

CONSENT DECISION

Case number: NDR176-24

Applicant: Michael Truong

Respondents: Hue Linh Au
Hy Lai Huynh

Before: Member Scott-Mackenzie

Date: 28 September

Proceeding type: Tribunal Hearing

Initiating document: Application for a tree dispute – *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 (Qld)* filed 1 October 2024

BY CONSENT, THE TRIBUNAL DECIDES THAT:

1. Hue Linh Au and Hy Lai Huynh, at their own cost and expense and within three months of this order, prune trees numbers 1 (Weeping Fig) and 4 (Jacaranda) in the tree assessment report by Michael Sowden dated 9 November 2025 and filed in the proceeding to remove any branches overhanging Michael Truong's land at 42 Markham Street, Darra.
2. Hue Linh Au and Hy Lai Huynh, at their own cost and expense and not less than once a year commencing on or before 1 October 2027 and thereafter on or before 1 October in each succeeding year, prune trees numbers 1 and 4 in the tree assessment report by Michael Sowden dated 9 November 2025 and filed in the proceeding to remove any branches overhanging Janice Truong's land.
3. Hue Linh Au and Hy Lai Huynh, at their own cost and expense and within three months of this order, remove trees numbers 3 (Weeping Fig) and 5 (Chinese Elm/Chinese Hackberry) in the tree assessment report by Michael Sowden dated 9 November 2025 and filed in the proceeding and grind the stumps.
4. The work required by orders 1 - 3 of these orders:
 - (a) be carried out by an Australian Qualified Framework (AQF) level 3 arborist with appropriate insurance cover;
 - (b) the arborist provide the parties with proof of appropriate insurance cover prior to commencing work;
 - (c) the arborist carry out the work in accordance with Australian Standard 4373-2007 'Pruning of amenity trees';

- (d) climbing spurs, climbing gaffs and climbing irons must not be used during the work;
and
 - (e) the arborist remove from the parties' land any debris as a result of pruning trees numbers 1 and 4 in the tree assessment report by Michael Sowden dated 9 November 2025 and filed in the proceeding and removal of trees numbers 3 and 5 in the tree assessment report and grinding the stumps .
5. The parties give to each other and any person engaged by them such access to each other's land as they may reasonably require to carry out the work in orders 1 - 4 of these orders.

A blue circular stamp of the Queensland Civil and Administrative Tribunal (QCAT) is visible. Overlaid on the stamp is a handwritten signature in black ink, which appears to be 'Scott Mackenzie'. The signature is written in a cursive style and extends slightly to the right of the stamp.

Member Scott Mackenzie
Queensland Civil and Administrative Tribunal