

DECISION

Case number: NDR160-15
Applicant: Robert Peter Aquilina
Respondent: Victor Kawak, Aimee Redmond

Before: Member Dr Cullen
Date: 22 March 2016
Proceeding Type: Compulsory Conference

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

1. The following definitions apply to this consent order:
 - (a) "the neighbour" – Robert Peter Aquilina
 - (b) "the tree keeper" – Victor Kawak and Aimee Redmond
 - (c) "the neighbours property" – 182 Rode Road, Wavell Heights in the state of Queensland
 - (d) "the tree keeper's property" – 180 Rode Road, Wavell Heights in the state of Queensland
 - (e) "the fence line" – the fence between the neighbour's property and the tree keepers' property
2. The tree works are as follows:
 - (a) The two (2) Jacarandas will be pruned annually to ensure that no branches extend beyond the fence line;
 - (b) The Chinese elm will be pruned annually to ensure that no branches extend beyond the fence line;
 - (c) The two (2) Oleanders will be reduced in height to 4 metres and pruned as needed to ensure that no branches extend beyond the fence line.
3. The annual works must be carried out no later than the 12 month anniversary (and annually thereafter) of the date of this order.
4. The annual works must be carried out:
 - (a) In accordance with Australian Standard 4373-2007 "*Pruning of Amenity Trees*"; and
 - (b) By an appropriately insured arborist with a minimum of Australian Qualifications Framework level 3 in Arboriculture.
5. The tree keeper will pay the cost of the annual works.

Signed

Member Dr Cullen
Queensland Civil and Administrative Tribunal

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