


DECISION

Case number: NDR112-22
Applicant: ECF Property Trust
Respondent: John King Joyce, Brisbane City Council
Before: Member Poteri
Date: 20 February 2025
Proceeding Type: Tribunal Hearing

1. IT IS THE DECISION OF THE TRIBUNAL THAT THE APPLICATION FOR THE ORDERS REGARDING THE DAMAGE TO THE DRIVEWAY IS DISMISSED.
2. BY CONSENT IT IS THE DECISION OF THE TRIBUNAL THAT THE APPLICATION REGARDING THE OVERHANGING BRANCHES IS DETERMINED AS FOLLOWS:
 - a. John King Joyce shall prune the tree listed in the report (Report) of Mr Stephen Richard dated 14 July 2023 (copy attached). The work must be undertaken by a suitably qualified tree lopper with appropriate insurance cover under the supervision of a qualified arborist in accordance with the Report at the cost of John King Joyce.
 - b. The work shall be completed by 2 May 2025.
 - c. Should that work not be completed within that time the Antonaglias shall be entitled to have the work performed by a suitably qualified tree lopper with appropriate insurance cover under the supervision of a suitably qualified arborist.
 - d. John King Joyce shall ensure a suitably qualified tree lopper with appropriate insurance cover under the supervision of a suitably qualified arborist attends and prunes the trees to the heights as set out in the Report, every 2 years after the trees are first pruned.
 - e. Should the Antonaglias be required to carry out the work and the regular pruning as stipulated in the Report in default of it not being undertaken by Joyce in accordance with this order, then, the costs incurred by the Antonaglias engaging a tree lopper and arborist to do the work in default of John King Joyce not undertaking the work as outlined in this order; then such costs shall be recoverable from John King Joyce as a debt without further notice being required to be given.
 - f. John King Joyce and any tree lopper or arborist engaged by John King Joyce to perform the initial work, or the bi-annual pruning, shall be entitled to enter the Antonaglias land subject to 2 days written notice being given of the work to be undertaken.
 - g. A suitably qualified arborist shall be someone with a minimum qualification of Australian Qualifications Framework (AQF) level 3 in arboriculture.
 - h. These orders shall remain in force and effect for a period of 10 years from the date hereof.

Signed


Member Poteri
Queensland Civil and Administrative Tribunal