

CONSENT DECISION

Case number: NDR107-25

Applicant: Kenneth Charles McNeill

Respondents: Thomas Francois Du Toit
Sarah Jessie Marie Pegg

Before: Member Scott-Mackenzie

Date: 30 September 2026

Proceeding type: Mediation

Initiating document: Application for a tree dispute – *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 (Qld)* filed 29 April 2025

BY CONSENT, THE TRIBUNAL DECIDES THAT:

1. Thomas Francois Du Toit and Sarah Jessie Marie Pegg, within two months of this order, prune the *Eucalyptus pilularis* (Blackbutt) tree described in the tree assessment report by Anthony Cockram dated 16 August 2026 and filed in the proceeding at least to the extent recommended in paragraph 2.4.1 of the report.
 2. Thomas Francois Du Toit and Sarah Jessie Marie Pegg, within two months of this order, remove the three *Ficus benjamina* (Weeping Fig) trees described in the tree assessment report by Anthony Cockram dated 16 August 2026 and filed in the proceeding and poison the stumps of the trees.
 3. Kenneth Charles McNeill contribute \$1,000.00 towards the cost of pruning the *Eucalyptus pilularis* (Blackbutt) tree and removing the three *Ficus benjamina* (Weeping Fig) trees and poisoning the stumps of the trees after the work has been completed and Thomas Francois Du Toit and Sarah Jessie Marie Pegg pay the balance of the cost.
 4. Thomas Francois Du Toit and Sarah Jessie Marie Pegg, at their own cost and expense and not less than once a year commencing on or before 1 October 2027 and thereafter on or before 1 October in each succeeding year, to the extent necessary, prune the *Eucalyptus pilularis* (Blackbutt) tree at least to the extent recommended in paragraph 2.4.1 of the tree assessment report.
 5. The work required by orders 1 - 4 of these orders:
 - (a) be carried out by an Australian Qualified Framework (AQF) level 3 arborist with appropriate insurance cover;
 - (b) the arborist carry out the work in accordance with Australian Standard 4373-2007 '*Pruning of amenity trees*'; and
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(d) the arborist remove from the parties' land any debris as a result of pruning the Eucalyptus pilularis (Blackbutt) tree and removing the three Ficus benjamina (Weeping Fig) trees.

6. The parties give to each other and any person engaged by them such access to each other's land as they may reasonably require to carry out the work in orders 1 - 4 of these orders.
7. The parties be at liberty to apply to the Tribunal on not less than seven days' notice in writing to the other party or parties.



Member Scott Mackenzie
Queensland Civil and Administrative Tribunal