

## DECISION

**Case number:** NDR238-13  
**Applicant:** Terence Taylor  
**Respondent:** Mark Harvey  
  
**Before:** Member Hughes  
**Date:** 20 August 2014  
**Proceeding Type:** Compulsory Conference  
**Initiating document:** Application for a tree dispute filed 25 November 2013

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

1. Terence Taylor install a root barrier (minimum 900mm deep) around the western and northern sides of his concrete tiled pergola slab within the 400mm wide garden bed by a professional root barrier installation company;
2. Terence Taylor remove the lower lateral branches (no more than 20% of overall canopy mass) overhanging his property within 90 calendar days and maintain this every 12 months;
3. All tree canopy pruning works must be carried out by an AQF Level 3 arborist (with appropriate insurance cover) with all root pruning works to be carried out or supervised by an AQF Level 4 arborist in accordance with AS4373-2007 *Pruning of Amenity Trees*;
4. The costs of installing the root barrier in accordance with Order 1 will be borne by Terence Taylor;
5. The reasonable costs of removing the lower lateral branches overhanging Terence Taylor's property and maintaining them in accordance with Order 2 will be borne by Mark Harvey;
6. Each party pays its own legal costs;
7. These orders are in full and final satisfaction of the issues in dispute between the parties; and
8. The Application is withdrawn with leave of the Tribunal.

Signed

**Member Hughes**  
**Queensland Civil and Administrative Tribunal**