



29 November, 2005

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, 6TH DECEMBER, 2005 AT 6:00 P.M.

Committee Members: His Worship the Mayor, Cr T. Seng, Crs Andrews (Deputy Chairperson), Belleli, Hughes, Matson, (Chairperson) Notley-Smith, Tracey & White.

Quorum: Five (5) members.

NOTE: AT THE EXTRAORDINARY MEETING HELD ON 28TH SEPTEMBER, 2004, 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, 8TH NOVEMBER, 2005.

3 Declaration of Pecuniary & Non-Pecuniary Interests

4 Addresses to Committee by the Public

5 Report of Committee

5 REPORT OF THE GREENING RANDWICK COMMITTEE MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 8TH NOVEMBER, 2005. 2

6 Works

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6.2	DIRECTOR, CITY SERVICES' REPORT 146/2005 - TWO COUNCIL-OWNED FICUS 'HILLII' (HILLS WEEPING FIGS) GROWING OUTSIDE 21 AND 54 RITCHARD AVENUE, COOGEE.	6
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GENERAL MANAGER

**REPORT OF GREENING RANDWICK COMMITTEE MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 8TH NOVEMBER, 2005 AT 5:48 P.M.**

PRESENT:

His Worship the Mayor, Cr M .Matson (Chairperson) (East Ward)

North Ward	-	Crs P. Tracey & M. Woodsmith
East Ward	-	Cr B. Notley-Smith (Deputy Chairperson) (from 5.57 p.m.)
West Ward	-	Cr S. Nash
Central Ward	-	Cr A. Andrews
Community Representatives	-	Ms Rona Wade & Ms Julia Batty

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoples.
Director, City Planning	Ms. S. Truvert.
Director, Governance & Financial Services	Mr. G. Banting.
Manager, Administrative Services	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.
Tree Management Officer	Mr. B. Bourke.

IN ATTENDANCE:

Crs Belleli and Kenny.

1. APOLOGIES:

Apologies were received from Ms Rosyln McCulloch and Ms Jocelyn McGirr.

RESOLVED: (Nash/Woodsmith) that the apologies from Ms Rosyln McCulloch and Ms Jocelyn McGirr for non-attendance at the Greening Randwick Committee Meeting of the Council held on Tuesday, 8th November, 2005 be received & accepted.

2. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS

Nil.

3 ADDRESSES TO THE COMMITTEE BY THE PUBLIC

Nil.

4. NOMINATION OF COMMUNITY REPRESENTATIVE TO SERVE ON GREENING RANDWICK COMMITTEE

RECOMMENDATION: (Tracey/Matson) that the Committee nominate Mr Mark Carroll from the Kensington Precinct Committee to serve on the Greening Randwick Committee.

5. GREENING RANDWICK.

5.1 DIRECTOR, CITY SERVICES' REPORT 139/2005 - ONGOING REVIEW OF STREET TREE MASTER PLAN. (F2004/07359)

RECOMMENDATION: (Matson/Woodsmith) that:

- (a) a decision be deferred to allow for Sydney Water to be approached for greater clarification on the damage rating it attributes to Pepper/Peppercorn Trees in terms of sewer, footpath or other infrastructure damage; and
- (b) Council seek clarification on the number of insurance claims against the Council involving the tripping on peppercorn trees.

6. GENERAL BUSINESS.

6.1 IMPLEMENTATION OF DRAFT URBAN FOREST & STREET TREE POLICY. (F2004/07359)

RECOMMENDATION: (Matson/Woodsmith) that a report be brought before the next Greening Randwick Committee detailing progress made in implementing the Draft Urban Forest Policy.

7. NOTICE OF RESCISSION MOTIONS.

Nil.

The meeting closed at 6.05 p.m.

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CHAIRPERSON

Director, City Services' Report 145/2005

SUBJECT:	PROPOSED SHORT TERM LEASE OF JERSEY LANE MATRAVILLE BY KINDABURRA CHILDCARE CENTRE.
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DATE:	22 November, 2005	FILE NO:	F2004/06325
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REPORT BY: DIRECTOR, CITY SERVICES

INTRODUCTION:

Randwick City Council has received a request from Kindaburra Childcare Centre to lease Jersey Lane, Matraville. Kindaburra Childcare Centre proposes to utilise part of the Laneway as a children's play area with the other part remaining as vehicular access to Kindaburra's off street parking area.

The proposed lease would need to be established and managed in accordance with the Roads Act 1993.

ISSUES:

Jersey Lane is a short dead end lane off Bunnerong Road, Matraville. The lane only serves as access to Kindaburra Childcare Centre. No other adjoining property could reasonably use Jersey Lane for access as there is a height difference of approximately two metres between the level of the lane and the levels of the other adjoining properties.

Jersey Lane is classified as public road and Randwick City Council is the Roads Authority providing stewardship for the lane. There is no public use of the lane other than providing access to Kindaburra. Thus it is considered reasonable for Council to accept Kindaburra's request to enter into a lease of the laneway in accordance with the Roads Act 1993.

The Roads Act requires the Council to give notice of the proposed lease to adjoining owners of the lane and publish notice of the proposed lease in the local news paper to allow public submissions to be received for a minimum of 28 days. The maximum duration of the short term lease is 5 years. At the expiry of the 5 year lease period Kindaburra would need to enter into a new lease with Council to continue to occupy Jersey Lane.

Jersey Lane is wholly constructed and is in very good condition. To preserve the condition of the lane at the eventual expiry of the lease, Council will need to place conditions on the lease that would prevent the lessee from damaging the road pavement and kerb and gutter. Thus the lessee would not be permitted to erect structures that would cause damage to the

road pavement and the kerb and gutter. Council would also condition the lease to allow access for Council and public utilities to access their services that may be in the lane. Kindaburra would also need to indemnify Council for public liability for occupying the lane.

The lease and valuation of the rental would be determined in accordance with Council's standard procedures and managed by Council's Corporate Services Department. Determination of the lease would include the lessee paying all costs to set up the lease and paying a reasonable market rate for the lane. So Council would not be subsidising the cost of the lease.

FINANCIAL IMPACT STATEMENT:

Kindaburra Childcare Centre will be required to cover all costs to set up the lease agreement and pay a reasonable market rate for the rental of the lane. Council will receive an income from the rental.

CONCLUSION:

Jersey Lane is not being utilised as a public road, providing access only to Kindaburra Childcare Centre. There are no reasons for Council to refuse Kindaburra's request to occupy and lease the laneway. Council will need to follow the procedure and requirements of the Roads Act 1993 to establish a lawful lease.

Council's Governance & Financial Department will negotiate the conditions of the lease, setup the lease and provide continued management of the lease with the lessee covering all Council's costs.

RECOMMENDATION:

That:

- 1) Council provides its approval for the General Manager to negotiate and enter into a lease for Jersey Lane with Kindaburra Childcare Centre in accordance with the Roads Act 1993.
- 2) Kindaburra Childcare Centre be required to cover all Council's costs in regard to the lease and pay a reasonable market rate rental for the lease of Jersey Lane.

ATTACHMENT/S:

Nil

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JORDE FRANGOPLES
DIRECTOR, CITY SERVICES

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JOHN EARLS
ASSETS CO-ORDINATOR

Director, City Services' Report 146/2005

SUBJECT:	TWO COUNCIL-OWNED FICUS 'HILLII' (HILLS WEEPING FIGS) GROWING OUTSIDE 21 AND 54 RITCHARD AVENUE, COOGEE.
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DATE:	17 November, 2005	FILE NO:	F2004/07359
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REPORT BY: DIRECTOR, CITY SERVICES

INTRODUCTION:

The owner of 54 Ritchard Avenue, Coogee, has written to Council advising of a number of issues relating to the Council-owned Ficus 'Hillii' (Hill's Weeping fig) growing on the nature strip outside his property and requesting that consideration be given to its removal and replacement with a more appropriate species.

ISSUES:

As a result of that request I inspected the subject tree and discovered that it had considerable internal decay throughout the base area and several branch inclusions within the canopy.

At the same time I noticed that the Ficus 'Hillii' growing on the nature strip outside 21 Ritchard Avenue, Coogee, was in an even worse condition and that tree also contained a large amount of internal decay.

Because of the significance of the trees and the fact that several trees of the same species had been removed from the street within the past twelve months, I engaged an independent arborist to assess both trees and to provide a report on their long-term viability.

I was also concerned about the structural integrity of both trees and the implications their health may have on public safety.

Both trees were subsequently inspected by Scott McKenzie [BSC (UNSW), Adv. Cert. Hort. (Ryd/Pad)] and a copy of that report is attached for your information. Mr McKenzie conducted an extensive Visual Tree Assessment (VTA) on the two trees as well as undertaking Resitograph tests on both.

As a result of his inspection, he has made the following observations and recommendations in relation to the health and management of both trees.

Ficus ‘Hillii’ outside 21 Ritchard Avenue

This tree is approximately 10 metres tall with a canopy spread of around eight metres. It has very little canopy cover and makes a negligible contribution to the significance of the streetscape.

At the root zone area on the western side of the tree the buttressing was able to be physically moved by some 5mm, extending some one metre to the base of the tree. On the southern side of the tree, little or no root development is evident and there is evidence of decayed root initials within this region of the tree.

Total biomass within the canopy of the tree has been significantly reduced and there is evidence of tree senescence.

Based on visual tree assessment and Resistograph evidence, Mr McKenzie recommends that this tree be removed to eliminate the risk for the tree to fail from the root system, potentially causing serious injury to pedestrians and/or property within the vicinity of the tree.

Ficus ‘Hillii’ outside 54 Ritchard Avenue

This tree is approximately 12 metres tall with a canopy spread of around eight metres. It has reasonable canopy cover and contributes to the significance of the streetscape.

At the root zone area on the north-eastern side of the tree the buttressing was also able to be physically moved, again extending some one metre from the base of the tree. On the northern side of the tree, little or no root development is evident and there is evidence of root lances and decayed root initials within this region of the tree.

Total biomass within the canopy of the tree has been reduced, potentially the result of a pest infestation, as at the time of inspection there was a significant build up of black sooty mould on approximately half the leaves present on the tree.

Serious concerns exist for the spread of degrading tissue that was evident within the centre of the tree.

Based on his visual tree assessment and Resistograph results, Mr McKenzie recommends that this tree also be removed to eliminate the risk for the tree to fail from the root system, potentially causing serious injury to pedestrians and/or property within the vicinity of the tree.

FINANCIAL IMPACT STATEMENT:

The cost to remove and stump grind these two trees and to replace them both with more appropriate super-advanced tree species would be in the vicinity of \$5000. These funds would come from Council’s annual tree management budget.

CONCLUSION:

The trees have both been assessed as being structurally unsound and with having an unacceptable amount of basal rot within the trunk.

The only effective long-term solution to dealing with the declining health and structural defects within both these trees and to negate any potential liability issues would be to remove both and replace them with several advanced *Syzygium luehmannii* (Lilly Pilly).

Because both trees are situated between larger and healthier examples of the same species, their removal and subsequent replacement with something more appropriate would not have a catastrophic effect on the existing streetscape.

The removal of these two trees would exceed the five percent per annum limit placed on the removal of *Ficus 'Hillii'* street trees in streets of significance and this would need to be considered by Council.

However, their retention for a further twelve months, despite an independent arborist's assessment that they are a danger to persons and/or property and should be removed, could seriously compromise Council's duty of care obligations.

Council at its Ordinary Council Meeting held on Tuesday, 23 November, 2004, resolved that Works Committee would consider and determine any applications/requests (not subjected to delegated authority) associated with the removal of significant trees (Resolution 295).

However, there are a number of procedural and/or policy matters relating to a number of elements within Resolution 295 that are still either being drafted or are the subject of legal opinion/briefing.

It is therefore appropriate that until these matters have been fully resolved and Council commences its adopted development consent procedure for dealing with the proposed removal of significant trees within the City, that any such recommendations are forwarded to Works Committee for resolution.

RECOMMENDATION:

THAT the two Council-owned *Ficus 'Hillii'* (Hill's Weeping figs) growing on the nature strip outside 21 and 54 Ritchard Avenue, Coogee, be removed and replaced with several advanced *Syzygium luehmannii* (Lilly Pilly) –in accordance with the adopted strategy for the removal and replacement of all aggressive rooted street trees growing within the City of Randwick.

ATTACHMENT/S:

Resistograph report on two *Ficus 'Hillii'* street trees growing outside 21 and 54 Ritchard Avenue, Coogee. UNDER SEPARATE COVER.

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JORDE FRANGOPLES
DIRECTOR, CITY SERVICES

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BRYAN BOURKE
TREE MANAGEMENT OFFICER

Director, City Services' Report 147/2005

SUBJECT:	COUNCIL OWNED HARPEPHYLLUM CAFFRUM (KAFFIR PLUM) OUTSIDE 3 KEATING STREET, MAROUBRA.
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DATE:	28 October, 2005	FILE NO:	F2004/07359
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REPORT BY: DIRECTOR, CITY SERVICES

INTRODUCTION:

The owner of 3 Keating Street, Maroubra, has written to Council requesting the removal and replacement of the Council-owned Harpephyllum caffrum (Kaffir Plum) growing on the nature strip outside her property.

The subject tree is one of a number of the same species growing along the southern side of the street and is a relatively healthy specimen. It is therefore quite significant and contributes to a streetscape of relative significance.

ISSUES:

The subject tree is approximately five metres in height with a canopy spread of around six metres.

Council's Tree Gang has in the past severed as many damaging tree roots as possible but many large roots with a very real potential for damage still remain. The adjacent kerb and gutter has also been damaged by roots from this tree and they have the potential to eventually damage the roadway itself.

The canopy of the tree also needs to be regularly pruned to maintain the necessary clearance from overhead electricity mains.

A tree root barrier is not a feasible option as it would affect the stability and long term viability of the tree.

The tree has been assessed as having a low risk potential. It has also been assessed as having a medium hazard rating when issues such as failure potential, target rating and the size of any potential branch failures are considered.

It has been assessed as having moderate scenic/environmental amenity and with providing average habitat/food source. The effect of removal on soil stability/land degradation would be negligible.

This particular tree has been calculated as having an amenity value of \$1,600 – using the Standards Australia AS – DR99307 valuation guide.

Only recently a large tree of the same species was removed by Council from the nature strip outside 20 Keating Street, Maroubra, as a result of the ongoing tree root damage it was causing to both the adjacent property and surrounding public infrastructure.

Council has also recently approved the removal and replacement of a Kaffir Plum outside 13 Keating Street as a result of damage being caused by the roots of that tree and a request from the owner of 29 Keating Street to have the Kaffir Plum outside that property removed has also recently been forwarded to Works Committee for consideration.

Council's 2005-2006 footpath construction program includes the construction of a footpath along the southern side of Keating Street and the implementation of this program will necessitate the removal and replacement of this and other Kaffir Plums within the street.

FINANCIAL IMPACT STATEMENT:

The total cost to remove and stump grind the subject tree, re-instate the nature strip and to replace the tree with a super-advanced replacement species would be approximately \$2,500 and this would come from Council's annual tree management budget.

CONCLUSION:

This species of tree is entirely inappropriate for growing in a confined nature strip situation such as this, immediately adjacent to a brick retaining wall and residence.

The installation of a tree root barrier is not a feasible option because it would compromise the stability of the tree and would adversely impact upon its long term health. Any such barrier would only be a temporary solution to a small number of the problems associated with the tree and eventually tree roots would simply grow over or under any such barrier.

The only effective long-term solution to dealing with the range of problems being caused by the roots of this tree is to remove the subject tree and to replace it with a more appropriate species – as per Council's Street Tree Masterplan.

Council at its Ordinary Council Meeting held on Tuesday, 23 November, 2004, resolved that Works Committee would consider and determine any applications/requests (not subjected to delegated authority) associated with the removal of significant trees (Resolution 295).

However, there are a number of procedural and/or policy matters relating to a number of elements within Resolution 295 that are still either being drafted or are the subject of legal opinion/briefing.

It is therefore perhaps appropriate that until these matters have been fully resolved and Council commences its adopted development consent procedure for dealing with the proposed removal of significant trees within the City, that any such recommendations are forwarded to Works Committee for resolution.

RECOMMENDATION:

THAT the Council-owned *Harpephyllum caffrum* (Kaffir Plum) growing outside 29 Keating Street, Maroubra, be removed and replaced with a more appropriate tree species – in accordance with the adopted strategy for the removal and replacement of aggressive rooted street trees growing within the City of Randwick.

ATTACHMENT/S:

Nil

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JORDE FRANGOPLES
DIRECTOR, CITY SERVICES

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BRYAN BOURKE
TREE MANAGEMENT OFFICER

Director, City Services' Report 148/2005

SUBJECT:	PROVISION OF DECK CHAIRS OR RELATED HIRE FACILITIES AT COUNCIL'S BEACHES
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DATE:	17 November, 2005	FILE NO:	F2004/07610
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REPORT BY: DIRECTOR, CITY SERVICES

INTRODUCTION:

Council at its meeting held on 27 September, 2005, on the Motion of Councillor Matson and Councillor Notley Smith, resolved that -

- (a) *a proposal for the hire of deck chairs be prepared and publicly exhibited for a period of four weeks to determine the level of community and stakeholder support for the proposal;*
- (b) *following the exhibition period, a further report be submitted to the Works Committee to consider the outcomes of the exhibition period and any submissions received and to determine whether tenders should be called for the hiring of deck chairs at Clovelly Bay; and*
- (c) *an upper limit be set on the number of deckchairs in the proposal to be exhibited and that no specific area be defined for their exclusive use on the promenade. This upper limit be set at the number of deckchairs proposed for the defined areas in the Director City Services Report 111/2005.*

Accordingly, an advertisement was placed in the "Southern Courier" inviting interested parties to give their views on the proposal to introduce a limited deck chair hire service at Clovelly Bay.

The advertisement stated that Council decided that no part of the northern and southern promenades would be set aside exclusively as deck chairs areas and that there would be an upper limit on the number of chairs available for hire. The limit would be approximately equivalent to ten percent of the current north and southern promenades. This would allow for the hiring of up to 150 deck chairs.

The advertisement also mentioned that comments received from the community on the proposal would assist in developing a future report to Council's Works Committee,

outlining the outcomes of the community consultation and making recommendations on the future of the proposal.

Letters were also forwarded to the all Precinct Committees and all Chamber of Commerce's inviting submissions.

The closing date for submissions was Tuesday 15 November, 2005.

ISSUES:

40 submissions have been received. Majority of submissions came from residents of the City.

The break down is as follows:-

- 34 submissions - not in favour
- 2 submissions - conditional
- 1 submission - non committal
- 3 submissions - interested parties wishing to tender for deck chair hire.

Submissions not in favour of the proposal raise the following points -

- **Commercialism.** Wish to leave Clovelly Bay the way it is as there are so few places left not taken over by commercialism. Wish to keep the Bay free of private enterprise in a society which is overloaded with commercialism. The beach should be a place where one may escape from advertisers and business.
- **Culture** – Bringing such ventures to Clovelly Bay does not fit with the spirit and culture of the Clovelly Community which is more about simplicity and ease of access for all. Leave the beach in its beautiful egalitarian state.
- **Safety** - issues were raised in terms of deck chairs impeding flow of foot traffic and being potentially dangerous for adults and children. Strong winds are known to suddenly occur which could potentially cause deck chairs flying across the Bay.
- **Visual amenity.** Regardless of material and colours used in making the chairs, they would have a negative impact on the existing visual amenity and would indeed create visual/noise pollution. The proposal could make a visit to Clovelly more of a European experience than an Australian one.
- **Space.** Number of deck chairs would leave no space for bathers who do not want to hire deck chairs.
- **Privatisation.** Amounts to privatisation of the Clovelly Bay promenade.
- **Seating.** More seating, however not deck chairs, is favoured. Council asked to investigate more park benches along the Bay, to enhance the area and to enable users of the Bay to enjoy the Bay and be more comfortable. If a visitor wishes to have a deck chair they may bring one with them.

The two conditional submissions pointed out that -

- The concrete area would be particularly suitable for the hire of deckchairs. The main 'sticking point' seems to be the perception that free access to the entire beach is an Australian right i.e. should not be allocating 10% of the total area to those who are prepared able to pay a fee to enjoy the locations. These negative views towards the scheme are not unsurmountable but will require carefully considered attention.
- It is reasonable for a vendor to be allowed to hire out deck chairs at Clovelly, however, any commercial agreement license should explicitly state that under no circumstances should any area for the lovely promenade beach be designed for deck chairs only, nor should a vendor be able to set up deck chairs in such a manner as to prevent other beach users from using the area. The Report suggests the motive for the deck chair proposal is service rather than profit orientated,. hence it would be beneficial to consider the Clovelly Surf Club as the preferred vendor of deck chairs. This would be consistent with the ethos of the proposal, to provide a service rather than profit,. Further, any profits made on such a venture could be reinvested directly in the community. Wishes Council to continue to make decisions that reflect community sentiment.

Another submission questioned -

- Would Council be in charge of this activity? Will Council also be collecting the money or will this be done by private company? If by private company why ? Pays rates in the area and should not be funding private companies to make money on council land.

FINANCIAL IMPACT STATEMENT:

There would be an income to Council from this venture with the exact amount being ascertained at time of tender.

CONCLUSION:

Apart from the 2 conditional submissions, 1 submission questioning the process and 3 interested parties in tendering, 34 submissions are against the proposal. It would appear that the opinion is negative towards this proposal and it would therefore be appropriate to not call for tenders.

RECOMMENDATION:

That Council do not proceed with the calling for tenders for the hiring of deck chairs at Clovelly Bay.

ATTACHMENT/S:

Nil

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JORDE FRANGOPLES
DIRECTOR, CITY SERVICES

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JOHN CALVANI
CO-ORDINATOR PARKS AND
RECREATION

Director, City Services' Report 149/2005

SUBJECT:	27 STANLEY STREET, RANDWICK - VEGETABLE GARDEN ON PUBLIC LAND.
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DATE:	8 November, 2005	FILE NO:	F2004/948484
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REPORT BY: DIRECTOR, CITY SERVICES

INTRODUCTION:

For a considerable number of years a structure has occupied public land adjacent to the front boundary of the property at 27 Stanley Street, Randwick. The structure is approximately 3m square and stands approximately 600mm. The external upright walls are constructed from a mixture of timber, metal and fibrous cement.

The elderly resident has filled the structure with soil and uses the area to grow seasonal vegetables. It would appear the vegetables are grown not for profit reasons only. The tending and growing of vegetables in this plot provide an important past time, interest and cultural link for the resident.

ISSUES:

Filed records reveal that since 2001 Council has received a number of complaints in relation to this structure. Investigations reveal the resident does not have approval from Council. The resident has been interviewed in relation to this matter and advised of the complaints made to Council and claims to have "Council" approval for the vegetable garden to occupy public land.

FINANCIAL IMPACT STATEMENT:

There is no direct financial impact for this matter.

CONCLUSION:

On 10 June 2005, Council's Rangers received an anonymous complaint in relation to the structure and on 28 June this was followed by a letter of complaint signed by five residents. It is noted that the structure is erected in an area which is subject to good overhead street lighting. The occupied area does not impede pedestrian access nor is it considered that the structure would present a physical hazard to pedestrians.

RECOMMENDATION:

That, as the structure is not considered to be a safety risk, the resident be advised that he must enter into an agreement with Council for lease of the land at a “peppercorn rent”.

ATTACHMENT/S:

Photos

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JORDE FRANGOPLES
DIRECTOR, CITY SERVICES





