

## DECISION

**Case number:** NDR074-20

**Applicant:** Mark William Beerling  
Jennifer Susan Beerling

**Respondent:** Kerry Jane Heath  
Stephen Arthur Ferrier

**Before:** Member Paratz AM

**Date:** 27 October 2021

**Proceeding type:** Compulsory Conference

**Initiating document:** Application for a tree dispute filed 26 May 2020

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IT IS ORDERED, BY CONSENT, THAT:

1. **Mark William Beerling and Jennifer Susan Beerling** are to, within two (2) years from the date of this order, at their own expense:
  - a) Remove the bamboo which is on their property at 16 Crescent Road, Eumundi, Queensland, 4562 and is adjoining the shared boundary with the property owned by Kerry Jane Heath and Stephen Arthur Ferrier at 20 Crescent Road, Eumundi, Queensland, 4562, and
  - b) Place the bamboo cuttings on the property owned by Kerry Jane Heath and Stephen Arthur Ferrier at 20 Crescent Road Eumundi, Queensland, 4562, and
  - c) Remove the Norfolk Pine which is situated on their property at 16 Crescent Road, Eumundi, Queensland, 4562.
2. **Kerry Jane Heath and Stephen Arthur Ferrier** are to, within two (2) years from the date of this order, at their own expense:
  - a) Remove all the bamboo which is situated on their property at 20 Crescent Road, Eumundi, Queensland, 4562, and
  - b) Remove the Norfolk Pine which is situated on their property at 20 Crescent Road, Eumundi, Queensland, 4562, and
  - c) If a new dividing fence is built on the boundary with the adjoining property at 16 Crescent Road, Eumundi, Queensland, 4562 before two (2) years from the date of this order, are to keep the bamboo on their property at 20 Crescent Road, Eumundi, Queensland, 4562, clear of the dividing fence until the bamboo is fully removed.
3. The amount of Five Hundred Dollars (\$500), paid by Mark William Beerling and Jennifer Susan Beerling to the Tribunal for the costs of the Tree Assessor, is to be refunded to them by the Tribunal (as the assessment has not been conducted, and is no longer required).

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4. Proceeding NDR074-20 is finalised between the parties.
5. The dividing fence dispute MCD0831-20 is referred back to the Minor Civil Disputes list of the Tribunal to be set for hearing at a time and date to be advised by the Registry.

Signed



**Member Paratz AM**  
**Queensland Civil and Administrative Tribunal**