

DECISION

Case number: NDR118-17
Applicant: Douglas Henry Gehrke, John Dempsey
Respondent: Hans Reichle, Vivian Reichle

Before: Member Howe

Date: 28 June 2018
Proceeding Type: Compulsory Conference

THE TRIBUNAL DIRECTS BY CONSENT THAT:

1. The respondent tree-keeper/s shall prune the trees listed in the schedule attached hereto (the trees) on their land at 5 Cleland Crescent, Broadbeach Waters to the heights set out in the schedule in respect of each tree (the work).
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 tree-keeper/s.
3. The work shall be completed within 6 weeks from the date hereof.
4. Should that work not be completed within that time the applicant/s 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 applicant/s be required to carry out the work (and/or the annual pruning stipulated for below) in default of it being done by the tree-keeper/s a suitably qualified tree lopper with appropriate insurance cover under the supervision of a suitably qualified arborist engaged by the applicant/s (or successors in title) shall be entitled to enter the tree-keeper's land to carry out the work subject to the applicant/s giving 14 days written notice of that intention to the tree-keeper/s at the tree-keeper/s last known address.

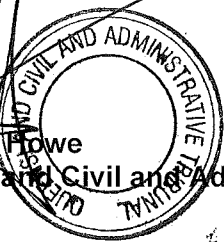
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6. The costs incurred by the applicant/s engaging a tree lopper and arborist to do the work in default of the tree-keeper/s shall be recoverable from the tree-keeper/s as a debt without further notice being required to be given.
7. The tree-keeper/s shall ensure a suitably qualified tree lopper tree lopper with appropriate insurance cover under the supervision of a suitably qualified arborist attends and prunes the trees to the heights set out in the schedule attached every 12 months after the trees are first pruned in accordance with Order 1 above.
8. The tree-keeper/s and any tree lopper or arborist engaged by the tree-keeper/s to perform the work or annual pruning shall be entitled to enter the applicants' land at 3 Cleland Crescent, Broadbeach Waters subject to 24 hours written 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 (AQF) level 5 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



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SCHEDULE

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| 1. Strawberry Mango (<i>Mangifera indica</i>) | 3 metres |
| 2. Guava (<i>Psidium sp</i>) | 3 metres |
| 3. Star Apple (<i>Chrysophyllum caiito</i>) | 3 metres |
| 4. Lychee (<i>Litchi chinensis</i>) | 3 metres |
| 5. Vietnamese Mango (<i>Mangifera indica</i>) | 3 metres |
| 6. Star Fruit Tree (<i>Averrhoa carambola</i>) | 4 metres |