

DIRECTIONS

Case number: RWL001-24 and NDR156-20

Applicant: Paul James Gould
Maria Veronica Gould

Respondent: Gregory Cornell
Julie Cornell

Before: Member Davies

Delivered on: 4 December 2024

Date: 26 September 2024

Proceeding type: On-Papers Hearing

THE TRIBUNAL DIRECTS THAT:

1. The Application to extend a time limit, filed on 5 August 2024, is granted and the time for the filing of the Renewal Application is extended to 5 August 2024.
2. The Costs Application filed in NDR156-20 by the applicants in that proceeding, Gregory Cornell and Julie Cornell, is dismissed.
3. In respect of the Renewal Application filed on 5 August 2024, the orders and the accompanying schedule in NDR156-20 are replaced by the following orders:
 - (a) Paul James Gould and Maria Veronica Gould (the Goulds) must:
 - (i) Remove all the bamboo situated on their land that is within 300 mm or less from the boundary fence that they share with Gregory Cornell and Julie Cornell ('the Cornells') to form a clearance channel adjacent to the boundary fence on or before 4:00 pm on 31 January 2025.
 - (ii) Trim any bamboo or sweet gums situated on their land that overhangs the land of the Cornells. The stalks of bamboo that overhang the land of the Cornells shall be trimmed to a height of 2.5 metres from ground level on or before 4:00 pm 31 January 2025.
 - (b) The Goulds must undertake ongoing maintenance of the bamboo and sweet gums in the months of January, April, July and October of each year to:
 - (i) Trim the height of any bamboo that, at the time of trimming, overhangs the land of the Cornells to reduce that overhanging bamboo to a height of 2.5 metres above ground level; and
 - (ii) Trim any branches of the sweet gums that overhang the land of the Cornells; and
 - (iii) Remove all bamboo situated 300mm and less from the parties' shared boundary fence to maintain the clearance channel.
 - (c) The Goulds must undertake the first ongoing maintenance in January 2025

- (d) All work is to be undertaken by an arborist with a minimum qualification of Australian Qualification Framework level 3 in arboriculture with appropriate insurances (including public liability insurance).
- (e) The Goulds will be responsible for all costs associated with undertaking the work outlined in paragraph (a) and paragraph (b) above.
- (f) If the Goulds fail to undertake the work outlined in paragraph (a) and paragraph (b), the Cornells shall be entitled to have the work undertaken by an arborist with a minimum qualification of Australian Qualification Framework level 3 in arboriculture with appropriate insurances (including public liability insurance). The Cornells' arborist shall be entitled to enter the Goulds' land and carry out the work subject to the Cornells giving 14 days written notice of that intention to the Goulds.
- (g) The costs incurred by the Cornells engaging an arborist to undertake the work in default of the Goulds shall be recoverable from the Goulds as a debt without further notice being required to be given.
- (h) These Orders shall remain in force and effect for a period of 10 years from the date of this decision.

Signed

A circular seal of the Queensland Civil and Administrative Tribunal (QCAT) is visible. The seal contains the text "QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL" around the perimeter. Overlaid on the seal is a handwritten signature in dark ink, which appears to read "Davies".

Member Davies

Queensland Civil and Administrative Tribunal