

## DECISION

**Case number:** NDR134-25  
**Applicant:** Grace Song  
Mark Herrington  
**Respondent:** Jan Nary  
Gary Rankin  
**Before:** Member Poteri  
**Date:** 31 March 2026  
**Proceeding type:** Tribunal Hearing  
**Initiating document:** Application for a tree dispute dated 27 May 2025

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### IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The application is dismissed.
2. The Respondents must have the subject Silky Oak fully removed as soon as practical by a certified arborist but in any event the subject Silky Oak must be fully removed by:  
**4:00pm on 31 May 2026**
3. The Respondents are responsible for the payment of all costs for the full removal of the subject Silky Oak.
4. If the Respondent fails to undertake any of the full removal work outlined in this order ("Incomplete Work") the Applicants shall be entitled to undertake any Incomplete Work on the giving of 14 days' notice in writing to the Respondents. If this occurs, then the Applicants elected contractor shall be entitled to enter the Respondents land and carry out any of the Incomplete Work.
5. If the Respondents undertakes all of the Incomplete Work prior to the expiration of the 14 days' notice period as outlined above, the Applicant's or the Applicants contractor's entitlement to enter the Respondents land is extinguished.
6. Any costs incurred by the Applicants in engaging a contractor to undertake any of the Incomplete Works in default of the Respondents undertaking such Incomplete Works shall be recoverable from the Respondents as a debt without further notice being required to be given by the Applicants to the Respondents.
7. The Respondents must pay the sum of \$500.00 into the nominated bank account of the Applicants by:  
**4:00pm on 30 April 2026**

Signed

Member Poteri  
Queensland Civil and Administrative Tribunal

