

DECISION

Case number: NDR124-24
Applicant: Julia Bomke
Daniel McShane
Respondent: Ron Funk
Before: Member Bishop
Date: 16 October 2024
Proceeding type: Directions Hearing

IT IS THE DECISION OF THE TRIBUNAL BY CONSENT THAT:

1. **On or before 4:00pm on 1 February 2025**, the Respondent, **Ron Funk** must undertake an initial prune on the tree in dispute (identified as a Gum Tree situated on the Respondent's, **Ron Funk's** land) (Tree 1) to:
 - (a) remove Tree 1's deadwood;
 - (b) if possible, remove and/or reduce all or some of Tree 1's lateral limbs encroaching onto the Applicants', **Julia Bomke's** and **Daniel McShane's** land, and
 - (c) as appropriate, raise, directional prune and/or balance Tree 1's canopy.
2. In the month of **February 2028**, **February 2031** and **February 2034** the Respondent, **Ron Funk** must undertake ongoing maintenance of Tree 1 to, if required, to:
 - (a) remove Tree 1's deadwood;
 - (b) if possible, remove and/or reduce all or some of Tree 1's lateral limbs encroaching onto the Applicants', **Julia Bomke's** and **Daniel McShane's** land, and
 - (c) as appropriate, raise, directional prune and/or balance Tree 1's canopy.
3. The Respondent, **Ron Funk**, must engage an arborist with a minimum qualification of Australian Qualification Framework level 3 in arboriculture with appropriate insurances (Including Public Liability Insurance) to undertake the initial tree work outlined in Order 1 and the ongoing maintenance outlined in Order 2.
4. The pruning outlined in Order 1 and Order 2, must be undertaken subject to the expertise of the Respondent's, **Ron Funk's**, elected arborist's and in accordance with AS4373-2007 Pruning of Amenity Trees.
5. The Applicants, **Julia Bomke** and **Daniel McShane**, must allow the Respondent's, **Ron Funk's**, elected arborist with appropriate insurances, access to their land to undertake the work outlined in Order 1 and Order 2 subject to **three (3) days' notice**.

Signed

Member Bishop

Queensland Civil and Administrative Tribunal