

# Landmark tree at heart of Fingal row

By  
**JO BROWN**

Many people who either grew up in Fingal or spent holidays there, long before the roads were built, remember seeing a particular tree on the hill facing the old ferry wharf.

It had a unique way of flowering: its pink blossoms sprouted from the wood rather than the branch-tips. The tree, a rare Duroby, is at the centre of a development controversy.

Members of the Fingal community are fighting a proposed three-storey unit development in Bambery Street.

Earlier this week Tweed Shire Economic Development manager, Barry Henley, called a press conference to discount objections to a proposed strata-title development in Fingal and to denounce council delays in processing applications.

He also angered many residents of Fingal with his drastic "Flatten Fingal" recommendation, citing the presence of many dilapidated houses.

Outraged Fingal dwellers defended their community closeness and the older type houses that contributed to the laid-back atmosphere of their traditional Australian village.

Just hours later, Tweed Council held a scheduled reconciliation meeting for developers and objectors to discuss the project.

Tweed Council staff, councillors, and interested people at the meeting learned that the vendor particularly wanted to preserve this Duroby tree on the property, so he placed a covenant on the land (a covenant does not bind people, but protects property).

The covenant, now Clause 4 of the contract, reads: "The purchaser accepts that the Coolamon Syzygium Moorei (Duroby) of approximately 80 feet in height on Lot 246 will not be touched and will permit the vendor to obtain a Council protection order and/or covenant on title to protect the tree."

Those at the meeting heard that the vendor purposely lowered the selling price of the land to compensate for any resulting

limitations in development opportunities.

"We shook hands on this price," the vendor said, adding that this was before a contract was signed.

The development application now before Tweed Council is for a three-storey block of units, with excavation for car parking.

The developers of the land, Yorkhurst Pty Ltd, did not wish to comment on the matter, however the designer of the project, Will Collins, was happy to give information.

Mr Collins, a qualified architectural draftsman with a Certificate of Architectural Drafting, a member of the Building Designers' Association of Queensland and licensed by the Building Services Authority, said that the proposed building would be stepped well back (4.5 metres) from the tree in order to protect it.

He said that excavation would not be under this tree; that in the unlikely event that excavation started and its roots were exposed, it would not be too late to step back the building even further.