

DECISION

Case number: NDR137-24
Applicant: John Peter Sherman
Sandra Gay Sherman
Respondent: Alison McNamara
Keven Gerard McNamara

Before: Member Bishop
Date: 17 December 2024
Proceeding type: Directions Hearing
Initiating document: Application for a tree dispute filed 2 August 2024

IT IS THE DECISION OF THE TRIBUNAL BY CONSENT THAT:

1. Alison McNamara and Gerard McNamara must prune all the vegetation situated on their land along the parties' shared common boundary to:
 - (a) remove any vegetation encroaching onto John Peter Sherman and Sandra Gay Sherman's land; and
 - (b) reduce the height of the vine to the top of the parties' shared common fence.
2. The work outlined in Order 1 must be undertaken in the months of January, March, May, August and November of each year from 2025 to 2034. The first pruning is to occur in the month of January 2025.
3. If Alison McNamara and Gerard McNamara fails to undertake the work outlined in Order 1 at the times outlined in Order 2, John Peter Sherman and Sandra Gay Sherman shall be entitled to engage a contractor with appropriate insurances (including Public Liability Insurance) to enter Alison McNamara and Gerard McNamara's land and carry out any of the incomplete work subject to John Peter Sherman and Sandra Gay Sherman **giving 14 days written notice** of that intention to Alison McNamara and Gerard McNamara.
4. The costs incurred by John Peter Sherman and Sandra Gay Sherman engaging a contractor to undertake incomplete work shall be recoverable from Alison McNamara and Gerard McNamara without further notice being required to be given.

Signed



Member Bishop
Queensland Civil and Administrative Tribunal