

Our Ref: 4380551; 4386278; 4382572; 4385525

14 December 2020

Dr Brett Stevenson and Bernie O'Neil
Co-convenors
A Better Eurobodalla
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Dear Brett and Bernie

Thank you for your letters of 29 November and 3, 5 and 7 December 2020 on behalf of A Better Eurobodalla regarding several different Council matters. I have categorised your matters under different topics and provide the following responses.

2021 Local Government Election

As you would be aware, the Council election will be held in September 2021. Council will commence preparation of its non-resident roll from March 2021. Council will be writing to all ratepayers whose nominated postal address is outside of the Shire inviting them to complete the NSW Electoral Commission forms for non-resident owners. By way of background, a non-resident owner is a person who owns land in Eurobodalla, but who predominately resides outside the area. Whether a property is in the ownership of one person, several people, a company or partnership, **only one of the owners may be nominated** to appear on the Non-Residential Roll as per Section 270(3) of *Local Government Act 1993*.

Further details can be found at:

NSW Electoral Commission website:

https://www.elections.nsw.gov.au/lge2020?utm_source=website&utm_medium=Homepage&utm_campaign=Tile1

Council's website: <https://www.esc.nsw.gov.au/inside-council/council/elections>

Broulee Art on the Path and Waste Facilities

Council's Buy-Back Centre at the Surf Beach Waste Management Facility is expected to commence operation during the first week of 2021.

Art on the Path in Broulee is a community run event, assisted by Council staff. Council did not receive an event application from the community to run this event during the 2021 summer period. Council assumes that the COVID-19 restrictions may have deterred the event organisers from submitted an application.

Batemans Bay Coastal Walking Trail

Council has received notification of funding for a coastal walking trail linking the headlands and beaches of Batemans Bay's southern shoreline, including construction of a lookout at Observation Point in Batehaven.

This project will be funded with \$5.25M from the Commonwealth and NSW Government's Bushfire Local Economic Recovery Fund, \$672,500 from Building Better Regions Fund, \$145,000 from Bushfire Regional Tourism Fund, \$75,000 from Stronger Country Communities Fund, along with contributions from Rotary Club and Council.

By way of background, the concept for the walking trail has a long history dating back to at least 2010 when a report was prepared for the Council - A Concept Plan for the Batemans Bay Coastal Headlands Walking Trail – Gondwana Consulting June 2010 (the Concept Plan).

More recently the Concept Plan was raised and reviewed as part of two key strategic processes of Council and it was found to have merit.

These two key strategies are: The Recreation and Open Space Strategy; ROSS Planning 2018, and the Nature Based Tourism Feasibility Study; Inspiring Place 2019. Both these documents identify the importance of the coastal headland walk as a key strategic priority for our Shire, from an environmental management, risk management, visitor economy and health and wellbeing perspective.

Excerpts from each of these strategies are outlined below.

"Consult with relevant stakeholders to investigate key projects and investment needed for outdoor recreation infrastructure within bushland reserves and foreshores. Key projects include the Batemans Bay Coastal Headlands Walking Trail, Deep Creek Dam multi-discipline mountain bike park, Deua Valley wilderness trail, and an expansion of the existing kayaking routes" ROSS Key Action E12; pg 57.

Category 3 Mid Term Leveraging Project.

"Drive visitation growth with the Batemans Bay Coastal Headland Walking Trail, ensuring this recreational trail will also be appealing to visitors and improve the interpretation of the area encouraging visitors to stay longer and explore. Recent funding approval for the design and construction of Observation Point Lookout allows this component of the overall project to be considered as market-ready".

Both strategies were developed through extensive consultation processes with community, including public exhibition and adoption by Council during 2018 and 2019. While Council did not officially submit an application for funding for this project under the Bushfire Local Economic Recovery fund, the Government was aware of this project as a result of the above strategies.

Confidentiality Agreements

Councillors were not required to complete confidentiality agreements for their role as Councillor at their commencement in September 2016. However, under Section 233A of the Local Government Act 1993, Councillor were required to undertake an Oath or Affirmation of office at or before the first meeting of the council after the Councillor was elected. This Oath or Affirmation was undertaken by each Councillor and recorded in the minutes on 11 October 2016. <https://www.esc.nsw.gov.au/inside-council/council/meetings/2016/october/ordinary-council-meeting-11-october-2016/Council-Minutes-11-October-2016.pdf>

Section 233A specifically states:

'233A Oath and affirmation for councillors

1. *A councillor must take an oath of office or make an affirmation of office at or before the first meeting of the council after the councillor is elected.*
2. *(2) The oath or affirmation may be taken or made before the general manager of the council, an Australian legal practitioner or a justice of the peace and is to be in the following form—*

Oath

I [name of councillor] swear that I will undertake the duties of the office of councillor in the best interests of the people of [name of council area] and the [name of council] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Affirmation

I [name of councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of [name of council area] and the [name of council] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

3. *A councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office in accordance with this section is not entitled to attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected to the office or a meeting at which the councillor takes the oath or makes the affirmation) until the councillor has taken the oath or made the affirmation.*
4. *Any absence of a councillor from an ordinary meeting of the council that the councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the council.*
5. *Failure to take an oath of office or make an affirmation of office does not affect the validity of anything done by a councillor in the exercise of the councillor's functions.*
6. *The general manager must ensure that a record is to be kept of the taking of an oath or the making of an affirmation (whether in the minutes of the council meeting or otherwise)'.*

I trust this clarifies your concerns. Should you require further information, please contact Council's Executive Services Coordinator, Mrs Kylie Green on 4474 1005 or kylie.green@esc.nsw.gov.au.

Yours sincerely

Catherine Dale

Dr Catherine Dale
General Manager