

Tuross Head Progress Association Incorporated

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NSW 2537

December 2nd, 2010

The General Manager

The Eurobodalla Shire Council

PO Box 99

Moruya

NSW 2537

Re: Kyla hall Response from Council

The following response to Warren Sharpe is provided

WS...in his letter of reply

1. The Kyla Park Recreation Reserve Management Committee was formally dissolved in April 2005. When returned to Council, the hall was in fair condition with some elements requiring expenditure (when funding became available).

THPA

Regarding WS Response 1. The hall was in good condition when it was resumed by council. We would ask that council provide evidence of the "elements requiring expenditure" otherwise this becomes another unsubstantiated claim.

WS...

2. As a result of a Council inspection of the Kyla Park Hall in 2000, termite damage was identified. A structural engineer was engaged to determine rectification measures which were required to minimise the recurrence of termites and identify structural repairs to damaged areas.

THPA

Regarding WS Response 2. Why was an outside engineer engaged when the council has a number of engineers on staff?

WS....

- 7. Council has undertaken pest control treatments on an annual basis since that time (although not specifically targeted at termites).**

THPA

Regarding WS Response 7. It is clear that no inspection for termites was conducted by council since 2004. A termite infested building is at risk of re-infestation unless the source has been completely destroyed. This is standard building practice. This lack of inspections for termites is negligence by council.

WS....

- 8. Council staff also undertook routine inspections of the hall since that time with no outward signs of termites identified.**

THPA

Regarding WS Response 8. It is clear that council staff inspections failed to identify problems. Termites are vulnerable to sunlight and, as such, there is hardly ever any outward signs of termite activity. The problems were obviously there for a long time. The council inspectors did a demonstrably bad job to the detriment of the community. This is a clear case of negligence by council.

WS....

- 9. Following a routine inspection of the Kyla Park Hall by Council officers in 2008, an independent engineer was engaged to review the potential for further termite activity and/or structural damage to the hall. The engineer indicated that further investigation would require a destructive inspection (ie full exposure of the walls), which would have required significant expenditure at that time and impacted the on-going use of the hall. No formal report was undertaken as the destructive inspection did not proceed.**

THPA

Regarding WS Response 9. Since 2004 no proper inspection was carried out by council. Once again, despite not having any funds available for basic maintenance to the hall the council found the funding for an outside "independent" engineer. The people of Tuross would like access to this "informal report". The term "destructive investigation" is subjective and misleading. An intrusive investigation could have been carried out with little to no impact on the hall's usage and at a very minor cost. Given that the shire employs carpenters, electricians, plumbers and labourers every day of every week the only costs involved in an intrusive investigation would have been minor. This type of investigation is carried out regularly in the residential building sector without the need to abandon the dwelling and still be a safe environment for the user.

WS....

10. Council's own general assessment at that time revealed:

- a. the declining condition of the overall structure (eg painting, tired walls)
- b. the poor aesthetics of elements of the structure, largely associated with the era of initial construction and types of materials and finishes
- c. the poor condition of the kitchen and the limited functionality of the layout
- d. a potential need to re-think the overall internal layout of the hall to achieve greater flexibility and higher utilisation through provision of a variety of space sizes.

THPA

Regarding WS Response 10. Council's assessment is subjective in every word. What is a "tired wall"? This is a condition that has never previously been identified in the construction industry. Paint is the last 0.002mm of a wall. Was the paint tired and that's what tired out the wall, holding up the tired paint?

(b) "poor aesthetics" is once again a subjective judgement? On what basis is this judgement made and what acoustics expert made it? Or was this judgement made by the same people who made the decision to leave the termite infestation alone so that the destruction of the hall could continue unimpeded?

(c) Once again a subjective analysis not based in fact. Is council stating that no kitchen is better than an out of date one?

(d) Is Council, having facilitated the destruction of the hall through negligence, saying that we should be thankful for this opportunity for a re-think of the hall. Seriously?

WS....

11. At about the same time, Council had begun a process of reviewing its asset portfolio, knowing that limited budgets would ultimately require discussion with the community about what assets they wished to retain and fund across the Shire. This in turn led to initial discussions with the then Tuross Progress Association Executive about the community's sentiments in moving from two halls to one hall in the Tuross township. Kyla Park Hall was seen as the preferred hall to redevelop and retain due to parking, accessibility and financial considerations.

THPA

Regarding WS Response 11. The council has not maintained either the Kyla hall or the Progress hall nor has it ever presented the community with any evidence that it has. The review of council assets and the "limited budgets" should have been made all the easier for Council as they spent little, if anything, on maintaining or improving the halls that they now have "inherited"

WS....

12. In 2009/10, Council allocated \$45,000 from its Infrastructure Fund to commence internal repair and renewal works. The initial investigation work undertaken by Council's team, revealed termite activity. Approval was given to undertake removal of sections of the walls to further investigate the extent of the infestation and structural damage. Through this process, the full extent of the damage became evident and the hall was closed to the public. The removal of the walls revealed that a substantial amount of the damage was from old activity, most likely unseen but associated with the 2000 or earlier infestations. Inquiries of our insurer have subsequently revealed that the damage will not be covered through Council's insurance.

THPA

Regarding WS Response 12. ".....substantial amount of damage..." that went unnoticed despite regular council inspections. Clearly damage was allowed to continue due to incompetent inspections by council. No insurance company will insure against termite damage as it is the duty of the owner to ensure proper and adequate inspections are made on a yearly basis to prevent termite infestation and damage.

WS....

13. Although this unseen termite damage is a very disappointing outcome for the community and Council, the current circumstances have allowed us the opportunity to talk to the community about reshaping the Kyla Park Hall to provide a fresh, vibrant and more appropriate facility for the town, both now and for the future. As you know we are now working with the local community to look at design issues to ensure that the Kyla Park Hall is reconstructed to meet the needs of the user groups and wider community.

THPA

Regarding WS Response 13. ".....fresh, vibrant and more appropriate facility....." is marketing language that is gratuitous nonsense and is embarrassing to read in the context of the situation. Council cannot conduct routine inspections adequately but can come up with this gibberish. Council has no real concept of working with the community. In spite of showing themselves unable to maintain our community built and funded hall and in spite of allowing it to fall into such ruinous condition that it has been condemned, the Council still insists on telling us what we can and cannot do or have. Remember 99.9% of termite damage is unseen by definition.

WS....

14. We also need to continue discussions with the community regarding the possible sale of the Tuross Progress Hall with proceeds to be utilised on the upgrade of Kyla Park Hall. As you know, we have already indicated a preparedness to utilise funds from any sale of the existing Tuross Progress Hall for the reconstruction of the Kyla Park Hall, if that is the Tuross community's and Council's agreed wish.

THPA

Regarding WS Response 14. The Council continues to tell the community what we can and cannot have despite demonstrably proving they cannot do the job they have been paid

to do. If you destroy something belonging to someone else you have a duty to replace it at your cost not theirs.

WS....

15. As to the future care for a new Kyla Park Hall, Council is introducing a new updated maintenance and asset management system for its building portfolio in accord with the International Infrastructure Management Manual and the new Building Condition and Performance Assessment Manual (NAMS.AU). This includes the use of new asset management software (Asstetic) to schedule, record, monitor and report on all activities associated with the operation and management of our building portfolio. We are currently reviewing and redeveloping our 'business rules' for buildings maintenance to ensure best practise. We would be pleased to work with the Kyla Park Hall Sunset Committee to finalise these business rules in accord with our overall systems to ensure the community regains confidence that any new hall will be well maintained. Once these new systems are in place and operational, information associated with this management system can be made available to the community upon request to keep the community informed.

Regarding WS Response 15. Previous council maintenance systems were clearly ineffective. The people whose job it is to maintain and service the community funded and built facilities have failed completely, comprehensively and demonstrably to do the job they are paid to do. Apparently the council believes that a better software program is the answer. Perhaps the software can travel around the shire inspecting and maintaining industry standard, simple community halls.

The Progress Association is deeply offended by the text, tone and substance of this extremely late response by Council. We would appreciate the following:

- a) a report on the damage to the hall.*
- b) Your response to our request for the running and maintenance of the hall to be handed over to the community so that we can make a start on repairs and make it at least partially functional. Since it's closure the hall has been allowed to lie idle with no attempt to repair it for at least some limited use to the community.*

The Progress Association would like a formal apology from Council for the loss of our hall and what reparations will be made to the community for this loss.

*Yours sincerely
Lei Parker
Secretary*