

## DECISION

**Case Number:** NDR184-18

**Applicants:** Michael Gallagher  
Charles Blanshard  
Rob Veurman

**Respondent:** Clyde Hill

**Before:** Member Hughes

**Date:** 7 January 2019

**Initiating Document:** Application for decision/order by consent filed 21 December 2018

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IT IS THE DECISION OF THE TRIBUNAL THAT BY CONSENT:


1. The following definitions apply to this proposed agreement:
  - (a) "the neighbours" – Michael Gallagher, Charles Blanshard and Rob Veurman
  - (b) "the tree keeper" – Clyde Hill
  - (c) "the neighbours property" – Units 2, 3 and 4 of 3 Balaam Drive, Kalkie, Qld, 4670
  - (d) "the tree keeper's property" – 5 Balaam Drive, Kalkie, Qld, 4670
2. The tree works are as follows ("the works"):
  - (a) Trim the Bamboo subject to the Application for a tree dispute to a height of 3.5m.
3. The neighbours and the tree keeper will each obtain one (1) quote from a suitably qualified contractor to perform the works and exchange such quotes within fourteen (14) days from the date of this agreement.
4. The neighbours and the tree keeper will agree upon a suitably qualified contractor to perform the recommended works within seven (7) days of the exchange of quotes as referred to in (3).
5. In the absence of agreement between the parties in accordance with (4), the contractor who provided the lower of the quotes will be engaged by the tree keeper to undertake the works.
6. The tree keeper will pay the cost of the works.
7. The works identified in paragraph (2(a)) must be carried out within 60 days of the occurrence of the later of the events referred to in (4) or (5).
8. The works identified in paragraph (2(a)) must be carried out no later than the 12 month anniversary (and annually thereafter) of the date identified in (7), or once the Bamboo reaches a height on 4.0m, whichever is the sooner.

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9. The Works must be carried out:
  - (a) In accordance with Australian Standard 4373-2007 "*Pruning of Amenity Trees*"; and
  - (b) By an appropriately insured arborist with a minimum of Australian Qualifications Framework level 3 in Arboriculture.
10. The Compulsory Conference listed in Brisbane at 9:30am on 6 March 2019 is vacated.
11. The Application is dismissed.

Signed

Member Hughes  
**Queensland Civil and Administrative Tribunal**