

DECISION

Case Number: NDR169-15
Applicant: Marcus Johnson Nominees Pty Ltd
Respondent: Arwen-Radha Etheridge as trustee for the Blue Lotus Trust
Before: Senior Member Brown
Date: 4 February 2016
Proceeding Type: Directions Hearing

THE TRIBUNAL DIRECTS THAT:

1. Nigel Dale Hamilton is given leave to represent Arwen-Radha Etheridge in the proceedings.
2. The respondent is Arwen-Radha Etheridge as trustee for the Blue Lotus Trust.

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. Arwen-Radha Etheridge as trustee for the Blue Lotus Trust will remove and stump grind the Melaleuca Quinquenervia (Broadleaf Paperbark), by:
4:00pm on 10 March 2016.
2. Arwen-Radha Etheridge as trustee for the Blue Lotus Trust will be responsible for the cost of tree work referred to in Order 1.
3. Marcus Johnson Nominees Pty Ltd will submit to Arwen-Radha Etheridge as trustee for the Blue Lotus Trust the names of two (2) suitably qualified engineers to undertake the preparation of a scope of works for the rectification work to the driveway, by:
4:00pm on 15 February 2016.
4. Arwen-Radha Etheridge as trustee for the Blue Lotus will give to Marcus Johnson Nominees Pty Ltd a scope of works in relation to the rectification work to the driveway which scope of works will be limited to returning the driveway to its previous state prior to any damage by the tree roots subject to any applicable current building standards.
5. Each party will obtain and exchange 2 quotes (a total of four quotes) in respect of the performance of the rectification works referred to in Order 4, by:
4:00pm on 21 April 2016.
6. The parties will agree on the person to carry out the rectification works, by:
4:00pm on 28 April 2016.
7. The rectification works will be completed with 90 days of the parties reaching agreement in accordance with Order 6.

For more information on QCAT

8. The parties will jointly oversee the performance of the rectification works.
9. Arwen-Radha Etheridge as trustee for the Blue Lotus will be responsible for the cost of the rectification work.

Signed

Senior Member Brown
Queensland Civil and Administrative Tribunal

For more information on QCAT

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