

DECISION

Case number: NDR084-22

Applicant: Nikolaos Kounelis
Wendii Maree Kounelis

Respondent: Lasantha Anthony Edward Abeyewardene
Anushka Harshini Abeyratne Abeyewardene
Brisbane City Council

Before: Member Bishop

Date: 23 October 2024

Proceeding type: Directions Hearing

IT IS THE DECISION OF THE TRIBUNAL BY CONSENT THAT:

1. **On or before 4:00pm on 7 February 2025 Lasantha Anthony Edward Abeyewardene and Anushka Harshini Abeyratne Abeyewardene must:**
 - (a) remove the Forest Red Tree (identified as Tree 1 in Mr Richards' Tree Assessment Report dated 21 October 2022) (Tree 1); and
 - (b) remove the Ironbark Tree (identified as Tree 2 in Mr Richards' Tree Assessment Report dated 21 October 2022) (Tree 2).
2. **Lasantha Anthony Edward Abeyewardene and Anushka Harshini Abeyratne Abeyewardene must engage a contractor with appropriate insurances (including Public Liability Insurance) to undertake the removal work outlined in Order 1.**
3. If required, **Nikolaos Kounelis and Wendii Maree Kounelis must allow Lasantha Anthony Edward Abeyewardene's and Anushka Harshini Abeyratne Abeyewardene's elected contractor with appropriate insurances (including Public Liability Insurance), access to their land to undertake the removal work outlined in Order 1 subject to Lasantha Anthony Edward Abeyewardene and Anushka Harshini Abeyratne Abeyewardene giving Nikolaos Kounelis and Wendii Maree Kounelis three (3) days' notice.**
4. **Lasantha Anthony Edward Abeyewardene and Anushka Harshini Abeyratne Abeyewardene must give the Brisbane City Council three (3) days' notice of their intention to undertake the removal work outlined in Order 1.**
5. **Lasantha Anthony Edward Abeyewardene and Anushka Harshini Abeyratne Abeyewardene will be responsible for all costs associated with the removal work outlined in Order 1.**
6. After the removal work outlined in Order 1 has been completed, **Lasantha Anthony Edward Abeyewardene and Anushka Harshini Abeyratne Abeyewardene must provide Nikolaos Kounelis and Wendii Maree Kounelis details of their nominated bank account (the Bank Account) via email, and within fourteen (14) days of receiving that email, Nikolaos Kounelis and Wendii Maree Kounelis must deposit the amount of \$3,000 into the Bank Account.**

7. **On or before 4:00pm on 11 April 2025 Lasantha Anthony Edward Abeyewardene and Anushka Harshini Abeyratne Abeyewardene** must either:
 - (a) plant two (2) 45 litre Brushbox Trees within the covenant area on their land; or
 - (b) plant one (1) 45 litre Brushbox Tree and one (1) 45 litre Bottle Brush Tree within the covenant area on their land.
8. **Lasantha Anthony Edward Abeyewardene and Anushka Harshini Abeyratne Abeyewardene** will be responsible for all costs associated with the planting work outlined in Order 7.
9. Within 14 days of completing the planting work outlined in Order 7, **Lasantha Anthony Edward Abeyewardene and Anushka Harshini Abeyratne Abeyewardene** must provide Brisbane City Council evidence the work outlined in Order 7 has been completed.

Signed

A handwritten signature in black ink, appearing to read 'Bishop', is written over a circular official seal. The seal contains the text 'QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL' around its perimeter.

Member Bishop
Queensland Civil and Administrative Tribunal