

DECISION

Case Number: NDR036-15

Applicant: Glenda May Mancktelow

Respondents: Andrew Gordon Temple
Natalee Jewel Kirby

Before: Senior Member Brown

Date: 26 October 2015

Initiating Document: Proposed agreement

The parties have agreed to the works necessary to resolve this dispute in accordance with their agreement.

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The application for a tree dispute is dismissed.

THE TRIBUNAL DIRECTS THAT:

1. The Directions Hearing in Brisbane on 12 November 2015 at 10:30am is cancelled.

Signed

Senior Member Brown
Queensland Civil and Administrative Tribunal

AGREEMENT

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Applicant: Glenda May Mancktelow

Respondents: Andrew Gordon Temple
Natalee Jewel Kirby

Before: Senior Member Brown

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THE PARTIES AGREE THAT:

1. The registered owner of the lot at 41 Latchford Street PIMLICO QLD 4812 (“the Tree-Keeper”) arrange to have the following works carried out on the tree/s the subject of the dispute (“the Works”):
 - a) The *Bambusa textiles* var. *gracilis* is to be removed from 43 Latchford Street, Pimlico (the neighbour’s land). The entire clump and associated stems on the neighbour’s land and under the fence and extending 150mm back onto the tree keepers’ land is to be physically removed. This includes the resultant fibrous root of the bamboo. Soil is to be reinstated back into the area from where the clump and fibrous root of the bamboo has been removed from. The neighbour’s land is to be left in a clean manner and as it would have been prior to the encroachment of the bamboo;
 - b) Installation of a root barrier along the fence line, 150mm onto the tree keepers’ land. This will retain the clump onto the tree keepers’ land without the potential of encroachment onto the neighbour’s land;
 - c) The root barrier is to be of industry standard with a width of 600mm. The barrier is to be installed by trenching along the fence line within the tree keepers’ land and 150mm from the common boundary with the neighbour’s land and installed with a 75mm section above ground level. The barrier is to extend across the current 15 metres of bamboo plantings and extend an additional 3 metres on either side of the end clumps.
 - d) The *Bambusa textiles* var. *gracilis* is to be reduced in height by 2 metres or maintained at approximately 4 metres in height from ground and is to be regularly maintained at this height. Pruning works will also include the removal of stems which are on a lean towards the neighbour’s land;
 - e) Permission is to be sought from the neighbour as access will be required to undertake the removal of the encroaching plantings onto the neighbour’s property;

2. All current and future pruning works are to be carried out in accordance with AS4373-2007.
3. The Works must be carried out:
 - (a) In accordance with Australian Standard 4373-2007 "*Pruning of Amenity Trees*";
 - (b) By an appropriately insured arborist with a minimum of Australian Qualifications Framework level 3 in Arboriculture;
 - (c) Within 60 days of the date of the final agreement;
 - (d) Pruning works will be undertaken at 6 monthly intervals to maintain the height of the bamboo at 4 metres. Recommended pruning to occur early summer and again prior to winter; and
 - (e) At the tree keepers' expense.

For more information on QCAT

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