

## DECISION

**Case number:** NDR109-23  
**Applicant:** Scott Bradshaw  
Anna Bradshaw  
**Respondent:** Dieter Spiess  
Erika Spiess  
**Before:** Member Bishop  
**Date:** 5 June 2024  
**Proceeding type:** Directions Hearing

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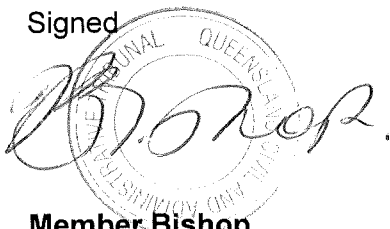
IT IS THE DECISION OF THE TRIBUNAL BY CONSENT THAT:

1. **On or before 4:00pm on 27 September 2024**, the Respondents, **Dieter Spiess** and **Erika Spiess** must remove the Ficus Benjamina Tree (identified as Tree I in Mr Roberts' Tree Assessment Report dated 27 February 2024) (Tree I) (the Removal Work of Tree I).
2. The Respondents, **Dieter Spiess** and **Erika Spiess**, must engage a contractor with appropriate insurances (including Public Liability Insurance) to undertake the Removal Work of Tree I.
3. **On or before 4:00pm on 27 September 2024**, the Respondents, **Dieter Spiess** and **Erika Spiess** must undertake crown maintenance work so that the canopies of the following trees do not exceed 50 centimetres into the Applicants', **Scott Bradshaw's** and **Anna Bradshaw's**, land. The trees are:
  - (a) The Plumberia Frangipani (identified as Tree A in Mr Roberts' Tree Assessment Report dated 27 February 2024) (Tree A);
  - (b) The three Syzigiums (identified as Tree D, Tree F and Tree G in Mr Roberts' Tree Assessment Report dated 27 February 2024) (Tree D, Tree F and Tree G); and
  - (c) The Melaleuca Styphiliodies (identified as Tree H in Mr Roberts' Tree Assessment Report dated 27 February 2024) (Tree H).
4. **On or before 4:00pm on 27 September 2024**, the Respondents, **Dieter Spiess** and **Erika Spiess** must undertake crown maintenance work on the Delonix Regia Poinciana (identified as Tree E in Mr Roberts' Tree Assessment Report dated 27 February 2024) (Tree E) to reduce the height of Tree E and minimize as much as possible Tree E's encroachment (not to exceed more than 50 centimetres) into the Applicants', **Scott Bradshaw's** and **Anna Bradshaw's**, land. The extent of Tree E's height reduction and encroachment will be determined by the arborist who undertakes the work.
5. **On or before 4:00pm on 27 September 2024**, the Respondents, **Dieter Spiess** and **Erika Spiess** must undertake crown maintenance work to rectify the previous non-conforming pruning work so that the canopies of the following trees do not exceed two (2)

metres into the Applicants', **Scott Bradshaw's** and **Anna Bradshaw's**, land. The trees are:

- (d) The Melaleuca Dealbata (identified as Tree B in Mr Roberts' Tree Assessment Report dated 27 February 2024) (Tree B); and
  - (e) The Melaleuca Quinquenervia (identified as Tree C in Mr Roberts' Tree Assessment Report dated 27 February 2024) (Tree C).
6. The Respondents, **Dieter Spiess** and **Erika Spiess**, must engage an arborist with a minimum qualification of Australian Qualification Framework level 3 in arboriculture with appropriate insurances (including Public Liability Insurance) (Level 3 arborist) to undertake the work outlined in Order 3, Order 4 and Order 5 (the Initial Trimming Work).
  7. The Respondents, **Dieter Spiess** and **Erika Spiess**, Level 3 arborist must formulate an ongoing maintenance and pruning schedule (the Schedule) of Tree A, Tree B, Tree C, Tree D, Tree E, Tree F, Tree G and Tree H (the Trees) to ensure the Trees are maintained in accordance with Order 3, Order 4 and Order 5 (the Ongoing Scheduled Trimming Work).
  8. The Respondents, **Dieter Spiess** and **Erika Spiess**, must engage a Level 3 arborist to undertake the Ongoing Scheduled Trimming Work.
  9. The Respondents, **Dieter Spiess** and **Erika Spiess**, will be responsible for all costs associated with the Removal Work of Tree I, the Initial Trimming Work and the Ongoing Scheduled Trimming Work.
  10. The Applicant's, **Scott Bradshaw** and **Anna Bradshaw**, must give the Respondent's, **Dieter Spiess** and **Erika Spiess**, elected contractor or elected arborist with appropriate insurances access to their land to undertake the Removal Work of Tree I, the Initial Trimming Work and/or the Ongoing Scheduled Trimming Work subject to the Respondents, **Dieter Spiess** and **Erika Spiess**, giving the Applicants, **Scott Bradshaw** and **Anna Bradshaw**, three (3) days' notice or as agreed between the parties.
  11. The Applicants, **Scott Bradshaw** and **Anna Bradshaw**, must engage, at their cost, an arborist with a minimum qualification of Australian Qualification Framework level 5 in arboriculture to advise them where to place the proposed drain running parallel to the parties' common boundary so that the proposed drain is outside the tree protection zone of the Respondents', **Dieter Spiess'** and **Erika Spiess'**, Trees.

Signed

A circular official stamp of the Queensland Civil and Administrative Tribunal (QCAT) is visible behind the signature. The stamp contains the text 'QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL' around the perimeter and 'MEMBER' in the center. The signature is written in dark ink over the stamp.

**Member Bishop**  
**Queensland Civil and Administrative Tribunal**