

EUROBODALLA SHIRE COUNCIL

PUBLIC FORUM

Ordinary Meeting of Council on 19 December 2023

Please refer to the minutes of the [Council Meeting](#) for outcomes of the agenda items.

Name	Subject/Comments	Presentation Provided	Hybrid
Brett Stevenson	GMR23/033 Sculpture for Clyde - Event Funding Request	Yes	In person
Deborah Stevenson	GMR23/033 Sculpture for Clyde - Event Funding Request	Yes	In person
Trish Heller	GMR23/033 Sculpture for Clyde - Event Funding Request CAR23/022 Camping at the Moruya Showground	Yes	In person
David Maclachlan	GMR23/033 Sculpture for Clyde - Event Funding Request	No	In person

**ABE Public Forum Presentation 19th December 2023 Regarding
GMR23/033 Sculpture for Clyde Event Funding Request**

Good afternoon. Thank you for the opportunity to address Council regarding GMR 23/033 Sculpture for Clyde Event Funding Request, which is largely a repackaged version GMR23/032 from the November 21st Council meeting.

I am presenting as Co-Convenor of A Better Eurobodalla (ABE), a community forum dedicated to having open and inclusive government in our region. ABE has previously addressed Council on transparency and open communication, key principles of good governance.

In a nutshell, today's agenda paper is recommending that Council provide \$20,000 in funding, plus an additional \$8,074 in kind support through waiving the usual venue hire fees as well as providing the services of Council's Rapid Response Team and meeting the costs of installing the prize winning sculpture. This public funding request is for an event whose prize money has doubled in the last 3 years (from \$50,000 in 2021 to \$100,000 in 2024), and which has already received \$20,000 funding from Council earlier this year when it requested "one off" financial assistance for relocation costs.

This request comes at a time when Council is experiencing an annual \$4.5 million loss from the Bay Pavilions as well as multiple external cost pressures, and Eurobodalla ratepayers are being advised to prepare for steep rates increases and cuts to services.

My ABE colleague Bernie O'Neil identified key governance, equity and precedent-setting problems with this funding request in Public Forum when it was presented to Council on the 21st November. These problems remain, and have been compounded by the events of the Extraordinary Meeting of the 5th December outlined in today's agenda.

The procedures adopted at the Extraordinary Meeting were not consistent with the requirements specified in Office of Local Government (OLG) Guidance, in that the decision taken to not allow any debate or deliberation on the rescission motion while still allowing Public Forum to go ahead was not derived from a formal public vote of Councillors in the chamber.

The OLG Meetings Practice Note States :

"Once the agenda for the meeting has been sent to the councillors, an item on the agenda should not be removed from the agenda prior to the meeting.

If it is proposed that an item of business which is on the agenda not be dealt with at the meeting, council should resolve to defer the business to another meeting or resolve not to consider the matter, as the case may be."

In contrast, today's agenda paper states that *"The Extraordinary Meeting went ahead when Councillors reached consensus just prior to the meeting that the*

nine registered speakers, most of whom had already arrived at the Chamber, should be given the opportunity to speak at Public Forum”.

It is notable that there was no formal public vote of Councillors to support this pre-meeting decision. Noting that the Cambridge dictionary defines consensus as “**a situation in which all the people in a group agree about something**”, in the interests of good governance and transparency it would have been desirable for a public vote on this proposal be undertaken in the chamber and put on the formal public record. This is the second successive Council meeting where OLG specified procedures were not followed by Council in dealing with this funding request.

There are also ongoing issues regarding ‘conflict of interest’ aspects. For example, when the previous Sculpture for Clyde funding request was considered by Council in February 2023, Councillors Schutz, Grace and Dannock and Mayor Hatcher disclosed non-significant, non-pecuniary interests in the issue, and stated that they did not believe their interest would preclude them from voting on the matter. All 4 indicated that a donation was received from the event organiser for their teams in the 2021 local government election. However, when a similar request from the same organization was submitted in November 2023, Mayor Hatcher chose to recuse himself from voting on the issue. The Council agenda item provides no explanation for this change in approach between the 2 meetings. It is also anomalous that, while recusing himself from voting on the proposal, Mayor Hatcher has been present and participated in pre-meeting Council deliberations on this issue, which is at odds with relevant OLG guidelines which state :

4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:

- a) at any time during which the matter is being considered or discussed by the council or committee, or*
- b) at any time during which the council or committee is voting on any question in relation to the matter.*

In a time of widespread and ongoing financial stress, it would be unfair to existing Eurobodalla Hallmark events, such as River of Art and Narooma Oyster Festival, for Council to agree to the disproportionate level of funding sought by Sculpture for Clyde without rigorous and transparent documentation of anticipated event expenditure and activity budgeting. This would set an extremely bad precedent for any future requests for this type of funding support. Any future applications for event funding of this scale should be expected to meet comparable requirements to those laid down for other Eurobodalla Hallmark events.

Approval of the current proposal would also be at odds with relevant principles for Councils spelt out in the NSW Local Government Act, which include :

- » consideration of social justice principles; and
- » ensuring decisions are transparent and that decision-makers are accountable for decisions and omissions.

On the basis of the significant governance, transparency, credibility and equity issues outlined above and in Bernie O’Neil’s Public Forum presentation on the 21st November, ABE urges Councillors to :

- i) offer the 2024 Sculpture on the Clyde event a similar level of funding that other established and well-documented Eurobodalla Hallmark Events have received, which is \$8,000, and
- ii) require the organisers to provide the same level of reporting on the outcomes and expenditures of the event that other Hallmark Event recipients are obliged to provide.

This is the very least Council can do to ensure that public money is well spent and accounted for.

Thank you for your attention.

Dr Brett Stevenson
Co-Convenor
A Better Eurobodalla
19/12/2023

Public Forum presentation regarding Agenda Item GMR23/033 Sculpture for Clyde - Event Funding Request 19 December 2023

Good afternoon. I wish to address Council regarding the funding request for Sculpture for Clyde in my capacity as both a Eurobodalla ratepayer and an active community member.

You have already heard from Bernie O'Neil at last month's Ordinary meeting, Jim Bright at the Extraordinary meeting last week and now Dr Brett Stevenson representing A Better Eurobodalla. All 3 speakers have outlined in detail the highly irregular nature of the process surrounding this funding request and Council's decision to grant the request.

Some of the points covered by those speakers were:

- ratepayers and residents have been told by Council on many occasions that money is tight and they are having to cut expenditure across the board
- the allocation of public money is normally conducted via an open competitive process in line with specific guidelines and clearly-stated policy objectives
- in February Council voted to give Sculpture for Clyde an \$8,000 Destination Tourism grant + an additional \$12,000 as a one-off payment to support its relocation from Willinga Park to Batemans Bay on the understanding that additional Council funding would not be required.
- in recent weeks the organisers for Sculpture for Clyde announced that the prize money for the winning entry has been raised from \$60,000 to \$100,000 to match Sydney's Sculpture by the Sea
- the organisers of Sculpture for Clyde now want another \$20,000 to market the event as well as the waiving of venue hire fees worth \$8,074; and un-costed support in kind from Council staff which includes the cost of installing the prize-winning sculpture, amongst other things.
- Council approved this additional funding at their November ordinary meeting. However the proper procedure was not followed at that meeting and consequently a rescission motion was put, but the resultant Extraordinary meeting of Council to consider this rescission motion had to be aborted due to a 'procedural matter'.

The key concerns for me as a ratepayer and resident, and they should be concerns for you as councillors representing me, are:

- the President of Sculpture for Clyde, David Maclachlan, who is also President of the Bateman's Bay Business and Tourism Chamber, provided funds for the election campaigns of 4 Councillors – Hatcher, Dannoch, Schutz and Grace. He also has an established business relationship with Mayor Hatcher who heads the Hatcher-Dannoch-Schutz team and Dannoch and Shutz are members of the Bateman's Bay Business and Tourism Chamber. At Council's February meeting all 4 councillors voted to provide Destination Tourism event funding to Sculpture for Clyde after declaring a non-significant, non-pecuniary Conflict of Interest. At the November Council meeting Mayor Hatcher absented himself from voting after declaring non-significant, non-pecuniary Conflict of Interest. The other 3 councillors declared a non-significant, non-pecuniary Conflict of Interest and voted to support the recommendation to approve the funding.
- Events such as the Narooma Oyster Festival and River of Art have the status of Hallmark Events because they have applied and been successful in winning grants

through this competitive funding program. However, the organisers of Sculpture for Clyde have never applied for Hallmark Event funding which would have required them to apply through a formal Expression of Interest process within a Council-established timeframe and to formally report back to Council as a condition of their grant. This latest unsolicited request for financial and in-kind funding from Sculpture for Clyde has not been subject to any kind of transparent, competitive process and relies on unverifiable Localis data to support its claims of drawing 16,000 people to the event and making millions of dollars in business revenue. (Is this event bound to become another Bay Pavillions, which is now costing Eurobodalla ratepayers \$4.5million+ per year for the foreseeable future?)

- the source of the additional \$12,000 in funding that the organisers of Sculpture for Clyde received in February this year has never been revealed by Council staff despite the GM stating that he would identify a source for the money and provide the information to councillors.
- why did the organisers of Sculpture for Clyde increase the prize money this year to \$100,000 if they can't afford to fund it as well as market the event? This is an extraordinary amount of prize money for a regional art prize. Sculpture by the Sea is a very well-established event which draws huge crowds from a catchment of 5 million people plus international tourists visiting Sydney. Bateman's Bay is not in the same league and the prize money should reflect this. (Even the Archibald Prize winner only gets \$60,000 and it is probably the premier art event in NSW, if not Australia!)

Supporters who spoke at the Extraordinary meeting talked of the 'reputational damage' to Council should the funding not be allocated and said it would undermine the 'professionalism' of the event. The President of Sculpture for Clyde, David Maclachlan, said 'we have complied with everything requested'. However, that is the knub of this whole sorry saga, Council didn't request anything because there was no formal process. What happened was that an organisation which has established relationships with several councillors put out their hand for money and in-kind support without going through any kind of transparent or competitive process. Is this the way we do intend to do business in the Eurobodalla? It is a dangerous precedent and a slippery slope.

This whole fiasco of poor meeting practice and lack of transparent process reflects badly on Council.

If Sculpture for Clyde is not viable without Council (i.e. public) money, then it is not viable full stop.

Bernie O'Neil made a very sensible suggestion in her presentation to the November meeting of Council. She said the prize money for Sculpture for Clyde could be reduced to \$80,000 (\$20,000 more than the Archibald Prize) thereby avoiding the need for Eurobodalla ratepayers to subsidise the event and allowing the organisers to spend the money saved on marketing.

Consequently, I urge those amongst you who are not swayed by the melodrama of Tuesday's Extraordinary meeting and who can look objectively and sensibly at this funding request, to reject it.

Council Meeting Tuesday 19th December 2023

Good afternoon Councillors, General Manager, Staff, Gallery and those comfortable zooming from home my name is Patricia Hellier from Batemans Bay.

I would like to address GMR23/033 Sculpture for the Clyde – Councillors I think you would all have to agree after listening to the the 7 speaker that supported and address the Council on the 5th December Extra Ordinary meeting proved the merit for supporting this promotion. They certainly demonstrated the amount of work that goes into this volunteer non for profit organisations promotion and the strong committed committee that stands with Mr Maclachlan as up to now some may have been of the view that Mr Maclachlan was the only “face of this sculpture event”.

There were 3 chamber presidents that spoke at the Extra Ordinary meeting that all raised their concerns as to the affect on “small business” should this event not go ahead there will be a financial ripple affect throught this shire.

As I listened to the Council Meeting on the 21st November 2023 when this proposal was first brought to Council I gained the impression that some Councillors may have been confused given that there was a request for funding of \$20,000 in February 2023 which was for the 2023 event – the request in November was for funding for the 2024 event and it appears there is money in the budget for the arts I understand that grants are received for such events. I question why one of the speakers on the 21st November spoke out against this proposal when it is know that the speaker represents ABE which is a closed political group and yet the speaker is also involved with art activities in Moruya – is there any political influnces being bought to bear hear? As we all know who is aligned to whom in this shire!!!

Given that I have been involved with Council for a number of years and the COMP I fully understand about “process and procedure matters” and had I been sitting in the Gallery on the 21st November 2023 when the Mayor nominated Clr Schutz to chair the meeting you all would have heard me call out “check the COMP” as at home I yelled out “ that's not right”. As we all know Clr Worthington was zooming in and the facts are there is no way she would have been able to chair the meeting via zoom as it was quite obvious that she was having difficulty in hearing other Councillors when they spoke and it appeared that she was distracted by background noise from where she was zooming in from. Zooming in by Councillors will be one issues that will have to be addressed in the next COMP. If rumours are correct it would appear that the Mayor just prior to the Council meeting in pre briefing, stated he would put Clr Schutz in the chair therefore it appears it was not something that he did at the meeting “on the spirr of the moment” those present at the pre briefing apparently were aware of this.

For all you Councillors that are intending to stand for the next Council election in September 2024 you would all know by now the larger voting base is in Batemans Bay the voters and businesses from the Bay will not care about “process or procedure matters” they will be concerned if Batemans Bay miss out on the \$20,000 funding and we lose this event from the shire. Therefore I can assure you those that vote against this funding should you stand for election in 2024 your names will be heard loud and clear from the roof tops of business in Batemans Bay not by a micro phone but by a mega phone and you will get “my Grinch Xmas Award for 2023” I therefore ask you to support this proposal.

My next presentation - CAR 23/022 CAMPING AT MORUYA SHOWGROUND

This proposal I will give my “YEAH of the YEAR AWARD” for a number of years I have advocated to Council that the Moruya Showground be open for camping. My husband and I own a caravan and we have stayed at many, many showgrounds.

There were 792,713 Registered RV;s in Australia including 725,422 caravans or camper trailers and 66,291 motor homes one in 13 Australians household now own a caravan or camper. The caravans and camper vans now being the fastest growing vehicle type in Australia. There are approximately 1.5 million people taking to the road and holidaying yearly.

In our travels a number of people have told us they stop at Bega Showground by pass Batemans Bay and travel to Milton or Nowra Showground. Councillors I believe we have been missing out on millions of dollars each year by not providing the Moruya Showground as a camping venue. Many caravaners etc are attracted to showground as generally they have larger sites and allow dogs on leads. Many small towns have seen the benefit of opening up their showground to attract this tourism \$. We have stayed at the Alstonville Showground for a number of years we have seen it grow with the ladies amenity of 2 toilet and 2 showers to a second block that has 8 toilets and 8 showers, disabled facilities and laundry facility and more recently they have built a 3rd block of toilets and showers.

The businesses of Alstonville benefit greatly from the campers at the showground. Most showgrounds provide a brochure outlining the various events,supermarkets, shopping facilities , markets, op shops and the areas attractions. Whist some campers may pull in for an overnight stay a larger number like to “check out the local area” and most showgrounds allow up to a 2 week stay.

Councillors please support this proposal that will support Eurobodalla much need tourism \$’s that we need with the debt that is hanging over our heads with this aquatic centre.

Patricia Hellier