

## DECISION

**Case Number:** NDR040-14  
**Applicant:** Neil Ozegovic  
**Respondent:** Ray Browne  
Christine Browne  
**Before:** Member Allen  
**Date:** 28 November 2014  
**Initiating Document:** Proposed agreement

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The parties have agreed to the works necessary to resolve this dispute in accordance with their agreement.

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The application for a tree dispute is dismissed.

Signed

Member Allen  
**Queensland Civil and Administrative Tribunal**

## AGREEMENT

**Case Number:** NDR040-14

**Applicant:** Neil Ozegovic

**Respondent:** Ray Browne  
Christine Browne

**Before:** Member Allen

**Date:** 28 November 2014

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THE PARTIES AGREE THAT:

THE TRIBUNAL PROPOSES THE FOLLOWING AGREEMENT THAT GIVE EFFECT TO THE ASSESSOR'S RECOMMENDATIONS:


1. The registered owner of the lot at 154 Bowen Road GLASS HOUSE MOUNTAINS QLD 4518 ("the Tree-Keeper") arrange to have the following works carried out on the tree/s the subject of the dispute ("the Works"):
  - (a) The Tallowwood (*Eucalyptus microcorys*) (Tree 1, see diagram) to have directional pruning to reduce the spread of tree canopies into and over the applicants land and fixed structures. To have crown pruning of tree canopy targeting crossing, rubbing, dead and redundant growth. To have target pruning of the lopped stubs to reduce the ongoing risk associated with poorly epicormic regrowth.
  - (b) The Scribbly Gum (*Eucalyptus racemosa*) (Trees 2 and 5, see diagram) to have directional pruning to reduce the spread of tree canopies into and over the applicants land and fixed structures. To have crown pruning of tree canopy targeting crossing, rubbing, dead and redundant growth. To have target pruning of the lopped stubs to reduce the ongoing risk associated with poorly epicormic regrowth.
  - (c) The Bloodwood (*Eucalyptus intermedia*) (Tree 4, see diagram) to have directional pruning to reduce the spread of tree canopies into and over the applicants land and fixed structures.
  - (d) The Scribbly Gum (*Eucalyptus racemosa*) (Tree 6, see diagram) to have directional pruning to reduce the spread of tree canopies into and over the applicants land and fixed structures.
2. The Works must be carried out:
  - (a) In accordance with Australian Standard 4373-2007 – "Pruning of amenity trees";
  - (b) By an appropriately insured arborist with a minimum of Australian Qualifications Framework (AQF) level 5 in tree climbing or with Australian Qualifications Framework (AQF) level 3 in tree climbing under the supervision of an Australian Qualifications Framework (AQF) level 5 arborist in regard to Tree 5.

**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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- (c) By an appropriately insured arborist with a minimum of Australian Qualifications Framework (AQF) level 3 in Arboriculture in regard to tree 1, 2, 4, 5, 6; and
  - (d) Within 90 days of the date of the final agreement.
4. The registered owner or the lot at 152 Bowen Road GLASS HOUSE MOUNTAINS QLD 4518 (“the Neighbour”) must provide access to the contractor hired by the Tree-Keeper to carry out the Works.
  5. If the Tree-Keeper requires access to the neighbour’s property to perform any of the works then he must give the Neighbour notice in writing requesting entry for approval prior to entry.

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