

DECISION

Case number: NDR177-21
Applicant: Margaret Ann McLachlan
Respondent: Matthew John Gordon
Melanie Sarah Nash

Before: Member Bishop
Date: 28 February 2024
Proceeding type: Directions Hearing

IT IS THE DECISION OF THE TRIBUNAL BY CONSENT THAT:

1. The Respondents, **Matthew John Gordon** and **Melanie Sarah Nash**, will remove the large stubs to the collars on their Poinciana tree (identified as Tree 1 in Mr Steven Richards Tree Assessment Report dated 11 December 2023) (Tree 1) **on or before 4:00pm on 31 May 2024**.
2. The Respondents, **Matthew John Gordon** and **Melanie Sarah Nash**, will undertake formative and directional pruning of Tree 1's upper canopy to encourage growth along the parties dividing fence and not radially across it **on or before 4:00pm on 31 May 2024**.
3. After the initial formative and directional pruning of Tree 1 as outlined in Order 2, the Respondents, **Matthew John Gordon** and **Melanie Sarah Nash**, will undertake ongoing pruning maintenance of Tree 1's upper canopy for encroachment every two (2) years in the winter months. The first maintenance prune will occur **in the winter months of 2026**.
4. All work outlined in Order 1, Order 2 and Order 3 is to be undertaken by an arborist with a minimum qualification of Australian Qualification Framework level 3 in arboriculture with appropriate insurances.
5. All work outlined in Order 1, Order 2 and Order 3 is to be undertaken in accordance with AS4373-2007 Pruning of Amenity Trees.
6. The Respondents', **Matthew John Gordon's** and **Melanie Sarah Nash's**, engaged arborist shall be entitled, if required, to enter the Applicant's, **Margaret Ann McLachlan's**, land to perform the work outlined in Order 1, Order 2 and Order 3 subject to 3 days' notice or as agreed between the parties.
7. The Respondents, **Matthew John Gordon** and **Melanie Sarah Nash**, will be responsible for all costs associated with undertaking the work outlined in Order 1, Order 2 and Order 3.

8. The Respondents, **Matthew John Gordon** and **Melanie Sarah Nash**, will provide their engaged arborist with appropriate insurances a coloured photocopy of Mr Steven Richards Tree Assessment Report dated 11 December 2023 prior to undertaking the work outlined in Order 1, Order 2 and Order 3.

Signed

A handwritten signature in black ink, appearing to read 'Bishop', is written over a blue circular official stamp. The stamp contains the text 'QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL' around the perimeter and '2023' in the center.

Member Bishop
Queensland Civil and Administrative Tribunal