



Queensland Civil and Administrative Tribunal

DECISION

Case number: NDR082-24
Applicant: Michelle Margaret Cahill
Respondent: Kerry Patricia Stephens, Peter Philip Stephens

Before: Member Bishop
Member Wilson
Date: 8 May 2025
Proceeding Type: Compulsory Conference

IT IS THE DECISION OF THE TRIBUNAL BY CONSENT THAT:

1. In the month of **February** of each year, **Kerry Patricia Stephens** and **Peter Philip Stephens** must prune the two Leopard Trees situated on their land (identified as Tree 1 and Tree 2 in Ms Roxanne Taylor's Tree Assessment Report dated 12 November 2024) (Tree 1 and Tree 2) so that any of their lateral branches encroaching onto **Michelle Margaret Cahill's** land are pruned back behind the parties' shared common boundary onto **Kerry Patricia Stephens' and Peter Philip Stephens' land**.
2. The first pruning outlined in Order 1 will occur in **February 2026** and the last will occur in **February 2035**.
3. In addition to the pruning outlined in Order 1, in the months of **February 2029** and **February 2033**, **Kerry Patricia Stephens** and **Peter Philip Stephens** must prune Tree 1's and Tree 2's trunk down to a height of between three (3) metres and four (4) metres above **Kerry Patricia Stephens and Peter Philip Stephens land's** ground level.
4. If **Kerry Patricia Stephens** and **Peter Philip Stephens** require access to **Michelle Margaret Cahill's** land to undertake any of the pruning outlined in Order 1 and/or Order 3, they must engage a contractor with appropriate insurances (including Public Liability Insurance) (the Elected Contractor) to undertake the work.
5. **Michelle Margaret Cahill** must allow **Kerry Patricia Stephens' and Peter Philip Stephens' Elected Contractor** access to her land to undertake any of the pruning outlined in Order 1 and/or Order 3, subject to **Kerry Patricia Stephens and Peter Philip Stephens** giving **Michelle Margaret Cahill three (3) days' notice**.
6. **Kerry Patricia Stephens and Peter Philip Stephens** will be responsible for all costs associated with the pruning work outlined in Order 1 and Order 3.
7. If **Kerry Patricia Stephens and Peter Philip Stephens** fail to undertake any of the work outlined in Order 1 or Order 3 (the Incomplete Work) **Michelle Margaret Cahill** can engage her own contractor with appropriate insurances (including Public Liability Insurance) to enter **Kerry Patricia Stephens' and Peter Philip Stephens' land** and carry out any of the Incomplete Work subject to **Michelle Margaret Cahill giving 14 days written notice** of that intention to **Kerry Patricia Stephens and Peter Philip Stephens**.

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8. The costs incurred by **Michelle Margaret Cahill** engaging her own contractor to undertake any of the Incomplete Work in default of **Kerry Patricia Stephens** and **Peter Philip Stephens** is recoverable from **Kerry Patricia Stephens** and **Peter Philip Stephens** as a debt without further notice being required to be given.

Signed

A circular seal of the Queensland Civil and Administrative Tribunal (QCAT) is visible. The seal contains the text "QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL" around the perimeter. Overlaid on the seal is a handwritten signature in black ink, which appears to be "Bishop".

Member Bishop
Queensland Civil and Administrative Tribunal