

## DECISION

**Case number:** NDR073-24  
**Applicant:** Glenn William May  
Susan Narelle May  
**Respondent:** David Moroney  
Susan Marie Moroney  
**Before:** Member Nelson  
**Delivered on:** 19 March 2026  
**Hearing date:** 11 March 2026  
**Proceeding type:** Tribunal Hearing  
**Initiating document:** Application for a tree dispute filed on 26 April 2024

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IT IS THE DECISION OF THE TRIBUNAL THAT:

1. Within 90 days of the date of these orders, the Respondents are, at their own cost, to arrange for an appropriately qualified and insured arborist with a minimum qualification of an Australian Qualifications Framework level 3 to:
  - (a) remove:
    - (i) the poinciana tree;
    - (ii) any branch of the gum tree which currently overhangs the Applicants' property by more than 500mm; and
  - (b) trim or prune the mulberry tree and the bottle brush trees back to the dividing fenceline.
2. In November of each year, the Respondents are, at their own cost, to arrange for an appropriately qualified and insured arborist with a minimum qualification of an Australian Qualifications Framework level 3 to:
  - (a) remove any branch of the gum tree which overhangs the Applicants' property by more than 500mm;
  - (b) trim or prune the mulberry tree, the bottle brush trees and any newly planted trees back to the dividing fenceline.
3. The Respondents are to give the Applicants not less than seven (7) days notice in writing of the arborist's intention to attend and remove the poinciana tree and any tree branch required by these orders. The Applicants must not unreasonably refuse access.
4. If the Respondents fail to undertake any of the work required by these orders, ('Incomplete Works') then the Applicants shall be entitled to undertake any of the Incomplete Works in accordance with these orders and their selected arborist shall be entitled to enter the Respondents' land and carry out any of the Incomplete Work subject to the Applicants

giving seven (7) days written notice of that intention to the Respondents.

5. If the Respondents undertake all the outstanding Incomplete Work prior to the 7 days written notice period expiring, the Applicants' entitlement to enter the Respondents' land is extinguished.
6. The costs incurred by the Applicants engaging an arborist to undertake any of the Incomplete Work in default of the Respondents doing that work, including any cancellation fee in the event of the Respondents undertaking the work themselves more than seven (7) days after receiving notice, shall be recoverable from the Respondents as a debt without further notice being required to be given.

Signed

A handwritten signature in black ink is written over a blue circular seal. The seal contains the text "QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL" around its perimeter. The signature is a cursive script that appears to read "Nelson".

Member Nelson

**Queensland Civil and Administrative Tribunal**