



W A V E R L E Y  
C O U N C I L

## EXTRAORDINARY COUNCIL MEETING

A meeting of WAVERLEY COUNCIL will be held at Waverley Council Chambers,  
Cnr Paul Street and Bondi Road, Bondi Junction at:

**6.00 PM, TUESDAY 30 AUGUST 2022**

A handwritten signature in black ink, appearing to read 'Emily Scott'.

Emily Scott  
**General Manager**

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## **Statement of Ethical Obligations**

Councillors are reminded of their oath or affirmation of office made under section 233A of the Act and their obligations under Council's code of conduct to disclose and appropriately manage conflicts of interest.

## **Live Streaming of Meetings**

This meeting is streamed live via the internet and an audio-visual recording of the meeting will be publicly available on Council's website.

By attending this meeting, you consent to your image and/or voice being live streamed and publicly available.

## AGENDA

### PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager will read the following Opening Prayer:

*God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.*

The Mayor will read the following Acknowledgement of Indigenous Heritage:

*Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.*

1. **Apologies/Leaves of Absence**
2. **Declarations of Pecuniary and Non-Pecuniary Interests**
3. **Addresses to Council by Members of the Public**
4. **Notices of Motions**
  - CM/4.1/22.08E2 RESCISSION MOTION - FC/5.2/22.08 - Tree Management Policy and Guidelines - Exhibition.....4
5. **Closed Session ..... 54**

The following matter is proposed to be dealt with in closed session and has been distributed to Councillors separately with the agenda:

  - CM/5.1/22.08E2 CONFIDENTIAL REPORT - Senior Staff Appointment
6. **Resuming in Open Session ..... 56**
7. **Meeting Closure**

**NOTICE OF MOTION**  
**CM/4.1/22.08E2**

**Subject:** RESCISSION MOTION - FC/5.2/22.08 - Tree Management Policy and Guidelines - Exhibition

**TRIM No:** A02/0760

**Submitted by:** Councillor Keenan  
Councillor Fabiano  
Councillor Wy Kanak

**MOTION:**

That Council rescinds resolution FC/5.2/22.08 – Tree Management Policy and Guidelines – Exhibition, passed at the Finance, Operations and Community Services Committee meeting on 2 August 2022.

**Background**

This matter was last considered by Council at the Finance, Operations and Community Services Committee meeting on 2 August 2022. On 25 August 2022, Crs Keenan, Fabiano and Wy Kanak submitted a notice of motion to rescind the resolution and foreshadowed the following motion:

**FORESHADOWED MOTION**

That Council:

1. Publicly exhibits the draft Tree Management Policy attached to the motion (Attachment 1) for 28 days.
2. Officers prepare a report to Council following the exhibition period.
3. Officers consider the amendments to the draft Tree Management Policy put forward at the Finance, Operations and Community Services Committee meeting on 2 August 2022 in preparing the report following exhibition.
4. Notes the Tree Management Guidelines attached to the motion (Attachment 2).

BELOW IS A MINUTE EXTRACT FROM THE FINANCE, OPERATIONS AND COMMUNITY SERVICES COMMITTEE MEETING ON 2 AUGUST 2022:

**FC/5.2/22.08                      Tree Management Policy and Guidelines - Exhibition (A02/0760)**

**MOTION**

Mover:        Cr Lewis  
Seconder:    Cr Keenan

That Council:

1. Publicly exhibits the draft Tree Management Policy attached to the report (Attachment 1) for 28 days.

2. Officers prepare a report to Council following the exhibition period.
3. Notes the Tree Management Guidelines attached to the report (Attachment 2).

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO THE MOTION.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

## DECISION

That Council:

1. Publicly exhibits the draft Tree Management Policy attached to the report (Attachment 1) for 28 days subject to the following amendments:
  - (a) Page 63 of the agenda – Delete ‘and signature’ from the first paragraph of clause 5.8.4.
  - (b) Page 61 of the agenda – Add ‘but will not block pre-existing views’ to the end of the second paragraph of clause 5.4.5.
  - (c) Page 61 of the agenda – Delete ‘or to facilitate views’ at the end of the third paragraph of clause 5.5.1 and add ‘but will be allowed to protect a pre-existing or reinstate pre-existing views.’
  - (d) Page 62 of the agenda – Add the following clause after clause 5.6.3: ‘Dead trees in the public domain should be removed and replaced by a new tree.’
2. Publicly exhibits the draft Tree Management Guidelines attached to the report (Attachment 2) for 28 days subject to the following amendments:
  - (a) Page 71 of the agenda – Add ‘or its impact on a pre-existing view’ to the end of the last dot point of clause 3.2.
  - (b) Page 73 of the agenda – Delete ‘there is a history of the identified tree(s) being pruned to restore the pre-existing view’ from the second paragraph of clause 3.5 and add ‘where the tree has been pruned before.’
  - (c) Page 77 of the agenda – Add ‘Trees that flower and attract birds should be prioritised’ to the paragraph on tree selection in clause 4.5.
  - (d) Page 94 of the agenda – Add the following dot point at the end of clause 10.1.1: ‘Impact on existing views.’
3. Officers prepare a report to Council following the exhibition period.

## Division

**For the Motion:** Crs Betts, Gray, Lewis, Masselos, Murray and Nemesh.

**Against the Motion:** Crs Fabiano, Goltsman, Kay and Keenan.

## Attachments

1. Draft Tree Management Policy [↓](#)
2. Draft Tree Management Guidelines [↓](#)



# Tree Management Policy

## Tree Management Policy

Policy owner	Assets and Operations
Approved by	
Date approved	
Commencement date	
TRIM Reference	
Next revision date	July 2032
Relevant Legislation/Codes/Acts/Regulations/Standards	<ul style="list-style-type: none"> <li>- Australian Standard for pruning of amenity trees (AS 4373-2007)</li> <li>- Australian Standard for the protection of trees on development sites (AS 4970-2009)</li> <li>- Australian Standard Tree stock for landscape use (AS 2303-2018)</li> <li>- Environmental Planning and Assessment Act (1979)</li> <li>- Workcover Code of Practise – Amenity Tree Industry (1998)</li> <li>- Electricity Supply Act 1995</li> <li>- Electricity Supply (Safety and Network Management) Regulation 2014</li> <li>- Roads Act 1993</li> <li>- Trees (Disputes Between Neighbours) Act 2006</li> <li>- State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> </ul>
Policies/Plans/Procedures/Guidelines	<ul style="list-style-type: none"> <li>- Waverley Development Control Plan</li> <li>- Waverley Local Environment Plan</li> <li>- Waverley Environment Action Plan</li> <li>- Street Tree Masterplan 2008</li> <li>- Waverley Tree Management Guidelines</li> <li>- Tree and Vegetation Vandalism Policy</li> <li>- Significant Tree Register</li> <li>- Community Strategic Plan 2022-32</li> <li>- Plans of Management</li> <li>- Urban Canopy Cover Strategy</li> <li>- Public Domain Technical Manual</li> <li>- Drain Blockage Guidelines 2022</li> </ul>
Related forms	<ul style="list-style-type: none"> <li>- Tree Permit Application</li> <li>- Review of Tree Determination</li> <li>- Off-Set Tree Planting Application</li> </ul>

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## 2. Background

The Tree Management Policy (TMP) provides the framework for the management of all trees within the Waverley Local Government Area.

The previous Policy was adopted in 2007 and reviewed in 2019. Following the adoption of the Waverley Community Strategic Plan 2018-2029 and a public consultation process, a comprehensive study followed to ensure Council adopts a best practice approach to managing the risks associated with trees.

Trees play a critical role in the urban environment. They provide cooling benefits, improve the aesthetics of our parks and streetscapes, improve air quality, provide habitat for local biodiversity and have health benefits to the local community. While the benefits are significant, it is important to recognise, that trees of the wrong species, poor health or growing in an unsuitable location can create risks in Waverley.

A key aspect of tree management in the urban environment is finding a balance between the risks and the benefits that trees offer, to achieve the best outcomes.

The TMP's purpose and objectives will be achieved through the implementation of Waverley Council's Tree Management Guidelines which outlines detailed best arboriculture practice for tree management functions.

## 3. Purpose

The purpose of this Policy is to

- Reinforce Waverley's commitment to the sustainable management of its urban forest
- Define the current and future strategic direction for tree protection, planting, maintenance, and overall management of its urban forest
- Identify and address all major issues relating to tree management on both public and private land in Waverley LGA
- Clarify Council and Community roles and responsibilities
- Ensure best practice is implemented across all processes
- Provide a clear and consistent framework for both residents and Council staff to ensure the effective and coordinated management of trees
- Acknowledge trees as a vital living asset in our policy and strategic planning documents

## 4. Scope

This Policy applies to all trees located within the Waverley Local Government Area (LGA).

## 5. Policy Content

### 5.1 Policy Objectives

The objectives of the Tree Management Policy are to

- Prioritize maintaining and protecting the existing tree population

- Manage trees strategically to maximise the benefits trees can provide.
- Increase Waverley tree canopy cover and manage species diversity and maturity, size, quality and quantity of Waverley's canopy cover
- Identify and protect trees significance in terms of heritage, culture, social, and ecological criteria/values
- Communicate the economic, environmental and financial benefit of trees to the community, staff and developers.

## 5.2 Policy Framework

The Tree Management Policy is divided into five key areas

- Tree Protection
- Tree Establishment
- Tree Replacement and Removal
- Tree Asset Management
- Community Consultation and Engagement

## 5.3 Tree Protection

Council recognizes the benefits that trees provide in terms of social, economic, and environmental aspects. To safeguard these benefits, protection of trees will be given high priority within the LGA.

The following Policy principles will apply

- Tree Management Controls
- Significant tree register
- Development Applications
- Bonds
- Tree Vandalism, unauthorised works

### 5.3.1 Tree Management Controls

Tree management controls within the State Environmental Planning Policy (Biodiversity and Conservation) 2021, Waverley Local Environmental Plan and Waverley Development Control Plan provide the legislative framework for the protection of all trees located within Waverley LGA.

Council will regulate all appropriate tree maintenance, removals and protection in accordance with this framework and the Waverley Tree Management Policy and Tree Management Guidelines. Standardised assessment criteria and processes undertaken by Tree Management staff will ensure a consistent and uniform approach to tree management throughout the LGA.

### **5.3.2 Significant Tree Register**

Council respects and recognises the history and cultural value trees offer to the community. Waverley will ensure this contribution continues through a register of significant trees and the retention and protection of significant trees.

### **5.3.3 Development Applications/Activities**

Council will ensure that all development applications comply with the Waverley Development Control Plan and include all necessary information to allow full assessment of the potential impact on trees to be retained and appropriate standard for planting replacement trees. Trees will be protected from construction works and other activities by The Australian Standard for the protection of trees on development sites (AS4970).

### **5.3.4 Bonds**

Council will impose Tree bonds on developers and event organisers to ensure protection of trees to be retained.

### **5.3.5 Tree and Vegetation Vandalism**

Council will investigate unauthorised tree and vegetation pruning, removal or poisoning and pursue enforcement action where appropriate in accordance with the Tree and Vegetation Vandalism Policy and other relevant regulations.

## **5.4 Tree Establishment**

Council will proactively identify opportunities to increase the quality and quantity of the urban forest and canopy cover across the Local Government Area by using the methodology documented in the Waverley Urban Canopy Strategy and the Waverley Street Tree Masterplan.

For the public domain, Council will regularly review and investigate new tree species in line with aesthetic, functional and climatic/environmental requirements if necessary to find a species that will survive successfully in a particular area.

### **5.4.1 Street Tree Master Plan (STMP)**

Council will refer to the STMP to ensure a coordinated and clear direction to planting in streetscapes. The individual species list ensures streetscapes are attractive, planted with relevant species and coordinated with the urban surroundings.

### **5.4.2 Public Domain Technical Manual**

The Public Domain Technical Manual (PDTM) provides standard specialised details and establishment procedures to be used by contractors and developers to guarantee successful establishment of newly planted trees throughout the LGA.

### **5.4.3 Park and Reserve Trees**

Council recognises the high value of tree planting in open spaces to maximise screening, shade, biological diversity and define local character. Future planting projects will be addressed through Parks Plans of Management or through general park upgrades.





























































































## CLOSED SESSION

### CM/5/22.08E2



**Subject:** Moving into Closed Session

**Author:** Emily Scott, General Manager

WAVERLEY  
COUNCIL

#### RECOMMENDATION:

That:

1. Council moves into closed session to deal with the matters listed below, which are classified as confidential under section 10A(2) of the *Local Government Act* for the reasons specified:

CM/5.1/22.08E2 CONFIDENTIAL REPORT - Senior Staff Appointment

This matter is considered to be confidential in accordance with section 10A(2)(a) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

2. Pursuant to section 10A(1), 10(2) and 10A(3) of the *Local Government Act*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under section 10A(2) of the *Local Government Act*.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the *Local Government Act*.

#### Introduction/Background

In accordance with section 10A(2) of the Act, Council may close part of its meeting to deal with business of the following kind:

- (a) Personnel matters concerning particular individuals (other than councillors).
- (b) Personal hardship of any resident or ratepayer.
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
- (d) Commercial information of a confidential nature that would, if disclosed:
  - (i) Prejudice the commercial position of a person who supplied it: or
  - (ii) Confer a commercial advantage on a competitor of Council;
  - (iii) Reveal a trade secret.
- (e) Information that would, if disclosed, prejudice the maintenance of law.
- (f) Matters affecting the security of Council, Councillors, Council staff and Council property.
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.

It is my opinion that the business listed in the recommendation is of a kind referred to in section 10A(2) of the *Local Government Act 1993* and, under the provisions of the Act and the *Local Government (General) Regulation 2021*, should be dealt with in a part of the meeting that is closed to members of the public and the media.

Pursuant to section 10A(4) of the Act and clauses 14.9–14.10 of the Waverley Code of Meeting Practice, members of the public may make representations to the meeting immediately after the motion to close part of the meeting is moved and seconded, as to whether that part of the meeting should be closed.

**RESUMING IN OPEN SESSION  
CM/6/22.08E2**



**Subject:** Resuming in Open Session

**Author:** Emily Scott, General Manager

**WAVERLEY**  
COUNCIL

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**RECOMMENDATION:**

That Council resumes in open session.

**Introduction/Background**

In accordance with clause 14.21 of the Waverley Code of Meeting Practice, when the meeting resumes in open session the chair will announce the resolutions made by Council while the meeting was closed to members of the public and the media.