



Queensland Civil and Administrative Tribunal

## DECISION

**Case number:** NDR068-22  
**Applicants:** John William Booker, Wendy Patricia Booker  
**Respondents:** Rowan Antony Ashman, Bobby Lee Ashman

**Before:** A/Member Lumb

**Date:** 16 May 2024  
**Proceeding Type:** On-papers hearing

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### IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The Respondents must carry out work to reduce the height of each of the four (4) *Dypsis lutescens* (Golden Cane Palms) identified as 'G1' in the report of Mr David Gunter, Tree Assessor, dated 28 February 2023, to a height of 2.5 metres above ground level measured from the base of each Golden Cane Palm ('the Work').
2. The Work must be carried out:
  - (a) initially, within six (6) weeks of the date of these Orders;
  - (b) then annually, no later than 12 months after the date on which the Work was previously carried out;
  - (c) by a qualified arborist with a minimum qualification of Australian Qualifications Framework Level 3 in Arboriculture, holding insurance cover for the Work; and
  - (d) at the Respondents' cost.
3. The Applicants must provide access to the Applicants' property to an arborist to carry out the Work, if access is requested by notice given by the Respondents, by email or personal service, not less than seven (7) days prior to the date on which the work is to be carried out.
4. Any culms, stems, or other vegetative matter must be removed from the Applicants' property as part of the Work.
5. Should the Work not be completed within any of the respective times set out in Directions 2(a) and (b):
  - (a) the Applicants shall be entitled to have the Work carried out by an arborist meeting the requirements of Direction 2(c);
  - (b) for the purpose of performing the Work, the arborist engaged by the Applicants shall be entitled to enter the Respondents' land to carry out the Work, subject to the Applicants giving notice to the Respondents, by email or personal service, not less than seven (7) days prior to the date on which the work is to be carried out;

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- (c) the cost incurred by the Applicants engaging an arborist to carry out the Work shall be recoverable from the Respondents as a debt, without further notice being required to be given to the Respondents.

Signed  
  
A/Member Lumb

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