



# Community & Environment Committee

**Agenda:** *Community & Environment Committee*

**Date:** *Monday 25 July 2011*

**Time:** *6.00pm*

## **Outline of Meeting Protocol & Procedure:**

- The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (eg applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allotted four (4) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- The Chairperson has the discretion whether to continue to accept speakers from the floor.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

## **Recommendation only to the Full Council (“R” Items)**

- Such matters as are specified in Section 377 of the Local Government Act and within the ambit of the Committee considerations.
- Matters which involve broad strategic or policy initiatives within responsibilities of Committee.
- Matters requiring the expenditure of moneys and in respect of which no Council vote has been made.
- Matters delegated to the Council by the Traffic Authority of NSW.
- Matters not within the specified functions of the Committee,
- Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes.
- Parks and Reserves Plans of Management (Strategies, Policies and Objectives).
- Residential Parking Schemes - Provision and Policies.

## **Delegated Authority (“D” Items)**

- Community Services and Programs.
- Library Services
- Health.
- Licensing.
- Liquor Licences.
- Regulatory.
- Fire Protection Orders.
- Residential Parking Schemes (surveillance and administration).
- Traffic Management (Traffic Committee Recommendations).
- Waste Minimisation.
- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agendas (and as may be limited by specific Council resolution).
- Confirmation of the Minutes of its Meetings.
- Any other matter falling within the responsibility of the Community and Environment Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed above.
- Statutory reviews of Council's Delivery Program and Operational Plan.

**Committee Membership:**

7 Councillors

**Quorum:**

The quorum for a Committee meeting is 4 Councillors.

# WOOLLAHRA MUNICIPAL COUNCIL

## Notice of Meeting

21 July 2011

To: Her Worship The Mayor, Councillor Isabelle Shapiro ex-officio  
Councillors Susan Wynne (Chair)  
Sean Carmichael (Deputy)  
Anthony Boskovitz  
Peter Cavanagh  
Susan Jarnason  
Greg Medcraft  
Andrew Petrie

Dear Councillors

### **Community & Environment Committee Meeting – 25 July 2011**

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Community and Environment Committee** to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 25 July 2011 at 6.00pm.**

Gary James  
General Manager

## **Additional Information Relating to Committee Matters**

**Site Inspection**

**Other Matters**

## Meeting Agenda

| <b>Item</b> | <b>Subject</b>   | <b>Pages</b> |
|-------------|--|--------------|
| 1           | Leave of Absence and Apologies   |              |
| 2           | Note Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item |              |
| 3           | Declarations of Interest   |              |

### **Items to be Decided by this Committee using its Delegated Authority**

|    |   |   |
|----|---|---|
| D1 | Confirmation of Minutes of Meeting held on 11 July 2011 | 1 |
|----|---|---|

### **Items to be Submitted to the Council for Decision with Recommendations from this Committee**

|    |  |   |
|----|--|---|
| R1 | WMC Draft Tree Management Policy – 262.G | 2 |
|----|--|---|

**Item No:** D1 Delegated to Committee  
**Subject:** **Confirmation of Minutes of Meeting held on 11 July 2011**  
**Author:** Les Windle, Manager - Governance  
**File No:** See Council Minutes  
**Reason for Report:** The Minutes of the Meeting of Monday 11 July 2011 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.

**Recommendation:**

That the Minutes of the Community and Environment Committee Meeting of 11 July 2011 be taken as read and confirmed.

Les Windle  
Manager – Governance

**Item No:** R1 Recommendation to Council  
**Subject:** **WMC Draft Tree Management Policy**  
**Author:** Bruce Rann – Manager Open Space and Trees  
**File No:** 262.G  
**Reason for Report:** Reporting the findings of the public exhibition period

**Recommendations:**

- 1 That Council note that amendments to versions 11 and 12 of the Tree Management Policy have been made in line with public submissions.
- 2 That Council note that the community remains strongly divided on the issue of view pruning of park trees.
- 3 That Council adopt either:
  - a. Version 11 of the Tree Management Policy which does not allow view pruning or solar access pruning of park trees.
  - b. Version 12 of the Tree Management Policy which does allow view pruning and solar access pruning of park trees.
- 4 That Council continue to prune to the Australian Standard (AS 4373) and that this be reflected in the final draft of the Tree Management Policy.

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**Background**

In September 2008 Council resolved that a Tree Management Policy (TMP) for the whole of the Municipality be prepared by a Vegetation Management Working Party (VMWP) comprised of Councillors and industry experts, with regular reviews being reported to the Community and Environment Committee.

From late 2008 until early 2011, Council staff and the VMWP members met with Councillors, industry experts and resident action groups seeking input for the new TMP. After seeking advice on best practice in tree management policies, the VMWP produced a framework for the document and for a set of aims and objectives which would guide the detail of the document development.

Once the aims and objectives were clarified and adopted by Council, the VMWP produced a number of versions of a draft Tree Management Policy for public and private trees across Woollahra.

On 14 February 2011 version 10.4 of the TMP was presented to the Community and Environment committee who recommended the draft Policy to the next Council meeting.

On 28 February 2011 Council resolved that a number of amendments be made to the draft Policy prior to public exhibition (see below). Council staff made the recommended amendments and on 10 March 2011 version 10.4 was placed on public exhibition until 20 April 2011.

## Resolution

On Monday 28 February 2011 Council resolved:

1. That the draft Woollahra Tree Management Policy (TMP version 10.4 with view pruning of park trees allowed – Guideline 5) be approved for public exhibition by Council with the following amendments:
  - (i) Section 2.4 Avenue Plantings, Paragraph 3  
Replace  
We also aim to retain or enhance the uniformity, spacing and management practices for avenue plantings.  
With  
We also aim to promote new avenue plantings and to retain or enhance the uniformity, spacing and management practices for our existing avenue plantings.
  - (ii) Section 2.12 View Pruning (General), Paragraph 3  
Replace  
On the other hand, residents purchasing newly developed properties should recognise that established trees between their property and the harbour will not generally be considered for view pruning to create a new view.  
With  
On the other hand, residents developing or making alterations or additions to properties, or purchasing newly developed properties should recognise that established trees between their property and the harbour, or other significant views, will not generally be considered for view pruning to create a new or improved view.
  - (iii) Section 2.12.3 View Pruning Guidelines, Guideline 3  
Replace  
The tree is centrally located in the view corridor of the principal living area and within 50metres of the viewing point.  
With  
The tree is centrally located in the view corridor of the principal living area and within 50metres of the viewing point.  
(Note: long standing view pruning relationships / services on trees not centrally located to the principal living area may be maintained if not detrimental to a tree's health)
  - (iv) Section 2.17 View Pruning (General), Paragraph 3  
Replace  
In situations where trees have been poisoned, staff may leave the tree standing and / or place a banner on the tree calling for information on the illegal action, so long as this practice is safe and does not affect the stability of the tree.  
With  
In situations where trees have been poisoned or maliciously damaged , staff may leave the tree standing and / or place a banner or other signage on or near the tree advising the public of the illegal action and calling for information, so long as this practice is safe and does not affect the stability of the tree.
2. That the adopted TMP be placed on public exhibition for a period of one month.
3. That a report on the community feedback arising from the public exhibition period (with special attention to community views on view pruning of park trees) be brought to Council prior to the final adoption of the Policy.

### **Key findings from the TMP public exhibition process.**

The total number of responses from the public exhibition period was 357, comprising 110 individual letters or emails and 247 petition signatures.

Although difficult to quantify (see discussion) most submissions were in favour of a comprehensive TMP for public and private trees in Woollahra, and many submissions supported the general layout and information in the document.

Eight submissions thought that the TMP was either totally unnecessary or needed complete re-writing.

The issue of view pruning for park trees was very contentious with a very high proportion of responses having a strong opinion either for or against view pruning for park trees.

The largest group of submissions (individual letters and petitions) were of a form letter type. 34 letters and a petition of 165 signatures had a text header which in brief supported the TMP “as is” specifically mentioning support for view pruning and solar access pruning of park trees.

The same letters and petitions also recommended a key change in Council’s pruning practices from “always” pruning to the Australian Standard to “generally” pruning to the Australian Standard.

The second largest group of submissions were against view pruning of park trees. This grouping includes a petition of 54 signatures plus 33 individual and unique (as opposed to form letters) submissions as letter or emails.

There were a number of submissions specifically requesting that the TMP help Woollahra keep its leafy atmosphere.

There were a number of submissions asking if Council could do more to restrict or remove “vexatious” plantings such as Leyland Cypress hedges. Although the topic of Council’s controls over tree planting is partially covered in the Development Applications and Landscape Plan Approval sections of the Policy, this topic has been expanded in the new TMP drafts.

There were two submissions seeking clarification on view pruning relating to people who have just purchased a property near the harbour. The submissions indicated that this needs to be better explained in the Policy, and this request is supported by staff.

There was a detailed submission from the Strategic Planning staff with a number of suggestions for improvement to the TMP including: view sharing criteria, issues with significant trees being on both public and private property, solar access for habitable rooms only and better links between the TMP and LEP and DCPs. Most of these minor amendments have been incorporated into versions 11 and 12.

Most of the other information received from the submissions was relatively site specific and often of a one-off nature. A more detailed breakdown of the frequently raised (and less common) issues brought up in the public exhibition responses can be found in **annexure 1**.

## **Discussion:**

Most people thought that a new TMP for Woollahra was desirable and most people approved of the general layout and information. However it is almost impossible to accurately quantify the level of support as many of the submissions which were against park tree view pruning started by saying “I am against the policy because of view pruning of park trees...” but then went on to praise most other sections of the document.

View pruning of park trees was clearly the most contentious issue. There were only a handful of submissions which did not touch on this issue and most submissions overtly stated that they were either for or against view pruning of park trees. It was assumed that those submissions which were obviously satisfied with the draft placed on public exhibition were comfortable with the potential change to view pruning of park trees.

Looking at the trends in the statistics and the types of responses, it seems that resident groups seeking improved access to views or solar access via park tree pruning were motivated and organised, with a large proportion of submissions in favour of park tree view pruning being of a form letter or petition type.

Apart from one smaller petition (54 signatures) the submissions against park tree view pruning were largely individual and uniquely worded letters or emails.

Although there were no formal submissions against view pruning of park trees from Council’s in house tree management staff, or from the VMWP tree management industry experts, it should be noted by Council that the opinion of WMC’s tree management staff and of all the industry experts (all of whom have extensive experience in managing trees and landscapes) has been, and continues to be, against allowing view pruning of park trees.

The form letters and petitions in favour of view pruning of park trees also recommended that the key section of the Policy specifying that Council will prune trees to the Australian Standard be changed to “Council will generally prune to the Australian Standard”

Most of the documents produced by Standards Australia, including Pruning of Amenity Trees AS4373 2007, are guides rather than legislation, so there is no legal obligation on Council to commit to strict AS style pruning. However as the AS 4373 has been specifically developed “*to encourage pruning practices and procedures that reduce the risk of hazard development, branch failure, pathogen infection and premature tree death*”, having a policy which overtly states that we may not always use the Standard cannot be recommended by Council staff.

## **Conclusions**

The majority of submissions were in favour of Council having a Tree Management Policy for public and private trees across the Municipality. And there was a good level of satisfaction with the exhibited Policy format.

The community is strongly divided on the issue of view pruning for park trees, with a very large number of submissions from people living near the foreshore in favour of view pruning for park trees, and a slightly smaller, but still significant number of submissions against a potential move to allow view pruning for park trees, from residents with diverse address locations.

The majority of submissions in support of the TMP “as is” or with minor changes appeared to support the potential move to user pays pruning for solar access. On the other hand many of the submissions against view pruning of park trees did not specifically mention solar access pruning for park trees. However it was fairly clear that most of these submissions were generally against additional pruning of park trees beyond the current safety related pruning program.

There were a large number of submissions urging a relaxation of Council’s adherence to the Australian Standards for view pruning; however it is the view of staff that adherence to the Australian Standards is extremely important for public safety as well as allowing Council to pursue breaches of the Australian Standard as promoted in our current Tree Preservation Order (TPO).

Bruce Rann  
Manager – Open Space and Trees

Tom O’Hanlon  
Director Technical Services

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**Annexures :**

**Annexure 1: Key findings of the public exhibition period**

**Annexure 2: Tree Management Policy version 11 (view pruning of park trees not allowed)**

**Annexure 3: Tree Management Policy version 12 (view pruning of park trees allowed)**

**POLITICAL DONATIONS DECISION MAKING FLOWCHART  
FOR THE INFORMATION OF COUNCILLORS**

