



WAVERLEY
COUNCIL

**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 DECEMBER 2022**

Present:

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

Staff in attendance:

Emily Scott	General Manager
Sharon Cassidy	Director, Assets and Operations
Tara Czimmer	Director, Corporate Services
Fletcher Rayner	Director, Planning Sustainability and Compliance
Ben Thompson	Director, Community, Culture and Customer Experience

At the commencement of proceedings at 7.59 pm, those present were as listed above.

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

At 9.11 pm, following the vote on item PD/5.3/22.12, the meeting adjourned for a short break.

At 9.16 pm, the meeting resumed.

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/Leaves of Absence

Apologies were received from Cr Sally Betts.

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/4.1/22.12 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 6 September 2022 (SF21/6065)

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis
Seconder: Cr Masselos

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.

5. Reports

PD/5.1/22.12 Waverley Development Control Plan 2022 - Adoption (A22/0091)

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Adopts the Waverley Development Control Plan 2022 attached to the report (Attachment 1), subject to the following amendment:

- (a) Page 152 of the attachments under separate cover, part B17, Social Impact Assessment – Amend control (a) to read as follows:

‘A Social Impact Statement (SIS) should be prepared if the proposed development is one of the following:

- Loss of low-rental dwellings (see State Environmental Planning Policy Housing 2021 for definition).
- Strata subdivision of 4 or more lots.
- \$10,000,000 or greater construction cost.
- Gross floor Area of 3,000 sqm or greater (see Waverley Local Environmental Plan for definition).
- Reduction in dwelling numbers on site.

Council officers may request a SIS for development not included within the Guidelines at their discretion.’

2. Adopts the Inter-War Building Design Guidelines attached to the report (Attachment 4).

3. Investigates mitigation strategies for the reduction of heat island effects of residential and commercial buildings within a future update to Council’s LEP and DCP.

AT THIS STAGE IN THE PROCEEDINGS, A PROCEDURAL MOTION TO LAY THE ITEM ON THE TABLE TO CONSIDER ITEM CM/5.4/22.12 – TREE MANAGEMENT POLICY AND GUIDELINES – ADOPTION, MOVED BY CR BURRILL AND SECONDED BY CR NEMESH, WAS PUT AND DECLARED LOST.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF NEW CLAUSES 1(b) AND (c) SUCH THAT MOTION NOW READS AS FOLLOWS:

That Council:

1. Adopts the Waverley Development Control Plan 2022 attached to the report (Attachment 1), subject to the following amendments:

- (a) Page 152 of the attachments under separate cover, part B17, Social Impact Assessment – Amend control (a) to read as follows:

‘A Social Impact Statement (SIS) should be prepared if the proposed development is one of the following:

- Loss of low-rental dwellings (see State Environmental Planning Policy Housing 2021 for

definition).

- Strata subdivision of 4 or more lots.
- \$10,000,000 or greater construction cost.
- Gross floor Area of 3,000 sqm or greater (see Waverley Local Environmental Plan for definition.
- Reduction in dwelling numbers on site.

Council officers may request a SIS for development not included within the Guidelines at their discretion.'

- (b) Page 46 of the attachments under separate cover, part B3, Landscaping, Biodiversity and Vegetation Preservation – Amend the section on tree replacement to read as follows:

'To maintain urban tree canopy cover, when a Vegetation Clearing Permit is granted to clear vegetation, the applicant may be required to replace the vegetation with an advanced approved species which is to be established on their property and maintained to maturity. Where there is insufficient space for replanting advanced vegetation the applicant may provide offset planting on public land. This may be undertaken by entering into a deed of agreement with Council. Generally, for every tree removed, the replacement of three (3) off-site trees will be required with pot size dependent on the canopy spread of the tree(s) to be removed as assessed by Council. Audit checks of replacement planting will be carried out by Council. Refer to Part 3.2.4.'

- (c) Page 44 of the attachments under separate cover, section 3.1.1, Exempt Vegetation – Amend clause (i) to read as follows:

'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:

(i) Pruning of a hedge (hedge being defined as 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) by no more than 20 per cent of its height and width in any 12-month period.'

2. Adopts the Inter-War Building Design Guidelines attached to the report (Attachment 4).
3. Investigates mitigation strategies for the reduction of heat island effects of residential and commercial buildings within a future update to Council's LEP and DCP.

AMENDMENT

Mover: Cr Wy Kanak

Seconder: Cr Fabiano

That the following clause 1(d) be added to the motion:

'Include private properties on Bennett Street, between Bondi Road and Birrell Street, in the Biodiversity Habitat Corridor Map.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Adopts the Waverley Development Control Plan 2022 attached to the report (Attachment 1), subject to the following amendments:

(a) Page 152 of the attachments under separate cover, part B17, Social Impact Assessment – Amend control (a) to read as follows:

‘A Social Impact Statement (SIS) should be prepared if the proposed development is one of the following:

- Loss of low-rental dwellings (see State Environmental Planning Policy Housing 2021 for definition).
- Strata subdivision of 4 or more lots.
- \$10,000,000 or greater construction cost.
- Gross floor Area of 3,000 sqm or greater (see Waverley Local Environmental Plan for definition).
- Reduction in dwelling numbers on site.

Council officers may request a SIS for development not included within the Guidelines at their discretion.’

(b) Page 46 of the attachments under separate cover, part B3, Landscaping, Biodiversity and Vegetation Preservation – Amend the section on tree replacement to read as follows:

‘To maintain urban tree canopy cover, when a Vegetation Clearing Permit is granted to clear vegetation, the applicant may be required to replace the vegetation with an advanced approved species which is to be established on their property and maintained to maturity. Where there is insufficient space for replanting advanced vegetation the applicant may provide offset planting on public land. This may be undertaken by entering into a deed of agreement with Council. Generally, for every tree removed, the replacement of three (3) off-site trees will be required with pot size dependent on the canopy spread of the tree(s) to be removed as assessed by Council. Audit checks of replacement planting will be carried out by Council. Refer to Part 3.2.4.’

(c) Page 44 of the attachments under separate cover, section 3.1.1, Exempt Vegetation – Amend clause (i) to read as follows:

‘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:

(i) Pruning of a hedge (hedge being defined as 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) by no more than 20 per cent of its height and width in any 12-month period.’

2. Adopts the Inter-War Building Design Guidelines attached to the report (Attachment 4).

3. Investigates mitigation strategies for the reduction of heat island effects of residential and commercial buildings within a future update to Council’s LEP and DCP

Division

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

Against the Motion: Crs Kay and Nemesh.

PD/5.2/22.12 Innovation Roadmap 2025 - Exhibition (A21/0514)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

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.

PD/5.3/22.12 Water Consumption and Greenhouse Gas Emissions - 2021-22 (A20/0266)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

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.

PD/5.4/22.12 Tree Management Policy and Guidelines - Adoption (A22/0383)**MOTION**

Mover: Cr Masselos

Seconder: Cr Murray

That Council:

1. Adopts the Tree Management Policy attached to the report (Attachment 1), subject to the following amendments:
 - (a) Page 47 of the agenda, clause 5.5.1, Pruning and Maintenance – Add the following paragraph at the end of the clause:

‘Council will consider tree pruning to retain a previously established view and there is a history of the identified tree(s) being pruned to restore pre-existing views.’
 - (b) Page 48 of the agenda – Add a new clause 5.6.4, Dead Trees, to read as follows:

‘Generally, where a tree has died, it will be removed and replaced with a tree of similar or suitable species.’
2. Adopts the Tree Management Guidelines attached to the report (Attachment 2), subject to the following amendments:

- (a) Page 67 of the agenda, Exempt Vegetation – In the last paragraph, delete ‘DCP’ and add ‘Guideline’.
- (b) Page 67 of the agenda, Exempt Vegetation – In the second dot point of the last paragraph, delete ‘5m’ and add ‘five (5) metres’.

THE MOVER OF THE MOTION ACCEPTED THE ADDITION OF NEW CLAUSES 1(c) AND 2(c)–(e) SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Adopts the Tree Management Policy attached to the report (Attachment 1), subject to the following amendments:
 - (a) Page 47 of the agenda, clause 5.5.1, Pruning and Maintenance – Add the following paragraph at the end of the clause:

‘Council will consider tree pruning to retain a previously established view and there is a history of the identified tree(s) being pruned to restore pre-existing views.’
 - (b) Page 48 of the agenda – Add a new clause 5.6.4, Dead Trees, to read as follows:

‘Generally, where a tree has died, it will be removed and replaced with a tree of similar or suitable species.’
 - (c) Page 48 of the agenda, clause 5.7.2, Offset Planting – Amend to read as follows:

‘When permission is granted to remove a tree or trees on private land and there is insufficient planting space on site to accommodate a mature tree(s) of similar dimensions, the applicant will be asked to contribute to offset tree planting on public land in accordance with the Pricing Policy, Fees and Charges. Refer to the Tree Management Guidelines, Section 5 “Trees on Private Land”, sub-section “Offset tree planting” for further details.’
2. Adopts the Tree Management Guidelines attached to the report (Attachment 2), subject to the following amendments:
 - (a) Page 67 of the agenda, Exempt Vegetation – In the last paragraph, delete ‘DCP’ and add ‘Guideline’.
 - (b) Page 67 of the agenda, Exempt Vegetation – In the second dot point of the last paragraph, delete ‘5m’ and add ‘five (5) metres’.
 - (c) Page 67 of the agenda, Exempt Vegetation – In the last paragraph, amend the first dot point to read as follows:

‘Pruning of a hedge (refer to Definitions) by no more than 20 per cent of its height and width in any 12-month period.’
 - (d) Page 69 of the agenda, Offset Tree Planting – In the paragraph at the top of page, amend the second sentence to read as follows:

‘Generally, for every tree removed, the replacement of three (3) off-site trees will be required with pot size dependent on the canopy spread of the tree(s) to be removed as assessed by Council.’

- (e) Page 69 of the agenda, Offset Tree Planting – In the paragraph at the top of the page, delete the last two sentences and add:

‘The applicant will be charged an offset planting fee that includes the purchase, supply, planting and a 12-month maintenance program for the tree(s) as per Council’s Pricing Policy, Fees and Charges.’

AMENDMENT 1

Mover: Cr Kay
Seconded: Cr Burrill

That the following clause 3 be added to the motion:

‘Publicly exhibits the following changes to the Pricing Policy, Fees and Charges for 28 days with officers preparing a report to Council following the exhibition period:

- (a) Section 31, Trees – Add a new entry to read as follows:

‘Pensioner concession of 75% discount for Offset Tree Planting’.

- (b) Section 31, Trees – Amend the ‘Offset Tree Planting’ entry to read as follows:

‘Offset Tree Planting Private Trees/Tree Permits, including purchase, supply, planting and a 12-month maintenance program’.

THE AMENDMENT WAS PUT AND DECLARED CARRIED UNANIMOUSLY.

Division

For the Amendment: Crs Burrill, Fabiano, Goltsman, Gray, Kay, Keenan, Lewis, Masselos, Murray, Nemesh and Wy Kanak.

Against the Amendment: Nil.

AMENDMENT 2

Mover: Cr Nemesh
Seconded: Cr Kay

That the following clause 1(d) be added to the motion:

‘Page 47 of the agenda, clause 5.5.1, Pruning and Maintenance – At the end of the last sentence, add:

“Council will consider tree pruning to retain a previously established view.”

THE AMENDMENT WAS PUT AND DECLARED LOST.

AMENDMENT 3

Mover: Cr Nemesh
Seconded: Cr Goltsman

That the following clause 1(d) be added to the motion:

‘Page 48 of the agenda, clause 5.6, Public Domain Tree Removal and Replacement – At the end of the last paragraph, add:

“Tree removal will be allowed if a Council-planted trees grows to block a pre-existing view. Pre-existing iconic views of the ocean and harbour will be prioritised.”

THE AMENDMENT WAS PUT AND DECLARED LOST.

AMENDMENT 4 (LAPSED)

Mover: Cr Nemesh

That the following clause 2(g) be added to the motion:

‘Page 57 of the agenda, clause 3.2, Tree Assessment – In the additional criteria, add the following dot point:

“Whether a Council-planted street tree or public domain tree should be replaced with a more suitable species given that the tree has grown to block a pre-existing view.”

AMENDMENT 5

Mover: Cr Nemesh

Second: Cr Kay

That the following clause 2(g) be added to the motion:

‘Page 59 of the agenda, clause 3.5, Trees and Views – Amend the second paragraph to read as follows:

“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 an attempt of the identified tree(s) being pruned to restore the pre-existing view.”

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Adopts the Tree Management Policy attached to the report (Attachment 1), subject to the following amendments:
 - (a) Page 47 of the agenda, clause 5.5.1, Pruning and Maintenance – Add the following paragraph at the end of the clause:

‘Council will consider tree pruning to retain a previously established view and there is a history of the identified tree(s) being pruned to restore pre-existing views.’
 - (b) Page 48 of the agenda – Add a new clause 5.6.4, Dead Trees, to read as follows:

‘Generally, where a tree has died, it will be removed and replaced with a tree of similar or suitable species.’
 - (c) Page 48 of the agenda, clause 5.7.2, Offset Planting – Amend to read as follows:

‘When permission is granted to remove a tree or trees on private land and there is insufficient planting space on site to accommodate a mature tree(s) of similar dimensions, the applicant will be asked to contribute to offset tree planting on public land in accordance with the Pricing Policy, Fees and Charges. Refer to the Tree Management Guidelines, Section 5 “Trees on Private Land”, sub-section “Offset tree planting” for further details.’
2. Adopts the Tree Management Guidelines attached to the report (Attachment 2), subject to the following amendments:

- (a) Page 67 of the agenda, Exempt Vegetation – In the last paragraph, delete ‘DCP’ and add ‘Guideline’.
- (b) Page 67 of the agenda, Exempt Vegetation – In the second dot point of the last paragraph, delete ‘5m’ and add ‘five (5) metres’.
- (c) Page 67 of the agenda, Exempt Vegetation – In the last paragraph, amend the first dot point to read as follows:

‘Pruning of a hedge (refer to Definitions) by no more than 20 per cent of its height and width in any 12-month period.’

- (d) Page 69 of the agenda, Offset Tree Planting – In the paragraph at the top of page, amend the second sentence to read as follows:

‘Generally, for every tree removed, the replacement of three (3) off-site trees will be required with pot size dependent on the canopy spread of the tree(s) to be removed as assessed by Council.’

- (e) Page 69 of the agenda, Offset Tree Planting – In the paragraph at the top of the page, delete the last two sentences and add:

‘The applicant will be charged an offset planting fee that includes the purchase, supply, planting and a 12-month maintenance program for the tree(s) as per Council’s Pricing Policy, Fees and Charges.’

- 3. Publicly exhibits the following changes to the Pricing Policy, Fees and Charges for 28 days with officers preparing a report to Council following the exhibition period:

- (b) Section 31, Trees – Add a new entry to read as follows:

‘Pensioner concession of 75% discount for Offset Tree Planting’.

- (b) Section 31, Trees – Amend the ‘Offset Tree Planting’ entry to read as follows:

‘Offset Tree Planting Private Trees/Tree Permits, including purchase, supply, planting and a 12-month maintenance program’.

6. Urgent Business

There was no urgent business.

7. Meeting Closure

THE MEETING CLOSED AT 10.15 PM.

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SIGNED AND CONFIRMED
CHAIR
7 FEBRUARY 2023