

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 28 June 2016

Name	Subject/Comments
Agenda Items – 10.00am	
Irene Barry	GMR16/012 Adoption Revised DP and OP - Montague Arts and Crafts Society
Peter Lonergan, President, Central Tilba Chamber	GMR16/012 Adoption Revised DP and OP – Tilba developments
Andrew Bain	GMR16/012 Adoption Revised DP and OP – Broulee to Moruya Airport Track
Peter Bernard	GMR16/012 Adoption Revised DP and OP PSR16/018 Rezoning and reclassification of Albert Ryan Park PSR16/019 Wagonga Inlet, Kianga and Dalmeny Flood Study
Leah Burke	PSR16/018 Rezoning and Reclassification of Albert Ryan Park
Trish Hellier	PSR16/018 Rezoning and Reclassification of Albert Ryan Park CAR16/008 Delivery Program Review – Citizens’ Jury Update
Patrick McNeil <i>No submission provided</i>	PSR16/022 Draft Community Land Plan of Management – Kyla Park
Maryanne Sinke <i>No submission provided</i>	PSR16/022 Draft Community Land Plan of Management – Kyla Park
Maureen Baker, Tuross Lakes Preservation Group	PSR16/022 Draft Community Land Plan of Management – Kyla Park
Lei Parker	PSR16/022 Draft Community Land Plan of Management – Kyla Park
Mr Chris Jones, Tuross Head Progress Assoc	PSR16/022 – Draft Community Land Plan of Management – Kyla Park
Debbie Schubert, Tuross Community Garden	PSR16/022 – Draft Community Land Plan of Management – Kyla Park
Jeff de Jager	PSR16/022 – Draft Community Land Plan of Management – Kyla Park
Peter Cormick	CAR16/008 Delivery Program Review – Citizens’ Jury Update
Paul Bradstreet	CAR16/008 Delivery Program Review – Citizens’ Jury Update

My name is Irene Berry and I am president of Montague Art & Craft Society Incorporated, usually known as MACS, in Narooma. Our main objectives to carry into the future are:

- To maintain an independent organization and financial independence
- To maintain open studio space and permanent exhibition space
- To provide storage space for assets and equipment
- To provide the arts community with a drop in centre and provide unlimited member access to premises

Our Society has been operating for 35 years and most of that time meetings and workshops were held in members' homes and we set up our gallery in any empty shop that was offered. However 8 years ago the Narooma School of Arts offered us a license agreement for The Cottage at 92 Campbell Street Narooma. The Cottage is situated on an area of land dedicated in 1895 for the community of Narooma.

I understand the Cottage was quite run down at the time MACS took over management and many working bees were held to get it into shape so that MACS could have a permanent gallery and studio space. In the last 2 years the space under the house has been fitted out as a 'wet' studio for more messy pursuits such as mosaic, pottery and wet felting. Unfortunately using the extra space in this way leaves us without storage space for exhibition boards, lights and plinths.

At the Cottage all the renovating and decorating is done by MACS volunteers who are reimbursed by MACS for any materials they use. Occasionally we are required to hire licensed tradesmen such as plumbers and electricians and they are also paid from the MACS coffers. Our income comes mainly from commission earned from selling members' art and from membership fees. To date the School of Arts who are the trustees of the cottage have applied to Council for grants to cover some of the prospective rent of the Cottage and have not requested further payment from MACS. However that arrangement ends on 15 August this year.

MACS manages the property and our members open the premises to the public 6 days a week. Besides MACS' own diverse workgroups taking place in both studios on most days of the week, other community groups also use the Cottage for social gatherings, workshops and meetings. Regular users include the School of Arts Committee, the Historical Society, a Mahjong group and the Kids Cubby which is an art group for primary school age children. We also hold workshops on behalf of the River of Art in May.

Our renovation work benefits our landlord, the School of Arts, because we are making capital improvements to their property and the many, many hours put in by volunteers benefits the whole Narooma community but MACS members only benefit while we are 'in residence' as it were and as stated earlier one of the objectives of the Montague Art & Craft Society is to remain an independent group and to this end I ask the Council for some financial support to keep this valuable community asset functioning.

Budget submission to Council 2016

New carpark for Central Tilba

This project is needed to assist the residents and tourists who visit Central Tilba to safely park and experience the atmosphere and shopping, spending longer in the town and spending money.

The chronic shortage of parking is inhibiting economic development and growth in the village and is causing unsafe traffic flow logistics for the town. This has exasperated visitors and local residents when visitors, unable to find a suitable park, then park in awkward or dangerous places and cause traffic jams or accidents. Future growth has also been affected by potential investors noting the lack of retail car parking and compounded by the ongoing issue of lack of internet and mobile phone coverage.

Anybody in business or has been in business already knows that growth is vital to ongoing success, how else are we able to pay for ever increasing fees and charges

The substantial growth in traffic due to increase tourism numbers is due in part to both the Eurobodalla council and our own efforts to promote both the wider area and our Unique National trust village, also the success of River Cottage Australia in promoting our area. All of which we are extremely grateful for. However, it is causing a major issue with potential customers leaving the town due to lack of parking. Furthermore, on many occasions the town is literally "choked" with unsafe bottlenecks at the end of the retail precinct when potential customers do U-turns to try and exit the village.

The topography of the village does allow for expansive parking as in Mogo, for example, and we would not want that type of parking anyway because it would damage the look of the village.

Some land was given to council back in 2003, 13 years ago, for the express purpose of a carpark. Tucked out of the way just past the cheese factory, it is ideal for this purpose and would have little visual impact on the village. The land area will accommodate 25 car spaces. Councils Technical Services have done an excellent job of a design proposal.

History

Our chamber wrote to council in November 2008, reply received May 2009 No plans, put in a submission. June 2009 submission sent. No reply. August 2012 letter sent requesting on site meeting to discuss Parking issues. Various other discussions and meetings over the past few years

The town currently has:

2 caravan dedicated car spots

1 old disabled dedicated car spot (no markings)

The front entrance (to the Village) carpark has 28 spots

New parking would provide an additional 25 spots and provide a safe turning circle.

Visitation estimate: in excess of 200,000 and growing every year

The town will not be able to cater for growth expected in coming years and the influx of international tourists expected from September 2016 both from Canberra International airport and cruise ships via Eden port which would involve more buses. The grey nomads show no signs of staying home, visits of caravans increasing every year.

Toilets and Amenities

As part of our budget submission we ask that the toilet block beside the large hall in Bate street be considered for a total replacement. The current facilities are in appalling condition as far as I know they have not been touched in 30 years and they look like they have been built from left over second hand materials. Broken tiles, missing grout, broken door locks 30 year old cisterns, the “new” doors were put on at least 10 years ago using a sheet of builder’s ply, the bottom of the disabled door, (an internal cavity door), has the bottom hanging out which jams the door when opening. There is a down pipe from the roof that empties onto a timber deck!

This is third world stuff nowhere else in the shire, I doubt NSW, would you find more, shoddier, inferior facilities. Just because Tilba is a heritage village it does not mean any work done there had to be shoddy old work. Busloads of elderly people pull up there to use those facilities and they are quite simply inadequate They do not need repairs they need re-design and replacement.

Picnic area

The current facilities in front of the Tilba Cheese factory need repairing or replacing.

The timber in many places is splintered, in some places these are quite dangerous.

The popularity and use by visitors is evident by how worn out the ground is underneath. This makes for uneven ground, in places the erosion is perceived as dangerous.

All tables would warrant replacing

Chamber have fundraised to contribute to improving this picnic facility. We would like to see the whole area revamped into an integrated design with paving under the tables and if possible an undercover area. At this point we have raised \$8000 and would undertake in-kind work on the landscaping through working-bees as additional co-contribution.

Perhaps there could be an opportunity that could be graded if necessary while the carpark work is underway and machinery on site.

Thank you very much for your consideration of the above projects

Peter Lonergan

President

Tilba District Chamber of Commerce

Andrew Bain

Mayor and Councillors,

I am here taking a risk that the Councillors will agree to the proposal to extend the Broulee to Moruya airport to the Moruya River. On behalf of the Broulee and Mossy Point Community Association I am taking this opportunity to congratulate Council for a wise decision.

It is a risk in the operational plan
TODAY BECAUSE

But first I should apologise for the President of the Community Association, Ross Hayward, who presented this idea to Council 2 weeks ago but who cannot be here this morning. Rod Scholes is here. He first put the idea to Council in 2002 and it has not been off our agenda ever since.

The Broulee and Mossy Point Community has put a high priority on this development which is why it offered to subsidise it by \$25,000 which represents over 30 percent of the total cost.

Raising money is not easy for Community Groups, the hourly rate for the volunteer labour is exceedingly small but we believe the completion of the path will be a big success for:

- safety, it will keep cyclists off the 100kph section of George Bass Drive;
- It gives access to an area of natural beauty and environmental importance to both residents and for visitors to Broulee and Mossy Point;
- For visitors to the North Head camping ground it will provide an easy route to the patrolled and safe beaches of Broulee.
- Shire residents from much further afield are strong supporters of the proposal. The Eurobodalla Bicycle users group based in Tuross Head are strong supporters.

Overall it will be a strong holiday attraction for Broulee and the region.

I am not sure if I should float this now but I believe this Council and Bega Council should give thought to a very long term objective of a bicycle route from Batemans Bay to Eden. It would be a great tourist attraction. It may take 20 years but it should be on the long term agenda with small pieces linked together every year.

So on behalf of the Broulee and Mossy Point Community and the wider Eurobodalla cycling community can I say thank you for supporting a great idea, at the risk of a mixed metaphor can we hope it is a first step in a long ride. Perhaps it can form part of a local contribution to Bike Week in September.

10 Sept

Delivery Program- 2013 -17
Operational plan --2016-17
Council address Item 16/012 - 26-6-2016

Reference is made of address to the Council and you Madam General Manager on Tuesday 27th October 2015. A reply, in part , came some nine months later on the 30th May 2016 . This reply was instigated by the Acting General Manager, Lindsay Usher during your holidays. This reply was the result of a further address on related subjects, the latest being on the June 12th 2016. Eight months! Madam General Manager -Eight months! On a subject concerning tens of millions. Much of the reply received is considered totally unsatisfactory and as with many other council letters it clouds most of the issues with references to meaningless although related internet sites.

I must say the problem with respect to communications with the community does not lie with any of the internal or any external staff that I have had the pleasure to know .The problem appears to lay with the existing Jury, the Judge, and most of the Management Hierarchy .I would remind them that they were democratically elected by the people with the hope that they would be represented honestly, efficiently and be given the understanding that they deserve.

Madam General Manager it is acknowledged that this report must be considered in conjunction with similar reports for previous years and that for the

following financial year. Madam General Manager to refresh your memory I queried figures of some \$ 30.2 million from “asset sales” and \$64 .4 Million for purchase of assets for the Base and SRV cases .This \$30.2 million, equivalent to 1/3 of total revenue of \$ 9 1 million, was to be replaced with new assets to the value \$64 Million? Was this achieved? If not what was achieved?

Were there any concerns displayed by you, the Audit Committee, Councilors or IPART? Madam General Manager the Council may consider this past history .However it would appear now that attempts has been made to deliberately change the history to achieve a rate rise of over 26% . Rather than being “Fit for the future “ it would appear that council has been “Fudging for the Future “.Its residents are being made to pay for it with a rate increase of over 26 percent over the next three years and beyond .

Madam General Manager I see that there have been unexplained changes the figures and they have been changed significantly from those Consolidated Budget figures displayed to the public for the base and SRV case in other Consolidated Financial Budgets.

The \$ 30 .185, 000 has been changed to \$0.695 M for proceeds from asset sales

And

Purchase of assets changed from \$ 64.4 m to \$26.44 m.

Madam General Manager

1.0 Why is this so?

2.0 What other changes, from what was initially shown to the public by way of Draft and finalized Reports *, have been made over the four year period.

3.0 Would IPART have made a different decision if these were known at the time?

4.0 If there is a simple explanation would you advise me now?

5.0 When can I expect a reply for all questions asked on 12 June 2014 -Item FBD16/033 and to what I am asking tonight?

I see no other alternate than for the Local member, Andrew Constance to get involved!

As a previous NSW Treasurer he may be able to assist and

Guide the community to the appropriate investigating departments.

I do not believe that this council can approve this report until satisfactory answers to the community are forthcoming.

Peter Bernard. 28th June 2016

*** Delivery Programs and Operational plans**

PS -16-09 Flood Study 27-6-2016

Wagonga Inlet , Kianga ,and Dalmeny Flood Study

There is no secret that many in the community have had reservations about the findings of the WMA report. Those that attended the very first meeting expressed many concerns with its findings and accuracy of the modeling. This applied not only to Dalmeny and Mummuga Lake but also to Wagonga Inlet .The extent of dissatisfaction was widespread, particularly in Dalmeny where some residences had been dramatically affected in the past. Many felt there was insufficient correlation between the many factors - berm height, status of opening and relationship with the amount of rainfall, run off, tidal conditions and land water inflows into Mummuga Lake. Luckily the Dalmeny Fire Brigade had marked peak flood levels during the 2010 Flood. In conjunction with Survey points provided by Departments of Lands, most local resident flood figures were accepted.

Future involvement in flood or sea level planning between statutory authorities such as National parks and Wildlife, Roads and Maritime authority is critical. The council report appears to be “Putting the slipper “into the NPWS for not implementing their entrance Policies when they themselves are to blame. Madam General Manager others have complained to me about council dominance with respect to Flood and Sea Level

Rise policies .This council is slowly committing the ratepayers to greater responsibility and we will be first in the firing line. Madam General Manager. You will recall before and after Construction of the roundabout at Narooma I asked whether Environmental Impact Statement and Hydraulics Study had been carried. I was advised that this would be sent under "Separate Cover ". After several years I am still waiting! I would suggest that this is a must as the hydraulics of the area has been altered not only as result of the roundabout. As a result some other areas of the flat have been subject to partial inundation. To overcome this area has been changed, once again, with larger capacity pipes and recent roadwork may compound the existing problems of the floodplain. A report by Hydraulics experts would be advisable. Public, Lawyers and Insurance companies will not display any compassion if injury, death, or damage can be contributed to inadequate engineering. This report recommends the flood study be adopted. I would strongly recommend against this as part of it has found to be flawed and the rest untested. Those that challenged it decided to concentrate on Dalmeny in the interterm and put aside Narooma. In view of the many changes that have been made and are still being carried on at the moments Narooma Flat any recommendation with respect to Narooma should be held in abeyance. Expert Engineering advice with particular reference to the Hydraulic changes that may have occurred during and after the study should be taken into account. I would warn the council that they do not have the best available

information and their interpretations under Section 733 may not exempt them from liability. Diversion of funds at the moment for works being carried out there at the moment for election purposes without due consideration of the vulnerability of the area is very shortsighted and dangerous.

Peter Bernard 26-6-2016

My name is Leah Burke and I would like to thank council for this opportunity today to voice my opposition on the rezoning and sale of Albert Ryan Park.

Firstly I would like to speak of Mr Albert Ryan and hopefully make clear that he did live on the site of this park and secondly on the park itself.

Allow me tell you a bit more about the man that was Albert Ryan.

Albert and his family lived on this land and his young daughter, Evelyn Adelaide Ryan, died in a fire that destroyed the family home in 1923. A report in the Sydney Morning Herald 21st December 1923 states Mr Albert Ryan's address as Beach Road Batemans Bay. The Braidwood Review and District Advocate reports Mr Ryans residence as near the spoke factory.

I have two photos of the land that is now known as Albert Ryan Park. One from the 1900's and the other from the 1920's, showing the mill as rebuilt by Harry Dunne in 1920. They show that all the way along Beach Road over a period of more than 20 years there was only ever two houses. Albert Ryans house was burnt in 1923 and he was living on Beach Road and near the spoke factory at the time. I cannot see any other house that Albert and his family could have been living in.

It was not until about 1929 that Albert built and moved into Ocean View House in Pacific Street, after he and his sister

won 5000 pounds in the tattersall on the Rosehill Races in 1926.

Albert served on council, he was a trustee for many buildings including our school of arts, he was a steward for the DMR crew operating from Deep Creek and in 1934 he was elected President of Delegates to agitate parliament for the construction of a bridge over the Clyde River.

He volunteered for many of the towns functions and sponsored many town events. Albert was Secretary and benefactor of the Batemans Bay Racing Club, President of the Batemans Bay Progress Committee. He was a civic minded and much respected gentleman.

Then in 1942 the DMR was gazetted use of this site as a depot for materials for the construction of our roads and then in the late 1940's to 1956 as a depot for materials for our bridge. This was not just a vacant block of land used to store materials. There were also buildings on the site, a main office, workshops and Alex Boyle was the blacksmith that worked the forge, this information supplied by Pat Dunn and her son Steven's memories of the site.

The foreshore was used as a slipway for repairs to the Clyde River Ferries. The poles still visible on the shoreline.

This lands history should be recorded by council and respected for that significance.

In March of 1974 the land was gazetted as a public reserve. The plaque on the milestone in the park acknowledges this. It reads

“This land has been proclaimed a Public Reserve and placed under the care and control of council”.

A lot of the original report to council gives the impression the park is just a toilet with a view, such is it's ~~the~~ rundown state. Unfortunately care has been sadly lacking and only minimal maintenance been carried out.

Well Albert Ryan Park is a lot more than a public toilet.

We have monitored the park and it is used on a regular basis and would most likely be used more frequently if it was maintained and kept to a better standard.

It is a precious piece of land that has been neglected for way too long. With better care and resources this park could be a real asset to our town. A place for people to picnic or just sit and enjoy that fantastic view. A travellers rest stop where, just a short stroll gets you to our CBD where time and money could be spent within our town and struggling retail outlets, and yes, also a toilet stop.

I hope today council will vote according to their staff's recommendation and vote NO to the rezoning of this park.

Much of the Bays history and footprint has been erased, so I also hope that today council will not only save this park but take the opportunity to bring Albert Ryan Park up to the standard it and Batemans Bay deserves.

**TERRIBLE FATALITY AT BATE-
MAN'S BAY.**

On Saturday night last a fire broke out at the residence of Mr. Albert Ryan, who lives near the spoke factory at Bateman's Bay, which resulted in the total destruction of his house and its contents as well as the death of his daughter, aged nine years. It appears that the other members of the family were away

from home. The little girl was in bed at the time of the outbreak. The flames had too great a hold on the place when assistance arrived for anything to be done to save the place. It was not known at the time that there was anyone in the building. The little girl, it would appear, must have been awakened by the flames and tried to get out of the cottage. At any rate, her remains, burnt to a cinder, were subsequently found in a room adjoining the bedroom. She had apparently been overcome by the smoke and flames before she could make her escape.

GIRL BURNED TO DEATH

MILTON, Thur-13

The circumstances in which the young daughter of Mr. Albert Ryan, of Beach road, Batenan's Bay, lost her life through being trapped in the flames, which destroyed his home on Saturday, remain a mystery. It is stated that a candle had been burning in the bedroom occupied by three young sisters. It had been placed on a wardrobe, and, burning down, ignited the covering of the wardrobe. In a few minutes, the wall of the room was on fire, but the children, calling to their parents, were rescued. The only explanation which can be offered is that the little girl, subsequent to her being removed from the burning house, missed her mother, and went back into the house to find her. Becoming panic-stricken, she then got back into bed, covering herself with the bedclothes.



BEACH ROAD BATEMANS BAY c1900's

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BEACH ROAD - BATEMAN'S BAY AFTER 1920.

②



GOOD MORNING MAYOR BROWN, ELECTED COUNCILLORS, GENERAL MANAGER, STAFF, GALLERY AND THOSE COMFORTABLE LIVE STREAMING AT HOME - AND MY MUM WATCHING FROM ABOVE. MY NAME IS PATRICIA HELLIER FROM BATEMANS BAY.

I would like to speak on ITEM PSR16/018 REZONING AND RECLASSIFICATION OF ALBERT RYAN PARK

I note the RECOMMENDATION is that Council does not proceed with the proposal to amend the Local Environmental Plan 2012 (LEP) to rezone and reclassify LOTS 10 and 11, DP 236342, being part of Albert Ryan Park, Beach Road Batemans Bay and I must admit I was overjoyed to read this recommendation by Mr Lindsay Usher, as it would have been a very brave person who tried to remove Mrs Edna Veitch who stated adamantly at a meeting at the Batemans Bay Library on the 6th May that she would lay in front of any heavy equipment to stop any attempt of any development on this site, Edna made that her promise. Edna is one of the older residents of Batemans Bay who lives in High Street which overlooks this proposed development.

I would suggest and I hope that the Councillors think very seriously also about rescinding the motion on the 12th May 2015 to decommissioning the public toilets on this block. I disagree with the statement that these toilets are underutilised and I have had a discussion with the cleaner of the toilet who has indicated she believed that these toilets are used frequently and that the anti social behaviour at these toilets are far less than the toilets at Corrigan's Beach. It is stated that this area is used for "over night camping" the recognised definition of CAMPING is to hit a peg into the ground - It has been recognised that these toilets are occasionally used by people with travel homes, these toilets are listed in some of the camps books. Councillors this is tourism and should be embraced by this council as I can assure you word of mouth is a large factor with "grey nomads" that travel the length and breadth of our coastline – majority purchase petrol, grocery items, souvenirs etc. It is acknowledged Albert Ryan Park needs "make over" and the toilets need an upgrade.

I find it very interesting to read in this recommendation and it was commonly known that the block of land on the corner of Pacific Street and Beach Road had been passed in at auction and is currently for sale and then to read that an enquiry was received by Council in regard to the marketed site, I ask at this point in time was that Inquiry in writing to Council and given that Councillors were apparently briefed on the 15th March and submitted and voted on by Council on the 12th April 2016 I have to wonder what the apparent haste was with getting this rezoning and reclassification "out there" – and I have to ask if this haste caused the lack of attention to detail in relation to the process of this issue, with incorrect date of the closing of the submission, a second submission date having to be advertised, incorrect address on the mailing to residents and the letter I received from Mr Lindsay Usher over this issue is unsigned – and of course then the larger issue of the whole exercise is that individuals from the group Save Albert Ryan Park actually informed Council that Council did not own Lot 10 and there is also a cloud over the ownership of Lot 11, I have spoken to Mr Ian Hodges from RMS and he has indicated to me that the ownership of Lot 11 is currently with the RMS Legal Department.

Mayor, Councillor and General Manager "the buck stops with you".

There is no acknowledgement in this report that Albert Ryan and his family lived on this land now known as Albert Ryan Park, I have previously provided Council with a copy of the inquest from the Braidwood Review and District Advocate Tuesday 25th December 1923 of a fire which claimed the

life of Evelyn Adelaide Ryan the daughter of Albert and Maude Ryan. The fire which destroyed her parents residence and there is also a report and extract in the Moruya Examiner December 22nd 1923 on the Inquest which Michael Thomas Pickett witness and grandfather of Evelyn Adelaide Pickett stated "I am a carpenter and reside at Big Hill Batemans Bay, I was the owner of the weatherboard building situated at Batemans Bay near Perry's Spoke Factory and occupied by my son in law Albert Ernest Ryan and his family ". I have found further evidence from the Moruya Examiner from a Witness stating "I was standing in the main street Batemans Bay. The fire appeared to be towards what is known as Perry's Spoke Factory". This was on the land now known as Albert Ryan Park.

I stated in my submission I believe that a memorial garden should be erected on this site and dedicated to Evelyn Adelaide Ryan.

Mr Stephen Dunne has informed me that he is currently in possession of the some of the petitions collected on this issue and there is over 1670 signature with petitions yet to be collected. Should Mr Usher's recommendation not be accepted by you Councillors then the petition will continue.

At a Council meeting on the 12th May I asked the Councillors not to waste anymore time or Rate Payers money on this issue and I called for Councillors to place a rescission motion in on this issue I am now requesting the General Manager for a detail report on the amount of hours that staff spent on this issue and what the all over cost involved with the advertising etc. of this proposal and if indeed the person who appeared to have sparked the interest in the site had any influence with this proposal perhaps that person could be approached to contribute to the cost as the bottom line is that "the rate payers of this shire will have to be burdened with this cost of this debacle" – I guess if there is a lesson to be learned from this to you the Councillors the question should always be asked "WHO OWNS THE BLOCK OF LAND".

THE BATEMAN'S BAY FATALITY.

At the inquest upon the remains of Evelyn Adelaide Ryan, who was burned to death in a fire which destroyed her parents' residence at Bateman's Bay on 17th Inst., the following, amongst other evidence, was taken:—

Maude Elizabeth Ryan deposed: I am a school child, eleven years old, and reside at Bateman's Bay with my parents. I remember the 15th instant. We went to bed about 10 p.m. We had a candle alight on a chest of drawers in the bedroom where we were sleeping, and left it burning. Later in the night I was awakened by the heat of the fire on my face, and saw the room in flames. I ran into my father and mother's room and awakened my father. I then went outside with my mother and sister Annie and two brothers. My other sister, Evelyn Adelaide Ryan, ran into my mother's room and got under the bed. I never saw her alive after.

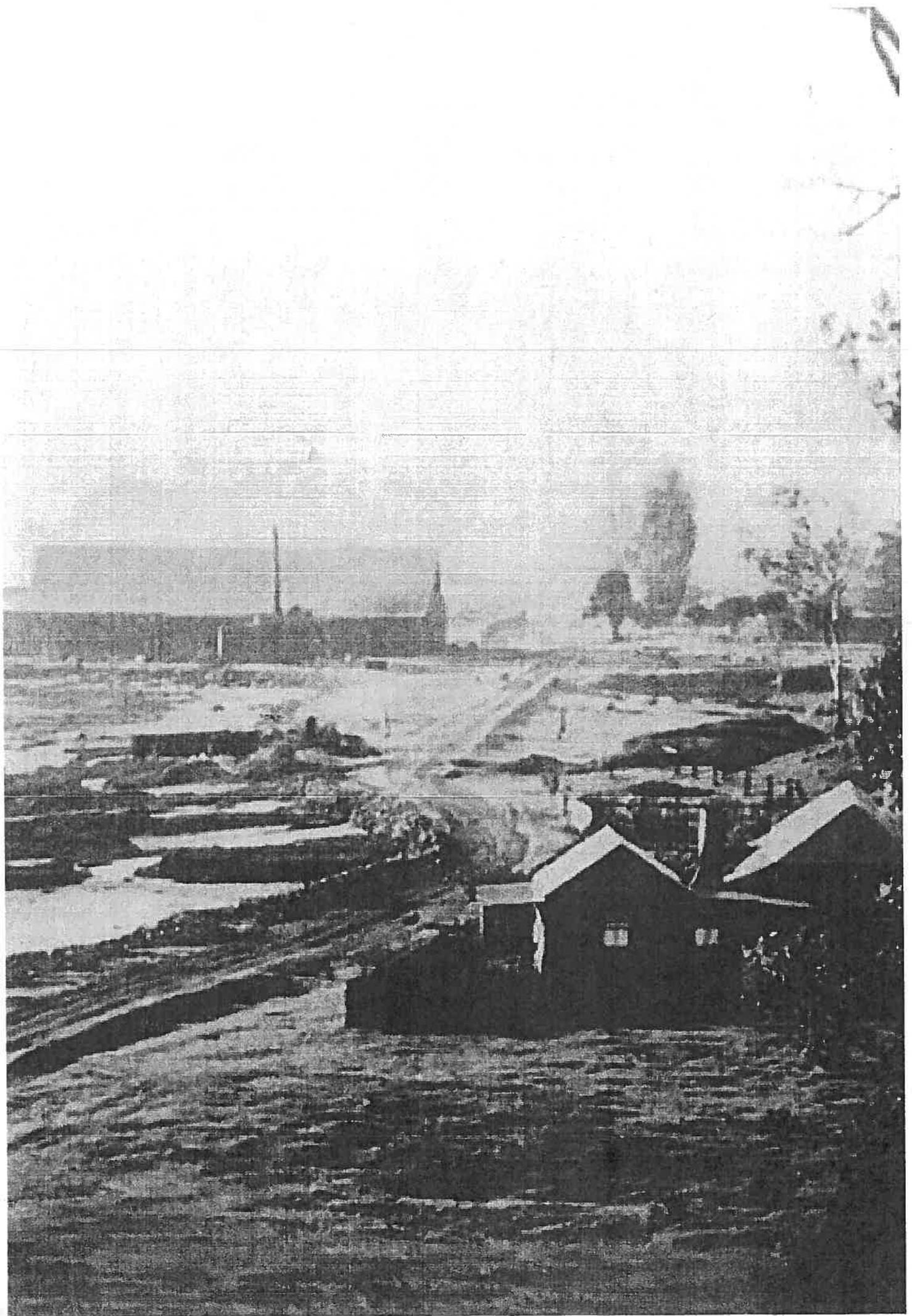
Albert Ernest Ryan, sawmiller, of Bateman's Bay, deposed: I remember the 15th instant. I was awakened late at night by my daughter, Maude Elizabeth Ryan, who informed me that the bedroom was on fire. I immediately went into the children's bedroom and found it all in flames. I sent the children and my

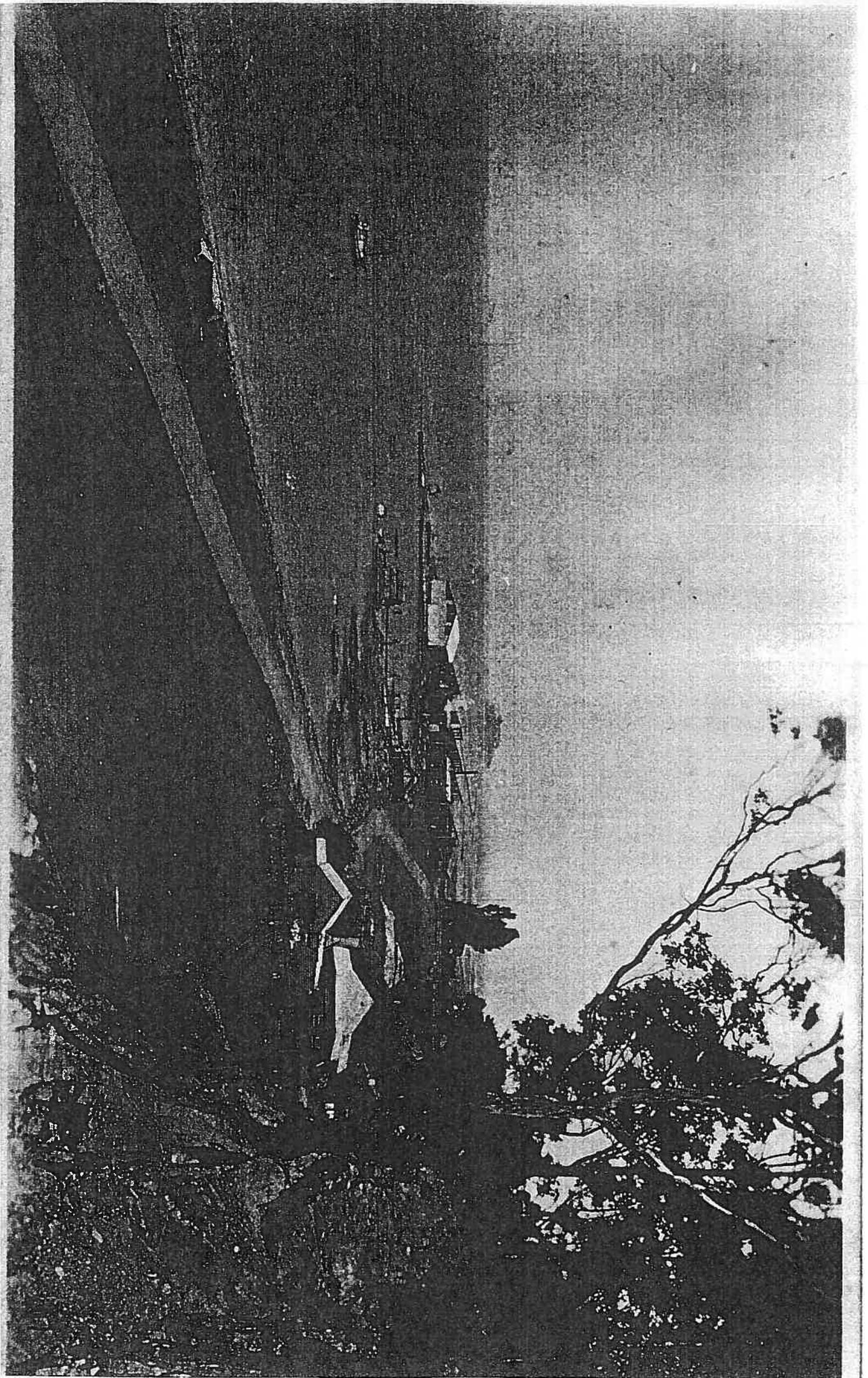
wife outside, then went and got some water and tried to extinguish the fire, but was unable to do so. I went into my brother-in-law's bedroom to see if he was in bed. I then came back to my wife and children, who were standing outside, and then first learnt that one of my daughters, Evelyn Adelaide Ryan, was not out of the building. I tried to return to the building, but was prevented by some of the public from doing so. Owing to the hold the fire had, being impossible to re-enter the building. When I entered the children's room the fire seemed to have the greatest hold on the wall near where the chest of drawers was standing, where the candle would be put when they were going to bed. There is no insurance on the building destroyed or on the life of my daughter deceased.

The Coroner returned a verdict of accidental death, adding that the fire was accidentally caused by a lighted candle being left standing on a chest of drawers.

The Mexican towns of Grandes, Huasbas, and Opoto are stated to have been razed by an earthquake.

Senator Pearce intends to ask the Federal Cabinet to place the Northern Territory under an executive commission.





Albert Ryan

Not more than a few hundred metres east of Batemans Bay's CBD on Beach Road is a smallish cramped tract of land contained by a steep cliff and 4 lanes of busy traffic.

It carries the name "Albert Ryan Park". But who was Albert Ryan?

Albert's father, Michael, was one of an extended family of Ryans who settled at East Lynne and Cullendulla to the north of Batemans Bay in the mid 1800s.

The Ryans were timber cutters, saw-millers and farmers. East Lynn is a pretty hamlet that grew up around the family sawmill. Many of the family members owned small rural properties.

Michael's cousin, George, named the area East Lynn after a book by English novelist, Ellen Wood.

Hard work and an independent attitude are characteristics shared by all the Ryans.

Michael Ryan was a resident of Cullendulla and established a sawmill at what is now Longbeach. Later he joined cousin George at East Lynn and operated his second sawmill until it burnt down 15 years later.

Much of the timber used in the early development of North Durras was sourced from the Ryan's Mill. Charles Innes was a boat builder at North Durras who relied on the Ryans for his timber.

Sons Albert and Harry preferred to live and work in Batemans Bay.

Albert Ryan worked on the Clyde River as an oyster farmer, eventually selling his leases to Kevin Connell whose family still work the leases today.

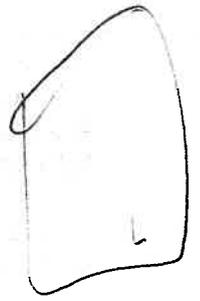
In 1926, Albert and his sister Ethel impulsively bought a ticket in the Tattersall's Sweep. This ticket drew a horse called Valamita that won the 1926 Rosehill Cup. Albert was suddenly £2,500 richer, and certainly rich by Batemans Bay standards.

He had earlier bought a block of land fronting Pacific Street, extending further up the hill to what is now High Street. The area was then commonly known as Snob Hill.

With an eye to an expanding Batemans Bay, Albert set to work constructing a grand accommodation and guesthouse.

He called his guesthouse, "Ocean View House".

Albert was determined that his new home would be built with the best of materials and would be constructed by men of exceptional skills. He naturally turned to the family sawmill and selected the finest hardwood blackbutt and blue gum.



His choice of these hardwoods is vindicated by the continuing quality of the timber after 83 years.

Albert employed a foreman and workmen that had recent experience with the construction of the Sydney Harbour Bridge.

His house would be 2-stories built on reinforced concrete piers. Spacious wraparound verandas kept the house cool in summer and the 13 tons of concrete chimney kept things warm in the winter. The house can be entered via any of its 14 doors.

Albert and his wife move into Ocean View House in October 1929. Accommodation was fully booked throughout that summer period but suffered later during the years of the Great Depression.

The Ryans were to remain in the house for 37 years.

During the Second World War, Ocean View House was used by the RAAF as a watchtower for enemy aircraft and air force personnel were accommodated in the guestrooms.

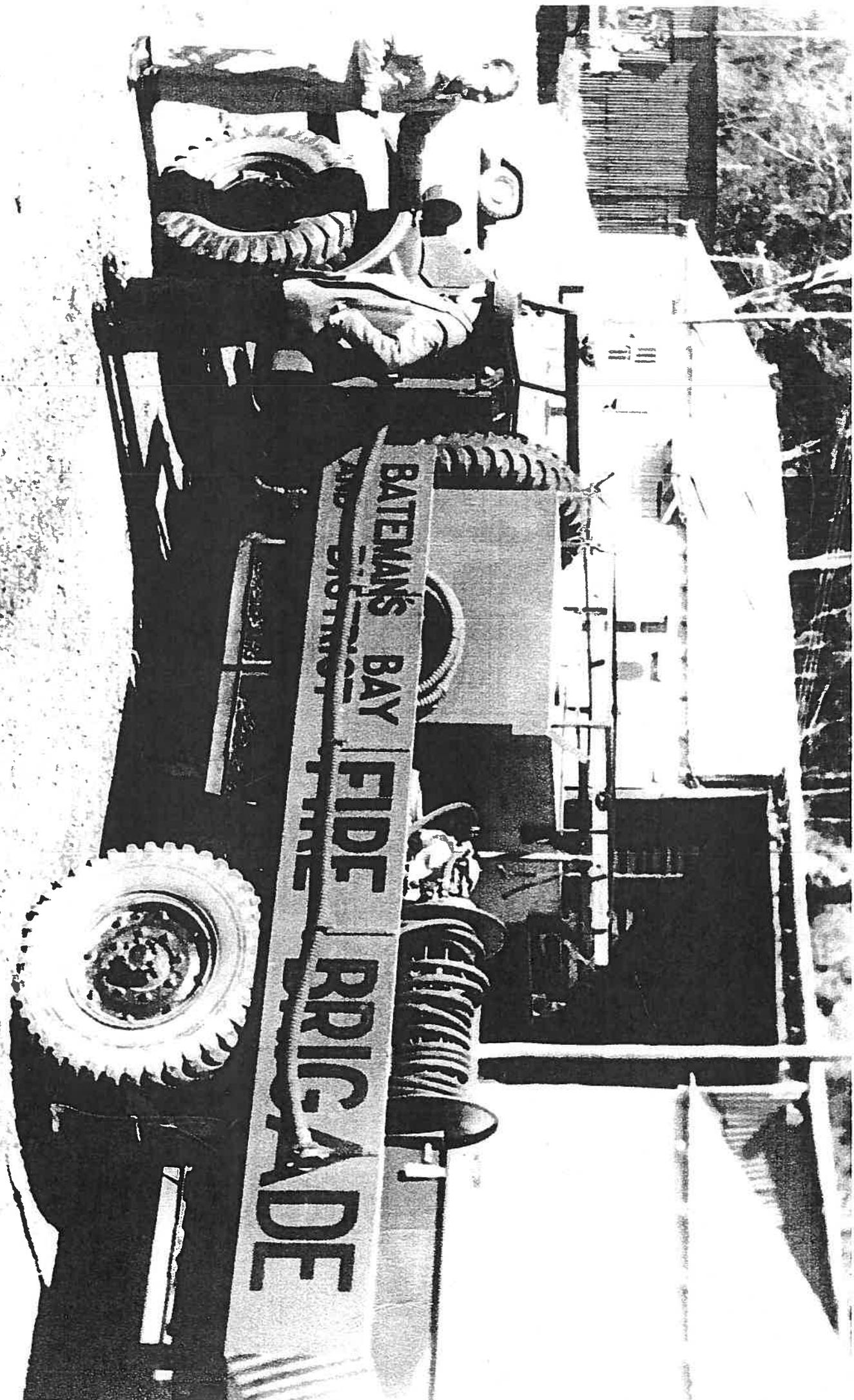
In the 1960s the Ryans found their large house too difficult to manage and built a smaller residence close by.

Ocean View House was sold to Merv and Robin Innes in 1967. Much of the house was modernised and other improvements made, but the original style and atmosphere remained.

Robin describes herself as a "preservationist" and is determined to retain the character and history of Ocean View House.

Albert Ryan died in 1970, aged 82.

He left Albert Ryan Park for the use and enjoyment of the people of Batemans Bay.



Batemans Bay Fire Brigade - Old DMR Depot, Beach Road, 1961

GOOD MORNING MAYOR BROWN, ELECTED COUNCILLORS, GENERAL MANAGER, STAFF AND THOSE PEOPLE AT HOME THAT ARE COMFORTABLE LIVE STREAMING AT HOME AND MY MUM WATCHING FROM ABOVE - MY NAME IS PATRICIA HELLIER FROM BATEMANS BAY. I have come here today to speak on Item No. CAR16/008 DELIVERY PROGRAM REVIEW- CITIZEN'S JURY UPDATE

I have decided not to go into a lengthy statement on this item apart from stating that I believe this could be a relatively good first step in a much needed communication exercise between the residents of the Eurobodalla and the Shires Council.

My concerns and perhaps this is not the forum to raise my issue, perhaps it should be addressed with the independent facilitator New Democracy Foundation (nDF) which has been engaged to run the Eurobodalla Citizens' Jury process, ensuring a robust, transparent and independent process throughout.

I continually come across this word TRANSPARENT and according to the Oxford Dictionary the meaning of this word is "allowing light to pass through so that object beyond are clearly visible, easily seen through, obvious candid and open". Candid and Open - I like the sound of those words - so NOW I will express some of my concerns in relation to the process of selection of the CITIZENS' JURY - I quote - An invitation will be sent to 5,000 addresses there has been an increase on the usual 3000 invitation to take into account Eurobodalla's high percentage of non-resident rate payers - I question will an additional 2000 invitations cover the PERMANENT RESIDENT RATE PAYERS of this shire?

Following on it states "Recipients of the invitation will have to register on line" NOW I have an issue with this as I believe given the population demographics of this area there could be a number of people who do not have the computer skills to register on line and therefore there should be another avenue for people to be able to register.

Further it then states that - "Based on the availability, a second random draw is done which seeks to randomly match to the age, gender, locality and ratepayer status numbers required. This draw generates the final membership required for the jury".

MY MAIN CONCERN with this process is, the largest section of the Rate Paying Base is in Batemans Bay - NOW a number of 24 has been identified as the JURY I have to question is there going to be a break up of that number being Narooma having 8 representatives, Moruya having representatives 8 and Batemans Bay having 8 representatives IF SO I FIRMLY BELIEVE THAT BATEMANS BAY SHOULD HAVE A LARGER NUMBER OF JURORS AS BATEMANS BAY HAS THE LARGER RATE BASE AND THE LARGEST POPULATION IN THE SHIRE THEREFORE IT SHOULD HAVE A LARGER REPRESENTATION ON THE JURY.

I hope the same method of choosing this JURY is not the same method that was used for the signage on the public toilets in this shire with 8 signs being ordered, Narooma receiving 3, Moruya receiving 3 and Batemans Bay receiving only 2 signs.

I will add tongue in cheek, I am happy to apply if the position of JUDGE is required, as I like the sound of JUDGE TRISH given that some recent emails from rate payers that I have received have been headed "YOUR HONOUR" (LOL).

DEPUTATION to Council Meeting, 28th June, 2016

My name is Maureen Baker and I am speaking on behalf of Tuross Lakes Preservation Group Inc. in regard to:

Agenda Item PSR16/022: Draft Community Land Plan of Management –

Kyla Park Folio E98.2463

We are very concerned about the way in which recategorisation of section of Lot 77 has been handled and the announcement that the Sailing Club shed will be built on it. I refer you to sections of this Report as follows:

Executive Summary:

Back in 2002 I represented our group on a committee which worked with Council over many months to prepare Plans of Management No. 26 & 27 which are referred to in this Report. At no time was there any mention that part of the Kyla Park oval penetrated into Lot 77.

In the 2nd paragraph of the Executive Summary it states “This re-categorisation will align the community land category boundaries correctly with the Kyla Park oval....”. However, under Council’s Plan of Management for Sportsgrounds, endorsed on 11th May, 2004 the Kyla Park Oval is categorised as “Sportsground”. **Hence by re-categorising the oval section within Lot 77 as “General Community Use” it will still not achieve incorporation into the same category as the larger part of the Oval within Lot 91 so hardly worthwhile re-categorising it.**

This current Report appears to be relying heavily on the Kyla Park Sporting Precinct Master Plan of 2011 but the inference that it is merely carrying out what should have been done after that Master Plan was endorsed is not quite correct.

Background:

In the 2nd paragraph under this heading it states that the Kyla Park Sporting Precinct Master Plan (2011) “identified the southern part of Lot 77 as appropriate land to be recategorised”. However, according to the aerial photo in that Master Plan it indicates that only the section marked for the proposed Community Garden would need to be re-categorised – not that whole section of Lot 77.

In fact the aerial photo shows no markings whatever indicating that the sportsground is on Lot 91 and that the Community Gardens would be on Lot 77. Hence those looking at that photo would probably assume that the Gardens would be on part of the sportsground, i.e Lot 91, and its area would need to be transferred from the category of Sportsground to a more appropriate one. Neither does this Master Plan refer to a proposed Sailing Club Shed.

The Master Plan also refers to the proposal for the Men’s Shed group to take over the old sailing club shed site near the toilets adjacent to the Oval but states that “in accordance with the Local Government Act 1993 Council does not provide for *exclusive use of community facilities.*” As it happened the Men’s Shed had drawn up a plan for a shed on that site which would have incorporated use by various sporting groups yet it was not allowed to proceed.

The 3rd Paragraph under heading of “Background” refers to a grant to build a storage shed for the Batemans Bay Sailing Club and the Community Gardens. Initially the grant application was for funding to build a sailing club storage shed. Neither the Gardens nor the Sailing Club were consulted about the grant application being expanded to include some storage space and water

tank facilities for the benefit of the Gardens. Therefore one can hardly be blamed for assuming that this change to the grant application was to avoid the proposal appearing to be for the exclusive use of one community organisation.

Proposal to build a storage shed on Lot 77 on the Coila Lake foreshore:

There is no reference in the Report that the site of the proposed shed is in a sensitive coastal location on the foreshore of an ICOLL. There is the possibility that once the shed is in use it may seem appropriate to clear some of the nearby trees along the lakeside so that boats could be launched directly into the lake from the shed – rather than put them on trailers to be trundled down a roadway between the netball courts and the playground area and the car park to reach the main launching ramp. This would, of course, not be in keeping with the waterway usage plan within the Tuross & Coila Lake Management Plan which indicates the importance of maintaining vegetation on the foreshores around the whole of Coila Lake to filter runoff.

Sailing Club members and other interested groups have all stated that they would be happy to see the storage shed built on the old shed site where there would be much easier access to the main launching ramp.

Choice of General Community Use category for a section of Lot 77:

Under Plan of Management No. 27, the Kyla Park grazing lots 75, 76, 77, 78, 79 were categorised as “Areas of Cultural Significance”. The Plan states that “the lands are part of a cultural landscape which has meaningful association with the Brinja Yuin Aboriginal people, and with the European pastoral use of the land for over more than 150 years.”

The archaeologist’s Report relating to the Turlinjah Sewerage Scheme states that “subsurface testing of the Coila Lake section (southern end of Lot 77 and the Community Land around the Kyla Park Recreation Hall) revealed a very dense concentration of Aboriginal artefacts throughout the tested area, with the highest densities found closest to the lakeshore. These densities are comparable to (and even exceed) those of much larger sites similarly excavated and analysed along the south coast.” Hence this area has been listed in the Plan as of Regional Significance.

Recategorising this part of Lot 77 as General Community Use is not only losing sight of its European pastoral history but, most importantly, its regional Aboriginal cultural significance.

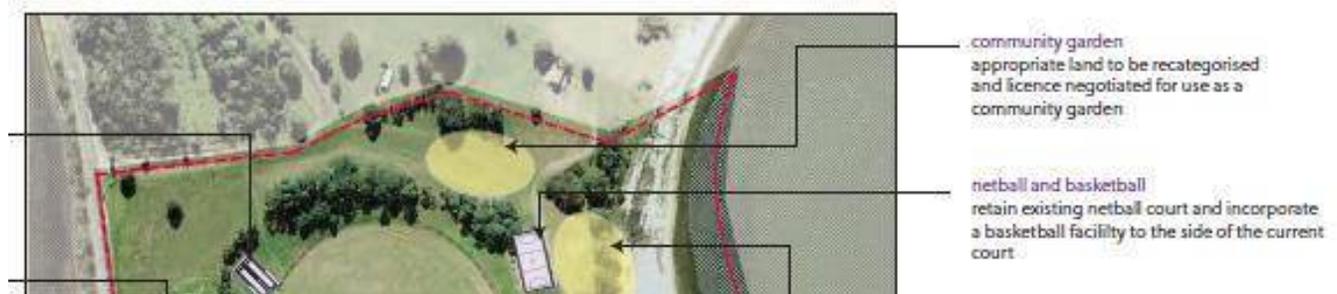
We, therefore, support the view of others in the community advocating erection the shed in the vicinity of the old Sailing Club shed area. The category of “Area of Cultural Significance” over the whole of Lot 77 can then be maintained and respected as the Tuross Community Gardens fits within the core objectives.

Maureen Baker, OAM
Secretary, Tuross Lakes Preservation Group Inc. 44 73 8800

Councillors there was no boundary shown that distinguished Lot 77 from the adjacent Sporting Reserve of Lot 91.



There was however an arrowed notation on the Precinct Plan overview to an area we now know to be on Lot 77 that said *“Appropriate Land to be re-categorised and licence negotiated for use as a community garden”*



Under “Issues” in the 2011 report there was no mention that a re-categorisation would require a full Public Hearing.

Under “Strategic Links” it failed to mention the adjacent existing Plan of Management that included Lot 77.

Under “Financial” there was no mention at all of the costs to conduct a Public Hearing or staff time to present the subsequent reports.

Councillors were advised in 2011 that *“The Master Plan is based on a comprehensive consultation and community engagement process”*

The report stated; *“During the exhibition period Council **received two submissions**”* closing with the statement *“The minimal amount of submissions received during the exhibition period shows the Plan is supported by the community”*.

In 2011 Councilors adopted a the Kyla Park Sporting Precinct Plan put before them in good faith

however it remains of considerable concern that they were not made aware of the onerous issues, financial and legal, regarding Lot 77 in that report.

This brings us to today.

Following the approval of a grant to build a shed for the Batemans Bay Sailing Club, Council announced it was going to begin construction of the shed on Lot 77.

There was NO consultation with community organisations including the Batemans Bay Sailing Club regarding the proposed site. Council drew up plans, they selected a site selected, tenders were called and work was set to begin.

The Tuross community stepped in and said NO. Under the current Plan of Management for Lot 77 such a shed is **not allowed**. Council said they could build the shed, and then retrospectively re-categorise.

They said the adopted Kyla Sporting Precinct Plan of 2011 gave them mandate.

The report before you seeks your approval to proceed and amend two community Plans Of Management that will see a substantial section of Lot 77 re-categorised by the justification of:

- *aligning the community land category boundaries correctly with the Kyla Park oval –*
Note that only a few square metres of oval grass encroaches into Lot 77.



Note also that the red line is very generous to the “encroachment” compared to Councils own GIS image below.



Is re-categorisation of Lot 77 for an encroachment of square metres of grass truly justified?

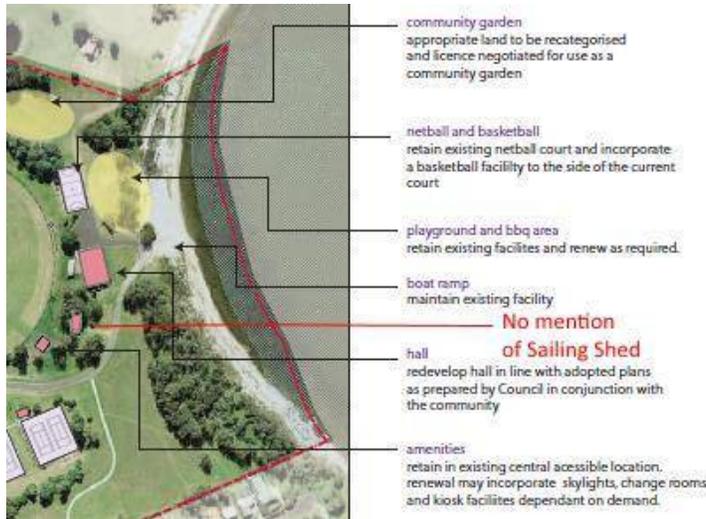
- *regularizing the Community Gardens by correctly categorising that land*

The Community Gardens already have a licence granted. They obviously comply with the core objectives in the POM No 27 to be granted that licence and, as such, any justification for re-categorisation is negated.

This report is purely to “facilitate the construction of a new storage shed” on Lot 77.

Without your vote to proceed today with the recommended re-categorisation of Part Lot 77 to General Use the shed cannot be built at **Council's preferred location**.

The 2011 Kyla Sporting Precinct Master Plan "presents a concept to guide future planning over the next 20 years"



There was **NO** mention of sailing as an activity in the Kyla Sporting Precinct Master Plan **NOR** recognition or attribution of the existing sailing shed in the Precinct diagram of that Plan.

With the exception of the notated Community Garden there was nothing identified as required by the community within Lot 77 for the next 20 years.

At the time of drafting the Kyla Sporting Precinct Plan a formal submission to reconstruct the existing storage shed was made. The intention was to build a multi-use shed to benefit several groups and direct its rain water to the community gardens. **Council said NO.**

The Kyla Hall Management Committee then requested additional rainwater tanks be installed on Kyla Hall to benefit the community gardens. **Council said NO.**

The community and its organisations have formally and verbally requested that the new shed be built at the present site. **Council have said NO.**

The preference of the Batemans Bay Sailing Club is to locate the new shed in its current position. **Their request to do so has been ignored and they have NOT been consulted.**

To vote today to proceed in the re-categorisation of Lot 77,
- **ignores the critical flaws by omission within the 2011 Kyla Sporting Precinct report**

- **devalues the cultural significance of the land and**

- **disrespects the wishes of the Tuross community and BBYC who support the new shed - but not on Lot 77.**

I request that Council do not proceed with this recommendation.



Council GIS



Council Report



Google Maps

[REDACTED] supply for use in the community
[REDACTED]
[REDACTED] Park and the [REDACTED] shed and [REDACTED] to the
[REDACTED] s.

In summing up, if the BBSC storage shed is to be constructed on the site of the derelict shed in the existing Lot 91 sporting precinct as has been discussed, then it follows that there is no other compelling reason for Council to re-categorise any section of Lot 77 to join into the sporting precinct, as the TCG can continue to operate in Lot 77 as its agricultural activities will continue to meet with the intended use of the lands in Lot 77, that being for agriculture and grazing purposes.

Yours sincerely



John Tilbrook, Senior Vice President, Tuross Head Progress Association Inc
PO Box 3100 TUROSS HEAD NSW 2537
Telephone: (02) 4473 9390 Mobile: 0409 925 458 Email: john.tilbrook@gmail.com

My name is Debbie Schubert. Thank you for the opportunity to provide input on your agenda item which relates to Tuross Community Garden who I represent today.

Firstly, the members of Tuross Community Garden would like to table their objections to the inclusion of our organisation as a co-beneficiary in the Batemans Bay Sailing Club (BBSC) application to the Building Community Partnerships grant program without prior consultation with or notification to our members. We understand this was done by council and not by BBSC. This action has adversely affected the possibility of Tuross Community Garden gaining a grant from this source for our needs in the future. This is not fair.

Secondly, after careful consideration our members would like to table our objections to the position of the BBSC shed proposed by council. Our objections comprise:

- a. Loss of amenity due to the scale, design and positioning of the shed
- b. Risks to security and safety in the vicinity
- c. Impact on the natural water course between the Garden and the lake and problems this will cause in the adjacent areas of the Garden site.

Thirdly, our members would like to table our objections to the council involving our organisation in the politics surrounding the shed which has had a divisive impact on our organisation and put the relationships between our group and the wider community under strain. In particular, firstly, we object to inferences in letters to community members from council that our members are in favour of the shed position as proposed by council. Our silence on the matter does not imply our support. Secondly, we object to the portrayal of our organisation in agenda item prs16/022 as the main reason for the re-categorization of part lot 77 when, as we understand it, the use of this land by the community garden is already permitted under the existing categorization. We therefore conclude that the primary reason for the re-categorization of part lot 77 is to enable the erection of a shed in a position that we are not in favour of. This also is not fair.

A good number of our members have lost sleep and felt physically sick from angst, fear and conflict arising over the proposed shed. This could all have been avoided if we had been consulted before our name was included in the application. Our members simply want to garden together in a place where we love to garden. We'd prefer not to devote time or energy to having meetings, writing letters, liaising with other members of the community or attending council forums on matters that we didn't initiate and from which we see a net negative impact. And we really don't want our organisation engaging in politics. To date our communications with council regarding the proposed shed have been designed to clarify what council have proposed. We've only posed questions and made suggestions to make the best of the situation, and not posed any objections because we were reluctant to "rock the boat". Who are we to stand in the way of something that another group such as the sailing club has asked for? But now we understand that all other stakeholders would prefer the new shed to be erected near the hall, where the existing shed stands, and not on lot 77, and unless we voice our objection the new shed will be erected in the proposed position, using our organisation as the primary justification for that location and the land re-categorisation which that necessitates. And this is untenable.

If it helps in your deliberations we would like council to know that our members have long advocated for the harvesting of all water which falls on the roof of the Kyla Park hall and any other nearby buildings, whereby any water not used by the plumbing in those buildings could be made available to the Garden. We believe that if the new shed were put next to the hall where the old sailing club shed stands and water from its roof and the roof of the hall was able to be pumped to the Garden then all stakeholders would be happy and the need for any re categorization would be eliminated, as indeed would some of the other expenses associated with the project as it's proposed, such as fencing and road enhancements and solar panels.

We therefore see no need for council to expend ratepayer funds on the re-categorization being proposed here today.

Kyla Park Sailing Boat Storage – Pros and Cons

In view of council's recent community engagement framework consultancy and the proposed citizens' jury, it is difficult to understand why PSR 16/022 is before council today.

Several individuals and community groups, including the Batemans Bay Sailing itself and the Tuross Community Gardens, have expressed their objections to the sailing club's storage shed's location in the proposed site adjacent to the gardens. That feedback, if council is fair dinkum about responding to community needs, should be sufficient to inform council that a better location needs to be found.

Some of the people and groups who have made submissions and consulted with council are listed to speak here today.

The consensus view of affected groups is that the site currently occupied by the existing "old shed" would be a much better – almost ideal – location for the sailing boat storage shed and would not require the amendment of either of the precinct's Plans of Management as outlined in the report before you.

The old shed's location is preferred because of a number of practical reasons for its being there and a number of problems associated with its being where proposed by council.

The unwanted proposed site – see map – has the following drawbacks –

- It is on land affected by a natural water course where a substantial slab would necessitate drainage works to obviate unwanted storm water pooling and needing drainage works to prevent erosion of the protected foreshore.
- Adjacent parking is not available without adequate surface improvements including drainage to prevent erosion of protected foreshores.
- Adequate turning space would be required for vehicles and trailers leaving little space for parking and likely to present further risks of damage to sensitive riparian land.
- The shortest distance to the lake, a likely temptation, would be over protected foreshore.
- Boats would have to be wheeled, towed or carried to and from the established launching area opposite the hall some 203 metres away.
- The movement of boats to and from launching would have to pass the basketball court, the playground, the picnic area and the carpark – creating a potentially dangerous mix of motor vehicles, trailers, boats, adults and children.
- Safety barriers and speed humps would be required to mitigate but not eliminate, some of the risks associated with the shared roadway.
- Safety barriers and speed humps combined with the traffic activity would inhibit the amenity of the picnic, playground and basketball court areas.
- Public toilets are some 300 metres distant.
- There is no facility for washing down boats and equipment after use.
- Security of the shed and contents would be at a higher risk because of its isolated location.

The “old shed” site has the following advantages for the sailing clubs storage shed–

- It is a shorter distance to/from the lake - 127 metres via the roadway.
- The roadway to the launching area is not flanked by other uses and is not subject to frequent pedestrian traffic.
- Parking spaces could more easily be constructed on the slightly sloping, well drained, currently grassed adjacent area.
- It is close to the existing public toilets (with shower facilities).
- It is more prominently located for better visual security.
- Water, electricity and telephone service connections would be more readily and cost effectively achieved.
- Wash down facilities for boats would be easily provided.
- Should there be changes in the future to the sailing club’s needs, it is more centrally located for other uses.

Other considerations

- The only evident drawback to the sailing club’s storage shed being located remotely from the gardens is the requirement for a different means of supplying rain water to the gardens from the shed’s roof – this was one of the reasons quoted for its being proposed adjacent to the gardens.
- The offset to this drawback is that whatever method adopted to get rainwater to the gardens can also be designed to accommodate the capture the rainwater from the hall’s much larger roof – a much better approach to provide long term water security for the gardens.
- Should pumping/piping through a trench be the method adopted to transport rainwater to the gardens, the same trench could accommodate electricity, telephone and even a town water supply.

Conclusion

Please consider this matter carefully and –

- Reject the need to amend the Plan of Management as detailed in the Report PSR 16/022 before you.
- Adopt the community’s wishes to locate the Batemans Bay Sailing Clubs storage shed in the suggested location.
- Provide roof rain water from the new shed and Kyla Hall to the Tuross Community Gardens.
- Make provision for the supply of utilities to the community gardens.

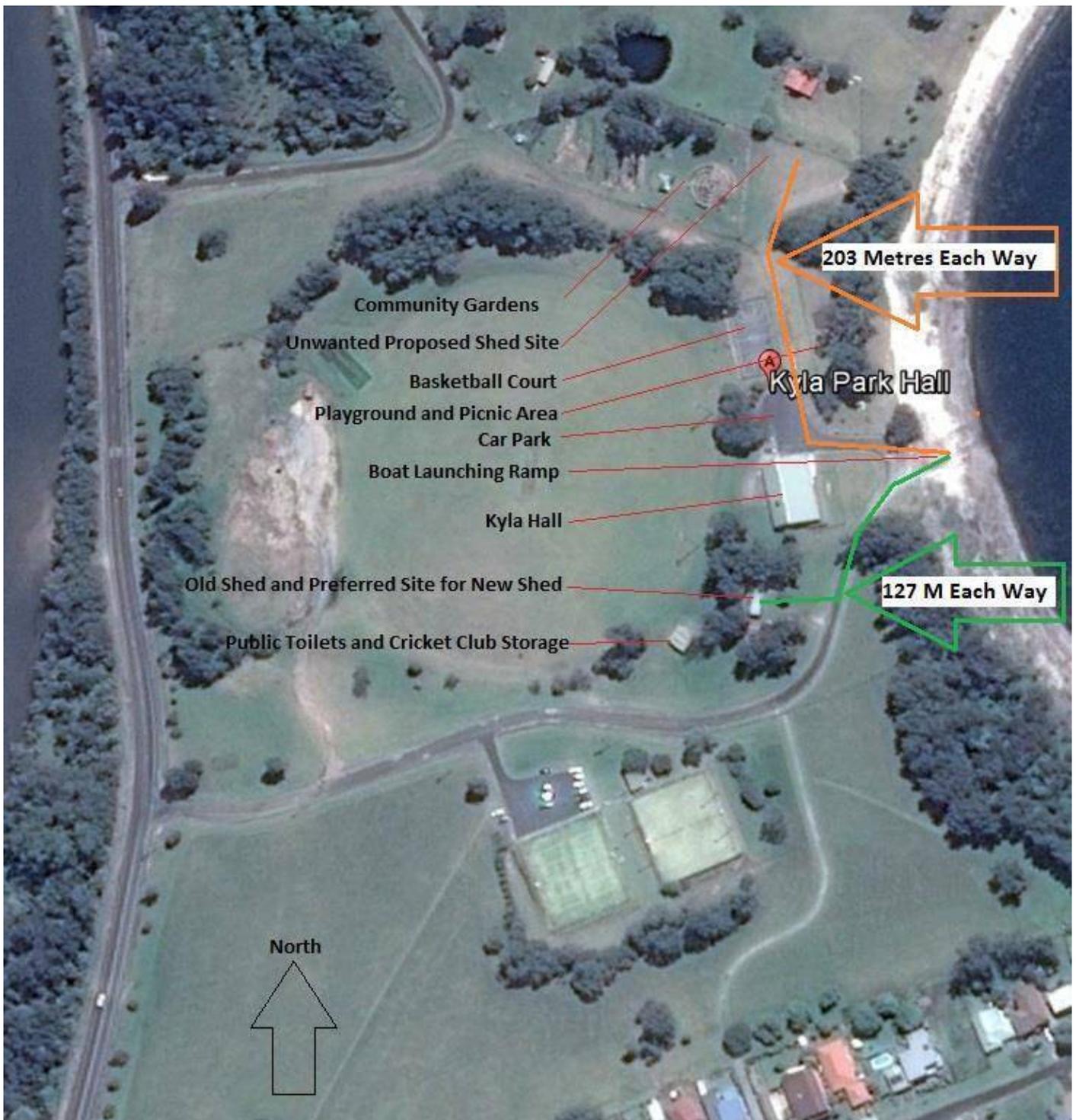
Jeff de Jager

52 Coila Creek Road, Coila NSW 2537

E coilacreek@bigpond.com P 02 4473 9963

Kyla Park

Tuross Head



Public Forum – Peter Cormick 28 June 2016
Item CAR16/008 Delivery Program Review – Citizen’s Jury Update.

Update?

This is the first occasion, that I have seen, of this matter being formally reported to councillors and certainly the first time that it has been reported to the public within this chamber. So what does it mean to refer to the report as an “update”?

I have had my attention drawn to a document produced by the so-called New Democracy foundation (nDF) which spells out the jury proposal in some detail. Its inclusion with today’s report to councillors would have been appropriate.

Need for councillors’ approval

Councillors’ approval to this jury experiment is not being sought. They are simply being asked to “receive and note” the report. Yet this proposal is a very significant policy initiative – formulated by the nDF, at the invitation of staff. But this is by no means an operational matter; it is policy formulation in its pure form. It is unquestionably a matter for councillors’ approval. **Why has that not been sought?** Especially given what has been said by the nDF in its report to council where it states that a “key Issue to be managed” is the need for the Mayor and Councillors [to] reach agreement as to the process – most specifically and explicitly the remit and authority, as once announced this cannot be changed”! **What exactly does this mean?**

The nature of juries

The proposed, theoretical, jury is described as collection of so-called ‘ordinary people’ But, by definition, ‘ordinary people’ don’t have the capacity to process specialised, complex, non-ordinary matters. The shortcomings of juries have been described many times by judges who oversee complex criminal and civil trials.

It’s quite a different thing to be asking a group of ‘ordinary people’ what they think about a charcoal factory being placed in the neighbourhood, from asking them to scrutinise the delivery program of a council that has an income of over \$100 million per annum.

Information book

After the selection process – of 5,000 invitations and then a final selection from those responses expressing an interest - the starting point in the jury process is the provision of an “information book” to the jury by staff – “detailing all council services, associated budgets and level of service ...surveys, asset management plans, financial data and research ... [and] additional information”.

It is this aspect of the whole proposal that most concerns me. Preferred outcomes can be 'managed' by 'managing' the information made available.

The timing

The jury will meet on six occasions, from 17 September to 23 November (approx 40 hours in total) – described by the nDF as taking a “fairly small group of people through a deep experience of the work done by council ...”. Yet a new council will be elected on 10 September and will be meeting for the first time probably sometime in October. The timing is in my view, provocative, and will be an affront to the new council.

The jury's final report is scheduled to be tabled at the council meeting on 13 December 2016 and then –as has already been decided by staff – council will formally respond in March 2017. Yet adoption of the new delivery Program is not required until 30 June 2017. What is the justification for hurrying this arrangement through, starting in September – before the new council meets?

The relationship between the jury and councillors

This is the central question.

The report states that the Citizens' jury is designed to inform councillors. But I have heard it said that it would be a brave councillor who would go against a jury recommendation”!

Is this proposal one that seeks to empower the community at the expense of disempowering councillors?

In my view, the proposal may have some merit in carefully selected circumstances but certainly not as a means of reviewing the complex Delivery Program.

Questions - above

Good morning ladies and gentlemen, I'm Paul Bradstreet from Surf Beach and I would like to talk to you about Agenda Item CAR 16/008 Delivery Program Review – Citizens Jury Update.

This report provides the public with information about how the staff propose to go about consulting the community on the contents of the next four year delivery program which will have to be approved by the new council within about six months of the start of its term. The report suggests that the bulk of the public consultation to be undertaken for this exercise will be done through an experimental citizens jury process costing \$99,000. How other ratepayers are to be consulted is not specified.

As you know, the use of citizen juries in Eurobodalla has been proposed by KJA consulting as a means of improving council's public relations. That company was tasked last year with investigating council's perception that "despite commitment and demonstrable performance there has been frustration and persistent negative media coverage, vocal community opposition and a perception of mistrust in some pockets of the community."

Having spent some time with the consultants back in July last year I was keen to see their conclusions and recommendations. I note that their report, which provides analysis of council's communication strengths and weaknesses and makes some useful suggestions for change, only mentions citizens juries in passing and provides no information on the various models available and the types of problems they are best used for. Neither does it mention the experimental nature of this technique and the fact that its use is contentious. As is apparent from the newDemocracy Foundation's website some promoters of the technique see it as a potential substitute for other democratic decision making methods, including elections. And its detractors oppose it for precisely that reason.

So, while I applaud the effort to breakdown remaining insularity in your culture, I have reservations about the leap of faith involved in moving from council's traditional methods of seeking input from informed community groups into what is probably its most important plan, to one of relying heavily on the coached views of a group of disengaged community members. And I question whether this is an appropriate thing to do this close to September's election.

I have a number of concerns. First, I believe that the question you are asking the jury is too broad and open ended. Discovery of what the whole community wants it to do across the whole budget is the perennial challenge for all governments. In my view, it is unknowable and therefore has to be approximated by mature and informed political processes and responsive institutions. And it is unclear from the report as to whether the parallel staff jury is being asked to decide the same question or are they to be asked the more interesting question for them – that is " Is council spending *the community's* money on the right things. If not what should we change"?

In my view, even with the cleverest consultant doing the guiding and coaching, a randomly selected group of community members will struggle to discover, understand and grasp the real choices council has in allocating its resources. This will be particularly difficult for jury members who don't know and really don't want to know. Can we expect them to quickly grasp the economics of the southern dam proposal? Or, decide what the role council should have in the roll out of the National Disability Insurance Scheme. Or, for that matter, judge what to do if the bats return to Catalina?

Importantly, what information is to be given to jury members on the limited scope for the next council to change much of the current program as a result of inherited and legislated commitments? In the real world, change, particularly in capital programs and budgets, can really only occur at the margin. And, will they be told what the realistic prospects of their recommendations getting up in council will be? Many of us here today will remember the way implementation of the output of the last attempt to directly engage the community in a comprehensive resource allocation exercise – the Twyford review – was resisted by senior staff and some councillors and ultimately quietly dropped.

Over the last few years there have been many improvements in the way the council puts its programs and budgets together. And, substantial attempts have been made to involve the community in these processes. Moreover, these days routine use is made of survey research to gauge the attitudes of those not directly involved. So, I am at a loss to know why a blue sky exercise needs to be undertaken at this time. Does council not have a basic level of confidence that its current service programs and infrastructure plans are broadly on the right track? Indeed, my reading of the community's attitude to last year's SRV decision is that while the consultation was adequate, the decision was

unpopular. Council knew it would be because they had Micromex survey research showing about 2/3 of respondents were opposed.

In my view, at the heart of council's public relations problems is a community perception, right or wrong, that consultation results that are not aligned with staff views are ignored. This demands better expectation management. The citizens' jury exercise, as presently designed, will shed no light on that problem and will distract management attention from it.

So I would ask the question why you would want to spend a very large part of your community engagement budget to produce a piece of conglomerated information which, runs the risk of being dismissed by the next council as interesting, but not easily able to be directly compared to staff advice and the expressed interests of real community groups and individual residents. I see the jury's proposals as likely to be little more than an expensive curiosity.

Finally, let me say I was disappointed, but not surprised, to hear the mayor say on ABC radio that "it would be a brave next council to ignore the citizens jury recommendations". Surely, the next council should be left free to seek community information from whom and in ways it decides? Gratuitous advice from an outgoing mayor, with form on the issue, urging adoption of expensive, stitched up proposals, derived from controversial consultation processes, is precisely what new councillors don't need.

Thank you.