

## DECISION

**Case number:** NDR207-23  
**Applicant:** Body Corporate for St James CTS 19922  
**Respondent:** Jennifer Lynn Nicol  
Brisbane City Council

**Before:** Member Bishop  
**Date:** 17 February 2025  
**Proceeding type:** Directions Hearing

---

IT IS THE DECISION OF THE TRIBUNAL BY CONSENT THAT:

1. **On or before 4:00pm on 4 July 2025, Jennifer Lynn Nicol must remove:**
  - (a) The mature Leopardwood tree (identified as Tree 1 in Steven Richards' Tree Assessment Report dated 17 October 2024) (Tree 1);
  - (b) The mature Umbrella tree (identified as Tree 2 in Steven Richards' Tree Assessment Report dated 17 October 2024) (Tree 2);
  - (c) The mature Cadaghi tree (identified as Tree 6 in Steven Richards' Tree Assessment Report dated 17 October 2024) (Tree 6); and
  - (d) The Cadaghi tree (identified as Tree 9 in Steven Richards' Tree Assessment Report dated 17 October 2024) (Tree 9).
2. **Jennifer Lynn Nicol must engage a contractor with appropriate insurances (including Public Liability Insurance) to remove Tree 1, Tree 2, Tree 6 and Tree 9 as outlined in Order 1.**
3. **After the removal of Tree 1, Tree 2, Tree 6 and Tree 9 as outlined in Order 1, Jennifer Lynn Nicol must give the Body Corporate for St James CTS 19922 details of her nominated bank account (the Bank Account) via email on or before 4:00pm on 17 July 2025.**
4. **After receiving the Bank Account details via email, the Body Corporate for St James CTS 19922 must deposit the amount of \$1,000 into the Bank Account on or before 4:00pm on 31 July 2025.**
5. **On or before 4:00pm on 31 July 2025, Jennifer Lynn Nicol must plant one (1) 45 litre Tuckeroo tree on her land five (5) metres or more from her land's boundaries.**
6. **On or before fourteen (14) days after Order 5 has been completed, Jennifer Lynn Nicol must inform the Brisbane City Council that she has planted the Tuckeroo on her land via email.**

7. **On or before 4:00pm on 13 December 2025, Jennifer Lynn Nicol** must, if required:
  - (a) Prune all the small shrubs and small trees along the parties shared common boundary (identified as Tree 3 in Steven Richards' Tree Assessment Report dated 17 October 2024) (Tree 3) back to the parties shared common boundary fence;
  - (b) Target prune one lower limb on the eastern side of the mature Jacaranda tree extending beyond the dividing fence (identified as Tree 4 in Steven Richards' Tree Assessment Report dated 17 October 2024) (Tree 4) back to the collar;
  - (c) Target and directional prune the mature Cadaghi tree (identified as Tree 5 in Steven Richards' Tree Assessment Report dated 17 October 2024) (Tree 5) back to the parties common dividing fence;
  - (d) Target and directional prune the mature row of trees situated in the north-west corner of **Jennifer Lynn Nicol's** land (identified as Tree 7, Tree 8 and Tree 10 in Steven Richards' Tree Assessment Report dated 17 October 2024) (Tree 7, Tree 8 and Tree 10) back to the parties common dividing fence.
8. **Jennifer Lynn Nicol** must engage an arborist with a minimum qualification of Australian Qualification Framework level 3 with appropriate insurances (including Public Liability Insurance) to prune Tree 3, Tree 4, Tree 5, Tree 7, Tree 8 and Tree 10 as outlined in Order 7.
9. **Jennifer Lynn Nicol** must provide her elected arborist a copy of Steven Richards' Tree Assessment Report dated 17 October 2024 prior to them undertaking the pruning work outlined in Order 7.
10. If required, **Jennifer Lynn Nicol** must engage an arborist with a minimum qualification of Australian Qualification Framework level 3 with appropriate insurances (including Public Liability Insurance) to prune Tree 3 back to the parties shared common boundary fence in the month of **December 2026, December 2027, April 2030, April 2031, April 2033 and April 2034**.
11. In the months of **December 2028, December 2031 and December 2034, Jennifer Lynn Nicol** must engage an arborist with a minimum qualification of Australian Qualification Framework level 5 with appropriate insurances (including Public Liability Insurance) to assess the health and risk of Tree 3, Tree 4, Tree 5, Tree 7, Tree 8 and Tree 10 and provide any pruning recommendations.
12. **On or before 4:00pm on 30 April 2029, 4:00pm on 30 April 2032 and 4:00pm on 30 April 2035, Jennifer Lynn Nicol** must engage an arborist with a minimum qualification of Australian Qualification Framework level 3 with appropriate insurances (including Public Liability Insurance) to undertake any pruning recommendations of the Level 5 arborist as outlined in Order 11.
13. If required, the **Body Corporate for St James CTS 19922** must give **Jennifer Lynn Nicol's** elected contractor and/or elected arborist with appropriate insurances (including Public Liability Insurance) access to their land to undertake the work outlined in Order 1, Order 7, Order 10, Order 11 and/or Order 12 subject to **Jennifer Lynn Nicol** giving them three (3) days' notice or as agreed between the parties.

14. Subject to Order 4, **Jennifer Lynn Nicol** will be responsible for all other costs associated with carrying out the work outlined in Order 1, Order 7, Order 10, Order 11 and order 12.
15. If **Jennifer Lynn Nicol** fails to undertake any of the work outlined in Order 1, Order 7, Order 10, Order 11 and/or Order 12 (the Incomplete Work) the **Body Corporate for St James CTS 19922** shall be entitled to engage their own contractor and/or arborist with appropriate insurances (including Public Liability Insurance) to carry out any of the Incomplete Work subject to the **Body Corporate for St James CTS 19922** giving **Jennifer Lynn Nicol** fourteen (14) days' written notice of that intention.
16. The costs incurred by the **Body Corporate for St James CTS 19922** engaging their own contractor and/or arborist to undertake any of the Incomplete Work in default of **Jennifer Lynn Nicol** shall be recoverable from **Jennifer Lynn Nicol** as a debt without further notice being required to be given.
17. This order will remain in force **until 30 July 2035**.

Signed



**Member Bishop**  
**Queensland Civil and Administrative Tribunal**