

DECISION

Case number: NDR164-23
Applicant: Gregory Lawless
Sue Horseman
Respondent: Lesley Ethel Rudolph

Before: Member Bishop
Date: 17 December 2024
Proceeding type: Directions Hearing
Initiating document: Application of a tree dispute filed 8 September 2023

IT IS THE DECISION OF THE TRIBUNAL BY CONSENT THAT:

1. **On or before 4:00pm on 21 March 2025**, Lesley Ethel Rudolph must Prune the Weeping Paperbark (identified as Tree 1 in Steven Richards' Tree Assessment Report dated 14 October 2024) (Tree 1), to:
 - (a) remove any dead wood within the crown greater than 2cm in diameter; and
 - (b) reduce encroachment and restore east-west symmetry as demonstrated in Steven Richards' Tree Assessment Report on page 6.
2. In **March 2027, 2029, 2031 and 2033** Lesley Ethel Rudolph must engage an arborist to assess Tree 1's health, provide a current risk assessment and undertake any necessary pruning to mitigate nuisance.
3. Lesley Ethel Rudolph must engage an arborist with a minimum qualification of Australian Qualification Framework level 3 in arboriculture with appropriate insurances (including Public Liability Insurance) to undertake the work outlined in Order 1 and Order 2 in accordance with AS 4373-2007 Pruning of Amenity Trees.
4. Prior to the work outlined in Order 1 being undertaken, Lesley Ethel Rudolph must give his arborist a copy of Steven Richards' Tree Assessment Report.
5. Gregory Lawless and Sue Horseman must allow Lesley Ethel Rudolph's elected level 3 arborist with appropriate insurances (including Public Liability Insurance) access to their land to undertake the Work outlined in Order 1 and Order 2, subject to Lesley Ethel Rudolph giving Gregory Lawless and Sue Horseman three (3) days' notice.
6. Lesley Ethel Rudolph will be responsible for all costs associated with the work outlined in Order 1 and Order 2.
7. If Lesley Ethel Rudolph fails to undertake any of the work outlined in Order 1 and/or Order 2 (the Incomplete Work) Gregory Lawless and Sue Horseman shall be entitled to engage a level 3 arborist with appropriate insurances (including Public Liability Insurances) to enter Lesley Ethel Rudolph's land and carry out any of the Incomplete Work subject to Gregory

Lawless and Sue Horseman **giving 14 days written notice** of that intention to Lesley Ethel Rudolph.

8. The costs incurred by Gregory Lawless and Sue Horseman engaging a level 3 arborist to undertake any of the Incomplete Work in default of Lesley Ethel Rudolph shall be recoverable from Lesley Ethel Rudolph as a debt without further notice being required to be given.

Signed

A handwritten signature in black ink, appearing to read 'Bishop', is written over a circular official seal of the Queensland Civil and Administrative Tribunal.

Member Bishop
Queensland Civil and Administrative Tribunal