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9 January 2020

Dear John

### Re: Outcomes of community consultation process

On 24 December 2018, Mr Paul Morris emailed the result of Swifts' public consultation process to council's Mr Brett McGrath. Brett was on leave at the time and passed that information onto me and others within council on 2 January 2020.

As you are aware, this process followed council's resolution on 27 June 2019 *"that subject to Council being satisfied with the outcomes of the community consultation process and accordingly determining that the sale to Swifts Leagues Club is in the best interest of the community, that Council sell the Land and the improvements on the land to Swifts Leagues Club"* at market value.

My 28 June 2019 email to you confirmed this decision and clearly advised that "under the Council resolution, Council will only proceed with the sale of the site if it is satisfied with the results of the community engagement program".

I have now had the opportunity to review the material provided. Unfortunately, the material provided does not support the sale proceeding.

This conclusion is based on two issues:

- The **process** of community engagement undertaken; and
- The **results** of the community engagement.

In terms of the community engagement **process**:

- a) My 5 December 2019 letter to you outlined some 13 concerns raised by community members to council. I have reviewed Mr Balzary's two page "JA response to the specific points..." and, whilst some of the responses assist council in better understanding the issues, that is of no assistance to the community members who expressed those concerns to council and my office. I accept that commercial motivation by some competitors exists, and that this is not a relevant issue for the council to consider (in my view). But the issues came to me from the community, and **the local community still doesn't have clarity on these important matters including building expansion (or otherwise), proposed number of poker machines, carparking, ownership arrangements and any third party management participation.**

- b) The engagement process had some fundamental flaws. Since my first community engagement process I participated in 1982, I have never observed a public meeting on a redevelopment proposal where a representative of the owner/developer wasn't in attendance. This is not a criticism of Mr Balzary but a consultant who responds to queries along the lines of "I have been advised by the club..." does not convey the level of certainty that the community has indicated to me is seeking.
- c) If the map included in the material does reflect the letterbox drop area, that is also flawed. It is not the required 400 metre radius of the club; it appears to be less than 300 metres. Therefore (calculating the respective areas less the Cameron Park area) **about 50% of the dwellings within the required 400 metre radius appear to have been missed in your letterbox drop.** This reflects the many nearby residents who commented to my office that they did not receive notification of the meeting.
- d) It is clear that the community consultation process lacked the information required for the public to determine and articulate an informed position. Both the feedback from community members and the observations of council officers at the public consultation evenings identified a lack of detail on Swifts proposal to purchase the land. Some of the information provided in the community consultation was inconsistent and questionable. This is evident in the proposed development of the site with increased poker machines which does not appear physically possible with the current building, as one example.

In terms of the **outcomes**:

- a) Attendance at both meetings was far lower than would be expected, with only 24 and 21 members of the public attending the two nights. The above comments regarding mailbox notification may have contributed to this. Similarly Mr Balzary's record of telephone enquiries from only three members of the public is a surprise. **Both these outcomes bring the effectiveness of the community consultation into some question.**
- b) Only 10 submissions appear to have been provided; again this is somewhat less than I would have anticipated given the significance of the issue for the local community.
- c) Of these 10 submissions:
  - **Eight (8) submitters opposed the sale** proceeding at this stage (Teresa Cavill-Jones, Maria Kelly, Peter Coultas, Greg Lyons, Brad Morgan, Clive Johnson, Karen Christensen and David Martin). There is a consistent theme across these submissions; that there is insufficient definitive information at this stage for the community to form a view and for council to make a decision to sell the site.
  - **One (1) submitter supported** the sale (Warren and Jodee Hutt)
  - **One petition** signed by some 137 members of Swifts Sports Club supported the sale
- d) These results cannot in any way be construed as providing to council with any supporting evidence that the local community believes – at this stage - that sale of the site to Swifts Leagues Club is in the best interest of the community.

I certainly understand the club will not be pleased with this conclusion, but the above facts speak for themselves. There is no way that a reasonable independent person could conclude from the evidence regarding the process and outcomes of the community consultation process that the local community support for the sale has been acceptably demonstrated.

A sale at this stage would be contrary to the requirements in council's resolution and I am therefore not in a position to proceed.

Moving forward, I make two comments:

- **None** of the eight submitters actually said they were totally opposed to the sale as a matter of fundamental principle. They did reflect the community sentiment that has been echoed in my office that Swifts need to provide more definitive information for the community to form a view and for council to make a decision. I think there is a way forward for Swifts in that regard.
- I understand that there is commercial competitive tension in this area, and I accept that some (but not all) of the concerns raised by some submitters may be based on that factor, which should not be a basis for council's consideration and decision.

In my view, Swifts now need to consider how best to address the uncertainties in the community through further engagement. As previously advised, it is imperative that an open and transparent community consultation process be undertaken to give the community every opportunity to be completely informed on the proposal and the ability to provide feedback.

John, under these circumstances and the fact that my tenure as council's Interim Administrator concludes this Friday, there is no material value in us meeting today.

Given the impending local government elections, council will be going into "caretaker" mode in the near future and will not be in a position to make any "major policy decisions" under the *Local Government Act 2009*.

The forthcoming elected council will only be able to progress the potential sale of the land if community consultation is revisited and completed satisfactorily; with outcomes that will actually enable the council to, as per council's resolution, "*determine that the sale to Swifts Leagues Club is in the best interest of the community*".

Yours sincerely



Greg Chemello

**INTERIM ADMINISTRATOR**