

## DECISION

**Case number:** NDR179-25  
**Applicant:** Alan Simpson  
**Respondent:** Xu Sheng Pty Ltd  
**Before:** Member Cosgrave  
**Date:** 25 May 2025  
**Proceeding type:** Tribunal Hearing  
**Initiating document:** Application for a tree dispute filed on 29 July 2025

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

1. **No Removal** The *Bismarckia nobilis* (Bismarck palm) located at the northeast corner of 1058 Rosebank Way West, Hope Island QLD 4212 is not to be removed pursuant to these proceedings.
2. **Initial Maintenance Works (within 30 days)** Within 30 days of the date of this order, the respondent (Xu Sheng Pty Ltd), "tree-keeper" is to engage, at the tree-keeper's cost, a minimum AQF Level 3 qualified arborist to carry out the following works to the *Bismarckia nobilis* at the northeast corner of 1058 Rosebank Way West, Hope Island QLD 4212:
  - a) Remove all fruiting flower bodies and dead fronds from the palm;
  - b) Remove all tree debris from the applicant's property at 1057 Rosebank Way West, Hope Island QLD 4212 and from the tree-keepers's property following completion of works;
  - c) All pruning to be performed in compliance with Australian Standard 4373-2007 *Pruning of Amenity Trees*;
  - d) Climbing spurs, climbing gaffs and climbing irons shall not be used during any pruning works;
  - e) All works to be performed by a minimum AQF Level 3 certified arborist;
  - f) The attending arborist or company shall provide proof of current Public Liability and Workers Compensation insurances prior to commencing works on site.
3. **Annual Maintenance** Thereafter, on an annual basis, the tree-keeper is to arrange maintenance of the *bismarckia nobilis* at the northeast corner of 1058 Rosebank Way West to remove all fruiting flower bodies and developing dead fronds, in accordance with the specifications in Order 2 above.
4. **Confirmation of Completion** Within 14 days of completing the initial works required by Order 2, the tree-keeper is to provide written confirmation to the applicant (Alan Simpson) that those works have been completed.
5. **Costs** Each party is to bear their own costs of this application.

Signed

  
Member Cosgrave  
Queensland Civil and Administrative Tribunal