



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY EXTRAORDINARY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 30 AUGUST 2022**

Present:

Councillor Paula Masselos (Mayor) (Chair)	Lawson Ward
Councillor Elaine Keenan (Deputy Mayor)	Lawson Ward
Councillor Sally Betts	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor Ludovico Fabiano	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Michelle Gray	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Steven Lewis	Hunter Ward
Councillor Tim Murray	Waverley Ward
Councillor Will Nemesh	Hunter Ward
Councillor Dominic Wy Kanak	Bondi Ward

Staff in attendance:

Emily Scott	General Manager
Sharon Cassidy	Director, Assets and Operations

At the commencement of proceedings at 6.02 pm, those present were as listed above, with the exception of Cr Gray who arrived at 6.07 pm during addresses by members of the public.

Crs Gray, Kay, Keenan, Lewis, Nemesh and Wy Kanak attended the meeting by audio-visual link.

At 6.47 pm, during the consideration of item CM/4.1/22.08E2, Cr Nemesh left the meeting and did not return.

At 7.41 pm, during the consideration of item CM/6/22.08E2, Cr Keenan left the meeting and did not return.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager 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 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

There were no apologies.

2. Declarations of Pecuniary and Non-Pecuniary Interests

The Chair called for declarations of interest and none were received.

3. Addresses by Members of the Public

- 3.1 G Pallo (on behalf of the Diamond Bay/Vaucluse Precinct) – CM/4.1/22.08E2 – RESCISSION MOTION – FC/5.2/22.08 – Tree Management Policy and Guidelines – Exhibition.
- 3.2 D Frazer (on behalf of the Dover Heights Precinct) – CM/4.1/22.08E2 – RESCISSION MOTION – FC/5.2/22.08 – Tree Management Policy and Guidelines – Exhibition.

4. Notices of Motions

CM/4.1/22.08E2 RESCISSION MOTION - FC/5.2/22.08 - Tree Management Policy and Guidelines - Exhibition (A02/0760)

MOTION

Mover: Cr Keenan
Seconder: Cr Murray

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.

FORESHADOWED MOTION

Mover: Cr Wy Kanak
Seconder: Cr Keenan

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 14 of the agenda – Add ‘including dead trees’ to the second sentence of paragraph 5, to now read ‘...will replace trees that are removed, including dead trees, unless...’
 - (b) Page 15 of the agenda – Delete ‘and signature’ from the first paragraph of clause 5.8.4.
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. Publicly exhibits the draft Tree Management Guidelines attached to the report (Attachment 2) for 28 days subject to the following amendment:
 - (a) Page 29 of the agenda – Add ‘Priority should be given to flowering trees that attract birds’ to the paragraph on tree selection in clause 4.5.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

For the Motion: Crs Fabiano, Gray, Keenan, Lewis, Masselos, Murray and Wy Kanak.

Against the Motion: Crs Betts, Burrill, Goltsman, Kay and Nemesh.

THE FORESHADOWED MOTION NOW BECAME THE MOTION.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF NEW CLAUSES 5–7.

AMENDMENT

Mover: Cr Burrill

Seconder: Cr Kay

That the following clause 4(b) be added to the motion:

‘Page 32 of the agenda – At the bottom of the page, amend the height of trees to remain at 5 metres or more and canopy spread to remain at 5 metres or more.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Betts, Burrill, Goltsman and Kay.

Against the Amendment: Crs Fabiano, Gray, Keenan, Lewis, Masselos, Murray and Wy Kanak.

Cr Nemesh was not present for the vote on the amendment.

THE MOTION 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 14 of the agenda – Add ‘including dead trees’ to the second sentence of paragraph 5, to now read ‘...will replace trees that are removed, including dead trees, unless...’
 - (b) Page 15 of the agenda – Delete ‘and signature’ from the first paragraph of clause 5.8.4.
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. Publicly exhibits the draft Tree Management Guidelines attached to the report (Attachment 2) for 28 days subject to the following amendment:
 - (a) Page 29 of the agenda – Add ‘Priority should be given to flowering trees that attract birds’ to the paragraph on tree selection in clause 4.5.
5. Officers include a briefing at the Councillor briefing on 25 October 2022 on the draft Development Control Plan and the draft Tree Management Policy and Guidelines, including informing documents such as the NSW Government’s Greener Neighbourhood Guide (December 2021), the Biodiversity and Conservation SEPP 2021 and Council’s draft Development Control Plan (currently on public exhibition). The briefing should include discussion on community and Councillor issues raised, tree canopy requirements and targets for Waverley, the rationale and statistics that inform the Council officers’ recommendations and tree pruning and removal thresholds for other Councils.
6. Notes the following height and canopy thresholds for other councils, above which property owners are required to get council approval before pruning and removing a tree in the private domain:
 - (a) Woollahra: 5 metres high, with 3 metre canopy.
 - (b) Randwick: 6 metres high, with 4 metre canopy.
 - (c) City of Sydney: 5 metres high, with 5 metre canopy.
7. Officers investigate planting issues in Rodney Reserve and Raleigh Reserve relating to the Biodiversity Action Plan and prepare a report to Council on proposed actions.

Division

For the Motion: Crs Fabiano, Gray, Keenan, Lewis, Masselos, Murray and Wy Kanak.

Against the Motion: Crs Betts, Burrill, Goltsman and Kay.

Cr Nemesh was not present for the vote on this item.

G Pallo (on behalf of the Diamond Bay/Vaucluse Precinct) and D Frazer (on behalf of the Dover Heights Precinct) addressed the meeting.

5. Closed Session

CM/5/22.08 E2 Closed Session

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Fabiano

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/4.1/22.08 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 the 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 sections 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*.

At 7.38 pm, Council moved into closed session.

CM/4.1/22.08E2 CONFIDENTIAL REPORT - Senior Staff Appointment (A22/0358)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Murray

That:

1. Council treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(a) of the *Local Government Act 1993*. The report contains personnel matters concerning particular individuals (other than Councillors).
2. The General Manager gives consideration to the feedback provided at the meeting on the proposed appointment of the Director, Corporate Services, as set out in the report.

6. Resuming in Open Session

CM/6/22.08E2 Resuming in Open Session

MOTION

Mover: Cr Masselos

Seconder: Cr Murray

That Council resumes in open session.

At 7.51 pm, Council resumed in open session.

Resolutions from closed session made public

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

7. Meeting Closure

THE MEETING CLOSED AT 7.52 PM.

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SIGNED AND CONFIRMED
MAYOR
20 SEPTEMBER 2022