

## TREE ASSESSMENT REPORT

Applicant: **Body Coprorate for St James CTS 19922**  
Respondent: **Jennifer Lynn Nicol  
Brisbane City Council**  
Case number: **NDR207-23**  
Site address: **47A Tristania Road  
CHAPEL HILL QLD 4069**

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I, Mr Steven Richards, certify that I attended at 47A Tristania Road  
CHAPEL HILL QLD 4069 on 2 SEPTEMBER 2024:

**Actual Start Time:** 9:00am\_\_\_\_\_

**Actual Finish Time:** 11:30am\_\_\_\_\_

### 1. Introduction/purpose

#### 1.1. Brief

My role as Tree Assessor is to gather facts by observations and other simple tree tests, about the trees and alleged tree damage, obstructions etc, and provide expert recommendations that help QCAT to:

- a) determine if the dispute is within the jurisdiction of the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011* (NDR)
- b) determine if the orders sought are appropriate with respect to the NDR
- c) determine and specify appropriate actions, if any, that may lead to the efficient and fair resolution of the tree dispute.

#### 1.2. Qualifications and Experience (attached and marked A)

#### 1.3. Documents and Information Provided

NDR207-23

#### 1.4. Relevant Background Information

A line of trees on the eastern boundary of the respondent's property is a source of nuisance for three properties (Lots 8, 20 and 21) located in St James Estate directly to the east. Encroaching branches and blocking of light have been cited as the main causes of nuisance.

#### 1.5. Issues addressed in this report

Extent to which branches encroach. Recommendations for mitigation.

## 2. Site Visit and Observations

### 2.1. NDR Jurisdiction Checks - Ownership/tenure of land, location and type of “tree”

#### Tree Locations



47A Tristania Rd, Chapel Hill Qld 4069

(Source: Qld Globe)

#### Tree Table

GROUP NO.	TREE SPECIES	TREE AGE	DBH (mm)	TREE HEIGHT (m)	AVERAGE CANOPY SPREAD (m)	TREE HEALTH	TREE STRUCTURE	RETAIN, REMOVE or OTHER	COMMENTS
1	<i>Libidibia ferrea</i>	M	580	11	11	Good	Fair	Remove	Unable to manage
2	<i>Schefflera actinophylla</i>	M	100	4	4	Fair	Fair	Remove	Invasive weed
3	Various	M	-	-	-	Good	Good	Retain	Prune to boundary
4	<i>Jacaranda mimosifolia</i>	M	710	10	13	Good	Fair	Retain	Remove low limb
5	<i>Corymbia torelliana</i>	M	430	15	7	Good	Fair	Retain	Prune to boundary
6	<i>Corymbia torelliana</i>	M	320	12	5	Fair	Fair	Remove	Crown decline
7	<i>Corymbia torelliana</i>	M	580	18	11	Good	Good	Retain	Prune to boundary
8	<i>Corymbia torelliana</i>	M	600	18	13	Good	Fair	Retain	Prune to boundary
9	<i>Corymbia torelliana</i>	M	300	10	5	Good	Fair	Remove	Unable to manage
10	<i>Grevillea robusta</i>	M	330	15	4	Good	Good	Retain	Prune to boundary

## 2.2. Checks as to whether the applicant's land is affected by the tree(s)?

Tree No. 1

Tree No. 1 is a mature Leopardwood. The subject tree is wholly located within the respondent's property and is positioned approximately 2 metres from the dividing fence.

The subject tree is phototropic and growing toward the east from beneath the canopy of another tree set adjacent to the West.

The subject tree extends across the boundary by approximately 4 metres.

Pruning to the boundary will remove the majority of the upper crown and be in breach of Australian pruning standards.



Tree No. 1 basal region



Tree No. 1 as seen from respondents



Tree No. 1 as seen from applicants

## Tree No. 2

Tree No. 2 is a mature Umbrella. It is wholly located within the respondent's property and positioned approximately .5m from the dividing fence.

The subject tree is native to northern Qld, however, is considered a category 3 weed in southeast QLD.

The subject tree extends across the boundary by approximately 2.5 metres.



Tree No. 2 basal region



Tree No. 2 as seen from respondents



Tree No. 2 as seen from applicants

Tree No. 3

Tree No. 3 is comprised of all the shrubs and small trees that run along the boundary.

They encroach upon the applicant's property at various distances between 1 and 2 metres along the entire dividing fence.



Boundary plantings in proximity to dividing fence

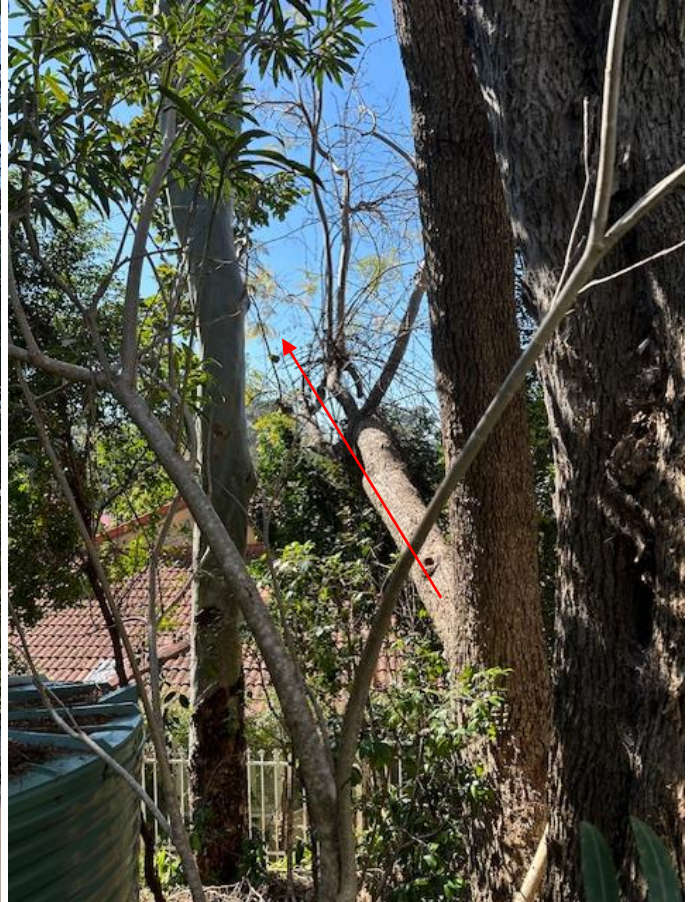
Tree No. 4

Tree No. 4 is a mature Jacaranda. The subject tree is wholly located within the respondent's property and is positioned approximately 4 metres from the dividing fence.

One low limb on the eastern side of the tree extends beyond the dividing fence by approximately 3.5 metres.



Tree No. 4



Extended lower limb



Tree No. 5

Tree No. 5 is a mature Cadaghi. It is wholly located within the respondent's property and positioned approximately 1.2 metres from the dividing fence.

Branches in the crown of the subject tree extend across the dividing fence by approximately 3 metres.



Tree No. 5 basal region



Tree No. 5 as seen from respondents



Tree No. 5 as seen from applicants

Tree No. 6

Tree No. 6 is a mature Cadaghi. It is wholly located within the respondent's property. And is positioned approximately 1 metre from the dividing fence.

The subject shows decline with dieback in the upper crown and dead wood throughout.

The subject tree overhangs the dividing fence by approximately 1 metre.



Tree No. 6 basal region



Tree No. 6 as seen from respondents



Tree No. 6 as seen from applicants

Tree No. 7, 8, 9 10

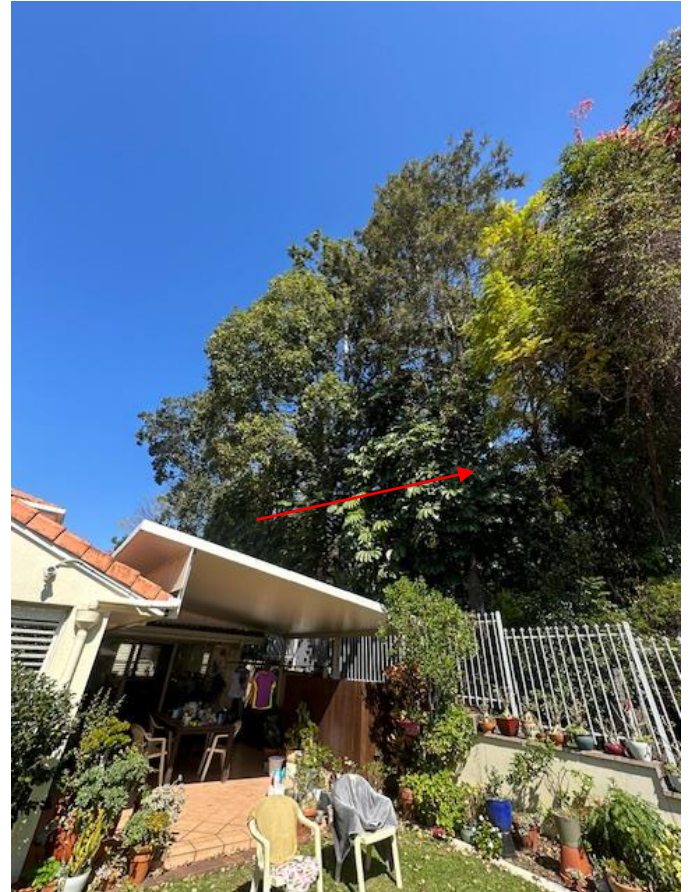
Tree No. 7-10 are a row of mature trees in the north-west corner of the respondent's property.

Branches from the subject trees encroach across the dividing fence from between 1 and 3 metres.

Tree No. 9 is the smallest of the four trees and is suppressed growing phototropically to the east across the dividing fence.



Trees No. 7-10 from respondents



Trees No. 7-10 from applicants

### 2.3. Checks against matters for consideration ss70-75

The construction of St. James Estate used a cut method to level the blocks against the dividing fence. The disparity between the natural grade of the respondent's property and the applicants below is approximately 4m. This grade change alone with the positioning of the dwellings creates a situation for limited light.

The following photograph of the rear of Lot 8, shows the proximity of the eaves to the retaining wall. This area would receive very little sunlight even if all vegetation was removed.



#### **2.4. Recommendations (related to jurisdiction, or further investigations required before an order can be made)**

It is recommended that Tree No. 1 be removed in its entirety due to a lack of options to effectively mitigate by pruning.

It is recommended that Tree No. 2 be removed in its entirety due to its status as a weed.

It is recommended that all small trees and shrubs (Tree No. 3) be pruned back to the dividing fence once yearly as a maintenance procedure.

It is recommended that the lower limb of Tree No. 4 be target pruned back to collar.

It is recommended that Tree No.5 be target and directionally pruned back to the dividing fence.

It is recommended that Tree No. 6 be removed in its entirety due to crown decline and proximity to dividing fence.

It is recommended that Tree No. 9 be removed in its entirety due to a lack of options to effectively mitigate by pruning.

It is recommended that Trees No. 7, 8 and 10 be target and directionally pruned back to the dividing fence.

It is recommended that all trees listed for pruning be inspected once every 3 years by a Min. AQF level 5 arborist to assess for health, risk and prescribe a pruning dose if required.

### 3. Discussion

Chapel Hill is a densely treed suburb with numerous protections from local government across the area.

Many of the larger blocks like the respondents have been allowed to grow and there is a flow of trees without a great deal of consideration to trees and property lines.

There is a stark contrast between the respondents and the applicants as you move from a naturally treed area to a more modern, manicured sub-division with nothing more than a property line.

It is easy to see why this particular line of property maintenance may not have been given a management priority.

The select removals chosen along with the reduction/removal of overhanging branches will go a long way to increasing available light whilst mitigating the nuisance of encroaching limbs.

### 4. Conclusion and recommendation

It is recommended that work be carried out in accordance with the specifications set out in the above recommendations.

1. Works must be completed by a Min. AQF level 3 arborist with appropriate insurances.
2. Works must be performed in accordance with AS 4373-2007 Pruning of Amenity Trees.

Signed:



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**Tree Assessor**  
**Mr Steven Richards**

Date: 17 / 10 / 2024



## List of issues

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### Issues AGREED:

Ownership of the subject trees

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### Issues IN DISPUTE:

Extent to which the trees require management

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## **A. Qualifications and experience**

### **Education / Training –**

- Diploma of Arboriculture
- Diploma of Horticulture (Arboriculture)
- Diploma of Photography and Digital Imaging
- International Society of Arboriculture Certified Arborist NE-6306A (2004-2019)
- TRAQ Qualified Tree Risk Assessor
- QTRA (Quantified Tree Risk Assessment) licensed user No-1359
- Soil Foodweb Interactions and Benefits to Plant Production {Southern Cross University}
- Practitioners Guide to Visual Tree Assessment (VTA) conducted by QTRA

29 years of practical experience gained throughout Australia and internationally, working in New Zealand, Germany, Canada and the United States covering all of the following:-

- Undertake Hazard Assessments
- Evaluate trees for disease and pest problems, and recommend treatments as needed
- Consultancy to Developers, Councils, Organizations and Private Clients
- Prepare site construction impact plans & reports
- Prepare Vegetation management plans
- Prepare Arboricultural management plans
- Advise, prepare and implement strategies regarding pruning of trees and roots to AS 4373 and AS 4970
- Protection implementation on development sites.
- Project Arborist works
- Communication Management – Written & Verbal
- Surveying and Data Collection