

**ADMINISTRATION REPORT TO EXTRAORDINARY MEETING
OF COUNCIL HELD ON TUESDAY 18 JUNE 2002
A2 CHARCOAL PLANT OPINION SURVEY**

02.6446

SYNOPSIS

To advise Council of the results of the community opinion survey on the Charcoal Facility proposed for the Shire.

BACKGROUND

At the Extraordinary Meeting of Council held on 7 May 2002 it was resolved:

Having regard to the need for the community to be informed of proposed actions as outlined in paragraph (3), Council seek the views of the community:

- a) as to whether Council should pursue the appeal process or allocate ratepayer funds to the Coastwatcher's appeal to the Land and Environment Court on a dollar for dollar basis but limited to \$50 000 in the 2002/2003 budget;*
- b) about a joint approach with other parties to appeal against the Minister's decision;*
- c) it be noted by the community that legal estimates for the proposed litigation up to and including possible High Court appeal is in the order of \$3M and as part of that, to obtain legal advice as to the probability of success with a merit based appeal against the Minister's decision and the Land and Environment Court, and make a decision whether to proceed, that scientific investigation together with legal costs are estimated to be about \$450, 000;*
- d) Council will decide on the outcome of the community's views and a decision to proceed at a Special Meeting of Council on 18 June 2002.*

As directed 7 May 2002 Council staff prepared a newsletter (information sheet) and a survey form that outlined the above matters. Council at Workshops held on Monday, 13 May 2002 and Tuesday, 14 May 2002 endorsed the 'Information Sheet - Public Consultation and Survey on the Charcoal Facility proposed for the Shire' and 'Survey Form'.

The community's views in respect of the above matters were sought through a saturation survey. The survey forms and information sheets were distributed to:

- a) ratepayers by Security Mail on Friday, 17 May 2002
- b) residents (non-ratepayers who were on the election roll) by invitation. Residents were invited via various media outlets within the Shire to obtain forms from various council facilities, such as libraries and depots

The 28 day community consultation period commenced on Friday, 17 May 2002 and closed 4pm 14 June 2002. Following the distribution of the initial survey material a number of interest groups requested their views on the Charcoal Facility be displayed alongside the Council newsletter. This request was placed before the Council at the Environment, Planning and Administrative Services Committee meeting held on 21 May 2002 with the following resolution:

- 1. Any party, group, organisation, association or any other body interested in placing their views before the community regarding the Public Consultation and Survey on the Charcoal Facility be invited to prepare newsletters for placement by council staff in the following Council outlets
Narooma, Moruya and Batemans Bay Library
Narooma, Moruya and Batemans Bay Depots
Moruya Administration Centre*
- 2. Such newsletter shall be made available at no cost to Council.*
- 3. Any such newsletter prepared for the purpose outlined above, by another party, group, organisation, association or any other body, clearly contain the authorisation for such and contact details.*
- 4. The General Manager be authorised to seek legal advice regarding the contents of any such newsletter where any doubt exists regarding legal or other implications from PricewaterhouseCoopers Legal.*

On 14 May 2002 the Public Officer was given carriage of the survey process (from locked boxes to counting / results). Whilst control processes were developed at the implementation phase they remained confidential in an attempt to prevent people who would rort the survey from doing so. Staff involved in the survey process signed confidentiality agreements to protect community person's privacy.

This is an opinion survey (not a ballot or an election) and it is the Public Officer's belief that staff will have no alternative other than to act honestly and professionally during the process. Whilst the Public Officer was responsible for supervising the staff procedures and implementing controls a scrutineer was suggested to oversee the count. A scrutineer was deemed necessary to demonstrate to the community that a just and transparent process of counting and recording those opinions existed.

On 28 May 2002 at the Ordinary Meeting of Council in considering the appointment of scrutineers and provision of information to non resident ratepayers regarding the charcoal plant opinion survey resolved to:

- 1. Contact the Electoral Commission of New South Wales and the Australian Commercial Disputes Centre seeking their advice and/or recommendation on the names of possible independent scrutineers.*
- 2. Delegate authority to the Works and Facilities Committee at its next meeting on 11 June 2002 to appoint a suitable person to act as an independent scrutineer.*

Following this meeting the Electoral Commission of New South Wales was contacted but they indicated that they were not in a position to assist. The NSW Attorney General's Department Community Justice Centre, which was also mentioned at the 28 May 2002 meeting as a suitable scrutineer, was approached. The Community Justice Department indicated that they were in a position to assist with a mediator to oversee the scrutineering/counting of the community opinion survey.

On 11 May 2002 at the Works and Facilities Committee Meeting Council considered the nomination of a scrutineer from the Community Justice Department and endorsed the following:

That Council accepts the nomination provided by the NSW Attorney General's Department Community Justice Centres to oversee the scrutineering/counting of the public opinion survey to be held on Saturday, 15 June 2002 and Sunday, 16 June 2002.

ISSUES/QUALITY

Survey Results

Invalid Survey

852 Invalid Surveys

Common Causes of invalidity:

Ticks or crosses in respondent boxes

Yes or no in respondent boxes

No responses

All four boxes (with differing votes) and only 1 or 2 respondents

Ratepayers

21,170 Ratepayers forms issued

6,574 Ratepayers valid forms returned

31 % of forms returned

31,500 Potential ratepayer votes

8,921 Ratepayer votes only

Residents

150 Resident forms issued approximately

120 Residents valid forms returned

198 Residents votes

Mixed Votes

This group of votes were returned on ratepayers forms but more than the nominated ratepayers voted on that form.

1020 Valid Forms were returned

2492 Mixed votes

Total amount of valid votes: 11,611

Options	Rates Votes	Mixed Votes	Resident Votes	Total
Option 1	2727	840	67	3634
Option 2	2401	479	45	2925
Option 3	236	49	5	290
Option 4	3557	1124	81	4762
Total	8921	2492	198	11611

Percentage Table

Options	Rates Votes	Mixed Votes	Resident Votes	Total
Option 1	30.6%	33.7%	33.8%	31.3%
Option 2	26.9%	19.2%	22.7%	25.2%
Option 3	2.6%	2.0%	2.5%	2.5%
Option 4	39.9%	45.1%	40.9%	41.0 %
Total	76.8%	21.5%	1.7%	100%

RECOMMENDED

Council receive and note the total amount of votes and the categories and numbers recorded for each option.

C WORTHY- JENNINGS

ADMINISTRATIVE SERVICES MANAGER