

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.

Extraordinary Ordinary Meeting of Council on **17 December 2020**

Name	Subject/Comments
Public Forum – 9.30am	
Lei Parker	NOM20/009 Lease of Batemans Bay Community Centre
Ross Thomas	NOM20/009 Lease of Batemans Bay Community Centre
Tom Slockee	NOM20/009 Lease of Batemans Bay Community Centre
Henk Roubos obo Sue MacKenzie	NOM20/009 Lease of Batemans Bay Community Centre
Bernie O'Neil	NOM20/009 Lease of Batemans Bay Community Centre
Trish Hellier	NOM20/009 Lease of Batemans Bay Community Centre
Not presenting	
Russell Schneider	NOM20/009 Lease of Batemans Bay Community Centre

Lei Parker

From: Beagle Weekly <beagleweeklynews@gmail.com>

Sent: Wednesday, 16 December 2020 11:59 AM

To: Council <council@esc.nsw.gov.au>; Anna Waters <Anna.Waters@esc.nsw.gov.au>; Kylie Green <Kylie.Green@esc.nsw.gov.au>

Subject: Presentation- Public Forum Dec 17th - 9:30am

Good morning Councillors,

Here we are once more at Public Forum, where one after another, you will hear from members of your community their despair at your intentions to proceed with leasing their Batemans Bay Community Centre. This time round however, you may also hear anger in their voices as they have come to realise that, irrespective of petitions, protests and presentations you have decided to turn a deaf ear to them and instead listen only to Council staff.

I could lay on the table the history of how the centre came to be. I could mention the subterfuge that saw the old Community Centre sold, I could mention the outcry back then and the demands that Council build a replacement. I could mention that one of you was very much against that decision but acquiesced in the end.

I could mention that Phil Rose was commissioned to design a purpose built centre that included a sprung floor and that the commercial kitchen in place today is purpose built to provide Meals on Wheels for our community.

In terms of history I could mention that Council purchased the Batemans Bay Bowling Club to provide expanded community facilities such as an exhibition space, more meeting rooms and facilities for the arts as well as accommodating a heated pool.

I could mention that discussions around this option first revealed the exchange of the current centre to the proposed based on like-for-like.

In terms of history I could mention that the like-for-like exchange was somewhat modified when council agreed to Option 1 that saw the Mackay Park Centre moved south to the pool site. I could also mention that since then the like-for-like has been so sorely modified that Council is now offering a meeting room (one of three) less than the size of the Mayors office.

That Councillors, is a long way from like for like.

It is clear that there has been a clear divide between what has been stated and promised and what is being delivered.

The community take what they are told on face value. They do not appreciate nuances and pedantic.

I offer the example:

In May 2019 the General Manager advised councillors in her [response](#) "**Council would not be in a position to vacate the BBCC until the Aquatic, Arts and Leisure Centre has been constructed and is operational.**"

On the 17th of May 2019 the General Manager wrote: "The BBCC will need to remain open to the community until the new Aquatic, Arts and Leisure Centre (AALC) is constructed and operational."

To the average person both of these statements would indicate that the Community Centre would continue to function as it has until such time as the new centre was opened.

Lei Parker

But that is not the case.

Councillors are now being advised that while they and the community were being told the Centre would remain open to the community there was in fact a plan to remove the community and replace them with the “community” paying a commercial rate to assist the running costs of the new centre once it opened.

From the General Manager’s perspective maintaining the existing facility would “duplicate functions and add operational costs while removing potential sale or lease options, including the revenue arising from such. This would have the effect of inadvertently increasing the operational cost of the AALC and deprive that centre of a potential source of income, therefore compromising its affordability, including the theatre.”

The community and councillors have been advised that the leasing (and proposed sale) is not to fill The Gap of \$19 million but to contribute towards the running costs once the centre is opened.

That being the case the question needs to be asked “Why are you so desperate to fast track this now and knowing full well that there is no hurry for a project barely commenced.

And why press ahead with this and raise such anger and disdain in the community having given assurances that the community centre would stay as is until such time the new Centre was opened.

Playing pedantics around the definition of community simply doesn’t wash nor too does the opinion that it was due time other members of the community could have a turn.

The next key point is around the fairness of the EOI process. It called for EOI’s at commercial rates however, in discussion, it appears that the preferred lessee has issues with their budget stretching to commercial rates that has initiated a comment that a lesser rate might be discussed in light of the fact that they are “community”. This changing of the Terms of the EOI is an affront to the other community groups such as Meals on Wheels who would have lodged an EOI if they knew a discount would be considered.

The General Manager has written “The issues addressed above, together with a number of other variables, will need to be taken into account when Council ultimately considers the long term future of the BBCC and this includes revisiting the original rationale provided in the Otium business case. Despite your claims, the full business case is, and has been, available on Council’s web site for some considerable time”.

In terms of the business case the GM refers to might I offer that that business case is for a \$46 million Option 1 pool and NOT a \$70 million Concept D.

Might I add that the true business case is still Commercial in Confidence and is being withheld.

Might I add that Council was reluctant to provide those same documents to the OLG

Council initially advised that “The consultant has confirmed that this modelling remains their intellectual property and should be used and maintained in confidence by Council and not publicly disclosed.”

It has since been discovered that the consultant confirmed no such thing. The withholding of the SGS

Lei Parker

report is purely a decision of Council staff. As was the withholding of the communication by the OLG of their concerns around the affordability of the project.

Huzzah

Lei Parker

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Ross Thomas

Item NOM 20/009 Motion to lease out the Batemans Bay Community Centre.

Good morning.

My name is Ross Thomas and I am the President of Batemans Bay U3A. I am speaking in support of Councillor Mayne's rescission motion, as my association strongly wishes the Batemans Bay Community Centre to remain available for us to hire.

We think that the Council was deceptive in the advice it gave about the continued availability of the Community Centre to community groups and that it has also deceived us about the basis on which a lease over the Community Centre would be granted. For those reasons alone we consider that the only honourable Course of action the Council should take is to overturn the motion it passed last week to proceed with leasing the Community Centre.

As for the deception concerning the availability of the Community Centre, I remind the Council that in May 2019 the General Manager of the Council advised the community in writing that 'The BBCC will need to remain open to the community until the new Aquatic, Arts and Leisure Centre (AALC) is constructed and operational'. It has been with that assurance that community organisations like U3A, which is a regular and frequent user of the Community Centre, have felt confident that the benefits which flow to the public from our use of the Centre would not be swept away before comparable facilities had been built and were operational.

As for the deception about the basis on which a lease might be offered, the Council's Request for Expressions of Interest which it issued on 18 September stated that respondents would have to agree that the property would be leased 'on a market rent basis as determined by a registered valuer as a minimum'. Last week, however, we learnt in the Council meeting that this was no longer to be the case. Instead, because the preferred lessee has acknowledged that it has limited resources and does 'not have the ability to lease at commercial rates', the Council's General Manager has stated that the council is open to leasing it at a rate slightly below 'some sort of a near-commercial rent, simply 'because it is a community group'!

Well. Let me just say that U3A is also a community group and also has limited resources and could not afford to pay a market rental either. But we, and no doubt other community organisations, took the Council at its word and decided that as we could not meet Council's declared terms we could not put in an EOI.

For Council to waive the market rent requirement now is therefore unfair, unjust, unethical and discriminatory. Is Council really prepared to treat community organisations so improperly?

There is yet another matter about which the Council has made assertions which we consider inaccurate. That is in the claims made about the suitability of existing alternative venues which are available for hire. I have previously drawn attention to the fact that most of these are either difficult of access by older people, or not convenient to public transport, or not fit-for-purposes like dancing and tai-chi, so I won't labour those points. I would only add that the BBCC is uniquely suitable to us because of its size, flexibility, its IT capability, its central location and the helpfulness of its staff.

And you might be interested to know that that it is already difficult to find venues for many of our courses. I was given an update at the start of last week about some of the bookings we have been trying to make for Semester 1 in 2021, and it was very troubling. We were told our requests to hire venues for the following courses could either not be confirmed or that they might only be confirmed at some later date:

Fabric Threads and Yarn – 19 Feb is not available at Hanging Rock

Fitness for Retirees – 2Feb is not available at Hanging Rock

Ross Thomas

Ten Great Paintings – Availability of Tomakin yet tbc
Cryptic Crosswords – Availability of MBCC yet tbc
First Thursday Book Group – Availability of MBCC yet tbc
Folk Dancing – 22 April may not be available at the BBay stadium
Tai-Chi – 22 April may not be available at the BBay stadium.

These are problems occurring while the BBCC is still in play. If the BBCC is leased, the situation will become very acute, especially when Hanging Rock becomes unavailable because it is needed for school exams or any emergencies which might arise. Furthermore, leasing the BBCC will obviously increase the demand by other community groups to use other venues. So the problems we already face will worsen, and costs will probably rise. We really do need to retain access to the BBCC.

One other point I would like to make is that this year we have conducted a total of 1729 hours for our classes. In most cases, our tutors would have put in at least another hour preparing for their classes – so let's estimate that they provided a total of 3000 volunteer hours. On the latest ABS figures, each volunteer hour is calculated to be worth \$41.50, so that means that U3A alone would have donated services worth about \$125,000 to help the people of Eurobodalla maintain their physical fitness and mental health. We really do need to retain access to the BBCC if we are to continue to provide this level of community service.

Finally, I must say that there are many reasons why communities need to have a Community Centre. Basically they are needed so that people can gather together to discuss issues of common concern, to hear other people's opinions about things which should be done to improve community life, and to serve as a venue for the multitude of activities which different interest groups pursue. We see it as a basic responsibility of councils to maintain Community Centres, in order to enhance community well-being. In times of pandemic this is more than ever the case.

I therefore urge councillors to vote in favour of Councillor Mayne's motion. Thank you.

Presentation by Tom Slookee
Aboriginal Community leader Re; Batemans Bay Community Centre.

Thank you for your decision to engage with SEARMS Aboriginal Corporation to lease the Batemans Bay Community Centre.

ESC has been a supporter of Aboriginal People in the Eurobodalla for many years. I was the first Aboriginal Councillor elected to the ESC and I have witnessed the increase of Aboriginal cultural awareness and ongoing appreciation and realisation of the importance of Aboriginal people and culture in the projects and activities of ESC.

Council has a history of advocating for Aboriginal people in the Eurobodalla

Your own ESC Aboriginal Action Plan 2020-2024 is a statement of Council's ongoing commitment to influencing and improving outcomes for Aboriginal and Torres Strait Islander residents in Eurobodalla Shire.

The plan provides Council with the opportunity to build on existing programs and develop new ones that help ensure Aboriginal people can avail themselves of the opportunities available to all members of our community.

Your four key aspirations from Community Strategic Plan are;

Friendly

We make balanced decisions that benefit current and future generations

Responsible

We make balanced decisions that benefit current and future generations

Thriving

We are successful and sustainable in growth and development

Proud

We build community spirit and our Eurobodalla leads the way

I believe that leasing to SEARMS fulfils the aspirations set out above.

I ask respectfully that you confirm your decision to lease the Batemans Bay Community Centre to SEARMS Aboriginal Corporation. I believe that the decision is in accordance with your value statements about supporting Aboriginal people and organisations.

SEARMS is a community organisation. We serve the community by caring and looking after many Aboriginal people who are in need of housing and other social supports.

We provide a home for the families and maintain the properties for the Aboriginal People in the Batemans Bay, Mogo, Bodalla, Narooma and Wallaga Lake areas. We provide a housing option that is culturally appropriate, affordable, secure and responds to local community needs and supports the tenants and families.

We engage and immerse ourselves in the community and we surround ourself and share life with people who are dedicated to bettering the circumstances for Aboriginal People whose lives are

suffering generation trauma and many social issues like mental health, chronic health, substance abuse, depression anxiety. Our people also experience prejudice and discrimination which has a damaging affect on our people.

We work with community people who have a unique sense of purpose to improve conditions for the families now and into the future. Providing our people with a place they can call home and caring for people helps to unite the community and bridge some of the social, economic gaps.

SEARMS is extremely beneficial, both for families and the community. We are a service provider that gives people a sense of hope and purpose and brings opportunities to plan for the future (our next generation).

We work alongside other Aboriginal and other Australians from different communities, who also care about community development and cohesion. We are passionate about advocacy, human rights and helping or supporting the homeless.

We are owned and controlled by the community, our Board is make up of Community members who have a long and committed history of community involvement. They are also Aboriginal Elders and leaders who are respected, involved and imbedded into the different communities.

We want to create stronger and more connected communities. We believe in the principles of empowerment, diversity and inclusion, social justice, self-determination and collective action.

We are committed to support the various charitable services that have used and operated out of there for years. We want to join forces and serve the community together.

We want to continue the developing of a hub for community and family gatherings, community connectedness and opportunities for cultural exchange.

I was the founder and current Chairperson of SEARMS and I have been establishing and giving management and leadership to develop and deliver community services for years.

The am a community leader and activist and have represented the community over the years. I have helped many a disadvantaged and hurting people and families over the years through my caring and active participation and commitment to bring a active volunteer.

We want to work together to further create the Batemans Bay Community Centre as a gathering place.

Yes it will include an organisational base for service delivery but we are here to serve the community.

I also see great opportunity to highlight the local Walbunja culture which will benefit the wider communities. The gathering place will highlight the Aboriginal custodianship, heritage, history, and association of the Walbunja (Dhurga language) area.

Also the lease will allow SEARMS to renovate our current offices into disability housing. There is a great need for Independent living disability housing and SEARMS is communicating with disability service agencies to provide more housing for people with disability.

Thanks for listening.

My name is Henk Roubos. I am here to speak on behalf of Dr Sue Mackenzie, President of Perfex, for the motion - NOM20/009 - to rescind the motion to lease the Batemans Bay Community Centre,

Unfortunately, the history of Council machinations over the BBCC over the last few years has been fraught with issues. And now it appears the process of leasing considerations for the BBCC is also flawed, with lack of consistency, transparency and integrity.

For instance:

Several community groups – individually or as a consortium - would have put in a bid to manage the centre had they known the rent of the BBCC was to be at community rather than commercial rates. This option was not made clear or available in the first instance.

In fact, the option to lease the community Centre in open process was never offered to wider community groups. Thus the process so far smacks of selective preferences, rather than equitable process, and is very concerning. There is also the matter of a prior statement by Council's GM:

The General Manager advised the Batemans Bay community in writing in May 2019 that she *"cannot give you any long term assurance on the future of the Batemans Bay Community Centre (BBCC), other than that which I have previously provided – namely that Council has not made any long term decisions,"* adding *"The BBCC will need to remain open to the community until the new Aquatic, Arts and Leisure Centre (AALC) is constructed and operational."*

This was at least a more sensible business decision, considering the projected increase in our population will mean more community services are needed in the future, not less. The word of the GM is now being ignored and overridden by Council.

The GM went on to say: 'Maintaining the existing facility would duplicate functions and add operational costs while removing potential sale or lease options, including the revenue arising from such. This would have the effect of inadvertently increasing the operational cost of the AALC and deprive that centre of a potential source of income, therefore compromising its affordability, including the theatre.' 17th May 2019, Dr Catherine Dale to Dr Sue Mackenzie (Reference: E12.6442; E17.1041-28817; 34827.19)

The GM's comments imply a judgement of relative value, implying a theatre is of more value than a Community Centre, those who use it and the activities within it.

This is presumptive and insulting to all those volunteer groups who have so worked tirelessly to support our community through bats, fires, floods, Covid, and Mpark causing such stress and debt; severe disasters, especially in an ongoing demographic skewed to aging and the under-employed. Taking our Community Centre will cause further divisions and stress our social cohesion even more.

Both entertainment and community activities need to be valued for their respective roles; so, too, Qango organisations and volunteer groups.

Space needs to be made for all facets, without penalising others. We need a level playing field, and open and transparent dealings.

Once Council decided to go back on their word to at least keep the Community Centre open to the community till Mpark was completed and operational, the full terms and conditions of the potential lease needed to be made public and open to all community groups in a timely and useful manner. Then all interested bodies would have the time and information to be able to assess possibilities, and apply if interested.

Therefore we support the rescission motion brought by Councillor Mayne and request the following:

Offer the option of leasing the BBCC to all community groups, including disclosing all terms and conditions.

Failing that,

- give back the BBay Community Centre to its community, without reservation, and guarantee its operation as it was before the ‘unsolicited requests’ came into play, for at least five years after MPark opens. This would enable us to assess and balance community needs and the use of both centres on an actual, rather than hypothetical level, or
- at least keep the word of the GM, to keep the community centre open to the community until MPark is completed and operational, as stated.

Thankyou.

Bernie O'Neil

A Better Eurobodalla (ABE) Presentation to the Extraordinary Meeting of Council on Thursday 17 December 2020 Supporting Councillor Mayne's Notice of Motion NOM20/009 Regarding Bateman's Bay Community Centre

Good morning. Thank you for the opportunity to address Council and the community this morning.

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 expects that before governments, at any level, make decisions that will impact their communities, they will undertake broad and meaningful consultation, listen to and share expert advice, and proceed using a transparent decision-making process so that the community understands who makes decisions, when and why.

ABE has applied these principles to the issue of the Batemans Bay Community Centre (BBCC), which leads it to support Cllr Mayne's Notice of Motion NOM20/009 to rescind Council's recent decision to lease out the Batemans Bay Community Centre and instead maintain the centre as it is currently being operated; with a review of those operations and functions being undertaken after the completion of the Batemans Bay Aquatic, Arts and Leisure Centre.

ABE notes the following aspects in support of this position:

1. The Eurobodalla community have been significantly impacted by natural disasters of bushfire, drought and flooding, as well as the COVID-19 pandemic, meaning that Council's community service and support responsibilities are now more important than ever.
2. Expert advice tells us that strong community connections are a key to recovering from disasters such as the bushfires and COVID-19, and the decision to lease the Batemans Bay Community Centre will impact a wide range of community groups, including Meals on Wheels (reference our previous submission on this subject).
3. The Batemans Bay Community Centre is an important facility contributing to community service, cohesion and integration. It has a central location in the Shire's largest urban centre. No other facility offers the same utility as this Centre.
4. The public forum presentation on 8th December by Kim Sinclair, the CEO of SEARMS, Council's apparently preferred lessee for the centre, provides important new information which further strengthens the case for not proceeding with the lease of the Batemans Bay Community Centre at this time, as the process has been characterised by a lack of transparent communication.

5. Ms Sinclair's presentation indicated that SEARMS would not be paying a commercial rent for the Centre, and would also be sub-leasing parts of the centre to other groups. Neither of these aspects were mentioned in the Expression of Interest specifications advertised by Council on 18 September 2020. If they had been, it is possible that other potential not for profit lessees would have come forward, including community groups currently using the centre, such as Meals on Wheels who have publicly indicated they would have considered the proposition of leasing the centre if they had known it could be at a non-commercial rate. All potential lessees should have been made aware if the ground rules for the process had changed so that they could make their decisions in a fully informed way.
6. If Council must go about leasing a community facility in order to gain additional income, it should apply the principle of "minimal community disruption", and lease one of its other underutilised facilities that will impact fewer community groups than the current lease proposal for the Batemans Bay Community Centre.
7. Importantly, the decision to lease the Batemans Bay Community Centre prior to the opening of the Batemans Bay Aquatic, Arts and Leisure Centre runs counter to advice previously given by the Eurobodalla Shire Council General Manager to community groups that they would be able to use the Batemans Bay Community Centre until the new Aquatic & Leisure Centre was complete and operational. This lack of adherence to formal Council advice is poor administrative practice, dishonest and undermines community trust and cohesion in these troubled times.
8. Under these complex circumstances, ABE considers that Councillor Mayne's rescission motion provides a useful "circuit breaker", which allows all stakeholders to reassess their positions and as well as providing a definitive timetable over which decisions and any required adjustments can be made. It provides a welcome element of certainty in very uncertain times and this will assist community recovery.
9. In particular, ABE welcomes Cllr Mayne's suggestion in NOM20/009 that a facilitated engagement process with our community should be undertaken regarding this issue, in order to identify a way forward which helps build and enhance our community on the South Coast.

The above circumstances reflect poor administrative practice, lack of transparency and meaningful consultation, and are at odds with informed advice regarding effective post-disaster community recovery practices. As a consequence ABE supports Cllr Mayne's Notice of Motion NOM 20/009 to rescind Council's recent decision to lease out the Batemans Bay Community Centre, and instead maintain the centre as currently being operated; with a review of those operations and functions being undertaken after the completion of the Batemans Bay Aquatic, Arts

Bernie O'Neil

and Leisure Centre. This is an opportunity for elected Councillors to prove their commitment both to the community and to good public administration.

Thank you for your attention.

Bernie O'Neil
Co-Convenor
A Better Eurobodalla
15 December 2020

EXTRA ORDINARY MEETING THURSDAY 17TH DECEMBER 2020 – NOM 20/009

Trish Hellier north Batemans Bay

Good morning Mayor and Councilors – I hereby support this rescission motion that is being put forward today following from the Council Meeting 8th December 2020 - NOM 20/009.

Councilors you may have noticed I have not actively entered into this issue apart from signing the petition which acquired approximately 1000 signatures and attending the handing over of the petition to Clr Anthony Mayne.

The reason why I have not participated is I was of the belief that you the Councilors would do the right thing by the residence of Eurobodalla and those current users of the Batemans Bay Community Centre especially given the history of how this centre was acquired. I also understood that there was to be no action taken that would affect the current users of this centre and this would be reviewed when the new aquatic centre at McKay Park opened.

The current system is working therefore “if it aint broke why fix it”. Why should these various groups have the upheaval of having to find other premises especially given the Community Centre is central to the many other facilities within the CBD and many of the people within these groups are from the older sector of the community.

I have attended many meeting at this centre which included meetings with our local member Andrew Constance.

In listening to the Live Streaming of the last Council meeting and hearing the words “other facilities that are available and underutilised within this shire”, WELL Councilors I believe that those that have approached Council to lease Council Buildings within this shire they should be directed to these facilities that have been stated are underutilised and allow the long standing community groups remain at this this facility

The Batemans Bay Community Centre was purpose built and should remain as such!!!

If this rescission motion is not successful I employ Council to include in the conditions of the lease that the public have access to the toilets within this facility during opening hours of the facility

At the Council Meeting on the 8th December Director Arthur addressed issues in relation to public toilets, Councilors you are aware of my attempt to have an upgrade of the toilets at Albert Ryan Park as I was aware that the public toilets both north and south of the current Batemans Bay bridge were to be demolished due to the construction of this ill placed ugly concrete monstrosity that is now to be the gateway to the northern aspect to this shire.

Councilors we are about to embark on what many consider a “bumper tourist season” and we have 2 ladies toilets at ARP and 3 ladies toilets at the fore shore shopping precinct, there was a suggestion that there are public toilets in the shopping centre precinct, it is unrealistic to expect tourist to drive around trying to find a car park at shopping centres and then look for public toilets it must be realised “when you gotta go you gotta go”!!!

Trish Hellier.

Subject: community centre

Dear Mayor and Councillors

Eurobodalla Coast Alliance has asked me to advise that it strongly supports the proposed rescission motion put forward to postpone any withdrawal of the Batemans Bay Community Centre from the existing users and the broader Eurobodalla community.

As well as providing an important facility for regular use by a number of community groups the Centre has also been an extremely useful venue to assist community involvement in Council and State Government activities, including local Members of Parliament.

ECA believes this role should continue and is opposed to its alienation from the broader community as appears to be planned.

We trust you will all endorse the proposed rescission motion and preserve this important community asset for all to use.

Regards

Russell Schneider AM

President Eurobodalla Coast Alliance Inc.