



Our reference: 0318

29th April 2018

Sherrie Yeomans
46 Greenfield Road
Lennox Head 2478

Via email: sherriesslate@gmail.com

Dear Sherrie

Thank you for your recent phone call in relation to the Fig Tree at Castle Drive in Lennox Head. This letter is written to confirm advice offered during our conversation.

As you know, I was engaged by BSC to undertake a risk assessment and to report on available management options for the Fig tree. It was made clear by Council officers from the outset that they had accepted the advice offered to them by their insurance assessor that the tree was responsible for damage. I did query that and asked to see a copy of the assessor's report; however, I was instructed by Council officers that it was not within my scope of works to investigate the alleged damage or the likely cause of that damage and that they were satisfied with the assessor's report, evidently pointing to the tree as the problem.

Unfortunately, many engineers and insurance assessors hold false notions about the nature of tree roots and their interaction with soils. It is not possible to know if the assessor considered best advice about tree roots since no opportunity was provided to review the report or insurance claim. To confidently comment on the cause of the damage would require site specific investigations, an examination of the insurance claim, and at least a conversation with the consulting engineer. Although the nature of my work does require an understanding of construction principles, it is beyond my professional expertise to assess built structures.

The resident at # 7 did allow me to enter the front yard of her property in the company of two Council Officers to look at some of the damage allegedly caused by the tree. I did see movement and cracking of structures that appeared, in my opinion, to be consistent with soil subsidence. The resident was rightfully distressed by the situation, but I believe her concerns about the tree were ill informed and fuelled by misinformation.

I saw no evidence that the tree had caused the damage. In my opinion, the movement was most likely due to an inadequacy in the engineering of the house footings and a failure of the house build to adequately address the site constraints posed by the imported fill, reactive clay soils and the effect of the Fig tree on the soil moisture.

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I am concerned for the resident, for the community and for Council that the removal of the tree will not fix the issue. There would be no guarantee that further structural damage would not continue. Indeed, it is possible that the death of the tree could instead exacerbate issues of soil movement. Removal of such a large tree will alter the surrounding soil moisture levels including the soils under the slab.

It remains my opinion that due process of investigation was not followed before making the decision to remove the tree. While Council have sought additional advice, it is disappointing that the report from a Structural Engineer, upon which Council have relied so heavily, was not made available to the consultants and community for review. I am sure there is a solution to the issues and it will be one of collaboration.

It is distressing that Council have decided to proceed with the removal. If anything can be done to help them past this decision or to at least pause to allow the community to properly examine the evidence and be partners in a solution, I would be very pleased to assist all parties where possible. If the tree is removed, the community will have lost a highly valuable and loved landmark and it will not have solved the issues. This would be an immense tragedy for all. The precedent that this decision makes will have broader consequences for the quality of life for all residents well into the future.

Thank you for your concern. I wish you the best in your endeavours to pause the decision. I sincerely hope it is not too late to turn this into a good news story for all.

Regards

Jan Allen

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