SUPPLEMENTARY AGENDA 2

Distributed on 11 August 2020

COUNCIL MEETING

TUESDAY 11 AUGUST 2020

6.30pm

Location: Remote Meeting

MEETING AGENDA – PRECIS
SUPPLEMENTARY ITEMS

The following reports appear as late items with Mayoral approval as information required for the preparation of the reports was not available at the time of distribution of the Business Paper.

1 Mayoral Minutes

Item No: **C0820(1) Item 17**

Subject: **MAYORAL MINUTE: ICARE PETITION**

From: **The Mayor, Councillor Darcy Byrne**

MOTION:

THAT Council:

1. **Writes the NSW Government expressing concern about the recent revelations regarding the systemic failures of iCare, including the widespread underpayment of injured workers and large-scale increases in executive remuneration;**

2. **Endorses the United Services Union (USU) petition calling for a total overhaul of the iCare worker's compensation scheme (Attachment 1); and**

3. **Promotes the USU petition through its communication channels.**

Background

Email from Graeme Kelly OAM, United Services Union General Secretary, sent to union members:

Dear Member,

Sick and injured workers effectively robbed by NSW Government.

52,000 injured workers in NSW have been underpaid up to $80 million in compensation for loss of wages.

Following revelations on the ABC's Four Corners program, the United Services Union has joined Unions NSW and opposition political parties to hold the government and iCare to account.

At the same time as tens of thousands of workers have been ripped off, iCare senior executives are among the highest paid in the public sector.

Please sign our petition calling on the NSW Treasurer Dominic Perrottet to repay injured workers, sack iCare's executive management and order executives repay their bonuses.

Prior to iCare being created, there were two people who had an average salary of $300,000. There are now 45 people with an average salary of $300,000 and the top seven executives earn an average of around $660,000. A confidential NSW Treasury briefing says "iCare's executive team is likely the highest paid in the NSW government sector".

In 2015, Treasurer Dominic Perrottet created iCare - the agency responsible for NSW's workers' compensation scheme. iCare's executive inherited a $4 billion surplus, which has disappeared in just 4 years, at the same time they are cutting off compensation for injured workers.

iCare provides workers compensation insurance to more than 326,000 businesses and insures 3.6 million employees and it answers to Minister Perrottet.

If you get injured at work you deserve to be treated with dignity and respect and receive fair compensation which helps you manage your injury and get back to work.

Instead workers are being denied adequate compensation and being forced back to work when they are still injured – they are basically given no choice if they want to feed their family.

This is a disgraceful betrayal of trust.

We are calling on the NSW Treasurer Dominic Perrottet to repay injured workers, sack iCare's executive management and order executives repay their bonuses.

Graeme Kelly OAM
USU General Secretary

ATTACHMENTS

1 Link to the petition: https://actionnetwork.org/forms/tell-the-treasurer-they-need-to-sack-the-icare-executive

Item No: C0820(1) Item 18

Subject: MAYORAL MINUTE: PRATTEN PARK CRICKET NETS AND LIGHTING

From: The Mayor, Councillor Darcy Byrne

MOTION:

THAT Council:

1. **Notes the Western Suburbs District Cricket Club (WSDCC) has obtained two grants - from Cricket NSW and Cricket Australia, worth $140,000 - to build and upgrade the Pratten Park cricket nets at no cost to Council;**

2. **Allows WSDCC to install the Council approved cricket net upgrade, including the net lighting strip, at Pratten Park; and**

3. **Allocates funds from Council's tree maintenance budget to the project to cover the costs resulting from recommendations by Council's Arboricultural Impact Assessment (Attachment 1).**

Background

In March 2019, Western Suburbs District Cricket Club (WSDCC) had discussions with Cricket NSW regarding improving the quality of the training facility, with the main goal to provide safety to park users during WSDCC Pratten Park training sessions.

The Club was concerned that there is a significant risk of park users being injured during training, so it paid for protective netting at the ground and positioned A-frame warning signs on training days.

In March 2019 initial quotes were procured for new fencing and lighting to make the facility safer and more usable. Grant funding from Cricket NSW and Cricket Australia has been made available totalling $140 000 for the project with no costs incurred to Council.

The Club and Cricket NSW have been liaising with Council since then on the design of the facility.

In June 2020 Council informed the Club that approval had been granted for the project with the condition that the lighting proposed to be attached to the new fencing be removed from the design. The purpose of the lighting is to allow for the use of the nets by the Club and the General public in late afternoon and early evening and to improve visibility and safety for general park users. It has been proposed by Council that this lighting be considered in a future review of the Plan of Management.

More recently, following an assessment by Council arborists, conditions have been proposed which will add approximately $10,000 to the cost of the project.

ATTACHMENTS

1.⇩ Arboricultural Impact Assessment report for the Pratten Park cricket nets and lighting works

Arboricultural Impact Assessment

Pratten Park - 40 Arthur Street, Ashfield

Proposed Cricket Net Fencing and Lighting

Prepared for Inner West Council

Prepared 3 August 2020

by
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Accredited Member Institute of Australian Consulting Arboriculturists (IACA)
Member International Society of Arboriculture (ISA)

Executive Summary

This Arboricultural Impact Assessment (AIA) report has been prepared for for Inner West Council, to assist in the assessment of authorised works in a Council park within Inner West (formerly Ashfield) Council area in relation to the proposed park lighting and cricket net fencing development works at Pratten Park (40 Arthur Street, Ashfield).

The proposed development consists of installation of two lighting poles and additional cricket net fencing as shown on the plans by Light Up Sports and Gabba Sporting Products.

This report assesses eleven (11) trees within the property. Details of the species, dimensions, health, and condition of the assessed tree are contained in the **Tree Survey Information Table** (p. 4).

In the context of the proposed development, all trees on site will need to be retained and protected by utilising tree sensitive construction measures and tree protection devices, as shown on the **Tree Protection Plan** (p. 5) and specified in the **Recommendations** (p. 7).

The following are the outcomes of the arboricultural impact assessment regarding the trees in the context of the currently proposed works.

- Retain and protect all trees on site including **Trees 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11**.
- Engage a Project Arborist (with a min. AQF Level 5 qualification in arboriculture).
- No pruning is to occur to any trees unless approved prior by the Project Arborist and/or Council Tree Management.
- Install tree protection fencing around the TPZ areas and ground protection as shown on the Tree Protection Plan, to exclude all works access from tree protection areas. Maintain the fencing in situ throughout works.
- Install trunk protection to **Trees 3, 4 & 5.**
- Where any excavation, including trenching or footings, is within a TPZ area the excavation must be done by non-destructive excavation method (hand tool excavation, Air spade, water laser (pressure of <1000PSI) or directional boring).
- No alteration of ground levels within TPZ areas, including site scraping.
- Avoid damage to tree roots of 40mm diameter or greater.
- No storage of materials or waste in TPZ areas.
- Avoid using machinery under the canopy of trees to avoid damage to branches.

Project Arborist Hold Points

No.	Hold Point	Timing
1	Review final fence and lighting designs (& any associated works planned)	Prior to works commencing
2	Installation of tree protection - arborist inspection	Prior to works commencing
3	Any earthworks, digging, trenching, construction in TPZ	At commencement of works in TPZ
4	Prior to any tree pruning - arborist inspection	Prior to pruning
5	Removal of tree protection - arborist inspection	At completion

Contents

1. Introduction

1.1 Summary

This Arboricultural Impact Assessment (AIA) report has been prepared for Inner West Council, to assist in the assessment of authorised works in a Council park within Inner West (formerly Ashfield) Council area in relation to the proposed park lighting and cricket net fencing development works at Pratten Park (40 Arthur Street, Ashfield). The report is prepared in accordance with Australian Standard *AS4970-2009 – Protection of trees on development sites*.

1.2 Purpose

The purpose of this report is to assess the potential impacts of the proposed works on the trees on the site, and detail tree protection measures required for retained trees including tree sensitive design and construction measures.

1.3 The Site

The site is a park located between Arthur Street to the north, Park Lane to the south, and is surrounded by low density residential properties to the east and west. The park contains a sports oval, amenities buildings and other park and sports facilities, paths, park equipment and landscaped areas containing a mixture of planted exotic and native trees, shrubs and lawn. Mature avenues of *Lophostemon confertus* (Brush Box) are a major feature of the park.

1.4 The Trees

This report assesses eleven (11) trees within the park. Details of the species, dimensions, health, and condition of the assessed trees are contained in the **Tree Survey Information Table** (page 4).

1.5 The Proposed Development

The proposed development consists of installation of two lighting poles and additional cricket net fencing as shown on the plans by Light Up Sports and Gabba Sporting Products.

2. Background

2.1 Tree Management Controls

Inner West Development Control Plan 2020 (DCP) Part C3 applies to any tree with a height equal to or greater than 6 metres above ground level (existing); or under 6 metres in height that has a trunk diameter of more than 300mm at ground level (existing); or with a canopy spread equal to or greater than 3 metres; or any palm tree or tree fern with a stem length equal to or greater than 4 metres above ground level (existing); or any tree that is required as the habitat of native animals.

The trees assessed in this report are owned by Council and therefore exempt from the DCP for works by authorised persons. However no damage to trees is authorised.

2.2 Reference Documents

The following documents were referred to in the preparation of this report:

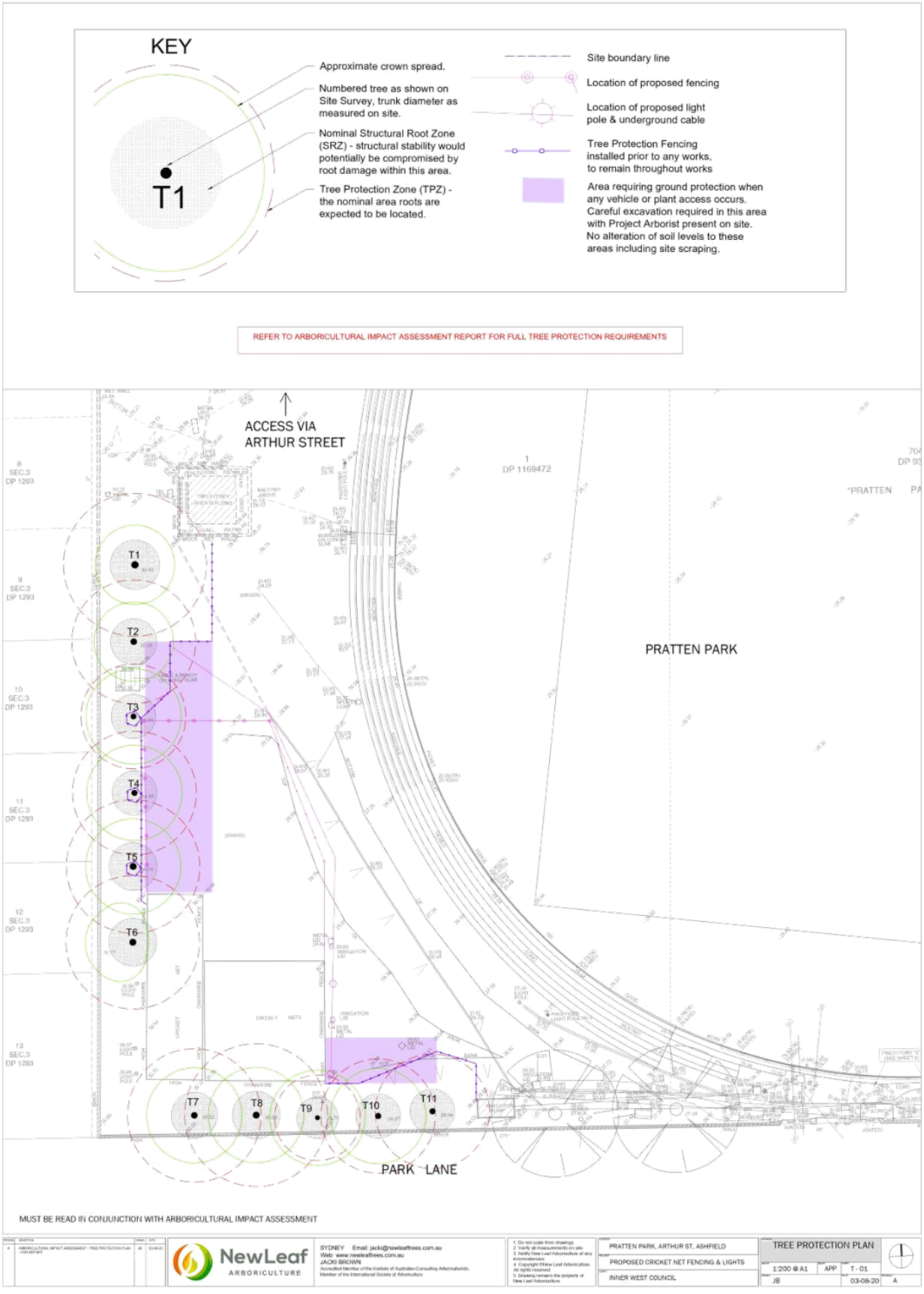
- Survey Plan: Norton Survey Partners, Ref 50102, Issue B 21.08.2019.
- Cricket Net Plan, Gabba Sporting Products, received 16/07/20.
- Lighting sketch plan, Light Up Sports Pty Ltd, AS4282 Calculations, Rev R2, 3/6/20
- Australian Standard *AS4373-2007 Pruning of amenity trees.*
- Australian Standard *AS4970-2009 Protection of trees on development sites.*
- Inner West Tree Management Policy 2020 Part C3
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.*

 Tree Survey Information - Arboricultural Impact Assessment SITE: PRATTEN PARK, ASHFIELD 03/08/20

Tree No.	Botanical & Common Name	Height	Spread	DBH (mm)	DRB (mm)	Age	Health	Condition	ULE	Significance	Amenity Value	Ecological Value	SRZ	TPZ	Retention Value (STARS)	Site Notes	Development Encroachment	Development Impact
1	*Lophostemon confertus* Brush Box	11	6N 4S 5E 5W	750	850	M	G-Av	G	L	H	H	M	3.1	9.0	High	Lowest foliage 3.5m above ground N side.	0%	No impact.
2	*Lophostemon confertus* Brush Box	12	6N S 5E W	650	750	M	G-Av	G	L	H	H	M	2.9	7.8	High	Lowest foliage @ 4m E side.	5%	Minor encroachment from proposed underground power cable route. Careful excavation required.
3	*Lophostemon confertus* Brush Box	12	12	550	650	M	G-Av	G-Av	M-L	H	H	M	2.8	6.6	High	Damaged cambium N side. 250∅ branch @ 3.2m above ground in proposed fence location.	20%	Potential major encroachment if strip footing under fence or broadscale site scraping. Reduce impact by installing only isolated fence footings and maintaining existing ground surface/turf.
4	*Lophostemon confertus* Brush Box	12	12	650	700	M	G-Av	G	L	H	H	M	2.8	7.8	High	Exposed roots damage S side & epicormics. 100∅ branch @ 3.5m H over proposed fence location - fit fence under the branch.	40%	Potential major encroachment if strip footing under fence or broadscale site scraping. Reduce impact by installing only isolated fence footings and maintaining existing ground surface/turf.
5	*Lophostemon confertus* Brush Box	12	12	700	800	M	G-Av	G	L	H	H	M	3.0	8.4	High	Exposed roots damaged E side. Upright branch @ 4m over proposed fence location. Some dieback E side over proposed area - tip prune max 40mm∅ branches.	30%	Potential major encroachment if strip footing under fence or broadscale site scraping. Reduce impact by installing only isolated fence footings and maintaining existing ground surface/turf.
6	*Lophostemon confertus* Brush Box	10	5N 5S 2E 6W	700	800	M	G-Av	G-Av	L	H	H	M	3.0	8.4	High	Large branches lopped E side have reduced this tree's amenity & natural form in comparison to the rest of the avenues of Brush Box. Trunk 1.4m from existing fence.	3%	Potential minor encroachment from new fence. No impact if existing fence post used and no works to the ground surface (cut, fill or sealing of the surface) are done.
7	*Lophostemon confertus* Brush Box	11	12	700	750	M	G-Av	G	L	H	H	M	2.9	8.4	High	Low branches pruned mostly occluded. Branches clear the existing cricket nets by 2m, overhang 1-2m.	0%	No impact.
8	*Lophostemon confertus* Brush Box	11	12	750	800	M	G-Av	G	L	H	H	M	3.0	9.0	High	Overhang cricket nets by 1-2m @ 4-5m.	0%	No impact.
9	*Lophostemon confertus* Brush Box	9	12	450	550	M	G-Av	G	L	H	H	M	2.6	5.4	High	Foliage overhangs cricket nets by 1m @ 3-4m. Tip pruning/reduction only to install light pole.	1%	Proposed light pole at edge of TPZ. Careful excavation required.
10	*Lophostemon confertus* Brush Box	11	12	600	700	M	G-Av	G	L	H	H	M	2.8	7.2	High	Moderate epicormics. Doesn't overhang cricket nets - 2m offset.	0%	No impact.
11	*Lophostemon confertus* Brush Box	11	12	600	700	M	G-Av	G	L	H	H	M	2.8	7.2	High	-	0%	No impact.

Key: Height (in metres) ; Spread (crown spread in metres) ; DBH (Diameter at Breast Height / 1.4m) in millimetres ; DRB (Diameter above Root Buttress) in millimetres ; Age (Semi-mature, Mature, Overmature, or Senescent) ; Health (Good, Average or Poor) ; Condition (Good, Average or Poor) ; Useful Life Expectancy (ULE) (Short, Medium or Long) ; Significance (High, Medium or Low) ; Amenity Value (High, Medium or Low) ; Ecological Value (High, Medium or Low) ; SRZ (Structural Root Zone) radius in metres ; TPZ (Tree Protection Zone) radius in metres

INSPECTED: 17 July 2020 MUST BE READ IN CONJUNCTION WITH ARB. IMPACT ASSESSMENT


KEY
Approximate crown spread.
Numbered tree as shown on Site Survey, trunk diameter as measured on site.
Nominal Structural Root Zone (SRZ) - structural stability would potentially be compromised by root damage within this area.
Tree Protection Zone (TPZ) - the nominal area roots are expected to be located.
T1
Site boundary line
Location of proposed fencing
Location of proposed light pole & underground cable
Tree Protection Fencing installed prior to any works, to remain throughout works
Area requiring ground protection when any vehicle or plant access occurs. Careful excavation required in this area with Project Arborist present on site. No alteration of soil levels to these areas including site scraping.
REFER TO ARBORICULTURAL IMPACT ASSESSMENT REPORT FOR FULL TREE PROTECTION REQUIREMENTS
ACCESS VIA ARTHUR STREET
PRATTEN PARK
PARK LANE
T1
T2
T3
T4
T5
T6
T7
T8
T9
T10
T11
MUST BE READ IN CONJUNCTION WITH ARBORICULTURAL IMPACT ASSESSMENT
NewLeaf ARBORICULTURE
PRATTEN PARK, ARTHUR ST, ASHFIELD
PROPOSED CRICKET NET FENCING & LIGHTS
INNER WEST COUNCIL
TREE PROTECTION PLAN
1:200 @ A1
APP
T - 01
JB
03-08-20
A

5. Tree Assessment Methodology

5.1 Limitations and Assumptions

The recommendations in this report rely on the provided information, including architectural plans and documents, limited to those listed in **2.2 Reference Documents**.

Care has been taken to obtain all information from reliable sources; however the author makes no representations, guarantees or warranties as to the accuracy of information provided by others. Similarly, no warranties are made as to the accuracy or completeness of any reproduction of this report. This report is only valid in its entirety and for the purpose for which it was prepared.

Conditions on the site may change after the tree assessment. Liability will not be accepted for damage or injury as a result of unforeseeable events or natural processes.

This report does not constitute or include a tree risk assessment. Where defects are noted, these are recommended for further investigation where warranted. Other tree defects may be present which have not been noted.

5.2 Tree Assessment

Visual tree assessment was carried out by Jacki Brown, Arboricultural Consultant in July 2020. The tree inspection was limited to a visual assessment from ground level, without excavation, coring, drilling, climbing or other testing. Trunk diameters were measured using a standard tape measure, crown spreads were paced out on site, and tree heights were estimated by eye.

The Arboricultural Impact Assessment utilises the Australian Standard *AS4970-2009 Protection of trees on development sites*.

5.3 Tree Survey Data

Refer to the Tree Survey Information Table (page 4).

Useful Life Expectancy (ULE) ratings are given for each tree, of either Long (40+ years), Medium (15-40 years), Short (5-15 years) or Remove (less than 5 years). The ratings are estimates based on the assessed health, condition and structure of each tree at the time of assessment, in its specific location. The ratings are not static, and may be revised during future assessments if conditions change.

Significance ratings are given for each tree, based on their Amenity Value, Ecological Value, size and location. While High significance trees provide substantial values to their surroundings, Low and Medium significance trees also contribute to the Urban Forest and in many cases may grow to become High significance trees, given the opportunity.

An ***Ecological Value*** rating of High, Medium or Low has been assigned to each tree, based on the species and potential habitat values, however this should not be taken as ecological advice.

6. Observations and Discussion

6.1 Trees with Major Encroachment from the Proposed Development

Three (3) *Lophostemon confertus* (Brush Box) trees (**Trees 3, 4 & 5**) will have major encroachments from the proposed development, and will require tree sensitive construction methods including careful excavation, and tree protection devices including trunk protection and ground protection.

Careful excavation (with non-destructive excavation method such as hand tool excavation, water laser, or air spade) will be required for the fence footings within TPZ areas of these trees, and no roots greater than 40mm diameters should be damaged or cut. If roots of 40mm diameter or greater are encountered, the Project Arborist should be engaged to determine whether root pruning is acceptable, or to coordinate a method of installing the footings without damaging the root/s. Where large roots conflict with the proposed footing locations, relocate the footing/s to be at least 100mm from the root.

Ground protection (track mats or equivalent to prevent disturbance and compaction of soil) and tree protection fencing (1.8m high chainmesh fencing or equivalent) are required throughout development works to avoid and minimise impacts to the park trees.

6.2 Trees with Minor Encroachment from the Proposed Development

Three (3) *Lophostemon confertus* (Brush Box) trees (**Trees 2, 6 & 9**) will have minor encroachments from the proposed development and will require tree sensitive construction methods and tree protection devices.

Tree 2 will have excavation for connection of the new underground power cable for the lighting to the existing underground power cable which appears to be within the TPZ of this tree. Excavation within 7.8m of this tree will need to be done with non-destructive excavation method such as hand tool excavation, water laser, or air spade.

Tree 6 has installation of part of the proposed cricket net fencing extension within its TPZ area. Works within 8.4m of this tree will need to be done as per the methods described for Trees 3, 4 and 5.

Tree 9 will have the proposed light pole at the edge of its TPZ area. Any excavation within 5.4m of this tree will need to be done with non-destructive excavation method such as hand tool excavation, water laser, or air spade.

6.3 Trees with No Encroachments from the Proposed Development

Five (5) trees (**Trees 1, 7, 8, 10, & 11**) have no encroachments into their TPZ areas and will not be impacted, provided that adequate tree protection is in place throughout the works as shown on the attached Tree Protection Plan, and that the works do not require pruning of any overhanging branches.

Ground protection (track mats or equivalent to prevent disturbance and compaction of soil) and tree protection fencing (1.8m high chainmesh fencing or equivalent) are required throughout development works to avoid and minimise impacts to the park trees.

7. Recommendations

7.1 Tree Retention

- Retain and protect all trees on site including **Trees 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11**.

7.2 Tree Protection Devices

- Install tree protection fencing around the TPZ areas as shown on the Tree Protection Plan, to exclude all works access from tree protection areas. Maintain the fencing in situ throughout works.
- If any of the tree protection fencing locations are impracticable, the Project Arborist is to advise on acceptable alternatives to avoid damage to the trees. The Project Manager must contact the Project Arborist and arrange alternative tree protection prior to works commencing.
- Ground protection will be required if any vehicle or plant access, or any works area such as concrete mixing or materials/waste storage are to be located within the TPZ areas. Ground protection to be in the form of steel plates, hardwood rumbleboards, trackmats or equivalent over existing ground surfaces.
- Trunk protection to **Trees 3, 4 & 5** to ensure that movement of fences and works in close proximity to their trunks does not damage these trees. Trunk protection should be in the form of jute or thick hessian material wrapped loosely around stems and main low branches, with timber battens strapped around the stems at 100mm centres. Trunk protection should be installed to the height of any machinery to be used in proximity, or to the height of the fencing, whichever is greater.

7.3 Tree Sensitive Construction Measures

- Avoid damage to tree roots of 40mm diameter or greater.
- Where trenching or footing excavation is within a TPZ area, the excavation must be done by non-destructive excavation method (hand tool excavation, Air spade, water laser with pressure of less than 1000PSI or directional boring).
- Roots of 40mm diameter or greater must be maintained in situ without damage, and assessed by the Project Arborist if it is proposed to prune the root/s. Smaller roots encountered during excavation should also be retained in situ if possible. Where small roots need to be pruned to install the works, these must be cleanly cut with sterile pruning instruments (secateurs, loppers, hand saw or reciprocating saw).
- Minimise the width of trenches where they pass through or near TPZ areas, and locate them as far from trees as possible.
- Avoid using machinery under the canopy of trees to avoid damage to branches.
- No alteration of ground levels within TPZ areas, including site scraping.

7.4 Project Arborist Involvement

- Engage a Project Arborist (with a minimum AQF Level 5 qualification in arboriculture and experience in providing project arborist services on similar projects) to inspect tree protection measures, monitor tree health and condition, during any works in TPZ areas, and at completion, and if any tree protection is to be moved and/or if any additional works near trees is proposed, and/or if trees are damaged.
- Project Arborist will need to attend during any excavations and construction within the TPZ of **Trees 3, 4, & 5**.

7.5 Construction Tree Management

- Avoid storage and dumping of materials, and machine and construction access to TPZ areas (including those not fenced), except where ground protection is installed.

7.6 Crown Pruning

- No pruning is to occur to the trees unless approved prior by the Project Arborist and Council Tree Management. Pruning must be limited to the following, and should only be carried out if it cannot be avoided by adjusting the fence around branches:
  1. Tip prune low overhanging dead or dying branches of maximum 40mm diameters of Tree 5 on the eastern side only for 1m clearance of the cricket nets; and
  2. Prune the one low 100mm diameter branch of Tree 4 at 3.5m height on the eastern side, only if the fence cannot be installed without pruning the branch.
- All pruning must be carried out by an AQF Level 3 qualified arborist to Australian Standard *AS4373 Pruning of amenity trees*.

7.7 Project Arborist Hold Points

No.	Hold Point	Timing
1	Review final fence and lighting designs (& any associated works planned)	Prior to works commencing
2	Installation of tree protection - arborist inspection	Prior to works commencing
3	Any earthworks, digging, trenching, construction in TPZ	At commencement of works in TPZ
4	Prior to any tree pruning - arborist inspection	Prior to pruning
5	Removal of tree protection - arborist inspection	At completion

The recommendations of this report do not constitute consent to carry out works. Council approval is required to prune trees, as well as the consent of the tree owner where trees are on neighbouring properties.

Further information and clarification can be obtained from the author.

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