

DECISION

Case number: NDR054-21

Applicants: Thelikada Palliyeguruge Sisipiya Upul Weerasena
Himashi Muthumini Weerasena

First Respondent: Marina Elsie Boyle

Second Respondent: Brisbane City Council

Before: A/Member D Brown

Date: 7 August 2024

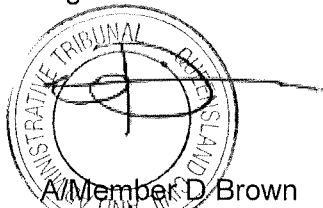
Proceeding type: On- papers hearing

IT IS THE DECISION OF THE TRIBUNAL THAT:

- [1] On or before 30 September 2024 the first respondent, Ms Marina Boyle, must engage an Australian Qualified Framework ('AQF') level 5 arborist with appropriate insurances to undertake an aerial inspection of the two Scribbly Gum (*Eucalyptus racemosa*) trees ('the initial inspection') to:
 - (a) assess the structural integrity of the trees;
 - (b) identify any structural defects; and
 - (c) provide recommendations for mitigating the risk of any identified structural defects and the level of lateral canopy reduction which is necessary and can be safely undertaken to maintain the tree's health and stability.
- [2] Unless there is a significant weather event and Order 3 is enlivened, twelve (12) months after the initial aerial inspection, on an annual basis thereafter (to be completed in the same month of each year), Ms Marina Boyle must engage an AQF level 5 arborist with appropriate insurances to undertake a level 2 or level 3 assessment (provided that at least once every two years the inspections include at least one aerial inspection) of the two Scribbly Gum (*Eucalyptus racemosa*) trees ('the yearly inspections') to:
 - (a) assess the structural integrity of the tree;
 - (b) identify any structural defects; and
 - (c) provide recommendations on mitigating the risk of any identified structural defects and the level of lateral canopy reduction which can be safely undertaken.
- [3] If the two Scribbly Gum (*Eucalyptus racemosa*) trees are subjected to a significant weather event with a Beaufort scale of 9 or greater, Ms Marina Boyle must:
 - (a) Engage an AQF level 5 arborist with appropriate insurances to undertake an aerial inspection of the two Scribbly Gum (*Eucalyptus racemosa*) trees, within two months of the significant weather event, (the severe weather inspection') to:
 - (i) assess the structural integrity of the tree;
 - (ii) identify any structural defects; and

- (iii) provide recommendations on mitigating the risk of any identified structural defects and the level of lateral canopy reduction which can be safely undertaken; and
 - (b) Conduct an assessment of the tree on an annual basis thereafter (to be completed in the same month of each year) in line with the requirements of the yearly inspections in Order 2.
- [4] Ms Marina Boyle must engage an AQF level 3 (or above) arborist with appropriate insurances to undertake any recommendations in the initial inspection, the yearly inspections or the severe weather inspections to mitigate the risk of any identified structural defects or undertake recommended lateral canopy reduction, within two (2) months of receiving those recommendation.
- [5] Ms Marina Boyle will be responsible for obtaining any necessary council approvals and paying all costs associated with undertaking the work outlined in Orders 1 to 4.
- [6] Ms Marina Boyle must give the applicants, Mr and Mrs Weerasena, a copy of any reports or findings from the initial assessment, yearly assessment or severe weather assessment of the two Scribbly Gum (*Eucalyptus racemosa*) trees within fourteen (14) days of Ms Boyle receiving them.
- [7] If requested, the applicants, Mr and Mrs Weerasena, must allow Ms Boyle's elected arborist to access their land to undertake the work outlined in Orders 1 to 4.
- [8] These orders remain in force and effect for a period of 10 years from the date hereof.

Signed



A/Member D Brown

Queensland Civil and Administrative Tribunal