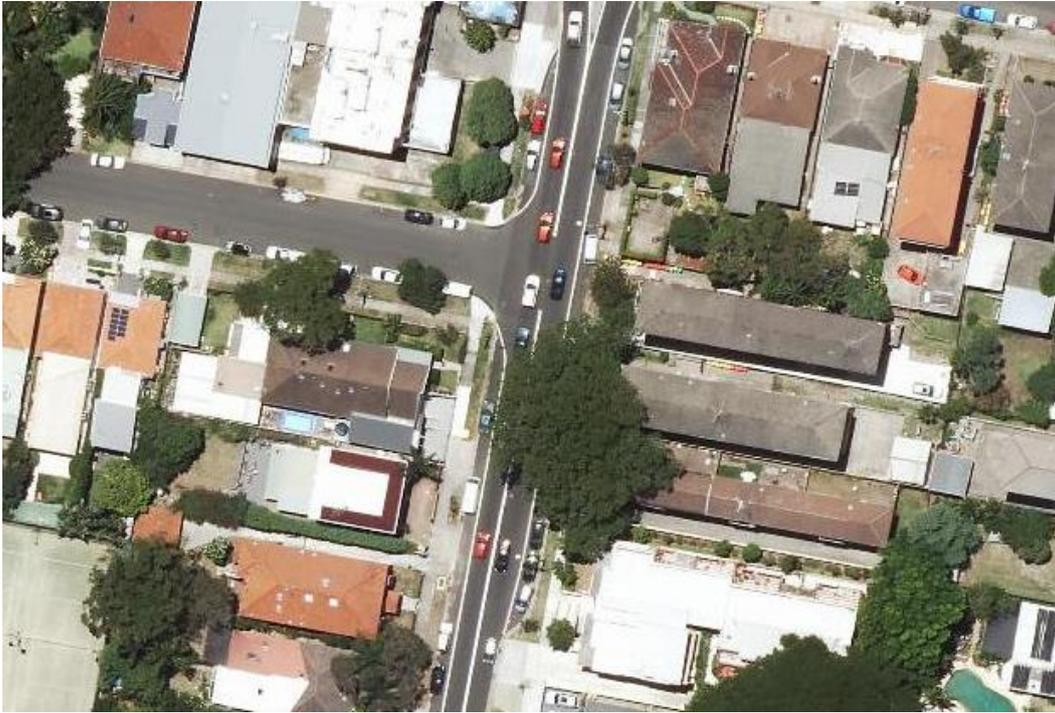


planning report



75 & 77 arden street  
coogee

# planning report



75 & 77 arden street  
coogee

tree removal

prepared for  
Randwick City Council

prepared by

**willana**  
associates

contact information

PO Box 170  
Randwick NSW 2031

p: (02) 9399 6500  
f: (02) 9399 6555  
[www.willana.com.au](http://www.willana.com.au)

Job No: 9023ft  
November 2015  
© Willana Associates Pty Ltd 2014  
ABN 93 868692799

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# appendices

Appendix A – Arborist Report

*This document has been prepared for Randwick City Council by Willana Associates Pty Ltd to accompany a DA to Randwick City Council. Reproduction of all or part of this document is prohibited without the prior permission of Willana Associates Pty Ltd.*

# 1 introduction

## 1.1 The Proposal

The proposal is for the removal of a *Ficus Macrophylla* (Moreton Bay fig) growing along the frontage of 75 & 77 Arden Street, Coogee (the Site).

## 1.2 This Report

This Planning Report has been prepared by Willana Associates at the instructions of Randwick City Council. The brief was to consider the preparation of a development application, if it was deemed appropriate for the possible removal of a large fig tree at 75 & 77 Arden Street, Coogee.

The report has reached the conclusion that there are no environmental grounds upon which to support removal. A technical assessment has been undertaken by an independent qualified arborist who concludes that subject to maintenance, there are no grounds to support removal of the tree. The arborist report is under Appendix A of this report. This planning report has further reviewed the planning issues surrounding potential of removal of the tree and can find no justification to support the removal either.

# 2 the site and locality

## 2.1 Description of the Site

### 2.1.1 Area / Shape / Dimensions

The site 75 Arden Street is on the eastern side of Arden Street, Coogee. It contains a three storey residential flat building with ground level parking. The Moreton Bay fig is located within the front setback on the south western side of this site. It extends to encroach the common side boundary to the south, and thus the neighbouring residential property 77 Arden Street, Coogee. Vehicular access into 75 Arden Street is gained directly from Arden Street and the driveway is along the southern boundary of the Site, where the Moreton Bay fig is partially located. Other than the tree in question, there is not much vegetation or landscaping surrounding the Site.

#### Photo 2.1 | The subject tree



Above is a photograph that shows the location of the Moreton Bay fig in comparison to its surroundings.

# 3 the statutory framework

The environmental planning instruments, (including draft instruments), applicable to the subject DA are identified below.

## 3.1 Relevant Acts

- **Trees (Dispute Between Neighbours) Act 2006**

## 3.2 Local Environmental Plans (LEPs)

- **Randwick LEP 2012**

## 3.3 Development Control Plans (DCPs)

- **Randwick DCP 2013**

# 4 submissions

## 4.1 Issues and Comments

Various concerns have been raised within the past 8 years by the residents at 75 Arden Street regarding the Moreton Bay fig. They are summarised in the following Table 1, as well as responses provided by Council's delegated officers.

**Table 1 | Residents issues and Council's comments**

<b>Issues raised by residents</b>	<b>Comments provided by Randwick Council</b>
<b>May 2007</b>	<b>May 2007</b>
<i>"Roots causing damage to driveway"</i>	<i>"This is minor considering the proximity of the tree and the driveway Council be re-concreted without the need to remove the tree. Vehicular access to the rear of the property is still possible. There is nothing to say that the roots of this tree will ever cause structural damage to the unit building itself".</i>
<i>"Damaged drainage pipes"</i>	<i>"Pipes could be removed and upgraded to PVC plastic between the kerb and building".</i>
<i>"Leaves block guttering"</i>	<i>"Install mesh gutter guard-type product to minimise leaf litter accumulation".</i>
<i>"Large heavy branches have fallen"</i>	<i>"There is an obligation on any tree owner to regularly have their tree/s inspected and maintained by professional arborist/s. This includes the removal of deadwood and undertaking by of other maintenance pruning is required, as well as appropriate fertilising etc".</i>
<i>"Large sticky masses of leaves"</i>	<i>"This is simply a consequence of building a large bock of units in the immediate vicinity of a very large, historic and significant established tree and because the units were built long after the tree had become established there is clearly an onus on the property owner to negate any liability issue that may result from leaf drop, i.e. regular sweeping of fallen leaves".</i>
<i>"Bus and trucks hitting low hanging branches"</i>	<i>"This could be rectified by appropriate uplifting of branches. Again, there is an obligation on the tree owner to ensure that appropriate professional maintenance pruning is regularly undertaken".</i>

<b>Issues raised by residents</b>	<b>Comments provided by Randwick Council</b>
<b>December 2007</b>	<b>December 2007</b>
<i>“New residents have said it is difficult to drive their car into the property to their garages”.</i>	<i>“The residents and property owners have been driving motor vehicles into the property ever since it was constructed with little or no difficulty”.</i>
<i>“The tree limbs are dangerous and cause a safety issue not only for residents, but also for pedestrians walking underneath”.</i>	<i>“There is an onus on any tree owner to maintain any tree/s under their control in a safe and healthy condition and to remove any deadwood from within the canopy.”</i>
<i>“The tree roots have cracked the footpath as well as the driveway; this is another safety issue”.</i>	<i>“These issues could be dealt with by re-instating those damaged areas as required”.</i>

A Council meeting was held in August 2015 to provide a resolution to the request to remove the Moreton Bay fig made by residents of 75 & 77 Arden Street, Coogee. The resolution included:

- a) *Note the representative of owners in the building at 75 & 77 Arden Street, Coogee, regarding the damage being caused by the Weeping Fig at the front of the property.*
- b) *Lodge a development application with standard notification procedures for the removal of the tree that will be reported back to Council post assessment.*
- c) *Affirm that it has no pre-determined position on the proposed development application.*

In undertaking a further assessment, the arborist was provided with an on site explanation from a resident of the subject site. These details are outlined in the arborist report.

# 5 environmental assessment

## 5.1 Trees (Disputes Between Neighbours) Act 2006 (Trees Act)

### *Part 2 Court Orders – Trees that cause or are likely to cause damage or injury*

With reference to the Land and Environment Court (LEC) Principles, a tree dispute principle is a statement of a probable outcome from a chain of reasoning and a list of appropriate matters to be considered in making a decision concerning an application which has been made pursuant to Section 7 of the Trees Act. Section 7 of the Trees Act states:

*“An owner of land may apply to the Court for an order to remedy, restrain or prevent damage to property on the land, or to prevent injury to any person, as a consequence of a tree to which this Act applies that is situated on adjoining land.”*

The tree dispute principles are:

- 1. The tree was there first: Matters to be considered when determining who should pay for any works or removal of a tree.*
- 2. Urban trees and ordinary maintenance issues: The dropping of leaves, flowers, fruit, seeds or small elements of deadwood by urban trees ordinarily will not provide the basis for ordering removal of or intervention with an urban tree.*
- 3. No order will be made to prune or remove a tree because animals, such as mammals, birds, reptiles or insects such as bees, may be attracted to a tree or use it for habitat, and cause a nuisance.*

An arborist assessment has been made by Australian Tree Consultants Pty Ltd (dated 27 October 2015) of the subject tree. The findings of the assessment are as following with respect to the Trees Act and LEC Principles:

- A detailed inspection of the tree showed no significant defects (particularly structural) that would warrant the removal of the tree.*
- The issues that the Body Corporate presented were issues that the NSW Land and Environment Court have stated are not justifiable reasons to remove trees.*
- Ongoing maintenance of the tree can alleviate most of the issues raised by the Body Corporate.*
- The Land and Environment Court when determining the outcome of trees retention or removal look at the amenity and heritage aspects of each tree and as stated in the statement (below) this tree has significant historic, social, cultural, aesthetic and visual qualities.*

*“This Moreton Bay Fig (Ficus macrophylla) is an historic planting which predates the existing block of Units. The tree is possibly an early Inter-War period planting (c.1915-1940). This specimen is considered to have significance at the local level in terms of its historic, social, cultural, aesthetic and visual qualities. The fig is a prominent specimen of significant scale and outstanding proportions. It provides valuable screening and scale to the façade of these units and makes an important visual and aesthetic contribution to streetscape character in this part of Arden St”.*

- *Based on the principles of the NSW Land and Environment Court removal of the tree based on the concerns of the residences cannot be supported.*

Implementation measures are listed in the arborist report. They should be adopted to assist in the retention of the tree and matters raised by residents. They include:

- *Uplift the canopy to a height of 4 – 5 metres.*
- *Removal all deadwood and hangers or decaying branches as well as branch stubs.*
- *Prune away from power lines/building/structures to a distance of 2 - 3 metres.*
- *Prune away from domestic service wires to a distance of one (1) metre all round.*
- *Removal of epicormic shoots from previously poorly pruned branches.*
- *Undertake lateral branch reduction over the balconies and the blocks of Units.*
- *Explore different types of guttering that will catch debris and not allow it to block up drains.*
- *Replace down pipes by chains which would stop any blockages in pipes.*
- *Undertake repairs to the concrete at the front of the property and explore the use of different materials that is not so easily impacted by tree roots.*
- *If local residents and visitors are concerned about bat droppings then suggest that they do not park under the tree or have signage up warning people about the possibility of bats within the tree and their droppings.*

*Have a consulting arborist inspect the tree bi-annually to determine the appropriate needs in terms of reduction pruning works that may be required.*

## 5.2 LEP Provisions

### 5.2.1 Randwick Local Environmental Plan 2012 (RLEP 2012)

#### Clause 5.9 - Preservation of trees or vegetation

Clause 5.9 of the RLEP 2012 applies to kinds of trees that are prescribed by a DCP made by Council. It includes exemption criteria for obtaining development consent or permit to remove certain trees such as:

- *if the tree is dying or dead, and is not required as the habitat of native fauna;*
- *if the tree is a risk to human life or property; or*
- *exceptions under other legislation.*

The Moreton Bay Fig tree is listed on Randwick City Councils Register of Significant Trees Volume 4 "Significant Trees under Private Ownership". (This register and other provisions are referenced in RDCP 2013). None of the exemption criteria apply in this case. Based on the significance of the tree stated above, preservation is important to achieving the following objective of Clause 5.9:

- *To preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.*

Below is an assessment against the relevant Randwick Development Control Plan 2013 objectives and controls regarding preservation of trees and vegetation.

## 5.3 DCP Provisions

### 5.3.1 Randwick DCP 2013

**Table 2 | RDCP 2013 Compliance Table**

<b>Control</b>	<b>Comment</b>
<b><i>B5 – Preservation of Trees and Vegetation</i></b> <i>Development consent is required for tree works to any tree listed on Council’s Register of Significant Trees.</i>	Development consent is required for the removal of the subject tree.
<i>A tree permit must be obtained for tree works proposed to any of the following (when development consent is not required): a) any palm tree, cycad or tree fern of any size; b) any tree on ‘public land’ (as defined in the Local Government Act 1993) by any persons not authorised by Council; c) any hollow bearing trees; or d) any other tree with: - a height equal to or exceeding 6 metres; - a canopy width equal to or exceeding 4 metres; for a single trunk tree species, a trunk circumference equal to or exceeding one (1) metre at a height of one (1) metre above ground level; or -</i>	Development consent is required in this case.

Control	Comment
<p><i>for a multi-trunk tree species, a combined trunk circumference (measured around the outer girth of the group of trunks) equal to or exceeding one (1) metre at a height of one (1) metre above ground level.</i></p>	
<p><i>The additional exceptions include: i) Tree works to undesirable species as listed in Appendix B5-2; ii) Minor or maintenance tree works, iii) The removal of any tree growing within two (2) metres of any building (excluding an outbuilding) measured horizontally from the closest point of the trunk at one (1) metre from ground level to the closest point of the vertical alignment of the building structure which may be the eave, guttering or fixed awning of the building. iv) Tree works to give effect to a development consent that permits the pruning or removal of the tree/s; Note: If approval is given for the pruning and removal of tree/s as part of DA consent, tree works can only be carried out when construction work physically and substantially commences. v) Tree works on public land owned by or under the care, control and management of Council and carried out by persons authorised by Council; vi) Anything authorised by or under the State Emergency and Rescue Management Act 1989 or State Emergency Service Act 1989 in relation to an emergency (within the meaning of that Act) and that was reasonably necessary in order to avoid an actual or imminent threat to life or property; and vii) Any emergency fire fighting act or bush fire hazard reduction work within the meaning of the Rural Fires Act 1997 that is authorised or required to be carried out under that Act.</i></p>	<p>None of the additional DCP exemptions apply in this case. Matter iii may be relevant, regardless if this provision applies then an application for a permit must be submitted for consideration. Such a permit would still require similar consideration for the removal of the tree.</p>
<p><b>Appendix B5-1: Matters Council considers for applications for a tree permit or development consent</b></p>	<p>The tree has been considered against the relevant matters. Removal is not warranted based on any of the matters. Retainment of the tree is important to the historic, environmental and aesthetic value. The condition of the tree is satisfactory for protection.</p>

## 6 conclusion

Based on the principles of the NSW Land and Environment Court, the Arborist's report and the Randwick LEP and DCP controls, removal of the tree cannot be supported.

Whilst the Council resolution requests preparation of a Statement of Environmental Effects, it has not been possible to find supportive materials for the removal of the tree. The commissioned arborist could not support removal and when the proposal is assessed against current criteria for removal of significant trees, it cannot be concluded that removal is appropriate.

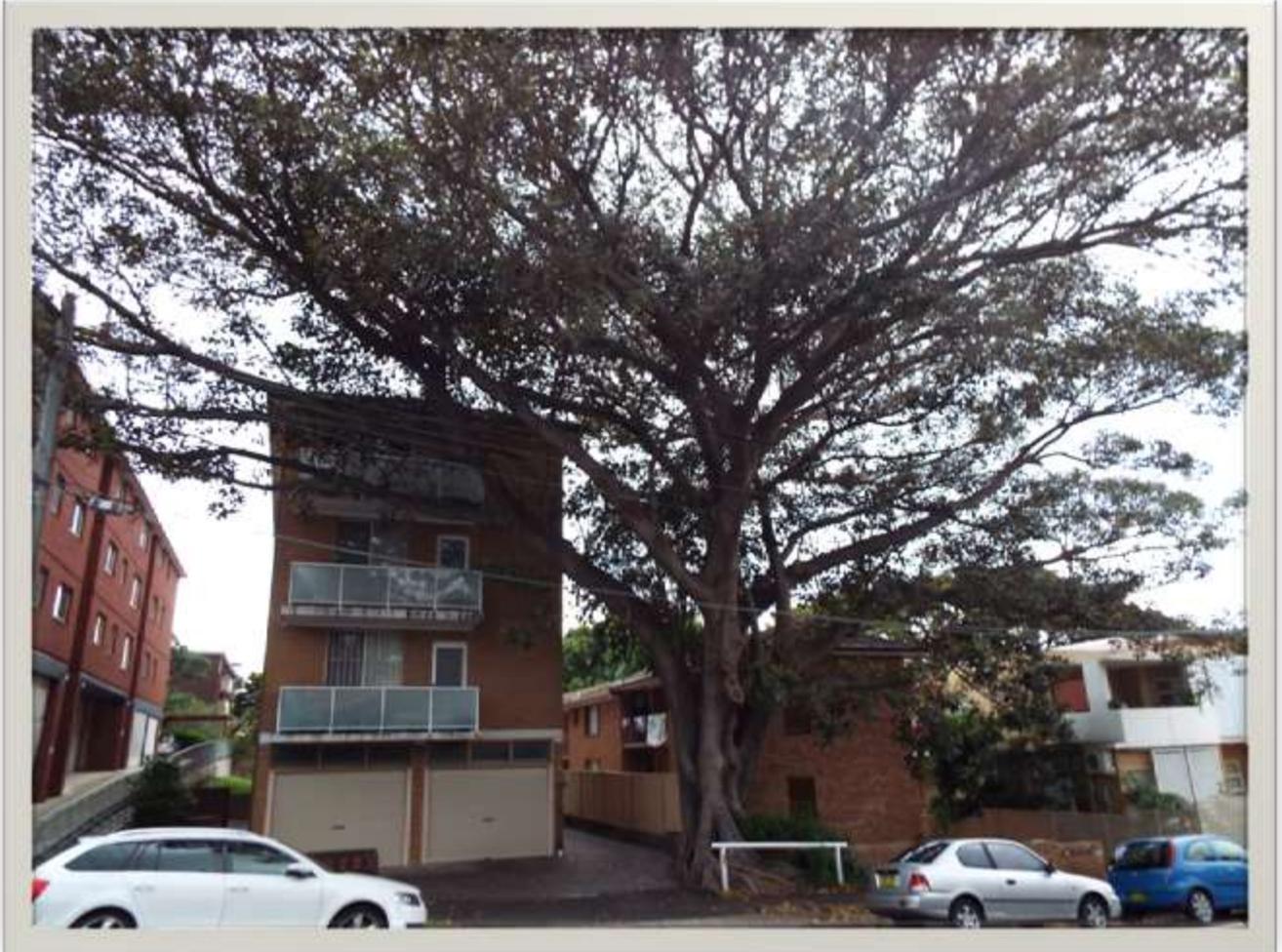
Accordingly, the recommendations made Randwick City Council's tree officer in the letter 3rd January 2008 and the accompanying Arborist's report if implemented should minimise any damage cause by the retention of the Moreton Bay Fig tree. They include the following:

- *Uplift the canopy to a height of 4 – 5 metres.*
- *Removal all deadwood and hangers or decaying branches as well as branch stubs.*
- *Prune away from power lines/building/structures to a distance of 2 - 3 metres.*
- *Prune away from domestic service wires to a distance of one (1) metre all round.*
- *Removal of epicormic shoots from previously poorly pruned branches.*
- *Undertake lateral branch reduction over the balconies and the blocks of Units.*
- *Explore different types of guttering that will catch debris and not allow it to block up drains.*
- *The down pipes could be replaced by chains which would stop any blockages in pipes.*
- *Undertake repairs to the concrete at the front of the property and explore the use of different materials that is not so easily impacted by tree roots.*
- *If local residents and visitors are concerned about bat droppings then suggest that they do not park under the tree or have signage up warning people about the possibility of bats within the tree and their droppings.*
- *Have a consulting arborist inspect the tree bi-annually to determine the appropriate needs in terms of reduction pruning works that may be required.*
- *All tree works must be carried out by a qualified arborist and the pruning works must be performed to the Standards Australia Pruning of Amenity Trees (AS4373 – 2007) and SafeWork NSW Code of Practice for the Amenity Tree Industry.*

# appendix a

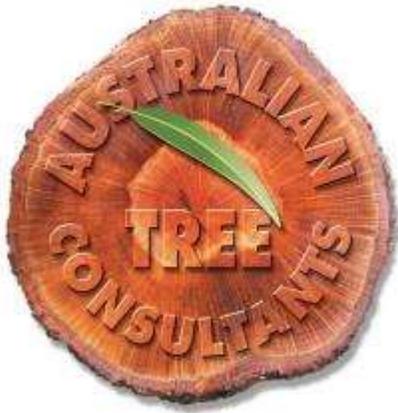
arborist report

# Arboricultural Report



27<sup>th</sup> October 2015

75 Arden St, Coogee NSW



AUSTRALIAN TREE CONSULTANTS Pty Ltd  
ABN 38 104 636 535  
P.O. Box 276 Parramatta NSW 2124  
Tel: 1300 737674  
Mobiles: 0418 474796  
0417 874796  
E-mail:  
hugh@australiantreeconsultants.com.au  
www.australiantreeconsultants.com.au

Date: 27<sup>th</sup> October 2015

To: Mr. Stuart Harding  
Director  
Willana Associates Pty Ltd  
P.O. Box 170  
Randwick NSW 2031

**Re – Arborist Report – 75 Arden St, Coogee NSW.**

I refer to your request to undertake a Visual Tree Assessment on a Ficus macrophylla (Moreton Bay Fig) tree located within the front boundary of properties No. 75 and 77 Arden St, Coogee NSW. Australian Tree Consultants Pty Ltd undertook the site inspection on the 23<sup>rd</sup> October 2015.

Our site inspection and Visual Tree Assessment indicates that there are no Arboricultural reasons to remove this tree. There is however, ongoing maintenance works required on this large significant Moreton Bay Fig tree.

If you require any further information in relation to this report, please contact us on 0418 474 796.

Yours sincerely

**Hugh Taylor**

Director Australian Tree Consultants  
Director Eagle Aerial Surveys (Drones)  
Member Arboriculture Australia  
BA (L) Major in Wilderness Management/Outdoor Education  
Diploma Horticulture – Arboriculture (Level 5)  
Arborist/ Tree Surgeon/ Horticulturist  
Certificate IV Occupational Health & Safety  
QTRA No 2650  
NPWS Wildlife license and Wires volunteer  
CASA RPAS Pilot and Operator

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## **EXECUTIVE SUMMARY**

Australian Tree Consultants inspected a *Ficus macrophylla* (Moreton Bay Fig) tree located with the front boundary of property No. 75 and 77 Arden St, Coogee NSW. Australian Tree Consultants Pty Ltd undertook the site inspection on the 23<sup>rd</sup> October 2015. In attendance at this site meeting were representatives of the Body Corporate of No. 75. The representatives detailed their grievances concerning the Fig tree and stated the reasons why they would like the tree to be removed.

A detailed inspection of the tree showed no significant defects that would warrant the removal of the tree. The issues that the Body Corporate presented were issues that the NSW Land and Environment Court have stated are not justifiable reasons to remove trees.

In summary no evidence for the removal of this Moreton Bay Fig was found and this report finds no justifiable reason to remove the tree. Regular ongoing maintenance of the tree can alleviate most of the issues raised by the Body Corporate.

## **INTRODUCTION / METHODOLOGY**

Willana Associates Pty Ltd has commissioned Australian Tree Consultants Pty Ltd to undertake a Visual Tree Assessment on a *Ficus macrophylla* (Moreton Bay Fig) tree located on the front of properties No. 75 and 77 Arden St, Coogee.

The trees were inspected on the 23<sup>rd</sup> October, 2015 by Hugh Taylor Consulting Arborist – Australian Tree Consultants. The aim of the inspection was to assess the health of the tree and review the possible damage that the tree is doing to the properties that are within the zone of influence from this Moreton Bay Fig tree.

The Visual Tree Assessment was undertaken from ground level and no internal diagnostic testing was undertaken. All photographs were taken by Australian Tree Consultants and no alteration to the photos has occurred.

Prior to attending the site to inspect the Moreton Bay Fig the following documents were read:

- Email letter of instruction from Mr. Stuart Harding Director Willana Associates Pty Ltd. As well as the following attachments.
- Letter to Randwick City Council from Alldis & Cox dated 15<sup>th</sup> May, 2007 requesting the removal of the Moreton Bay Fig tree.
- Application to prune or remove tree/s to Randwick City Council 15<sup>th</sup> May, 2007.
- Randwick City Council Tree Officers letter to Alldis & Cox refusal of application to remove tree. 23<sup>rd</sup> May 2007.
- Letter of appeal from Kristine Forrester 5<sup>th</sup> December 2007 to the Mayor of Randwick City Council.
- Letter from Mayor of Randwick City Council to Kristine Forrester 18<sup>th</sup> December, 2007.
- Letter from the Acting General Manager Randwick City Council 3<sup>rd</sup> January, 2008.
- Letter from James & Fear to Randwick City Council 16<sup>th</sup> May 2012. Requesting council to trim branches.
- Randwick City Council Resolution dated 25<sup>th</sup> August 2015.
- Randwick City Council Register of Significant Trees Private Ownership – page 210.

## OBSERVATIONS

Tree Identification No.	Species	Location	Dimensions (m)
1	<i>Ficus macrophylla</i> (Moreton Bay Fig)	No.75 and 77 Arden St Coogee NSW	H: 20.9 W: 40.4 & 26.3 Ø:5.95 m
<p><b>Health:</b> Good <b>Structure:</b> Fair <b>Hazard Rating:</b> Medium <b>ULE:</b> 50+ years</p> <ul style="list-style-type: none"> <li>• Mature Ficus tree specimen growing at front of properties No. 75 and 77 Arden St Coogee, NSW.</li> <li>• Tree is listed on Randwick City Councils Register of Significant Trees Volume 4 "Significant Trees under Private Ownership", Page No 210.</li> <li>• Main stem divides @ 1.8 m above ground level into four (4) main stems.</li> <li>• Stem 1 – oriented towards N-NW (330<sup>0</sup>) over No. 75 Arden St</li> <li>• Stem 2 – oriented towards W (270<sup>0</sup>) over Arden St</li> <li>• Stem 3 – oriented towards S-SW (200<sup>0</sup>) over No. 77 Arden St</li> <li>• Stem 4 – oriented towards S-SE (160<sup>0</sup>) over No. 77 Arden St</li> <li>• Stem inclusions between 1 – 2, 3 – 4 and 1 – 4. No sign of any separation within the inclusions.</li> <li>• Small amount of outer bark damage to the buttress roots by vehicles using the driveway to No. 75.</li> <li>• No major cavities or defects sighted from ground level inspection.</li> <li>• Nine (9) previous large branch removals have occurred. The majority of these have been for street and power line clearances. Good wound wood development at the previous branch removal sites. Minor amount of decay at sites of branch removal sites.</li> <li>• Epicormic shoots on most previous branch removal sites and along lower lateral branches.</li> <li>• Retained deadwood is under 2% of total canopy and is mid-sized, (5 - 10cm).</li> <li>• Recent mid-sized deadwood fell from tree and was placed against the trunk.</li> <li>• Small to mid-sized branches have failed in the past. No evidence of any new life branch failures during this inspection.</li> <li>• Three (3) branches overhang property No. 77 and two (2) branches overhang No. 75. No recent pruning works were sighted on any of the overhanging branches. Recent lopping of branches that were growing towards No 73 was observed.</li> </ul>			

- Tree is regularly lopped for the power line clearances.
- Small dead hanger @ 3 metres, centre of the tree. Unlikely to impact driveway or front of properties.
- Stem 3 @ 5 metres has a crossed, rubbing limb with a branch from stem 4. At this stage not considered a major issue and no works required.
- No evidence of any tip or general dieback of the foliage throughout the tree.
- Branches from stem 3 almost touching Units at No. 79.
- Branches overhang the upper balcony and are almost touching the balcony. Black mould was sighted on all three (3) front balconies' of No 75. Other balconies also had black mould but not the extent of the front balconies.
- Large surface root (25cm) in the front yard on No. 77 which was growing towards the front fence has been cut.
- The buttress root flares extend out from the tree into the driveway of No. 75 and also out towards the footpath.
- Surface roots are also located on the street side of the footpath are being damaged by vehicular movements and mechanical damage from repairs to the footpath.
- No apparent damage to external walls of either Nos. 75 or 77.
- Bitumen footpath has replaced the concrete footpath and now is uneven due to pressure from the Fig tree roots. Likely trip hazard.
- Storm drain from No 75 is located near to the tree and is apparently blocked.
- Driveway to No. 75 cracked and is uneven. No recent repairs of the concrete slab noted. Only one (1) slab, the one closest to the tree is cracked and broken.
- Driveway crossover has lifted and evidence of vehicles bottoming out can be seen with impact marks at the highest level. Small cracks in the crossover were also noted.
- The street curb in front of the tree has dropped in elevation and at this stage has not broken.

- Between the crossover and the driveway is a storm grid drain. This has been broken and at this stage no repairs have been made. At the time of inspection only minor amounts of Fig tree material was noted inside the drain, as it had recently been cleaned out. It is reasonable to assume that this drain fills up rather fast due to material falling from the Fig tree.
- Downpipe at the front southern side of Units 75 apparently blocked. The concrete around the drain pipe has been repaired. It is reasonable to assume that at some time this area was dug up to make repairs.
- The slab in front of the garage closest to the tree has dropped by 5mm.
- Small hob retaining wall between No. 75 and 77 with a colour bond fence on top of it has broken and lifted near to the tree. At the time of inspection no repairs had been undertaken. The nearest colour bond panel has lifted.
- Building gutters on the front of No. 75 would be filling with Fig debris, and most probably blocking the gutters.
- At the time of inspection a dead *Pteropus poliocephalus* (Grey-headed flying fox) was hanging from the power lines. Moreton Bay Figs are one of the food sources for Flying foxes.

## DISCUSSION

This is a mature *Ficus macrophylla* (Moreton Bay Fig) specimen growing in the front yards of Nos. 75 & 77 Arden St Coogee, NSW.

The tree was inspected on the 23<sup>rd</sup> October 2015 by Hugh Taylor from Australian Tree Consultants Pty Ltd (ATC), the author of this report. Also in attendance were representatives of the Body Corporate of No. 75 Arden St Coogee, who explained the concerns in regards to the subject tree. Tree height and canopy width were measured with ATC's sub cm Geo 7X survey unit. Diameter at 1.4 was measured with a stem diameter tape. No aerial assessments or scientific testing was undertaken and all observations were conducted from ground level. All photographs were taken by Australian Tree Consultants and no alteration to the photos has occurred.

This Moreton Bay Fig tree is listed on Randwick City Councils Register of Significant Trees Volume 4 "Significant Trees under Private Ownership", Page No 210.

Tree's dimensions measured:

- Tree height 20.9 metres.
- Canopy spread N – S 40.4 metres.
- Canopy spread E – W 26.3 metres.
- Trunk diameter @ 1.4m 5.95 metres



Image 1. Google Map of site and tree showing canopy spread.

This Moreton Bay Fig separates into four (4) main stems at 1.8 metres above ground level.

- Stem 1 – oriented towards N-NW ( $330^{\circ}$ ) over No 75 Arden St
- Stem 2 – oriented towards W ( $270^{\circ}$ ) over Arden St
- Stem 3 – oriented towards S-SW ( $200^{\circ}$ ) over No 77 Arden St
- Stem 4 – oriented towards S-SE ( $160^{\circ}$ ) over No 77 Arden St

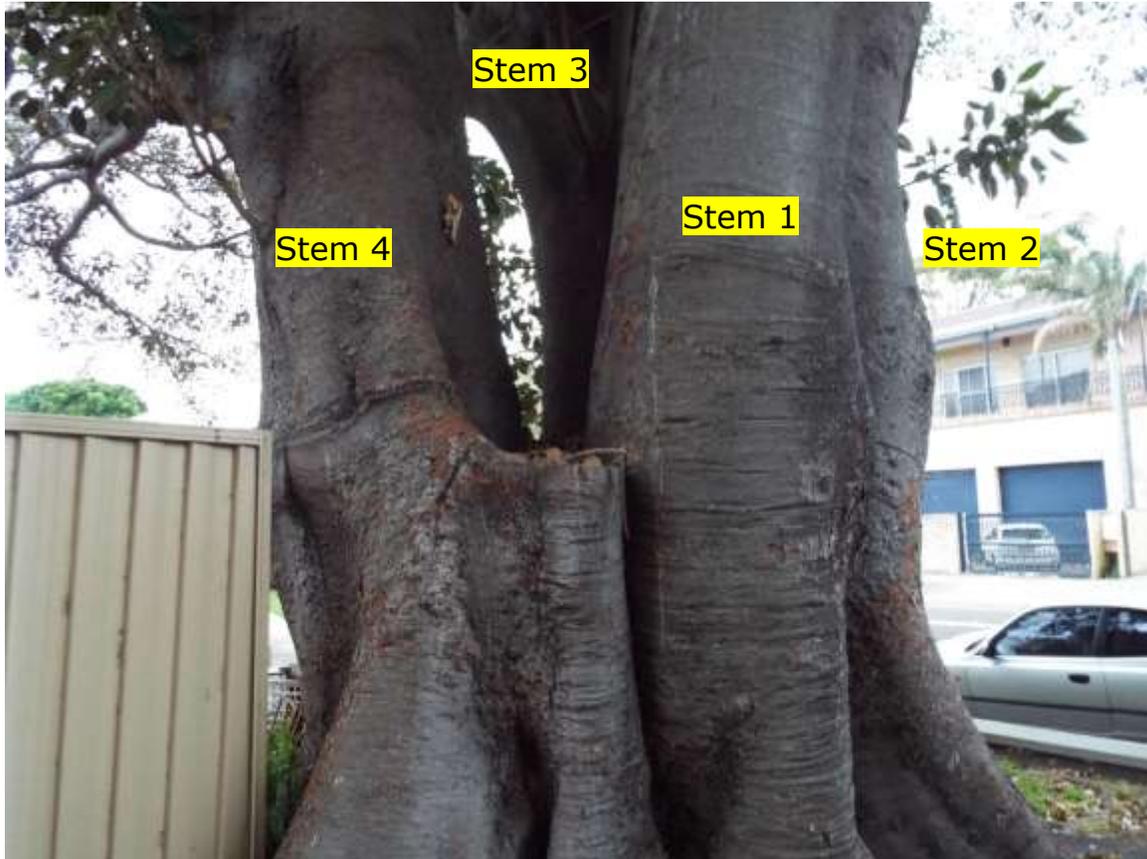


Photo 2. Base of tree showing stems.

Stem inclusions are located between stems 1 – 2, stems 3 – 4 and stems 1 – 4. No sign of any separation within the inclusions was observed at the time of inspection. The stem inclusions within this tree have been there for the majority of the trees life and at this stage there is no indication that they are likely to fail in the near future. Ongoing monitoring of the inclusions can be made during regular inspections of the tree.

At the base of the tree buttress roots have grown into the driveway of No. 75 Arden St. Minor amounts of surface vehicular damage have occurred to these buttress roots. At the time of inspection this damage was considered to be minor. No other mechanical damage from vehicular traffic was sighted on the lower trunk area.



Photo 3. Minor root damage caused by tree entering and exiting No. 75 Arden St.

Observations of the upper canopy showed that there were no major cavities or significant defects found. Nine (9) previous large branch removal sites were observed, and at each of these sites epicormic shoots are located. No decay was sited within the lopped branch sites. Recent lopping of branches was observed on external branches that were growing in close proximity to No. 73 Arden St.

Retained deadwood was no greater than 10cm in diameter size with less than 5% of total canopy of retained deadwood throughout the tree. It appears that there has been no recent removal of retained deadwood. A small section of deadwood was placed against the tree at the time of inspection. This piece of deadwood was old and had been in the tree for some time. Regular removal of deadwood would limit the amount of deadwood falling from the tree. There were no signs of canopy dieback and the foliage coverage was at normal levels expected for a tree of this age.



Photo 4. Piece of fallen deadwood from the subject tree.

Residents have stated that live branches have previously fallen. No large previous branch failure sites were observed at the time of inspection. There is a small dead hanging branch within the central part of the tree. This hanger is unlikely to impact onto the driveway or the pedestrian walkway.

Stem 3 has a crossed branch rubbing on a branch originating from stem 4. At this stage it is not considered a major structural defect and no works are required to remove either of the branches. On stem 3 branches are almost touching the upper part of the Unit block of No 79.

Three (3) branches overhang the property of No. 77 and two (2) branches overhand No. 75. No recent pruning works were sighted on any of the overhanging branches. Recent lopping of branches that were growing towards No. 73 was observed. Branches are almost touching and overhang the front balconies of No 75. Black mould was sighted on all three (3) front balconies of No 75. Other balconies within the complex also have black mould but not at the levels of the front three (3) units. It is reasonable to assume that the gutters in the front of the Unit complex are filling up with material from the Ficus tree.



Photo 5. Black mould on upper balcony front of No. 75.

At the front of the property where power lines are located lopping of branches for power line clearances has occurred and, as required, will continue to be lopped for the correct clearance distances. Epicormic shoots are growing from these lopped sites. The power line tree contractors will remove the epicormic shoots as required.

Like most *Ficus* trees this *Ficus macrophylla* tree has extensive buttress and root system. A large 25cm root growing within No 77 has been severed some time ago.



Photo 6. Surface root in No. 77 which has been cut.

The root buttresses have exerted pressure against the front brick wall of Nos. 75 & 77 and the brick walls are now not straight. Roots from *Ficus* trees can distort single brick walls due to root pressure. Small diameter surface roots from the *Ficus* tree growing within the front grass area of No. 75 are being impacted by regular mowing activities.



Photo 7. Surface roots front yard of No. 75.

The bitumen footpath in front of the Ficus has replaced the concrete footpath surface as a repair from the result of root pressure lifting the concrete surface. This area of bitumen is now uneven with root pressure lifting the bitumen surface directly above roots. This unevenness has already become a slight trip hazard and may continue to increase. Ongoing maintenance of this section of footpath is required whilst the tree is retained. Other surface roots from the tree are located on the western side of the footpath and these roots are being damaged by vehicles and mowers.



Photo 8. Surface roots between footpath and gutter.

In the above Photo 8 it can be seen that the curb at the crossover has dropped. There is also a crack to the south of the exposed roots.

The crossover from the street to the Unit complex has lifted and no cars are impacting the raised concrete when entering and exiting the complex. The concrete crossover also has minor cracks which are most probably due to root pressure from the Ficus tree.



Photo 9. Cracks and impact from cars entering and exiting the Unit complex.

Between the crossover and the driveway into the units is a storm grid drain. This has been broken and at this stage no repairs have been made. At the time of the inspection only minor amounts of Ficus tree material was noted inside the drain, as it had recently been cleaned out. The representatives from the body corporate indicated that this requires almost daily clearing.



Photo 10. Broken storm drain next to Ficus tree.

At the front of No. 77 two (2) concrete slabs have been laid. Only the concrete slab nearest to the Ficus tree has broken and has cracked. The other more distant slab has no damage. No repairs of the broken and cracked concrete were observed at the time of this inspection. The damage that has occurred to the concrete at this stage has not restricted the use of the driveway for vehicles entering or exiting the driveway. Whilst on site while inspecting the tree a Landrover 4WD vehicle entered the complex with no problem and did not touch the tree or the buttress roots.



Photo 11. Cracking of concrete slab near to the Ficus tree.

The representatives from the Body Corporate of No. 75, stated that the down pipe from the block of units often blocks and repairs have been done to the downpipe to stop water damage to the upper Units. Repairs to the concrete around the base of the down pipe on the south-western side of the building can be seen. In addition to this down pipe blocking they indicated that the drain to the street is also blocked and does not work. They indicated that localized pooling of water occurs at the front of the property.



Photo 11. Previous repairs to the down pipe and concrete at base.

The small retaining hob between Nos. 75 & 77 with a colour bond fence that is on top of the hob has been lifted by the buttress roots from the Ficus tree. At the time of inspection no repair works have been undertaken to rectify the broken sections of the hob.



Photo 12. Concrete hob being damaged by buttress root.

## **CONCLUSION:**

Australian Tree Consultants inspected a large *Ficus macrophylla* (Moreton Bay Fig) tree located within the front boundary of properties No. 75 and 77 Arden St, Coogee NSW. Australian Tree Consultants Pty Ltd undertook the site inspection on the 23<sup>rd</sup> October 2015. This report looked at the structural condition of the tree and also the concerns from the Body Corporate of No. 75, who wish to have the tree removed.

The tree is listed with Randwick City Council as a Significant Tree under Private Ownership and its details are listed on page 210 Register of Significant Trees Volume 4, 2007.

In preparing this report the structural integrity of the tree was examined and at the time of this report there is no structural defect that would warrant the trees removal. Ongoing maintenance works can alleviate any structural defects that were recorded in this report. In conjunction with the structural integrity of the tree the concerns of the property owners of No 75 Arden St were recorded and noted. The main concerns of the body corporate included but were not limited to; the mould on the balconies, leaf litter on the building roof and concrete areas in front of the property, blocked drains, broken concrete, branch drop, roots lifting the footpath, bat droppings and vehicles entering and exiting the property by the tree.

The Tree (DISPUTES BETWEEN NEIGHBOURS) ACT 2006 NSW has made the following principles in refusing an order to remove a tree.

- The tree was there first – if the tree was already growing when the structure was built or if it was self-sown rather than planted, it may mean that no compensation can be recovered by an owner whose structure has been damaged by tree branches or roots from a tree growing on a neighbour's property.
- Ordinary maintenance issues – if an urban tree drops leaves, flowers, fruit, seeds or small deadwood, no order will be made to prune or remove the tree.
- No order will be made to prune or remove a tree because animals, such as mammals, birds, reptiles or insects such as bees, may be attracted to a tree or use it for habitat, and cause a nuisance.

The other concern from the residents was the entering and exiting of the property by the base of the tree. Only minor buttress root damage was sighted at the time of the inspection. Whilst Australian Tree Consultants were onsite a Land Rover 4WD entered the site with no apparent problems or impacts between vehicle and tree parts.

In the Significant trees under Private Ownership survey Data Sheet the following statement of Significance is made.

“This Moreton Bay Fig (*Ficus macrophylla*) is an historic planting which pre-dates the existing block of Units. The tree is possibly an early Inter-War period planting (c.1915-1940). This specimen is considered to have significance at the local level in terms of its historic, social, cultural, aesthetic and visual qualities. The fig is a prominent specimen of significant scale and outstanding proportions. It provides valuable screening and scale to the façade of these units and makes an important visual and aesthetic contribution to streetscape character in this part of Arden St”.

The Land and Environment Court when determining the outcome of trees retention or removal look at the amenity and heritage aspects of each tree and as stated in the above statement this tree has significant historic, social, cultural, aesthetic and visual qualities.

Based on the principles of the NSW Land and Environment Court removal of the tree based on the concerns of the residences cannot be supported.

## RECOMMENDATIONS:

Based on our findings on the trees structural integrity and the principles set out by the NSW Land and Environment Court this tree can be retained.

The following recommendations are made for the retention of this large Moreton Bay Fig tree.

- The recommendations made by Randwick City Councils tree officer in the letter dated 3<sup>rd</sup> January 2008, that is to be implemented:
  - Uplift the canopy to a height of 4 – 5 metres.
  - Removal all deadwood and hangers or decaying branches as well as branch stubs.
  - Prune away from power lines/building/structures to a distance of 2 - 3 metres.
  - Prune away from domestic service wires to a distance of one (1) metre all round.
- Further to those council recommendations ATC suggests that the following recommendations also be undertaken.
  - Removal of epicormic shoots from previously poorly pruned branches.
  - Undertake lateral branch reduction over the balconies and the blocks of Units.
  - Explore different types of guttering that will catch debris and not allow it to block up drains.
  - The down pipes could be replaced by chains which would stop any blockages in pipes.
  - Undertake repairs to the concrete at the front of the property and explore the use of different materials that is not so easily impacted by tree roots.
  - If local residents and visitors are concerned about bat droppings then suggest that they do not park under the tree or have signage up warning people about the possibility of bats within the tree and their droppings.
  - Have a consulting arborist inspect the tree bi-annually to determine the appropriate needs in terms of reduction pruning works that may be required.

All tree works must be carried out by a qualified arborist and the pruning works must be performed to the Standards Australia Pruning of Amenity Trees (AS4373 – 2007) and SafeWork NSW Code of Practice for the Amenity Tree Industry.

If you require any further information in relation to this report, please contact us on 1300 737 674 or 0418 474796.



**Hugh Taylor**

Director - Australian Tree Consultants  
Member Arboriculture Australia  
BA (L) Major in Wilderness Management/Outdoor  
Education  
Diploma Horticulture – Arboriculture (Level 5)  
Arborist / Tree Surgeon / Horticulturist  
Certificate IV Occupational Health & Safety  
QTRA No 2650  
NPWS Wildlife license and Wires volunteer  
CASA RPAS Pilot and Operator

## **LIMITATION OF LIABILITY**

Australian Tree Consultants Pty Ltd (ATC) and their employees are tree specialists who use their qualifications, education, knowledge, training, diagnostic tools and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of this assessment and report.

ATC and its employees cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that sometimes fail in ways the arboriculture industry does not fully understand. Conditions are often hidden within trees and below ground. Unless otherwise stated, observations have been visually assessed from ground level. ATC cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments cannot be guaranteed.

Treatment, pruning and removal of trees may involve considerations beyond the scope of ATC Pty Ltd services, such as property boundaries and ownership, disputes between neighbours, sight lines, landlord-tenant matters, and related incidents. ATC Pty Ltd cannot take such issues into account unless complete and accurate information is given prior or at the time of the site inspection. Likewise ATC Pty Ltd cannot accept responsibility for the authorization or non-authorization of any recommended treatment or remedial measures undertaken.

In the event that ATC recommends retesting or inspection of trees at stated intervals or installs any cable/s, bracing systems and support systems, ATC must inspect the system installed at intervals not great than 12 months unless otherwise specified in written reports. It is the client's responsibility to make arrangements with ATC to conduct the re- inspection.

Trees can be managed, but they cannot be controlled. To live or work near a tree involves a degree of risk. The only way to eliminate all risks associated with a tree is to eliminate the tree.

All written reports must be read in their entirety, at no time shall part of the written assessment be referred to unless taken in full context of the whole written report.

If this written report is to be used in a court of law or any legal situation ATC must be advised in writing prior to the written assessment being presented in any form to any other party.