

## DECISION

<b>Case number:</b>	<b>NDR 091-23</b>
<b>Applicant:</b>	<b>Elaine Herrera</b>
<b>Respondent:</b>	<b>Jon Raymond Cove Murray</b>
<b>Before:</b>	<b>Member Taylor</b>
<b>Delivered on:</b>	<b>11 June 2026</b>
<b>Hearing date:</b>	<b>6 August 2025</b> <b>17 September 2025</b>
<b>Proceeding type:</b>	<b>Tribunal Hearing</b>
<b>Initiating document:</b>	<b>Application for a Tree Dispute filed 11 May 2023</b>

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

1. The respondent must cause the following work to be carried out to a Bismarckia Palm on his land at 9 Wanderer Avenue, Mermaid Waters, Qld, 4218, such being located along the common boundary with the applicant's land at 12 Sequana Avenue, Mermaid Waters, Qld, 4218:
  - (a) Destroy the tree, and its root system but by way of a non-invasive technique, to prevent regrowth;
  - (b) All destruction and removal work is to be:
    - (i) supervised by a person with a minimum AQF Level 3 Certificate in Arboriculture or international equivalent;
    - (ii) performed to conform to AS 4373-2007 or a corresponding horticultural standard; and
    - (iii) carried out by a contractor appropriately insured for the purposes of performing such work.
2. The work under Order 1 herein is to be completed with urgency but not later than 28 (twenty-eight) calendar days from the date of this order, unless:
  - (a) an extended time is agreed to in writing by the applicant, such agreement not to be unreasonably withheld; or
  - (b) otherwise ordered by this Tribunal.
3. To the extent necessary to perform any part of Order 1 herein, the respondent is permitted access to the applicant's land, but only having first notified the applicant in writing of the requirement for same, such to have been done not later than 7 (seven) calendar days in advance of the access being required.
4. In the event the respondent fails or refuses to satisfy Order 1 herein, Orders 5 and 6 herein shall apply.

5. Before any step is taken by the applicant under Order 6 herein:
  - (a) the applicant must first notify the respondent, in writing, of her assertion that the respondent has not complied with the relevant part of Order 1, and requiring him to do so within 14 (fourteen) calendar days thereafter; and
  - (b) in the event the respondent continues to either fail or refuse to comply with the relevant part of Order 1 after having received that notice, the applicant may proceed to implement Order 6 herein as necessary following expiry of those 14 (fourteen) days.
6. For the purposes of performing the work required under Order 1 herein, subject to that provided for under Order 5 herein, the Tribunal gives the following authority to:
  - (a) the applicant to take all reasonable and necessary steps to effect that provided for in paragraph (b) herein; and
  - (b) a person, other than the applicant but at the applicant's request, to enter the respondent's land for the purposes of carrying out such work, including entering the land for the purposes of initially providing a quotation for carrying out such work.
7. In all instances the respondent is:
  - (a) To provide unfettered access to the applicant and the person acting on the applicant's request for the purposes of Order 6(b) herein; and
  - (b) liable for, and is to promptly meet, the costs of complying with Order 1, whether the work be performed at his request or the applicant's.
8. In the event a person authorised under Order 6(b) herein carries out that required by Order 1 herein, and/or provides a quote under Order 6(b) herein, and charges a fee for the cost of any part of same by way of an invoice issued to the applicant, in compliance with Order 7(b) herein the respondent is to meet the payment of same in the first instance promptly following notification to him of such by the applicant.
9. Should the respondent refuse or fail to pay within a reasonable time that required of him under Order 8 herein, and the applicant in turn pays same, the applicant may recover from the respondent, as a debt, the fee so paid.
10. The respondent is to otherwise pay to the applicant \$367.00 in compensation of her cost of having commenced this proceeding, such to be paid within 28 (twenty-eight) calendar days of the date of this order.
11. As to the balance of the applicant's application for a tree dispute, and the orders she seeks, it is dismissed.

Signed



**Member Taylor**  
Queensland Civil and Administrative Tribunal