

LOCAL GOV

Manager steps in to end tree paralysis

Harvey Grennan

THE general manager of Newcastle City Council, Phil Pearce, has called upon rarely used powers under the Local Government Act to overturn an elected council decision in an attempt to end a five-year impasse.

It is the biggest political issue in the city of Newcastle - whether to remove 14 fig trees planted in Laman Street in the CBD in the 1930s on the basis of four expert reports that they are dangerous, or bow to community pressure to retain them.

The council voted to remove the trees in July - the 10th time it had considered the matter. The chainsaws were just hours away in September when, with one pro-removal councillor away, the lord mayor, John Tate, used his casting vote to grant approval for another

risk assessment. This vote proved to be invalid and councillors were so divided three of them called for the council to be sacked.

When the council attempted to bring in contractors to remove the trees earlier this month, there

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were violent clashes between protesters and the police. A few days later, council staff leaving a building in Laman Street were abused and spat on.

Last week, Mr Pearce overturned the council's decision to remove

the trees, against the advice of senior counsel that he was not entitled to further delay removal.

His decision angered several councillors, and one called on him to resign. Mr Pearce has been in the job since August and is the fifth general manager in 15 years. He has since signed an agreement with the protest group Save Our Figs that another independent expert assessment of the trees be done, which the group has agreed not to challenge in court.

Three former council general managers have told the *Herald* that while operational matters are the responsibility of the general manager, it was "extremely rare" for one to overturn a decision of an elected council. The council has refused to comment on whether senior staff support his decision.

Mr Pearce has said his first priority has been the safety of coun-



Safety conundrum ... experts say Newcastle's fig trees are dangerous, but protesters disagree. Photo: Dean Osland

cil employees, councillors, contractors and the public.

Since 2006, there have been many abortive and heritage studies, feasibility and heritage reports, risk assessments, habitat surveys, social impact assessments, peer reviews, legal opin-

ions and a court challenge over the Laman Street fig trees. The bill for legal fees, consultants, studies and other measures stands at about \$770,000. The new risk assessment is expected to cost up to \$40,000. The cost of removing the trees would be \$66,000.

So heated is the issue, the council is spending \$20,000 a day on security and fencing for the figs. Councilor Tate has attempted to pass the problem to the state government by suggesting it issue a heritage order or hand the road to the Roads and Traffic Authority.



Printed
29/11/2011

Location of Fig Trees on Tamar Street (Numbered 1 to 7)



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Metres
approx. scale @ A3
MAP SCALE 1 : 750

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