

EUROBODALLA SHIRE COUNCIL

PUBLIC FORUM

All members of the community who have registered have been advised that they have a **maximum of seven minutes** to put their case.

Ordinary Meeting of Council on **26 November 2019**

Name	Subject/Comments
Public Forum – 9.30am	
David Joss	GMR19/023 Sale of Southern Phone
Jude Manahan	GMR19/023 Sale of Southern Phone
Sandy McGuinness	PSR19/034 DA 593/19 - Three Lot Subdivision - 13A Sunshine Bay Road, Sunshine Bay
Douglas Brown	PSR19/034 DA 593/19 - Three Lot Subdivision - 13A Sunshine Bay Road, Sunshine Bay
Kerri Carmichael	PSR19/035 DA 534/19 - Three-lot subdivision - Gregory Street, Batemans Bay Council-owned land
Warren Stubbs	CCS19/063 Licence to park vehicles for business operations within Narooma flat
Lei Parker	CAR19/025 Narooma Sport and Leisure Precinct Draft Plan of Management



Speech Overview

David Joss, Managing Director, Southern Phone Company.

To be presented to Council on 26 November

Thank you for the opportunity to speak today regarding the resolution put to Council to sell your shares in Southern Phone Company.

In a time that sees a shifting of what we know as a traditional workforce to a knowledge-based workforce, communities all over Australia struggle with two important things:

1. the loss of young people to capital city-based jobs and
2. an inability to participate in, let alone compete, in the digital economy.

Southern Phone is helping the Eurobodalla buck this trend.

The proposal before you is an opportunity, in my view, to help continue to future proof not just local jobs, but local technology relevant jobs that will continue to be developed and retained in the region.

We have a proud history over many years of retaining, developing and growing the capabilities of our staff.

In 2002 the Eurobodalla Shire Council made, what was at the time, a bold decision to play an active role in forming a local telco business with a view to improving the telecommunications divide between regional and metro consumers and to create local employment.

On every measure we have been successful in meeting these objectives.

Undoubtably the technology and price gap for telecommunications consumers has closed. It would be easy to assume that little Southern Phone based in Moruya has not played a major role in this, however we compete in a national marketplace and on countless occasions over the years we have reset the competitive landscape in the value end of the market and the majors have followed, for the benefit of all.

This has underpinned the growth of the business to the extent that today we have 100,000 customers.

We employ 140 staff with 110 here in Moruya, we are a significant contributor to the local economy.

As a community with 1,816 Southern Phone customers, Council and thus the community, has been the beneficiary of \$2.1m in dividend returns, plus tens of thousands of dollars in community grants.

So, in terms of our original objectives and our contribution to the local community we have been successful. I expect well beyond the expectations of those who founded Southern Phone.

However, since those days, the competitive landscape across the telecommunications sector has shifted and it is now timely, that in order to respond to the competitive pressure that the NBN has introduced, that we seek a change to our shareholder structure.



We are owned by 35 NSW Councils, each of whom have invested \$2 in capital. We are proudly community owned. However, the commercial pressure and the economics of NBN supply requires significant market share and growth and thus funding to maintain a sustainable enterprise. Something that our current structure does not easily cater for.

It is also worthy of note that we chose not to declare a dividend for the last financial year, and that we do not expect to declare a dividend in the foreseeable future.

As a business we have undertaken strategic steps to address the changes occurring across the sector, we have:

- employed highly skilled technology staff,
- deployed leading edge network assets and capabilities,
- re-platformed the IT infrastructure within the business to create a scalable and efficient business, and
- acquired scale through strategic acquisitions.

These investments in leading-edge capabilities has attracted interest in the market and particularly from AGL Energy.

AGL are an iconic Australian business that today has in excess of 3.5m customer accounts across Australia. As a core tenant to their growth strategy they are seeking a 'vehicle' that will help them enter the telecommunications market.

As a Board we have carefully considered the offer made by AGL. We have benchmarked the offer extensively against the market, sort independent advice and subsequently unanimously recommended to shareholders to accept the offer. The offer:

- as confirmed by Ernst & Young represents fair value for shareholders investment
 - It is an all cash offer of \$785,714 against your original investment of \$2
 - Extends the total return to Council to over \$3m
- provides a minimum 3-year commitment to continue the Southern Phone operations in Moruya
 - there are no local job losses resulting from this transaction.
 - in fact, in our view, this transaction provides greater certainty over local jobs than any alternative considered by the Board.
- Maintains the Southern Phone brand and focus on regional Australia.
- is a straightforward transaction with limited warranties for Council, effectively it represents a clean exit.

We believe that this offer is in the best interests of Council shareholders, our staff, our customers and the community and thus recommend that Council endorse the sale of your shares to AGL Energy.

Thank you for your time.

25 November 2019

Dear Mayor, General Manager and Councillors

Moruya Business Chamber is requesting the sequester of monies received by Eurobodalla Shire Council from the proposed sale of Southern Phone Australia to AGL be used for job creation in the Eurobodalla Shire.

The total monies received from the proposed sale will be in the vicinity of over \$800,000 and this money could be called a 'windfall' for council.

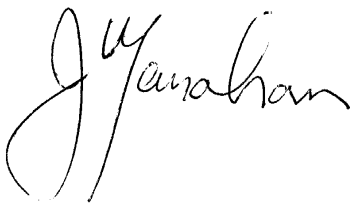
It is an unexpected piece of good luck, money that has just appeared, like ripening fruit from a tree, that can either be put to good use or just left and absorbed into the general routine of council's environment.

In 2002 Southern Phone was created by local people from Moruya, who had a vision for a not for profit telco that would support councils around NSW. The creation of the telco had one major objective, to create 'jobs in Moruya and the shire' and Moruya Business Chamber wants this objective to continue. Possibly as seed money for new local enterprise. With the knowledge that council would not be receiving this money if it were not for the original inspiration and commitment of local Moruya people the monies received belongs with job creation not general revenue.

With a desire to emphasise the importance of investing in our local people the chamber will again state the extraordinary 'windfall' council has benefited from with a \$2 investment from which it has received yearly dividends and now a lucrative payout.

The income from Southern Phone is the result of a business model inspired by a desire to create local jobs and the chamber wants the initial inspiration 'to create local jobs' to be the focus once again and is therefore requesting the sequester of monies received by Eurobodalla Shire Council from the proposed sale of Southern Phone Australia to AGL be used for job creation in the Eurobodalla Shire.

Yours faithfully



Jude Manahan
Secretary
Moruya Business Chamber

Three lot subdivision, 13A Sunshine Bay Road, DA No 593/19. Lot 9 DP774356.

Opposed.

I am opposed to this proposed subdivision as it will remove over 50% of the green space in this part of Sunshine Bay, reducing the Public Reserve from around 2400 square metres to only 1120 square metres. While this public reserve is already quite small, it is home to many native animals and birds and is one of the few areas of green space/natural bushland left in Sunshine Bay. The proposed reduction in size will almost certainly eradicate all native animal and bird use in the area as the remaining reserve will be too small to sustain native animals and birds.

Many trees and much native bush has already been cleared from this small reserve and the proposed subdivision is allocated to be on the only remaining part of the reserve with mature trees still standing. Therefore, although a small reserve will be left, that reserve will have almost no bush left.

The attached map has been marked with black "X" and shows the extent of recent clearing of native bushland for residential development. It is clear from this map that there is virtually no native forest and very little green space in common community areas in Sunshine Bay. Almost the entire area is now covered with housing or other developments.

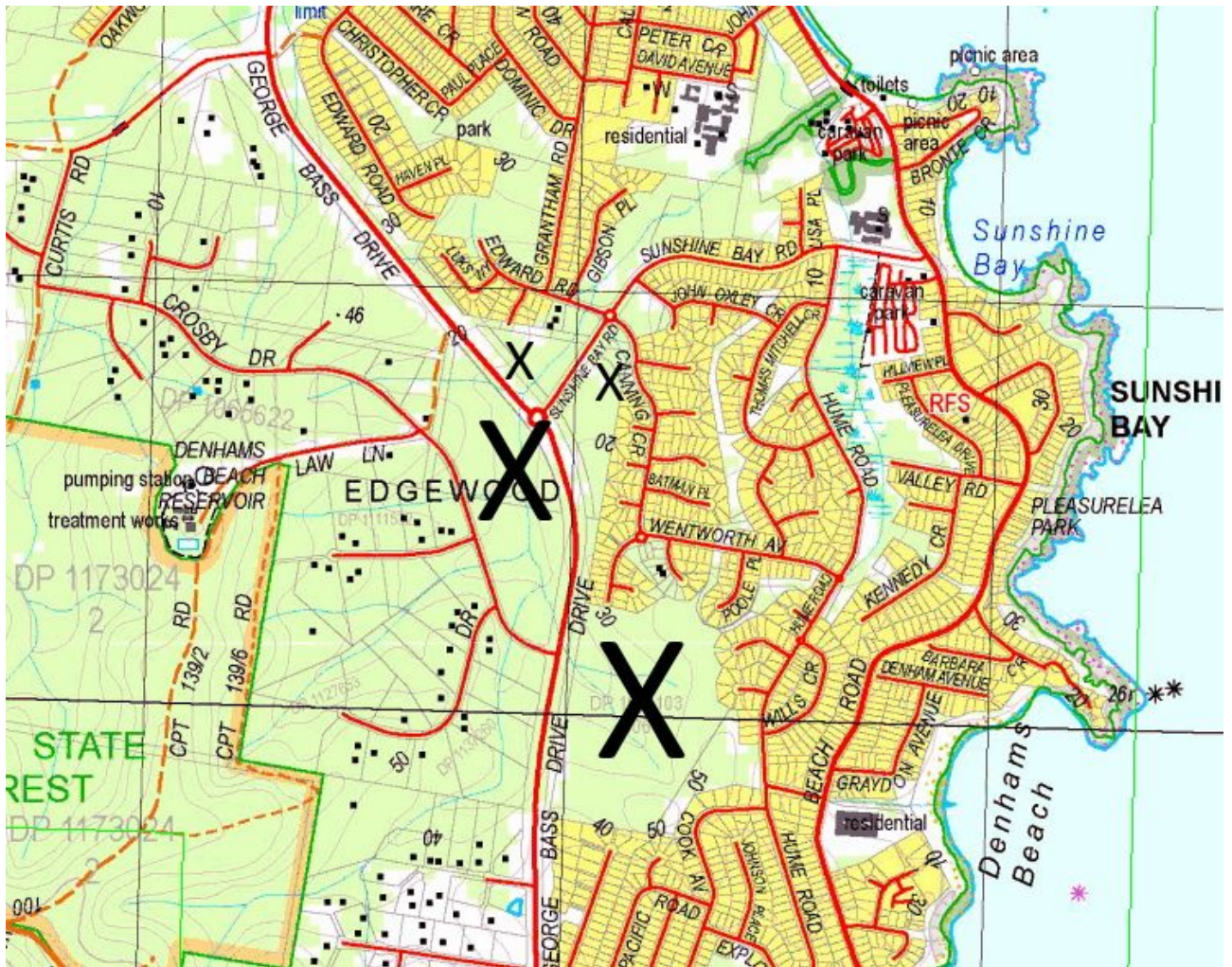
Also attached is a photo taken of the recent subdivisions in Sunshine Bay. As is readily seen, these areas are completely denuded of vegetation before building commences. Not only are they visually unsightly but from an environmental perspective they are virtual deserts. There are no trees left to absorb carbon or provide habitat for native species.

Community green space/native bushland is now well known to be associated with the physical and mental well being of the surrounding communities. A recent poll of residents around the proposed subdivision showed that almost all were opposed to this development.

Eurobodalla is trying to promote itself as a beautiful community to live and visit while simultaneously not only allowing, but encouraging - as is evident by this submission - the wholesale destruction of native forest and the construction of yet another concrete jungle.

Sincerely,

Sandra McGuinness
12 Thomas Mitchell Crescent,
Sunshine Bay, 2536,
sandy.mcguinness@gmail.com
0491097456



Submission to Ordinary Meeting of Eurobodalla Shire Council on the 26 November 2019 regarding DA593/19 – 3 lot subdivision at 13A Sunshine Bay Road, Sunshine Bay, Lot 9 DP 774356.

Lot 9 is currently a bushland reserve mostly covered with mature spotted gum forest. The proposed subdivision will shrink it by 54%, subdividing off two small lots, one of which has a "battle axe" shape. To enable development of homes and driveways on the proposed lots 1 and 2, essentially all the trees on those lots will need to be removed as they are small lots and the battle axe will need to be cleared for a driveway. On the remaining reserve, most the native trees have already been removed, so once development is complete, there will be very few native trees remaining on the 3 proposed lots.

I am strongly opposed to the proposed subdivision for four reasons.

1. Environmental

The lot in question forms the northern end of wildlife corridor that extends 1.2 km south to White Stone Park. The lot is currently wide enough to form some wildlife habitat, and while I am no wildlife biologist, I see it is frequented by tawny frogmouth owls, blue tongued lizards, lorikeets, galahs, rosellas, cockatoos, bower birds, kookaburras, and wattle birds, to name but a few.

2. Recreational

The aforementioned corridor is also the only off-pavement walking route in the entire community – it comprises approximately 3% of the community's land (see included map). Any other pockets of public bushland in the community are typically impenetrable bush surrounding wetlands. Consequently the corridor is heavily used by local residents – walking, biking, and exercising their pets. While the proposed subdivision does provide for public access from Sunshine Bay Road to John Oxley Crescent, it is as narrow as 5 m, will be mostly treeless, and be sandwiched between residential back fences – it will no longer be a nature walk.

Preserving this walking track, from nearly one end of the community to the other, in as close to its native state as possible, will provide priceless benefits to the community forever.

3. Green Space

Bushland is known to provide many benefits to a community – from pleasing aesthetics to wildlife habitat, to climate moderation, to run off reduction – but there is relatively little protected green space in Sunshine Bay, and the amount of unprotected green areas are shrinking every year. A large block of native forest has recently been felled in the south of the community associated with the new residential housing development. The currently undeveloped block of land at Sunshine Bay Road and Canning Crescent has recently sold and has an existing DA for a shopping centre. The large blocks of land on either side of

the west end of Sunshine Bay Road are zoned R2 or R3 and are subject to development. Several large blocks west of George Bass Highway have recently been cleared in preparation for development.

4. Community Wishes

The lot in question has been, in practice, part of the central Sunshine Bay reserve corridor for the nearly 30 years. All community residents I have canvassed, have long believed it to be reserve, and wish it to be left as reserve.

In Summary

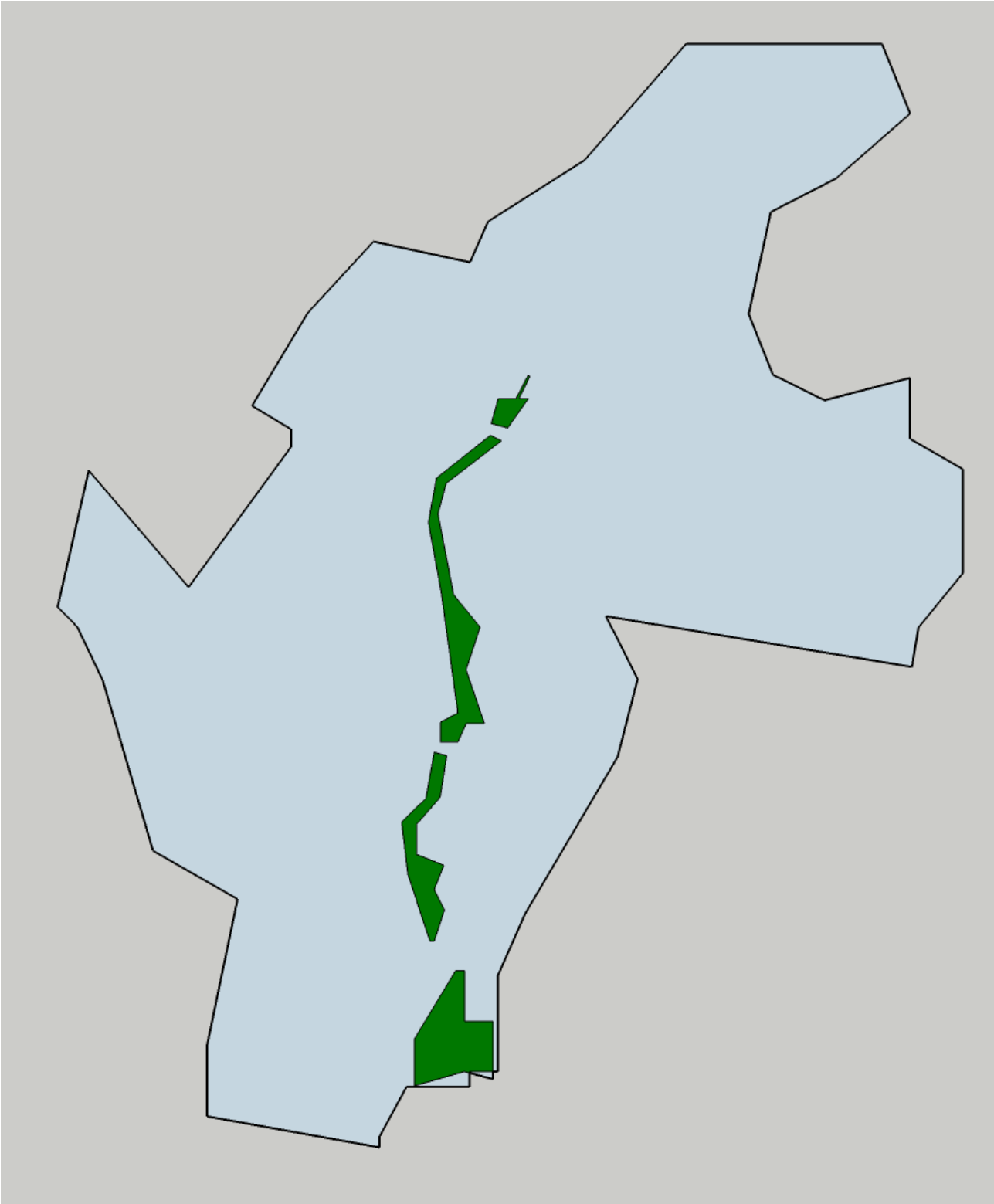
Lot 9, in its current state, provides a small but important bit of bushland linking White Stone Park in the south and Short Beach Creek in the north, as well as the public reserves between Thomas Mitchell Crescent and Hume Road, and east of Hume Road.

In summary, bushland in Sunshine Bay is a scarce and valuable resource and I believe the lot in question would serve the community much better if it were left as bushland.

I urge you to not proceed with the proposed subdivision of lot 9.

Thank you,

Douglas Brown



Eurobodalla Shire Council – Public Forum – 26.11.19

**Re: DA534/19 – Two Stage submission – Stage 1-2 lots – concept 3 lots at 23 Gregory Street.
Batemans Bay DP 248840**

I would like to confirm my concerns regards the above application for 23 Gregory Street.

I am against this application for the following reasons:

- I do not believe the use of Pacific Street for access to a large number of vehicles would be appropriate and or safe when we have the Scout Hall positioned so close by.
- Noise would be a major factor for residents living nearby.
- Privacy is also an issue for those people living at the back of this proposed build.
- Height of proposed build – I am recommending that the height of the proposed build be no higher than 2 stories
- Service vehicles access – I am requesting that if this build was to take place that the entry be via Gregory Street as per the DA application states.
- Transport options for people living in this area, **there is none**. I don't believe that this is appropriate to have community living in an area that has nil transport available to them.
- Outdoor Community space – if there is to be 3 blocks of units built at 3 to 4 stories high I would have to question what space is available for them to access. There are no parks or gardens nearby that people can use.

IF this build was to take place, I **strongly oppose** to having extra traffic using Pacific Street as an access to this proposed build.

Regards

Kerri Carmichael

77 Bavarde Avenue

Batemans Bay NSW 2536

Ph – 0214446001

Kerri.carmichael2011@gmail.com

Council Meeting 26 November 2019

CCS19/063 - Licence to Park Vehicles for Business Operations within Narooma Flat

Request to speak at Public Forum- Tuesday 26/11/19

Warren (Wazza) Stubbs – Montague Island Discovery Tours

We would like to note that the Expression of Interest was submitted for 'Licence to Conduct Business near Narooma Wharf'. Between submission of Expression of Interest and notification of this council meeting, this item has now changed to 'Licence to park vehicles for business operations'.

We would like to discuss the following points on page 92 under Considerations
"Council may wish to consider issuing six month licences to the four operators at Narooma Flat, including the following conditions;"

Point 4 - Operating Hours:

I would like to open discussion on the restrictions on opening times.

This reports lists "Operating hours are strictly limited to 45mins before a boat departs and 10mins after departure".

We ask for council to be mindful that as stated in our Expression of Interest our clients arrive on most tours 45 minutes prior to departure times for check in and fitting of necessary equipment.

Crew and Staff will typically arrive for preparations for tours approximately 15 to 30 minutes prior to customers arriving.

We would like this noted to allow us access to necessary equipment in our trailer for preparation of tours.

Also at the end of a tour we need to have access to trailer for cleaning up/putting away of gear.

Whilst we understand the purpose of this point, we request that this point be revised to extend this timeframe to suit the needs of our business.

Point 6: Licence condition will prevent any other 'licence holder' parking in these spots.

We ask for this point to be amended to read other Business Operators from Narooma Town Wharf should not be able to park in a licenced spot. As mentioned in this report, there are 5 businesses operating from Narooma Town Wharf and only 4 have submitted EOI for a Licence.

We feel there is potential for an operator not to take up the option for a license and then park in a licensed area. This potentially could cause issues and/or conflict between Licence holders and other business operators.

Point 7 Licences are for the parking of a single vehicle only ie: a trailer, not car and trailer and parking must be within marked areas.

We believe this will potentially take a further car parking space not in the licenced area.

We would like clarification around times when we will be at the wharf for shorter periods of time.

There are circumstances when weather conditions change quickly and tours can be cancelled with short notice and the trailer used for our business purposes is usually in tow.

Will it be necessary to disconnect the trailer even for a short period of time in these type of circumstances or similar short term circumstances

We ask for some sensible flexibility to this as at times it will be very impractical.

We also ask for some clarification around the purpose of this point?

In respect of all the points discussed, we ask for some common sense variances and flexibility to enable us to effectively operate.

We would like to close by stating that we understand that there is a need for regulations to have a positive and effective outcome for all operations at Narooma Town Wharf.

Presentation by Lei Parker - ORDINARY MEETING OF EUROBODALLA SHIRE COUNCIL HELD ON TUESDAY 26 NOVEMBER 2019

CAR19/025 - NAROOMA SPORT AND LEISURE PRECINCT DRAFT PLAN OF MANAGEMENT

A report is to be presented to you as Eurobodalla Councillors today (Nov 26th, 2019) offering a draft Plan of Management (POM) for the Narooma Sport and Leisure Precinct seeking consent to send the draft POM to the NSW Department of Industry – Crown Lands (DOI) for assessment as the land owner.

The Narooma Sport and Leisure Precinct comprises the Bill Smyth Oval Reserve and the Narooma Tourist Information Centre Oval (NATA) Reserve.

NATA Oval Reserve also incorporates the Narooma Leisure Centre, Swimming Centre, Narooma Easts Holiday Park and the Wagonga Inlet foreshore north to the Narooma Bridge.

These Reserves are Crown Land under the control and management of Eurobodalla Shire Council.

The draft Narooma Sport and Leisure Precinct Plan of Management advises that a number of broad strategy documents exist that provide important direction to the Narooma Sport and Leisure Precinct site.

Of particular note, among others, are the following:

Community Strategic Plan
Recreation and Open Space Strategy 2018
Destination Action Plan 2016
Narooma Foreshore Destination Master Plan
Eurobodalla Pathway Strategy 2017

One key document is however missing: The Eurobodalla Aquatic Strategy that Council endorsed in 2017.

<https://www.esc.nsw.gov.au/inside-council/project-and-exhibitions/major-projects-and-works/aquatic-arts-and-leisure-centre/documents/Eurobodalla-Aquatic-Strategy-Final-Draft.pdf>

In the draft Narooma Sport and Leisure Precinct Plan of Management, under the heading Existing Site and Asset Condition, it identifies the Narooma Swimming Centre as:

Comprising a 50m indoor pool facility with outdoor splash pad, clubroom and administrative facilities. The clubroom is used for exercise classes, yoga and

swimming club activities.

Whilst some facilities are in reasonable condition (or new, as per the splash pad constructed in 2018/19), others are reaching the end of their useful life and forward planning for new buildings and plant are needed through the life of the Plan of Management.

What the report fails to state are the more specific, concerning and omitted details of the Eurobodalla Aquatic Strategy which clearly states:

Geotechnical investigation into foundation and subgrade movement and the integrity of the pool at shell Narooma Swimming Centre needs to be undertaken. Subject to the outcome of this investigation, the repair or replacement of the existing 50m pool may be required. The timing of these works will be subject to the outcome of the engineering investigation

*Whilst the co-location of aquatic facilities with other elements (eg health and fitness, wellness, retail and food and beverage) support a centre to better maximise its viability, once the proposed new Batemans Bay Leisure Centre is developed **it is highly unlikely Council will be able to meet the capital and operational funding required to upgrade its other pools to this level.***

The report noted that while the Narooma Swimming Pool centre provides basic services, it is dated, aesthetically poor and has a limited economically useful life.

The adopted Eurobodalla Aquatic Strategy prepared by Otium recommended upgrade/ redevelopment proposals for each pool saying of Narooma

- Demolish existing facility.
- Develop indoor program/ leisure pool and associated facilities (e.g. café)
- Develop 50m x 8-lane pool in tank of existing indoor pool.
- Provide for future expansion of dry facilities
 - Improve usage of underutilised infrastructure

The report before you today identifies a proposal to modernise the Swimming Centre and “establish greater integration with surrounding facilities is primarily related to taking advantage of the prime foreshore location. This would assist to consolidate uses and functions and support **the longer-term business case** for retention and expansion of the facility.”



Of the Narooma Swimming Centre it recommends:

- Internal and external modernisation and renovation of the Swimming Centre buildings
- **Preparation of a business case** / feasibility study to provide enhanced aquatic, community health and fitness facilities, including the revisioning of the Swimming Centre to include:
 - i) food and beverage facilities to service pool patrons and other visitors.
 - ii) pool equipment and facility upgrades

It also states as an action:

The Narooma Sport and Leisure Precinct Plan of Management - Implementation Action Plan calls for a feasibility study / business case to be developed. If you endorse this Plan then you also endorse this action.

Note that the endorsed 2017 Eurobodalla Aquatic Strategy already offers guidance on the financial viability of the Narooma Pool stating:

All three of Council's swimming centres are operating at a deficit with Batemans Bay and Moruya generating annual deficits of between \$111,018 - \$139,020 over the past two years. The Narooma Swimming Centre has generated recent operating deficits of \$370,765 and \$378,222, resulting in a 2015/16 subsidy per user visit of \$7.60

By way of comparison, based on comparing the estimated 2016 Narooma Pool catchment population of 8,077 against the CERM18 Group 7 Indoor Pools catchment multiple (8.8), total visitation of 71,078 could be achieved. On this basis Narooma Pool is performing substantially below expectations.

The Eurobodalla Aquatic Strategy identified that the Eurobodalla community and tourism profile suggests that given relatively modest projected growth of 6,749 to 2036, it will be important to ensure that future aquatic provision is sustainable saying *“It will not be possible to provide a high level of contemporary aquatic facility provision in **each township** and product differentiation will be necessary.”*

Table 2: Current and Project Population by Catchment and Locality (Source: <http://forecast.id.com.au/eurobodalla/home>)

Area	2016 Population	Estimated 2036 Population	Change 2016-2036
Batemans Bay			
Batemans Bay - Catalina	4,045	4,524	+479
Batemans Bay Rural Hinterland	2,584	2,950	+366
Malua Bay - Lilly Pilli - Rosedale - Guerilla Bay	2,524	3,625	+1,101
Surf Beach - Batehaven - Sunshine Bay - Denhams Beach	5,891	6,526	+635
Surfside - Long Beach - Maloneys Beach - North Batemans Bay	3,157	4,077	+920
Total	18,201	21,702	+3,501
Moruya			
Moraya Rural Hinterland	2,684	2,859	+175
Broulee - Tomakin - Mossy Point	3,097	4,140	+1,043
Tuross Head	2,283	2,432	+149
Urban Moruya - Moruya Heads	3,626	4,807	+1,181
Total	11,690	14,238	+2,548
Narooma			
Dalmeny	2,087	2,327	+240
Narooma - North Narooma - Kianga	3,478	3,868	+390
Narooma Rural Hinterland	2,568	2,660	+92
Total	8,133	8,855	+722
Total Eurobodalla Shire	38,024	44,795	+6,771

In the summary of the Eurobodalla Aquatic Strategy it stated:

Narooma Swimming Centre has an indoor 50m pool, however the pool is ageing, has no ramp entry and has variable water depths.

The Centre also includes a small low depth outdoor pool, ageing changing rooms, non-contemporary kiosk and reception arrangements.

Narooma Swimming Centre does not reflect contemporary aquatic facility trends, has few components that contribute to more successful facilities and/ or cater for a diversified range of markets.

Following a detailed inspection in 2014, it was found that the Centre will need some fairly major work in the not too distant future. Initially further investigation was recommended to establish what is actually happening to the pool and surrounding structure. There is evidence of foundation and subgrade movement

which is likely to be a result changes in the ground water conditions.

The report before you states:

The Precinct is also subject to flood events, the frequency and intensity of which is anticipated to worsen with the impacts of climate change and sea level rise over the longer term. All of the Precinct, with the exception of some elevated areas of native vegetation in the southern portion of Bill Smyth Oval reserve is identified within the draft Flood Planning Map

The 2017 Eurobodalla Aquatic Strategy, prepared by a consultant with no community engagement and endorsed by Council with no community engagement, identifies that the Narooma Pool is to be the Shire's only 50m pool. Yet that determination was made with no long term commitment of funding.

While the draft Narooma Sport and Leisure Precinct Plan of Management references the Recreation and Open Space Strategy 2018 the current Eurobodalla Aquatic Plan references the **Eurobodalla Shire Council Recreation and Open Space Strategy, 2010** that offers the following key recommendations for the Narooma pool:

- o Fill in children's pool and replace with aqua play area.
- o Investigate co-location of additional facilities such as gym and café to improve economic viability.
- o Potential to redesign existing 50m pool to accommodate three separate bodies of water: 25m indoor pool, hydrotherapy and beach entry play pool.

This Council's endorsement of the Eurobodalla Aquatic Strategy remains controversial at best and is considered a divisive mechanism to surreptitiously endorse Council's intent to replace the Batemans Bay 50m pool with a 25m pool stating that Narooma will retain the regions premier events pool.

It is clear that these *current observations and recommendations* contained in the Eurobodalla Aquatic Strategy in regards to the Narooma Pool should be in the draft Narooma Sport and Leisure Precinct Plan of Management as they carry with them a budgetary commitment that will no doubt have to be found, either driven by increased rates, or by securing future grants.

If neither of these are forthcoming then economic rationalism would see the Narooma 50m pool downsized, as has been the case with Batemans Bay pool, to encourage improved utilisation and improve economic sustainability, as is

Council's justification for doing exactly this at the proposed Mackay Park Leisure Centre.

The following Questions are tabled as part of this presentation for Councillors – these questions are requested to be published as part of the presentation for archiving on Council’s website:

Asset Class	Asset Category	Estimated cost to bring assets to satisfactory standard	Estimated cost to bring to the agreed level of service set by Council	2018/19 Required maintenance *	2018/19 Actual maintenance	Net carrying amount	Gross replacement cost (GRC)	Assets in condition as a percentage of gross replacement cost				
								1	2	3	4	5
Swimming Pool Centres		–	–	291	291	1,823	3,711	51.0%	27.0%	22.0%	0.0%	0.0%

Infrastructure asset condition assessment 'key'

1	Excellent/very good	No work required (normal maintenance)
2	Good	Only minor maintenance work required
3	Satisfactory	Maintenance work required
4	Poor	Renewal required
5	Very poor	Urgent renewal/upgrading required

Image above: Financial-Statements-2018-19

Question 1.

Note in *Financial-Statements-2018-19* there are three swimming centres.

One is assessed as Excellent/very good No work required (normal maintenance),
 One is Good. Only minor maintenance work required
 One is Satisfactory. Maintenance work required

The Financial-Statements-2018-19 fail however to reveal which pool is which.

If we assume that the Moruya Pool is Excellent that leaves one pool assessed as Good and One as Satisfactory.

The Otium Eurobodalla Aquatic Strategy clearly states for the Batemans Bay Pool:

Items for immediate attention are relatively few, but should be attended to as soon as funding allows. In the longer term, a filtration and reticulation pipework upgrade will be necessary but this will be triggered by increased bathing loads at the centre and/or results from the leak detection investigation. Major recommended works were: • Provision of access ramp into the 50m pool - \$150,000 (Long Term) • New filtration system - \$400,000 (Long Term) • New reticulation pipework to pools - \$250,000 (Long Term).

The above must therefore make the Batemans Bay Pool, the one assessed as Good, leaving the Narooma Pool to be assessed financially as Satisfactory.

Yet the Eurobodalla Aquatic Strategy clearly states that *the Narooma Pool is far from Satisfactory.*

“the Narooma Pool, following a detailed inspection in 2014, was found that the Centre will need some fairly major work in the not too distant future. Initially further investigation was recommended to establish what is actually happening to the pool and surrounding structure. There is evidence of foundation and subgrade movement which is likely to be a result changes in the ground water conditions.

The Financial-Statements-2018-19 state that Swimming Pools were valued in-house utilising Council's experienced engineering staff.

“The cost approach has been used based on the replacement cost for each pool by componentising its significant parts. While some elements of gross replacement values may be supported from market evidence (Level 2 input) other inputs (such as estimates of pattern of consumption, residual value, asset condition and useful life) required extensive professional judgment and impacted significantly on the final determination of fair value.”

The Financial-Statements-2018-19 state that the Net carrying amount for swimming pools is \$1,823,000

A Net Carrying Amount is calculated by taking the original cost of purchasing the asset, consider the depreciation cost for each year and then multiply that with the number of years that the asset will continue to be of use. You then subtract the product of this calculation from the original purchase price to get the carrying amount.

As you can see the Net carrying amount is both nebulous and reasonably baseless as each of the pools are fifty years old, were predominantly gifted, and the depreciation of each (being cost to bring to satisfactory) is not present to allow calculation.

Of more interest is the estimate of \$3,711,000 as a gross replacement cost for the three pools.

This is the figure being quoted to Councillors in the Financial-Statements-2018-19.

Even with the proposed removal of the Batemans Bay swimming pool from the figure \$3,711,000 alone would NOT replace the extensive works required of the Narooma Pool to remedy the many issues that have been identified by the Eurobodalla Aquatic Strategy.

Councillors, I seek clarification around the figures that have been presented to you today. It is evident that reporting on all three pools under a single line item leaves much to be desired and communicates little to anyone who has any interest in learning more of the Chart of Accounts.

In January 2017, Council engaged Otium Planning Group, with the assistance of FDG Architects, Outside the Square Creative Consultants, MRCagney and Turner Townsend Quantity Surveyors, to prepare the Eurobodalla Aquatic Strategy.

In the REPORT TO EXTRAORDINARY MEETING OF EUROBODALLA SHIRE COUNCIL HELD ON TUESDAY 29 AUGUST 2017 it states:

A 50m pool is inconsistent with the draft aquatic strategy for the Eurobodalla Shire, which positions the Batemans Bay Aquatic Centre as the 'program and aquatic leisure centre' and the Narooma Pool as Eurobodalla Shire's 'event and competition swimming centre

**PSR17/050 CONSIDERATION OF BUSINESS CASES AND CONCEPT PLAN
OPTIONS FOR MACKAY PARK PRECINCT REDEVELOPMENT**

E12.6442

Draft Eurobodalla Aquatic Strategy

Based on an assessment of the condition of existing aquatic facilities in Eurobodalla Shire, population and tourist demographics and projections, stakeholder engagement and current trends and best practice in the delivery of aquatic facilities, the consultant recommends in the draft Eurobodalla Aquatic Strategy that the three aquatic facilities in Eurobodalla Shire be positioned as follows:

Pool facility

Strategic positioning

Batemans Bay Pool

Program and aquatic leisure centre

A contemporary leisure centre facility mix featuring different programs, leisure, fitness and adventure water options, health and fitness facilities, retail, food and beverage and co-location with visitor information centre, community and arts and cultural facilities.

Narooma Pool

Event and competition swimming centre

Enclosed 50m pool retained to accommodate Eurobodalla Shire's swimming carnival and event needs.

Moruya Pool

Retain as district level pool

Future development does not conflict with, or duplicate, the Batemans Bay and Narooma aquatic facilities.

NOTE that the very first mention of the *Draft Eurobodalla Aquatic Strategy* in Council chambers was August 29th, 2017. It is critical for Councillors to understand that the Draft Eurobodalla Aquatic Strategy has never been formally endorsed. It remains a Draft.

5. PLANNING AND SUSTAINABILITY REPORTS

**PSR17/050 CONSIDERATION OF BUSINESS CASES AND CONCEPT PLAN OPTIONS FOR
MACKAY PARK PRECINCT REDEVELOPMENT**

File Ref: E12.6442

17/284 MOTION Councillor Pollock/Councillor Thomson

THAT:

1. Council endorse option 1, being the development of a regional aquatic centre, arts and cultural facility and gateway visitor centre, on the southern part of the Batemans Bay Mackay Park precinct for the purpose of seeking grant funding to construct the facility.
2. Council endorse option 1 to inform the detailed planning and design process for the precinct, and to inform the process of seeking to establish a public private partnership, or other procurement process, for the development of the northern part of the precinct.
3. In the detailed planning and design process for the aquatic centre and arts and cultural facility, Council consider the potential to expand the facility, if and when, needed into the future.
4. Council develop a process to ensure ongoing engagement with the community throughout the design and development phases of the facility.
5. Council make a decision on the potential demolition of the former Batemans Bay Bowling Club building once a decision is made on the development of the Mackay Park Precinct.
6. Council thank the members of the Sunset Committee for their work to date in assisting with the early planning stages of the project.

(The Motion on being put was declared **CARRIED**)

Question 2:

Were you aware, on the day you endorsed the Otium Concept One as part of the Mayoral Minute, TUESDAY 27 MARCH 2018 , that you were also endorsing a Draft Eurobodalla Aquatic strategy, commissioned by staff, developed with NO consultation with the community, and by the same Otium consultant that recommended the removal of the Batemans Bay 50m pool?

The public were NOT made aware of the delivery and the endorsement of the Draft Eurobodalla Aquatic Strategy as it wasn't mentioned in the Mayoral Minute

– only the following:

3. Confirm that the *Option 1 concept plan prepared by Otium Planning Group, is endorsed as the basis* for undertaking the detailed design of the Regional Aquatic, Arts and Leisure Centre at Mackay Park Batemans Bay.

Question 3:

Were you aware that by adopting Otium Option 1 that you were also adopting the Otium recommendation within the Draft Eurobodalla Aquatic Strategy:

9.3.1 Batemans Bay Leisure Centre - The recommended future directions and improvements including proposed development priority for the co-location of aquatic, recreation, arts/ cultural, visitor, and mini-golf facilities at the southern end of the Mackay Park Precinct ensures economies of scale and efficiencies from a capital and operating cost perspective.

This recommendation that you unknowingly adopted included, as per their prepared Draft Eurobodalla Aquatic Strategy

- *Indoor 25m x 20m (8 lane) pool with ramp access*
- *Warm water/ program pool and spa area at end of pool with ramp access*
- *Toddlers/ leisure water (incorporating some deeper water at one end to accommodate additional learn-to-swim)*
- *Water play splash pad (zero depth)*
- *Tower and waterslides*

Question 4:

Were you provided a copy of the Draft Eurobodalla Aquatic Strategy by staff prior to adopting Option 1 TUESDAY 27 MARCH 2018. If so on what date?

Question 5:

Did you read the Draft Eurobodalla Aquatic Strategy prior to endorsing it?
IF not, then how did you come to endorse it ?

I offer you the following for your consideration:

Liz Innes delivered a Mayoral Report on 27 March 2018 which she did not write, prepared by staff, which by its content, complexity and intent, flies in the face of the guidelines of the Local Government Act.

I remind you now that, as councillors, you did have forewarning, with a quick mention that morning before Council session, that an *as yet to be finalised* Mayoral Minute was going to be delivered during Tuesday's Council meeting however you were not privy to its as Council staff were still preparing the document and would be doing so whilst the you, as Councillors, were in session.

As councillors, (not the public) you only knew it was arriving sometime..... with the understanding that, as a Mayoral Minute, it would *not introduce, without notice matters that were routine nor would it introduce, without notice non-urgent matters or any matters that might require research or a lot of consideration by councillors before coming to a decision.*

Little did you realise that they would be given a 15 page document with 6412 words and only 15 minutes to read it.

When the Mayoral Report was introduced (Timestamp at 3:05:25 on Live streaming archive video <http://webcast.esc.nsw.gov.au/archive/video18-0327.php>) Mayor Innes said to her fellow councillors "*I hope you have all had an opportunity during our fifteen minute break to have a read and to have a consider of what was put forward in the Mayoral Notice of Motion*"

A comment from Councillor Anthony Mayne revealed the lack of time perfectly when he stated he had had no time to read the report at all. "I apologise... I did not get my fifteen minutes"... Fifteen minutes to read fifteen pages with 6412 words ????

(Note: The average adult reading speed is 300 words per minute - the reading speed of our Councillors is unknown but it is doubtful that any of them could have read it properly in less than 20 minutes)

It is now widely considered that the URGENCY around the Mayoral Minute was entirely political.

There was infact a political urgency to confirm:

- there would be no 50m pool and
- that the Otium Concept 1 with its 500 seat capacity auditorium be affirmed, thereby ending all future debate and closing down any future community dissent.

Some key points and issues, in relation to the inappropriateness of the mayoral minute that was presented to councillors (and the public) at the 27/3/2018 meeting, are as follows.

(1) Part 2.7.1 of OLG's '[Meetings Practice Note - August 2009](#)' says that mayoral minutes should not be used to introduce, without notice, matters that are:

“not urgent, or need research or a lot of consideration by the councillors before coming to a decision.”

There does not appear, in the opinion of those who have now had time to read it, that there was anything in the mayoral minute (available in full [HERE](#) *) that was of such urgency that would not have reasonably allowed for the matters to have been deferred until the next (or even a later) council meeting.

* <http://www.esc.nsw.gov.au/inside-council/council/meetings/2018/march/ordinary-council-meeting-27-march-2018/Mayoral-report-27-3-2018.pdf>

The Mayor did make an apology saying that it wasn't in the agenda however *“not withstanding the announcement that was made last night by the NSW Premier Gladys Berejiklian this IS AN OPPORTUNE TIME at this Council meeting to progress things and move things forward.”*

"Opportune time" does not equal URGENT.

In summary those “urgent matters” in the Mayoral Minute that apparently couldn't wait were to:

- Thank the Premier
- Continue to advocate to the NSW and Australian Governments for funding to complete the Regional Aquatic, Arts and Leisure Centre.
- Confirm Option 1 as the plan (which they had already done previously)
- Note that the ultimate design is dependent on the total amount of grant funding received.
- Confirm that the design phase will consider potential to expand
- Note that during the design phase costs will need to be reviewed
- Note that further engagement will be undertaken with the community
- Proceed with the issuing of Request for Expressions of Interest to redevelop the northern precinct of Mackay Park

It is very clear from the above that these are **NOT urgent** matters and are in fact **Routine**.

Mayoral minutes should not be used to introduce, without notice, matters that are routine, not urgent, or need research or a lot of consideration by the councillors before coming to a decision. These types of matters would be better placed on the agenda, with the usual period of notice being given to the councillors.

There was also the matter in the Mayoral Minute that clearly deserved more than fifteen minutes notice for proper consideration by councillors and the probable impact to the community being: - Support the inclusion of a 25m by 10 lane lap pool

Councillor McGinlay, with genuine concern during debate, bought question around this point and the inevitable cessation of any further discussion with community groups over the inclusion of a 50m pool.

Councillor Mayne also reiterated his concerns of the Confirmation of the Otium Option 1 Concept plan as possibly thwarting further discussion regarding the capacity of performance space being set at 450 to 500. It was clear that to both of these councillors there was indeed an opportunity for a *lot of consideration by the councillors before coming to a decision.*

The final, left of field, wildcard in the Mayoral Minute was the inclusion of *“Investigate the potential for the provision of long distance swimming facilities in the ocean at an appropriate location in the Batemans Bay area.”*

This element is considered, by all who read it, as NOT Urgent and also, as it sets to allocate funds and resources to the investigation without any definition of limit, scope or even justification, it too flies in the face of what is acceptable in a Mayoral Minute.