

## DIRECTIONS

**Case number:** NDR116-19  
**Applicants:** Leanne Margret Smithies  
Neil Smithies  
**Respondents:** Alison Jill Lowe  
Nathan Edward Lowe

**Before:** Member Howe  
**Date:** 10 November 2020  
**Proceeding type:** Tribunal Hearing

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### THE TRIBUNAL DIRECTS THAT:

1. The respondents shall prune the Liquidambar tree and lemon scented myrtle trees adjacent to the dividing fence of the applicants' property growing on the respondent tree keepers' land by reducing the height of those trees to 500 mm above the height of the dividing fence between the properties.
2. The work is to be undertaken by a suitably qualified tree lopper with appropriate insurance cover under the supervision of a suitably qualified arborist at the cost of the respondents.
3. The work shall be completed within four (4) weeks from the date of this Order.
4. Should that work not be completed within that time the applicants shall be entitled to have the work performed by a suitably qualified tree lopper with appropriate insurance cover under the supervision of a suitably qualified arborist.
5. Should the applicants be required to carry out the work in default of it being done by the respondents, a suitably qualified tree lopper with appropriate insurance cover under the supervision of a suitably qualified arborist engaged by the applicants (or their successors in title) shall be entitled to enter the respondents' land to carry out the work subject to the applicants giving 14 days' written notice of that intention to the respondents at the respondents' last known address.
6. The costs incurred by the applicants engaging a tree lopper and arborist to do the work in default of the respondents shall be recoverable from the respondents as a debt without further notice being required to be given.
7. The respondents shall ensure a suitably qualified tree lopper with appropriate insurance cover under the supervision of a suitably qualified arborist attends and prunes the trees every 12 months after the trees are first pruned pursuant to Orders 1 to 3 above.

8. The respondents and any tree lopper or arborist engaged by them to perform the work or subsequent pruning shall be entitled to enter the applicants' land abovementioned subject to 24 hours' notice being given of the work to be done.
9. A suitably qualified arborist shall be someone with a minimum qualification of Australian Qualifications Framework Level 3 in Arboriculture.
10. These orders shall remain in force and effect for a period of 10 years from the date hereof.

Signed

**Member Howe**  
**Queensland Civil and Administrative Tribunal**