

DECISION

Case number: NDR189-16

Applicant: Dane Gilmour
Victoria Emily Gilmour

Respondent: David Wise
Susan Maria Wise

Before: Member Howard

Date: 9 February 2017

Proceeding Type: Compulsory Conference

IT IS THE DECISION OF THE TRIBUNAL BY CONSENT IN FULL AND FINAL SATISFACTION OF THE APPLICATION THAT:

1. (i) The tree-keeper, David Wise and Susan Wise, must provide a list in writing of the names of three (3) arborists to the neighbour, Dane Gilmour and Victoria Gilmour, by:
4:00pm on 24 February 2017.
- (ii) The neighbour must advise the tree-keeper in writing of the arborist selected from the list, by:
4:00pm on 28 February 2017.
2. (i) The neighbour must arrange for inspection and, if possible, pruning to the boundary of 25 Yarradale St, Newmarket, of the Cadaghi tree (the tree), which is located closest to the boundary of 46 Gracemere St, Newmarket and 25 Yarradale St, Newmarket, by the arborist selected, by:
4:00pm on 31 March 2017.
- (ii) The tree-keeper must allow the arborist access to 46 Gracemere St, Newmarket for purposes of the inspection and pruning of the tree, upon receiving 48 hours' written notice from the neighbour of the arranged inspection/pruning date.
3. (i) If the arborist is not also a tree-lopper, and makes recommendations for pruning of the tree, then the neighbour may arrange, if required, for the pruning of the tree to the boundary of 25 Yarradale St, Newmarket, in accordance with the arborist's recommendations within 14 days of receiving the arborist's advice;
- (ii) the tree-keeper must allow access to the tree-pruner on receiving 48 hours' notice in writing from Dane Gilmour of the arranged date for the purposes of facilitating the pruning of the tree.
4. An arborist (and if necessary, a tree-lopper) may be engaged by the neighbour each three years to maintain the pruning of the tree to the boundary of 25 Yarradale St, Newmarket, if required, on the same terms and conditions as set out in orders 1-3 of these orders.

5. The costs of the arborist and tree-lopper must be paid by the neighbour.

Signed

Member Howard
Queensland Civil and Administrative Tribunal