



Queensland Civil and Administrative Tribunal

DECISION

Case number: NDR075-22
Applicant: Walter Lago
Respondent: Emma Jane Kellock
Before: A/Member D Brown
Date: 10 September 2024
Proceeding Type: On-papers hearing

IT IS THE DECISION OF THE TRIBUNAL THAT:

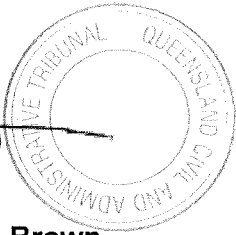

1. Ms Emma Kellock is to arrange remedial pruning to the Poinciana Tree to undertake natural target pruning for directional manipulation; remove and shorten the epicormic growth; and where safe to do so without compromising the health of the tree, to remove or reduce any overhanging branches.
2. The work required by this order is to be carried out:
 - a) initially by 31 October 2024 and thereafter on a yearly basis between 1 May and 30 June each year.
 - b) by an Australian Qualified Framework level 3 (or higher) arborist with relevant public liability and work cover insurance cover.
 - c) at Ms Kellock's cost
3. Should it be necessary to enter Mr Walter Paul Lago's land to undertake the work outlined in Orders 1 to 2, upon Ms Kellock giving 5 days written notice of the intention, Ms Kellock's elected arborist is entitled to enter Mr Lago's land to carry out the work.
4. If the work is not completed by 31 October 2024; or by 30 June in any subsequent year, Mr Lago may arrange to have the work at order 1 performed by an Australian Qualified Framework level 3 (or higher) arborist with relevant public liability and work cover insurance cover on the basis that:
 - a) any work is completed by 30 November 2024; or
 - b) within the months of July and August in any subsequent year.
5. Should Mr Lago be required to arrange the work stipulated above in default of it being done by Ms Kellock:
 - a) Mr Lago's elected arborist is entitled to enter Ms Kellock's land to carry out the work upon Mr Lago giving 5 days written notice of that intention to Ms Kellock.
 - b) the costs incurred by Mr Lago engaging an arborist to do the work are recoverable from Ms Kellock as a debt without further notice being required to be given.

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6. Mr Lago must not prune or cut any branches on the Poinciana, regardless of whether they overhang into his property, outside of the yearly pruning schedule set in order 4.
7. These orders remain in force and effect for a period of 10 years from the date hereof.

Signed



A/Member D Brown
Queensland Civil and Administrative Tribunal