

## DECISION

**Case number:** NDR188-15  
**Applicant:** Stephen Douglas Whittam  
**Respondent:** Jan Cornelis Versteeg  
**Before:** Member Hanly  
**Date:** 27 October 2016  
**Proceeding Type:** Compulsory Conference

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IT IS THE DECISION OF THE TRIBUNAL THAT, BY CONSENT:

1. The order made by consent on 24 May 2016 is varied, but only in respect of Orders 2 and 5, and Orders 1, 3 and 4 remain as previously ordered.
2. Order 5 is deleted.
3. Order 2 is expanded to include the following:
  - i. The respondent agrees to the plan submitted by the applicant on 5 June 2016 for the installation of the leaf barrier (Exhibit L to the applicant's affidavit dated 26 August 2016)
  - ii. The respondent agrees to permit the applicant's contractor to access his property for the purposes of installing the support posts within 100mm of the retaining block wall for the leaf barrier, upon the applicant giving 7 working days' notice of same.
  - iii. The applicant agrees that the excavation of the post holes is to be carried out without the use of heavy machinery and that any damage caused to the respondent's landscaping will be made good at the applicant's expense.
  - iv. The installation work is to be carried out on any day other than a Sunday between the hours of 7:30am and 4:30pm.
4. The application is withdrawn.

Signed

**Member Hanly**  
**Queensland Civil and Administrative Tribunal**