

EUROBODALLA SHIRE COUNCIL

PUBLIC FORUM

All members of the community who have registered have been advised that they have a **maximum of five minutes** to put their case.

Ordinary Meeting of Council on 10 October 2017

Name	Subject/Comments
Public Forum – 10.00am	
Coral Anderson	PET17/002 Fenced Off-Leash Dog Park, Corrigans Beach Reserve ** Also speaking on behalf of David Hockey on same topic
Robert Loftus	PET17/002 Fenced Off-Leash Dog Park, Corrigans Beach Reserve
Laurelle Pacey	CCS17/079 Rates Subsidy Grants

Presentation to Council re Corrigan's Dog Park – 10th October 2017

Thank you to the Mayor for tabling the latest letter of support in relation to a fenced dog park at Corrigan's Reserve. And thanks also to the General Manager for including this on today's agenda.

I'd like to thank the Mayor for coming along to the Corrigan's Dog Park Supporters Group at Club Catalina to listen to our proposal. I'd also like to thank Cath Reilly for her attendance on the day and her assistance following the meeting.

Thank you also to the supporters who came along to present their views to the mayor, one of whom, a long time resident, informed the meeting that the people of Batemans Bay had been waiting for 20 years for a fenced dog park.

Thanks also to the 1,300 people who signed the two petitions presented to council over the last three years requesting a dog park for the Batemans Bay area, the first of which was presented to Clr Brown when he was Mayor and the second of which was presented to Clr Mayne. Special thanks to Clr Mayne for bringing this matter before council in November last year. Thanks Lindsay and Anthony for your help in getting the matter this far. And of course, thanks heaps to Clr Constable for coming all the way from Narooma to listen to us back in June as well as Clr McGinlay and Clr Tait who took the time to listen to us early days and continue to support this matter. Thanks Phil, Pat and Jack.

I'd also like to thank the additional 111 businesses, most of whom from Batehaven, who signed the letter of support for a fenced dog park at Corrigan's Reserve. Thanks as well to the additional 150 ratepayers who added their support by signing the letter that has been presented to councillors today. Each and everyone read and understood the letter before signing. It is not a petition – the original letter is with me today if any of you would like to check that it is legit.

The support by businesses and ratepayers over only a two week period was really quite astonishing. There simply wasn't enough time for us to get to the rest of the businesses in town before our meeting with the Mayor in September to gauge further support. Judging from the positive response from those businesses who did sign the letter, I can only assume that the overwhelming majority of businesses in the CBD would have come on board. The positive comments were very encouraging.

A huge thanks to the local contractor for providing us with a very competitive quote for the fencing of the dog park at Corrigan's.

The Corrigan's Dog Park Supporters, the human and canine community look forward to working with our councillors and staff toward a positive outcome for all.

And finally, thanks to the democratic process under which this council operates, the future looks bright indeed. I'm very excited to see this proposal actually become a reality.

Sincerely

Coral Anderson

I'll now read out David Hockey's presentation.

Councillors should be aware that I am reading this at David's request. I have been informed by the general manager that I am only allowed 5 minutes with a possible further 3 minutes for both presentations. Had David been here or had he asked someone else to read this out, he or that other person would have been afforded a full 5 minutes with a further 3 minutes but this courtesy unfortunately is not extended to me.

Presentation by David Hockey – 10/10/17

I would have greatly liked the opportunity to speak to you all in person at this Tuesday's Council meeting regarding an "off leash" dog park in Batemans Bay.

Unfortunately due to prior commitments I am unable to attend in person. I have therefore opted to put my views in writing to be read on my behalf at today's meeting.

I have lived in Batemans Bay for over 25 years now and most of that time been a dog owner wanting a local off leash dog park. I now have a "companion" dog and class myself as a responsible dog owner.

I regularly exercise my dog at the Hanging Rock sporting precinct, both on and off leash. I feel this is the closest relatively safe area with easy access and flat ground as I have mobility issues from an accident many years ago.

As mentioned I am a responsible dog owner....I keep a very close eye on my dog at all times and control him as well as picking up after him. I see many other people exercising their dogs in this area. Many elderly and disabled people for the same reason I use this area, as well as a lot of families and younger people. I do use Corrigan's Beach dog section at times to exercise my dog but mostly am unable to for physical injury reasons.

I feel there is a GREAT and URGENT need for an easily accessible off leash dog park in Batemans Bay, centrally located and to be solely used for as a dog park all year round....not shared with pony clubs or other organisations or groups.

I have read your Recreational and Open Spaces Strategy document and note that "the third highest barrier to using open spaces in the Eurobodalla was visitors can not take their dogs (*P99).

Also (*P177) 50.7% of respondents value a place to exercise and 35.7% valued being able to take their dogs. These obviously prove there is a great need and demand for a family friendly off leash dog park in Batemans Bay.

The elderly and disabled companion dog owners in our community desperately need to "get out" and socialise in a safe and enjoyable way to feel less isolated and more included in the community.

I feel that Hanging Rock sporting precinct would be the best area in Batemans Bay for an off leash dog park, but unfortunately there is currently no ground available without major redevelopment ie the ground between yacht club fenced area and radio control car

track.... which is ideally located adjacent to the dog friendly end of Corrigans Beach. However I believe it would be an expensive enterprise to make this ground suitable for a dog park.

As there is no available land at Hanging Rock sporting precinct, I feel the next best location for an off leash dog park would be **Corrigans Reserve** adjacent to the Batemans Bay Beach Resort as shown in the diagram below.



This position is by far the BEST option at this time as it is

1. Centrally located to both residents and tourists alike with a wonderful inviting coastal aspect
2. easily accessible for everyone....elderly and disabled included
3. easily visibleensuring people using it feel safe as possible and for visitors to the Eurobodalla to easily find
4. adjacent to dog friendly beach
5. has amenities close by
6. relatively close to the children's play area and picnic shed...but not too close. This would encourage whole families to use this area and getting them outside benefiting everyone.
7. close proximity to Batehaven shops and businesses giving them a much needed boost.
8. adjacent to Batemans Bay Beach Resort which is advertised as being a dog friendly park.
9. and mostly importantly this area would need the least amount of work and infrastructure to be built as soon as possible

I realise that this area is "Prime Coastal Real Estate" , however in the over 25 years I have been a resident of Batemans Bay I have NEVER seen this area used for anything. The Bells Carnival and the like never use the area shown in the diagram.....EVER!

It is my understanding that this land is to be used for the community.....what better way to use this unused area than for an off leash dog park that would attract the community, both locals and visitors in a safe, accessible and enjoyable way.

Also, as there is relatively little infrastructure needed for a dog park , it *can* be easily moved if this land is needed for something else in the future.

In my opinion, all that is needed is a good fenced area ideally divided into two areas....one for small dogs and a bigger area for medium to large dogs with two sets of double gates. Water and waste disposal bins made available and an access track along the beach side of reserve.....which is already there used by carnival staff every year.

Some kind of seating and shade option would also be great but I am happy to fundraise for these extras.

Usually when an area is completely fenced it is either to keep something in or keep it out. The AFL field at Hanging Rock as recently had a very expensive looking fence erected encompassing the whole field, yet I have never seen the gates shut....EVER. There are **more people** regularly exercising their dogs in this area all year round than I have ever seen on the AFL field....or the Rugby and soccer fields for that matter.

In conclusion I sincerely thank you for taking the time to read this email and respectfully request that you move to have an off leash dog park build in Batemans Bay as soon as possible and preferably at Corrigans reserve.

Please do not hesitate to contact me if you would like to discuss this matter further

yours faithfully

David Hockey

Eurobodalla Shire Council Agenda Item; Fenced off-leash dog park, Corrigans Beach Reserve 10th Oct. 2017.

Madam Mayor, Councilors, General Manager, Council Staff and Members of the Community.

Upon examination of the **NSW Companion Animals Act 1998** in regard to having a fenced “off-leash” dog park on Corrigans Reserve and the Council’s “time-share” dog prohibition on Corrigans Beach. It is obvious that there are some serious and misleading anomalies not only in the application of the **NSW Companion Animals Act 1998**. but also the information contained in the **Companion Animal Management Plan 2015-2019**.

The provisions of the **NSW Companion Animals Act 1998** should be applied equally and fairly throughout all of NSW. The **Companion Animal Management Plan 2015-2019** must contain a true and accurate record of information. Unfortunately, this is not the case.

NSW Companion Animals Act 1998 states - “dogs prohibited in some public places”

Section 14,(1)(c):

Recreation areas where dogs are prohibited – meaning any public place, provided or set apart by a local authority for public recreation or the playing of organised games and in which the local authority has ordered that dogs are prohibited and in which or near the boundaries of which there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited in or on that public place or part.

Few, if any, public spaces that have been declared “dog prohibited” by Council comply with the requirements as set out in **Section 14,(1)(c)** of the Act.

Section 13,(6) states:

A local authority can by order declare a public place to be an “off-leash” area. Such a declaration can be limited so as to apply during a particular period or periods of the day or to different periods of different days. However, there must at all times be at least one public place in the area of a local authority that is an “off-leash” area.

It is obvious that “time share” is a **day-time** provision between dog “on-leash” and dog “off-leash” areas and cannot include areas declared as “dog prohibited” or “night-time” periods and still comply with the requirements of **Section 13,(6)** and **Section 14,(1)(c)** of the Act.

Therefore, “time-share” public spaces declared as dog “off-leash” and “dog prohibited” and/or refer to overnight time periods do **NOT** comply with the provisions of the **CAA1998** Act.

Corrigans Beach can only be “time-share” between dog “off-leash” and dog “on-leash”.

A fenced “off-leash” dog park on Corrigans Reserve would therefore comply with all the “off-leash” provisions of the Act.

ALL public places declared by Council as “dog prohibited” and dog “off-leash” must comply with the requirements of the Act. and be listed in the **Companion Animal Management Plan 2015-2019**. Clearly this is not the case.

Misleading and deceptive references to provisions of the Act, **must be corrected and/or removed from CAMP 2015-2019.**

For example, the reference in **CAMP2015-2019** to the **Children Care and Protection Act 1987** in Section 14,(1)(f) of **CAA1998**, when there is NO mention whatsoever of this Act in Section 14,(1)(f) of the Act.

The application of **CAA 1998**, by Council has been deceptive by omission, as the provisions of **Section 14,(4)(5)(6)(7) and (8), and Section 14A** have been ignored by Council and **CAMP 2015-2019.**

Section 13,(1) states:

A dog that is in a public place must be under the effective control of some competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person.

This section does not apply to a dog participating in an obedience class, trial or exhibition. See Section 13,(5)(D).

It is reasonable then to assume that if a public place is not lawfully declared a “dog-prohibited” or a dog “off-leash” area, then it **MUST** be a dog “**on-leash**” area. Unless the dog is participating in an obedience class, trial or exhibition.

Why then does Council not allow the use/hire of sporting fields for dog training/obedience as listed in the Councils own **Fees and charges 2017-2018.** When sporting fields are not lawfully declared “**dog prohibited**” areas in accordance with the provisions of the Act.

I therefore respectfully request the Mayor, Councilors and Council take immediate action on behalf of all **Responsible Dog Owners** and our **Community** to immediately redress these unlawful applications of the **NSW Companion Animals Act 1998**, and the inaccurate and misleading information contained in the **Companion Animal Management Plan 2015-2019.**

Thank you,

Robert Loftus

Narooma School of Arts & Soldiers' War Memorial Hall Incorporated

Phone (02) 4476 1582
Mob: 0409 761 582

PO Box 379, Narooma NSW 2546
www.naroomaartscentre.com.au

CCS17/079 RATES SUBSIDY GRANTS

I speak today on behalf of Narooma School of Arts management committee in support of a rates subsidy on our community-owned School of Arts property. Our rates and charges for 2017-2018 are \$8,455.07.

Our community, through the Narooma School of Arts committee, has continuously provided its own venue for local culture, arts, entertainment and education in the broadest sense for the past 122 years, that's well before Council came into being.

The School of Arts incorporated organisation still owns and manages the land and buildings on the community's behalf. We have three buildings on our Arts precinct – the Memorial Hall (operating as the Kinema), the cottage and SoART Gallery.

This situation has endured despite several Depressions, petrol rationing, the threats from clubs and TV and then videos, periods of community indifference, and several attempts by developers over the years including Council to acquire School of Arts land. Then in 1995 the Hall was condemned because of structural problems.

Our community rallied in 1995 because it realised what an important community asset the Hall is, raised funds, took out loans including one with Council and fixed the structural problems.

More recently, through more hard work and determination, the volunteer management committee obtained grants and raised funds to do major work on the Hall costing about \$350,000. This work protects the fabric of the building, highlights its significance as a memorial to the District's soldiers from the First World War, makes it function better as an arts venue, improves access, and provides our patrons with the facilities they expect and deserve. Some of you will be aware of our plans to enhance the School of Arts precinct further as Narooma's Arts and community hub.

Our committee operates on a tight budget. The only regular income is from the lease of the Hall to an independent operator, rent discounted to ensure Narooma keeps a cinema operating despite seasonal fluctuations in patronage, as well as income from the Cottage which is uncertain at this stage.

I don't need to spell out to you the potential cost of providing Batemans Bay with an arts precinct on the old Bowling Club site, or the cost of Moruya's arts precinct, both of which involve considerable Council staff time and significant funds.

The Narooma community meanwhile continues to provide and manage its own arts precinct at no expense to Council. Council is limited in what financial assistance it can provide to us because it is neither Council land nor Crown Land managed by Council. **A rates subsidy is one significant way Council can assist organisations such as ours.**

Councillors, the staff report to you today considers a 50% rate subsidy which Narooma School of Arts management committee asks you to please support.

However, a good case could be put justifying why Council should give a 100% rates subsidy to Narooma School of Arts and some other volunteer not-for-profit organisations providing community facilities, especially those normally provided by local government. It's difficult enough for most of them to maintain and enhance these facilities on their lean budgets, without the impost of rates.

So I urge Councillors and Council staff to please consider the bigger picture and revisit Council's rates policy as a matter of some urgency and fully take on board what these various volunteer groups are doing in the community to keep these spaces accessible for their respective communities' health and wellbeing. **A 100% rates subsidy is well deserved.**

Thank you for your time.

Laurelle Pacey
Secretary
Narooma School of Arts