



# Ordinary Council Meeting

**Agenda:** *Ordinary Council Meeting*

**Date:** *Monday 23 June 2008*

**Time:** *8.00pm*

# Woollahra Municipal Council

## Notice of Meeting

19 June 2008

To: His Worship The Mayor, Councillor Geoff Rundle  
Councillors Anthony Boskovitz  
John Comino  
Claudia Cullen  
Christopher Dawson  
Marcus Ehrlich  
Tanya Excell  
Wilhelmina Gardner  
Keri Huxley  
Julian Martin  
Andrew Petrie  
Isabelle Shapiro  
David Shoebridge  
Fiona Sinclair King  
John Walker

Dear Councillors

### **Council Meeting – 23 June 2008**

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 23 June 2008 at 8.00pm.**

Gary James  
General Manager

## Meeting Agenda

		Page
1.	Confirmation of Minutes – Ordinary Meeting	10 June 2008
2.	Leave of Absence and Apologies	1
3.	Declarations of Interest	
4.	Late Correspondence	
5.	Petitions Tabled	
6.	Mayoral Minute	2
7.	Public Forum	
8.	General Manager’s Report	Nil
9.	Reports of the Committees	
9.1	Corporate & Works Committee	16 June 2008
	R1 Annual Fee for Mayor and Councillors	
	R2 2008/2011 Management Plan	
	R3 Double Bay Streetscape Improvement Works Contract – Bay Street	4
9.2	Development Control Committee	16 June 2008
	R1 2A Heeley Street, Paddington – Alterations & additions to commercial property – 9/4/2008	6
	R2 Register of Current Land and Environment Court Appeals for Development Applications – 18 Bathurst Street, Woollahra	7
	<b>*Note: Confidential Recommendation issued under separate cover</b>	
9.3	Urban Planning Committee	10 June 2008
	R1 Draft Woollahra Residential Development Control Plan 2003 (Amendment No.2)	8
9.4	Community & Environment Committee – Nil R Items	10 June 2008
		Nil
10.	Rescission Motion	Nil
11.	Notices of Motion	9
12.	Questions without Notice	10

## Leave of Absence

**Item No:** 1  
**From:** Councillor Fiona Sinclair King  
**Reason for Report:** Seeking leave of absence for all meetings of the Council and its Committees from 25 June 2008 to 31 July 2008 inclusive.

**Recommendation:**

That leave of absence for all meetings of the Council and its Committees be granted to Councillor Fiona Sinclair King for the period 25 June 2008 to 31 July 2008, inclusive.

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**Item No:** 2  
**From:** Councillor John Walker  
**Reason for Report:** Seeking leave of absence for all meetings of the Council and its Committees from 24 June 2008 to 19 July 2008 inclusive.

**Recommendation:**

That leave of absence for all meetings of the Council and its Committees be granted to Councillor John Walker for the period 24 June 2008 to 19 July 2008, inclusive.

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## Mayoral Minute

**Mayoral Minute No:** 1

**Subject:** Queen's Birthday Honours 2008

**Author:** Cr Geoff Rundle, Mayor

**File No:** 13.G/5

**Reason for Report:** To inform the Council of the local recipients of the Queen's Birthday Honours.

### Recommendation:

That letters of congratulations, signed by the Mayor and General Manager on Council letterhead, be forwarded to the following recipients of the 2008 Queen's Birthday Honours:

- i. Professor Louis Charles BIRCH, AM
- ii. Mr Denis Chadwick CLEARLY, AM
- iii. Mr David Maxwell FREEMAN, AM
- iv. Mr Raymond Charles LEE, AM
- v. Mrs Margaret Lynette ROSE, AM
- vi. Mr Robert Michael ROSE, AM
- vii. Mr Stanley Barry ROTH, AM
- viii. Ms Kerry Anne CROWLEY, OAM
- ix. Mr John Ernest DAVIS, OAM
- x. Mrs Charlene Stuart MEADE, OAM
- xi. Mrs Anne-Louise OYSTRAGH, OAM
- xii. Mrs Dianne Maria SACKELARIOU, OAM

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I am pleased to inform the Council that twelve (12) residents of Woollahra were among those persons honoured in the recent Queen's Birthday Honours. They are:

### Member (AM) in the General Division

- i. *Professor Louis Charles BIRCH, AM*  
For service to science, particularly in the field of biology as an academic and researcher, and through contributions to the understanding of the relationship of science to religion.
- ii. *Mr Denis Chadwick CLEARLY, AM*  
For service to business, particularly the finance sector, and to the community through a range of voluntary roles with sporting groups.
- iii. *Mr David Maxwell FREEMAN, AM*  
For service to the Jewish community, particularly through the development of hospital and aged care facilities in Sydney.
- iv. *Mr Raymond Charles LEE, AM*  
For service to education and to the community through The Scots College Pipes and Drums.
- v. *Mrs Margaret Lynette ROSE, AM*

For service to the building and construction industry and to the community, particularly in the area of sustainable urban development and planning and through support for a range of charitable organisations.

vi. *Mr Robert Michael ROSE, AM*

For service to the building and construction industry and to the community, particularly in the area of sustainable urban development and planning and through support for a range of charitable organisations.

vii. *Mr Stanley Barry ROTH, AM*

For service to the community through executive roles with the United Israel Appeal of Australia, as a supporter of a range of charitable organisations, and to business.

**Medal (OAM) in the General Division**

viii. *Ms Kerry Anne CROWLEY, OAM*

For service to contemporary art in Australia, particularly through fostering the work of emerging artists in Australia and internationally.

ix. *Mr John Ernest DAVIS, OAM*

For service to the community through fundraising activities to benefit the St Vincent's Hospital Heart and Lung Transplant program.

x. *Mrs Charlene Stuart MEADE, OAM*

For service to people with a disability, particularly through rehabilitation and support services.

xi. *Mrs Anne-Louise OYSTRAGH, OAM*

For service to the Jewish community through a range of roles with The Central Synagogue.

xii. *Mrs Dianne Maria SACKELARIOU, OAM*

For service to the community through support and fundraising for a range of charitable organisations, and to mental health nursing.

Cr Geoff Rundle  
Mayor

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**Annexures:**

nil

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## 9.1 Corporate & Works Committee

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### Items with Recommendations from the Committee Meeting of Monday 16 June 2008 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** Annual Fee for Mayor and Councillors  
**Author:** Les Windle - Manager Governance  
**File No:** 18.G  
**Reason for Report:** The Local Government act requires Council determine the fees payable to the Mayor and Councillors

**Recommendation:**

- A. That, in accordance with Section 248 of the Local Government Act 1993, Council fix the annual fee for Councillors at an amount of \$14,860 per Councillor for the period 1 July 2008 to 30 June 2009.
- B. That, in accordance with Section 249 of the Local Government Act 1993, Council fix the annual fee for the Mayor at an amount of \$32,450 for the period 1 July 2008 to 30 June 2009.

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**Item No:** R2 Recommendation to Council  
**Subject:** 2008/2011 Management Plan  
**Author:** Don Johnston  
Acting Director Corporate Services  
**File No:** 827G 2008/2011 and 331G 2008/2009  
**Reason for Report:** For the Committee to review any submissions received following public exhibition of the draft Management Plan and make a recommendation regarding the adoption of the 2008 - 2011 Management Plan taking into consideration the outcomes of the Councillor Workshop.

**Recommendation:**

- A. THAT Council adopt the exhibition copy of the Draft Management Plan 2008 – 2011 as its Management Plan 2008 – 2011
  - B. THAT Council make and levy the Rates set out in the Rating Structure incorporating the 3.2% allowable increase
  - C. That the budget strategy and underlying philosophy be referred back to the Corporate & Works Committee for further consideration with a view to providing guidance to the incoming Council.
  - D. That a further project, Robertson Park Playground Upgrade, be included in the 2008/2009 Budget funded from Section 94A contributions, subject to evaluation, design and public consultation.
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- E. That the Cooper Park Tennis Courts – Disabled Toilets project be included in the 2008/2009 Budget funded from Council’s improved working funds position.
  - F. That Gaden Reserve be assessed for its suitability as a playground site in the context of Asset Working Party priorities for the site as an expanded Senior Citizens Centre.
  - G. A policy position on suitable aerial bundled cable sites and their priority be assessed as part of the tree policy review.

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**Item No:** R3 Recommendation to Council  
**Subject:** **Double Bay Streetscape Improvement Works Contract – Bay Street**  
**Author:** Mark Ramsay, Manager Depot & Waste Services  
**File No:** Tender No 08/08  
**Reason for Report:** To recommend to Council rescission of previous resolution and acceptance of a Tender

**Recommendation:**

- A. That Council rescind its resolution of 10 June 2008 that, (subject to the results of a financial capability check), Council enter into a Lump Sum contract for \$697,421.80 (excl GST) with Sam The Paving Man for the footpath, kerb and gutter reconstruction along Bay Street, Double Bay
- B. That subject to part (A) Council enter into a Lump Sum contract for \$710,437 (excl GST) with Sydney Civil Pty Ltd (*subject to the results of a financial capability check*) for the footpath, kerb and gutter reconstruction along Bay Street, Double Bay
- C. That successful and unsuccessful tenderers be advised accordingly.

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## 9.2 Development Control Committee

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### Items with Recommendations from the Committee Meeting of Monday 16 June 2008 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** 2A Heeley Street, Paddington – Alterations & additions to commercial property – 9/4/2008  
**Author:** Larissa Northridge – Senior Assessment Officer  
**File No:** DA189/2008  
**Reason for Report:** In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to a substantive change of the Committee’s recommendation (refusal) to the Officer’s recommendation (approval).

#### Recommendation:

THAT the Council, as the consent authority, refuse Development Application No. 189/2008 at 2A Heeley Street Paddington, for the following reasons:

#### Aims and Objectives of the Woollahra Local Environmental Plan (LEP) 1995

1. The proposal does not accord to the general aims and objectives of the LEP with respect to heritage conservation (Clause 28) and does not comply with Clause 8(5) of the LEP.

#### Heritage Conservation

2. The proposal would have a detrimental impact upon the Heritage Conservation Area and does not comply with Clause 2(2)(g)(ii) of the Woollahra LEP.
3. The proposed development fails to sympathetically relate to the traditional architecture of the surrounding heritage conservation area.
4. The proposed first storey component fails to characterise the vertical articulation of the principle structure contrary to the objectives and Guidelines and Controls of Part 5.3.6 and Part 5.3.7 of the Paddington Development Control Plan 1999.
5. The proposed set back of the ground floor removes any relationship between the verticality of the original development and the new development.
6. The proposed development does not comply with Part 4.6, 5.1.1 and 5.3.6 of the Paddington Development Control Plan 1999.
7. The proposed development, if approved, will detrimentally impact on the heritage integrity of the Paddington Conservation Area and does not comply with Part 5.3.6 and Part 5.3.7 of the Paddington Development Control Plan 1999.
8. The proposed development detracts from the character and appearance of the prevailing streetscape and therefore is inconsistent with the Paddington Conservation Area and does not comply with Part 5.3.6 and Part 5.3.7 of the Paddington Development Control Plan 1999.
9. The proposed materials are unsympathetic with the existing structure and would adversely impact on the integrity of the Conservation area generally and do not comply with Part 5.2.8 of the Paddington Development Control Plan 1999.

**Item No:** R2 Recommendation to Council  
**Subject:** **Register of Current Land and Environment Court Appeals for Development Applications**  
**Author:** Dimitri Lukas – Senior Assessment Officer  
**File No:** 18 Bathurst Street, Woollahra  
**Reason for Report:** In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to a substantive change of the Committee’s recommendation (following the Committee considering the confidential late correspondence).

**Recommendation:**

- A. THAT the Confidential recommendation in relation to 18 Bathurst Street, Woollahra be adopted.
  - B. THAT in accordance with Council’s policy of confidentiality, the confidential late correspondence and legal advice remain confidential for a period of six (6) months or until the conclusion of the appeal, which ever occurs last.
  - C. THAT the attached register of current Land and Environment Court Appeals for Development Applications be received and noted.
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## 9.3 Urban Planning Committee

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### Items with Recommendations from the Committee Meeting of Tuesday 10 June 2008 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** **Draft Woollahra Residential Development Control Plan 2003  
(Amendment No.2)**  
**Author:** Tom Jones - Urban Design Planner  
Chris Bluett – Manager Strategic Planning  
**File No:** 1014.G WP/Part 2  
**Reason for Report:** To report on the exhibition of the Draft DCP  
To obtain Council's approval of the Draft DCP

**Recommendation:**

That Draft Woollahra Residential Development Control Plan 2003 (Amendment No.2) as contained in **annexure 5** of the report to the Urban Planning Committee meeting on 10 June 2008 be approved subject to the following alterations:

- a. delete from control 5.3.5 in clause 2.1.1 the words “in particular C5.5.7 of clause 5.5 and C5.8.6, C5.8.9 and C5.8.10 of clause 5.8.”
  - b. add to control 5.8.9 in clause 2.1.4 after the matter 12m the words “as measured from the external face of the building with the roof terrace to the external face of the adjoining building.”
  - c. delete from figure 5.8.5 the words “up to 12.0m” and insert “Minimum of 12.0m”.
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## Notices of Motion

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**Item No:** 1  
**From:** Councillors Huxley & Petrie  
**Date:** 12 June 2008  
**File No:** 900.G

That Woollahra Council commission an independent traffic and parking study to be carried out immediately on the potential impacts of the White City/Poplar proposal for the White City Lands on the surrounding residential streets as follows:

New Beach Road, Hampden Road, Royston Street, Cascade Street, Glenmore Road, Lawson Street, Nield Avenue, Cambridge Street, Alma Street, and Brown Street and other streets staff deem as necessary, and that the outcomes of the study inform the staff assessment of the Poplar development application.

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**Item No:** 2  
**From:** Councillor Sinclair King  
**Date:** 19 June 2008  
**File No:** 900.G

That Council prepare a detailed Regulation on the use of leaf-blowers in the municipality. That the report include consideration of this regulation being incorporated in the Woollahra Development Control Plan.

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**Item No:** 12  
**Subject:** Questions Without Notice  
**Author:** Gary James, General Manager  
**File No:** 467.G/Q01  
**Reason for Report:** To provide a response to Questions without Notice from Council Meeting of 10 June 2008 and for Councillors to ask Questions without Notice in accordance with Council's Code of Meeting Practice.

**Recommendation:**

That the responses to previous Questions without Notice be noted.

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**Background:**

The provision for Councillors to ask Questions Without Notice is contained in Section 3 of Council's Code of Meeting Practice which states:

- (1) *As a standard practice, "Questions Without Notice" shall be listed in all agendas of Ordinary Meetings of Council*
- (2) *Questions shall be in writing.*
- (3) *The Mayor shall direct the question to the General Manager or responsible Division Head; or if the question is directed to another Councillor, the Councillor concerned. There shall be no requirement to answer the question immediately.*
- (4) *If the answer to a question can be given immediately then such shall be done and a record made in the Minutes of the Meeting. If an answer can be given, but not immediately, then the Mayor shall indicate to whom the question is to be directed and the basis upon which the answer is to be provided (whether in writing and direct to the Enquirer, or by means of a report to an appropriate Committee, or otherwise.)*
- (5) *In the spirit of achieving the expeditious discharge of Council business the agenda item "Questions Without Notice" shall generally be limited to not more than 30 minutes duration unless the Council determines otherwise, on the evening in question and by way of specific resolution.*

Questions Without Notice should be asked in accordance with the Code of Meeting Practice.

Responses to Councillors Questions Without Notice on 10 June 2008 are as follows:

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**Councillor Sinclair King asking:**

I have been barraged with letters about the Hills Weeping Fig that are or are not being planted. I am wondering whether those 2 trees are or were about to be planted and whether the Mayor could provide some publicity in your column as to the meeting that was held 2 weeks ago as to the situation.

**Director Technical Services in response:**

As we advised Councillors, there was a briefing given to Councillors the other night, subsequent to that briefing we have reviewed the proposed planting and the proposition is to plant 2 trees rather than 3 which preserves view corridors between the trees. That is the current proposal that is in hand.

**Mayor in further response:**

Councillors, can I remind you that this Council on 28 November 2005 adopted the Rushcutters Bay Park/Yarranabbe Park and Plantation Reserve Plan of Management. That was a document which had been out to public exhibition, it had reviewed the 1998 Plan of Management, it interviewed 300 users of the Rushcutters Bay and Yarranabbe Parks, consulted with other stakeholders including the Department of Lands, NSW Maritime, City of Sydney, local residents groups including Darling Point Society, Rushcutters Bay Foreshore Protection Association and the neighbouring Cruising Yacht Club and D'Albora. That was also out for public exhibition between June and July of 2005. One of the items which was defined as being of value to the parkland for the area was the maintaining of grassy expanse with large mature trees along the parks perimeter and major access. Part of the mid term plan was to replant certain trees in Yarranabbe Park to replace those which had somehow disappeared. I also draw to your attention Councillors, that the Plan of Management requires to be reviewed in 5 years, that is 2010. Like all plans of management it is subject to review between the times and you will recall that there has been a Notice of Motion that was passed at the last Council Meeting to the effect as to reviewing the situation.

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**Councillor Sinclair King asking:**

What is the progress of the Council assessment of the Double Bay Marina development application? What time frame can we expect this?

**Acting Director Planning and Development in response:**

On 14 December 2007 Double Bay Marina Pty Ltd lodged a development application (DA 844/2007) which seeks consent to replace the existing fixed wharf structure with a low floating structure with berths for 51 vessels. On 16 January 2008 the applicants provided a model of the proposed development.

It is proposed to replace the existing 40 berth marina with a new floating marina structure containing 51 fixed berths. It is also proposed to remove 11 commercial swing moorings and retain 14 commercial swing moorings. The existing arrangement of 40 marina berths and 25 swing moorings will be replaced by 51 marina berths and 14 swing moorings. The total number of vessels stored will remain unchanged at 65.

The proposed development also includes 8,300 cubic metres of dredging and internal alterations of the existing office and amenities building.

The proposal is 'designated development'. The formal public exhibition concluded on 28 March 2008. In response we received 317 objections, including 11 petitions with 616 signatures and 13 letters of support.

On 21 May 2008 Council received Notice of an Appeal to the Land and Environment Court against a deemed refusal. The matter is listed for callover on 18 June 2008. We are in the process of preparing our assessment report which will need to be given high priority to meet Court determined deadlines. Our report on this matter is likely to be completed in August 2008.

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**Councillor Dawson asking:**

Can we let those down at Rushcutters Bay know what we are doing?

**Manager Public Open Space in response:**

Owners of properties opposite Yarranabbe Park were informed of our tree planting intentions by correspondence sent 30 May 2008.

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**Councillor Excell asking:**

I believe there are negotiations going on at this Council regarding Kiaora Lane Carpark and Woolworths. What is being developed? Could Council and the community be updated or informed about what is being negotiated?

**Mayor in response:**

Yes I can indicate this at the moment. Council is in negotiations with Woolworths regarding construction of a supermarket on the Kiaora lands site. We are getting to a stage that hopefully we will be able to put something to the relevant committee. At the moment there are a couple of things which need to be resolved before we can go too much into the public over it. I can indicate from what I have seen of it I am very supportive of it and it would be a very great outcome to the community.

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**Councillor Excell asking:**

Could a meeting please be organised between relevant members of staff and invitation be extended to myself to discuss actions that can be taken to deal with foxes? Those that I suggest be invited are Randwick, Sydney City, Waverley Councils, National Parks and Wildlife Service and golf courses within these Councils.

**Mayor in response:**

That would require a Notice of Motion.

**Councillor Shapiro asking:**

For the past couple of years there has been a large mattress used to block the doorway of a newly completed block of units at 64 Birriga Road. Can we please ask the developer (or owner) to remove it as it is extremely unsightly?

**Acting Director Planning and Development in response:**

The property in question is No. 62 Birriga Road Bellevue Hill, which is nearing completion. An Occupation Certificate has been applied for, although there are a number of items that remain outstanding, which the owner is addressing. Council's Compliance Section will contact the owner of the building and ask him to remove the mattress that is in the doorway of the service area.

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**Councillor Petrie asking:**

Many, many residents have complained to me that the Greens Party have put signs on telegraph poles all through Paddington and West Woollahra. Is this legal?

**Manager Governance in response:**

Council does not permit election signs to be placed on Council property. It is acknowledged that election signs are erected during federal, state and local government elections. State and local government elections are conducted by the NSW Electoral Commissioner who has the responsibility to manage all matters to do with the elections. Where election signs are erected on third party owned publicly located property such as telegraph poles, the signs are reported to the Electoral Commissioner for his action.

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**Councillor Petrie asking:**

Can the Mayor write to Energy Australia and ask them to review the advertisements on their telegraph poles as it is an environmental disgrace?

**Mayor in response:**

I will but I would ask for your assistance to give me at least a couple of streets that I can identify in the letter.

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**Councillor Petrie asking:**

Could the Council describe, in detail, the exact method that the fig trees can be pruned? This should include topping, thinning and side shaping.

**Manager Parks & Street Trees in response:**

At a recent presentation to Councillors, it was outlined how cathedral pruning/lion's tailing which was carried out in the 80s is not acceptable under the 2007 Australian Standard for Pruning Amenity Trees because it creates unnatural weight distribution which leads to weakening of the branch-trunk unions and is potentially hazardous.

In our management of newly planted trees in sensitive locations we can carry out formative pruning to create a smaller scale multi-branched broad domed tree, thus preserving view corridors between trees and view lines below and above,

For existing trees, we can use natural target pruning to reduce the span and height, This has to be carried out in such a way as to preserve the structure and condition of each tree. Regarding topping, thinning or side shaping; topping is no longer an approved practice under the Standard. Thinning or the removal of numerous small branchlets is sometimes carried out to improve solar access however it is very time consuming and may not improve views in this situation. Side thinning would have to be assessed in relation to natural target pruning methods and available side branches which have been largely removed during previous cathedral pruning events.

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Gary James  
General Manager

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**Annexures:**

Nil