

## DECISION

**Case number:** NDR203-22

**Applicant:** Michael Charles Robins  
Linda-Lee Robins

**Respondent:** Susan Brooks  
Graham Michael Wilkes

**Before:** Member Bishop

**Date:** 22 May 2024

**Proceeding type:** Directions Hearing

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IT IS THE DECISION OF THE TRIBUNAL BY CONSENT THAT:

1. **On or before 4:00pm on 28 June 2024**, the Respondents, **Susan Brooks** and **Graham Michael Wilkes**, must:
  - (a) remove any branches on the lower three (3) metres of the juvenile to early mature Waterhousea Trees (identified in Mr Richards' Tree Assessment Report dated 12 June 2023 as Tree 1 and Tree 2)(Tree 1 and Tree 2) overhanging into the Applicants', **Michael Charles Robins'** and **Linda-Lee Robins'**, land;
  - (b) prune any overhanging stems of the group of five (5) mature Tiger Grass Clumps (identified in Mr Richards' Tree Assessment Report dated 12 June 2023 as Tree 3) (Tree 3) back to the parties shared fence line;
  - (c) undertake canopy lifting and directional pruning to create a more upright façade on the eastern side of the mature Pink Phyllanthus (identified in Mr Richards' Tree Assessment Report dated 12 June 2023 as Tree 4) (Tree 4);
  - (d) undertake lifting and directional pruning of the limbs that cross into the Applicants', **Michael Charles Robins'** and **Linda-Lee Robins'**, land to create a more upright façade on the eastern side on the living group of five (5) mature Beach Bird's Eye Trees (identified in Mr Richards' Tree Assessment Report dated 12 June 2023 as Tree 5) (Tree 5);
  - (e) prune the roots from the two failed trees in Tree 5 to alleviate pressure on the lower fence palings in the parties shared fence;
  - (f) prune the group of seven (7) mature Heliconias (identified in Mr Richards' Tree Assessment Report dated 12 June 2023 as Tree 7) (Tree 7) so that no leaves extend across into the Applicants', **Michael Charles Robins'** and **Linda-Lee Robins'**, land;
  - (g) prune the group of six (6) mature Golden Cane Clumps' (identified in Mr Richards' Tree Assessment Report dated 12 June 2023) (Tree 8's) stems clear of the parties'

shared fence and prune Tree 8's fronds to maintain their minimal encroachment into the Applicants', **Michael Charles Robins'** and **Linda-Lee Robins'** land,

- (h) prune the mature Sandpaper Fig (identified in Mr Richards' Tree Assessment Report dated 12 June 2023 as Tree 9) (Tree 9) so that no lateral limbs extend into the Applicants', **Michael Charles Robins'** and **Linda-Lee Robins'** land; and
  - (i) undertake canopy lifting and directional pruning to create a more upright façade on the eastern side of the mature Tulipwood (identified in Mr Richards' Tree Assessment Report dated 12 June 2023 as Tree 10) (Tree 10).
2. The Respondents, **Susan Brooks** and **Graham Michael Wilkes**, must engage a contractor with appropriate insurances (Including Public Liability Insurance) to undertake the work outlined in Order 1 on Tree 1, Tree 2, Tree 3, Tree 4, Tree 5, Tree 7, Tree 8, Tree 9 and Tree 10 (the Trees) (the Initial Tree Work).
  3. In the **months of February** and **September of each year**, the Respondents, **Susan Brooks** and **Graham Michael Wilkes**, must undertake any work to return the Trees to the same condition as they were after the Initial Tree Work was completed (the Maintenance Work).
  4. The Respondents, **Susan Brooks** and **Graham Michael Wilkes**, must undertake the first Maintenance Work in **February 2024**.
  5. The Respondents, **Susan Brooks** and **Graham Michael Wilkes**, must engage a contractor with appropriate insurances (Including Public Liability Insurance) to undertake the Initial Tree Work and the Maintenance Work.
  6. If the Respondents', **Susan Brooks'** and **Graham Michael Wilkes'**, elected contractor with appropriate insurances requires access to the Applicants', **Michael Charles Robins** and **Linda-Lee Robins'**, land, to undertake the Initial Tree Work or the Maintenance Work, then the Applicants, **Michael Charles Robins** and **Linda-Lee Robins**, must allow the required access to their land **subject to three (3) days' notice or as agreed between the parties**.

Signed



**Member Bishop**  
**Queensland Civil and Administrative Tribunal**