



Ordinary Council

Monday 29 April 2024

After the Conclusion of Strategic & Corporate Committee

Agenda



Council Meeting

Council will be holding Council (i.e. Ordinary and Extraordinary) meetings with the Mayor, Councillors and staff participating in person.

Members of the public are invited to attend the Council meeting in person on watch and/or listen live (via Council's website). Public participation online or by phone will be managed in accordance with meeting procedures.

Members of the public may also submit late correspondence. Instructions on how to do this are provided below:

- **To watch and/or listen to the meeting live (from 6.30pm)**
Details on how to watch and listen to the meeting live will be available at Council Agendas, Audio Recordings and Minutes.
- **To submit late written correspondence (submit by 10.00am on the day of the meeting)**
Members of the public may submit late written correspondence on an agenda item being considered at the Council meeting. If you wish to make a written submission on an item on the agenda, please email your submission to records@woollahra.nsw.gov.au by 10.00am on the day of the meeting.

Members of the public may also request to address Council meeting via the Public Forum mechanism as outlined in the Code of Meeting Practice, by using the relevant registration form available on Council's website – www.woollahra.nsw.gov.au

If you are experiencing any issues in joining the meeting please call (02) 9391 7001.

An audio recording of the meeting will be uploaded to Council's website following the meeting by 5.00pm on the next business day.

Disclaimer:

By using conferencing technology or by teleconference, listening and/or speaking at Council meeting members of the public consent to their voice, image and personal information (including name and address) being recorded and publicly available on Council's website. Councillors, staff and members of the public are advised that meeting are being lived streamed, accessible via a link from Council's website.

By addressing a Council meeting, members of the public consent to their voice and personal information (including name and address) being recorded and publicly available on Council's website.

Accordingly, please ensure your address to Council is respectful and that you use appropriate language and refrain from making any defamatory statements or discriminatory comments.

Woollahra Council does not accept any liability for statements, comments or actions taken by individuals during a Council or Committee meeting.

Any part of the meeting that is held in closed session will not be recorded.

People connecting to this meeting by conferencing technology or teleconference are reminded that under the *Local Government Act 1993*, the recording of meetings by a member of the public using any electronic recording device including a mobile phone or video camera is not permitted. Any person found recording without the permission of Council may be expelled from the meeting.

The audio recording of each meeting will be retained on Council's website for a minimum period of 6 months. After that period has passed, recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

For further information please visit www.woollahra.nsw.gov.au

Ordinary and Extraordinary Council Meeting Membership: 15 Councillors (including the Mayor)

Quorum: The quorum for Council meeting is 8 Councillors

Woollahra Municipal Council

Notice of Meeting

24 April 2024

To: His Worship the Mayor, Councillor Richard Shields ex-officio
Councillors Sarah Swan (Deputy Mayor)
Sean Carmichael
Peter Cavanagh
Luise Elsing
Nicola Grieve
Mary-Lou Jarvis
Harriet Price
Lucinda Regan
Matthew Robertson
Isabelle Shapiro
Mark Silcocks
Merrill Witt
Susan Wynne
Toni Zeltzer

Dear Councillors,

Ordinary Council – 29 April 2024

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Ordinary Council** meeting to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 29 April 2024 – After the Conclusion of Strategic & Corporate Committee.**

Members of the Public may:

- Register to address the meeting (via Zoom or in Person) by completing the relevant form available on Council's website: <https://www.woollahra.nsw.gov.au/files/assets/public/v/1/forms/code-of-meeting-practice-comp-public-forum-registration-form-items-not-on-the-agenda-2023-2024.pdf> and email the completed form to records@woollahra.nsw.gov.au by **10.00am on the day of the meeting.**
- Submit late correspondence for consideration by Councillors by emailing records@woollahra.nsw.gov.au by **10.00am on the day of the meeting.**

Watch and listen to the meeting live via Council's website:

https://www.woollahra.nsw.gov.au/council/meetings_and_committees/council_meetings/council_agendas_and_minutes.

An audio recording of the meeting will be uploaded to Council's website following the meeting by 5.00pm on the next business day.

If you have any difficulties accessing the meeting please contact (02) 9391 7001.

Regards,

Craig Swift-McNair
General Manager

Ordinary Council Meeting Agenda

Page

1.	Opening	
2.	Prayer	
3.	Acknowledgement of Country (Gadigal People and Birrabirragal People)	
4.	Acknowledgement of the Sovereign of the Day (King Charles III)	
5.	Apologies and Applications for a Leave of Absence or Attendance by Audio-Visual Link by Councillors	
6.	Confirmation of Minutes	5
6.1	Confirmation of Minutes of Council Meeting held 8 April 2024 - 24/66267	5
6.2	Confirmation of Minutes of the Strategic & Corporate Committee Meeting held 24 April 2024 - 24/66597	35
7.	Late Correspondence	Nil
8.	Disclosures of Interest	
9.	Petitions Tabled	
10.	Mayoral Minute	36
10.1	Bondi Junction Westfield - Incident - Saturday 13 April 2024 - 24/66491	36
10.2	Remembering the Anzacs.....	39
	Note: This Mayoral Minute will be Circlulated as late correspondence prior to the Meeting.	
11.	Public Forum	
12.	General Manager and Officer's Report	Nil
13.	Reports of the Committees	
13.1	Strategic & Corporate Committee 24 April 2024.....	41
R1	Post Exhibition Report on the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy	41
R2	Cross Street Car Park Redevelopment - Next Steps.....	41
R3	Updates to the Woollahra Section 7.12 Development Contributions Plan 2022	42
R4	Draft 2024-2025 Operational Plan, including the Draft 2024-2025 Budget & Draft 2024-2025 to 2033-2034 Long Term Financial Plan	42
14.	Rescission Motion	Nil
15.	Councillor Reports/Councillor Updates (Section 8.4).....	43
16.	Notices of Motion	45
16.1	Notice of Motion - Feasibility of Further Measures to Protect Tree Canopy on Private Land in the Woollahra LGA - 24/64894	45
17.	Questions With Notice	Nil
18.	Supplementary Responses to Previous Questions with Notice	Nil
19.	Confidential Matters	Nil
20.	Conclusion of the Meeting	

6. Confirmation of Minutes

Item No:	6.1
Subject:	CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD 8 APRIL 2024
Author:	Rhys Johnson, Coordinator Governance
File No:	24/66267
Purpose of the Report:	The Minutes of the Council of 8 April 2024 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.
Alignment to Delivery Program:	Strategy 11.3: Ensure effective and efficient governance and risk management.

Recommendation:

THAT the Minutes of the Council Meeting of 8 April 2024 be taken as read and confirmed.

Executive Summary:

This report presents the Minutes of the Council Meeting of 8 April 2024 for confirmation.

The Minutes of the meeting are presented as **Attachment 1** for adoption.

Discussion:

The Minutes of the Council Meeting of 8 April 2024 are presented to the Council as a procedural matter. Any matter arising from the Minutes can be discussed.

The Minutes of the Council Meeting of 8 April 2024 have been reported to the Council Meeting on 29 April 2024. A copy of the Minutes are provided as **Attachment 1**.

Options:

Submission of Minutes to the Council Meeting is a procedural matter for the adoption of the Minutes.

Community Engagement and / or Internal Consultation:

No internal or external consultation has taken place in the preparation of this report.

Policy Implications:

There are no direct policy implications as a result of this report.

Financial Implications:

There are no direct financial implications as a result of this report.

Resourcing Implications:

There are no direct resourcing implications as a result of this report.

Conclusion:

The Minutes are presented for confirmation by the Council Meeting 29 April 2024.

Attachments

- 1. Unconfirmed Council Minutes 8 April 2024 [↓](#) 

Item No: 6.2
Subject: **CONFIRMATION OF MINUTES OF THE STRATEGIC & CORPORATE COMMITTEE MEETING HELD 24 APRIL 2024**
Author: Rhys Johnson, Coordinator Governance
File No: 24/66597
Purpose of the Report: The Minutes of the Strategic & Corporate Committee of 24 April 2024 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Recommendation:

THAT the Minutes of the Strategic & Corporate Committee Meeting of 24 April 2024 be taken as read and confirmed as Late Correspondence.

Executive Summary:

This report presents the Minutes of the Strategic & Corporate Committee Meeting of 24 April 2024 for confirmation. The Minutes of the meeting are presented as **Late Correspondence** for adoption.

Discussion:

The Minutes of the Strategic & Corporate Committee Meeting of 24 April 2024 are presented to Council as a procedural matter. Any matter arising from the Minutes can be discussed. A copy of the Minutes are provided as **Late Correspondence** due to their preparation occurring subsequent to the publication of the Council Agenda for April 29 2024.

Options:

Submission of Minutes to the Council Meeting is a procedural matter for the adoption of the Minutes.

Community Engagement and / or Internal Consultation:

No internal or external consultation has taken place in the preparation of this report.

Policy Implications:

There are no direct policy implications as a result of this report.

Financial Implications:

There are no direct financial implications as a result of this report.

Resourcing Implications:

There are no direct resourcing implications as a result of this report.

Conclusion:

The Minutes are presented for confirmation by the Council Meeting 29 April 2024.

Attachments

Nil

10. Mayoral Minute

Item No: 10.1
Subject: **BONDI JUNCTION WESTFIELD - INCIDENT - SATURDAY 13 APRIL 2024**
Author: Richard Shields, Mayor
File No: 24/66491
Purpose of the Report: To honour and acknowledge those affected by the tragic incident at Westfield Bondi Junction on Saturday 13 April 2024.

Recommendation:

THAT Council:

- A. Formally acknowledge the incredible work of the Police, emergency services, medical teams, first responders, shop staff, security personnel and members of the public.
- B. Allocate \$20,000 from the Materials and Services budget, to the Community Grants Program to be made available for applications from 6 to 17 May 2024, for the provision of community support to local eligible registered charitable organisations to support the health and wellbeing of the local community in response to the critical incident at Bondi on Saturday the 13 April 2024.
- C. Delegate to the General Manager (under section **377(1A)** of the Local Government Act 1993) the responsibility to administer the granting of the financial assistance through the Community Grants Program, to ensure that there is the required accountability, governance and ease of access.
- D. That the General Manager notify relevant local organisations of the availability of such funds and of the grants process to apply for the financial assistance.
- E. That the General Manager bring a report back to Council at the Ordinary Council Meeting on 26 August 2024, updating Council on the allocation of the grants.

Discussion:

I table this Mayoral Minute today to honour the victims of the tragic incident at Westfield Bondi Junction on Saturday 13 April, to offer condolences to their family, friends and colleagues and to commend acts of bravery, care and compassion demonstrated by NSW Police, emergency services, first responders and medical staff and members of the public, during and following this senseless event.

On the afternoon of Saturday 13 April a terrible and tragic event unfolded at Westfield, Bondi Junction. A mentally ill man took the lives of six innocent victims, leaving families, friends and colleagues devastated and our community in shock.

Ashlee Good, Dawn Singleton, Faraz Tahir, Jade Young, Pikria Darchia and Yixuan Cheng. Lives cut short by an act of violence that is difficult to comprehend.

Our thoughts and prayers go to their loved ones at this sad time. We mourn their loss and wish all those recovering from injury and the many witnesses all our love and support.

I would like to formally acknowledge the incredible work of police, emergency services, medical teams, first responders, shop staff, security personnel and members of the public, who all demonstrated such courage and compassion.

I have nothing but admiration for Inspector Amy Scott who ran towards danger with the intention of stopping the perpetrator and saving lives. Her act of public service is deserving of formal commendation.

I would like to acknowledge and thank the Mayor of Waverley, Councillor Paula Masselos and Waverley Council staff for the way in which they have responded and for showing such strong leadership during a truly awful time.

As a neighbouring Council I offered our ongoing support to the Mayor of Waverley and that pledge remains open, as the community will take some time to recover from something as tragic as this incident.

I have also contacted Supt. Jodi Radmore from Eastern Suburbs Local Area Command to convey our thanks to her staff who have worked tirelessly in service of our community.

The public support and swift attendance on site by the Prime Minister of Australia, Anthony Albanese and the Premier of NSW, Chris Minns sent a very positive message to our community. Both the Federal Member for Wentworth, Allegra Spender and the State Member for Vaucluse, Kellie Sloane have been actively engaged in communicating and supporting our residents and local businesses.

I would like to thank the Deputy Mayor, Councillor Sarah Swan for her support particularly during last weekend. We attended the site together and visited the floral memorial with a contribution on behalf of Woollahra Council and our community. My gratitude also goes to Councillor colleagues for their support, strength and conviction that we will get through this together.

We have seen community and faith leaders hosting opportunities for people to come together, to share their emotions and to receive support from each other. This has been heartwarming to witness. Council's Deputy Mayor, Cr Swan and Councillors attended the St Andrew's Cathedral Service of Solemn Prayer on Tuesday 16 April.

The Deputy Mayor, Councillor Sarah Swan represented Woollahra Council at a Community Candlelight Vigil held on Sunday 21 April at 5.30pm at Bondi Beach. The Vigil honoured the victims of the Bondi Junction tragedy and provided the community the opportunity to come together to grieve and to support each other.

On Monday 15 April we joined the nation in flying our flags at half mast to honour the victims of this terrible tragedy and we postponed our Strategic & Corporate meeting out of respect. Later that evening the Sydney Opera House sails were also lit with a graphic of black ribbon as a tribute to the victims. The Premier declared 15 April as a National Day of Mourning and committed \$18 million to an independent coronial inquiry into the police response, criminal investigation and the offender's interactions with NSW and Queensland agencies.

We have shared information on a wide range of support services and important updates with our community, ensuring this information is current and easily accessible and will continue to do so .

I have been involved in regular briefings with the Department of Premier and Cabinet, government agencies and Waverley Council as we have discussed how best to support the victims loved ones, witnesses and the community. I commend NSW Health for establishing on-site support staff for the community.

I have signed the online condolence message board being facilitated by the NSW Government and I encourage all Councillors and our community to share their messages.

Events like this affect us in different ways and grief can be a very challenging emotion. I encourage Councillors, Council staff and the community to seek help if needed.

Councillors and staff have been informed of Councils free, anonymous and confidential service available to them and their families through our Employee Assistance Program.

Community members can access a range of help and support services including:

Hotline - for Advice and connection to specialist mental health services 1800 011 511.

Lifeline 13 11 14, Kids Helpline 1800 55 1800, Beyond Blue 1300 22 46 36

I have every confidence in the strength and resilience of our community. We will get through this together.



Cr Richard Shields
Mayor of Woollahra

Attachments

Nil

Item No: 10.2
Subject: **REMEMBERING OUR ANZACS**
Author: Richard Shields, Mayor
File No: 24/66491
Purpose of the Report: To acknowledge the winners of the inaugural Mayoral Anzac Day Writing Competition.

The Mayor, Councillor Richard Shields will table this Mayoral Minute as Late Correspondence prior to the Council Meeting.

13.1 Strategic & Corporate Committee

Items with Recommendations from the Committee Meeting of Wednesday 24 April 2024 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **POST EXHIBITION REPORT ON THE DRAFT EDGECLIFF
COMMERCIAL CENTRE PLANNING AND URBAN DESIGN STRATEGY**

Authors: Louise Menday, Consultant Strategic Planner
Chinmayi Holla, Strategic Planner
Lyle Tamlyn, Acting Team Leader Strategic Planning

Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place

File No: 24/14218

Purpose of the Report: To report on the public exhibition of the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy and seek Council's endorsement.

Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Note: The outcome and Recommendation from the Strategic & Corporate Committee of 24 April 2024 in relation to this matter will be tabled as Late Correspondence and will be referred to this meeting for final determination.

Note: A copy of the Strategic & Corporate Committee Agenda dated 24 April 2024 is available via Council's website.

Item No: R2 Recommendation to Council
Subject: **CROSS STREET CAR PARK REDEVELOPMENT - NEXT STEPS**

Author: Richard Pearson, Development Manager

Approver: Tom O'Hanlon, Director Infrastructure & Sustainability

File No: 24/62358

Purpose of the Report: Advise Council on recommended next steps for the Cross Street Car Park Redevelopment project.

Alignment to Delivery Program: Strategy 9.1: Collaborating to achieve positive outcomes in our local centres which are hubs for jobs, shopping, dining and entertainment.

Note: The outcome and Recommendation from the Strategic & Corporate Committee of 24 April 2024 in relation to this matter will be tabled as Late Correspondence and will be referred to this meeting for final determination.

Note: A copy of the Strategic & Corporate Committee Agenda dated 24 April 2024 is available via Council's website.

Item No: R3 Recommendation to Council
Subject: **UPDATES TO THE WOOLLAHRA SECTION 7.12 DEVELOPMENT CONTRIBUTIONS PLAN 2022**
Authors: Wai Wai Liang, Strategic Planner
Lyle Tamlyn, Acting Team Leader Strategic Planning
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 23/164369
Purpose of the Report: To obtain Council's approval to exhibit amendments to the Woollahra Section 7.12 Development Contributions Plan 2022.
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Note: The outcome and Recommendation from the Strategic & Corporate Committee of 24 April 2024 in relation to this matter will be tabled as Late Correspondence and will be referred to this meeting for final determination.

Note: A copy of the Strategic & Corporate Committee Agenda dated 24 April 2024 is available via Council's website.

Item No: R4 Recommendation to Council
Subject: **DRAFT 2024-2025 OPERATIONAL PLAN, INCLUDING THE DRAFT 2024-2025 BUDGET & DRAFT 2024-2025 TO 2033-2034 LONG TERM FINANCIAL PLAN**
Authors: Paul Ryan, Chief Financial Officer
Henrietta McGilvray, Senior Corporate Accountant
Petrina Duffy, Coordinator Strategy & Performance
Esther Hii, Acting Senior Corporate Accountant
Approvers: Sue Meekin, Director Corporate Performance
Patricia Occelli, Acting General Manager
File No: 24/53215
Purpose of the Report: To present Council's draft 2024-25 Operational Plan including the Draft 2024-25 Budget and Council's Draft 2024-25 to 2033-34 Long Term Financial Plan for endorsement to place the documents on public exhibition for a period of at least 28 days.
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

Note: The outcome and Recommendation from the Strategic & Corporate Committee of 24 April 2024 in relation to this matter will be tabled as Late Correspondence and will be referred to this meeting for final determination.

Note: A copy of the Strategic & Corporate Committee Agenda dated 24 April 2024 is available via Council's website.

15. Councillor Reports/Councillor Updates (Section 8.4)

Note: Councillor Reports/Councillor Updates are to be confined to condolences, congratulations, presentations and matters ruled by the Chair to be of extreme urgency (in accordance with Section 8.4 of Council's Code of Meeting Practice).

16. Notices of Motion

Item No: 16.1
Subject: NOTICE OF MOTION - FEASIBILITY OF FURTHER MEASURES TO PROTECT TREE CANOPY ON PRIVATE LAND IN THE WOOLLAHRA LGA
From: Councillor Merrill Witt
Date: 15 April 2024
File No: 24/64894

Recommendation:

The purpose of the Notice of Motion is to request that Council staff report back on the feasibility of:

- A. Requiring DA applicants to submit a pre-DA assessment, in accordance with the Australian Standard AS 4970 – Protection of Trees on Development Sites, located onsite and adjacent to the property for which a DA for demolition or major alterations and/or additions is being contemplated.

The purpose of the pre-DA assessment is to ensure that:

- at the first instance, developments are designed to minimise or avoid potential conflict between trees and proposed new structures by taking into account existing and future tree growth both above and below ground;
- established trees of high and moderate retention value are retained and incorporated as part of the design; and
- new development does not result in the net loss of tree canopy at maturity.

- B. Recommend any other measures that can further arrest the decline of tree canopy cover on private properties proposed for redevelopment.

Discussion

Council's Urban Forest Strategy presents sobering statistics about the loss of tree canopy throughout the municipality

Woollahra Council's Urban Forest Strategy is focused on protecting and enhancing its urban forest to ensure that the unique leafy character of its municipality is maintained and that established canopy cover is preserved and improved for future generations.

The Urban Forest Strategy presents some sobering statistics regarding the recent loss of tree canopy in the Woollahra LGA. Between 2010 and 2021, for example, every suburb experienced a loss of canopy cover, contributing to overall loss across the whole Council area (estimated to be the approximate size of Edgecliff).

Unfortunately, the Urban Forest Strategy also acknowledges that matching the NSW Government's target of a 40% canopy cover across our Council area is unrealistic, primarily because not enough plantable space across the Council area (including public and private land) is available to plant the number of trees needed to achieve the target of 40%.

As a consequence, a still ambitious but more realistic target of 30% tree canopy cover by 2050 has been adopted.

Loss of tree canopy cover is mainly due to redevelopment on private land

The reduction in tree canopy cover across the Woollahra municipality has predominantly been driven by losses on private land. Even in suburbs where canopy cover increased on public land - Bellevue Hill, Edgecliff, Paddington and Rose Bay - these gains were outpaced by new tree removal on private land resulting in overall canopy losses.

The Urban Forest Strategy recognises the importance of collaborating with private land owners and managers to achieve a greener, cooler, and healthier urban environment for current and future generations, noting that 64% of land in the Woollahra municipality is privately owned and managed.

Recent initiatives to increase tree canopy cover on private land

Recently, the Woollahra LEP was amended to introduce a Floor Space Ratio (FSR) of 0.5:1 for most single dwellings, semi-detached dwellings and dual occupancies in the R2 low-density and R3 medium-density residential zones in order to create more space for landscaping, deep soil planting and tree canopy cover.

A new Clause 6.9 in the Miscellaneous Provisions of the Woollahra Local Environment Plan (LEP) was also added to include local provisions for urban greening to land in R2 Low Density Residential and R3 Medium Density Residential zones (excluding the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas). It states that:

- (3) *Development consent must not be granted to development on the land unless the consent authority has considered whether the development—*
- (a) *incorporates planning and design measures to enable **the retention** and planting of trees to minimise the urban heat island effect, and*
 - (b) ***will avoid, minimise or mitigate adverse impacts on the existing tree canopy.***

Control C1 of B3.7 External areas 3.7.1 Landscaped area and private open space in the Woollahra DCP was also strengthened and now specifies a Tree canopy area of at least:

- a) *35% of the site area for dwelling houses, dual occupancies, semi-detached development and attached dwellings, with the exception of the Wolseley Road area, or*
- b) *30% of the site area for residential development other than dwelling houses, dual occupancies, semi-detached development and attached dwellings, or*
- c) *25% of the site area for all residential development in the Wolseley Road area.*

These controls apply to development in the R2 and R3 residential zones that alter the existing building footprint and/or building envelope and/or impacts upon existing landscapes.

The advantages of further strengthening provisions to ensure more tree canopy is retained on private land when properties are redeveloped

Despite the welcomed recent strengthening of landscaping and tree canopy provisions, Council still continues to receive a significant number of DAs that propose removing a substantial number of established trees in order to make way for new development.

Under current rules, DA applicants are required to submit a landscape plan prepared by a qualified landscape architect or designer. These plans detail the proposed landscape design and include an assessment of the existing and proposed tree canopy cover. They must address the required percentage of tree canopy cover and deep soil area relevant to the subject site in accordance with Section B3.7 External Areas of the Woollahra DCP 2015. DCP objectives and controls with respect to Design Excellence also address the importance of conserving and protecting established trees:

2. *Development respects the natural, built and cultural significance of the site and its location.*
3. *Development conserves and protects established trees and plantings of landscape value and deep soil landscaping and, where possible, enhances plantings and deep soil landscaping.*

In cases where trees with moderate or high retention values may be impacted by a proposed development, the landscape plan must be accompanied by an arboricultural report identifying all existing trees within and adjacent to the subject property including the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) for all of the trees to be retained or removed. The retention value is based on the tree's "Useful Life Expectancy" and "Landscape Significance" with consideration to its health, structure, condition and site suitability.

Typically, however, the landscape plan and the accompanying arboricultural report are prepared after the architectural plans have been developed. As a consequence, many established trees of moderate retention value are often earmarked for removal in DAs because their retention interferes with proposed new structures.

A recent DA Assessment Report for 7 Pacific Street, Watsons Bay, for example, highlights the difficulty of challenging landscape/arborists reports submitted with DA applications. The two mature Sydney Snow Gums in the photo below were recommended for removal in the arboricultural report even though they are located on the side boundary of the property:

2.3.6 Trees 8 and 9 are both semi-mature Eucalyptus pauciflora, or Snow Gums located adjacent to the site's eastern boundary. These trees are likely to have been planted here as part of the site's earlier works and have established relatively well here. Tree 8 is the largest of the pair and located on the upper portion of the site topography. Both are supported on trunks of over 50cm in diameter and will have root systems that will have been affected by both site topography and construction. Moderate Value. Remove.¹



The Council's DA Assessment Report agreed with the recommendation to remove the two trees, with the reasons for supporting the recommendation highlight the problem of ensuring that the DA applicant has "exhausted all other design options" for the retention of established trees with good canopy cover after plans have already been submitted:

The trees were noted in good health and condition. The trees are visible from the street and the surrounding properties and provide a moderate contribution to the amenity and canopy cover of the immediate area. The trees have also been rated as having Medium Landscape Significance and Medium Retention Value.

Trees rated as being of Medium Retention Value are generally considered less critical for retention. However, their retention should be a priority with removal considered if all design options have been exhausted and adversely affecting the proposal.

It is noted that the trees are proposed for removal as it is located within the footprint of the new building. Alternative design options to allow for their retention are not considered practical as it would significantly restrict construction works towards the front of the property and have affects on other more important trees to be retained.

These trees are supported for removal subject to replacement planting being undertaken in accordance with the Landscape Plans.²

The introduction of a pre-DA assessment of established trees on a property will put the protection of trees with decent tree canopy at the forefront of the DA process, and also send a clear signal to DA applicants that they must adhere to canopy controls and objectives in the LEP and the DCP with respect to Design Excellence, Landscape Area and Open Space, Onsite Parking and Ancillary Structures.

This initiative will likely also speed up the assessment of DAs as it will encourage more environmentally respectful designs that are less likely to attract objections from neighbours.

¹ Arboricultural Impact Assessment and Tree Protection Specification, prepared by George Palmer, Botanics P/L July 2022, page 5

Political Donations: Matters to be considered by Councillors at Council and/or Committee Meetings

