

## DECISION

**Case number:** NDR061-18

**Applicant:** Kevin William Bowe  
Susan Beth Bowe

**Respondent:** Michael Howitt  
Kathleen Manzie

**Before:** Member Collier

**Date:** 8 March 2019

**Proceeding Type:** Tribunal Hearing

---

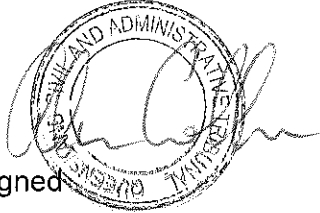
IT IS THE DECISION OF THE TRIBUNAL THAT:

1. (a) The Respondents are to arrange for work on the five (5) groups of trees between 89 Crank Street Tewantin and 27 Ward Street Tewantin, being those listed in clauses 6.1 to 6.5 of the joint arborist report dated 20 August 2018, to be undertaken as prescribed in the joint arborist report subject to the following:
    - (i) In respect of trees in groups 1,2, and 3: the gutter level refers to the gutter of 27 Ward Street.
    - (ii) In respect of trees in group 4: the third, most easterly, stem is to be trimmed to the height of the lower gutter of 89 Crank Street.
    - (iii) In respect of trees in group 5: only the two eastern end stems are to be trimmed; the remaining trees are to remain untouched.
  - (b) The cost of the work described in Order 1(a) is to be borne 50% each by the parties.
  - (c) The work described in Order 1(a) is to be completed by 31 May 2019.
  - (d) (i) The parties are to engage arborist Mr Matthew Duncan, or if he is unavailable another suitably qualified person agreed by them, to supervise and direct the work described in order 1(a);
    - (ii) The decision of the arborist concerning the work to be completed in accordance with this Order shall prevail over the opinion of either party;
    - (iii) The cost of the arborist mentioned in order 1(d)(i) is to be borne 50% each by the parties.
2. (a) (i) The Respondents, as tree-keepers, are responsible to maintain the trees that are the subject of this order in substantially the condition that they will be once Order 1 has been given full and proper effect.
    - (ii) In discharging their obligations in Order 2(a)(i) the Respondents are to undertake an inspection and assessment of the trees being the subject of this order not less frequently than every autumn, commencing autumn 2020.

# QCAT

Queensland Civil and Administrative Tribunal

- (b) The cost of maintaining the trees in the condition mentioned in Order 2 (a) is to be borne by the Respondents subject to the cost of tree trimming on the boundary line of the subject properties which is to be borne by the Applicant.



Signed

**Member Collier**  
Queensland Civil and Administrative Tribunal

For more information on QCAT

Call 1300 753 226 or visit [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au)  
GPO Box 1639, Brisbane Qld 4001 Fax: 07 3221 9156  
Email: [enquiries@qcat.qld.gov.au](mailto:enquiries@qcat.qld.gov.au) ASIA: 13 866 67 1996