

DECISION

Case number: NDR081-15
Applicant: Albert Frederick Bailey
Respondent: Kerry Sullivan, Kathleen Mary Sullivan
Before: Member Hanly
Date: 7 June 2016
Proceeding Type: Tribunal Hearing

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The brick fence pier on Mr Bailey's property which has been damaged, and its corresponding brick fence pier opposite, must be removed and re-sited further down Mr Bailey's driveway at a position identified by Mr Bailey.
2. The section of the dividing brick fence which has been damaged must be demolished, and replaced with colourbond fencing to match existing colourbond fencing at the front of the driveway.
3. The damaged section of dividing timber fencing must be repaired.
4. Tree #1 must have ongoing maintenance performed as necessary, but not less than every 3-4 years, to remove deadwood and carry out corrective pruning.
5. Tree #2 must also have such ongoing maintenance carried out as is necessary from time to time.
6. All tree works should be performed by a qualified Arborist in accordance with AS4373-2007 pruning of amenity trees.
7. The cost of the remedial works to the brick fence piers, dividing brick fence and dividing timber fence must be borne solely by Dr and Mrs Sullivan. The contractor engaged by them must be suitably qualified and licenced.
8. The cost of the ongoing maintenance of Tree #1 and Tree #2 must be borne solely by Dr and Mrs Sullivan.
9. The contractor must carry out the works only during normal business hours on Monday to Friday inclusive.
10. Mr Bailey must be given at least 48 hours' notice prior to the intended commencement of works.
11. Mr Bailey must permit access to his property by the proposed contractor, for the purposes of measuring and determining the scope of works, and for performing the works.

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Queensland Civil and Administrative Tribunal

12. Mr Bailey must also permit access to his property by any contractor engaged by Dr and Mrs Sullivan from time to time for the trimming of any branches from Tree #1 over-hanging Mr Bailey's driveway.

Signed

Member Hanly
Queensland Civil and Administrative Tribunal

For more information on QCAT

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