

4EUROBODALLA 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 26 March 2019

Name	Subject/Comments
Sue Mackenzie	QON19/003 Batemans Bay Community Centre
Owen Cartledge	GMR19/005 Draft Code of Meeting Practice
Lei Parker	GMR19/005 Draft Code of Meeting Practice
Trish Hellier	GMR19/005 Draft Code of Meeting Practice

Speech to Council 26th March 2019 re:

The Community Centre to '*possibly be sold or leased*'
...says Council

I come here today to request Council, on the local Batemans Bay community's behalf, to keep the present Batemans Bay Community Centre as an ongoing, functioning and well-maintained community resource and asset on its present site.

The Community Centre was opened on 30 June 1996 and has operated as a community centre since then (so we wonder when it became *Operational* land, why and how?).

It is a **low profile but well supported and utilised asset** in a **quiet and accessible** part of town with plenty of parking, is **on ground level**, with clean and safe **public toilets**, the only ones on this end of town, variable room sizes with variable uses, and a carpark easily sectioned off for markets and other events.

Its importance was amply demonstrated on the weekend when the mass of people going to the Concert in Mackay Park were in town **and** it was Polling Day. It would have been untenable and chaos to have the polling at Mackay Park on the same day as the concert, yet at the Community Centre it was quiet and orderly, with ample parking.

Losing the Community Centre is of great concern as the new proposed facility at MacKay Park does not appear to replicate or improve on the Community Centre, where there is a dividable hall, large and small meeting rooms, a rentable office and a commercial scale kitchen (relied on heavily by Meals on Wheels who will not be accommodated in the new centre), and flat surrounds.

- There is a youth café;
- dance classes;
- a food and crafts market;
- social outreach events,
- activity classes, and more.....

U3A, with its 600plus members, has several bookings a week there (including ad hoc talks and its registration day) and would happily have more if there were internet and wifi facilities. They have, along with at least one other organisation, asked to explore the possibility of leasing the venue outright.

The alternative council facilities (Mackay Park football pavilion, Malua Bay Hall and the Hanging Rock football/convention centre) **do not have the same range of facilities in the one place** and are quite isolated from other services and amenities, whereas the present community centre is near Baylink, the Govt Services office, Adult Ed, Katungal, the Museum, the carwash and has various commercial entities within easy walking distance.

I note too that this part of town badly needs people moving in and out to keep its vitality, especially now Target is closing down. With Dan Murphy's moving in nearby, it is even more essential to discourage negative or alcohol related behaviour by making this a **well-lit and active area**.

While it may seem premature to raise the topic of the fate of the BBay Community Centre before any concrete plans have been formulated for its disposal, and before community consultation has been pursued, we feel that it is **urgent and essential that Council understand the value local residents give to this facility** before proceeding to include its sale or lease in any negotiations or consideration in regards to the costings and updated business case for Mackay Park Indoor Aquatic and Arts Centre.

It is essential we have a locals' Community Centre on the CBD side of the town, within walking distance of the town and major services; a **locals' precinct** to **complement** the one in Mackay Park, not compete with it or be swallowed by it. One people can wander into...

As yet, we are not seeing an effort or inclination by Council to **retain** the Community Centre, **built with funds raised by the community** to replace an earlier community asset, and **we request that you do so.**

In fact, it appears to be quite the opposite. In The Council response to QUESTION ON NOTICE by Councillor Mayne REPORT TO ORDINARY MEETING OF EUROBODALLA SHIRE COUNCIL, HELD ON TUESDAY 26 MARCH 2019 it states: *'The BBCC is owned by Council and is located on operational land, meaning that it can be sold or leased **should Council resolve to do so.**'*

Why are we being threatened with the sale of community assets ~~and water~~ ^{uses} when there is no talk of that with the BAS centre or the Bot Gardens development.

Unfortunately, this implies Council would be willing and is able to do what it likes with the Centre **without community approval or consultation, regardless of the fact they are elected to represent us, not the Council itself:**

This statement could also be interpreted as a **threat**, or at the least, a heavy handed perspective in regard to the community you are there to represent.

The Mackay Park venture is not a stand-alone project, which many are unaware of.

In response to a question on notice by Councillor Mayne:

*"Council has **not** made a decision to sell the existing BBCC. It has been identified that it **could** possibly be sold or leased, to offset construction and/or ongoing operational costs associated with the proposed Aquatics, Arts and Leisure Centre....."* Quotation from council response to QUESTION ON NOTICE
REPORT TO ORDINARY MEETING OF EUROBODALLA SHIRE COUNCIL, HELD ON TUESDAY
26 MARCH 2019

Council staff have said that selling it was always an option and has been well publicised, yet **few people seem to be aware** that we are likely to lose this **Community asset** that **spreads out our community resources across the town quite equitably**. And is functional, useful and readily accessible.

Three concept plans for the new facility have recently been available for community consideration. **However, in those concept plans we cannot see matching, let alone more meeting rooms**, and there are limited and out of the way catering facilities.

As there is no final plan yet for Mackay Park, **assurances and descriptions** of equivalent meeting room and kitchen facilities (such as in response to the question on notice put forward by Councillor Mayne) are **premature**, to say the least.

No fee structure has been indicated to ensure community affordability. Nor were there any dimensions available on the concept plans to assess size and scale of rooms.

The Mackay Park proposed facility, magnificent as it is, and as wonderful as it is likely to be, appears to be focussed on '**glamour**' activities and entertainment rather than on the **pragmatic use** for everyday community activities.

Moreover, the issue of a LOCALs accessible Community Centre on the **major town population side and site, out of tourism traffic**, is still to be resolved.

I am not alone in my concerns. A petition, supported by PerfexInc, and to be presented to Council in due course, has attracted several hundred signatures to date and many comments of encouragement have been received.

The bricklayer who built the centre was aghast; as was the woman who had her wedding reception there. Several young adults reflected on their time at the youth café and urged us to keep advocating to keep the Centre for youth's sake. Indigenous folk bewailed losing a local centre for their kids. **'112 community organisations'** used the Centre in 2018 and if there was wifi and good internet and electronic facilities it would be used even more.

Many people have come up to me to thank me for instigating this move because:

- They cannot see the need for the Centre to go and consider Council has not provided solid reasons or assessments to justify that view
- There is both a community fondness for the centre **for its utility and its history, particularly as it was built by community fundraising** and reflects a commitment to a central accessible site for locals.

I am often asked: Who *'owns'* it and how will the community be compensated for their funds and good will as:

- Council gifted the land;
- Community raised the money for the building;
- Council staff and maintain it to serve council's and community needs;
- Council receives the income of it...

We now ask:

- When was the site made **'operational'** land and what were the details and dates of the community consultation process that agreed to that?
- What is the identified **social impact** of the proposed sale (not just monetary impact)?
- How will this be **measured**?
- How will it be **measured against any alternatives**?
- Why is the sale of the Centre **necessary**?
- What specific **monetary impact** will the sale of the Centre have on an **updated** Mackay Park business case?

There is also a rumour that council are considering moving the Museum to maximise saleability of the site. Could the community have clarification on this point please?

Overall it would seem an **ill-considered and regrettable move** to try to move the activities and patrons of the BBAy Community Centre wholesale into the proposed Mackay Park facility or into other council buildings. We urge Council to keep, maintain and improve the Batemans Bay Community Centre, as part of an ongoing locals' community precinct, along with the Museum, on its present site.

At times of breaking into the future, the glory of the new vision can narrow the vision while appearing to broaden it, and overshadow those who keep this town ticking over all year.

We need **both** the Batemans Bay Community Centre AND the proposed Mackay Park Indoor Aquatic Centre and Theatre/Arts Centre.

Dr Susan Mackenzie

President PerfexInc. info@perfex.org.au

Some history of the Batemans Bay Community Hall:

'Approx 100 years ago the Batemans Bay Town Hall & Community Centre, School of Arts Memorial Hall stood in Orient Street Batemans Bay. This hall was built on land that was gifted to the community and was the constructed with effort and contribution of the community.

Peter Neilson remembers how the old favourite hall that had its own block and another at the back were sold by the Council of the day.

Peter writes "And in a round about way the council got the opinion that they owned the hall and the land. The council decided they would build a community centre in its place at Hanging Rock but during meetings with council and the community I suggested that the community centre must be built for Batemans Bay in Batemans Bay and it was decided that it would be built where it is today.

"It was decided during this meeting that the Memorial Hall and its second block on the river side, after it was sold by council, that this money should pay for the community centre for Batemans Bay."

*"So as I have said the community centre **belongs to the Batemans Bay community** and to no one else.*

"Now it's being suggested that council want to sell the Community Hall which does not belong to them and of course whatever they sell the community centre for they would take the money from the Batemans Bay community....." PNielsen JP

Ideally the whole blank area (BigW's ?sites) would make a lovely **Peoples Concourse**, with cafes and shops under and plazas amongst attractive accommodation to bring vitality, beauty and 'sharing space' – something the Bay is very short of.

\$51 million is a hefty budget and, as yet, **no updated business case** has been made available to the public to test costings or practicality. The Otium 'business case' was touted as a **concept plan business case**, with **no apparent revised business plan** yet consolidated or available.

Though, 'Council has engaged with a range of user groups of the BBCC (including the U3A) prior to the design stage and again in conjunction with NBRS Architecture to review the three concept plans', requests for certain facilities such as suitable meeting rooms of a suitable number and format, related to submissions and feedback, have not been demonstrated in the three concept plans to date, especially in regards to ready access and a large usable kitchen.

Meeting rooms on first floors preclude the major demographic who are likely to use the place – the over 60s (almost 40% of our demographic) though we are told there is a lift.

U3A could use the centre up to 40 times a week if it had good internet and wifi and remained financially accessible. And it is certainly well-used. Even today there is a notice up there for another organisation sending a class elsewhere because it cannot get a time in the centre.

At a recent meeting with the Mayor and two senior staff, there seemed a stubborn resistance to keeping the Community Centre – maintaining it will add to the cost of running Mackay Park. However, as these are two separate enterprises, **how is it that they are co-joined?**

Q:Where will money come from for the facility's operation and maintenance?"

A:'The money will come from Council's existing budgets. Detailed operating costs will depend on the final design. There is also potential for new income streams from the lease or sale of the existing community centre and visitor information centre to meet any increase in ongoing costs, as well as opportunities to progress the development of the former bowling club site (currently in use by NSW Roads and Maritime Services as a construction compound for the new Batemans Bay bridge).'

There is a growing perception that Council is leaning towards developers and tourists. This is unfortunate as they were elected to represent the local community, and so we are asking that it demonstrate a clear focus for the year-round community by keeping and maintaining this viable, accessible and affordable asset.

True, people from north of the River will drive past Mackay Park to access the Community Centre, as they do now. They may be the ones more likely to use the Mackay park facility, though they will have to cross highway traffic lanes and deal with high volume tourism traffic in holiday times, which are already creating distressing delays and congestion, to get there.

A sample of community comments

'Given our very heavy dependence on the Community Centre and the limited range of affordable, suitable alternative venues for our activities in the Eurobodalla shire, what happens to the Centre is of key importance to us. **And while I can understand that the option of selling the building may be an attractive way of raising revenue for the Council, I do not believe that this would outweigh the benefits to be gained by the local community by keeping it available for their use.'**

Kind regards, Ross Thomas (President U3A)

..from the Beagle: <https://www.beagleweekly.com.au/single-post/2019/02/13/Now-Council-are-proposing-an-International-Water-polo-pool-of-306m>, from an indigenous contributor, says:

- *Does community sentiment count for nothing councillors? It's not just the swimming community that is unhappy with the current plans - there are many, many others. What will happen with the youth café in the community centre for the Koori children? They will not be walking across the highway to a much smaller venue. Please rethink. Aunty Ruth*

And another:

I agree with you that we must keep the community centre. I was amazed to hear that they would sell off the centre as they haven't put into Mackay all that we thought would be there! Alan Russell Sunset Committee

- *The Community Centre is a valuable and well used asset. Our group dance there for three hours one day a week, and there are several other dance groups that use the hall. The well equipped kitchen is also well used. Meals on Wheels pack and distribute their meals from the centre and have a very large freezer room where they store their frozen meals. Where are they supposed to go? The meeting rooms are also well used, and there are also public toilets available. **I think they are the only public toilets at that end of the town.** Parking is never a problem. Why is this council so keen to destroy most of the public amenities in town? The 50 metre swimming pool, the mini golf, and now the Community Centre.*
- *'It is not old. It is less than 25 years old and more than adequate to meet community needs. Needs that would most certainly not be met by the ridiculous new McKay Park facility that appears to disregard all community needs, least of all a 50m pool.'* Top cat
- *'Councillors may well have voted but on what information was there decision arrived at? Where is the business case and the expert advice about aquatic and auditorium infrastructure along with the numbers to prove the decision was sound?'* Jeff de Jager
- <https://www.beagleweekly.com.au/single-post/2019/02/25/Next-to-go-The-Batemans-Bay-Community-Centre-to-be-demolished-and-sold>

Locals Precinct

Rather than lose this facility, **built by community funds**, we would like to see the Community Centre remain and the area made into a **locals community precinct**.

Letter of Practice Owen Cartledge

When I prepare for Public Forum

I try to choose my words carefully, use measured arguments, don't exaggerate, and believe in what I am saying. I am practicing this approach again today.

This document ^{should} not be submitted for consideration or amendment. My subjective opinion is that it is underhand, unscrupulous and unprincipled.

This proposal restricts free and open discussion and is certainly aimed at a new vehicle for information flow, THE BEAGLE.

Sure, Councillors and Senior Staff, THE BEAGLE is flawed, like most newspapers, and displays comments and facts from ignorant, self serving, incompetent and hypocritical people. It also communicates vast amounts of useful facts and discussion. This is what media in an open country is all about.

Sure, Senior Staff and Councillors there is information and opinion in THE BEAGLE that makes you uncomfortable. This is democracy.

ESC councillors should be assisting the press, not creating ways to restrict information flow. I find the reasons given for this

restriction totally unconvincing. Many people do not come to this chamber, as they cannot afford the transport costs.

Kerry O'Brien, retired journalist from the ABC, in his recent book states "Two notable philosophers Edmund Burke and Thomas Jefferson in different times and different places expressed the same sentiment on the order of importance of the parliament and the press. Both nominated the primacy of the press"

The intent of this proposal is negative, and will assist any opaque or corrupt individual or administration in the future.

We don't need community input to improve this dreadful, dastardly and despicable document. It should go straight to the dumpster.

Public Forum Presentation: GMR19/005 Draft Code of Meeting Practice.

Ordinary meeting of TUESDAY 26 MARCH 2019

Presenter: Lei Parker

Councillors,

The time has come for Eurobodalla Council to have a good look at itself and consider how it is perceived by the community and where it could improve its poor reputation and the need for local government to address its image. This can be done via a sound Code of Meeting Practice.

I wish to discuss Public Forum.

Might I offer some guidance:

There are a number of strategies that would address the image of local government.

The first strategy is the implementation of a comprehensive public relations or communications campaign.

There is a need to address the way that the media predominantly portrays local government in a negative light.

The media has a significant role in creating and perpetuating local government's poor image.

The second recommendation is for local government to more successfully engage and consult with the community. The achievement of this objective requires the lack of trust and interest in government to be addressed

Effective community engagement would achieve more community involvement and control of issues that impacted on them, address the general mistrust and apathy in relation to government issues and respond to the political alienation and disenchantment of the community with the political system.

There are a number of interrelated strategies that could be implemented by management to enhance local government's role in community engagement and democratic processes.

The first category; focus on local government's internal processes and include the development of specific structures and programs to engage the community

Local government should also develop processes and consultation models that facilitate input from a broad range of citizens and take account of people's time committed lifestyles.

A further recommendation is that local government management and officers should undertake additional training in the areas of Community Building and relationship management.

This is particularly relevant in regard to the leadership skills of the chief executive officer.

Councillors, as you have listened to this guidance you may well have ticked some boxes thinking you do some of this already however your report card, as scored by the community, is presently a FAIL.

Councillors, the guidance I just offered are not my own words but are in fact extracts of a thesis written by the Eurobodalla Shire Council General Manager, Dr Catherine Dale

Where it refers to Local Government it was originally written by the author as Victorian Local Government; I have removed the word Victorian to give the guidance Eurobodalla relevancy.

Now the General Manager and her staff are recommending that Public Forum not be Live Streamed nor video recorded. Why?

The Live Stream video archive serves well in providing evidence in Codes of Conduct reviews and show evidence of rhetorical tirades, denigration and bullying. It also serves well in showing the lack of regard held of those who dare present, challenge and question Council.

It also captures live and unpredictably the outbursts of Councillors that have all too often come back to bite them. It is understandable that the General Manager wants this opportunity of evidence gone.

In recent times *the Beagle* has legally packaged and published Public Forum presentations including Councillor questions and the occasional tirade.

The General Manager intends to close this loophole down with the recommendation before you that Public Forum not be Live Streamed and therefore not recorded.

By not being recorded it removes evidence from the public record of what is said and it also removes evidence of any public criticism made of Council.

Dr Dale offers in her thesis:

There is a need to address the way that the media predominantly portrays local government in a negative light.

The media has a significant role in creating and perpetuating local government's poor image.

Might I suggest that this Council "has a significant role in creating and perpetuating its own poor image"

While briefings to councillors might offer that there are those in the community who do not wish to appear on video and removing video recording would encourage more to present there is no anecdotal evidence to support this.

Of interest is the General Managers proposal that the Public Access be dissolved saying, by way of background, that Public Access was developed to enable the community to connect with Councillors. "Since its implementation, the way we communicate has evolved and Councillors are now more connected with their community. Councillors can be contacted via email or mobile with all contact details published on Council's website."

Really? Is that justification enough to close down Public Access?

I look forward to your debate.

Good morning Mayor, Councillors, General Manager, Staff, Gallery and those comfortable Live Streaming at home. My name is Patricia Hellier from Batemans Bay. I am here today to speak on Item No. GMR19/005 DRAFT CODE OF MEETING PRACTICE.

Whilst I acknowledge this document is listed as a "DRAFT" it currently sits in our libraries with the amendments NOT highlighted in black, yellow or red so that people can distinguish what is mandatory and what is NON mandatory, those without internet access are at a disadvantage.

On many occasions when an item goes out for submission I have found that there has been little change from the Draft Document to the final document that is approved by you the Councillors despite the fact that many varied submissions have been received from the community.

I believe that Councils are the public's first point of call for a Local Government and I question WHY is there such a need for the many undemocratic and restricted changes in this document.

I will try and keep my presentation brief and cut to the chase

PART 3

3.3 – I disagree with this section why should I, or anyone for that matter have to fill out an application form to speak to our elected councilors through Public Forum, as you the Councillors were elected by the people to represent us the people of this shire.

3.4 – thru to 3.7 I disagree with the contents.

3.8 - I strongly disagree to limit the number of speakers in Public Forum I believe this to be undemocratic, as my view and my presentation may differ to others that are chosen. Councillors would I have the privilege to chose between the 9 Councillors that sit here today to listen to those Presenting in Public Forum NOW which of the 4 ½ would I choose?

3.9 – I strongly disagree undemocratic.

3.10 – I strongly disagree with this as it is a blatant attempt to remove the 3 minute extension of time that we currently have as it is "custom and practice".

3.12 – I strongly disagree with the removal of the Public Forum being Live Streamed. I am a Rate Payer of this shire I believe to remove the Live Streaming of the public is a form of discrimination. Our Rates contribute to the cost of Live Streaming, the Public are not to be Live Streamed and yet it appears that the Councillors WILL be Live Streamed. This maybe a case for the Anti Discrimination Board.

3.13 – "Speakers must not digress" etc. WELL Mayor and Councillors that is where the call for "Point of Order" is used.

3.14 – Someone should be asking WHY this point applies.

3.22 – This section is too wide with too much power given to the General Manager

PART 7 – ORDER OF BUSINESS FOR ORINARY COUNCIL MEETINGS – Agenda item 04. On the Agenda there should be 04. B - "Business Arising from the Previous Minutes".

It is quite obvious with this document presented here today that there is an attempt to abolish the 9.30am session Public Access I therefore request that Point 12 on the Agenda Urgent Business be substituted to General Business for the community of this shire.

Councillors how many of you stood on Transparency - I ask you all to think about these words that appear on the first page of this document "We are an engaged and connected community – We work together to achieve our goals" ask yourselves do you think these **NON MANDATORY** requirements kick those goals and do you think these changes will see engagement with the community.

Finally and far be it for me to digress from this subject I will use the words that will be familiar to some Councillors the words "LIKE FOR LIKE" – and there are some Councillors here today that have fought for "peoples rights" there is nothing that is highlight in RED in this document that is "LIKE FOR LIKE" what I am see is loss of community rights from this Draft Code of Meeting Practice therefore I employ the Councillors to vote against this Draft Code from going out for exhibition and take it back to the drawing board with some input from community members.

Trish Hellier