

## ORDERS

**Case number:** NDR117-12

**Applicants:** Mr Kenneth Bryant Hastings and Mrs Lynette Elizabeth Hastings

**Respondents:** Paul James Thompsen and Christine Vivienne Schnider

**Before:** Mr Wayne Pennell, Member

**Date:** 7 March 2013

**Proceeding Type:** Hearing

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### THE TRIBUNAL ORDERS:

1. That pursuant to s42 of the *Queensland Civil and Administrative Tribunal Act 2009* Christine Vivienne Schnider is joined as a party to these proceedings.
2. That by 14 March 2013 the respondents shall carry out work to cut the *Calliandra* shrub on the applicant's side of the common boundary to an acceptable height so as to allow all reasonable access to the applicant's residence.
3. That by 7<sup>th</sup> May 2013 the respondents will –
  - (a) Destroy the *Syzygium* tree commonly known as a Lillypilly tree and identified as Tree "A".
  - (b) Cut the two *Plumeria* trees commonly known as a Frangipani trees identified as Trees "B" and "D" at the common boundary so that these trees do not protrude into the applicant's property.
  - (c) Cut the *Dyopsis lutescens* tree commonly known as the Golden Cane palm identified as Tree "C" at the common boundary so that this tree does not protrude into the applicant's property.
  - (d) Cut the four *Eucalyptus torellilana* trees commonly known as the Cadaghi gums identified as Trees "E", "F", "G" and "H" at a height of not less than 3 metres and not more than 5 metres so that no part of the trees protrude into the applicant's property.
  - (e) Cut the two *Eucalyptus* trees commonly known as the gums identified as Trees "I" and "J" at a height of not less than 3 metres and not more than 5 metres so that no part of these trees protrude into the applicant's property.
  - (f) Cut the *Calliandra* shrub and the *Murray paniculata* shrub at the common boundary so that these shrubs do not protrude into the applicant's property.

4. That every six months commencing 7<sup>th</sup> May 2013 the respondents will –
  - (a) Cut the *Dypsis lutescens* tree commonly known as the Golden Cane palm identified as Tree "C" at the common boundary so that this tree does not protrude into the applicant's property.
  - (b) Cut the *Calliandra* shrub and the *Murray paniculata* shrub at the common boundary so that these shrubs do not protrude into the applicant's property.
  
5. That every 12 months commencing 7<sup>th</sup> May 2013 the respondents will –
  - (a) Cut the two *Plumeria* trees commonly known as a Frangipani trees identified as Trees "B" and "D" at the common boundary so that these trees do not protrude into the applicant's property.
  
6. That every 24 months commencing 7<sup>th</sup> May 2013 the respondents will –
  - (a) Cut the four *Eucalyptus torellilana* trees commonly known as the Cadaghi gums identified as Trees "E", "F", "G" and "H" at a height of not less than 3 metres and not more than 5 metres so that no part of these trees protrude into the applicant's property.
  - (b) Cut the two *Eucalyptus* trees commonly known as the gums identified as Trees "I" and "J" at a height of not less than 3 metres and not more than 5 metres so that no part of these trees protrude into the applicant's property.

THE TRIBUNAL DIRECTS:

1. The respondents shall be responsible for any costs associated with all work carried out to destroy or cut the trees and shrubs within the respondent's property as prescribed in Orders 2 to 6.
  
2. The applicants will allow the respondents or any other person or persons acting under the direction of the respondents to carry out the work as prescribed in Orders 2 to 6 to enter onto the applicant's property for a reasonable time to carry such work.

Signed

  
Mr Wayne Pennell  
Member

Queensland Civil and Administrative Tribunal

Date: 7 March 2013