

DECISION

Case number: NDR147-15
Applicant: Caitlyn Ryan
Respondent: Juan Luis Gonzalez
Before: Senior Member Brown
Date: 2 December 2015
Proceeding Type: On-Papers Hearing
Initiating document: Application for decision/order by consent

IT IS THE DECISION OF THE TRIBUNAL BY CONSENT THAT:

1. Juan Luis Gonzalez will take steps to remove the bamboo trees from his property at 37 Blomfield Street, Moorooka by no later than 29 February 2016 by the following method:
 - (a) cut the stems 10cm to 20cm above ground level and pour Glyphosate ((360g/L) 1 part herbicide in 6 parts water) into hollowed stem areas; and
 - (b) dispose of all cut stems and plant material from the ground into a disposal bin immediately,and the cost of doing so will be borne by Juan Luis Gonzalez.
2. Juan Luis Gonzalez will continue to apply Glyphosate to the bamboo periodically at intervals of no less than eight weeks between the period 29 February 2016 and 28 February 2017 inclusive, and the cost of doing so will be borne by Juan Luis Gonzalez.
3. In the event that the bamboo is not completely eradicated by 28 February 2017, the parties will, by no later than 28 March 2017:
 - (a) engage a suitably qualified weed control contractor to apply Flupropanate to the Bamboo; or
 - (b) in the event that the parties cannot agree on a weed control contractor, Caitlyn Ryan shall have the right to nominate a suitably qualified weed control contractor.

In either case, the parties will equally share the costs of engaging the contractor. For the avoidance of doubt, the bamboo will not be 'completely eradicated' if there is evidence of any new offshoots or leaf growth present at 35 Blomfield Street Moorooka or 37 Blomfield Street, Moorooka.

4. The directions hearing on 3 December 2015 is vacated.

Signed

Senior Member Brown
Queensland Civil and Administrative Tribunal