

## DECISION

**Case number:** NDR147-22

**Applicant:** Matthew James Kendall  
Stephanie Clare Foley

**Respondent:** Christopher Joseph Melenewycz  
Tracey Angeline Pugin

**Before:** Member P Roney KC

**Hearing date:** 20 November 2024

**Proceeding type:** Tribunal Hearing

**Initiating document:** Application for a tree dispute filed 14 July 2022


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

1. The respondents cause there to be reduction pruning of the Forest Red Gum to reduce its canopy back to the approximate alignment of the dividing fence line structure with 99 Woodlands Drive, Rochedale South, Qld, 4123 and that such reduction pruning be carried out within 40 days of the date of the making of this order.
2. In the course of having the reduction pruning carried out as referred to in order 1, that the respondents cause there to be removal of all accessible deadwoods greater than 25mm in diameter throughout the canopy of the Forest Red Gum.
3. The respondents cause there to be future maintenance of the Forest Red Gum at intervals not exceeding three (3) years to remove the deadwood and maintain the spread of the canopy at the size it attains after the initial prune to the Forest Red Gum.
4. All of those works shall be performed by a minimum Australian Qualifications Framework (AQF) level three (3) qualified arborist.
5. The attending Arborist / company shall provide proof of current Public Liability and Work Cover insurances prior to works onsite.
6. The respondents cause an attending climbing Arborist to also perform an inspection of the upper canopy not visible from ground level and rectify/ report any issues found during each climbing event.
7. The respondents cause all tree debris to be removed from the applicants' property and the respondents' property after the recommended pruning and maintenance is performed.
8. All pruning shall be performed in compliance with the requirements of Australian Standard 4373-2007 "Pruning of amenity trees" and the Arborist performing the work is to be so instructed.
9. Climbing spurs/ climbing gaffs/ climbing irons shall not be used during pruning works.

10. The respondents pay within 30 days, the sum of \$500 to reimburse the applicants for their share of the costs of the report from the tribunal-appointed Arborist.
11. I grant the parties liberty to apply in respect of any other consequential or other orders which might be required to be made.

Signed

A circular seal of the Queensland Civil and Administrative Tribunal (QCAT) is visible in the background. The seal contains the text "QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL" around the perimeter. Overlaid on the seal is a handwritten signature in black ink.

**Member P Roney KC**  
**Queensland Civil and Administrative Tribunal**