

Item No: C0217 Item 6

Subject: MARRICKVILLE GOLF COURSE LANDS AND DIBBLE AVENUE
WATERHOLE - PLAN OF MANAGEMENT

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SUMMARY

Land and water management at the Marrickville golf course lands and Dibble Avenue Waterhole do not reflect current best environmental practice. The development of a new Plan of Management for this land will provide a mechanism to improve environmental management at the site.

RECOMMENDATION

THAT the preparation of a Plan of Management for the Marrickville golf course lands and Dibble Avenue Waterhole be prioritised and brought forward to commence in 2017.

BACKGROUND

The management of the Marrickville golf course lands and Dibble Avenue Waterhole has an extensive history. The land on which the golf course operates has complex land titling and an historic lease.

Community members have raised concerns about the governance of land and water management at the golf course and waterhole. A community petition has requested a ban on the use of glyphosate and to stop the Dibble Avenue Waterhole being “pumped dry.” The petition also requests the implementation of a Plan of Management (PoM) for the golf course lands and waterhole.

Marrickville Golf Club

Marrickville Golf Club has operated at its current site since the 1940s. Community and Council expectations of environmentally sustainable land and water management practices have increased since this time. However, the lease conditions around the Club's land and water management practices have not. The current lease allows unlimited access to water, for irrigation of the golf course, from the Dibble Avenue waterhole. This waterhole is a bird sanctuary, a locally listed Heritage Item and Priority Biodiversity Area in the Biodiversity Action Plan 2011-2015.

The Club has been using water from Dibble Avenue Waterhole since the 1940s, and continues to do so under existing use rights. According to the Club's website, the waterhole was purchased by Council with the specific purpose of providing a water supply for the irrigation of the golf course. In 1958 it is noted to have almost been pumped dry. The Club has indicated they are heavily dependent on the waterhole supply to irrigate the course. The terms of the lease do not allow Council to control the quantity or quality of water taken from the Dibble Avenue Waterhole. As a consequence, the health and biodiversity of the Waterhole is not protected, despite this being a priority biodiversity area.

Lease

Council entered into a lease with the Marrickville Golf Club in 1987 for a period of ten years, with a possible further ten year renewal option. The lease included the following clauses (in part):

8. (k) The Lessee will at all times permit members of the public to enter upon any portion of the demised premises except the club house and greens for the purpose of passive recreation.

10. The Lessee shall at all times during the period of this lease have the right to draw water from the waterhole...

The existing lease with the Club is under a holdover period which has been the case for some years. The lease can be terminated at any time. A valid PoM is required by legislation (*Local Government Act 1993*) before Council can enter into a new lease on this Community Land.

Should Council enter into any new lease over the land, it would likely include updated terms which would reflect expected environmental practices and understandings. Any new lease would take into consideration Council's biodiversity prioritisation and water management strategies as well as other important considerations for such a large open space and recreational area.

Land Ownership

A significant obstacle to the drafting of any new lease is that the land comprises many parcels made up of Community Land, Crown Land, old systems title land, Torrens title parcels, some road closures and some property which is owned by Canterbury Council. The consolidation of the land parcels is a significant project in its own right.

An interim means of securing a formal binding agreement with a Lessee could be through an 'Agreement to Lease' which similarly requires a PoM to be in place, but does not require consolidation of the land parcels. The 'Agreement to Lease' could be superseded by a future Lease once the consolidation of the land parcels project is completed.

Recreation Needs Study

In 2011/2012, a Recreation Needs Research – Strategic Directions for Marrickville 2012 report was developed. The plan aims to ensure that recreational planning and implementation in Marrickville is aligned with demographic and other social changes that impact on the recreation needs of the community, alongside the prioritisation of environmental programs and biodiversity as these reflect the shared goals of Council and the Community. It provides an evidence base drawn from local, state, national and international data as well as site visits and audits and a robust community and stakeholder engagement process.

A recommendation from the study was to "reduce the golf course to 9 holes, using the freed up land for biodiversity corridors along the river and into the catchment and new needed sports fields (adjacent to Mahoney Reserve)." The Recreation Needs Research report was adopted by the former Marrickville Council in November 2012. The recommendation to reduce the golf course to 9 holes was opposed by the Marrickville Golf Club at the time. Council therefore specifically resolved that the golf course remain 18 holes.

It is proposed to prepare a new Recreation Needs Research report for the new larger Inner West Council area. The upcoming study will look at local, regional and national trends in participation in recreation activities, including golf. It will provide a more robust evidence base to recommend future use of open space and recreational lands and address not just environmental, but recreation and social outcomes. This study will likely be completed in 2018.

Plan of Management

Plans of Management (PoM) provide a planning and management framework for the future use, development and maintenance of areas classified as Community Land. The associated Master Plan is the illustrative representation of the proposed design and construction outcomes.

A Draft PoM and Draft Master Plan for Marrickville Golf Course, 1999 were adopted by the former Marrickville Council's Technical Services Committee in October 1999 for the purposes of public exhibition and receipt of public submissions. In April 2000, after the public exhibition period, the recommendation to adopt the Plan of Management was deferred indefinitely "for further consideration, including a full detailed cost assessment of the proposal, visual impacts (views), alternative pedestrian and bicycle routes, and access issues".

There have been numerous requests by community and environmental groups for Council to adopt the 1999 PoM. Informed by the Recreation Needs Research, Council's Recreation Policy and Strategy 2013 identifies a total of 13 Plans of Management to be developed across the former Marrickville Council area. The Council had planned to prepare a new PoM for the golf course lands in 2018-2019.

Plan of Management Alternatives

Until the PoM has been adopted and any possible new lease entered into, an alternative means to manage the governance of land and water management at the golf course, in accordance with Council and community expectations, may be to enter into a Memorandum of Understanding with the Marrickville Golf Club. An MOU would be nonbinding, has no legal enforceability and it is unlikely that the Club would agree to enter into this arrangement. This option was therefore considered unproductive.

Until Council has an adopted PoM, there is necessarily a reliance on appealing to the goodwill of the Golf Club management. Council staff have therefore undertaken to meet regularly with the Club to discuss best practice land management and to manage the relationship with the Club. This forum also allows staff to flag the issues which will likely form the terms of a future Agreement to Lease.

Dibble Avenue Waterhole

On the 7 February 2017, Sydney experienced heavy rainfall. There was a landslide to part of the Dibble Avenue Waterhole. As a precautionary measure, residents in an adjacent apartment block were evacuated for some hours. Council has undertaken emergency stabilisation works at the Dibble Avenue Waterhole, to ensure safety. Council has engaged an independent geotechnical engineer to review the Waterhole and provide any recommendations for the ongoing management of this land.

LRAC Consideration

This matter was discussed at the LRAC meeting on the 14 February 2017 where it was recommended to support the following:

Land and water management at the Marrickville golf course lands and Dibble Avenue Waterhole do not reflect current best environmental practice. The development of a new Plan of Management for this land will provide a mechanism to improve environmental management at the site.

FINANCIAL IMPLICATIONS

There are sufficient funds with Council's budget to fund the PoM. A budget amount of \$30,000 will be incorporated, partly into the 16/17 financial year, with the balance in the 17/18 financial year with the report is completed.

OTHER STAFF COMMENTS

Staff from the Sustainability & Environment and Legal service units were consulted in the preparation of this report.

PUBLIC CONSULTATION

Representatives of Marrickville Golf Club were informally advised at a meeting on the 10 February 2017 that Council was giving consideration as to whether to bring forward the PoM for the Marrickville golf course lands and Dibble Avenue Waterhole.

As with all parks PoMs, a robust engagement process will provide the evidence base for determining the community's recreation, environmental and other needs for the golf course lands. Following the development of draft plans of management, there will be opportunity for additional stakeholder and community input. Stakeholders will provide an important contribution to the future plans of the open space land.

CONCLUSION

A perceived change in management practices at Marrickville Golf Club over the last 18 months has resulted in a heightened level of concern raised by staff and the community around environmental management practices. The existing lease terms are outdated and do not support current best practice land and water management. It is recommended that the PoM for this land be prioritised and brought forward to commence in 2017. This will provide a mechanism to improve environmental management at the site.

ATTACHMENTS

Nil.