

## DECISION

**Case number:** NDR136-22  
**Applicants:** Simon Keith Walker  
Christine Joy Walker  
**Respondents:** Richard Barry Marken  
Kay Florence Marken  
**Before:** Member Bishop  
**Date:** 21 June 2023  
**Proceeding type:** Directions Hearing

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BY CONSENT IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The Respondents, **Richard Barry Marken** and **Kay Florence Marken**, must remove the Fiddlewood tree referred to as Tree 2 in the Tree Assessment Report dated 1 February 2023 **on or before 19 October 2023**.
2. The Respondents, **Richard Barry Marken** and **Kay Florence Marken**, must prune the Paperbark tree referred to as Tree 1 in the Tree Assessment Report dated 1 February 2023 **on or before 19 October 2023**.
3. The Respondents, **Richard Barry Marken** and **Kay Florence Marken**, must undertake maintenance pruning of Tree 1 at least every two (2) years subject to the recommendations of a qualified arborists.
4. The work outlined in paragraphs 1, 2 and 3 will be undertaken by a suitably qualified arborist with appropriate insurance cover and the Respondent, **Richard Barry Marken** and **Kay Florence Marken**, will be responsible for the cost.
5. If required, the Applicants, **Simon Keith Walker** and **Christine Joy Walker Sean Henry**, must allow the Respondents', **Richard Barry Marken** and **Kay Florence Marken's**, suitably qualified arborist access to their land to undertake the work outlined in paragraphs 1, 2 or 3. The suitably qualified arborist must have appropriate insurance to undertake the work on the Applicants', **Simon Keith Walker** and **Christine Joy Walker's**, land and the Respondents, **Richard Barry Marken** and **Kay Florence Marken Richard**, must give the Applicants, **Simon Keith Walker** and **Christine Joy Walker**, at least three (3) days' prior notice of the work being done.

Signed



**Member Bishop**  
Queensland Civil and Administrative Tribunal