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INCORPORATED  
AS A MUNICIPALITY  
22 FEBRUARY 1859  
PROCLAIMED AS  
A CITY JULY 1990

5<sup>th</sup> November, 2002

## WORKS COMMITTEE MEETING

NOTICE IS HEREBY GIVEN THAT A WORKS COMMITTEE MEETING OF THE COUNCIL OF THE CITY OF RANDWICK WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL, 90 AVOCA STREET, RANDWICK, ON TUESDAY, 12<sup>TH</sup> NOVEMBER, 2002 AT 6:00 P.M.

Committee Members: His Worship, the Mayor, Cr D. Sullivan, Crs Backes, Bastic (Chairperson), Greenwood, Schick, Seng and White (Deputy Chairperson) and Whitehead.

Quorum: Five (5) members.

NOTE: AT THE EXTRAORDINARY MEETING HELD ON 5<sup>TH</sup> SEPTEMBER, 2000, THE COUNCIL RESOLVED THAT THE WORKS COMMITTEE BE CONSTITUTED AS A COMMITTEE WITH FULL DELEGATION TO DETERMINE MATTERS ON THE AGENDA.

### **1 Apologies**

### **2 Minutes**

CONFIRMATION OF THE MINUTES OF THE WORKS COMMITTEE MEETING HELD ON TUESDAY 8<sup>TH</sup> OCTOBER, 2002.

### **3 Addresses to Committee by the Public**

### **4 Mayoral Minutes**

### **5 Works**

5.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 2  
127/2002 - LITTLE BAY ROAD AT ANZAC PARADE, CHIFLEY  
- TRAFFIC CONDITIONS.

5.2	DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 128/2002 - TWO ALEXANDER PALMS GROWING IN REAR OF 120 EASTERN AVENUE, KINGSFORD.	9
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.....  
GENERAL MANAGER

## ***Director Asset & Infrastructure Services' Report 127/2002***



<b>SUBJECT:</b>	LITTLE BAY ROAD AT ANZAC PARADE, CHIFLEY - TRAFFIC CONDITIONS
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<b>DATE:</b>	17 October, 2002	<b>FILE NO:</b>	R/0473/02 xr R/0031/02
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**REPORT BY:** DIRECTOR ASSET & INFRASTRUCTURE SERVICES

### **INTRODUCTION:**

A request has been received from residents at the Little Bay Road/Anzac Parade intersection concerned with traffic conditions along the frontage of their homes.

This item was considered at the October 2002 Traffic Committee Meeting.

### **ISSUES:**

The properties of the concerned residents 121–129 Little Bay Road and 1401 Anzac Parade front a left slip lane off Anzac Parade heading westbound onto Little Bay Road. Vehicles, including buses are travelling along this 80 metre stretch of road at high speeds and in conflict with vehicular access to the properties. Concern is also raised regarding the location where the slip lane meets westbound traffic on Little Bay Road.

The letter states: *‘There is a lot of confusion about the right of way where the two sections of road merge and where vehicles meet at high speed. We have witnessed many near misses and a few accidents. With the expected traffic increase in the area the problem will significantly increase.’*

### **CONCLUSION:**

In association with the redevelopment of the Prince Henry Hospital Site a roundabout is to be constructed at the Little Bay Road/Anzac Parade intersection. As part of the associated roundabout works, the slip lane will be closed off at Anzac Parade, however in the interim to remove the dangerous situation which occurs where the slip lane traffic meets with Little Bay Road traffic, a Stop sign and Stop line should be installed facing vehicles leaving the slip lane. Currently it is ambiguous as to the priority at the intersection, which may result in a serious accident.

**RECOMMENDATION:**

That 'Stop' restrictions to control traffic in the slip lane at Little Bay Road be installed facing westbound traffic.

**ATTACHMENT/S:**

Petitions from Residents

.....  
MICK SAVAGE  
DIRECTOR ASSET &  
INFRASTRUCTURE SERVICES

.....  
JASON SCOUFIS  
TRAFFIC ENGINEER

R/0473/02

Received from Sgt Thompson @ RTC meeting  
10 September 2002.Copy to Mayor  
10 October 02

10 August, 2002

Item B17  
OCT RTC R/0473/02

The General Manager  
Randwick City Council  
Frances Street,  
Randwick NSW 2031

Dear Sir/Madam,

We the undersigned residents of Little Bay Road, Little Bay request that urgent consideration be given to our proposal to change the very dangerous road conditions immediately outside the front of our homes. We request that this be considered as part of the changes proposed with the introduction of the roundabout at the intersection of Little Bay Road and Anzac Parade, which is to occur in conjunction with Landcom's development of the Prince Henry Hospital site.

#### THE PROPOSAL

**We request that the small feeder road that branches off Anzac Parade and joins with the main section of Little Bay Road be closed to through traffic.**

The basis of our proposal hinges on a number of safety issues.

- \* Cars and buses travel at high speed down this small section of road.
- \* It is extremely dangerous backing out of our homes into this oncoming traffic, where visibility is very poor.
- \* It is even more dangerous backing out near the end of the feeder road, where the two sections of Little Bay Road merge together.
- \* There is a lot of confusion about the right of way where the two sections of road merge and where vehicles meet at high speed. We have witnessed many near misses and a few accidents. With the expected traffic increase in the area this problem will significantly increase.
- \* The footpath located on the bend leading from Anzac Parade down the feeder road is very narrow and is an area where small children often ride bikes and skateboards. This section is also where pedestrians (often children) make their way to and from the nearby shops and bus stops. It is only a matter of time before someone is seriously injured.

- \* Pedestrians who cross Little Bay Road at this point have to negotiate four dangerous sections of road to get completely across Little Bay Road.
- \* The occupants of 123 are both in wheelchairs and require special vehicles that drop them off and pick them up. These vehicles along with their carers constantly have difficulty entering and leaving their property with any degree of safety.
- \* Some occupants have to negotiate the traffic travelling down the feeder street as they turn from the main section of Little Bay Road to enter their driveways. As stated above, there is often confusion as to who has the right of way in this situation, often causing the cars travelling behind to stop suddenly to avoid collisions.

The development of the Prince Henry Site will involve a significant increase in local traffic and greatly add to the problems outlined above. The proposal to close this small feeder road to through traffic will have the following advantages.

- \* Residents and visitors in this section of road will be able to enter and leave their properties safely.
- \* Pedestrians walking along the footpath and crossing this section of Little Bay Road will be able to do so safely.
- \* Local residents and children walking to local shops and bus stops will have a much safer environment and will not have to worry about cars and buses speeding around and through this feeder road.
- \* Vehicles travelling down Little Bay Road will not have to negotiate volumes of merging traffic.
- \* Cyclists will have a much safer environment when travelling from Anzac Parade down Little Bay Road.
- \* All traffic (including buses) will be controlled and calmed as they pass through the round about or turn down the main section of Little Bay Road.

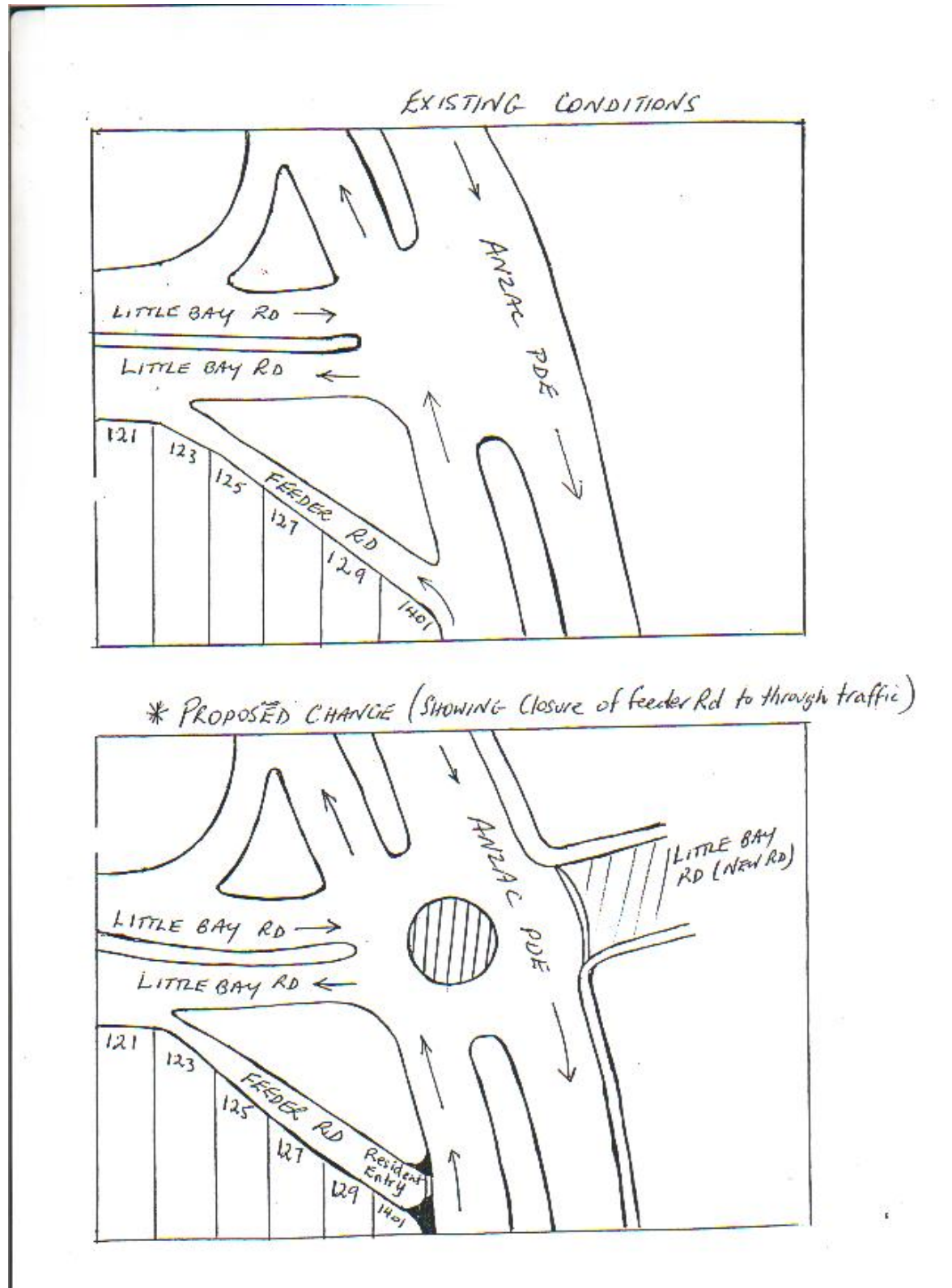
**Our proposal suggests that the top section of the feeder road be closed to through traffic except for a small driveway access for residents.**

Attached are diagrams showing the existing conditions and the proposed changes as well as comments and signatures from local residents.

We respectfully request that close consideration be given to our proposal as we feel it will create a much safer and workable local traffic environment. We await your response and communication on this issue.

\*Please reply to Patrick & Lesley O'Connor 121 Little Bay Rd Little Bay. 93110089

\* cc Jennifer Sweeney , Landcom  
Sergeant Gary Thompson Traffic Sergeant Eastern Beaches Local Area Command.





RESIDENTS 127 LITTLE BAY ROAD

## COMMENTS:

Backing out of our driveway at 127 is carried out with great caution - due to cars swinging around the corner and accelerating down the hill. Entering is also a problem, as cars tend to drive close to the rear as we slow down. To enter they try to pass on either side after cutting out above.

SIGNATURES:

A. J. Aunibank  
M. Aunibank

RESIDENTS 129 LITTLE BAY ROAD

## COMMENTS:

The above also apply to us. People think indicating to turn into our driveway is an indication to turn down Little Bay Rd. The 50 KPH sign is positioned after this section of road for some unknown reason, but drivers take this as a cue and excess of 70 KPH. Children crossing to go to the shops from the Mamatajara Housing complex are put in danger with the marked crosswalk.

SIGNATURES:

W. Aunibank  
P. Aunibank

RESIDENTS 1401 ANZAC PDE

## COMMENTS:

My husband and I both agree with the new proposal. As we are at the top of the curve where the problem starts, we can see how fast they are driving before they fully turn. Many times I have had to go around the block again, rather than try and turn into the driveway and get hit. It is an extremely dangerous zone.

SIGNATURES:

W. Aunibank



GENERAL COMMENTS

I am a Homecare worker at 123 and find it very difficult to use the driveway. Philis Jones

As a Community Health Physiotherapist visiting various residents I support this proposal which will make using the ~~driveways~~ on the "flats" much safer. Moufette

I come to work three times a week at No 123 and find very difficult to use driveway, people ~~in~~ behind me don't stop and I had several near misses. I would be very happy of the change. Veronika Narobnik

## ***Director Asset & Infrastructure Services' Report 128/2002***



<b>SUBJECT:</b>	TWO ALEXANDER PALMS GROWING IN REAR OF 120 EASTERN AVENUE, KINGSFORD.
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<b>DATE:</b>	30 October, 2002	<b>FILE NO:</b>	P/016433
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**REPORT BY:** DIRECTOR ASSET & INFRASTRUCTURE SERVICES

### **INTRODUCTION:**

The owners of 120 Eastern Avenue, Kingsford, Mr and Mrs Omeros, have requested that Council re-assess their application for consent to remove two Alexander palms (*Archontophoenix alexandrae*) growing in the rear of their property.

### **ISSUES:**

Mr and Mrs Omeros applied to Council on 16 July, 2002, under the provisions of its Tree Preservation Order (TPO), for consent to remove the two subject palms. They gave a multitude of reasons for wanting the palms removed, including that they were diseased and dying, that they were creating plumbing problems, overhanging neighbouring properties and were dangerous.

Council's Tree Preservation and Maintenance Co-ordinator (North) inspected the property on 25 July, 2002, and refused permission to remove the palms. This inspection revealed that none of the stated reasons for removal were legitimate or could be substantiated.

Subsequently, the application was refused because the palms were in good health and there was no justifiable reason for removal.

Mr and Mrs Omeros were not satisfied with this decision and wrote to Council on 20 September, 2002, requesting that the decision be reviewed.

On 26 September, 2002, Council's Tree Management Officer inspected the property and discussed with the owners the reasons they wanted the palms removed. The only legitimate reason they gave for removing the palms was that they dropped fronds and they were concerned for their grandchildren.

They were informed there was an onus on the owner of any tree to keep it in good health and to ensure its proper management. They were advised that the purchase of a light aluminium telescopic pole saw would allow them to remove any dying fronds and that there was no realistic reason under the criteria set out in Council's TPO to justify removal.

Mr Omeros stated he had an arthritic condition that would prohibit him using a pole saw and that he could not afford to employ a professional on a regular basis to remove any necessary fronds.

Both Mr and Mrs Omeros insisted that should approval be granted they would be willing to replace the palms with appropriate native trees that would attain between four-six metres in height at maturity.

**CONCLUSION:**

Mr and Mrs Omeros have made it clear that they do not consider these two palms appropriate for their particular situation. They have agreed to replace them as requested by Council should approval be granted to remove them.

They have also stated that should Council not grant permission to remove the palms that they will abide by that decision.

Neither Council's Tree Management Officer or Tree Preservation and Maintenance Co-ordinator (North) consider there is any legitimate reason to remove these two palms and that approval to do so would undermine the intent of Council's Tree Preservation Order.

**RECOMMENDATION:**

That approval not be granted to remove the two *Archontophoenix alexandrae* palms in the rear of 120 Eastern Avenue, Kingsford.

**ATTACHMENT/S:**

Council's Tree Management Officer's Memo.

.....  
MICK SAVAGE  
DIRECTOR ASSET &  
INFRASTRUCTURE SERVICES

.....  
BRYAN BOURKE  
TREE MANAGEMENT OFFICER

## Memorandum



TO: MICK SAVAGE

FROM: BRYAN BOURKE

DATE: 26 September 2002

FILE:

SUBJECT: TPO REVISION AT 120 EASTERN AVENUE, KINGSFORD

Mick,

On Wednesday, 25 September, 2002, I inspected two Bangalow palms in the rear of the above property which the owners had applied to have removed.

Salena Knight had originally assessed these two palms and had refused the owners permission to take them out as she felt they were in good health and that there was no legitimate reason to remove them.

The palms themselves are both approximately six-seven metres tall and growing in the rear of the property. They are situated on either side of the yard and there is very little likelihood that their root system is ever likely to cause any sort of damage.

The only reason the owners could proffer for their removal was that they dropped fronds and they were concerned for the health of their young grandchildren.

I explained that there was an onus on them to remove dead fronds and to generally maintain the palms in a healthy state but they indicated that they simply did not see the palms as appropriate.

I advised them that the purchase of an extendable aluminium pole saw would allow for the easy removal of fronds from the palms but the owner indicated he had an arthritic condition that would prevent him from undertaking this sort of operation.

My inspection revealed no legitimate or compelling reasons to approve the removal of these two palms and I concur with Ms Knight's original decision not to allow removal.

Please discuss this matter so that an appropriate response to the owners may be drafted.

Regards

Bryan

*Bryan Bourke*  
Please refer to Works Committee  
for consideration.  
*Bryan 27/9/2002.*



## ***Director Asset & Infrastructure Services' Report 129/2002***

<b>SUBJECT:</b>	POLICY ON SMOKING IN THE PUBLIC PLACE AND MANAGEMENT OF CIGARETTE BUTT LITTER.
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<b>DATE:</b>	31 October, 2002	<b>FILE NO:</b>	98/S/3917
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**REPORT BY:** DIRECTOR ASSET & INFRASTRUCTURE SERVICES

### **INTRODUCTION:**

At the Ordinary Council meeting on 28<sup>th</sup> May 2002, Council considered Director Asset & Infrastructure Services' report 57/2002 on Cigarette Butt Litter and resolved that:

- (a) *Council note the report on Cigarette Butt Litter;*
- (b) *Council agree in principle to Council supporting the launch of the BUTTsOUT<sup>®</sup> personal ashtray, without exclusive favour to this product;*
- (c) *Council note that footway café licence conditions are the appropriate method of prescribing outcomes in relation to the management of smoking;*
- (d) *Council write to the Environment Protection Authority and Keep Australia Beautiful NSW and propose further measures to increase smokers' individual responsibilities for correct disposal of cigarette butts and to access grant funding for litter prevention measures;*
- (e) *A further report be submitted to Council outlining the cost and supply of cigarette disposal units;*
- (f) *A plan be prepared to identify appropriate locations for a trial system to be implemented for cigarette disposal units for a 12 month period;*
- (g) *The Rangers continue to issue on the spot fines to offenders; and*
- (h) *Council's Manager Waste also report on the possibility of forming partnerships with community groups to obtain funding under the Local Litter Prevention Education Activities Programme.*

During debate in Council on these measures, mention was made of the banning of smoking in the public place. On 26 June 2002, the Manager Waste represented Council at a Dust Diseases Board Conference on Occupational Respiratory Health.

At this Conference, leading medical researchers in the field of lung diseases presented their findings on detection and treatment of dust-related lung diseases. Occupational Respiratory Health experts presented clear evidence against the risk of smoking or exposure to smoke from their research into lung disease cases. Smokers and passive smokers demonstrated worse lung impairment, whether they had lung diseases due to dust exposure or no history of dust exposure.

State Government health policies that have banned smoking in restaurants and enclosed public places have caused smokers to use the public place for smoking, thus increasing the exposure of the public to passive smoking.

## **ISSUES:**

### **A Policy on Smoking in the Public Place**

Before any further measure is taken to provide facilities for the disposal of cigarette butt litter in the public place, Council needs to publish a policy on "Smoking in the Public Place" and this policy needs to be shown on or near all cigarette butt disposal facilities and included in outdoor café licence agreements. Council has a duty of care to ensure that the public place is a healthy environment for the amenity of the community.

The policy elements are that Council does not condone smoking in the public place and that any facility provided for the disposal of cigarette butts is provided in order to reduce the incidence of litter. The policy would reduce the potential for criticism of the Council that the Council is giving implicit support to smoking in the public place by increasing the number of cigarette butt disposal facilities. A draft policy statement is shown at Attachment 1.

NSW Department of Health has been consulted and is supportive of Council's approach. The Department of Health's Tobacco Policy Unit advises that no other local government has such a policy on smoking in the public place. Legal advice on the draft policy has been sought from Council's solicitors and their suggestions have been incorporated.

### **Personal ashtrays**

Initial correspondence from BUTTsOUT<sup>®</sup> stated that the company would seek sponsorship for the launch of the personal ashtray product. Recent promotional material sent by BUTTsOUT<sup>®</sup> to the Sydney Coastal Councils Group proposes two options for the launch. Option 1 is a Starter Pack of 2,500 personal ashtrays and promotional products (T shirts, bags, posters and display boxes) at a SCCG price of \$4,500 and Option 2 is a High Impact Community Involvement Pack of 5,500 personal ashtrays and double the number of promotional products at a SCCG price of \$9,750. This does not include the in-kind support of Council officers to launch the product, nor the time to check on stock levels in retailer outlets. The tobacco industry is unable to support the launch of products such as personal ashtrays, as it is implied tobacco advertising.

The Council resolution to agree in principle to support the launch of the BUTTsOUT personal ashtray was premised on BUTTsOUT<sup>®</sup> seeking sponsorship for the launch.



While the product has merit, there are competitive products on the market. There is no evidence that smokers will retain a personal ashtray or whether they will purchase the product once it is on the shelf in the market. It is understood that the tobacco industry will allow the product to be merchandised at point-of-sale with tobacco products. The use of Council officers to monitor stock holdings of personal ashtrays at point of sale is considered to be an inappropriate level of involvement.

### **Representation to the EPA and Keep Australia Beautiful (KAB)**

Representation to the EPA and KAB has not yet been made due to other priorities and since Council is still researching measures for the efficient capture of cigarette butts. The cycle for grant applications is based on submissions by end of May each year. This work is still in progress and a submission will be made to the EPA and KAB once the most effective measures have been determined.

### **Cost and Supply of Cigarette Disposal Units**

The Smoke Zone serviced ashtrays are provided on a supply and service contract, with fortnightly servicing at a unit cost of \$240 per annum. There are thirty serviced ashtrays located in key concentration areas for smokers such as bus stops and outdoor café restaurants in Belmore Road Randwick, the Spot, Anzac Parade Kingsford, Coogee Bay Road and Arden Street Coogee.

The Smoke Zone units were installed in mid 2000 after a twelve-month trial of these units in Belmore Road Randwick and Anzac Parade Kingsford. The units will be retained for a period of three years, after which their ongoing effectiveness will be reviewed. The units are well utilised, but due to cost constraints, have been confined to key concentration areas for smokers and no expansion program for these units is planned.

There is another butt disposal bin called Butt Out™, which is endorsed by KAB, however KAB is not offering financial support or sponsorship for the product. The Butt Out™ bins range in price for large orders from \$424 each for small bins to \$479 for larger bins, plus posts at \$132 each, making a total of \$716 to \$771 per installed unit, including installation costs estimated at \$160 per unit.

Servicing of these Butt Out™ units by Council staff is a recurrent cost estimated at \$416 per unit per annum, depending on vehicle and crew configuration. Initial year 1 outlay for the installation and servicing of a complement of 25 small and 25 large bins would be \$57,975 with recurrent costs of \$20,800 per annum.

Council has designed a cigarette butt disposal unit that could be clipped to the side of a wheeled litter bin. This design has yet to be made into a prototype and field tested, but the design intent would allow the simultaneous emptying of the butt disposal unit with the litter bin. This would reduce the additional labour cost of stopping and emptying separate litter and butt disposal bins. This is a work-in-progress and is contingent on a scheme to standardise wheeled bins where these bins are appropriate for litter collection.

### **Plan for Trial of Cigarette Butt Disposal Units**

This plan has been held up by the need to authorise a policy on smoking in the public place and the design of a more effective butt disposal unit and research into other forms of cigarette butt disposal units. In addition, there is no funding available in the current budget for the capital or recurrent costs of installing additional butt disposal units.

The existing Smoke Zone serviced ashtrays were trialed for twelve months, prior to the expansion of the number of units to thirty units. Locations were examined for pedestrian traffic flows and smokers' habits as part of the selection process to identify key sites where these units would be most effective. Areas where there are no serviced ashtrays include Clovelly, Malabar, Maroubra, Matraville and minor shopping centres, although in many of these locations, litter bins are used for cigarette butt disposal.

As products have either been trialed or are proprietary line items with established markets, it is not considered that trialing is necessary. A proposal for an expansion of cigarette butt disposal facilities across the Council area will be developed for next year's budget, in conjunction with a suite of other measures to reduce cigarette butt litter.

### **Forming Partnerships with Community Groups**

Efforts were made prior to the previous report to Council to garner interest from community groups in relation to the grant funding under the NSW Government's Litter Prevention Program. Applications for grants were due by 30 May 2002 and were for community groups only, with councils providing in-kind support. Grants of up to \$5000 were available to assist local communities to target littering from vehicles. Many community groups approached were not inclined to take responsibility for the administration of grant funding.

The possibility of forming partnerships is still being investigated and there has been some recent interest in assistance from a self-help community group that carries out litter collection in the La Perouse / Little Bay area.

### **CONCLUSION:**

Work on solutions for minimising litter from cigarette butts has been delayed due to other priorities in areas of new waste services to reduce illegal dumping and the expansion of litter bins in key areas. Priority needs to be given to a policy on smoking in the public place that reduces risk exposure, as a pre-requisite to the expansion of cigarette butt disposal facilities and so ensure that Council's exposure is minimised in relation to claims over public health and OHS matters.

Plans for expansion of butt disposal facilities and other measures to reduce cigarette butt litter will be prepared for funding in the 2003/2004 budget context. The design of an innovative butt disposal container will be pursued as an alternative to the high cost disposal units available in the market. The use of personal ashtrays should be promoted, but not with any high impact approach.

**RECOMMENDATION:**

That Council:

1. Endorse the draft Policy on Smoking in the Public Place; and
2. Note the progress being made in relation to representation to funding agencies, expansion of butt disposal units, examination of cost-effective alternatives and forming partnerships for obtaining litter reduction grants.

**ATTACHMENT/S:**

Policy on Smoking in the Public Place.

.....  
MICK SAVAGE  
DIRECTOR ASSET &  
INFRASTRUCTURE SERVICES

.....  
RUSSELL WADE  
MANAGER WASTE

**RANDWICK CITY COUNCIL****POLICY REGISTER****PART 4 – ASSET AND INFRASTRUCTURE SERVICES**

Review Date: \_\_\_\_\_

Policy No: \_\_\_\_\_

**POLICY TITLE:**     **SMOKING IN THE PUBLIC PLACE****File No.**        98/S/3917**OBJECTIVE**

To increase public awareness of the health risks from the inhalation of tobacco smoke and to take measures to curtail smoking in the public place and to minimise incidents of passive smoking.

**POLICY STATEMENT**

That Council:

1.     promotes public awareness of the risk to human health from the inhalation of tobacco smoke;
2.     promote awareness that smoking in the public place is not condoned by Council;
3.     provide facilities for smokers to safely extinguish and dispose of cigarette butts;
4.     provide signs on or near each Council provided cigarette butt disposal facility with the intent of:
  - warning that smoking is a health hazard;
  - requesting smokers to take steps to avoid causing passive inhalation of tobacco smoke by non-smokers also present in the public place;
  - advising that Council does not condone smoking in the public place;
  - advising that the facilities are provided to reduce the occurrence of cigarette butt and tobacco litter in the public place.
5.     promote the use by smokers of serviced ashtrays, appropriate disposal bins and the use of personal ashtrays to minimise cigarette butt litter and tobacco litter;

6. comply with public health and occupational health and safety legislation and regulations with regard to minimising exposure to tobacco smoke by members of the public; and
7. when entering into or renewing leases, licences and agreements pertaining to the public place and/or outdoor facilities, endeavour to include provisions in keeping with public health policies and health monitoring procedures to improve constraints on human exposure to tobacco smoke in the public place.

Minute No:        /       

Meeting Date:



## ***Director Asset & Infrastructure Services' Report 130/2002***

<b>SUBJECT:</b>	34 ROMANI PARADE, MATRAVILLE - TREE GROWING WITHIN PROPERTY
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<b>DATE:</b>	31 October, 2002	<b>FILE NO:</b>	P/007593
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**REPORT BY:** DIRECTOR ASSET & INFRASTRUCTURE SERVICES

### **INTRODUCTION:**

The owner of 34 Romani Parade, Matraville, Mr Patrick Jabour, has requested that Council review its decision not to grant permission for the removal of the *Eucalyptus camaldulensis* (River Red gum) growing within the front of the above property.

Mr Jabour previously applied to Council on 9 January, 2001, to have this tree removed and also to have two Council-owned *Melaleuca quinquenervia* (Paperbarks) removed from the nature strip in front of his property

### **ISSUES:**

The reasons given by Mr Jabour in his original application to have the three referred-to trees removed were that he was suffering recurrent blockages to his sewerage line every year and that a large amount of leaf litter and debris was constantly being shed by all three trees and this was deposited into his gutters, onto his lawn and pathways and into the street gutter.

Mr Jabour is a seventy-year-old pensioner who states he is no longer able to undertake the ongoing maintenance required to remove the debris caused by these trees nor is he able to afford the recurrent costs associated with cleaning gutters, down pipes, etc.

Council's Tree Management Officer inspected the subject property on 15 January, 2001, and wrote to Mr Jabour advising that the three trees were in good health and that there was no legitimate reason to remove them.

He also requested that on the next occasion a sewer blockage occurred Mr Jabour should obtain a sample of the offending tree root material and have it analysed by a professional tree root analyst. Mr Jabour was also advised to consider the installation of a proprietary solid plastic gutter guard product to cut down on the cost and necessity for gutter cleaning and maintenance.



Following this notification, Mr Jabour applied under the provisions of Council's Tree Preservation Order (TPO) on 29 January, 2001, for consent to remove only the Gum tree growing within his property.

This tree was then inspected by Council's Tree Preservation and Maintenance Co-ordinator (South) on 20 February, 2001, and permission to remove the tree was refused. The reasons for wanting the tree removed were sited as plumbing problems, overhanging residence, overhanging wires and that it was dangerous.

An inspection of the tree at that time revealed it was in good health, that only relatively minor branches were overhanging the residence and service wires and that there was no evidence of plumbing damage attributable to this tree.

Permission was granted to prune the branches above the house and to thin out the canopy by not more than one quarter of its total mass but Mr Jabour was not happy with this determination. Mr Jabour states in correspondence dated 22 August, 2002, that he is worried the tree will crush him to death as he sleeps, that he spends all day cleaning up leaves and that his plumber advises him the subject Gum tree and an adjacent Paperbark are responsible for constant blockages.

None of the matters raised by Mr Jabour is backed by verifiable documentation and the trees concerned are all healthy and significant in the streetscape (photographs attached to Tree Management Officer's report). There is no evidence of branch drop in the canopies of any of the trees and all three are far enough away from Mr Jabour's residence not to be likely to cause any sort of structural damage.

However, Mr Jabour has advised that should approval be granted to remove the Gum tree in the front of his property he is willing to replace it with a more appropriate tree species. The fact that there are two relatively mature street trees growing on the adjacent nature strip would minimise the impact of removal should approval be granted.

### **CONCLUSION:**

Mr Jabour has requested the removal of the Gum tree in the front of his property on more than one occasion and he appears to hold genuine fears for his safety should it remain. He has also stated that should approval be granted for it to be removed he would be happy to replace it with a more appropriate tree species.

### **RECOMMENDATION:**

That approval be granted to remove the *Eucalyptus camaldulensis* (Red River gum) growing in the front of 34 Romani Parade, Matraville and that a more appropriate native tree species be planted as a replacement.

### **ATTACHMENT/S:**

Nil

.....  
MICK SAVAGE  
DIRECTOR ASSET &  
INFRASTRUCTURE SERVICES

.....  
BRYAN BOURKE  
TREE MANAGEMENT OFFICER



## *Director Asset & Infrastructure Services' Report 131/2002*

<b>SUBJECT:</b>	REGISTRATION OF GRAFFITI TAGS
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<b>DATE:</b>	31 October, 2002	<b>FILE NO:</b>	98/S/2143
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**REPORT BY:** DIRECTOR ASSET & INFRASTRUCTURE SERVICES

### **INTRODUCTION:**

At the Ordinary Council meeting on 22<sup>nd</sup> October 2002, Council resolved that:

- (a) *A report be brought to the next meeting of Council on the proposed scheme between Council and local police to register Graffiti tags in order that offenders may be prosecuted and ordered to remove graffiti; and*
- (b) *The report also include details on the system operating in Auburn Council on its graffiti registration programme.*

### **ISSUES:**

#### **Proposed scheme between Council and local police**

The registration of graffiti tags has been an ongoing item on the agenda of the Housing Inter-Agency Liaison Group. This is a quarterly meeting of NSW Housing, Maroubra and Botany Police, Council and State agencies.

Following the last Housing Inter-Agency meeting, Council's Manager Waste met with Constable Ben Walker, Youth Liaison Officer at Maroubra Police Station on 2 October 2002, to discuss technical aspects of recording tags. **Police are only able to use photographic evidence that is gathered by Police, to ensure the integrity of the evidence.** While Council had offered to assist by getting the Litter Patrol to gather photographs of tags, this would have had limitations if used as evidence, since digital photography can be manipulated.

At this meeting, Council also offered to use its Global Positioning System technology coupled with its hand-held computers to record locations of graffiti, with an added option to embed photographs of tags in a downloaded summary of locations. This would enable Police to then go directly to sites and take their own photographs. This technology has recently been acquired and the integrated camera technology is yet to be developed.

At this meeting, other options for dealing with graffiti were canvassed such as a graffiti tag shame file in the local newspapers, the use of persons under Community Service Orders to remove graffiti, an alternative esteem scheme for youths, a zero tolerance approach with hotline, technical information for self-help graffiti removalists, screening techniques using landscape materials to cover exposed walls and a mobile paint-matcher technology subject to a feasibility check with the paint industry. Constable Warner also suggested checking with Auburn Council on their graffiti program.

On 17 October 2002, Council staff saw a presentation of an on-line video surveillance technology. This technology can be installed in fixed and vehicle-mounted applications. This has been installed throughout the city of Dubbo and is to be adopted by the Regional Illegal Dumping (RID) Squad in the Western Suburbs. Digital video surveillance recordings cannot be corrupted and can be used by Police as evidence. This would be a suitable means for recording tags and will be further evaluated with the police and other interested parties.

A software package for digital video conferencing using hand-held computer technology was recently released onto the market. This would enable a small camera, which is inserted into the hand-held computer, to be able to record and transmit live digital video pictures on-line to a recipient computer, say at the local police station. Council has this type of camera on order and will be evaluating its potential to locate and transmit pictures of graffiti tags directly to the local police.

### **Graffiti registration programme at Auburn Council**

Constable Warner has provided information on the Auburn Council graffiti program. The registration component involves the council taking photographs and putting the photographs on a database, to be used as intelligence for police. These photographs are then used to help identify graffiti offenders and target hot spots for graffiti crime.

Graffiti is reported to Council through either a hotline, in person or in writing. The graffiti is then categorized as either on public or private property. Photographs are taken of the site before and after graffiti removal action.

Auburn Council has a Place Manager, whose role is to administer the graffiti programme. This role includes seeking permission from private property owners to remove graffiti. The programme involves using the resources of the Council, the "work for the dole" programme, community services and police. Council also has standing agreements with Sydney Water and the RTA to remove graffiti from their infrastructure.

Auburn Council also has a Graffiti Team Manager, who determines the technique to be used, being either a "paint out" or the use of chemical removal agents. The recurrent cost after two years is \$25,000 per year due to the reduction in the amount of graffiti.

The Notice to Clean that is issued to property owners by Auburn Council, does not include the recovery of costs, as now permitted under recent amendments to the *Local Government Act 1993*. Further details could not be obtained as Auburn Council's Place Manager is currently on leave.

## **Report on Graffiti Abatement to Maroubra Chamber of Commerce**

It is understood that South Ward Councillors have received a report prepared for the Maroubra & District Chamber of Commerce by Community Initiatives Australia.

The report purports that by virtue of Auburn Council having established a standard of care for the removal of graffiti, that (Randwick City) Council is exposed to a liability if it does not adopt this standard of care. This liability extends to future claims by graffiti artists that brain damage due to the inhalation of spray paint fumes can be attributed to negligence by the Council to act on reducing the incidence of graffiti.

The logic of this argument is flawed, as there is a perverse effect if the walls are kept free of graffiti, thereby providing a replenished "canvass" for new work. The frequent removal of graffiti at the front of the Commonwealth Bank's Belmore Road branch is evidence that removal of graffiti does not ensure against a recurrence of the act. It could equally be argued that the removal of graffiti encourages further acts of tagging.

The report also proposes that Council take the same role as Auburn Council in the removal of graffiti from private property. This diminishes the responsibility of property owners to maintain their own property by removing graffiti at their own cost.

The report claims that Auburn Council took three months and \$25,000 to develop their graffiti programme. This is the recurrent cost after two years. The outlay cost in the initial year is estimated at \$41,500 in materials plus the cost of administration, staff time and the value of labour, with a total estimated value of around \$180,000.

### **CONCLUSION:**

Graffiti is a criminal act of wilful damage and defacing of the amenity of the public place and private property, dealt with by the police under the Summary Offences Act. Stronger State legislation is needed to deal with acts that damage or deface property such as billposters and graffiti. State legislation needs to be prosecutable with appropriate penalties for offenders, as police advise that the courts are too often lenient with juvenile offenders.

Randwick City Council's role is to assist the local police in the identification of graffiti tag offenders. In the registration of tags, Council is at the leading edge in the use of field recording technology and this needs further development in consultation with local police. Once developed, Randwick's proposals for the registration of tags will be more advanced than that used by Auburn Council.

The adoption of the graffiti programme used by Auburn Council would require the appropriate level of staffing and resourcing. A policy on graffiti would also be required, including the issues of liability and cost recovery for work carried out on private property. Council currently removes graffiti on public assets using specialised contractors.

**RECOMMENDATION:**

That Council:

1. Note the actions being undertaken by Randwick City Council to develop a scheme for assisting the local police with the registration of graffiti tags for the prosecution of offenders;
2. Note the elements of the Auburn Council graffiti programme and the staff resources that are dedicated to the administration of this programme;
3. Note there are alternative approaches to reducing graffiti that need to be addressed in the development of a Council policy on graffiti; and
4. Make submission to the State Government and the Local Government Association on the need for coherent legislation to deal with acts that damage or deface property such as billposters and graffiti.

**ATTACHMENT/S:**

Letter from Constable Ben Warner dated 1 October, 2002

.....  
MICK SAVAGE  
DIRECTOR ASSET &  
INFRASTRUCTURE SERVICES

.....  
RUSSELL WADE  
MANAGER WASTE





ATTACHMENT 1

**NSW POLICE SERVICE**

Eastern Beaches

Youth Liaison Office

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Our ref:

Your ref: 12

To Randwick City Council,

It has been recognised by all groups of the local community that Randwick City Council area has a high rate of Graffiti related crime. Police regularly take reports from the commercial business sector, residents and government sectors for ongoing graffiti crime. The Graffiti tags are often left on the buildings which leaves a negative image of the area.

The Eastern Beaches Command has been trying to combat the Graffiti problem by intelligence base policing. This involves taking pictures of all TAGS and trying to find a link to the person of interest. I believe this is only a part of the way of trying to combat Graffiti crime.

Graffiti is a state wide problem in which many councils have initiated programs to combat the problem. One of these programs is run by Auburn Council which involves the council, work for the dole, community services and police. Police have been out to evaluate the program in Auburn and have full support for the program. The program has been successful in wiping out graffiti from the streets within a short period. By cleaning the graffiti off the walls within days it has deterred the offenders from re-offending. The cost of cleaning has also decreased to price of \$25000 a year due to reduction in Graffiti crime.

The Auburn Graffiti program has many benefits for the police. Part of the program involves the council taking photos and putting the photos on a data base to be used as intelligence for police. These photos are then used to help identify graffiti offenders and target hot spots for graffiti crime. By the program reducing the level of graffiti crime it has allowed police to spend their resources to fight other crime.

As the youth liaison officer I am in full support of a program which involves zero tolerance to graffiti crime. At this current date I feel there is a need for the community sectors to improve on current initiatives. The police seek for a program which involves council, police and the community in trying to clean the graffiti off the streets.

In respect I look forward in discussing the issues involved in such a program.

*B. Warner*  
B.C. WARNER  
Constable  
Eastern Beaches  
Eagle Net 57299  
1 October 2002

*MANAGER - WASTE*

*Report for Council*

*23/10*