

DECISION

Case number: NDR197-23

Applicant: Jack Chi-Shan Yang
Rachel Chun-Chi Yang

Respondent: Christina Mary McCoombes

Before: Member Bishop

Date: 10 April 2025

Proceeding type: Compulsory Conference

Initiating document: Application for a tree dispute

IT IS THE DECISION OF THE TRIBUNAL BY CONSENT THAT:

1. **On or before 4:00pm on 10 October 2025 Christina Mary McCoombes** must:
 - a) cut the main overhanging branch of the small-leaved fig (discussed in Jonathon Hobbs' Tree Assessment Report dated 25 October 2024) (Tree 1) back to its branch collar close to the parties' common boundary; and
 - b) remove all the smaller hanging branches back to the primary horizontal branch (described as the secondary pendulous growth hanging over **Jack Chi-Shan Yang** and **Rachel Chun-Chi Yang's** land).
2. **Christina Mary McCoombes** must engage an arborist with a minimum qualification of Australian Qualification Framework level 3 with appropriate insurances (including Public Liability Insurance) undertake the pruning work outlined in Order 1.
3. **Christina Mary McCoombes** must provide her elected arborist a coloured copy of Jonathon Hobbs' Tree Assessment Report dated 25 October 2024 prior to them undertaking the pruning work outlined in Order 1.
4. If required, **Jack Chi-Shan Yang** and **Rachel Chun-Chi Yang's** must give **Christina Mary McCoombes'** elected arborist with appropriate insurances (including Public Liability Insurance) access to their land to undertake the work outlined in Order 1 subject to **Christina Mary McCoombes** giving them three (3) days' notice.
5. In the month of **October**, **Christina Mary McCoombes** must undertake ongoing maintenance on Tree 1 to remove all the smaller hanging branches (secondary pendulous growth) back to the primary horizontal branch and/or back to the parties' common boundary.
6. The first maintenance prune of Tree 1 will occur in **October 2026** and the last maintenance prune of Tree 1 will occur in **October 2035**.
7. If access to **Jack Chi-Shan Yang** and **Rachel Chun-Chi Yang's** land is required to undertake the ongoing maintenance of Tree 1 outlined in Order 5 then:
 - a) **Christina Mary McCoombes** must engage a competent contractor with appropriate

insurances (including Public Liability Insurance) to undertake the work outlined in Order 5; and

- b) **Jack Chi-Shan Yang** and **Rachel Chun-Chi Yang** must give **Christina Mary McCoombes**' competent contractor with appropriate insurances (including Public Liability Insurance) access to their land to undertake the work outlined in Order 5 subject to **Christina Mary McCoombes** giving them three (3) days' notice.
8. **Christina Mary McCoombes**, will be responsible for all costs associated with undertaking the work outlined in Order 1 and Order 5.
9. If **Christina Mary McCoombes** fails to undertake any of the work outlined in Order 1 and/or Order 5 (the Incomplete Work), **Jack Chi-Shan Yang** and **Rachel Chun-Chi Yang's** can engage their own arborist and/or competent contractor with appropriate insurances (including Public Liability Insurance) to carry out any of the Incomplete Work subject to the **Jack Chi-Shan Yang** and **Rachel Chun-Chi Yang** giving **Christina Mary McCoombes** fourteen (14) days' written notice of that intention.
10. The costs incurred by **Jack Chi-Shan Yang** and **Rachel Chun-Chi Yang** engaging their own arborist and/or competent contractor to undertake any of the Incomplete Work in default of **Christina Mary McCoombes** shall be recoverable from **Christina Mary McCoombes** as a debt without further notice being required to be given.
11. This order will remain in force **until 31 December 2035**.

Signed



Member Bishop
Queensland Civil and Administrative Tribunal