

» Castle Drive fig tree facts



The decision to remove the Castle Drive fig tree has not been taken lightly. The following information provides an important overview of this complex issue.

» Why are we removing the tree?

- The invasive roots have caused confirmed structural damage to nearby properties and after multiple successful insurance claims, Council's insurer will no longer insure the tree.
- This means ratepayers will bear the cost of any current or future damage to nearby properties caused by the tree.
- If the tree is not removed, the roots will continue to damage property, risk public safety and cost ratepayers.
- Council's specialised arborists have been involved in the management of this tree for many years and multiple independent specialist reports have been completed (see Council's website ballina.nsw.gov.au).
- Identified alternatives presented to Council were cost prohibitive and provided no assurance of success (see below for more information).
- Having exhausted all options to keep the tree, and balancing environmental considerations, costs to ratepayers and insurance risks, the only realistic option, is to remove the tree.
- This decision was resolved by Council in November 2017 and again at an extraordinary meeting in May 2018.

» What alternatives have been explored?

The tree has been the subject of many Council reports looking at options to retain the tree. Although reports can make recommendations Council must weigh up all the options, likelihood of success and potential costs.

Alternatives explored include:

- **Root barrier systems.** There is limited space between the tree and the property boundaries to install an adequate root barrier. In addition, commonly-used high density polythene barriers have been considered inadequate for these works, as figs usually bypass these structures quickly.
- **Root barrier systems continued.** Further to this, any root barrier installation would involve moving the essential services, such as underground electricity and telecommunications (approx. cost to ratepayers \$150,000 plus the cost of works).
- **Leave it and continue maintenance.** As it is uninsured, the public risk is too great and it would continue to significantly damage nearby properties. This would result in further insurance claims, again, directly costing ratepayers.
- **Relocate the tree.** A tree of this size and scale has never been successfully relocated in Australia and is estimated to cost in excess of \$450,000 plus the cost relocation of underground electricity and telecommunications.
- **Purchase the impacted properties.** This is potentially a \$1.6million purchase price, if the owners were willing to sell. Again, this cost would be worn by ratepayers.

» Aboriginal cultural significance

Council has completed due diligence with respect to Aboriginal cultural significance by undertaking the following:

- Reviewing Council's Aboriginal Cultural Heritage Mapping Project (ACHMP).
- Consulting with the Local Aboriginal Community representatives and Jali Local Aboriginal Land Council (during the ACHMP process).
- Searching the Aboriginal Mapping System Database.

On-site Council staff are also trained to recognise Aboriginal cultural heritage markings.

» What was the Office of Environment and Heritage's (OEH) determination?

- A complaint in July 2018 to OEH claimed the tree has Aboriginal cultural significance.
- OEH notified Council with the following response: *'Following a review of the responses and documentation provided by Council, and resulting*

from enquiries made with Jali Local Aboriginal Land Council representatives, Aboriginal Community representatives and participants in the ACHMP, OEH can advise Council that unless further information comes to hand OEH will not be pursuing the investigation into the claims that the location was registered during the ACHMP process or meets the requirements to be registered as an AHIMS site.'

» Consultation and notification

- This matter has been reported to Council a number of times publically over many years.
- A letter to residents was distributed in December 2017, April 2018 and May 2018 notifying them about the removal of the tree.
- We have also been in contact with our Member for Ballina, Tamara Smith.
- Council reports, specialist reports, resident letters, media releases and notification letters from the Office of Environment and Heritage are all publically available on our website (ballina.nsw.gov.au).

» Why have works been halted?

- The removal of the fig tree at Castle Drive was suspended after the discovery of a duck eggs on 31 July 2018.
- Despite previous examinations before the commencement of works, a nest was uncovered deep within the tree.
- Council consulted with National Parks and Wildlife who provided Council with a licence to remove the duck eggs.
- Council engaged a licenced fauna consultant who collected and successfully relocated the eggs to another duck nest at an undisclosed location. Remote monitoring of the duck nest will be undertaken.
- The fauna consultant has inspected the tree and reports no other fauna are visible.



» Whose responsibility is the tree?

The tree is located on road reserve, which is public land and the responsibility of Council. This includes any property damage or public harm.

» Why were the properties built so close to the tree?

The original subdivision for Castle Drive was approved by Ballina Shire Council in May 1980. That subdivision approval did not provide a reasonable buffer between the fig tree (on Council land) and the newly created private lots and there were no restrictions on the title relating to the fig tree.

Since that time, changes have been made to planning controls recognising the contribution of mature trees, which ensures this will not occur in the future.

» Will the tree be replaced?

Council will plant a mature native species without an invasive root system structure. The particular species has not been determined yet.

» Requirements on site

While works are underway to remove the tree, Council has the following personnel on site:

- independent Aboriginal advisor
- security personnel
- police
- risk officer (to ensure public safety)
- Council's qualified arborists
- safety officer (to ensure work is carried out safely)
- licenced fauna consultant



Fig tree roots



If you have any questions or concerns please contact:

Council's Civil Service Group on 1300 864 444

ballina
shire council