



EXTRAORDINARY MEETING OF COUNCIL

To be held at 5pm on

Monday 7 March 2016

Council Chambers 11 Manning Street, KIAMA NSW 2533

Order of Business

- 1 Apologies
- 2 Acknowledgement of Traditional owners
- 3 Report of the General Manager
- 4 Closure

Members

His Worship the Mayor
Councillor B Petschler
Councillor W Steel
Deputy Mayor
Councillor M Honey
Councillor G McClure
Councillor N Reilly
Councillor K Rice
Councillor D Seage
Councillor A Sloan
Councillor M Way

COUNCIL OF THE MUNICIPALITY OF KIAMA

Council Chambers
11 Manning Street
KIAMA NSW 2533

2 March 2016

To the Chairman & Councillors:

NOTICE OF EXTRAORDINARY MEETING

You are respectfully requested to attend an **Extraordinary Meeting** of the Council of Kiama, to be held in the **Council Chambers 11 Manning Street, KIAMA NSW 2533** on **Monday 7 March 2016** commencing at **5pm** for the consideration of the undermentioned business.

Yours faithfully



Michael Forsyth
General Manager

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**AGENDA FOR THE
EXTRAORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL
MONDAY 7 MARCH 2016**

1 APOLOGIES

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

“On behalf of those present, I would like to show my respect and acknowledge the traditional owners of the Land, of Elders past and present, on which this meeting takes place, and extend that respect to other Aboriginal and Torres Strait Islander people present.”

3 REPORT OF THE GENERAL MANAGER

3.1 Proposed merger of Kiama and Shoalhaven Councils

CSP Objective: 4 Responsible Civic Leadership that is Transparent, Innovative and Accessible

CSP Strategy: 4.1 Ensure we remain a strong, independent and sustainable local government authority to plan, deliver and advocate for the needs of our community

Delivery Program: 4.1.1 Undertake a program of engagement with State, regional and local authorities and organisations, and community members to ensure Council remains an independent and viable entity

Summary

This report provides information on the process and cost of holding a poll.

Finance

The holding of a poll carried out by Council will cost approximately \$70,000 to \$80,000.

Policy

At the Extraordinary Meeting of Council on 23 February 2016 when Council endorsed the draft submission to be made to the Delegate, Council resolved to:

4. Note that the community has not been provided with the opportunity to vote on this matter, either at the recent State Election or as part of the Boundaries Commission assessment process, despite requests from Council, the Member for Kiama and others for a poll to be conducted under Sec 265 (1) of the Act to assist the Boundaries Commission determine the attitude of the residents and ratepayers.
5. Investigate a formal poll of all residents and eligible ratepayers in accordance with Part 11 of the Local Government Regulation 2005, with this question to be posed: "Do you support the State Government's proposal to merge the Kiama and Shoalhaven Local Government Areas?".
6. Request the general manager to prepare an urgent report on the holding of that poll outlining structure, cost and funding, such to be submitted to a special meeting of Council for authorisation so as to meet the requirements of the guidelines issued in December 2015 by the Office of Local Government under Sec 23A of the Act.

Attachments

Nil

Enclosures

Nil

Report of the General Manager

3.1 Proposed merger of Kiama and Shoalhaven Councils (cont)

RECOMMENDATION

That Council determines whether it wishes to hold a poll and if it does that Council carry out the poll with the appointment of a returning officer.

BACKGROUND

Under Section 14 of the Local Government Act Council may take a poll for its information and guidance. The results of a poll are not binding on a Council and voting is not compulsory.

If Council resolves to prepare a poll it must give 40 days' notice to the Electoral Commissioner.

Anyone already on an electoral roll for the Council area can vote.

An owner/occupier or rate paying lessee with properties or businesses in a Council area and if they are eligible to be on the Commonwealth or NSW electoral roll can apply to the General Manager to be included on the non-residential roll. Their name must be on the roll by 6pm 40 days before the election to be entitled to vote.

A notice inviting claims to be included on a roll should be given at least once in the 14 days before the closing date of the poll, i.e. once in 14 days, before the 40 day period leading up to the poll.

Unless the council has resolved to engage the NSW Electoral Commission the default position is that a poll will be administered by the General Manager.

The General Manager cannot be the Returning Officer or an election official. Also an employee cannot be employed as the Returning Officer but can be an electoral officer. Therefore Council must engage the services of a returning officer and also a substitute returning officer.

The number of polling places is determined having regard to the size, locations, transport options and suitable venues.

The Act permits the use of commercial election providers however the General Manager retains overall responsibility for the administration of the poll. A provider will need to be able to demonstrate experience and capability.

The NSW Electoral Commission has been contacted and they have advised that their cost to carry out the poll will be approximately 80% of the cost of a general election, being approx. \$120,000.

The private Australian Election Company has also indicated similar costs.

There is the option of Council carrying out the poll by the direct appointment of the returning officer and substitute returning officer. Approximate costs for Council carrying out the poll are listed as follows:

Electoral Roll	\$5,000
Returning Officer	\$15,000
Substitute Returning Officer	\$10,000

Report of the General Manager

3.1 Proposed merger of Kiama and Shoalhaven Councils (cont)

Polling Officials (assuming 4 officials at 5 polling booths)	\$10,000
Equipment hire	\$10,000
Advertising	\$10,000
Materials	\$10,000
Postage	\$2,000
Ancillary	\$5,000
Total	\$77,000

To meet the statutory requirements the earliest date for the holding of the poll will be 7 May 2016.

Council has now been advised by the Delegate that although his report is likely to be completed by the end of March it will not be publicly released until after the Minister's determination. It is understood that the Minister's determination will be made in or by June 2016.

In making the determination in relation to the holding of the poll Council should have regard to the received results of the statistically reliable Illawarra Regional Information Survey, relevant costs of holding the poll, the benefits of the community having the opportunity to vote on the proposal and the associated time frames.

4 CLOSURE