

DECISION

Case number: NDR135-22

Applicant: Hayley Patricia Theodore
Respondent: Zane Geoffrey Johnson

Before: Member Lember

Date: 2 May 2024

Proceeding Type: On the papers Tribunal hearing

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The registered owners of 9 Gibson Grove, Emerald must, at their cost, arrange for the pruning of the *Calliandra haematocephala* Hassk (Powderpuff-tree) and all vines growing on the boundary fence between 7 and 9 Gibson Grove, Emerald:
 - a. On the first occasion, by 30 May 2024; and
 - b. Subsequently, annually by 30 May in each year,to cut over-hanging tree branches back to within 50cm of the boundary fence and to entirely cut vines from touching or growing on the boundary fence.
2. The pruning of the aforesaid tree is to be completed by an appropriately qualified and insured arborist with a minimum qualification of an Australian Qualified Framework Level 3 Arborist. The pruning of vines may be undertaken by the registered owners of 9 Gibson Grove Emerald or by a gardener.
3. These orders do not prevent the aforesaid tree or vines being removed rather than pruned, at the election of the registered owners of 9 Gibson Grove, Emerald.
4. By 30 May 2024, Zane Geoffrey Johnson must pay Hayley Patricia Theodore the sum of \$669.39 being:
 - a. \$162.69 by way of compensation, and
 - b. \$506.70 for costs.

Signed



Member Lember
Queensland Civil and Administrative Tribunal