

ORDINARY COUNCIL MEETING
SUPPLEMENTARY BUSINESS PAPER
MAYORAL MINUTES
&
URGENT BUSINESS ITEMS

TUESDAY 26 MAY 2009

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26 May 2009

ORDINARY COUNCIL MEETING

Notice is hereby given that an Ordinary Council Meeting of the Council of the City of Randwick will be held in the Council Chamber, Town Hall, 90 Avoca Street, Randwick, on Tuesday, 26 May 2009 at 6:00pm.

Mayoral Minutes

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Mayoral Minute No. MM36/09



Subject: South Maroubra Village Green Art Show - Request to waive fees

Folder No: F2009/07550

Author: Councillor Notley-Smith, Mayor

Introduction

An application has been received from Mr Richard Walsh for the South Maroubra Village Green Art Exhibition to be held from 12-15 November 2009.

Issues

The Art Exhibition will be located at the southern section of the South Maroubra Village Green adjacent to the car park of the South Maroubra Shopping Village and the aim of the show is to enable local artists to display their work publicly.

This event is a non-profit community event and Mr Walsh is requesting that due to the nature of the Art Exhibition that the appropriate fees be waived.

The associated fees are: Administration Fee; \$250.00

Financial impact statement

Should Council accept the report recommendation, the financial implication to Council is \$250.00 which will be charged to the 2009-2010 Contingency Fund.

Conclusion

It is considered that Council should support the South Maroubra Village Green Art Exhibition as it is a well received community event held each year and that it be supported through its 'in kind' sponsorship with the waiving of fees.

Recommendation

That:

- a) the Administration Fee in the amount of \$250.00 be waived and funds be charged to the 2009-2010 Contingency Fund;
- b) the activity organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the activity; and
- c) the Mayor or his representative be given the opportunity to address the activity on behalf of Council.

Attachment/s:

Nil

Mayoral Minute No. MM37/09



Subject: Financial assistance - SHINE for Kids
'Children's Variety Extravaganza'

Folder No: F2005/00182

Author: Councillor Notley-Smith, Mayor

Introduction

The General Manager of 'SHINE for Kids' has written to Council requesting support for 20 local (Coogee and Maroubra) wheelchair children to have an outing to the movies.

Issues

SHINE for Kids has indicated that 20 local (Coogee and Maroubra) wheelchair children missed out on support at the charities annual Xmas show last year. The charity subsequently promised that they would take the children for a day out to the movies.

SHINE for Kids is a not-for-profit organisation operating on a small budget within the community. SHINE for Kids' ability to assist and support our local families and their kids is largely determine by the active participation and commitment of their volunteers.

The cost to support 20 local wheelchair children to attend the day out at the movies is \$1,000.00.

Financial impact statement

Should the recommendation be adopted, the \$1,000.00 donation will be funded from the 2008-09 Contingency Fund.

Conclusion

It is recommended that Council provide financial assistance for this worthy project and donate \$1,000.00 to SHINE for Kids to allow 20 local wheelchair children to have a day out at the movies.

Recommendation

That Council donate \$1,000.00 to SHINE for Kids to allow 20 local (Coogee and Maroubra) children to have a day out at the movies and that the funds be allocated from the 2008-09 Contingency Fund.

Attachment/s:

Nil

MM37/09

Mayoral Minute No. MM38/09



Subject: Waiving of fees - Maroubra fun run and oktoberfest

Folder No: F2004/08114

Author: Councillor Notley-Smith, Mayor

Introduction

An application has been received from Mr Richard Walsh on behalf of the Maroubra and Districts Chambers of Commerce and the South Maroubra Surf Life Saving Club to hold their annual Fun Run, Oktoberfest on Sunday, 25 October 2009. Mr Walsh has requested that Council's fees regarding all activities and food vendors attending the event be waived and that Council further contribute funds to the running of the event.

Issues

An assessment of the applicable fees are as follows:

Hiring of Stage, Chairs and Tables	\$2,451.80
Three mobile food vans & food stalls (\$95 each)	\$ 285.00
Administration Fee	\$ 330.00
Equipment Hire Fee	\$ 500.00
Bin Hire x 20 (supply and remove)	\$1,000.00
Total:	\$4,566.80

It is considered that the Maroubra Fun Run, Oktoberfest is a non-profit community event and that funds be allocated to cover the costs of hiring a stage and other fees associated with the event.

Often in the conducting of large events such as this, Council's property is damaged. It is necessary that the organiser of the event, Mr Richard Walsh, on behalf of the Maroubra and Districts Chambers of Commerce and the South Maroubra Surf Lifesaving Club be advised in writing that should Council property be damaged in any way the organisers of the event are liable and that the organisers acknowledge this in writing prior to the event.

Financial impact statement

In the event that Council accepts the report recommendation, the direct financial implication to Council will be a contribution of \$4,566.80 from the 2009-10 Contingency Fund.

Conclusion

Given that the level of support being offered by Council is substantial, it would be appropriate that Council be treated as a co-operative partner and be included in the event promotion. This will ensure Council is acknowledged for its support of local community events in the eyes of the community.

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Recommendation

That

- a) Council vote \$4,566.80 to cover the costs associated with Council's contribution towards the organising of the Maroubra Fun Run, Oktoberfest to be held on Sunday 25 October 2009, and that these funds be allocated from the 2009-2010 Contingency Fund.
- b) Council advise the organisers of the Maroubra Fun Run and Oktoberfest that Council be given adequate and appropriate acknowledgement for its contribution to the running of this event. Such acknowledgement to include Council's logo for inclusion on promotional literature and Council's banner be displayed at the event.
- c) the organisers be advised that Council requires an acceptance in writing that should Council property be damaged in any way the organisers of the event will compensate Council for the repair or replacement of the damaged item(s).

Attachment/s:

Nil

MM38/09

Mayoral Minute No. MM39/09



Subject: Mayoral Charity Ball
Folder No: F2008/00398
Author: Councillor Notley-Smith, Mayor

Introduction

In 2009 Council will celebrate 150 years of Local Government in Randwick after being incorporated under the Municipalities Act 1858 on 22 February 1859.

As part of the sesquicentenary year celebrations it is proposed to hold a Mayoral Ball on Saturday 12 September 2009. The event will pay homage to traditional Mayoral Balls and will raise funds for two worthwhile charities. We have had preliminary discussions with the Sydney Children's Hospital and Prince of Wales Hospital Foundation as the beneficiaries of this event. Both support local community groups and funds raised are able to be targeted towards these programs.

This event will be held in September in order to allow enough planning time, and tie in with Spring themes such as hope and life.

Issues

The event will be a ticketed and invitation only event, with funds raised being split between the two charities. In addition to ticket sales a charity auction could be held to raise additional funds.

The Prince of Wales Hospital Foundation was formed to encourage, support, and assist The Prince of Wales Hospital in the fields of research, education, and any particular activities and projects of the Hospital, which are consistent with its service plan and to raise, receive and apply money and property for such purposes.

The Sydney Children's Hospital Foundation is the principal fundraising body for the Sydney Children's Hospital, Randwick. They are dedicated to working with the community to improve quality of life of seriously ill children from across NSW and beyond.

Invitees to the ball will include Ministers of State, Councillors, corporate partners, business associates and supporters of chosen charities.

The event will provide Council with an opportunity to raise funds for a worthwhile cause as well as bring together colleagues and community members for an enjoyable and memorable occasion. The ball will also be held to advance the Council's community development objectives. The UNSW Regiment Band has indicated a strong interest in playing at events such as this.

In our 150th year, it is fitting that Randwick City hold a ball in honour of this celebration as well as support worthwhile charities benefiting our local communities.

Financial impact statement

An amount of \$10 000 is allocated for a Civic Reception in the 2009-2010 budget and as this is a ticketed event there will be no additional cost to Council.

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Conclusion

2009 is Council's 150 year anniversary, an exceptional and significant milestone in the history of Council. It is important to commemorate this year with a number of events celebrating our history. It is also important to recognise and support two worthwhile charities supporting our local communities.

Recommendation

That this Mayoral Minute be received and noted and planning for a 2009 Randwick City Mayoral Ball commence.

Attachment/s:

Nil

MM39/09

Mayoral Minute No. MM40/09



Subject: Meeting of Mayors and General Managers - Anti-Social Behaviour Issues

Folder No: F2009/00164

Author: Councillor Notley-Smith, Mayor

Introduction

This Council is well aware of the costs to our community with respect to addressing issues associated with alcohol related crime and anti-social behaviour, vandalism and graffiti. These costs impact our community from, both, a financial and social perspective.

The purpose of this Mayoral Minute is to inform Council of an important forum, which I am currently participating in with our General Manager and the Mayors and General Managers of Sutherland Shire Council, Waverley Council, Manly Council, Pittwater Council and Warringah Council (Sydney Beachside Councils) who have come together to address, collectively, this important issue.

Issues

The Sydney Beachside Councils' forum, which has met in March and May 2009, has identified seven (7) anti-social issues that are negatively impacting our respective Local Government Areas:

1. Late closing times of hotels and night-clubs
2. Alcohol related Legislation and its application
3. Graffiti and Vandalism
4. Uncontrolled alcohol-fuelled gatherings in public and private places
5. Enforcement, crime prevention and education resources and support
6. Transport from Late Trading Premises
7. Accountability of Licensed Premises of patrons within and leaving these premises

Plainly, to address these problems in a holistically manner - which regrettably adversely impact all our Councils in varying degrees - requires a collaborative response from State and Local government.

To assist with addressing these complex issues, and importantly to engage the relevant State agencies, the Sydney Beachside Councils forum yesterday publicly released its Report titled "*Managing the challenge of anti-social issues experienced by Sydney Beachside Councils*".

This important Report not only identifies the particular issues and the difficulties we face when addressing them, but also puts forward sensible recommendations for State government to bring about practical solutions which could be implemented at a local level to reduce the impact of the broad range of anti-social we experience, commonly.

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Financial impact statement

There is no direct financial impact for this matter.

Conclusion

As the Sydney Beachside Councils' Report title aptly describes, 'managing the challenge' of anti-social behaviour, in their various manifestations, experienced in our respective LGAs is a challenge which requires developing and implementing solutions collaborative by Local and State government.

In this regard, I wish to commend to Randwick City Council the Sydney Beachside Councils' Report titled "*Managing the challenge of anti-social issues experienced by Sydney Beachside Councils*" and the recommendations it articulates.

The Report has been forwarded to the Premier of New South Wales and the various State Ministers for their consideration.

Recommendation

That:

- a) Randwick City Council receive and note the Report released by the forum of Sydney Beachside Councils titled *Managing the challenge of anti-social issues experienced by Sydney Beachside Councils*, dated May 2009, and
- b) Randwick City Council provides its support to the Sydney Beachside Councils forum to continue its work to engage with the State government to implement the Reports recommendations.

Attachment/s:

1. Sydney Beachside Councils on Anti-Social Behaviour Issues Paper 25 May 2009
2. Media Release 25 May 2009 - Sydney Beachside Councils - Antisocial Behaviour

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Title of Paper:

Managing the challenge of anti-Social issues experienced by Sydney Beachside Councils

Participating Councils:

Manly Council

Pittwater Council

Randwick City Council

Sutherland Shire Council

Warringah Council

Waverley Council

May 2009

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EXECUTIVE SUMMARY

This report has been prepared on behalf of Manly, Pittwater, Randwick, Sutherland Shire, Warringah and Waverley Councils (*Sydney Beachside Councils*). The paper discusses current and emerging anti-social issues experienced by these Councils and includes recommendations on how these issues can be collaboratively addressed with the NSW Government.

On 2 March, 2009 the Mayor and General Manager of Sutherland Shire Council facilitated a meeting amongst Sydney Beachside Councils to discuss issues relating to anti-social behaviour. The meeting was attended by Mayors, General Managers and key senior staff from Pittwater, Manly, Waverley and Randwick Councils (*Warringah was an apology*). Each Council shared issues experienced in their LGA, strategies that have been implemented to address these issues, strategies that have been successful and on-going and/or emerging challenges. All Councils present acknowledged that many of the issues and challenges are similar and that all or some of the issues could be better managed through partnerships and resource support from the NSW Government.

One of the outcomes of the meeting was the preparation of this paper which has been endorsed by the Mayors and General Managers of the respective Sydney Beachside Councils and will be submitted to various State Government Ministers for further discussion and consideration.

Sydney Beachside areas not only service residents and businesses but are also popular destinations for many visitors.

Popular beach destinations like Cronulla, Mona Vale, Manly, Bondi and Coogee can attract between 10,000 and 40,000 visitors each day over summer; greater than average crowds attending organised sporting matches and music events.

These destinations generally include a high concentration of café, restaurants, take-away food premises and licensed bars and hotels to service visitors (and locals) that create vibrant precincts that positively contribute to the social and economic wellbeing of the area. However, due to large crowds and a high concentration of venues and activities these destinations also attract significant pockets of anti-social behaviour.

The Sydney Beachside Councils agreed they are increasingly challenged with sustaining a positive environment for visitors whilst mitigating the negative impacts such as anti-social behaviour on the local community. They agreed that alcohol-related anti-social behaviour and graffiti are particularly becoming more problematic and require a collaborative approach by all levels of Government.

This paper specifically discusses the common negative impacts and problems experienced by Sydney Beachside Councils and offers recommendations on how to address them with NSW Government support.

In summary, the seven (7) significant anti-social issues that are negatively impacting on the Sydney Beachside Council areas are;

1. **Late closing times of hotels and night-clubs**
2. **Alcohol related Legislation and its application**
3. **Graffiti and Vandalism**
4. **Uncontrolled alcohol-fuelled gatherings in public and private places**
5. **Enforcement, crime prevention and education resources and support**
6. **Transport from Late Trading Premises**
7. **Accountability of Licensed Premises of patrons within and leaving these premises**

Although individual Councils have implemented strategies to address these issues with varying degrees of success, alcohol-related anti-social behaviour continues to be a complex and growing problem, and costs associated with vandalism and graffiti also continue to rise.

The Councils agreed these issues are not exclusive to one Local Government Area (LGA) but are common state-wide issues. Addressing the problems in one LGA in isolation to another does not address the underlying problems and may displace the issues to another area.

The responsibility and accountability of addressing these issues must therefore be shared with the NSW Government and Licensed Premises to provide a holistic approach to effectively addressing these complex issues.

SUMMARY OF RECOMMENDATIONS

The Beachside Councils have identified key recommendations on how the issues above can be addressed with the State Government. They are summarised below;

1. Late closing times of hotels and night clubs

That the:

- a. **Sydney Beachside Councils** determine designated entertainment precincts and review planning instruments to manage and regulate these precincts. Eg. Applying a model similar to the Sydney City Council's DCP model for late night trading premises
- b. **Sydney Beachside Councils** develop standard conditions for licensed premises within the designated entertainment precincts in consultation with and support from **Minister for Planning, Minister for Gaming and Racing and Minister for Police NSW**. Conditions include trading hours, 'Lock out' Policy, RSA standards, transport and crowd control strategies in and around licensed venues. These can be inserted into the DCP and/or DA Consent and/or Liquor License Conditions
- c. Neighbouring **Councils** consult each other on the above to ensure a consistent approach and to reduce displacement of issues
- d. **Minister for Planning NSW** to consider allowing Council to retrospectively impose conditions of development consent consistent with a standard set of principles and conditions that reflect and add value to the entertainment precinct, its community and environment and align with current planning laws. It will ensure a holistic approach to managing the entertainment precinct and contribute to effectively implementing other recommendations in this paper.

2. Alcohol-related Legislation and its application

That the;

- a. **Minister for Local Government and Minister for Gaming and Racing** review Local Government Act 1993 and amend the appropriate regulations to improve consistency in enforcement and penalties applied so that the same regulations and penalties apply to streets, parks and beaches
- b. **Minister for Gaming and Racing and, the Casino, Liquor and Gaming Control Authority** undertake a review in consultation with Local Government

representatives of the provisions of the Liquor Act 2007 and Liquor Regulations 2008 and their administrative processes to improve their practical application in response to issues discussed in this report

- c. **Sydney Beachside Councils** strongly support the Police Minister's new laws recently proposed for 'dispersing people found to be noticeably drunk' in public places.

3. Graffiti and Vandalism

That the;

- a. **Attorney General** introduce tougher penalties for graffiti and vandalism offenders
- b. **Attorney General** consider developing a stronger and more specific community service program requiring offenders to clean graffiti and vandalism from public and private property
- c. **Minister for Local Government** provide more funding opportunities for Councils to implement graffiti education and diversionary activities

4. Uncontrolled alcohol fuelled gatherings in public and private places

That the;

- a. **Minister for Police and Minister for Local Government** facilitate a forum to develop integrated state-wide strategies, tools and resources to strategically address the increase in uncontrolled parties and associated anti-social behaviour occurring in public and private places. This issue appears to be escalating as a result of increased use of social networking technology

5. Enforcement, crime prevention and education resources and support

That the;

- a. **Minister for Gaming and Racing and Minister for Police NSW** consider dedicating resources (e.g. high visible policing) to designated beachside entertainment precincts to ensure compliance by licensed premises, monitor crowd behaviour within licensed premises and public places within the precinct and respond quickly to issues and mitigate anti-social behaviour
- b. **Minister for Gaming and Racing, Minister for Local Government and Minister for Police NSW** collaboratively develop, brand and fund an integrated

state-wide education campaign with tools that can be implemented by various agencies targeting parents, young people and peers about the inappropriate use and effects of Alcohol

- c. **Premier's Office (Incl OPSE), Minister for Tourism, Minister for Gaming and Racing and Minister for Local Government** consider pooling resources, streamlining and integrating some of the education and promotional material to achieve efficiencies and increase effectiveness by reinforcing common messages that apply to all Sydney metropolitan areas (e.g. *Tips on partying safely this summer guide*)
- d. **Minister for Police NSW** undertake a review of policing resources to enhance crime prevention initiatives in Sydney beachside areas (particularly beaches, parks and entertainment precincts) to ensure;
- a high visible presence during peak (eg summer) and high risk times (e.g. night time when licensed premises are closing)
 - the continuation and appropriate resourcing of 'Operation Summer Safe' at Sydney's Beachside precincts
 - regular attendance, information sharing and input from Police at Community Safety and Crime Prevention meetings and related forums
 - Local Area Command Police representatives consult each Council to develop an annual program to meet the needs of each beachside precinct and achieve the objectives in the Community Safety and Crime Prevention Plans, i.e. a more collaborated and integrated approach to destination management
- e. **Premier's Department (OPSE), the Minister for Police NSW and Minister for Roads** undertake a review of the Police 'user pay system' to ease the financial burden placed upon Sydney Beachside Councils when implementing events and initiatives used as a strategy to mitigate anti-social behaviour.

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6. Transport from Late Trading Premises

That the;

- a. **Minister for Transport, Minister for Police NSW, Minister for Gaming and Racing and Minister for Local Government** facilitate transport forums attended by key stakeholders to develop and implement integrated transport strategies to better support designated entertainment precincts in Beachside Council areas.

7. Accountability of licensed premises of patrons within and leaving these premises

That the;

- a. **Minister for Gaming and Racing** review the Liquor Accord operations to consider;
 - Requiring the Liquor Accords to meet twice a year with the relevant Council and Police representatives to discuss and collaboratively develop education initiatives for the area
 - Making it compulsory for all licensed premises to be a member of the local Liquor Accord
 - Improve reporting measures to ensure that the funds of the local Liquor Accord contribute to alcohol-related initiatives and that Councils (and the general public) are notified of these. *Examples include education, transport, crowd management (including between venues), vandalism and street cleansing initiatives within and between the entertainment precincts*
 - requiring the Liquor Accord funds to be audited each year and publicly displayed to ensure the funds are being spent on the above initiatives
- b. **Minister for Liquor, Gaming and Racing, Minister for Police NSW, Minister for Local Government and Minister for Transport** review the transport strategies currently implemented in and around entertainment and late night trading precincts of Sydney Beachside Councils to improve the integration (and safety) of transport to service patrons and visitors (particularly late at night) and to improve promotion of the transport options to patrons and visitors. *One strategy may be making it compulsory for licensed premises to organise and/or contribute to transportation options for their patrons within these designated entertainment precincts*

- c. **Sydney Beachside Councils** develop standard conditions for licensed premises within the designated entertainment precincts in consultation with and support from **Minister for Planning, Minister for Gaming and Racing and Minister for Police NSW**. Conditions include trading hours, 'Lock out' Policy, RSA standards, transport and crowd control strategies in and around licensed venues. These can be inserted into the DCP and/or DA Consent and/or liquor license conditions
- d. **Minister for Gaming and Racing and Minister for Police NSW** consider implementing a compulsory condition to all licensed premises which requires RSA officers to be employed separate to bar staff and stricter auditing is undertaken to ensure intoxicated patrons do not continue to be served
- e. **Minister for Planning NSW** to consider allowing Council to retrospectively impose conditions of development consent consistent with a standard set of principles and conditions that reflect and add value to the entertainment precinct, its community and environment and align with current planning laws. It will ensure a holistic approach to managing the entertainment precinct and contribute to effectively implementing other recommendations in this paper
- f. **Minister for Planning** supports restrictions on trading times on development consents for late night food traders so that they are aligned with and add value to the entertainment precinct reducing the risk of anti-social behaviour.

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DISCUSSION ON KEY ANTI-SOCIAL ISSUES

1. Late closing times of hotels and night clubs

The Sydney Beachside Councils agreed many of the license premises closing times were too late. *Late was generally defined as after 2am.*

The late night venues create numerous risks and problems including:

- excessive intoxication of patrons who have been at the venue for long periods and/or who have arrived from other venues that have closed earlier
- 'a lock out' policy or strict RSA practices are not applied at all late trading venues compounding the risk of excessive intoxication and anti-social behaviour
- the venues are often not supported by an effective transport system to cater for staggered or pooling of patrons leaving the premises. Venues may close at times that bus or train routes have ceased and/or taxi shift change overs are occurring therefore limiting the transport available and/or encouraging groups to hang around the area until transport options do become available increasing the risk of anti-social behaviour, violence and sexual assault
- many venues do not co-ordinate or promote transport options for their patrons
- unreasonable noise levels until the early hours of the morning are experienced by neighbouring residents from venues or from their patrons leaving the premise

There were mixed views amongst the Councils represented in this report about whether venues should close at the same time or staggered times. The Councils did agree however that whatever the approach taken, appropriate crowd management, policing, noise management and transport strategies should be implemented to support it.

To address the above issues, it is recommended that;

- a. **Sydney Beachside Councils** determine designated entertainment precincts and review planning instruments to regulate and manage these
- b. **Sydney Beachside Councils** develop standard conditions for licensed premises within the designated entertainment precincts in consultation with and support from **Minister for Planning, Minister for Gaming and Racing and Minister for Police NSW**. Conditions include trading hours, 'Lock out' Policy, RSA standards, transport and crowd control strategies in and around licensed venues. These can be inserted into the DCP and/or DA Consent and/or Liquor License Conditions. This is a similar model to the City of Sydney DCP for late night trading premises
- c. **Neighbouring Councils** consult each other on the above to ensure a consistent approach and to reduce displacement of issues
- d. **Minister for Gaming and Racing and Minister for Police NSW** consider dedicating resources to designated entertainment precincts of Sydney beachside areas to provide a high visible presence and ensure compliance by licensed premises, monitor crowd behaviour in licensed premises and in public places, mitigate anti-social behaviour and respond quickly to issues
- e. **Minister for Transport, Minister for Police NSW, Minister for Liquor and Gaming and Minister for Local Government** facilitate transport forums attended by key stakeholders to develop and implement transport strategies to better support entertainment precincts in Sydney beachside areas.

2. Alcohol-related Legislation and its application

2.1 Administrative processes of the Liquor Act 2007

Some existing administrative processes and policies of the Casino, Liquor and Gaming Control Authority (CLGCA) create barriers to the effective minimisation of harm to the community from the licensing regime. Some examples include:

- under the new Liquor Act 2007 an applicant for a 'Limited Licence' application is only required to submit a single page to the consent authority. This means that Council often does not have the detailed information necessary to form a position in relation to a proposal. The missing information includes: proposed function dates and times, proposed sale of alcohol times, licensed area and RSA strategies. Council is therefore restricted in assessing the application against the approved DA for the site
- objections by Councils (and other authorities) to licenses are not always taken into consideration by the Casino, Liquor and Gaming Control Authority (CLGCA). As an example, one Council objected to the proposed licensed area of a sporting club as it included the entirety of the playing fields rather than the clubhouse only. The license was granted without amendment even though Council is the owner of the property and has not provided consent for use which includes sale of alcohol
- communication between CLGCA and Local Government is extremely poor at the application and the determination phases. The authority does not inform Council of license applications, the onus is on Council to check CLGCA website on a regular basis to catch any applications that have not been forwarded to them. No action is taken against applicants who do not notify Council as required. It should be noted that applicants and/or solicitors working on the applicants' behalf may use this in their favour, in that Councils don't get the application and as such don't respond to CLGCA and as stated above CLGCA don't notify Council of an application
- the website is not always up to date, often being up to six (6) days behind. This reduces Councils ability to respond within the required timeframes (as short as 14 days). The outcome of licence applications is not notified to Council. This means Council is unable to monitor or enforce license conditions. This has particular links to limited licence applications on Council land such as playing fields
- There is ongoing confusion within the CLGCA, often with different answers to the same question being received from CLGCA staff.

To address the above issues, it is recommended that the;

- a. **Minister for Liquor and Gaming and the Casino, Liquor and Gaming Control Authority** immediately undertake a review of the provisions of the Liquor Act 2007, Liquor Regulations 2008 and internal processes and procedures to ensure the concerns raised above are rectified and improve the practical application of these administrative processes. This should involve extensive consultation with Local Government.

2.2 Inconsistency in regulating and enforcing Alcohol Free areas in public places under the Local Government Act 1993

The proposed law recently announced by the Minister for Police NSW to 'disperse intoxicated persons' in public places particularly around entertainment precincts, parks and beaches is a very positive move to mitigating anti-social behaviour and is strongly supported by the Sydney Beachside Councils.

However, improving the legislation relating to consumption of alcohol in designated Alcohol Free Zones and regulated parks and beaches would further support authorities in regulating these areas.

The *Liquor Legislation Amendment Act 2008* provides new guidelines on developing and enforcing Alcohol Free Zones with regulations administered under **Section 642 of the Local Government Act 1993**. These amendments were a consequence of the new liquor laws – the *Liquor Act 2007* and *Liquor Regulation 2008* introduced from 1 July 2008.

The Alcohol Free Zones apply to public footpaths, streets and carparks (excluding exempt premises). They **do not** apply to parks and beaches.

Section 642 of the Local Government Act enables the confiscation of alcohol in designated Alcohol Free Zones by Police and Council Enforcement and Compliance Officers and removes the penalty previously applied.

This change positively empowers the Police to confiscate the alcohol and move on the person/s hence effectively mitigating the risk of further intoxication and anti-social behaviour.

Consuming alcohol in public places like beaches and parks however, is regulated under a different section of the Local Government Act 1993. **Section 632** of the Local Government Act 1993, enables Police and Council enforcement and compliance officers to fine (10 penalty points - \$110) a person/s who has 'acted contrary to notices erected by Councils' such as a 'no alcohol' sign. **It does not** enable the confiscation of the alcohol that is applicable under **Section 642**. Trying to fine a person/s for a breach proves problematic for officers and does not remove the risk of continued consumption when the officers have left.

Most of Sydney's beachside precincts have designated Alcohol Free Zones applied to the streets as well as 'no alcohol' regulation signs prohibiting alcohol consumption in neighbouring parks and beaches. Having different enforcement requirements and penalties apply to these areas creates confusion and numerous challenges for Police and Council's Enforcement and Compliance Officers to consistently enforce the beachside precinct. It also increases costs to Council by having to erect two sets of signs.

The regulation of alcohol in public places can be more effective and easier to manage through streamlining regulations under the Local Government Act 1993 so that they are consistent and support each other. This can be achieved by amending the Local Government Act 1993 and Alcohol Free Zone guidelines so that:

- an Alcohol Free Zone encompasses streets and neighbouring beaches and parks
- one set of enforcement rules and penalties apply.

The Sydney Beachside Councils support both confiscation of alcohol and the discretion of issuing a substantial fine for breach in an Alcohol Free Zone by Police and compliance officers

It is also recommended that the penalty for 'acting contrary to notices erected by Councils' such as a 'no alcohol' sign in parks that may not be within an Alcohol Free Zone and/or form part of the beachside precinct should include the ability for authorised officers to confiscate the alcohol and issue a substantial fine.

To address the above issues, it is recommended that the:

- a. **Minister for Local Government and Minister for Gaming and Racing** review Local Government Act 1993 and amend the appropriate regulations to improve consistency in enforcement and penalties applied so the same regulations and penalties apply to streets, parks and beaches.
- b. **Sydney Beachside Councils** strongly support the new laws proposed by Minister for Police NSW in 'dispersing crowds that appear intoxicated' in public places

2.3 Under-age Drinking

It is acknowledged that each Sydney beachside area experience issues with under-age drinking in public places particularly at beaches and parks.

Police and Councils work together to negate the activity by educating young people and enforcing relevant legislation and taking action against the alcohol suppliers. However, often the supplier is a relative or can not be identified.

This issue is therefore a complex social and cultural matter involving the education of parents and peers and young people.

To address the above issues, it is recommended that the:

- a. **Minister for Gaming and Racing, Minister for Local Government and Minister for Police NSW** collaboratively develop and fund an integrated state wide education campaign with practical tools that can be implemented by various agencies, parents, young people and peers about the inappropriate use of Alcohol

2.4 Development consent and conditions

Many businesses located in beachside precincts do not have specific conditions around trading operations, crowd control and litter collection or the conditions although legally applicable are no longer consistent with the current planning instruments (e.g. late night trading DCP). This places numerous challenges upon Council and local authorities to effectively manage the beachside precincts.

It will be very challenging to implement a number of the recommendations in this paper if they can only apply to future businesses and not affect existing businesses. Some licensed premises that trade on old development consents do not take into consideration the current environment and future direction in trying to mitigate anti-social behaviour and better manage entertainment precincts. These businesses do not intend to close and/or modify their businesses in the near future so will continue to practice differently to those future businesses who have a different set of conditions that reflect changing needs in the area and current planning laws and instruments.

There is therefore a disconnection between the operations of these businesses and today's community and environment they are located within. There is also inequity and inconsistency in trying to implement a holistic and integrated approach to managing these precincts.

Whilst beachside Councils understand the commercial and competitive nature of these businesses, there needs to be an equitable solution whereby existing development consents for late night trading venues and food businesses can be updated to reflect current planning instruments and the community and environment they now operate within.

The recommendations to address this issue are that the;

- a. **Sydney Beachside Councils** develop a standard set of principles and conditions in the Local Planning Instruments for designated entertainment precincts that are applied to all late night trading venues and food premises and
- b. **Minister for Planning NSW** consider allowing Council to retrospectively impose conditions of development consent consistent with the standard set of principles and conditions to address issues of concern with the operation of particular types premises that where not apparent at the time that the original consent was granted.

Currently the Environmental Planning and Assessment Act 1979 (the Act) confers power on a consent authority (CA) to give Orders pursuant to Division 2A of Part 6 of the Act. Orders which may be given by a CA are contained in the Table to s. 121B of the Act.

The Table to s. 121B of the Act could be amended to include an Order "to impose, modify or revoke a condition of development consent".

The Act could stipulate which type of development consent an Order to impose, modify or revoke a condition of development consent can apply. These types of development consents for the purpose of an Order to impose, modify or revoke a condition in a designated beachside entertainment precinct could include the following:

- (a) entertainment facilities
- (b) function centres
- (c) nightclubs
- (d) pubs
- (e) registered clubs
- (f) food and drink premises
- (g) neighbourhood shops
- (h) business premises

N.B. The words and expressions used in (a) – (h) have the same meaning as they have in the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

The terms of the Order could be limited to matters such as hours of operation, maximum patron numbers, crowd control measures, noise control, designated smoking areas and cleansing and litter collection.

Except in specific circumstances Orders given by a CA are subject to procedural fairness (natural justice) and Appeal provisions.

Alternatively, s. 96 of the Act could be amended to provide a Council, on its own motion (or the Court on application by a Council) with the power to modify development consents. The Regulation could specify the types of development consents which may be subject to such modification, the terms of the modification and suitable appeal provisions.

3. Graffiti Control and prevention

All Councils agreed that graffiti has become a pandemic and costs each Council many thousands of dollars each year to address. These costs continue to increase along with community pressure to take action. Various education (school visits) and diversionary programs (public art projects) are implemented and funded by Councils. Some of which have traditionally been the responsibility of other levels of Government. In summary some of the key issues relating to graffiti are;

- Local Government is responsible for a large proportion of public space and the demands of the community require rapid and repeated graffiti removal. Council does not have the resources to achieve this.
- the community often holds Council responsible for aspects of graffiti prevention that are actually under the control of other agencies such as the investigation of offences. The more projects Council implements the more responsibility for graffiti control it assumes.
- the community's prioritisation of graffiti as a key issue of concern is often at odds with the priorities of the NSW Police and therefore the level of resources assigned to its investigation.
- current reporting mechanisms are resource intensive and uncoordinated. The Policing of malicious damage can not efficiently occur if they do not have the required evidence. Currently very few cases of graffiti on Council property is reported to Police due to the difficulty of providing these reports
- enforcement of recent legislative changes is not occurring, especially in regard to display of spray cans and sale to minors.
- the response to new graffiti tools is cumbersome. Adequate responses to etching have not yet been developed and the use of coloured hairspray seems to fall outside the legislation

Addressing the issues of crime prevention through environmental design (CPTED), maintenance, policing, education and social support needs to be driven by a central policy coordinating body. This would ensure a considered and funded strategy is implemented that is responsive to local needs and empowers Councils, in partnership with State Agencies, to deliver collaborative outcomes that effectively manage graffiti on a sustained basis.

To address the above issues, it is recommended that the;

- a. **Attorney General** introduce tougher penalties for graffiti and vandalism offenders
- b. **Attorney General** develop a stronger and more specific community service program requiring offenders to clean graffiti and vandalism from public and private property
- c. **Minister for Local Government** provide more funding opportunities for Councils to implement graffiti education and diversionary activities

4. Uncontrolled alcohol-fuelled gatherings in public and private places

New technology such as text messaging, 'My Space' and 'Facebook' has increased accessibility to information and social networking. This technology has subsequently increased the risk in managing crowds in public places (and private places). By using the technology available, crowds in public places can spontaneously swell into the thousands negatively impacting upon an area, increasing the risk of alcohol fuelled anti-social behaviour and confrontation with those affected and clashes with authorities.

Councils (and Police) are generally well prepared in planning and managing significant celebratory days where thousands of visitors (national and international) descend to the beachside precincts through the implementation of specific cross-agency strategies to mitigate anti-social behaviour and crime, e.g. Christmas and New Year initiatives. However, costs for implementing these community safety initiatives are borne by the individual Councils. This includes costs charged by other Government Agencies such as 'User Pay' Police and RTA costs for road closures.

To address the above issues, it is recommended that the;

- a. **Premier's Department, Minister For Police NSW and Minister for Roads** undertake a review of the Police 'User Pay' system to ease the financial burden placed upon Sydney Beachside Councils when implementing events and initiatives used as a strategy to mitigate anti-social behaviour.

One of the significant challenges emerging for Council is the spontaneous 'uncontrolled parties' occurring in beaches, parks and/or streets through the use of new social networking technologies. Councils are not suitably prepared and resourced to tackle this complex issue and it is placing further pressure on resources for managing public places.

In the past 12 months all Councils represented have experienced this issue in varying degrees from a large street party on City to Surf Day at Bondi, a large youth party at Maianbar on Australia Day, a dance event on Clovelly rock face and unexpected crowd ambushing at Manly beach on Australia Day. Police were called on all occasions to defuse these situations and in some instances the Public Order Squad also had to attend.

Attendees are notified via various networking technologies which results in a crowd swelling from 20 to thousands within a very short time. It is difficult to identify and therefore respond if you are not part of the network. By the time the problem has been identified usually by a resident complaint, excessive amounts of alcohol are consumed increasing the risk of anti-social behaviour, and drowning. Once the crowd swells, it is difficult for compliance officers to control and Police including Public Order Squad are required to respond resulting in potentially dangerous confrontations and negative media.

Further, a confrontation in a public place by two people may swell to large numbers quickly via text messages to retaliate to the confrontation. Private 'house parties' have also gotten out of control via gate crashers that are notified of the party through networking sites. Parents and/or party organisers are usually ill equipped to respond to the issue.

These emerging incidences involving networking technology are a significant concern for Councils and require significant resources to monitor, identify and respond.

To address the above issues, it is recommended that the;

- a. **Minister for Local Government** facilitates a forum with Police and Local Government representatives and other relevant agencies to discuss this issue further and develop state wide strategies and resources to address this emerging issue

5. Enforcement and Funding for Crime prevention and educational resources

5.1 Enforcement and Crime prevention support

The NSW Police 'Summer Safe' program implemented each summer across some of the Sydney's beachside suburbs since the Cronulla disturbance in December 2005 has been effective in mitigating and preventing anti-social behaviour in these areas. Dedicated and highly visible resources have greatly assisted Council in planning and responding to issues during the peak visitation period. However, each year the resource level dedicated to the Sydney beachside areas appears to be reduced and/or these resources are required to respond to other priorities.

Beachside Councils simply do not have all the resources to manage significant levels of visitation during peak summer periods. Beaches and coastal reserves can experience crowds from 10,000 to over 40,000 each day which is larger than an average sporting event that has dedicated security and police resources.

It is crucial and appropriate that Councils are assisted in managing these highly visited coastal reserves by the continuation of a sufficiently resourced Police operation such as 'Operation Summer Safe' involving high visible police specifically designated to the coastal areas to monitor crowd behaviour, prevent crime and mitigate anti-social behaviour.

Other specific issues include:

- a. Increase in requests for the installation of CCTV and additional lighting from Police and residents which cannot be actioned within limited budgets
- b. Increase in requests for more Ranger or Enforcement Officer Patrols, often a lot of the requests are more closely related to policing rather than regulatory functions
- c. Councils are being asked to fund traditional policing roles via the user-pays function of NSW Police
- d. The discrepancy between the legal ranking of council ranger and police officer creates additional OHS concerns eg Council staff are not covered by legislation which increases penalties for offences against police officers such as assault. This is further compounded by the lower level of training and self defence PPE carried by council staff
- e. Attendance by Police to community safety and crime prevention meetings and other related forums is often inconsistent due to staff turn over and/or competing priorities. This restricts the collaborative approach in addressing local issues.

The proposed law recently announced by Minister for Police NSW to 'disperse intoxicated persons' in public places particularly around entertainment precincts, parks and beaches is a very positive move to mitigating anti-social behaviour and is strongly supported by the Sydney Beachside Councils. However, a sufficient level of dedicated resources is required to regulate these laws so the purpose of the laws is achieved i.e. mitigating anti-social behaviour (and drowning) due to intoxication.

To address the above issues, it is recommended that the;

- a. **Minister for Police NSW** undertake a review of policing resources to enhance policing initiatives in Sydney Beachside Council areas (particularly beaches and parks) to ensure;
 - a high visible presence during peak (eg summer) and high risk times (eg night time when licensed premises are closing)
 - the continuation and appropriate level of resourcing of 'Operation Summer Safe' at Sydney's beachside areas
 - regular attendance, sharing of information and input from Police at Community Safety and Crime Prevention meetings and related forums
 - Local Area Command Police representatives consult each Council to develop an annual program that is proactive in meeting the needs of each beach precinct, addresses emerging issues and trends and achieves the objectives in Community Safety and Crime Prevention Plans. I.E. a collaborative proactive approach to destination management.
- b. **The Premiers Dept, the Minister for Police NSW and Minister for Roads** undertake a review of 'user pay system' to ease the financial burden placed upon Sydney Beachside Councils when implementing events and initiatives to mitigate anti-social behaviour.

5.2 Education support

The ongoing challenge Councils face is to educate visitors before they arrive at their destination and then have key messages reinforced once at the destination. Eg advising an international visitor of the Alcohol Free Zone regulations and beach safety information before they arrive at the beach with their case of beer and lack of beach swimming knowledge. Educating visitors prior to their arrival can prevent risk, disappointment and confrontation.

Councils are also trying to fulfil a state-wide social responsibility in educating people on the harmful affects of alcohol and harmful substances but are not fully resourced to do so.

There is currently a lack of connectivity between Government Agencies and partners in promoting and educating visitors on key generic messages. Agencies tend to fund their own education and promotion strategies in isolation and/or cross charge each other for use of resources and/or are unaware that education resources already exist and/or have difficulty accessing them. Some Councils have more expertise or funds to develop the materials the other Councils. This has resulted in duplication of resources, mixed and conflicting messages to visitors, limited distribution capacity and varying degrees of quality in materials/resources produced.

For example, Tourism Australia and Tourism NSW or relating tourism industry representatives may run a campaign promoting beachside areas without consultation

with the Local Councils to ensure messages are not conflicting. There have been scenarios where there are conflicting messages confusing the visitor when they arrive at the beach and undermining local campaigns that cost Council thousands of dollars to implement. The Local Councils and authorities are then left to manage the ill informed visitors at the destination. On the opportunistic side, there are some wonderful campaigns, events and communication networks that the Tourism Industry can leverage from to further enhance their campaigns.

There are efficiencies to be gained in the Premiers Dept (Incl OPSE), Tourism Ministry, Office of Liquor, Gaming and Racing and Department of Local Government in pooling resources, streamlining and integrating some of the education and promotional material that reinforce common messages that apply to all Sydney metropolitan areas as well as sharing distribution networks to reach a wider audience.

An example is producing a generic visitor guide (hardcopy and web-based) that contains information on:

- partying safely in the summer at Sydney beachside destinations
- places to visit
- events and activity calendar
- liquor laws
- Alcohol Free Zones
- council services
- transport options
- drug, alcohol and safe sex messages
- surf safety messages
- notification process for social gathering in a public places and private places
- anti-littering messages
- consideration to neighbours in relation to noise
- emergency contact numbers
- web links

Alternatively, standard templates on key messages can be produced as a resource to various agencies and inserted into their education materials.

Branding is important as it provides connectivity and reinforces the campaign and its messages across many platforms.

Distribution methods could also be shared and/or centralised again reducing costs. Eg Standard advertisement campaign via in flight television, distribution of generic education brochure via Visitor Information Centres.

The above suggestions reinforce common education messages consistently across Council areas at a local, state, national and international level thereby strengthening them, reducing duplication and mixed messages and producing financial efficiency.

Further, the Local Liquor Accords need to take a more proactive and collaborative approach in using their membership funds to develop and implement annual education initiatives targeting patrons and the local community.

To address the above issues, it is recommended that the:

- a. **Minister for Gaming and Racing, Minister for Local Government and Minister for Police NSW** collaboratively develop, brand and fund a state-wide integrated education campaign with tools that can be implemented by various agencies targeting parents, young people and peers about the inappropriate use and effects of Alcohol
- b. **Premiers Office (Incl OPSE), Minister for Tourism, Minister for Gaming and Racing and Minister for Local Government** consider pooling resources and streamlining some of the education and promotional material to achieve efficiencies and increase effectiveness by reinforcing common messages that apply all Sydney beachside areas
- c. **Minister for Liquor and Gaming** review the Liquor Accord operations and consider requiring the each of the Liquor Accords of the Council areas represented to meet with the Councils and Police at least twice a year to discuss and collaboratively develop education initiatives for the area.

6. Transport from Late Trading Premises

There is a critical need to provide access to transport services that enable the rapid dispersal of patrons from beachside entertainment districts to as close to home as is reasonably possible. A range of integrated safe transport options need to be funded and promoted to ensure that sufficient transport options are available.

Taxi services are a critical component of meeting this demand however their capacity to respond to a large exodus of patrons (or as people leave following the cessation of a major event) are limited. Notwithstanding this some entertainment areas have implemented safe taxi ranks staffed by security guards that have reduced the incidence of assaults and anti-social behaviour.

A taxi voucher system is currently being implemented across NSW which should aid in the incremental dispersal of patrons from venues. Broader promotion of this initiative is required.

Increasing the number of taxis available at peak hours (peak service taxi licences) have also been used in Melbourne. Allowing an additional late night tariff for Taxis or on celebration evenings may also enable an increased supply of taxis to meet demand.

Further, reviewing taxi shift change over times as well as train time tabling in conjunction with activities and business operating times within the entertainment precincts is strongly suggested so that better transport options and supply is available to transport patrons quickly, safely and quietly to and from the precinct.

Nightrider services at beachside entertainment precincts need to be expanded to support the large exodus of patrons throughout the evening and especially at closing times. The services need to be effectively linked to smaller scale services at end points to ensure that late night services do not simply transplant the problem of large groups with no transport options from the beachside suburbs to drop off points. Coordination needs to be improved between differing local area police commands and transport boundaries where drop off points cross commands and boundaries to ensure a strategic and coordinated approach dispersal.

Clearly a more coordinated approach needs to be implemented between bus companies, taxi services, security guards and the licensed premises themselves to ensure a more strategic approach to public transport.

The above strategies need to be complemented with an effective *communication strategy* that promotes the availability of transport options in the range of licensed venues, over the internet and more general marketing techniques across the media.

To address the above issues, it is recommended that the:

- a. **Minister of Liquor, Gaming and Racing, Minister of Police NSW, Minister of Local Government and Minister of Transport** review the transport strategies currently implemented in and around entertainment and late night trading precincts and implement integrated transportation strategies that appropriately support activities occurring in these precincts (including late night activities)
- b. **Minister of Liquor, Gaming and Racing, Minister of Police NSW, Minister of Local Government and Minister of Transport** ensure the transport options are strongly promoted through licensed venues, late night trading businesses and within the community

7. Accountability of patrons within and leaving licensed premises

Beachside precincts attract visitor entertainment activities such as licensed bars, take away food stores, cafes and restaurants. These activities are generally neighbouring residential zones. It is challenging for Councils to manage these areas and balance the needs of the licensed premises and their patrons whilst minimising the impact upon residents.

The common complaints received from local residents and businesses about licensed premises and their patrons are;

- vomiting in the street
- urinating in the street and on private property
- vandalism and damage to property
- noise (from music within the premises to rowdy drunken patrons walking in the streets)
- fighting and violence
- heavily intoxicated and vulnerable patrons that are at risk of being run over, assaulted and/or sexually assaulted
- litter.

These issues are exacerbated by;

- late night food traders encouraging intoxicated people to remain in the area increasing the risk of anti-social behaviour
- insufficient public transport
- patrons moving from one licensed premises to another near by and/or patrons residing within walking distance from the licensed premises
- failure of responsible service of alcohol by license premise/s resulting in heavily intoxicated and vulnerable patrons leaving the premises
- licensed premises staff removing volatile and intoxicated patrons that are at risk to themselves and others from the premises onto the street with a 'not my problem anymore' attitude

- insufficient high visibility policing and regulation to monitor activity in and around licensed premises particularly in areas that have a high concentration of licensed premises in the precinct
- delayed response by Police to incidences mentioned above often due to lack of resources and competing priorities.

Some licensed premises have development consent conditions that require security placed a certain perimeter around the licensed venue to ensure that patrons leave the premise in an orderly fashion. However, the area is very limited and is not consistently applied to all premises.

Further, the new liquor licensing laws require a patron ejected from the premises for being intoxicated and/or disorderly to remain outside a 50 metre perimeter of the licensed premise and the new smoking laws result in some patrons affected by alcohol smoking outside and/or near a licensed premises.

The issues above have shifted problematic behaviour into public places and lessen the accountability of licensed premises for anti-social behaviour, patron welfare and vandalism. It subsequently increases the responsibility and risk back onto local Councils and Police.

Council is therefore burdened with increased complaints and costs in trying to manage these public places. Costs including public place cleansing, complaint handling and protection of property. Local business operators and residents are also burdened with costs to protect their property and clean up after drunken patrons leaving licensed premises.

Councils also invest a lot of resources in implementing education campaigns and public cleansing programs to try and tackle what are state-wide social problems.

Lastly, Councils are often overturned in the Land and Environment Court when trying to impose conditions on licensed premises and late night food traders to mitigate some of the issues above.

The Councils represented feel that the licensed premises and late night food traders should bear more responsibility and accountability in managing patrons within and outside their premises and add value to the local community rather than detract from it.

The Councils also feel that the State Government Departments should provide more support to Councils in managing these precincts and the associated issues.

To address these issues it is recommended that the;

- a. **Minister for Gaming and Racing** review the Liquor Accord operations to consider:
 - requiring the Liquor Accords to meet at least twice a year with the relevant Council and Police representatives to discuss and collaboratively develop education initiatives for the precinct
 - making it compulsory for all licensed premises to be members of a Liquor Accord
 - improving reporting measures to ensure that the funds of the Local Liquor Accord contribute to alcohol related initiatives and that Councils (and the

- general public) are notified of these. *Examples include education, transport, crowd management (including between venues), vandalism and street cleansing initiatives within and between the entertainment precincts*
- requiring the liquor accord funds to be audited each year and publicly displayed to ensure the funds are being spent on the above initiatives

- b. **Minister for Liquor, Gaming and Racing, Minister for Police NSW, Minister for Local Government and Minister for Transport** review the transport strategies currently implemented in and around entertainment and late night trading precincts of Sydney Beachside Councils to improve the integration (and safety) of transport to service patrons and visitors (particularly late at night) and to improve promotion of the transport options to patrons and visitors. *One strategy may be making it compulsory for licensed premises to organise and/or contribute to transportation options for their patrons within these designated precincts.*
- c. **Sydney Beachside Councils** develop standard conditions for licensed premises to comply with within the designated entertainment precincts in consultation with and support from **Minister for Planning, Minister for Liquor Gaming and Racing and Minister for Police NSW**. Conditions include trading hours, RSA standards, transport and crowd control strategies within and external to the licensed premise.
- d. **Minister for Gaming and Racing and Minister for Police NSW** consider implementing a compulsory condition to all licensed premises that requires RSA officers to be employed separate to bar staff and stricter auditing is undertaken to ensure intoxicated patrons do not continue to be served
- e. **Minister for Planning NSW** to consider allowing Council to retrospectively impose conditions of development consent consistent with a standard set of principles and conditions that reflect and add value to the entertainment precinct, its community and environment and align with current planning laws. It will ensure a holistic approach to managing the entertainment precinct and contribute to effectively implementing other recommendations in this paper
- f. **Minister for Planning** supports restrictions on trading times on development consents for late night food traders so that they are aligned with and add value to the entertainment precinct reducing the risk of anti-social behaviour.

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SUMMARY

Increasingly Manly, Pittwater, Randwick, Sutherland Shire, Warringah and Waverley Councils (*Sydney Beachside Councils*) are being challenged to manage popular destinations within their LGAs and respond to complex anti-social issues to ensure these destinations remain safe, clean and welcoming for everyone.

Vandalism, graffiti and alcohol related anti-social behaviour are common issues identified by the Sydney Beachside Councils and even with the implementation of strategies with varying degrees of success, Councils do not have the capacity and resources to continue to tackle these issues alone.

These complex issues are a state-wide problem and therefore require NSW Government intervention and support to address.

The recommendations outlined in this paper provide collaborative ideas and solutions that will create significant leeway into consistently and holistically mitigating current and emerging anti-social issues in Sydney's beachside destinations that can also be transferred to other LGAs across the State.

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Beachside councils join forces to combat anti-social behaviour

Sydney's beachside councils are taking a stand against alcohol-related violence, anti-social behaviour, vandalism and graffiti at seaside hotspots.

Six councils – Manly, Pittwater, Randwick, Sutherland, Warringah and Waverley – have put forward a proposal for change to the State Government after banding together to develop ways to fight this growing problem.

The Mayors are seeking reforms by the State Government including tougher penalties for vandalism and graffiti and the introduction of standardised liquor trading regulations in entertainment centres along the coastal strip.

The beachside Mayors are also seeking to close legal loopholes that prevent proper policing of excessive alcohol consumption in public places and are seeking more cooperation from State Government authorities including the Casino, Liquor and Gaming Control Authority when decisions are made regarding liquor licences.

The consensus is that more action needs to be taken to protect the appeal of Sydney's coastal communities.

"I think everyone recognises the need to work at combating anti-social behaviour – the measures we are proposing will make it easier for councils to do that," said Sutherland Shire Mayor Lorraine Kelly.

"The costs of anti-social behaviour to society are huge - in both financial and human terms - and the wider community has had enough," said Randwick Mayor Bruce Notley-Smith.

"Councils and the State are spending tens of millions of dollars a year cleaning up after anti-social behaviour – that's money I'm sure we'd all agree would be better spent running hospitals, fixing roads, fixing parks or paying for teachers and police," Cllr Notley-Smith said.

Waverley Mayor Sally Betts agreed: "We have all seen an increase in anti-social behaviour and this negatively impacts our communities. It is our communities left cleaning up the mess.

"Managing this sort of behaviour is a financial drain and if nothing else we need a more collaborative approach between Councils and support from the State Government to ensure our popular beachside areas stay appealing for everyone," Cllr Betts said.

The beachside Mayors would like to see standard conditions applied to all licensed premises in entertainment precincts.

They were also looking to the State Government to improve late-night transport options to and from entertainment precincts in Sydney's coastal centres.

Councils were also seeking a review of the State Liquor Act to improve its effect and its ability to be practically applied.

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The beachside Mayors felt there was a need to examine the processes and policies of the Casino, Liquor and Gaming Control Authority (CLGCA) so that councils had more say in the granting of liquor licences.

They cited an instance where the CLGCA granted a liquor licence to a sporting club despite an objection from the council concerned. The licence allowed the sale of alcohol not only from the clubhouse but also from the council's own playing fields.

The six councils were also keen to see a legal loophole closed which currently allows confiscation of liquor in streets, footpaths and carparks – but not at parks and beaches.

"The beachside councils have identified common areas of anti-social behaviour and we believe a collaborative approach will be one of the most effective ways to address these issues," said Warringah Mayor Michael Regan.

This latest stand against anti-social behaviour comes after Mayors of the councils first met on 2 March 2009 to explore ways to fight this growing problem and protect the appeal of their seaside locations.

After ongoing discussions, the six councils have jointly developed a paper containing proposals which will be submitted to relevant State Government Ministers for action.

The Sydney beachside councils felt it had become increasingly difficult to maintain a positive environment for visitors to popular beach destinations.

"By sitting down together we've been able to identify quite a number of things we can do to reduce anti-social behaviour but now we need some cooperation from the State Government so that we can try to deliver a safer more family-friendly community," said Cllr Kelly said.



PITWATER
COUNCIL



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Mayoral Minute No. MM41/09



Subject: IPWEA Engineering Excellence Award
Folder No: F2009/00178
Author: Joe Ingegneri, Co-ordinator Engineering Services

Introduction

Randwick Council recently nominated the Pioneers Park project for the 2009 Engineering Excellence Awards conducted by the Institute of Public Works Engineering Australia (IPWEA).

Issues

Randwick Council nominated Pioneers Park - Remediation and Stormwater Irrigation project under the IPWEA's Engineering Excellence Awards. The project nomination outlined the remediation work to the former landfill site at Pioneers Park and the incorporated water reuse project.

The project was nominated under the category of Environmental Enhancement Project or Initiative.

The Pioneers Park - Remediation and Stormwater Irrigation project was declared the winning entry in a tightly contested field of projects at the recent Awards dinner held on 18 May 2009.

The key staff members involved in the project were George Bounassif and Zaman Shamsuz.

Financial impact statement

There is no direct financial impact for this matter.

Conclusion

Winning the 2009 Environmental Enhancement Project or Initiative demonstrates a focus and commitment to excellence in the implementation of major projects. The staff involved should be recognised and congratulated for their efforts.

Recommendation

That the winning of the IPWEA's 2009 Engineering Excellence Award for Pioneers Park, Malabar be received and noted.

Attachment/s:

Nil

MM41/09

Mayoral Minute No. MM42/09



Subject: Cancer Council Eastern Suburbs Relay For Life

Folder No: F2009/00041

Author: Councillor Notley-Smith, Mayor

Introduction

The inaugural Eastern Suburbs 'Relay For Life' was held at McKay Oval in Centennial Park on Saturday 16 and Sunday 17 May 2009. The event brought together the three (3) eastern suburbs councils – Randwick, Waverley and Woollahra – and the Centennial Parklands Trust.

Relay For Life, a 24 hour walkathon, is a fun, outdoor and overnight fundraising event for the Cancer Council, where teams of 10 to 15 people take turns to walk around a local oval (in this case McKay Oval in Centennial Park). The event honours those whose lives have been touched by cancer.

Issues

Council has formed a 'community partnership' with the Cancer Council and supported the event in this capacity. Council also agreed to fund the cost of hiring safety equipment for the event.

The Eastern Suburbs Relay For Life was a very successful event, with 41 teams participating and \$87,000 being raised for cancer research. Over the weekend there was live entertainment, kid's activities, market stalls and food stalls, resulting in a very positive atmosphere.

A number of Councillors and Council staff participated in the event and entered into the spirit of the day, through fundraising, dressing up and cooking etc.

Financial impact statement

There is no direct financial impact for this matter.

Conclusion

The inaugural Eastern Suburbs Relay For Life proved to be a very successful event and, as a result, it is likely that it will become a regular on the Cancer Council fundraising calendar.

Recommendation

That the Councillors and staff who participated in the inaugural Eastern Suburbs Relay For Life event be thanked for their participation/contribution.

Attachment/s:

Nil

MM42/09

Mayoral Minute No. MM43/09



Subject: Reinstatement of July Ordinary Council Meeting

Folder No: F2008/00398

Author: Councillor Notley-Smith, Mayor

Introduction

At the 28 April Ordinary Council Meeting it was resolved:

(Tracey/Bowen) that:

- a) the July ordinary Council meeting be cancelled in order to facilitate the mayoral visit planned for July 2009; and
- b) the Mayor and his partner be authorised to represent Council on this visit to mark Council's 150 year anniversary with accommodation and sustenance expenses being funded from the 2009-10 budget in accordance with the Councillors Expenses and Facilities Policy.'

Issues

It has come to my attention that there are two significant matters that necessitate the July Council Meeting being reinstated, even in the absence of the Mayor.

The first issue is Council's proposed Environmental Levy, which is currently on public exhibition.

The Budget, Fees and Charges and Delivery Plan are proposed to be placed before Council on 23 June 2009 for adoption. Following the adoption of the 2009-10 Budget, Council is required to advise the Minister for Local Government if it wishes to proceed with the Environmental Levy, having regard to submissions received, if any. If Council wishes to proceed the Department of Local Government will advise if the application for Special Variation has been approved and Council will be required to ratify the Department's decision.

Under section 533 of the Local Government Act, July 31 is the last day for the making of rates.

The second issue that requires attention is the referral of Council's 2008-09 Financial Reports to audit. Under section 416(1) of the Local Government Act a Council's Financial Reports must include a statement made by resolution of Council and signed by the Mayor and at least one other Councillor, referring the completed Statements to audit in accordance with Australian Accounting Standards.

As Council would be aware, Randwick City, as a high performing organisation and a leader in local government, was the first Council in NSW to have its completed and audited Annual Statements to the Department of Local Government in 2008. Council is highly regarded within the industry for this achievement and the requirement to resolve to refer the completed Statements to the auditor in July is critical in maintaining this position.

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Financial impact statement

There is no direct financial impact for this matter.

Conclusion

It is recommended that the Ordinary Council Meeting of 28 July 2009 be reinstated and advertised accordingly.

Recommendation

That the 28 July 2009 Ordinary Council Meeting be reinstated.

Attachment/s:

Nil

MM43/09

General Manager's Report No. GM24/09



Subject: United Nations Association (Australia)
World Environment Day in Melbourne,
5 June 2009

Folder No: F2004/08350

Author: Peter Maganov, Manager Sustainability

Introduction

Councillors are invited to attend the United Nations Association (Australia), World Environment Day Awards in Melbourne on Friday, 5 June 2009.

Issues

Randwick Council has received notice from the United Nations Association (Australia) that it is finalist in 2 categories for the annual World Environment Day Awards being held in Melbourne on Friday, 5 June 2009. These prestigious awards recognise sustainability efforts and initiatives across business, community, government and the media around Australia, held each year as part of the World Environment Day celebrations under the auspices of the United Nations Environment Program.

Council is a finalist on behalf of 11 other NSW Councils for the Local Government Emissions Trading Scheme (LGETS) in the "Meeting the Greenhouse Challenge" category, and in the "Overall Sustainability" category for Local Councils across Australia.

It is proposed that the Mayor and Council staff that worked on these two projects attend the awards as well as interested Councillors. The Awards are announced at a dinner event on the evening of Friday, 5 June 2009 in Melbourne.

Relationship to City Plan

The relationship with the City Plan is as follows:

Outcome 10: A Healthy Environment.

Direction 10(a): Council is a leader in fostering environmentally sustainable practices.

Financial impact statement

Travel and accommodation costs associated with the awards will be paid for from Council's 2008/09 budget.

Recommendation

That Councillors advise the General Manager by Wednesday, 27 May 2009, whether they wish to attend the World Environment Day Awards in Melbourne on Friday, 5 June 2009.

Attachment/s:

Nil

GM24 / 09

General Manager's Report No. GM25/09



Subject: Council's Nominees for Joint Regional Planning Committee

Folder No: F2009/08174

Author: Ray Brownlee, General Manager

Introduction

The New South Wales Planning Reform in 2008 foreshadowed the establishment of Joint Regional Planning Panels (JRPPs). The JRPPs will be charged with the responsibility of determining applications classified as regional development. The JRPPs are also to advise the Minister on environmental planning instruments of regional significance if requested by the Minister.

The Minister for planning, the Hon Kristina Keneally, MP has written to all Councils in NSW and has asked Councils to nominate two members to be part of the Panels.

It is recommended that Council nominates two Councillors to be panel members.

Issues

The development applications for projects classified as regional development will be referred to JRPP for determination.

The regional development projects will include:

1. Commercial, residential, retail and tourism with Capital Investment Value (CIV) between \$10M and \$100M.
2. Public and private community infrastructure and ecotourism with a CIV of more than \$5M.
3. Designated development (Environmental Impact Statement – EIS is required).
4. Certain major coastal development.
5. When Council is the proponent or is conflicted in relation to a development with a CIV of more than 5M.

Within the Sydney Metropolitan Region there will be two panels. These are Sydney Metro East Region and Sydney Metro West Region.

Based on the criteria identified above, Randwick Council could potentially have less than 10 applications per annum applications that fall within JRPPs development.

The JRPPs will be comprised of 5 members. Three of the members will be appointed by the Minister. The Panel is not subject to the direction or control of the Minister. These members must have expertise in planning, architecture, environment, heritage, urban design, land economics, traffic and transport, law, engineering and tourism.

Council has been asked to nominate two representatives to become panel members when regional development applications for Randwick Council will be considered by

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the Panel. Council has also been asked to nominate an alternate when one of its nominees is unable to attend. At least one of Council's nominees must have expertise in the fields detailed above. The Departments guidelines outline the requirements and suitability for the membership.

The guidelines note that the Council's nominees for the JRPP will not present the view of the Council during the discussion of the JRPP but their own consideration of the application (Section 6 of the attached Expression of Interest document).

All members of JRPPs including the Council's members are not to express an opinion/position prior to the DA being finalised for JRPPs consideration. This is similar to current situation that requires councillors refrain from expressing an opinion/position until the assessment is finalised.

Council officers will be responsible for the assessment of applications. In other words, with regard to Randwick Council's regional development application the relevant Randwick Council officers will assess the application and will report it to the JRPP for determination.

Council will have the opportunity to provide its views to the JRPP through a submission. Council officers will be developing a protocol surrounding the reporting of applications to Council when JRPP is the determining authority.

Councils may choose to undertake a local Expression of Interest (EOI) process to identify members of the community who would make suitable members of the JRPP. This could be undertaken through existing channels such as Council's Mayoral Column in the local media, Council's website or newsletter (where applicable).

Council's nominees

As one of Council's nominees must have high level expertise in one of the fields above, it is proposed to recommend Councillor Scott Nash to be one of the nominees. Councillor Nash has qualifications in law and has completed a Masters Degree in City and Town Planning. He also advocates in various planning matters at the Land and Environment Court of NSW.

Council's second nominee will need to have a broad range of skills in planning and development matters.

Relationship to City Plan

The relationship with the City Plan is as follows:

Outcome 4: Excellence in urban design and development.
Direction 4b: New and existing development is managed by a robust framework.

Financial impact statement

The Department of Planning is yet to provide Council with information detailing the lodgement, advertising and the fees associated with the developments subject to JRPP determination. Council will raise these issues in discussion with the Department and the outcomes will be reported to Council.

Recommendation

That:

- a) Council endorse Councillor Scott Nash to be Randwick City Council's nominee on the JRPP;
- b) Council nominate a second Councillor for the JRPP; and
- c) Council nominate a Councillor as an alternate member on the JRPP.

Attachment/s:

1. Letter from The Hon Kristina Keneally, MP and Expressions of interest and nominations for the Joint Regional Planning Panels - Information Package for Council Nominees May 2009

GM25/09

NSW | The Hon Kristina Keneally MP
Minister for Planning | Minister for Redfern Waterloo

5 May 2009

Mr Ray Brownlee
General Manager
Randwick City Council
30 Frances Street
RANDWICK NSW 2031

Randwick City Council

11 MAY 2009

Records Received

Request for Nominations for the Joint Regional Planning Panels (JRPPs)

Dear Mr Brownlee

The NSW Government's planning reforms include the establishment of Joint Regional Planning Panels (JRPPs) to determine development proposals of regional significance. The core objective of JRPPs is to provide stronger decision making through greater independence, to supplement Councils' expertise and draw on local and regional knowledge.

Details of the JRPPs, the regions, and their functions are provided in the attached background document. Six regions are proposed to cover metropolitan and regional areas of NSW. It is intended currently to only appoint JRPPs in five of the regions, with the functions of the JRPP in the Western Region being undertaken by the Planning Assessment Commission.

The JRPPs will commence operation on 1 July 2009.

The core functions of JRPPs will be to:

1. Exercise certain consent authority functions in regard to regional development applications; and
2. Where requested, advise the NSW Minister for Planning on planning or development matters or environmental planning instruments in respect to the JRPPs' region.

Development Applications for projects classed as regional development will be assessed by Council officers. The Council officer's assessment and recommendations will then be referred to a JRPP for determination. Last year I announced that regional development will include:

- Commercial, residential, retail and tourism with capital investment value (CIV) between \$10M and \$100M
- Public and private community infrastructure and ecotourism with a CIV of more than \$5M e.g. schools, community halls, libraries etc
- Designated development (Environmental Impact Statement (EIS) required)
- Certain major coastal developments; and
- If council is the proponent or is conflicted in relation to a development with a CIV of more than \$5M.

JRPPs will be comprised of three members appointed by me to participate in JRPP matters across that region, and two members appointed by the relevant councils, to participate in JRPP development and planning matters in their particular Local Government Area.

The NSW Government is now requesting councils to nominate two persons to become members of the relevant JRPP. Each council should also nominate an alternate member, who could replace a council nominee if unavailable.



Level 35 Governor Macquarie Tower
1 Farrer Place, Sydney NSW 2009
GPO Box 5341, Sydney NSW 2051

T 61 2 9228 5811
F 61 2 9228 5499
office@keneally.minister.nsw.gov.au

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It is important for the JRPP to consist of members with a broad range of skills and experience in development and planning matters. The selection criteria include:

- Senior level experience in dealing with multiple stakeholders
- High level communication skills
- Capability to drive high profile outcomes in a credible and authoritative manner
- High level analytical skills; and
- Knowledge of the assessment of complex developments and planning matters.

In addition, *at least one* of the Council panellists must have a high level of expertise in one or more of the following fields: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering and tourism.

The Department of Planning has prepared the enclosed information package to assist councils to nominate appropriate candidates for this role.

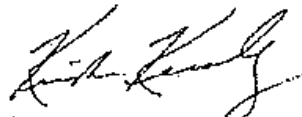
Please consult the information package and return submissions in writing by **Friday 5 June 2009** to:

Director General
NSW Department of Planning
GPO Box 39
Sydney NSW 2001

For further information please contact Sarah McGirr on (02) 9228 6347.

Additional copies of the enclosed information package are available at www.planning.nsw.gov.au or by emailing innovation@planning.nsw.gov.au.

Yours sincerely



The Hon Kristina Keneally MP

Enc: Information Package for Council Nominees

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NSW GOVERNMENT
Department of Planning

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**EXPRESSIONS OF INTEREST AND NOMINATIONS
FOR THE JOINT REGIONAL PLANNING PANELS**

Information Package for Council Nominees

May 2009

1. Joint Regional Planning Panels

1.1. About Joint Regional Planning Panels

The NSW Government's planning reforms, aimed at delivering a more efficient and transparent planning system, include the establishment of Joint Regional Planning Panels (JRPPs).

The NSW Government is now requesting councils to nominate two persons to become members of the relevant JRPP. Each council should also nominate an alternate member, who could replace a council nominee if unavailable.

The NSW Government is also currently seeking Expressions of Interest (EOIs) for candidates interested in being appointed as State members of the JRPPs. This is being done through an advertised EOI processes.

The objective of JRPPs is to create a panel of people with appropriate expertise to determine development proposals of regional significance providing stronger decision making through greater expertise, Independence and regional knowledge.

Six regions are proposed to be established covering metropolitan and regional areas of NSW (see figure one). The JRPPs are planned to commence operation on 1 July 2009.

1.2. Functions of JRPPs

The functions of JRPPs are to:

1. Exercise certain consent authority functions for 'regional development'; and
2. Where requested, advise the NSW Minister for Planning on planning or development matters or environmental planning instruments in respect to the JRPPs' region.

JRPPs will also have such other functions as are conferred on them by the *Environmental Planning and Assessment Act 1979* (EP&A Act). For example, JRPPs may have a role in relation to Local Environmental Plans (LEPs). This may include being appointed as the Relevant Planning Authority (RPA) for a LEP or, where requested by the Minister, reviewing or providing advice in respect of a proposed LEP. Where a JRPP is appointed as an RPA for a LEP, the Minister may also delegate plan making powers to the JRPP. JRPPs may also, in limited circumstances, be appointed by the Minister to exercise the functions of planning assessment panels under s.118 of the EP&A Act.

A regional panel is not subject to the direction or control of the Minister, except in relation to the procedures of a regional panel and to the extent provided for in the EP&A Act.

1.3. Commencement of JRPPs

Under the current Planning Reform Implementation Program, JRPPs are targeted to commence operation on 1 July 2009.

1.4. Support and Training

The Department of Planning will provide to Councils a detailed guideline to assist them prepare for the commencement of JRPPs. These guidelines will provide information on how JRPP matters are dealt with.

Prior to the commencement of the JRPPs, the DoP will conduct information sessions throughout the State for council staff, stakeholders and the community.

A Code of Conduct, based on the local government Model Code of Conduct, will be provided to all JRPP members.

Persons appointed as Panel members will be required to attend a training program that will be developed and provided by the DoP.

1.5. Council's role in relation to matters under consideration by the JRPP

The assessment of applications to be determined by the JRPPs is to be undertaken by the relevant council officers in which the proposed development is located. The council officers are to submit their assessment report and recommendations to the JRPP for determination.

Whilst the council will not be the determining body for JRPP matters, the council will have the opportunity to provide its views about any matters that are to be considered by a JRPP. The council's view may be provided to a JRPP by way of a submission in the same way that any other submissions about the matter are provided to a JRPP for its consideration in determining a matter.

The JRPP must consult the council prior to determining a matter which is likely to have significant financial implications for the council.

1.6. Consultation with stakeholders

The DoP is currently engaged in a consultation process regarding aspects of JRPPs. Elements of the policy may be varied as a result of the consultations or further reviews that may be undertaken.

The performance of JRPP will be monitored regarding the number and type of DAs determined by JRPP and timeframes. This information will provide the basis for any reviews or regional boundary adjustments.

2. Membership of JRPPs

The JRPPs are to consist of five members as follows:

State Members: Three State members appointed by the Minister, each having expertise in one or more of the following: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration.

In appointing the State members, the Minister is required to have regard to the need to have a range of expertise represented among the panel's members. One of the State members will be appointed as the Chairperson of the JRPP. Each panel may elect a State member to be a Vice-Chairperson.

Council Members: Two council members appointed by each council that is situated in a part of the state for which a JRPP is appointed. At least one council nominee is required to have expertise in one or more of planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism. Important additional selection criteria are listed in Section 2. It will be a matter for each council to identify how the nominees are to be selected. Guidance for councils in selecting their nominees is available in Section 3.

The council nominees will automatically become members of the JRPP for matters in that council's local government area.

If a council within the area of a JRPP fails to nominate one or more council nominees, a JRPP may still exercise its functions in relation to the area of the council concerned.

Alternates: A council may, from time to time, appoint a person to be the alternate of a member nominated by the council, and may revoke any such appointment.

3. Administrative and other matters

Administrative and technical support for the operations of the JRPPs will be provided by the PAC Panel Secretariat and through the Regional Branches of the Department of Planning.

JRPPs are independent bodies, accountable to the Minister, but otherwise not subject to the direction and control of the Minister. JRPP members will be required to act at all times in accordance with best practice probity and accountability requirements and to demonstrate impartiality in the exercise of their functions.

4. Coverage of JRPPs

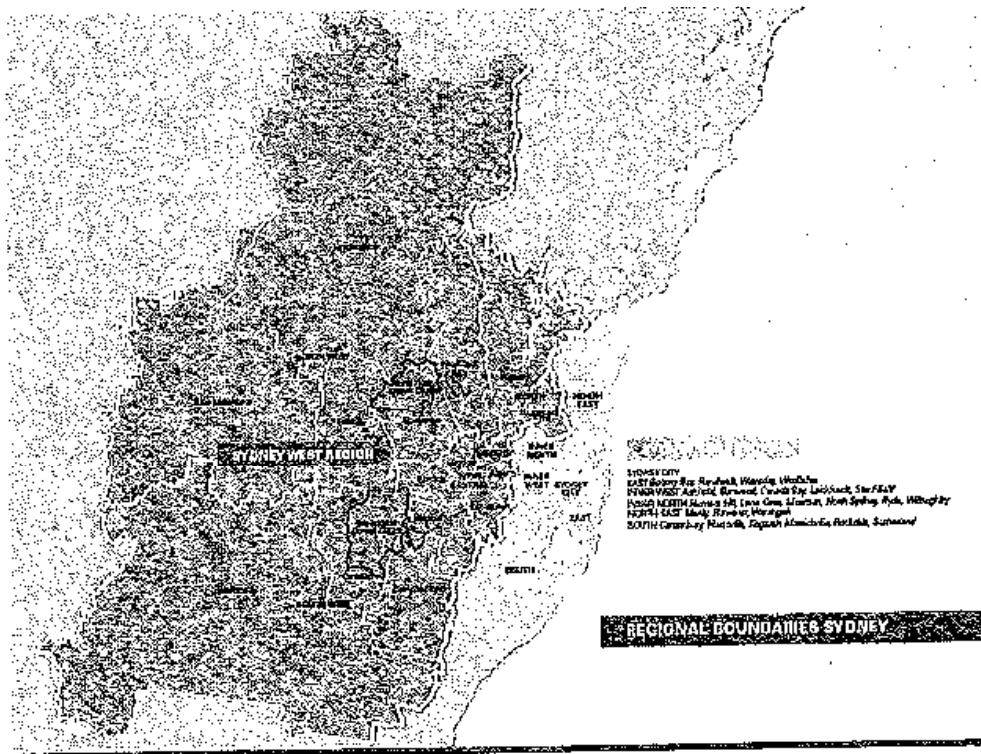
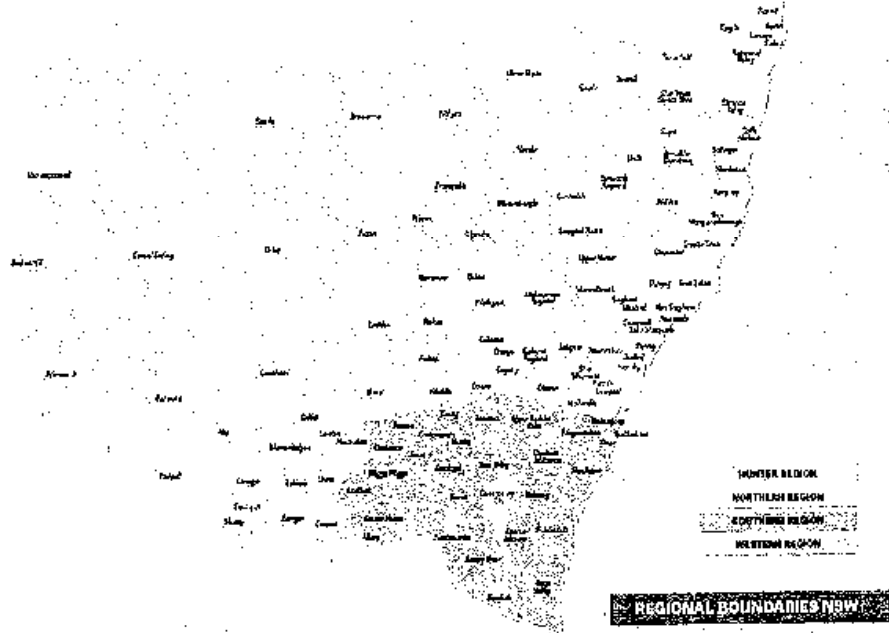
Six regions are proposed, corresponding with the existing DoP regions. These are:

- Northern Region
- Hunter Region
- Southern Region
- Sydney Metro East Region; and
- Sydney Metro West Region.

Currently, it is proposed that matters in the Western Region will be covered by the existing Planning Assessment Commission (PAC). The JRPP provisions do not apply in the City of Sydney, where the Central Sydney Planning Committee (CSPC) will continue to function.

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5. Nominations of Council Members to the JRPP

In preparing nominations, councils should address each of the selection criteria below including an outline of the nominee's qualifications, skills, attributes and experience under each criterion, along with examples of their achievements relevant to the criterion.

The NSW Government is requesting councils to nominate two persons to become members of the relevant JRPP for the council's area. Each council should also nominate an alternate member, who could replace a council nominee if unavailable.

Selection criteria

It is important for the JRPP to consist of members from a diverse background with a broad range of skills and experience. The selection criteria include:

- Senior level experience in dealing with multiple stakeholders
- High level communication skills
- Capability to drive high profile outcomes in a credible and authoritative manner
- High level analytical skills; and
- Knowledge of the assessment of complex developments and planning matters; and

In addition, *at least one* of the two Council nominees must have a high level of expertise in *one or more* of the following fields:

- Planning
- Architecture
- Heritage
- The environment
- Urban design
- Land economics
- Traffic and transport
- Law
- Engineering
- Tourism.

6. Guidance for Councils in Selecting Nominees

All members of JRPPs will be expected to act independently in reaching their decisions. Therefore, in determining nominees, councils should consider the potential for conflicts of interest, either real or perceived.

Councils may choose to undertake a local Expression of Interest (EOI) process to identify members of the community who would make suitable members of the JRPP. This could be undertaken through existing channels such as Council's Mayoral Column in the local media, Council's website or newsletter (where applicable).

Should a council decide to nominate a member of its staff or an elected member of the council, it should do so in full recognition that such persons will be independent members of JRPPs. As such they should not be subject to influence by other council officers or Councillors on matters that are to be determined by a JRPP.

7. Responsibilities of Members

The responsibilities of JRPP members are to:

- Exercise their functions in accordance with statutory requirements as set out in the EP&A Act and associated regulations
- Comply with the approved JRPP Code of Conduct
- Promote a sense of confidence in the JRPPs as Independent decision making bodies
- Establish and maintain effective working relationships with the councils in the relevant JRPP region
- Foster a positive working relationship with other JRPP members, the Panel Secretariat and the Department of Planning
- Follow approved JRPP procedures and participate in regular reviews of procedures, to ensure efficient and effective practices are adopted
- Perform their functions with integrity, impartiality, honesty, conscientiousness, care, skill, diligence; and
- Participate in/chair panel meetings or hold public hearings or panel meetings in a timely, efficient and cost-effective manner while having proper regard to the issues.

8. Appointment Terms and Conditions

8.1. Statutory Position

JRPPs are statutory bodies representing the Crown. Each council within a JRPP region is to nominate two members (and an alternate member) to sit on the JRPP with respect to matters that are within that council's area.

8.2. Term of Appointment

The term of appointment for council panellists is up to three years. Councils may nominate a shorter time period if they desire.

8.3. Remuneration

A JRPP member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine.

8.4. Private Interests

As part of the consideration of nomination of members to a JRPP, it is suggested that councils require nominees to declare any private interests that may conflict with the public duties they would be required to perform if nominated to a JRPP.

8.5. Pecuniary Interests

If a member of a JRPP has a pecuniary interest in a matter being considered or about to be considered at a meeting of a JRPP, and the interest appears to raise a conflict with the proper performance of the member's duties in relation to consideration of the matter, the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the JRPP. Unless otherwise determined, the member must not be present during any deliberations by the panel with respect to the matter or take part in any decision of the panel with respect to the matter.

8.6. Other Matters

1. *Dealing with the Media:* A protocol will be prepared whereby the Chairperson can comment on decisions and respond to questions.

- ii. **Disclosure or misuse of information:** Members are required under the Act not to unlawfully disclose or use any information received in connection with carrying out their duties under the Act.
- iii. **Appropriate use of Secretariat Resources:** The JRPP must use resources provided by the Panel Secretariat and the DoP in an effective and efficient manner; and not use such resources for private purposes.
- iv. **Removal from office:** A council may remove any of its nominees from office at any time. The Minister may remove a State or council member from office if the Independent Commission Against Corruption (ICAC) recommends that consideration be given to the removal of the member because of corrupt conduct by that member.
- v. **Vacancies:** A vacancy in the office of a member occurs if the member:
- Dies, or
 - Completes a term of office and is not reappointed, or
 - Resigns the office by instrument in writing addressed to the Minister or applicable council, as the case requires, or
 - In the case of a council nominee, is removed from office by an applicable council or by the Minister where ICAC recommends removal, or
 - In the case of a State member is removed from office by the Minister or by the Governor under Chapter 5 of the *Sector Employment and Management Act 2002*, or
 - Is absent from three consecutive meetings of the regional panel of which reasonable notice has been given to the member personally or by post, except on leave granted by the panel or unless the member is excused from the panel for having been absent from those meetings, or
 - Becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
 - Becomes a mentally incapacitated person, or
 - Is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more and is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.
- vi. **Regulations:** Regulations may be made in relation to the procedures of regional panels in exercising their functions, the provision of information and reports by regional panels and other matters.

9. Notification of council members

Each council should provide advice of the two persons it has nominated to become members of the relevant JRPP for its area.

Such advice should be provided by **Friday 5 June, 2009** in writing to:
Director-General
NSW Department of Planning
GPO Box 39
Sydney NSW 2001

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