

QCAT

Queensland Civil and Administrative Tribunal

DECISION

Case number: NDR066-22
Applicant: Samantha Hawton
Respondent: Sonia Lapenna

Before: Member Katter

Date: 24 July 2023
Proceeding Type: Tribunal Hearing

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. There be authorisation on a day or days by written notice to the Respondent by not later than 30 August 2023 for an AQF Level 3 certified Arborist on behalf of the Applicant to enter the Respondent's land to prune and cut the trees to the right of the X marked on appendix 7 attached down to fence height.
2. The Applicant neighbour is to pay all costs associated with carrying out the works in order one (1).
3. The Application is otherwise dismissed.



Signed
Member Katter
Queensland Civil and Administrative Tribunal

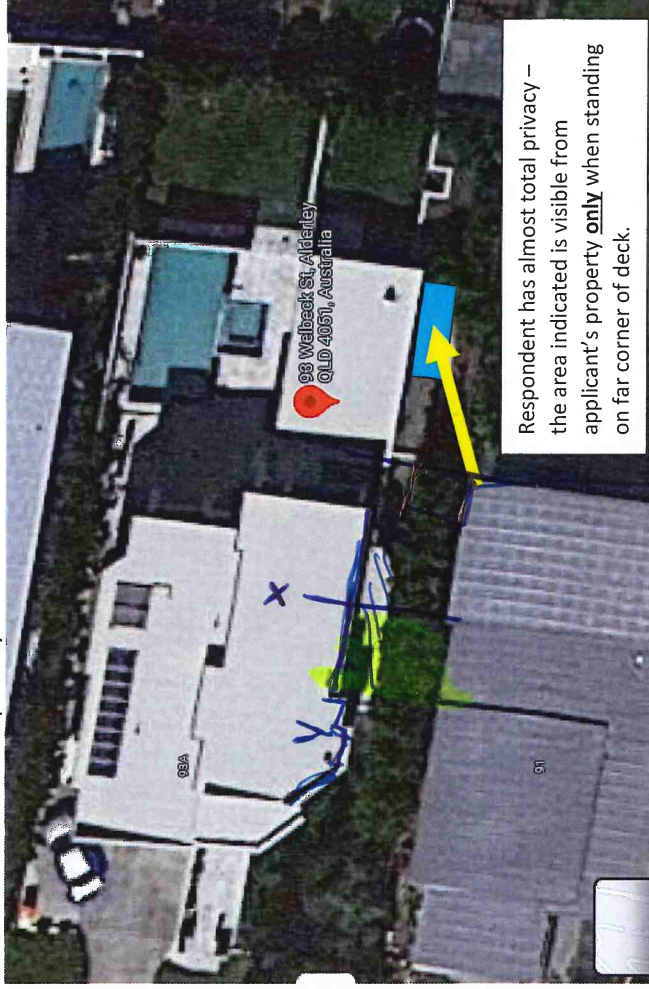
Appendix 7: Respondent's Privacy Concerns

Applicant requests that trees are maintained at a maximum height to align with top of fence in lilly pillies indicated on tree report on page 6 and along fence line between yards. Privacy will be maintained by the length of lateral branches. Height above the fence line does not offer further privacy to the respondent.



The applicant advocates that the respondent will continue to have more than reasonable privacy if lilly pillies and second row of trees (unknown species) are maintained at a maximum of fence height. As evidenced in the image below, the applicant currently has an extremely limited view of respondent's site with significant privacy evident.

While there are other cost effective options available to screen the blue area below and maintain the applicant's view, the respondent has not employed any of these measures to establish privacy.



Drop down

Lower roof below panels