

## DECISION


**Case number:** NDR083-21  
**Applicant:** Scott Thomas Guerin  
Janaya Rita Saxon  
**Respondent:** Robert Kuklinski  
Cheryl Lee  
  
**Before:** Member Bishop  
**Date:** 9 February 2023  
**Proceeding type:** On-papers hearing

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IT IS THE DECISION OF THE TRIBUNAL THAT:

1. Mr Robert Kuklinski and Ms Cheryl Lee must arrange for the complete removal of the Grevillea Robusta (Silky Oak) situated on their land at 5 Clay Street, Pomona.
2. Mr Robert Kuklinski and Ms Cheryl Lee must arrange for all of the Grevillea Robusta raised tree roots situated on the land of Mr Scott Thomas Guerin and Ms Janaya Rita Saxon at 3 Clay Street, Pomona, to be ground down to a level that would enable the building of the retaining wall and fence.
3. Mr Scott Thomas Guerin and Ms Janaya Rita Saxon at 3 Clay Street, Pomona must allow the arborist reasonable access to their land to perform the works at order 2 with Mr Robert Kuklinski and Ms Cheryl Lee Laurie giving Mr Scott Thomas Guerin and Ms Janaya Rita Saxon seven (7) days' written notice.
4. Mr Robert Kuklinski and Ms Cheryl Lee are responsible for the cost of the tree removal and tree root grinding.
5. The tree removal and tree root grinding must be completed within 45 days of the date of this order.
6. A person with a minimum of Australian Qualifications Framework (AQF) Level 3 Arborist who is appropriately insured must undertake the tree removal and tree root grinding.

Signed



**Member Bishop**  
Queensland Civil and Administrative Tribunal

