

DECISION

Case number: NDR082-23
Applicant: Kim Clarke
Respondent: Luis Bernal
Abigail May Bernal
Before: Member McLean-Williams
Hearing Date: 7 April 2026
Delivered on: 12 June 2026
Proceeding type: Tribunal Hearing
Initiating document: Application for a tree dispute filed 27 April 2023

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. Within 28 days of the date of these orders, the Cocos palm trees (trees 1 and 2 as described in the report by Mr Richards) are to be pruned at the sole expense of the Respondents in a manner that achieves the complete removal of all dead and dying fronds and the complete removal of all seed pods from within the canopy of both Cocos palms, so as to prevent these from maturing into seeds. Fronds on the western side are also to be lifted to create clearance over the Applicant's dwelling. All rubbish and trimmings are to be removed from site by the Respondents ('the required pruning regime').
2. The Respondents are ordered to repeat the required pruning regime at least once every six months after the first pruning, as described in order one, above.
3. If the Respondents require access to the Applicant's property to conduct aspects of the required pruning regime, the Applicant is to do all things necessary to provide that access upon the giving of seven-days' written notice by the Respondents of their requirement to enter the Applicant's property for purposes of conducting the required pruning regime.
4. The Respondents are to pay the Applicants the sum of \$367 within 28 days of the date of these orders.

Signed



Member McLean-Williams
Queensland Civil and Administrative Tribunal