

## EUROBODALLA SHIRE COUNCIL

### PUBLIC FORUM

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

Ordinary Meeting of Council on 27 August 2019

Name	Subject/Comments
<b>Public Forum – 9.30am</b>	
Coral Anderson	PSR 19/010, the Batemans Bay Regional Aquatic/Arts and Leisure Centre
Jeff de Jager	PSR 19/010, the Batemans Bay Regional Aquatic/Arts and Leisure Centre
Maureen Searson	PSR 19/010, the Batemans Bay Regional Aquatic/Arts and Leisure Centre
Joe Smith	PSR19/021 Development Application 577/19 Residential flat building (67 apartments) and boundary adjustment
Nathan Judd - Core Developments	PSR19/021 Development Application 577/19 Residential flat building (67 apartments) and boundary adjustment

Councillors:

I'm Coral Anderson presenting on Agenda item PSR 19/010, the Batemans Bay Regional Aquatic/Arts and Leisure Centre.

Firstly, some history as a reminder, for councillors and members of the Gallery:

In August 2017, Council endorsed a concept plan for the Mackay Park Redevelopment, apparently under some time pressure, in order to secure grant funding. Following this, a group of like-minded community members came together to lobby for the retention of a 50m pool in this redevelopment, as it had not been provided for. Our group was called Fight for Batemans Bay's 50m Pool, with over 500 followers on Facebook.

We then expanded and formed a sister group called Our Towns Our Say – OTOS - holding a number of public meetings on various community issues where Council was involved. We opened a Facebook page that also has approximately 500 followers, including several Councillors.

In November 2017, Our Towns Our Say delivered a Brief of Evidence to both Minister Constance and Mayor Innes. This brief contained numerous letters from various organisations. Each letter supported retaining a 50m pool in the proposed redevelopment. These supporters include St Bernards Catholic Primary School, St Peter's Anglican College in Broulee, Swimming NSW, Batemans Bay Swimming Club, Eurobodalla Primary Schools Sporting Association (with 11 member schools), Mogo Public School, the Batemans Bay Soldiers Club, the CWA, Elite Energy and several more. Not one of these organisations has withdrawn their letter of support for the 50m pool.

Councillors:

Since then, it appears that you have neither done your homework nor delivered on promises that you made:

Where are the separate annual recurrent running costs of each of the 6 water bodies, as requested on several occasions?

Is the General Manager in possession of a revised business case? If so, does Council propose to release this document to the public? If not, when does the General Manager propose to have one prepared, to cover the expenditure of \$51m of public monies?

In February this year, Council invited members of the community to take part in surveys in relation to the redevelopment. An overwhelming majority of responses supported the retention of a 50m Olympic sized pool. They have been ignored.

The Mayor, her General Manager and Director Lindsay Usher have all promised in public, that Plan D would show the site position of where an Olympic pool could be located in the future. Where is it exactly, on Plan D and why has this promise not been honoured?

The original concept plan endorsed by Council in August 2017 showed a Gymnasium with a total floor area of approximately 800 square metres. That plan also showed the mini golf being moved to the southern end of the development.

The plan before you today appears to show an upgrade from a gymnasium to a fitness centre with an approximate total floor area of over 1,000 square metres - an increase of some 220 square metres. Plan D also provides for a 'spin room' something that was not included in the original concept plan .

Does Council propose to go into direct competition with the other 5 or 6 privately owned fitness centres already in Batemans Bay, one of which is operated by one of the Mayor's family members? If so, why?

Has the Mayor considered the potential conflicts of interest that could arise?

If Council does not propose to compete on an equal commercial footing, does it propose to undercut that market segment and subsidise the Mackay Park gym? The effect will be the same, except that ratepayers with absolutely no interest in gymnasiums or fitness centres will underwrite the cost.

This does not appear to fit well with Rates, Roads and Rubbish – these are surely the prime Council priorities!

The mini golf is not shown as part of the development. How much does Council anticipate it will have to spend to relocate this iconic tourist attraction to another part of the Shire?

A better way forward is to take out the proposed and expanded fitness centre, which few residents see as a priority, freeing up ample space for an outdoor Olympic sized 50m pool with spectator seating.

This will save the overall building costs substantially and pave the way for Batemans Bay to host not only school and regional swimming carnivals but also National and maybe even international swimming competitions, adding to the tourism dollar.

Local pool user Mr Marc Chaplin says and I quote:

“The current "planning" for this project seems to be to muddle along and do whatever is required to build something. The only fixed part of the plan seems to be to avoid rebuilding a 50 metre pool, despite overwhelming public support. If we continue on the current trajectory of down sizing and down grading, we will end up with a model of what could have been a grand design. Why not skip to the end game and just buy a dolls house. It could be a permanent reminder of what happens when council doesn't listen to the rate payers.

A good community facility should build on, rather than alienate its current support base.”

Councillors:

Members of OTOS, supported by many members of this community, dismayed by what has been brought before you today, urge you to not support parts 1, 2 and 4 of the recommendation contained in Mr Usher's report until such time as council receives a further and formal report on operational management model options and project budget.

Councillors, can you honestly say, hand on heart, that you are staying true to your Oath of Office to act in the best interests of the people in this case?

**Submission – Public Forum 27 August 2109**

**Agenda Item PSR19/010 - Batemans Bay Regional Aquatic, Arts and Leisure Centre**

The concept plan D, before you today, is in my opinion the best looking design so far but I have real concerns that its size and composition, particularly the absence of an Olympic pool and a small performance space, still very much compromises the whole development's ability to attract the maximum number of paying customers which will be necessary to justify the establishment and ongoing costs associated with centre.

I would like offer some parallels between the BBRAALC and one of the things I learned during my 40 years' management experience in retail - a business is doomed if it cannot make and sustain an attractive offering to as many customers as possible.

We've heard the saying "build it and they will come" but unless people can see and experience what they want, they won't come no matter how attractive the building's design.

In retail terms, it is the quality and width of the range offered, the pricing structure and, of course, the level of service that bring people into shops and most importantly, make them come back time after time.

At the dark end of the spectrum for retailers, some who have started prematurely by being inadequately informed or underfunded – and this also applies to going concerns that have turnover problems – try to save money by rationalising, that is reducing, the size of their premises, the width of their ranges and their stock levels. Listening to the accountant's advice to reduce their working capital sounded good but when insufficient customers come in, sales are below expectations and those businesses are in a pickle with lease commitments, bank loans, overdrafts, suppliers looking for payment, underproductive stock and goes the tale of woe.

Also at the dark end, the pickle for retailers I've just described, translates to what I fear for the MacKay Park development because its components are compromised both in terms of the features incorporated and their sizes – and compromised enough to limit the potential of bring in enough paying customers.

Councillors, today you will make another milestone decision in this project's progress and my concern is that there is, at least in the public domain, insufficient information on which you can base a responsible decision. The report before you leads to the conclusion that there are no reasonably accurate final capital, ownership or operational cost estimates and therefore no reliable indication that it will be an affordable project.

Please, Councillors, do not commit the Shire to any further expenses related to this project beyond your being fully informed as to the accurate estimate of how much it will cost to build, how it will be operated, how much it will cost to own, how much it will cost to operate and most importantly, is it affordable.

So today please do not adopt any of the recommendations in the report before you, other than No 3, to get full information for your decision.

Council promised the Shire a Gateway Development – we need to make sure that dream comes to fruition.

Jeff de Jager,

52 Coila Creek Road, Coila NSW 2537

**Maureen Searson I wish to speak on Agenda Item PSR19/010 -  
Batemans Bay Regional Aquatic, Arts and Leisure Centre – Tuesday  
27<sup>th</sup> August**

Thank you for the opportunity to speak this morning.

Councillors, apparently, you have been shown where a 50m 5 lane pool could be sited in the future but has not been made clear to the general public. What is on offer 'in the future' is a half sized Olympic pool. Nonetheless in identifying space in the Batemans Bay Regional Aquatic, Arts and Leisure Centre where a 50 metre x 5 lane pool could be provided in the future, Director Usher notes in his report that "a 50 metre pool does not form part of the development scope and remains outside the financial capacity of the project and the community."

According to the report a 50 metre pool inclusion in the Batemans Bay Regional Aquatic Arts and Leisure Centre is not in the financial capacity of the community. How can Council possibly consider the inclusion of another gym (which now appears now like a fitness centre) that appears to take up almost one third of the proposed Aquatic Centre? The inclusion of a gym in an aquatic centre is not unusual, but there are already 6 gyms in Batemans Bay. This is the public's money. The public was not consulted about the gym. How is another gym going to "provide significant social and economic benefits?"

With Plan D the community is being asked to accept giving up a much valued and well utilised 50 metre pool – *Save Batemans Bay's 50m Pool* and *Our Towns Our Say* know this from letters of support, survey results over the last 2 years and Councils own survey in February this year - for a 25m pool and another gym. I am concerned that the space that has been suggested for an outdoor 50 metre pool has been sacrificed for the expanded gym.

We know that the inclusion of an outdoor 50 metre pool would provide significant social and economic benefits. The most sustainable use of aquatic centres is to have an indoor 25m pool and an outdoor 50m pool to maximise patronage locally and for holding regional carnivals. The 25m pool is used for warming up and cooling down and the 50m pool is used for the carnival.

As mentioned by others, the benefits this would bring to Batemans Bay and surrounds in accommodation, food, tourism and entertainment are immense.

If other Councils can build an indoor heated 10 lane 25 metre pool, an outdoor heated 8 lane 50 metre pool and comparable aquatic inclusions for \$26 million why are we spending \$51 million for a facility without a 50 metre pool?

The issue of Mayor Innes's potential conflicts of interest arose during the Council's kiosks. Questions were asked for the reason there was another gym in the then 3 concepts. The reply was that the owners of OneLife Gym (close relatives of Mayor Innes) have "expressed an interest in occupying" in the Batemans Bay Regional Aquatic Art and Leisure Centre. Can Mayor Innes assure the community that you have upheld the Model Code of Conduct and "avoided or appropriately managed any conflicts of interests in favor of your public duty?"

Transparency and accountability in local government is crucial to restore public trust in politics. Local government is the public's grassroots contact with politics. Councillors *Save Batemans Bay's 50m Pool* and *Our Towns Our Say* urge you not to endorse Mr Usher's recommendations 1, 2, and 4 today. Given the lack of transparency during the process, and accountability to the public since the beginning of this project, I urge you to wait until receipt of a further report on operational management model options and project budget.

Thank you.

Maureen Searson

## STATEMENT BY J SMITH IN RELATION TO DA5774/19

The objectors I represent today do not oppose the Development per se. They solely object to the height variation.

This project if approved will create a precedent to vary height restrictions of 15 metres pursuant to Clause 4.3 Height of Buildings ELEP 2012.

The proposed height of the building structure is 21.71 metres AHD. Fifteen metres represents 18% of the total footprint but the built form represents a 34% variation in part and the remainder is a 12% variation so therefore much of the proposed building does not comply with the 15 metre height.

The very detailed Council report is flawed as no staff have visited 8, 10 or 12 Pacific Street (to our knowledge) to assess the impact on these properties. Attached is a plan provided by the Developer which shows the complying height highlighted in pink. It clearly establishes that should the development comply then these properties will retain current water views whereas should the development be approved there will be reduced views. It goes without saying, loss of water views represents loss of property value.

The Report states:-

- There is no loss of views of any significance.
- Strict compliance will create a less pleasing built form.
- Non-compliant building better achieves the objectives of height standard than a compliance building.

Frankly these are mere statements without foundation of fact. In my view these opinions are ill informed. No attempt by staff has been made to even visit these properties in Pacific Street which suffer the impact of this project.

A few minor changes to the built form in the north western corner may well placate the objectors in Pacific Street. No effort has been made by the Developer to achieve this result.

We believe a meeting between affected land owners, the Developers and a Staff member could achieve a satisfactory outcome.

Council should consider these variations as a precedent.

Community consultation was extensively carried out prior to adoption of ELEP 2012 resulting in the current height controls. In other words Council took the community along with it by undergoing a lengthy process of community consultation. Admittedly council may vary the controlled height limits in certain circumstances but Councillors should be aware this does create a precedent for developments along Beach Road. It will be very difficult for Council to oppose future applications to vary ELEP Controls. This will only encourage Developers to push the envelope.

Our submission to Council is simple. Hold over final consideration until a short but reasonable period of a few weeks to allow the neighbourhood residents to meet with Council staff and the Developer to fully assess the impact on adjoining properties and to allow the community to truly agree to height variations along Beach Road. In this way Council is properly taking the community along with it in major and important changes to the Controls in the very strategic area.

Kind Regards

Joe Smith