

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 14 November 2017

Name	Subject/Comments
Public Forum – 10.00am	
Leah Burke	NOM17/011 Albert Ryan Park, Batemans Bay
Trish Hellier	NOM17/011 Albert Ryan Park, Batemans Bay
Rodger Middlebrook	PSR17/059 Dog Recreation - Proposed Dog Exercise Area
Dianne Brooks	PSR17/059 Dog Recreation - Proposed Dog Exercise Area
Joe Mangion	PSR17/059 Dog Recreation - Proposed Dog Exercise Areas

K. Green

EUROBODALL SHIRE COUNCIL
GENERAL MEETING 14TH November 2019

Good morning

My name is Leah Burke and I would like to thank Council for the opportunity to give this presentation today. Today I am representing the group Supporting Albert Ryan Park.

I would like to discuss the motion 4635NOM/011 pertaining to the Park and Toilets that is Albert Ryan Park.

We appreciate that today we have the opportunity to discuss this issue at an Ordinary Council Meeting.

At this point I would like to thank the councillors that have helped so far with this issue and that includes Councillor Lindsay Brown for the Notice of Motion on the agenda today. Councillors Phil Constable and James Thomson who tried on several occasions at council briefings to get a Notice of Motion. Councillor Anthony Mayne for meeting to talk over the issues and Councillor Patrick McGinlay for always answering our emails with constructive answers.

At a meeting last Wednesday 8th November with the Mayor Liz Innes and Director Community Arts and Recreation Services, Kathy Arthur Councillors Lindsay Brown and Patrick McGinlay, along with Trish Hellier, Betty Debney, and also Stephen Dunne and myself. The notice of Motion that is presented here today was discussed, and we were satisfied with the explanation of the three points.

Following this a meeting between our group it was felt the matter that the community has long been campaigning for had not been addressed and that is the recommendation for the decommissioning of the toilets in the 2010 ROSS Report and the Public Toilet Review of 2015.

We agree with the Motion's items 1,2 and 3 and Council's need to cross the T's and dot the I's in this issue as the paper trail is incomplete, but the community also need that same closure.

As quoted from the considerations in this Notice of Motion

“the aim of this notice and the proposed recommendations is to progress the matter and provide clarity and certainty for the community.”

As long as decommissioning of these toilets remains in the councils 2010 ROSS report and 2015 PTR the clarity and certainty for the community will not be addressed. Until this happens the communities wishes will not be dealt with completely.

We are asking that today a fourth item be added to the Notice of Motion and that is “that the toilets decommissioning be rescinded from the 2010 ROSS report and that the motion to remove the toilets in the 2015 PTR also be rescinded”.

We are talking about a Park with amenities that the majority of the Batemans Bay community want. A Park that has a history, from Albert Ryans daughter perishing in a house fire to the days of the DMR depot on the site, the slipway used for Ferry repairs, some posts still evident. Also as a quarry for rocks used for the foreshore. Most significant is Sir Roden Culter proclaiming it a Public Reserve.

Sometimes its only when you are foreshadowed with the loss of something that you really start to acknowledge its importance to your community. Albert Ryan Park is just that. At times you have to stop and have a good look, and see this park as an important part of the fabric of our community.

On more than one occasion the community has spoken emphatically that they want the park, toilets and other amenities retained.

Adding one more item to the Notice of Motion as stated earlier will give the community certainty surrounding the Park.

So today we are asking each councillor to ask themselves how can you best serve the community on this issue, its a simple as that.

K. Green

Good Morning Mayor Innes, Councillor, General Manager, Staff, the Gallery and those comfortable Live Streaming at home.

My name is Patricia Hellier from North Batemans Bay and I would like to speak on Agenda Item No. NOM 17/011 – Albert Ryan Park Batemans Bay.

For the benefit of the 6 new Councillors who were elected in 2016, at Council Meeting on the 12th April 2016 a motion was put forward to Rezone and Reclassification of Albert Ryan Park. A small group of ratepayers concerned over this proposal organised a meeting to discuss the proposal and a petition was organised. A title search of the land was conducted and we found that Lot 10 ARP was not owned by Council, we then telephoned Council Officer, Mr Geoff Morgan and advised him of our findings. It was soon identified that there was also a cloud hanging over Lot 11. After a number of meetings and community consultation on the 28th June 2016 Mr Lindsay Usher recommended that Council not proceed with the proposal of Rezoning and Reclassification of ARP

I was very disappointed when I read this proposed motion of Clr. Brown given the fact that Clr. Brown gave the group associated with the park an undertaking prior to the election last year that at the very first council meeting after the council election he was put forward a rescission motion on the decommissioning of the toilets at Albert Ryan Park. At the time he told the group that this task should have been the responsibility for those current councillors given the fact that they were the ones who moved the motion in May 2015 to demolish the toilets.

I attended a meeting on Wednesday 8th November with 3 other people involved with ARP, Mayor Innes opened the meeting by saying "Leah you have been working with Lindsay on a motion would you like to start off", whilst there was a plan of Albert Ryan Park provided for those who attended the meeting there was not a copy of this motion. Clr. Brown asked Director Arthur to speak on his proposal, what was said was in bureaucratic terms on Lot 11, I looked at the blank faces of the other 3 residents in attendance and I said to Director Arthur "Kathy this comes down to a clerical error" – Kathy replied "Yes Trish you are correct". I asked the question would ARP remain in the ROSS report Clr. Brown said "No it will come out of the ROSS Report", The Mayor then stated "Lindsay it would be better if it stayed in the ROSS Report". At the end of the meeting Mr. Stephen Dunne said to Clr Brown "So Lindsay you a putting forward a rescission motion at Tuesdays meeting"? Clr. Brown replied " No Stephen there is no rescission motion", I added "Stephen there is no rescission motion associated with this motion", I then said to Clr. Brown "Lindsay there should have been a copy of this motion on this table", Clr. Brown replied "I sent a copy to Leah". The facts are Councillors I had also emailed Clr. Brown and asked for a copy of his motion – I was not afforded the same courtesy and it was fortunate that the Agenda for this meeting was placed on the Council web site late Tuesday afternoon (prior to the meeting the next day) and I was able to look at the contents and it was quite obvious there was no rescission motion and there was no commitment by Council to retain the toilet block or the reserve. The notice was just for the purpose of clarifying who own the land, nothing more nothing less. Again the community had been let down. In an email from Mrs Bernadette Brandes on Sunday 12th November she questions "Is Lindsay Brown asking for a rescission motion or what"? Now there are 5 out of the 7 people involved question this.

Firstly what should be noted is that this motion is fundamentally flawed as there is no acknowledgement of Lot 8 which is also owned by the RMS which has recently seen a statue of an

Octopus erected and I ask was the RMS consulted prior to it's placement and was there a requirement for a DA to be lodged for this project?

Point 2 of this proposal – “Resolve to retain and maintain ARP and its assets, pending advice from the RMS”. I now ask you to look at the sheet of paper I have given you - if you look at the bottom of the page this is an email I sent to Mr Stephen Waugh Property and Acquisition Manager Southern Property and Acquisition Branch/Stakeholder and Community Engagement Division from the RMS, which confirms the conversation I had with him on Friday 27th October 2017 - I ask you to look at the 2nd paragraph of my email on the bottom of the page which states “I confirm that you agreed that the decommissioning and recommissioning of these toilets is a matter for the Eurobodalla Shire Council due to the fact that the land had been placed in the “care and control by Sir Roden Cutler in 1974 and this is not an issue for the RMS” – If you look at the top of the email Mr Waugh reply states – “As discussed, Road and Maritime should be consulted by Council if there was extensive construction proposed on the land. However for routine maintenance and refurbishment consultation would not be necessary”, I will repeat that “for routine maintenance and refurbishment consultation would not be necessary”.

I believe this confirms that the RMS acknowledges that the control of the toilets and the park is in the hands of Council so there for, all that is required by this council is to rescind the Decommissioning that was minuted in May 2015 WHY isn't this situation being kept simple.

In relation to Point 1 of this motion I ask Councillors to cast their minds back to a Council meeting on the Councils Leased Batemans Bay Tourist Park and the question was asked by a Councillor “What do we own”, the reply from the Council director was words to the affect “Everything that is on wheels that can be removed .” WELL Councillor it is not rocket science to realise that the little toilet block at ARP is not on wheel and neither are the picnic table and chairs.

I would like to address Point 3 of this motion, this is SIMPLE, the facts are it is commonly known that due to a clerical error that occurred on the transfer of the Torrens Title the Council name was placed on the document rather than the Commission of Main Road. On the 16th December 2016 I had a conversation with the RMS Legal Department who informed me of what had occurred and the mistake that had been made, I was told that the process was “all but done and dusted”. Last week I had another conversation with an employee of the RMS who indicated to me that there had been a delay in this process and it should be completed by the end of January 2018. In reading this summary from Council it is not hard to figure out “who has been dragging the chain on this issue.”

Councillors I ask that you do not allow this issue to drag on, the community want to see that this toilet block and this area of land remain. I have a copies here of all the petitions that were signed in 2016 by over 1800 people on the issue of the rezoning of the land, the petition states “This park is a much loved park and used by locals and visitors alike”, Councillors, we all know when nature calls what we all need and we all use that much needed facility. I firmly believe if we have to take this back to the community we will receive overwhelming support. Mayor and Councillors do you really want to see this become yet another issue that will only cause further friction in our community do we really need that, when all we want is to be able to give the park and toilets much needed attention and a much needed face lift as the park is looking very unloved , we have been lobbying for this for over 12 months and we would have liked to have seen a united project prior to the busy holiday season and we are running out of time.

K Green



Long Beach Community Association Inc.

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Vice President: Annette McKeown
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Statement to Eurobodalla Shire Council meeting 14th of November 2017 by Rodger Middlebrook

Secretary LBCA

Madam Mayor, Councillors, Dr Dale and Council Staff:

In representation of LBCA and its members in Long Beach, I wish to address this meeting on Agenda Item NOM17/012 Companion Animals Management Plan - Exercising Dogs at Long Beach and Item PSR17/059 Dog Recreation - Proposed Dog Exercise Area.

Long Beach Community Association Incorporated, with a current financial membership of 222 has been tasked by its members at the 30th of September General Meeting, to put to Council the following resolution to modify current access rules for dogs on Long Beach under the CAMP.

"That the LBCA propose to Council that:

- 1) *dogs be permitted off-lead on the western end of Long Beach at all times, 24/7, except December and January, when dogs must be on lead between 9am and 5pm;*

and

- 2) *that the eastern end of Long Beach remain dogs prohibited all year round."*

This resolution ensures the current dog access arrangement and allows for a safe environment during the peak holiday season when many visitors and children make heavy use of Long Beach. It also ensures that there is clarity as to the No Dogs at any time status of eastern Long Beach. Current arrangements prohibit dogs west of the Bay Rd carpark during time share 9.00AM to 5.00PM from November 1st through April 30th each year, effectively denying the use of the beach for 6 months to dog walkers during days in which high tides conflict with time share.

The resolution is the result of a long discussion with interested parties initially at our AGM in January 2017 and subsequently both in email correspondence and through a survey conducted amongst our membership, which culminated in the above resolution being proposed and passed at our General Meeting of 30th September this year.

We urge that Councillor Nathan adopt our resolution in favour of the one she proposed in the agenda. Not wishing in any way to diminish Councillor Nathan's enthusiastic advocacy of the interests of Long Beach Residents, LBCA, through its executive committee, feel that the resolution above encapsulates the resolve of LBCA members and residents of Long Beach and better serves their interests and those of the larger community.

Shifting the boundary from the Bay Road Car Park to the beach access by the Sandy Place toilet block, was not discussed in our survey of members nor raised in any of the submissions made to us. It is entirely Clr Nathan's proposal. We believe it will disrupt people who habitually walk their dogs from homes in Bay Road, Fauna Avenue, Cullendulla Drive /Long Beach Road and North Cove Drive. Furthermore, the access point proposed by Clr Nathan clashes with the proposed location of the relocated playground from Higgins Park to Sandy Place Reserve, creating a possible conflict with access for dogs given the proximity to this play area. Nor does Clr Nathan offer any restrictions for those periods of the year when Long Beach is at its busiest, with its many holiday homes and rentals occupied to capacity. Many visitors bring dogs, and this has the potential to create confusion. We consider it prudent to have December and January as time share, offering safety and tranquillity for use by holiday makers.

It was our intention to debate this issue during the consultation period of the CAMP review, however as Clr Nathan's proposal is pre-empting this, LBCA contends that the changes to dog access on Long Beach, be the ones it has discussed with its members and voted on at its duly constituted meetings and communicated to council opportunely.

The survey questions asked and the replies to each question received, are listed in the attached document, which was provided to Mr Lindsay Usher.

On the issue of the proposed dog exercise area, (Agenda Item PSR17/059) an issue that is frequently brought to the attention of LBCA committee members is the number of people who exercise dogs off the lead in the Sandy Place Reserve, the reserve next to Beatrice Place, the grassed area west of Sandy Place leading up to the Square Head National Park and occasionally on the beach east of the informal boat ramp on Bay Road.

All these areas are strictly on lead only (except east of the boat ramp which needs some clarity). It is important for the safety and tranquillity of walkers, myself included, that council, in the lead up to the CAMP, undertake a major campaign to educate the public and visitors on the rules regarding dogs off-lead. We are often frustrated by the lack of clarity in people's minds, and the message should be clear that dogs can be off lead only in the council designated areas or in a fully enclosed back yard, they must be on a lead in all other places.

I will read the questions and answers of our survey if I have enough time, otherwise I would like to table the results.

Thank you for your attention

LBCA Survey on Time-Share Arrangements for Dogs on Long Beach.

The Long Beach Community Association seeks to represent the views of the community on the above issue. The views expressed by members by way of this survey will help to inform discussion at the forthcoming LBCA meeting on 30 September, and subsequently, a submission to the review of the Companion Animal Management Plan review, due to commence in October 2017.

Please find below the collated results of the survey, we received 60 votes from 217 members, One response was unreadable, two votes for no change did not answer any other questions, three members ranked their responses to Q1b: quite a few had comments to add to their votes, which will be used to add weight to any submissions to the CAMP review.

<u>SURVEY - Dogs on Long Beach</u>	<u>Votes: 60</u>
Do you have a dog(s)?	Yes 30 No 28
If you have a dog, do you walk your dog(s) on Western Long Beach?	Yes 30 No 18
1. Which of these statements/proposals best reflects your view?	.
1a) There should be no changes to the current arrangements for walking dogs on Western Long Beach, as per signage <i>ie. Dogs can only be walked on the Western end of the beach. They can be off leash 24 hours a day from May 1st to October 31st. The remainder of the year restricted to before 9am and after 5pm</i>	20
1b) There should be changes to the current arrangements for walking dogs on Western Long Beach to relax the restrictions on access to the beach during the October to April period.	36
1c) No dogs should be allowed on Long Beach at any time.	4
2. If you selected 1b above (ie changes to arrangements), which option for change on Western Long Beach would you consider LBCA should be advocating to Council on behalf of the Long Beach community?	Check one
2a) Off leash access by dogs 24 hours a day except for Summer and Easter school holidays? <i>(with time share in place for school holidays)</i>	13
2b) Off-leash access by dogs 24 hours a day except for the summer months ie. time share in place for the summer period – 1 December to 28 February	5
2c) Off-leash access arrangements to continue unchanged, but on-leash access by dogs allowed during restricted times ie. between 9.00AM and 5.00PM November 1st to April 30th	5
2d) No time restrictions on walking dogs on Western Long Beach <i>ie. Off leash access by dogs 24 hours a day, throughout the year.</i>	13

R. Green

Submission to the Amendment to the existing Companion Animals Management rulings within the Eurobodalla Local Government Area to include Long Beach with alterations to the dog off leash period and times.

I preface my submission by stating that my opinions are reinforced by my background and experience as a dog obedience trainer and as Deputy Chief Instructor with Sutherland Shire Dog Training Club. In addition I hold a Diploma in Leisure and Health and have extensive management experience in Wellness and Ageing within the Community Home Support and Aged Care sectors. This experience allows me to highlight the strong link that exists between the Companion Animals Management Plan (CAMP) and the Recreational and Open Space Strategy (ROSS), both of which are currently undergoing revision.

According to the current CAMP document for 2015-2019, Long Beach area was not included in the current review nor does not have a designated 24 hour off leash dog exercise area. The ESC current CAMP document also identifies seven (7) items that assist the management of the Companion Animal Act 1998 and I draw attention to items 4 to 7 deemed as relevant to the plan:

- "4. Identify a range of strategies targeted to achieve a balance between the needs of pet owners and non-pet owners
5. Undertake monitoring of trends and assess performance against plan responsibilities
6. Reflect the emerging understanding that companion animals can contribute to quality of life, and to integrate this with the need to minimise impacts on the environment and native wildlife
7. Provide animal owners with support, education, regulation and facilities to accommodate their pets within the broader community and environment."

One of the overwhelming reasons Long Beach became our suburb of choice is its great beach, beautiful open spaces and opportunities for strong community connections. As a dog owner, it offers the opportunity to enjoy the freedom this area provides; being able to walk our dog off leash on the beach, being able to swim, to exercise and relax and enjoy the social connections these activities bring. Based on our experience I believe many visitors and vacationers are drawn to this area because it offers the opportunity to fully integrate their fur family members with their holiday. It is disappointing to note Long Beach residents and visitors who wish to exercise their dogs off leash along the beach cannot utilise the beach area for 6 months of the year from November to May (the warmer months) and are restricted to the hours before 9.00am or after 5.00pm under the existing timeshare arrangements.

One of the benefits of Long Beach living is the long stretch of beach (approximately 1.6 km) south west from the Bay Road car parking area (the existing sign posted area) which lends itself well to both gentle and active exercise for all age groups both in the water and on the sand and is dog friendly. In addition the beach provides an open space area which addresses the welfare of dogs by providing the opportunity for them to run and swim, utilising that excess energy which potentially increases negative behaviours such as barking and aggression. Dogs actively socialising together in a shared environment, where no dog has territorial ownership of the area, reduces the issue of dominance and encourages the

development of a happy and well socialised animal. Dog owners regularly take this opportunity to meet together to chat and and socialise in this shared environment which has proven health and wellbeing benefits. This activity is a win/win for both animals and owners alike as owners can engage in healthy physical and social activity and dogs can be socialised, exercised and occupied gainfully rather than engaging in negative behaviours.

If you take into account the full length of Long Beach, there is ample area on the beach to the south east of the Bay Road carpark timeshare signage to cater well for those residents and visitors who do not wish to have dogs around them as is their right.

Having met with other local residents and discussing the disproportion of actual beach access periods under the current timeshare arrangements, I found that Long Beach was not included in the initial CAMP review. The next approach was to Eurobodalla Shire councillors requesting that the review of the CAMP include Long Beach. This would provide the best opportunity to highlight the inequity that exists for residents due to the current time share arrangements and address the lack of opportunity for the dog owners of Long Beach to access their nearest beach within reasonable parameters.

Like minded residents established a survey of the Long Beach community in conjunction with the Long Beach Community Association (LBCA) of which I am a member and canvassed homes in the area. This information provided valuable community feedback to the LBCA. As a direct result of this community based consultation, a motion was put to the LBCA at its General Meeting on 30 September 2017 requesting its members support the following:

"1) Dogs be permitted off lead on the western end of Long Beach at all times, 24/7, except December and January, when dogs must be on lead between 9am and 5pm; and

2) That the eastern end of Long Beach remain dog prohibited all year round.

This extended off-lead endorsement in no way diminishes Council rules, that dogs off-lead must be under control of an adult at all times and that handlers must immediately pick up after their dogs." That motion was passed with overwhelming support for the motion.

Based on the premise that residents, visitors and their dogs will benefit from increased levels of physical and social activity and interaction over a longer and more suitable timeframe, and the positive outcomes of an effective community consultation process within Long Beach, I request that Eurobodalla Shire Council provides fair and equitable beach usage for residents and visitors by amending the current timeshare arrangements for dogs off leash along the south western end of Long Beach. Currently, dog owners are not permitted to exercise their dogs along this area between 9.00am and 5.00pm from November to May. I request that this off leash amendment on Long Beach be extended to 24/7 except for the school holiday periods. However, I also believe that the LBCA motion for exclusion period for the months of December and January is entirely viable.

Diane Brooks, Long Beach resident

The General Manager

PO Box 99

Moruya NSW 2537

Joe Mangion

13 Currowan St

Nelligen NSW

Your Ref: PSR17/059 – Dog Recreation - Nelligen, Tennis Court Lane

Dear Sir/Madam

Point Form – Objection to 24hr Dog Exercise Area – Nelligen

1. Letter from █████ – My response - BUT I did not send due to Friction in regards to excessive dog barking and I am now the BAD guy in town because I complain about excessive dog barking
2. My Health – I am now on medication as I have become very stressed at just anticipating dog owners bringing their dogs to the Park – and especially after a shouting out to PLEASE stop the dogs from barking
3. Safety – there are no fences to prevent dogs running up to other Park users, my own grandchild was subject to this and now they cannot go to the Park without me or when there are dogs present Also dogs are let off leash way before the dog owners enter the Park
3. Trial period – the dog owners have been using the Park for the past TWO years with their dogs off leash -and even with me approaching people and requesting to train their dog not to Bark excessively – they still go to the park and let them bark and yap and if I do not shout out they do not even try to stop them from barking – so I believe that that they had a trail period
4. My house is up for sale, last Wednesday broke me when a dog owner let the dog off the leash and let the dog run down from the Clyde Blvd entrance to the park and the dogs just opened up with their barking and NOBODY even tried to stop them – I just got up and left the house for an hour so I am now being governed by dogs when I can stay or leave my own house
5. In regards to community consultation, there are only three houses directly across the park – one neighbour is hardly at home and the other across the road is usually at work till 6pm – what chance have I got against the community who live nowhere near the park – it does not directly affect them so of course they will agree to a dog exercise park
6. I am begging council not to proceed with the 24hr dog excise area – I do not know how long it will take to sell the house but it is a shame that I have to take such extreme action to gain some peace and quiet