

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 12 July 2016

Name	Subject/Comments
Public Access Session – 9:30am	
Nil	
Agenda Items – 10.00am	
Cate McMath	PSR16/028 Draft Community Plan of Management – Re-categorisation and Lease of Community Land – Melaleuca Reserve, Catalina (Muddy Puddles)
John Wakelin	PSR16/028 Draft Community Plan of Management – Re-categorisation and Lease of Community Land – Melaleuca Reserve, Catalina (Muddy Puddles)
Renee Baker	PSR16/028 Draft Community Plan of Management – Re-categorisation and Lease of Community Land – Melaleuca Reserve, Catalina (Muddy Puddles)
Dr Sue Mackenzie	PSR16/028 Draft Community Plan of Management – Re-categorisation and Lease of Community Land – Melaleuca Reserve, Catalina (Muddy Puddles)
Primi Thompson.	PSR16/028 Draft Community Plan of Management – Re-categorisation and Lease of Community Land – Melaleuca Reserve, Catalina (Muddy Puddles)

Proponent for re-categorisation of Melaleuca Crescent
Council Meeting 12 July 2016

Cate McMath, parent and CEO of Muddy Puddles

Thank you for the opportunity to address this meeting on behalf of Muddy Puddles. I have been employed at Muddy Puddles since November last year. From the moment I met the Board of Muddy Puddles and heard the story of how Muddy Puddles came about and what it aims to do, I was impressed. The people who were involved in getting it off the ground and those still involved in a voluntary capacity to realise the aim of providing more quality services to children with a disability are inspirational.

Today I speak to you as a parent of a child with a disability and as the person tasked with the responsibility of establishing Muddy Puddles as the provider of choice in the Eurobodalla when it comes to education and therapy services for children and young people.

I don't think anyone involved in this discussion doubts that there is a great need for the service that Muddy Puddles is providing. My 16 year old daughter has an intellectual disability and will directly benefit from the capacity building programs that Muddy Puddles offers. I want my daughter to have the support and skills she needs to actively participate in the community and have the same chance as her peers have in living a good life.

Our family relocated to Batemans Bay just under a year ago to be closer to extended family and to enjoy all the positives the South Coast and regional living offers. Coming from Melbourne we were used to quality therapy, education and medical services close by. It was a bit of a shock when I started hearing stories from families that couldn't access the services they needed for their children. The stories of long waiting lists and lack of specialist providers. I don't believe this has to be a bi-product of life in a regional area.

Muddy Puddles will help to address these pressing issues facing families with children with additional needs. I am thrilled to be part of an organisation that can assist in supporting these families to get the best outcome for their child and their family unit. In order to provide the programs and services to improve the lives of these families, we need to be operating from a central base, fit-for-purpose and close to other facilities aligned with the child's natural environment.

We are fortunate to have been offered a building to run our operations from on a temporary basis. This building is in the industrial area and has some access issues for children with mobility issues so while it's been great to have somewhere to provide services from, it is not ideal for our clients. If Muddy Puddles is to succeed in building a sustainable service for the Eurobodalla community, it must have a permanent home that is purpose-built and able to meet the needs of a range of age groups and offer a broad selection of services.

The site at Melaleuca Crescent was the only viable site offered by Council and it suits our needs well as we have outlined in submissions to Council and in responses to the opponents

of the re-categorisation. The site is in a prominent location, accessible by car and public transport and close to other educational facilities. Located in Batemans Bay it is convenient for existing clients, service partners who will need to travel from cities and towns outside the region and for our support base whose commitment is essential for the success of Muddy Puddles. It is our belief that the site would be better utilised with a therapy and education centre located on it for the use of the entire community. We are not taking away a park, but enhancing it.

Muddy Puddles is a not-for-profit organisation. At this stage in our development we rely heavily on volunteers and funding from grants and donations to provide services. Service provision will eventually be supported by the NDIS but it will take some time for these funds to filter through and be a reliable source of income. Our limited resources need to stretch a long way as we are still setting up our service and have operating costs that have been exacerbated by the introduction of the NDIS. We simply can't afford delays and distractions that take our attention away from our core business of service provision and building the framework to support these services. I mention this as a significant amount of my time and the organisation's resources over the past few months have been spent on responding to the arguments made by a small but vocal group of opponents to the re-categorisation.

Families have been missing out on a service like Muddy Puddles for too long. We hope they will not have to wait much longer to have a centre where they can come for information, support and family-centred services that will enable their child to develop skills for a good life. This re-categorisation is necessary and the Muddy Puddles development aligns with the Eurobodalla Shire Council's proactive promotion of this region as an inclusive and accessible destination.

Thanks for your time this morning.

JOHN WAKELIN

Notes to support the proposed Muddy Puddles Development at Melaleuca Cres. coming before Council on the 12th. of July 2016.

Introduce myself, my role with M P and my thoughts on special needs and why this type of service is essential.

Why Melaleuca is such a great site for M P to build the education and therapy centre. What it will contribute to the community against what it may take from the community.

How in time M P will cater to the needs of the whole of the E S C area with both outreach and a satellite centre.

M P has had enormous support from the majority of the community and I guess we could have galvanised that support and bombarded the media and Council ourselves however we thought it best to stick to our aim of getting on with the job of supporting those families in need.

As you are aware there has been a small but vocal minority that oppose the use of a portion of the melaleuca site for our purposes and this is fair enough they are entitled to their views however we do take exception to the tactics employed especially when there has been a gross misrepresentation of M P and our work to date and what they think it will constitute in the future. This misrepresentation has been unfair, hurtful and has to some degree damaged the reputation of M P.

Thanks for your time and attention today in listening to our submissions and trust that it has been some help in guiding the decision you make today.

Good Morning,

My name is Renee Baker, I currently reside in Catalina and am a mother to two young children.. One of which has complex and complicated medical needs.

I am here today to support the re-categorisation of a section of the Melaleuca Reserve from 'park' to 'general community use' so that Muddy Puddles can lease the land to build an education and therapy centre for children ages 0 to 18 years.

I wanted to speak from the point of view from a mother, a mother who will do anything for her child to access the therapy he needs.

As you may or may not be aware, children under the age of 6 with a developmental disability require early intervention to help the outcome of their adult life. In the Eurobodalla, this is extremely hard to come by. In the early days I drove to Narooma, to Moruya, Ulladulla, Nowra, Wollongong, Canberra and Sydney just to access services. Some of these services I would drive a very long way then turn around and come all the way home. Our Sydney services I would stay up to a week at a time.

As you might imagine, this was tough on our family. Imagine being in my shoes, with an intellectually disabled toddler that also would at any point have seizures. Add to that I also had a baby and I was exhausted. It wasn't easy and if the services were available in our local area – my life would have been so much easier. My story is not unique in any way shape or form.

To have a service that offers education and therapy in our local area is a dream for many parents like myself. For years we have wanted this to happen – and looking at the plans for the new development in Catalina, it's a dream come true.

Having the preschool next door to this development is a massive drawcard, especially in terms of early intervention. The preschool already has a very good reputation of working with disabled children and supporting them. Having this development next door will be fantastic for parents of children attending the preschool as they won't require large amounts of travel. This will help many families – especially those of whom are working.

The fact that the centre will have a playground attached is a huge bonus. While it may not seem like much, but having a space to play before or after a therapy session can mean a lot to a child who isn't able to cope and requires downtime.

After early intervention at present there isn't a lot of support for children after they turn 7. Muddy Puddles have committed to work with children until they turn 18 which is amazing. There really isn't many disability centres that offer support for children of all ages.

Another wonderful aspect about the centre is it's also only a few minutes away from the high school – high school children attending the centre will be within walking distance to receive therapy and education services.

The location in Catalina is a quiet space, and in my honest opinion a very unused one too. My son attends a support unit in Moruya and during the school term I drive past the park at least 4 times a day, both in the morning and in the afternoon. Only on the very rare occasion have I ever seen anyone actually using the land, and on the rare occasion they do it's a family playing at the children's park – the park in which will be built upon and made better.

When I started putting pen to paper about this speech and what I would say I decided on Saturday night to go onto a local Facebook page and asked the community via a poll whether they supported the land being used to build a disability facility or whether they would prefer it was left as it is now. I did this because this is my generations main form of community communication and connection.

Within a matter of a couple of hours I had 100 comments saying that they support the building and even had one member comment that they actually live in Merimbula, and travel 7 hours for services but were so excited of the prospect of a centre only 2.5 hours away. Out of people that commented only 1 person didn't fully support the centre, but not the centre itself.. the location. That's one person out of 100. One percent . Sunday night I closed the poll and a whopping 209 people had voted, 206 of which supported the development. To me that speaks volumes. My generation and our children can see the value in this building and can see the parks potential..

That's the thing I ask you all to consider. Long term gains and the generation that this development will go towards helping. I recently stated in a newspaper article that what do you gain from leaving this park as it is.. it's a piece of land that people drive past, sometimes walk on. You may once in a blue moon pull out a picnic rug and sit and eat your lunch. That's all it will remain year in and year out. 20 years from now it will remain the same.

What do you gain from allowing this land to be built upon for this development?

You gain achievements, you gain goals, you gain a life, you gain employment, you gain confidence, most importantly you gain HOPE and the gain a future. And as a parent of a disabled child that watches her son struggle with the most basic of tasks so many take for granted – those things means the world.

In our shires disability action plan it's noted that 19% of our shire has a disability of some kind. 6% of which are profound. That's actually higher than the national average.

And in our action plan it states ' we wish to foster a community where participation and contribution of people with a disability is welcomed and valued. This promotes a positive image of people with a disability and their inclusion in the broader community'

Im here to ask that you all recognise the need for this centre.

Listen to your action plan - We need this development now, in-fact we needed it yesterday.

Catalina is a wonderful space for this brand few facility..

Please don't keep putting off the development that our shire so desperately needs.

Our most vulnerable children and teenagers, along with their parents need and deserve it.

Thank you.

Lets be clear.

This is **NOT** about Muddy Puddles.

This could well be an applications from a Junior Soccer Club, or a Dog Training group.

Would we have a different stance? **NO**

Would you/ Council????????

The central flat open area of the Reserve is usable and used neighbourhood park space. That is what **already belongs to the community**. This is what we want to **keep** for the community.

We are willing to have the South East corner used by a worthy community cause, but **not** the whole lot!

July 12th Council meeting re proposed recategorisation and leasing of Melaleuca Park.

Today you are going to vote on the fate of a park and the siting of a building in that park. I would urge you to consider the part this small park plays in providing diversity and neighbourhood access, and its part in the larger balance of the built and play areas of the Bay, now and for our grandchildren.

You may support its vitality. You may also opt to **diminish the balance of flat neighbourhood playing areas to nil**. Your vote will reflect your appreciation of the role the environment plays for community connection and inspiration.

You will also decide a compromise between community space and where a building will fit into that.

What will your vote say of you today?

It's a big issue. There are several aspects:

The Service

We at no point question the worth of the services that MP propose to offer. We have been told the Bay area needs disability services, yet other disability services, such as a similar facility in Catalina operated by *Life Without Barriers* has closed.

We know that the capital for this venture is secured but their operational funding is uncertain. Where is the **additional funding coming from for ongoing costs** associated with the running of this facility? As you are aware, Councillor Gabi Harding has put this question to MP and their reply is that **they do not really know**.

Therefore the question needs to be asked as to why Council has not insisted on a business model from MP to be part of the equation for their proposal.

I therefore request that Councillors **defer any decision** on the future of Melaleuca Reserve at this stage, until Council receives evidence that MP has the financial capability and funding required to successfully operate their proposed facility on an ongoing basis. **Will your vote support this?**

We may well end up with a building that could possibly sit idle or empty, wholly or partially; one that does not fully operate because the organisation is not operationally funded. We should answer the questions before handing over this resource: who will be responsible should this building and valuable intended service not be operationally sustainable?'

On p.59 Should the *business change* from a community not-for-profit enterprise, then rents would be adjusted to a fully commercial basis.

The question arises – why does a potentially commercial enterprise have the right to take/be given a community asset?

N relation to p53 point 4(ii) Annual rent for the land commence at 1.5% of the unimproved capital value (UCV) of the land, increased to 2.25% UCV at year 10 and 3% UCV at year 20

with annual increases in line with the CPI for the intervening years. (How can these calculations be made on parkland?? This sounds like a peppercorn rent – is Council being short-changed?)

And for this the community would have lost part or all of a park. How shall we get our park back? **How will your vote address that?**

Environment and community well-being

It is well-known and part of best practise to increase neighbourhood parkland so that there is one within 500m of each house? **How will your vote support that practice?**

The proposed recategorisation covers the whole designated park area bar the drain and road easements/areas; it offers a 'blank cheque' to further incremental incursions into the open centre of the park – the part most used by residents. **What guarantees do the community have of that central section remaining in community hands for the use of all of the community into the future, and for our grandchildren?**

This little park, Melaleuca, still records some of the link between people and nature, with a dry bush strip up one end, a gully drain, often filled with water, a childcare centre up the other, and a wetland and creek beyond that. *In the centre is a clear, tree-rimmed space. Across the road the creek continues to the sea. It gives a pattern in miniature of a peaceful and inclusive transition from nature to a built environment, and I take my grandchildren there for that pattern to be embedded, and I thrive on that pattern each time I go by.*

When we are deprived of the rhythms and patterns of nature, its transitions and ebbs and flows, we, as humans, lose those patterns in ourselves, and so lose the capacity to blend and live with our earth, and each other.

What is the larger vision of the Council and community in relation to neighbourhood park spaces and the balance of parks that optimises community health and well-being? **How will your vote support that?**

Protocol and transparency

Inclusion of the plan of the proposed buildings in the vote **implies**, or at least gives an **expectation**, that approval will be given to the first stage of the proposal **and** the proposed extension, at an indeterminate time. This flies against your own policies and rules. **How will your vote reflect your stance on that?**

- Until we saw it in the agenda report, we had never been offered the information that either Council or MP had considered alternative sites. Although several alternate sites were identified by our group, each of these suggested sites were been rejected by Council staff. This is disappointing as we have and continue to be coming from a place of compromise, conciliation and acknowledging the value of the Muddy Puddles facility.

Had MP proposal been put to the public when the negotiations began over a year ago, or included interested parties we could very well have a different outcome today, and less residue of mistrust.

You will hear the words of Reverend Tom Slookee, Aboriginal Elder, Walbunja People, today, who has asked that his words be read out to you; words echoing love of the land, but also affirming that it is the responsibility of Eurobodalla Shire Council to create a future for its community in this regard.

How will your vote reflect your stance on this?

So now we are come to this. We are proud that a possible compromise has been worked out. That the community-favoured portion of the park **may** be left clear for all people to use; to re-create; to rest from a built environment; to enjoy time with nature and the great sky and trees. That MP will have a lovely setting for their work.

How will your vote reflect your values on this?

There is still room for adjustment:

Our position is that any buildings do not extend north past the existing play structure present position, so that the centre of the park remains clear, and the view across George Bass Rd remains unimpeded.

If you are not prepared to find an alternative venue (☺), we ask that **only** the area within the red line of ATTACHMENT 1 (p.81), or only the area south of the present site of the existing play structure, be recategorised, to ensure a future flat area of neighbourhood park for our children, and ensure community ownership and access.

We ask that you insist on a compromise design that adapts to minimise incursion into the central open area. The carpark could become a free-form or different shape, such as an 'L' shape for instance, and so fit between spaces that an arbitrary rectangle prohibits.

As Jeff Morgan has written: Notwithstanding, should the re-categorisation be approved with the concept of the centre & carpark in the south east corner, we would try to ask the NSW RFS to vary the bushfire setback to less than 50m. (Email from Jeff Morgan)

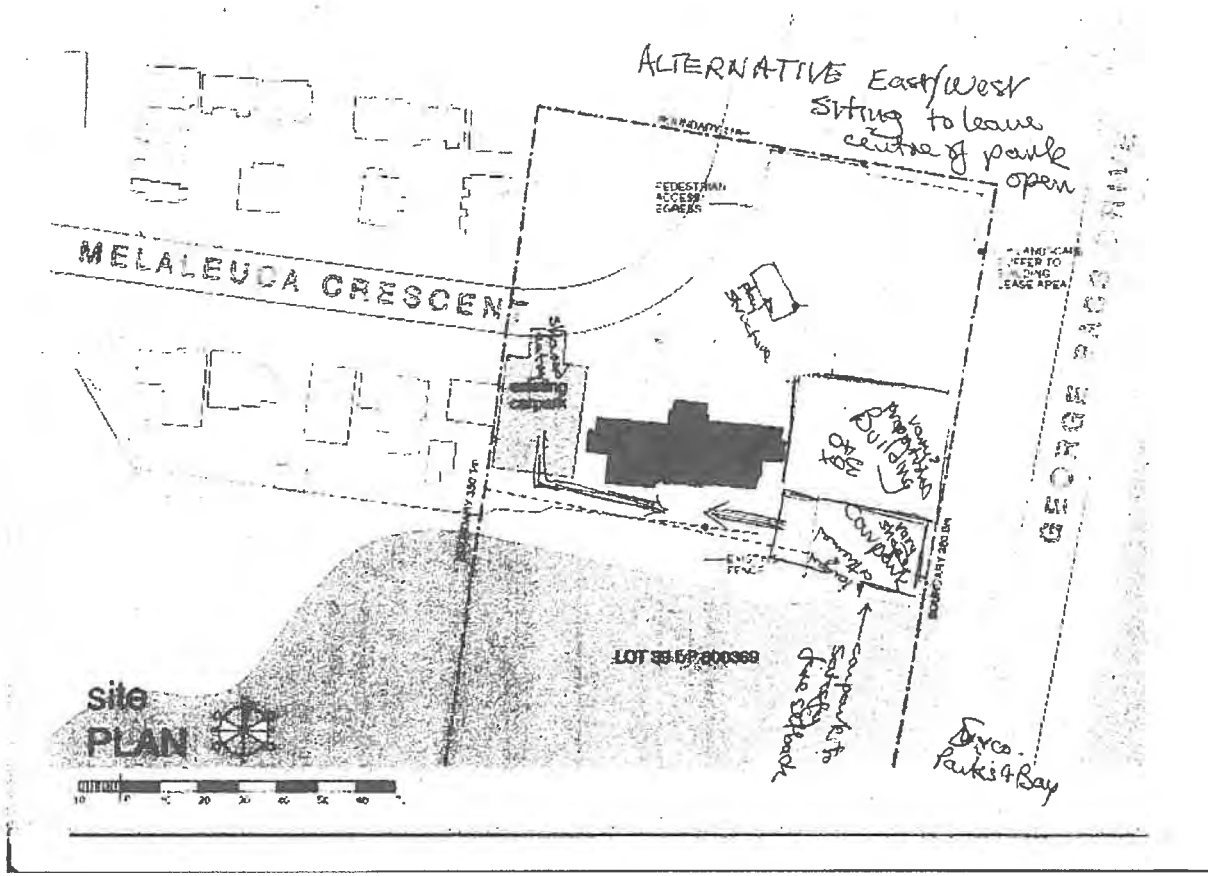
Essentially MP needs to fit what is allocated to them rather than what they plan. After all, which is the tail and which the dog??

How will your vote reflect your stance on this?

And, lastly:

Since the council has **already resolved to re-categorise the park last February** (as stated in your executive summary for today – why are we here today? Has the process been a mockery of community consultation? May it even be illegal since the community input process was not even started then?!) **What will your vote say on that?** (Council **resolved at its ordinary meeting held on 23 February 2016 to amend the Catalina Reserves and the Hanging Rock Boat Ramp Car Park Reserve plan of management to recategorise part of the land at Melaleuca Reserve (part lot 39 DP 800369) from park to general community use. The purpose of this is to permit**

the lease of part of the land to Eurobodalla Education and Therapy Services Limited, trading as Muddy Puddles, for the establishment of an educational therapy centre for children with a disability. The re-categorisation and intention to grant a lease...)



**PSR16/028 DRAFT COMMUNITY LAND PLAN OF MANAGEMENT -
RECATAGORISATION
AND LEASE OF COMMUNITY LAND - MELALEUCA
RESERVE, CATALINA**

E03.7447 REPORT TO ORDINARY MEETING OF EUROBODALLA SHIRE COUNCIL
HELD ON TUESDAY 12 JULY 2016 **Page 53**

RECOMMENDATION

THAT:

1. The Catalina Reserves and the Hanging Rock Boat Ramp Car Park Reserve plan of management is amended to re-categorise part of the land at Melaleuca Reserve (part of lot 39 DP 800369 **that is south of the existing play structure site**) from park to general community use.
2. The ~~future~~ **proposed** educational therapy centre, carpark and access, **if approved**, be sited to the south and east of the reserve, **south of the position of the existing play structure** to minimise the impact on the existing playground and open space area.
3. The Minister for Local Government's consent be requested to grant a 30 year lease to Eurobodalla Education & Therapy Limited, trading as Muddy Puddles, for the establishment of an educational therapy centre for children with a disability.
4. Subject to consent from the Minister for Local Government, a lease of part of Lot 39 Deposited Plan 800369 be granted to Eurobodalla Education & Therapy Limited, trading as Muddy Puddles, for the establishment of an educational therapy centre for children with a disability with terms and conditions including :
 - (i) Term of thirty years **if the organisation remains a not-for profit disability service. Otherwise the lease lapses.**
 - (ii) Rent for the lease to be based on the unimproved capital value of the land as long as the activity is on a not-for-profit basis
 - (iii) Annual rent for the land commence at 1.5% of the unimproved capital value (UCV) of **a similar area of residential land in the same street** ~~the land~~, increased to 2.25% UCV at year 10 and 3% UCV at year 20 with annual increases in line with the CPI for the intervening years.
 - (iv) All costs associated with the lease and construction of access to be borne by the Lessee.
 - (v) Insurance to be held in accordance with Council policy.
 - (vi) Council to have no responsibility or liability in regard to the security of the site or vehicles parked.
 - (vii) Land cannot be used for any purpose other than an educational therapy centre for children with a disability ~~without consent of Council.~~
 - (viii) Consent be given to affix the Common Seal of Council to the Lease of part of Lot 39 Deposited Plan 800369.

Intention to amend the Catalina Reserves and the Hanging Rock Boat Ramp Car Park Reserve Plan of Management for part of Melaleuca Reserve, Catalina, being part of Lot 39 DP 800369, to re-categorise part of Lot 39 DP 800369 from park to general community use and to then grant a thirty year lease to Eurobodalla Education & Therapy Services Limited, trading as Muddy Puddles to use part of Melaleuca Reserve, Catalina, being part of Lot 39 DP 800369 for the establishment of an educational therapy centre for children with a disability.

Is re-categorising part of Melaleuca Reserve, and allowing Muddy puddles to erect a building on this low-lying land a good idea?

As I see it, it is yet another proposal to take a public park from the people of Eurobodella, and, perhaps more importantly, it is a proposal which blatantly ignores the flood risks associated with the site, creating future hardship for the community.

On Council's website under, *How is Council planning for sea level rise?* the following statement appears: "We have met our legal responsibility to consider sea level rise by adopting the "Interim Coastal Hazard Adaptation Code, 24 February 2015." This Code is a document that the council is legally obliged to produce, with the objective of informing planning and development decisions in the shire. It is put forward as the document which, in the absence of a finalised code, should be used to inform current planning decisions in the shire.

Also, NSW Planning and Environment *Local Planning Directions*, in instructing local councils in developing new Local Environment Plans, require that "Hazard and Risk" should be addressed in an LEP. I have not seen that the inundation risk posed by building in Melaleuca Reserve has been addressed in relation to either of these substantial pieces of legislation.

The area which encompasses Melaleuca Reserve appears on Council's website under "Coastal and Flooding Considerations." It is part of the drainage basin of Joes Creek. Its boundaries are well inside the at-risk area known as the Investigation Zone, identified and mapped in the ESC Interim Coastal Hazards Adaptation Code. In making a proposal to allow building construction here, Council is not only contravening some of the guidelines in its own Code, but it is also introducing a significant future economic risk to *Eurobodalla Education & Therapy Services Limited*, as well as compounding the already immense environmental problems which Batemans Bay will face due to rising sea levels in the not too distant future.

Being in the Investigation Area, any building application, such as that proposed for the Muddy Puddles organisation, will be a complicated and extended process. Or perhaps Council is going to allow it to be classified "exempt development"? The policy of "flood avoidance", recommended in the Codes is obviously not being observed in this case, therefore will "flood mitigation" be required in any development put forward by Muddy Puddles?...this involves building up...a significant problem if disabled children will be accessing the building!

I ask Council, why, when all responsible government bodies are moving strongly to avoid future flood disasters, are the Eurobodalla Shire Councillors still ignoring the science of sea level rise? Even considering a flood prone area for development seems inexplicable, especially when there are so many sites which would be more suitable for the Muddy Puddles facility.

I call on Council to show responsible leadership by following its own Interim Coastal Hazards Adaptation Code, and to show respect for the people of Eurobodalla by retaining their public parks, which they value greatly. This love of the parks was demonstrated recently by the public outcry about selling Albert Ryan Park.