

ORDER

Case number: NDR058-18
Applicant: Richard Noel Kay
Colleen Josephine Kay
Respondent: Lynden Gary Kieza
Ann Eugene Kieza

Before: A/ Senior Member M Katter
Date: 12 January 2026
Proceeding type: On-Papers Hearing
Initiating document: Application for miscellaneous matters filed by the applicants on 9 and 21 October 2025

THE TRIBUNAL DIRECTS THAT:

1. The following definitions apply to this agreement:
 - a) "the neighbour" – Richard Noel Kay & Colleen Josephine Kay
 - b) "The tree keeper" – Lynden Gary Kieza & Ann Eugene Kieza
 - c) "the neighbour's property" – 6 Waterview Road Bundaberg North
 - d) "The tree keeper's property" – 1 Cameron Street Bundaberg North
 - e) "the tree" – one mango tree located closest to boundary line between properties
 - f) "the parties" Richard Noel Kay & Colleen Josephine and Lynden Gary Kieza & Ann Eugene Kieza
2. The parties have agreed to resolve their dispute as follows:
3. The parties agree that the following tree works are to occur ("the works"):
 - Initial pruning of any overhanging branches of tree into the neighbour's property – to be pruned at least 30cms within tree keepers' boundary ("initial pruning"); and
 - Additional pruning of branches of tree up to 1200cms within tree keepers' boundary ("additional pruning").
4. The parties agree that the tree keeper is to organise for the initial pruning works to be undertaken at the tree keepers cost by no later than the 25 June 2018.
5. The parties agree that the neighbour is to organise for the additional pruning works to be undertaken at the neighbour's cost. The pruned branches are to be placed on the tree keeper's property between the tree and the parties' boundary. This work is to occur on a date to be agreed by the parties between the 1st and the 30th November 2018.
6. The parties agree that the tree keeper will undertake maintenance pruning of the branches of the trees, when required, to maintain a gap of approximately 30cms between the branches of the tree and the boundary line between the parties' properties.

7. The parties agree that the tree keeper is to regularly (at approximately 3 week intervals) remove any rotting fruit that has fallen from the tree into the tree keeper's property during the period October to February.

Signed

A handwritten signature in black ink is written over a circular seal. The seal contains the text "QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL" around its perimeter.

A Senior Member M Katter
Queensland Civil and Administrative Tribunal