QCAT

Queensland Civil and Administrative Tribunal

DECISION

Case number:	**NDR052-23**
Applicant:	**Melinda Gayle Rampton**
Respondent:	**Ryan Realty Pty Ltd**
Before:	**Member Chapple**
Date:	**11 November 2026**
Proceeding type:	**Tribunal Hearing**
Initiating document:	**Application for a tree dispute filed 16 March 2023**

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The Tribunal has no jurisdiction in relation to the 7 cocos palm trees situated on the common boundary between the parties' properties.

2. The Tribunal has jurisdiction in relation to the fig tree and the cocos palm tree situated at the rear of the Respondent's property.

3. There are no orders in relation to the cocos palm tree situated at the rear of the Respondent's property.

4. The following orders apply to the fig tree at the rear of the Respondent's property:

   (a) Every 2 years, the Respondent must undertake at their cost pruning of the fig tree branches overhanging the Applicant's land to as close as practically possible to the common boundary while ensuring the health of the tree is not compromised.

   (b) Every 2 years, the Respondent must undertake at their cost pruning of the fig tree surface roots encroaching the Applicant's land to minimise the risk of trip hazard while ensuring the health of the tree is not compromised.

   (c) The Respondent must engage at their cost an arborist with a minimum qualification of Australian Qualification Framework level 3 in arboriculture with appropriate insurances to undertake the work associated with orders (a) and (b).

   (d) The Respondent must ensure the initial work associated with orders (a) and (b) is undertaken by no later than 12 May 2027.

   (e) The Respondent must use their best endeavours to have the initial work associated with orders (a) and (b) undertaken before 12 May 2027, including giving due consideration to any information provided to them by the Applicant regarding the suitability and availability of a qualified arborist to undertake the work.

   (f) The first 2 year period will commence on the date the initial work associated with orders (a) and (b) is undertaken.

(g) The Applicant must allow the Respondent's arborist and any contractor with appropriate insurances and, where necessary, the Respondent's representative, access to the Applicant's property to undertake the work associated with orders (a) and (b) subject to the Respondent giving the Applicant 3 days' written notice.

(h) If the Respondent fails to undertake any of the work associated with orders (a) and (b) ('incomplete work'), the Applicant shall be entitled to undertake any of the incomplete work in accordance with these orders subject to the Applicant giving the Respondent 14 days' written notice.

(i) The costs incurred by the Applicant in undertaking the incomplete work shall be recoverable from the Respondent as a debt without further notice being required to be given.

(j) Pursuant to section 78(1) of the Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 (Qld), it is expressly provided that these orders shall not lapse 10 years after the day on which these orders are made but shall remain in force until revoked by the Tribunal.

(k) In accordance with Part 6 of the Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 (Qld), details of these orders will be entered in the register of orders maintained as a public record by the Tribunal.

5. The Applicant must pay to the Respondent, in the manner directed by the Respondent, the amount of $1,595 by no later than the date the initial work associated with orders (a) and (b) is undertaken.

Signed



Member Chapple
Queensland Civil and Administrative Tribunal