

DECISION

Case number: NDR112-24
Applicant: Russell Phillip Warneke
Katherine Ann Warneke
Respondent: Scott Hilton
Nicole (Urquhart) Hilton

Before: Member Jensen
Date: 9 March 2026
Proceeding type: Tribunal Hearing
Initiating document: Application for a tree dispute on 9 July 2024

IT IS THE DECISION OF THE TRIBUNAL THAT BY CONSENT:

1. On or before 30 June 2026 the Respondent will:
 - a) Tree 1 (Yellow Stringybark) - Prune the branches of tree 1 back to the boundary line between the Applicant's and Respondent's land including all dead wood that may be overhanging the Applicant's land.
 - b) Tree 2 (Angophora Costata) –
 - i) Remove the branch identified for removal; and
 - ii) Cut the branch to standard also identified in the photographs at page 7 in the assessor's report.
 - c) Tree3 (Angophora Costata) - Remove the branch identified in the photograph at page 9 of the assessor's report.
2. The Respondent's must undertake maintenance pruning of the trees specified in Order 1 every two years to maintain the canopy and the trees to the same dimension as the initial work carried out in Order 1 and to ensure the trees do not overhang the Applicant's land. The first maintenance pruning must occur before 30 June 2028.
3. All pruning and other works are to be carried out:
 - a) By an Australian qualified level 3 arborist with appropriate insurance cover including public liability insurance.
 - b) In accordance with Australian standard 4373-2007 Pruning of Amenity Trees.
4. The Applicant is required to provide access to the Applicants' land for the purposes of undertaking the prescribed work, if access is required.
5. The Respondent will be responsible for all costs and expenses of undertaking all the works outlined in these orders.

AND IT IS NOTED that a reference to a tree number corresponds with the tree number described in the tree assessors report dated 25 June 2025.

Signed

A handwritten signature in blue ink is written over a circular blue stamp. The stamp contains the text "QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL" around the perimeter. The signature is cursive and appears to read "Member Jensen".

Member Jensen
Queensland Civil and Administrative Tribunal