



W A V E R L E Y
COUNCIL

STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING

A meeting of the STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE will be held at Waverley Council Chambers, Cnr Paul Street and Bondi Road, Bondi Junction at:

7.30 PM, TUESDAY 6 DECEMBER 2022

Emily Scott
General Manager

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Delegations of the Waverley Strategic Planning and Development Committee

On 10 October 2017, Waverley Council delegated to the Waverley Strategic Planning and Development Committee the authority to determine any matter **other than**:

1. Those activities designated under s 377(1) of the *Local Government Act* which are as follows:
 - (a) The appointment of a general manager.
 - (b) The making of a rate.
 - (c) A determination under section 549 as to the levying of a rate.
 - (d) The making of a charge.
 - (e) The fixing of a fee
 - (f) The borrowing of money.
 - (g) The voting of money for expenditure on its works, services or operations.
 - (h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment).
 - (i) The acceptance of tenders to provide services currently provided by members of staff of the council.
 - (j) The adoption of an operational plan under section 405.
 - (k) The adoption of a financial statement included in an annual financial report.
 - (l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6.
 - (m) The fixing of an amount or rate for the carrying out by the council of work on private land.
 - (n) The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work.
 - (o) The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*.
 - (p) The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194.
 - (q) A decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - (r) A decision under section 234 to grant leave of absence to the holder of a civic office.
 - (s) The making of an application, or the giving of a notice, to the Governor or Minister.
 - (t) This power of delegation.
 - (u) Any function under this or any other Act that is expressly required to be exercised by resolution of the council.
2. Despite clause 1(i) above, the Waverley Strategic Planning and Development Committee does not have delegated authority to accept any tenders.
3. The adoption of a Community Strategic Plan, Resourcing Strategy and Delivery Program as defined under sections 402, 403, and 404 of the *Local Government Act*.

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 Meeting

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 Chair will read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

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.

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 by Members of the Public

4. Confirmation of Minutes

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5. Reports

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PD/5.2/22.12	Innovation Roadmap 2025 - Exhibition	23
PD/5.3/22.12	Water Consumption and Greenhouse Gas Emissions - 2021-22	30
PD/5.4/22.12	Tree Management Policy and Guidelines - Adoption	35

6. Urgent Business

7. Meeting Closure

CONFIRMATION OF MINUTES PD/4.1/22.12



Subject: Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 6 September 2022

TRIM No: SF21/6065

Author: Natalie Kirkup, Governance Officer

RECOMMENDATION:

That the minutes of the Strategic Planning and Development Committee meeting held on 6 September 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

Introduction/Background

The minutes of committee meetings must be confirmed at a subsequent meeting of the committee, in accordance with clause 20.23 of the Code of Meeting Practice.

Attachments

1. Strategic Planning and Development Committee Meeting Minutes - 6 September 2022



**MINUTES OF THE STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 6 SEPTEMBER 2022**

Present:

Councillor Steven Lewis (Chair)	Hunter Ward
Councillor Paula Masselos (Mayor)	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 Will Nemesh	Hunter Ward
Councillor Dominic Wy Kanak	Bondi Ward

Staff in attendance:

Emily Scott	General Manager
Sharon Cassidy	Acting Director, Assets and Operations
Meredith Graham	Acting Director, Community, Culture and Customer Experience
Sam McGuinness	Acting Director, Planning, Sustainability and Compliance
Richard Sheridan	Acting Director, Corporate Services

At the commencement of proceedings at 8.48 pm, those present were as listed above.

Crs Goltsman and Keenan attended the meeting by audio-visual link.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

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.

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

Apologies were received from Cr Tony Kay and Cr Tim Murray.

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

There were no addresses by members of the public.

4. Confirmation of Minutes

PD/4.1/22.09 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 2 August 2022 (SF21/6065)

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis
Seconder: Cr Nemesh

That the minutes of the Strategic Planning and Development Committee Meeting held on 2 August 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

5. Reports

PD/5.1/22.09 Social Impact Assessment Guidelines - Adoption (A20/0396)

MOTION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Adopts the Social Impact Assessment Guidelines attached to the report (Attachment 1).
2. Amends the upcoming Waverley Development Control Plan 2022 (DCP) to integrate the Guidelines, including the DCP controls attached to the report (Attachment 2).
3. Officers prepare a report to Council evaluating the effectiveness and impact of the Guidelines in 12 months.
4. In accordance with section 610F of the *Local Government Act 1993*, publicly exhibits for 28 days the social impact statement peer review fee for proponent-led planning proposals, as set out in Table 1 of the report.
5. Officers prepare a report to Council following the exhibition period.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 4.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION

That Council:

1. Adopts the Social Impact Assessment Guidelines attached to the report (Attachment 1).
2. Amends the upcoming Waverley Development Control Plan 2022 (DCP) to integrate the Guidelines, including the DCP controls attached to the report (Attachment 2).
3. Officers prepare a report to Council evaluating the effectiveness and impact of the Guidelines in 12 months.
4. In accordance with section 610F of the *Local Government Act 1993*, publicly exhibits for 28 days the social impact statement peer review fee for proponent-led planning proposals, as set out in Table 1 of the report. The proposed fee is \$5,000 to \$10,000 (to be determined by market rates) per item.
5. Officers prepare a report to Council following the exhibition period.

Division

For the Motion: Crs Betts, Burrill, Fabiano, Goltsman, Gray, Keenan, Lewis, Masselos, Nemes and Wy Kanak.

Against the Motion: Nil.

PD/5.2/22.09 Transport for NSW Shared E-Scooter Trial (A11/0612)

MOTION / UNANIMOUS DECISION

Mover: Cr Gray
Seconder: Cr Nemes

That Council:

1. Authorises the General Manager to enter into discussions with e-scooter operators to determine the parameters for a 12-month e-scooter trial in the Bondi Basin.

2. Officers prepare a report to Council on the outcome of the discussions.

PD/5.3/22.09 Boot Factory - Operational and Programming Model (A21/0456)

MOTION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Approves the high-level operational and programming model for the Boot Factory as set out in the report, including a Thinker-In-Residence pilot program, precinct program and venue hire.
2. Calls for expressions of interest from suitable individuals or organisations for the Thinker-In-Residence.

AMENDMENT 1

Mover: Cr Burrill
Seconder: Cr Betts

That the following clause be added to the motion:

‘Notes that the Thinker-In-Residence partner (individual or organisation) is not expected to be located in the Boot Factory during office hours over the 12-month pilot period, and that those invited to submit an expression of interest must focus on a single topic: sustainability, climate resilience or the circular economy.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

AMENDMENT 2

Mover: Cr Burrill
Seconder: Cr Betts

That the following clause be added to the motion:

‘Notes that in 2020, Council endorsed the \$1.1 million fit-out cost on the basis of the Innovation Civic Hall Model Feasibility Study, which proposed annual average revenue of \$736,914. The refurbishment cost to date is estimated at \$3.4 million, with an expected final cost of an additional \$1.53 million. Further notes that the combined programming budget for precinct events and the Thinker-In-Residence program is \$100,000 in the 2022–23 financial year budget and the anticipated income from venue hire is \$65,000 or less.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

AMENDMENT 3 (RULED OUT OF ORDER)

Mover: Cr Burrill

That the following clause be added to the motion:

'Notes that Council currently has no dedicated digital or online space to attract and connect a diversity of people and activities, and has no budget or plan to create a standalone digital space or include it within the Council's website.

THE AMENDMENT WAS RULED OUT OF ORDER ON THE GROUNDS THAT IT WAS IRRELEVANT TO THE MOTION.

AMENDMENT 4

Mover: Cr Burrill

Seconder: Cr Betts

That the following clause be added to the motion:

'Notes that Venue Usage Guidelines are yet to be developed to define the agreed types of hirers and uses to support the intent of the Innovation Precinct. Further notes that the venue was not offered to community regular hirers in the most recent expression of interest process.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division**For the Amendment:** Crs Betts, Burrill, Goltsman and Nemesh.**Against the Amendment:** Crs Fabiano, Gray, Keenan, Lewis, Masselos and Wy Kanak.**FORESHADOWED MOTION (LAPSED)**

Mover: Cr Burrill

That Council defers this item for a further detailed report, including financials, expression of interest documentation, possible precinct events, Venue Usage Guidelines and other information.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Approves the high-level operational and programming model for the Boot Factory as set out in the report, including a Thinker-In-Residence pilot program, precinct program and venue hire.
2. Calls for expressions of interest from suitable individuals or organisations for the Thinker-In-Residence.

Division**For the Motion:** Crs Fabiano, Gray, Keenan, Lewis, Masselos and Wy Kanak.**Against the Motion:** Crs Betts, Burrill, Goltsman and Nemesh.**PD/5.4/22.09****Synthetic Sports Surface Investigation (A22/0068)****MOTION**

Mover: Cr Lewis

Seconder: Cr Fabiano

That Council:

1. Notes the *Synthetic Turf Study in Public Open Space* commissioned by the Department of Planning

and Environment attached to the report (Attachment 1).

- 2. Allows the FIFA Quality certification for Waverley #2 synthetic field to lapse in order to extend the life span of the existing surface.

AMENDMENT

Mover: Cr Goltsman
Seconder: Cr Burrill

That the following clause be added to the motion:

‘Notes that synthetic sports surfaces may be considered as a viable option in the future planning of upgrades to existing and new sports fields within Waverley, with any proposed change to come to Council for consideration.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

- 1. Notes the *Synthetic Turf Study in Public Open Space* commissioned by the Department of Planning and Environment attached to the report (Attachment 1).
- 2. Allows the FIFA Quality certification for Waverley #2 synthetic field to lapse in order to extend the life span of the existing surface.

Division

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

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

6. Urgent Business

There was no urgent business.

7. Meeting Closure

THE MEETING CLOSED AT 10.30 PM.

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SIGNED AND CONFIRMED
CHAIR
1 NOVEMBER 2022

REPORT
PD/5.1/22.12

Subject: Waverley Development Control Plan 2022 - Adoption

TRIM No: A22/0091

Author: Emma Rogerson, Acting Senior Strategic Planner

Director: Fletcher Rayner, Director, Planning, Sustainability and Compliance

RECOMMENDATION:

That Council:

1. Adopts the Waverley Development Control Plan 2022 attached to the report (Attachment 1).
2. Adopts the Inter-War Building Design Guidelines attached to the report (Attachment 4).

1. Executive Summary

The purpose of this report is to:

- Summarise feedback received during the public exhibition period,
- Outline the key changes that are proposed as part of the draft Waverley Development Control Plan (WDCP 2022), including changes made post-exhibition, and
- Outline the intent of the draft Inter-War Building Design Guidelines, and feedback received on them.

The draft WDCP 2022 seeks to replace the current Waverley DCP 2012. The amendment proposes both housekeeping and more substantial updates to implement recent strategies and guidelines.

The draft Inter-War Building Design Guidelines is a new document that seeks to reinforce the importance of Inter-War buildings in Waverley and assist applicants in making a development application (DA) to Council and for staff to undertake the assessment.

The draft WDCP 2022 and draft Inter-War Building Design Guidelines were placed on public exhibition for 6 weeks between 8 August 2022 and 19 September 2022. The draft WDCP 2022 attached to this report has been adjusted in accordance with community feedback received during this exhibition period. General formatting changes have been made to the Inter-War Building Design Guidelines since exhibition.

2. Introduction/Background

A Development Control Plan (DCP) contains detailed planning and design guidelines for a range of development types and land uses which complement the development standards contained in Local Environmental Plans (LEPs). While DCPs have legislative force under the *Environmental Planning and Assessment Act*, they are guidelines and cannot contradict objectives, or the development standards, set out in LEPs.

This report outlines the changes between the existing Waverley DCP (WDCP) 2012 and the proposed draft Waverley DCP (WDCP) 2022, which include but are not limited to:

- Improving the layout and explanation of existing controls.
- Implementing the Our Liveable Places Centres Strategy.
- Implementing the Inter-War Building Design Guidelines.
- Implementing sustainability and waste updates.
- Aligning with the Local Strategic Planning Statement (LSPS) and LSPS Implementation Planning Proposal (WLEP 2022).

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 2 August 2022	PD/5.1/22.08	<p>That Council:</p> <ol style="list-style-type: none"> 1. Publicly exhibits the draft Waverley Development Control Plan 2022 attached to the report (Attachment 1) for a minimum period of 28 days, in accordance with section 3.43 and clause 5 of schedule 1 of the <i>Environmental Planning and Assessment Act 1979</i>, subject to the following amendment: <ol style="list-style-type: none"> (a) Page 14 of the attachments under separate cover – Amend clause 1.1 (b) to read as follows: ‘To maximise the re-use of clean excavated material, sandstone, concrete, bricks and timber.’ 2. Publicly exhibits the draft Waverley Inter-War Flat Building Heritage Design Guidelines attached to the report (Attachment 4) for a minimum period of 28 days.
Strategic Planning and Development Committee 8 June 2021	PD/5.1/21.06	<p>That Council:</p> <ol style="list-style-type: none"> 1. Adopts the Heritage Assessment/Policy attached to the report (Attachments 1–3), including the following key recommendations: <ol style="list-style-type: none"> (a) New Urban Conservation Areas (UCAs): <ol style="list-style-type: none"> (i) Avoca Estate UCA. (ii) Bondi Road UCA. (iii) Referring the proposed Bondi O’Brien Estate UCA and Bondi Inter-War UCA to a Councillor workshop. (b) Amended Urban Conservation Area: <ol style="list-style-type: none"> (i) Charing Cross UCA. (ii) Yanko-Lugar Brae UCA (formerly Evans Street).

		<ul style="list-style-type: none"> (iii) Grafton Street UCA. (iv) Palmerston UCA. (c) New and amended Landscape Conservation Areas (LCAs) to their boundaries: <ul style="list-style-type: none"> (i) Dickson Estate LCA. (ii) South Bronte-Calga Headland LCA. (d) 47 individually listed heritage items on the updated list reviewed by Council's Independent Heritage Expert Panel, subject to: <ul style="list-style-type: none"> (i) Removing 19 Ocean Street North, Bondi, from the list. (ii) Removing 309 and 311 Bondi Road, Bondi, from the list. (iii) Removing 28 and 29 Park Parade, Bondi, from the list. (iv) Referring 50–54, 56 and 58 Campbell Parade, Bondi Beach, to a Councillor workshop to consider their merit for heritage listing. (v) Updating the heritage inventory sheets for 223–227 Bronte Road/94 Carrington Road, Waverley (Lots A and B DP 332733), to list only the façade fronting Bronte Road. (e) One significant historical tree site reviewed by Council's Independent Heritage Expert Panel. <p>2. Prepares a planning proposal to implement the relevant Heritage Assessment/Policy recommendations into the <i>Waverley Local Environmental Plan 2012</i>.</p> <p>3. Prepares Inter-war Design Guidelines to guide future development in Urban Conservation Areas and inter-war buildings in the local government area (LGA). The Guidelines should:</p> <ul style="list-style-type: none"> (a) Encourage the retention of core (internal and external), original and early fabric and streetscapes. (b) Provide appropriate colour palettes to help reinforce the heritage nature of the UCAs.
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		<p>(c) Provide guidance regarding appropriate modifications.</p> <p>4. Supports raising the profile of heritage in the LGA to reflect its status as Australia’s second oldest municipality (at 162 years) and in acknowledgement of the significant levels of support for heritage expressed during the public exhibition of the draft Heritage Assessment. Initiatives could include:</p> <p>(a) Waverley’s thematic history being updated regularly, and detailed histories as included in the State Heritage Inventory sheets for each of Waverley’s heritage conservation areas being updated and published on Council’s website.</p> <p>(b) Events, heritage walks and open days being held involving items and places of heritage significance.</p> <p>5. Supports further research on matters arising from the public exhibition of the draft Heritage Assessment as part of a future body of work, including:</p> <p>(a) Investigating obligations or incentives for owners to maintain heritage buildings to prevent demolition by neglect.</p> <p>(b) Renewed dialogue with the Heritage Office on how the insurance industry responds to conservation areas to reduce premiums for owners.</p> <p>(c) Assessing future listings as individual heritage items.</p> <p>(d) Preparing State Heritage Inventory (SHI) Sheets for new Schedule 5 list items and updating SHI sheets where they exist, and the preparation of new ones where not prepared for the Schedule 5 heritage list to reflect new research.</p> <p>(e) Assessing selected mature trees for inclusion on the significant trees register to preserve the character of the area and act as a heat sink against climate change.</p> <p>6. Supports further investigation of ways to mitigate the negative impact the Codes State Environmental Planning Policy has on heritage fabric across the LGA.</p> <p>7. Notes the requirement to prepare the next phase of historical research on how First Nations people have</p>
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		interacted with the area now known as Waverley.
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4. Consultation

A thorough community consultation process ran for six weeks between 8 August and 19 September 2022, comprising the following:

- Have Your Say page advertisement with an open submission box, FAQ section and explainer video.
- *Wentworth Courier* and *The Beast* advertisement directing readers to our Have Your Say page.
- A presentation at the Combined Precincts meeting.
- Three in-person Have Your Say information days.
- Posters and flyers at key Council locations.
- Email to:
 - Respondents of recent strategic work.
 - Have Your Say Subscribers.
 - Internal staff newsletter.

The community response to engagement is detailed in Table 1.

Table 1. Summarised engagement.

Method	Overview	Date	Response
Have Your Say website – <i>WDCP 2022 Page</i>	Council dedicated a Have Your Say page to the WDCP 2022 project.	8 August – 19 September 2022	<ul style="list-style-type: none"> • 757 people visited the HYS page at least once. • 330 people interacted with the page, by either downloading a document, reading an FAQ or viewing various project pages. • 29 people provided survey feedback. • 56 people provided email feedback using the address on the HYS page.
Have Your Say website – <i>Inter-War Guidelines Page</i>	Council dedicated a Have Your Say page to the Inter-War Guidelines project.	8 August – 19 September 2022	<ul style="list-style-type: none"> • 236 people visited the HYS page at least once. • 97 people interacted with the page, by either downloading a document, reading an FAQ or viewing various project pages. • 1 person provided survey feedback.
Have Your Say Days x 3	Officers held a stall at the following locations to advertise the exhibition, answer any questions and accept feedback.	13 August 2022 23 August 2022 24 August 2022	<ul style="list-style-type: none"> • 23 respondents.

Feedback received during the exhibition period is detailed within the consultation report in Attachment 5. This feedback has informed post-exhibition amendments to the draft WDCP 2022 as discussed in section 5 of this report.

Key messages received are summarised in Table 2. Key messages outline reasons for supporting or not supporting the proposed amendments.

Table 2. Key community feedback.

Key Theme	No. of respondents who stated this
The 5 m to 3 m tree canopy threshold change is supported as it will support the natural environment.	15
The 5 m to 3 m tree canopy threshold change is supported as it will protect important canopy for local animals.	13
The 5 m to 3 m tree canopy threshold change is supported as too many trees have already been lost.	13
The 5 m to 3 m tree canopy threshold change is supported as it will create leafier, beautiful streetscapes.	12
The 5 m to 3 m tree canopy threshold change is not supported as it will impose onerous requirements for landowners.	9
The Inter-War Design Guidelines are supported.	7
Passive design measures should be strengthened.	3
Excavation should be limited to protect underground watercourses and the structural integrity of neighbours.	3
Stronger weight should be given to village centre controls.	3
The removal of gas and more sustainability measures are a good idea as it helps with climate change.	2
Discouraging gas space heaters and cooktops is not supported.	2
Less on-site parking should be allowed as it encourages private car use and increases congestion.	2
More on-site parking should be allowed to alleviate on-street parking pressures.	1
The 5 m to 3 m tree canopy threshold change is not supported as it will make it harder to protect existing views.	1

During public exhibition, 10 people provided comments relating to the Inter-War Guidelines, of whom seven were strongly supportive of the Guidelines and some requested that protection of Inter-War buildings should be elevated to the Local Environmental Plan 2012.

Overall, there is support for the proposed change to the tree removal threshold from 5 m to 3 m. There were 70 submissions received on this matter during the DCP 2022 exhibition, of which 36 respondents were in support of the change while 34 respondents (including 12 identical submissions) were opposed to it. On face value the number of submissions in support and against are evenly balanced. However, qualitatively the nature of the submissions demonstrates a stronger support for the proposed change to tree removal threshold.

The submissions against the change were generally pro forma, anonymous, and from a localised area within the LGA. In contrast, the submissions in support of the change were unique, from a spread of suburbs across all of the LGA and cogent in their endorsement of the change. The lack of coordination and geographical spread of submissions demonstrates that there is broad support for the change. Refer to the consultation report in Attachment 5 for copies of the submissions.

5. Discussion

A summarised list of all proposed changes is provided in Attachment 2, and the entire draft WDCP 2022 with tracked changes showing the differences between the existing 2012 version and the proposed 2022 version is provided in Attachment 1.

Table 3 highlights the changes made to the draft WDCP 2022 since the document was put to Council in August 2022 and thereafter publicly exhibited.

Table 3. Post-exhibition changes.

Part	Change
B1 Waste	<ul style="list-style-type: none"> • New requirement for waste cooking oil to be stored suitably in a bounded area where leaking oil can't escape. • New requirement for commercial kitchens in cafes and restaurants to include space for a dishwasher, reducing reliance on single use items. • New requirement for mixed-used developments that require the equivalent of 20 x 240L bins to have on-site collection or a wheel in/out service. • New minimum commercial bin capacity added for when the type of business is not specified.
B2 Ecologically Sustainable Development	<ul style="list-style-type: none"> • Remove the following design guidance point under 2.1 Passive Design and Thermal Comfort: 'development should be well sealed to avoid draughts and air leakage, thereby reducing energy required for heating and cooling' as it is not in the typical scope for a DCP and is otherwise dealt with under the National Construction Code.
B3 Landscaping and Biodiversity	<ul style="list-style-type: none"> • Addition of objectives and controls protecting local fauna from adverse impacts of light pollution. • New trees listed in Part B3.1.1 as weed species that you don't need approval to remove. This will make it easier to remove problem species and will reduce staff workload for processing applications for such weeds. • Removal of tree trunk width as a consideration for whether a tree needs to apply to Council for removal or not. Tree trunk width is not as useful as height and canopy spread when determining whether a tree is of a certain maturity. Allowance for pruning of trees without requiring a Vegetation Clearing Permit. • Amended soil volumes required for the planting of small, medium and large trees to align with industry best practice. • Amendment to allows trees below 5 m in height to be pruned without approval, as currently allowed. • Clarification that pruning activities under Australia Standards AS 4373 – 2007 Pruning of Amenity Trees prevail over any Council requirements.
B7 Transport	<ul style="list-style-type: none"> • Clarification that car parking above the 'maximum' numbers stated by the WDCP will count towards GFA. • Reinstatement of requirement for commercial, mixed-use and residential flat building development to provide at least 1 dedicated parking space with an electric vehicle charger for electric bicycles and mobility scooters.
B13 Excavation	<ul style="list-style-type: none"> • New objectives and controls seeking to manage excavation including numerical maximums on excavation volume. • New restrictions on storage space and plant room sizes to reduce the extent of unnecessary cut and fill.
B15 Public Domain	No post-exhibition changes.
B16 Inter-War Buildings	General formatting and minor language changes have been made.
C2 Low Density Residential	<ul style="list-style-type: none"> • Addition of clarification that where a brand new three storey structure is proposed, all floors must be setback by 1.5 m, not just the third floor. This approach is currently enforced by the DA team but clarity is useful for applicants.

C3 Other Residential Development	<ul style="list-style-type: none"> • New section 3.22 seeking further information for developments that trigger Chapter 2 Part 3 of the Housing SEPP. • Reminder in C3.9 Landscaping to refer to and comply with 3.3.2(d) Side Setbacks. • Change to rooftop terrace controls, permitting them in residential flat building, mixed use and shop top housing development subject to noise and privacy impacts. This change is a result of Design Excellence Advisory Panel (DEAP) advice, highlighting the opportunity to provide high quality open space for development on rooftops. • Inclusion of reference to co-living housing development where relevant in response to this new land use being introduced by NSW DPE in 2021.
E1 Bondi Junction	No post-exhibition changes.
E3 Local Village Centres	<ul style="list-style-type: none"> • Amendment to Figure 59 (Blake Street Centre) to remove 220 Military Road, which contains a dwelling house, from the centre outline. • Amendment to objective (e) relating to paving and pavers damaged during construction. • New objective (i) highlighting the application of Planning Principles under <i>Tenacity</i>, which deals with ‘view sharing.’ • Removal of references to centres needing to deliver a variety of uses and independent businesses and retail offerings as the variety of uses is driven by the market.
F5 Horticulture	No post-exhibition changes.
Definitions	<ul style="list-style-type: none"> • Clarification that car parking above the ‘maximum’ numbers stated by the WDCP will count towards GFA. • Change the definition of a tree to a woody perennial plant or any plant resembling a tree greater than 3 m in height and 3 m in spread. It was previously 4 m.
Habitat Corridor Map	<ul style="list-style-type: none"> • Updated to show any sites that are partially marked as affected, as entirely affected (Attachment 3).

Inter-War Building Design Guidelines

The Inter-War Building Design Guidelines (Attachment 4) have been prepared and exhibited in accordance with the relevant Council Resolution detailed earlier in this report. The Guidelines were prepared following a review of approximately 600 building plans from the Inter War period between 1917–1940 resulting in a document that will be a valuable resource for Council and building owners.

The draft Guidelines reinforce the importance of Inter-War buildings in Waverley and would assist an applicant in making a DA to Council and for staff to undertake the assessment.

Tree canopy

A key change occurring between the current 2012 DCP and the draft WDCP 2022 is the tree size threshold for requiring consent (either via a DA or a Vegetation Clearing Permit) to remove a tree. This threshold also applies to cut down, lop, top, ringbark, remove or wilfully destroy a tree above the threshold. The change is detailed in Table 4.

Given feedback received during exhibition and from the 8 November 2022 Councillor briefing, the control has now slightly changed to allow pruning of a tree below 5 m without requiring a Vegetation Clearing Permit or DA approval, which is currently allowed.

Table 4. Threshold for requiring consent to remove a tree.

Current threshold	Exhibited threshold	Post-Exhibition threshold
<p>A tree with:</p> <ul style="list-style-type: none"> a height of five (5) metres or greater and trunk width of 300 mm or greater at ground level; or a tree with a canopy spread of five metres or greater and trunk width of 300 mm or greater at ground level. 	<p>A tree with:</p> <ul style="list-style-type: none"> a height of three (3) metres or more; or any tree that has a canopy spread of three (3) metres or greater or more; or any tree that has a trunk diameter of more than 300 mm measured at ground level. 	<p>A tree with:</p> <ul style="list-style-type: none"> a height of three (3) metres or more; or any tree that has a canopy spread of three (3) metres or more. <p>Note: Despite this, trees may be pruned without consent if below 5 m in height.</p>

The proposed change seeks to protect tree canopy, preventing trees that are between 3 m and above from being removed without consent. This change would not necessarily stop applicants from being allowed to remove a tree, but rather where a tree meets the DCP requirements for removal, a reasonable replacement would be required elsewhere on site. The change is expected to assist Waverley LGA to work towards meeting its recently adopted minimum 29% tree canopy and shrub cover target in the Waverley Community Strategic Plan 2022-2032.

The draft Greener Neighbourhoods Road Map was prepared by the NSW Department of Planning and Environment in August 2021 to assist local government. It defined tree canopy cover as: ‘the layer of leaves, branches, and stems (usually above 3 m in height) that cover the ground when viewed from above.’

The final *NSW Greener Neighbourhoods Guide (December 2021)* defines vegetation classes as:

- Grass – Less than 0.5 metres high.
- Shrub – 0.5 to 3 metres high.
- Trees/tree canopy – Greater than 3 metres high.

Therefore, the proposed change aligns with current NSW Government guidance that defines trees and tree canopy as vegetation greater than 3 metres in height.

If adopted, this change will also be implemented in the Tree Management Policy.

The importance of tree canopy for Waverley

Managing and enhancing Waverley’s Urban Canopy is essential to achieving two objectives from the Community Strategic Plan:

- 2.3 – Prepare and adapt to the impacts of climate change.
- 2.4 – Protect and increase our local bushland, parks, urban canopy cover and habitat areas.

Securing Waverley LGA’s tree canopy is also required by the *Greater Sydney Region Plan*, and Council’s Local Strategic Planning Statement, which specify increased canopy cover to provide shade, reduce ambient temperatures and mitigate the urban heat island effect.

Despite local challenges to canopy growth, including sandy coastal soils, extremely high density (over 80% of residential dwellings classified medium or high density) and high land values, Waverley set strong targets in 2018 to grow the urban canopy in both public and private properties from 18.85% to a level of 29% by 2032 to provide shade for open spaces and walking, and to minimise water, energy and resource use.

Council's ability to protect and enhance greening on both public and private land is critical to managing an effective local response to the Climate and Biodiversity Emergency and ensuring sustainable, liveable, and resilient neighbourhoods. Urban trees and vegetation provide shade and shelter, improve air quality, absorb carbon and rainfall, cool local environments, and support wildlife.

Urbanisation and development are reducing the amount of land upon which a tree may grow and available deep soil. Strengthening our planning controls to recognise that trees at 3 m and shrubs and green cover provide significant ecosystem services, will ensure Waverley can capture benefits for the community now and into the future.

Council is currently developing an Urban Greening and Canopy strategy for consideration in early 2023, with funding from the NSW Department of Planning and Environment's Greener Neighbourhoods Program, which was established to support Greater Sydney Councils to strengthen strategic planning and management of their urban trees and contribute to long-term canopy targets.

Sustainability changes

NSW Department of Planning and Environment (DPE) has introduced the new State Environmental Planning Policy (Sustainable Buildings) 2022 ('Sustainability SEPP'), which will replace the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 and aims to encourage the design and delivery of more sustainable buildings across NSW. The Sustainability SEPP sets sustainability standards for residential and non-residential development and starts the process of measuring and reporting on the embodied emissions of construction materials.

The proposed sustainability-related changes to the WDCP are consistent with the Sustainability SEPP, specifically the push to encourage electric appliances in place of gas. Other jurisdictions, such as Victoria and the ACT, are phasing out gas connections to new properties.

Future housekeeping

Annual housekeeping DCP updates are proposed to continue, providing additional opportunity for any DCP-related matters to be considered on an ongoing basis. Councillors and internal staff can raise items for investigation to the Strategic Town Planning team throughout the year for consideration within these annual reviews.

6. Financial impact statement/Time frame/Consultation

Financial impact statement

There are no direct financial impacts to Council because of the proposed changes. While an increase in DA referrals and Vegetation Clearing Permit application assessments are expected as a result in the change in tree height threshold for removal without consent, the Open Spaces and Recreation Operations team have advised that this increase is expected to be manageable with current resourcing.

Time frame

If adopted by Council, the draft Waverley Development Control Plan 2022 would be finalised, published on Council's website and replace the WDCP 2012 once public notice of its approval is given in the local newspaper, which will make the plan effective from that date.

7. Conclusion

The draft Waverley Development Control Plan 2022 would repeal and replace the existing WDCP 2012, and guide future development within the Waverley LGA. The draft WDCP 2022 seeks to action housekeeping

amendments as well as more substantial updates to align with the Local Strategic Planning Statement, the LSPS Implementation Planning Proposal and several other local strategies and guidelines.

The draft Inter-War Building Design Guidelines would also reinforce the importance of Inter-War buildings in Waverley and help to inform and manage change.

Community feedback received during the public exhibition period has informed post-exhibition changes and shaped the final version put to Council for adoption.

8. Attachments

1. Waverley Development Control Plan 2022 (under separate cover) [↔](#)
2. Amendment summary (under separate cover) [↔](#)
3. Updated Habitat Corridor Map (under separate cover) [↔](#)
4. Inter-War Building Design Guidelines (under separate cover) [↔](#)
5. Consultation Report (under separate cover) [↔](#)

REPORT

PD/5.2/22.12



Subject: Innovation Roadmap 2025 - Exhibition

TRIM No: A21/0514

Author: Tamara Haque, Economic Development Strategist

Director: Fletcher Rayner, Director, Planning, Sustainability and Compliance

RECOMMENDATION:

That Council:

1. Publicly exhibits the draft Innovation Roadmap 2025 attached to the report for a minimum of 28 days.
2. Officers prepare a report to Council following the exhibition period.

1. Executive Summary

The draft Waverley Innovation Roadmap 2025 responds to Council resolutions to position the Waverley local government Area (LGA) as an innovative and economically resilient community moving into the future. It proposes actions under three key themes over a 24-month period. It is recommended that Council publicly exhibits the draft roadmap.

2. Introduction/Background

Communities are centred on people. They are a blend of social, environmental and economic systems that are woven together and flourish by adapting to change. These systems are rapidly evolving by drivers like advancing technology, climate change and more recently COVID-19. The effects of COVID-19 are expected to continue accelerated change across communities over the next decade, creating a once in a generation shift that offers new opportunities.

Council aspires to become a more innovative and economically resilient community moving into the future. This roadmap will help build the foundation of a local innovation ecosystem which will support sustainable job growth. Although Council has limited influence over directly influencing job creation, an environment that facilitates job growth and meets local needs is achievable. The actions and direction of the roadmap is based on extensive research and initial consultation with the local business community.

A Councillor briefing was held in November 2022 to update Councillors about the research and high-level framework of the draft roadmap.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 8 June 2021	PD/5.2/21.06	That Council: 1. Endorses the methodology to prepare the Jobs and Innovation Discussion Paper as set out in the report.

		2. Receives a report at the conclusion of the research.
Council 16 February 2021	CM/6.3/21.02	<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes: <ul style="list-style-type: none"> (a) The recent Bondi Junction Planning Proposal that aims to help protect Waverley’s commercial floor space. (b) That many commercial areas abut residential areas and have impacts upon our residents and community. (c) That for Waverley to retain Bondi Junction’s status as a strategic centre it must have a minimum of 10,000 local jobs. (d) The work to date concerning innovation and economic development aimed at positioning Waverley as the place for 21st century jobs. (e) The planned jobs innovation summit planned for April 2021. 2. Progresses a preliminary discussion paper that: <ul style="list-style-type: none"> (a) Investigates job creation strategies for jobs of the future that will be able to accommodate 21st century needs. (b) Identifies suitable anchor businesses and types of commercial buildings that may be required in the medium to longer term to accommodate these jobs. (c) Considers how existing commercial areas that abut residential areas impact our residents, the community and amenity. (d) Identifies key strategic elements to be addressed in a comprehensive and integrated strategic plan that provides a coherent roadmap, including Council’s role from economic development and planning perspectives, for achieving outcomes. (e) Builds upon the outcomes of the Innovation Summit and other relevant work being undertaken by the Economic Development team. (f) Places the Waverley local government area at the forefront of this work. 3. Continues to fund participation in the Property Council

		<p>Office Market Report for Bondi Junction for a further two years to 2023.</p> <p>4. Officers identify a budget allocation from Council budgets as well as potential grants that may be available to pursue work in this area.</p> <p>5. Officers report back to the April Council meeting with an action plan and timetable for the development of this discussion paper including a consultation process and stakeholder engagement list.</p>
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4. Discussion

Council has undertaken a range of projects and strategies to foster local innovation. This is supported by the Community Strategic Plan 2032's pillar of innovation. The plan intends to position Waverley as a knowledge-driven, innovative and digitally connected community. The strategies relevant to innovation include:

- 3.5.1 – Improve Waverley's post COVID-19 economic resilience through innovation.
- 3.5.2 – Position Waverley as a future business destination and promote local businesses.
- 3.6.2 – Facilitate and grow innovative spaces for business incubation and knowledge transfer.

Waverley has been a hub of bold and innovative ideas, and this has accelerated in recent years due to technological innovations. Innovation involves a process of discovering new ideas and realising those ideas at large scale. In the context of a local economy, collaborative and successful environments for innovation emerge from diverse and robust entrepreneurship and innovation ecosystems. Council can play multiple roles in supporting innovation, including buying innovation, reducing risks for innovation to grow, collaboration on research and development, and adopting policies that encourage innovation.

Long-term benefits of innovation include:

- Driving economic growth, jobs and rising wages.
- Contributing to longer life expectancy.
- Making services, products like technology affordable.
- Leading to rising standards of living.
- Providing new household technologies which allow more time for alternative pursuits like family and leisure.

To avail long-term benefits of innovation, the approach to delivering the foundations of an innovation ecosystem is divided into three stages.

- Stage 1 – Research paper outlining trends, innovation in the context of Waverley, and developing a local innovation ecosystem.
- State 2 – Draft roadmap that provides high level strategies to foster innovation.
- Stage 3 – Implementation of the adopted roadmap.

Stage 1 – Research Paper

Research and analysis focused on a range of subject areas that built a clearer understanding to enable an evidence-based approach to a roadmap. Specifically, the research understood how Waverley can foster innovation to support the future local economy and facilitate local job growth. The research explored:

- Megatrends.
- Regional and local trends.
- Understanding innovation.
- Understanding innovation ecosystems.
- Roles of Government to support innovation.
- Frameworks to develop an innovation roadmap.
- Innovation in the context of Waverley.
- The gaps and opportunities for Waverley Council to foster innovation.

The research included the following key outcomes:

- Identified future trends influencing local businesses, innovation, and jobs.
- Understood innovation in the context of future jobs.
- Identified the role of Government in supporting local innovation.
- Identified a framework to develop a roadmap.
- Identified actions to foster innovation and indirectly support jobs.

The project experienced delays since the initial Council motion and subsequent resolution due to COVID-19 projects taking priority. The research involved two consultation sessions held in February and May 2022, one with the local business community and another with Council staff, to understand community needs and identify gaps in the research and draft actions. Key gaps identified for consideration include:

- Funding sources and grants for businesses starting up.
- Mentor programs.
- Define and nurture 'brand Waverley.'
- Educate schools, youth, and parents
- Commercial floor space.
- Access to data for businesses.
- Partnerships encompassing government, private organisations, academic institutions and non-government organisations.
- Create a physically inspiring innovative/sustainable precinct.

The feedback was incorporated into the research and the following recommendations presented:

- Develop a 24-month roadmap.
- Build Waverley's brand identity as a centre for innovation.
- Facilitate funding opportunities and programs for new businesses and start-ups.
- Create a physically inspiring and sustainable innovation environment by utilising Waverley's physical and digital infrastructure, as well as its assets.
- Develop the night-time economy to drive visitor and business traffic to the LGA.
- Foster partnerships with thought and innovation leaders, industry bodies, innovation organisations, academic institutions, and levels of government to build the innovation ecosystem.

A summary paper (Attachment 2) has been drafted of the research paper to provide an overview of the research and recommendations.

Stage 2 – Draft Roadmap

The draft roadmap aims to begin positioning the Waverley LGA as an innovative and economically resilient community moving into the future. It helps strengthen an emerging local innovation ecosystem and respond to challenges the COVID-19 pandemic has presented. It also lays the foundations to enhance our capability as a strategic innovation centre based on our strengths and key industry sectors.

It provides a point in time snapshot and reinforces Council's commitment to collaborate toward the goals to find innovative solutions to old and new problems.

Although Council has limited influence to directly impact job strategies as determined by Federal and State Governments, the aim of the roadmap is to build the foundations of an innovation ecosystem that can positively impact sustainable job growth.

The draft roadmap covers a 24-month time frame. The pandemic has demonstrated the uncertainty of changes in the economy and a short time frame ensures adaptability to changes in delivery.

Vision

Inspired by the future. Driven by ambition. Always resilient.

Purpose

To transition our local business community into the future, by nurturing the local innovation ecosystem, and encouraging sustainable job growth.

Key themes

Three key themes represent the structure of the draft roadmap:

- Leadership and Governance.

Guide change as a Council by strengthening our focus and be the driving force that positions Bondi Junction as a future innovation precinct.

- Infrastructure.

Facilitate reliable, sustainable and resilient physical infrastructure, while delivering new digital infrastructure for a more connected community.

- Partnerships and advocacy.

Guide strong partnerships and advocate to collaborate and build Waverley's brand identity as a centre of innovation and sustainable job growth.

Each theme includes several actions to be implemented in the 24-month time frame. A number of these actions are currently budgeted and in progress as detailed in the draft Roadmap.

The remaining actions are new, based on research and recommendations, and require a business case with a budget prior to implementation.

Waverley is a health and wellbeing hub focused on sustainability and creativity. Four key industry sectors are prioritised to deliver the proposed roadmap:

- Health and wellbeing.
- Technology.
- Sustainability.
- Creative.

These industry sectors are key drivers of innovation and Waverley is well placed to support the growth of the sectors through the draft roadmap. Following adoption of the roadmap, Council will undertake research regarding anchoring businesses within a focused sector as per resolution CM/6.3/21.02.

The restoration of the Boot Factory and refurbishment of the Mill Hill and Norman Lee Place has provided Council with an opportunity to reinvent a community focused precinct. The Boot Factory would support a focus on innovation, community interactions and venue hire opportunities. This precinct is integral to the development of a future innovation precinct within Waverley, thereby facilitating Waverley's position as a centre of innovation. The draft roadmap includes two actions that address the Boot Factory:

- Deliver collaborative and innovative programming for the Boot Factory.
- Boot Factory programming will focus on one or more priority sectors (i.e. creative, sustainability, technology or health).

Stage 3 – Implementation of the Roadmap

The next steps require endorsement from Council for public exhibition of the draft roadmap. The draft roadmap would be amended based on any feedback and reported to Council for adoption if submissions are received in early 2023. A business case would be drafted for the new financial year to determine budget and team responsibilities for the new actions of each roadmap theme over the next 24-month period.

5. Financial impact statement/Time frame/Consultation

Several proposed actions are currently budgeted and in progress. The remaining actions require a business case for the new financial year to ensure sufficient budget and resource allocation are available to implement them. Relevant teams would be responsible for the actions as will be detailed in a future business case. The business case will be prepared once the draft roadmap is adopted.

Public exhibition for 28 days would include active engagement with the local business community including additional roundtable discussion.

The impact of this roadmap on residential amenity abutting the commercial zone is expected to be minimal and assessment of development impact is considered through the DA process as a function of the Local Environmental Plan and Development Control Plan. This can, however, be further considered after adoption to comply with resolution CM/6.3/21.02.

6. Conclusion

The draft roadmap is the initial step in positioning the Waverley LGA as an innovative and economically resilient community moving into the future. The current business landscape has evolved significantly in the last three years and is still changing which has resulted in a roadmap with a shorter 24-month time frame.

The draft roadmap considers future trends and the role of Council in supporting local innovation. Council can drive local innovation in several ways, and the key themes of leadership and governance, infrastructure and partnership and advocacy provide Council with the direction of action. The proposed actions help address identified gaps and opportunities to build the foundations of an innovation ecosystem in the Waverley LGA.

The draft roadmap brings together key innovation players in the Waverley business community, it is important for Council to have a defined program that will facilitate a thriving innovation ecosystem for the future.

7. Attachments

1. Draft Waverley Innovation Roadmap 2025 (under separate cover) [↔](#)
2. Innovation in Waverley - Summary Paper (under separate cover) [↔](#)

REPORT

PD/5.3/22.12



Subject: Water Consumption and Greenhouse Gas Emissions - 2021-22

TRIM No: A20/0266

Author: Sam McGuinness, Executive Manager, Environmental Sustainability

Director: Fletcher Rayner, Director, Planning, Sustainability and Compliance

RECOMMENDATION:

That Council notes the achievement of Council's emission reduction and water conservation targets for the 2021–2022 financial year as set out in the report, including:

1. An 11.8% reduction in greenhouse gas emissions from 2020–21 to 2021–22 to 3,511 tonnes of CO₂e.
2. Council's mains water usage increased by only 4% from 2020–21 to 2021–22 to 54,738 kL and this was less than the 2030 target of 62,000 kL.

1. Executive Summary

As part of the Environmental Action Plan 2022-2032 (EAP), Council has committed to reduce greenhouse gas emissions and water consumption from its own operations. Council targets are to achieve:

- Net zero greenhouse gas emissions by 2030 for Council operations (based on 2003-04 levels).
- No increase in mains water consumption by 2030 for Council operations (based on 2005-06 levels).

This report outlines that Council is on track to achieving these 2030 targets, with this report outlining the results of 2021-22.

2. Introduction/Background

Council has had ambitious greenhouse gas emission and water targets since 2008. Council achieved the 2020 target of a 30% reduction of greenhouse gas emissions based on the 2003-2004 baseline and has continued to decrease our emissions since then. The water target is for Council to use less than 62,000 kL each and up to 2030.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 25 May 2021	CM/6.4/21.05	That Council: <ol style="list-style-type: none"> 1. Notes that Council: <ol style="list-style-type: none"> (a) Has declared a climate and biodiversity emergency.

		<p>(b) Is a signatory to the National Climate Emergency, which was launched at the National Climate Emergency Summit in 2020.</p> <p>(c) Has substantial programs to help mitigate carbon emissions and address climate change which focus on the community.</p> <p>(d) Has resolved to receive a report on joining the United Nations Race to Zero campaign.</p> <p>2. Recognises that:</p> <p>(a) There is a need to advance and accelerate mobilisations to address the climate emergency and support the restoration of a safe climate.</p> <p>(b) In the wake of an unprecedented year of bush fires, floods and pestilence, Council has a leadership role in developing and implementing locally based solutions to mitigate and reduce carbon.</p> <p>3. Investigates:</p> <p>(a) Declaring new targets for the reduction of carbon emissions by becoming net zero by 2030 so that Council will have a 100% reduction on scope 1 and 2 greenhouse gas emissions based on 2003/2004 levels.</p> <p>(b) This target becoming a key priority of Council's activities and incorporated into the draft 2021-22 Operational Plan that is currently on exhibition, and that the next Environmental Action Plan and the Long Term Financial Plan budgets are updated accordingly to achieve this.</p>
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In summary, in 2021-22 the following targets were achieved:

- Electricity consumption is down 8% and gas consumption is down 1% on previous years.
- Emission reductions of 11.3% were achieved, which is the biggest reduction in four years and due to Council's purchase of renewable energy, combined with energy efficiency actions at Council facilities and street lighting and COVID shutdowns at Council sites.
- Council acquired emissions credits to effectively offset all (scope 1, 2 and 3) 2021-22 emissions to be 'carbon neutral.'
- Council's mains water target was achieved and increased by only 4%, which was a correction to unusually low usage in 2020-21 related to closure of key buildings due to COVID-19 working arrangements and significant rainfall.

4. Discussion

Sustainable energy and emissions results

Council’s emission reductions have occurred due to reduced energy usage at our buildings, street lighting and through the Power Purchase Agreement (PPA) of renewable energy, which began in 2019 and finished on 30 June 2022. Council’s new electricity contract is with ZEN energy for 100% renewable electricity for up to nine years, which will assist in maintaining emissions and cost savings.

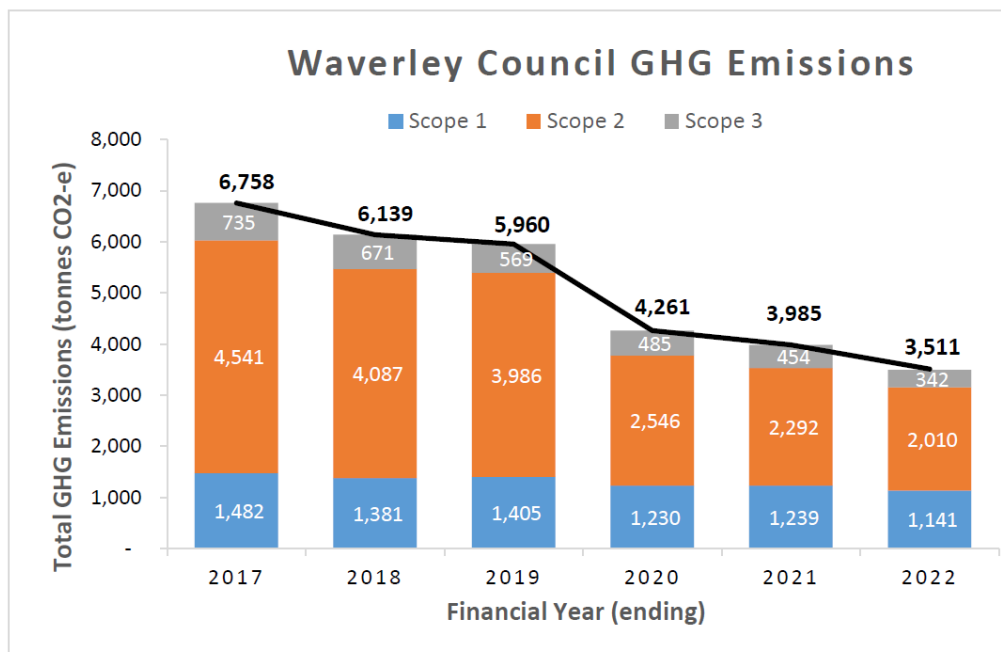


Figure 1. Annual emissions by scope.

Embedding sustainability in the management of Council assets and operations includes prioritising efficiency and maintaining and increasing renewable energy (solar) installations at our most energy intensive sites. Street lighting optimisation through changing to LED lamps currently delivers a considerable 70,000 of kWh savings annually and will continue to increase on both Council and AusGrid assets. A GreenStar rating of five stars is aimed to be achieved at Bondi Pavilion, with efficient fixtures, passive design and an extensive solar array, which will also secure long-term emissions savings at this key site.

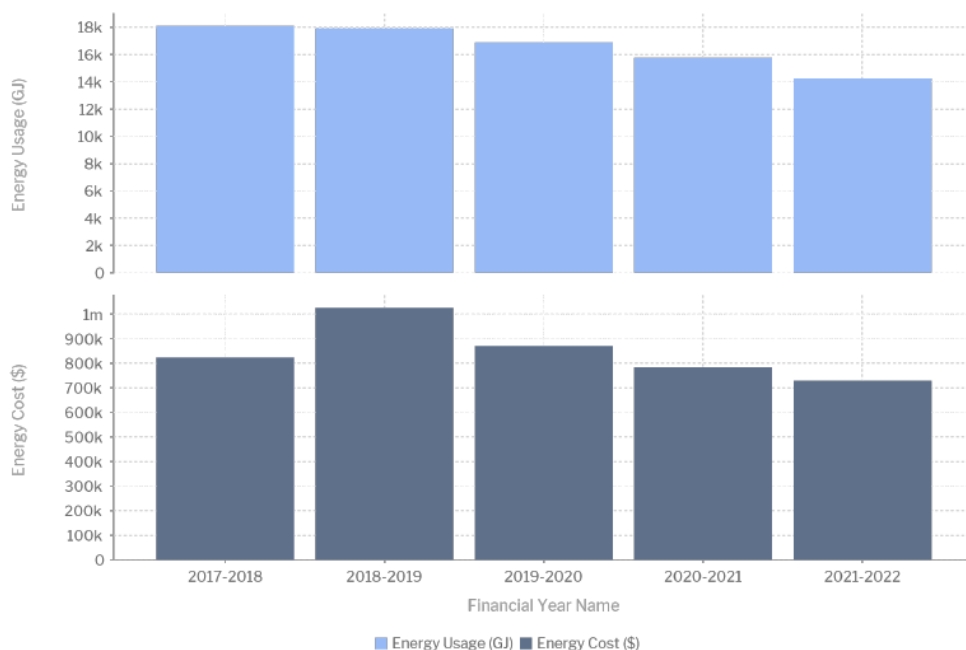


Figure 2. Annual Energy consumption and costs.

As a result of our contracts and falling usage, it is calculated that Council is spending over \$200,000 less per year on electricity costs than four years ago.

In 2022-23, as a result of a new Energy Services Agreement with Zen Energy and the purchase of 100% renewable electricity via the purchase of Large Scale Generation Certificates (LGCs), Council’s scope 2 emissions will decrease dramatically.

Climate neutral

While action in reducing operational energy use and emissions is prioritised, Council also purchased UNFCCC accredited emission offsets, costing \$25,161 to maintain our climate neutrality and supporting global efforts to combat climate change through wind energy investment in Tamil Nadu, India.

Fleet results

Council’s fleet now generates 33% of Council’s emissions at approximately 1,253 tonnes. The 2021-22 fleet greenhouse gas (GHG) emissions were 9.6% lower than emissions in 2020-21 with due to vehicle efficiency improvements and also COVID restrictions. Despite this decrease in fuel consumption, higher fuel prices resulted in a 26% increase in year-on-year fuel costs. Moving forward, Council’s fleet emissions (diesel and petrol) will become our largest scope 1 or 2 emissions source as emissions from electricity are reduced.

Sustainable water results

Council’s water conservation target is to keep potable (mains) water use under 2005-06 levels and this target was achieved in 2021-22. Although water use increased compared to the previous year, this was a correction on unusually low usage in 2020-21.

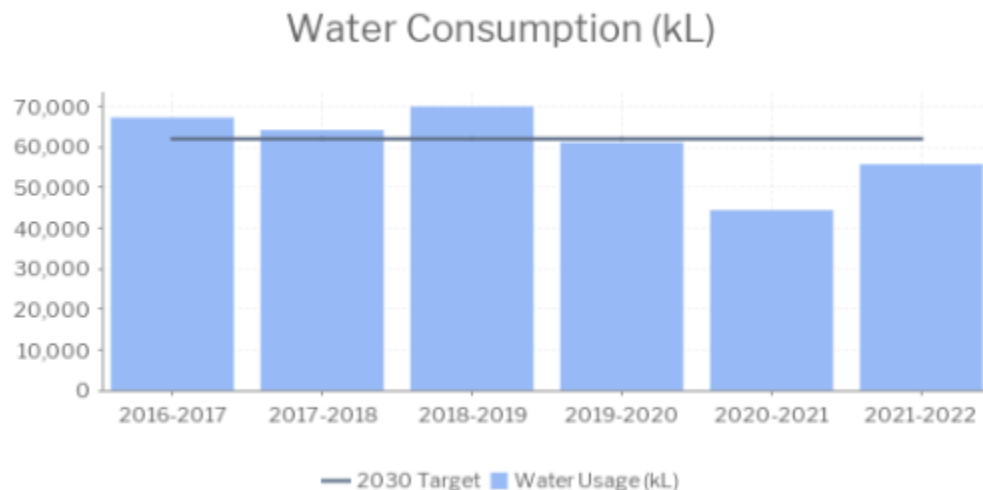


Figure 3. Annual water consumption vs target of 62,000 kL/year.

Mains water consumption is managed and monitored across Open Space and Parks through the smart irrigation control system, which enables staff, managers and contractors to proactively manage irrigation remotely. These cloud-based controllers save drinking water using predictive watering, which adjusts watering frequency and volume based on forecast and actual rainfall. Also performing well is Council's real time leak detection system, which allows for rapid identification of uncontrolled water losses, to enable fast location and repair of leaks on council assets and facilities. The last financial year's usage was impacted by the Pavilion redevelopment and COVID working arrangements.

To reduce mains water consumption, Council maintains an extensive recycled water network that harvests, treats and supplies water for non-potable purposes. During the reporting period, recycled water use was 28 megalitres. This is a 39% decrease on the previous year, which is compounded by a 34% decrease in FY20. These sustained decreases are due to reduced demand at beach amenities during COVID-19 restrictions, the closure of Bondi Pavilion for redevelopment, damage to Bondi Park irrigation wiring and La Nina weather patterns which has seen significantly higher rainfall.

In addition, power supply issues to South Bondi amenities affected recycled water supply to this facility, further decreasing consumption of recycled water. In this period, our recycled water system delivered a cost saving of \$19,000 for the year.

Council has also participated in the Sydney Water Regional Plan development and proposed opportunities for collaboratively improving water quality and efficiency outcomes across the local government area, including Hugh Bamford and North Bondi Golf Course recycled water for irrigation projects.

5. Financial impact statement/Timeframe/Consultation

Not applicable.

6. Conclusion

This report outlines that Council is on track to achieving adopted environmental targets through key energy and water projects, with analysis of data up to June 2022.

7. Attachments

Nil.

REPORT
PD/5.4/22.12

Subject: Tree Management Policy and Guidelines - Adoption

TRIM No: A22/0383

Author: Ben Kusto, Executive Manager, Open Space and Recreation Operations

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. Adopts the Tree Management Policy attached to the report (Attachment 1).
2. Adopts the Tree Management Guidelines attached to the report (Attachment 2).

1. Executive Summary

The current Tree Management Policy was adopted in 2013 with updates made in 2019. Following best practice, the policy has been separated into two documents the Tree Management Policy and Tree Management Guidelines. These documents were publicly exhibited between 14 September and 13 October 2022 with strong engagement in the process. Minor updates to the Tree Management Policy and Guidelines been made as detailed in this report. It is recommended that Council adopts the Tree Management Policy and Tree Management Guidelines.

2. Introduction/Background

The Tree Management Policy (TMP) currently provides the framework for the management of all trees within the Waverley local government area (LGA). A comprehensive update of the TMP was adopted by Council in 2013 and followed a period of consultation with the community.

The TMP was last updated in November 2019 to include minor revised Legislative Requirements to reflect vegetation management reforms introduced under the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (Vegetation SEPP).

The purpose of this latest review is to improve and align Council's tree management framework and measures with statutory requirements and best practice.

Tree Management Policy

The best-practice framework for tree management is illustrated in Figure 1. The hierarchy of documents and other material in this structure is set out as follows:

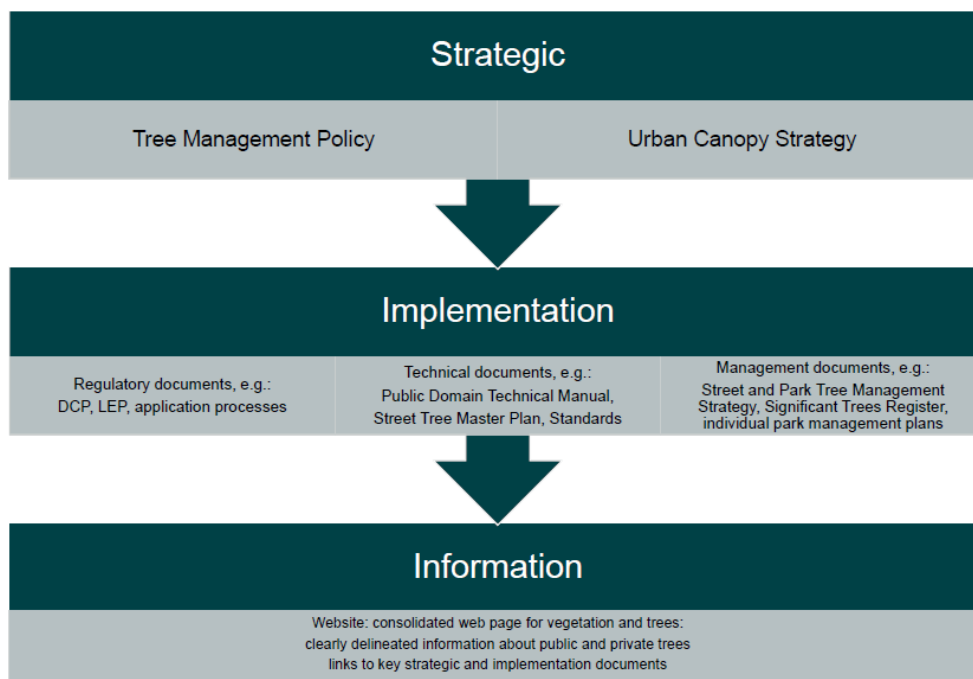


Figure 1. Indicative best practice tree management framework.

Best practice tree management starts with a clear policy position and strategic objectives for trees within a local government area. Council officers are currently drafting an Urban Canopy Strategy, and this will be reported to Council in early 2023.

The TMP has five key objectives and strategies for maintaining and enhancing urban trees, establishing a framework on which to base policy and processes for the management of the urban canopy/forest.

1. Tree protection.
2. Tree establishment.
3. Public domain tree asset management.
4. Public and private domain tree removal and replacement.
5. Community consultation and engagement.

Tree Management Guidelines

The guidelines (Attachment 2) will assist in providing detailed information for Council Officers, operational staff, contractors, property owners, strata managers and developers on all aspects of tree management procedures on both public and private land in the LGA.

The management of individual trees in various circumstances is addressed through these guidelines and separates the technical information around tree management that was included in the previous Tree Management Policy.

Council endorsed the public exhibition of the draft Tree Management Policy and draft Tree Management Guidelines at its extraordinary meeting on 30 August 2022.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 30 August 2022	CM/4.1/22.08E2	<p>That Council:</p> <ol style="list-style-type: none"> 1. Publicly exhibits the draft Tree Management Policy attached to the report (Attachment 1) for 28 days subject to the following amendments: <ol style="list-style-type: none"> (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: <ol style="list-style-type: none"> (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:

		<p>(a) Woollahra: 5 metres high, with 3 metre canopy.</p> <p>(b) Randwick: 6 metres high, with 4 metre canopy.</p> <p>(c) City of Sydney: 5 metres high, with 5 metre canopy.</p> <p>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.</p>
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4. Discussion

Community consultation on the Tree Management Policy and Guidelines was open from 15 September to 13 October 2022. There were 682 interactions with the engagement campaign. There were 77 emails and 29 questionnaires submitted. See the Consultation Report (Attachment 3) for details.

Overall, the key items discussed throughout the consultation are outlined below, as well as officers' recommended approach:

The process for trimming trees to retain existing views

Council will continue its policy that view pruning will only be considered where it is requested to retain a previously established view and there is a history of the identified tree(s) being pruned to restore pre-existing views. Any new plantings in the public domain will always consider the impact on views and a suitable species will be selected and placed to minimise any potential view issues.

Why specific types of trees are chosen for certain areas

Council's Street Tree Masterplan (STMP) divides the Waverley LGA into eight planting zones based on topography, soils and climate. These zones recognise the range of influences on street tree selection and performance. A list of preferred tree species for each planting zone has been prepared using a performance-based approach. This involves assessing planting zone factors, e.g. soil depth, coastal exposure, light requirements etc, then compiling a list of suitable trees. From this list, the preferred species is selected for individual sites depending on more detailed site assessment, e.g. site constraints such as overhead wires; width of nature strips, underground infrastructure, view issues etc. The STMP is used as a planting strategy with emphasis on establishing habitat corridors linking remnant bushland with adjacent Council bushland and larger open spaces and providing much needed canopy cover. The draft Guidelines have been updated to reflect that for any new public domain plantings, an appropriate size species will be selected as not to impede on pre-existing views.

Climate change and Council's sustainability targets should be referenced in the Policy and Guidelines

Council's Tree Management Policy and Guidelines provides the framework for the management of all trees within the Waverley LGA. While climate change is acknowledged as a driver in tree management, planting and protection (TMP, section 2), the impending Urban Canopy Strategy is a more suitable document to address climate change and sustainability targets.

More information on the need for the suggested canopy change height and width change

Proposed changes to Waverley Development Control Plan (WDCP) have informed this inclusion in the Tree Management Guidelines. In short, the proposed change aligns with the current NSW Government guidance that classes trees and tree canopy as greater than 3 m in height. Over 25% of trees in Waverley are between 3 m and 5 m in height. This represents a significant proportion of trees and provides a reason for a height amendment. This would see a greater number of trees being protected, which is a positive step in terms of preserving tree canopy.

The Tree Management Guidelines reflect the updated draft WDCP, which now includes the requirement for a consent to remove a tree with a height or canopy spread greater than 3 m but allows pruning between 3 m and 5 m.

5. Financial impact statement/Time frame/Consultation

There is not financial impact in adopting the policy and guidelines. Clear communications will be developed to guide residents in any changes to current practices.

6. Conclusion

Following a detailed consultation process, minor updates to the Tree Management Policy and Guidelines have been made. It is recommended that Council adopts the policy and guidelines.

7. Attachments

1. Tree Management Policy [↓](#)
2. Tree Management Guidelines [↓](#)
3. Consultation Report [↓](#)



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

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WAVERLEY
COUNCIL

DRAFT

We pay respect to the Bidjigal and Gadigal people, who traditionally occupied the Sydney coast and the land and sea country of Waverley, and to Elders past and present. We acknowledge the survival and ongoing resilience of indigenous ways of knowing, being and doing. By respecting Aboriginal and Torres Strait Islander peoples' intrinsic relationship with the land and waters, we can value, learn and strengthen protection of our environment.

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.

Council is committed to tackling climate change and tree management, planting and protection is one of the simplest and most effective ways. Tree planting can help reduce impacts to your local community and around the world. Council has made commitments to prepare and implement an Urban Greening and Canopy Strategy to apply stronger controls and mechanisms to protect and increase urban greening and enhance climate resilience.

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 and Greening 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.

5.4.4 Nursery Stock

Council will only use quality nursery stock that meets the NATSPEC guide Australian Standard 2303:2018 *Tree stock for landscape use*.

5.4.5 Tree Planting and Selection

Council will increase diversity throughout its tree selection to improve tree resilience, canopy, longevity and habitat. Tree selection lists for the public domain will be available in the Public Domain Technical Manual, Street Tree Masterplan and relevant Plans of Management while tree planting in habitat corridors will be guided by the DCP.

New plantings in the public domain will consider the impact on views and an appropriate size species will be selected and placed as not to impeded on pre-existing views.

5.5 Public Domain Tree Asset Management

Waverley Council recognises trees as a living asset and the importance and significance of their role in the Public Domain. It is the responsibility of Council to provide a specialised maintenance programs to ensure the continued health and amenity of trees.

5.5.1 Pruning and Maintenance

Council will manage tree health and reduce associated risks, through best practice tree pruning programs. Regular maintenance and tree audits will ensure high quality delivery standards are met.

Council will prune trees in the public domain to address safety concerns, promote tree health and structure, as well as provide minimal clearances for roads, pathways and properties.

Tree pruning will not be permitted for the shedding of leaves, fruit, flowers, reduce animal noise/droppings or to facilitate views.

5.5.2 Tree Asset Database

The Public Domain Tree Asset Database will inform Council on strategic and operational decision making, and prioritising resources for managing current tree assets. New technologies in tree inventory management will also assist Council in identifying and managing crucial green infrastructure assets.

5.5.3 Future and Current Risk Mitigation

Council will proactively manage trees for risk to limit damage or injury caused by trees whilst maintaining the benefits provided by trees. The updated Tree Asset Database will assist Council to take reasonable steps to manage trees in the Public Domain.

5.5.4 Trees as Habitat

Council will manage trees for habitat by proactively planting in habitat corridors, selecting species that support the urban ecology of Waverley and ensuring that no fauna is harmed when tree works are required.

5.6 Public Domain Tree Removal and Replacement

Council will investigate all tree management and mitigation options before recommending or supporting a tree removal.

On Council managed land, Council will replace trees that are removed, including dead trees unless this is not feasible and implement tree planting programs whilst also investigating new planting opportunities.

Tree removal will not be considered for the shedding of leaves, fruit, flowers, reduce animal noise/droppings or to facilitate views.

5.6.1 Visual Tree Assessments

For both public and private trees, Council will conduct Visual Tree Assessments (VTA), a widely accepted arboricultural assessment to determine the current health, structural integrity, useful life expectancy and visible damage of the tree. This will provide a consistent approach in determining pruning request applications, root pruning and tree removal.

A Landscape Significance Assessment may also form part of the criteria when assessing a tree. Some factors include the trees' prominence and contribution to the local amenity.

5.6.2 Emergency Situations

Where the risk is immediate and present at that moment to human life or substantial property damage, priority will be given in the pruning/removal of the tree(s).

5.6.3 Capital Works Programs

For all new or current infrastructure projects Council will continue to preserve tree cover and increase tree plantings. If a tree is required to be removed, then replacement plantings will take place.

5.7 Private Domain Tree Removal and Replacement

5.7.1 Tree Preservation Orders

Tree Preservation Orders (TPO) provide for the protection and preservation of trees and vegetation on private land. The orders are developed in accordance with the State Environmental Planning Policy (Biodiversity and Conservation) 2021) and Waverley Council's Development Control Plan Part B3 Vegetation Preservation specifies the species, kinds and size of trees protected from damage or removal in the LGA.

5.7.2 Offset Planting

When permission is granted to remove trees on private land, it is a condition of removal that a tree or trees of equivalent or larger canopy size when mature with a minimum pot size of 45-litres is planted in the ground, on the property. Audit checks of replacement plantings will be carried out by Council. However, if there is insufficient planting space on site to accommodate a mature tree of similar dimensions, the applicant will be asked to contribute to offset planting on public land. Generally, for every tree removed, the replacement of a minimum of three (3) off-site trees will be required. The applicant will be charged for the planting and a 12-month maintenance program for a

tree as per Council's Fees & Charges. The fee may vary depending on the size, prominence, and location of the tree to be removed.

5.8 Community Engagement and Consultation

To improve the recognition and importance of trees in the community, Council will promote public awareness of the value, care and positive contribution of trees.

5.8.1 Notification of Removal

Where substantial or prominent trees may need to be removed, Council will notify adjacent residents two weeks in advance. The tree identified for removal is marked with appropriate high visibility tape and an accompanying sign explaining why the tree is being removed, the planned date of removal and the replacement tree species where possible.

Notification is not required for emergency works or dead trees.

When Council is notified of trees planted on public land without authorisation from Council, we will consult and discuss with residents to reach a suitable outcome. However, if there are no alternatives, we will reserve the right to remove inappropriate trees and replant where possible, with a more suitable tree consistent with Council's Street Tree Masterplan.

5.8.2 Website Updates

All tree management plans and policies, including FAQ's can be found on Council's website and are updated regularly to reflect any ongoing changes in tree management environment.

5.8.3 Resident Requests

Qualified Arborist will consider and assess all resident requests for the tree pruning, removal and planting in streetscapes, parklands, and open spaces. All actions associated with each request will be guided by the relevant policies and plans.

5.8.4 Neighbouring Trees

An application to prune overhanging branches or remove trees from a neighbouring property must have the written consent and signature of the owner of the tree/s.

Council does not have the regulatory powers to compel neighbours to prune or remove trees that may be causing damage or a nuisance to their neighbour, nor can Council mediate in disputes. Conflict over the management of private trees on neighbouring properties is the responsibility of both neighbours to discuss and resolve.

5.8.5 Community Consultation

Waverley will continue community consultation of the benefits of trees in the urban environment or any planned works that impact the community. Council staff will use these opportunities to help educate the community regarding Tree Management.

6. Review of Policy

This Policy will be reviewed every 10 Years or as required in the event of legislative changes or requirements.

7. Definitions

Term	Definition
<i>LEP</i>	Local Environmental Plans (LEP) guide planning decisions for local government areas through zoning and development controls. They provide a local framework for the way land can be developed and used. LEPs are the main planning tool to shape the future of communities by ensuring local development is carried out appropriately
<i>DCP</i>	Development Control Plan supports the controls outlined in the Local Environmental Plan with more specific planning and design guidelines
<i>PDTM</i>	The Public Domain Technical Manual Guides Council officers, external consultants, and contractors on the use of materials, finishes, furniture, design treatments and details
<i>LGA</i>	Local Government Area is an administrative division of a country that a local government is responsible for
<i>Significant or Heritage Trees</i>	Those trees that make a major contribution to the everyday landscape and are therefore of special value to the community and registered as such in the Tree Asset Database
<i>Urban Canopy</i>	Urban tree canopy is a measurement which encompasses the totality of tree and shrub canopies as viewed from above. Often expressed as a percentage and used to measure the urban forest
<i>Visual Tree Assessment</i>	Widely accepted arboricultural assessment based on the current health, structural integrity, useful life expectancy and visible damage to the tree
<i>Vegetation</i>	Plants, shrubs, groundcovers, whether native or exotic, immature or mature including that which is defined in the biodiversity map of the Waverley Local Environment Plan
<i>Weed Species</i>	A weed is any plant that colonises and persists in an ecosystem in which it did not previously exist. They may affect the economy, the environment, human health and amenity. Many plants introduced into Australia in the last 200 years are now weeds
<i>TPO</i>	Tree Preservation Orders apply to species, kinds of trees or other vegetation prescribed in Council's Development Control Plan

Tree Management Policy

<i>Habitat</i>	The natural home or environment of an animal, plant, or other organism
<i>Vandalism</i>	Vandalism is the unlawful destruction, damage or injury to trees and/or vegetation through methods including, but not limited to poisoning, pruning, cutting, washing of chemicals, ringbarking or removal and excavation or altering of soil levels
<i>STMP</i>	Street Tree Masterplan is a guide on how we plant trees. The STMP provides a framework and co-ordinated approach to species selection and planting conditions
<i>AS 2303:2018</i>	Establishes the criteria for tree stock for landscape use, specifying the above and below-ground characteristics of tree stock that can be supplied for landscape use



Tree Management Guidelines

DRAFT

Tree Management Guidelines

Guidelines owner	Assets and Operations
Prepared by	David Petrie
Approved by	Ben Kusto
Date approved	
Commencement date	
Version	1
Category	Maintenance
Keywords	Tree management
Revision date	July 2032
Amendments	
Relevant strategic direction	Tree Management Policy
Relevant legislation/codes	<ul style="list-style-type: none"> - Australian Standard for pruning of amenity trees (AS 4373-2007) - Australian Standard for the protection of trees on development sites (AS 4970-2009) - Australian Standard Tree stock for landscape use (AS 2303-2018) - Environmental Planning and Assessment Act (1979) - Workcover Code of Practise – Amenity Tree Industry (1998) - Electricity Supply Act 1995 - Electricity Supply (Safety and Network Management) Regulation 2014 - Roads Act 1993 - Trees (Disputes Between Neighbours) Act 2006 - State Environmental Planning Policy (Biodiversity and Conservation) 2021
Related policies/documents	<ul style="list-style-type: none"> - Waverley Development Control Plan - Waverley Local Environment Plan - Waverley Environment Action Plan - Street Tree Masterplan 2008 - Waverley Tree Management Guidelines - Tree and Vegetation Vandalism Policy - Significant Tree Register - Community Strategic Plan 2022-32 - Plans of Management - Urban Canopy and Greening Strategy - Public Domain Technical Manual - Drain Blockage Guidelines 2022

Tree Management Guidelines

Related forms	<ul style="list-style-type: none">- Tree Permit Application- Review of Tree Determination- Off-Set Tree Planting Application

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1. Introduction/Background

The creation of this document is in response to the 2021 Tree Management Policy review and updates to the revised Tree Management Policy. Recommendations were made to streamline the Tree Management Policy and to separate the technical aspects of tree management and create a guidelines document.

The new structure is based on the Tree Management Policy serving as a framework document, which purpose and objectives will be achieved through the implementation of these guidelines through best arboriculture practice for tree management functions.

This guideline will assist in providing detailed information on all facets of tree management on both public and private land within the Waverley Local Government Area (LGA) and is to be used as a reference document by Council Officers, contractors, property owners, strata managers and developers in relation to all tree management and maintenance procedures.

2. Scope/Purpose

Waverley Council recognises the importance of trees and their role as a key contributor to a high-quality urban environment. The guidelines apply to all trees located in the LGA.

We are committed to maintaining the trees we have, improving their maintenance and protection and increasing the level of urban tree canopy cover.

To protect these valuable community assets, Waverley Council has adopted a suite of tree management documents that include, Tree Management Policy, Street Tree Masterplan, Significant tree Register and Public Domain Technical Manual.

Specific tree management and preservation controls are contained in Part B3 of the Waverley Development control Plan 2012.

This guideline in association with the other suite of documents listed above will assist in providing detailed information on all facets of tree management on both public and private land within the LGA.

3. Key Local Issues

3.1 Tree Preservation Legislation and Tree Assessment

Waverley Council has a legal obligation to preserve trees and vegetation under the provisions of the NSW Planning and Assessment Act 1979.

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 works together with the Biodiversity Conservation Act 2016 and to create a framework for the regulation of clearing of native vegetation in NSW.

The SEPP (Biodiversity and Conservation) 2021 applies to the Sydney and Newcastle metropolitan areas, including the Waverley LGA, and to all other land in NSW that is zoned for urban purposes or

for environmental conservation/ management under the Standard Instrument – Principal Environmental Plan.

The management of trees on development sites is regulated by the SEPP (Biodiversity and Conservation) 2021 and the Waverley Development Control Plan (DCP). The Waverley DCP sets out the requirements for tree preservation under Part B3 - Tree Preservation.

3.2 Tree Assessment

In Waverley, assessment of both public and private trees for pruning or removal is based on

a) Visual Tree Assessment (VTA)

Visual Tree Assessments (VTA), a widely accepted arboriculture assessment to determine the current health, structural integrity, useful life expectancy and visible damage to the tree. This will provide a consistent approach in determining pruning applications, root pruning and tree removal. It does not include specialised assessments such as tree decay, aerial inspection, pathology diagnosis of any pests or diseases or risk assessment.

b) Landscape Significance Assessment (LSA)

A tree(s) contribution to the landscape character. i.e., is the tree visually prominent and does it contribute to the character and local identity of the area. Other factors include the tree's age, size, or uniqueness.

Additional criteria used in assessing a tree, can also form part of assessment

- The effect on the health of the tree from proposed branch or root pruning
- Any contribution the tree makes to the natural landscape or scenic value of the land or the locality
- The tree's intrinsic value to public amenity
- The cultural value of the tree (its status as a landmark specimen and in defining local streetscape and character, its historical status, listing on the Waverley Significant Tree Register
- The occurrence (or lack of) other vegetation and whether appropriate replacement species can be planted
- Any contribution the tree makes to the local ecosystem and biodiversity
- The characteristics and history of a particular species
- Ill health, such as allergies, where specific evidence is provided by an expert in the relevant medical field (Dermatologist or Allergist) and a link between the ailment and the species is reasonably established
- Traffic hazard in proximity to a roadway intersection, driveway, or pedestrian walkway
- Whether there is a severe obstruction of sunlight to a window as prescribed by minimum development standards for solar amenity
- Whether a tree is causing structural damage to a building, water main or sewer
- Whether a tree should be replaced with a more suitable species given its proximity to services such as overhead power lines

Often, applications for private tree removal may be based on a history of problems or hazards not evident at the time of inspection e.g., damage to buildings; blocked sewers; previously fallen branches; etc.

It is the applicant's responsibility to provide sufficient information and background to support the application. This information may be in the form of a report from a consulting arborist, licensed plumber, pest controller or structural engineer depending on the nature of the problem.

If there is insufficient information the application may be refused or deferred until further evidence is supplied. Several applications for tree removal are received by Council because of a perceived danger of branch or trunk failure. In assessing a tree for removal on grounds it is dangerous an evidence-based assessment as detailed above is used.

Refer to Appendices section for information on supporting documents.

3.3 Tree Selection

Tree planting to reflect local character

It is important that the selection and maintenance of trees contribute to and support the local character of a particular site. In certain streets an avenue of trees may help to define and enhance existing heritage, environmental and architectural features.

The Waverley Street Tree Masterplan recognises these values and continues to support the use of locally indigenous and native trees.

Native versus Exotic

The definition of a native tree species is generally interpreted as one that would have been growing in Waverley at the time of European settlement. However, it also interpreted as

- Endemic (in other words, found only in this specific location)
- Locally indigenous (found in Waverley prior to European settlement but can be extended to include Sydney's eastern suburbs)
- Native (broadly found in Australia).
- Exotic plant species that is non-native. Introduced into an area where it does not occur naturally

Council actively promotes locally indigenous planting by

- Identifying appropriate locally indigenous tree species in its Street Tree Masterplan
- Using locally indigenous tree species through forward planning and providing tube stock of less common Sydney species
- Trialling locally indigenous shrubs as street and park trees
- Developing an education program for residents to promote locally indigenous species
- Favouring locally indigenous tree species in all Development Control Plans, Plans of Management and Strategic Plans
- Encouraging residents to use native nurseries.

However, it is also recognised that on occasions exotic trees may be the only suitable choice in particular planting situations and that the planting policy should, incorporate a degree of flexibility in relation to planting non-indigenous and sometimes deciduous species in identified selected areas,

especially in heritage areas, commercial zones and in instances where issues of solar access need to be considered.

3.4 Street Tree Planting by Residents

We encourage residents who want to plant street trees to contact Council. Tree Officers will inspect the site and identify a suitable tree for the location if feasible.

It is important to work with Council when seeking to plant a street tree, as some trees are not suitable in certain locations and may, for example, limit sight lines, Inconsistency of trees in the streetscapes or damage to services and infrastructure.

Trees planted on Council property become Council responsibility and the legacy of such tree problems may not become evident for up to 10 or more years. When notified of street trees planted without Council authorisation, we will consult and discuss with residents to reach a suitable outcome by looking at options such as pruning or transplanting. However, if there are no alternatives, we will reserve the right to remove inappropriately planted trees and replant, where possible, with a more suitable tree consistent with the street tree masterplan.

3.5 Trees and Views

Many residential suburbs of Waverley enjoy beautiful views of the ocean, Sydney Harbour and the City landscape. Obscuring these views by trees on public or private land can be an issue amongst the community.

Tree Officers will not prune a tree to facilitate a view. View pruning will only be considered where it is requested to retain a previously established view and there is a history of the identified tree(s) being pruned to restore the pre-existing view.

Trees can often improve and frame views and are usually an aesthetic element in the view itself.

Where a private view is likely to be affected by the planting or replacing of trees in a street or park, Council will continue its policy that no individual exclusively owns a view, but rather that the amenity provided by trees outweighs the amenity of views.

New plantings in the public domain will always consider the impact on views and a appropriate size species will be selected and placed as not to impede on pre-existing views.

3.6 Tree and Vegetation Vandalism

Vandalism of public and private trees and vegetation not only affects adjacent neighbours but also whole streetscapes. The wider community also suffers through the gradual attrition of mature trees from the urban landscape.

Council presently responds to incidents of tree and vegetation vandalism by

- Investigating all reports and gathering information
- Sending notification letters to residents requesting further information Vandalism attack on a mature street tree
- Erecting signs in streets and parks highlighting the damage

- Prosecuting through the courts wherever possible

Part B3 – Tree Preservation of the Waverley Development Control Plan sets out penalties for vandalism to trees and vegetation on public and private property. The Waverley Tree and Vegetation Vandalism Policy outlines procedures for responding to attacks on trees.

Council encourages residents to report tree and vegetation vandalism.

Refer to Council's Tree and Vegetation Vandalism Policy for more detailed information.

3.7 Public Domain Tree Removal and Notification

Where substantial or prominent trees may need to be removed, Council policy is to notify adjacent residents two weeks prior scheduled removal.

The tree identified for removal is marked with appropriate high visibility tape and an accompanying sign explaining why the tree is being removed, the planned date of removal and the replacement tree species where possible.

Occasionally, trees need to be removed immediately for public safety reasons e.g. storm damage or if their condition becomes hazardous. Notification of adjacent residents of the reasons for emergency removal of street trees and the timing of planting a replacement tree will occur as soon as possible after removal.

4. Trees on Public land

This section of the guidelines is to be used for all activities relating to trees on public land (public trees). Public trees are those trees located on land managed by Waverley Council Tree Officers, including street trees, park trees, and trees within other natural areas such as bushland reserves and coastal reserves

Please contact Council's customer service for all public tree related activity requests.

4.1 Tree Maintenance Works

All public tree maintenance works are to be undertaken by qualified Council Officers and contractors in accordance with relevant Australian Standards and best practice requirements. The following information is provided to direct overall maintenance activities.

Pruning is an effective way to help manage urban trees and may be used in the following circumstances

- Low branches near footpaths and roads
- Routine maintenance to remove defects such as dead branches, crossing branches
- Canopy thinning within tree tolerances to allow for street lighting and solar access
- Storm damage
- Sight lines clearances for signs and traffic lights

Pruning practices are aimed principally at preserving the overall health and vigour of the tree.

Council's tree management guidelines are consistent with the Australian Standard AS4373 – Pruning of Amenity Trees; Workcover Code of Practice – Amenity Tree Industry; and Work Health and Safety requirements.

Pruning clearances for street trees to provide safe access for pedestrians, vehicles and properties, street trees are pruned to the following maximum clearances

- Pedestrian access to 2.5 metres
- Vehicle access at kerbside of 3.5 metres increasing to 4.5 metres at the centre of the road
- Branches overhanging into properties to be 3 metres clear of roof structure. Trees are pruned to Australian Standards 4373 – Pruning of Amenity Trees to maintain tree structure, health, and condition



4.2 Requests for Tree Pruning or Removal

Requests for pruning or removal of public trees are investigated by the Tree Operations team. Council's qualified arborists conduct inspections using the methods of Visual Tree Assessment (VTA) and Landscape Significance Assessment (LSA) as described in 3.2 of the guideline's documents.

Additional criteria used in assessing public trees for pruning or removal may include

- The health, condition, and structure of the tree
- The pruning history of the tree e.g. previous pruning in response to branch failure
- Location of the tree in relation to buildings and structures
- The tree's amenity value to the area e.g. streetscape
- Whether the tree forms part of an avenue planting; habitat corridor
- The suitability of the species to the location

The shedding of leaves, fruit or flowers is not considered sufficient reason for excessive pruning or removal of a street tree.

4.3 Pruning for Clearance of Electricity Wires/Powerlines

Pruning under electricity cables to the minimum clearances is authorised under Section 48 of the Electricity Supply Act 1995 and Electricity Supply (Safety and Network Management) Regulation 2014.

Both acts effectively overrule council-originated Tree Preservation Orders or Development Control Plans and other environmental planning instruments, excluded are State heritage or protection orders.

Pruning works within three metres of power lines can only be carried out by suitably qualified personnel.

Residents and community are encouraged to contact Ausgrid or your service provider if you require pruning to public or street trees that impact overhead powerlines or your service lead.

4.4 Tree Issues

Street trees are planted along road reserves and verges, laneways and occasionally footpaths and in the road itself, usually chosen for their shade and visual appeal.

However, at times, there can be conflict between trees and the urban environment.

Where damage to public spaces including footpaths and streets is suspected to have been caused by street tree roots, residents are asked to contact Council's Customer Service Centre to and request further investigation.

Suspected Damage to Private Wastewater or Stormwater Network

Tree roots will not enter a private wastewater or stormwater network that is intact and not leaking. Unfortunately, many properties in Waverley have old terracotta pipes that have degraded, subsided or have perished jointing seals. If a pipe has subsided or a seal has broken the repair of these pipes is considered a maintenance issue and the responsibility of the property owner to repair (refer to Waverley Council's Drain Blockage Guidelines).

Suspected Damage to Property Infrastructure

If damage to private property infrastructure is suspected to have been caused by street tree roots, property owners are asked to contact Council with supporting evidence to substantiate the alleged damage.

An initial inspection is then made by the Tree Operations Supervisor from outside the premises to determine if street tree roots may be the cause of the damage.

If the area of damage is located within the property, the owner is required to show proof of the presence of tree roots. This may involve excavating or exposing the affected area to show if tree roots are present, what size the roots are, and their exact location.

This is standard procedure due to

- Many residences are structurally very old with shallow or non-existent footings to foundations and old earthenware drainage pipes

- Wastewater and stormwater lines or foundations may have collapsed due to deterioration or subsidence and not from tree root damage
- Other trees on the resident's or neighbour's property may be the cause of damage
- All liability disputes require an onus of proof which remains with the property owner

Removal of a street tree is only undertaken as a last resort and only if the tree is assessed as not being a valuable part of the streetscape and only if there are no feasible alternatives or if all previous treatments have failed to abate the nuisance.

Council will continue its current policy of requiring proof of property damage where street trees are alleged to have damaged private property.

4.5 Street Tree Planting and Replacement

Council undertakes annual tree planting programs and residents are encouraged to contact Council to request a tree.

To ensure successful street tree planting provides the maximum benefits to the community the following considerations are critical in tree selection and planting

Site planning and design

Sufficient space is provided above and below ground avoiding utilities and structures and canopy spread free from interference with structures to allow a tree to reach its mature height and width with minimal pruning.

Sufficient root space and crown volume

There is enough soil volume available for future root growth and minimal disturbance to infrastructure.

Tree selection

Species are selected from the Street Tree Masterplan that meet the physical and environmental constraints of the site and quality tree stock are used. Priority should be given to flowering trees that attract native fauna.

Planting season

Planting can be undertaken at various times but is best undertaken from Autumn through to Winter when lower air temperatures greatly reduce the stress on the newly planted trees, and soil temperatures are highest to encourage root activity. Summer planting is not recommended due to high temperatures with potential extremes and increased resource requirements i.e. additional watering and maintenance.

Detailed planting specifications can be found in Waverley Council Public Domain Technical Manual.

Replacement

The majority of urban trees have a life span of between 20 to 80 years due to the constraints of growing in a built-up residential environment. Many of our mature trees are reaching the stage where they are dying or in decline due to age, poor quality soils, pollution stress, tree root damage or a combination of some or all of these factors.

Trees may also need to be removed for a variety of reasons from vandalism, poor species performance, damage to underground utilities that can't be repaired etc. Often though, it is because they are over-mature and naturally start to decline and may become hazardous.

The Public Domain Tree Asset Database will inform Council on strategic and operational decision making, and prioritising resources for managing current tree assets. New technologies in tree inventory management will also assist Council in identifying and managing crucial green infrastructure assets.

Occasionally, residents may request a replacement tree is not planted. Consideration will only be given for not planting where there is

- Sightline restrictions
- History of damage to underground services that are unable to be repaired adequately to allow for replacement tree planting
- Insufficient clearance from underground (and overhead) utilities

4.6 Public Consultation and Notification

Whenever healthy public trees require substantial pruning or removal, particularly if it will affect the visual appeal of streetscapes or adjacent properties, residents will be notified a minimum of two prior to schedule of works.

4.7 Vehicle Access and Crossovers

Vehicle access and driveways can sometimes generate issues relating to mature and established street trees.

Street tree planting is co-ordinated to be sited close to property boundaries and at sufficient distance from potential crossover locations.

However, applications for crossovers and driveways may sometimes conflict with street trees.

Council will assess each application on merit and promote alternatives to vehicle crossovers where they require removal or damage to mature verge trees.

4.8 Trees in Parks

Refers to all trees situated within Council's parks, reserves, publicly owned sportsgrounds and bushland and drainage reserves. It covers Council-owned land and Crown Land administered by Council. Waverley's public open space includes

- 'natural' areas (including bushland, foreshore, cliff-face and watercourse)
- Sportsgrounds
- Parks and reserves
- Areas of general community use

Some of the main issues concerning trees in parks are similar to those of street trees, namely maintaining open views, species and selection, over-pruning, and integrating trees with pedestrian and habitat corridors.

Maximise aesthetics and amenity in parks

Planting trees within open public spaces should improve the appearance of an area and contribute to its overall amenity. The design principles for trees in parks should maximise screening, shade, and biological diversity.

Mature and significant trees can also define the character and usage of parks.

To improve the recognition of the value of park trees Council should

- Undertake a condition survey of all park trees and determine a hierarchy of maintenance of parks and reserves and target high-use sites
- Recognise high value trees through listing as heritage items or as significant trees
- Ensure high-use parks and reserves receive a higher level for maintenance of trees
- Provide opportunities for tall growing species in larger parks. In future design of public space every attempt will be made to take advantage of existing mature trees and to incorporate indigenous species from local seed stock wherever possible

Remnant vegetation and habitat corridors

Remnant vegetation or bushland is taken to be the original (pre – 1788) native vegetation which has survived to this day. It includes both undisturbed and disturbed vegetation. It also includes remnant vegetation which has colonised disturbed areas, where there was no vegetation for a period. The native plant species that grow within these remnants are referred to as indigenous. Remnant vegetation does not include native species that have been planted or introduced to the area.

Habitat corridors are areas where vegetation provides sufficient habitat features to allow wildlife to move from one area to another.

The Part B3 – Biodiversity provision of the Waverley DCP recognises the importance of these areas with maps showing their location and development controls to protect and enhance the remaining areas.

Only 5.9 hectares of remnant bushland remain in the Waverley LGA concentrated mainly on the coast and in fragmented areas away from the coast. Parks and open space are an integral part of wildlife and bird habitat, and every opportunity should be taken to increase biodiversity within the LGA.

When linked areas of open space or ‘habitat corridors’ are planted with native and locally indigenous tree shrub and groundcover species they provide a habitat of sufficient size to support small native fauna, especially when integrated with the understorey of shrubs and groundcovers naturally associated with that vegetation community.

These habitat corridors should work towards linking areas of remnant vegetation, beach parks and adjacent public open space, pocket parks, schools and other institutional sites where there is opportunity for planting trees, shrubs and groundcovers.

The biodiversity maps in the appendices section of the Waverley DCP show the remaining native fauna habitat patches and identify existing and potential habitat corridors. Ideally, many parks within Waverley and in particular coastal parks should be integrated into this corridor system.

Plans of management

The Local Government Act 1993 requires that all community land (as defined under the Act) is the subject of a plan of management. Most Council's parks and reserves are classified as community land and therefore require plans of management.

A tree management plan is integral to a park plan of management and provides effective management strategies for the maintenance and conservation of park trees. The plan should also provide long term strategies for tree removal and replacement consistent with the vision for the park.

5. Trees on Private Land

Trees on private land are found on land belonging to residents, commercial enterprises, community groups, private institutions such as hospitals and churches, and state and federal government agencies like schools and local government.

For any tree related activity on your property, please refer to important criteria in section 5.1 below before applying for a Tree permit application.

To sustain canopy cover across the LGA, Council requires the appropriate management of private trees to maximise the useful life of the trees and that suitable replacement planting is undertaken when trees are removed.

Trees on private land are valued and treasured because they

- Provide privacy
- Help to soften unattractive buildings or outlooks
- Provide natural cooling
- Enhance wildlife corridors
- Contribute to the character of the area

'Leafy' suburbs are recognised as desirable and attractive places to live, and trees can significantly enhance residential property values.

5.1 Part B3 – Landscaping, Biodiversity and Vegetation Preservation of the Waverley Development Control Plan

Part B3 – Tree Preservation of the Waverley Development Control Plan (DCP) was formed under the provisions of The State Environmental Planning Policy (Biodiversity and Conservation) 2021 (B & C SEPP). The B & C SEPP repeals the provisions of the Local Environmental Plan for tree preservation and the previous Tree Preservation Order (TPO) of 1993.

An application is required to do work on any part of a tree above or below ground, (unless listed under Exempt Vegetation criteria) This applies to any tree listed on the Waverley Register of Significant Trees, or listed as a heritage item, forms part of a heritage item or located in a Heritage Conservation Area (HCA) or

- a) has a height of three (3) metres or more, or
- b) has a canopy spread of three (3) metres or more.

If you think your tree may fall into the HCA category, please submit a tree permit application in the first instance. However, after initial assessment by Council's Tree Management Officer, you may be advised to submit a Development Application. For more detailed information refer to section 7.0 Heritage and Significant tree.

All approved tree work must be carried out by minimum AQF Level 3 arborist in accordance with AS 4373-2007 Pruning of amenity trees.

Exempt Vegetation

The following species of trees are declared weeds under the Biosecurity Act 2015 as prescribed for the Waverley LGA and can be removed without a permit or development consent. However, Council must be notified a minimum of seven days prior to removing any exempt trees.

Botanic name	Common name
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Celtis sinensis</i>	Hackberry
<i>Citrus spp</i>	Citrus
<i>Rhizomatous Bamboo</i>	Running Bamboo
<i>Ligustrum sinense</i>	Narrow leaved Privet
<i>Ligustrum lucidum</i>	Broad leaved Privet
<i>Nerium oleander</i>	Oleander
<i>Olea europea var. africana</i>	Wild or African Olive
<i>Salix spp</i>	Willows
<i>Schefflera actinophylla</i>	Umbrella Tree
<i>Strelitzia nicolai</i>	Giant Bird of Paradise
<i>Syagrus romanzoffianum</i>	Cocos Palms
<i>Toxicodendron spp</i>	Rhus tree

Despite any other provisions in this DCP, clearing of vegetation is exempt from the requirement to obtain a Vegetation Clearing Permit in the following circumstances:

- Pruning of a hedge (refer to Definitions) by no more than 20 per cent of its height or width in any 12 month period
- Pruning of a tree with a maximum height of below 5m
- Removal of dead branches; palm fronds or palm fruit

- Pruning of branches from electricity wires as required by the Electricity Supply (Safety and Network Management) Regulation 2014
- Remedial pruning or removal to make a tree safe in response to severe storm damage or sudden branch failure. Evidence of the tree's condition (e.g. arborist or SES report) must be produced at Council's request if required. Replacement native trees must be planted if tree/s are removed
- Works carried out by state or federal government departments or authorities under current legislative requirements
- If Council is satisfied that the vegetation is dying or dead and is not required as the habitat of native animals

Tree assessment

One of Council's qualified arborists will inspect the tree(s) and undertake a Visual Tree Assessment (VTA).

This is a widely accepted Arboricultural assessment based on the current health, structural integrity, useful life expectancy and visible damage to the tree. Additional criteria are also taken into consideration including

- Landscape significance including consideration of the ecological, cultural and amenity value of trees
- The effect on the health of the tree from pruning
- Whether the tree shows poor form and shape/vigour typical of the species
- Its location within 3 metres of a residence, main building or other significant structure
- The occurrence (or lack of) other vegetation nearby and whether appropriate replacement species can be planted
- Whether the tree is the identified cause of structural damage to a building, ancillary structure, water main or sewer and if all alternative options of remedying the damage have been considered

After assessment, the application will either be

- a) Approved, or approved with conditions
- b) Pending, awaiting further information or supporting evidence from the applicant, or
- c) Refused, or refused with conditions

Any application for tree removal should be accompanied with supporting information and evidence such as documented and photographic history of branch failures, the weather conditions at the time of the branch failure, wastewater blockages etc.

Presenting this evidence with the initial application can be helpful as it will provide a more complete history of the tree. If no or insufficient evidence is presented it may result in the refusal of the application.

Further information on when consent may be granted or refused can be found in Tree Assessment and Part B3 – Tree Preservation of the Waverley DCP.

Offset tree planting

When permission is granted to remove trees on private land, it is a condition of removal that a tree or trees of equivalent or larger canopy size when mature with a minimum pot size of 45 litres is planted in the ground, on the property. Audit checks of replacement plantings will be carried out by Council.

However, if there is insufficient planting space on site to accommodate a mature tree of similar dimensions, the applicant will be asked to contribute to offset planting on public land. Generally, for every tree removed, the replacement of a minimum of three (3) off-site trees will be required. The applicant will be charged for the planting and a 12 month maintenance program for a tree as per Council's Fees and Charges. The fee may vary depending on the size, prominence, maintenance period and location of the tree to be removed.

Arborists and 'other' specialist reports

Supporting evidence for the removal or pruning of a tree(s) may require a report from a consulting arborist (AQF Level 5) where

- Major work or removal is proposed on heritage listed or significant trees or trees considered prominent in a heritage conservation area
- There is insufficient evidence to support the removal of a tree as assessed against the above criteria

Council may request the applicant provide an arborist's report for more complex tree assessments such as an aerial inspection, root mapping or identification, fungal or pest problems or internal diagnostic assessment.

Further supporting evidence may also be required from a structural engineer or licensed plumber if buildings or underground services are affected.

Refer to Appendices for specialised report requirements.

Reviewing a tree decision

Under the Environmental Planning and Assessment Act (1979) an applicant may ask Council to review the determination of the application.

If they are dissatisfied with Council's assessment of their tree, they can apply for Review of Tree Determination within six (6) months of the date of the determination.

The application must include

- Additional information not available at the time of the original inspection
- A report from a consulting arborist (AQF Level 5) with any additional reports requested by Council relevant to the stated problem i.e. a structural engineer or licensed plumber report

The review of the original determination will then be conducted by another AQF level 5 Council Tree Office with Arboricultural qualifications. Should the review uphold the original determination an applicant has the right to appeal to the Land and Environment Court within six (6) months of the determination date.

Penalties

Any work carried out on trees without approval or not in accordance with an approval will be dealt with in accordance with the relevant legislation. This may result in a formal warning, penalty infringement notices or legal action through either the Local Court or the Land and Environment Court.

Where a person is guilty of an offence involving the destruction of or damage to a tree or vegetation, the court dealing with the offence may, in addition to or in substitution for any pecuniary penalty imposed or liable to be imposed, direct that person to

- a) Remedially prune damaged trees
- b) Plant new trees and vegetation and maintain those trees and vegetation to a mature growth/or minimum height of five (5) metres, and
- c) Provide security for the performance of any obligation imposed under points a) and b) above

5.2 Tree Disputes Between Neighbours

An application to prune overhanging branches or remove trees from a neighbouring property must have the- written consent of the owner of the tree(s).

Council does not have the regulatory powers to compel neighbours to prune or remove trees that may be causing damage or a nuisance to their neighbour, nor can Council mediate in disputes.

Conflict over the management of private trees on neighbouring properties is the responsibility of both neighbours to discuss and resolve.

Residents are firstly advised to contact their local Community Justice Centre to seek mediation. If that avenue is unsuccessful, they can make an application to the Land and Environment Court under the Tree (Disputes between Neighbour's) Act 2006.

Tree disputes are usually heard on site by a Commissioner of the Court who has the powers to make orders that remedy, restrain or prevent damage to a neighbouring property or injury to a person from a neighbour's tree. The Court also has the powers to award compensation order rectification of damage caused by a neighbour's tree.

This act only applies to tree on private property and not Council owned trees.

5.3 Trees on Strata or Company Titled Properties

For trees located on the common property of a residential flat building or townhouse, the application must be from either the Owners Corporation or the managing agent together with either the minutes of a meeting or signed letter from the majority of the owners consenting to the work.

5.4 Private Trees Overhanging Council Property

Where private trees overhang Council property, footpaths or roadways, the maintenance of the tree is regarded as the owner's responsibility and the owner should undertake pruning when requested. If the owner does not comply with a request, an order for the pruning of overhanging branches can be issued under Council's by-laws.

6. Trees on Development Sites

The management of trees on development sites is regulated by The State Environmental Planning Policy (Biodiversity and Conservation) 2021 and the Waverley DCP. The SEPP (B & C) regulates the removal of native vegetation on both urban land, and land zoned for environmental conservation/management that does not require development consent.

The SEPP (B & C) applies to the Sydney and Newcastle metropolitan areas, including the Waverley LGA, and to all other land in NSW that is zoned for urban purposes or for environmental conservation/ management under the Standard Instrument – Principal Environmental Plan.

Within the Waverley DCP – B3: Tree Preservation provides guidelines for the protection of trees on development sites

When submitting a development application, the following Council objectives apply

- Developments should be designed to minimise or avoid potential conflict between trees and structures
- Existing prominent trees should be retained and incorporated as part of the design
- Development must not result in the loss of tree canopy
- Existing and future tree growth both above and below ground must be a consideration when building close to a tree
- Trees identified to be retained are to be protected in accordance with Australian Standard AS 4970 – Protection of Trees on Development Sites
- Arboricultural Impact Assessments are required for trees with moderate or high retention values that may be impacted by a proposed development

To maintain Waverley's urban canopy cover, where trees are approved for removal, sufficient landscape area and deep soil planting areas must remain to allow for replanting of replacement trees.

A Landscape Plan must be submitted showing the locations of tree species, other proposed plants species, any existing trees and vegetation to be maintained and the area of the canopy on the Landscape Plan when plantings are mature.

All approved tree work must be carried out by minimum AQF Level 3 arborist in accordance with AS 4373-2007 Pruning of amenity trees.

6.1 Location of Trees on Site Plans

All trees located on site must be shown on the site plan submitted with the development application. This includes trees on adjacent properties and any street or public trees within four metres of the site boundary.

The site plan must include

- a) The exact location of all trees with each tree numbered
- b) For each tree ID, the common/ scientific name, height, canopy spread, trunk diameter at 1.4 metres above ground level and number of trunks if more than one
- c) The total canopy spread in area
- d) Which trees will be retained, removed, pruned or transplanted
- e) If any trees on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an application to Prune, or Remove Trees on Private Property is then to be presented to Council for processing
- f) If any trees on Council owned land require pruning, the applicant is to supply a tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed

- g) If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate)

Before plans have been developed it is advisable to have a qualified arborist do a pre-DA assessment of trees located on site and any adjacent trees that may be impacted by the development. The assessment must be in accordance with the Australian Standard AS 4970 – Protection of Trees on Development Sites.

The assessment will

- Identify trees with a moderate or high retention value
- Inform and advise of any potential hazards
- Minimise impacts on trees by suggesting appropriate construction methods or design if necessary
- Help ensure the retention and protection of trees
- Minimise delays in the development assessment process The report is to accompany the development application

6.2 Arboricultural Impact Assessment Report

When a proposed development is deemed by Council to have an impact on trees with a moderate to high retention value, the applicant will be required to submit an Arboricultural Impact Assessment report. The report must be prepared by a qualified arborist who has a Diploma of Horticulture (Australian Qualifications Framework Level 5). Please note there is a difference in skill level between an arborist that prunes trees and a consultant arborist.

The report is to include as a minimum

- a) Details and estimates of Tree Protection Zones and Minimum Setback Distances for each numbered tree based on the Australian Standard AS 4970 – Protection of Trees on Development Sites
- b) A separate tree plan clearly showing all trees to be retained/removed/transplanted and each tree numbered
- c) Tree assessment and retention value based on an industry accepted standard
- d) A comprehensive discussion/assessment of the impact of construction works including
 - (i) Details of any soil modification i.e. cut and fill, excavations
 - (ii) Details of any tree pruning for building clearance or tree health
 - (iii) Site works including hoardings; temporary site structures; wash-down areas and vehicle access
 - (iv) Impact of the proposed building structure and location of services
 - (v) Impact from landscape modifications on site trees
 - (vi) Details of any replacement planting
- e) Root mapping report where required
- f) Tree protection specifications and signage
- g) An outline of WHS and tree protection procedures to be followed on site and appropriate induction for all on-site staff and sub-contractors
- h) A post construction tree maintenance/monitoring program which can be used as conditions should the application be approved

All reports must

- Be in accordance with the Australian Standard 4970 – Protection of Trees on Development Sites
- Include recommendations for minimising loss of landscape amenity
- Be thorough, balanced and objective in assessing the impact on the tree's current and future health and condition

6.3 Tree Assessment Criteria

Within a Development Application, the assessment for removal or pruning of trees forms part of the application process.

In evaluating an application to alter or remove a tree, the assessment will consider

- The environmental, cultural and amenity value of the tree
- The effect on the health of the tree from branch and/or root pruning
- Whether the tree shows poor form and shape/vigour typical of the species
- Its location within the construction zone of the proposed building and whether design modifications can be made to minimise damage to the tree's root zone and canopy
- Whether the tree is in a habitat corridor and provides habitat or fauna canopy connectivity
- The evaluation and recommendations of any arborist reports
- The occurrence (or lack of) other vegetation nearby and whether appropriate replacement species can be planted

6.4 Tree Protection on Adjacent Sites

Trees adjacent to the site or within 4 metres of the site and identified as medium to high retention value and potentially impacted by the development process require protection measures in accordance with the Australian Standard AS 4970 (Protection of Trees on Development Sites) during the demolition and construction phases of development.

An Arboricultural Impact Assessment is required to provide recommendations for tree protection.

See appendices for report requirements.

6.5 Tree Bonds

Conditions and/or bonds will be applied where necessary to ensure maintenance procedures are followed for the protection of trees on adjacent public land or for the successful establishment of new trees.

Compliance reporting is required for the duration of the bond. This bond may be wholly or partially forfeited if the tree is structurally damaged or removed during demolition or construction.

6.6 Construction Hoardings

Applications for construction hoardings on public land must show the locations of any tree within 5 metres of the proposed hoarding footprint.

A bond for the protection of trees affected by a proposed hoarding will be imposed and may be forfeited if the tree is damaged or removed during demolition or construction.

6.7 Significant and Heritage Listed Trees in Urban Conservation Areas

Trees listed as heritage, or on the Significant Tree Register or considered prominent in an Urban Conservation area, an Arboricultural Impact Assessment must be submitted with the development application.

In the case of trees listed on the Significant Tree Register, the architectural proposal should aim to integrate the tree with the built form and promote its environmental values.

6.8 Exempt and Complying Development

Minor and small-scale development often does not require development assessment by Council. This type of development is identified as 'exempt development' or 'complying development'.

However, if trees, located on site or adjoining land and protected by Part B3 – Tree Preservation of the Waverley DCP, will be affected by construction or demolition works a separate development application permit application may be required.

6.9 Replacement Plantings

To maintain and potentially increase urban tree canopy cover, replacement planting is a condition of approval for development applications.

Replacement trees must be an advanced approved species and be planted and maintained to maturity. Where there is insufficient space for replanting an advanced tree, the applicant is to provide offset planting on public land. Generally, for every tree removed, the replacement of a minimum of three (3) off-site trees will be required. This will be undertaken by entering into a deed of agreement with Council.

Audit checks of replacement planting will be carried out by Council.

7. Heritage and Significant Trees

Trees in Waverley considered outstanding with the highest cultural, historical, aesthetic or commemorative values on both public and private land are recognised in planning controls as either

- i. **Heritage Trees** – individual/group listing as a heritage item or as part of the landscape or grounds of a listed heritage item
- ii. **Significant Trees** – listed on the Waverley Significant Tree Register (revised 2011)

Heritage Trees

Trees with identified heritage values are recognised and listed in the Waverley LEP Schedule 5 – Environmental Heritage. They include individual trees and groups of trees as well as those that form part of a landscape or garden of a listed heritage property.

Significant Trees

Significant trees are listed on the Waverley Significant Tree Register and protected under the general provisions of Part B3 – Tree Preservation – of the Waverley Development Control Plan.

Council's Significant Tree Register defines significant trees as 'those trees that make a major contribution to the everyday landscape and are therefore of special value to the community'.

The aims of the Register are to

- Provide Waverley Council with a framework for the systematic identification and assessment of significant trees
- Provide a database of significant trees for planning, management, conservation and education purposes
- Enable a consistent approach to significant tree assessment based on accepted assessment criteria
- Complement Council's DCP, LEP, the Vegetation SEPP and other relevant planning instruments to increase the level of protection for significant trees
- Assist with the listing of significant trees as heritage items
- Increase community awareness and appreciation of the value and worth of significant trees
- Provide for existing and future landowners to be made aware of significant trees
- Ensure the involvement of the community and other stakeholders. Significant trees are to be found in Council's streets and public parks and on private property. The National Trust's Significant Tree Committee suggests that a significant tree could be any tree
- Of outstanding aesthetic quality
- Outstanding for its large height, trunk diameter or canopy spread
- That is particularly old or venerable
- Which occurs in a unique location or provides a significant contribution to the landscape, streetscape or townscape, including remnant vegetation and important landmark tree
- Associated with a well-known public figure or ethnic group
- Commemorating or having association with an important historical event
- That is rare to an area, e.g. beyond its normal range of distribution or common cultivation, a rare species or variety, an endangered species
- Which exhibits a curious growth form or physical feature, including unusually pruned forms
- Which is of horticultural or genetic value and could be an important source of propagating stock
- Which forms part of a recognised historic garden, park or town

7.1 Protection and Recognition

Waverley Development Control Plan (DCP) – Part B3 – Tree Preservation is the established mechanism for protecting trees and replaces Council's previous Tree Preservation Order (TPO).

The Significant Tree Register is an additional tool within the DCP which lists particularly valuable or outstanding trees as defined above and trees listed as heritage are included in the Schedule 5 – Environmental Heritage of the Waverley Local Environment Plan.

In addition to the general requirements of the DCP regarding protection of trees, applications pertaining to heritage listed and significant trees are subject to a more rigorous assessment.

As with all trees protected under Part B3 –Tree Preservation, the intent is that trees should not be pruned, trimmed, removed or lopped where the action will compromise the health or environmental or aesthetic value of the tree. This is more strictly observed in the case of significant and heritage listed trees where often the physical form of the tree is a major factor contributing to its significance.

7.2 Significant and Heritage Trees on Building Sites

A significant or listed heritage tree on, or within, the vicinity of a site may sometimes constitute a constraint on development.

A pre-DA assessment and an Arboricultural Impact Assessment are required for any development that may impact on a significant or heritage tree. The assessment must be in accordance with the Australian Standard AS 4970 – Protection of Trees on Development Sites which sets out guidelines for tree protection and estimating tree protection zones.

Where development is proposed near a listed significant tree or trees, the ‘proposal should aim to integrate the tree with the built form and promote its environmental values’.

7.3 Application for Tree Works on or near a Heritage or Significant Tree

For proposed works on a heritage listed or significant tree or for a development application in proximity to the tree’s root system the following applies

- i. A permit is not required for the removal of minor deadwood for safety reasons or to maintain the health of a tree. However, Council must be notified seven days prior to the commencement of work
- ii. Minor works, including branch removal to a maximum percentage of 10 per cent will require a Tree Permit application with the tree owner’s signature (repeat applications within three years of the first permit will require a development application). Adjacent neighbours will be notified of the permit application if approved
- iii. Major works requiring substantial pruning of branches or roots, or possible removal will require the lodgement of a development application with an Arboricultural Impact Assessment. The report must be from a consulting arborist (AQF Level 5). Notification will follow the same procedures as for all development applications
- iv. Proposed development within the tree protection zone of a significant tree will require lodgement of an Arboricultural Impact Assessment with any development application (see Australian Standard AS 4970 – Protection of Trees on Development Sites)

7.4 Responsibilities

The owner of a tree listed in the Waverley Local Environment Plan Schedule 5 – Environmental Heritage or on the Significant Tree Register is expected to properly maintain and preserve the listed tree.

It is the owner’s responsibility to

- Maintain and preserve the tree(s)

- Apply to Council for any routine pruning work
- Submit an Arboricultural Impact Assessment report for any development application that may impact on the tree protection zone of a heritage or significant tree
- If proposed for removal, lodge a development application for consent, which must include a report from a consulting arborist

8. Roles and Responsibilities

The Director, Assets and Operations will be responsible for the implementation and direction of the Tree Management Guidelines.

9. Definitions

Term	Definition
<i>AS 4373-2007 Pruning of amenity trees</i>	Specifies methods for pruning of trees and gives guidance on correct and uniform practices. Intended for use on amenity trees includes removal of deadwood, crown lifting, formative pruning, reduction pruning (including line clearance), selective pruning, crown thinning and remedial/restorative pruning. It does not address wildlife habitat or tree worker safety.
<i>Biodiversity</i>	Biological diversity (biodiversity) is the variety of life in our environment, including us. It is the different plants, animals, and microorganisms the genes they contain and the ecosystems they form.
<i>Bushcare/bush regeneration</i>	Bushcare is a community-based initiative combining Council resources, community volunteers and trained bush regenerators to restore, protect and enhance remnant bushland areas in Waverley.
<i>Canopy cover</i>	The covering of the earth's surface in any given place or region by the totality of tree and shrub canopies as viewed from above. Often expressed as a percentage and used to measure the urban forest.
<i>Character, Local</i>	The particular characteristics of a place as identified by its built form, vegetation, history and community. Often synonymous with identity.
<i>Controls, Council</i>	Council documents created to control land use within the council area and administered by the Council.
<i>Corridors, habitat</i>	Corridors that join places of habitat suitable for creatures (fauna), and along which they travel in relative safety.
<i>DCP</i>	Development Control Plan. A council-approved document detailing objectives and criteria for the design of the built environment. Unlike a

Tree Management Guidelines

	Local Environmental Plan (or LEP), the DCP does not have the legal standing of State legislation.
<i>Establishment</i>	With respect to the planting of flora, the establishment of plants involves the appropriate planting and nurturing of specimens usually until they no longer require extraordinary care or maintenance to survive.
<i>Hazardous tree</i>	For the purpose of this document a hazardous tree is one that has partially fallen or has structural defects (i.e. advanced decay, split trunk) that could result in the immediate danger of the tree falling or collapsing.
<i>Hedge</i>	A group of two or more trees (whether planted in the ground or otherwise) so as to form a hedge and rise to a height of at least 2.5 metres above existing ground level.
<i>Heritage tree</i>	Defined by the Burra Charter as trees ‘worth keeping because they enrich our lives— by helping us understand the past, by contributing to the richness of the present environment and because we expect them to be of value to future generations’.
<i>Imminently dangerous</i>	Trees can become imminently dangerous from a singular event such as a storm or damage from a vehicle. Sometimes they can be structurally unsound due to advanced disease or decay. Signs of evidence include soil heave or cracking, loss of structural roots, root decay, storm damage and structural defects that are obvious and immediately hazardous, such as split and hanging branches.
<i>LEP</i>	Council drafted state legislation which, in similar mode to a DCP, contains objectives for the development of the built environment. It typically contains broad principles, zones of specific types of land use and schedules of such elements as heritage items.
<i>Native fauna</i>	The animal population indigenous to the local area. See ‘native’ trees below.
<i>Native tree</i>	Is generally used here interchangeably with ‘locally indigenous’ which generally means it was found in Waverley prior to European settlement, although it is often extended to include the region of the eastern suburbs of Sydney.
<i>Operational procedures</i>	In relation to trees in Waverley, refers to the establishment, maintenance and repair work carried out by or on behalf of Council with respect to trees or the impact of trees on the environment.
<i>Park tree</i>	Park trees are those found in Waverley’s public open space, including natural areas (such as bushland, foreshore, cliff-face and watercourse), sportsgrounds, reserves and areas of general community use.

Tree Management Guidelines

<i>Remnant vegetation</i>	Refers to locally indigenous vegetation occurring naturally, either since prior to European development or can be directly traced to pre-European vegetation.
<i>Service provider</i>	Utilities that provide infrastructure such as water, sewerage (wastewater) and telecommunications.
<i>TPO</i>	Tree Preservation Order. Now replaced by Part B3 – Tree Preservation Clause of the Waverley Council’s Development Control Plan 2012.
<i>Tree Protection Zone (TPZ)</i>	<p>A specified area above and below ground and at a given distance from the trunk set aside for the protection of tree’s roots and crown to provide for the viability and stability of a tree to retained where it is potentially subject to damage from development.</p> <p>The Tree protection zone is calculated as 12 x trunk diameter (DBH) when measured at 1.4 metres from ground level. Once calculated this area is to be fenced off as an exclusion zone that is not to be entered.</p> <p>The Australian Standard provides guidelines for how TPZ’s are calculated, how to protect root zones, type of fencing should be used and how the TPZ should be maintained. This document, combined with the Arboricultural advice of a Consulting arborist (AQF level 5) should be consulted when planning any work in the vicinity of trees.</p>
<i>Tree retention values</i>	A significance rating used to determine how retainable a tree/s is to guide the site analysis and site planning stages of development.
<i>ULE</i>	Useful Life Expectancy of a tree. The life expectancy of a tree is defined as how long it is a safe and useful tree. This firstly a result of its age, health, condition, safety and location.
<i>Vegetation Clearing Permit</i>	Application for the removal or pruning of a private tree and also reference as Tree Permit Application.

10. Appendices

10.1 Tree Assessment

Assessment of trees for pruning or removal is evidence based on

- a) Visual Tree Assessment (VTA) of each tree. This is a world-wide Arboricultural industry standard of assessing a tree/s from ground level based on current health, structural integrity, useful life expectancy and visible damage. This method ascertains whether there are grounds for removal or if there is a need for a more detailed inspection of any part of the tree. It does

not include specialised assessments such as internal tree decay, aerial inspection, pathology diagnosis of any pests or diseases or risk assessment

- b) Landscape Significance of the tree(s) to the landscape character of the area i.e. is the tree visually prominent and does it contribute to the character and local identity of the area. Other factors include the tree's age, size, or uniqueness

Often, applications for tree removal may be based on a history of problems or hazards not evident at the time of inspection e.g. damage to buildings; blocked sewers, previously fallen branches, etc.

It is the applicant's responsibility to provide sufficient evidence and background to support the application. This may be in the form of photographs or documented history of the problem or a report from a consulting arborist, licensed plumber, pest controller or structural engineer depending on the nature of the problem. If there is insufficient information the application may be refused or deferred until further evidence is supplied.

10.1.1 When consent may be granted

Taking into account the above, consent may be granted for the following

- Removal of unsuitable or hazardous trees where remedial pruning/treatment will not eliminate the hazard
- Thinning of crowns to preserve solar access, some selective pruning and reduction of the weight of limbs
- Maintenance pruning to remove dead, diseased, dying and defective branches,
- Selective pruning to remove branches causing conflict through encroachment on own or neighbouring buildings
- Root pruning of trees to ameliorate damage to built and natural structures in such a manner as to not compromise the health of trees
- Pruning for service lines
- Lifting of crowns to allow pedestrian or vehicular access
- Pruning for vehicle sight lines, signage and RMS requirements
- Removal of trees in conflict with built structures, where all engineering alternatives have been considered
- For construction or extension of buildings where there is no alternative to maintain the tree/s
- Minimum work to ensure trees remain safe
- Pruning and removal of fruit trees and flowering fruit trees not located on a heritage listed property or the Significant tree register, depending on the species in question.

When granting consent to remove a tree an applicant will generally be required to replace that tree with an advanced approved species which is to be established and maintained for a specified period, especially if the removal of the original tree impacts on neighbours or the streetscape. Random audits of work granted consent will be carried out by Council.

Before planting any replacement tree, it is strongly recommended that the eventual height and size of the tree be considered, particularly in regard to

- Power lines and other services such as water, sewer and drainage lines
- Buildings, walls and pathways
- Sunlight
- Neighbouring properties

- Suitability (trees or shrubs native to the coastal are highly recommended).

10.1.2 When consent may not be granted

Council may not consent to the following work

- Work on trees without owners' or owners' agent's signature on the application
- Removing trees for solar access, leaf, fruit or sap drop, bird or bat droppings, and damage to sewer pipes and built structures (unless all engineering alternatives have been considered)
- Removing trees that are healthy and stable
- Removing or pruning trees for views
- Pruning trees in a manner contrary to the Australian Standard AS4373 Pruning of Amenity Trees
- Pruning work that is outside the tolerance of particular species, for example figs pruned by more than twenty per cent are more susceptible to sunburn
- Tree work for emotive reasons, beyond the scope of the possible reasons given above
- Removing trees because they inhibit grass or garden growth
- Removing trees because of causing allergies, unless the tree can be medically linked to the allergy
- Work which will seriously disfigure or unbalance the tree
- Work which will alter soil levels within the drip line of a tree
- Removing trees because they cause damage to minor ancillary structures such as footpaths and driveways
- Requests to reduce the height of trees
- Pruning to reduce the size of a tree listed on the Register of Significant Trees.

Instances where a formal Council application is not required, provided the applicant submits written Arboricultural advice from an accredited provider, occur when

- The tree is dead
- The tree is a recognised noxious or environmental weed and is not on Council's Register of Significant Trees (see Appendix for list of weeds). The applicant must first seek advice from Council
- The tree is less than three metres in height
- Pruning of dead branches (Council encourages pruning works to be done by a qualified arborist where necessary and in accordance with Australian Standard AS4373 Pruning of Amenity Trees)

**Pruning of branches that are within the set parameters of electric powerlines, as required by Electricity Supply (Safety and Network Management) Regulation 2014 Council encourages pruning works to be done by a qualified arborist where necessary and in accordance with Australian Standard AS4373 Pruning of Amenity Trees). The applicant must first seek advice from Council*

- Pruning and removal of fruit trees and flowering fruit trees not located on a heritage listed property or the Register of Significant Trees. The applicant must first seek advice from Council
- Pruning and reshaping of Cypress Pines not greater than 10 per cent of the whole canopy

10.2 Arboricultural Reports for Tree Permit and Development Applications

Who should prepare an Arborist Report?

The report must be prepared by a qualified arborist who holds the Diploma of Horticulture (Arboriculture) Australian Qualifications Framework of Level 5. Council will consider reports from consulting arborists who are members of either the Institute of Consulting Arborists or Arboriculture Australia with a demonstrated high level of tree assessment, diagnosis and report writing.

The report is to include a statement from the arborist that their report is an impartial assessment of the tree/s and their condition based on the available evidence and projected outcomes.

What information is required?

The following information is required in the preparation of an arborist's report

- a) The client, specific author (contact and title of qualifications), purpose of report, subject site, date(s) of inspection
- b) Methodology of techniques used in the report
- c) A summary of findings
- d) A site plan showing the location of all relevant trees, numbered to correspond with text in the report. The site plan must accurately show the location of each tree and existing or proposed buildings/structures and above/underground services
- e) A table for each tree detailing
 - (i) Common name and scientific name
 - (ii) Approximate height, age and canopy spread
 - (iii) Diameter at one meter height, and number of trunks if more than one
 - (iv) Condition and structural health of the tree/s, e.g. signs of dieback and other trunk indications, loss of branches, leaves, stunted/distorted growth, wounds, cavities, cracks, included bark/co-dominant branches, pests and diseases and root conditions/issues
 - (v) Hazard assessment of any of the above where relevant
 - (vi) Estimates of the tree's useful life expectancy of the tree using accepted industry methods
- f) A summary and discussion of other relevant tree and site information, e.g. nearby structures; soil and drainage characteristics; habitat, landscape and amenity values; weather exposure; previous human intervention
- g) If pest or disease problems are affecting the health of the tree(s), further expert diagnosis and discussion of treatment may be required
- h) Supporting evidence such as test results, annotated and relevant photographs
- i) Discussion of all available options and the reasons why they are recommended or not recommended, e.g. can services be diverted to avoid root pruning; can a structure be relocated or rebuilt and retain the tree?
- j) Recommended actions and the reasons for their adoption
- k) Resource material to be referenced in an accepted method. References not used in the report are not to be included
- l) Reports from any Resistograph/Tomograph testing must include copies of the charts, be clear and legible and have scientifically supported conclusions

Any report lacking in sufficient detail or applying incorrect analysis or subjective opinion may result in the application being refused or some or all of the recommendations rejected.

10.3 Other/additional Arboricultural information or Reports

Additional Arboricultural information may be required as part of the arborist's report.

10.3.1 Aerial or Canopy Inspection Report

Aerial inspection of the upper trunk and branches of a tree is recommended if decay or poor branch formation is evident or suspected and there is a documented history of branch failure.

The findings of the aerial tree inspection together with photographs are to be included in an arborist report. The report and recommendations must be prepared by an arborist with a minimum qualification of AQF 5 level.

10.3.2 Root mapping Report

Root mapping is the locating and plotting of a tree's roots to determine the size and direction of root growth.

A trench is excavated along a determined line to a specified depth, usually by hand or with the assistance of a hydraulic water or air knife. Any exposed roots must have their location, depth and size and diameter recorded. No roots are to be severed and general root disturbance must be minimised. The excavated soil must be replaced promptly.

The results of the excavation are then analysed to determine the impact that a proposed building/infrastructure/services placement may have on the structural stability or long-term health of the tree/s.

These results must then be collated and presented in report form and include

- A site plan showing the line, length and width of excavation; exact location of tree/s and proposed buildings/structures or underground services
- Photographs of the excavation lines clearly showing their location on the site plan and close up shots of trenches with an article to show scale
- Findings from the results of excavation detailing exact location, depth and size of roots, soil profile, presence of pipes etc.

A root mapping report may be an addition to an arborist report or a separate report. The report must be prepared by an arborist with a minimum qualification of AQF 5.

10.3.3 Tree Transplant Method Statement

If a tree is proposed to be re-located on site, a report must be submitted with the application outlining the methods of transplantation. Council may also stipulate during assessment of any application that a tree be re-located, and a statement be prepared.

The statement must include: If a tree is proposed to be re-located on site, a report must be submitted with the application outlining the methods of transplantation. Council may also stipulate during assessment of any application that a tree be re-located and a statement be prepared.

The statement must include

- A site plan

- Timetable of works
- Details of site preparation including minimising damage to adjacent vegetation
- Transplantation method e.g. machinery to be used, excavation techniques, rootball and crown treatments and stabilisation measures
- Storage: on or off site; details of monitoring and tree care
- Program of monitoring: during transplant process; after care and maintenance stages.

The statement must be prepared by an arborist with a minimum qualification of AQF 5 level.

10.3.4 Tree Monitoring Report

Where required or as listed in a development condition, the site arborist may be asked to provide monitoring or maintenance reports to assess the health and condition of trees on development sites.

This is to include

- A site log showing the date of each inspection, the person who performed the inspection, the tree/s inspected or tested, the maintenance activities performed, any repairs undertaken or required to be undertaken, and any substantial breaches or nonconformances
- The entries in the log book must be signed by the arborist performing the inspection
- Copies of log entries to be submitted monthly
- Where stated, photographs of the tree/s at nominated stages to be submitted. Photographs to include full profile and close-up shots taken from the same location and at the same time of day
- All maintenance to be continued for the stated duration and intervals.

The timing and duration of the reports will be determined according to the likely impact of construction works on the trees to be retained or the maintenance period for newly planted trees or impacted trees.

10.4 Arboricultural Impact Assessment for Trees on Development Sites

Trees on or adjacent to development sites that will be affected by proposed construction works require the following information

- a) Details and estimates of Tree Protection Zones and Minimum Setback Distances for each numbered tree based on the Australian Standard AS 4970 – Protection of Trees on Development Sites
- b) A separate tree plan clearly showing all trees to be retained/removed and each tree numbered
- c) Tree assessment and retention value based on an industry accepted standard
- d) A comprehensive discussion/assessment of the impact of construction works including the
 - (i) Details of any soil modification i.e. cut and fill, excavations
 - (ii) Details of any tree pruning for building clearance or tree health
 - (iii) Site works including hoardings; temporary site structures; wash-down areas and vehicle access
 - (iv) Impact of the proposed building structure and location of services
 - (v) Impact from landscape modifications on site trees
 - (vi) Details of any replacement planting
- e) Root mapping report where required

- f) Tree protection specifications and signage
- g) An outline of WHS and tree protection procedures to be followed on site and appropriate induction for all on-site staff and sub-contractors
- h) A post construction tree maintenance/monitoring program which can be used as conditions should the application be approved.

An impartial assessment of the above impacts with specific recommendations for tree protection must be included in the report or detailed in a separate tree protection plan.

Trees on adjoining properties or public land within 4 metres of the site must also be assessed if construction or site works will occur within their tree protection zones.

10.5 Specialist Report Requirements

10.5.1 Structural Engineers Report

When is a structural engineer's report required?

Supporting evidence in the form of a report may be required from a structural engineer where

- There is alleged damage from tree roots to buildings or major structures
- Alternative design is required to minimise tree root damage to a prominent tree that may be affected by construction works

Who should prepare a report?

Council recommends that a report be prepared by an engineer with tertiary qualifications in structural engineering and a minimum of five years post graduate experience.

What information is required?

The following information is required in the preparation of a report from a structural engineer

- The client, specific author (contact and title of qualifications), purpose of report, subject site, date(s) of inspection
- Methodology of techniques used in the report
- A summary of findings
- A site plan showing the location of all relevant trees, buildings, pathways, underground services etc. The site plan must accurately show the location of each tree
- Detailed site description and site usage
- Detailed description of the footings of the existing or proposed building and whether the footings comply with current building regulations
- Geotechnical information
- Detailed description of methods to isolate building foundations from tree roots
- Discussion of all options available – why they are recommended or not recommended, e.g. can the tree remain with minor modification of building design
- Recommendation of the preferred option and the supporting reasons

Additional Arboricultural information may be required such as a root mapping report or a supporting report from a consulting arborist.

Any report lacking in sufficient detail or applying incorrect analysis or subjective opinion may result in the application being refused or some or all the recommendations rejected.

10.5.2 Licenced Plumbers Report

If tree roots are suspected of contributing to blocked wastewater or stormwater pipes a report from a licensed plumber may be required as supporting evidence.

The report must be a balanced and objective assessment of the problem and is to include

- A clear and legible sewer or stormwater diagram
- Exact site of suspected blockages in relation to location of the tree
- Documented history of previous blockages together with photographic evidence of roots retrieved
- Objective assessment as to the age and condition of the affected pipes
- Balanced and objective discussion of practical methods of preventing further blockages, e.g. replacing affected section of pipeline; re-lining of pipe

10.5.3 Pest and Disease Control Report

If pests or diseases are affecting the health of a tree(s), a report may be required from a licensed pest control operator separately or in conjunction with a consulting arborist.

The report is to include

- Evaluation and discussion of the impact of the pest on the long-term health and structural condition of the tree
- Recommended treatment and management program

10.6 Tree Protection Zones

'A specified area above and below ground and at a given distance from the trunk set aside for the protection of a tree's roots and crown to provide for the viability and stability of a tree to be retained where it is potentially subject to damage by development'.

The Tree protection zone is calculated as 12 x trunk diameter (DBH) when measured at 1.4 metres from ground level.

Once calculated this area is to be fenced off as an exclusion zone that is not to be entered.

The Australian Standard AS 4970 Protection of Trees on Development Sites provides guidelines for how TPZ's are calculated, how to protect root zones, type of fencing should be used and how the TPZ should be maintained.

This document, combined with the Arboricultural advice of a Consulting arborist (AQF level 5) should be consulted when planning any work in the vicinity of trees.

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Consultation report Tree Management Policy and Guidelines

2022

Waverley Council acknowledges the Bidjigal, Birrabirragal and Gadigal people, who traditionally occupied the Sydney Coast and we acknowledge all Aboriginal and Torres Strait Islander Elders both past and present.

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Executive summary

The consultation for the Tree Management Policy and Guidelines was open from 15 September to 13 October 2022. There were around 682 interactions with the engagement campaign. There were 77 email and 29 questionnaires submitted. There was strong support from the Dover Heights precinct with 30 emails supporting their meeting minutes particularly focused on protections for pre-existing views.

Overall, the key issues discussed throughout the consultation were:

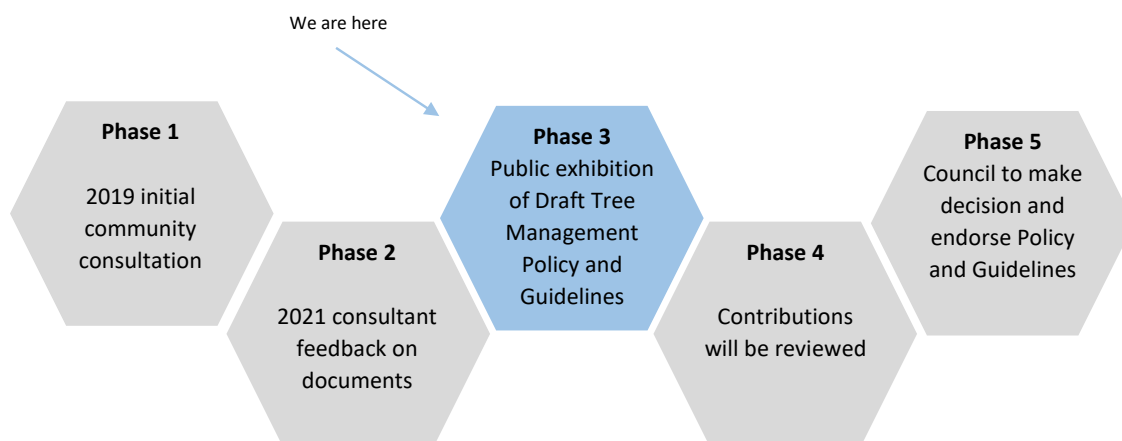
- The process for trimming trees to retain existing views
- Why specific types of trees are chosen for certain areas
- That climate change should be referenced in the Policy and Guidelines as well as Council’s sustainability targets
- More information on the need for the suggested canopy change

Background

In 2019 there was an initial consultation for the Waverley Tree Management Policy and in 2021, it was externally reviewed. One of the recommendations was the process needed to be easier for the community and it was decided that all the technical aspects should be in the one document. In response Council created the Tree Management Guidelines.

The Policy provides the framework for best practice tree management and aligns with Council’s and the community’s sustainability targets. The Guidelines provide detailed information on all facets of tree management on public and private land. It is a reference document to be used by Council Officers, contractors, property owners, strata managers and developers.

The implementation of the Guidelines will achieve the goals of the Policy which are to protect the trees we have, improve maintenance and increase our urban tree canopy.



Consultation dates and objectives

The consultation on the Policy and Guidelines was open 15 September to 13 October 2022. The aim was to:

- clearly explain the changes from the previous Policy and the proposed
- publicly exhibit and receive feedback on the draft Policy and Guidelines.

Engagement methodology and data overview

Council 'informed and consulted' the public throughout the engagement process and their feedback will directly affect the development of the final Tree Management Policy and Guidelines.

A range of methods were used to maximise opportunities for community participation. There were around 682 interactions with the engagement campaign. These are detailed in the table below alongside key data.

Method	Overview	Date	Response
Have Your Say website	Council's Have Your Say Waverley website had a dedicated page for this project: haveyoursay.waverley.nsw.gov.au/tree-management-policy	14 Sept – 14 Oct	593 visits to the page 6 new registrations 312 document downloads 29 submissions
Media release	Distributed at the beginning of the consultation	14 Sept	NA
Social media posts (Facebook) Appendix a	Two posts: Post 1: Launch of consultation Post 2: Promoting online event	19 Sept 27 Sept	Total: 1826 impressions 132 engagements
Social media posts (Instagram) Appendix a	One post: Post 1: Launch of consultation	19 Sept	Total: 604 reach 18 likes
Have Your Say day	There was a HYS day planned but it was rained out	NA	NA
Waverley Weekly newsletter Appendix b	Explained the project and directed people to the HYS page	22 Sept	143 clicks
Sustainability newsletter Appendix b	Asking people to participate in the consultation	1 Oct	19 clicks
Online community session	Invited community to an online info session	27 Sept	10 registrations 1 participant

Detailed results: Email submissions

Council received 77 email submissions. 15 of those were identical and sent from the same people via different email addresses so have been discounted (eg JaneDoe@hotmail.com, Janedoe@gmail.com etc).

With the removal of the repeated emails from the same people, there were 62 email submissions.

Topics discussed in submissions duplicates removed

30 of the submissions were copies of the Dover Heights Precinct submission which can be viewed under the heading [Dover Heights Precinct submission](#). The remaining 32 unique submissions are summarised below.

Trimming on public and private land

- Ensure trimming for existing views on public or private land was included (7)
- No approval needed by neighbour to cut their trees (4)
- Neighbours should have to get approval to trim trees (2)
- Tree trimming considerations for solar panels (1)

Vegetation Clearing Permit changing trees of 5m in height and 5m in spread, to 3m in height and 3m.

- Against changing the dimensions Vegetation Clearing Permit (6)
- Supported the change to dimensions Vegetation Clearing Permit (6)
- Improved explanation for the canopy protection (6)
- Council doesn't have the resources to manage lowering the height and width of canopy (2)

Sustainability

- The Policy should clearly state how it aligns with provisions for sustainability and climate change (6)

Vandalism

- Should be greater impacts for tree vandalism (4)

Infrastructure

- Occupation certificates for new developments should be withheld where tree guidelines have not been complied with (1)
- Consideration of the tree's effect on infrastructure (2)
- Fully grown trees should not come within three meters of houses or structures (1)

Planting and types of trees

- There should be more consultation on types of trees and their locations (4)
- Significant register needs work (1)
- Supports the significant register (1)
- Supports offset planting (1)
- Supportive of flowering trees (1)
- Some verges should be left to grow (1)

Detailed results: Questionnaire submissions

There were 29 people who provided feedback through the questionnaire. Each of the questions were open ended to understand if there was anything that should be changed or was missing from the Policy and Guidelines.

The Policy

Of the 29 participants, the feedback was spread across a range of different topics. There were four people who thought the change from 5m to 3m canopy height should be removed and kept at 5m. However, the rest of the submissions did not highlight this as an issue and four people said there should be more mentions of climate change and its affects. Four people also asked for better management and monitoring of DA impacts on trees potentially with more Council officers.

The Guidelines

Participants thought the guidelines were missing mentions of climate change and that Council's arborists should provide free consultations on private significant trees.

Anything else they wanted to add

Participants were asked if there was anything else they wanted to add. Four people each supported and did not support the change the trigger for a Vegetation Clearing Permit from trees of 5m in height and 5m in spread, to 3m in height and 3m in spread.

Climate change and the importance of trees was highlighted as important and should be referred to in the Policy and Guidelines.

It was noted there should be more consultation on types of trees used in public areas to retain existing views.

Community group submissions:

The following submissions have been copied as they were sent to Council Officers.

[Dover Heights Precinct](#)

Dover Heights Precinct meeting held Wednesday 31 August 2022

Motion 1 – Dover Heights Precinct unanimously endorses the following submission that the new Tree Policy add specific wording that council should not plant any new street trees which may grow to block, alter, obscure or otherwise impact a resident's pre-existing view of the ocean or the harbour.

Motion 2 - Dover Heights Precinct unanimously endorses the following submission that the new Tree Policy add specific wording that council should not plant any NEW trees and shrubs that will block, alter, obscure or otherwise impact views of the ocean and harbour in council maintained reserves, specifically in Eastern Reserve, Weonga Reserve, Rodney Reserve, Raleigh Reserve, Caffyn Reserve and Dudley Page Reserve.

Motion 3 - Dover Heights Precinct unanimously endorses the following submission that the new Tree Policy add specific wording that residents may request that a council planted street tree to be trimmed to restore a pre-existing view when the resident can demonstrate that the pre-existing view existed and that the pre-existing view has been blocked, altered, obscured or otherwise impacted by council planted street tree.

Motion 4 - Dover Heights Precinct unanimously endorses the following submission that the new Tree Policy add specific wording that residents may request that a council planted trees and shrubs in council verges and pocket parks to be trimmed to restore pre-existing views when the resident can demonstrate that the pre-existing view existed and that the pre-existing view has been blocked by council planted trees and shrubs.

Motion 5 - Dover Heights Precinct unanimously endorses the following submission that the new Tree Policy add specific wording that residents may request that council planted trees and shrubs in council reserves be trimmed to restore a pre-existing ocean and harbour views when it can be demonstrated or is abundantly clear that the

pre-existing views existed and that the pre-existing views have been blocked by council planted trees and shrubs.

Motion 6 - Dover Heights Precinct is unanimously against lowering the threshold from 5 meters to 3 meters to trim a tree on private property which is proposed in the new draft Tree Policy as well as in the draft DCP. The 5 meters threshold should be retained.

Motion 7 - Dover Heights Precinct unanimously endorses the following submission that the new Tree Policy add specific wording that street trees not be planted that may grow to damage service infrastructure.

Motion 8 - Dover Heights Precinct unanimously endorses the following submission that the new Tree Policy add specific wording that when a street, reserve, pocket park or verge tree has been planted in error, then that tree may be removed.

Combined Precincts

Combined Precincts meeting was held 15 September 2022. The motion was passed by one vote.

Motion 1: That the Combined Precincts meeting does not support lowering the threshold from 5 metres to 3 meters to trim a tree on private property without Council approval. This is what is proposed in the new draft Tree Policy as well as in the draft DCP. The 5metre threshold should be retained.

Rationale: It is unreasonable to require residents to seek permission from Council to trim their trees when they reach only 3metres.

Bronte Beach Precinct (outside consultation period)

Bronte Beach Precinct meeting held 19 October 2022

Background

Bronte Beach Precinct (BBP) has been concerned about the number of recent tree pruning and removals in this area believing greater control by Council could be a way to reduce tree removals and prunings. We understand that this in line with other Council policies.

Motion 3

BBP supports changes to Waverley Council Tree Management Plan in the DCP recognising a tree requiring inspection for pruning or removal being reduced from 5 metres to 3metres.

Vaucluse Precinct (outside consultation period)

It is the right of residents to protect their pre-existing views should trees grow out of control, affecting people's views. Neither Councils nor neighbours have the right to block the views on existing properties. People buy property with views as an investment, even becoming their retirement fund or superannuation fund. Blocking such existing views greatly reduces the resale value of the property.

As to the type of trees to be planted -

Please plant native nectar producing shrubs for our native birds & bees, no more NZ Xmas trees or large Banksias, Grevillia, melaleuca, callistimon, etc

Friends of Clarke Reserve

The community group, Friends of Clarke Reserve, makes the following submission regarding amendments in the Tree Management Policy and Tree Management guidelines:-

- Agree with the reduction for a "Vegetation clearing permit" from 5m trees to 3m.

- Expanding the Municipality's greenery (trees) should be a high priority to Council as should tree maintenance. This is because trees are so very beneficial for people's well and for Biodiversity. Also, because and current and future high-density developments will detrimentally alter the urban environment including the skyline and streetscapes of the LGA.
- A variety of flowering plants and trees should be planted in streets and in Council's parks. Colours will soften the overdevelopments of the area.
- Signs should be displayed on all Trees that have been poisoned or which are to be removed so that the public has an opportunity to have their say. Notifying just the adjacent neighbours is not good enough.

Save Christison Park Action Group Submission

Dear Waverley Council,

Save Christison Park Action Group (SCPAG) make this submission to Waverly Council regarding Council's Tree Management/Policy.

We do so because Christison Park adjoins Clarke Reserve, many of our members frequent Waverley Municipality and its parks and some of our members live in Waverley Municipality.

Summary of amendments in Tree Management Policy & Tree Management Guidelines

We agree with and thank Council for the changes: the trigger for a Vegetation Clearing Permit from trees of 5m in height and 5m in spread, to 3m in height and 3m in spread.

Addition of a Landscape Significance Assessment. When assessing trees for pruning or removal, consideration will be given to the trees ecological, cultural and amenity value

Council staff need to supervise pruning when residents are directed to contact their service provider for pruning of overhead electrical wires including their service lead for all public trees.

We agree with Off set tree planting and replacement tree planting to increase from one tree to three trees when applicable., but THERE NEEDS TO BE FOLLOW UP TO MAKE SURE TREES ARE REPLACED.

SCPAG knows of several trees in Waverley Municipality which were removed on condition they were replace, but no replacement has occurred e.g. 4 Marne St, Vacluse

Clarity is needed around when on-site replacements are not possible,

Regarding: On Council managed land, Council will replace trees that are removed, including dead trees unless this is not feasible. a definition of "feasible" is needed .

SCPAG looks forward to a variety of flowering trees street trees in the municipality.

Draft Tree Management Guidelines

It is vital that Council has a Public Domain Tree Asset Database with tree inventory i.e a detailed map of all public trees.

SCPAG has been informed of public, street trees as well as private trees in Waverley Municipality being poisoned and chopped down for residents' views e.g. 13 Craig Ave, Diamond Bay

Council needs to have a straight forward way to penalise vandalism and be prepared to pay to take these matters to court, which will act as a deterrent.

If Council is not prepared to support their penalties then the penalties are useless.

Waverley Council when agreeing a tree is to be chopped down needs have two Council Staff arborists to make that decision not an outside private contractor. Sub contractors often are the very people the resident employs to remove the tree and so are not independent, but have a Conflict of Interest e.g 5 Tower St, Vacluse

Draft Tree Management Policy

Trees are not being protected on development sites e.g 157- 159 Military Rd, Dover Heights
 Biodiversity should not be soft word, but real consideration should be given to tree habitat including where birds, suddenly deprived of their trees will go and how birds react to and feel about loss of trees.
 Some time ago SCPAG asked to see Waverley 's Street Tree Masterplan for the area East of South Head Cemetery, this was a disappointing exercise. When it was not forthcoming and appeared not to exist members of SCPAG went door to door asking residents of the streets East of the cemetery whether or not they wanted a street tree outside their home. Most residents did want a street tree on the Council verge outside their home. The results of this project were sent to Council. SCPAG never received an appropriate reply and at that time it appeared Council had no maps of its street trees in this area.
 Council should conduct this type of investigation about once a decade, even though it is manpower heavy.
 Council's Tree and Vegetation Vandalism Policy needs to be effective and followed through.
 Large obvious notices ought to be hung on all trees public and private that are proposal for chopping down so residents can have their say
 All severe pruning ought to be supervised by a properly qualified Council Staff member
 Council lists significant benefit of trees as; Best practice approach is to plant, encourage growth of and care for trees, but too often trees are planted with little or no follow up care.

Council states trees: 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, but is Council really implementing conditions to allow for these benefits?
 While SCPAG recognises there are some safety risks with trees and occasionally a tree needs to be removed, the risks of trees for Waverley Council seems to be over blown and constraining Council's planting policy. We agree a key aspect of tree management in the urban environment is finding a balance between the risks and the benefits that trees offer, but it can appear this Council is in a frozen position not being prepared to take even the smallest risk.

Under 3. Purpose to state:

The purpose of this Policy is to • Reinforce Waverley's commitment to the sustainable management of its urban forest can be considered a kind of joke. SCPAG does not see any forest urban or otherwise in Waverley Municipality. Using words like urban forest wont by themselves help future generations.
 We strongly agree Council should acknowledge trees as a vital living asset although we believe they are more than assets.

Under 5. Policy Content

The objectives of the Tree Management Policy are to
 Increase Waverley tree canopy cover should be front and centre i.e. the main focus

Under 5.3 Tree Protection

protection of trees will be given high priority within the LGA. How will this happen?
 While a Significant tree register is important there ought to be a map of all public trees
 Bonds must be of significant amount to be effective

Under 5.3.1 Tree Management Controls

Standardised assessment criteria and processes undertaken by Tree Management staff will ensure a consistent and uniform approach to tree management throughout the LGA. This has not been happening with private contractors, who later can be the very people employed by private residents being sub contracted by Council. SCPAG would welcome a change to Council's full time staff in this role and the end of private contractors as assessors.

Private contractors very likely have a financial Conflict of Interest.

Re 5.3.3 Development Applications/Activities

It seems an appropriate standard for planting replacement trees has often slipped through the net or been forgotten.

Trees are commonly seen in Waverley Municipality not being protected from construction works on development sites e.g. 157-159 Military Rd, Dover Heights (see photo below) and /or the site is boarded up so residents are unable to see whether or not trees are being protected.

We repeat Bonds need to be of a significant amount, to be effective and more so for developers.

Re 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.

Although correspondence was sent to Council including the General Manager about vandalism of trees at 13 Craig Ave, Diamond Bay SCPAG was later informed that the correspondence had to go to different department, was not passed on and it appears the matter got "lost" in bureaucracy.

SCPAG thanks Council for the proposal to proactively identify opportunities to increase the quality and quantity of the urban forest and canopy cover across the Local Government Area but worry this identifying opportunity will get lost in the language and also in the bureaucracy.

Re : 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.

a few years ago SCPAG was approached by a resident of Jensen Ave, Vaucluse who was keen to do just what Council has outlined about streetscape to support the fact that his street was an "avenue" i.e. a road typically having trees at regular intervals along its sides He reported being rebuffed by Council in his endeavours and it appeared it came down to cost and man power. Unless Council is prepared to commit funds and staff such words are meaningless.

Re 5.4.3 Park and Reserve Trees

Council has neglected in this section to mention, when "upgrades" in parks are being conducted, the need to retain and value the ocean views of the municipality, a significant part of local character of Waverley Municipality e.g. in Clarke Reserve, Vaucluse.

Re under 5.4.5 Tree Planting and Selection New plantings in the public domain will consider the impact on views and species will be selected and placed to frame and complement views. Council should include the word "public" before views. No individual should be able to own a public view.

SCPAG thanks Council for 5.5 Public Domain Tree Asset Management Waverley Council recognises trees as a living asset and the importance and significance of their role in the Public Domain. It is the responsibility of Council to provide a specialised maintenance programs to ensure the continued health and amenity of trees. and for 5.5.1 Pruning and MaintenanceTree pruning will not be permitted for the shedding of leaves, fruit, flowers, reduce animal noise/droppings or to facilitate views.

and 5.5.4 Trees as Habitat

Re 5.6 please define "feasible"

SCPAG supports Tree removal will not be considered for the shedding of leaves, fruit, flowers, reduce animal noise/droppings or to facilitate views.

It is important not to plant trees in parks which will with growth obscure world class oceans views, which are a back bone of Waverley Municipality.

e.g. Clarke Reserve attracts many local and international visitors for its ocean views and whale watching as well as large crowds to watch the start of the Sydney to Hobart Yacht Race.

Re: 5.6.1 Visual Tree Assessments For both public and private trees, Council will conduct Visual Tree Assessments (VTA)..... to determine the current health, structural integrity, useful life expectancy and visible damage of the tree. This will provide a consistent approach in determining pruning request applications, root pruning and tree removal

These fine words did not protect, save or support the poor large, mature and healthy (until the new owners began chopping at it), Paper Bark at 5 Tower St. This tree was given a death sentence by a sub contractor who SCPAG was informed was probably the contractor latter paid by the owners to remove the tree.

A Landscape Significance Assessment may also form part of the criteria when assessing a tree. Some factors include the trees' prominence and contribution to the local amenity Could Council include consideration of streetscape here ?

5.7.2 Offset Planting Audit checks of replacement plantings do not appear to be standard.

We repeat replacement plantings are only good if they actually happen and with well established trees.

Re 5.8.1 Notification of Removal Where substantial or prominent trees may need to be removed, Council will notify adjacent residents two weeks in advance.

Notifying only adjacent residents is not sufficient and neither is the time two weeks

If it is a substantial or prominent tree many people may enjoy this tree each day whether they live next door or nearby or not and it may well contribute in a huge way to streetscape and Biodiversity.

Re 5.8.3 Resident Requests Qualified Arborist need to have no pecuniary or non pecuniary interest . This is probably difficult to control using sub contractors . If Council is serious about its tree policy it needs to employ suitably qualified staff who will act with integrity and stop employing subcontractors who often have Conflicts of Interest.

5.8.4 Neighbouring Trees It could be helpful to mention the “Community Justice Centre” here

Draft Tree Management Guidelines

The notification process needs to reach a far greater number of people/ audience. People walk, jog, cycle, drive past trees and view them from a distance. Trees are not only relevant to people who just live next door. SCPAG wonders what the alternate approach to tree management the environmental consultancy group Council engaged suggested.

The summary of our investigations about trees shows people want:

1. More trees
2. Better care of trees
3. Replacement trees actually being planted
4. Wider community informed when trees to be removed and more time allowed for consideration.

Many residents and park users inform SCPAG that even if they learn of tree removals the situation is hopeless and a waste of their time to comment to Council about trees, because Waverley Council is not listening to their concerns.

We remind Council that a tree can be chopped down very quickly, without enough time for residents to take any action like getting through on the phone to Council, contacting a Council Ranger and that Ranger coming to the site.

Trees can be chopped down while a neighbour is having a shower, away, at work, shopping, out for a walk.

Trees take years, usually decades, 10 – 20 years, to grow to maturity and the life span of undisturbed trees can be 30-40 years to 4,000-5,000 years.

In this submission SCPAG has used as examples trees at:

157- 159 Military Rd, Dover Heights (photo below)

5 Tower St, Vaucluse

4 Marne St, Vaucluse

13 Craig Ave , Diamond Bay

Clarke Reserve

Would you please look at our website, link below, where you can find story and photos of numerous trees neighbouring Woollahra Council recently chopped down in Christison Park without any Community Consultation. SCPAG asks Waverley Council to most seriously implement and effect policies which will prevent such desecration.

Thank you for your attention and wishing Waverley Council the best going forward in its endeavour to plant, grow, protect and preserve trees in Waverley Municipality.

Would you please confirm receipt of this email.

Ericka

For SCPAG

Website: <https://www.savechristisonparkactiongroup.com/>

Forlorn, unprotected trees on development site 157- 159 Military Rd, Dover Heights. When these trees were reported to Council a fence was erected around the site and the trees chopped down.

Summary

Questions and responses

Questions asked in feedback forms	Council response
<p>It was noted throughout the feedback (from people who supported and did not support the 5m to 3m change) that there was not enough explanation around why the change had been included in the Policy and Guidelines.</p> <p>Why is it so important to retain the canopy?</p>	<p>Over 25% of trees in Waverley are between 3-5m in height, this represents a significant proportion of trees and provides a reason for a height amendment. Although it would see a greater increase in Council resources, but this can be balanced out by a greater number of trees being protected which is a positive step in terms of preserving tree canopy.</p>
<p>Why aren't dead trees removed and replaced faster?</p>	<p>If dead trees are removed in a planting season (May-Aug) they will be replaced. Otherwise they will be planted in the following planting season.</p>
<p>Why does the policy not cover shrubs and verges?</p>	<p>This policy is for trees only.</p>
<p>Why is climate change not central to the tree policy?</p>	<p>This point is accepted and has been acknowledged that a paragraph be added on tree value as an important factor in climate change.</p>

Key issues raised on the Policy and Guidelines from consultation

This section covers items that the community need more clarity on and should be included in the report to Council, as part of the Policy and Guidelines or its supporting documents. Overall, the key issues discussed throughout the consultation were:

- The process for trimming trees to retain existing views
- Why specific types of trees are chosen for certain areas
- That climate change should be referenced in the Policy and Guidelines as well as Council's sustainability targets
- More information on the need for the suggested canopy change


Some of these items fall outside the two documents, they should be resolved in other ways. This may include further community engagement and consultation with specific stakeholder groups like Dover Heights Precinct.

Council strategies that affect the Policy and Guidelines should be hyperlinked within the Policy and Guidelines so they are easily accessible by the community.

Appendix a – social media

Waverley Council
Published by Sprout Social · 19 September ·

Draft Tree Management Policy and Guidelines open for consultation until 14 October 2022.
This consultation period is your opportunity to provide us feedback on each proposed draft document before it is finalised. We welcome your feedback via Have Your Say or at one of our face-to-face opportunities visit: <https://haveyoursay.waverley.nsw.gov.au/tree-management...>



No insights to show

Boost post

7 likes 5 comments 2 shares

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Most relevant

Waverley Council
Published by Sprout Social · 24 September ·

Join us Tuesday 27 September 6pm to 7pm for an online session about our Draft Tree Management Policy and Guidelines.
It's an opportunity to:

- Hear directly from the tree team about how the policy and guidelines were developed.
- Provide feedback on the docs and let us know if we have missed or should change anything.

Registration essential: <https://bit.ly/3qGxdTR>



No insights to show

Boost post


10 likes 2 shares

Like Comment Share

Write a comment...


Instagram

waverleycouncil



waverleycouncil Draft Tree Management Policy and Guidelines open for consultation until 14 Octob... more

Appendix b – newsletters




1.5%

Draft Tree Management Policy and Guidelines - open for feedback

The Policy and Guidelines are open for feedback until 13 October 2022.
We welcome your feedback via Have Your Say or at one of our face-to-face opportunities.

18.44%



Speak for the Trees

Our draft Tree Management Policy and Guidelines are open for review.

Trees provide a multitude of ecosystem services including shading, cooling, air and water filtration and improved health and wellbeing for both humans and wildlife.

Let us know if you support the proposed Policy and Guidelines which aim to protect the trees we have, improve maintenance and increase our urban tree canopy.

HAVE YOUR SAY ON TREE MANAGEMENT