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

1 May 2007

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, 8TH MAY 2007 AT 6:00 PM

Committee Members: The Mayor, Cr P. Tracey, Crs Andrews, Belleli (Chairperson), Hughes (Deputy Chairperson), Matson, Notley-Smith, Seng & 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/Granting of leave of absences

2 Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE WORKS COMMITTEE MEETING HELD ON TUESDAY, 10TH APRIL 2007.

3 Declaration of Pecuniary & Non-Pecuniary Interests

4 Addressing to Committee by Members of the Public

5 Urgent Business

6 Works

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| 6.1 | DIRECTOR, CITY SERVICES' REPORT 19/2007 - TWO COUNCIL-OWNED FICUS 'HILLII' (HILL'S WEEPING FIGS) GROWING OUTSIDE 2 AND 4 GREVILLE STREET, CLOVELLY. | 2 |
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7 Confidential Items (Closed Session)

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GENERAL MAANGER

Director, City Services' Report 19/2007



SUBJECT:	TWO COUNCIL-OWNED FICUS 'HILLII' (HILL'S WEEPING FIGS) GROWING OUTSIDE 2 AND 4 GREVILLE STREET, CLOVELLY
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DATE:	26 April, 2007	FILE NO:	F2004/07359
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REPORT BY: DIRECTOR, CITY SERVICES

INTRODUCTION:

On 24 September, 2006, the owner of 2 Greville Street, Clovelly, wrote to Council expressing concerns about the damage being caused to his property by the roots of a Council-owned *Ficus 'Hillii'* (Hill's Weeping fig) growing on the nature strip outside his property and detailing a range of problems associated with that tree.

The owner of 2 Greville Street, Clovelly, wrote to Council on 9 February, 2007 highlighting the problems he is experiencing with tree roots from a Council-owned *Ficus 'Hillii'* growing on the nature strip outside his property and requesting that a range of damage to his property be rectified by Council.

ISSUES:

The owners of both these properties have been experiencing a range of tree root-related issues for many years and have both requested the removal of the tree outside their respective properties on more than one occasion.

Specifically, the owner of 2 Greville Street has repeatedly highlighted a variety of problems associated with the tree growing outside his property, ranging from branches growing into powerlines, ongoing footpath damage, large branches falling without warning, root damage to the roadway itself, to potential damage being caused to his heritage property.

This property owner has stated that he will hold Council responsible should any injury or damage to property occur as a result of the two trees in Greville Street outside his property.

A recent site inspection by Council's Tree Management Officer confirmed these problems and reinforced the fact that roots from the tree were causing ongoing and increasing damage to the footpath, kerb and gutter and roadway.

The tree concerned is in excellent health and is one of three growing along the southern side of Greville Street, Clovelly. The tree is approximately 10-12 metres in height and around the same dimension across the canopy. It is an important provider of habitat and foodsource and provides significant visual amenity along this section of the street.

The owner of 4 Greville Street is also experiencing a range of problems associated with tree root damage and these include lifting and cracking of paving along the front and side of his property, lifting of the gas mains and pipe by tree roots, lifting of the down pipe and guttering on the side of the residence and cracks in the side wall of the residence.

This property owner has generously stated that he is willing to rectify damage within his property but cannot afford those problems to worsen.

The tree outside 4 Greville Street is also in excellent health and is also approximately 10-12 metres in height and around the same dimension across the canopy. It is an important provider of habitat and foodsource and also provides important visual amenity along this section of the street.

Both trees have been root pruned on a number of occasions over many years and the canopies have been regularly pruned out of overhead powerlines.

The adjacent roadway has been damaged and uplifted by tree roots, as has the footpath outside both properties.

RELATIONSHIP TO CITY PLAN:

Outcome 10: A Healthy Environment.
Direction 10b: Environmental risks and impacts are strategically managed.
Key Action: Develop and implement policies, programmes and strategies to manage environmental risks and impacts.

FINANCIAL IMPACT STATEMENT:

The cost to remove and stump grind these two trees and to replace them with two-three advanced replacement species would be in the vicinity of \$5,000 and this would come from Council's annual tree management budget.

CONCLUSION:

The roots of these two trees are causing ongoing and worsening damage to the adjacent footpath and roadway and they both seasonally drop copious amounts of fruit onto the footpath and nature strip area.

Both these problems constitute a very real liability issue for Council – although the footpath can be repaired (only a temporary measure) and the fruiting issue is seasonal.

Branches have to be regularly pruned out of the domestic service wires/overhead powerlines and the canopies create significant shadowing of the adjacent footpath at night.

The roots of both trees have intruded into adjacent properties and are causing (or have the potential to cause) serious structural damage to both those properties. Of major concern is that these two trees will eventually cost Council a considerable amount of money for property repairs – as well as constituting an ongoing trip/liability hazard.

The removal and replacement of both these trees would certainly fall within the parameters originally set out in Council's resolution relating to aggressive-rooted street trees, although their removal would have a major impact on visual amenity of the surrounding streetscape.

RECOMMENDATION:

That the two Council-owned *Ficus microcarpa* var. 'Hillii' (Hill's Weeping figs) growing on the nature strip outside 2 and 4 Greville Street, Clovelly, be removed and replaced

with an appropriate number of more appropriate tree species – as per Council’s Street Tree Masterplan.

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 20/2007



SUBJECT:	Operation of Traffic Committee.
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DATE:	26 April, 2007	FILE NO:	F2004/07866
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REPORT BY: DIRECTOR, CITY SERVICES

INTRODUCTION:

The RTA has recently issued a new guide to the Delegation to Councils for the Regulation of Traffic. Council, at its Works Committee meeting of 13th June, 2006, resolved on the Motion by Councillors Andrews and Sullivan that a report be brought back to Council on delegate attendance and voting rights on the Randwick Traffic Committee.

Council is delegated certain powers by the RTA to regulate traffic on local roads. This report details the extent and limitations of this delegation and addresses the manner in which Council applies this delegation.

ISSUES:

The Roads and Traffic Authority is legislated as the organisation responsible for the control of traffic on all roads in New South Wales. Traffic is controlled by the installation of prescribed traffic control devices, such as regulatory signs, or traffic control facilities, such as medians.

The RTA advises that it considers that the most effective means of dealing with the number and range of traffic-related matters, particularly those which arise on local roads, is to deal with them at the local level. The RTA has therefore delegated certain aspects of the control of traffic on local roads to the Councils of Local Government areas.

The *Transport Administration Act, 1998* confers the following powers to the RTA:

- To exercise the functions relating to safety and traffic management set out in Section 52A;
- To delegate its functions to other public agencies such as Councils (Section 50);
- To give directions to public authorities in relation to RTA functions under Part 6 (Section 53A).

The *Road Transport (Safety & Traffic Management) Act, 1999* provides for a system of traffic laws relating to all vehicles (Motorised and non-motorised) and pedestrians found in subordinate legislation made under the Act. Principally, these are:

- *Road Transport (Safety and Traffic Management (Road Rules) Regulation, 1999, and*
- *Australian Road Rules, 1999.*

If a Council wishes to regulate traffic it must seek the advice of its Local Traffic Committee.

The delegation of functions to regulate traffic is carried out by the RTA, issuing Councils the RTA document, *Delegation to Councils – Regulation of Traffic*.

Note: There is a separate delegation for B-double route approvals.

Limitations

The exercise of functions delegated to Council is subject to a number of conditions or limited as documented in Schedule 4 (Limitations) of the *Delegation*.

Councils:

- Are only permitted to authorise the implementation of certain traffic control facilities / prescribed traffic control devices on roads and road-related areas within their area of operations. Council cannot exercise a function on a classified road as defined under the *Roads Act*.
- May only authorise prescribed traffic control devices contained in the RTA document *Regulatory Signs*, excluding those labelled as “Not delegated to Council” (e.g. clearways, bus lanes, bus only lanes and transit lanes).
- Listed as Schedule 1 of the *Delegation*, must not exercise delegated functions listed in Schedule 4 of the *Delegation* including referral of issues for formal advice until a TMP has been assessed by the RTA. Refer to the Section entitled TRAFFIC MANAGEMENT PLANS.
- Are not empowered to authorise traffic control lights.
- Are not empowered to interfere with traffic control lights, including the addition of any signs.
- May authorise portable traffic control lights for roadworks, see RTA’s document, *Portable Traffic Signals Guide to Use*.
- Cannot authorise an internally illuminated traffic control device.
- Must obtain the advice of the NSW Police and the RTA prior to exercising their delegated powers.
- Must establish a Local Traffic Committee (LTC). Refer to the Section entitled LOCAL TRAFFIC COMMITTEE.
- May authorise “Roadwork Speed Limited” signs under the conditions outlined in the *Delegation*.
- May sub-delegate traffic management powers (delegated functions), in respect of Division 1 of Part 4 (Traffic control devices) of the *STMA*, and Division 2 of Part 5 (Special Event parking schemes) of the *STMR*.
- **May not** sub-delegate traffic management powers (delegated functions), in respect of Division 2 of Part 8 (sections 116 to 119) of the *Roads Act*.

Exercising delegated functions

Councils may only exercise their delegated functions in accordance with the *Delegation*. Councils may sub-delegate certain powers to Councillors, the General Manager or an employee of the Council.

Since the late 1970's when the Traffic Committee process was first introduced by the RTA (then the DMR) Randwick City Council has delegated its power to senior positions within City Services (or its predecessor departments). Originally this was delegated to the Engineer or in his/her absence, the Deputy Engineer. It is considered that Council should endorse this previously occurring practice and re-delegate this authority to the General Manager.

The *Delegation* requires Council to seek the advice of the NSW Police and the RTA prior to exercising their delegated functions. This is usually done via the Local Traffic Committee.

In cases where the Local Traffic Committee advice is unanimous, and the Council intends to follow that advice, Council may authorise the implementation of the facility or device without further notifying the RTA or the NSW Police.

If the elected Council wishes to exercise a delegated function when the Local Traffic Committee advice is not unanimous, or the elected Council wishes to act contrary to unanimous Local Traffic Committee advice, then Council must notify in writing, both the NSW Police and the RTA representatives on the Local Traffic Committee.

Note: Council does not need to notify the NSW Police or the RTA if Council decides not to proceed with any proposal for any reason.

Council then must refrain from taking any action for 14 days so that the NSW Police or the RTA is given an opportunity to appeal to the Chairperson, Regional Traffic Committee should they wish.

In the case of an appeal, the decision of the Chairperson, Regional Traffic Committee is binding and final for matters under the *STMA*. For matters under the Roads Act, further appeals may be made to the Minister for Roads. Refer to the Section entitled REGIONAL TRAFFIC COMMITTEE, for more details.

Local Traffic Committee

The Local Traffic Committee has no decision-making powers. The Local Traffic Committee is primarily a technical review committee, which is required to advise the Council on matters referred to it by Council. These matters must be related to prescribed traffic control devices and traffic control facilities for which Council has delegated authority.

The Local Traffic Committee should consider the technical merits of the proposal and ensure that the proposal meets current technical guidelines.

The Council must refer all traffic-related matters to the Local Traffic Committee prior to exercising its delegated functions. Matters related to classified roads or functions that have not been delegated to the elected Council must be referred directly to the RTA or relevant organisation. Such matters must not be referred to the Local Traffic Committee. However, the RTA will generally seek the views of the Council on classified road traffic issues via the informal items process.

Members

The Local Traffic Committee is to be made up of four formal members. The members are as follows:

- One representative of Council
- One representative of the NSW Police
- One representative of the RTA
- The local State Member of Parliament (MP) or their nominee.

Where a Council LGA is represented by more than one MP, or covered by more than one NSW Police Local Area Command (LAC), MPs or NSW Police officers representing the relevant electorate or LAC are entitled to be members of the Local Traffic Committee. However they are only permitted to vote on matters, which effect their electorate or LAC. Refer to the Section entitled VOTING.

The Council (in consultation with the formal members of the Local Traffic Committee) may also decide to have additional informal (non-voting) advisors to the Local Traffic Committee who can provide input into the process. These additional advisors can include a:

- Road Safety Officer
- Ministry of Transport representative
- Fire Brigade representative
- Ambulance Service representative
- Bus operator representative
- Transport Workers Union representative
- Chamber of Commerce representative

Generally, informal advisors are not required to attend every Local Traffic Committee meeting. Their attendance is only required when items appear on the Agenda which affect their area of expertise or responsibility.

The informal advisors of the Committee are not entitled to a vote.

Meetings

The Local Traffic Committee is not a Committee within the meaning of the *Local Government Act, 1993*.

While there is no need for a special quorum to allow a Local Traffic Committee meeting to proceed, it must be remembered that any advice can only be returned to the elected Council by the Local Traffic Committee if the views of the RTA and the NSW Police have been obtained.

Public Participation

For the last 18 months Randwick City Council has operated its Traffic Committee as a meeting open to the public. Members of Precincts, Chambers of Commerce, Strata Councils or any other interest groups or private persons have been welcomed to attend. Initially the other formal members of the Traffic Committee expressed some concerns about this, however, Council's Manager, Integrated Transport, Mr Lehmann, has maintained that the meetings be open; and it would seem that this has been operating successfully.

It is considered that Randwick City Council should maintain the open nature of its Traffic Committees, noting that this position maybe subject for further discussion with the RTA.

Voting

Local Traffic Committee advice to Council on a proposal referred to it by Council must be one of the following:

1. Unanimous support;
2. Majority support;
3. Split vote;
4. Minority support; or
5. Unanimous decline.

A Council's action on the above Local Traffic Committee advice will be:

- a) If Council is in agreement with the Local Traffic Committee unanimous support then the proposal may be approved. In these cases there is no conflict between Council and the advice of the Local Traffic Committee, consequently there is no need for Council to inform the RTA or the NSW Police representatives of the decision.
- b) If Council is in agreement with the Local Traffic Committee unanimous support, but no longer wants to proceed, the proposal may still be rejected.
- c) If Council is in agreement with the Local Traffic Committee unanimous decline then the proposal may be rejected. Again there is no conflict between Council and the advice of the Local Traffic Committee. Consequently there is no need for Council to inform the RTA or the NSW Police representatives of the decision.
- d) If Council decides to proceed with a proposal where the advice of the Local Traffic Committee is not unanimous support, then the Council must first advise the RTA and the NSW Police representatives in writing of their intention to approve the proposal. The RTA or the NSW Police may then lodge an appeal to the RTA. Refer to the Section entitled APPEALS.
- e) If Council decides to proceed with a proposal where the advice of the Local Traffic Committee is a unanimous decline, then the Council must first advise the RTA and NSW Police representatives in writing of their intention to approve the proposal. The RTA or the NSW Police may then lodge an appeal to the RTC. Refer to the Section entitled APPEALS.

Approval of Traffic Committee Recommendations

The manner by which Randwick City Council formally approves the Recommendations arising out of the Traffic Committee is as follows:

1. Traffic Committee meeting is held and Recommendations are made.
2. The Minutes from the Traffic Committee are distributed to the Voting Members (Police, RTA, State MPs) and Councillors within a day or so.
3. If, within 14 days of the distribution of the Minutes, no representations are received from Voting Members or Councillors then the Traffic Committee Recommendations are considered as having been adopted and any actions arising can be undertaken.

4. If, however, a Councillor or one of the Voting Members makes a representation with regard to the Traffic Committee Recommendations from the Minutes the all work on that matter ceases and the matter is either referred back to the Traffic Committee for further consideration or a separate report is prepared for Council on the matter.

It is considered that the process is the most efficient manner by which Council can operate its delegated traffic functions and that this ongoing process should be again endorsed.

Appeals

Road Transport (Safety and Traffic Management) Act 1999

Where a determination of Council to proceed is contrary to a unanimous decline or is based on the non-unanimous advice of the Local Traffic Committee, then Council must notify both the RTA and NSW Police representatives of its decision. Council must not exercise any of the functions, in relation to the subject proposal, for a period of 14 days from the date of notification in writing.

An appeal, may only be lodged by either the NSW Police or the RTA. The appeal is made to the Chairperson, RTC and must be lodged within the 14 day period. As a matter of courtesy, it is expected that the appellant informs Council in the initial stages of their intention to lodge an appeal.

RELATIONSHIP TO CITY PLAN:

The relationship with the City Plan is as follows:

Outcome 2:	A vibrant and diverse community
Direction 2b:	Strong partnerships between Council, community groups and government agencies.
Outcome 3:	An informed and engaged community
Direction 3c:	A community involved in shaping and enhancing our City.
Outcome 9:	Integrated and accessible transport
Direction 9a:	A network of safe and convenient walking paths and cycle ways linking major land uses and recreation opportunities.
Direction 9d:	Residential amenity is protected by appropriate traffic management
Direction 9e:	Parking is managed to balance convenience against reduced car reliance.

FINANCIAL IMPACT STATEMENT:

There is no direct financial impact for this matter.

CONCLUSION:

The operation of the Traffic Committee and implementation of any action arising from the Traffic Committee is considered to be appropriate and efficient. It is therefore considered that this operation be endorsed and that the delegations as currently applied also be endorsed.

RECOMMENDATION:

That :

1. the information about the operation of the Traffic Committee be noted;
2. Council maintain the open nature of its Traffic Committees;
3. Council endorse the previously occurring practice of approval of Traffic Committee Recommendations and re-delegate this authority to the General Manager; and
4. as the process of notifying voting members and Councillors of Traffic Committee Recommendations, and implementing those Recommendations, is the most efficient manner by which Council can operate its delegated traffic functions, this process be again endorsed.

ATTACHMENT/S:

Nil

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JORDE FRANGOPLES
DIRECTOR, CITY SERVICES

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TONY LEHMANN
MANAGER - INTEGRATED
TRANSPORT

Confidential Items (Closed Session)

Notices of Rescission Motions
