

DECISION

Case number: NDR211-24
Applicant: Andreas Haefner
June Ann Gliddon
Respondent: Nigel Jamie Cooke
Danielle Tara Whyte
Before: Member Bishop
Date: 20 May 2025
Proceeding type: Compulsory Conference

IT IS THE DECISION OF THE TRIBUNAL BY CONSENT THAT:

1. **Nigel Jamie Cooke and Danielle Tara Whyte must:**
 - (a) trim the bamboo situated on their land adjacent to the parties' shared common boundary (the Bamboo) to a height of three (3) metres above the ground level of **Nigel Jamie Cooke's** and **Danielle Tara Whyte's** land; and
 - (b) remove all the Bamboo (including the Bamboo's roots) situated at least 200 millimetres and less from the parties' shared common to form a ground clearance channel (of at least 20 millimetres wide) on **Nigel Jamie Cooke's** and **Danielle Tara Whyte's** land.
2. The work outlined in Order 1 must be undertaken in the months of **January, June** and **October**.
3. The first trimming and removing of the Bamboo as outlined in Order 1 will occur in **June 2025** and the last trimming and removing of the Bamboo as outlined in Order 1 will occur in **January 2035**.
4. **Nigel Jamie Cooke and Danielle Tara Whyte** will be responsible for all costs associated with the work outlined in Order 1.
5. If **Nigel Jamie Cooke and Danielle Tara Whyte** fail to undertake any of the work outlined in Order 1 (the Incomplete Work), **Andreas Haefner and June Ann Gliddon** can engage a competent contractor with appropriate insurances (including Public Liability Insurance) to enter **Nigel Jamie Cooke's** and **Danielle Tara Whyte's** land and carry out the Incomplete Work subject to **Andreas Haefner and June Ann Gliddon** giving 14 days written notice of that intention to **Nigel Jamie Cooke and Danielle Tara Whyte**.
6. The costs incurred by **Andreas Haefner and June Ann Gliddon** engaging a competent contractor with appropriate insurances (including Public Liability Insurance) to undertake the Incomplete Work in default of **Nigel Jamie Cooke and Danielle Tara Whyte** is recoverable from **Nigel Jamie Cooke and Danielle Tara Whyte** as a debt without further notice being required to be given.

Signed

Member Bishop

Queensland Civil and Administrative Tribunal