



20 April 2018

The Resident
Castle Drive
LENNOX HEAD NSW 2478

Dear Resident

Re: Castle Drive Fig Tree

Council previously wrote to you in December 2017 to provide information on the removal of the fig tree in Castle Drive. This correspondence is to confirm that following further investigations, Council has decided to proceed with the removal, with those works now planned for Monday 30 April 2018.

Council has been criticised for the original decision to remove the tree and it is important to emphasise that this was a difficult decision for the Councillors as no one wants to see the tree removed.

Council has been proactively managing this tree for many years, as there have been on-going issues with the tree roots negatively impacting on the adjoining properties. To provide an idea of the frequency of reporting, the Councillors have considered reports on the status of the tree and options for management, during just the last 18 months, at the monthly Council meetings held 23 November 2017, 27 April 2017, 15 December 2016 and 24 November 2016. The matter was also debated again at the 14 December 2017 Council meeting.

What has resulted in the decision to remove the tree is that Council has been advised that effectively we no longer have any public liability insurance coverage for property damage incurred as a result of the incursion of the subject fig tree's root system. It is not acceptable for Council, acting on behalf of the community, to have no insurance coverage as the potential liability is significant.

Since our correspondence in December 2017 and following discussions with the local member for Ballina, Tamara Smith MP, Council engaged an independent arborist to review the decision to remove the tree, along with re-assessing the various options that have been examined to retain the tree. This includes the installation of root barriers, along with possible relocation.

This additional report was not completed until the end of February 2018. Unfortunately it did not provide any conclusive findings, other than recommending that Council engage another large tree relocation specialist.

Council then proceeded to engage an additional arboriculture specialist to undertake further investigations. This included a detailed examination into relocation of the fig tree into the nearby open space on Castle Drive.

In respect to relocation, that report confirmed that the relocation of a fig tree, of this size and scale, has never been undertaken in Australia. The cost of relocation was estimated at \$448,000 excluding post-transplant maintenance, relocation of services and restoration of Council road and infrastructure. The estimated cost of relocating essential services has been confirmed at in excess of \$150,000.

...../2

This second report also identified that the traditional forms of root barrier systems would be inadequate to either save the tree and / or protect the adjoining properties.

The report did suggest that there might be a possibility that the use of a steel sheet pile root barrier system could work, albeit that there was no certainty that it would.

Such a system is normally used for civil works on roads and involves significant plant and equipment, encroachments into adjoining properties, along with the relocation of essential services. There was no firm estimate for this work, and no guarantee that it was either achievable or likely to be successful.

As this proposal involves the relocation of essential services, the final cost would have been in the hundreds of thousands of dollars, and was therefore considered unviable.

Copies of both of these more recent reports are available on our website (ballina.nsw.gov.au) for your reference.

Council has also discussed the acquisition of the adjoining properties, however this is also well beyond our limited resources.

We have also recently engaged an independent engineer to confirm the structural damage to one of the adjoining properties and that report has again confirmed the adverse impact of the fig tree on that property.

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

This highlights the long term impacts of a Council decision, and the impacts of trees on newly created lots is one of the many extra considerations that are now taken into account when assessing new subdivisions.

In summary Council has been through an extensive process to both manage and save this tree and we are now at a stage where there is no reasonable alternative but to proceed with the tree removal.

As mentioned, this is scheduled for Monday 30 April, 2018 and our Open Spaces staff will also be quickly acting to replace the tree with a more suitable species.

I trust this information assists you in understanding Council's decision and if you have any further enquiries, please contact Cheyne Willebrands, Manager Open Spaces and Resource Recovery on 1300 864 444.

Yours faithfully

Paul Hickey
General Manager