

DECISION

Case number: NDR198-13
Applicant: Juan Carlos Guanchez Hernandez
Respondent: Leo Hogan & Patrice Hogan

Before: Member Allen
Date: 24 June 2014

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.
2. The Directions Hearing scheduled for 24 July 2014 at 11:30am is vacated.

Signed

Member Allen
Queensland Civil and Administrative Tribunal

AGREEMENT

Case Number: NDR198-13
Applicant: Juan Carlos Guanchez Hernandez
Respondent: Leo Hogan & Patrice Hogan
Date: 24 June 2014

THE PARTIES AGREE THAT:

1. The registered owner of the lot at 12-14 Elizabeth Street, AITKENVALE QLD 4814 ("the Tree-Keeper") arrange to have the following works carried out on the tree/s the subject of the dispute:
 - a) Tree 'A', the *Samanea saman* or commonly known as a Rain tree (see attachment A Fig 17 page 11) is to undergo maintenance pruning works. As the tree is already pruned back to the fence line, the pruning works will remove the dead wood as can be seen over the fence line (see Attachment B gig 12 on page 9) and any other deadwood of which is in the canopy near the fence alignment. The epicormic regrowth coming from prior pruning of limbs near the fence line is to be pruned back to main branching; and
 - b) Tree 'B', the *Spathodea campanulata* or commonly referred to as African Tulip tree (see attachment A) is to be totally removed and cut at the base and either poisoned to prevent regrowth or stump ground dependent on the respondent's requirement.; and
 - c) Tree 'C' the *Cassia siamea* or commonly referred to as a Golden Shower Tree (see attachment A) other saplings that are currently growing in the same location are to be totally removed and cut at the base and either poisoned to prevent regrowth or stump ground dependent on the respondent's requirement. (the initial works)
 - d) Tree 'A' is to be inspected every two years. The canopy near the boundary is to be maintained as is and to have maintenance pruning if required, to prune out any deadwood and branches of concern due to loss of structural integrity and remove any epicormic regrowth that is likely to contribute to overhang. Any dead wood is to be removed form the canopy over the tree-keepers property and any weight reduction necessary to relieve stresses on the tree due to the assymetrical canopy .The exposed section of tree trunk on the applicant's land will also require inspection (the subsequent works)
2. The initial works are to be carried out by an AQF level 3 arborist in accordance with AS4373-2007.
3. The subsequent works as to weight reduction of canopy and inspection on the exposed tree trunk will require an AQF level 5 arborist otherwise an AQF level 3 arborist are to carry out the work in accordance with AS4373-2007.
4. Where it is necessary for some of the initial works or subsequent works to be carried out from the applicant's property the tree-keeper will seek the applicant's permission prior to

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any entry onto the applicant's property.

5. The initial works must be undertaken within 60 days of the date of the final agreement

Date: 23 June 2014

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