

DECISION BY CONSENT

Case number: NDR212-24
Applicant: Jacaranda Gardens Body Corporate CTS 19631
Respondent: Chi Cuong Chau
Before: Member Poteri
Hearing Date: 13 October 2026
Proceeding type: Tribunal Hearing
Initiating document: Application for a tree dispute filed 5 December 2024

BY CONSENT IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The application is dismissed.
2. The Respondent must remove and poison the two Cocos palm trees, the subject of these proceedings, by 4pm on 31 January 2027.
3. The Applicant must provide reasonable access to its property to allow the Respondent (and his contractors) to remove and poison the two cocos palms, provided that the Respondent first gives the Applicant 48 hours' notice in writing of his intentions to remove and poison the two cocos palms on a particular day.
4. The Respondent is responsible for the total cost of the removal and poisoning of the two cocos palm tree.
5. The Applicant agrees to contribute the sum of \$1,000 to the cost of removal and poisoning of the two cocos palm trees.
6. The Applicant must pay the sum of \$1,000 into the nominated bank account of the Respondent within 7 days of the Respondent providing the Applicant with a copy of the paid invoice from the Respondent's contractor confirming that the work has been completed and the contractor's fee has been paid in full.
7. The Respondent must advise the Applicant, in writing, of the full details of his nominated bank account to enable payment of the sum of \$1,000 into the Respondent's bank account.
8. If the Respondent fails to have the two cocos palm trees removed and poisoned as outlined in this order (Incomplete Works), then the Applicant shall be entitled to undertake any Incomplete Works on the giving of 28 days' notice in writing to the Respondent. If this occurs, then the Applicant and its contractors shall be entitled to carry out any Incomplete Works, including entering the Respondent's land to undertake any such Incomplete Works.
9. If the Respondent undertakes all of the Incomplete Works prior to the expiration of the 28 days' notice referred to in order (8) hereof, the Applicant's and the Applicant's contractor's entitlement to enter the Respondent's land is extinguished.

10. Any costs incurred by the Applicant in engaging a contractor to undertake any of the Incomplete Works in default of the Respondent undertaking any Incomplete Works shall be recoverable from the Respondent as a debt, without further notice having required to be given by the Applicant to the Respondent.

Signed

A circular blue stamp of the Queensland Civil and Administrative Tribunal (QCAT) is visible. The text "ADMINISTRATIVE TRIBUNAL" is at the top and "QUEENSLAND" is at the bottom. A handwritten signature in black ink is written over the stamp.

Member Poteri
Queensland Civil and Administrative Tribunal