

## ORDERS

**Case Number:** NDR094-15  
**Applicant:** Richard Vaughan Mackay  
**Respondents:** Tracy Oppelaar and Jonathan Oppelaar

**Before:** Member Paratz  
**Date:** 3 March 2016  
**Proceeding Type:** Compulsory Conference

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**THE PARTIES AGREE IN TERMS OF PARAGRAPH 1 TO 3 OF THE PROPOSED AGREEMENT DATED 11 FEBRUARY 2016 AS FOLLOWS:**

1. The following definitions apply to this proposed agreement:
  - (a) 'the neighbour' – Richard Mackay
  - (b) 'the tree keeper' – Tracy Musgrove and Jonathan Oppelaar
  - (c) 'the neighbour's property' – 41 Rohif St Dayboro in the State of Queensland
  - (d) 'the tree-keepers property' – 43 Rohif St Dayboro in the State of Queensland
  - (e) 'the hedge' – the hedge located on the tree-keeper's property
  - (i) Consisting of 20 mixed species shrubs or small trees, and
  - (ii) Approximately 15 metres in length
  - (f) 'quarterly' – 4 times per 12 month period commencing on 14 May 2016
2. The tree works are as follows ('the works'):
  - (a) The hedge will be pruned to a height of 4 metres from ground level at the southern end and from this point the height of the remaining hedge is to be reduced in a horizontal line extending for the length of the hedge
  - (b) The hedge will be maintained quarterly in accordance with 2(a).
3. The tree keeper will be responsible for the performance of the works on or before 14 February 2016.

**In addition the parties agree that:**

4. Jonathan Oppelaar will conduct the pruning works himself, and;
5. that Mr Oppelaar indemnifies Mr Mackay against any personal injury suffered by Mr Oppelaar in the course of conducting the works, and that this Agreement may be pleaded in bar to any such claim.

6. Mr Oppelaar is not required to conduct any works in the immediate vicinity of the garage construction on Mr Mackay's property until the garage construction is completed, and the immediate surrounding area made good.
7. The Application is dismissed.

Signed

**Member Paratz**  
**Queensland Civil and Administrative Tribunal**

**For more information on QCAT**

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