

DECISION

Case number:	NDR237-22
Applicant:	Iomaire Pty Ltd
Respondent:	Lisa Bruce FT01 Pty Ltd
Before:	Member Deane
Hearing Date:	28 January 2025
Decision Date:	28 January 2026
Proceeding type:	Tribunal Hearing
Initiating document:	Application for a tree dispute filed 30 November 2022

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The Tree-keeper must engage an arborist with a minimum qualification of Australian Qualification Framework level 3 in arboriculture with appropriate insurances to perform the following work and must give to such arborist a copy of the Tree Assessor's Report dated 20 July 2023 ('Report'), this Decision and the reasons for decision:
 - (a) remove trees identified as Tree 1, Tree 2, Tree 3, Tree 4 and Tree 5 in the Report, to the extent they have not previously been removed, on or before **4:00pm on 24 April 2026**;
 - (b) trim branches of Tree 6 growing laterally to the north east by at least 150 centimetres on or before **4:00pm on 24 April 2026**.
2. The Tree-keeper must not plant replacement trees which have the potential to exceed 5 metres at maturity ('the Height Restriction').
3. The Tree-keeper must engage an arborist with a minimum qualification of Australian Qualification Framework level 3 in arboriculture with appropriate insurances, not less than annually, to trim Tree 6 so that its north east lateral branches are maintained in accordance with Order 1 and to trim any replacement trees so that they are maintained so as to not exceed the Height Restriction.
4. The Tree-keeper will be responsible for all costs associated with these orders.
5. If the Tree-keeper fails to undertake any of the work outlined in or required by Order 1 or Order 3 ('Incomplete Works') then Iomaire Pty Ltd shall be entitled to undertake any of the Incomplete Works in accordance with these orders. Iomaire Pty Ltd's elected arborist shall be entitled to enter the Tree-keeper's land and carry out any of the Incomplete Work subject to Iomaire Pty Ltd giving 14 days written notice of that intention to the Tree-keeper.
6. If the Tree-keeper undertakes all the outstanding Incomplete Work prior to the 14 days written notice period expiring as outlined in Order 5, Iomaire Pty Ltd's entitlement to enter the Tree-keeper's land is extinguished.

7. The costs incurred by Iomaire Pty Ltd engaging an arborist to undertake any of the Incomplete 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.

Signed

A handwritten signature in black ink, appearing to read 'Deane', is written over a circular blue stamp. The stamp contains the text 'QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL' around the perimeter.

Member Deane
Queensland Civil and Administrative Tribunal