

## DECISION

**Case number:** NDR068-13  
**Applicant:** Jessica Crisp & Mathew Crisp  
**Respondent:** Damien John York  
**Before:** Member Beckinsale  
**Date:** 8 August 2014  
**Proceeding Type:** Hybrid Hearing

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### IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The decision of the Tribunal dated 18 November 2013 is vacated.
2. Damien John York, the registered owner of the lot at 5 Bertram Street Park Avenue, North Rockhampton, the Tree-Keeper will arrange for the removal of the three (3) *Ficus macrocarpa* trees the subject of this dispute at his own cost.
3. The removal of the three (3) *Ficus macrocarpa* trees is to be completed by an appropriately qualified arborist, with a minimum qualification of an Australian Qualification Framework level 3.
4. The removal of the three (3) *Ficus macrocarpa* trees is to be carried out within sixty (60) days of the date of this order.
5. The registered owners of the lot at 3 Bertram Street Park Avenue, North Rockhampton, Jessica and Mathew Crisp will give access to the arborist engaged to carry out the removal.
6. The registered owner of the lot at 5 Bertram Street Park Avenue, North Rockhampton will take all reasonable steps to ensure compliance with section 94 of the *Neighbourhood Disputes Resolution Act 2011* by:
  - (a) Providing written notice of the intention to enter the land and carry out the work at least seven days prior to entering the land to Jessica and Mathew Crisp;
  - (b) And directing the arborist to enter the land for the purpose of completing the work only at a reasonable time, and only to a reasonable extent needed to carry out the work.

Signed

**Member Beckinsale**  
**Queensland Civil and Administrative Tribunal**