

ORDINARY COUNCIL MEETING
SUPPLEMENTARY BUSINESS PAPER

TUESDAY 22 MARCH 2011

Administrative Centre 30 Frances Street Randwick 2031
Telephone: 02 9399 0999 or
1300 722 542 (for Sydney metropolitan area)
Fax:02 9319 1510
general.manager@randwick.nsw.gov.au
www.randwick.nsw.gov.au



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, 22 March 2011 at 6:00pm.

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Mayoral Minute No. MM22/11



Subject: Christchurch Earthquake
Folder No: F2011/00015
Author: Councillor Matson, Mayor

Introduction

At the Ordinary Council Meeting of 22 February 2011, on the day of the Christchurch earthquake, Council resolved to donate \$2,000 to the relief efforts. As the enormity of the situation has unfolded and the need for urgent additional funds to assist in the relief effort has been identified, Council has made an increased donation of \$10,000.00 to the Christchurch appeal to assist with the relief effort.

Issues

Since 22 February, the full extent of the earthquake has become apparent, with considerable damage reported in the Christchurch Central Business District and in Lyttelton. A state of national emergency has been declared and is expected to last for seven days at this stage. There is a cordon around the central business district of Christchurch and rescue work is ongoing. Power, telecommunications and essential services continue to be disrupted.

The following facts highlight the magnitude of this event and give an indication of the massive effort that will be required to restore the city of Christchurch:

- A magnitude 6.3 earthquake rocked Christchurch on February 22 at 12.51pm local time.
- Police have confirmed that there have been multiple fatalities. The death toll currently stands at 148, with many more still missing.
- A national crisis management centre has been activated.
- The spire of the Christchurch Cathedral has collapsed, along with several buildings in the CBD.
- Roads have buckled; water pipes have burst on the street; residents have been warned not to drink the water.
- It is the region's second major quake since Canterbury was hit on September 4, 2010, by a 7.1 magnitude quake.
- Thousands of aftershocks have since rattled the region.

Due to the gravity of the situation and the urgent need for funds in order to assist in the relief effort, Council forwarded an EFT for \$10,000.00 to the relief appeal and advised the Mayor of Christchurch accordingly, also advising that our thoughts and prayers are with him and his fellow residents.

Financial impact statement

Council's donation has been funded from the 2010-11 Contingency Fund.

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Conclusion

In the light of:

- the immense magnitude of this event;
- the massive cleanup effort that will be required to restore the city of Christchurch; and
- the significant and devastating impact on the people of Christchurch;

it was considered necessary that Council increase its contribution to the relief effort from \$2,000 to \$10,000.00.

Recommendation

That Council note the increased \$10,000.00 donation to the relief effort for the Christchurch 22 February 2011 earthquake, such funds being allocated from the 2010-11 Contingency Fund.

Attachment/s:

Nil

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Mayoral Minute No. MM23/11



Subject: Constitutional Recognition for Local Government

Folder No: F2008/00656

Author: Councillor Matson, Mayor

Introduction

The President of the Australian Local Government Association,, Cr Genia McCaffery, has written to Council requesting its support for the campaign for recognition of local government in the Australian Constitution.

Issues

The following is an extract from Cr McCaffery's letter:

'Following the 2010 Federal Election, Prime Minister Gillard committed to holding a dual referendum on the constitutional recognition of local government and the recognition of Indigenous Australians. The referendum will most likely be held in conjunction with the 2013 Federal Election. The challenge for local government is now threefold: to ensure the referendum is held; to ensure that the type of recognition sought meets our requirements; and to make sure we have a positive result in the referendum itself.

ALGA has devoted considerable resources over the past three years to developing the case for constitutional reform and the need for reform. That need was highlighted in stark terms in 2009 by the decision of the High Court in *Pape v Federal Commissioner of Taxation*. In that case the High Court set out the limitations of the Australian Government's powers and, in doing so, clearly indicated that the Australian Government does not have the power to fund local government directly.

It is obviously in the best interests of local communities that Federal Governments, whatever their political persuasion, have the capacity to fund councils directly to achieve national objectives. This is why our preference is for a pragmatic and simple change to the Constitution (most likely to Section 96) which would allow direct funding to continue. ALGA's research shows that this simple and pragmatic change is most likely to garner the necessary public support. ALGA has not ruled out recognition of local government in a Preamble to the Constitution if one is proposed but such limited recognition alone would not meet local government's requirements and address the uncertainty highlighted by the *Pape* case.

The form of financial recognition of local government proposed by ALGA, which will not impact on the relationship between councils and state governments, has been endorsed by your local government association and all other state and territory local government associations. ALGA believes it is now important that this position also be endorsed by all councils to demonstrate to Federal and state governments, oppositions and political parties that the position has widespread support within local government.

I am therefore writing to all councils to ask them to pass a resolution in council chambers in the first few months of 2011 endorsing the position that a referendum be held by 2013 to change the Constitution to allow direct funding of local government bodies by the Commonwealth Government and also to include local government in any new Preamble to the Constitution if one is proposed.'

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'It is ALGA's intention that a Constitutional Declaration for Councils will be submitted for signature by council representatives at the conclusion of the 2011 national General Assembly of Local Government on 22 June 2011. ALGA's objective is that all councils will be in a position to sign the Declaration supporting financial recognition at that time.

As part of local government's campaign, it is also important to ensure that national political leaders are left in no doubt about our commitment to constitutional recognition. I am therefore also asking that councils write to the Prime Minister, the Leader of the Opposition and their local Federal Member of Parliament to advise them of councils' support for recognition after councils have passed a resolution in council chambers.'

'I will be writing to you again in the coming months with further materials which will help Council in a campaign to win broad public support for constitutional recognition. While that challenge of reform is substantial, I have no doubt that by working together we can overcome any obstacles and bring about a much more sustainable and secure future for councils and local communities throughout Australia.'

Financial impact statement

There is no direct financial impact for this matter.

Conclusion

This Mayoral Minute, if adopted, will address the paragraphs of Cr McCaffery's letter that have been highlighted (above).

Recommendation

That:

- a) Randwick City Council declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.
- b) As part of local government's campaign, Council writes to the Prime Minister, the leader of the Opposition and the local Federal Members of Parliament to advise them of Council's support for recognition of local government in the Australian Constitution.

Attachment/s:

Nil

MM23/11

Mayoral Minute No. MM24/11



Subject: Waiving of Fees - Banner for The Royal Hospital for Women Foundation.

Folder No: F2004/06257

Author: Councillor Matson, Mayor

Introduction

A request has been received from Ms Elise Deayton, Community Relations Manager, Royal Hospital for Women Foundation, seeking the waiving of fees associated with the installation of two banners advertising their Mother's Day Royal Picnic.

Issues

The Royal Hospital for Women Foundation would like to display their banners to advertise their Mother's Day Picnic which is their annual major fundraising event. These banners will be hung at the Anzac Parade and Bunnering Road, Kingsford site and the Arden Street and Malabar Road, South Coogee site.

Costing as follows:

Application fee	\$ 153.00
Installation and removal of banner @ \$650.00 x 2 banners	\$1,300.00
Hire of banner poles @ \$575.00 per week x 2 weeks x 2 banners	\$2,300.00
Total	\$3,753.00

Financial impact statement

Should Council accept the report recommendation, the financial implication to Council is \$3,753.00 and there are currently sufficient funds in the 2010-11 Contingency Fund to cover this contribution.

Conclusion

It is considered that Council should vote to waive the fees associated with the installation and dismantling of the banners and that the funds be allocated from the 2010-11 Contingency Fund.

Recommendation

That:

- a) the fees associated with the installation and dismantling of two banners and the hire of Council's banner poles for the Royal Hospital for Women Foundation be waived and \$3,753.00 be allocated from the 2010-11 Contingency Fund; and
- b) the organisers undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during their annual fundraising event.

Attachment/s:

Nil

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Mayoral Minute No. MM25/11



Subject: Waiving of Fees - Coogee to Bondi Ocean Swim

Folder No: F2010/00096

Author: Councillor Matson, Mayor

Introduction

An application has been received from Ms Joanna Kyriazakos, the organiser of the Coogee to Bondi 5km Ocean Swim. The swim is being held on Sunday 24 April 2011, commencing at Coogee Beach and finishing at Bondi Beach. It is expected that there will be approximately 150 participants.

Issues

The organiser advises that this event has successfully been run for the last three years. Due to popular demand it has again been planned for this year as there has been a surge of interest for endurance swims due to a substantial growth in the ocean swimming community.

Ms Kyriazakos is requesting Council to waive the associated fees for this event. An entry fee of \$70.00 will be charged to each competitor to better meet the costs of staging such an event. Any money left over will be donated to the Volunteer Coast Guard. Council's fees include:

Hire of lifeguard @ \$200.50 p/h x 4 (public holiday)	\$802.00
Hire of two Jet Skis (1 hour)	\$118.00
Total	\$920.00

Financial impact statement

In the event that Council accepts the report recommendation, the direct financial implication to Council will be \$920.00 which will be funded from the 2010-11 Contingency Fund.

Conclusion

It is considered that the Coogee to Bondi 5km Ocean Swim is a worthwhile event and it is recommended that costs be allocated to cover the associated fees.

Recommendation

That:

- a) Council vote \$920.00 to cover the fees associated with the Coogee to Bondi Ocean Swim and funds be charged to the 2010-11 Contingency Fund;
- b) The event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- c) The Mayor or his representative be given the opportunity to address the event on behalf of Council.

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Attachment/s:

Nil

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Mayoral Minute No. MM26/11



Subject: Financial Support for event at Kooloora Community Centre

Folder No: F2010/00038

Author: Councillor Matson, Mayor

Introduction

Kooloora Community Centre has been providing services to its community for 20 years. The centre's services include holiday care for school kids to gentle exercises for seniors in a predominantly socially disadvantaged area.

Issues

Kooloora Community Centre has requested \$500 financial assistance to conduct an event on 23 March at Kooloora in conjunction with OXFAM. The event is called 'Closing the Gap' and will look at issues relating to health and education for Aboriginal people. This function also provides the opportunity, through a petition, to lobby the Federal Government for additional funds to improve the status of Aboriginal people.

Kooloora will hold a BBQ for local residents and have Gujaga Pre- School perform traditional dancing.

Last year Council provided \$500 towards a similar project. This year the funds are being requested to offset the cost of a traditional Welcome to Country and pay for Children's activities to be held on the day. Carers and children attending the playgroup (about 50 families) will benefit from this event.

Financial impact statement

The requested \$500.00 can be funded within the current Community Development Budget.

Conclusion

This event will provide a good opportunity for the community to come together and discuss health and education issues, as well as celebrate our Indigenous heritage through a cultural performance.

Recommendation

That Council approve the \$500.00 funding to be provided to Kooloora Community Centre for this event from the 2010-11 Community Development budget.

Attachment/s:

Nil

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Mayoral Minute No. MM27/11



Subject: Earthquake and Tsunami - Japan
Folder No: F2011/00015
Author: Councillor Matson, Mayor

Introduction

On Friday 11 March 2011, the North Eastern coast of Japan was hit by twin disasters (a 9.0 magnitude earthquake and a devastating tsunami). The devastating aftermath of this disaster has been compounded for the Japanese, by the unpredictable situation at the stricken Fukushima power plant, which has been hit by a series of explosions after Friday's quake knocked out reactor cooling systems.

Issues

Amid a mass rescue effort there were grim updates indicating massive devastation and severe loss of life along the battered east coast of Honshu Island, where the monster waves destroyed or damaged more than 55,000 homes and other buildings.

Millions have been left without water, electricity, fuel or enough food and hundreds of thousands more are homeless, stoically coping with freezing cold and wet conditions in the northeast.

Financial impact statement

If the report recommendation is adopted, Council's donation will be funded from the 2010-11 Contingency Fund.

Conclusion

The magnitude of this event is incomprehensible.

Japan is now faced with, not only the aftermath a one of the biggest earthquakes on record, but also the impact of a massive tsunami and the ongoing threat of a nuclear disaster at the Fukushima power plant.

In the light of the immense magnitude of this event and the massive cleanup effort that will be required to restore the north eastern area of Japan's Honshu Island, it is recommended that Council donate \$10,000.00 to the relief appeal.

Recommendation

That Council's donate \$10,000.00 to the Japan relief fund (via World Vision Australia) with the funds being allocated from the 2010-11 Council Contingency Fund.

Attachment/s:

Nil

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Mayoral Minute No. MM28/11



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

Introduction

My recent Mayoral Minute of 22 February noted that the Commonwealth and NSW Governments have agreed to transfer Lot 4 on the western part of Malabar Headland to the NSW Government for National Park purposes. Council resolved to commence a rezoning immediately to ensure this intended National park use is confirmed via the land use zone and to request an extension to the northern boundary of Lot 4, to connect it with Council's land at Arthur Byrne Reserve and Maroubra Beach, assisting in protecting the ESBS and progressing the proposed extension to the coastal walkway in this location. I am pleased to provide an update on the progress of these matters.

Issues

The 22 February Mayoral Minute (Mayor, Cr Matson) endorsed that:

- a) Council resolve to commence preparation of a local environmental plan as an amendment to the Randwick LEP 1998 (Consolidation) to rezone Lot 4, Malabar Headland, from 2B Residential to National Park, in accordance with S54 of the Environmental Planning and Assessment Act 1979;
- b) a planning proposal to this effect be prepared in accordance with S55 and forwarded to the Minister for Planning requesting a Gateway determination in accordance with S56 of the Act;
- c) the Member for Maroubra be requested to facilitate achieving the Gateway determination; and
- d) Council seek the Commonwealth's urgent modification of the boundary of the Headland's Lot 4 to include that western part of Lot 1 that covers the ESBS and the potential locations of a western walking track.

In relation to a) and b) and c), the planning proposal to commence the rezoning has since been prepared and forwarded to the Department of Planning seeking a Gateway Determination to proceed. I understand that this will be considered by the Department within the next week.

The Commonwealth has since confirmed that the Lot 4 boundary will be changed at its southern/south eastern boundary to include that part of Lot 1 that contains a contiguous area of ESBS, extending Lot 4 from 15 ha to about 17.7 ha.

However, in relation to resolution d), I have written to the Commonwealth and it has advised that it is unable to grant our request to amend the northern Lot 4 boundary to include the ESBS and the northern walkway link, given the finalised transfer arrangements for Lot 4 and given ongoing remediation requirements in this location.

This narrow northern ESBS section of the Headland is an important connection for the coastal walkway. While the transfer of this northern section to the NSW Government is not essential for the walkway to proceed, approvals will now be required of both the Commonwealth and NSW governments, as land owners, potentially slowing

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progress. To clarify this matter and potential for the transfer, I will be asking the Commonwealth to explore more closely the contamination issues they have raised, as the presence of ESBS here suggests that it may be less disturbed than other parts of the Headland site that were clearly previously used for land fill purposes.

Conclusion

This is a significant site for the residents of Randwick City and I will continue to seek that the rezoning/planning proposal and walking track project is progressed over the coming months.

Recommendation

That Council seek the Commonwealth's support to expedite an investigation of the northern section of the Malabar Headland site in relation to any contamination issues that may affect the progress of extending the coastal walking track in this location.

Attachment/s:

Nil

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