

DECISION

Case number: NDR191-25
Applicant: Cheree Ann Kalusevicius
Matthew John Hopkinson
Respondent: Rosalia Katja Kearney

Before: Member P Roney KC
Hearing date: 6 May 2026
Delivered on: 18 May 2026
Proceeding type: Tribunal Hearing
Initiating document: Application for a tree dispute filed 18 August 2025

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The application filed 18 August 2025 under the Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 (Qld) is upheld.
2. I order by consent that the stand of some 10 golden cane palms on the northern boundary of respondent's property which in any way obstruct the applicants' view of the water beyond it be removed by the respondent at her expense.
3. I order that the works referred to in order 2 occur within a reasonable time of the making of these orders having regard to the necessity for a contractor or other person to carry out those works.
4. I order that any remnant palms on that northern boundary of respondent's property be trimmed and subjected to periodic maintenance to keep them at an appropriate height being the height of the roof line to the house which was on the site at Number 12 namely a height of 2.5 metres.
5. I order that the respondent cause a root barrier to be installed on her property for the full length of the 18 metre approximately long common boundary line between the applicants' property and her property to a depth of 500 mm.
6. I order that those root barrier works referred to in order 5 also occur within a reasonable time of the making of these orders having regard to the necessity for a contractor or other person to carry out those works.

7. The parties have liberty to apply in respect of any other consequential or other orders which might be required to be made.

Signed

A circular seal of the Queensland Civil and Administrative Tribunal (QCAT) is visible. The seal contains the text "QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL" around the perimeter. Overlaid on the seal is a handwritten signature in black ink, which appears to be "P. Roney".

Member P Roney KC
Queensland Civil and Administrative Tribunal