

DECISION

Case number: NDR207-23
Applicant: Body Coprorate for St James CTS 19922
Respondent: Jennifer Lynn Nicol
Brisbane City Council

Before: Member Bishop
Date: 17 February 2025
Proceeding type: Directions Hearing

IT IS THE DECISION OF THE TRIBUNAL BY CONSENT THAT:

1. **On or before 4:00pm on 4 July 2025, Jennifer Lynn Nicol** must remove:
 - (a) The mature Leopardwood tree (identified as Tree 1 in Steven Richards' Tree Assessment Report dated 17 October 2024) (Tree 1);
 - (b) The mature Umbrella tree (identified as Tree 2 in Steven Richards' Tree Assessment Report dated 17 October 2024) (Tree 2);
 - (c) The mature Cadaghi tree (identified as Tree 6 in Steven Richards' Tree Assessment Report dated 17 October 2024) (Tree 6); and
 - (d) The Cadaghi tree (identified as Tree 9 in Steven Richards' Tree Assessment Report dated 17 October 2024) (Tree 9).
2. **Jennifer Lynn Nicol** must engage a contractor with appropriate insurances (including Public Liability Insurance) to remove Tree 1, Tree 2, Tree 6 and Tree 9 as outlined in Order 1.
3. After the removal of Tree 1, Tree 2, Tree 6 and Tree 9 as outlined in Order 1, **Jennifer Lynn Nicol** must give the **Body Corporate for St James CTS 19922** details of her nominated bank account (the Bank Account) via email **on or before 4:00pm on 17 July 2025**.
4. After receiving the Bank Account details via email, the **Body Corporate for St James CTS 19922** must deposit the amount of \$1,000 into the Bank Account **on or before 4:00pm on 31 July 2025**.
5. **On or before 4:00pm on 31 July 2025, Jennifer Lynn Nicol** must plant one (1) 45 litre Tuckeroo tree on her land five (5) metres or more from her land's boundaries.
6. **On or before fourteen (14) days after Order 5 has been completed, Jennifer Lynn Nicol** must inform the **Brisbane City Council** that she has planted the Tuckeroo on her land via email.

7. **On or before 4:00pm on 13 December 2025, Jennifer Lynn Nicol** must, if required:
 - (a) Prune all the small shrubs and small trees along the parties shared common boundary (identified as Tree 3 in Steven Richards' Tree Assessment Report dated 17 October 2024) (Tree 3) back to the parties shared common boundary fence;
 - (b) Target prune one lower limb on the eastern side of the mature Jacaranda tree extending beyond the dividing fence (identified as Tree 4 in Steven Richards' Tree Assessment Report dated 17 October 2024) (Tree 4) back to the collar;
 - (c) Target and directional prune the mature Cadaghi tree (identified as Tree 5 in Steven Richards' Tree Assessment Report dated 17 October 2024) (Tree 5) back to the parties common dividing fence;
 - (d) Target and directional prune the mature row of trees situated in the north-west corner of **Jennifer Lynn Nicol's** land (identified as Tree 7, Tree 8 and Tree 10 in Steven Richards' Tree Assessment Report dated 17 October 2024) (Tree 7, Tree 8 and Tree 10) back to the parties common dividing fence.
8. **Jennifer Lynn Nicol** must engage an arborist with a minimum qualification of Australian Qualification Framework level 3 with appropriate insurances (including Public Liability Insurance) to prune Tree 3, Tree 4, Tree 5, Tree 7, Tree 8 and Tree 10 as outlined in Order 7.
9. **Jennifer Lynn Nicol** must provide her elected arborist a copy of Steven Richards' Tree Assessment Report dated 17 October 2024 prior to them undertaking the pruning work outlined in Order 7.
10. If required, **Jennifer Lynn Nicol** must engage an arborist with a minimum qualification of Australian Qualification Framework level 3 with appropriate insurances (including Public Liability Insurance) to prune Tree 3 back to the parties shared common boundary fence in the month of **December 2026, December 2027, April 2030, April 2031, April 2033 and April 2034**.
11. In the months of **December 2028, December 2031 and December 2034, Jennifer Lynn Nicol** must engage an arborist with a minimum qualification of Australian Qualification Framework level 5 with appropriate insurances (including Public Liability Insurance) to assess the health and risk of Tree 3, Tree 4, Tree 5, Tree 7, Tree 8 and Tree 10 and provide any pruning recommendations.
12. **On or before 4:00pm on 30 April 2029, 4:00pm on 30 April 2032 and 4:00pm on 30 April 2035, Jennifer Lynn Nicol** must engage an arborist with a minimum qualification of Australian Qualification Framework level 3 with appropriate insurances (including Public Liability Insurance) to undertake any pruning recommendations of the Level 5 arborist as outlined in Order 11.
13. If required, the **Body Corporate for St James CTS 19922** must give **Jennifer Lynn Nicol's** elected contractor and/or elected arborist with appropriate insurances (including Public Liability Insurance) access to their land to undertake the work outlined in Order 1, Order 7, Order 10, Order 11 and/or Order 12 subject to **Jennifer Lynn Nicol** giving them three (3) days' notice or as agreed between the parties.

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14. Subject to Order 4, **Jennifer Lynn Nicol** will be responsible for all other costs associated with carrying out the work outlined in Order 1, Order 7, Order 10, Order 11 and order 12.
15. If **Jennifer Lynn Nicol** fails to undertake any of the work outlined in Order 1, Order 7, Order 10, Order 11 and/or Order 12 (the Incomplete Work) the **Body Corporate for St James CTS 19922** shall be entitled to engage their own contractor and/or arborist with appropriate insurances (including Public Liability Insurance) to carry out any of the Incomplete Work subject to the **Body Corporate for St James CTS 19922** giving **Jennifer Lynn Nicol** fourteen (14) days' written notice of that intention.
16. The costs incurred by the **Body Corporate for St James CTS 19922** engaging their own contractor and/or arborist to undertake any of the Incomplete Work in default of **Jennifer Lynn Nicol** shall be recoverable from **Jennifer Lynn Nicol** as a debt without further notice being required to be given.
17. This order will remain in force **until 30 July 2035**.

Signed



Member Bishop
Queensland Civil and Administrative Tribunal