

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 **28 July 2020**

Name	Subject/Comments
Public Forum – 9.30am	
Carolyn Harding	PSR20/015 Batemans Bay Regional Aquatic, Arts and Leisure Centre
David Grace obo Maureen Searson	PSR20/015 Batemans Bay Regional Aquatic, Arts and Leisure Centre
Peter Coggan	PSR20/015 Batemans Bay Regional Aquatic, Arts and Leisure Centre
Not presenting	
Trish Hellier	NOM20/006 Promoting Eurobodalla as a place to live GMR20/019 2020 Local Government NSW Annual Conference PSR20/015 Batemans Bay Regional Aquatic, Arts and Leisure Centre

Madam Mayor, Councillors, Council Staff and Residents

I would like to begin by saying thank you. Thank you for believing in this project.

Thank you for listening and responding to the Batemans Bay Indoor Aquatic Centre Committee (BBIACC).

I am not going to give you the long history of the BBIACC as I am sure you have heard it all before. However, I would like to say that we have had thousands of people attend our meetings over the past 17 years since our present committee began. Some have come to hear about the progress that has developed so far. Our sessions have had representatives from sports clubs, Batemans Bay swimming club, surf lifesaving organisations, water polo, swimming teachers, water aerobics instructors, and school teachers and many others have attended our meetings to provide us with information about what they require or would like to see in a new indoor aquatic centre.

At these community consultations the BBIACC have given the people of our community opportunities to bring forward their thoughts, ideas and experiences about an indoor aquatic centre in a welcoming and comfortable environment. Council staff and councillors have attended many of our meetings where they were available to give presentations and updates, and were happy to answer questions from the public.

From the information we had gathered we asked council for an indoor aquatic centre that was heated and open all year round. We suggested a lap pool, a leisure pool and a hydrotherapy pool. But as we slowly realised the BBIACC are not experts on building or running a swimming complex. Luckily, we have taken the information we had collected from our meetings, from visiting other indoor centres and from experienced aquatic users and handed that over to Council who then consulted with the real industry experts.

This project is more significant than I ever anticipated. When I first began going to the BBIACC meetings I thought it was just going to be about getting enough people interested and the Council would provide. Let's get some petitions signed and have a rally. Harass council enough and they will give us what we want.

But I now have a better understanding of the process and just HOW much work is involved. To see the plans also include water slides, a splash park and a learn to swim pool shows that plenty of research has taken place as to what the people of today are looking for in an aquatic centre. Times have changed. The days of everyone crowding into an outdoor pool basking in the sun are over.

The BBIACC has been out in the community, over many years, holding stalls in the shopping centre, at Bunnings family nights and at the Health Expo, talking to people about how and what they would use in an indoor aquatic centre. We have held dinner dances, a Dry Swim day and pre loved fashion parades to name a few of the fundraising events. We have raised approximately \$85 000 which we would like to put towards enhancing the equipment of the indoor aquatic centre.

My committee members and I are constantly being asked about what is happening with the new centre. When we explain to them what the inclusions will be and when we can expect it to begin the responses are so positive. We have parents of swimmers who are pleased to know that their children will be able to train all year round at their local pool. I speak to expecting mothers who are excited about the opportunity to take their babies to warm water confidence classes. The ladies and gents from aquafit classes are itching to get back to the classes they love. They so miss their exercise during winter. Swimming club is looking forward to the consistency of being able to swim all year round. Children, teenagers and even big kids eyes light up when I tell them about the water slides. Parents and children are so eager to try out the water splash

park. They say it will be something to do no matter what the weather. I have spoken with people with various disabilities and they are impressed about how the centre will accommodate them. There are a large number of older people who will benefit from gentle exercise and recovery in a warm water therapy pool both before and after they have had knee and hip replacements. Basically, everybody I speak to is waiting in anticipation for the new centre to open.

It has been a long and sometimes bumpy ride, but today I am so pleased to see us another step closer to achieving our goals:

- To provide Batemans Bay with a new tourist attraction
- To provide a venue that a wide range of community members can use and enjoy
- To help with physical, emotional and mental health.

So once again I would like to say thank you.

Thank you to our Federal and State governments for responding to our grant applications because without that money we would still be at the stage of wishing. Thank you to Andrew Constance for being the BBIACC Patron and supporting us all the way. Thank you to Stephen Phipps, Lindsay Usher and all the other Council staff who have brought this project to this point.

The BBIACC appreciates how Council has worked with us. What might have started with petitions and rallies finished with our committee and Council working together to achieve this fantastic centre. It's incredible what you can accomplish when you work together.

It has taken an awfully long time to get to this stage and ideas have changed along the way but the residents and visitors of Batemans Bay who will use the aquatic centre are appreciative of the hard work of ESC and are excited to see the final outcome.

Thank you.

Carolyn Harding
President
Batemans Bay Indoor Aquatic Centre Committee

Presentation – Mackay Park PSR/020/015

Ordinarily Batemans Bay Regional Aquatic Arts and Leisure Centre would have overwhelming public support and anticipation at its opening, since it has been planned for over many years and particularly after the recent bushfires and the ongoing situation with COVID-19. In his report Planning and Sustainability Director Lindsay Usher says this project will provide social benefits “the project will bring a range of long-lasting health, social and economic benefits to the community and our Shire” with the outcome a “diverse and vibrant economy.” The report does not say what the long lasting health, social and economic benefits will be and how the outcome for the shire will be a diverse and vibrant economy.

The project you are voting on today has problems with the design and capacity of some of the facilities, issues of due diligence and failures of transparency.

For example on design and capacity -

- the learn to swim pool - the most profitable facility in the aquatic centre - is outside industry standards due to its depth and will likely pose challenges to learn to swim teachers and parents joining their children in the water
- there is no heated outdoor Olympic sized pool creating a lost opportunity to maximize the day to day activities of local pool users and a lost opportunity maximum usage. An indoor 25 metre pool and an outdoor heated Olympic pool will maximize local use and attract regional swimming carnivals
- the arts space has less seating capacity and floor space than the industry says is viable. The Otium Business Case says the arts facility will be a financial liability costing \$300 million yearly from the day it opens.
- the kitchen space is not like for like with the Batemans Bay Community Centre so will not support an important Eurobodalla food service because it will not have space for an industrial freezer required by that service

On due diligence and transparency –

According to Council’s published minutes at the Sunset Committee meeting on the 28th September 2018 the issue of Native Title and Aboriginal Land Title Claims was raised. The Minutes show that Council had sought legal advice to assess its position on the land at MacKay Park. On the basis of legal advice Council has written to the relevant Aboriginal Lands Council requesting they withdraw their claims of the land and MacKay Park. This is a work in progress and is expected to continue for some time.

Mayor Innes what is the status of the Aboriginal Lands Council Native Title claim over Mackay Park? Where is this matter up to? The public has a right to know.

In addition to Council’s failure to engage pool stakeholders at Level 4 of their own Community Engagement Framework because of the removal and non inclusion of an Olympic sized pool, Batemans Bay Regional Aquatic Arts and Leisure Centre is tainted with the Berejiklian government’s 2019 election pork barrel of Coalition held seats. An ABC investigation found that although placed 72 by independent

assessors on a list of over 100 projects Eurobodalla Council received \$8 million in arts funding, announced by Mayor Liz Innes 6 months before the 2nd round of funding was open. The project placed number 1 by independent assessors - the Bega Valley Regional Arts Gallery - missed out on the \$3 million they had applied for. The business case that Mayor Liz Innes has repeatedly claimed is "great" and the reason for \$8 million of arts funding, has still not been made public despite requests for nearly 3 years.

If Council is going to sell or lease the Batemans Bay Community Centre against public wishes and sell treasured green space like Pretty Point at Malua Bay to pay for the 'confidential' funding gap, this Regional Aquatic Arts and Leisure Centre should not go ahead.

I support an aquatic arts facility in Batemans Bay but not this facility as it is and under the circumstances with the issues mentioned above.

Where is the evidence that the Batemans Bay Regional Aquatic Arts and Leisure Centre will bring the range of long-lasting health, social and economic benefits to the community and our Shire" with the outcome a "diverse and vibrant economy" quoted in Director Usher's Report, when Councilors have not sought an independent expert assessment of the ongoing financial liability?

Councilors, if you vote today for the construction contract to be signed on the Aquatic Arts and Leisure Centre, you are voting for \$70 million of public funds and the sale of the public's assets, to be spent a project that has not been subject to an expert independent assessment and without the business case being made public. The Batemans Bay Aquatic Arts and Leisure Centre should be put on hold for now, to allow the next council to be advised by an independent expert assessment of the ongoing financial liability and community consultation in line with Council's Community Engagement Framework.

Maureen Searson

ALP Eurobodalla

Agenda item PSR/20/015 Dear Councillors , My background in relation to this project now called Batemans Bays Regional Arts & Aquatic Centre is reasonably long . My first contact with council staff was back in 2014/15 when the proposal to bulldoze Batemans Bays 50 m pool was raised with Warren Sharpe when I was Secretary of Batemans Bays Life Saving Club .

Warren told me then that the pool was going to be removed & replaced with a new 25 m pool . I reacted strongly against this proposal & stated that I would fight to have a new Olympic pool . Some time passed before it was cemented in "council law " passed by 6 councillors on 29th August 2017. The rear guard fight to have this debated in open transparent public forums was refused ..it was shut down . The public were disenfranchised . Bully tactics were used by senior public servants to thwart any public opposition . Exclusive meetings were held & some members of the public banned from attending public & closed meetings . They had no input before the decision was taken by council to replace the 50m pool with a 25 m pool . And no input into inclusions in the final Concept. Councillor Innes played games with the community by promising a 10 lane pool , sea pools & space for future expansion to include an Olympic pool . This was extremely undemocratic . The public servants used this to pursue its focus on a combined Aquatic /Arts Centre once planned for Hanging Rock Then the Old Bowling Club site purchased for \$2.7 million by Cirs Brown & Innes allegedly without council approval & without a pre purchase evaluation (\$ 1.3 million ?) . EOI were called for but not taken into consideration . Otium one was adopted by council & we continue to deal with the fall out & saga of the Mackay Park Project .

The success of state & federal grants totalling \$51 million plus a loan of \$4 million has made this project a reality . Ready now to appoint a construction company ?

Before you do that please consider the following & take it into your pre decision making assessment of the BBAACC plus I would appreciate your reply to me & the public with your answers to the following questions before Tuesday's council meeting :

1. As our elected councillor have you applied due diligence to this project from its inception ? Do you feel responsible & accountable & proud of what you have done ?
2. Why was the community not consulted prior to your passing your Otium 1 plan ?
3. Do you think the wider community including Batemans Bays Swim Club , Triathlon Club , the 11 Primary School Sports Association Schools, Sports Clubs & lap swimmers should have been consulted & included before you voted to destroy the multi million \$ community asset all had enjoyed for 55 years ? If not why not ? Please explain .
4. Why do you think that Batemans Bay should never have an Olympic pool 🏊‍♂️? Is it a political position to favour Narooma's Aquatic Centre ?
5. What is the comparative installation costs, annual running costs & depreciation of each inclusion in the aquatic section? eg. Is it true that a 50m pool costs \$6.5 million more than a 25 m pool as stated in Otium 1. ?
6. Where is the long promised updated business case for the whole complex now that the Secret cc tender stage is completed?
7. What is the sum total of the additional ratepayers /council money needed to be paid to the construction company to build the complex?
ie. the gap between \$54 million & total cost accepted by you from the winning tenderer ?
8. How will council pay for this gap ?
9. Do you think it was wise to expand the gymnasium to 1,000 sq metres without public consultation ? What did it cost to do that?
10. What was the cost of the ratepayers payout of the mini golf business lease ? Cc does not really apply if so why ?
11. What changes have you made to convert the Complex into a CBD Emergency Crisis Evacuation Centre did this attract extra grant funds?
12. Are you aware that the Learn to Swim Pool has not complied with Industry Guidance Standards? Have you seen the RLS risk analysis report on the Deposited Plans of the complex ? If not I strongly encourage you to read it before the council meeting on Tuesday . The Learn to Swim pool is 40 cm

too shallow leads to OH&S issues ... plus it is connected by open water to the toddlers pool ... open to brown water pollution , hygiene issues & economic losses due to half day shut downs of both pools ! (This needs to be factored into business case).

13. Do you think the economic return from the complex is important ? Does it have to make a profit (pay its way ?) ? If so how will it deliver this desired economic profit outcome ?What happens if it runs as a loss will the ratepayers have to cover this loss for ever? What is the plan ?

Do you feel accountable & responsible for this complex ?

14. Are you aware of any contracts being made for jobs or businesses within the complex eg.

The Water Aerobics or

The Gymnasium or

The Learn to Swim Classes or

The Art Gallery manager/ curator or

The Cafe Manager

The bar Manager or

The theatre 🎭 booking Manager etc. or

The aquatic centre manager ?

15. There are 17 EFT jobs in this completed complex . Do you think this is a positive outcome from the investment of \$60 million ?

16. Are you confident that this is what the people want & that it will serve them now & well into the future ?

17. Do you think ,The Local Member Andrew Constance should have insisted on getting Councillor Innes to follow up on his request for an updated business case rather than exacerbating the secrecy & undemocratic processes by his actions in the grant process both state & federal that are now forever part of this unpopular project ? Or what is your position on the Mackay Park Project have you represented the people who elected you without fear or favour & will you deliver your decision based on thorough research & truth ?

18. What have you achieved as a Councillor in Eurobodalla ?

19. Will you be a candidate at the next council elections? Why ? What do you want to achieve (list 5 key goals)?

I look forward to your reply. Thank you .

Peter Coggan

Good morning Mayor and Councillors my name is Patricia Hellier from North Batemans Bay.

Nom 20/006 Promoting Eurobodalla as a place to live.

I do not believe that the request by Clr. Lindsay Brown for \$10,000 to be allocated to promote this shire should be approved by you the Councillors of this shire.

I have sat in a number of meeting where residence have requested monies for various reason one request in particular was met with a response from Clr Brown with the words to the affect “where is the money going to come from and what area is going to miss out”.

Whilst \$10,000 may not be to seen by some as a large amour of money it is Rate Payers money and what area would it be “plucked from”.

Recently we heard Clr Brown make references to “the out of town millionaires” perhaps Clr Brown needs qualify just “who” he would like to attract to this shire”?

Clr.’s it must be remembered that Clr Brown when Mayor wanted to change the way this shire is rated from Unimproved Capital Value to Improved Capital Value” this issue he did not take to a Council meeting he presented a document to LGNSW Clr’s ask yourselves how many potential purchasers would be interested in moving to this shire with the prospect of a change in the rating system.

GMR 20/019 – 2020 Local Government NSW Conference

I firmly believe give the Eurobodalla Councillors voted not to renew their membership for LGNSW that it would be seen as hypercritical for any Councillor attend this conference.

I also believe it would be irresponsible for any Councillor to nominate to attend especially in the current “financial climate” this shire and Australia in general is experiencing. In the words and views of an ex councillor – who changed the terms of conferences from “jaunts to junkets” I believe it is not the time for any Councillor to be spending Rate Payer money.

PSR 20/015 Batemans Bay Regional Aquatic, Arts and Leisure Centre.

Councillors to date I have not entered into the debate in relation to this Centre – Councillor given what Australia is experiencing with this Covid Virus and there is not any one person that has been able to predict just how long this virus is going to be with us – some have estimated 2 years – some indefinitely – some have said until we get a vaccine – what this virus has highlighted is that Swimming Pools Gyms, Theatres are closed and large gathering of people can not occur.

I therefore ask you the Councillors of this shire to rethink this project as we are in uncharted territoriality (so to speak) and until such time that we have a vaccine or cure for this virus I believe this shire should not be embarking on a project of this nature .

Patricia Hellier
For and on behalf of
Eurobodalla Concerned Citizens