

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 11 April 2017

Name	Subject/Comments
Public Forum – 10.00am	
Robert Loftus	QON17/002 Dog Recreation Venues
Owen Cartledge	GMR17/010 Delivery Program Review - Citizens' Jury
Allan Reefs	PSR17/016 Draft Emissions Reduction Plan
Lei Parker	FBD17/023 Tuross Head Progress Association – Fees for use of Kyla Park Hall
Gary Cooper	FBD17/023 Tuross Head Progress Association – Fees for use of Kyla Park Hall

Agenda item, Eurobodalla Shire Council meeting 11th April 2017.

Good morning, Deputy Mayor, Councilors, General Manager and Council Staff, I would like to speak on agenda item: QON17/002 **DOG RECREATION VENUES**

I attended the meeting on the 28th Feb. 2017, where a number of sites, including the Pony Club grounds, were discussed and a number were shortlisted for further consideration by Council.

The provision of “dog recreational and dog training facilities in the Batemans Bay area” includes a number of separate issues that need to be addressed by Council. Namely:

- (1) A secure area to exercise and socialise pet dogs **off-leash** to be available “**at all times**” as is required by the Companion Animals Act. 1998. Considering the demographics of the Shire it would be considered reasonable to locate one in the Batemans Bay area.
- (2) Likewise, dog training facilities are also urgently needed in the Batemans Bay area, this should be a separate shared-use facility.

There is another very important issue regarding “dog recreation venues” that also needs to be addressed by Council, that is the total lack of “**on-leash dog recreational venues**” not only in Batemans Bay, but throughout the whole Eurobodalla Shire Council area. This is the direct result of a stated Council Policy, that to-date, I have been unable to locate. This Council Policy is directly inhibiting the progress of the Dog Park and Dog Training facility to serve the need of responsible dog owners in Batemans Bay.

What is this policy? I have been told by Council on numerous occasions when inquiring about venues for “**dog recreational use**”, that it is Council Policy:

“Dogs are only permitted on grounds allocated for farm animal use”

The application of this Policy is clearly evident throughout the Eurobodalla Shire Council area. But it is not listed on the Council policies webpage. **So where is this Policy? Could Council please provide me with a written copy of this policy.**

Is this why? Council always suggests the **Pony Club** grounds for dog use as there is no Showground in Batemans Bay?

Is this why? Pet dogs and responsible dog owners are forbidden the use of Parks, Reserves, Ovals and Sporting fields, and public thoroughfares “**at all times**”, to exercise their dogs **on-leash**?

Is this why? Council files “responsible pet ownership” in their computer system under:

“public-environmental-health/keeping-of-chickens/keeping-of-chickens/for-pet-owners/.....”

Compare this with neighboring Shoalhaven Shire Council. There are a number of areas deemed “dog prohibited” to protect wildlife (shore-bird nesting sites). There are a number of Parks, Ovals and Sporting fields listed as “Leash-free areas” (about 25 in total). **All other Parks, Reserves, Ovals and Sporting Fields and recreatonal areas are declared as dog “on-leash” areas.** Only out of bounds when a sporting event is on.

It is time Councilors repealed this draconian “Policy” and have Council show the respect for pet dogs and responsible dog owners in our community, that they justly deserve.

Thank you,

Robert Loftus



Dogs in the Shoalhaven
are required to be "on leash"
at all times EXCEPT when
in an "off leash area"



Shoalhaven
City Council

Off-Leash Areas



Shoalhaven City Council promotes the benefits of pets and encourages responsible pet ownership through the provision of harmonious and equitable access to parks and open space for dogs and their owners.

This guide provides information for pet owners on the location and use requirements of Off-Leash areas in the Shoalhaven Local Government Area.

Dogs are required to be "on leash" at all times EXCEPT when in an Off-Leash Area. Dogs are only permitted to be "off-leash" in designated Council managed areas and must be under the control of a competent person at all times.

Pet owners also need to be aware of the following:

- Restricted breed dogs; dogs declared dangerous or menacing; or nuisance dogs are not permitted in off-leash areas;
- Person in charge of the dog must immediately remove the dog's faeces and properly dispose of them;
- A dog must have a collar around its neck and there must be attached to the collar a name tag that shows the name of the dog and the address or telephone number of the owner of the dog;
- All off-leash areas are regularly patrolled and all regulations enforced

On the spot penalties apply for non-compliance

Information in this document is accurate at the time of printing however may subsequently be updated. Please regularly check Shoalhaven City website to ensure you have the most updated version of this document.

<http://www.shoalhaven.nsw.gov.au/My-property/Pet-ownership/Off-leash-areas>

Scan the QR code below with your smartphone to link to the Shoalhaven Council's Off-Leash Area Information



Dog Prohibited Areas



Dogs are totally prohibited from entering these areas city wide:

- Within 10 metres of any children's playing apparatus or food preparation/consumption areas in public areas. This does not apply if the food preparation/consumption area is a public thoroughfare and where a 10 metre separation distance is not possible
- Public bathing and/or recreation areas where dogs are prohibited
- Within the grounds of any child care centre or school without the approval of the person in charge
- Shopping areas where dogs are prohibited
- Wildlife protection areas

These restrictions apply for the comfort, health and safety of residents and visitors, or for the protection of fauna and flora. See shorebirds page 6.



Shorebird Nesting Sites



Between August and April, many threatened shorebirds use the Shoalhaven shoreline to nest and raise their young. These beach nesting birds are some of the most threatened in the world, their habit of nesting on the ground making them especially vulnerable. They may even abandon their nest simply because dogs are in close proximity. With care, you and your dog can have a huge impact on their survival.

- Share the shoreline by respecting 'Dog Prohibited' beach zones, designated to protect nesting sites of vulnerable shorebirds
- Look out for temporary signs that alert you to the presence of nesting birds or chicks
- Keep your dog on a leash on permitted beaches. Beach nesting birds & chicks perceive unleashed dogs as a great threat. Even if your dog isn't the type to chase, the birds don't know that!
- If you see little birds running swiftly along the beach or hear the larger birds calling out, please give these birds space. If it is spring or summer, chances are they have a nest or chicks nearby
- Disturbance to these birds can be lethal, the perceived threat of unleashed dogs causing them to leave the eggs or hide the chicks for dangerously long periods.

For more information contact the
National Parks and Wildlife Service
Shorebird Recovery Coordinator on (02) 4454 9500



Little Tern Hatchling



Little Tern Chick



Pied Oystercatcher Nest

ESC Jury Report. 2016-17.

Good morning to all present in this chamber.
My name is Owen Cartledge, from Malva Bay.

I commence this morning with a positive recommendation. One or more Councillors organize a Notice of Motion along the following lines.

N.O.M. " Council requests the formation of an Expenditure Review Committee to conduct a total rethink of the financial culture of the ESC. The cost and utilization of the 450-500 staff be examined. The ERC should include outside consultants as well as insiders "

My reasoning for this N.O.M. is as follows —

I observe so far that more than one Councillor concludes that we have a positive Jury outcome, in that the Jury

broadly ratifies past spending practices by the ²
ESC. " Lets all, past and present Councillors
give ourselves a pat on the back "

My reading is quite different. The Jury
put forward 86 recommendations, many involving
additional expenditure. No rankings, no priorities,
no positive suggestions for cuts to fund these
86 ~~initiatives~~ initiatives

About 2 to 3 years ago the GM
submitted ~~the~~ to this chamber the first
documentation on the present SRV. This SRV
was put forward to meet the "wants and needs"
of residents. I suggested in this Chamber,
tongue in cheek, that my "wants and needs"
were infinite. Clearly the Jury has found
the "wants and needs" of Eurobodalla residents
to be infinite. What a golden opportunity
for an expanded Council and another SRV.

However, the response of Council staff
to the Jury report is defensive. There
is not one ^{significant} proactive initiative by Council
staff to the 86 suggestions. Participants in
the Jury process will now be even more

cynical about so called community participation³

The Jury process was ill designed, it should have been structured to determine community priorities. Mr Paul Bradstreet, outlined in this Chamber in late 2016 some of the many deficiencies of the Jury process.

Another document for the Task can, another \$100,800 + wasted. Of course, a well designed Jury process may be worthwhile, if it could be measured against the true cost, ie including a meaningful allocation for staff time.

The recent revelation by Councillor Nathan that staff time is free, I find most disturbing. Can Councillors and staff ever truly evaluate a cost benefit approach to projects, when incorrect costs are used?

Rate payers are presently in the middle of a substantial SRV. Water

4
charges have crept up over the last
decade to enable Council to pay itself
a dividend from this utility. ESC
presently charges 150% ~~of~~ Bega Valley
water rates and fixed charges, and 200%
Shoalhaven water rates and fixed charges.

The increased rates from the
SRV and ~~from~~ real increases in water
charges demonstrate that Council is always
searching for new revenue sources to
meet new expenditure, rather than
considering reducing expenditure to meet
existing revenue. My initial recommendation
will help resolve this problem.

Moruya's problems are similar
to those of our Federal Treasurer,
Mr Morrison. He claims Canberra has
an expenditure problem, not a revenue
problem.

Emissions Reduction Plan 2017 – 2021
Eurobodalla Shire Council meeting 11 April 2017

Presentation by Allan Rees, Eurobodalla 350.org

Eurobodalla 350.org supports council putting the draft Emissions Reduction Plan 2017 – 2021 out for public comment. We are pleased with the reductions in emissions that council has made in the previous two Greenhouse Action Plans, and that this has also resulted in a very substantial saving in electricity costs. Council should continue on this path and make further reductions in our emissions.

Climate change is already affecting Australia and the Eurobodalla. The Great Barrier Reef is suffering a second year in a row of coral bleaching due to high sea temperatures. Sea temperatures here are also rising. Records from Moruya Heads show a significant rise in temperature since 1910 along with lower rainfall and milder winters. Our farmers are also seeing adverse changes in the climate.

We want the state and federal governments to take strong action to reduce our emissions and play our part in global reductions to stabilise our climate.

Eurobodalla 350.org is part of the world wide climate action group 350.org. 350 parts per million is the safe upper level of carbon dioxide (equivalent) in the atmosphere and we have already reached 400 ppm. That is a measure of how serious the situation is and how we need to act immediately.

Eurobodalla 350.org will respond to the draft plan and we will encourage people to examine it and make submissions in support of reducing our greenhouse gas emissions.

The Emissions Reduction Plan is a good story and council should publicise it widely. You should be proud of what you have achieved so far and be determined to continue the good work.

Allan Rees
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Progress Association Privilege

Reading some of the Progress Association history last night I learned that the THPA is 60 years old this year.

During its existence the Association has represented the community in the relationship between the village community and the various Eurobodalla Councils. From my reading the relationship has primarily been cordial and effective although there have been disputes as one would expect. It appears that such issues have been coped with.

During the 60 years the Progress Association & the village have built 2 community halls, which with the passage of time were passed to the Council for management. Subsequently the Council and the Progress Association formed a Sunset Committee to rationalise this situation. Following community consultation the community decided that the village could only afford one hall. This agreement resulted in the Progress Hall being demolished and the land sold.

The Sunset Committee agreed that moneys raised from the sale of the land would be committed to the Tuross community

The first payment was of \$200,000 to the Council as the community's contribution for the repair of Kyla Hall.

The community also accepted the loss of \$60,000 as the land was sold approximately this amount below the reserve.

This is now past history.

On reflexion the village community sees themselves as different to other towns in the shire due to the villages stewardship of the Council resulting from the peninsula land being classified as Community land rather than Crown land. For many years there was a belief that Tuross was less important to the Shire than the other community's in the shire. This attitude encouraged the role of the Progress Association's in the community to being the major interface to the Council by helping the community identify, discuss and propose solutions to issues of concern. In Tuross this scope covers an extensive range of activities which results in the Association representing the village community extensively, especially with the Council. With current membership at 127 and growing, we are the major representative of the community and have been for most of the last 60 years and at the same time have not had to pay for the use of the any of the community's facilities. This was despite the fact that the Council managed these halls for about 30 years of the period.

To conclude I ask you to not change history and introduce a fee for the Progress Association use of the Tuross community facilities.

Good Morning Deputy Mayor and Councillors
Mabuhay to the Mayor watching via Live Streaming

My name is Lei Parker and I am a resident of Tuross Head and a member of the Tuross Head Progress Association.

I strongly believe that ALL fees should be waived for the Tuross Head Progress Association at the Kyla Hall.

Might I offer some relevant history first that appears to have been forgotten.

Tuross Head, up until 2010, had two halls.

The current one at Kyla Park was opened in January 1983 and was built for sporting purposes.

It was funded and built by the community through fundraising and grants with considerable volunteer effort.

In 2002 the hall was handed over in sound condition to Council and placed into their care and full maintenance.

The second hall the village had was the Tuross Head Progress Hall. It was built by the community in the 1950's and served as the principle hall for the town. It was managed by the Tuross Head Progress Association for nearly sixty years.

In 2009 the Eurobodalla Shire Council first indicated its desire to rationalise the two Tuross Halls and provide just the one facility.

Council suggested that Tuross Head was the only town in the Shire with two halls and that Council did not have the funds to maintain both to a satisfactory standard.

They also added, in passing, that the old hall would require "bringing up to standard" in terms of disabled access, carparking and building code changes.

Instead of openly declaring their decision to rationalise the halls they underhandedly advised the Tuross community of their intent by nominating the Progress Association land in Jutland Avenue to be reclassified from Community to Operational with a view to selling it.

This was how the community learnt of their intention. The community was not pleased.

At that time Council thought that they owned the Progress Hall land.

Their intent was clear. Rationalise to one hall. Nominate the new one and then sell the land of the old one and put the money into the General Fund.

However their plan failed.

Firstly documented proof was presented that proved the hall land actually belonged to the community and was simply held in trust by Council and, as such, would require corralling of any land sale money to remain in the Tuross Head community.

Secondly the Kyla hall, the hall of choice, supposedly maintained by council, was found to have been neglected during all this discussion and was now riddled with termites to the extent that it was nearly condemned.

Council identified that it would cost \$250,000 to repair the Kyla Hall. They also admitted that they did not have that amount of money - however they could find \$75,000.

After lots of community consultation it was agreed, by the community, to sell the hall land and knock down the old hall and earmark \$200,000 toward repairs and refurbishment of Kyla Hall as well as fund projects around the village such as the Nelson Parade viewing platform, One Tree Point upgrade, One Tree BBQ area and an extension of the cycleway.

In all \$600,000 was raised from the sale with \$200,000 going to the Kyla Hall project.

Of note is that \$40,000 went to Eurobodalla Shire Council in “developer’s” fees for having subdivided the land for quicker sale.

It is important to note that the \$200,000 was given conditionally by the THPA who had clearly moved that, upon opening of the new Kyla Hall, a Section 355 Management Committee be established to oversee the running of this hall.

The tension between the community and Council in regards to the continued unanswered questions of how the Kyla Hall came to fall into such disrepair saw Council reluctantly agree to establishing a Section 355 Management Committee. This committee then took two years to establish.

The Kyla Hall was refurbished and the Tuross Head Progress Association moved its filing cabinets across to their new home.

They then discovered that they were required to pay a fee to use the hall for their meetings.

In 2012 they sought and gained a waiver of these fees from the Council of the day. Now they again are required to come hat in hand to seek a waiver from this term of Councillors.

Before you is a report requesting a donation from Council equivalent to the prescribed fee for use of the Kyla Park Hall to hold its monthly meetings.

It says:

In December 2012, Council agreed to make a one-off donation equivalent to the prescribed fee for the THPA for use of the Kyla Park Hall until 30 June 2016.

(It was a one-off as Councillors can not give a donation beyond their four year term - so yes it was a one-off for THOSE Councillors only)

It says:

The Tuross community also received the benefit of the sale of the land made vacant by the demolition of the old Tuross Progress Hall with priority projects selected by the community now complete.

(Well excuse me - A Reminder to Council - the Tuross community owned the Hall land so... YES, the Tuross Community received the benefit of the sale and the community directed that money to Tuross community projects with a Sunset Committee in place to oversee that Council spent every cent within the Tuross community - including giving \$200,000 for the upgrade of the Kyla Hall)

Today's report says: Generally Council does not donate user fees to not-for-profit community groups as these groups are granted a 40% discount for regular hire of public halls under the adopted Fees and Charges.

(A reminder to Council that GENERALLY community groups don't donate \$200,000 to Council to fix a public hall because Council did not undertake termite inspections of a hall (Kyla Hall) which was actually built and paid for by the Tuross Head community and taken over by Council to manage.)

So the recommendation today is "Council does not donate user fees to not-for-profit community groups as these groups are granted a 40% discount for regular hire of public halls under the adopted Fees and Charges."

They continue in the report: Generally Council has not donated fees for regular use by a community group.

However, at the Ordinary Meeting of Council held on 18 December 2012 Council resolved to:

-Make a donation equivalent to the prescribed fee for the Tuross Head Progress Association for use of the Kyla Park Hall until 30 June 2016;

-Recognise the history of the Tuross Head Progress Association's previous arrangements with the Tuross Hall and also recognise this arrangement as a one-off arrangement;

(A One Off as this was the extent of their elected term - let's get this in context)

-Note that any properly constituted meeting of a future Kyla Park Hall management committee would be exempt from hall hire charges.

A Kyla Park Hall management committee is NOT a community meeting open to the community about wider community matters.

So here we are again - a new four year period, new councillors and a new request for the waiving of fees for Tuross Head Progress Association meetings.

Council requires the THPA to have \$20 million dollar Public Liability insurance in order to use the hall - that premium costs over \$400 per year - then they want nearly \$400 more in hall fees each year for the THPA to conduct its community meetings.

How much are we talking about? By the report:

The current fee of \$22.00 + GST per hour for use of Kyla Park Hall for a non-function, with the 40 per cent discount applied is \$13.20 + GST per hour. The draft Fees and Charges for 2017-18 has this fee set at \$24.00 + GST per hour or \$14.40 + GST per hour with the 40 per cent discount applied.

An average THPA meeting is 2 hours each month for 11 months per year = $11 \times 2 \times \$15.80$ (incl GST) = \$347.60 per year

FACT: The Tuross Head Progress Assoc has just over 100 members. They pay \$5 per year in membership fees.

If required to find \$347.60 to pay for their meetings and another \$400 to pay the compulsory Public Liability insurance required by Council their \$500 per year membership income falls well short.

The STAFF'S justification for their recommendation is:

Should Council agree to donate the Kyla Park Hall hire fees for the THPA to hold monthly meetings at the facility, other community associations may have increased expectations of receiving similar treatment. Any donation of user fees affects the income received from community facilities and reduces the funds available for asset maintenance.

A reminder to Councillors that no other community association injected a further \$200,000 into the restoration of a hall (The Kyla Hall) that the community had fund raised, built and then handed over in good faith to Council to manage only to see it fall into such disrepair through GROSS mismanagement that it was on the edge of being condemned.

If the Tuross Head community still had its old hall it would have its meetings fee-free

If it chose to have a jumble sale, a concert or market stalls it would be able to do so – fee-free

Now, if it wants to consider having a community function, it has to pay \$397 per event and be limited to hall only and not the grounds.

Today Council will be looking at the eurobodalla community strategic plan that asks:

WHERE DO WE WANT TO BE?

Section 8. deals with collaborative and engaged community building

*... a collaborative, connected community that recognises our **mutual responsibility to work towards our goals, and actively participate and engage** to improve outcomes for Eurobodalla.*

This involves being informed, having access to up to date information about local issues, and a variety of options to easily and readily engage in an open dialogue with community leaders and organisations to express their views.

Councils Role – to Support community groups and organisations and encourage shared responsibility through an informed community providing opportunities for broad and meaningful engagement and working together with our partners in Progress and community associations - to enhance trust, participation and community pride.

To charge community groups in Eurobodalla \$397 per year to hire their own public hall to hold public meetings to provide meaningful engagement and expect them to pay \$400 plus in Public Liability will see community groups walk away as they cannot set membership fees higher simply to pay council to use a hall they already built and paid for and continue to pay for in upkeep by their ever increasing rates.

I ask that Council waive ALL future Kyla Hall fees for the Tuross Head Progress Association in respect and recognition of their contribution and in recognition of the ongoing role they provide in service of the Tuross Head community and that waiving of hall hire fees be extended (where applicable) to all township community associations throughout the Shire and that Council cover such meetings under its own Public Liability insurance.