

DECISION

Case number: NDR180-22
Applicant: Antonietta Harrison
Respondent: Jane Megan Ellis
Before: Member Poteri
Date: 16 September 2026
Proceeding type: Tribunal Hearing
Initiating document: Application for a tree dispute filed on 23 August 2022

BY CONSENT, IT IS THE DECISION OF THE TRIBUNAL THAT:

BAMBOO

1. Regarding the Bamboo;
 - a) The respondent, Jane Megan Ellis, must prune the Bamboo so that the Bamboo is no taller than 4.5 metres from the respondent's ground level and at least 0.5 metres from the respondent's fence on or before 1 November 2026.
 - b) The respondent must undertake regular maintenance, if required on or before 1 May and 1 November each year so that the Bamboo is no taller than 4.5 metres from the respondent's ground level and at least 0.5 metres from the respondent's fence line. The parties agree that the height of the Bamboo cannot exceed 4.75 metres in height measured from the respondent's ground level between the regular pruning dates in May and November each year.
 - c) If the respondent fails to undertake any of the pruning and maintenance work outlined in Orders 1(a) and (b) hereof ("Incomplete Work"), the applicant shall be entitled to undertake any Incomplete Work on the giving of 28 days' notice in writing to the respondent. If this occurs, then the applicant's elected contractor shall be entitled to enter the respondent's land and carry out any of the Incomplete Work.
 - d) If the respondent undertakes all the Incomplete Work prior to the expiration of the 28 days' notice period as outlined in Order 1(c) hereof, the applicant's or the applicant's contractor's entitlement to enter the respondent's land is extinguished and there will be no obligation for the respondent to pay any monies to the applicant.
 - e) Any costs incurred by the applicant in engaging a contractor to undertake any of the Incomplete Work in default of the respondent undertaking such Incomplete Work after the 28 days' notice has expired, shall be recoverable from the respondent as a debt without further notice being required to be given by the applicant to the respondent.

FIDDLEWOOD SIDE BRANCHES

2. Regarding the Fiddlewood side branches;
 - a) The respondent, Jane Megan Ellis, must prune and maintain the Fiddlewood tree

(side branches) so that the Fiddlewood tree (side branches), up to the full height of the Fiddlewood tree, are at least 0.5 metres away from the respondent's fence on or before 1 November 2026.

- b) The respondent must undertake regular maintenance, if required on or before 1 May and 1 November each year, so that the Fiddlewood tree (side branches), up to the full height of the Fiddlewood tree, are at least 0.5 metres away from the respondent's fence.
- c) If the respondent fails to undertake any of the pruning and maintenance work outlined in Orders 2(a) and (b) hereof ("Incomplete Work"), the applicant shall be entitled to undertake any Incomplete Work on the giving 28 days' notice in writing to the respondent. If this occurs, then the applicant's elected contactor shall be entitled to enter the respondent's land and carry out any of the Incomplete Work.
- d) If the respondent undertakes all of the Incomplete Work prior to the expiration of the 28 days' notice period as outlined in Order 2(c) hereof, the applicant's or the applicant's contactor's entitlement to enter the respondent's land is extinguished and there will be no obligation for the respondent to pay any monies to the applicant.
- e) Any costs incurred by the applicant in engaging a contactor to undertake any of the Incomplete Work in default of the respondent undertaking such Incomplete Work after the 28 days' notice has expired, shall be recoverable from the respondent as a debt without further notice being required to be given by the applicant to the respondent.

FIDDLEWOOD TREE

3. Regarding the Fiddlewood tree height;

- a) The respondent, Jane Megan Ellis, must prune the Fiddlewood tree on or before 1 November 2026 so that the height of the Fiddlewood tree is no taller than 7 metres from the respondent's ground level.
- b) The respondent must undertake regular pruning of the Fiddlewood tree every 2 years on 1 November of those years so that the Fiddlewood tree is no taller than 7 metres from the respondent's ground level. Therefore, the next regular prune, after the first pruning referred to in Order 3(a) hereof, must take place on or before 1 November 2028.
- c) If the respondent fails to undertake any of the pruning work outlined in Orders 3(a) and (b) hereof ("Incomplete Work"), the applicant shall be entitled to undertake any Incomplete Work on the giving 28 days' notice in writing to the respondent. If this occurs, then the applicant's elected contractor shall be entitled to enter the respondent's land and carry out any of the Incomplete Work.
- d) If the respondent undertakes all of the Incomplete Work prior to the expiration of the 28 days' notice period as outline in Order 3(c) hereof, the applicant's or the applicant's contactor's entitlement to enter the respondent's land is extinguished and there will be no obligation for the respondent to pay any monies to the applicant.
- e) Any costs incurred by the applicant in engaging a contractor to undertake any of the Incomplete Work in default of the respondent undertaking such Incomplete Work after the 28 days' notice referred to in Order 3(c) hereof has expired, shall be recoverable from the respondent as a debt without further notice being required to be given by the

applicant to the respondent.

4. Pursuant to s78(1) of the *Neighbourhood Disputes (Dividing Fence and Trees) Act 2011* (Qld), this Order will lapse 10 years after the day on which this order is made.

Signed

A circular seal of the Queensland Civil and Administrative Tribunal (QCAT) is visible in the background. The seal contains the text "ADMINISTRATIVE TRIBUNAL" at the top and "QUEENSLAND" at the bottom. Overlaid on the seal is a handwritten signature in black ink.

Member Poteri

Queensland Civil and Administrative Tribunal