

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 12 April 2016

Name	Subject/Comments
Agenda Items – 10.00am	
Steven Bayer (presenter) Will be accompanied by Peter Facchini	PSR16/010 Residential Accommodation Units and General Store – Wharf Road, Batemans Bay
Owen Cartledge	FBD16/015 Investments made as at 29 Feb 2016
Peter Bernard	1. GMR16/009 Floodplain Management Australia Conference 2. PSR16/009 Rezoning/Reclassification of Excess Land – Albert Ryan Park, Batemans Bay 3. FBD16/015 Investments made as at 29 February 2016

Project: Proposed Residential Development, 17-21 Wharf Rd Batemans Bay
For: Bateay Pty Ltd
Job No: 15-0015
Date: 12 April 2016

ADAPTABLE HOUSING INFORMATION

Overview

This information is provided to address two issues, further to the S96 Application to reduce the number of adaptable dwellings provided.

- a) initial visitability to the dwellings
- b) the number of dwellings required to be adaptable

1. AS 4299 Adaptable Housing

Consideration has been given to the Objectives and Performance Requirements as noted below.

SECTION 2 OBJECTIVES AND PERFORMANCE REQUIREMENTS

2.1 OBJECTIVES *The objectives for adaptable housing are as follows:*

- (a) *That housing be designed and constructed or altered in a way which satisfies the performance requirements for adaptable housing enumerated in Clause 2.2 below.*
- (b) *That housing is designed in such a way that later alterations to suit individual requirements will be achievable at minimal extra initial cost.*
- (c) *That housing be designed in such a way that it will easily adapt to suit the widest possible range of lifetime needs. This will include the needs of people with physical disabilities (including people who use wheelchairs, people with disabilities who are ambulant, and people with manipulatory disabilities); people with sensory disability (vision, hearing) and people with intellectual disability.*
- (d) *The initial design will allow for visitability through an accessible path of travel to the living room and toilet.*

2.2 PERFORMANCE REQUIREMENTS *Adaptable housing units shall be designed and constructed to meet the following requirements:*

- (a) **Visitability** *To be visitable by people who use wheelchairs, in that there must be at least one wheelchair accessible entry and path of travel to the living area and to a toilet that is either accessible or visitable.*
- (b) **Avoidance of level changes** *To have no steps and to avoid level changes where possible.*
- (c) **Manoeuvrability** *This shall include the following:*
 - (i) *To provide space sufficient to manoeuvre a wheelchair within a living area, the kitchen and an accessible path of travel linking these areas. NOTE: Although not required for visitability, the kitchen is included as an initial spatial requirement for manoeuvrability, as there is significant expense involved in changing the kitchen layout at a later date.*
 - (ii) *To provide space sufficient to manoeuvre a wheelchair within a bedroom, a bathroom and a toilet or to provide a design and details whereby after adaptation there will be sufficient space to manoeuvre a wheelchair within these facilities and an accessible path of travel linking these facilities to the entry, living and kitchen areas.*
- (d) **Ease of adaptation** *If the design for adaptation requires further demolition of walls then these walls shall be non load-bearing and free of electrical and plumbing services.*

WOLLONGONG

10 Belmore Street
T 02 4226 1387

NOWRA

92 North Street
T 02 4421 6822

BATEMANS BAY

1 North Street
T 02 4472 7388

(e) Ease of reach To provide electrical controls, taps, and some shelves and cupboards at levels to suit people who use wheelchairs.

(f) Future laundry facilities To provide laundry facilities that after adaptation will be accessible to people who use wheelchairs. Those laundry facilities may be external to the adaptable housing unit, providing a wheelchair accessible path of travel is available from the adaptable housing unit to the laundry facilities.

In **response** to the Objectives and Performance Requirements, we note the following;

1.1 The Applicant wishes to comply with the requirements of AS 4299 in that the dwellings generally satisfy the requirements of the **Objectives** and the ability to adapt the dwellings to suit changing requirements of residents.

1.2 With regards to the initial design allowing visitability to a living room and toilet, we note that in this particular instance, that requirement is unreasonable, given the following;

- Flood planning constraints as noted in Section 2 below
- The development is proposed as modestly priced dwellings to offer a variety of housing types in the Eurobodalla. The installation of a lift immediately with construction will cause considerable cost increases to the project and the cost of dwellings.
- The Alternative Solution provided by ABE Consulting regarding an intercom system is over and above the requirements necessary, given that this Class 1a development does not require accessible housing (refer to Section 3 below).

1.3 The Applicant wishes to comply with the requirements of AS 4299 in that the dwellings generally satisfy the requirements of the Performance Requirements,

- They will include visitability to a living room and toilet when the units are adapted to comply with AS 4299
- They will satisfy other Performance Requirements subject to the design which acknowledge the site constraints present on this property

2. Flood Planning

2.1 The flood planning level for residential development on this site is RL 4.3 AHD. This means that habitable spaces, such as Living areas are not permitted below this RL 4.3. Finished ground level is RL 2.3 AHD, which is 2.0m below the flood planning level.

2.2 Whilst the Applicant wishes to comply with the Objectives and Performance Requirements of AS 4299, the only reasonable way that can be done is with the provision of a lift. The Applicant is happy to have a lift provided if the dwelling is required to be adapted.

3. BCA and Access to Premises Standards

3.1 The Applicant will comply with BCA and Access to Premises Standards. Given that this apartments are approved as a Class 1a development, the BCA and Access to Premises Standards do not require the development to be accessible. However, when adapted, the applicable dwellings will comply with the BCA and Access to Premises Standards

3.2 The fact that this Class of development is not subject to accessibility requirements is acknowledged in Council's agenda report.

4. Environmental Planning and Assessment Act Section 79C Evaluation

(1) In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- *(iii) any development control plan, and*
- *(a) the provisions of:*

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development

(3A) If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards-is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development

4.1 Response to 79C Evaluation

- The Applicant requests that Council consider the following, in recognition of the suitability of the site to comply with the requirements of AS 4299;
- The Applicant wishes to comply with the Objectives and Performance Requirements of AS 4299;
- The site has significant flood constraints which prevent habitable floor area being located at ground level. If there were not flood planning constraints, the required spaces could easily be constructed to provide visitability as required;
- The flood constraints are in place to protect safety of residents and property;
- The only viable way to provide visitability in the short term to eight dwellings is via a lift, and this is economically unfeasible and unreasonable;
- The BCA and Access to Premises Standards do not require accessible Class 1a dwellings;
- It is recognised that in ordinary circumstances, the development does not comply with the requirements of the DCP in terms of adaptable dwellings;
- It is proposed that an alternative arrangement, as noted in items 5.6 – 5.7 below.

5. Summary

5.1 The development is being provided by the Applicant, whose family have had a dwelling located in the Eurobodalla for a long period of time. The project is not being undertaken by an outside party who have no interest in the Eurobodalla.

5.2 Local suppliers and tradesmen are being used on the project wherever possible

5.3 The economic benefits of the multi million dollar development provide an obvious economic stimulus to the Eurobodalla, in addition to the multiplier effect from the construction and ongoing influx of residents to the area

- 5.4 The development will provide a much needed improvement to the previously run down buildings, which will enhance the immediate and wider Eurobodalla community
- 5.5 The commercial reality of the requirement for immediate construction of lifts will have a significant impact on the development and the affordable cost of the dwellings, which must be appreciated by Council
- 5.6 The Applicant is prepared to construct lifts initially into two dwellings, if there is a market need for the accessible dwellings. Subject to this market need, these two dwellings would be constructed as "post adaptation" dwellings as approved in the Consent
- 5.7 If, at the time that 25 out of 33 dwellings have been sold and there has been no interest in the accessible dwellings, the Applicant reserves the right to construct the two above mentioned dwellings as being able to be adapted, rather than constructed as accessible from the outset

FBD 16/015

Managing Council Financial Assets + Obligations

Owen Cartledge

Outsourcing

Section 6.3 of the ESC Code of Conduct states: 'The General Manager is responsible for the efficient and effective operation of the Council organisation'.

The NSW Councillor Handbook states, p 19, 2.2.1, that the role of a councillor is to 'allocate ratepayers money efficiently in the best interests of the community'.

Over the last two to three decades Australians have experienced more efficient government at the Federal and State levels. Emphasis has changed from inputs to outputs, and more recently efficiency and effectiveness. It is an established economic fact that outsourcing provides a more efficient level of services.

In December 2015, when Council met The Eurobodalla Community and Business Forum, the General Manager stated that, 'outsourcing possibilities are continually examined and implemented when appropriate.'

These comments are easy to say, but my perception is that the majority of councillors and the General Manager are more concerned with maintaining the status quo.

A huge rent-seeking public sector is incompatible with efficiency. It is a giant economic scam propped up by easy to get SRVs and dividends flowing from expensive water charges.

Greater efficiency in the private sector is due to greater incentives, flexible work practices and multiskilling. The public sector has never had the drive which is necessary to produce greater efficiencies. Also the public sector does not have a profit bottom line by which it can measure its performance.

Johnson (2003)¹ proposes that that Victorian Local Government deliver services in the most cost effective in order to create savings and increase the opportunity to deliver additional services.
manner

The Australian Government Department of Finance conducts serious efficiency and audit reviews into individual Department spending to examine the efficiency of operations. This is an initiative that should be replicated within local councils, and supported by relevant Key Performance Indicators for senior Council staff that holds management accountable for more efficient performance.

Councillors need to get over their fear of disruption, become agile and nimble, look ahead and not gaze back. Councillors need to demand significant outsourcing, and receive six-monthly reports from the General Manager outlining large achievements in this area. They are elected to carry out these responsibilities.

¹ Johnson A (2003). *Financing Local Government in Australia*. In Dolling, B. Marshall, N. and Worthington, A. Eds. *Reshaping Australian Local Government Finance Governance & Reform*, UNSW Press. P. 37 – 63.

**Council Address - Rezoning Reclassification of Excess
Land - Albert Ryan Park
Bateman's Bay 12-4-2016 PSR/09**

Madam General Manager

Council Address.

Was this land included in the previous reclassification of over 50 lots public lands? There was considerable community concern to the extent the gallery was packed and overflowed into adjacent rooms and through to the outside doors.

Madam General Manager you will recall I have asked questions in open council and at a public meeting of over 500 people how much of this has been sold and as yet have not received a meaningful reply . Madam General Manager. Has the total sales of these lands been realized and if so it would not have been necessary to impose a compounding 26 percent rate increase. Before this proposal can be considered the public must be made aware of what has been sold and where it was used.

1. How many parcels of reclassified lands have been sold and for what cost?

2. How many lots were sold by the General Manager up to and below 10 % below market value as approved by the Mayor and Councilors?

3. What was the overall council costs associated with these sales?

4. How much has been directed back for community structure improvements?

5. Were any moneys placed in a development reserve account?

Mr. Mayor a proposal of this size and nature comes out of the blue but I am not surprised it comes at a critical time and just before an election. There seems to be a sense of urgency and there may be a "Blonde in the Woodpile ". Sale of Parkland must be treated with absolute scrutiny>.It is in a very sensitive area but suddenly the "marketing of an adjoining Lot " and "an enquiry " has promoted the planning department to reverse a previous decision of dedicating it after Albert Ryan . The report does not tell me who Albert Ryan was and his History. Why was it dedicated? By whom – a developers contribution or Santa Clause. Has it got any aboriginal heritage? Was it named after a VC winner from the First or Second Boer war or have we suddenly found "Sergeant Ryan "and about to kick him out of his grave.

There are statements such as being surplus to community requirements, improving the amenity of the Town Centre; Toilet facilities are surplus to community requirements. Where is the attachment which describes that councilors were informed in detail? Being adjacent to a main arterial road were the Roads and Maritime Services and Police advised .What did they say about the proposal? This report seems to be written in "Mates Rates "fashion. The amazing thing about proposal is that the area is in one of the most vulnerable sea level rise locations on the South East of NSW. How can the council reconcile this proposal with the adoption of the extreme Whitehead Report and with the South East Regional Sea level Rise policy that discourages planned retreat in vulnerable areas? I notice in the following report just around the corner the minimum floor level of 33 residential buildings is to be 4.3 meters AHD . Will the "Blonde in the Woodpile " be advised before flogging this vital piece of green and breathing piece of Community Land to an unsuspecting buyer ?

Peter Bernard 12 -4 -2014

G M R 16 / 009

CONFERENCE EXPENSES

MADAM GENERAL MANAGER.

1.0 I NOTICE IN COUNCIL PAPERS THAT COUNCILLORS AND MAYORAL EXPENSES ARE REPORTED UPON AND COSTS ARE QUITE CONSIDERABLE SOMETIMES ~~THAT~~ MORE THAN ONE REPRESENTATIVE HAVE ATTENDED . YOU STATE IN THIS REPORT IT IS CONSIDERED "BEST PRACTICE " THAT AN APPROPRIATE STAFF MEMBER ATTEND , DOES THE POLICY EXCLUDE THE MAYOR AND YOURSELF AND CAN YOU AND THE MAYOR OR DEPUTY MAYOR ATTEND WHATEVER CONFERENCE WITHOUT APPROVAL . FURTHER TO THAT ARE STAFF THAT ATTEND CONFERENCES ENTITLED TO HAVE TIME OFF TO COMPENSATE THE TIME THAT THEY HAVE SPENT AT CONFERENCES AND TRAVELLING.

2-0 WHILST THE COUNCILLORS EXPENSES ARE RECORDED I HAVE NOT SEEN THOSE OF THE STAFF PUBLICLY REPORTED.WHY IS THIS SO?

3.0 FROM THE EXPENDITURE FIGURES REVEALED IN THE PREVIOUS COUNCIL REPORT. I SUPPOSE COUNCIL AUDITOR, COULD DOUBLE THIS AND IT WOULD BE QUITE SIGNIFICANT. > FOR EXAMPLE THE LAST QUARTER IN 2015. THE FOUR CONTROLLING COUNCILLORS AND ACCOMPANING STAFF SPENT OF THE ORDER OF \$50,000 ON TRAVELLING AND CONFERENCES EXPENSES

I NOTICE THE THEME FOR THIS YEARS CONFERENCE IS CORRECTLY NAMED " ROCK N ROLE " AND WONDER IF YOU COULD BE SLIP ME INTO YOUR SUIT CASE AS A COMMUNIITY REPRESENTATIVE

I AM QUITE GOOD AT THAT " ROCK- N -ROLE " AND PROMISE I WILL BEHAVE MYSELF .

PETER BERNARD 14-6- 2016