

DECISION

Case number: NDR117-23
Applicant: The Lodges Stirrat CTS 53972
Respondent: Emma Marie Ward
Conor Edward Ward
Before: Member Bishop
Date: 31 January 2024
Proceeding type: Directions Hearing

BY CONSENT, IT IS THE DECISION OF THE TRIBUNAL THAT:

1. **On or before 6 May 2024**, the Respondents, **Emma Marie Ward** and **Conor Edward Ward**, will prune from their Poinciana Tree:
 - (a) one large lateral limb back to the collar; and
 - (b) several other smaller limbs from another large limb back to the common boundary;which overhangs the Applicant's, **The Lodges Stirrat CTS 53972**, land.
2. The Respondents, **Emma Marie Ward** and **Conor Edward Ward**, will undertake ongoing maintenance and pruning of their Poinciana Tree's branches which overhang the Applicant's, **The Lodges Stirrat CTS 53972**, land every two years as required.
3. The Respondents, **Emma Marie Ward** and **Conor Edward Ward**, will engage an arborist, with a minimum qualification of Australian Qualification Framework level 3 who has appropriate insurances, to undertake the initial pruning outlined in Order 1 and the ongoing maintenance and pruning outlined in Order 2.
4. The cost of the work outlined in Order 1 will be shared between the Applicant, **The Lodges Stirrat CTS 53972**, and the Respondents, **Emma Marie Ward** and **Conor Edward Ward**, equally (50% each). The Respondents, **Emma Marie Ward** and **Conor Edward Ward**, will provide a copy of the paid invoice for the work outlined in Order 1 and details of their nominated bank account to the Applicant, **The Lodges Stirrat CTS 53972**, and the Applicant, **The Lodges Stirrat CTS 53972**, will transfer 50% of the invoiced amount to the nominated bank account within 21 days of receiving a copy of the paid invoice.
5. The Respondents, **Emma Marie Ward** and **Conor Edward Ward**, will be responsible for all costs for the work outlined in Order 2.
6. The Applicant, **The Lodges Stirrat CTS 53972**, must allow the Respondents', **Emma Marie Ward** and **Conor Edward Ward's**, elected arborist with appropriate insurances, access to their land to undertake the work outlined in Order 1 and Order 2 subject to three days written notice or as agreed between the parties.

Signed

Member Bishop
Queensland Civil and Administrative Tribunal



Queensland Civil and Administrative Tribunal