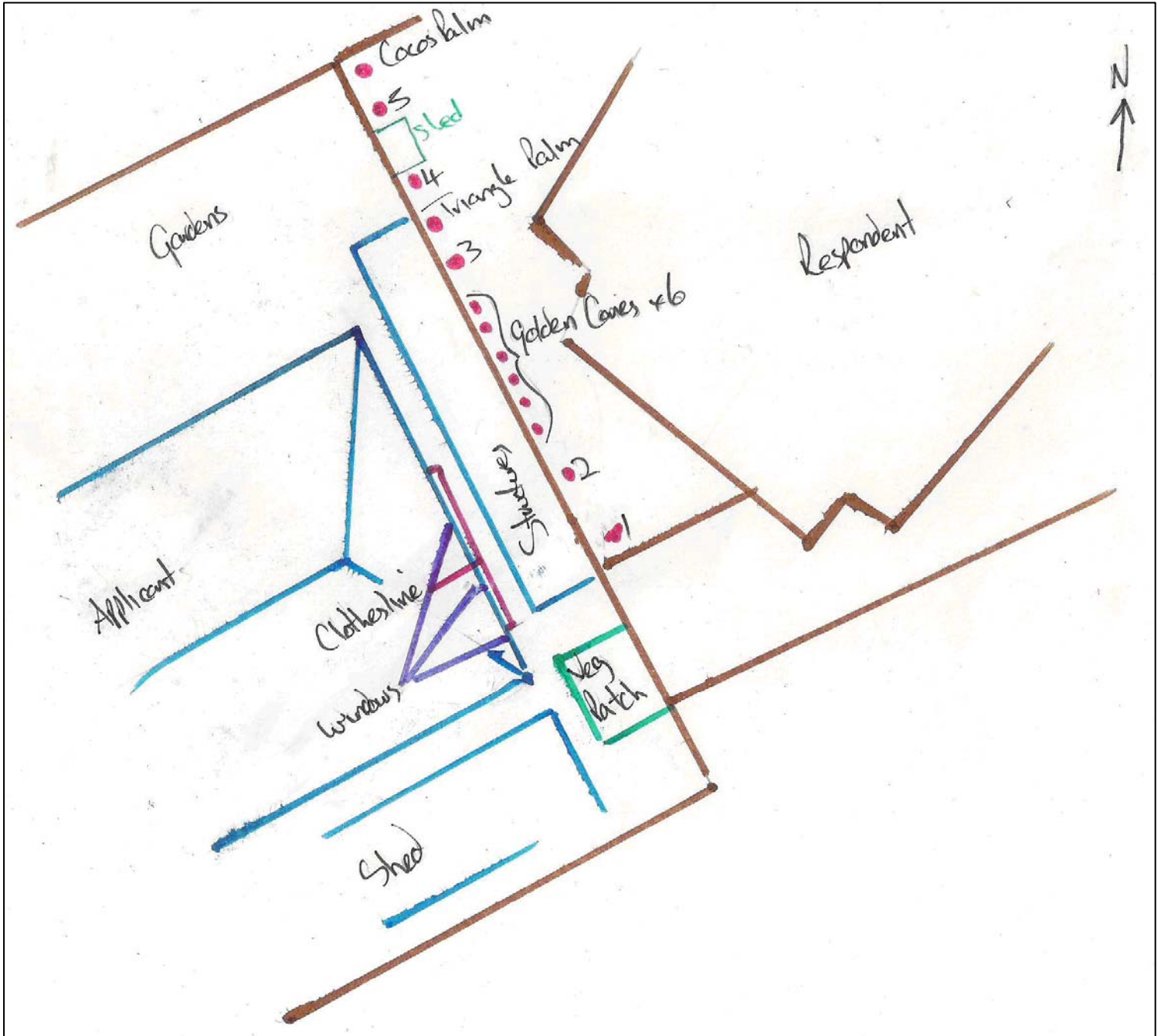
**For more information on QCAT**

2. The Tree-Keeper arrange to have the following works carried out on the trees (refer to attachment A and B) the subject of the dispute (“the Maintenance Works”):
  - (a) Tree 1 – be maintained to a maximum height of three (3) metres.
  - (b) Tree 2 – be maintained to a maximum height of three (3) metres.
  - (c) Tree 3 – be maintained to a maximum height of three (3) metres.
3. The Initial Works and the Maintenance Works are to be carried out by an Australian Qualifications Framework level 3 and appropriately insured arborist.
4. All pruning works are to be carried out in accordance with *Australian Standard 4373-2007 “Pruning of Amenity Trees”*.
5. The Initial Works are to be completed within 60 days of the date of this decision.

Kerrie O'Callaghan  
Senior Member  
**Queensland Civil and Administrative Tribunal**

Date: 10 July 2012

## Attachment A - Map



### For more information on QCAT

Call 1300 753 228 or visit [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au)

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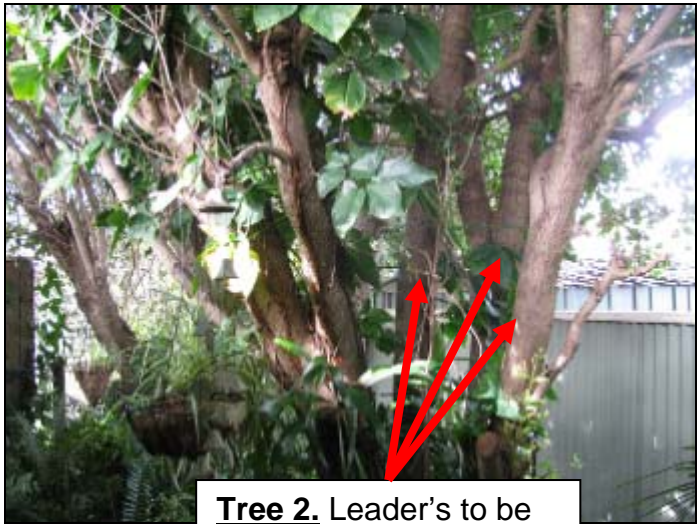
## Attachment B



**Tree 1**  
Leader's to be removed



**Golden Can Palms**, Large canes to be removed



**Tree 2**. Leader's to be removed

**For more information on QCAT**