

DECISION

Case number: NDR128-18
Applicant: Body Corporate for 185 Torquay Road CTS 47006
Respondent: Waiwira Aust Pty Ltd ACN 142684779 as Trustee
Before: Member Milburn
Date: 7 February 2020
Proceeding Type: Tribunal Hearing

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

1. Waiwira Aust Pty Ltd ACN 142684779 as Trustee ('Waiwira'), being the registered owner of the lot at 183 Torquay Road Hervey Bay, will arrange to have these works carried out on the trees the subject of the dispute:

Part A (initial works)

- (a) Tree A – removed
- (b) Tree B – trimmed to the fence line
- (c) Tree C – trimmed to the fence line
- (d) Tree D – removed
- (e) Tree E – trimmed to the fence line

Collectively, these works are 'the Initial Works'.

Part B (maintenance works)

- (a) Tree B – trimmed to the fence line in accordance with recommendations of an arborist to be commissioned every two years by Waiwira
- (b) Tree C – trimmed to the fence line in accordance with recommendations of an arborist to be commissioned every two years by Waiwira
- (c) Tree E – trimmed to the fence line in accordance with recommendations of an arborist to be commissioned every two years by Waiwira

Collectively, these works are 'the Maintenance Works'.

2. The trees are those identified in the Tree Condition Report and Recommendations document prepared by Mr Steve McNelley arborist (Domestic Tree Care ABN 50944693265) presented as evidence in the Tribunal hearing, in accordance with the directions of the Tribunal.

3. To the extent that is relevant, all works are to comply with the requirement of Australian Standard 4373-2007 *Pruning of amenity trees*.
4. All works are to be completed by an appropriately qualified and insured arborist with a minimum qualification of Australian Qualifications Framework level 3.
5. All works are to be at the cost of Waiwira.
6. Body Corporate 185 Torquay Rd CTS 47006 ('BC185') will allow the arborist reasonable access to its property to perform the works upon Waiwira giving it 7 days written notice.
7. The Initial Works are to be carried out within 90 days of the date of this order. The Maintenance Works are to be carried out within 90 days of a recommendation of an arborist commissioned in accordance with clause 1 of this order.
8. Waiwira will provide BC185 with the arborist's quotations that it obtains every two years in accordance with clause 1 of this order.
9. The obligations imposed on Waiwira become the obligations of any subsequent owner of the property at 183 Torquay Road Hervey Bay.

Signed



Member Milburn
Queensland Civil and Administrative Tribunal

