

DECISION

Case number: NDR182-17
Applicant: David Alister Cameron, Adriana Cameron
Respondent: Tegwen Eleanor James Howell

Before: Member Gardiner

Date: 21 May 2018
Proceeding Type: Compulsory Conference

THE TRIBUNAL ORDERS BY CONSENT:

1. The following definitions apply to this order:
 - (a) “the neighbours” – David Alister Cameron and Adriana Cameron
 - (b) “the tree keeper” – Tegwen Eleanor James Howell
 - (c) “the neighbours property” – 49 Sutton Street Chelmer 4068
 - (d) “the tree keeper’s property” – 53-55 Sutton Street Chelmer 4068
 - (e) “the trees” –
 - i. Silky Oak (*Grevillea robusta*)
 - ii. Swamp Cypress (*Taxodium disstichum*)
 - iii. Grey Gum (*Eucalyptus propinqua*)
2. The tree works are as follows (“the works”):
 - (a) Removal of Tree (i)
 - (b) Insertion of root barrier on tree (ii) as determined by and at the direction of a AQF Level 5 Arborist.
 - (c) Reduction pruning trees (ii) and (iii).
 - (d) The pruning is to include the removal of the limbs that extend over the neighbour’s property back to the approximate alignment of the dividing boundary fence and the removal of all deadwoods over the neighbour’s property at the direction of a AQF Level 5 Arborist.
 - (e) General pruning of the boundary line between the properties at the direction of a AQF Level 5 Arborist.
 - (f) Inspection in the month of July in every year of the boundary line and general pruning of the boundary line between the properties at the direction of a AQF Level 5 Arborist.
3. The requirements are as follows (“the requirements”):
 - (a) The tree keeper will obtain three (3) quotes from a suitably qualified contractors to perform the works and provide such quotes to the neighbour within twenty-one (21) days;
 - (b) The neighbour shall pick one suitably qualified contractor to perform the recommended works within seven (7) days of the exchange of quotes as referred to in (a) and advise the tree keeper;

- (c) The tree-keeper and the neighbour will pay half the cost of the works each directly to the suitably qualified contractor except for the cost of installation of the root barrier on tree (ii) which will be borne by the tree keeper solely;
- (d) All tree debris must be removed from both properties after the works;
- (e) All pruning to be performed in compliance with the requirements of the *Australian Standard 4373-2007 "Pruning of amenity trees"*;
- (f) All assessments to be performed by a minimum Australian Qualifications Framework (AQF) level five (5) qualified arborist;
- (g) All works to be performed by a minimum Australian Qualifications Framework (AQF) level three (3) qualified arborist;
- (h) The attending arborist / company shall provide proof of current Public Liability and Work Cover insurances prior to works on-site;
- (i) The works must be carried out within 30 days of the occurrence of 3(b).

It is further agreed between the parties:

- 4. That any pruning removed by the neighbours to be returned to the tree keeper will be placed in an area on the tree keeper's property nominated by the tree keeper in writing to the neighbours.
- 5. All access is provided by both parties to the suitably qualified contractor to allow the works to be carried out on the nominated day and time.
- 6. All applications are dismissed.

Signed

Member Gardiner
Queensland Civil and Administrative Tribunal