

**ORDINARY COUNCIL MEETING  
SUPPLEMENTARY BUSINESS PAPER**

**MAYORAL MINUTES**

**TUESDAY 23 NOVEMBER 2010**

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**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, 23 November 2010 at 6:00pm.

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## Mayoral Minute No. MM62/10



**Subject:** AusCivics Educational Project  
**Folder No:** F2010/06574  
**Author:** Councillor Matson, Mayor

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### Introduction

The Constitution Education Fund Australia (CEFA) has set about to raise awareness about the Australian Constitution as evidence suggests that young Australians know very little about our Constitution. In addition, it is reported that half of Australia's youth do not know how our system of government works and more than 1.4 million Australians who are eligible to vote are not on the electoral roll.

### Issues

In response, the CEFA has set about to raise awareness and understanding about these issues that are central to our nationhood.

As Patron-in-Chief of CEFA, the Governor-General, Her Excellency Ms Quentin Bryce AG, has commissioned every Mayor in every local government area of the Commonwealth of Australia, and through the Mayors, to educators, families, students and community leaders to demonstrate to all Australians:

- a sense of citizenship;
- active and valuable participation in the advancement of a healthy and peaceful Australian society; and
- contribute to the education and development of our young people.

### Requests

Mayors and Councillors are asked to receive the above commissions openly and enthusiastically and to show a genuine commitment to ensure the success of the following two CEFA initiatives to address this national imperative:

1. the 'AusCivics Film Festivals: Celebrating the Australian Way' – this is a major national civics education project which is expected to reach millions of Australians during the remainder of 2010, particularly young Australians, and which will emphasise the need for all Australians to become educated and engaged in our constitution and Australian Democracy
2. the Governor-General's National Film Prize – launch of the 2011 awards is still under discussion
3. the Governor General's Undergraduate Essay Competition – the 2011 Governor-General's Undergraduate Essay Competition is open to all undergraduates and CEFA ask Council to encourage eligible students to enter this prestigious prize.

### Financial impact statement

There is no direct financial impact for this matter.

### Conclusion

It is recommended that Council accept the Governor-General's commission and support the two proposed CEFA initiatives in way possible.

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Requests for specific assistance will be presented to Council for endorsement if and when such requests are received.

**Recommendation**

The:

- a) Council respond to the Governor-General, Her Excellency Ms Quentin Bryce AG indicating that the Mayor and Councillors of Randwick City Council have received the commissions (as detailed in her letter dated 10 August 2010) openly and enthusiastically and that Council will support the proposed CEFA initiatives 'AusCivics Film Festivals: Celebrating the Australian Way' and the Governor-General's National Film Prize in any way possible;
- b) the 2011 Governor-General's Undergraduate Essay Competition be publicised to undergraduates in the area via the Mayor's column;
- c) this matter be referred to the Youth Council.

**Attachment/s:**

Nil

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## Mayoral Minute No. MM63/10



**Subject:** Passing of former Councillor - Sheila Dorothy Rimmer AM

**Folder No:** F2005/00266

**Author:** Councillor Matson, Mayor

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### Introduction

It is with regret that I inform Council of the passing of former Councillor, Sheila Dorothy Rimmer AM at 85 years of age.

### Issues

Sheila Rimmer was a Councillor of Randwick City Council from September 1991 to September 1995. Sheila was already retired when she was elected to the Council in 1991 and during her term, served a short term (from May to September 1995) as the Deputy Mayor. She was a resident of West Ward for over 30 years.

During her term as Councillor, Ms Rimmer was also the President of the NSW Council of the Ageing, was a member of the Board of Premature and was Chairperson of the Steering Committee of the Ethnic Services Local Government Ethnic Radio Campaign. She was also an active member of a number of Council Committees.

Sheila Rimmer was born and educated in the UK. She had an Honours Degree in Economics and a Masters Degree in Political Science. She was a university lecturer at Universities in Canada, the UK and Australia. Her career also included Administrative roles in publications and PR at the University of Technology (Sydney) and TV commenting for Channel 6 (in Tasmania).

Of particular note, Ms Rimmer was honoured in the Queen's Birthday list in June 2000 for her work was appointed a member of the General Division (AM) for services to the welfare of the aged.

Ms Rimmer's funeral was held at St Judes Church Randwick on 5 October 2010.

### Financial impact statement

There is no direct financial impact for this matter.

### Conclusion

Randwick City has lost one of a very community minded residents, who was clearly very dedicated to the welfare of the aged.

### Recommendation

That Council sends its condolences to the Rimmer family on the passing of former Councillor Sheila Dorothy Rimmer AM.

### Attachment/s:

Nil

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## Mayoral Minute No. MM64/10



**Subject:** Australia Day Botany Bay Regatta - request for financial assistance

**Folder No:** F2004/07076

**Author:** Councillor Matson, Mayor

### Introduction

Council has been approached to participate in the 2011 SSROC, Australia Day Botany Bay Regatta. The Regatta is an annual event which promotes water based activities for Australia Day on Botany Bay to celebrate Captain James Cook's first port of call in Australia.

The concept of the Regatta was introduced by SSROC Councillors thirteen years ago and has grown over the years with the support of participating Councils and sailing clubs. The event is organised by the Australia Day Botany Bay Regatta Committee.

### Issues

The 2011 Botany Bay Regatta will feature the following key events:

- **Navigators Cup**  
A blue water sailing race sailed on the Saturday before Australia Day. The race starts at Kurnell and proceeds to Bondi and finishes at Port Hacking. SSROC representatives are invited to attend the race start.
- **Australia Day Regatta**  
A yacht regatta held on Australia Day on Botany Bay, with participation from local clubs.
- **Councillors' Challenge**  
A yacht race held as part of the Australia Day Regatta. SSROC Councils are invited to sponsor a yacht provided by the Botany Bay Yacht Club, with skipper and crew. Sponsoring Councils are allowed two Councillor representatives to be on board the yachts.

The Australia Day Botany Bay Regatta Committee has requested that Council contribute \$750.00 to help fund the above activities.

### Financial Impact Statement

If the report recommended is accepted, the \$750.00 contribution will be allocated from the 2010-11 Contingency Fund.

### Conclusion

It is appropriate for Council as a member of the SSROC to demonstrate its support of the 2011 Australia Day Botany Bay Regatta, as a means for celebrating Australia Day and to demonstrate its support of local water based recreational activities.

It should be noted that, at the July 2010 Council Meeting, Council agreed to host the next presentation function for the Australia Day Botany Bay Regatta Committee in March 2011.

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**Recommendation**

That:

- a) Council vote \$750.00 from the 2010-11 Contingency Fund as a contribution towards the 2011 Australia Day Botany Bay Regatta activities;
- b) Council nominate two Council representatives for the 'Councillors' Challenge' event; and
- c) the event organisers undertake to appropriately and prominently acknowledge and promote Council's contribution at the Regatta events.

**Attachment/s:**

Nil

**MM64/10**

## Mayoral Minute No. MM65/10



**Subject:** Malabar Beach - Water Quality  
**Folder No:** F2009/00560  
**Author:** Councillor Matson, Mayor

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### Introduction

The NSW Department of Environment Climate Change and Water (DECC) conducts Beach Watch programs established in 1989 in response to community concerns about the impact of sewage pollution at Sydney Beaches.

### Issues

Council will be aware that the Department of Environment Climate Change and Water (DECC) Beach Watch program monitors Malabar Beach for faecal bacterial indicators. Malabar Beach water quality is poor in comparison to other Sydney Coastal beaches.

Sydney Water figures indicate that there is a marked increase in faecal bacterial levels with rainfall at Malabar. This increase is compounded by the monitoring point being in close proximity to the two (2) stormwater outlets.

In February 2009, Sydney Water, Randwick City Council, Department of Environment Climate Change and Water and representatives from the community and State Government member formed a working group to explore options for improving the water quality at Malabar Beach. Sydney have produced a draft report that indicate that there are two (2) stormwater pipes that heavily influence the water quality of Malabar Beach. One (1) pipe drains the residential area and Pioneer Park and the other line drains the Malabar sewerage treatment works and the Malabar headland.

According to Sydney Water there are five (5) designated sewage overflow relief points in the Malabar Beach catchment. According to Sydney Water, modelling the performance of these sewer overflows is "good".

The five (5) sewer overflows are designed to surcharge into the stormwater system in the event of heavy rain storm events. The report also highlighted that the current stormwater quality was reasonably good for an urban catchment.

Notwithstanding that the sewage contamination in the stormwater is from an unknown source, Council is committed to improve water quality at Malabar Beach. Discussion with Sydney Water at that stage indicated that it is proposed by the Sydney Water report to connect the two (2) existing stormwater drains to the sewer outfall which would take the stormwater that is contaminated by sewage further offshore.

In recent times, (2 November 2010) the General Manager and council officers met with The Hon. Frank Sartor MP, Minister for Climate Change and the Environment and Minister Assisting the Minister for Health (Cancer); The Hon. Phillip Costa MP, Minister for Water and Minister for Corrective Services; The Hon. Michael Daley MP, Minister for Police and Minister for Finance; and Mr Rob Kerr from Sydney Water.

As an outcome of this meeting, technical officers met twice to discuss the design solutions and agree on a cost estimate and report back to a meeting on 16 November 2010. At the meeting held on 16 November 2010, it was agreed that:

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1. Sydney Water will commence construction of the works by October 2011,
2. Sydney Water will complete the Design and the Review of Environmental Factors at their expense,
3. Sydney Water will carry the construction risks, i.e. if cost is higher then they will fund, if costs are lower the council contributions less,
4. the project will be funded by a 50:50 contribution between Sydney Water and Council
5. the Council's contribution will be a maximum of \$1 Million,
6. the parties will sign a binding deed of agreement to reflect these outcomes by 15th December 2010.

### **Relationship to City Plan**

The relationship with the City Plan is as follows:

Outcome 10: A Healthy Environment

Direction 10b: Environmental risks and impacts are strategically managed

Direction 10d: Sustainable alternative waste technologies and environmentally sound collection systems and identified and implemented.

### **Financial impact statement**

Council's financial contribution to the works is \$1 Million. It is proposed to fund these works from Waste and Sustainability Improvement Payment Program (WaSIP) funds provided to Council from the NSW Department of Environment, Climate Change and Water.

### **Conclusion**

The stormwater diversion works will greatly reduce the incidents of pollution at Malabar Beach.

### **Recommendation**

That Council:

- (a) agree to fund its contribution for this project from the WaSIP funds.
- (b) enter into a Deed of Agreement with Sydney Water that includes the following:
  1. Sydney Water will commence construction of the works by October 2011
  2. Sydney Water will complete the Design and the Review of Environmental Factors at their expense,
  3. Sydney Water will carry the construction risks, i.e. if cost is higher then they will fund, if costs are lower the council contributions less,
  4. the project will be funded by a 50:50 contribution between Sydney Water and Council
  5. the Councils' contribution will be a maximum of \$1 Million.

### **Attachment/s:**

Nil

## Mayoral Minute No. MM66/10



**Subject:** Sydney Water's Every Drop Counts 5-star recognition for Randwick Council

**Folder No:** F2004/06495

**Author:** Councillor Matson, Mayor

### Introduction

I am very proud to report to Council that we have been awarded the highest recognition possible from Sydney Water for our water saving efforts.

### Issues

On Thursday, 11 November 2010, Sydney Water bestowed a very special honour on Randwick City Council, an honour very difficult to attain and provided to a relatively small number of metropolitan Councils. Presented at Sydney Water's Every Drop Counts Business Customer Awards, Randwick City Council became the latest Council to be presented with a 5 star award for our major efforts at conserving and recycling water.

This is a very difficult and important recognition as it rewards Councils on their water saving journey from being a 1 star rating Council to a 5 star rating Council. With the Minister and Sydney Water's General Manager in attendance, Randwick's recognition was notable as we have been able to go from being a 2 star water saving Council to a 5 star water saving Council within a few short years.

Council's achievements were noted in the presentation: from our early progress treating wastewater at our Works Depot, now incorporating new levels of biological treatment and pollution control; our combined use and treatment of backwash and borewater saving around 15 million litres of water at our Aquatic Centre; storage, treatment and re-use of stormwater from our GPTs; the extent of our recycled water irrigation of our parks; and so much more that Council's estimate show through metered water use that we are now saving in the order of 350 million litres of drinking water each year. A very spectacular effort that as I say, I was proud to be notified of when Sydney Water informed us of the recognition we were to receive.

I would like to thank and congratulate all of those staff involved over the years it has taken us to achieve these results, particularly Zaman Shamsuz, our environmental engineer who has spearheaded almost all of these water saving projects and his Manager, Peter Stone.

### Financial impact statement

There is no direct financial impact for this matter.

### Conclusion

Council continues to demonstrate a very strong sustainability commitment to our creative and innovative water saving efforts. I look forward to reporting to Council on the next level of water saving projects underway through our capital works and environmental levy programs.

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**Recommendation**

That Council receive and note this report and the relevant staff be congratulated for their efforts in regard to this important recognition from Sydney Water.

**Attachment/s:**

Nil

**MM66/10**

## Mayoral Minute No. MM67/10



**Subject:** Supporting "Sense of Community"  
Street Parties

**Folder No:** F2004/07232

**Author:** Councillor Matson, Mayor

### Introduction

Council has received requests for approval to temporarily close roads for street parties. Street parties can be a positive way of allowing residents and neighbours to interact, reinforcing community values and creating a true "Sense of Community".

Under the Roads and Traffic Authority's guidelines temporary road closures for such street parties are able to be approved by Council directly, provided that the applicants adhere to Council's Schedule of Conditions.

The standard conditions that Council imposes on event organisers are to keep the general public and the participants of the event safe, to direct traffic safely around the event, to inform the emergency services of the event and to reduce the impacts of the event on non event users.

### Issues

The usual way to manage traffic for temporary road closures, in order to comply with the relevant OHS act, is to create a Traffic Control Plan (TCP). A TCP describes the layout of traffic control devices such as barriers and signs. The layout should be designed by suitably qualified traffic control designers. However, in some circumstances further transport management measures are required. For example, Council has recently received a request from residents of Aboud Avenue, Kingsford, to temporarily close the road for a street party. As Aboud Avenue, is within 100m of a state road, the RTA requires a Road Occupancy License (ROL) and a Transport Management Plan (TMP). A TMP is a report on how Traffic and Transport will be managed, the likely traffic impacts of the event on the regional or state road network and its impacts on the public transport and emergency services.

Organising traffic control can be a complex process and many resident organisers require assistance to correctly design and implement appropriate traffic control. Council's Integrated Transport Department can assist residents in preparing simple traffic control plans for the events.

To further assist residents of Randwick, and to improve opportunities for residents to build a sense of community, it is proposed that traffic control measures required for neighbourhood street parties be arranged by Council, on behalf of the event organiser.

Enquiries made of Council's insurers confirm that approved street party event organisers are covered for any public liability claim arising from any incident which occurs upon the street.

### Financial impact statement

Depending on the dates and times of the proposed street party the traffic control would be undertaken by Council staff or by external contractors (arranged by Council). The costs for traffic control would be, on average, \$1,500.00. At this stage

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Council has received four applications for such street parties. The subject streets are Aboud Avenue, Kingsford; Marville Avenue, Kingsford; Farnham Avenue, Randwick and Smith Street, Kingsford. Therefore Council may wish to vote \$6,000 to cover the costs associated with these four events with funds being allocated from the 2010-11 Contingency Fund. Also, if additional applications are received prior to New Year's Eve it is suggested that a similar approach be taken.

### **Conclusion**

As part of Council's commitment to building "a sense of community", support should be given towards neighbourhood street parties. To safely close the road to facilitate street parties, appropriate traffic control should be implemented. To assist residents and encourage them to hold neighbourhood street parties, it is proposed that Council arrange, on behalf of the residents, all traffic control measures associated with street parties.

### **Recommendation**

That Council:

- a) support "Sense of Community" street parties by arranging, on behalf of residents;
  - i) traffic control plans
  - ii) the preparation of traffic management plans and road occupancy licenses for submission to the RTA (if necessary), and
  - iii) all traffic control measures associated with street parties including all signage and other materials as well as labour on the day of the event.
- b) vote \$6,000 to cover the costs associated with the four requested street party applications, with funds being allocated from the 2010-11 Contingency Fund.
- c) does not extend blanket support to street closures for purposes such as political campaigns, community action rallies or commercial activities.

### **Attachment/s:**

Nil

MM67/10



## Mayoral Minute No. MM68/10



**Subject:** White Ribbon Day Breakfast, 25 November 2010, Parliament House

**Folder No:** F2010/00001

**Author:** Councillor Matson, Mayor

### Introduction

I have received an invitation from Cr Vincent De Lucca OAM, White Ribbon Ambassador, in support of the White Ribbon campaign. The event will be in the form of a Breakfast to be held at Parliament House (in Macquarie Street) at 7:45am on 25 November 2010.

The White Ribbon Foundation's mission is to change attitudes and behaviours that support or excuse violence against women in Australia. The campaign objectives are:

1. To create wide-scale awareness about the positive role that men can play in bringing an end to violence against women
2. To enable leadership, particularly by men and boys, to bring about social change;
3. To build collective knowledge and understanding of the effective prevention of violence against women.

### Financial impact statement

The financial implication is \$500.00, being for the purchase of a table of ten persons at \$50 per head. Given the time frame, Council has purchased the table and an email has been sent to all Councillors inviting them.

### Conclusion

I believe this is a very important cause and Randwick City Council should demonstrate its commitment to the White Ribbon campaign by purchasing a table at the White Ribbon Breakfast, hosted by the White Ribbon Ambassador, Cr Vincent De Lucca OAM, held at Parliament House, Macquarie Street on 25 November 2010.

### Recommendation

That Council purchase a table for ten people to attend the White Ribbon Campaign Breakfast at Parliament House on 25 November 2010 and that the cost (\$500) be funded from the 2010-11 Contingency Fund.

### Attachment/s:

Nil

MM68/10



## Mayoral Minute No. MM69/10



**Subject:** Dedication of Randwick Environmental Park to Council

**Folder No:** F2004/06778

**Author:** Councillor Matson, Mayor

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### Introduction

The purpose of this report is to formally advise that the Randwick Environmental Park (REP) has been transferred to Council and that we have received the outstanding \$2,000,000 for the future maintenance of the park. I am delighted that the REP is now open for the use and enjoyment of the community.

### Issues

Randwick City residents and particularly the local community adjoining the REP have been anticipating the opening of the REP for many years.

Council granted consent to the construction of the REP in 2003. The substantial construction works did not commence until early 2009. The construction was completed in late May 2010.

A condition of consent in 2003 required that the Defence enter into a deed of agreement with the Council regarding the construction, dedication and the future maintenance of the REP. The deed was formalised in 2008 and stipulated that the Defence pay \$2,500,000 for 19 years of maintenance of the REP. In 2008 upon the signing of the deed, Defence provided Council with \$500,000 with the remaining to be provided at the time of the dedication of the REP.

Although the construction works were completed and certified by Council in late May 2010, the Defence then advised that the park will not be opened to the public until 2011.

In late October 2010 I had a successful meeting with Senator Feeney, the Parliamentary Secretary for Defence, noting the community's dissatisfaction and requesting the dedication of the REP and provision of the remaining \$2,000,000 for the future maintenance as a matter of urgency.

I am pleased to advise that the REP was officially dedicated to Council on 3 November 2010 and Council received the outstanding funds towards its maintenance. This money has been set aside in a specific account which will solely be used for the ongoing maintenance of the REP.

The next step will be the preparation of a plan of management for the park in consultation with the community.

### Financial impact statement

The \$2,500,000 will cover the REP's maintenance cost for the next 19 years.

### Conclusion

I am delighted that the residents of Randwick will now have access to an additional parkland which encompasses the rare and endangered vegetation, native fauna as

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well as an ephemeral wetland. The dedication of the REP compliments the existing sustainability initiatives at Randwick Community Centre and surrounding grounds adjacent to parklands, providing an integrated environmental precinct.

**Recommendation**

That Council:

- a) receive and note this report;
- b) thank the Hon Peter Garrett for his efforts in securing the REP dedication; and
- c) thank Moverly Precinct Committee for their continued support; and
- d) thank the adjoining residents around the park for their active campaign to secure the dedication of the REP.

**Attachment/s:**

Nil

**MM69/10**

## Mayoral Minute No. MM70/10



**Subject:** Regulation of Violent Pubs and Clubs  
**Folder No:** F2004/07767  
**Author:** Councillor Matson, Mayor

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### Introduction

A continuing debate across many sections of our society is how to properly address, what appears to be an increasing cycle of alcohol related anti-social behaviour and violence. As part of this debate representative associations and unions for emergency services personnel (Police, Doctors, Nurses and Ambulance workers) are calling on the Government to introduce tougher measures to curb alcohol related violence in and around late-trading licensed venues.

The amount of alcohol related violence and abuse levelled at our emergency workers each weekend makes for, if you will excuse the 'pun', sobering reading. 70 percent of all assaults against Police are alcohol related<sup>1</sup>. Doctors and Nurses are subjected to abuse and violence when treating intoxicated persons in the Emergency Departments of our Hospitals every weekend. This is not to mention the some 5,900 assaults that occurred on licensed premises in 2009<sup>2</sup>.

Any notion that the current provisions of NSW liquor laws whereby restrictions can be placed on violent licensed premises should be relaxed is, to put it euphemistically, misguided.

### Issues

Last week it was reported that if the Coalition wins Government in next year's State election, it will introduce a "three strikes" policy in respect to pubs and clubs who fail to address violence on their premises. Some of these articles have reported that Police and others campaigning for tighter restrictions on licensed premises claim that this will amount to a "watering down" of current liquor laws.

The Leader of the NSW Opposition - Mr O'Farrell, who appeared on the ABC Stateline program last Friday evening (19 November 2010), stated that this would not be the case and that the "three strikes" policy would be additional to the current *declared premises* provisions<sup>3</sup> contained in current legislation.

To clarify this position, I propose that Council write to the NSW Leader of the Opposition requesting the details of the Coalition's policy with respect to reducing alcohol related violence and anti-social behaviour in and around licensed premises. I will also request that Council be provided with the details of further measures that the Coalition will consider introducing to assist councils to effectively deal with disturbance complaints the result of the conduct of licensed premises, should they win Government in March next year.

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<sup>1</sup> Keep our Cops – Last Drinks Campaign.

<sup>2</sup> NSW Bureau of Crime Statistics & Research (Ref No. 2010-309296) – In 2009 across NSW there were 5994 recorded assaults on licensing premises (this does not include sexual offences or robberies).

<sup>3</sup> The *declared premises* provisions were introduced into the *Liquor Act 2007* on the 3 December 2008 to provide for *special licence conditions* (see Schedule 4 of the *Liquor Act 2007*) for licence premises where violent incidents occur. The list of premises which attract *special licence conditions* is reviewed annually by the NSW Office of Liquor, Gaming & Racing.

**Financial Impact Statement**

There are no financial impacts associated with Mayoral Minute.

**Conclusion**

The regulation and periodic review of the operation of violent licensed premises is an essential part of current NSW liquor laws. Any "watering down" of these provisions would be a retrograde development which, in my view, must be opposed.

So that we better understand the Coalition's recently announced "three strikes" policy, I propose to write the NSW Leader of the Opposition to request details of the Coalition policy with respect to the regulation of violent licensed premises. And, further request what other measures the Coalition will put in place to assist local councils in dealing with adverse impacts the result of the conduct of licensed premises.

**Recommendation**

That Randwick City Council write to the Mr Barry O'Farrell MP, Member of Ku-ring-gai and Leader of the NSW Opposition, requesting details of the Coalition's "three strike" policy in regard to violent licensed premises and seeking information on what other measure the Coalition will introduce to assist local councils address issues relating to the adverse impacts from the operation of licensed premises, should the Coalition win Government in March 2011.

**Attachment/s:**

Nil

**MM70/10**

## Mayoral Minute No. MM71/10



**Subject:** Raising the Profile of Council's Sporting Awards

**Folder No:** F2004/08203

**Author:** Councillor Matson, Mayor

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### Introduction

Randwick Council has always recognised the importance of rewarding the sporting achievements of those in our local community by holding civic events to acknowledge the hard work and dedication of those who have risen to the very top in their chosen discipline. An opportunity exists to combine two very similar sporting award events into one high quality ceremony which will bring together the entire sporting community in Randwick City.

### Issues

Both events recognise and celebrate the outstanding achievements of some very talented sporting men and women residing in the Randwick City Council area. The first such event is the Bradley Matthews Award celebration held each year. The Bradley Matthews' Memorial Award for Sporting Excellence has acknowledged young people in their pursuit of sporting excellence. Nominees have to demonstrate the devotion and dedication that is required to be the very best at their chosen sport.

Similarly the Randwick City Sports Awards honour our sportsmen and sportswomen, both young and old, who have excelled in their chosen sport and positively contributed to sport in Randwick City, NSW and Australia.

As both events are targeted at recognising sporting achievements of our community members it seems appropriate that the Bradley Matthews Awards and the Sporting Awards could be presented at the same event. Having only one sporting awards event will ensure these awards are more prestigious and more highly valued by each recipient.

It has also been brought to my attention that one of the attendees at one of the events missed out on meeting the Commonwealth Games winners who spoke at the other event. Such an occurrence would not occur in the future should these events be combined.

### Financial impact statement

There would be savings to Council of between \$2,000.00 and \$4,000.00 by reducing the number of events by one.

### Conclusion

As combining both events would ensure a more prestigious and popular community event, it would be appropriate to combine the two in future years.

### Recommendation

That the Bradley Matthews Award ceremony and the Randwick City Sports Awards be combined into the one event as of 2011.

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**Attachment/s:**

Nil

**MM71/10**



## Mayoral Minute No. MM72/10



**Subject:** Malabar Headland - update  
**Folder No:** F2004/06759  
**Author:** Councillor Matson, Mayor

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### Introduction

I met with the Maroubra Beach Precinct Committee this week and we noted the importance of Malabar headland being returned to community for open space and conservation. Key issues discussed included the transfer of parts of the site to the NSW Government for National Park, the proposed western walking track and the signage at Maroubra beach adjacent to the Headland.

### Issues

#### Transfer to National Park

I am pleased to note the recent announcement of the Commonwealth and NSW Governments to the transfer of the eastern area (Lot 2) and the western area (Lot 4) from the Commonwealth to the NSW Government as National Park. This will recognise the potential recreation and conservation values of these areas. Council has sought the return of this land for community open space for many years and looks forward to this realisation.

As the western area (Lot 4) in particular is currently zoned Residential 2B, the Precinct raised concerns that the rezoning of Lot 2 and Lot 4 should occur prior to Council's preparation of its comprehensive LEP, as a one-off spot rezoning. I agree that the significance of this headland site warrants these areas being rezoned as soon as possible.

#### Western walking track

Council is working with the Commonwealth Government on the potential to create a western walking track through the western Lot 4, as an extension to the eastern beaches coastal walkway via a low key walking track which respects the significant vegetation here (including ESBS) and minimises impact on nearby residents. An expert landscape consultant is currently analysing the most suitable route in conjunction with a working committee of Council, NSW and Commonwealth government representatives. Council then intends to undertake a broad consultation and exhibition process to ensure that the proposal meets community needs, issues and expectations. The Precinct is interested to know more about the proposed consultations and timing.

#### Signage at south end of Maroubra Beach

The Council stormwater outlet flows onto the beach near the rock pools and has in the past had some poor water quality readings, with the potential influence of groundwater leachate from the headland site into this flow. The Commonwealth is investigating a solution and in the meantime, precautionary signage was placed on the beach advising not to swim within 48 hours of wet weather. The Precinct has noted that this signage is poor and should be replaced.

#### Financial impact statement

The preparation of a spot rezoning LEP would require staff, statutory advertising and a public consultation process. The financial implications for an LEP amendment will be approximately \$20,000 plus staff time. This will impact and delay the preparation

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of Council's comprehensive LEP as the project needs to be accommodated with the existing work program.

**Conclusion**

Council could take a number of actions to address issues raised by the Precinct for the benefit of our residents.

**Recommendation**

That Council:

- a) note and endorse the Maroubra Beach Precinct Committee's resolution of 22 November that Council approach the Commonwealth Government seeking their agreement as land owner to commence a rezoning process for the Headland's Lots 2 and 4;
- b) write to the local member, Mr Peter Garrett, seeking his support for the proposed spot rezoning;
- c) respond to the Precinct's request for more information on the consultation process for the proposed western walking track; and
- d) erect a new warning sign at the Maroubra rock pools, in relation to swimming after rainfall events.

**Attachment/s:**

Nil

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## Mayoral Minute No. MM73/10



**Subject:** Chinese market gardens - proposed rezoning

**Folder No:** F2004/07905

**Author:** Councillor Matson, Mayor

### Introduction

The Chinese Market Gardens at Phillip Bay are State heritage listed and have been used as market gardens for over 150 years. Council has a clear position of support that these gardens should remain, despite interest from the adjacent cemetery to extend into this land. In response to a land assessment by the owner, the NSW Government (Land and Property Management Authority), Council prepared a submission and letter confirming its support (see Attachment 1). Council is recommending that the gardens be rezoned from the current Residential 2B zone to a RU4 Rural Small Holdings zone in the Comprehensive LEP process, to ensure the continued use and protection of these gardens. This minute suggest that an earlier one-off spot rezoning should be considered.

### Issues

The Maroubra Beach Precinct Committee has requested that Council consider a one-off spot rezoning for the gardens site given their importance to the community. I consider that this site warrants being rezoned earlier than the comprehensive LEP process to clarify and give community assurance to the continued future of the market garden.

The site is owned by the NSW Land and Property Management Authority which would need to agree to any spot rezoning, as would the NSW Department of Planning.

### Financial impact statement

The preparation of a spot rezoning LEP would require staff, statutory advertising and a public consultation process. The financial implications for an LEP amendment will be approximately \$20,000 plus staff time. This will impact and delay the preparation of Council's comprehensive LEP as the project needs to be accommodated with the existing work program.

### Conclusion

This site warrants an early clarification of the zoning.

### Recommendation

That Council write to the NSW Government reiterating its support for retaining the Chinese Market Gardens and seeking support to proceed with a spot rezoning of the site to conserve its market garden use.

### Attachment/s:

1. Council letter to the NSW Government
2. Council submission to the NSW Government

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SM F2004/07905  
Contact: Susan McLaughlin 9399 0957

Mr. Dan Cross  
Senior Environmental Officer  
NSW Department of Lands  
PO Box 3935  
Parramatta NSW 2124

**Re: Randwick City Council Submission – Chinese Market Garden Assessment**

Dear Mr. Cross,

Thank you for the opportunity to comment on the NSW Department of Lands Draft Assessment of Crown Land for the Chinese Market Gardens at Phillip Bay. We understand that the aim of the assessment is to determine the suitable land use designation(s) for the site in its current state and to evaluate the appropriateness of future land uses.

We agree with the statement in the Executive Summary, that 'the site currently has a high capability for agriculture, and is functioning very successfully in this purpose' and that the site would 'not be suitable for the establishment of a cemetery'. We support the rezoning of the site to a more appropriate use other than the current residential designation, to recognise and ensure the continuation of the Market Gardens. The Market Gardens' ongoing agricultural production for the past 150 years has State Heritage significance and is identified on the State Heritage Register. It represents the oldest market gardens operating in Randwick and one of the oldest sites of market gardens in New South Wales.

Of the three suitable land uses recommended (Environmental Protection, Nature Conservation and Agriculture), we would recommend that the site be designated under Agriculture category. However, as described in our attached submission, we request that the Department of Lands' revise their suggested land uses in accordance with the zones offered in the template LEP. The template LEP does not have a zone specifically entitled Agriculture, therefore we recommend Rural Small Holdings zone (RU-4), which allows for agricultural production. We have consulted with Department of Planning officers and they have agreed with this approach for market gardens. In order to afford protection of the market gardens, we also recommend placing a restriction on further subdivisions of such lands through minimum lot sizes for subdivisions.

Given the ecological sensitivities on the site, the dependency for the agricultural use to access a sustainable water source and the biodiversity that is dependent on the existing creek and riparian corridor, we suggest that additional objectives be written into the new land use designation that would afford suitable protection. The Department of Lands should also consider the applicability of Clause 42E of the Randwick LEP 1998, as the unnamed creek constitutes a watercourse under the definitions contained within the LEP.

Soil contamination is a concern that should also be closely examined during the re-designation process since the probability of contaminants in the soil is high. In order to address and to remediate any existing contamination, we

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recommend that the Department take the appropriate steps, as defined in our attached submission.

I trust that this will assist you in finalising your Assessment. Your feedback on the suggested LEP provisions would be appreciated.

If you have any questions or comments about this attached submission, please contact Susan McLaughlin, Senior Environmental Planner at 9399 0957 or Karen Armstrong, Manager of Strategic Planning at 9399 0895.

Yours Sincerely,

Sima Truuvert  
**Director, City Planning**

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SM F2004/07905  
Contact: Susan McLaughlin 9399 0957

**Re: Randwick City Council Submission – Chinese Market Garden Assessment**

**Summary**

The draft Assessment prepared by the Department of Lands was initiated due to a request by the adjacent land use to have the subject land incorporated into Botany Cemetery. The Department concluded that the site is 'not suitable for the establishment of a cemetery' and that it would be inconsistent with the Australasian Cemeteries and Crematoria Association (2004) *Guidelines for the Establishment of a Cemetery*. As the Assessment states, the market gardens on the subject site have a very high capability for agriculture, and are functioning very successfully in this purpose. Randwick Council supports the current agriculture use and concurs with the Department of Lands' concerns of incorporation. Council does not support this cemetery proposal because of several key reasons:

- State Heritage Significance of the Chinese Market Gardens
- Susceptibility of flooding on site and high water table
- Importance to preserve local agricultural production
- Biodiversity preservation

The Market Gardens provide a valuable community resource from a heritage, cultural, ecological, aesthetic, and agricultural standpoint. The protection of each of these aspects is vital in its own right and should be protected collectively in perpetuity on the site. Council supports the continuation of the Market Gardens and this submission identifies further matters to be considered in the Assessment. These will assist Council in preparing its Comprehensive LEP and placing the appropriate planning controls over the site.

**The Site**

The subject site is 7 hectares and it is bounded by Bunnerong Road to the east, Botany Cemetery to the north, Bicentennial Park to the west and Hill 60 to the south (a sand dune previously subject to sand extraction). The property is currently used for market gardens as it has been historically used. According to the State Heritage Listing, in each garden, there is a group of buildings used to wash vegetables, or as storerooms for agricultural machinery, fertilizer and tools. It is Crown land located within the Randwick Council Local Government Area. A creek bisects the site and local flooding occurs. The site is currently zoned 2B Residential under the Randwick City Local Environment Plan (LEP) 1998. A more appropriate land use designation will be considered in the new draft Comprehensive Plan, which is due to be finalised by 2011.

**Land Use Proposals**

The suitable land uses suggested by the Department of Lands cover three broad topic areas: Environmental Protection, Nature Conservation and Agriculture. Each of these categories represents certain aspects of the site and collectively, they

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exemplify the complexity of this site. However, given that the topic areas do not correlate directly with the Standard Template LEP zones, we request that the Department of Lands specify their preferred land use zone in accordance with the template. We have translated the Department of Lands' three recommended land uses into the template zones (noted in parenthesis below) and explained their merits and concerns individually, given the objectives of the subject zones. This will assist in our current preparation of a comprehensive LEP for Randwick City.

1) Environmental Protection (Environmental Conservation):

The natural features of the site, such as the low-lying land, high water table, creek corridor and unknown soil conditions provide justification for the Environmental Protection Designation. The template Environmental Conservation zone designation is intended to protect land that has high conservation value. The specific objectives of this zone include:

- To protect, manage and restore areas of high ecological, scientific, cultural, or aesthetic values
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values

The agricultural production on the site thrives on the existing natural features of the land and has the potential to protect the existing ecological values on the site; however, environmental protection is not the primary purpose of agricultural production and may even be detrimental at times. Therefore, using this land use designation may leave the land use potential subject to interpretation as it may be contradictory to the original intent of the zone objectives.

2) Nature Conservation (Environmental Management):

The riparian corridor that runs through the site provides significant ecological benefits as it provides habitat for numerous flora and fauna species. While the assessment indicates that no threatened species were specifically found within the study area, many threatened and endangered species are known to exist within 5 km of the study area, as referenced on page 19 of the Draft Assessment. The Randwick Council Biodiversity Management Team has created the North Botany Bay Fauna Corridor in order to protect biodiversity, particularly the Eastern Suburbs Banksia Scrub and Sunshine Wattle. The objectives of the template Environmental Management zone are to:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

The objectives of this zone are very similar to the Environmental Conservation zone with the exception of the ability for limited development to occur on the site. Similar to the explanation above for Environmental Conservation, the agricultural production that occurs on site does not necessarily protect and/or restore the ecological balance on site; however, it does provide a use that offers some degree of environmental management while also offering the benefits of local food production and heritage values. While this land use is more appropriate than Environmental Conservation, using this land use designation alone may not protect the primary use of the land, leaving the agricultural use vulnerable to future interpretations as an appropriate environmental management objective.

3) Agriculture (Primary Production, Rural Landscape, Rural Small Holdings):

Local agricultural production is the primary use on the Chinese Market site. The heritage significance of the site is largely attributed to 150 years of agricultural production, representing the oldest Market Garden operating in the Randwick Council and one of the oldest sites of market gardens in New South Wales. Traditional methods of agricultural production are still the predominant means of tilling the soil, planting the fields and picking the crops. The assessment provided public comment from one of the tenants, stating that 'the farm supplies produce to in excess of 20 grocery stores and fruit markets'. We support an agricultural land use designation and believe that of the three suitable land uses that the draft Assessment suggests, this is the most appropriate.

The LEP template offers three zones in which agriculture is a permitted use: Primary Production, Rural Landscape and Rural Small Holdings. Primary Production accommodates more intensive uses such as mining and extractive industries as well as extensive agriculture. Rural Landscape is less intensive than Primary Production as it does not allow extractive industries but it still offers extensive agriculture but without the provision for roadside stalls and the objectives to protect the scenic nature of the site, as does Rural Small Holdings. The Rural Small Holdings zone encompasses many of the qualities of the existing site, and offers the highest level of protection while enabling the agricultural use. The objectives include:

- To enable sustainable primary industry and other compatible land uses.
- To maintain the rural and scenic character of the land
- To ensure that development does not unreasonably increase the demand for public services or public facilities
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

### **Discussion**

It is difficult to classify this property, given its current operation, under the zones in the standard LEP due to its uniqueness in terms of local food production, biodiversity, heritage and scenic values. If the site was zoned as Environmental Protection or Nature Conservation (Environmental Conservation or Nature Reserve as defined under the new LEP) the strict definitions of these zones may be contradictory to the agricultural use that currently exists on site.

Under these circumstances, we believe the Rural Small Holdings Zone (RU4) as defined in the Standard LEP affords this site the highest level of protection, with the least risk of misinterpretation that could jeopardise it in the future. The uses permitted in this zone include: extensive agriculture, farm buildings, horticulture, roads and roadside stalls. These are appropriate to enable the continued operation of the Market Gardens.

The Rural Small Holdings zone relates most closely with the agricultural land use designation that the Department of Lands has suggested as a suitable land use for this site. However, long term viability of the site is dependent on clean and reliable water sources. Consistent with Clause 42E of the Randwick Local Environment Plan 1998, we believe additional objectives should be added to the Rural Small Holdings zone to protect waterways and biodiversity since the template LEP objectives do not clearly address ecological or riparian health. We will consider adding additional objectives as appropriate in the new Comprehensive LEP. If the unnamed creek on the property is deemed to be a Category 2 or Category 3 waterway as defined in 42E, then the appropriate objectives should be incorporated as listed in 42E (See attached LEP extract).



The current creek on the property also provides significant riparian habitat, such as the endangered Banksia scrub which attributes to the high levels of biodiversity found in this area of Botany Bay. The assessment stated that the Department has not undertaken nor commissioned any soil contamination investigations of the study area as part of this assessment. However, as evidenced in the Guidelines for Assessing Former Orchard and Market Gardens by the Department of Environment and Conservation, the likelihood of contamination existing on this property is high given the long history of market garden activities as past horticultural practices on these lands may have left chemicals in the soil, such as organochlorine, arsenic, cadmium, copper, lead and zinc. In order to protect the biodiversity on the site and to remediate any existing contamination, we recommend that the Department take the following steps prior to redesignation:

- Prepare a preliminary soil assessment to determine levels of soil contamination
- If contaminated soil is discovered, follow steps outlined in SEPP 55.

Randwick Council appreciates the recognition from the Department of Lands that the Chinese Market Garden site is significant and warrants the highest level of preservation consistent with the State Heritage Listing. We agree with the assessment in terms of the inappropriateness of the incorporation of this site with the Botany Cemetery. The redesignation of the residential land use designation is imperative for future protection of this site. We request that the three options recommended in the Assessment are revised to be consistent with the Comprehensive LEP designations. Based on the LEP designations, we recommend that the Chinese Market Gardens be designated Rural Small Holdings (RU-4) to preserve the primary agricultural use on the site, while protecting the rural and scenic character of the land. In addition, we request that the Department of Lands conduct a soils assessment to determine contamination levels and if contamination is discovered, follow the steps in SEPP 55.

The land use designation on this property will set a precedent for the remaining Market Gardens in our Council area as we move toward developing our new Comprehensive LEP. We have been in correspondence with the State Department of Planning on the appropriateness of Rural Small Holdings (RU-4) for these Market Gardens and they have supported this approach to the zoning and planning provisions. We will continue to consult with the Department of Planning over the course of the LEP process that is estimated to be finalised by 2011. The Assessment prepared by the Department of Lands on this particular Market Garden and our response to the study will be taken into consideration in the LEP land use designation process.