

## DECISION

**Case number:** NDR238-23  
**Applicant:** Michael Guy McBeth Gilmour  
Melinda Christine Gilmour  
**Respondent:** Di Fahey  
  
**Before:** Member Jensen  
**Date:** 2 April 2026  
**Proceeding type:** Tribunal Hearing

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### IT IS THE DECISION OF THE TRIBUNAL THAT:

1. On or before 4:00pm on 31 July 2026 the Respondent will prune the branches of the Golden Penda tree so that the height of the crown is no more than 30 centimetres above the Respondent's railing and to a reasonable distance from the common boundary on the Respondent's land.
2. The Respondent must undertake maintenance pruning of the Golden Penda tree every twelve (12) months to maintain the same dimension as the initial pruning specified in Order 1. The first maintenance pruning must occur before 1 August 2027.
3. All pruning and other works are to be carried out:
  - a. By an Australian qualified framework level 3 arborist with appropriate insurance cover including public liability and Workcover; and
  - b. In accordance with Australia standard 4373- 2007 pruning of amenity trees.
4. The Applicant is required to provide access to the Applicant's land for the purposes of undertaking the prescribed work, if required.
5. The Respondent will be responsible for all costs and expenses of undertaking all the works outlined in these orders.

Signed



**Member Jensen**  
Queensland Civil and Administrative Tribunal