

A Redgum versus a redgum

Let me say from the outset that I love trees – especially Australian natives and especially river redgums. And until Dad died in 2002 and I had to spend my Saturdays for the next 10 years trying to prevent its seeds, leaves, bark and branches from burying Mum's house, I was particularly fond of the huge river redgum in the backyard of the Schumann family home in Mitcham. A significant feature on Google Earth, you can see this tree from outer space. Which became the problem.

In 1956 Mum and Dad bought the little red-brick house that was to become the family home until 2012. A long time before mothers drove everywhere in Landcruisers and Pajeros, Mum and I used to walk a mile or so to the Mitcham shopping strip as it was then. One day, Mum spied a tiny eucalyptus seedling growing in a crack in the asphalt just behind the fence of the Mitcham railway station. She was leaned over, plucked it, took it home in a handkerchief and put it in Vegemite glass 2/3 full of water on the laundry window-sill. When it was sufficiently robust, and despite of Dad's protestations and dire predictions of gloom, she planted it halfway down the block up against the fence. Its tap-root found the underground stream that ran under our block and it thrived. Really thrived. Had I known then the grief that the tree would visit on the family more than five decades later, I would have flushed that wispy little seedling in a heartbeat.

Fast-forward to 2012. Mum wasn't able to live at home any more and we found her a room in a residential care facility. As well as finding her the room, we had to find \$450,000 to secure it for her so, with some regret, we put the family home on the market. In very short order, we discovered that the river redgum was deemed a "significant tree" and that it could not be removed without planning approval. Its size and the 'exclusion zone' effectively precluded all renovations and redevelopment. In fact, the canopy of the tree was such that the existing footprint of the small house already encroached on the exclusion zone. After a several weeks of fruitless open inspections, the real estate agent wrote to me:

"In reference to the sale of your mother's property, the issue of the significant tree has been quite serious. You are aware the council valuation on the land alone. To date we have had only three offers on the house since it went on the market in August. All three offers have been unacceptably low – ie between 25% and 30% less than what could reasonably be expected in this market. These offers are made on the grounds that the significant tree in the back yard is affecting any development on the block, e.g. extensions, redeveloping. Unless we can resolve this issue, the status of the tree is going to be the cause of a significant financial loss for your mother."

Confident that no moderately sensible Development Assessment Panel would put the safety and security of a tree before the safety and security of the 83 year old lady who planted it, I first approached the neighbours about the tree. Without exception, everybody hated it. I learned that a huge bough had dropped destroying one neighbour's fence and his pergola. As a result, his wife refused to entertain people in their backyard. Another

neighbour lived in fear of a branch dropping and killing his dogs. Everyone was frightened of it and, like me, everyone was well over the leaves, bark and seeds that rained down almost incessantly.

In trying to resolve the matter quickly, I spoke to the mayor, one of the councillors and one helpful council officer. All were sympathetic but shoulders were shrugged and palms were turned upwards. I was ushered into the planning process which took months. I had to complete forms, secure a site map, gather letters of support, produce photos, pay for a professional assessment of the tree's condition and get a quote for its removal. Despite a detailed and logical application, it was rejected quickly by a bunch of bureaucrats unable to look beyond what I had come to realise was fundamentally flawed legislation.

So let's get this straight. Mum planted this tree herself on her land decades before the introduction of significant tree regulations. To my knowledge she was never advised that it had become a significant tree, what that meant and its potential to diminish the value and future use of her property. The tree is not a native to the area and, furthermore, has repeatedly demonstrated a propensity to drop limbs without warning. None – repeat none – of the neighbours had a good word to say about it.

Every halfway sensible camping guide will tell you not to park or camp underneath a river redgum. But, in the lamentable absence of common sense and compassion on the part of the Development Assessment Panel, aided and abetted by comprehensively flawed legislation, the interests of a tree prevailed over the rights of the woman who planted it - and her neighbours.

As the Mitcham Council was so dedicated to the preservation of the tree, I suggested it buy the block for its own valuation and create a little park. Funnily enough, my suggestion was not taken up. Mum eventually had to sell her house for \$65,000 less than the council valuation on the basis of which she had been paying council rates for years.

One of my mates in real estate looks after lots of commercial property for his clients. He told me that owners of land with trees approaching “significance” size simply remove them before they grow big enough to fall under the legislation. This practice, while understandable, defeats the very purpose of the legislation.

Let me be clear. In principle, I support the significant tree legislation as it can and does preserve trees which bring pleasure and add beauty to our lives – trees that would otherwise be knocked over by philistines in their relentless pursuit of a dollar. But what are we thinking when a poorly sited, inappropriate and demonstrably dangerous tree on private land assumes a higher priority than the welfare of the woman who planted it?

The Weatherall Government knows about this but has done very little other than tinker at the edges of the legislation.

If I were a strategist for the Opposition, I'd be having a good, hard look at it.